STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION

ADMINISTRATIVE CONSENT ORDER

In the matter of: **Kentwood Packaging Corporation**
Administrative Consent Order (ACO) No. ACO-000232
Date Entered:

SECTION I

FACILITY OWNER/OPERATOR

NAME Jack Skoog Jr., President	OWNER☒	OPERATOR☐
DEPARTMENT OF LABOR & ECONOMIC GROWTH BUSINESS IDENTIFICATION NUMBER 053547		
ADDRESS 2102 Avastar Parkway NW		
CITY Grand Rapids	STATE Michigan	ZIP 49544
CONTACT NAME/TITLE Dave Welker, Operations Manager	PHONE # 574-350-0319	

FACILITY NAME AND LOCATION

FACILITY NAME Kentwood Packaging Corporation		
FACILITY OWNER IF NOT IDENTIFIED ABOVE Jack Skoog Jr., President		
ADDRESS 2102 Avastar Parkway NW		
CITY Grand Rapids	STATE Michigan	ZIP 49544
COUNTY Kent		
CONTACT NAME Dave Welker, Operations Manager	PHONE # 574-350-0319	

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that the above-referenced Facility Owner/Operator (Owner/Operator), is in violation of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules promulgated under this statute.

Specific violations are referenced in DEQ letter attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner/Operator and the DEQ agree to resolve the violations set forth herein through entry of this Consent Order. The Owner /Operator further agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this Consent Order. This Consent Order, in its entirety, shall consist of Section I, the attached Sections II, III, and IV, Exhibit A, and any other referenced attachments, exhibits, or appendices. This Consent Order shall be considered null and void if it does not include, at a minimum, Sections I, II, III, and IV, and Exhibit A.

The Owner/Operator agrees to pay a civil fine of **$3,750** for the violations specified in Exhibit A of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order. Payment of avoided permit fees (see Section II, Paragraph 5) shall be made in accordance with the compliance schedule in Section II of this Consent Order. A permit fee invoice will be sent to the Owner/Operator from the WRD after this ACO is fully executed by the WRD Chief. Failure to make timely payment constitutes a violation of this Consent Order. The Owner/Operator agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Accounting Services Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, MI 48909-8157; or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 W. Ottawa Street, Lansing, MI 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WRD40064.** The Owner/Operator agrees not to contest the legality of the civil fine and the past due and avoided permit fees.

Signatories

DEPARTMENT OF ENVIRONMENTAL QUALITY

William Creal, Chief
Water Resources Division

3/18/2014
Date

I undersigned CERTIFY that I am fully authorized by the party identified above to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it. I further attest that all information provided herein is accurate and true.

KENTWOOD PACKAGING CORPORATION

By: Jack Skoog Jr.
Title: President, Kentwood Packaging Corporation

2/25/14
Date

SECTION II - COMPLIANCE SCHEDULE

IT IS THEREFORE AGREED AND ORDERED THAT the Owner/Operator shall take the following actions to prevent further violations of Part 31 of NREPA:

1. The Owner/Operator agrees to comply with Part 31 of the NREPA.

2. Not later than April 14, 2014, the Owner/Operator shall submit a written report for WRD staff review and approval describing the actions taken to resolve violations of Part 31 of NREPA. The written report shall describe the actions taken to:

    a. Immediately stop the unauthorized discharge from the storm sewer system to the surface waters of the state.

    b. Immediately vactor, jet, and clean the on-site storm sewer system that caused the unauthorized discharge to the surface waters of the state.

    c. Immediately remove and appropriately dispose of contaminated water / sediment from the storm sewer system cleaning process.

    d. Immediately investigate and eliminate all illicit connections to the storm sewer system.

3. Not later than April 14, 2014, the Owner/Operator shall apply for storm water permit coverage by submitting a complete Notice of Intent (NOI). Alternatively if the facility can achieve and maintain a condition of "No Exposure" a complete NEC form shall be submitted for WRD staff review and approval no later than April 14, 2014. If a complete NEC is submitted by the facility then paragraph 4 of this Section is not applicable.

4. Not later than April 14, 2014, the Owner/Operator shall submit a Storm Water Pollution Prevention Plan (SWPPP) for WRD staff review and approval. The SWPPP shall describe non-structural and structural controls designed to prevent any future unauthorized discharges to the surface waters of the state.

    a. Not later than 30 days of receiving comment from the DEQ on the SWPPP, the Owner/Operator shall incorporate the DEQ's comments into the SWPPP.

    b. Non-structural controls described in the SWPPP shall be implemented immediately after the Owner/Operator receives notice that the SWPPP was approved by WRD staff.

    c. Structural controls described in the SWPPP shall be installed and operational not later than 90 days after the Owner/Operator receives notice that the SWPPP was approved by WRD staff.

5. The Owner/Operator agrees to pay the applicable permit fee of **$260** to the State of Michigan in accordance with Section 3118 of Part 31 of the NREPA. Payment shall be made not later than 30 days after receiving a permit fee invoice from the WRD for the 2014 annual discharge permit fee.

6. For billing period January 1, 2015, through December 31, 2015, and each billing period thereafter until the DEQ issues a final decision on the Owner/Operator's NOI or NEC, the Owner/Operator shall pay the annual permit fee in accordance with Part 31 of the NREPA.

7. If the Owner/Operator is issued the Certificate of Coverage under an NPDES Storm Water Permit by the DEQ, the Owner/Operator shall pay the annual permit fee based on its permit classification and in accordance with Part 31 of the NREPA.

8. The Owner/Operator shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Grand Rapids District Supervisor, WRD, DEQ, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

SECTION III - STIPULATIONS

The Owner/Operator and the DEQ stipulate as follows:

1. The DEQ reserves all rights afforded to it under the law or laws under which this Consent Order is being entered.

2. The Owner/Operator consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under the appropriate provisions of state law identified in this Consent Order. The Owner/Operator agrees not to contest the issuance of this Consent Order, and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the chief of the WRD, delegate of the director.

3. The Owner/Operator and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Owner/Operator that the law has been violated.

4. The Signatory to this Consent Order on behalf of the Owner/Operator agrees and attests that he is fully authorized to assure that the Owner/Operator will comply with all requirements under this Consent Order.

5. The Owner/Operator shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this Consent Order.

SECTION IV – GENERAL PROVISIONS

1. With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Owner to comply with the requirements of the NREPA and its rules. Entry of this Consent Order does not relieve the Owner from future liability for the potential need to conduct remedial actions if contaminants originating from the discharge are discovered at limits that exceed the criteria under applicable law. The DEQ further expressly reserves the right to pursue the Owner for injunctive relief and costs associated with overseeing or conducting these remedial actions.

2. The DEQ and the Owner/Operator consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to the provisions of the NREPA, as amended.

3. This Consent Order in no way affects the Owner/Operator's responsibility to comply with any other applicable state, federal, or local laws or regulations.

4. The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and applicable statutory fines for any violation of this Consent Order.

5. Nothing in this Consent Order is or shall be considered to affect any liability the Owner/Operator may have for natural resource damages caused by the Owner/Operator's acts or omissions at the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.

6. In the event the Owner/Operator sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Owner/Operator shall also notify the WRD District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD District Supervisor within 30 days of assuming the obligations of this Consent Order.

7. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.

8. This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

9. REPORTING

The Owner/Operator shall verbally report any violation(s) of the terms and conditions of this Consent Order to the District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Owner/Operator shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

10. RETENTION OF RECORDS

Upon request by an authorized representative of the DEQ, the Owner/Operator shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to applicable laws or rules. All such documents shall be retained by the Owner/Operator for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by the applicable law or its rules.

11. RIGHT OF ENTRY

The Owner/Operator shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

12. DEQ APPROVAL OF SUBMITTALS

For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the Owner, the following process and terms of approval shall apply:

a. All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.

b. In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the Owner, in writing, specifying the reasons for such disapproval. The Owner shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner of this disapproval.

c. In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Owner, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the Owner to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner of this disapproval.

d. Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.

e. Failure by the Owner to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the Owner to the enforcement provisions of this Consent Order.

f. Any delays caused by the Owner 's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Owner 's responsibility to comply with any other deadline(s) specified in this Consent Order.

g. No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the Owner will be construed as relieving the Owner of its obligation to obtain written approval, if and when required by this Consent Order.

13. EXTENSIONS

The Owner/Operator and the DEQ agree that the DEQ may grant the Owner/Operator a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request to the District Supervisor no later than ten business days prior to the pertinent deadline, and shall include:

a. Identification of the specific deadline(s) of this Consent Order that will not be met.

b. A detailed description of the circumstances that will prevent the Owner/Operator from meeting the deadline(s).

c. A description of the measures the Owner/Operator has taken and/or intends to take to meet the required deadline.

d. The length of the extension requested and the specific date on which the obligation will be met.

No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

14. TERMINATION

This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Owner/Operator shall submit a request consisting of a written certification that the Owner/Operator has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. Specifically, this certification shall include:

a. The date of compliance with each provision of the compliance program in Section II, and the date any fines or penalties were paid.

b. A statement that all required information has been reported to the district supervisor.

c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Exhibit A
Administrative Consent Order

Enforcement Type	Enforcement Number	Issued Date
Violation Notice and Enforcement Notice	EN-000232	February 18, 2014

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS DISTRICT OFFICE

RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

February 18, 2014

CERTIFIED MAIL
RETURN RECEIPT

Mr. Jack Skoog Jr., President
Kentwood Packaging Corporation
2102 Avastar Parkway NW
Grand Rapids, Michigan 49544

VN and EN No. EN-000232

Dear Mr. Skoog:

SUBJECT: Violation Notice and Enforcement Notice No. EN-000232
Kentwood Packaging Corporation

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), Grand Rapids District Office, is pursuing an escalated enforcement action for violations of law by the Kentwood Packaging Corporation (hereinafter "facility") as set forth herein.

On January 13, 2014, WRD staff observed an unauthorized discharge of printing press waste water to an unnamed tributary to the Grand River. The unauthorized discharge was the result of an illicit connection from the facility's printing press waste water line to the storm sewer system. Information gathered during the investigation suggests the illicit connection has been in place since September 2013.

The unauthorized discharge of printing press waste water which caused an unnatural color in the surface waters of the state is a violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* specifically Section 324.3109 (1) which states:

> *324.3109 (1) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:*
>
> *a. To the public health, safety, or welfare.*
>
> *b. To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.*
>
> *c. To the value or utility of riparian lands.*
>
> *d. To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.*
>
> *e. To the value of fish and game.*

On January 13, 2014, WRD staff identified that the facility's Standard Industrial Classification (SIC) code is regulated by the Federal Storm Water Regulations, 40CFR 122.26 and the facility does not currently have a permit authorization for the discharge of storm water to the surface waters of the state. Facilities that are classified under the Federal Storm Water Regulations are required to obtain permit coverage, if there is exposure of industrial materials and/or processes to storm water and if there is a point source discharge of storm water from the facility to surface waters of the state. Storm water from the facility discharges to an unnamed tributary to the Grand River.

Failure to obtain permit coverage for the discharge of storm water associated with industrial activity is a violation of Part 31 of the NREPA, specifically Section 324.3112 (1) which states:

> *324.3112 (1) A person shall not discharge any waste or waste effluent into the waters of this state unless the person is in possession of a valid permit from the department.*

Please note that facilities <u>without</u> exposure of industrial materials or activities to storm water may apply for a conditional No Exposure Certification (NEC) exemption from the storm water permit requirements. Information on the NEC is enclosed for your review.

The facility is hereby notified that the violations identified in this Violation Notice and Enforcement Notice are violations of Part 31 of NREPA. The facility is requested to immediately undertake all actions necessary to resolve all violations.

The facility shall take the following actions to prevent further violations of Part 31 of NREPA:

1. Not later than April 14, 2014, the facility shall submit a written report for WRD staff review and approval describing the actions taken to resolve the violations identified above. The written report shall describe the actions taken to:

    a. Immediately stop the unauthorized discharge from the storm sewer system to the surface waters of the state.

    b. Immediately vactor, jet, and clean the on-site storm sewer system that caused the unauthorized discharge to the surface waters of the state.

    c. Immediately remove and appropriately dispose of contaminated water / sediment from the storm sewer system cleaning process.

    d. Immediately investigate and eliminate all illicit connections to the storm sewer system.

2. Not later than April 14, 2014, the facility shall apply for storm water permit coverage by submitting a complete Notice of Intent (NOI). Alternatively if the facility can achieve and maintain a condition of "No Exposure" a complete NEC form shall be submitted for WRD staff review and approval no later than April 14, 2014. If a complete NEC is submitted by the facility then item 3 below is not applicable.

3. Not later than April 14, 2014, the facility shall submit a Storm Water Pollution Prevention Plan (SWPPP) for WRD staff review and approval. The SWPPP shall describe non-structural and structural controls designed to prevent any future unauthorized discharges to the surface waters of the state.

a. Not later than 30 days of receiving comment from the DEQ on the SWPPP, the Owner/Operator shall incorporate the DEQ's comments into the SWPPP.

b. Non-structural controls described in the SWPPP shall be implemented immediately after the facility receives notice that the SWPPP was approved by WRD staff.

c. Structural controls described in the SWPPP shall be installed and operational not later than 90 days after the facility receives notice that the SWPPP was approved by WRD staff.

The written report, NOI or NEC, and SWPPP (if applicable) shall be submitted to Mr. Ryan Grant, Senior Environmental Quality Analyst, at the address specified below.

The violations identified herein, as well as any additional violations discovered hereafter must be formally resolved through entry of an administrative consent order (ACO). The ACO will include an agreed-upon compliance program to resolve the WRD's allegations, any additional requirements, and a civil fine. Negotiations to resolve this matter through an ACO shall not exceed 90 days.

Enclosed please find two (2) copies of a proposed ACO that specifies the requirements necessary to resolve violations of Part 31 of NREPA.

In light of the nature of the violations, the DEQ proposes entry of the enclosed ACO as an appropriate and expeditious means of resolving these issues. Failure to resolve this matter by entry of the ACO within 90 days of receipt of this letter may result in escalation for additional enforcement. <u>If this ACO is acceptable to the facility please sign and return both (two) original documents to Mr. Ryan Grant, not later than 10 days after receipt of this letter.</u> Upon receipt of the signed documents, the DEQ will secure the other signatures and return one fully executed original document to the facility. The ACO becomes effective on the date that it is signed by the DEQ, WRD Chief, and the civil fine must be paid not later than 30 days after that date.

Alternatively, the facility is offered an opportunity to meet with the DEQ regarding the Violation Notice and Enforcement Notice and proposed ACO on **Thursday, February 27, 2014, from 2:00pm to 3:00pm**, at the DEQ, Grand Rapids District Office, located at State Office Building, Fifth Floor, 350 Ottawa Avenue N.W., Unit 10, Grand Rapids, Michigan 49503-2341.

The facility may also submit a written response to this Violation Notice and Enforcement Notice and proposed ACO at any time prior to, during, or in lieu of, the scheduled conference. The written response should state whether representatives of the facility are planning to attend the conference or if the submittal is being made in lieu of the conference. If a written response to this letter is not received from the facility by the date of the conference, or if the facility does not attend the conference, the DEQ may initiate further enforcement actions.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 of NREPA that have occurred to date and any violations of Part 31 of NREPA that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, all costs associated with this enforcement action, including attorney costs, and any other relief available to the DEQ.

The facility's continuing failure to comply with the terms of Part 31 of NREPA, any other requirements set forth in this Notice, or failure to resolve these violations through entry of an ACO within the 90 day time frame, may result in additional fines, penalties or other actions.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION

Date Issued: 2/18/14

Michael J. Worm
Assistant District Supervisor
Grand Rapids District Office
Water Resources Division – DEQ

ADDRESS FOR FURTHER CORRESPONDENCE:

Ryan Grant
Senior Environmental Quality Analyst
Grand Rapids District Office
Water Resources Division – DEQ
State Office Building, Fifth Floor
Grand Rapids, Michigan 49503-2341

mjw/rg/llr

Enclosures

cc/enc: Mr. Dave Welker, Kentwood Packaging Corporation
Mr. Michael Masterson, Field Operations Section, WRD – DEQ (via email)
Mr. Barry Selden, Enforcement Unit, WRD – DEQ (via email)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU
http://michigan.gov/deq

GUIDANCE ON MICHIGAN'S NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM THE STORM WATER PERMIT PROGRAM

This guidance provides information on Michigan's no exposure certification for exclusion from the permitting program for the discharge of storm water regulated under the National Pollutant Discharge Elimination System (NPDES).

Who May File a No Exposure Certification
The Phase II Final Rule, published December 8, 1999, allows for a conditional no exposure exclusion to be applied to ALL industrial categories listed in the 1990 storm water regulations, except for construction activities.

Definition of "No Exposure"
"No Exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure of rain, snow, snowmelt, and/or runoff.

Industrial materials or activities include, but are not limited to, material handling, equipment, industrial machinery, raw materials, intermediate products, by-products, final products, waste materials, etc.

The term "storm-resistant shelter" includes completely roofed and walled buildings. Structures with only a roof are included provided material under the structure is not subject to any run-on and subsequent runoff of storm water. Temporary controls may be acceptable on a case by case basis.

The intent of the no exposure exclusion is to provide facilities with materials and activities entirely sheltered from storm water a simplified way of complying with the storm water permitting requirements.

A storm resistant shelter is not required for the following industrial materials and activities:

- Adequately maintained vehicles used in material handling activities; and
- Final products that are intended for use outside provided the products, materials, or treatments associated with the final product would not be mobilized in storm water discharges. Containers, racks, and other transport platforms (i.e., wooden pallets) used for the storage or conveyance of these final products can also be stored outside provided the containers, racks, and platforms are pollutant-free.
- Storage of sealed (sealed by manufacture & never subsequently opened), unopened drums, barrels, tanks, and similar containers that are tightly sealed (banded or otherwise secured and without an operational tap or valve), provided the containers are not deteriorated or otherwise damaged, are not stored in direct contact with the ground or pavement, are protected from damage from vehicles and equipment, have no residuals on the outside, and they do not leak.

While the intent of the no exposure provision is to promote a condition of permanent no exposure, it is understood that certain vehicles could become temporarily exposed to rain and snow while passing between buildings. Thus, adequately maintained vehicles (trucks, automobiles, forklifts, trailers, or other such general purpose vehicles) that are not industrial machinery, and are not leaking contaminants, and are not otherwise a source of industrial pollutants can be exposed to precipitation and runoff. Such activities would not prevent a facility from qualifying for the no exposure exclusion.

The Phase II Final Rule also addresses particulate matter emissions from roof stacks/vents that are regulated by and in compliance with, other environmental protection programs (air quality control programs). Roof vents at a facility which are in compliance with air quality programs are not considered exposure, provided there is no particulate evident in the storm water runoff, and the vents do not otherwise cause contamination of the storm water runoff.

Secondary containment structures and the materials enclosed within them are considered "Not Exposed" and do not require storm resistant shelter provided storm water accumulated within the containment is not discharged to waters of the state. However, secondary containment structures must be managed and maintained in such a way as to effectively eliminate the potential for impact on the storm water runoff.

General refuse and trash, not of an industrial nature is not considered exposure. However, measures (covering containers, good housekeeping practices, etc.) should be taken to minimize the impact of such material on the storm water runoff.

Facilities seeking exclusion from the storm water permitting program are also required to conduct an investigation to determine whether or not there are any unauthorized non-storm water discharges to the storm water system. Any such discharges must be removed or discharge authorization must be obtained.

If the facility currently has authorization to discharge storm water associated with industrial activities, then the no exposure certification form can be submitted as a termination request provided:

- The basis for the termination request is that there is no exposure of materials to storm water, and
- Upon conducting a facility inspection it is determined that the facility meets the no exposure exclusion requirements.

General Requirements

An operator seeking to qualify for this conditional no exposure exclusion must:

- Submit written certification that the facility meets the definition of "no exposure" to the Michigan Department of Environmental Quality (MDEQ), Surface Water Quality Division (SWQD) once **every 5 years**. A copy of the "No Exposure Certification" form is available upon request.
- For facilities that discharge through a municipal separate storm sewer system (MS4) must, upon request, submit a copy of the certification to the MS4 operator.
- Allow the MDEQ, or the MS4 operator, to:
  - Inspect the facility
  - Make such inspection reports publicly available upon request.

What if the Condition of "No Exposure" is not maintained?

The no exposure exclusion is conditional. Therefore, if there is a change in circumstances that causes exposure of industrial activities or materials to storm water, the operator is required to comply immediately with all requirements of the storm water program, including obtaining a permit.

Where a facility operator determines that exposure is likely to occur in the future due to some anticipated change at the facility, the operator should obtain a permit prior to the discharge of storm water associated with industrial activities.

Regulated industrial operators need to either apply for a permit or submit a no exposure certification form in order to be in compliance with the NPDES storm water regulations.

Failure to maintain the condition of no exposure or obtain a permit to discharge can lead to the unauthorized discharge of pollutants to waters of the state. Such a discharge is a violation of the Federal Water Pollution Control Act and the Natural Resources and Environmental Protection Act, P.A. 451, and is subject to fines and penalties of those acts.

Even when an industrial operator certifies there is no exposure, MDEQ retains the authority to require the facility to obtain a permit if it is determined that there is exposure at the facility, or that the discharge of storm water is contributing to the violation of water quality standards.

If you have any further questions regarding the no exposure certification please contact the appropriate district office. Please find district contact information at www.michigan.gov/deqstormwater

NOTE: PLEASE DO NOT RETURN THIS GUIDANCE FORM WITH THE NO EXPOSURE CERTIFICATION FORM

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
http://michigan.gov/deq

DEQ only do not write in this space

NO EXPOSURE CERTIFICATION

FOR EXCLUSION OF COVERAGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
By Authority of Act 451, PA 1994, Part 31

Submission of this No Exposure Certification constitutes certification the Facility identified below does not require permit authorization for storm water discharges associated with industrial activity in Michigan based on 40CFR 122. The Michigan Department of Environmental Quality (DEQ) may deny an exclusion at any time it determines that conditions at the facility do not meet the exclusion requirements. If the exclusion is denied, the owner must obtain authorization to discharge prior to any point source discharge of storm water from the facility.

Be advised that facilities excluded from permit requirements due to "no exposure" are required to submit a no exposure certification form to the DEQ once every five years to continue to be excluded from the permitting requirements.

FACILITY INFORMATION (where discharge occurs)			**OWNER/PERMITEE INFORMATION**		
SITE/FACILITY NAME			COMPANY NAME		
ADDRESS 1			ADDRESS 1		
ADDRESS 2			ADDRESS 2		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
COUNTY	TOWNSHIP		CONTACT PERSON		
LATITUTE (to nearest 15 seconds)	LONGITUDE (to nearest 15 seconds)		CONTACT PERSON TELEPHONE		

_____ ¼ of _____ ¼ Section: _____, Town: T_____, Range: R_____,

PRIMARY STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE

TO DETERMINE THE PRIMARY INDUSTRIAL ACTIVITY, USE THE VALUE OF NET REVENUES. IF SUCH INFORMATION IS NOT AVAILABLE FOR A PARTICULAR FACILITY, THE NUMBER OF EMPLOYEES OR PRODUCTION RATE FOR EACH PROCESS MAY BE COMPARED. THE OPERATION THAT GENERATES THE MOST NET REVENUE OR EMPLOYS THE MOST PERSONNEL IS THE OPERATION IN WHICH THE FACILITY IS PRIMARILY ENGAGED.

THIS FACILITY HOLDS EXISTING NPDES PERMIT:

Please list any other NPDES number(s):

PLEASE RETURN THIS COMPLETED FORM (Page 1 & 2), AND ANY ATTACHMENTS, TO THE FOLLOWING ADDRESS:

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
525 WEST ALLEGAN STREET
P.O. BOX 30458
LANSING MI 48909

If you have any questions regarding the completion of this form, please contact the appropriate district office. Please find district contact information at www.michigan.gov/deqstormwater

NOTE: There are TWO pages to a complete no exposure exclusion request. Please make sure that both pages have been completed prior to submitting

PLEASE COMPLETE ALL OF THE FOLLOWING INFORMATION

EXPOSURE CHECK LIST

Are any of the following materials or activities exposed to storm water, now or in the foreseeable future?

1.	Using, storing, or cleaning of industrial machinery or equipment, or residuals from such practices.	Yes	No
2.	Materials or residuals on the ground or in storm water inlets from spills or leaks.	Yes	No
3.	Materials or products from past industrial activities.	Yes	No
4.	Material handling equipment (except adequately maintained vehicles).	Yes	No
5.	Materials or products during loading, unloading or transporting activities.	Yes	No
6.	Materials or products stored outdoors (except final product intended to be used outside where exposure to storm water does not result in a discharge of pollutants).	Yes	No
7.	Materials contained in open, unsealed, deteriorated, leaking, or improperly managed drums, barrels, tanks, etc.	Yes	No
8.	Materials or products handled or stored on roads or railways owned or maintained by the facility.	Yes	No
9.	Waste materials (except general office trash).	Yes	No
10.	Application or disposal of process wastewater (unless otherwise permitted).	Yes	No
11.	Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e. under an air quality control permit).	Yes	No
NOTE:	If you answered yes to any of the above questions (1-11), you are not eligible for the no exposure exclusion.		
12.	Facility has conducted an investigation to locate any illicit connections to the storm sewer system.	Yes	No
13.	Based on the above investigation, the facility has concluded that there are no illicit connections to the storm water system.	Yes	No

CERTIFICATION

State of Michigan regulations require this form be signed as follows:

Corporation: by the principal executive officer or vice-president or higher, or his/her designated representative if the representative is responsible for the overall operation of the facility from which the discharge described originates.
Partnership: by a general partner
Sole proprietorship: by the proprietor
Municipal, state, or other public facility: by a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee.

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under 40 CFR 122.26(g)(2))

I understand that I am obligated to submit a no exposure certification form to the Michigan Department of Environmental Quality once every 5 years. I understand that I must allow the Michigan Department of Environmental Quality to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain discharge authorization under an NPDES permit prior to any point source discharge of storm water associated with industrial activity from the facility.

I certify, under penalty of law, that this document and all attachments were prepared by me, or under my direction or supervision in accordance with a system to assure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I certify under penalty of law that I possess full authority on behalf of the legal owner/permittee to sign and submit this No Exposure Certification.

Printed name	Title
Signature	Date

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
www.michigan.gov/deqstormwater

NOTICE OF INTENT

FOR COVERAGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
By Authority of Act 451, PA 1994, Part 31

DEQ only-do not write in this space

Submission of this Notice of Intent (NOI) constitutes notice that the party identified as Owner/Permittee requests authorization to discharge under the NPDES General Permit issued for storm water discharges associated with industrial or other activity in Michigan. The Michigan Department of Environmental Quality may deny coverage under the general permit and require submittal of an application form for an individual permit. Becoming a permittee obligates a discharger to comply with the terms and conditions of the General Permit, including **annual fee of $260.00 will be billed each JANUARY - DO NOT SEND MONEY WITH THIS APPLICATION**. Failure to comply with these provisions may result in fines of up to $25,000 per day and the possibility of imprisonment, in accordance with Act 451, PA 1994, Part 31.

FACILITY INFORMATION (where discharge occurs)			**OWNER/PERMITEE INFORMATION**		
SITE/FACILITY NAME			COMPANY NAME		
ADDRESS			ADDRESS		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
RECEIVING WATERS			CONTACT PERSON NAME AND EMAIL ADDRESS		
LATITUDE	LONGITUDE		CONTACT PERSON'S TELEPHONE NUMBER		
1/4 of 1/4 of Section Town: T Range: R (legal distribution of property, can be found on the deed)			**MAILING INFORMATION** (for billing) COMPANY NAME CONTACT NAME (if different than contact above)		
TOWNSHIP	COUNTY		ADDRESS		
The facility discharge is: New ☐ or Existing ☐ **Date the facility discharge started:** **If existing, with NPDES coverage: NPDES number(s):**			CITY	STATE	ZIP CODE
			TELEPHONE NUMBER (INCLUDING AREA CODE)		

CERTIFIED STORM WATER OPERATOR NAME (INDUSTRIAL ONLY):	CERTIFICATION NUMBER: (Number must look like I-*****)

PRIMARY STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE (this information can be found in the corporate tax returns under Schedule K listed as the "Business Activity Code" or the "Manufactures Identity Code")

TO DETERMINE THE PRIMARY INDUSTRIAL ACTIVITY, USE THE VALUE OF NET REVENUES. IF SUCH INFORMATION IS NOT AVAILABLE FOR A PARTICULAR FACILITY, THE NUMBER OF EMPLOYEES OR PRODUCTION RATE FOR EACH PROCESS MAY BE COMPARED. THE OPERATION THAT GENERATES THE MOST NET REVENUE OR EMPLOYS THE MOST PERSONNEL IS THE OPERATION IN WHICH THE FACILITY IS PRIMARILY ENGAGED.

Any person requesting authorization to discharge from an area described below may be subject to the terms of the NPDES General Permit for storm water discharges with **required monitoring**, and should examine the requirements prior to submitting this NOI. (if none apply skip this section)

☐ SECONDARY CONTAINMENT
I (we) request to discharge storm water to a surface water of the state from a secondary containment structure installed at the facility as required by required by state or federal law.
***Request not necessary if discharging storm water to a sanitary or combined sewer system.**

☐ ENVIRONMENTAL CONTAMINATION SITE
I (we) request to discharge storm water from an area identified on Michigan's list of Sites of Environmental Contamination pursuant to the Natural Resources and Environmental Protection Act, PA 451 of 1994, Part 201(formerly 307).
***Request only necessary if storm water comes into contact with contaminated materials.**

☐ OTHER SIGNIFICANT CONTRIBUTOR
The Department of Environmental Quality has determined that the storm water discharges from this facility are a significant contributor of pollutants to waters of the state.

CERTIFICATION

State of Michigan regulations require this form be signed as follows:
Corporation: By the principal executive officer or vice president or higher, or his/her designated representative if the representative is responsible for the overall operation of the facility from which the discharge described originates.
Partnership: By a general partner
Sole Proprietorship: By the proprietor
Municipal, State, or Other Public Facility: By a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee
*****Note: If the signatory is not listed above, but is authorized to sign the Application please provide documentation of that authorization.***

I certify that my facility has developed a **Storm Water Pollution Prevention Plan (SWPPP)** according to the requirements of the Storm Water General Permit.

I certify that my facility has **no unauthorized discharges.**

I certify that my facility has implemented the **non-structural controls** as described in the **SWPPP**. New facilities shall fulfill this requirement when industrial activity begins.

I certify my facility has completed construction and will put into operation all **structural controls** as described in the **SWPPP**. If necessary, new facilities shall fulfill requirement when industrial activity begins.

I certify, under penalty of law, that this document and all attachments were prepared by me, or under my direction or supervision in accordance with a system to assure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I understand that my signature constitutes a legal agreement to comply with the requirements of the appropriate NPDES General Storm Water Permit. I certify under penalty of law that I possess full authority on behalf of the legal owner/permittee to sign and submit this Notice of Intent.

Printed Name	Title
Signature	Date

IF YOU HAVE ANY QUESTIONS ABOUT THE PREPARATION OF THIS FORM, PLEASE CALL 517-284-5588.

RETURN THIS COMPLETED FORM (original signatures only), AND ANY ATTACHMENTS TO:

MICHIGAN DEPARTMENT ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
525 WEST ALLEGAN STREET
P.O. BOX 30458
LANSING MI 48909

INDUSTRIAL STORM WATER CERTIFIED OPERATOR

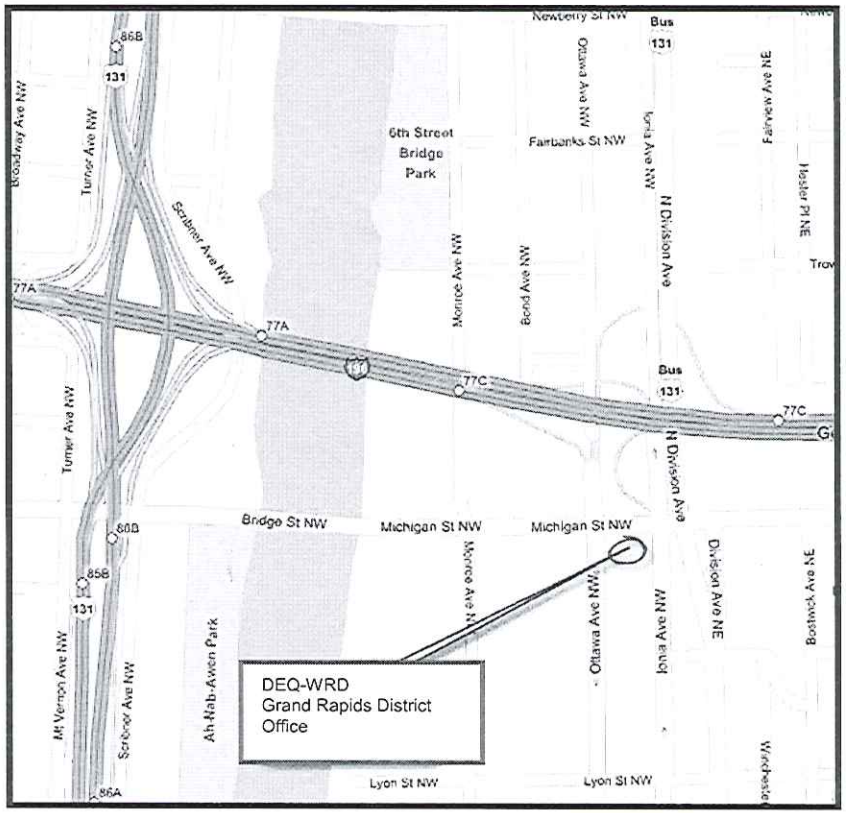
CERTIFICATION TRAINING

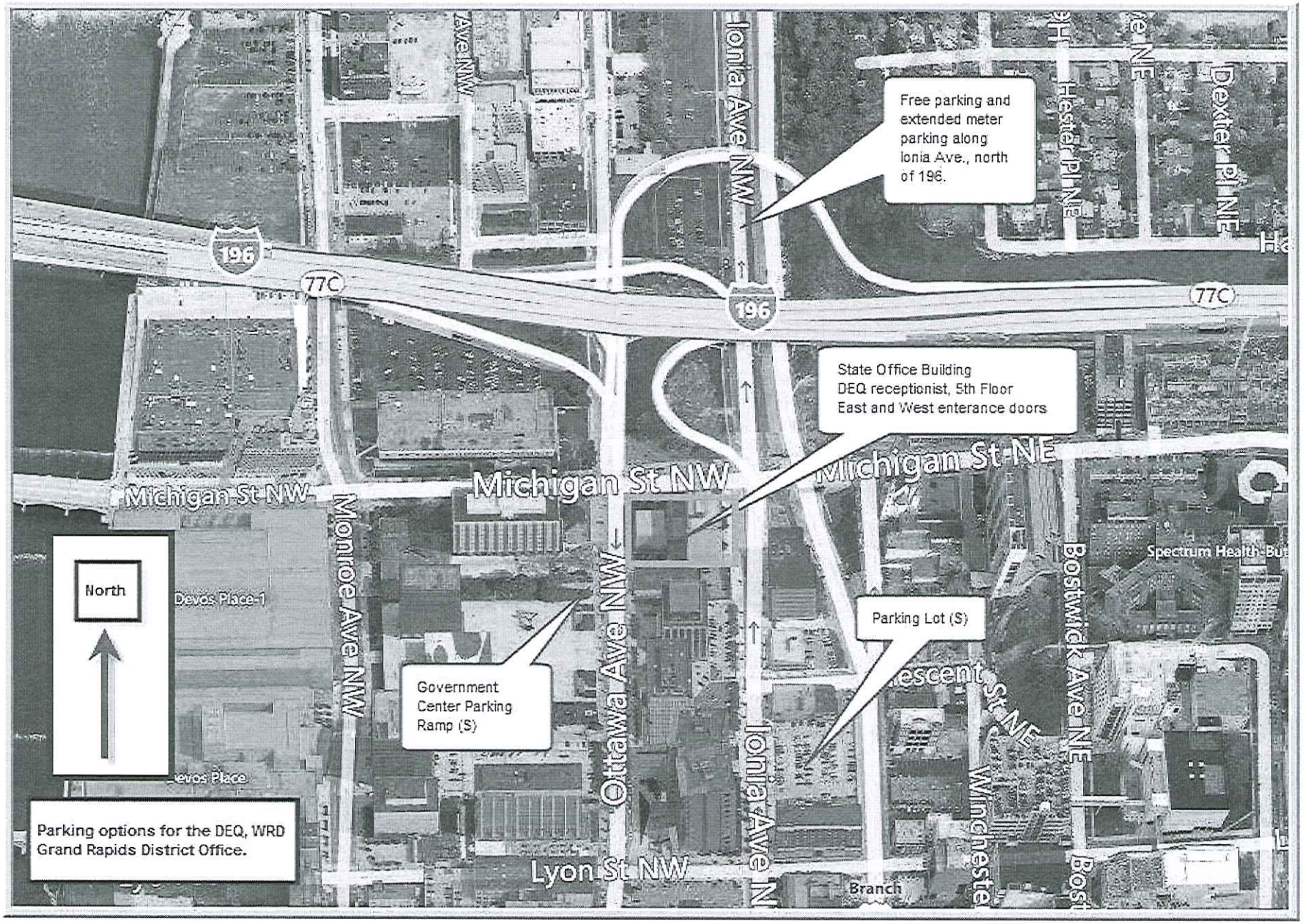
GRAND RAPIDS DISTRICT OFFICE

Certification Training & Exam Location	Certification Training & Exam Contact	2014 Certification Training & Exam Dates
Department of Environmental Quality Water Resources Division Grand Rapids District Office 350 Ottawa Avenue, NW 5th Floor Grand Rapids, MI 49503	Ryan Grant Grantr3@michigan.gov 616-250-6134	• February 12 • April 16 • June 11 • August 13 • October 8 • December 10

Important Information:
Individuals seeking to become certified operators for the first time must register for the Industrial Storm Water (ISW) Certified Operator Training Class. Trainees must pre-register with the appropriate Registration Contact for the desired training session. Before attending a training session, the trainee should review the ISW Operator Training Manual and complete the review exercise. Please bring a copy of the ISW Operator Training Manual to the training session. A current training manual can be downloaded from the DEQ ISW web site at www.michigan.gov/deqstormwater (then click on INDUSTRIAL PROGRAM). Trainees must bring a picture ID (driver license or passport) to the training session. The training will take approximately 3.5 hours and it starts at 9:00am. Parking is available at nearby parking ramps or lots (PARKING FEES ARE NOT VALIDATED). When attendees arrive at the district office they need to sign in on the 5th floor.

There is a $30 training/exam fee, though you **do not need to bring money to the training session. Directions regarding the application and payment will be given at the training session.




Free parking and extended meter parking along Ionia Ave., north of 196.
State Office Building
DEQ receptionist, 5th Floor
East and West enterance doors
Parking Lot (S)
Government Center Parking Ramp (S)
North
Parking options for the DEQ, WRD Grand Rapids District Office.
Michigan St NW
Michigan St NE
Ionia Ave NW
Ottawa Ave NW
Monroe Ave NW
Lyon St NW
Bostwick Ave NE
Dexter Pl NE
Hester Pl NE
Devos Place-1
Spectrum Health-But
196
77C