

PART I

PERMIT NO. [GW1010231](#)**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
GROUNDWATER DISCHARGE PERMIT**

In compliance with the provisions of Michigan's Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended (NREPA), Part 31, Water Resources Protection, and Part 41, Sewerage Systems,

Tri-Lake Trails Campground
8150 151/2 Mile Road
Marshall, Michigan 49068

is authorized to discharge 19,635 gallons (1,963,500 gallons per year) of sanitary sewage from the Tri-Lake Trails Campground located at:

Tri-Lake Trails Campground
219 Lyon Lake Road
Marshall, Michigan 49068

to the groundwater of the State of Michigan in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

Rule Authorization:	2210(y)
Wastewater Type:	Sanitary Sewage
Wastewater Treatment Method:	Plain Clarification
Wastewater Disposal Method:	Tile Field

The issuance of this permit does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Michigan Department of Environmental Quality (Department) permits, or approvals from other units of government as may be required by law.

This permit does not authorize or approve the construction or modification of any wastewater treatment system, physical structures or facilities. Approval for such construction must be as follows:

1. For a campground or marina, approval shall be from the Water Bureau, Michigan Department of Environmental Quality.

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Campgrounds and Pools Unit, Drinking Water & Environmental Health Section, 525 W. Allegan Street, P. O. Box 30273, Lansing MI 48909-7773. Telephone: 517-241-1353.

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In accordance with Section 324.3122 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each December 15 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by March 1 for notices mailed by January 15. The fee is due no later than 45 days after receiving the notice for notices mailed after January 15. Fees paid in accordance with the NREPA are not refundable.

Any person who is aggrieved by this permit may file a sworn petition with the Office of Administrative Hearings of the Department, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely.

This permit is based on an original application submitted on June 12, 2007.

This permit takes effect on _____. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede Permit No. [GW101300102](#), expiring August 20, 2007, which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, _____, 2012. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department by _____, 2012.

Issued _____.

James R. Janiczek, Chief
Groundwater Permits Unit
Permits Section, Water Bureau

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1. Effluent Limitations

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 19,635 gallons per day, 1,963,500 gallons per year, of sanitary sewage from the monitoring points listed below to the groundwater in the SW ¼ of the NW ¼, Section 26, T 36N, R 06W, Fredonia Township, Calhoun County, Michigan. The discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Daily Limit</u>	<u>Units</u>	<u>Frequency of Analysis</u>	<u>Sample Type</u>
EFFLUENT				
Monitoring Point EQ-1				
Flow - Total	19,635	GPD	Daily	Calculation
Flow	1,963,500	GPY	Annually	Calculation
Tile Field 1	Report	Gallons	*Daily	Report Total
Tile Field 2	Report	Gallons	*Daily	Report Total

* Starting with the 2008 operating season, daily flow readings shall be taken from July 1 - July 15 of each year. Weekly monitoring from July 16 - September 15 of each year.

2. Schedule of Compliance

The permittee shall comply with the following schedule. All submittals shall be to the Department.

- a) On or before November 1, 2007, the permittee shall submit for review and approval of an Operations and Maintenance Manual. A guidance document is available via the Internet at: <http://www.deq.state.mi.us/documents/deq-wmd-gwp-Part22GuidshtVI.pdf>.
- b) Prior to the start of the 2008 operating season, flow meters shall be installed to measure the discharge volume to the tilefields. A workplan for installation of the meters shall be submitted to the Campgrounds and Pools Unit, DEQ for review and approval prior to installation.

3. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the NREPA. Permittees authorized to discharge storm water shall have the storm water treatment and/or control measures under direct supervision of a storm water operator certified by the Department, as required by Section 3110 of the NREPA.

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4. Facility Operation and Maintenance

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall comply with the inspection, operation and maintenance program requirements specified below.

<u>Location</u>	<u>Condition</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Drainfields	Ponding	Weekly	Visual Observation
	Outbreaks	Weekly	Visual Observation
	Odors	Weekly	Olfactory Observation

5. Submittal Requirements for Self-Monitoring Data

The permittee shall submit self-monitoring data monthly on the Department's Compliance Monitoring Report (CMR) for each calendar month of the authorized discharge period to:

NMS-CMR-Data Entry-Groundwater
 Water Bureau
 Michigan Department of Environmental Quality
 P.O. Box 30273
 Lansing, Michigan, 48909-7773

AND

Campgrounds and Pools Unit
 Drinking Water & Environmental Health Section
 525 W. Allegan Street
 P O Box 30273
 Lansing, Michigan 48909-7773

The forms shall be postmarked no later than the 15th day of the month following each month of the authorized discharge period(s).

Alternative Daily Discharge Monitoring Report formats may be used if they provide equivalent reporting details and are approved by the Department.

6. General Conditions

- a) The discharge shall not be, or not be likely to become, injurious to the protected uses of the waters of the state.
- b) The discharge shall not cause runoff to, ponding on, or flooding of adjacent property, shall not cause erosion, and shall not cause nuisance conditions.
- c) The point of discharge shall be located not less than 100 feet inside the boundary of the property where the discharge occurs, unless a lesser distance is specifically authorized in writing by the Department.
- d) The discharge shall not create a facility as defined in Part 201, Environmental Response, of the NREPA.

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7. Other Conditions

- a) The tile field must be designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal" and approved by the local county, district, or city health department that has jurisdiction or the Department.
- b) Before the sludge volume occupies 25 percent of the holding tank capacity, septic tanks shall be pumped by a septage hauler licensed pursuant to Part 117, Septage Waste Servicers, of the NREPA. Septage shall be disposed of in accordance with Part 117.
- c) The discharge **must be monitored by a flow measurement device.**
- d) **Basis of Design** - The discharge shall be treated in accordance with the approved basis of design.
- e) **Wastewater Characterization** - The wastewater being treated shall be of the same chemical, biological and physical characteristics as described in the characterization submitted with the application.

8. Compliance Requirements

Compliance with all applicable requirements set forth in Parts 31 and 41 of the NREPA, and related regulations and rules is required. All instances of noncompliance with concentration limitations of effluent or groundwater shall be reported as follows.

- a) Within seven (7) days from the time the permittee becomes aware of the noncompliance, the permittee shall report, in writing, all instances of noncompliance. Written reporting shall include all of the following: 1) the name of the substance(s) for which a limit was exceeded; 2) the concentration at which the substance was found; and 3) the location(s) at which the limit was exceeded.
- b) Within 14 days from the time the permittee becomes aware of the noncompliance, the permittee shall resample the monitoring point at which the limit was exceeded for the substance for which a limit was exceeded.
- c) Within 60 days from the time the permittee becomes aware of the noncompliance, the permittee shall submit a written report that shall include all of the following: 1) the results of the confirmation sampling; 2) an evaluation of the cause for the limit being exceeded and the impact of that event to the groundwater; and 3) a proposal detailing steps taken or to be taken to prevent recurrence.
- d) In accordance with applicable rules, the Department may require additional activities including, but not limited, to the following:
 - (1) Change the monitoring program, including increasing the frequency of effluent monitoring or groundwater sampling, or both.
 - (2) Develop and implement a groundwater monitoring program if one is not in place.
 - (3) If the discharge is in a designated wellhead protection area, assess the affects of the discharge on the public water supply system.
 - (4) Review the operational or treatment procedures, or both, at the facility.
 - (5) Define the extent to which groundwater quality exceeds the applicable criteria that would designate the site as a facility under Part 201.
 - (6) Revise the operational procedures at the facility.
 - (7) Change the design or construction of the wastewater operations at the facility.
 - (8) Initiate an alternative method of waste treatment or disposal.
 - (9) Remediate contamination to comply with the terms of Part 201, if applicable.

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- e) If the Department determines there is a change in groundwater quality from a normal operating baseline that indicates the concentration of a substance in groundwater may exceed an applicable limit, then the discharger shall take the following actions if required by the Department:
- (1) Change the monitoring program, including increasing the frequency of effluent sampling or groundwater sampling, or both.
 - (2) Review the operational or treatment procedures, or both, at the facility.

9. Request for Discharge of Water Treatment Additives

In the event a permittee proposes to discharge water treatment additives (WTAs) to groundwater, the permittee shall submit a request to discharge WTAs to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Bureau, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department contact listed on the cover page of this permit. Instructions to submit a request electronically may be obtained via the Internet (<http://www.michigan.gov/deq> and on the left side of the screen click on Water, Water Quality Monitoring, and Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Department to discharge such WTAs at specified levels shall be obtained prior to discharge by the permittee. Failure to obtain approval prior to discharging any WTA is a violation of this permit. Additional monitoring and reporting may be required as a condition for the approval to discharge the WTA. WTAs include such chemicals as herbicides used to kill weeds and grasses as part of lagoon maintenance.

A request to discharge WTAs to groundwater shall include all of the following:

- a) product information:
 - (1) name of the product;
 - (2) Material Safety Data Sheet;
 - (3) product function (i.e. microbiocide, flocculants, etc.);
 - (4) specific gravity if the product is a liquid; and
 - (5) annual product use rate (liquids in gallons per year and solids in pounds per year);
- b) ingredient information:
 - (1) name of each ingredient;
 - (2) CAS number for each ingredient; and
 - (3) fractional content by weight for each product;
- c) the monitoring point from which the WTA is to be discharged;
- d) the proposed WTA discharge concentration;
- e) the discharge frequency (i.e., number of hours per day and number of days per year);
- f) the type of removal treatment, if any, that the WTA receives prior to discharge;
- g) relevant mammalian toxicity studies for the product or all of its constituents (if product toxicity data are submitted, the applicant shall provide information showing that the product tested has the same composition as the product listed under Item "a" above. Preferred studies are subchronic or chronic in duration, use the oral route of exposure, examine a wide array of endpoints and identify a no-observable-adverse-effect-level. Applicants are strongly encouraged to provide the preferred data. If preferred data are not available, then the minimum information needed is an oral rat LD50 study. In addition, an environmental fate analysis that predicts the mobility of the product/ingredients and their potential to migrate to groundwater may be provided.

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- h) If the discharge of the WTA to groundwater is within 1,000 feet of a surface water body, the following information shall also be provided:
- (1) a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); and
 - (2) the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section by telephone at 517-335-1180 or via the Internet at the address given above to determine if the Department has the product toxicity data required by Item "g" above. If the Department has the data, the permittee will not need to submit product toxicity data.

10. Definitions

This list of definitions may include terms **not** applicable to this individual permit.

Annual frequency of analysis refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

Class B Biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Daily concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration.

For pH, report the maximum value of any individual sample taken during the month and the minimum value of any individual sample taken during the month.

Department means the Michigan Department of Environmental Quality.

Detection Level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

Flow Proportioned sample is a composite sample with the sample volume proportional to the effluent flow.

Furrow stream is the volume, in gallons per unit time, usually per minute, of wastewater discharged into the furrow.

GPD means gallons per day.

GPY means gallons per year.

Grab sample is a single sample taken at neither a set time nor flow.

MGD means million gallons per day.

Mg/l is a unit of measurement and means milligrams per liter.

Monthly frequency of analysis refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

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POTW is a publicly owned treatment works.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly frequency of analysis refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Report means there is no limit associated with the individual substance for the medium that is being sampled, that the permittee must only report the result of the laboratory analysis.

Weekly frequency of analysis refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

24-Hour Composite sample is a flow proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period.

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1. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Section 324.3112a of the NREPA, if untreated sewage, including sanitary sewer overflows (SSO) and combined sewer overflows (CSO), or partially treated sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the person responsible for the sewer system shall immediately, but not more than 24 hours after the discharge begins, notify, by telephone, the Department, local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located that the discharge is occurring.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the "CSO/SSO Reporting Form" available via the internet at: http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3715---,00.html, or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the NREPA, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *Escherichia coli* to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments and to the Department. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The affected local county health department may waive this testing requirement, if it determines that such testing is not needed to assess the risk to the public health as a result of the discharge event. The results of this testing shall be submitted with the written notification required above, or, if the results are not yet available, submit them as soon as they become available. This testing is not required, if the testing has been waived by the local health department, or if the discharge(s) did not affect surface waters.

Permittees accepting sanitary or municipal sewage from other sewage collection systems are encouraged to notify the owners of those systems of the above reporting and testing requirements.

2. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the Department by telephone within 24-hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a) that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b) that the permitted wastewater treatment facility was, at the time, being properly operated; and
- c) that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

3. Bypass Prohibition and Notification

- a) Bypass Prohibition - Bypass is prohibited unless: 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and 3) the permittee submitted notices as required under b. or c. below.

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- b) Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in Item "a" above.
- c) Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the first page of this permit (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d) Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.
- e) Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Items "a," "b," "c," and "d" above. This provision does not relieve the permittee of any notification responsibilities under Part II.11. of this permit.
- f) Definitions:
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

4. Start-up Notification

If the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department within 14 days following the effective date of this permit, and then 60 days prior to the commencement of the discharge.

5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a written notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

6. Notification of Changes in Discharge, Treatment or Facility Operations

If proposing to modify the quantity or effluent characteristics of the discharge or the treatment process for the discharge, the permittee shall notify the Department of the proposed modification prior to its occurrence. Significant modifications require the permittee to submit an application. A permit modification shall be processed in accordance with applicable rules and laws prior to implementation of the modification.

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7. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

8. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Guidance on how to collect representative samples is contained in Guidesheet III, "Characterization of Wastewater", which is available via the Internet at <http://www.deq.state.mi.us/documents/deq-wmd-gwp-P22GuidshtIII.pdf>.

9. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to either SW-846, 3rd edition, September 1986, "Test Methods for the Evaluation of Solid Waste, Physical-Chemical Methods", or Section 304(h) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq), 40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants, unless specified otherwise in this permit. Requests to use test procedures not defined here shall be submitted to the Department for review and approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

10. Instrumentation

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

11. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

12. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Department.

13. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

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Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act (1987 PA 96) for assurance of proper facility operation shall be submitted as required by the Department.

14. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwater of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the first page of this permit, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

15. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

16. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a) provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b) upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

17. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the NREPA.

18. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of wastewaters, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the NREPA, Part 31, Water Resources Protection; Part 55, Air Pollution Control; Part 111, Hazardous Waste Management; Part 115, Solid Waste Management; Part 121, Liquid Industrial Wastes; Part 301, Inland Lakes and Streams; and Part 303, Wetland Protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwater of the state.

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19. Treatment System Closure

- a) In the event that discharges from a treatment system are planned to be eliminated, the permittee shall do the following:
 - (1) Eliminate all physical threats associated with discharge related facilities not later than five (5) days after use of the facility has ceased.
 - (2) Not less than 75 days before cessation of discharge related activities, characterize any wastewater, sediments and sludges related to the discharge, pursuant to Rule 2226(4)(a)(i-iii).
- b) Within 30 days of completing the characterization, the discharger shall submit a closure plan to the Department for review and approval that describes how the wastewater, sediments and sludges associated with the discharge will be handled in accordance with Part 31, Part 115, Part 111, or Part 201, as appropriate.
- c) Closure activities must be initiated within 30 days of Department approval of the Closure Plan, and must be completed within one (1) year of approval of the Closure Plan.
- d) If the groundwater exceeds a standard established by the Department that would result in the site qualifying as a facility under Part 201, then the discharger shall comply with the requirements of Part 201.
- e) The Department may require post closure monitoring activities to evaluate the effectiveness of the closure activities. Any wastewater or residual disposal inconsistent with the approved plan shall be considered a violation of this permit. After proper closure of the treatment system, this permit may be terminated.
- f) The discharger must certify completion of the approved closure plan. Certification shall be by a qualified person described as follows:
 - (1) An engineer licensed under Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. Of the Michigan Compiled Laws, and known as the occupational code.
 - (2) A professional geologist certified by the American Institute of Professional Geologists, 7828 Vance Drive, Suite 103, Arvada, Colorado 80003.
 - (3) A professional hydrologist certified by the American Institute of Hydrology, 2499 Rice Street, Suite 135, St. Paul, Minnesota 55113.
 - (4) A groundwater professional certified by the National Ground Water Association, Association of Groundwater Scientists and Engineers Division, 601 Dempsey Road, Westerville, Ohio 43081.
 - (5) Another groundwater professional certified by an organization approved by the Department.

20. Right of Entry

The permittee shall allow the Department or any agent appointed by the Department, upon the presentation of credentials:

- a) to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any effluent discharge, discharge of pollutants, and groundwater monitoring wells and soils associated with the discharge.

21. Availability of Reports

Except for data determined to be confidential under Rule 323.2128 of the Michigan Administrative Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Sections 3112, 3115, 4106 and 4110 of the NREPA.

PART III
DISCHARGE PROHIBITIONS

1. Discharge to the Surface Waters

This permit does not authorize any discharge to the surface waters. The permittee is responsible for obtaining any permits required by federal or state laws or local ordinances.

2. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

3. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.

4. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Conditions, or terms of this permit constitutes a violation of the NREPA and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.12.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

ATTACHMENT II

