PERMIT NO. MIS049000

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) – Jurisdictional 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 discharges from MS4s are authorized to be discharged by 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 discharges of storm water by 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, 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 identified in the COC are listed 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 applicable laws and rules.

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

Issued May 22, 2008.

Original Permit Signed by William Creal
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

All of the following will be identified in the COC.

- Submittal dates for the Storm Water Management Program (SWMP) plan or plan revisions
- Receiving waters to which the permittee discharges
- Implementation date for the SWMP plan or plan revisions, if other than implementation upon submittal. Individual parts of the plan may be authorized for implementation on different dates
- Approved Total Maximum Daily Loads (TMDLs) and the pollutants applicable to the receiving waters and storm water discharges
- Any nested jurisdictions for which the permittee is assuming responsibility for permit requirements
- Submittal dates for the 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 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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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.

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 an MS4 for other discharges authorized under other NPDES permits, or equivalent Department approval under the Michigan Act or the Federal Act.

2. Discharge Point Requirements

a. Discharge Point Location
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, constructed, or installed after submittal of the application, the permittee shall provide an updated map clearly showing the location of the discharge point, a 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. Submittals of information for discharge points identified, constructed, or installed after submittal of the application are required for obtaining authorization from the Department to discharge from those 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.4, the latitude and longitude of the discharge point, 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.4, a latitude and longitude of the discharge point, 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.

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.

b. MS4 Discharge Point Labeling

The permittee shall provide permanent identification (e.g., label, color coding, or other identifying characteristic) for any discharge point structure that the permittee constructs or installs after March 10, 2004, that discharges storm water to the surface waters of the state. Following the addition of permanent identification, the primary operator of the MS4 shall be readily identifiable by observation of the discharge point.

3. Storm Water Management Program (SWMP) Plan

a. General Requirements

The permittee shall implement Best Management Practices (BMPs) to comply with the standard requirements identified in Part I.A.3.-10. of this permit. The permittee shall revise/develop, implement, and enforce a SWMP plan to accomplish the following.

1) Reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). The MEP requirement shall be met by the following:

- Implementing BMPs to comply with the requirements in Part I.A.3.-10. of this permit
- Demonstrating that measurable goals were met for individual BMPs
- Demonstrating the effectiveness of the Public Education Program and Illicit Discharge Elimination Program required by this permit

2) Reduce pollutants in storm water discharges from the MS4 as appropriate to be consistent with Total Maximum Daily Loads (TMDL) approved by the United States Environmental Protection Agency (USEPA). Applicable TMDLs and pollutants are identified in the permittee's COC.

b. SWMP Development and Implementation

1) A SWMP plan or revisions to the permittee's existing SWMP plan to meet the standard requirements of this permit shall be submitted to the Department on or before the date specified in the COC issued under this permit. The permittee shall implement the SWMP plan upon submittal. The permittee is encouraged to collaborate with the Department on major SWMP components prior to SWMP plan submittal. A SWMP shall be considered complete and approved upon submittal if it meets the requirements identified in Part I.A.3.-10. of this permit.

2) Revisions to the SWMP may include schedules for phasing in storm water management actions to meet the standard requirements during the term of this permit.

3) 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.

c. Reopener Clause

The Department may notify the permittee that the SWMP is deficient in meeting the permit requirements and request modification of the SWMP 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 an individual permit pursuant to Parts I.B.4. and I.B.6. of this permit.

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4. Total Maximum Daily Loads (TMDL)

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

In addition, 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.

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.

4) In the event that the permittee already has information and a plan for prioritizing and controlling the discharge of E. coli consistent with the TMDL, other than the standard requirements under Part I.A.7. of this permit, that plan may be submitted as an alternative approach to paragraphs 1) through 3) above.

b. 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 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 Total Phosphorus.

2) The permittee shall retain these self-monitoring 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.

4) In the event that the permittee already has information and a plan for prioritizing and controlling the discharge of Total Phosphorus consistent with the TMDL, other than the standard requirements under Part I.A.7. of this permit, that plan may be submitted as an alternative approach to paragraphs 1) through 3) above.

5. Public Education Program (PEP) - Education and Outreach on Storm Water Impacts

The PEP shall promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce or prevent the discharge of pollutants in storm water to the maximum extent practicable. Combining or coordinating existing PEPs for public stewardship of water resources is encouraged.

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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. At a minimum, conduct public education on the following topics, as appropriate, based on the potential impact on the receiving waters:

1) Hazards associated with illicit discharges and the improper disposal of waste. Encourage public reporting of the presence of illicit discharges or the improper disposal of materials into the permittee's MS4, and develop and publicize a hotline for public reporting. Common illicit discharges are construction site wastes and sediment, carpet cleaner wastes, household wastes and motor vehicle fluids from home owners, septic and other commercially-transported wastes, and commercial power washing (except residual street washing water discharges that are allowable under Part I.A.7).

2) The water body that would be potentially impacted by improper actions at or near a person's home

3) The availability, location, and requirements of facilities for the collection and/or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, grass clippings, leaf litter, animal wastes, and motor vehicle fluids

4) The acceptable application and disposal of pesticides, herbicides, and fertilizers, including the use of phosphorus-free fertilizer alternatives, as appropriate

5) Preferred car cleaning agents and procedures for noncommercial car washing

6) For property owners with a septic system, proper septic system maintenance and how to recognize system failure

7) For permittees with riparian land owners, management of riparian lands to protect water quality

8) Public responsibilities and stewardship in their watershed

9) The benefits of using native vegetation instead of non-native vegetation

10) Educate commercial, industrial, and institutional entities likely to have significant storm water impacts. At a minimum, commercial food services, primarily restaurants, shall be educated to prevent grease and litter discharges to MS4s

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. Describe a method for determining the effectiveness of the implemented PEP.

6. Public Involvement and Participation

Public input shall be encouraged in all aspects of the SWMP. The following minimum actions shall be taken to encourage public input:

a. The permittee shall follow local public notice requirements, as appropriate, when notifying the public that a SWMP is or will be implemented. Copies of the SWMP plan shall be available for public review, and the public shall be notified of when and where it is available.

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b. The permittee shall participate in a citizen advisory committee for the purpose of encouraging public involvement in all aspects of the SWMP. The permittee may participate in an existing citizen advisory committee or may establish and implement its own.

c. The permittee shall foster cooperation with local stream or watershed protection organizations, if any exist, by informing them of activities under the SWMP; providing copies of the SWMP plan and pursuing input on the plan; seeking volunteer assistance, including water quality monitoring support; and seeking ways to meet permit requirements by assisting the local organizations with their ongoing programs for water resource protection and enhancement.

7. Illicit Discharge Elimination Program (IDEP)

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 following non-storm water discharges are not authorized by this permit, but do not need to be prohibited by the permittee in accordance with Part I.A.7.a.2. below, unless the permittee identifies them as significant contributors of pollutants:

- Water line flushing and discharges of 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 crawlspace pumps; footing drains, and basement sump pumps
- Air conditioning condensates
- Waters from noncommercial 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. Water from 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.

At a minimum, the IDEP shall include the following:

a. An ordinance and program, 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 that implements 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.

b. A program to find and eliminate illicit connections and discharges to the MS4 from commercial, industrial, private educational, public, and residential sources. The program to find and eliminate illicit discharges and connections shall include the following:

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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.

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. The 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 dry-weather 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 that dry-weather water quality criteria are exceeded two or more times in a year are high priorities.
Density of aging on-site sewage disposal systems (OSDS)	Older private septic systems that exceed 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 activities 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.
MS4 discharge point density	A density of more than 20 of the permittee's MS4 discharge points per stream mile (include both sides of the stream) indicates a high illicit discharge potential. Count just the discharge points that discharge directly to the surface waters of the state.
Sewer conversion areas	Areas where sanitary sewers were added in the last 30 years, and residents 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	Non-industrial businesses, 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 trash compactors.
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 SWMP plan submittal, unless the permittee submits an alternative plan for approval. 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 (5) years.

At a minimum, dry-weather screening shall include recorded 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.

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, and additional analysis or sampling is not required, or
- 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.

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: indicator parameter testing, 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 I.A.11.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 or 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, especially those involved in illicit discharge-related activities and those who have field jobs with the potential for witnessing illicit discharges and connections. At a minimum, the training shall include the following:

- The definition of illicit discharges, illicit connections, and sanitary seepage
- Techniques for locating illicit discharges, including field screening, source identification, and recognizing illicit discharges and connections
- Methods for eliminating illicit discharges and the proper enforcement response
- Proper procedures for responding to spills and emergency situations
- A training schedule and a requirement for the initial training of appropriate staff, with refresher training every three (3) years

8. Post-Construction Storm Water Control for New Developments and Redevelopment Projects

The permittee shall develop, implement, and enforce standards through an ordinance or other regulatory mechanism to address post-construction storm water runoff from all new and redeveloped 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 address water quality impacts
- *Channel protection criteria* to address resource impairment resulting from flow volumes and rates

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- Operation and maintenance requirements
- Enforcement mechanisms with recordkeeping procedures
- A requirement for the project developer to prepare and implement site plans, which shall incorporate the requirements of this section of the permit

The permittee shall retain records associated with this activity in accordance with Part II.C.2. 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 other regulatory mechanisms that implement a standard for storm water treatment and criteria for stream channel protection that existed before the permittee submitted its application.
- The permittee identified in its application for coverage under this general permit applicable local procedures that implemented a standard for storm water treatment and criteria for channel protection criteria that existed before submittal of its application, and these local procedures will be converted into an ordinance or other regulatory mechanism by the date specified in the COC for SWPPI submittal.
- The permittee submits with the SWMP an alternative approach based on low-impact development (LID) that provides an equivalent or greater level of water quality and stream channel protection. The alternative is subject to Department approval.

Any combination of existing regulatory mechanism or procedure, approved alternative approach, 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 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. 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.

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

1) One inch of runoff from the entire site, or

2) The calculated site runoff 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 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 review 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.

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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 volume and peak flow 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 rather than the standard permit requirements.

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.

Methods for estimating pre- and post-development runoff shall follow curve number evaluations as described in guidance available on the Internet at www.michigan.gov/deqstormwater. Select "Municipal Program/MS4 Guidance," then go to the Storm Water Control Resources heading and select "Guidance for Calculating Runoff Volume and Peak Flow Rate."

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

Channel protection criteria shall be required for all surface waters of the state within regulated urbanized areas except in the following water bodies:

- The Great Lakes or connecting channels of the Great Lakes
- The Rouge River downstream of the Turning Basin
- The Saginaw River
- Mona Lake and Muskegon Lake in Muskegon County
- Lake Macatawa and Spring Lake in Ottawa County

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 the ordinance or other regulatory mechanism to ensure long-term O & M plans for the water quality treatment and channel protection controls the permittee requires. The permittee shall make records associated with this activity available to the Department upon request.

9. 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 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 the 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.7.a.2. 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, or

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.

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b. A procedure to ensure that preliminary site plans adequately allow space for future soil erosion and sedimentation controls, 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.

10. Pollution Prevention/Good Housekeeping for Municipal Operations

Municipal operations cover a wide variety of activities and land uses that are potential sources of storm water pollutants. These operations 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 preventing or reducing 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 program shall meet the following requirements:

a. Employee/Contractor Training
The permittee shall ensure there is training for appropriate staff 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.10.b-f. (below). Timing for training shall include the following:

- For existing employees, one (1) training session prior to the expiration of this general permit
- For new employees, one (1) training session during the first year of employment
- 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, before they perform work for the permittee.

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. They shall have routine maintenance performed, and maintenance schedules shall be 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 contribution of pollutants to the surface waters of the state.

1) The permittee shall inspect all such controls at a frequency appropriate for the BMP design and site conditions. Inspection frequencies shall be identified in the SWMP.

2) The permittee shall include in the SWMP a summary list of municipal properties and 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 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 request, provided to the Department for review.

PART I

Section A. Effluent Limitations and Monitoring Requirements

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 *minimum treatment volume standard, channel protection criteria*, and requirements for operation and maintenance established under Part I.A.8. of this permit. 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.8.

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 related to snow removal practices.

2) The permittee shall reduce the runoff of TSS from all of its paved surfaces to the maximum extent practicable, with a goal of reducing the annual TSS loading from paved surfaces to surface waters by 25 percent, as compared to annual loading from runoff with no suspended solids controls.

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).

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 reduction goal. 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 steams 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 investigate and implement 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/Facilities

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

PART I

Section A. Effluent Limitations and Monitoring Requirements

The MS4 owner or operator shall have a certified storm water operator, in accordance with Part II.D.2, to oversee storm water controls at all facilities with SWPPPs.

2) The permittee's SWMP 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 was implemented under the supervision of a certified storm water operator.

3) The completed SWPPP shall be signed by the facility manager and the certified storm water operator or Storm Water Program Manager, as applicable, and retained on-site at the facility which 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.2 of this 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. Discharge of vehicle or maintenance facility wash water is not authorized by this 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 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:

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 on turfgrass. Phosphorus may be added to turfgrass only if soils are tested for nutrients (nitrogen/phosphorus/potassium) a minimum of every four (4) 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

11. 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.

PART I

Section A. Effluent Limitations and Monitoring Requirements

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; on the left side of the screen click on Water, Water Quality Monitoring, 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.

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.

PART I

Section B. Program Assessment and Reporting

1. Submittals and Reporting

a. SWMP Plan

A SWMP plan submitted on or before the date specified in the COC for this permit shall include the following:

1) BMPs

The SWMP plan shall include descriptions of the BMPs that will be or have been implemented for all of the standard requirements in Part I.A. of this permit. The plan shall identify the years (and months as appropriate) that BMPs are proposed to begin and the frequency of the actions, if appropriate, such as the maintenance frequency for structural BMPs and the implementation frequency of nonstructural BMPs, so that the SWMP will be implemented within five (5) years of the effective date of the COC.

2) Measurable Goals

The SWMP plan shall include a description of the measurable goals for each listed BMP. Measurable goals for an individual BMP may include a description of BMP *actions* and/or *results* related to an environmental benefit.

a) Example descriptions of *actions* include the number of MS4 discharge points or buildings inspected for illicit discharges, the number of fliers mailed or informational programs conducted for public education, the number of volunteers for in-stream biological surveys or the extent of the stream surveyed, and the frequency of street sweeping or catch basin cleaning as a pollution prevention activity.

b) Examples of *results* related to an environmental benefit include the number and types of illicit connections identified and corrected, survey results showing a change in public awareness of storm water issues; the mass or volume of solids removed during street sweeping and catch basin cleaning operations, or the measurable or observable improvements in water quality, aquatic habitat, or biological diversity.

3) Receiving Water Quality Status

The permittee shall provide a description of the status of the water quality in the surface waters of the state within the permittee's political, territorial, property, or right-of-way boundaries. The description of water quality status may be narrative or numeric, or both. Narrative descriptions may include, but are not limited to, reports of unnatural physical properties such as turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits; the presence or absence of indicator animals, algae, or bacteria; the presence of trash and floatables; and streambank and streambed conditions. For numeric descriptions, the Department encourages the permittee to seek alternatives to instream water chemistry monitoring or to limit chemical monitoring to a small number of parameters. Biological indices are acceptable numeric descriptions. The permittee may gather its own information; join a group to gather information, or report information collected by someone else, including county, state, or federal governments.

4) Receiving Water Quality Stresses

The permittee shall identify and prioritize the stresses on the waters of the state within the permittee's political, territorial, property, or right-of-way boundaries. "Stresses" mean negative impacts on surface water quality, navigation, industrial water supply, public water supply at the point of water intake, fish and other indigenous aquatic life and wildlife, human body contact recreation (i.e., public health violations), and agricultural uses. Water quality stress reporting shall consist of descriptions of the known or suspected pollutant sources leading to water quality concerns, if any.

5) Upcoming Activities

The permittee shall provide a summary of the storm water activities scheduled for implementation during the next reporting cycle.

6) Notice of MS4 Operators Nested within Community Boundaries

A city, village, township, or county (primary jurisdiction) shall identify in its SWMP plan nested jurisdictions with which it has established cooperative agreements. The primary jurisdiction shall be responsible for ensuring compliance with this permit for those nested jurisdictions with which they have entered into an agreement.

PART I

Section B. Program Assessment and Reporting

7) Sharing Permit Responsibilities

Permittees may share permit responsibilities when two or more permittees coexist in the same geographical area. Each permittee shall report the permit responsibilities that will be shared and shall identify the other permittee with whom they will be shared.

b. Progress Reports

Progress reports shall be submitted to the Department twice during the permit period, by the dates identified in the COC issued under this permit. The Department may approve alternate dates for progress report submittal if requested and adequately justified by the permittee. The progress reports shall contain the following information:

1) Compliance Assessment

The permittee shall describe the status of compliance with the standard permit requirements in Part I.A. and any approved alternatives. The report shall describe the progress made towards achieving the identified measurable goals for each of the BMPs, and specific evaluation criteria for the PEP, the IDEP, and TSS reduction 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 the progress made toward the measurable goal, 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.

c) Assess TSS reduction in accordance with Part I.A.10.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, identify needs to achieve the goal of 25 percent TSS load reduction

2) Water Quality Assessment

The permittee shall provide an updated assessment of the water quality conditions within its jurisdiction. Use of data collected by other sources or participation in a group monitoring program is encouraged. Narrative descriptions or a combination of narrative and numeric descriptions may be submitted. The purpose of this update is to show any obvious changes in the receiving waters since the previous progress report.

3) Water Quality Stress Update

The permittee shall provide a description of any water quality stresses identified since the previous progress report.

4) Discharge Point Location

The permittee shall 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.

The permittee shall provide an update on areas added to or removed from the MS4 due to annexation, other statutory processes (if applicable), or properties bought or sold.

5) Data and Results

The permittee shall provide a summary of all of the information collected and analyzed, including monitoring data, if any, during the reporting cycle.

6) Upcoming Activities

The permittee shall provide a summary of the storm water activities to be implemented during the next reporting cycle.

7) BMP and Measurable Goal Changes

The permittee shall describe any planned changes in identified BMPs or measurable goals for any of the standard permit requirements.

PART I

Section B. Program Assessment and Reporting

8) Notice of Changes in Nested Jurisdiction Agreements or Reliance on Permitted MS4 Operators
The permittee shall identify any nested jurisdictions that enter into or terminate permit agreements with the permittee which were not identified in the SWMP plan. All permittees shall describe any changes in the need to rely on other permitted MS4 operators to satisfy the terms and conditions of this permit, as described in Part I.B.1.a.7.

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 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 SWMP.

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 program 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.

d. 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.

e. Signatory Requirements
All reports required by this permit, and other information requested by the Department, shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person in accordance with 40 CFR 122.22(b).

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 of the state, 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's 24-Hour Pollution Emergency Alerting System telephone number: 1-800-292-4706.

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Section B. Program Assessment and Reporting

3. Recordkeeping

The latest version of the SWMP plan developed in accordance with this permit shall be retained by the permittee and available for inspection in accordance with Part II.D.9. of this permit. All records and information resulting from the preparation of previous SWMP plans or the progress reports, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained by the permittee for a minimum of three years or as described in Part II.B.5. of this permit.

4. SWMP Modification

a. Modifications Requested by the Permittee
The SWMP may be modified by the permittee as follows.

1) Modifications adding (but not replacing or subtracting) components, controls, or requirements to the SWMP may be made by the permittee at any time upon written notification to the Department. Notification shall include a description of the modification.

2) Modifications replacing an ineffective or unfeasible BMP specifically identified in the SWMP plan with an alternative BMP may be requested at any time by written notification to the Department. Unless denied by the Department, or another implementation date is approved, the modification shall be implemented by the permittee 60 days from submittal of the request. Such requests must include the following:

a) An analysis of why the BMP is ineffective or unfeasible (including cost prohibitive)

b) A measurable goal for the replacement BMP

c) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced

3) Modifications subtracting an ineffective or unfeasible BMP specifically identified in the SWMP plan may be requested by written notification to the Department. The identified BMP shall not be subtracted from the SWMP unless the subtraction is approved by the Department. The request shall include an analysis of:

a) Why the BMP is ineffective or unfeasible (including cost prohibitive)

b) Why the removal of the BMP will not hinder the permittee's ability to comply with the permit requirements or be consistent with a TMDL, if applicable

b. Modifications Required by the Permitting Authority
The Department may require the permittee to modify the SWMP as needed to:

1) Address contributions by the MS4 discharges that impair receiving water quality.

2) Include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements.

3) Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Federal Act or the Michigan Act, including the requirement to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

5. 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

PART I

Section B. Program Assessment and Reporting

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.

6. Requirement to Obtain Individual Permit

The Department may require any permittee that is authorized to discharge under a COC and this 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 demonstrated technology or 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).

7. Switching from Another MS4 General Permit

A permittee with coverage under another MS4 general permit, such as the MS4 Watershed-Based General Permit (Permit No. MIG610000 or Permit No. MIG619000), under which a WMP was already developed and submitted to the Department as a permit requirement, that wishes to seek coverage under this permit, shall submit to the Department a complete SWMP plan, as described in Parts I.A.3. and I.B.1.a. of this permit, as part of the application for coverage under this permit or in accordance with an alternate schedule set by the Department.

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 (BMP) 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 (or seepage) to the MS4 that is not composed entirely of storm water or uncontaminated groundwater. Examples of illicit discharges include, but are not limited to, the dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, or domestic animal wastes, or the unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste into an MS4.

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.]

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

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

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

MGD means million gallons per day.

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

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

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

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.

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

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 the disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, drainage district, or similar entity, or a designated or approved management agency under Section 208 of the federal act that discharges to 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 Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

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

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

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

PART II

Section A. Definitions

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 facility.

POTW is a publicly-owned treatment works as defined at 40 C.F.R. §403.3.

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 the surface waters from retention treatment facilities.

Point source means a discharge point from an MS4 to the waters of the state, or a point where a storm water drainage system discharges into a system operated by another public body.

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 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.

Sanitary seepage means infiltration into the MS4 of sanitary wastewater which has leaked from public or private sewerage systems, including, but not limited to, onsite sewage disposal systems such as septic tanks and drain fields.

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.

PART II

Section A. Definitions

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 means storm water runoff, snow melt runoff, and surface runoff and drainage.

Surface waters of the state means all of the following, but does not include 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 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.

PART II

Section A. Definitions

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 facility's certificate of coverage, the permittee shall notify the Department within 14 days following the effective date of the certificate of coverage, and then 60 days prior to the commencement of the discharge.

2. 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 certificate of coverage). 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.

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.

3. 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.

4. Compliance Dates Notification

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

PART II

Section C. Reporting Requirements

5. 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.

6. 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 (cleanup 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.

7. 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

8. 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 8.b. or 8.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 8.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 certificate of coverage (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 8.a., 8.b., 8.c., and 8.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.9. 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.

9. 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 certificate of coverage 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

10. 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.9. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

11. 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.

12. 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 waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act.

3. Facilities Operation

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

4. Power Failures

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

a. Provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or

b. Upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee, to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce, or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with 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 storm water or 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.8. 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.10.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 a 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 a 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 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 non-structural 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 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 inspections 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 the 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 the material-handling procedures and storage requirements for significant materials. 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 the employee training programs which will be implemented to inform the 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 the 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 the minimum requirements. Such notification shall identify why the SWPPP does not meet the 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)