PERMIT NO. MI0025071

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18,

Charter Township of Commerce
2840 Fisher Avenue
Commerce Township, Michigan 48390

is authorized to discharge from the **Commerce Township Wastewater Treatment Plant** located at

649 Welch Road
Commerce Township, Michigan 48390

designated as **Commerce Twp WWTP**

to the receiving water an unnamed tributary to Seeley Creek, in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit is based on a complete application submitted on April 17, 2006.

This permit takes effect immediately on the date of issuance. 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 Permit No. MI0025071, expiring October 1, 2006, and Certificate of Coverage No. MIS710004, issued March 25, 2004, which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2011**. 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 **April 4, 2011**.

Issued September 28, 2006. Based on a request submitted on April 4, 2007, this permit was modified on _____

DRAFT – September 17, 2007
William Creal, 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 324.3118 of the Michigan Act, the permittee shall make payment of an annual storm water fee to the Department for each January 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 March 15 for notices mailed by February 1. The fee is due no later than 45 days after receiving the notice for notices mailed after February 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.

CONTACT INFORMATION

Unless specified otherwise, all contact with the Michigan Department of Environmental Quality (the "Department") required by this permit shall be made to the Southeast Michigan District Supervisor of the Water Bureau. The Southeast Michigan District Office is located at 27700 Donald Court, Warren, Michigan 48092-2793, telephone: 586-753-3700, fax: 586-753-3751.

CONTESTED CASE INFORMATION

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 Labor and Economic Growth, 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.

PART I

Section A. Limitations and Monitoring Requirements

1. Final Effluent Limitations, Monitoring Point 002A

During the period beginning on the effective date of this permit and lasting until the facility monthly flow exceeds 3 MGD as an annual average flow rate or until 180 days after start-up of the expanded facility, whichever is first, the permittee is authorized to discharge treated municipal wastewater from Monitoring Point 002A. Monitoring point 002A discharges through Outfall 002. Outfall 002 discharges to an unnamed tributary to Seeley Creek. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration				Frequency	Sample
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**of Analysis**	**Type**
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)										
	100	250	---	lbs/day	4.0	---	10	mg/l	Daily	24-Hr Composite
Total Suspended Solids	500	750	---	lbs/day	20	30	---	mg/l	Daily	24-Hr Composite
Ammonia Nitrogen (as N)										
Apr. 1 to Nov. 30	13	50	---	lbs/day	0.50	---	2.0	mg/l	Daily	24-Hr Composite
Dec. 1 to Mar. 31	(report)	50	---	lbs/day	(report)	---	2.0	mg/l	Daily	24-Hr Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	---	cts/100 ml	Daily	Grab
Total Copper	(report)	---	---	lbs/day	(report)	---	---	ug/l	Monthly	24-Hr Composite
Total Phosphorus (as P)										
	(report)	---	---	lbs/day	(report)	---	---	mg/l	Daily	24-Hr Composite
Total Mercury	(report)	---	---	lbs/day	(report)	---	---	ng/l	Quarterly	Grab
	4-Month Rolling Average				**4-Month Rolling Average**					
Total Phosphorus (as P)	10	---	---	lbs/day	0.4	---	---	mg/l	Daily	Calculation
					Minimum Daily		**Maximum Daily**			
Temperature	---	---	---	---	(report)	---	(report)	°F	Daily	Reading
Dissolved Oxygen	---	---	---	---	7.0	---	---	mg/l	Daily	Grab
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab

The following design flow was used in determining the above limitations, but is not to be considered a limitation or actual capacity: 3 MGD.

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.

PART I

Section A. Limitations and Monitoring Requirements

b. Sample Locations

Refer to the Monitoring Locations diagram, Part I.A.4. (page 9 of this permit). Samples for flow, $CBOD_5$, total suspended solids, ammonia nitrogen, total phosphorus, total copper, and total mercury shall be taken prior to disinfection. Samples for fecal coliform bacteria shall be taken immediately after ultra-violet disinfection. Samples for temperature, dissolved oxygen and pH shall be taken immediately prior to discharge to the unnamed tributary to Seeley Creek (Outfall 002). The Department may approve alternate sampling locations which are demonstrated by the permittee to be representative of the effluent.

c. Ultraviolet Disinfection

It is understood that ultraviolet light will be used to achieve compliance with the fecal coliform limitations. If disinfection other than ultraviolet light will be used, the permittee shall notify the Department in accordance with Part II.C.11. - Changes in Facility Operations.

d. Analytical Method(s) and Quantification Level(s) for Total Copper

The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for Total Copper shall be in accordance with an EPA Approved Method. The quantification level for Total Copper shall be 1 ug/l unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination. Upon approval of the Department, the permittee may use alternate analytical methods (for parameters with methods specified in 40 CFR 136, the alternate methods are restricted to those listed in 40 CFR 136).

e. Monitoring Frequency Reduction / Elimination for Total Copper

After the submittal of 24 months of data, the permittee may request, in writing, Department approval of a reduction or elimination of monitoring frequency for Total Copper. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce or eliminate the monitoring frequency indicated in Part I.A.1. of this permit. The Department may revoke the approval for reduced / eliminated monitoring at any time upon notification to the permittee.

f. Final Effluent Limitation for Total Phosphorus

The 4-month rolling average final limit for Total Phosphorus shall be determined by adding the present monthly average result to the preceding 3 monthly average results then dividing the sum by 4.

g. Total Mercury Testing Requirements

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, “Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry”. The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination.

The use of clean technique sampling procedures is strongly recommended. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, July 1996. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

1) If it is determined that the effluent has a reasonable potential to exceed 1.3 ng/l of total mercury and upon written notification by the Department, the permittee shall implement the Pollutant Minimization Program for Total Mercury contained in Part I.A.2. of this permit.

2) If it is determined that the effluent does not have a reasonable potential to exceed 1.3 ng/l of total mercury and upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency or eliminate monitoring for total mercury indicated in Part I.A.2. of this permit. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

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PART I

Section A. Limitations and Monitoring Requirements

2. Final Effluent Limitations, Monitoring Point 002A

During the period beginning when the facility monthly flow first exceeds 3 MGD as an annual average flow rate or 180 days after start-up of the expanded facility, whichever is first, and lasting until the expiration date of this permit, the permittee is authorized to discharge treated municipal wastewater from Monitoring Point 002A. Monitoring point 002A discharges through Outfall 002. Outfall 002 discharges to an unnamed tributary to Seeley Creek. Such discharge shall be limited and monitored by the permittee as specified below. The permittee shall notify the PCS-Data Unit 180 days prior to these effluent limitation taking effect (see Part II.C.2. for notification address).

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration					
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**Frequency of Analysis**	**Sample Type**
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	280	710	---	lbs/day	4	---	10	mg/l	Daily	24-Hr Composite
Total Suspended Solids	1400	2100	---	lbs/day	20	30	---	mg/l	Daily	24-Hr Composite
Ammonia Nitrogen (as N)	35	140	---	lbs/day	0.5	---	2	mg/l	Daily	24-Hr Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	---	cts/100 ml	Daily	Grab
Total Copper	(report)	---	---	lbs/day	(report)	---	---	ug/l	Monthly	24-Hr Composite
Total Phosphorus (as P)	(report)	---	---	lbs/day	(report)	---	---	mg/l	Daily	24-Hr Composite
Total Mercury	(report)	---	---	lbs/day	(report)	---	---	ng/l	Monthly	Grab
	4-Month Rolling Average				**4-Month Rolling Average**					
Total Phosphorus (as P)	12	---	---	lbs/day	0.2	---	---	mg/l	Daily	Calculation
					Minimum Daily		**Maximum Daily**			
Temperature	---	---	---	---	(report)	---	(report)	°F	Daily	Reading
Dissolved Oxygen	---	---	---	---	7.0	---	---	mg/l	Daily	Grab
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab

The following design flow was used in determining the above limitations, but is not to be considered a limitation or actual capacity: 8.5 MGD.

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.

PART I

Section A. Limitations and Monitoring Requirements

b. Sampling Locations
Refer to the Monitoring Locations diagram, Part I.A.4. (page 9 of this permit). Samples for flow, $CBOD_5$, total suspended solids, ammonia nitrogen, total phosphorus, total copper, and total mercury shall be taken prior to disinfection. Samples for fecal coliform bacteria shall be taken immedeatly after ultra-violet disinfection. Samples for temperature, dissolved oxygen and pH shall be taken at immediately prior to discharge to the unnamed tributary to Seeley Creek (Outfall 002). The Department may approve alternate sampling locations which are demonstrated by the permittee to be representative of the effluent.

c. Ultraviolet Disinfection
It is understood that ultraviolet light will be used to achieve compliance with the fecal coliform limitations. If disinfection other than ultraviolet light will be used, the permittee shall notify the Department in accordance with Part II.C.11. - Changes in Facility Operations.

d. Analytical Method(s) and Quantification Level(s) for Total Copper
The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for Total Copper shall be in accordance with an EPA Approved Method. The quantification level for Total Copper shall be 1 ug/l unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination. Upon approval of the Department, the permittee may use alternate analytical methods (for parameters with methods specified in 40 CFR 136, the alternate methods are restricted to those listed in 40 CFR 136).

e. Monitoring Frequency Reduction for Total Copper
After the submittal of 24 months of data, the permittee may request, in writing, Department approval of a reduction or elimination of monitoring frequency for Total Copper. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce or eliminate the monitoring frequency indicated in Part I.A.1. of this permit. The Department may revoke the approval for reduced / eliminated monitoring at any time upon notification to the permittee.

f. Final Effluent Limitation for Total Phosphorus
The 4-month rolling average final limit for Total Phosphorus shall be determined by adding the present monthly average result to the preceding 3 monthly average results then dividing the sum by 4.

g. Total Mercury Testing Requirements
The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, “Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry”. The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination.

The use of clean technique sampling procedures is strongly recommended. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, July 1996. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

1) If it is determined that the effluent has a reasonable potential to exceed 1.3 ng/l of total mercury and upon written notification by the Department, the permittee shall implement the Pollutant Minimization Program for Total Mercury contained in Part I.A.2. of this permit.

2) If it is determined that the effluent does not have a reasonable potential to exceed 1.3 ng/l of total mercury and upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency or eliminate monitoring for total mercury indicated in Part I.A.2. of this permit. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

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Section A. Limitations and Monitoring Requirements

h. Dissolved Oxygen Study

The permittee may conduct a dissolved oxygen study to demonstrate that the discharge from Outfall 002 is in compliance with the dissolved oxygen effluent limitation in Part I.A.2 of this permit. The permittee shall submit an approvable study plan to the department that details the methods used of determining compliance with effluent limitations. Upon receipt of written approval from the department, the permittee shall conduct the study. The permittee may request suspension of the Dissolved Oxygen effluent monitoring from the Final Effluent limitations at Outfall 002 if the results of the study demonstrate that that the effluent discharged from Outfall 002 is consistently at or above 7 mg/l dissolved oxygen. Upon receipt of written approval from the department and consistent with such approval, the permittee may stop monitoring facility effluent for dissolved oxygen at Outfall 002. The Department may reinstate the Dissolved Oxygen effluent monitoring at any time upon notification to the permittee.

i. Temperature Study

The permittee may conduct a temperature study to demonstrate that the effluent temperature at Outfall 002 is consistently at or below the effluent temperature prior to disinfection. The permittee shall submit an approvable study plan to the department that details the methods used for conducting the study. Upon receipt of written approval from the department, the permittee shall conduct the study. The permittee may request that effluent temperature monitoring be conducted prior to disinfection if the results of the study demonstrate effluent temperature at Outfall 002 is consistently at or below the effluent temperature prior to disinfection. Upon receipt of written approval from the department and consistent with such approval, the permittee may monitor effluent temperature prior to disinfection. The Department may reinstate the effluent temperature monitoring at Outfall 002 at any time upon notification to the permittee.

PART I

Section A. Limitations and Monitoring Requirements

3. Final Effluent Limitations, Monitoring Point 003A

During the period beginning on the effective date of this permit and lasting until the expiration of this permit, the permittee is authorized to discharge treated municipal wastewater from Monitoring Point 002A, through Monitoring Point 003A. Monitoring Point 003A discharges through Outfall 003. Outfall 003 discharges to Lake Berry. This discharge is authorized only when Lake Berry water level has fallen below an elevation of 947.00 NGVD 29. Under no circumstances is the permittee authorized to discharge to Lake Berry when its water level is at or above an elevation of 947.50 NGVD 29. To maintain positive flow in Seeley Creek, no more than 50% of the facility discharge shall be directed to Lake Berry. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration					
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**Frequency of Analysis**	**Sample Type**
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
	Total Monthly	**Total Yearly**								
Total Phosphorus (as P)	(report)		---	lbs/month	---	---	---	---	See Part I.A.3.c.	Calculation
	---	100	---	lbs/year	---	---	---	---	See Part I.A.3.c.	Calculation
					Minimum Daily		**Maximum Daily**			
Dissolved Oxygen	---	---	---	---	7.0	---	---	mg/l	Daily	Grab
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.

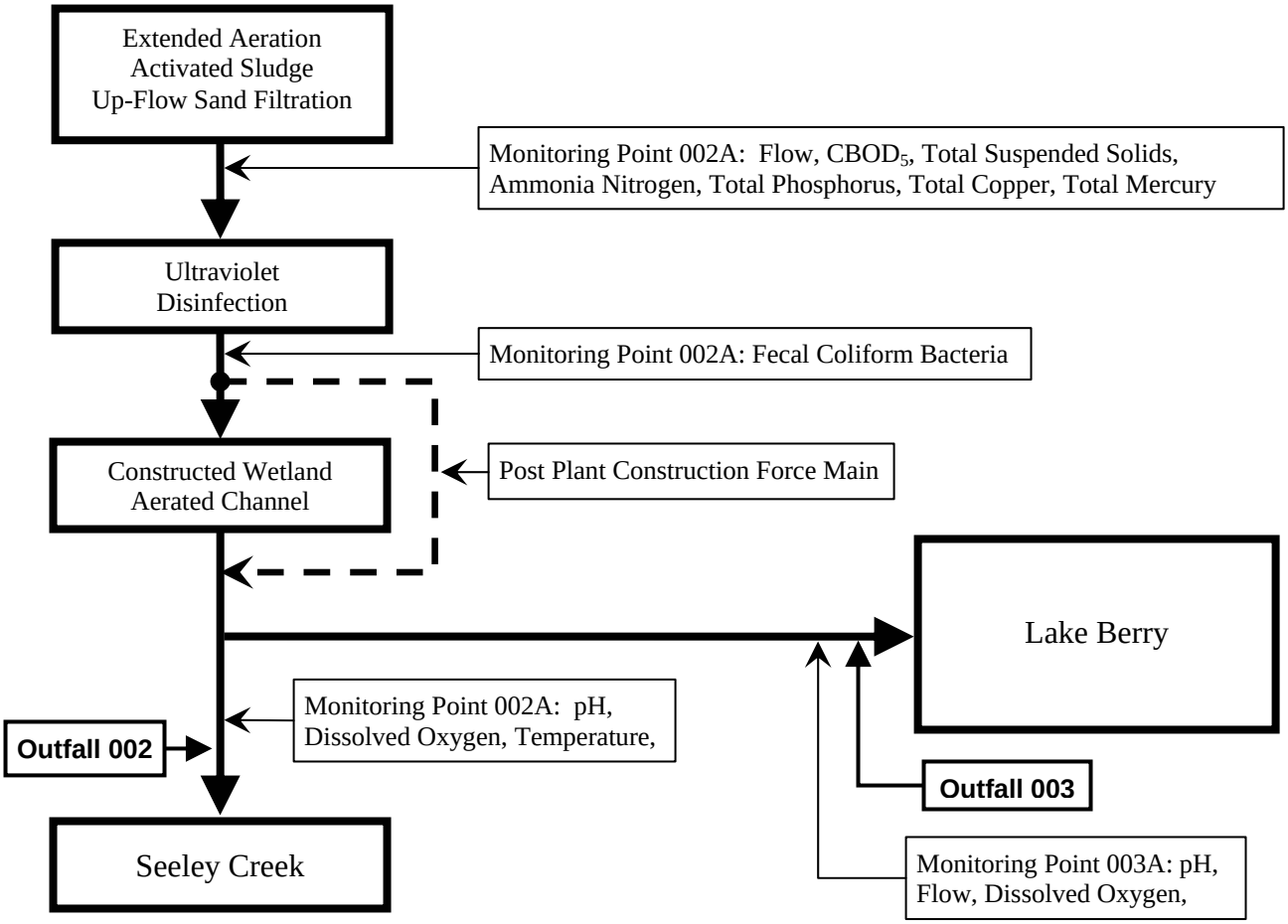
b. Sample Locations
Refer to the Monitoring Locations diagram, Part I.A.4. (page 9 of this permit). During discharge events to Lake Berry, the permittee is required to comply with the effluent limitations and monitoring requirements for the parameters listed at Monitoring Point 002A. The permittee must also sample for Flow, Dissolved Oxygen and pH at Monitoring Point 003A. The total phosphorus concentrations and loads shall be calculated using total phosphorus data from Monitoring Point 002A. The Department may approve alternate sampling locations which are demonstrated by the permittee to be representative of the effluent.

c. Calculation for Total Phosphorous Reporting
For each day a discharge occurs from Outfall 003, the daily total phosphorous load shall be determined. The total monthly total phosphorous load shall be the sum of all daily total phosphorous loads in a calendar month. The maximum yearly total phosphorous load shall be determined by summing the total monthly total phosphorous loads for the previous eleven months and adding the total monthly total phosphorous load for the current reporting month.

PART I

Section A. Limitations and Monitoring Requirements

4. Outfall and Monitoring Locations



5. Water Quality Studies

If determined necessary by the Department, Commerce Township shall conduct additional studies in the future to document the effects of the increased discharge from Commerce Township Wastewater Treatment Plant on the Redside Dace and other aquatic life located in downstream areas. When the flows from the wastewater treatment plant reach a monthly average of 4.8 MGD, and when flows reach 7.8 MGD, Commerce Township shall schedule a date to meet with the Department to discuss and identify the studies that will best determine the effects of the increased discharge on the survival of the Redside Dace and other aquatic species. Such studies may include, but are not limited to: evaluating the channel geomorphology, the in-stream habitat, downstream wetlands, in-stream temperature and nutrient studies. This condition is not intended to be a limitation on the volume of discharge otherwise authorized by this permit.

PART I

Section A. Limitations and Monitoring Requirements

6. Wetlands Water Level Baseline Study

The permittee shall conduct a twelve-month baseline study of the water levels in the wetlands downstream from the facility between 14 Mile and 13 Mile Roads, commonly known as Haverhill Farms Wetland (immediately downstream of 14 Mile Road) and Haggerty Road Wetland (spanning Haggerty Road immediately upstream of 13 Mile Road). Methods may include stream gauges coupled with topographic surveys of wetland elevation, continuous monitoring or representative sampling, or other appropriate methods reviewed and approved by the Department. The wetland water level baseline study shall be conducted in accordance with the following schedule.

a. Within 180 days after the permit effective date, the permittee shall submit an approvable study plan for conducting the wetland water level baseline study and submitting a report of results to the Department.

b. Within 1 year of the permit effective date, unless otherwise approved by the Department, the permittee shall initiate the twelve-month wetland water level baseline study.

This condition is not intended to be a limitation on the volume of discharge otherwise authorized by this permit.

7. Additional Monitoring Requirements

As a condition of this permit, the permittee shall monitor the discharge from Monitoring Point 002A for the constituents listed below. This monitoring is an application requirement of 40 CFR 122.21(j), effective December 2, 1999. Testing shall be conducted in August 2007, May 2008, March 2009, and October 2010. Grab samples shall be taken for available cyanide, total phenols, and parameters listed under Volatile Organic Compounds. For all other parameters, 24-hour composite samples shall be taken.

Test species for whole effluent toxicity monitoring shall include fathead minnow **and** *Ceriodaphnia dubia*. If the permittee has received Department approval to conduct chronic toxicity testing using the more sensitive species identified in the toxicity database, the first three (3) tests required above may be performed using the more sensitive species. The last (4^{th}) test shall be conducted using both species. Testing and reporting procedures shall follow procedures contained in EPA-821-R-02-013, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (Fourth Edition)." When the effluent ammonia nitrogen (as N) concentration is greater than 3 mg/l, the pH of the toxicity test shall be maintained at a pH of 8 Standard Units. Acute and chronic toxicity data shall be included in the reporting for the toxicity test results. Toxicity test data acceptability is contingent upon the validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

The results of such monitoring shall be submitted with the application for reissuance (see the cover page of this permit for the application due date). The permittee shall notify the Department within 14 days of completing the monitoring for each month specified above in accordance with Part II.C.5. Additional reporting requirements are specified in Part II.C.10. The permittee shall report to the Department any whole effluent toxicity test results greater than 1.0 TU_A or 1.0 TU_C within five (5) days of becoming aware of the result. If, upon review of the analysis, it is determined that additional requirements are needed to protect the receiving waters in accordance with applicable water quality standards, the permit may then be modified by the Department in accordance with applicable laws and rules.

Whole Effluent Toxicity
chronic toxicity

Hardness
calcium carbonate

Metals (Total Recoverable), Cyanide and Total Phenols (Quantification levels in parentheses)

antimony (1 µg/l)	arsenic (1 µg/l)	barium (5 µg/l)	beryllium (1 µg/l)
boron (20 µg/l)	cadmium (0.2 µg/l)	chromium (5 µg/l)	lead (1 µg/l)
nickel (5 µg/l)	selenium (1 µg/l)	silver (0.5 µg/l)	thallium (1 µg/l)
total phenolic compounds	zinc (5 µg/l)	available cyanide (2 µg/l) using Method OIA - 1677	

PART I

Section A. Limitations and Monitoring Requirements

Volatile Organic Compounds

acrolein	acrylonitrile	benzene	bromoform
carbon tetrachloride	chlorobenzene	chlorodibromomethane	chloroethane
2-chloroethylvinyl ether	chloroform	dichlorobromomethane	1,1-dichloroethane
1,2-dichloroethane	trans-1,2-dichloroethylene	1,1-dichloroethylene	1,2-dichloropropane
1,3-dichloropropylene	ethylbenzene	methyl bromide	methyl chloride
methylene chloride	1,1,2,2,-tetrachloroethane	tetrachloroethylene	toluene
1,1,1-trichloroethane	1,1,2-trichloroethane	trichloroethylene	vinyl chloride

Acid-Extractable Compounds

p-chloro-m-creso	2-chlorophenol	2,4-dichlorophenol	2,4-dimethylphenol
4,6-dinitro-o-cresol	2,4-dinitrophenol	2-nitrophenol	4-nitrophenol
pentachlorophenol	phenol	2,4,6-trichlorophenol	

Base/Neutral Compounds

acenaphthene	acenaphthylene	anthracene	benzidine
benzo(a)anthracene	benzo(a)pyrene	3,4-benzofluoranthene	benzo(ghi)perylene
benzo(k)fluoranthene	bis(2-chloroethoxy)methane	bis(2-chloroethyl)ether	bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate	4-bromophenyl phenyl ether	butyl benzyl phthalate	2-chloronaphthalene
4-chlorophenyl phenyl ether	chrysene	di-n-butyl phthalate	di-n-octyl phthalate
dibenzo(a,h)anthracene	1,2-dichlorobenzene	1,3-dichlorobenzene	1,4-dichlorobenzene
3,3'-dichlorobenzidine	diethyl phthalate	dimethyl phthalate	2,4-dinitrotoluene
2,6-dinitrotoluene	1,2-diphenylhydrazine	fluoranthene	fluorine
hexachlorobenzene	hexachlorobutadiene	hexachlorocyclo-pentadiene	hexachloroethane
indeno(1,2,3-cd)pyrene	isophorone	naphthalene	nitrobenzene
n-nitrosodi-n-propylamine	n-nitrosodimethylamine	n-nitrosodiphenylamine	phenanthrene
pyrene	1,2,4-trichlorobenzene		

8. Pollutant Minimization Program for Total Mercury

This condition is required only upon written notification by the Department, as specified in Part I.A.1.g and Part I.A.2.g. The goal of the Pollutant Minimization Program is to maintain the effluent concentration of total mercury at or below 1.3 ng/l. Within 180 days of the written notification, the permittee shall submit to the Department an approvable Pollutant Minimization Program for mercury designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

a. an annual review and semi-annual monitoring of potential sources of mercury entering the wastewater collection system;

b. a program for quarterly monitoring of influent and periodic monitoring of sludge for mercury; and

c. implementation of reasonable cost-effective control measures when sources of mercury are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

On or before March 31 of each year, the permittee shall submit a status report for the previous calendar year to the Department that includes 1) the monitoring results for the previous year, 2) an updated list of potential mercury sources, and 3) a summary of all actions taken to reduce or eliminate identified sources of mercury.

Any information generated as a result of the Pollutant Minimization Program set forth in this permit may be used to support a request to modify the approved program or to demonstrate that the Pollutant Minimization Program requirement has been completed satisfactorily.

A request for modification of the approved program and supporting documentation shall be submitted in writing to the Department for review and approval. The Department may approve modifications to the approved program (approval of a program modification does not require a permit modification), including a reduction in the frequency of the requirements under items a. & b. if the data indicate that the 12-month rolling average mercury concentration is less than 5 ng/l.

PART I

Section A. Limitations and Monitoring Requirements

The permittee may choose to demonstrate that the program is complete and request removal of the program from the permit. Such request and supporting documentation demonstrating that the goal is being achieved shall be submitted in writing to the Department. If the Department determines that the request is approvable, this permit may be modified in accordance with applicable laws and rules to remove this requirement.

This permit may be modified in accordance with applicable laws and rules to include additional mercury conditions and/or limitations as necessary.

9. Storm Water Pollution Prevention Plan

The permittee is authorized to discharge storm water associated with industrial activities as defined in 40 CFR 122.26(b)(14). These storm water discharges shall be controlled in accordance with the requirements of this special condition. The permittee has developed and implemented a Storm Water Pollution Prevention Plan (plan). The permittee shall continue implementation of the plan for maximum control of significant materials (as defined in Part II.A.) so that storm water discharges will not cause a violation of the Water Quality Standards. The plan shall be routinely reviewed and updated in accordance with the requirements of this Special Condition.

a. Source Identification

To identify potential sources of significant materials that can enter storm water and subsequently be discharged from the facility, the plan shall, at a minimum, include the following:

1) A site map identifying the following: buildings and other permanent structures; storage or disposal areas for significant materials; secondary containment structures; storm water discharge outfalls (numbered for reference); location of storm water inlets contributing to each outfall; location of NPDES permitted discharges other than storm water; outlines of the drainage areas contributing to each outfall; structural runoff controls or storm water treatment facilities; areas of vegetation; areas of exposed and/or erodible soils; impervious surfaces (roofs, asphalt, concrete); name and location of receiving water(s); and areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the Michigan Act.

2) A list of all significant materials that could enter storm water. For each material listed, the plan shall include the following descriptions:

a) ways in which each type of material has been or has reasonable potential to become exposed to storm water (e.g., spillage during handling; leaks from pipes, pumps, and vessels; contact with storage piles; waste handling and disposal; deposits from dust or overspray, etc.);

b) identification of the outfall or outfalls through which the material may be discharged if released;

c) a listing of spills and leaks of polluting materials in quantities reportable under the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code) that occurred at areas that are exposed to precipitation or that otherwise discharge to a point source at the facility. The listing shall include spills and leaks that occurred over the three (3) years prior to the completion of the plan or latest update of the plan; the date, volume and exact location of release; and the action taken to clean up the material and/or prevent exposure to storm water runoff or contamination of surface waters of the state. Any release that occurs after the plan has been developed shall be controlled in accordance with the plan and is cause for the plan to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss; and

d) If there is a Total Maximum Daily Load (TMDL) established by the Department for the receiving waters, which restricts the discharge of any of the identified significant materials or constituents of those materials, then the SWPPP shall identify the level of control for those materials necessary to comply with the TMDL, and an estimate of the current annual load of those materials via storm water discharges to the receiving stream.

3) An evaluation of the reasonable potential for contribution of significant materials to runoff from at least the following areas or activities: loading, unloading, and other material handling operations; outdoor storage,

PART I

Section A. Limitations and Monitoring Requirements

including secondary containment structures; outdoor processing activities; significant dust or particulate generating processes; discharge from vents, stacks and air emission controls; on-site waste disposal practices; maintenance and cleaning of vehicles, machines and equipment; sites of exposed and/or erodible soil; sites of environmental contamination listed under Part 201 (Environmental Response) of the Michigan Act; areas of significant material residue; and other areas where storm water may contact significant materials.

4) a summary of existing storm water discharge sampling data (if available) describing pollutants in storm water discharges associated with industrial activity at the facility. This summary shall be accompanied by a description of the suspected source(s) of the pollutants detected.

b. Preventive Measures and Source Controls, Non-Structural
To prevent significant materials from contacting storm water at the source, the plan shall, at a minimum, include the following non-structural controls:

1) Description of a program for routine preventive maintenance which includes requirements for inspection and maintenance of storm water management and control devices (e.g., cleaning of oil/water separators and catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. A log of the inspection and corrective actions shall be maintained on file by the permittee, and shall be retained in accordance with Record Keeping, below.

2) A schedule for comprehensive site inspection to include visual inspection of equipment, plant areas, and structural pollution prevention and treatment controls to be performed at least once every six (6) months. A report of the results of the comprehensive site inspection shall be prepared and retained in accordance with Record Keeping, below. The report shall identify any incidents of non-compliance with the plan. If there are no reportable incidents of non-compliance, the report shall contain a certification that the facility is in compliance with this plan.

3) A description of good housekeeping procedures to maintain a clean, orderly facility.

4) A description of material handling procedures and storage requirements for significant materials. Equipment and procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The procedures shall identify measures to prevent the spilled materials or material residues on the outside of containers from being discharged into storm water. The plan may include, by reference, requirements of either a Pollution Incident Prevention Plan (PIPP) prepared in accordance with the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 264 and 265 Subpart D, as required by Part 111 of the Michigan Act; or a Spill Prevention Control and Countermeasure (SPCC) plan prepared in accordance with 40 CFR 112.

5) Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall also identify measures used to control soil erosion and sedimentation.

6) A description of employee training programs which will be implemented to inform appropriate personnel at all levels of responsibility of the components and goals of the plan. The plan shall identify periodic dates for such training.

7) Identification of actions to limit the discharge of significant materials in order to comply with TMDL requirements.

8) Identification of significant materials expected to be present in storm water discharges following implementation of non-structural preventative measures and source controls.

PART I

Section A. Limitations and Monitoring Requirements

c. Structural Controls for Prevention and Treatment

Where implementation of the measures required by Preventive Measures and Source Controls, Non-Structural, above, does not control storm water discharges in accordance with Water Quality Standards, below, the plan shall provide a description of the location, function, and design criteria of structural controls for prevention and treatment. Structural controls may be necessary:

1) to prevent uncontaminated storm water from contacting or being contacted by significant materials, and/or

2) if preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with Water Quality Standards, below.

d. Keeping Plans Current

1) The permittee shall review the plan on or before June 1 of each year, and maintain written summaries of the reviews. Based on the review, the permittee shall amend the plan as needed to ensure continued compliance with the terms and conditions of this permit.

2) The plan shall also be updated or amended whenever changes or spills at the facility increase or have the potential to increase the exposure of significant materials to storm water, or when the plan is determined by the permittee or the Department to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Updates based on increased activity at the facility shall include a description of how the permittee intends to control any new sources of significant materials or respond to and prevent spills in accordance with the requirements of Source Identification; Preventive Measures and Source Controls, Non-Structural; and Structural Controls for Prevention and Treatment, above.

3) The Department may notify the permittee at any time that the plan does not meet minimum requirements. Such notification shall identify why the plan does not meet minimum requirements. The permittee shall make the required changes to the plan within 30 days after such notification from the Department, and shall submit to the Department a written certification that the requested changes have been made.

e. Certified Storm Water Operator

The permittee shall have a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act. The certified storm water operator shall have supervision over the facility's storm water treatment and control measures included in the plan. If the certified storm water operator is changed or an additional certified storm water operator is added, the permittee shall provide the name and certification number of the new operator to the Department. The new operator shall review and sign the plan.

f. Signature and Plan Review

1) The plan shall be signed by the certified storm water operator and by either the permittee or an authorized representative in accordance with 40 CFR 122.22. The plan shall be retained on site of the facility that generates the storm water discharge.

2) The permittee shall make plans, reports, log books, runoff quality data, and supporting documents available upon request to the Department or authorized representative.

g. Record Keeping

The permittee shall maintain records of all inspection and maintenance activities. Records shall also be kept describing incidents such as spills or other discharges that can affect the quality of storm water runoff. All such records shall be retained for three (3) years.

h. Water Quality Standards

At the time of discharge, there shall be no violation of the Water Quality Standards in the receiving waters as a result of this discharge. This requirement includes, but is not limited to, the following conditions:

PART I

Section A. Limitations and Monitoring Requirements

1) In accordance with Rule 323.1050 of the Water Quality Standards, the receiving waters shall not have any of the following unnatural physical properties in quantities which are or may become injurious to any designated use: unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge.

2) Any unusual characteristics of the discharge (i.e., turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be reported within 24 hours to the Department followed with a written report within five (5) days detailing the findings of the investigation and the steps taken to correct the condition.

3) Any pollutant for which a level of control is specified to meet a Total Maximum Daily Load (TMDL) established by the Department shall be controlled at the facility so that its discharge is reduced by the amount specified in the waste load allocation of the TMDL. Any reduction achieved through implementation of the non-structural controls or structural controls in accordance with Preventive Measures and Source Controls, Non-Structural; and Structural Controls for Prevention and Treatment, above, shall count toward compliance with the TMDL.

i. Prohibition of Non-storm Water Discharges
Discharges of material other than storm water shall be in compliance with an NPDES permit issued for the discharge. Storm water shall be defined to include the following non-storm water discharges provided pollution prevention controls for the non-storm water component are identified in the plan: discharges from fire hydrant flushing, potable water sources including water line flushing, fire system test water, irrigation drainage, lawn watering, routine building wash down which does not use detergents or other compounds, pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material have been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated groundwater, and foundation or footing drains where flows are not contaminated with process materials such as solvents. Discharges from fire fighting activities are authorized by this permit, but do not have to be identified in the plan.

10. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Section 324.3112a of the Michigan Act, 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 entity 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 Michigan Act, 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.

PART I

Section A. Limitations and Monitoring Requirements

11. 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 B. Schedule of Compliance

1. Schedule for Final Effluent Limits

Based on the permit application, and the basis of design for expansion of the Commerce Township Wastewater Treatment Plant to provide treatment for up to 8.5 MGD of municipal wastewater a day, the permittee shall achieve compliance with the final effluent limitations for Monitoring Point 002A specified in Part I.A.2, in accordance with the following schedule. All submittals shall be to the Department. The Basis of Design Report for the expanded Wastewater Treatment Plant was approved by the Department on August 1, 2006.

a. On or before January 1, 2007, the permittee shall submit approvable final plans and specifications for the expanded wastewater treatment plant and in accordance with the approved basis of design report,

b. On or before September 1, 2007, the permittee shall commence construction of the expanded wastewater treatment plant in accordance with the approved final plans and specifications and the issued Part 41 construction permit.

c. On or before February 1, 2009, the permittee shall complete construction and place into operation the expanded wastewater treatment plant. Upon placing the expanded wastewater treatment plant in to operation, the permittee shall comply with the requirements of Part I A.2 of this permit.

d. On or before August 1, 2009, the permittee shall submit a Project Performance Certification (PPC) Report. This PPC Report shall demonstrate whether the expanded wastewater treatment plant was constructed in accordance with 1) the criteria in the approved Basis of Design Report, and 2) the approved plans and specifications.

e. The permittee shall submit reports to the Department when monthly average flow first reaches 80 percent (1.92 MGD), and 90 percent (2.16 MGD) of the current wastewater treatment plant capacity (2.4 MGD). These reports are due by the 15th of the month following the month when these flows are first reached. The reports shall indicate the expected date when the annual average wastewater treatment plant capacity of 2.4 MGD is expected to be exceeded. Based on these reports, the Department may reopen this permit and revise the compliance schedule in items b. through d. as necessary. In addition, such reports may also serve to support a request by the permittee to modify the above schedule.

2. Nondomestic User Survey

a. On or before January 1 of each year, the permittee shall submit the results of a detailed user survey which identifies all Nondomestic Users of the waste collection system. This survey shall include:

1) A list of all Nondomestic users that includes the following information:

a) The user's names and mailing address, including both the local facility address and the main office address, if different;

b) The principal enterprise(s) of the user; the product(s) produced, and raw material(s) processed; the facility's production rate(s); and the Standard Industrial Classification (SIC) Code(s);

c) The quantity of process wastewater discharged daily and whether the discharge is intermittent or continuous;

d) A description of any pretreatment provided prior to being discharged to the municipal collection system;

e) A description of the wastewater characteristics in terms of pollutant parameters and concentrations; and

f) A list of any chemicals used, stored, or generated at the facility, including those used for processing, cooling water, boiler water, or other purposes, with an indication of the quantity used and the disposition of spent chemicals, that could potentially cause interference with the operation of the wastewater treatment plant if released into the sanitary sewer system.

PART I

Section B. Schedule of Compliance

2) The survey shall identify those Nondomestic Users which meet the definition in Part II.A. as Significant Industrial Users.

3) The survey shall identify those Nondomestic Users that are hospitals, clinics, nursing homes, schools and commercial operations that use large quantities of cleaners and disinfectants.

b. The permittee shall conduct sampling of Nondomestic User discharges and the collection system on an annual basis in accordance with the plan approved by the Department. The results of this sampling shall be submitted annually with the Nondomestic User Survey

3. Sewer Use Ordinance

The permittee shall develop and implement legal authority in accordance with the following schedule:

a. On or before January 1, 2008, the permittee shall submit written documentation that it has the legal authority to:

1) Require all new nondomestic users to receive approval to discharge to the Commerce Township Wastewater Treatment Plant prior to making application for a sewer connection permit.

2) Require hospitals, clinics, nursing homes, schools, and commercial operations that use large quantities of cleaners and disinfectants to implement Best Management Practices that include substitution of less toxic products where possible and proper storage, use, and disposal of toxic chemicals where product substitution is not an option because of public health and safety concerns.

b. On or before March 1, 2008, the permittee shall submit written procedures to implement the legal authority described in 3.a. to the Department for review and approval.

c. The permittee shall implement the legal authority and procedures upon approval.

4. Facility Education Program

On or before January 1, 2008, the permittee shall submit an approvable program plan to provide education to the facilities that use, store or generate chemicals identified in Part I.B.2.a.1)f) in order to reduce/eliminate the potential for interference with the operation of the wastewater treatment plant due to a release into the sanitary sewer system. Elements of the plan shall include the methods used to provide education, the frequency of contact with the facilities, consideration of requirements under Act 451, Part 5 rules for storage of regulated chemicals, a detailed procedure to notify the wastewater treatment plant should there be a release into the sanitary sewer system from these facilities, as well as any other pertinent information.

The permittee shall implement the facility education program upon plan approval.

5. Influent Monitoring Program

If during any annual Nondomestic User Survey, Part I.B.2. of this permit, any chemicals are identified that could potentially cause interference with the operation of the wastewater treatment plant if released into the sanitary sewer system (Part I.B.2.a.1)f)), the permittee shall conduct an influent monitoring program in accordance with the following:

a. On or before April 1 the permittee shall submit to the Department for review and approval a report that details the following.

1) A summary of chemicals itemized for each Non-Domestic User as required Part I.B.2.a.1)f) of this permit.

2) For each Non-Domestic User that uses, stores or generates chemicals identified in Part I.B.2.a.1)f):

a) Identify the enforceable pretreatment and/or pollution prevention method used to prevent each chemical specified above from entering the waste collection system at levels that exceed acceptable concentrations.

PART I

Section B. Schedule of Compliance

b) Include a plan to acquire, use and maintain (reasonably available) monitoring equipment which will detect specific chemicals of concern or representative parameters, that exceed acceptable concentrations. These devices may be placed at the Nondomestic Users identified above, and/or at the head works of the wastewater treatment plant. Such equipment must be placed to allow sufficient time for the permittee to implement a contingency plan to contain and/or minimize chemicals discharged at levels that exceed acceptable concentrations.

c) Include a contingency plan that describes the actions that the permittee will take in the event that monitoring devices detect specific chemicals that exceed acceptable levels. The contingency plan shall describe the actions the permittee will take to isolate the specific chemicals, and/or minimize deleterious effects that the specific chemicals could have on the proper operations of the wastewater treatment plant.

b. Upon approval by the Department, either the permittee or the identified Nondomestic Users (in accordance with the enforceable local ordinances that were submitted under Part I.B.3. of this permit), shall implement the pretreatment and/or pollution prevention methods, monitoring for chemicals, and contingency plans.

PART I

Section C. Industrial Waste Pretreatment Program

1. Industrial Waste Pretreatment Program

It is understood that the permittee does not receive the discharge of any type or quantity of substance which may cause interference with the operation of the treatment works; and, therefore, the permittee is not required to immediately develop an industrial pretreatment program in accordance with Section 307 of the Federal Act. The permittee is required to obtain approval from the Department prior to accepting any such discharge for treatment. The permittee is required to comply with Section 307 of the Federal Act upon accepting any such discharge for treatment. The permittee is required to notify the Department within thirty days if any user discharges or proposes to discharge such wastes to the permittee for treatment.

Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

a. pollutants which cause pass through or interference;

b. pollutants which create a fire hazard or explosion hazard in the sewerage system, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

c. pollutants which will cause corrosive structural damage to the sewerage system; but in no case, discharges with pH less than 5.0, unless the works is specifically designed to accommodate such discharges;

d. solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewerage system resulting in interference;

e. any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment plant;

f. heat in amounts which will inhibit biological activity in the treatment plant resulting in interference; but in no case, heat in such quantities that the temperature at the treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Department, upon request of the permittee, approves alternate temperature limits;

g. pollutants which result in the presence of toxic gases, vapors or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems; and

h. any trucked or hauled pollutants, except at discharge points designated by the permittee.

2 Limited Federal Industrial Pretreatment Program

a. If the Department determines that a limited Industrial Pretreatment Program is required, the permittee shall, upon written notification from the Department, develop and implement an Industrial Pretreatment Program that enables the permittee to detect and enforce against violations of federal, state, and local standards for the protection of the wastewater treatment works, its operation, worker health and safety, and the aquatic environment. This program is required under the authority of Section 307 (b) and (c) and Section 402(b)(8) of the Federal Act; Section 3111, 4102 and 4108 of the Michigan Act, and federal regulations 40 CFR 403, the General Pretreatment Regulations for existing and New Sources of Pollution.

Within 90 days of receiving written notification from the Department that an Industrial Pretreatment Program is required, the permittee shall submit for approval draft versions of sewer use ordinances, statutes, contracts, inter-jurisdictional agreements, and or joint powers agreements necessary to provide the permittee with adequate legal authorities described in 40 CFR 403.8(f)(1)(i through vii) throughout the area served by the permittee's facility. The legal authority shall enable the permittee to:

1) deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the waste collection system by Nondomestic Users;

PART I

Section C. Industrial Waste Pretreatment Program

2) require compliance with applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the permittee, including the specific prohibitions of 40 CFR 403.5 (National Pretreatment Standards: Prohibited Discharges);

3) control, through permit, the contribution to the waste collection system by all Significant Industrial Users;

4) designate hospitals, clinics, nursing homes, schools and commercial operations that use large quantities of cleaners and disinfectants as Significant Industrial Users;

5) require hospitals, clinics, nursing homes, schools and commercial operations that use large quantities of cleaners and disinfectants to implement Best Management Practices that include substitution of less toxic products where possible and proper storage, use and disposal of toxic chemicals where product substitution is not an option because of public health and safety concerns;

6) require compliance schedules for the installation of treatment facilities needed by Nondomestic Users to meet applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the permittee;

7) require the submission of notices and self-monitoring reports from Nondomestic Users to assess and ensure compliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by the permittee;

8) carry out all inspections, surveillance, and monitoring procedures to determine, independent of information supplied by Nondomestic Users, compliance or noncompliance with applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the permittee;

9) seek injunctive relief and assess civil or criminal penalties for noncompliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by the permittee;

10) require Nondomestic Users to install containment facilities to protect the treatment works from accidental spills of any polluting materials;

11) require Nondomestic Users to submit completed nondomestic user survey with sewer connection permit applications; and

12) require installation of monitoring manholes.

b. Within 180 days of the Department’s approval of the sewer use ordinances, statutes, contracts, inter-jurisdictional agreements, and or joint powers agreements necessary to provide the permittee with adequate legal authorities described in 40 CFR 403.8(f)(1)(i through vii) throughout the area served by the permittee's facility the permittee shall submit for approval, and request to implement, a limited Industrial Pretreatment Program. A request for program approval shall include the following:

1) applicable statutes, ordinances, permits, and agreements which have been enacted or adopted by the permittee;

2) a detailed description of the individual control mechanisms which will be used by the permittee to apply applicable Pretreatment Standards and requirements to the Nondomestic Users;

3) a detailed description of the inspection monitoring and other program procedures as required by 40 CFR 403.8(f)(2)(i through vii);

4) a procedure for updating the Nondomestic User list that includes:

i. review and approval of nondomestic user surveys by IPP inspector prior to issuance of sewer connection permits for all businesses;
ii. inspection of all Nondomestic users at least once every five years; and

PART I

Section C. Industrial Waste Pretreatment Program

iii. notification from water department of significant changes in a Nondomestic User's water usage.

5) an Enforcement Response Plan as required by 40 CFR 403.8(f)(5), which includes detailed procedures indicating how the permittee will investigate and respond to instances of Nondomestic User noncompliance;

6) a description of the resources, equipment, and personnel necessary to implement the Industrial Pretreatment Program, including an indication of how the program will be fully funded; and

7) a written technical evaluation of local discharge limits in accordance with 40 CFR 403.5(c).

c. The permittee shall implement and enforce the Industrial Pretreatment Program within one month after approval.

PART I

Section D. Residuals Management Program

1. Residuals Management Program for Land Application of Biosolids

The permittee is authorized to land apply bulk biosolids or prepare bulk biosolids for land application in accordance with the permittee's approved Residuals Management Program (RMP) approved on October 17, 2000 and approved modifications thereto in accordance with the requirements established in R323.2401 through R323.2418 of the Michigan Administrative Code (Part 24 Rules). The approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with Part II.D.7. of this permit. The Part 24 Rules can be obtained via the internet (http:/www.michigan.gov/deq/ and on the left side of the screen click on Water, Biosolids & Industrial Pretreatment, Biosolids then click on Biosolids laws and Rules Information which is under the Laws & Rules banner in the center of the screen).

a. Annual Report

On or before October 30 of each year, the permittee shall submit to the Department an annual report for the previous fiscal year of October 1 through September 30. At a minimum, the report shall contain:

1) a certification that current residuals management practices are in accordance with the approved RMP, or a proposal for modification to the approved RMP; and

2) a completed Biosolids Annual Report Form which can be obtained via the internet (http:/www.michigan.gov/deq/ and on the left side of the screen click on Water, Biosolids & Industrial Pretreatment, Biosolids then click on Biosolids Annual Report Form which is under the Downloads banner in the center of the screen) or from the Department.

b. Modifications to the Approved RMP

Prior to implementation of modifications to the RMP, the permittee shall submit proposed modifications to the Department for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

c. Record Retention

Records required by the Part 24 Rules 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 as long as the site receives biosolids.

PART II

Section A. Definitions

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

Acute toxic unit (TU_A) means $100/LC_{50}$ where the LC_{50} is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

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.

Chronic toxic unit (TU_C) means 100/MATC or $100/IC_{25}$, where the maximum acceptable toxicant concentration (MATC) and IC_{25} are expressed as a percent effluent in the test medium.

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. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the permit, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).

For pH, report the maximum value of any individual sample taken during the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs and the minimum value of any individual sample taken during the month in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. For dissolved oxygen, report the minimum concentration of any individual sample in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

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.

EC_{50} means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

PART II

Section A. Definitions

Fecal coliform bacteria monthly is the geometric mean of the samples collected in a calendar month (or 30 consecutive days). The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.

Fecal coliform bacteria 7-day is the geometric mean of the samples collected in any 7-day period. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

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

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

IC_{25} means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference.]

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

LC_{50} means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

MGD means million gallons per day.

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.

Monthly concentration is the sum of the daily concentrations determined during a reporting month (or 30 consecutive days) divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

PART II

Section A. Definitions

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined in the reporting month (or 30 consecutive days). The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMRs.

National Pretreatment Standards are the regulations promulgated by or to 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.

No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact Cooling Water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Partially treated sewage is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's National Pollutant Discharge Elimination System permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

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.

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

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

PART II

Section A. Definitions

Significant Materials Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111 of the Michigan Act; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to 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.

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.

Yearly 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.

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.

3-Portion Composite sample is a sample consisting of three equal volume grab samples collected at equal intervals over an 8-hour period.

7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs.

7-day loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during any 7 consecutive days in a reporting month. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMRs.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (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 promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The permittee may use such procedures upon 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.

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 three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

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. Submittal Requirements for Self-Monitoring Data

Unless instructed on the effluent limits page to conduct "retained self-monitoring," the permittee shall submit self-monitoring data on the Environmental Protection Agency's Discharge Monitoring Report (DMR) forms (monthly summary information) and the Department's Daily Discharge Monitoring Report forms (daily information) to PCS-Data Entry, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773, for each calendar month of the authorized discharge period(s). The forms shall be postmarked no later than the **10th day of the month** following each month of the authorized discharge period(s). Electronic Environmental Discharge Monitoring Reporting (**e2-DMR**) System participants shall submit self-monitoring data for each month of the authorized discharge period(s). The electronic forms shall be submitted to the department no later than the **20th 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. For information on the electronic submittal of this information, contact the Department or visit the ***e2-Reporting*** website @ https://secure1.state.mi.us/e2rs/ - click on "about e-DMR" to download the **Facility Participation Package.**

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Water Bureau, Michigan Department of Environmental Quality (in the case of hospitals, nursing homes and extended care facilities, to the staff of the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services). Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge.

4. 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 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.

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.

PART II

Section C. Reporting Requirements

6. Noncompliance Notification

Compliance with all applicable 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:

a. 24-hour reporting - Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) 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.

b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge 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 of the noncomplying discharge.

7. 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 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.

8. 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.

PART II

Section C. Reporting Requirements

9. 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 0.b. or 0.c. below.

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 0.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 0.a., 0.b., 0.c., and 0.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. 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.

10. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

PART II

Section C. Reporting Requirements

11. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

12. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of Rules 323.1098 and 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

13. 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.

PART II

Section D. Management Responsibilities

1. 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, 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. 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 Michigan Act. 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 Michigan Act.

3. 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.

4. 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.

5. 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 effluent 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.

6. 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 Michigan Act.

PART II

Section D. Management Responsibilities

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased 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 Michigan Act, Part 31 for 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.

8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department or the Regional Administrator, 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 discharge of pollutants.

9. 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, 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 Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the Michigan Act.

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

Except as provided in permit conditions on "Bypass" (Part II.C.0. pursuant to 40 CFR 122.41(m)), 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.