



GREAT LAKES UNITED

February 2, 1990

Mr. Paul D. Zugger, Executive Secretary
Michigan Water Resources Commission
P. O. Box 30028
Lansing, MI 48909

Re: NPDES Permit No. MI 0022802
Detroit Water & Sewerage Department

Dear Mr. Zugger:

Enclosed please find for filing in the above-referenced matter an original and one copy of the Great Lakes United Petition for Contested Case Hearing and Motion to Intervene.

We realize that we are filing past the deadline but would appreciate your acceptance of this Petition and Motion so that the interests of Great Lakes United may be represented.

Thank you for your assistance.

Sincerely,

John Jackson
President

JJ/hld

Enclosures: Original + 1

"An international organization dedicated to conserving and protecting the Great Lakes and St. Lawrence River"

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BEFORE THE MICHIGAN WATER RESOURCES COMMISSION

Re: NPDES Permit No. MI 0022802
Detroit Water & Sewerage Department

Great Lakes United

Petitioners/Intervenors

PETITION FOR CONTESTED CASE HEARING
AND
MOTION TO INTERVENE

I. ISSUES SOUGHT TO BE CONTESTED

1. This petition concerns a permit issued by the Michigan Water Resources Commission (MWRC) to the Detroit Water Sewerage Department (DWSD) on October 19, 1989. The Petitioner, Great Lakes United (GLU), requests a contested case and the opportunity to intervene in this matter with respect to the issuance of this permit pursuant to the Water Resources Commission Act (WRCA), MCLA 323.1 et seq., the Rules of the Water Resources Commission, and the Michigan Environmental Protection Act.

2. GLU seeks this petition and motion to intervene with respect to this permit on the basis that the permit was not issued in accordance with the provisions of the Great Lakes Water Quality Agreement, the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq. and the Great Lakes Toxic Substances Control Agreement. In particular, the permit is not in compliance with, or does not implement, provisions with respect to the Great Lakes Water Quality Agreement, the Federal Water Pollution Control Act and the Great Lakes Toxic Substances Control Agreement with respect to:

- a. the lack of enforceable effluent limitations pertaining to DWSD's discharge of polychlorinated biphenyls (PCBs) and mercury, or where there are such limitations, their leniency with respect to those substances;
- b. the use or application by DWSD of dilution of toxic pollutant discharges in lieu of treatment as a means of achieving applicable water quality standards;
- c. the permitting of effluent limitations for a number of toxic substances, including cadmium, copper, lead and 1,1,2,2-Tetrachloroethane, which would allow acute toxicity to aquatic life; and

- d. the absence of provisions concerning discharges from DWSD's combined sewer overflows to ensure that such discharges do not prevent achievement of applicable and pertinent laws.

II. STATEMENT OF INTEREST

3. Great Lakes United (GLU), a non-profit corporation founded under the laws of the State of Michigan, is a coalition of over 180 sportsmen, environmental, conservation, labor, business, community organizations and individuals from eight Great Lakes states and two Canadian provinces. It was founded in 1982 for the purposes of ensuring that citizens of the Great Lakes have a strong voice in laws, policies and programs that affect the Great Lakes - St. Lawrence River Basin ecosystem. A number of member groups are located in the vicinity of the Detroit River or are downstream of the Detroit Water Sewage Department (DWSD) discharge.

Consequently, GLU is vitally interested in the protection and enhancement of these waters. The interests of GLU and its member groups will be injured in fact and adversely affected by the discharge of pollutants in the Detroit River and Lake Erie from the DWSD's wastewater discharges.

4. GLU often submits comments or participates in administrative or adjudicative processes concerning the development, review or implementation of water quality laws in the jurisdictions of the Great Lakes Basin.

5. GLU assisted the governments of Canada and the United States in the renegotiation of the Great Lakes Water Quality Agreement. GLU therefore has great interest in ensuring the appropriate application and implementation of that Agreement and often participates in regulatory or administrative processes concerning its application and implementation.

6. GLU has previously provided comments on the DWSD permit. On October 16, 1989, it outlined its environmental concerns with respect to the permit. That submission outlined GLU's concerns pertaining to the absence of concentrations for various parameters in the permit, the lack of stringency for other parameters, the use of dilution in lieu of waste treatment, need to deal with discharges from combined sewer overflows, together with other issues.

7. Therefore, GLU is an interested and aggrieved party with respect to the defects in the above-mentioned permit that are addressed by this petition.

III. MOTION TO INTERVENE

8. In addition to petitioning the Water Resources Commission for a contested case hearing with regard to the matters set

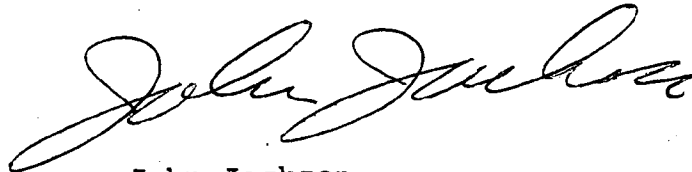
forth herein, GLU hereby asks the WRC pursuant to s. 8(a) to grant GLU intervention in any contested case hearing or other proceeding concerning this permit initiated by DWSD or any other third party. GLU requests intervention in any such proceeding with the right to appear, argue, initiate discovery, call or cross-examine witnesses, or otherwise introduce evidence with respect to any issue raised by DWSD or other party challenging any terms of this permit.

IV. RELIEF REQUESTED

9. For the reasons set forth herein, GLU respectfully requests that the Water Resources Commission grant this petition and motion to intervene.

DATED: February ⁹ 1990

Respectfully submitted,



John Jackson
President
Great Lakes United
State University College
at Buffalo, Cassety Hall
1300 Elmwood Avenue
Buffalo, New York 14222
(716) 886-0142

VERIFICATION

John Jackson, being duly sworn, states that he is the President of Great Lakes United and that he is authorized on behalf of Great Lakes United to file this Petition and Motion to Intervene. He further states that he has reviewed this filing and that the matters herein are true to the best of his knowledge, information and belief.


John Jackson

Subscribed and sworn to before me this 9th day of February, 1990.


Notary Public

