

PERMIT NO. MIG960000



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE GENERAL PERMIT**

GENERAL PERMIT AUTHORIZING LAND APPLICATION OF BIOSOLIDS

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Part 31, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18, biosolids generated by facilities specified in individual "certificates of coverage" are authorized to be land applied in accordance with the limitations, monitoring requirements and other conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (the "permit").

The applicability of this permit shall be limited to generators of biosolids that: a) generate biosolids which are applied to the land in bulk; b) meet the requirements of Part 31 of the Michigan Act and Rule 323.2401 through Rule 323.2418 of the Michigan Administrative Code (Part 24 Rules); and c) have not been determined by the Michigan Department of Environmental Quality (the "Department") to need an individual NPDES permit.

In order to constitute a valid authorization to land apply bulk biosolids, this permit must be complemented by a certificate of coverage issued by the Department.

Unless specified otherwise, all contact with the Department required by this permit shall be to the position indicated in the certificate of coverage.

This general permit shall take effect **April 1, 2010**. 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 NPDES General Permit No. MIG969000, expiring April 1, 2010.

This general permit shall expire at midnight, **April 1, 2015**.

Issued August 28, 2009.

Daniel Dell, Chief
Permits Section
Water Bureau

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each October 1 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 January 15 for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1.

In accordance with Section 324.3132 of the Michigan Act, the permittee shall make payment of an annual biosolids land application fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 31 of each year.

CONTESTED CASE INFORMATION

The terms and conditions of this general permit shall apply to an individual facility on the effective date of a certificate of coverage for the facility. The Department of Energy, Labor, and Economic Growth may grant a contested case hearing on this general permit in accordance with the Michigan Act. Any person who is aggrieved by this permit may file a sworn petition with the State Office of Administrative Hearings and Rules of the Michigan Department of Energy, Labor, and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Energy, Labor, and Economic Growth may grant a contested case hearing on the certificate of coverage issued to an individual facility under this general permit in accordance with Rule 2192(c) (Rule 323.2192 of the Michigan Administrative Code).

PART I**Section A. Effluent Limitations And Monitoring Requirements****1. Residuals Management Program Development**

The permittee is authorized to land apply bulk biosolids or prepare bulk biosolids for land application in accordance with the requirements established in the Part 24 Rules (R323.2401 through R323.2418 of the Michigan Administrative Code). Prior to any land application of bulk biosolids, the permittee shall develop and submit for approval, a Residuals Management Program (RMP) that complies with the requirements of the Part 24 Rules. In addition to land application, alternative biosolids recycling or disposal activities which include incineration and landfilling shall be conducted in accordance with Part II.D.5 of this permit.

- a. The permittee shall submit the information required for the approval and implementation of a RMP to the Department. The program submittal pursuant to R323.2403(3)(b) shall include:
- 1) a description of the type and size of facility generating the biosolids;
 - 2) a description of the biosolids treatment processes including the volume of biosolids generated from each process;
 - 3) storage volume provided, if applicable;
 - 4) transportation methods and spill prevention plan;
 - 5) a description of land application method;
 - 6) a listing of the required information on all land application sites, information on initial notifications required by R323.2408 and class B biosolids site restriction notifications, if applicable, specified in R323.2414(3)(f);
 - 7) a land application plan which shows compliance with the applicable management requirements identified in Part I.A.4. of this permit, if applicable, and the loading rates and limitations as specified in R323.2408, R323.2409 and R323.2417;
 - 8) a description of the pathogen reduction method used to comply with R323.2411, R323.2414 and R323.2418;
 - 9) a description of the vector attraction reduction method used to comply with R323.2415; and
 - 10) information on monitoring program, monitoring frequencies pursuant to R323.2412, and one year of records representing the volume and concentrations of pollutants in the biosolids.
- b. **RMP Implementation**
The permittee shall implement the approved RMP immediately upon written approval from the Department. Upon RMP approval, the permittee may land apply bulk biosolids and the approved RMP becomes an enforceable requirement of this permit.
- c. **Modifications to the Approved RMP**
The permittee shall submit proposed modifications to its RMP to the Department for approval. The approved modification shall become effective upon approval.

PART I

Section A. Effluent Limitations And Monitoring Requirements

2. Soil Fertility Testing

Soil fertility tests on soils sampled from each land application site shall be performed prior to initial bulk biosolids application. The soils shall be re-sampled and tested on a regular basis so that the last soil fertility test is not more than two years old at the time of the next bulk biosolids application. Representative soils from each land application site shall be analyzed for: pH, lime requirement, extractable phosphorus, potassium, calcium, and magnesium.

3. Land Application Limitations and Monitoring

During the period beginning on the issuance of this permit and an individual certificate of coverage, and lasting until the expiration of this permit or termination of the individual certificate of coverage, the permittee is authorized to land apply bulk biosolids to agricultural land, silviculture land, reclamation sites, or other lands authorized under the Michigan Act. The pollutant concentrations of the bulk biosolids to be land applied and the applicable loading rates shall be limited and monitored as specified below.

<u>Parameter</u>	<u>Ceiling Concentration</u>		<u>Pollutant Concentration</u>	
	<u>Limits (Dry Weight)</u>	<u>Units</u>	<u>Limits (Dry Weight)</u>	<u>Units</u>
			<u>Monthly Average</u>	
Arsenic	75	mg/kg	41	mg/kg
Cadmium	85	mg/kg	39	mg/kg
Copper	4300	mg/kg	1500	mg/kg
Lead	840	mg/kg	300	mg/kg
Mercury	57	mg/kg	17	mg/kg
Molybdenum	75	mg/kg	---	---
Nickel	420	mg/kg	420	mg/kg
Selenium	100	mg/kg	100	mg/kg
Zinc	7500	mg/kg	2800	mg/kg

<u>Parameter</u>	<u>Cumulative Pollutant</u>		<u>Annual Pollutant</u>	
	<u>Loading Rates (Dry Weight)</u>	<u>Units</u>	<u>Loading Rates (Dry Weight)</u>	<u>Units</u>
Arsenic	37	lbs/acre	1.8	lbs/acre
Cadmium	35	lbs/acre	1.7	lbs/acre
Copper	1335	lbs/acre	67	lbs/acre
Lead	267	lbs/acre	13	lbs/acre
Mercury	15	lbs/acre	0.76	lbs/acre
Nickel	374	lbs/acre	19	lbs/acre
Selenium	89	lbs/acre	4.5	lbs/acre
Zinc	2492	lbs/acre	125	lbs/acre

- a. Vector Attraction Reduction Requirements
The permittee shall comply with one of the vector attraction reduction requirements which includes but not limited to percent solids reduction, pH adjustment, aerobic processes identified in Rule 323.2415, along with the provisions on time allotted for incorporation into the soil.

PART I

Section A. Effluent Limitations And Monitoring Requirements

b. Pathogen Reduction Requirements

The permittee shall meet either the class A or class B pathogen requirements for biosolids. A and B biosolids classifications are determined by pH adjustment and temperature criteria, percent solids, and organism testing results defined in Rule 323.2414. Treatment alternatives to achieve the pathogen reduction criteria are described in Rule 323.2418.

c. Monitoring Required

Biosolids shall be sampled and analyzed for the following parameters at the frequency required in Part I.A.3.d.

Parameter	Units	Parameter	Units
Arsenic	mg/kg	Total Nitrogen or Total Kjeldahl Nitrogen	mg/kg
Cadmium	mg/kg	Ammonia Nitrogen	mg/kgl
Copper	mg/kg	Nitrate Nitrogen	mg/kg
Lead	mg/kg	Total Phosphorus	mg/kg
Mercury	mg/kg	Total Potassium	mg/kg
Molybdenum	mg/kg	Total Solids	%
Nickel	mg/kg		
Selenium	mg/kg		
Zinc	mg/kg		

d. Monitoring Frequency

Biosolids shall be sampled and analyzed according to the amount generated at the frequency specified below.

English Dry Tons (per year)	Frequency
Greater than zero, but Less than 319	Annually (Once per year)
Equal to or greater than 319, but less than 1,650	Quarterly (4 times per year)
Equal to or greater than 1,650, but less than 16,500	Once per 60 days (6 times per year)
Equal to or greater than 16,500	Monthly (12 times per year)

e. Monitoring Frequency Increase

If any of the pollutant concentrations in the biosolids exceed the monthly average pollutant concentration limitations in Part I.A.3. of this permit, the monitoring frequency shall be increased to not less than twice that required in Part I.A.3.d. until pollutant concentrations are at or below the limitations in Part I.A.3.

f. Monitoring Frequency Reduction

After the submittal of two years of monitoring data, the permittee may request a reduction in monitoring frequency for pollutant concentrations and pathogen density. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.3.d. of this permit. The monitoring frequency for the required parameters shall not be reduced to less than once per year. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

PART I**Section A. Effluent Limitations And Monitoring Requirements****4. Management Requirements**

- a. **Endangered Species Act**
The permittee shall not apply bulk biosolids if it is likely to adversely affect a threatened or endangered species listed under section 36503 of the federal endangered species act or its designated critical habitat.
- b. **Site Conditions**
The permittee shall not apply bulk biosolids to agricultural land, a forest, silviculture land, a public contact site, or a reclamation site that is flooded, saturated with water, frozen or snow covered so that the biosolids enter a wetland or other waters of the state. Land application on frozen or snow covered sites shall be conducted in accordance with R323.2410(3).
- c. **Slope of Land**
The permittee shall not apply bulk biosolids on lands having a slope greater than 6% for surface application or 12% for subsurface injected biosolids, unless otherwise approved by the Department. Bulk biosolids that meet the criteria for exceptional quality are exempt from this requirement.
- d. **Agronomic Rates**
The permittee shall apply bulk biosolids to agricultural land, a forest, silviculture land, a public contact site, or reclamation site at an application rate equal to or less than the agronomic rate in accordance with R323.2410(5), (8), (9) and (10).
- e. **Landowner Written Consent**
The permittee shall obtain written consent to apply bulk biosolids from the property owner and farm operator if different than the property owner.
- f. **Land Application Notification**
The permittee shall provide written notification for each initial bulk biosolids land application site at least 10 days before the land application pursuant to R323.2408(4). The notification shall include the required information and be submitted to the Department, local health department, and the governmental jurisdiction where the land application site is located. This requirement does not apply to bulk biosolids that meet the criteria for exceptional quality.
- g. **Isolation Requirements**
The permittee shall comply with the isolation distance requirements and other conditions identified in R323.2410(11) and (12) when land applying bulk biosolids.
- h. **Single Source Sites**
The permittee shall not knowingly apply bulk biosolids from more than one generator to the same land application site within the same crop year. This restriction also includes the application of septage to the site.
- i. **Site Restrictions for Class B Biosolids**
The permittee shall inform all landowners of sites receiving class B biosolids, in writing, of the site restriction provisions in R323.2414.
- j. **Additional Requirements**
Upon written notification, the Department may impose further requirements for the use of biosolids in addition to, or more stringent than, the requirements in this permit if necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.
- k. **Recordkeeping**
Monitoring records including all other records required by R323.2413 shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept indefinitely.

PART I

Section A. Effluent Limitations And Monitoring Requirements

5. Annual Report

The permittee shall prepare and submit an annual biosolids report on the previous year's land application activities. The report shall be submitted to the Department on or before **October 30** of each year. The report shall include the following:

- a. the number of dry tons of biosolids generated that were applied to the land in the State of Michigan during the state fiscal year (October 1 through September 30);
- b. the volume and percent solids of biosolids disposed by any other method and a description of that method or methods;
- c. the total acreage utilized for land application;
- d. a listing of sites that received bulk biosolids subject to cumulative pollutant loading rates and the annual average, annual minimum, and annual maximum concentration of each pollutant in the biosolids listed in Part I.A.3 (Ceiling Concentration Limits) of this permit;
- e. the annual average, annual minimum, and annual maximum concentrations of each pollutant in the biosolids listed in Part I.A.3. (Pollutant Concentration Limits) of this permit;
- f. certification of information used in determining compliance with the Pollutant Concentration Limits;
- g. certification of information used in determining compliance with the class A or B pathogen reduction and vector attraction reduction requirements; and
- h. the annual biosolids application rate for the biosolids that do not cause the Annual Pollutant Loading Rates in Part I.A.3. of this permit to be exceeded.

6. Facility Contact

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
 - for a corporation, a principal executive officer of at least the level of vice president, or a designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the permit application or other NPDES form originates,
 - for a partnership, a general partner,
 - for a sole proprietorship, the proprietor, or
 - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.
- b. A person is a duly authorized representative only if:
 - the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
 - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

PART I**Section A. Effluent Limitations And Monitoring Requirements****7. Expiration and Reissuance**

If the permittee wishes to continue the land application of bulk biosolids authorized under this permit beyond the permit's expiration date, the permittee shall submit a written request to the Department on or before October 1, 2014, which contains such information, forms and fees as required by the Department. A person holding a valid certificate of coverage under an expired general permit shall continue to be subject to the terms and conditions of the expired permit until the permit is terminated, revoked, or reissued.

If this permit is modified or reissued, the permittee shall: a) request coverage under the modified or reissued permit, or b) request termination of land application authorization. Lacking an adequate response, the permittee's authorization to land apply bulk biosolids shall expire on the effective date of the reissued or modified permit.

If this permit is terminated or revoked, all authorizations to land apply biosolids under the permit shall expire on the date of termination or revocation.

PART II

Section A. Definitions

Agricultural Land means land on which a food crop (including foods produced for human consumption such as apples, corn, lettuce, onions, watermelons, etc.), a feed crop (including but not limited to any of several grains most commonly used for livestock feed, including corn, grain sorghum, oats, rye, and barley), or a fiber crop is grown. The term includes range land and land used as pasture.

Agronomic Rate is defined as the calculated biosolids application rate (dry weight basis) which provides the amount of plant available nitrogen (PAN) needed by the crop or vegetation grown on the land and minimizes the amount of nitrogen that passes below the root zone of the crop or vegetation grown; and which considers the amounts of phosphate (P_2O_5) and potash (K_2O) added by the biosolids as part of the total nutrient management plan.

Annual Pollutant Loading Rate is the maximum amount of a pollutant in biosolids that can be applied to a unit area of land during a 365-day period.

Annual Whole Biosolids Application Rate is the maximum amount of biosolids (dry weight basis) that can be applied to a unit area of land during a 365-day 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.

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.

Ceiling Concentration Limits specify the maximum concentration of listed pollutants allowed in biosolids. Biosolids that exceed these limits may not be land-applied under any circumstances.

Class A Biosolids refers to material that has met the Class A pathogen reduction requirements or equivalent treatment by a Process to Further Reduce Pathogens (PFRP) in accordance with the Part 24 Rules. Processes include composting, heat drying, heat treatment, thermophilic aerobic digestion, beta or gamma ray irradiation and pasteurization.

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.

Crop Year generally refers to a USDA-designated 12-month period for each crop beginning with that crop's typical month of harvest.

Cumulative Pollutant Loading Rate means the maximum amount of an inorganic pollutant that can be applied to an area of land.

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.

Dry Weight Basis refers to a biosolids analysis that is calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass that is essentially 100% solids content.

Exceptional Quality means biosolids that meets all the following criteria: the pollutant ceiling concentrations and pollutant concentrations in Part I.A.3. of this permit including one of the vector attraction reduction options in R323.2415(4) and one of the class A pathogen reduction alternatives in R323.2414(2)(a).

Forest means a tract of land that is thick with trees and underbrush.

Generator means a person who generates biosolids that are applied to land.

PART II

Section A. Definitions

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

Incorporation means the blending of surface-applied biosolids into the soil so that a significant amount of the biosolids is not present on the land surface within 1 hour after land application.

Land Application means spraying or spreading bulk biosolids onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids can either condition the soil or fertilize crops or vegetation grown in the soil.

Land Application Method means the specific manner in which bulk biosolids are land applied. These methods include, but are not limited to terra-gator subsurface or surface application, tractor and tank spraying or subsurface injection, spreading with a manure spreader or similar device, etc. The description should include coupled units, such as a disk or harrow, and / or furrow closure devices, and method(s) of incorporation, if required.

Land Application Plan is the process a generator uses to identify and select land application sites that are not included in a land application site list. A plan shall include all of the following: 1) A description of the geographical area covered by the plan; 2) Identification of the criteria used for site selection; and 3) A description of how the sites are managed.

Land Application Site means a contiguous tract of land to which bulk biosolids are land applied in accordance with the requirements of this permit.

National Pretreatment Standards are the regulations promulgated by or that may be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

Pathogenic Organisms means disease-causing organisms. The term includes, but is not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

Person means an individual, partnership, association, corporation or any other entity.

pH means the logarithm of the reciprocal of the hydrogen ion concentration measured at 25 degrees Celsius or measured at another temperature and then converted to an equivalent value at 25 degrees Celsius.

Pollutant means an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge into the environment and upon exposure, either directly from the environment or indirectly by ingestion through the food chain, could adversely affect the usefulness of a resource or the health of humans, animals, or ecosystems.

Pollutant Concentration Limit refers to a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids, for example milligrams per kilogram of total solids; the amount of a pollutant that can be applied to a unit area of land, for example, kilograms per hectare or pounds per acre; or the volume of a material that can be applied to a unit area of land, for example, gallons per acre.

POTW is a publicly owned treatment works.

Reclamation Site means drastically disturbed land that is reclaimed using biosolids. The term includes, but is not limited to, strip mines and construction sites.

PART II

Section A. Definitions

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Septage means either liquid or solid material that is removed from any of the following that receive only domestic sewage: septic tank; cesspool; portable toilet; type II marine sanitation device and similar treatment works.

Soil Fertility means the quality of a soil that enables it to provide nutrients in adequate amounts and in proper balance for the growth of specified plants or crops.

Vector Attraction means the characteristic of biosolids that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Water Quality Standards means the Part 4 Water Quality Standards developed under Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of both biosolids that are applied to the land and soils that receive biosolids.

2. Test Procedures

Test procedures for the analysis of pollutants, nutrients, and soil fertility shall conform to the standards and procedures identified and adopted by reference in R323.2406 of the Michigan Administrative Code. For parameters not specified in the permit or covered by the Part 24 Rules, test procedures shall be submitted for approval to the Department. The permittee shall be responsible for ensuring the accuracy of all analytical measurements. If applicable, the calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program. If the permittee utilizes a contract laboratory for such analyses, the permittee shall ensure the laboratory practices approved Quality Control/Quality Assurance procedures.

3. Instrumentation

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

4. 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.

5. 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 five (5) years, or longer if requested by the Regional Administrator or the Michigan Department of Environmental Quality.

PART II

Section C. Reporting Requirements

1. 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 this general permit. Such increased frequency shall also be indicated. Monitoring required pursuant to Part 41 of the Michigan Act or Rule 35 of the Mobile Home Park Commission Act (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.

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. Noncompliance Notification

Compliance with all requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

24 hours reporting - Any noncompliance which may endanger health or the environment shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.

Written reporting shall include: 1) a description and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence.

4. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters 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 certificate of coverage, 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 recovery measures taken, preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

5. Transfer of Ownership or Control

In the event of any change in control or ownership of biosolids generating facilities, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department 30 days prior to the actual transfer of ownership or control.

PART II

Section D. Management Responsibilities

1. Duty to Comply

All activities authorized herein shall be consistent with the terms and conditions of this permit. The land application 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 Limitations, Special Conditions, or terms of this permit constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. 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.

3. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

4. Containment Facilities

The permittee shall provide facilities for containment of any accidental releases 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 POTW, these facilities shall be approved under Part 41 of the Michigan Act.

5. 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 or recycled in an environmentally compatible manner in accordance with applicable laws and rules. These laws may include, but not limited to, the Michigan Act, Part 31 for the protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

6. Treatment System Closure

In the event that discharges from a treatment system located in Michigan are planned to be eliminated, the permittee shall submit a closure plan to the Department for approval. The closure plan shall include characterization of any wastewater and residuals which will remain on-site after the discharges are eliminated, along with disposal methods, proposed schedule, and any other relevant information as required by the Department. Closure activities involving waste treatment residuals shall be consistent with Part II.D.5. of this permit.

The permittee shall implement the closure activities in accordance with the approved plan. 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, the certificate of coverage under this general permit may be terminated.

PART II**Section D. Management Responsibilities****7. Right of Entry**

The permittee shall allow the Michigan Department of Environmental Quality, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials:

- a. to enter upon the permittee's premises where biosolids are generated and/or prepared 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, land application sites, monitoring methods and equipment regulated or required under this permit; and to sample soils and/or biosolids.

8. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (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 and the Regional Administrator. As required by the Federal Act, biosolids 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 Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

9. Industrial Waste Pretreatment

Industrial wastes discharged to a publicly owned treatment works (POTW) shall be controlled so the discharge does not cause the biosolids pollutant ceiling concentration limitations in Part I.A.3. of this permit to be exceeded. POTWs are responsible for requiring pretreatment of regulated industrial wastes discharged to its sewer service area in accordance with the Part 23 Rules (Pretreatment) of the Michigan Administrative Code.

PART II

Section E. Activities Not Authorized by This Permit

1. Biosolids Use or Disposal Activities Not Authorized by this Permit

This permit does not authorize the following activities:

- a. the use or disposal of septage;
- b. the surface disposal of biosolids;
- c. the incineration of biosolids fired or co-fired in an incinerator or the use or disposal of ash generated during the firing or co-firing of biosolids;
- d. processes used to treat biosolids or for processes used to treat biosolids before final use or disposal;
- e. the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage;
- f. the use or disposal of sewage sludge determined to be hazardous;
- g. the use or disposal of sewage sludge that has a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight);
- h. the use or disposal of grit or screenings generated during preliminary treatment of domestic sewage eg. sand, gravel, cinders, or other materials that have a high specific gravity;
- i. the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water;
- j. the application of biosolids from more than one source or septage to the same land application site within the same crop year; and
- k. the application of biosolids subject to the cumulative pollutant loading rates to agricultural land, a forest, silviculture land, a public contact site, or reclamation site if the cumulative pollutant loading rates specified in Part I.A.3. have been reached.

2. Facility Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Bureau, Michigan Department of Environmental Quality. Approval for such construction for a hospital, nursing home or extended care facility shall be from the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services upon request.

3. 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.

4. Oil and Hazardous Substance Liability

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 to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations

5. 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 under authority preserved by Section 510 of the Federal Act.

6. 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.