

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of:
Milk River Intercounty Combined Sewer Overflow Retention/Treatment Basin

Wayne County Drain Commissioner
Wayne County Department of Environmental Services
415 Clifford Street, 7th Floor
Detroit, Michigan 48226

ORDER OF DETERMINATION

The Michigan Department of Environmental Quality (MDEQ) issues this Order of Determination (Order) to the Wayne County Drain Commissioner pursuant to Section 423(3) of the Michigan Drain Code (Drain Code); MCL 280.423(3). As set forth herein, and pursuant to the Drain Code, the Wayne County Drain Commissioner shall notify the Milk River Intercounty Drainage Board (Drainage Board) of this Order.

Section 423(3) of the Drain Code states if the MDEQ determines "that sewage or wastes carried by any intercounty drain constitutes unlawful discharge as prescribed by" MCL 324.3109 or MCL 324.3112, "that 1 or more users of the drain are responsible for the discharge of sewage or other wastes into the drain, and that the cleaning out of the drain or the construction of disposal plants, filtration beds, or other mechanical devices to purify the flow of the drain is necessary," then the MDEQ may issue to the drain commissioner an order of determination identifying such users and pollutants under MCL 324.3112.

Section 423(3) of the Drain Code also states the MDEQ's Order constitutes a "petition calling for the construction of disposal facilities or other appropriate measures by which the unlawful discharge may be abated or purified. The order of determination serving as a petition is in lieu of the determination of necessity by a drainage board" pursuant to Chapter 21 or Section 122 or 192 of the Drain Code, whichever is applicable; MCL 280.423(3). The MDEQ

must attach a copy of its findings to the Order. The Order shall be signed by the director of the MDEQ.

The MDEQ's findings are attached as Exhibit 1 and support the MDEQ's following determinations:

1. The Milk River Combined Sewer Overflow Retention/Treatment Basin (Milk River CSO RTB) is located in Wayne County. It is owned by the Drainage Board and is managed, operated, and maintained by the Wayne County Drain Commissioner.

2. On September 30, 2005, the MDEQ issued National Pollutant Discharge Elimination System (NPDES) Permit No. MI0025500 to the Drainage Board. The permit authorizes the discharge of treated wastewater from the Milk River CSO RTB into the Milk River which flows into Lake St. Clair. The Milk River is an intercounty drain and is known as the Milk River Intercounty Drain at the location where the Milk River CSO RTB discharges treated wastewater.

3. Section 3109(1) of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; MCL 324.3109(1) *et seq.*, states:
 - (1) A person shall not directly or indirectly discharge into 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.

- 4. Section 3112(1) of Part 31; MCL 324.3112, prohibits the discharge of any "waste or waste effluent into waters of this state unless the person is in possession of a valid permit from" the MDEQ. Waste is defined in Rule 2104(aa) of the administrative rules promulgated under Part 31 as "any waste, wastewater, waste effluent, or pollutant that is discharged into water" and includes sewage; 2006 AACS, R 323.2104(aa).

- 5. Sewage and other wastes are discharged from the Milk River CSO RTB into the Milk River Intercounty Drain. Those discharges constitute unlawful discharges prescribed by MCL 324.3109 and MCL 324.3112. The discharges exceed the effluent limits in NPDES Permit No. MI0025500.

- 6. The Drainage Board, as the owner of the Milk River CSO RTB and the person to whom the MDEQ issued NPDES Permit No. MI0025500 is a user of the Milk River Intercounty Drain and is responsible for the discharge of sewage and other wastes into the drain.

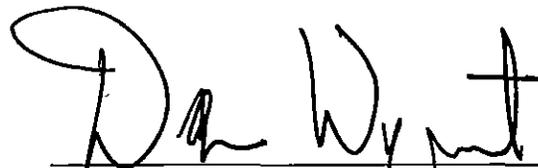
7. Construction of mechanical devices (including the modification and upgrade of mechanical devices) and proper operation and maintenance of the Milk River CSO RTB are necessary to purify the flow of the Milk River Intercounty Drain.

In light of the foregoing determinations,

IT IS HEREBY ORDERED AND DETERMINED that the Milk River CSO RTB needs the modifications and upgrades identified in the compliance program of Administrative Consent Order No. ACO-000114 (ACO, attached as Exhibit 2) and needs to be operated and maintained as set forth in the ACO's compliance program to purify the flow of the Milk River Intercounty Drain and for compliance with Part 31 and NPDES Permit No. MI0025500; and

IT IS FURTHER ORDERED AND DETERMINED that the Drainage Board shall cease the discharge of any waste, waste effluent, or pollutant from the Milk River CSO RTB that is not adequately treated and shall comply with Part 31 and NPDES Permit No. MI0025500; and

IT IS FURTHER ORDERED AND DETERMINED that the Wayne County Drain Commissioner shall notify the Drainage Board of this Order, and upon receipt of the Order, the Wayne County Drain Commissioner and the Drainage Board shall proceed as provided in Chapter 21 of the Drain Code using this Order as the final order of determination of the Drainage Board.



Dan Wyant, Director
Michigan Department of Environmental Quality

Date: _____

2.10.14

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of:
Milk River Intercounty Combined Sewer Overflow Retention/Treatment Basin

Wayne County Drain Commissioner
Wayne County Department of Environmental Services
415 Clifford Street, 7th Floor
Detroit, Michigan 48226

FINDINGS OF FACT

1. The Michigan Department of Environmental Quality (MDEQ) finds that waste and wastewater carried by and then discharged from the Milk River Combined Sewer Overflow Retention/Treatment Basin (Milk River CSO RTB), located in Wayne County, into the waters of the state, constitute an unlawful discharge as prescribed by Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; MCL 324.3101 *et seq.*, specifically, Sections 3109(1) and 3112(1), MCLs 324.3109(1) and 324.3112(1). Further, the MDEQ finds this unlawful discharge has caused and will continue to cause, injury to the waters of the state known as the Milk River and Lake St. Clair in Wayne and Macomb Counties in violation of Section 3109(1) of Part 31.
2. On September 30, 2005, the MDEQ issued National Pollutant Discharge Elimination System (NPDES) Permit No. MI0025500 to the Milk River Intercounty Drainage Board (Drainage Board). The permit authorizes the discharge of treated wastewater from the Milk River CSO RTB which flows into Lake St. Clair. The permit requires the Drainage Board to limit and monitor the discharges in accordance with specific limitations and requirements (Exhibit A, NPDES Permit No. MI0025500).

3. The MDEQ conducted several in-office reviews and site inspections of the Milk River CSO RTB facility and determined that the Drainage Board, was, and currently is, in violation of Part 31 and NPDES Permit No. MI0025500. The violations are described in detail in the MDEQ letters dated August 18, 2006; November 21, 2006; October 16, 2007; March 8, 2010; and March 2, 2011, which are attached as Attachment A to the ACO in Exhibit 2. The violations include the following:

- Exceedances of dissolved oxygen and fecal coliform limits.
- Failure to have an up-to-date operation and maintenance manual available at the Milk River CSO RTB.
- Excessive discharges from the Milk River CSO RTB to the Milk River when the flow rate from the Milk River CSO RTB to the Grosse Pointe Interceptor fell below 10,000 gallons per minute.
- Intermittent failures in the operation of the River Recirculation System.
- Improper operation and maintenance of the flushing system, including failure to clean and/or replace diffusers and failure to dewater and remove the sludge after a rain event, resulting in excessive discharges from the Milk River CSO RTB.
- Failure to have the records concerning:
 - Flushing and basin inspections after a storm event,
 - Valve exercising during dry periods (minimum biweekly).
 - Valve/actuator and valve pit monthly inspections.
- Failure to verify that samples were maintained below six (6) degrees Celsius.
- Failure to have a copy of the disinfection procedure at the Milk River CSO RTB, and failure to update the disinfection procedure.
- Failure to replace the electrical valve actuators in basins 1 and 2.

- Failure to have properly certified operators (minimum Class D) at the Milk River CSO RTB.
 - The aeration system for the Milk River CSO RTB was not functioning properly due to an electrical panel fire.
4. The MDEQ finds that since 2006, the Drainage Board has failed to operate and maintain the Milk River CSO RTB in accordance with Part 31 and NPDES Permit No. M10025500 and that such failure has resulted in unauthorized discharges into the Milk River and Lake St. Clair in violation of Sections 3109(1) and 3112(1) of Part 31.
5. The MDEQ finds that future unlawful discharges from the Milk River CSO RTB to the Milk River and Lake St. Clair are likely to occur until the modifications and upgrades identified in the compliance program of ACO-000114 are completed and implemented in a timely manner and the Milk River CSO RTB is operated and maintained as set forth in the ACO's compliance program. The MDEQ also finds that such modifications and upgrades and such operation and maintenance is needed for compliance with Part 31 of the NREPA and NPDES Permit No. MI0025500.



William Creal, Chief
Water Resources Division
Michigan Department of Environmental Quality

Date: 2-7-2014

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION

In the matter of:

ACO-000114
Date Entered: 2.7.2014

Milk River Intercounty Drainage Board
400 Monroe Street, Suite 400
Detroit, Michigan 48226

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges the Milk River Intercounty Drainage Board (ICDB), located at 400 Monroe Street, Suite 400, Detroit, Michigan, Wayne County, is in violation of Part 31, Water Resources Protection; and Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 et seq.; and its National Pollutant Discharge Elimination System (NPDES) Permit No. M10025500. The ICDB is a person, as defined by Section 301 of the NREPA. The ICDB and the DEQ agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

I. STIPULATIONS

The ICDB and the DEQ stipulate as follows:

- 1.1 The NREPA MCL 324.101 et seq., is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Part 41 of the NREPA (Part 41), MCL 324.4101 et seq., and the rules promulgated pursuant thereto, provides the DEQ the oversight authority over a person engaged in furnishing sewerage or sewage treatment service, or both, and over sewerage systems.
- 1.3 Part 31 of the NREPA (Part 31), MCL 324.3101 et seq., and the rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the state.

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- 1.4 The DEQ is authorized by Section 3112(4) of Part 31 of the NREPA to enter orders requiring persons to abate pollution, and the director of the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).
- 1.5 The ICDB 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 Section 3112(4) of Part 31. The ICDB 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, pursuant to Section 301(b) of the NREPA.
- 1.6 The ICDB and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the ICDB that the law and permit have been violated.
- 1.7 The Signatory to this Consent Order on behalf of the ICDB agrees and attests that he is fully authorized to assure that the ICDB will comply with all requirements under this Consent Order.
- 1.8 The ICDB shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section III, Compliance Program, of this Consent Order.

II. FINDINGS

- 2.1 The DEQ has conducted several in-office reviews and site inspections and determined that the ICDB was in violation of Part 31, Part 41, and NPDES Permit No. M10025500. The violations are detailed in the following DEQ letters that are attached as Attachment A:
 - ◆ August 18, 2006
 - ◆ November 21, 2006

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- ◆ October 16, 2007
- ◆ March 8, 2010
- ◆ March 2, 2011

2.2 The ICDB responded to the DEQ letters identified in paragraph 2.1 in the following letters that are attached as Attachment B:

- ◆ September 22, 2006
- ◆ December 21, 2006
- ◆ May 11, 2007
- ◆ November 30, 2007
- ◆ March 31, 2010

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT the ICDB shall take the following actions to comply with and to prevent further violations of Part 31, Part 41, and all NPDES permits issued for the Milk River CSO RTB:

3.1 The ICDB shall complete proper maintenance and rehabilitation of the Milk River CSO RTB to meet all requirements of Part 31, Part 41, and NPDES permit effluent limitations and conditions in accordance with the following schedule:

- a. On or before July 1, 2012, the ICDB submitted for review and approval to the DEQ an approvable engineering plan for alterations and/or rehabilitation at the Milk River CSO RTB necessary to meet the conditions and requirements of NPDES Permit No. MI0025500. The engineering plan included the following:
 - 1) Automated flushing/dewatering system
 - 2) River Recirculation System
 - 3) Aeration System
 - 4) Pumping Systems
 - 5) Disinfection System

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- 6) Other necessary systems
- b. On or before January 15, 2016, the ICDB shall submit to the DEQ for review and approval a Part 41 permit application including complete plans and specifications that meet all the requirements under Part 41 and the rules promulgated thereunder for all proposed alterations and/or rehabilitation at the Milk River CSO RTB.
 - c. On or before June 1, 2017, the ICDB shall submit to the DEQ for review and approval a Project Performance Certification Work Plan (Work Plan) detailing how the ICDB will assess the effectiveness of the alterations and/or rehabilitation described in paragraph 3.1(a) at the Milk River CSO RTB to meet the requirements of NPDES Permit No. MI0025500, including proper operation and maintenance of the Milk River CSO RTB.
 - d. On or before July 2, 2018, the ICDB shall complete the alterations and/or rehabilitation described in paragraph 3.1(a) and will attain operational level in accordance with the approved Part 41 permit, plans, and specifications as described in paragraph 3.1(b) above, at the Milk River CSO RTB.
 - e. On or before June 3, 2019, the ICDB shall certify that all systems at the Milk River CSO RTB are functioning in accordance with the requirements of the approved engineering plan described in paragraph 3.1(a), the Part 41 permit described in paragraph 3.1(b), and the approved Work Plan described in paragraph 3.1(c) and are functioning as intended in order to meet the conditions and requirements of NPDES Permit No. MI0025500. If the ICDB cannot provide a positive certification, then on or before July 1, 2020, the ICDB shall submit a corrective action plan (CAP) and schedule for the DEQ's review and approval to meet all such requirements and conditions. The approved CAP becomes an enforceable provision of this Consent Order.

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- 3.2 The ICDB shall conduct a Total Residual Chlorine (TRC) Minimization Program. The goal of the TRC Minimization Program is operation of the Milk River CSO RTB in a manner which will provide consistent, effective disinfection while minimizing the discharge of TRC, recognizing the overall goal is compliance with the TRC Final Acute Value of 0.038 milligram per liter (mg/L) at any point in the receiving stream, unless it is determined by the DEQ through a permit reissuance or modification that a higher level is acceptable.
- 3.3 On or before July 2, 2018, the ICDB shall begin a TRC Minimization Assessment (Assessment) to assess the capability of the CSO RTB to minimize the discharge of TRC. The Assessment shall be performed for a period of eighteen (18) months in accordance with the following requirements:
- a. On or before January 2, 2018, the ICDB shall submit for review and approval to the DEQ, an approvable work plan for conducting the Assessment that includes the start date for the Assessment.
 - b. Compliance with the *fecal coliform* bacteria effluent limits set forth in Part I.A.1. of NPDES Permit No. MI0025500 shall be maintained during the Assessment.
 - c. The Assessment shall include an evaluation of various operational practices under a variety of wet weather events to identify measures that can be taken to reduce TRC discharge concentrations.
 - d. If the required Assessment cannot be completed within eighteen (18) months due to insufficient number of CSO discharge events that prevents an adequate assessment of operational procedures, an extension to the schedule for the Assessment may be requested by the ICDB in writing in accordance with paragraph 5.1.
 - e. On or before July 1, 2020, the ICDB shall submit a report summarizing the results of the Assessment to the DEQ for review and approval. The

Assessment report shall include the expected achievable TRC discharge concentrations, recommendations as to specific protocols to be used to manage sodium hypochlorite (NaOCl) dosage rates under various conditions to achieve the TRC goals identified in paragraph 3.4, and recommended modifications to the Milk River CSO RTB to enhance the ability to control TRC levels while maintaining compliance with the *fecal coliform* bacteria limits.

- f. Specific procedures for adjustment of NaOCl feed rates to minimize the discharge of TRC shall be submitted as part of the Operational Plan (and revised as appropriate in annual updates) required by NPDES Permit No. MI0025500. The TRC minimization procedures, developed as part of the Assessment, shall be implemented upon approval by the DEQ.

3.4 Upon completion of the Assessment, the ICDB shall operate the Milk River CSO RTB with a goal not exceeding 1.5 mg/L TRC as an event average value and a goal not exceeding 2.0 mg/L (November – April) or 3.0 mg/L (May – October) TRC as an event instantaneous maximum value. If upon completion of the Assessment, the ICDB determines the facility can achieve lower TRC goals than those specified above; then the ICDB shall operate the facility to achieve the lower TRC levels. If either TRC goal is exceeded for a CSO discharge event, the ICDB shall submit a written report to the DEQ within seven (7) days from the CSO discharge event, explaining the cause of the exceedences and describing the corrective measures that will be undertaken to prevent a future recurrence.

3.5 If on or before December 2, 2020, the TRC levels are not in compliance with the TRC limit of 0.038 mg/L in the NPDES permit, the ICDB shall conduct an In-Stream TRC Effluent Plume Evaluation (Study) attributable to the CSO RTB discharge pursuant to this paragraph 3.5. The Study shall identify the location and size of the TRC effluent plume during and after CSO discharge events and identify the maximum TRC concentrations in-stream at various downstream locations. The ICDB shall implement the Study following the schedule below:

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- a. On or before February 3, 2020, the ICDB shall submit for review and approval to the DEQ an approvable work plan for conducting the Study that includes the start date for the Study.
 - b. Upon approval by the DEQ, the ICDB shall implement the Study in accordance with the approved work plan.
 - c. On or before January 1, 2022, the ICDB shall submit to the DEQ an approvable Study report for review and approval.
 - d. If the required Study cannot be completed by November 12, 2021, due to circumstances beyond the control of the ICDB, such as (a) an insufficient number of overflow events occurring during the Study period, (b) implementation of the CAP under Section 3.1(e) is not complete, or (c) insufficient time after completion of the CAP implemented under Section 3.1(e) to complete an adequate Study, an extension to the schedule for the Study and Study report may be requested by the ICDB in writing in accordance with paragraph 5.1.
- 3.6 Upon completion of the Assessment and the Study (if required pursuant to paragraph 3.5), the DEQ may reevaluate the need for TRC effluent limitations. The ICDB may submit a request for modification of NPDES Permit No. MI0025500 to the DEQ in accordance with applicable laws and rules to incorporate such revisions as may be necessary to comply with Water Quality Standards (WQS) at the time of discharge.
- 3.7 Every year, the ICDB shall attend and participate in at least quarterly Best Management Practices (BMPs)/Operatory Coordination Work Group (Work Group) meetings with representatives from other CSO facilities in Southeast Michigan on a quarterly basis, to the extent such meetings are held, to exchange information and share experiences relating to the operation and maintenance of CSO control facilities. Such Work Group

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meetings shall be used to develop BMPs relating to CSO RTB operation, with an initial focus on actions to minimize the TRC discharge levels.

- 3.8 The ICDB may perform a dissolved oxygen (DO) study after it completes the alterations and/or rehabilitation of the Milk River CSO RTB pursuant to paragraph 3.1. The purpose of the DO study is to provide the ICDB an opportunity to demonstrate that the discharges from the Milk River CSO RTB, after the ICDB completes the alterations and/or rehabilitation of the Milk River CSO RTB, does not cause a violation of the minimum water quality DO standard of 5.0 mg/l as required under 2006 AACS, R 323.1064(2)(b) throughout the Milk River during and after overflow/discharge events. If the ICDB elects to perform the DO study, the ICDB shall perform the DO study prior to submitting an engineering plan under paragraph 3.9. The DO study shall include the results of a continuous DO monitoring survey of actual in-stream water quality conditions during and following Milk River CSO RTB overflow/discharge events from May through September. The monitoring of the DO shall be conducted during each overflow/discharge event and continue for a period of 72 hours after each event. The ICDB shall submit the results of the DO study to the DEQ for review and approval within 60 days after the ICDB completes the DO study.
- 3.9 On or before July 1, 2020, if the ICDB fails to conduct and submit the results of the DO study in accordance with paragraph 3.8, or the DO study fails to demonstrate that the minimum water quality DO standard of 5.0 mg/L throughout the Milk River is not violated during and after Milk River CSO RTB overflow/discharge events, then the ICDB shall submit an engineering plan to the DEQ for review and approval that will result in the ICDB complying with the minimum water quality DO standard of 5.0 mg/L throughout the Milk River. The plan shall identify all facility upgrades required and provide fixed milestone dates for design and construction. Following approval by the DEQ, the plan and schedule shall become an enforceable part of this Consent Order.
- 3.10 Within 180 days of the completion of the actions taken in the plan approved by the DEQ under paragraph 3.9, the ICDB shall submit to the DEQ a Project Performance

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Certification report demonstrating that the ICDB is meeting the minimum water quality DO standard of 5.0 mg/L throughout the Milk River. The report shall include all data that supports the ICDB certification that it meets its requirements for the minimum water quality DO standard of 5.0 mg/L throughout the Milk River.

- 3.11 If the ICDB cannot provide a Project Performance Certification report within 180 days as required under paragraph 3.9, the ICDB shall submit a CAP and schedule for the DEQ's review and approval that details the action the ICDB shall take to ensure that the minimum water quality DO standard of 5.0 mg/L is met throughout the Milk River.
- 3.12 On April 18, 2013, the ICDB received the 6th Spare Pump for Kerby Road Station in accordance with the requirements of Supplemental Environmental Project (SEP) approved on May 13, 2013, (see Attachment C). Not later than thirty (30) days after the execution of this Consent Order, the ICDB shall submit written certification of completion of the SEP to the DEQ, WRD, Enforcement Unit Chief demonstrating that all SEP activities specified in Attachment C have been completed in accordance with the terms and conditions of this Consent Order and Attachment C. The certification shall be accompanied by appropriate documentation invoices and receipts to verify the total expenditure made by the ICDB as a result of implementing the activities specified under Attachment C. It shall be the sole determination of the DEQ whether the ICDB has completely implemented the activities specified in Attachment C.
- 3.13 The ICDB shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Southeast Michigan District Supervisor, WRD, DEQ, 27700 Donald Court, Warren, Michigan 48092-2793. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. DEQ APPROVAL OF SUBMITTALS

- 4.1 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 ICDB, the following process and terms of approval shall apply.
- 4.2 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.
- 4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the ICDB, in writing, specifying the reasons for such disapproval. The ICDB 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 ICDB of this disapproval.
- 4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the ICDB, 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 ICDB 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 ICDB of this disapproval.
- 4.5 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.

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- 4.6 Failure by the ICDB 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 ICDB to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.
- 4.7 Any delays caused by the ICDB's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the ICDB's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the ICDB will be construed as relieving the ICDB of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

- 5.1 The ICDB and the DEQ agree that the DEQ may grant the ICDB a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WRD, Enforcement Unit Chief, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909-7773, and the Southeast District Supervisor at the address in paragraph 3.13, 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 ICDB from meeting the deadline(s).
 - c. A description of the measures the ICDB 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.

The district supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

VI. REPORTING

- 6.1 The ICDB shall verbally report any violation(s) of the terms and conditions of this Consent Order to the Southeast 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 ICDB shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

- 7.1 Upon request by an authorized representative of the DEQ, the ICDB shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to Part 31 or its rules. All such documents shall be retained by the ICDB 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 Part 31 or its rules.

VIII. RIGHT OF ENTRY

- 8.1 The ICDB 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.

IX. PENALTIES

- 9.1 The ICDB agrees to pay to the State of Michigan **\$8,000 (EIGHT THOUSAND) DOLLARS** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.7.
- 9.2 The ICDB agrees to pay a civil fine of **\$20,000 (TWENTY THOUSAND) DOLLARS** for the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.7.
- 9.3 For each failure to comply with a specific deadline contained in Section III or Section IV of this Consent Order, the ICDB shall pay stipulated penalties of **\$5,000**. If, after 30 days from the original deadline, the ICDB has not fully corrected the violation, stipulated penalties shall begin to accrue in accordance with paragraph 9.4 of this Consent Order.
- 9.4 Except as provided for in paragraph 9.3, for each failure to comply with a provision of Section III or IV of this Consent Order, the ICDB shall pay stipulated penalties of **\$200** per violation per day for 1 to 7 days of violation, **\$300** per violation per day for 8 to 14 days of violation, and **\$500** per violation per day for each day of violation thereafter.
- 9.5 For each failure to comply with a provision of Section VI, VII, or VIII of this Consent Order, or any other requirement of this Consent Order, the ICDB shall pay stipulated penalties of **\$200** per violation per day for each day of violation.
- 9.6 To ensure timely payment of the above civil fine, costs, and stipulated penalties, the ICDB shall pay an interest penalty to the General Fund of the State of Michigan each time it fails to make a complete or timely payment. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal,

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and calculated from the due date for the payment until the delinquent payment is finally made in full.

- 9.7 The ICDB agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and mailed to Accounting Services Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 W. Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the Payment Identification No. WRD40060.
- 9.8 The ICDB agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. The ICDB further agrees not to contest the legality of any stipulated penalties or interest penalties assessed pursuant to paragraphs 9.3, 9.4, and 9.5, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties or interest penalties is made.

X. FORCE MAJEURE

- 10.1 The ICDB shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of the ICDB's obligations under this Consent Order in accordance with this section.
- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of the ICDB, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the ICDB's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial

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circumstances, or failure to obtain a permit or license as a result of the ICDB's actions or omissions.

- 10.3 The ICDB shall notify the DEQ, by telephone, within 48 hours of discovering any event that causes a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by the ICDB to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The ICDB shall adopt all reasonable measures to avoid or minimize any such delay.
- 10.4 Failure of the ICDB to comply with the notice requirements and time provisions under paragraph 10.3 shall render this Section X void and of no force and effect as to the particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of paragraph 10.3 above.
- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of the ICDB, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The parties to this Consent Order understand and agree that the final decision by the DEQ regarding a force majeure claim is not subject to judicial review. The burden of proving that any delay was beyond the reasonable control of the ICDB, and that all the requirements of this Section X have been met by the ICDB, rests with the ICDB.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that the ICDB qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XI. GENERAL PROVISIONS

- 11.1 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 ICDB to comply with the requirements of the NREPA and its rules.
- 11.2 The DEQ and the ICDB consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31, MCL 324.3101 et seq.; and enforcement pursuant to Part 17, Michigan Environmental Protection Act, of the NREPA, MCL 324.1701 et seq.
- 11.3 This Consent Order in no way affects the ICDB's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.4 The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.
- 11.5 Nothing in this Consent Order is or shall be considered to affect any liability the ICDB may have for natural resource damages caused by the ICDB's ownership and/or operation of the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.6 In the event the ICDB 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 ICDB shall also notify the WRD Southeast 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

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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's Southeast District Supervisor within 30 days of assuming the obligations of this Consent Order.

- 11.7 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.8 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.

XII. TERMINATION

- 12.1 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 ICDB shall submit a request consisting of a written certification that the ICDB 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 III, 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.

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Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

DEPARTMENT OF ENVIRONMENTAL QUALITY



William Creal, Chief
Water Resources Division

Feb 7, 2014
Date

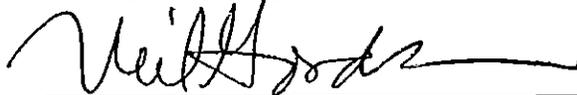
MILK RIVER INTERCOUNTY DRAINAGE BOARD



By: Michael R. Gregg, Chair

February 6, 2014
Date

APPROVED AS TO FORM:



By: Neil D. Gordon, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Feb. 7, 2014
Date

ATTACHMENT A



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

August 18, 2006

CERTIFIED MAIL

**NOTICE LETTER
NL-001770**

Milk River Inter-County Drainage Board
C/O Mr. John Baratta, Director, Engineering Services Division
Wayne County Department of Environment
415 Clifford
Detroit, MI 48226

Dear Mr. Baratta:

Subject: Compliance Evaluation/Compliance Evaluation Inspection (CEI)
NPDES Permit No. MI0025500

The Department of Environmental Quality (DEQ), Water Bureau (WB) recently conducted a review of WB file records for the Milk River Combined Sewer Overflow (CSO) Retention/Treatment Basin (RTB). In addition, a Compliance Evaluation Inspection (CEI) was conducted by Dan Beauchamp and Phil Argiroff of our office on September 29, 2005. The file evaluation and Compliance Evaluation Inspection (CEI) were conducted to determine compliance with National Pollutant Discharge Elimination System (NPDES) Permit Number MI0025500 (permit). The file review identified the following deficiencies:

1. Discharge Monitoring Reports for May and June 2006 indicated the following violations of the permit effluent limitations for Fecal Coliform.

Date	Parameter	Limit	Reported
May 2006	Fecal Coliform (Max Mo. Avg.)	200 cts / 100 ml	540 cts / 100 ml
May 18, 2006	Fecal Coliform (Max. Daily)	400 cts / 100 ml	7,300 cts / 100 ml
June 2006	Fecal Coliform (Max Mo. Avg.)	200 cts / 100 ml	7,980 cts / 100 ml
June 21, 2006	Fecal Coliform (Max. Daily)	400 cts / 100 ml	70,000 cts / 100 ml
June 22, 2006	Fecal Coliform (Max. Daily)	400 cts / 100 ml	910 cts / 100 ml

Milk River
NPDES Permit No MI0025500
NL-001770

Required Action: The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters of the State resulting from noncompliance with any effluent limit specified in its NPDES permit. In addition, the permittee shall submit a report that identifies the cause(s) of these violations and the corrective actions that have been or will be taken to return to consistent compliance.

2. The permittee failed to report the above effluent violations to the DEQ verbally, within 24 hours, and in writing, within five days as required in its NPDES permit.

Required Action: The permittee shall follow reporting procedures for effluent violations as stipulated in its NPDES permit, Part II, Section C, paragraph 6(a), (b).

3. On April 10, 2006, the DEQ received a citizen complaint that the pumps for the "River Recirculation System" had not been operating during the preceding weekend. Two additional complaints were received in April. DEQ staff contacted Robert Daiuto by telephone who confirmed that the pumps fail on occasion due to obstructions (such as vegetation) at the intakes. When the pumps fail, they are linked only to a minor alarm system, which is not monitored during the weekends or third shift. Additional complaints were received for the months of May (at least 3 instances observed where recirculation pumps were not operating), June (4 instances), July (6 instances), and August (4 instances to date).

Required Action: Part I, Section A, paragraph 2 of the NPDES permit states: "The requirements of this permit are based upon the permittee assuring that the "River Recirculation System" is operated to continuously provide recirculation flows..." In accordance with this permit condition, the permittee must ensure that the River Recirculation System, including the recirculation pumps, is continuously operating as seasonally required. As the problem appears to be ongoing, the permittee shall investigate the cause(s) and propose a corrective action plan to maintain continuous operation of the recirculation system (including during non-manned hours).

The CEI identified the following additional significant deficiencies:

1. There were also fecal coliform effluent violations in 2004.

Required Action: See item #1 on page 1 of this letter as there appears to be an on-going issue with providing effective disinfection.

2. The floor of the basin was not in a clean condition during the inspection, as it contained significant sediment deposits. Part I, Section A, paragraph 1(d) of the NPDES permit requires that: "The retention basin shall be promptly dewatered as soon as possible following the need to divert flow to the basin and shall be maintained in readiness for use. The discharge of sludge or residual accumulations from the basin to the surface waters is prohibited. These sludges shall be promptly removed and disposed in accordance with procedures approved by the Department."

Required Action: The permittee shall submit a report on the effectiveness of the RTB flushing system, including a determination of its ability to meet permit requirements with proper operation and maintenance (O & M). If the flushing system is determined to not be able to meet permit requirements, then the report shall specify the proposed system modifications.

Milk River
NPDES Permit No. MI0025500
NL-001770

3. An up-to-date O & M Manual was not available at the facility.

Required Action: In accordance with Part 41 of Act 451, as amended, the permittee shall provide an up-to-date O & M Manual for the Milk River CSO RTB for review and approval by the DEQ.

The permittee is required to submit to this office a written response to the items outlined in this Notice Letter by September 22, 2006. The response shall include specific actions (including schedule as appropriate) that will be taken by the facility to correct these items

This Notice Letter does not relieve the Milk River CSO RTB of any liability for past or continuing violations of NPDES Permit MI0025500. The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future.

Should any questions arise regarding this letter, please contact this office at the number listed below.

Sincerely,

Phil Argiroff FOR

Shannon Jones, Environmental Engineer
Public Wastewater and Drinking Water Unit
Southeast Michigan District Office
Water Bureau
586-753-3763

cc: Mr. Robert Daiuto, Supervisor, Milk River CSO RTB
Mr. Phil Argiroff, DEQ
Mr. Alex Malvetis, DEQ
File



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

CERTIFIED MAIL

IN THE MATTER OF:

NNC No. NC- 000144
NPDES Permit No. MI0025500

Milk River CSO Retention/Treatment Basin
1190 West Parkway Drive
Grosse Pointe Woods, Michigan 48236

NOTICE OF NONCOMPLIANCE

TO: Milk River Intercounty Drainage Board
Wayne County Department of Environment
415 Clifford
Detroit, MI 48226

ATTENTION: Ms. Sue Hanson, Engineering Services Division

PLEASE BE ADVISED that the Department of Environmental Quality (Department) Water Bureau (WB) has sufficient information to believe that the Milk River Intercounty Drainage Board has failed to comply with the terms and conditions of its National Pollutant Discharge Elimination System (NPDES) Permit No. MI0025500 issued September 30, 2005.

PURSUANT TO NPDES Permit No. MI0025500 Part I.A.1. "Interim Limitations and Monitoring Requirements, Monitoring Point 001A," the permittee has the following limitations for Fecal Coliform bacteria: a daily maximum concentration of 400 cts/100 ml and a monthly maximum concentration of 200 cts/100 ml.

PURSUANT TO Part I.A.2. of the NPDES Permit, "The requirements of this permit are based upon the permittee assuring that the "River Recirculation System" is operated to continuously provide recirculation flows..." In accordance with this permit condition, the permittee must ensure that the River Recirculation System, including the recirculation pumps, is continuously operating as seasonally required.

Milk River CSO Retention/Treatment Basin
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NNC 000144

PURSUANT TO Part 1.A.1.d. of the NPDES Permit, "The retention basin shall be promptly dewatered as soon as possible following the need to divert flow to the basin and shall be maintained in readiness for use. The discharge of sludge or residual accumulations from the basin to the surface waters is prohibited. These sludges shall be promptly removed and disposed in accordance with procedures approved by the Department."

PURSUANT TO Part 41, Sewerage Systems, Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, R 299.2957 (Rule 57), "The owner of a treatment facility shall prepare, or cause to be prepared, an operation and maintenance manual for the treatment facility which shall be used by the operator of the facility as a guide for facility operation and maintenance."

BE ADVISED that WB staff conducted a Compliance Evaluation Investigation (CEI) at the Milk River Combined Sewer Overflow (CSO) Retention/Treatment Basin (RTB) on September 29, 2005, and a file review of Milk River CSO RTB records in August, 2006. Notice Letter No. NL-001770 was issued to the Milk River Intercounty Drainage Board on August 18, 2006. The Notice Letter detailed violations of the above referenced requirements at the Milk River CSO RTB and directed the permittee to take appropriate corrective actions.

IT IS ACKNOWLEDGED that a response to NL-001770 was submitted to the Department on September 22, 2006, and stated the following:

- Changes were made to the disinfection procedure to address the Fecal Coliform violations.
- To provide for continuous operation of the "River Recirculation System," maintenance and repair activities would be implemented, and the pump "failure" alarm would be linked to the SCADA alarm paging system.
- A maintenance project was scheduled for the cleaning of the basin, including the cleaning or replacement of all the diffusers in the flushing system. (This was originally projected to be completed in early November. Due to heavy rain events in October, Milk River personnel contacted the Department by telephone in late October to state that this maintenance would not be completed until mid November.)
- The operation and maintenance manuals are located at the Milk River facility and available for review.

BE ADVISED that the corrective actions proposed in the response letter will be verified at the next inspection of the Milk River CSO RTB performed by WB staff.

FURTHER BE ADVISED that the response letter did not adequately address all items from NL-001770. The Notice Letter directed that "the permittee shall submit a report on the effectiveness of the RTB flushing system, including a determination of its ability to meet permit requirements with proper operation and maintenance (O & M) (see CEI item #2). If the flushing system is determined to not be able to meet permit requirements, then the report shall specify the proposed system modifications." The response letter contained no

Milk River CSO Retention/Treatment Basin
NPDES Permit NO. MI0025500
NNC 000144

such report. In addition, the September 22, 2006, response indicated that disinfection procedures were changed in response to "file review item #1". These changed procedures were not provided.

FURTHER BE ADVISED that in addition to the violations documented in NL-001770, the Milk River CSO RTB has failed to meet another of its NPDES permit conditions.

PURSUANT TO Part 1.A.5. of the NPDES Permit, "On or before July 1, 2006, the permittee shall submit to the Department for approval a Sewerage System Operational Plan (Operational Plan) for operation of this facility in conjunction with the associated collection and transport system, including the "downstream" interceptor system."

BE ADVISED that WB staff contacted Milk River personnel by telephone in late October, regarding the status of the Operational Plan. Milk River personnel could not provide any information regarding the Operational Plan, and to date, no Operational Plan has apparently been submitted.

IT IS THEREFORE DIRECTED that the Milk River CSO RTB immediately take action to achieve and maintain compliance with the terms and conditions of its NPDES Permit No. MI0025500.

IT IS FURTHER DIRECTED that the Milk River Intercounty Drainage Board submit a response to this office by **December 21, 2006**. At minimum the response shall include:

1. A copy of the revised disinfection procedure.
2. A report on the effectiveness of the RTB flushing system as requested in NL-001770.
3. An Operational Plan meeting all of the requirements as described in Part 1.A.5 "Operational Plan" of the NPDES Permit.

PLEASE BE ADVISED continued failure to comply with the terms of NPDES Permit No. MI0025500, this Notice or any other violation of Public Act 451 of 1994 may result in escalated enforcement actions.

FURTHER BE ADVISED that compliance with the terms of this Notice does not relieve the Milk River CSO RTB of any liability, past or present, that results from the facility's failure to meet the conditions contained in NPDES Permit No. MI0025500 or failure to comply with the Part 31 Rules of the Michigan Administrative Code, or P.A. 451 of 1994, as amended. The Department reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future.

Milk River CSO Retention/Treatment Basin
NPDES Permit NO. Mi0025500
NNC 000144

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

Date Issued: NOV 21 2006

Phil Argiroff

Phil Argiroff, District Supervisor
Public Wastewater & Drinking Water Unit
Southeast Michigan District Office
Water Bureau

ADDRESS FOR FURTHER CORRESPONDENCE

Shannon Jones, Environmental Engineer
Public Wastewater & Drinking Water Unit
Southeast Michigan District Office
Water Bureau
27700 Donald Court
Warren, Michigan 48092
586 753-3763

cc: Mr. Firooz Fath-Azam, P.E., Superintendent, Wayne County Department of Environment
Mr. Robert Daiuto, Supervisor, Wayne County Department of Environment
Mr. Peter Ostlund, MDEQ
Mr. Barry Selden, MDEQ
Mr. Mike Bray, MDEQ
File



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

October 16, 2007

CERTIFIED MAIL

NOTICE LETTER
NL-003029

Milk River Inter-County Drainage Board
C/O Mr. Firooz Fath-Azam, P.E., Superintendent
Wayne County Department of Environment
415 Clifford
Detroit, MI 48226

Dear Mr. Fath-Azam:

Subject: Compliance Evaluation Inspection (CEI)
NPDES Permit No. MI0025500

On September 18, 2007, staff from this office conducted a Compliance Evaluation Inspection (CEI) at the Milk River Combined Sewer Overflow (CSO) Retention/Treatment Basin (RTB) located at 1190 West Parkway Drive, Grosse Pointe Woods, Michigan. The purpose of the inspection was to verify the facility's compliance with the requirements of National Pollutant Discharge Elimination System (NPDES) Permit No. MI0025500.

The inspection consisted of a review of Water Bureau (WB) files for the past year, a visual inspection of the Milk River CSO RTB facility, and comprehensive interviews with Milk River CSO RTB staff. The inspection identified the following deficiencies:

1. Discharge Monitoring Reports for August 2007 Indicated the following violations of the permit effluent limitations.

Date	Parameter	Limit	Reported
August 26, 2007	Fecal Coliform (Max. Daily)	400 cts / 100 ml	720 cts / 100 ml
August 20, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	6.35 mg/L
August 21, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	6.75 mg/L
August 23, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	6.05 mg/L
August 24, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	6.11 mg/L

Milk River
NPDES Permit No MI0025500
NL-003029

August 25, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	5.91 mg/L
August 26, 2007	Dissolved Oxygen (Min. Daily)	7.0 mg/L	6.49 mg/L

Required Action: The permittee shall submit a report that identifies the cause(s) of these violations and the corrective actions that have been or will be taken to return to consistent compliance.

2. The permittee failed to report the effluent violations to the DEQ verbally, within 24 hours of becoming aware of the noncompliance, and in writing, within five days (for maximum daily concentration discharge limitation exceedances) or at the time that monitoring reports were submitted (for instances of noncompliance other than max daily exceedances) as required in its NPDES permit. Similar reporting deficiencies were cited in NL-001770 dated August 18, 2007. In its September 22, 2006 response to NL-001770, the permittee stated the corrective action would be that "upon receipt of this data and in cases of a discharge effluent violation, the attached reporting form will be immediately sent to your office."

Required Action: The permittee shall comply with reporting procedures for effluent violations as stipulated in its NPDES permit, Part II, Section C, paragraph 6. In accordance with the NPDES permit, noncompliance written reporting shall include the cause(s) of noncompliance as well as the steps to be taken to reduce, eliminate and prevent recurrence of the noncompliant discharge.

Required Action: The permittee shall submit a report that explains why the corrective action procedure for noncompliance reporting was not followed and what steps will be taken to ensure that it is followed in the future.

3. In its responses to NL-001770 and Notice of Noncompliance (NNC) No. NC-000144 (issued November 21, 2006), the permittee proposed a revised disinfection procedure. This disinfection procedure was not available at the time of the CEI.

Required Action: A copy of the disinfection procedure shall be maintained at the Milk River CSO RTB and made available to MDEQ staff upon request

Required Action: The permittee shall submit a report that explains why the procedure was not available at the time of this inspection. The report shall include what means the facility will take to ensure that an appropriate disinfection procedure is implemented, that all operators understand and follow the procedure, and that the procedure is readily available to all operators.

4. The permittee submitted a Flushing System Report, dated May 11, 2007, in response to NNC No. NC-000144 to report on the effectiveness of the RTB flushing system, including a determination of its ability to meet permit requirements with proper operation and maintenance. The Flushing System Report stated that as part of the corrective actions, electrical valve actuators in basins 1 and 2 would be replaced by June 29, 2007. At the time of the CEI, these replacements were not complete

Milk River
NPDES Permit No MI0025500
NL-003029

Required Action: The permittee shall report on the status of the electrical valve actuator replacement project. If the project is not yet complete, the permittee shall provide the expected date of completion.

- 5 The Flushing System Report also stated that inspections to the basins would be made after flushing events, that flushing valves should be exercised a minimum of bi-weekly, and that each flushing valve/actuator and valve pit would be inspected monthly. Inspection and maintenance records or other means to verify these operation and maintenance activities were not available at the time of this inspection. At the time of the CEI, in general, the facility did not have any formal program for maintenance or preventative maintenance activities.

Required Action: The permittee shall submit a report that details how it will ensure that operation and maintenance procedures are followed and what means will be used for verification of operation and maintenance activities.

6. Samples are kept in the employee refrigerator without means of verifying that they are maintained at the appropriate temperature.

Required Action: In accordance with 40 CFR Part 136, aqueous samples are to be maintained at less than 6 degrees Celsius and should not be frozen

Required Action: The permittee shall submit a report that outlines what steps will be taken to comply with sample preservation requirements under 40 CFR Part 136.

7. A "Notice of Intent to Classify" the Milk River CSO RTB was sent by our office on November 21, 2006. This letter communicated that the Michigan Department of Environmental Quality (Department) has classified the Milk River CSO RTB as 'Class D', and that the facility is required to have a certified operator. In accordance with Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, Section 299.2952 (Rule 52), the certified operator is "to be in responsible charge of the day-to-day operation and maintenance of each treatment facility ..." The letter requested that you notify the Department, in writing, of the designated certified operator. This written designation was not received.

Required Action: The permittee shall notify the Department, in writing, of the designation of a properly certified operator (minimum Class D), to be in responsible charge of the day-to-day operation and maintenance of the Milk River CSO RTB.

The Milk River Intercounty Drainage Board (ICDB) is hereby directed to immediately attain and maintain compliance with NPDES Permit MI0025500 and Public Act 451 of 1994, as amended. Failure to comply with the requirements of Public Act 451 of 1994, this Notice Letter or any other violations of Public Act 451 of 1994, as amended, may result in escalated enforcement actions.

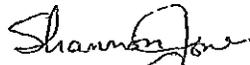
The Milk River ICDB is directed to submit a written response to the deficiencies identified above to this office by November 30, 2007. The response shall include specific actions (including schedule as appropriate) that will be taken by the facility to correct these deficiencies.

Milk River
NPDES Permit No. MI0025500
NL-003029

This Notice Letter does not relieve the Milk River ICDB of any liability for past or continuing violations of NPDES Permit MI0025500 or Public Act 451 of 1994, as amended. The Department reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future.

Should any questions arise regarding this letter, please contact this office at the number listed below.

Sincerely,



Shannon Jones, P.E.
Environmental Engineer
Public Wastewater and Drinking Water Unit
Southeast Michigan District Office
Water Bureau
586 753-3763

cc: Ms Kelly Cave, WCDOE
Mr. Robert Daiuto, Supervisor, Milk River CSO RTB
Mr. Phil Argloff, DEQ
File



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
SOUTHEAST MICHIGAN DISTRICT OFFICE

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

March 8, 2010

CERTIFIED MAIL

Mr. Firooz Fath-Azam, P.E., Superintendent
Milk River Intercounty Drainage Board Milk River CSO-Retention/Treatment Basin
1190 West Parkway Drive
Grosse Pointe Woods, Michigan 48236

SVN No. SVN-000337

Dear Mr. Fath-Azam:

SUBJECT: Second Violation Notice

The Department of Natural Resources and Environment (DNRE), Water Bureau (WB), issued a Notice of Noncompliance (NNC-000144) on November 21, 2006, and a Notice Letter (NL-003029) on October 16, 2007, in response to violations of National Pollutant Discharge Elimination System (NPDES) Permit No. MI0025500. The Milk River Intercounty Drainage Board has not returned to compliance.

Violations identified in the Notice of Noncompliance and Notice Letter are continuing. Based upon inspections conducted September 3, 2008 and September 16, 2009, the 'River Recirculation System' has been experiencing ongoing, intermittent failures. The basin 1 flushing system is not operational, and the basin had not been cleaned in 2008 or 2009 of sludge or residual accumulations.

The following violations have been identified since the Violation Notice was issued.

In accordance with NPDES Permit No. MI0025500 Part I.A.1.e., Operation of the Aeration Facilities, "Annually, June through September, the permittee shall continue operation of the Milk River CSO RTB's aeration facilities for a minimum period of forty-eight (48) hours following cessation of an overflow discharge from the facility to the Milk River." During the September 16, 2009 inspection, the permittee revealed that the aeration system had not been operational since an electrical panel fire in January 2009. This means that the aeration system was not operated following the four discharge events that occurred from June through September 2009.

In accordance with NPDES Permit No. MI0025500 Part I.A.1.f., Operation and Maintenance Plan, "Any rehabilitation and maintenance needs shall be addressed to ensure adequate sewer capacity and functionality." At the time of the September 16, 2009 inspection, two storm pumps as well as a dewatering pump were not properly operating and had not been for several months.

The violations identified in the Notice of Noncompliance, Notice Letter, and the Second Violation Notice are violations of NPDES Permit No. MI0025500.

27700 DONALD COURT • WARREN, MICHIGAN 48092-2793
www.michigan.gov/dnre • (588) 753-3700

Printed by members of:



Milk River CSO Retention/Treatment Basin
NPDES Permit No. MI0025500
SVN-000337

WATER DIVISION

MAR 15 2010

Milk River Intercounty Drainage Board shall take immediate action to achieve and maintain compliance with the terms and conditions of NPDES Permit No. MI0025500. **ENFORCEMENT**

Please submit a response to this office by March 31, 2010. At a minimum, the response shall include:

1. A status report of the basin flushing system, including when the basins were last cleaned.
2. A status report of the River Recirculation System.
3. A status report of the aeration system.
4. A listing of equipment which is not in service, reason the equipment is not in service, and dates of non-operation.

If you have any factual information you would like to share with us regarding the violations identified in this Notice please provide them with your written response.

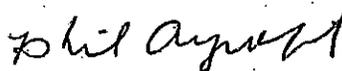
Compliance with the terms of this Notice does not relieve Milk River Intercounty Drainage Board of any liability, past or present from the failure to meet the conditions specified in NPDES Permit No. MI0025500 or failure to comply with the Part 41, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The DNRE reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

Due to the severity of the noncompliance, the matter is being referred for escalated enforcement.

If you have any questions regarding this Notice or if you would like to arrange a meeting to discuss it, please contact Shannon Jones at 586-753-3763.

Sincerely,



Phil Argiroff, District Supervisor
Southeast Michigan District Office
Water Bureau
586-753-3760

cc: Ms. Sue Hansen, Engineering Services Division, Wayne County
Mr. Peter Ostlund, WB
~~Mr. Ronde Wuychek~~, Enforcement Unit, WB
File



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



NOTICE No. EN-000114

ENFORCEMENT NOTICE

CERTIFIED MAIL 7007 1490 0003 9691 5856

Mr. Butler Benton, Drain Commissioner
Milk River Intercounty Drainage Board
400 Monroe Street, Suite 400
Detroit, Michigan 48226

Dear Mr. Benton:

SUBJECT: Milk River CSO Retention/Treatment Basin (Milk River CSO RTB)

THE DEPARTMENT OF Natural Resources and Environment (DNRE), Water Resources Division (WRD), Southeast Michigan District Office, has referred the Milk River Intercounty Drainage Board (ICDB) to the WRD's Enforcement Unit requesting escalated enforcement action for violations of law as set forth herein.

PLEASE BE ADVISED that the ICDB has failed to comply with Part 31, Water Resources Protection; and Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 et seq.; and its National Pollutant Discharge Elimination System Permit No. MI0025500 (NPDES permit).

YOU ARE FURTHER ADVISED THAT the DNRE, WRD during in-office reviews and site inspections have identified the following violations related to the Milk River CSO RTB:

- ◆ NPDES permit violations of Dissolved Oxygen and Fecal Coliform.
- ◆ Failed to report effluent violations to the DNRE verbally within 24 hours and in writing within five (5) days.
- ◆ Failed to have an up-to-date operation and maintenance manual available at the Milk River CSO RTB.
- ◆ Excessive discharges from the Milk River CSO RTB when the flow rate into the Grosse Pointe Interceptor fell below 10,000 gallons per minute.
- ◆ Intermittent failures in the operation of the River Recirculation System.
- ◆ Improper operation and maintenance of the flushing system that includes the failure to clean and/or replace diffusers, and the failure to dewater and remove the sludge after a rain event, resulting in excessive discharges from the Milk River CSO RTB.

- ◆ Failed to have the following records for:
 - the flushing and basin inspections after a storm event
 - valve exercising during dry periods (minimum bi-weekly)
 - valve/actuator and valve pit monthly inspections
- ◆ Samples were kept in a refrigerator used for food storage by staff with no ability to verify if samples were kept below six (6) degrees Celsius.
- ◆ Failed to have a copy of the disinfection procedure at the Milk River CSO RTB.
- ◆ Failed to update the disinfection procedure when it was finally available for review during the DNRE's site inspections at the Milk River CSO RTB.
- ◆ Failed to replace the electrical valve actuators in basins 1 and 2.
- ◆ Failed to have properly certified operator (minimum Class D) at the Milk River CSO RTB.
- ◆ Aeration system for the Milk River CSO RTB is not functioning due to electrical panel fire.

The ICDB IS HEREBY NOTIFIED that the violations identified in this Enforcement Notice are violations of Part 31 and Part 41 of the NREPA and the ICDB's NPDES permit.

The ICDB is requested to immediately undertake all actions necessary to resolve all violations identified in the DNRE's Notice Letter (NL) No. NL-001770 letter dated April 18, 2006, Notice of Noncompliance (NNC) No. NNC-000114 letter dated November 21, 2006, NL No. NL-003029 dated October 16, 2007, and Second Violation Notice (SVN) No. SVN-000337 letter dated March 8, 2010, sent to the ICDB.

THE VIOLATIONS identified herein, as well as any additional violations discovered hereafter must be formally resolved through an Administrative Consent Order (ACO). In order to expedite the resolution of this matter, the DNRE has drafted an ACO and enclosed with this letter for the ICDB's review and consideration. The ACO contains a corrective action plan and compliance schedule, provisions for reimbursement of the costs for the DNRE's compliance and enforcement activities surrounding this action, and an appropriate civil fine to resolve all violations, with the amounts determined at a later date. In the event that the ICDB refuses to resolve this matter through entering an ACO, the matter will be referred for litigation. Please be aware that negotiations to resolve this matter through administrative actions shall not, in general, exceed 90 days.

The DNRE reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 and Part 41 of the NREPA that have occurred to date and any violations of Part 31 and Part 41 of the 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 DNRE.

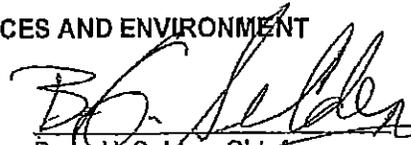
Mr. Butler Benton
Page 3 of 3

The ICDB's continuing failure to comply with the terms of Part 31 and Part 41 of the NREPA or other requirements set forth in this NOTICE may result in additional fines, penalties, or other actions.

The ICDB MAY request a preliminary meeting with DNRE, WRD enforcement staff to discuss the issues detailed in this NOTICE and the enclosed draft ACO. If you would like to participate in such a meeting, please contact Ms. Karen Rae Boase, Enforcement Specialist, EU, WRD, at 517-241-0957, NOT LATER than 10 days from your receipt of this NOTICE.

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT
WATER RESOURCES DIVISION

Date Issued: *2/2/01*


Barry H. Selden, Chief
Enforcement Unit
Water Resources Division

ADDRESS FOR FURTHER CORRESPONDENCE:

Karen Rae Boase, Enforcement Specialist
Enforcement Unit
Water Resources Division
P.O. Box 30458
Lansing, Michigan 48909

cc: Ms. Kelly Cave, Wayne County Department of Public Services
Ms. Kerreen Conley, Wayne County Department of Public Services
Mr. Peter Ostlund, DNRE
Mr. Phil Argiroff, DNRE
Ms. Karen Rae Boase, DNRE
~~Mr. Dennis Ryan, DNRE~~

ATTACHMENT B

Kurt L. Heise
Director



Robert A. Ficano
County Executive

September 22, 2006

Michigan Department of Environmental Quality
Public Wastewater and Drinking Water Unit
Southeast Michigan District Office - Water Bureau
27700 Donald Court
Warren, MI 48092-2793

Attention: Ms. Shannon Jones, Environmental Engineer

Subject: Milk River CSO RTB - NPDES Permit MI0025500
Compliance Evaluation Inspection - NOTICE LETTER NL-001770

Dear Ms. Jones:

In response to the above-referenced Notice Letter dated August 18, 2006 the following actions have been, or will be, taken to return the Milk River Facility to consistent compliance and to correct the additional significant deficiencies as listed.

Deficiency #1: Fecal Coliform violations for May and June 2006

Corrective Action An investigation of these violations reveal that the cause was a combination of inadequate disinfection dosages resulting from efforts to keep chlorine residuals within specified goals, and assuming resultant fecal kills would also occur. Operation and treatment procedures have been reviewed with all facility operators with the emphasis on total permit compliance. Compliance with fecal coliform limits will be top priority with the goal of maintaining chlorine residuals as required. Changes made to the disinfection procedure include increasing the dosage rate for the initial or first flush to ensure adequate disinfection of the expected higher concentrations.

Deficiency #2: Reporting violation

Corrective Action: Currently a contract laboratory analyzes our samples and typically it takes 7 to 10 days to receive the analysis data. Upon receipt of this data and in cases of a discharge effluent violation the attached reporting form will be immediately submitted to your office. We will continue to notify you verbally and in writing, as required, of any discharge event.

Deficiency #3: Recirculation System not continually operational.

Corrective Action: To ensure that the Milk River Recirculation System remains continually operational from March 1 to November 30, as required by permit, the following operation and maintenance activities will be performed:

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DOWNRIVER WASTEWATER TREATMENT FACILITY
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- The intake structure will be inspected and cleaned of all debris, as necessary, but at least on a monthly basis. A preventative maintenance (PM) work order will be generated by the CMMS to ensure this work will be scheduled and documented.
- The recirculation pump "failure" alarm will be linked to the SCADA alarm paging system, providing a rapid response to after-hours and weekend pump failures. This work will be scheduled with the consultants and completed by October 20, 2006.
- The system used to control zebra mussels will be inspected and repaired as necessary. A PM work order will also be generated for this activity
- The repair of the screen cleaning system will be completed so the system will operate in automatic mode. This work will be scheduled to begin in October and should be completed by November 3, 2006.

Additional CEI Significant Deficiency Corrective Actions:

Additional Deficiency #1: Ongoing disinfection problem.

Corrective Action: See Deficiency #1 Corrective Action

Additional Deficiency #2: Basin flushing system problems

Corrective Action: An intensive maintenance project is scheduled for the cleaning of the basin, including the cleaning or replacement of all the diffusers in the flushing system, a significant number of which are plugged. This will also include determination of the exact extent of solids buildup in the basin and aeration chamber. The maintenance project is scheduled to begin the week of October 2 and should be complete within 30 days. This is a top priority project that will only be subject to weather constraints. A preventative maintenance work order will also be generated for this equipment, requiring a regular inspection and maintenance schedule.

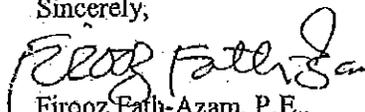
Additional Deficiency #3: O & M Manual

Corrective Action: The following manuals are located at the Milk River Facility and are available for your review. These manuals are listed starting from the most recent.

1. Automation and Electrical Improvements by Shaw Electric, August 2004
2. Instrumentation by K-R Automation Corp., 1994
3. Mechanical Equipment, 1994
4. All equipment, compiled by WC staff, 1985

If you have any questions regarding these matters please contact Mr. Robert Daiuto at 734-285-7260 or myself at 734-285-5246.

Sincerely,


Firooz Fath-Azam, P.E.,
Superintendent.

Cc: R. Daiuto, WCFMD
A. Coleman, WCFMD

J. Baratta, WCESD
K. Conley, WCFMD

Wayne County
Department of Environment
Facilities Management Division
Milk River Combined Sewer Overflow RTB
Fecal coliform violation report

In compliance with NPDES permit MI0025500 this report is being submitted to inform you that the Milk River Combined Sewer Overflow Retention/Treatment Basin had a violation of its daily Fecal Coliform limit as follows:

Date of violation: _____

Fecal Coliform value: _____ cts/100 ml

Reported By: _____

Date Reported: _____

Milk River CSO RTB
Compliance



Kurt L. Heise
Director

Robert A. Ficano
County Executive

December 21, 2006

Michigan Department of Environmental Quality
Public Wastewater and Drinking Water Unit
Southeast Michigan District Office
Water Bureau
27700 Donald Court
Warren, MI 48092-2793

RECEIVED

Attention: Ms. Shannon Jones, Environmental Engineer

DEC 21 2006

Subject: Milk River CSO RTB
NPDES Permit MI0025500
NNC No. NC- 000144

WATER BUREAU
SOUTHEAST MICHIGAN DISTRICT OFFICE

Dear Ms. Jones:

This submittal is in response to the above referenced NNC issued November 21, 2006.
The following specific issues are being addressed as required.

1. Revised disinfection procedures

The attached disinfection procedures have been implemented to ensure that all operators fully understand and operate the disinfection system as necessary to obtain sufficient bacteria kills. Changes made to the disinfection procedure include increasing the dosage rate for the initial or first flush to ensure adequate disinfection of the expected higher concentrations.

2 Report on effectiveness of the flushing system

An intensive maintenance project is underway for the cleaning of the basin, including the cleaning or replacement of all the diffusers in the flushing system, a significant number of which are plugged. To date we have expended at least 80 man-hours of labor in cleaning the basin and are about 35% complete. Rain events and basin dewatering have limited the cleaning efforts and this project is much larger than originally conceived. It is anticipated that an additional 2 weeks of work is needed to complete the cleaning project. It should be noted that the cleaning can only take place during dry weather, after the basin has been dewatered, and that extreme cold weather also limits this work. This is a top priority project that will only be subject to weather constraints. All available staff

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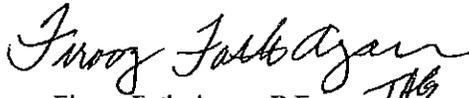
will be assigned to this project as needed. We are committed to finishing this project as soon as possible, but no later than January 31, 2007, weather permitting.

It is understood that the basin needs to be completely cleaned before an evaluation of the flushing system can take place. Therefore, upon completion of this cleaning project the basin flushing system will be operated as designed. The operation of the system will be monitored closely, specifically noting effectiveness in removing the solids following all storm events. By April 1, 2007 a report on the effectiveness of the flushing system shall be submitted, including if necessary any proposed system modifications.

3 Submittal of Operational Plan. The Milk River CSO RTB continues to operate according to the 2003 permit, while the 2005 proposed permit is contested. Once a new permit is issued, any related requirements will be met.

If you have any questions regarding these matters please contact Mr Robert Daiuto at 734-285-7260, Mr. Alvin Coleman at 734-285-2269 or myself at 734-285-5246.

Sincerely,



Firooz Fath-Azam, P.E.,
Superintendent

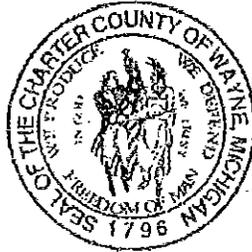
Cc: P. Argiroff, District Supervisor, MDEQ
R Daiuto, WCFMD
A. Coleman, WCFMD
K Conley, WCFMD
S Hanson, WDES
L. Jackson, WC Corp. Counsel

(Attachment)

Milk River Disinfection Procedure

- After the storm pump(s) have started, check chemical feed computer screen to ensure that the chemical feed pump(s) have started.
- Once they have started, walk over to the chemical building and check the chemical feed pump flow meter(s) to ensure they are pumping chemical.
- If they are not pumping chemical, open the flushing water valve(s) at the pump(s) and feed water until the pump(s) start to draw chemical, then close the flushing water valve(s). If the pump(s) don't start to draw chemical after approximately two minutes, switch to the other chemical storage tank. (The tank may be too low for the pump(s) to draw.)
- Once the "first flush" is full and "basin 2" starts taking flow, walk out to the basin, take a grab sample at the access hatch located just before the outfall, and perform an initial chlorine residual test. Adjust the chemical feed rate according to the need. (As indicated in the chlorine residual test.) This can be accomplished by raising or lowering the chemical feed rate located on the chemical feed computer screen.
- Once the basin starts discharging, take another chlorine residual test (permit requirement) and adjust the chemical feed-rate according to the need. After approximately 15 minutes, take another chlorine residual test and make any further feed rate adjustments if necessary.
- During each storm pumping cycle, take a chlorine residual test (along with any other permit required tests), as the longer you storm pump, the cleaner the influent, which will require less need for chemical addition.
- Take a monthly chemical sample from each chemical storage tank to the Wyandotte W.W.T.F. for % concentration analyses.

Kurt L. Heise
Director



Robert A. Picano
County Executive

May 11, 2007

Mr. Philip Argiroff
MDEQ – Southeast Michigan District Office
2770 Donald Court
Warren, MI 48092

**SUBJECT: Status Update to Deadlines of the Proposed Administrative Court Order
Milk River Combined Sewer Overflow Retention Treatment Basin
National Pollutant Discharge Elimination System Permit MI0025500**

Dear Mr. Argiroff:

This letter is intended to provide an update to our letter of April 25, 2007 concerning the proposed Administrative Court Order dated April 3, 2007 for the Milk River Combined Sewer Overflow Retention Treatment Basin (CSO RTB), operated by Wayne County on behalf of the Milk River Intercounty Drainage District Board (ICDB) under National Pollutant Discharge Elimination System Permit MI0025500. We are pleased to indicate that the three items proposed to be completed by May 11, 2007 are, in fact, finished. The fourth item is an on-going operational item that has been complied with since March 1.

Item 2.1.a – Removal of accumulated sludges and sediment

The due date for this item in the proposed ACO was May 11, 2007. This effort has been completed. Normal flushing practices are now in place. Recent rains have filled the #1 Basin which will be flushed following normal practices upon completion of the dewatering process.

Item 2.1.b – Evaluate and replace diffuser nozzles as necessary on the flushing system

The due date for this item in the proposed ACO was May 11, 2007. This effort to evaluate and replace diffuser nozzles has been completed.

Item 2.1.c – Report on the current flushing system, including operations and maintenance

The deadline for this item in the proposed ACO was May 11, 2007. The report is attached to this letter.

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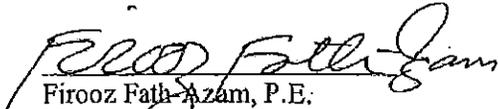


Mr. Philip Argiroff
11 May 2007
Page 2

Item 2.1.d - Operation of the River Recirculation System as defined in the permit
The Milk River ICDB is currently complying with this permit item.

If you should have any further questions, please don't hesitate to contact me at 734-285-5246.

Sincerely,


Firooz Fath-Azam, P.E.
Wayne County Superintendent

CC: Ms. Shannon Jones, MDEQ
Ms. Kelly Cave, WCDOE
Ms. Kerreen Conley, WCDOE
Ms. Sue Hanson, WCDOE
Milk River ICDB
file

Kurt L. Heise
Director



Robert A. Picano
County Executive

November 30, 2007

Ms. Shannon Jones, P.E., Environmental Engineer
Michigan Department of Environmental Quality
Public Wastewater and Drinking Water Unit
Southeast Michigan District Office
Water Bureau
27700 Donald Court
Warren, MI 48092-2793

Subject: Notice Letter NL-003029
Compliance Evaluation Inspection (CEI)
Milk River Combined Overflow (CSO) Retention/Treatment Basin (RTB)
NPDES Permit No. MI 0025500

The Wayne County Department of Environment (DOE), as the facility operator, is responding to the Notice Letter/Compliance Evaluation Inspection report dated October 16, 2007 and sent to the Milk River Inter-County Drainage Board.

In response to Item 1, the daily effluent permit limit violations (Dissolved Oxygen and Fecal Coliform) were caused by diminished pumping capacity of the Milk River CSO RTB to the interceptor due to the catastrophic pump failures at the Kerby Rd. Pumping station. This required us to greatly reduce our daily pumping to the interceptor and redirect the flow to the retention basin, increasing the discharge frequency and volumes. We believe there was a higher concentration of sanitary flow in the combined flow due to the diminished pumping capacity of the Milk River Facility into the interceptor, thus causing the Fecal Coliform and Dissolved Oxygen daily violations.

At the time of the referenced effluent violations (Dissolved Oxygen and Fecal Coliform), only two of the total five 32 cfs Kerby Rd. pumps were in operation as reported to you in the Kerby Road Pumping Station letter dated October 18, 2007. One of the pumps has been repaired. The other two pumps are in the process of being repaired. In the mean time, we have rented three temporary pumps (22 cfs total rated capacity) to increase the pumping capacity at the Kerby Rd. facility to nearly full capacity. This allows us to send more of the Milk River RTB flow to the interceptor instead of the retention basin during wet weather events. Once all of the pumps at the

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Kerby Rd. Facility are repaired and the station is back to 100% capacity, we will be able to return to consistent compliance.

In response to Item 2, the corrective action procedure for noncompliance reporting was not followed due to the pump failures at the Kerby Rd. Pump Station. The staff was mainly focusing on getting pumps rented and repaired to meet pumping capacity to prevent any further unnecessary discharges and overlooked the noncompliance issues. The staff has been reminded that complying with permit reporting procedures both verbally and in writing are of the utmost importance and need to be followed under all circumstances. We will ensure all noncompliance reporting procedures will be followed in the future.

In response to Item 3, the Milk River Disinfection procedure was written but not available at the time of the CBI inspection at the facility because it was electronically saved on a computer at the Southgate /Wyandotte Facility. The Milk River Facility is not on the Wayne County intranet so staff was unable to access it at that time. The staff have been trained and each given copies of the new procedure and will follow it. A copy was also placed on the bulletin board and in the file cabinet at the Milk River Facility.

In response to Item 4, the retention basin flushing electric valve actuators have been replaced. The company that installed the actuators does not do electrical hook-up or repair. The staff had to get three competitive bids to get this work done. The bids have been received and the procurement process has been initiated. We are estimating this task will be completed by the end of February of 2008.

In response to Item 5, the Milk River Facility is in the process of being put on a Computerized Maintenance Management System (CMMS), which will electronically track all the preventative maintenance work recommended by the equipment manufacturer. Once all facility equipment has been recorded and inputted into the CMMS, these work orders will be kept on file and can be accessed when necessary. In the mean time, a manual tracking system will be used to document all the flushing O&M activities.

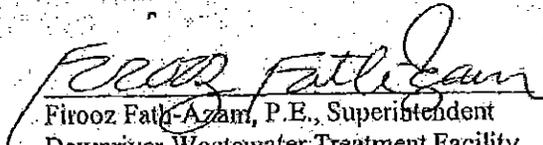
In response to Item 6, Wayne County has purchased a refrigerator to store all samples. The staff will ensure that the samples are stored in the designated sample refrigerator and temperatures will be maintained at 4 (plus, minus 2) degrees Celsius.

In response to Item 7, the day-to-day operations at the Milk River facility are supervised by a class "D" State Certified operator. The Wayne County Downriver Wastewater Treatment Facility Superintendent possesses an "A" license, supervises the operation of this facility, and is responsible for all NPDES permit compliance issues.

Ms. Jones
November 30, 2007
Page 3

If you have any questions regarding these comments, please contact either Mr. Robert Daiuto at 734-285-7260 or myself at 734-285-5246.

Sincerely,


Firooz Fath-Azam, P.E., Superintendent
Downriver Wastewater Treatment Facility
Facilities Management Division
Wayne County Department of Environment

C: Phil Argiroff, District Supervisor, MDEQ, WB
Kelly A Cave, P.E., Chief Engineer, Wayne County DOE
Kerreen Conley, Director, Facilities Management Division, Wayne County DOE
Alvin Coleman, Wayne County DOE-FMD
Robert Daiuto, Wayne County DOE-FMD
Daniel Alford, Wayne County DOE
file



Robert A. Ficano
County Executive

March 31, 2010

Mr. Phil Argiroff
MDNRE
Southeast Michigan District Office
27700 Donald Court
Warren, MI 48092-2793

Re: SVN No. SVN-000337
Second Violation Notice
Milk River Combined Sewer Overflow Retention Treatment Basin

Dear Mr. Argiroff:

This letter is in response to the above referenced SVN issued on March 8, 2010. The following items are in response to requested items from your letter.

In response to item 1, the status of the basin flushing system is as follows. The flushing system has been used this past week to flush basin 1. The tank is mostly cleaned and staff entered it today with hoses to manually clean the remaining areas with approximately 6 inches of accumulated solids. One of the dewatering pumps is being removed for maintenance now, and after we rehabilitate our dewatering pumping, we will complete the solids removal from basin 1.

Basin Flushing System	Quantity		Equipment Repair Status
	Operational	Non-operational	
Flushing Pumps	4	0	
Flushing Valves	39	4	Hand actuators not functioning; staff needs to modify actuator/handwheel to restore manual valve operation.
Dewater Pumps	3	1	Pump is currently being removed for service.

Note: the automated actuators for the basin 1 flushing valves were replaced in 2006 and an electrical contractor was hired to restore power to the actuators. After considerable effort by the contractor, power was not restored due to conduit/wiring conditions in the lines feeding each flushing valve vault. An engineer was hired in 2008 to provide a cost estimate for restoration of the automated flushing valves. The estimate of \$731,400 (without contractual and engineering/project management costs) has meant that this repair is beyond the normal maintenance budget. Wayne County intends that the basin 1 flushing valves will be operated manually until capital funding is obtained.

In response to item 2, the status of the river recirculation system is as follows. The recirculation system has been meeting permit requirements since March of 2009.

Recirculation System	Quantity Operational	Quantity Non-operational	Equipment Repair Status
Recirculation Pumps	2	0	
Recirculation Screen	1	0	
Note: the condition of only one recirculation pump being operable at a time in years past was mistakenly diagnosed as a communication/SCADA error. The second pump was shutting off due to a pump protection sensor. This condition has been rectified, so when called for, both pumps have run continuously since.			

In response to item 3, the status of the aeration system is as follows. The aeration system was partially restored in February 2010 and therefore it will meet permit requirements going forward.

Aeration System	Quantity Operational	Quantity Non-operational	Equipment Repair Status
Aeration Blowers	1	2	One blower is damaged and requires service. Other blower is operational, but electrical power needs to be restored.
Deicing Blower	1	0	
Aeration Blower Starters	2	1	Starter was damaged in January 2009 fire.
Recirculation Screen	1	0	
Note: Electrical panel fire occurred in January 2009. The blower manufacturer was engaged to supervise a complete maintenance overhaul on each of the three blowers in October 2009. Electrical power was restored to a blower in February 2010.			

In response to item 4, the listing of all non-operational equipment is as follows.

Equipment	Total Quantity	Quantity Non-operational	Equipment Repair Status
Storm Pumps/Motors	7	1	Pump 7 motor is uplifted and pump needs inspection/repair prior to motor repair. To be scheduled. O/S prior to 2008.
Dewater Pumps	4	1	Pump 3 is being removed currently. O/S prior to 2008.
Storm Wetwell Sump Pump	1	1	To be scheduled. O/S prior to 2008.
Groundwater Pumps	3	2	Electrical issues. To be scheduled. O/S prior to 2008.
Aeration Blowers	3	2	One blower is damaged and requires service. Other blower is operational, but electrical power needs to be restored. To be scheduled. O/S in January 2009

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Flushing Valves	43	4	Hand actuators not functioning; staff needs to modify actuator/handwheel to restore manual valve operation. To be scheduled. O/S prior to 2008
Flushing Valve Actuators	43	12	The repair estimate of \$731,400 has meant that this repair is beyond the normal maintenance budget. Wayne County intends that the basin 1 flushing valves will be operated manually until capital funding is obtained. O/S prior to 2006

If you have any questions regarding these responses, please contact either Mr. Dan Alford at 734-285-5223 or myself at 734-285-5246.

Sincerely,



Firooz Fath-Azam, P.E., Superintendent
Downriver Wastewater Treatment Facility
Facilities Management Division
Wayne County Department of Public Services

Cc: Peter Ostlund, MDNRE, WB
Rhonda Wuycheck, Enforcement Unit, WB
Shannon Jones, MDNRE
Kelly Cave, WC DPS
Kerreen Conley, WC DPS
Dan Alford, WC DPS
Ansell Noel, WC DPS
Tim Weber, WC DPS

ATTACHMENT C

**MILK RIVER INTERCOUNTY DRAINAGE BOARD
SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

1. Submitter:

Milk River Intercounty Drainage Board
400 Monroe Street, Suite 400
Detroit, Michigan 48226

2. Regulatory Information:

Michigan Department of Environmental Quality (MDEQ) alleges Milk River Intercounty Drainage Board (ICDB): (1) failed to properly operate and maintain the Milk River Combined Sewer Overflow Retention Treatment Basin (CSO RTB); (2) discharged stormwater containing dissolved oxygen below acceptable limits and *fecal coliform* above acceptable limits.

3. Project Name:

6th Spare Pump for Kerby Road Pump Station.

4. Project Manager:

Elmeka Steele
Facilities Management Division Director
Wayne County Department of Public Services
Environmental Services Group
400 Monroe, Suite 400
Detroit, Michigan 48226
313-224-8116
E-mail: esteele@waynecounty.com

5. MDEQ Contact Person Who Helped Develop Plan:

None.

6. Geographical Area to Benefit:

The Milk River CSO RTB facility serves the cities of Grosse Pointe Woods, Harper Woods, and a small portion of St. Clair Shores. It serves a drainage area of approximately 3,000 acres.

7. SEP Category:

Pollution reduction.

8. Project Description:

On April 18, 2013, ICDB received a spare KSB Model KRT K500-630/1508XNG submersible pump (200 hp, 875 rpm) that is stored at the Kerby Road Pump Station and available to immediately replace an existing pump that requires repair (sixth pump). The sixth pump will be installed by the ICDB. It will take approximately nine (9) hours to bring the crane on site and install the pump. The pump that was removed will be repaired and placed in storage, ready for installation the next time a submerged pump is taken out of service.

Kerby Road Pump Station currently runs with four submergible pumps in wetwells. There is a fifth spare submerged pump in the wetwell ready for immediate use in the event of a pump failure or other emergency installation. Once a year, the five submerged pumps are removed from their wetwell by a crane and two staff persons for routine inspection, testing, and maintenance. Once the work is done on a pump, the crane is used to replace the pump back into the wetwell. If, during the inspection, testing or maintenance, staff determines a pump needs repair, the pump is lifted out of the wetwell and sent off for repair. The repair could take months. If a new pump is needed, it is ordered from the manufacturer in Europe and received in approximately 34-36 weeks. The ICDB will notify the MDEQ when the pump is ordered and again when the pump is received by the ICDB. In the meantime, the wetwell sits with no redundant pump ready for use. There is no spare pump to put in the wetwell while waiting for the repair to be completed because of the significant cost of a pump (approximately \$110,000). The SEP proposal is to purchase a sixth pump of comparable size of the existing pumps (actually slightly greater capacity) and store it at the Kerby Pump Station so that it can be immediately placed in the wetwell if a submerged pump needs to be taken out of service for repair. If any of the submerged pumps fail at anytime, the sixth pump will be available to be installed. As a result, there will always be four pumps and one spare pump in the wetwell ready for use if needed during wet weather conditions.

9. Expected Environmental Benefits:

The sixth pump will guard against the potential of pollutants being discharged into Milk River because it will be installed as soon as a submerged pump is taken out of service so that it is immediately available in the event of a wet weather event; therefore, maintaining interceptor capacity for Milk River sanitary pumps.

Further, the sixth pump shall be installed within nine (9) hours from the time an existing pump becomes inoperable.

10. Projected Budget:

- a. Whether the company is a "C" corporation, an "S" Corporation, a partnership, a proprietorship, a municipality, or other entity for tax purposes: Municipality.
- b. Capital costs of project: \$119,128.
- c. Useful life of capital equipment in years: 10-15 years.
- d. The one-time, non-depreciable costs and whether they are tax deductible: No one-time non-depreciable cost.
- e. Annual operation costs of the project: None. This is a spare pump for emergencies.

11. Project Schedule:

Delivered: April 18, 2013

12. Accounting:

No third party is the proposed project implementer.

13. Reporting:

Wayne County will notify MDEQ when the pump is received.

14. Prior Commitments and/or Regulatory Requirements:

There are no prior commitments or requirements to purchase this equipment.

15. Certification of Expenditures:

The above proposed SEP is solely attributable to the settlement of the current enforcement action. No funding has been budgeted to the project prior to the approval of the project. The proposed project funded by grants, donations, low interest loans, or other sources of funding not attributable to the alleged violator's normal budgetary process. The proposed project is not being done, nor will

receive credit, as part of an environmental incentive or awards program offered by local, state, or federal government, industry, etc.

Respectfully submitted,

MILK RIVER INTERCOUNTY DRAINAGE BOARD

By: Michael R. Gregg

Michael Gregg
Milk River Intercounty Drainage Board
400 Monroe, Suite 400
Detroit, Michigan 48226
E-Mail: greggm@michigan.gov

Dated: February 6, 2014

PERMIT NO. MI0025500

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18,

Milk River Intercounty Drainage Board
415 Clifford
Detroit, Michigan 48226

is authorized to discharge from the Milk River CSO Retention/Treatment Basin facility located at

1190 West Parkway Drive
Grosse Pointe Woods, Michigan 48236

designated as Milk River CSO RTB

to the receiving water named the Milk River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Unless specified otherwise, all contact with the Michigan Department of Environmental Quality (the "Department") required by this permit shall be made to the Southeast Michigan District Supervisor of the Water Bureau. The Southeast Michigan District Office is located at 27700 Donald Court, Warren, Michigan 48092-2793, telephone: 586-753-3700, fax: 586-751-4690.

In accordance with Section 324.3120 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by January 15 for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1. Fees paid in accordance with the Michigan Act are not refundable.

Any person who is aggrieved by this permit may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Labor and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely.

This permit is based on a complete application submitted on April 2, 2004.

This permit takes effect on the date of revision. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede NPDES Permit No. MI0025500, expiring October 1, 2004.

This permit and the authorization to discharge shall expire at midnight, October 1, 2009. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department by April 4, 2009.

Issued September 30, 2005. Based upon a negotiated partial settlement of a petition for a contested case hearing submitted on December 1, 2005, this permit was revised on March 6, 2008.

Original Permit Signed by William Creal
William Creal, Chief
Permits Section
Water Bureau

PART I

Section A. Limitations and Monitoring Requirements

1. Interim Limitations and Monitoring Requirements, Monitoring Point 001A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge treated combined sewage from the Milk River Combined Sewer Overflow (CSO) Retention/Treatment Basin (RTB) facility from Monitoring Point 001A through Outfall 001 when the basin is full and a minimum flow of 10,000 gallons per minute is being pumped to the Grosse Pointe Interceptor. Outfall 001 discharges to the Milk River. Such discharge shall be limited and monitored by the permittee as specified below:

Influent Characteristics	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration				Frequency of Analysis	Sample Type
	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units		
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Effluent Characteristics										
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
CBOD ₅	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Fecal Coliform Bacteria	---	---	---	---	200	---	400	cts/100 ml	Daily	Grab
Total Residual Chlorine	---	---	---	---	---	---	(report)	mg/l	Daily	Grab
					Minimum Daily		Maximum Daily			
pH	---	---	---	---	(report)	---	(report)	S.U.	Daily	Grab
Dissolved Oxygen					7.0			mg/l	Daily	Grab

a. Retention Basin Monitoring and Reporting

The permittee shall monitor retention basin performance and report the monitoring consistent with the requirements of Part II.C.2. of this permit. The permittee shall supply the results of each sample taken during each discharge period. Influent reporting is required only when the basin has discharged.

Influent sampling shall be by grab samples collected every two (2) hours for the first eight (8) hours of flow into the basin and every four (4) hours thereafter for the duration of flow into the basin. The average of all discrete sample results shall be calculated for each calendar day of flow. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration.

PART I

Section A. Limitations and Monitoring Requirements

Effluent sampling shall be by grab samples collected every two (2) hours for the first eight (8) hours of discharge and every four (4) hours thereafter for the duration of the discharge. The average of all discrete sample results shall be calculated for each calendar day of discharge. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration. Effluent sampling shall be representative of the overflow from the Milk River CSO Retention Treatment Basin prior to mixing with water from the "River Recirculation System". Alternate effluent sampling locations may be approved by the Department.

Effluent sampling for dissolved oxygen (D.O.) may be conducted following treatment in the aeration basin. However, the permittee must establish compliance with the 7.0 mg/l minimum concentration effluent limitation for D.O. without benefit of the mix with flow from the River Recirculation System, which is currently directed to the aeration basin. Therefore, if the permittee elects to conduct post-aeration basin sampling for D.O., the permittee must perform a calculation using a Department approved formula to account for (i.e., subtract) the affects of mix with River Recirculation System flow.

For Fecal Coliform Bacteria, the "daily maximum" shall be the geometric mean of all samples on any discharge day, provided that three (3) or more samples are collected. The Fecal Coliform Bacteria "monthly average" shall be the geometric mean of all samples collected during the month, provided that five (5) or more samples are collected. The goal of the effluent sampling program is to collect at least three samples during each discharge event, and samples shall be collected at shorter intervals at the onset of the event, if the permittee estimates that the event duration may be less than six hours.

For purposes of reporting on a discharge event which lasts less than 24 hours, but occurs during two calendar days, the pollutant loadings and concentrations for the event shall be reported as daily values on the day when the majority of the discharge occurred.

- b. **Narrative Standard**
The receiving water shall contain no unnatural turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in quantities which are or may become injurious to any designated use.
- c. **Disinfection/Total Residual Chlorine Requirements**
The permittee shall operate the retention treatment basin facility to provide consistent and effective disinfection, with the goal of achieving a daily average total residual chlorine (TRC) level of less than 1 mg/l. EPA Method 330.1 or Orion Electrode Model 97-70 shall be used for analysis of samples for effluent TRC concentration.
- d. **Retention Treatment Basin Dewatering**
The retention treatment basin shall be promptly dewatered as soon as possible following the need to divert flow to the basin and shall be maintained in readiness for use. The discharge of sludge or residual accumulations from the basin to the surface waters is prohibited. These sludges shall be promptly removed and disposed in accordance with procedures approved by the Department.
- e. **Operation of the Aeration Facilities**
Annually, June through September, the permittee shall continue operation of the Milk River CSO RTB's aeration facilities for a minimum period of forty-eight (48) hours following cessation of an overflow discharge from the facility to the Milk River.
- f. **Operation and Maintenance Plan**
The permittee shall assure that discharges only occur in response to rainfall (or snowmelt) events and cease so on thereafter. Any rehabilitation and maintenance needs shall be addressed to ensure adequate sewer capacity and functionality. This may be accomplished through continued implementation of the approved Operation and Maintenance Plan.
- g. **New Wastewater Flows**
Increased levels of discharge of sanitary sewage from Milk River CSO RTB are prohibited unless:
 - 1) these increased discharges are the result of new sanitary wastewater flows which, on the basis of sound professional judgment, are within design peak dry weather transportation capacity; or
 - 2) the permittee has officially adopted and is timely implementing a definite program, satisfactory to the Department, leading to the construction and operation of necessary collection, transportation or treatment devices.

PART I

Section A. Limitations and Monitoring Requirements**2. River Recirculation System Flows**

The requirements of this permit are based upon the permittee assuring that the "River Recirculation System" is operated to continuously provide recirculation flows targeting a flow rate of 28 MGD from June through September, annually, and recirculation flows targeting a flow rate of 14 MGD from October through November and March through May, annually.

If the above indicated recirculation flows are not maintained by the permittee, the Department may propose modification of this permit in accordance with applicable laws and rules to require additional or upgraded treatment and/or outfall relocation.

3. Final Combined Sewer Overflow Control Program

Consistent with the requirements of NPDES Permit No. MI0025500, issued September 30, 2003, the permittee conducted an In-stream Dissolved Oxygen (DO) Monitoring Study to determine whether treatment to meet Water Quality Standards is provided by the Milk River Combined Sewer Overflow (CSO) Retention/Treatment Basin (RTB) facility. The In-stream DO Monitoring Study (DO Study) was designed to determine whether under critical conditions (i.e., the summer months, May through September) the minimum dissolved oxygen standard of 5.0 mg/l (see Rule 64 of the Water Quality Standards) in the Milk River is maintained. A report of results of the DO Study was submitted by the permittee on July 1, 2005.

Based upon a Department review of the DO Study Report, the Department and the permittee agree that the permittee shall again conduct a DO Study to determine the effects of treated CSO discharges from the Milk River CSO RTB on DO levels in the receiving stream, Milk River, and in Lake St. Clair. The DO Study shall include the results of a continuous DO monitoring survey of actual in-stream water quality conditions to ensure that the Water Quality Standards for minimum DO concentrations are not violated following and/or during RTB overflow/discharge events. The results of the DO Study will be utilized by the Department to determine whether additional facility upgrades, such as an extension of the facility's flow "recirculation pipe intake," are necessary to ensure adequate treatment of combined sewage discharges to comply with Water Quality Standards at times of discharge.

The DO survey must demonstrate that under critical conditions (i.e., the summer months, May through September) that the minimum DO standard of 5.0 mg/L (see Rule 64 of the Water Quality Standards) in Milk River and Lake St. Clair is not violated as a result of discharges from the Milk River CSO RTB. The DO survey shall be conducted as a continuous monitoring event from May 1 through September 30 of 2007. The survey shall be conducted to include results generated from storm events of varying magnitude across the range of events. There shall be sufficient in-stream DO monitoring at various locations and depths to adequately characterize DO in the Milk River. Water quality at all monitoring locations shall be characterized over the entire discharge period. The monitoring location(s) in Milk River for the DO surveys shall be downstream from Outfall 001.

The permittee and the Department entered a Contested Case Settlement Agreement (SA-SW07-002) which became effective on April 16, 2007. The Settlement Agreement required that the permittee conduct DO surveys from May 14 through September 30 of 2007.

In accordance with the Settlement Agreement, the permittee shall conduct the DO Study in accordance with the following schedule:

- a. On or before March 1, 2007, (complete) the permittee shall submit an approvable Work Plan Update for conducting the DO Study to the Department.
- b. On or before May 14, 2007, (complete) the permittee shall commence the DO Study in accordance with the approved Work Plan.
- c. On or before January 1, 2008, the permittee shall submit an approvable final DO Study Report to the Department.

PART I**Section A. Limitations and Monitoring Requirements**

In addition, as a condition of this permit, the permittee must conduct the DO Study with adequate quality assurance and quality control procedures to assure that data is accurately collected during the study period, including sufficient calibration of the in-stream DO meters at appropriate time intervals, proper operation of the DO meters consistent with all manufacturer requirements and specifications, and proper facility operation (i.e., aerator's operated for 48 hours continuously following a discharge, river recirculation system operational, basin flushing system operational, etc.). It is the permittee's responsibility to utilize adequate quality assurance and quality control procedures while conducting the DO Study. Inconclusive study results attributable to inadequate quality assurance and quality control procedures may be the basis for a determination by the Department that Water Quality Standards are not met in-stream as result of CSO discharges from the Milk River CSO RTB.

Following a Department review of the DO Study Report, this permit may be modified in accordance with applicable laws and rules to require additional facility controls, if a determination is made by the Department that water Quality Standards are not met in-stream at times of discharge as a result of CSO discharges from the Milk River CSO RTB.

If an insufficient number and magnitude of storm events occur during the study period beginning on May 1, 2007, there may accordingly be an insufficient number of RTB overflow events and associated data in order to assess compliance with the minimum DO standard. Upon receipt of written approval from the Department and consistent with such approval, the permittee may receive an extension of the compliance schedule date of Part I.A.3.c., above, by up to twelve (12) months in order to allow for collection of data from additional RTB overflow events.

In addition to the considerations regarding compliance with the warm-water DO standard, in order to ensure that the Water Quality Standards regarding residual chlorine (Rule 57 of the Water Quality Standards) are not violated following or during effluent overflow events from the Milk River RTB, the permittee shall achieve a daily maximum effluent concentration of 0.038 mg/l for total residual chlorine or submit a mixing zone demonstration consistent with the requirements of Rule 82(7) of the Water Quality Standards to determine whether an acute mixing zone is acceptable for residual chlorine discharges from the Milk River RTB. If the permittee does not elect to conduct a Total Residual Chlorine Mixing Zone/Plume Delineation Study, the Department may, in accordance with applicable laws and rules, propose modification of this NPDES permit to include an applied daily maximum effluent concentration of 0.038 mg/l for total residual chlorine.

4. Facility Contact

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

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

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

PART I

Section A. Limitations and Monitoring Requirements

5. Operational Plan

On or before April 1, 2008, the permittee shall submit to the Department for approval a Sewerage System Operational Plan (Operational Plan) for operation of this facility in conjunction with the associated collection and transport system, including the "downstream" interceptor system. The permittee shall begin implementation of the Operational Plan upon receiving approval from the Department or beginning 90 days after submittal, whichever comes first. Any changes to the Operational Plan which affect the rate, volume, or the system storage and transportation for conveyance of wet weather flows, shall be submitted to the Department for approval prior to implementation. Annually, on or before April 1, the permittee shall submit to the Department the Operational Plan, which incorporates all changes made to the plan during the last year. The Operational Plan shall define the hydraulic design constraints of the system during both dry and wet weather operation. The Operational Plan shall include:

- a. the procedures to ensure that the collection and treatment systems are operated to maximize treatment;
- b. the procedures to ensure that all dry weather flows are conveyed to the treatment facilities for treatment without bypass;
- c. the hydraulic profile and hydraulic operational elevations for system pump stations, regulators, diversion devices, gates, level sensors, interceptors, etc. to ensure the conveyance of all dry weather flows to the treatment facilities for treatment without bypass;
- d. the procedures to ensure that the sewerage system hydraulic and storage capacity is identified and fully utilized during wet weather events with eventual transport and treatment of stored flows;
- e. the hydraulic profile and hydraulic operational elevations for system pump stations, regulators, diversion devices, gates, level sensors, interceptors, etc. to ensure that the greatest quantity of wet weather flow is conveyed to the treatment facilities for treatment to minimize combined sewage discharges;
- f. the procedures to ensure that the greatest quantity of wet weather flow is conveyed to the Milk River Retention Treatment Basin (RTB) for treatment;
- g. the procedures to ensure the sewerage system is maintained at its optimum operational capability, including procedures for dewatering the Milk River RTB as soon as possible after use;
- h. the procedures utilized at the Milk River RTB for adjustment of sodium hypochlorite disinfectant feed rates to minimize the discharge of total residual chlorine;
- i. the procedures and schedule for sampling/monitoring the stored sodium hypochlorite disinfectant at the Milk River RTB to determine the concentration of available chlorine and assure that the stored sodium hypochlorite is of sufficient strength to provide effective disinfection;
- j. the procedures for ongoing inspection of the sewer system within the permittees jurisdiction for excessive inflow and infiltration and where necessary, reduction of the excessive infiltration and inflow sources, and the elimination of unauthorized sewer system connections; and an
- k. identification of the location of all rain gauges.

The permittee shall consider opportunities to encourage pollutant prevention strategies by industries and municipalities tributary to the treatment system. Such strategies may include public education, and other activities that may be effective in reducing the volume and pollutants of combined sewer overflows.

PART I

Section A. Limitations and Monitoring Requirements**6. Untreated or Partially Treated Sewage Discharge Requirements**

In accordance with Section 324.3112a of the Michigan Act, if untreated sewage, including sanitary sewer overflows (SSO) and combined sewer overflows (CSO), or partially treated sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the person responsible for the sewer system shall immediately, but not more than 24 hours after the discharge begins, notify, by telephone, the Department, local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located that the discharge is occurring.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the "CSO/SSO Reporting Form" available via the internet at: http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3715---,00.html, or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the Michigan Act, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *Escherichia coli* to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments and to the Department. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The affected local county health department may waive this testing requirement, if it determines that such testing is not needed to assess the risk to the public health as a result of the discharge event. The results of this testing shall be submitted with the written notification required above, or, if the results are not yet available, submit them as soon as they become available. This testing is not required, if the testing has been waived by the local health department, or if the discharge(s) did not affect surface waters.

Permittees accepting sanitary or municipal sewage from other sewage collection systems are encouraged to notify the owners of those systems of the above reporting and testing requirements.

PART I**Section B. Residuals Management Program****1. Residuals Management Program for Land Application of Biosolids**

It is understood the permittee does not currently land apply biosolids or prepare biosolids for land application, and therefore is not required to immediately develop a Residuals Management Program (RMP) in accordance with the Part 24 Rules of the Michigan Administrative Code. Alternative biosolids recycling and/or disposal activities, including incineration and landfilling, shall be conducted in accordance with Part II.D.7. of this permit. In the event the permittee proposes to prepare biosolids for land application or land apply biosolids, an RMP shall be submitted to the Department for approval, and implemented as follows:

- a. **Program Development**
At a minimum, the program submittal shall include:
 - 1) a description of the type and size of facility generating the biosolids;
 - 2) a description of the biosolids treatment processes including the volume of biosolids generated from each process;
 - 3) storage volume provided, if applicable;
 - 4) transportation methods and spill prevention plan;
 - 5) a description of the land application method;
 - 6) a listing of the required information on all land application sites, information on initial application notifications required by R323.2408 and class B biosolids site restriction notifications, if applicable, as specified in R323.2414(3)(f);
 - 7) a land application plan which shows compliance with the applicable management requirements identified in R323.2410 and the loading rates and limitations as specified in R323.2408, R323.2409 and R323.2417;
 - 8) a description of the pathogen reduction method used to comply with R323.2411, R323.2414 and R323.2418;
 - 9) a description of the vector attraction reduction method used to comply with R323.2415; and
 - 10) information on monitoring program, monitoring frequencies pursuant to R323.2412, and one year of records representing the volume and concentrations of pollutants in the biosolids.
- b. **RMP Implementation**
The permittee shall implement the RMP immediately upon approval from the Department. Upon RMP approval, the permittee may land apply bulk biosolids, and the approved RMP becomes an enforceable requirement of this permit.
- c. **Modifications to the Approved RMP**
The permittee shall submit proposed modifications to its RMP to the Department for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.
- d. **Recordkeeping**
Records required by R323.2413 shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.
- e. **Annual Report**
The permittee shall report the number of dry tons of biosolids generated that were applied to the land in the State of Michigan in the state fiscal year (October 1 through September 30). The annual report shall include information required in R323.2413(2)(h) and R323.2413 (3) to (8), except R323.2413 (6)(b), (7)(b), and (8)(b). The report shall be submitted to the Department on or before October 30 of each year.

PART II

Section A. Definitions

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

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

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

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

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

Class B Biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Daily concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the permit, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).

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

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

Department means the Michigan Department of Environmental Quality.

Detection Level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

PART II**Section A. Definitions**

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

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

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

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

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

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

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

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

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

MGD means million gallons per day.

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

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

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

PART II

Section A. Definitions

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

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

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

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

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

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

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

POTW is a publicly owned treatment works.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly frequency of analysis refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

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

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

PART II

Section A. Definitions

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

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

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

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

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

Weekly frequency of analysis refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Yearly frequency of analysis refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

24-Hour Composite sample is a flow proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period.

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

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

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

PART II

Section B. Monitoring Procedures**1. Representative Samples**

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

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

3. Instrumentation

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

4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements**1. Start-up Notification**

If the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department within 14 days following the effective date of this permit, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

Unless instructed on the effluent limits page to conduct "retained self-monitoring," the permittee shall submit self-monitoring data on the Environmental Protection Agency's Discharge Monitoring Report (DMR) forms (monthly summary information) and the Department's Daily Discharge Monitoring Report forms (daily information) to PCS-Data Entry, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773, for each calendar month of the authorized discharge period(s). The forms shall be postmarked no later than the 10th day of the month following each month of the authorized discharge period(s). Electronic Environmental Discharge Monitoring Reporting (e2-DMR) System participants shall submit self-monitoring data for each month of the authorized discharge period(s). The electronic forms shall be submitted to the department no later than the 20th day of the month following each month of the authorized discharge period(s).

Alternative Daily Discharge Monitoring Report formats may be used if they provide equivalent reporting details and are approved by the Department. For information on the electronic submittal of this information, contact the Department or visit the *e²-Reporting* website @ <https://secure1.stat.e.mi.us/e2rs/> - click on "about e-DMR" to download the Facility Participation Package.

3. Retained Self-Monitoring Requirements

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

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

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

Monitoring required pursuant to Part 41 of the Michigan Act or Rule 35 of the Mobile Home Park Commission Act (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.

5. Compliance Dates Notification

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

PART II

Section C. Reporting Requirements**6. Noncompliance Notification**

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

- a. 24-hour reporting - Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

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

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the first page of this permit, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

8. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the Department by telephone within 24-hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated; and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

PART II**Section C. Reporting Requirements****9. Bypass Prohibition and Notification**

- a. Bypass Prohibition - Bypass is prohibited unless:
- 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
 - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the first page of this permit (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.
- e. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. of this permit.
- f. Definitions
- 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Notification of Changes in Discharge

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

PART II**Section C. Reporting Requirements****11. Changes in Facility Operations**

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

12. Bioaccumulative Chemicals of Concern (BCC)

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

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

PART II**Section D. Management Responsibilities****1. Duty to Comply**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act. Permittees authorized to discharge storm water shall have the storm water treatment and/or control measures under direct supervision of a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act.

3. Facilities Operation

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

4. Power Failures

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

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

5. Adverse Impact

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

6. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the Michigan Act.

PART II**Section D. Management Responsibilities****7. Waste Treatment Residues**

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

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

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

PART II**Section E. Activities Not Authorized by This Permit****1. Discharge to the Groundwaters**

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

2. Facility Construction

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

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Federal Act.

6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize 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.