

PART I

PERMIT NO. [GW1010240](#)**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,

Karl and Linda Mott
6972 West B Avenue
Plainwell, Michigan 49080

is authorized to discharge 50 gallons per day, 15,600 gallons per year, of washwater with additives from the facility located at:

K.L. Mott Enterprise LCC
located at: 6972 West B Avenue
Plainwell, Michigan 49080

to the groundwater of the State of Michigan, from their discharge area located in the SE ¼ of the SE ¼, T01S, R12W of Section 2 of Alamo Township, Kalamazoo County, in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

| | |
|------------------------------|------------------------|
| Rule Authorization: | 2210(y) |
| Wastewater Type: | Portable Power Washer |
| Wastewater Treatment Method: | Special Classification |
| Wastewater Disposal Method: | Land Infiltration |

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.

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Kalamazoo District Supervisor of the Water Bureau. The Kalamazoo District Office is located at 7953 Adobe Road, Kalamazoo, Michigan 49009-5026. Telephone: 269-567-3500. Fax: 269-567-9440

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

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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 [September 11, 2007](#), as amended through [ISSUED DATE](#).

This permit takes effect on [EFFECTIVE DATE](#). 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. [GW1110285](#), which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, [EXPIRATION DATE](#). 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 [APPLICATION DATE](#).

Issued [ISSUED DATE](#).

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

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1. Effluent Limitations

- a) The discharge is limited to 50 gallons per day, 15,600 gallons per year
- b) The discharger shall maintain a log that log shall be available for inspection and copying at any reasonable time by a peace officer or, upon presentation of credentials, an authorized representative of the Department or the county, district or city health department that has jurisdiction. The log shall include the following information:
 - (1) The daily flow for each discharge.
 - (2) The date of each discharge.
 - (3) Additives included in each discharge.
 - (4) The total annual flow.
 - (5) Weekly inspection of the drainfields.

2. 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.

3. Schedule of Compliance

On or before **60 days after permit issuance**, 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>.

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. Other Conditions

- a) The source water for the portable power washing must be one of the following:
 - (1) A municipal water supply
 - (2) A water supply meeting state or federal criteria for use as potable water
 - (3) Another source of water meeting the standards of Rule 2222.
 - (4) Another source of water approved by the Department as meeting the conditions of Rule 2204.
- b) If an additive other than household soap or detergent readily available to the consumer is used as an additive, the additive must be used for its intended purpose and according to the manufacturer's recommendations and label directions.

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- c) Washing must be limited to cleaning the outside of the truck and trailer and the inside of the trailer. A truck's exterior does not include the undercarriage.
- d) The discharge shall not cause groundwater to exceed a standard specified in Rule 2222.

6. 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.
- d) 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.

7. 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.

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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.

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.

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. 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.

2. 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.

3. 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.

4. 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.

5. 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>.

6. 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.

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7. Instrumentation

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

8. 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.

9. 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.

10. 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.

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.

11. 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.

12. 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.

13. 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

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- 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.

14. 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.

15. 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.

16. 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.

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- (5) Another groundwater professional certified by an organization approved by the Department.

17. 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.

18. 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

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.