PERMIT NO. MIG610000

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE GENERAL PERMIT

Storm Water Discharges from
Municipal Separate Storm Sewer Systems (MS4s) – Watershed General Permit

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, storm water is authorized to be discharged from the Municipal Separate Storm Sewer Systems (MS4s) of those permittees specified in individual "certificates of coverage" in accordance with the conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (the "permit").

The applicability of this permit shall be for point source discharges of storm water from MS4 owners or operators that have submitted complete applications for coverage under this permit. Discharges that have been determined by the Michigan Department of Environmental Quality (the "Department") to need an individual NPDES permit or coverage under the NPDES general permit "Storm Water Discharges from MS4s – Jurisdictional Permit," are not authorized by this permit.

In order to constitute a valid authorization to discharge, this permit must be complemented by a Certificate of Coverage (COC) issued by the Department. The items to be listed in the COC are identified on the following page.

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

This permit shall take effect upon 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 the applicable laws and rules.

This permit shall expire at midnight, **April 1, 2013**.

Issued May 22, 2008.

William Creal, Chief
Permits Section
Water Bureau

PERMIT FEE REQUIREMENTS

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 the occurrence of a 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.

CONTESTED CASE INFORMATION

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

ITEMS TO BE IDENTIFIED IN THE COC

The following will be identified in the COC:

- The watershed boundaries that are to be covered by a Watershed Management Plan (WMP), referred to as "regulated watersheds"
- Receiving waters to which the permittee discharges
- Approved Total Maximum Daily Loads (TMDLs) applicable to the receiving waters and storm water discharges
- The submittal date for the process or revised/updated process to facilitate the involvement of the watershed jurisdictions and the public [i.e., the Public Participation Process (PPP)] in the development and implementation of a WMP or revised/updated WMP
- The submittal date for the WMP or revised/updated WMP
- The submittal date for the Storm Water Pollution Prevention Initiative (SWPPI), which includes the Illicit Discharge Elimination Plan (IDEP), the Public Education Plan (PEP), and an implementation schedule or revisions/updates of the SWPPI and implementation schedule
- Any nested jurisdictions for which the permittee is assuming responsibility for permit requirements
- Any deferred areas for a portion of a permittee's urbanized area
- The submittal date for joint reporting requirements and progress reports.

PUBLIC PARTICIPATION IN A PROPOSED COC

Proposed COCs, their applications, and other documents related to requests for coverage under this permit will be posted on the Department Web site for a period of 14 days prior to the issuance of each COC. Any person may file comments with the Department on these documents. Any person may request a public hearing on a proposed COC. The Department may reject as untimely any comments or public hearing requests filed after the 14-day public notice period.

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PART I

Section A. Effluent Limits and Monitoring

1. Authorized Discharges

a. Eligible Permittees
Except as excluded below, any public body that owns or operates an MS4 may be eligible for coverage under this permit.

The Department will determine eligibility for coverage under this permit on a case-by-case basis. Coverage will be granted only if the Department determines there is a sufficient number of participating watershed partners to develop an effective WMP.

A permittee may have, within its political or territorial boundaries, "nested" MS4s owned or operated by public bodies that include, but are not limited to, public school districts; public universities; or county, state, or federal agencies. If the permittee assumes responsibility for the permit requirements where a nested jurisdiction owns or operates an MS4, including identification of the discharge points for the nested jurisdiction's MS4, then the nested jurisdiction does not need to apply for an MS4 permit and the permittee is authorized for the MS4 discharges from the nested jurisdiction. Otherwise, the nested jurisdiction shall apply for a permit.

b. Storm Water Discharges by the Permittee
This permit authorizes the discharge of storm water from MS4s to the surface waters of the state only from those discharge points identified in the application submitted by the permittee for coverage under this permit. The discharge points authorized include those identified as a set of discharge points by category in the application. The permittee may obtain authorization for additional discharge points by providing an updated list of discharge points to the Department's Water Bureau, Permits Section.

c. Discharges Authorized under Other NPDES Permits
This permit does not prohibit the use of the MS4 for discharges authorized under other NPDES permits or equivalent Department approval under the Michigan Act or the Federal Act.

2. Discharge Point Location

a. The permittee shall identify the location of each storm water discharge point (i.e., points discharging directly to the surface waters of the state or to any other entity's separate storm sewer system) from the MS4 it owns or operates, as follows:

1) For discharge points identified after submittal of the application, except for those belonging to categories identified under 2), below, the permittee shall provide an updated map which clearly shows the discharge point, the unique identification code or number assigned to the discharge point, and the receiving surface waters of the state. It is highly recommended that the permittee also establish the latitude and longitude of these discharge points.

2) Permittees that have identified a set of discharge points by category related to their MS4s in their permit applications shall identify the location of each discharge point for which specific location information has not yet been determined as follows:

a) For permittees with less than 1,500 estimated discharge points to identify, this requirement shall be completed by the due date for discharge point locations in the permittee's COC issued under this permit. For each discharge point identified, the permittee shall include in the progress report at Part I.B.1.b.1., a specific discharge location, a unique identification code or number, and the receiving surface water of the state.

b) For permittees with more than 1,500 estimated discharge points to identify, this requirement shall be completed within this and the next permit cycle by the due date for discharge point locations in the permittee's COC issued under this permit. For each discharge point identified, the permittee shall include in the progress report at Part I.B.1.b.1., a specific discharge location, a unique identification code or number, and the receiving surface water of the state.

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In both cases, reasonable and regular progress shall be made in the identification of discharge points. Such progress shall be documented in the progress reports.

3) For discharge points constructed or installed after submittal of the application, the permittee shall provide an updated map clearly showing the location of the discharge point, the unique identification code or number assigned to the discharge point, the latitude and longitude of the discharge point, and the receiving surface waters of the state.

b. All discharge point locations 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.

c. Submittals of discharge point information under Parts I.A.2.a.1 and I.A.2.a.3 are required in order for the permittee to obtain authorization from the Department to discharge from those discharge points.

3. Public Participation Process (PPP) and Watershed Management Plan (WMP)

The permittee shall participate in the development and implementation of a joint Watershed Management Plan (WMP). The purpose of the WMP is to identify and execute the actions needed to resolve water quality and quantity concerns by fostering cooperation among the various public and private entities in the watershed.

a. PPP

People most affected by watershed management decisions should participate in the development and implementation of the WMP and shape key decisions. By the date specified in the COC, the process to facilitate the involvement of the watershed jurisdictions and the public (i.e., "the Public Participation Process") in the development of the WMP shall be submitted to the Department. A person, group, or agency responsible for coordinating the development of the WMP shall be identified. Where multiple permittees are responsible for submittal of a WMP for the same watershed, there shall be one coordinated public participation process, which shall be described in a joint submittal or separately by each permittee. (See also Part I.A.3.c.)

Where a WMP and PPP already have been developed, in lieu of preparing a PPP, the existing PPP shall be revised and submitted as a joint plan to the Department by the date specified in the COC. The revision shall:

- Focus on methods of educating the public on the needs and goals of the WMP and involving them in its update and implementation.
- Ensure that all stakeholders are invited.
- Include an updated timeline that reflects public involvement in revising and implementing the WMP.
- Include any additional changes reflective of current conditions (e.g., responsible parties, contact information, communication mechanisms, etc.).

The permittees shall participate in the implementation of the PPP or revisions to the PPP upon submittal.

b. WMP

The WMP shall cover the watershed(s) identified in the COC. By the date specified in the COC, the permittee shall submit the WMP or revised/updated WMP to the Department. Where multiple permittees are responsible for submittal of a WMP for the same watershed, one WMP shall be submitted on behalf of all the permittees. The permittees may submit a demonstration that no revision is needed, if the demonstration is based on the "Methods for evaluation of effectiveness," in Part I.A.3.b.7. of this permit, and the triggers for revision in Part I.A.3.b.9. of this permit. (Note: The WMP requirement may be deferred until a later time for a portion of the permittee's jurisdiction. The WMP shall not be deferred for the permittee's entire urbanized area. Any portion of the jurisdiction that is deferred will be indicated in the COC.)

The permittee may choose to demonstrate that a watershed other than that specified in the COC is appropriate. This demonstration shall be submitted to the Department for approval.

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The Department's "Developing a Watershed Management Plan for Water Quality: An Introductory Guide" (February 2000) should be used as a guide in establishing a framework for the WMP. It is available on the Web at www.michigan.gov/deqnps, then select "Developing an Approvable Watershed Management Plan" under the Information and Education heading.

The WMP, or revised WMP, as specified by the COC, should contain the following components:

1) A summary of the PPP
   - A description of how public input and comment were solicited.
   - The roles and responsibilities of the partners involved in the development and implementation of the WMP.

2) An assessment of the nature and status of the watershed
   - A watershed map that clearly shows the watershed boundaries, the location of surface waters, and a description of the watershed, including such information as land use, predominant soil types, significant natural features, and hydrology
   - A list of the designated uses and whether or not they are being met
   - A description of the water quality threats and water quality impairments, if applicable, as they pertain to the designated uses.
   - A list of the desired uses for the watershed which are not directly tied to the designated uses or water quality; for example, installing a recreational trail along a river
   - A description of the local programs, projects, and ordinances that currently improve or degrade water quality
   - Beneficial and/or impaired uses identified in the Area of Concern (AOC) or Remedial Action Plan (RAP) documents, where applicable

3) Identification of priority problems and opportunities
   - Waterways included on the 303(d) list
   - TMDLs established for a pollutant within the watershed
   - A description of the known or suspected cause of each threat or impaired use, including specific pollutants
   - A description of the sources of the pollutants causing the impairments or threats, and those that are critical to control in order to meet water quality standards or other water quality goals (including a description of the source inventory and prioritization process)

Note: Information on approved TMDLs is available on the Internet at: www.michigan.gov/deqwater; on the right side under "Quick Links" click on "Total Maximum Daily Load (TMDL) Assessment." Other identified use impairments are available on the Web at: www.michigan.gov/deqnps. Follow the Quick Link to Nonpoint Source Monitoring and Assessment, then Assessment of Michigan Waters, and then "Water Quality and Pollution Control in Michigan 2006 Sections 303(d), 305(b), and 314 Integrated Reports" under the Information banner.

4) Identification of the goals and environmental objectives based on the condition or vulnerability of resources, the needs of the aquatic ecosystem, and the people within the community
   - A description of the long-term goals for the watershed, which should include the protection of the designated uses of the receiving waters as defined in Michigan's Water Quality Standards
   - A description of the measurable objectives for the watershed that will work toward meeting the long-term goals

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5) Specific management options and action plans
- A description of the actions needed to achieve the measurable objectives and long-term goals for the watershed, including one or more of the following:
  - Best management practices needed, including physical improvements
  - Land use management tools
  - Information and educational activities
  - Activities needed to institutionalize watershed protection
- A timeline for the actions identified above

6) Commitments to implement the action plan
- Identification of responsibilities to implement actions by the specified dates necessary to initiate achievement of the measurable objectives and long-term goals
- Specific commitments by the permittee to meet the requirements of the SWPPI shall be included in the SWPPI

7) Methods for evaluation of effectiveness

Identification of methods for the evaluation of progress, which may include:
- Chemical water quality monitoring, such as nutrients.
- Physical water quality monitoring, such as temperature, habitat, erosion indices, or streamflow.
- Biological indicators, such as insects and fish.
- Photographic or visual evidence, such as before and after photos.
- Compilation of the number and location of the Best Management Practices (BMP) implemented.
- Pollutant loading reduction measurements.
- Public surveys, such as baseline and follow-up surveys, to evaluate changes in knowledge and behavior.
- Focus groups, to determine the effectiveness of project activities.

Permittees may meet this component by working collaboratively with their watershed partners to develop and implement a watershed-wide effectiveness program. This may include watershed-wide monitoring that can be used to evaluate the effectiveness of the overall activities in meeting the public education objectives, water quality standards, and determining the priority areas for future implementation activities.

8) Identifying disagreements
- Significant components of the WMP that do not have the complete agreement of the participants shall be detailed in an appendix to the WMP [including a description of the WMP component, identification of participants who disagreed with the component, the reasons for the disagreement, and suggested or planned alternatives (if appropriate)].
- A permittee who receives a COC under this permit after the WMP is completed shall document any disagreements in a letter to the person, group, or agency coordinating the development/oversight of the WMP, which shall be included in an appendix to the WMP.

9) Plan revision or update

Description of the procedures that will be used to revise/update the WMP that, at a minimum, should consider:
- Identifying the party(ies) responsible for revising/updating the WMP.
- Delineating a schedule of events needed to revise/update the WMP in accordance with the due date specified in the COC.
- Identifying the triggers for revision, such as:
  - The WMP does not meet the criteria for the WMP detailed in Part I.A.3.b.1-8.
  - Permittee-specific commitments in the WMP have expired.
  - Evaluation of the WMP indicates that modifications are needed to achieve goals, objectives, etc.

A WMP developed under the Watershed General Permit should include the identification of any undesirable impacts on the receiving water caused by wet weather discharges from the MS4s and the measures necessary to mitigate the impacts. Because these are also goals of a SWPPI (see Part I.A.4. of this permit), permittees are encouraged to draw upon applicable WMP actions to fulfill SWPPI requirements.

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c. Joint Requirements

Watershed planning requires permittees to work jointly on the following requirements of this permit:

- Developing a comprehensive WMP that includes the information identified in this Part.
- Maintaining a Public Participation Process throughout the development and implementation of the WMP.
- Updating/revising the WMP as necessary.

Failure to complete the joint requirements could result in the Department requiring the permittee to get discharge authorization under a jurisdictional general permit or an individual permit. With the exception of the discharge point requirements in Part I.A.2. of this permit and the SWPPI requirements in Part I.A.4. of this permit, the Department will rely upon and encourage voluntary and collaborative efforts of the watershed stakeholders for implementation of the WMP.

d. Multiple Watershed Plans

The term "Watershed Management Plan" or "WMP," as used in this permit, may refer to a single plan, or multiple plans for the permittee that has more than one.

Where full participation in multiple watershed (or subwatershed) advisory groups by one permittee may be difficult because of limitations on staff and resources, the permittee may identify a "primary watershed" and concentrate its efforts there. For the remaining "secondary" watershed(s), the permittee shall, at a minimum:

1) Be involved in the Public Participation Process.
2) Share the necessary information regarding the assessment of the watershed in its jurisdiction.
3) Review actions in the WMPs and consider them for implementation.
4) Certify in the progress reports that the permittee reviewed the WMPs.
5) If applicable, include details of disagreements to WMP components, to be included in an appendix to the WMP.

For the "primary watershed," the permittee shall perform all activities required in the WMP, as detailed in Part I.A.3.b.1-8., and actively participate in watershed or subwatershed meetings.

If a permittee's jurisdiction spans multiple watersheds, but it does not own or operate MS4s in all of those watersheds, then the watersheds where the permittee owns or operates MS4s within an urbanized area shall be identified in the COC as its "regulated watersheds," unless the permittee and the Department agree to have other watersheds identified. The Department encourages the permittee to be involved in watershed activities within its jurisdiction for watersheds that are not listed in the COC.

4. Storm Water Pollution Prevention Initiative (SWPPI)

a. SWPPI Submission

1) Standard Requirements

By the date specified in the COC, the permittee shall submit a SWPPI or revised/updated SWPPI to the Department. The permittee shall implement the SWPPI upon submittal. The permittee is encouraged to collaborate with the Department on major SWPPI components and review those items that would require major local government resources in order to secure Department agreement prior to SWPPI submittal. A SWPPI shall be considered complete and approved upon submittal if it meets the requirements in Part I.A.4.b. of this permit

For the convenience of a single implementation document, the permittee may wish to list all WMP actions in the SWPPI document. Any WMP actions included in the SWPPI that are not necessary to meet the requirements in Part I.A.4.b. of this permit must be clearly denoted as "voluntary WMP actions" and placed in an appendix to the SWPPI. Otherwise, these actions will be considered enforceable effluent limitations.

2) Alternative Approaches

Permittees that are interested in alternative approaches are strongly encouraged to collaborate with their watershed partners to seek innovative watershed-based alternatives for meeting SWPPI requirements, where allowed in the permit.

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Alternative approaches are allowed for any of the standard SWPPI requirements in Part I.A.4.b. of this permit, except where restricted by the permit. Requests for alternative approaches, along with details of the alternatives, shall be submitted with the SWPPI, by the SWPPI submittal date identified in the COC. The permittee is encouraged to collaborate with the Department on alternative approaches prior to SWPPI submittal.

The permittee shall implement alternative approaches upon approval from the Department. The Department may deny an alternative approach or request that it be modified before approval. If the permittee is notified that an alternative approach is denied, or the requested modifications to the alternative are not completed satisfactorily within six (6) months of SWPPI submittal, or some other date set by the Department, then the permittee shall revise the SWPPI to replace the alternative with the applicable standard permit requirement(s) and begin implementation of those standard requirements within 90 days of notification from the Department.

Alternative approach submittals shall include clearly-defined methods for evaluating their effectiveness and a description of why the alternative approach will be at least as effective as the standard permit requirement.

Approved alternative approaches become part of the SWPPI. Failure to comply with an approved alternative approach, or to implement the alternative by the expiration of the COC issued under this permit, is a violation of this permit.

3) Reopener

The Department may notify the permittee that the SWPPI is deficient in meeting the permit requirements and request modification of the SWPPI to address specific permit requirements. The permittee shall be given 90 days to address the specific concerns, unless a longer timeframe is agreed to by the Department.

The Department may, after notice and opportunity for hearing, modify permit coverage for the permittee, including requiring a jurisdictional general permit or an individual permit, pursuant to Part I.B.4. of this permit.

b. SWPPI Contents

The submitted SWPPI shall, at a minimum, include actions to address the standard requirements in this section (Part I.A.4.b).

Where WMPs are developed under the Watershed General Permit, the SWPPI shall address actions as follows:

- The Public Education Plan (Part I.A.4.b.2.) and Post-Construction Storm Water Control for New Developments and Redevelopment Projects (Part I.A.4.b.4.) shall be designed and implemented to carry out actions across the regulated area.
- All other requirements of Part I.A.4.b. of this permit shall be designed and implemented to carry out actions where the permittee owns and operates MS4s in the regulated area.

1) Total Maximum Daily Load (TMDL)

In order for the SWPPI to be consistent with the requirements and assumptions of the TMDL approved by the United States Environmental Protection Agency (USEPA), as identified in the COC issued under this permit, the SWPPI shall identify and prioritize actions to reduce pollutants in storm water discharges from the MS4 to make progress in meeting Water Quality Standards.

In addition, except as provided under Subsection c) below, the following specific actions shall be taken by the permittee:

a) E. coli: For MS4 discharges to waterbodies that are covered by a TMDL for the pollutant E. coli, the permittee shall conduct the following activities:

(1) Within three years of COC issuance, the permittee shall take at least one representative sample of a storm water discharge from at least 50 percent of the major discharge points discharging directly to surface waters of the state within the portion of the TMDL watershed in the urbanized area. A major discharge point is a pipe or open conveyance measuring 36 inches or more at its widest cross section. At a minimum, the sample shall be analyzed for E coli.

(2) The permittee shall retain these results and report them in the second progress report.

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(3) The permittee shall use these results and other available information to develop and prioritize actions to reduce the discharge of E coli to be consistent with the TMDL. These prioritized actions shall be reported to the Department in the second progress report, with implementation targeted during the five-year permit cycle that begins in 2013.

b) Total Phosphorus: For MS4 discharges to waterbodies that are covered by a TMDL for the pollutant Total Phosphorus, the permittee shall conduct the following activities:

(1) Within three years of COC issuance, the permittee shall take at least one representative sample of a storm water discharge from at least 50 percent of the major discharge points that discharge directly to surface waters of the state within the portion of the TMDL watershed in the urbanized area. A major discharge point is a pipe or open conveyance measuring 36 inches or more at its widest cross section. At a minimum, the sample shall be analyzed for Total Phosphorus.

(2) The permittee shall retain these results and report them in the second progress report.

(3) The permittee shall use these results and other available information to develop and prioritize actions to reduce the discharge of Total Phosphorus to be consistent with the TMDL. These prioritized actions shall be reported to the Department in the second progress report, with implementation targeted during the five-year permit cycle that begins in 2013.

c) Elective Option: Permittees subject to monitoring requirements under Parts I.A.4.b.1.a. (E. coli) or b. (Total Phosphorus) above, may elect to meet these requirements by working collaboratively with their watershed partners to implement a monitoring program within three years of COC issuance to evaluate the effectiveness of the overall activities in meeting water quality standards and determine priority areas for future implementation activities. The monitoring program shall be detailed in the SWPPI and assess the portion of the TMDL watershed in the urbanized area, as listed in the COC, and be based on:

(1) Known water quality deficiencies (use of existing data is encouraged) that are identified as priorities in the watershed plan and incorporated into the SWPPI.

(2) Applicable approved TMDLs listed in the COC.

The design of the monitoring program shall be based on such factors as:

- Applicable approved TMDLs listed in the COC.
- 303(d) listed waters.
- TMDL findings.
- Priorities in the watershed plan.
- Results from the IDEP.
- The availability of existing monitoring data.

(3) The permittee shall keep a record of the monitoring results and submit them in the permittee's progress reports. The results of the monitoring program shall be used to determine which activities are needed to be consistent with E. coli or phosphorus TMDLs identified in the permittee's COC. These activities shall be reported in the second progress report, with implementation targeted during the five-year permit cycle that begins in 2013.

d) In the event that the permittee already has information and a plan for prioritizing and controlling the discharge of E. coli or Total Phosphorus consistent with the TMDL, that plan may be submitted as an alternative approach to Part I.A.4.b.1.a. (E. coli) or b. (Total Phosphorus) above, as applicable.

2) Public Education Plan (PEP)

The permittee shall submit a PEP or updates to an existing PEP to comply with these permit requirements. The PEP shall promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water to the maximum extent practicable. Pollution prevention shall be encouraged.

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Permittees may elect to meet the PEP requirements by working collaboratively with watershed or regional partners to develop, submit, and implement a watershed-wide or regional PEP. A collaborative PEP shall demonstrate that the audiences of all permittees will be targeted. The PEP shall be submitted with the SWPPI.

Whether using an individual or collaborative PEP approach, an individual permittee shall document in its progress report the status of the public education activities targeted at audiences in its jurisdiction, as well as its participation and contribution.

To assist permittees with the PEP requirement, the Department has developed a "Public Education Plan (PEP) Guidance" document. It is available on the internet at www.michigan.gov/deqstormwater; under Information; select "Municipal Program / MS4 Permit Guidance."

a) An adequate PEP will implement a sufficient amount of educational activities to ensure that the targeted audiences are reached with the appropriate message(s) for the following topics:

(1) Responsibility and stewardship in their watershed

(2) The connection of MS4 catch basins, storm drains, and ditches to area waterways, and the potential impacts these could have on the surface waters of the state

(3) Public reporting of illicit discharges or improper disposal of materials into MS4s

(4) The effects and need to minimize the amount of residential or noncommercial wastes discharged into MS4s, including:

- Preferred cleaning materials and procedures for car, pavement, and power washing
- Acceptable application and disposal of pesticides, herbicides, and fertilizers
- Proper disposal practices for grass clippings, leaf litter, and animal wastes that get flushed into MS4s and the surface waters of the state

(5) The availability, location, and requirements of facilities for disposal or drop-off of household hazardous wastes, travel trailer sanitary wastes, chemicals, yard wastes, and motor vehicle fluids

(6) For property owners with septic systems, the proper septic system care and maintenance, and how to recognize system failure

(7) The benefits of using native vegetation instead of non-native vegetation

(8) For permittees with riparian land owners, methods for managing riparian lands to protect water quality

(9) Additional pollutants unique to commercial, industrial, and institutional entities as the need is identified.

b) For all applicable topics, the PEP shall identify the:
(1) Target audience(s).
(2) Key message(s).
(3) Delivery mechanism(s).
(4) Timetable.
(5) Responsible party (or parties).

c) The PEP shall describe a method for determining the effectiveness of the public education program. Permittees may meet this requirement by working collaboratively with their watershed partners to develop and implement a watershed-wide effectiveness program. This may include watershed-wide social monitoring that can be used to evaluate the effectiveness of overall activities in meeting public education objectives and changing social behaviors. These results can be used to determine priority areas for future implementation activities.

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3) **Illicit Discharge Elimination Plan (IDEP)**

The permittee shall submit an IDEP or updates to an existing IDEP to comply with these permit requirements. The permittee shall develop, implement, and enforce a program to detect and eliminate illicit connections and discharges to MS4s. Illicit discharges are not authorized by this permit.

The IDEP shall include the following general requirements:

- An ordinance or other regulatory method for controlling discharges in the MS4 (Part I.A.4.b.3.a. of this permit)
- Identification of areas prioritized for field screening or other investigation methods (Part I.A.4.b.3.b.2. of this permit)
- Procedures for eliminating illicit discharges, pursuing enforcement action, and the development of a system to track the elimination status of illicit discharges and enforcement actions (Part I.A.4.b.3.b.5. of this permit)
- A program to train staff (Part I.A.4.b.3.c. of this permit)
- A method for determining the effectiveness of the illicit discharge elimination program (Part I.A.4.b.3.d. of this permit)

At a minimum, the IDEP program shall include the requirements of Parts I.A.4.b.3.a-d. of this permit, unless an alternative approach is approved by the Department:

a) An ordinance, or other regulatory mechanism where an ordinance is not feasible or appropriate, to effectively prohibit illicit discharges into the MS4 owned or operated by the permittee, and to implement appropriate enforcement actions. At a minimum, the ordinance or other regulatory mechanism shall:

(1) Regulate the contribution of pollutants to the MS4 owned or operated by the permittee.

(2) Prohibit illicit discharges, including the direct dumping or disposal of materials into the MS4 owned or operated by the permittee.

(3) Establish the authority to investigate, inspect, and monitor suspected illicit discharges into the MS4 owned or operated by the permittee.

(4) Require and enforce elimination of illicit discharges and connections into the MS4 owned or operated by the permittee.

Non-Storm Water Discharges

The following non-storm water discharges are not authorized in this document, but do not need to be prohibited by the permittee in accordance with Part I.A.4.b.3.a.2. of this permit, unless the permittee identifies them as significant contributors of pollutants to the regulated separate storm water drainage system:

- Water line flushing and discharges from potable water sources
- Landscape irrigation runoff, lawn watering runoff, and irrigation waters
- Diverted stream flows and flows from riparian habitats and wetlands
- Rising groundwaters and springs
- Uncontaminated groundwater infiltration [as defined by 40 CFR 35.2005(20)]
- Pumped groundwaters (except for groundwater cleanups not specifically authorized by NPDES permits), foundation drains, water from crawl space pumps, footing drains, and basement sump pumps
- Air conditioning condensates
- Waters from non-commercial car washing
- Residual street wash waters
- Discharges or flows from emergency fire fighting activities
- Dechlorinated swimming pool waters from single, two, or three family residences. A swimming pool operated by the permittee shall not be discharged to a separate storm sewer or to the surface waters of the State without specific NPDES permit authorization from the Department.

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b) A program to find and eliminate illicit connections and discharges to the MS4 from commercial, industrial, private educational, public, and residential sources. Unless the Department approves an alternative approach, the program to find and eliminate illicit discharges and connections shall include:

(1) A storm sewer system map, showing the location of all discharge points the permittee owns or operates, and the names and location of all the surface waters of the state that receive discharges from the permittee's MS4. A separate storm sewer system includes: roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, and man-made channels. Maps may include available diagrams, such as certification maps, road maps showing rights-of-way, as-built drawings, diagrams, or other hard copy or digital representation of the storm sewer system. Maps may be accompanied by narrative descriptions for portions of the system.

By the date identified in the COC for the first progress report, or another date as agreed to by the Department for a portion of the storm sewer system, the permittee shall have the above information. This information shall be retained by the permittee and made available to the Department upon request. System information shall be maintained and updated as discharge points are identified or added.

(2) Identification of areas prioritized by the permittee for field screening or other investigation methods for the purpose of maximizing the detection and elimination of illicit discharges. Prioritization shall consider the criteria in Table 1. Highest priority criteria are generally listed toward the top of the table, but a permittee's priority order may vary and some criteria may not be applicable.

Table 1

Prioritization Criteria	Key Characteristics to Consider for Prioritization
Poor Dry Weather Water Quality	Areas where TMDLs have been developed to address pollutants that could originate from illicit discharges or where the available data shows dry-weather water quality criteria are exceeded two or more times in a year are high priorities.
Density of Aging On-Site Disposal Systems (OSDS)	Older septic systems that have exceeded their design life may have failure rates of 25 to 30 percent or more. Areas where the OSDS designs would not be permitted today because of poor soils or small lot sizes, but where older OSDS are still in operation, have a high illicit discharge potential.
Aging or Failing Sewer Infrastructure	Areas where sewer age exceeds its design life; and where clusters of pipe breaks, spills, overflows, or infiltration and inflow are known problems should be given a high priority.
Discharge Complaints and Reports	Any MS4s owned or operated by the permittee with a history of discharge complaints should be given a high priority.
Age and Density of Industrial Operations	Older industrial operations often have floor drains, waste handling areas, gray water, and sanitary facilities connected to storm sewers. Industrial areas also commonly have storm water pollutants related to poor housekeeping practices, so a higher density of industrial operations increases the likelihood of contaminated discharges.
Age of Development	Areas where the average age of the majority of the development exceeds 50 years should be given a higher priority.
Sewer Conversion Areas	Areas where sanitary sewers were added in the last 30 years, and people switched from septic systems, have a high potential for illicit taps of sanitary water to MS4s.
Historic Combined Sewer Systems	Sewer systems that were once combined, but were subsequently separated, have a high illicit discharge potential if oversight of the projects was not documented.
Type of Commercial Activity	Businesses not regulated by industrial storm water permits, especially those that handle liquids, including oils and greases (e.g., auto maintenance, food service, and carpet cleaners) may remain unaware of storm water pollution concerns from improper waste disposal and "hopper juice" from the trash bins and compactors they operate.
Other Potential Pollutant Generating Sites	Conditions unique to the permittee's jurisdiction should be considered.

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(3) A plan and procedures to perform dry-weather screening of each MS4 discharge point at a minimum of every five (5) years, beginning on the due date for the IDEP submittal, unless the Department approves an alternative plan or the permittee chooses to use the Elective Option as provided below. Alternatives should be based on the identification of priority areas in Table 1, and shall demonstrate that other methods for identifying illicit connections and discharges will be at least as effective as dry-weather screening every five years.

(a) At a minimum, dry-weather screening shall include observations of MS4 discharge point flows and receiving water characteristics, including: water clarity, color, and odor; the presence of suds, oil sheens, sewage, floatable materials, bacterial sheens, algae, and slimes; staining of the banks and unusual vegetative growth. MS4 discharge structures shall be observed for unusual vegetative growth, staining, undocumented connections, and integrity of the structure.

(b) If flow is observed from the MS4 discharge point, then the permittee shall do one of the following:

- Where an illicit discharge and its source are obvious, it shall be eliminated. Additional analysis or sampling is not required.
- Conduct a field assessment of the dry-weather flow to analyze, at a minimum: pH, ammonia, surfactants, and temperature. The analysis may be conducted using a field kit.

Elective Option: Permittees may elect to meet the dry-weather screening requirement by working collaboratively with the MS4 permittees in a jointly-operated MS4 and performing dry-weather screening on the MS4 at the discharge points that directly discharge to surface waters of the state. Discharge points at surface waters shall have dry-weather screening performed a minimum of once every five years, beginning on the due date for the SWPPI submittal as identified in the COC, and shall follow the requirements of (a) and (b), unless an alternative is approved. Under the elective option, the permittee shall include a statement in the SWPPI that includes the names and commitments from all permittees in the jointly-operated MS4 certifying participation in this elective option. The SWPPI shall include a method for sampling the discharge points to a surface water of the state and a process for notifying the other participating MS4 operators within one month of detection of an illicit discharge, identifying the date and location where the illicit discharge was detected, and any other information about the discharge that will assist with the identification of its source. All participating operators of an MS4 where an illicit discharge has been detected shall perform dry-weather screening of their discharge points in that MS4 within 13 months of detection, unless the illicit discharge is eliminated or is identified in a portion of the MS4 not influenced by discharges from the permittee's discharge points.

(4) If an illicit discharge is detected, but the source has not been identified, the source shall be confirmed by one or more of the following methods, unless the Department approves an alternative plan: indicator parameter sampling, which may include chemical and bacterial sampling; dye testing; video testing; smoke testing; documented visual observation or physical indicators; homeowner surveys and surface condition inspections for on-site sewage disposal systems; and drainage area investigations. The discharge of tracer dyes shall be authorized in accordance with Part 1.A.5.a. of this permit.

(5) Procedures for eliminating illicit discharges and pursuing enforcement action, including responding to spills and emergency situations. The procedure shall specify measures for expeditious response to, and elimination of, each identified illicit discharge, spill, and emergency situation. If not already existing, the permittee shall develop a system to track the elimination status of illicit discharges and enforcement actions. The system shall also track confirmation that illicit connections are removed and the discharge permanently ceased. The permittee shall make records associated with this activity available to the Department upon request.

c) A program to train staff employed by the permittee who are involved in illicit discharge-related activities, or who have field jobs with the potential for witnessing illicit discharges and connections. The training shall be implemented according to the program and include the following:

(1) The definition of illicit discharges and connections

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(2) Techniques for finding illicit discharges, including field screening, source identification, and recognizing illicit discharges and connections

(3) Methods for eliminating illicit discharges and the proper enforcement response

(4) A training schedule and requirement for training during the term of the permit

d) The IDEP shall describe a method for determining the effectiveness of the illicit discharge elimination program.

4) Post-Construction Storm Water Control for New Developments and Redevelopment Projects

The permittee shall develop, implement, and enforce a program through an ordinance or other regulatory mechanism to address post-construction storm water runoff from all new and redevelopment projects that disturb one (1) acre or more, including projects less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more. The program shall include the following general requirements:

- A *minimum treatment volume standard* to minimize water quality impacts
- *Channel protection criteria* to prevent resource impairment resulting from flow volumes and rates
- Operation and maintenance requirements
- Enforcement mechanisms with recordkeeping procedures
- A requirement for the project developer to write and implement site plans, which shall incorporate the requirements of this section of the permit

The permittee shall retain the records associated with this activity in accordance with Part II.C.3. of this permit.

The permittee shall establish structural storm water BMP design standards by meeting any of the following:

- The permittee identified in its application a schedule to develop and place in effect an ordinance or other regulatory mechanism that incorporates the *minimum treatment volume standard* and the *channel protection criteria* listed in a) and b) below.
- The permittee identified in its application for coverage under this general permit its applicable local ordinance or regulatory mechanisms that implement a standard for storm water treatment and criteria for channel protection that existed before the permittee submitted its application.
- The permittee identified in its application for coverage under this general permit the applicable local procedures that implement a standard for storm water treatment and criteria for channel protection that existed before submittal of its application, and these local procedures will be converted into an ordinance or other regulatory mechanism <u>by the date specified in the COC for SWPPI submittal</u>.
- The permittee submits with the SWPPI an alternative approach, such as design criteria based on low-impact development (LID), that provides at least the same level of water quality treatment and channel protection as a) and b) below, and the alternative is approved by the Department.
- Elective Option: The permittee identified in the application for coverage under this general permit that it will develop an ordinance or other regulatory mechanism to meet the following outcomes:
    - A methodology and standard for treating water quality based on watershed priorities identified in the WMP
    - Criteria for channel protection based on scientifically accepted morphological concepts
    - The requirements of Part I.A.4.b.4.c.

  The permittee shall submit its standards and criteria proposed under the elective option as a request for permit modification <u>by the date specified in the COC to the</u> Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909-7773.

Any combination of existing regulatory mechanism or procedure, approved alternative approach, elective option, or adoption of an ordinance or regulatory mechanism in accordance with the requirements of a) and b) below, may be used to establish the necessary minimum treatment volume standard and channel protection criteria, provided that they are applied to all new developments and redevelopment projects as described at the beginning of this section. Amendments made to ordinances or other regulatory mechanisms do not have to be submitted to the Department if the amendments do not reduce the level of channel protection or water quality treatment that were provided prior to the amendment.

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a) The *minimum treatment volume standard* shall be either:

(1) One inch of runoff from the entire site, or ½ inch of runoff from the entire site if the permittee demonstrates technical support for it in the WMP, or

(2) The calculated site runoff is from the 90 percent annual non-exceedance storm for the region or locality, according to (a) or (b) below, respectively.

(a) The statewide analysis by region for the 90 Percent Annual Non-Exceedance Storms is summarized in a Department memo dated March 24, 2006, which is available on the Internet at: www.michigan.gov/deqstormwater; under Information, select "Municipal Program/MS4 Permit Guidance," then go to the Storm Water Control Resources heading.

(b) The analysis of at least ten years of local published rain gauge data following the method in the memo "90 Percent Annual Non-Exceedance Storms" cited above. This approach is subject to approval by the Department.

Treatment methods shall be **designed** on a site-specific basis to achieve the following:

- A minimum of 80 percent removal of total suspended solids (TSS), as compared with uncontrolled runoff, or
- discharge concentrations of TSS not to exceed 80 milligrams per liter (mg/l).

A minimum treatment volume standard is not required where site conditions are such that TSS concentrations in storm water discharges will not exceed 80 mg/l.

b) The *channel protection criteria* established in this permit is necessary to maintain post-development site runoff volume and peak flow rate at or below existing levels for all storms up to the 2-year, 24-hour event. "Existing levels" means the runoff flow volume and rate for the last land use prior to the planned new development or redevelopment. Where more restrictive channel protection criteria already exists or is needed to meet the goals of reducing runoff volume and peak flows to less than existing levels on lands being developed or redeveloped, permittees are encouraged to use the more restrictive criteria than the standard permit requirements.

(1) An acceptable source of rainfall data for calculating runoff volume and peak flow rate is: *Rainfall Frequency Atlas of the Midwest*, Huff & Angel, NOAA Midwest Climate Center and Illinois State Water Survey, 1992.

(2) Methods for estimating pre- and post-development runoff shall follow curve number evaluations as described in Computing Flood Discharges for Small Ungaged Watersheds, dated July 2003, which is available on the Internet at: www.michigan.gov/deqstormwater; under Information, select "Municipal Program/MS4 Permit Guidance," then under "Storm Water Control Resources" select "Guidance for Calculating Runoff Volume and Peak Flow Rate."

(3) The permittee shall request approval from the Department to use other rainfall data sources and runoff models.

(4) Channel protection criteria shall not be required for the following water bodies:

(a) The Great Lakes or connecting channels of the Great Lakes
(b) The Rouge River downstream of the Turning Basin
(c) The Saginaw River
(d) Mona Lake and Muskegon Lake in Muskegon County
(e) Lake Macatawa and Spring Lake in Ottawa County

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c) All structural and vegetative BMPs installed as a requirement under this section of the permit shall include a plan for maintaining maximum design performance through long-term operation and maintenance (O & M). The permittee shall develop, track, and enforce a program, through an ordinance or other regulatory mechanism, to ensure long-term O & M plans for the *water quality treatment* and *channel protection* controls the permittee requires.

5) Construction Storm Water Runoff Control

The Department has determined that Part 91 of the Michigan Act and Michigan's Permit by Rule (Rule 323.2190) are qualifying local programs for the control of wet weather discharges from construction activities that result in a land disturbance of greater than or equal to one (1) acre, or disturb less than one (1) acre that is part of a larger common plan of development or sale. A qualifying local program provides control for soil erosion, off-site sedimentation, and other construction-related wastes, consistent with Federal Phase 2 storm water control requirements for MS4 permittees.

To ensure adequate protection of the MS4, the permittee shall develop and implement the following:

a) A procedure to provide notice as follows when pollutants are discharged from construction activity in violation of Section 9116 of Part 91 of the Michigan Act, Michigan's Permit by Rule at R 323.2190(2)(a), or the prohibition of non-storm water discharges in Part I.A.4.b.3.a. of this permit, and the pollutants enter the MS4 owned or operated by the permittee:

(1) Notify the Part 91 permitting entity and the Department when soil and sediment are discharged.
(2) Notify the Department when other wastes are discharged.

If the permittee suspects the discharge may endanger public health or the environment, the violations shall be reported in accordance with Part I.B.2.a. of this permit.

b) A procedure to ensure adequate allowance for soil erosion and sedimentation controls on preliminary site plans, as applicable

c) A procedure for the receipt and consideration of complaints or other information submitted by the public regarding construction activities discharging wastes to the MS4

6) Pollution Prevention and Good Housekeeping Activities for Municipal Operations

Municipal operations cover a wide variety of activities and land uses that are potential sources of storm water pollutants. These include, but are not limited to, roadways; parking lots; transportation and equipment garages; fueling areas, warehouses; stockpiles of salt and other raw materials; open ditches and storm sewers; turf and landscaping for all municipal properties, including parks; and waste handling and disposal areas.

The permittee shall develop, implement, and ensure compliance with a program of operation and maintenance of BMPs, with the ultimate goal of minimizing pollutant runoff to the maximum extent practicable from municipal operations that discharge storm water to the surface waters of the state. The permittee is encouraged to use BMP guidance and training materials that are available from federal, state, or local agencies, or other organizations. The SWPPI shall include specific actions and implementation schedules for the BMP operation and maintenance program.

The program shall meet the following requirements:

a) Employee/Contractor Training Related to Storm Water Management Activities
The permittee shall ensure there is training for staff and contractors associated with potential storm water pollutant sources on topics that affect the water quality entering the MS4, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, and any other activity included in the standard requirements of Part I.A.4.b.6.b-e. Training topics shall be determined by the permittee, working with the watershed partners. Timing for training shall include the following:

- For existing employees, one (1) training session prior to the expiration of this permit
- For new employees, one (1) training session during the first year of employment

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- For contractors, the permittee shall ensure that they are trained before they perform the contract work. Permittees may conduct the training or provide training materials relating to storm water management activities, which may include local pollution control specifications and standards for bid specifications.

b) Structural Storm Water Control Effectiveness
Structural storm water controls include, but are not limited to, vegetated swales; infiltration, sedimentation, and bioretention facilities; storm water devices (e.g., catch basins and oil/water separators); and any controls installed or operated by the permittee to remove pollutants from storm water. Routine maintenance shall be provided, and maintenance schedules shall be developed and implemented that are adequate to maintain pollution removal effectiveness at design performance, and to ensure that the controls are maintained in a condition (e.g., adequately stabilized, seeded, functional) to reduce, to the maximum extent practicable, the contribution of pollutants to the surface waters of the state.

(1) The permittee shall inspect all structural storm water controls at a frequency appropriate for the BMP design and site conditions. Inspection frequencies shall be identified in the SWPPI.

(2) The permittee shall include in the SWPPI a summary list of the municipal properties and an estimate of the structural storm water controls owned or operated by the permittee. The list shall include the type and number of municipal properties and structural storm water controls. The permittee shall have location information for all municipal properties and structural storm water controls by the date specified in the COC for the submittal of the first progress report. The information may be included on the maps maintained for the IDEP (Part. I.A.4.b.3.b.1. of this permit). The location information shall be updated whenever new municipal properties and structural storm water controls are added. The location information shall be retained by the permittee and, upon advance notice, provided to the Department for review.

The following are examples of municipal properties: police or fire station(s), library(ies), administration building(s) (e.g., city or township hall), public works facility(ies), such as maintenance garages or storage yards, park(s), cemetery(ies), waste disposal areas or unregulated landfills/dumps, open or vacant land, or any other type (describe) of property maintained by the permittee.

(3) The permittee shall describe and implement procedures to dispose of the following materials in accordance with Part 111 (hazardous waste), Part 115 (solid waste), and Part 121 (liquid industrial waste) of the Michigan Act: operation and maintenance waste, such as dredge spoil, accumulated sediments, floatables, and other debris the permittee removes from the MS4. Options for the disposal of wastes removed from catch basin sumps or other parts of an MS4 are included in the Department publication entitled "Guidance for Catchbasin Cleaning Activities," which is available on the Internet at: www.michigan.gov/deqstormwater, under the information link named "Municipal Program/MS4 Permit Guidance."

(4) When the permittee adds facilities or structural controls for water quantity or pollution treatment or removal, it shall design and install the controls based on the treatment volume standard, channel protection criteria, and requirements for operation and maintenance established under Part I.A.4.b.4. Permittees are encouraged to upgrade and rehabilitate existing facilities or structural controls based on the treatment volume standard, channel protection criteria, and requirements for operation and maintenance in Part I.A.4.b.4.

c) Roadways, Parking Lots, and Bridges

(1) The permittee shall construct, operate, and maintain its streets, roads, highways, parking lots, and other permittee-owned or operated impervious infrastructure in a manner so as to reduce the discharge of pollutants into the MS4 and the surface waters of the state, including pollutants resulting from snow removal practices.

(2) The permittee shall reduce the runoff of total suspended solids (TSS) from all of its paved surfaces to the maximum extent practicable.

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TSS reductions may be achieved by any combination of pollution prevention (e.g., improved materials handling, or altered land uses or traffic patterns), removal (cleaning streets and catch basins), or treatment (settling filtration or infiltration). Permittees are encouraged to collaborate with their watershed partners to seek watershed-based alternative approaches for meeting the TSS reduction.

Reductions of sediment from activities otherwise regulated or prohibited, such as sediment track-out or runoff from construction sites, shall not be counted toward the TSS load reduction achieved. As a method of assessing progress in storm water pollution prevention, the permittee's progress reports shall provide an estimate of the TSS loading reduction achieved.

(3) Salt and sand applied for improved traction shall be prevented from entering MS4s and receiving streams to the maximum extent practicable. Good housekeeping shall be required at salt and sand storage facilities to prevent the discharge of salt and sand from these areas. The permittee shall also comply with the salt storage requirements of the Part 5 Rules (Rules 324.2001 to 324.2009 of the Michigan Administrative Code).

(4) The permittee shall implement the appropriate BMPs to control dust and suspended solids in runoff from unpaved roads and parking lots.

(5) The permittee shall not use coal tar emulsions to seal asphalt surfaces.

d) Fleet Maintenance and Storage Yards

(1) A Storm Water Pollution Prevention Plan (SWPPP) shall be implemented for all municipal fleet maintenance and storage yards that are not regulated as industrial activities. The SWPPP shall be developed in accordance with the Appendix to this permit.

The permittee shall have a certified storm water operator in accordance with Part II.D.2 of this MS4 permit to oversee storm water controls at all facilities with SWPPPs. To meet the SWPPP and the certified storm water operator requirements, the permittee may opt to incorporate the requirements identified in the Department's industrial storm water permit program into the SWPPI, to be overseen by the Storm Water Program Manager.

(2) The permittee's SWPPI shall identify its fleet maintenance and storage yard facilities (including those for nested jurisdictions, if applicable), and shall indicate if a SWPPP has been developed for each facility and if it has been implemented under the supervision of a certified storm water operator.

(3) The completed SWPPP shall be signed by the facility manager and certified storm water operator or Storm Water Program Manager, as applicable, and retained on-site at the facility that generates the storm water discharge. The permittee shall retain the SWPPP, reports, log books, storm water discharge sampling data (if collected), and supporting documents in accordance with Part II.C.3. of this MS4 permit.

(4) Fleet maintenance activities include, but are not limited to, adding or changing vehicle fluids, including fuel, lubrication, mechanical repairs, parts degreasing, and vehicle or equipment washing. Storage yards include, but are not limited to, areas where vehicles are stored or impounded, and where vehicle and road maintenance materials and other chemicals in bulk are stored and handled. The discharge of vehicle or maintenance facility wash water is not authorized by this MS4 permit. Vehicles and equipment shall be maintained for clean and effective operation to prevent impacts on storm water quality.

(5) The permittee shall also investigate, select or design, and implement appropriate BMPs to prevent the discharge of pollutants to the MS4 from the storage, collection, transport, and disposal of refuse by the permittee or for the permittee under contract.

e) Managing Vegetated Properties

The permittee shall minimize the discharge of pollutants related to the management of vegetation on land that the permittee owns or operates. BMPs required under this measure include:

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(1) A process to train employees and contractors on the proper storage, handling, and use of pesticides, herbicides, and fertilizers before they handle or apply them.

(2) Use of only phosphorus-free fertilizers for turfgrass. Phosphorus may be added to turfgrass only if soils are tested for nutrients (nitrogen/phosphorus/potassium) every four years and a need for phosphorus is demonstrated. Phosphorus fertilizers shall be applied to lands that the permittee owns or operates only as prescribed in the soil test results.

(3) A program to minimize storm water impacts from all of the permittee's managed vegetated properties.

7) **Program Assessment**
The SWPPI shall identify methods for determining the effectiveness of the SWPPI actions to be implemented. Evaluation of the effectiveness at the watershed level is encouraged.

8) **Implementation Schedule**
Provide a detailed implementation schedule, identifying the years and frequency, if applicable, that the permittee will implement the actions to which they have committed. All actions shall be implemented (i.e., put into action, operation, service, or practice) over the term of this permit, unless the permittee has a shortened permit term and the Department agrees to another schedule.

9) **SWPPI Coverage in Areas with Deferred WMPs**
Where the WMP has been deferred for urbanized areas, as indicated in the COC, the requirements of Part I.A.4.b. of this permit shall be designed and implemented to carry out actions where the permittee owns and operates MS4s in the regulated area.

c. Facility Contact Person
The permittee shall identify a facility contact person to act as a storm water program manager responsible for overseeing compliance with the requirements of this permit. The facility contact person may be replaced at any time, and the permittee shall notify the Department within ten days after the replacement.

d. Retention of Records
The latest approved version of the SWPPI shall be retained until at least three years after coverage under this permit terminates. All records and information resulting from the assessment of SWPPI effectiveness shall be retained for a minimum of three years or longer if requested by the Department or the Regional Administrator.

5. Discharges Requiring Separate Authorizations

a. Tracer Dye Discharges
This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department.

b. Water Treatment Additives
This permit does not authorize the discharge of water additives without approval from the Department. Water additives include any material that is added to water discharged through the MS4 to condition or treat the water.

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Bureau, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909-7773, with a copy to the Department. Instructions to submit a request electronically may be obtained via the Internet (http://www.michigan.gov/deq and on the left side of the screen click on Water, Water Quality Monitoring, and Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

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A request to discharge water additives shall include all of the following water additive usage and discharge information:

1) Material Safety Data Sheets

2) The proposed water additive discharge concentration

3) The discharge frequency (i.e., the number of hours per day and the number of days per year)

4) The monitoring point from which the product is to be discharged

5) The type of removal treatment, if any, that the water additive receives prior to discharge

6) Product function (i.e., microbiocide, flocculant, etc.)

7) A 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*)

8) The results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section by telephone at 517-335-4184 or via the Internet at the address given above to determine if the Department has the product toxicity data required by items 7) and 8) above. If the Department has the data, the permittee will not need to submit product toxicity data.

c. Wastewater Associated with Concrete
The permittee shall not discharge to the surface waters of the state any wastewater generated from cutting, grinding, drilling, or hydrodemolition of concrete without authorization under an NPDES wastewater discharge permit.

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Section B. Program Assessment and Reporting

1. Progress Reports

By the dates indicated on the COC, progress reports shall be submitted to the Department on the implementation status of this permit and the progress of the permittee's pollution prevention program. The progress reports shall cover all of the decisions, actions, and results performed as part of this permit during the period since the last report, or since the effective date of the permit if no report was previously submitted.

At a minimum, the progress reports shall cover the following subjects:

a. Joint Reporting Requirements
Where permittees are responsible for submittal of a joint WMP for the same watershed, joint reports shall be submitted on behalf of all the permittees, by the date specified on the COC for the first and second progress reports, and will include the following information about joint activities conducted by all permittees for that watershed's WMP and PPP:

1) WMP

a) Permittees who developed a joint WMP under a former general permit with Watershed Planning shall:
- In the first report, identify what is necessary to revise/update the existing joint WMP to meet the requirements of Part I.A.3.b. of this permit.
- In the second progress report, provide the implementation status of the existing joint WMP.

b) Permittees required to develop a new joint WMP under this permit shall submit the WMP with the first progress report.

2) PPP
Describe the PPP activities that have occurred in support of WMP development and/or implementation since the previous progress report. The description shall include an evaluation of the plan's effectiveness and steps needed to remedy inadequate public participation (if identified).

3) Watershed-Wide Activities
In the first and second progress reports, describe the status of the plan to make progress towards meeting the Water Quality Standards through joint watershed-wide activities, with particular emphasis on waterbodies listed on the 303(d) list and those waterbodies for which a TMDL has been completed.

4) Watershed-Wide Alternative Approaches
An alternative approach implemented on a watershed basis may be accompanied by a joint report of its effectiveness in the second progress report.

b. Permittee-Specific Reporting Requirements
The permittee shall provide progress reports with the following information:

1) Discharge Point Location
Provide updated information in accordance with Part I.A.2.a. of this permit that was not previously submitted for newly identified, constructed, or installed MS4 discharge points.

2) SWPPI

a) Describe the status of the SWPPI actions and implementation schedules for the permittee's regulated areas. This review shall cover all of the permittee's commitments under the SWPPI (including the PEP and the IDEP).

b) Provide monitoring data and describe the actions prioritized to minimize pollutants consistent with a TMDL within the permittee's area of permit coverage, if applicable, under Part I.A.4.b.1. of this permit.

PART I

Section B. Program Assessment and Reporting

c) Provide schedules for the elimination of illicit connections that have been identified but have yet to be eliminated.

d) If the SWPPI has been revised, submit the revised SWPPI with the revisions identified.

e) Provide contact information for any certified storm water operators or Storm Water Program Manager added under Part I.A.4.b.6.d. of this permit since the last report or SWPPI submittal.

f) If there are urbanized areas with a deferred WMP, describe the status of any additional SWPPI actions for any areas with a deferred WMP. If necessary, update both the characterization of the watershed(s) in the deferred area and the comparison to the watershed(s) covered by the WMP. The permittee shall update any additional actions that have been included in the SWPPI as a result of any significant discrepancy between deferred watersheds and watersheds with WMPs.

4) Evaluation of Effectiveness

Describe the effectiveness of all of the actions implemented under the SWPPI and the methods for these determinations. Specific evaluation criteria for the PEP, the IDEP, and TSS reduction are as follows:

a) For the PEP, provide a summary of the evaluation of the PEP's overall effectiveness, using the evaluation methods prescribed in the PEP.

b) For the IDEP, in addition to evaluating its effectiveness, provide documentation of the actions taken to eliminate illicit discharges. For identified illicit discharges, the permittee shall summarize the total estimated volume and pollutant load eliminated for the main pollutant(s) of concern, and the location(s) of the discharge(s) into both the permittee's MS4 and the receiving water. For illicit discharges identified under the elective option coming from other participating operators of the MS4, the permittee performing dryweather screening at the discharge points to the surface waters of the state shall provide documentation of the notifications to the other participating operators and the information given to them with the notifications.

c) Assess TSS reduction in accordance with Part I.A.4.b.6.c.2. of this permit by reporting the following:
- Describe the current level of control related to TSS discharges from paved surfaces
- Estimate the load reduction from existing controls
- In the second annual report, evaluate the effectiveness of current TSS control practices and identify the methods for improving this effectiveness, to be implemented beginning in 2013

5) WMP Implementation

The permittee may report any voluntary actions that contributed to the implementation of the WMP or progress toward meeting measurable objectives in the WMP.

6) Other Actions

The permittee shall submit information for any other actions taken to reduce the discharge of pollutants in storm water.

7) Nested MS4 Agreements

If applicable, the permittee shall identify any nested jurisdictional agreements that were not identified in previous progress reports or permit applications.

c. Phase I Annual Reporting Requirements (Phase I Permittees Only)

The operator of a large or medium separate storm sewer system who was permitted under Phase 1 of the Federal storm water regulations shall also submit the following information annually, on or before the anniversary date of the COC's issuance:

1) Implementation Status [40 CFR 122.42(c)(1)]

The permittee shall describe the status of implementing the components of the SWPPI.

PART I

Section B. Program Assessment and Reporting

2) Environmental Impacts [40 CFR 122.42(c)(7)]
The permittee shall provide an assessment of the pollution reduction and probable receiving water quality impacts associated with the program's implementation. When applicable, a statement shall be included regarding any negative water quality impacts that may have occurred as a result of any illicit discharges or accidental spills during the report cycle.

3) Revised Fiscal Analysis [40 CFR 122.42(c)(3)]
The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit. Permit application requirements at 40 CFR 122.26(d)(2)(vi) may be used to guide reporting.

4) Data Summary [40 CFR 122.42(c)(4)]
The permittee shall provide a summary of data, including monitoring data, that is accumulated throughout the reporting year.

5) Annual Budget [40 CFR 122.42(c)(5)]
The permittee shall provide the previous reporting cycle's expenditures and proposed budget for the reporting cycle following the report.

6) PEP Reporting and Program Enforcement [40 CFR 122.42(c)(6)]
The permittee shall provide a summary describing the number and nature of enforcement actions, inspections, and public education programs.

2. Notification Requirements

The permittee shall verbally notify the Department within 24 hours of becoming aware of any discharges to or from the MS4 that the permittee suspects may endanger public health or the environment.

Notification should include (if known) the name of the person responsible for the discharge, the location of the discharge into the MS4, the location where the MS4 discharges to the surface waters, the nature of the discharge and the pollutants, and clean-up and recovery measures taken or planned. If the notice is provided after regular working hours, call the Department of Environmental Quality's 24-Hour Pollution Emergency Alerting System telephone number: 1-800-292-4706.

3. Expiration and Reissuance

On or before October 1, 2012, a permittee seeking continued authorization to discharge under this permit beyond the permit's expiration date shall submit to the Department a written request containing such information, forms, and fees as required by the Department. Without an adequate request, a permittee's authorization to discharge will expire on April 1, 2013. With an adequate request, a permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the request, unless this permit is terminated or revoked.

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

If this permit is modified, the Department will notify the permittee of any required action. Without an adequate response, a permittee's authorization to discharge will terminate on the effective date of the modified permit. With an adequate response, a permittee shall be subject to the terms and conditions of the modified permit on the effective date of the modified permit, unless the Department notifies the permittee otherwise.

PART I

Section B. Program Assessment and Reporting

4. Requirement to Obtain an Individual Permit

The Department may require any permittee that is authorized to discharge due to possessing a valid COC under this general permit to apply for and obtain an individual NPDES permit if any of the following circumstances apply:

a. The discharge is a significant contributor to pollution as determined by the Department on a case-by-case basis.

b. The discharger is not complying with, or has not complied with, the conditions of the permit.

c. A change has occurred in the availability of a demonstrated technology or the practices for the control or abatement of waste applicable to the point source discharge.

d. Effluent standards and limitations are promulgated for point source discharges subject to this permit.

e. The Department determines that the criteria under which the permit was issued no longer apply.

Any person may request the Department to take action pursuant to the provisions of Rule 2191 (Rule 323.2191 of the Michigan Administrative Code).

PART I

Section C. Compliance Schedule Summary

Table 2 summarizes the compliance schedules for this permit. The permit is designed to follow the schedules shown, but actual compliance schedules may vary, and are listed in the permittee's COC issued under this permit.

TABLE 2: Approximate Compliance Schedule for the Certificate of Coverage (COC)

PERMIT REQUIREMENT	SUBMITTAL	DUE TO MDEQ	IMPLEMENTATION
Joint Public Participation Plan (PPP) revision/update submittal (by group or each permittee)	Six (6) months after the effective date of the certificate of coverage (COC)	Revised/Updated Joint PPP (Part I.A.3.a.)	Upon submittal
SWPPI Revision/Update submittal (including IDEP and PEP)	One (1) year after the effective date of the COC	SWPPI revisions/updates that include all requirements from Part I.A.4., including proposed alternatives	Implement standard requirements upon submittal, or alternatives upon approval
Joint report on WMP updates/revisions needed, PPP activities, and status of watershed-wide activities (not by each permittee)	Two (2) years after the effective date of the COC	Report on activities, progress, and plan revision needs related to the WMP and PPP (Parts I.B.1.a.1.a and I.B.1.a.2.-3.)	Begin revisions/updates of the WMP based on the needs identified Implement ways to improve public participation, if necessary
Progress Reports	Two (2) years and four (4) years after the effective date of the COC	Permittee's progress made since last report (Part I.B.1.b.)	
Report newly discovered or constructed discharge point locations	Upon discovery/construction, to provide authorization to discharge	Location of discharge points submitted to Permits Section - Lansing (Part I.A.2.)	
Joint report on the implementation status of the WMP and watershed-wide activities, and PPP activities (not by each permittee)	Four (4) years after the effective date of the COC	Summary of all actions carried out under the WMP developed under the last permit (Parts I.B.1.a.1.a. and I.B.1.a.2.-3.)	SWPPI Revision/Update submittal Implement ways to improve public participation, if necessary
Joint WMP revision/update submittal (not by each permittee)	Four (4) years after the effective date of the COC Include with the second progress reports	Revised/Updated Joint WMP according to Part I.A.3.b.	As determined by the watershed partners
Where a new WMP is initiated under this permit, the first-time WMP submittal shall be approximately two (2) years after the effective date of the COC. The schedules for first-time submittal and implementation of all other plans shall be the same as the schedules for revised or updated plans (above).			

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 percent of the test organisms.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into storm water flows, to direct the flow of storm water, or to treat polluted storm water flows.

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 eight 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 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.

PART II

Section A. Definitions

Discharge point is any location on the MS4 owned or operated by the permittee that discharges directly to a surface water of the state, or any location on the MS4 owned or operated by the permittee that discharges to any other separate storm sewer system before discharging to a surface water of the state.

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

Effluent limitation means any restriction on quantities, rates, and concentrations of chemical, physical, biological, and other constituents discharged from point sources.

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 percent reduction in a nonquantal biological measurement for the test population.

Illicit discharge means any discharge to, or seepage into, a separate storm sewer that is not composed entirely of storm water or uncontaminated groundwater, or discharges identified in Part I.A.4.b.3.a. Illicit discharges include non-storm water discharges through pipes or other physical connections; the dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or leaf litter; the collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Illicit connection means a physical connection to the MS4 that 1) primarily conveys illicit discharges into the MS4, or 2) is not authorized or permitted by the local authority (where a local authority requires such authorization or permit).

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.]

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

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.

MGD means million gallons per day.

PART II

Section A. Definitions

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.

Maximum extent practicable: means implementation of best management practices by a public body to comply with an approved storm water management program as required in a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

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.

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

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.

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the federal act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the United States Environmental Protection Agency (USEPA) 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.

On-site sewage disposal system (OSDS) means a natural system or mechanical device used to collect, treat, and discharge or reclaim wastewater from one or more dwelling units without the use of community-wide sewers or a centralized treatment system.

POTW is a publicly-owned treatment works.

PART II

Section A. Definitions

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.

Point source means a discharge point from an MS4 to the surface waters of the state, or a point where an MS4 discharges into a system operated by another entity.

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.

Public means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

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 that must be reported for that period if a discharge occurs during that period.

Redevelopment means the alteration of developed land that changes the footprint of the site or building, or offers a new opportunity for storm water controls. The term is not intended to include such activities as exterior remodeling, which would not be expected to cause adverse storm water quality impacts.

Regional Administrator is the Region 5 Administrator, USEPA, located at R-19J, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Regulated areas means the permittee's urbanized areas and other areas identified by the permit applicant to be subject to a watershed planning process.

Separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a publicly-owned treatment works as defined in the Code of Federal Regulations at 40 CFR 122.2.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

- The system is not a combined sewer where storm water mixes with sanitary wastes.
- The system is not part of a publicly-owned treatment works.

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)).

Storm water includes storm water runoff, snow melt runoff, and surface runoff and drainage.

PART II

Section A. Definitions

Surface waters of the state are defined consistent with the Part 4 Rules (Rules 323.1041 through 323.1117 of the Michigan Administrative Code) to mean all of the following, but not including drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

- The Great Lakes and their connecting waters
- All inland lakes
- Rivers
- Streams
- Impoundments
- Open drains
- Other surface bodies of water within the confines of the state

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.

Treatment means the removal of pollutants through settling, filtration, infiltration, or the equivalent.

Uncontaminated groundwater means groundwater that will not contribute substantially to the violation of a water quality standard or will not be a significant contributor of pollutants upon discharge to the surface waters of the state.

Urbanized area means a place and the adjacent densely-populated territory that together have a minimum population of 50,000 people, as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31, Water Resources protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), 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, 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 the permittee's COC, the permittee shall notify the Department within 14 days following the effective date of the COC, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

Part 31 of Act 451, as amended, specifically Section 324.3110(3) and Rule 323.2155(2) of Part 21 allows the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self Monitoring," the permittee shall submit self-monitoring data via the Michigan DEQ Electronic Environmental Discharge Monitoring Reporting (***e2-DMR***) system.

The permittee shall utilize the information provided on the ***e2-Reporting*** Web site @ **http://secure1.state.mi.us/e2rs/** to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the **20th day of the month** following each month of the authorized discharge period(s).

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) 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 Department (Department as defined on the COC). Retained self-monitoring results are public information and shall be promptly provided to the public upon written request from the public.

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. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

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.

PART II

Section C. Reporting Requirements

5. Compliance Dates Notification

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

6. 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 in the COC, 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

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

3) The permittee submitted notices as required under 9.b. or 9.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 9.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 in the COC (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 9.a., 9.b., 9.c., and 9.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 COC 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 and the permittee's COC. The discharge of any pollutant identified in this permit and/or the permittee's COC 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 and the permittee's COC. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit or the permittee's COC constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

2. Operator Certification

The permittee shall have the storm water treatment and control 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.

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.

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.

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.9. 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 the violation of any federal, state, or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environmental Quality permits, or approvals from other units of government as may be required by law.

APPENDIX

STORM WATER POLLUTION PREVENTION PLANS FOR FLEET MAINTENANCE AND STORAGE YARDS

These requirements apply to areas of fleet maintenance and storage yards in accordance with Part I.A.4.b.6.d.

1. Source Identification

To identify potential sources of significant materials that can pollute storm water and subsequently be discharged from the facility, the Storm Water Pollution Prevention Plan (SWPPP) shall, at a minimum, include the following items:

a. A site map identifying the following:

1) Buildings and other permanent structures
2) Storage or disposal areas for significant materials
3) Secondary containment structures and descriptions of what they contain
4) Storm water discharge points (numbered for reference)
5) Location of storm water and non-storm water inlets contributing to each discharge point
6) Location of NPDES-permitted discharges other than storm water
7) Outlines of the drainage areas contributing to each discharge point
8) Structural runoff controls or storm water treatment facilities
9) Areas of vegetation (with a brief description, such as lawn, old field, marsh, wooded, etc.)
10) Areas of exposed and/or erodible soils
11) Impervious surfaces (roofs, asphalt, concrete)
12) Name and location of receiving water(s)
13) Areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the Michigan Act

b. A list of all significant materials that could pollute storm water. For each material listed, the SWPPP shall include each of the following descriptions:

1) 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, contaminated materials, or soils; waste handling and disposal; deposits from dust or overspray; etc.).

2) An evaluation and written description of the reasonable potential for contribution of significant materials to run off from at least the following areas or activities:

a. Loading, unloading, and other material-handling operations
b. Outdoor storage, including secondary containment structures
c. Outdoor manufacturing or processing activities
d. Significant dust or particulate-generating processes
e. Discharge from vents, stacks, and air emission controls
f. On-site waste disposal practices
g. Maintenance and cleaning of vehicles, machines, and equipment
h. Areas of exposed and/or erodible soils
i. Sites of Environmental Contamination listed under Part 201 (Environmental Response) of the Michigan Act
j. Areas of significant material residues
k. Areas where animals congregate (wild or domestic) and deposit wastes
l. Other areas where storm water may contact significant materials

3) Identification of the discharge point(s) through which the material may be discharged if released.

APPENDIX

STORM WATER POLLUTION PREVENTION PLANS FOR FLEET MAINTENANCE AND STORAGE YARDS

Significant materials include 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 the 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 the Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials (oil and any material, in solid or liquid form, identified as polluting material 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, sludge, and plant and animal wastes that have the potential to be released with storm water discharges

c. A listing of significant spills and significant leaks of polluting materials 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 that occurred over the three (3) years prior to the effective date of a COC authorizing discharge under this permit. The listing shall include the date, volume and exact location of the release, and the action taken to clean up the material and/or prevent exposure to storm water runoff or contamination of the surface waters of the state. Any release that occurs after the SWPPP has been developed shall be controlled in accordance with the SWPPP and is cause for the SWPPP to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss.

d. A summary of the 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.

2. Preventive Measures and Source Controls, Non-Structural

To prevent significant materials from contacting storm water at the source, the SWPPP shall, at a minimum, include each of the following nonstructural controls:

a. A program which includes a schedule for routine preventive maintenance. The preventative maintenance program shall consist of routine inspections and maintenance of storm water management and control devices (e.g., cleaning of oil/water separators and catch basins, routine housekeeping activities, and cleaning out 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 the surface waters. The routine inspection shall include those areas of the facility in which significant materials have the reasonable potential to contaminate runoff. A log of the inspection and corrective actions shall be maintained on file by the permittee, and shall be retained in accordance with the Appendix, Section 5.

b. A schedule for comprehensive site inspection, including a visual inspection of equipment, plant areas, and structural pollution prevention and treatment controls, to be performed at least quarterly. The permittee may request Department approval of an alternate schedule for comprehensive site inspections. A report of the results of the comprehensive site inspection shall be prepared and retained in accordance with the Appendix, Section 5. The report shall identify any incidents of noncompliance with the SWPPP or this permit. If there are no reportable incidents of noncompliance, the report shall contain a certification that the facility is in compliance with this permit.

c. A description of good housekeeping procedures to maintain a clean, orderly facility. Good housekeeping procedures shall include routine inspections of the areas of the facility in which the procedures are implemented. The routine inspections of good housekeeping procedures may be combined with the routine inspections for the preventative maintenance program.

d. A description of material handling procedures and storage requirements for significant materials. The equipment and procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The procedures shall identify measures to prevent spilled materials or material residues on the outside of containers from being discharged into storm water. The SWPPP 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.

APPENDIX

STORM WATER POLLUTION PREVENTION PLANS FOR FLEET MAINTENANCE AND STORAGE YARDS

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

f. 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 SWPPP. The SWPPP shall identify periodic dates for such training.

g. Identification of significant materials expected to be present in storm water discharges following implementation of nonstructural preventative measures and source controls.

3. Structural Controls for Prevention and Treatment

Where implementation of the measures required by the Appendix, Section 2, does not control storm water discharges to prevent contact with significant materials to the maximum extent practicable, the SWPPP 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.

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 to the maximum extent practicable.

4. Keeping Plans Current

a. The permittee shall review the SWPPP annually after it is developed and maintain written summaries of the reviews. Based on the review, the permittee shall amend the SWPPP as needed to ensure continued compliance with the terms and conditions of this permit.

b. The SWPPP developed under the conditions of a previous permit shall be amended as necessary to ensure compliance with this permit.

c. The SWPPP shall 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 SWPPP 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 or spills 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 the Appendix, Sections 1, 2, and 3.

d. The Department may notify the permittee at any time that the SWPPP does not meet minimum requirements. Such notification shall identify why the SWPPP does not meet minimum requirements. The permittee shall make the required changes to the SWPPP 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. Amendments shall be signed, dated, and retained with the SWPPP.

5. Record Keeping

The permittee shall maintain records of all SWPPP-related inspections 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 years. The following records are required by this permit:

- Routine maintenance inspections (Appendix, Section 2.a.)
- Good housekeeping inspections (Appendix, Section 2.c.). The routine maintenance inspection and good housekeeping inspection may be combined.
- Comprehensive inspection reports (Appendix, Section 2.b.)
- Written summaries of the annual SWPPP review (Appendix, Section 4.a)