

APPENDIX A

**SUPERFUND SUBSTANTIVE REQUIREMENTS DOCUMENT FOR:
SPARTAN CHEMICAL SUPERFUND SITE, WYOMING, MICHIGAN,
JUNE 27, 2001**

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

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JUN 29 2001

INTEROFFICE COMMUNICATION

June 27, 2001

TO: Claudia Kerbawy, Chief, Superfund Section, Environmental Response Division
FROM: Nicholas Zabrodsky, Permits Section, Air Quality Division
SUBJECT: **Substantive Requirements Document (SRD)** for the Spartan Chemical Superfund Site, located in ~~Pleasant Plains Township, Lake County, MI.~~
City of Wyoming, Kent County, MI.

Conclusion: The proposal for the soil vapor extraction treatment system (SVE) with catalytic oxidizer and caustic scrubber air pollution control equipment proposed for this site is acceptable to the Air Quality Division (AQD), provided the owner/operator complies with the conditions attached to this memo.

Description of Source and Related Control Equipment/Technology: A soil remediation project consisting of a SVE system that is equipped with a thermal catalytic oxidizer followed by a caustic scrubber. The catalytic oxidizer will provide 99 percent destruction and removal efficiency of volatile organic compounds (VOC's) and the scrubber will remove the hydrogen chloride formed from the combustion of chlorinated solvents.

Applicable State Air Regulations: The attached air pollution control requirements and conditions are established in accordance with and enforceable pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 USC Section 9621(e). Pursuant to Section 9621(e)(1), a permit is not required for removal or remedial actions conducted entirely on-site. Pursuant to Section 9621(e)(1), a state may enforce any federal or state standard, requirement, criteria, or limitation to which the remedial action is required to conform. The Michigan Department of Environmental Quality, AQD, has determined that the attached requirements are necessary in order to comply with the Natural Resources and Environmental Protection Act, Act 451 of 1994, Article II Pollution Control, Chapter 1: Point Source Pollution Control. The owner/operator must comply with the requirements attached to this memo.

Comments/ Recommended Limits:

VOC's from the SVE system shall not exceed 0.3 pound per hour. Both control devices shall be equipped with the appropriate meters/indicators specified in special condition Nos. 4 and 5. Also, the operating parameters for the control devices and the total VOC emission concentrations shall be monitored according to the schedules specified in the attached special conditions.

Please refer to the attached sheet for a list of conditions AQD would require if this were an air use permit application. Please feel free to contact me at 517-373-4921, if you have any questions.

NPZ:PK

Attachments

cc: Mr. Robert Teoh, AQD
Ms. Heidi Hollenbach, AQD District Supervisor
Mr. Gerry Heyt, ERD District Supervisor



SUPPLEMENT to (PERMIT No.) Superfund Substantive Requirements Document for:
Spartan Chemical Superfund Site
Wyoming, Michigan
June 27, 2001

GENERAL CONDITIONS

1. The process or process equipment covered by this permit shall not be reconstructed, relocated, altered, or modified, unless a Permit to Install authorizing such action is issued by the Department, except to the extent such action is exempt from the Permit to Install requirements by any applicable rule. [R 336.1201(1)]
2. If the installation, reconstruction, relocation, or alteration of the equipment for which this permit has been approved has not commenced within 18 months, or has been interrupted for 18 months, this permit shall become void unless otherwise authorized by the Department. Furthermore, the person to whom this permit was issued, or the designated authorized agent, shall notify the Department via the Supervisor, Permit Section, Air Quality Division, Michigan Department of Environmental Quality, PO Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation, reconstruction, relocation, or alteration of the equipment allowed by this Permit to Install. [R 336.1201(4)]
3. If this Permit to Install is issued for a process or process equipment located at a stationary source that is not subject to the Renewable Operating Permit program requirements pursuant to R 336.1210, operation of the process or process equipment is allowed by this permit if the equipment performs in accordance with the terms and conditions of this Permit to Install. [R 336.1201(6)(b)]
4. The Department may, after notice and opportunity for a hearing, revoke this Permit to Install if evidence indicates the process or process equipment is not performing in accordance with the terms and conditions of this permit or is violating the Department's rules or the Clean Air Act. [R 336.1201(8), Section 5510 of Act 451, PA 1994]
5. The terms and conditions of this Permit to Install shall apply to any person or legal entity that now or hereafter owns or operates the process or process equipment at the location authorized by this Permit to Install. If the new owner or operator submits a written request to the Department pursuant to R 336.1219 and the Department approves the request, this permit will be amended to reflect the change of ownership or operational control. The request must include all of the information required by subrules (1)(a), (b), and (c) of R 336.1219. The written request shall be sent to the District Supervisor, Air Quality Division, Michigan Department of Environmental Quality. [R 336.1219]
6. Operation of this equipment shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value, or property, or which causes unreasonable interference with the comfortable enjoyment of life and property. [R 336.1901]
7. The owner or operator of a source, process, or process equipment shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant in excess of standards for more than one hour, or of any air contaminant in excess of standards for more than two hours, as required in this

rule, to the District Supervisor, Air Quality Division. The notice shall be provided no later than two business days after start-up, shutdown, or discovery of the abnormal condition or malfunction. Written reports, if required, must be filed with the District Supervisor within ten days, with the information required in this rule. [R 336.1912]

8. Approval of this permit does not exempt the person to whom this permit was issued from complying with any future applicable requirements which may be promulgated under Part 55 of Act 451, PA 1994 or the Federal Clean Air Act.
9. Approval of this permit does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law.
10. Operation of this equipment may be subject to other requirements of Part 55 of Act 451, PA 1994, and the rules promulgated thereunder.
11. Except as provided in subrules (2) and (3) or unless the special conditions of the Permit to Install include an alternate opacity limit established pursuant to subrule (4) of R 336.1301, a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of density greater than the most stringent of the following. The grading of visible emissions shall be determined in accordance with R 336.1303. [R 336.1301]
 - a) A six-minute average of 20 percent opacity, except for one six-minute average per hour of not more than 27 percent opacity.
 - b) A visible emission limit specified by an applicable federal new source performance standard.
 - c) A visible emission limit specified as a condition of this permit to install.
12. Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in R 336.1370(2). [R 336.1370]
13. Except as allowed by Rule 285 (a), (b), and (c), applicant shall not substitute any fuels, coatings, nor raw materials for those described in the application and allowed by this permit, nor make changes to the process or process equipment described in the application, without prior notification to and approval by the Air Quality Division. [R 336.1201(1)]
14. The Department may require the applicant to conduct acceptable performance tests, at the applicant's expense, in accordance with R 336.2001 and R 336.2003, under any of the conditions listed in R 336.2001. [R 336.2001]

CONDITIONS FOR OPERATION
Soil Vapor Extraction

Emission Unit Identification

Emission Unit	Emission Unit Description	Stack Identification
EU-SOIL	Soil vapor extraction (SVE) system consisting of SVE wells, a blower, and ancillary equipment. This SVE system will tie into two control devices (see below).	See control device CD-ACIDSCRUB.

Control Device Identification

Control Device	Control Device Description	Stack Identification
CD-CATOX	Catalytic oxidizer with a 99 percent VOC destruction efficiency rating.	See control device CD-ACIDSCRUB.
CD-ACIDSCRUB	Scrubber that uses caustic (NaOH) as a scrubbing liquid in order to remove HCl acid vapors coming out of the catalytic oxidizer.	SV-VENT

EU-SOIL

Emission Limits

	Pollutant	Equipment	Limit	Time Period	Compliance Method	UAR(s)
1.	Total volatile organic compounds (VOC's).	EU-SOIL	0.3 pound per hour	One hour averaging period	Special Condition Nos. 3 and 6	R 336.1702(a)
2.	Hydrogen chloride (HCl) fumes	EU-SOIL	1.0 pound per hour	One hour averaging period	Special Condition Nos. 3 and 6	R 336.1225

[R 336.1225, R 336.1702(a)]

Process or Operational Restrictions

- The owner/operator shall not operate EU-SOIL unless CD-CATOX and CD-ACIDSCRUB are installed and operating properly. Proper operation for CD-CATOX means a minimum catalyst temperature of 600°F. Proper operation for CD-ACIDSCRUB means a minimum liquid waste stream flowrate (i.e. as discharged from ACIDSCRUB) of three gallons per minute and a minimum pH of 6 (the pH being measured in the liquid waste stream). [R 336.1224(b), R 336.1702(a)]

Equipment Limits

4. The owner/operator shall equip and maintain CD-CATOX with a temperature indicator in the catalyst zone. [R 336.1910]
5. The owner/operator shall equip and maintain CD-ACIDSCRUB with a pH meter and a liquid flow rate indicator. [R 336.1910]

Monitoring

6. The owner/operator shall monitor and record, on a weekly basis until four valid samples, the total VOC concentration discharged from CD-ACIDSCRUB. The monitoring and recording shall be conducted in a manner and with instrumentation acceptable to the Michigan Department of Environmental Quality (MDEQ). After four valid samples are obtained that demonstrate compliance with Special Condition Nos. 1 and 2, the total VOC concentration discharged from CD-ACIDSCRUB shall be monitored for these parameters on a monthly basis. After obtaining four valid monthly samples, the total VOC concentration discharged from CD-ACIDSCRUB shall be monitored on a quarterly basis. "Valid sample," means that the sample passes all quality assurance and quality control requirements. All data, including calculation of total VOC emission rates, using the format in the appendix, shall be kept on file at the site for a period of at least five years, and made available to the MDEQ upon request. Any request for a change in the sampling frequency must be submitted to the District Supervisor, Air Quality Division, for review and approval. [R 336.1702(a)]

Stack and Vent Conditions

Stack/Vent ID	Maximum Diameter (inches)	Minimum Height Above Ground Level (feet)	Applicable Requirement(s)
7. SV-VENT	4.0	18.5	R 336.1225, 40 CFR 52.21(c) and (d)
All exhaust gases shall be discharged vertically upwards to the ambient air unless otherwise noted.			

[R 336.1225, 40 CFR 52.21(c)]

Appendix
 Spartan Chemical Superfund Site
 Wyoming, Michigan)

APPENDIX A - SOIL REMEDIATION
 EMISSION CALCULATION AND RECORDKEEPING

PERMITTEE (SOURCE NAME)		CONTACT PERSON	
LOCATION		COUNTY	
RECORDKEEPING PERIOD: Start Date:	End Date:	PERMIT TO INSTALL NUMBER	POLLUTANT(S)

DATE	AIR VOLUME FLOW RATE (cubic feet/ minute) (V)	INLET CONCENTRATION (milligrams/cubic meter)* (C)	CONTROL EFFICIENCY (Percent) (E _s)	EMISSIONS** (pounds/hour) (P _s)
EXAMPLE	1,000	10,000	95	1.9

*parts per million in air is *by volume* and **does not equal** milligrams per liter
 **Identify which pollutant the emissions are being calculated for.

BASIC EQUATION TO CALCULATE EMISSIONS:

$$P_s = V \frac{\text{ft}^3}{\text{min}} * C \frac{\text{mg}}{\text{m}^3} * \frac{(100 - E_s)}{100} * \frac{\text{m}^3}{35.31 \text{ ft}^3} * \frac{\text{g}}{1000 \text{ mg}} * \frac{\text{lb}}{453.6 \text{ g}} * \frac{60 \text{ min}}{\text{hour}}$$

Signature:	Date:
	Telephone No.

APPENDIX B

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
INTEROFFICE COMMUNICATION, SUBJECT: SPARTAN CHEMICAL
SUPERFUND SITE, WYOMING, MICHIGAN, SAMPLING FREQUENCY
CHANGE REQUEST, OCTOBER 1, 2004**

INTEROFFICE COMMUNICATION

October 1, 2004

DE
AW
File

TO: Elizabeth Browne, Chief, Superfund Section
Remediation and Redevelopment Division

FROM: Kimberley Armbruster, Technical Programs Unit
Field Operations Section, Air Quality Division

SUBJECT: Spartan Chemical Superfund Site, Wyoming, Michigan
Sampling Frequency Change Request

A Substantive Requirements Document (SRD) was issued by the Air Quality Division (AQD) for this site on July 27, 2001. The air emissions from the soil vapor extraction system are controlled by a catalytic oxidizer followed by an acid gas scrubber. Operating Condition 6 (OC6) of the SRD requires volatile organic compound (VOC) monitoring of the acid scrubber exhaust. The initial sampling schedule is on a weekly basis until four valid samples are collected that demonstrate compliance with the emission limit of 0.3 pounds per hour. At that point, upon approval by the AQD, the monitoring frequency may be reduced to a monthly basis.

DLZ Michigan, Inc. (DLZ) submitted VOC monitoring data and a request for this reduction in frequency on July 10, 2003 to the AQD, Grand Rapids District Office. The July submittal did not include the minimum data necessary for approval, so additional data was submitted by DLZ on October 24, 2003. After review of the data, the AQD determined that the requirement of OC6 had been met. Verbal approval of the request for monthly monitoring was given to DLZ by me in May 2004.

Please contact me at 517-335-4852, if you have any questions.

KA:MSM

cc: Joe Walczak, RRD, DEQ
James Lax, AQD, DEQ
Dale J. Corsi, DLZ
Curt Chapman, August Mack Environmental, Inc.

Kimberley Armbruster

APPENDIX C

CITY OF WYOMING INDUSTRIAL USER PERMIT NO. 00307

Clean Water Plant – Environmental Services

2350 Ivanrest Avenue, S.W. Wyoming, Michigan 49418-1197

Telephone: 616-261-3550 Fax: 616-261-3590

Web: www.ci.wyoming.mi.us



MAYOR
Douglas L. Hoekstra, Jr.

MEMBER-AT-LARGE
Carol S. Sheets

COUNCILMEMBER-AT-LARGE
Rick A. Poll

COUNCILMEMBER-AT-LARGE
Kevin J. Green

COUNCILMEMBER 1ST WARD
William Ver Hulst

COUNCILMEMBER 2ND WARD
Richard K. Pastoor

COUNCILMEMBER 3RD WARD
Dawn E. Wichmann

MANAGER
Chris Holt

Industrial User Permit No. 00307

In accordance with the provisions of Chapter 86 of the Wyoming City Code,

Michigan Department of Environmental Quality
Conducting Environmental Remediation at the Spartan Chemical
Company site
2539 28th Street SW
Wyoming Michigan

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of Wyoming sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Wyoming's Sewer Use Ordinance.

This permit shall become effective on 1 September 2001 and expire at midnight on 31 August 2005.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Section 86-253 of the Wyoming City Code a minimum of 90 days prior to the expiration date.



•	Dibromochloromethane	0.190	0.810
•	1,2-Dichlorobenzene	2.00	8.50
•	1,3-Dichlorobenzene	25.0	110
•	1,4-Dichlorobenzene	0.360	1.50
•	1,2-Dichloroethane	0.330	1.40
•	1,1-Dichloroethene	1.80	8.00
•	1,2-Dichloroethene	4.30	4.30
•	1,2-Dichloropropane	0.300	1.30
•	Ethylbenzene	4.50	16.0
•	Bis (2-Ethylhexyl) Phthalate	1.80	7.70
•	Isophorone	26.0	110
•	Methylene Chloride	3.80	17.0
•	Naphthalene	7.10	31.0
•	1,1,2,2-Tetrachloroethane	0.060	0.260
•	Tetrachloroethylene	0.540	2.40
•	Toluene	5.60	17.0
•	1,1,1-Trichloroethane	3.30	3.30
•	1,1,2-Trichloroethane	0.210	0.900
•	Trichloroethylene	1.20	4.30
•	2,4,5-Trichlorophenol	9.40	41.0
•	Vinyl Chloride	0.047	0.17
•	Xylenes (total)	7.10	23.0
•	Total Phenolics ³	0.25	0.68

³Limit for Total Phenols is based on discharge of any or all of the following phenolic compounds: 2-chlorophenol, 4-chlorophenol, 2,4-dichlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2-methylphenol, 4-methylphenol, 2-nitrophenol, 4-nitrophenol. Discharge of other phenolic compounds is prohibited, except as specifically authorized by the Director. If a user exceeds the Total Phenols limit, the user may petition the Director for an alternative individual phenolic limit.

D. The discharge of the following pollutants at any levels is expressly prohibited.

Tertiary Pollutants
Carbon disulfide
4-methyl-2-pentanone (MIBK)
2-hexanone
2-methylnaphthalene
1,1-dichloroethane
Other Pollutants
Styrene
Dichlorodifluoromethane
1,2,4-trimethylbenzene
1,3,5-trimethylbenzene
Acrylonitrile
n-propylbenzene
Isopropyl benzene

E. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in Chapter 86 of the Wyoming City Code and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

Part 2 - General Monitoring Requirements.

A. From the period beginning on the effective date of the permit, the permittee shall monitor outfall 001 for the following parameters, at the indicated frequency:

<i>Sample Parameter (mg/L)</i>	<i>Measurement Location</i>	<i>Frequency</i>	<i>Sample Type</i>
Flow (gpd)	Outfall 001	Continuous	Meter ⁴
pH	Outfall 001	1/week	Grab
Copper	Outfall 001	1/month	Grab
Nickel	Outfall 001	1/month	Grab
Chromium	Outfall 001	1/month	Grab
Silver	Outfall 001	1/month	Grab
Zinc	Outfall 001	1/month	Grab
Lead	Outfall 001	1/month	Grab
Cadmium	Outfall 001	1/month	Grab
Secondary Pollutants	Outfall 001	1/month	Grab

⁴ Or best engineering estimate.

Part 3 - Reporting Requirements

A. Monitoring Reports

Monitoring results obtained shall be summarized and reported, once per month. The reports are due on the last day of the month following the month of the reporting period. The reports shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the month preceding the submission of each report including measured maximum and average daily flows.

B. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report submitted to the City of Wyoming. Such increased monitoring frequency shall also be indicated in the quarterly report.

C. Automatic Resampling: If the results of the permittee's wastewater analysis indicates that a violation of this permit has occurred, the permittee must:

1. Inform the City of Wyoming of the violation within 24 hours, and;
2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.

D. All reports required by this permit shall be submitted to the City of Wyoming at the following address:

City of Wyoming
Clean Water Plant
Attn: Mr. Myron Erickson
2350 Ivanrest Ave. SW
Wyoming MI 49418

Part 4 - Special Conditions

A. The State of Michigan, as operator of the Spartan Chemical Superfund site, shall discharge into the City of Wyoming's Clean Water Plant collection system pursuant to the terms of this permit and Chapter 86 of the City of Wyoming Code of Ordinances. Should any discharge from the Spartan Chemical site or its treatment system violate this permit or cause the City's Clean Water Plant to violate any federal, state, or local law, rule, or ordinance or any operating permit of the Clean Water Plant, the State shall be responsible for all necessary remediation to bring the Spartan

Chemical site and its treatment system discharge into full compliance with Chapter 86 of the City of Wyoming Code of Ordinances. The State shall be liable for any consequences to the City's Clean Water Plant, its solid residuals, its receiving stream, or collection system stemming from said discharge.

Part 5 - Standard Conditions

A General Conditions

1. Severability.

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

2. Duty to Comply.

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Modification.

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
- c. A change in any condition in either the industrial user's discharge or operations at the POTW that requires either a temporary or permanent

reduction or elimination of the authorized discharge.

- d. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel or the receiving waters.
- e. Violation of any terms or conditions of the permit.
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- g. Revision of a grant of variance from such categorical standards pursuant to 40 CFR 403.13.
- h. To correct typographical or other errors in the permit.
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator.
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Permit Termination.

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports.
- b. Tampering with monitoring equipment.
- c. Refusing to allow timely access to the facility premises and records.
- d. Failure to meet effluent limitations.
- e. Failure to pay fines.
- f. Failure to pay sewer charges.
- g. Failure to meet compliance schedules.

6. Permit Appeals.

The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice.

This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of the permit shall not be stayed pending reconsideration by the Director of Utilities. If, after considering the petition and any requirements put forth by the Pretreatment Coordinator, the Director determines that reconsideration is proper, the Director shall remand the permit back to the Pretreatment Coordinator for reissuance. Those permit provisions being reconsidered by the Pretreatment Coordinator shall be stayed pending reissuance.

The Director's decision not to reconsider a final permit shall be considered final administrative action for purpose of judicial review. The permittee seeking judicial review of the Director's final action must do so by filing a complaint in a court of law.

7. Property Rights.

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, state, or local laws or regulations.

8. Limitation on Permit Transfer.

Permits may be reassigned or transferred to a new owner and/or operation with prior approval of the Pretreatment Coordinator.

- a. The permittee must give at least thirty (30) days advance notice to the Pretreatment Coordinator.
- b. The notice must include a written certification by the new owner which:
 - (i) States that the new owner has no immediate intent to change the facility's operations and processes.
 - (ii) Identifies the specific date on which the transfer is to occur.
 - (iii) Acknowledges full responsibility for complying with the existing permit.

9. Continuation of Expired Permits.

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

10. Dilution.

As stipulated in Section 86-300 of the Wyoming City Code, the permittee shall not increase the use of potable or process water or in any way attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

11. Right of Entry.

As stipulated in Section 86-261 of the Wyoming City Code, the permittee shall allow representatives of the City to inspect the facilities of the permittee to ascertain whether pretreatment requirements are being met. The permittee or occupants of permitted premises shall allow the City's representatives access to all parts of the premises for the purposes of inspection, sampling, records examination, record copying or any other task necessary in the performance of their duties.

12. Slug Discharge Notification.

As stipulated in Sections 86-267 and 86-301 of the Wyoming City Code, the permittee is required to provide immediate notification followed by written notification within five working days of any accidental spills, unusual discharges or slug discharges.

13. General Discharge Prohibitions.

The permittee shall comply with all the general prohibitive discharge standards in Section 86-291 of the Wyoming City Code.

B. Operation and Maintenance Of Pollution Controls

1. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities

or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity.

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities.

As stipulated in Section 86-303 of the Wyoming City Code, the permittee is not allowed to bypass treatment facilities except under the conditions as specified in that section.

C. Monitoring and Records

1. Representative Sampling.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure accuracy. Monitoring points shall not be changed without notification to and with the approval of the City of Wyoming.

2. Flow Measurements.

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume and monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of the type of device.

3. Analytical Methods to Demonstrate Continued Compliance.

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, with those otherwise approved by EPA, or as specified in this permit.

4. Retention of Records.

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement report, or application.

This period may be extended by request of the City of Wyoming at any time.

- b. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Wyoming shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Record Contents.

Records of sampling and analyses shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. Who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

6. Falsifying Information.

As specified in Section 86-170 of the Wyoming City Code, knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

D. Additional Reporting Requirements

1. Planned Changes.

The permittee shall give notice to the City of Wyoming 90 days prior to any facility expansion, production increase, or process modification which results in new or substantially increased discharges or a change in the nature of the discharge.

2. Anticipated Noncompliance.

The permittee shall give advance notice to the City of Wyoming of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

3. Duty to Provide Information.

The permittee shall furnish to the City of Wyoming, within 30 days, any information which the City of Wyoming may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the City of Wyoming, within 30 days, copies of any records required to be kept by this permit.

4. Annual Publication.

As stipulated in Section 86-172 of the Wyoming City Code, a list of industrial users which were in significant noncompliance during the previous 12 months of the fiscal year will be published in the Grand Rapids Press.

5. Civil and Criminal Liability.

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Chapter 86 of the Wyoming City Code or State or Federal laws or regulations.

6. Penalties for Violations of Permit Conditions.

As stipulated in Section 86-162 of the Wyoming City Code and the City of Wyoming Fee Schedule, any industrial user in violation of any permit condition is subject to penalties as outlined in those sections.

7. Recovery of Costs Incurred.

As stipulated in Section 86-169 of the Wyoming City Code, the permittee violating any of the provisions of this permit or Chapter 86 of the Wyoming City Code, or causing damage to or otherwise inhibiting the City of Wyoming's wastewater disposal system, shall be liable to the City of Wyoming for any expense, loss, or damage caused by such violation or discharge.