

APPENDIX B

Kalamazoo River/Lake Allegan Watershed Cooperative Agreement for the Reduction of Phosphorus Loading March 19, 2001

This agreement is between the Michigan Department of Environmental Quality (MDEQ), Surface Water Quality Division (SWQD) and the attached signatories, representing both point source (PS) and nonpoint source (NPS) stakeholders in the Kalamazoo River/Lake Allegan watershed. The primary purpose of the agreement is to create the process to cooperatively reduce phosphorus loading in the Kalamazoo River/Lake Allegan watershed to meet the goals of the Total Maximum Daily Load.

We the undersigned acknowledge the importance of the Kalamazoo River/Lake Allegan as valuable water resources for the residents, aquatic life, and wildlife in the watershed and agree to the following:

1. As identified in the document titled "Total Maximum Daily Load for Phosphorus in Lake Allegan" (TMDL) published March 2001 by the MDEQ, NPS phosphorus loading accounts for a substantial amount of the present phosphorus load to Lake Allegan. In the 1998 growing season, NPS loads accounted for 65 percent of the total phosphorus load.
2. To improve the resource and achieve attainment of the goals of the TMDL, phosphorus levels must be reduced.
3. NPS discharges of phosphorus occur from a variety of rural and urban land uses in the Kalamazoo River/Lake Allegan watershed. Many stakeholders are pursuing a significant reduction in NPS discharges of phosphorus in the watershed. The signatories agree to facilitate this reduction by providing assistance, resources, and the coordination of local efforts. The signatories also agree to develop a NPS Reduction Implementation Plan and submit it to the MDEQ, SWQD, Kalamazoo District Supervisor, within one year of the effective date of this agreement.
4. The MDEQ agrees, subject to United States Environmental Protection Agency approval and public comment, to include the current National Pollutant Discharge Elimination System (NPDES) permit limitations and/or monitoring requirements for phosphorus in the following permits for five years from the effective date of this agreement:

FACILITY NAME	PERMIT NUMBER
A M Todd Company	MI0038407
Albion Wastewater Treatment Plant (WWTP)	MI0022161
Allegan Metal Finishing	MI0042722
Allegan WWTP	MI0020532
Battle Creek WWTP	MI0022276
Bellevue WWTP	MIG570051
Bostik Incorporated	MI0039357
Charlotte WWTP	MI0020788
Checker Motors Corporation	MIG250139
Concord Wastewater Sewage Lagoon (WWSL)	MIG580003

American Paper Mills of Michigan (Crown Vantage)	MI0000205
Eaton Corporation – Proving Grounds	MIG250029
Eaton Corporation – Torque Control Products Division	MI0001970
Food City Pickle, Inc	MI0056197
Glassmaster Control – Kalamazoo	MIG250001
Gun Lake Sewer Authority	MI0042501
Hercules, Incorporated – Kalamazoo Plant	MIG250134
Homer WWSL	MI0021407
International Paper Company	MIG250129
Joseph Campbell Company – Marshall	MI0045268
Kalamazoo WWTP	MI0023299
Kellogg Company	MIG250044
Mark I Molded Plastics	MIG250422
Marshall WWTP	MI0023540
Menasha Corporation	MI0003824
Murco Foods, Incorporated	MI0050628
Olivet WWSL	MIG580267
Otsego WWTP	MI0023744
Parker Hannifin Corporation-Brass Products Division	MI0054038
Parker Hannifin Corporation-Pump/Motor Division	MI0054046
Parma WWSL	MIG580005
Perrigo Company-Plant No. 1	MI0039306
Perrigo Company-Plant Nos. 4 and 5	MI0039314
Pharmacia and Upjohn	MI0002941
Plainwell, Incorporated	MI0003794
Plainwell WWTP	MI0020494
Rock-Tenn Company-Battle Creek	MI0029386
Rock-Tenn Company-Otsego	MI0000787
Springport WWSL	MIG580281

In 2006, the PS permit limits for phosphorus loadings will be evaluated and may need to be revised pursuant to applicable laws and regulations depending on the efficacy of the agreement in meeting the TMDL goals.

5. The permittees agree to develop a PS Reduction Implementation Plan to meet the combined waste load allocation (WLA) of 8,700 pounds of phosphorus per month from April through June, and 6,700 pounds per month from July through September as identified in the TMDL. The PS Reduction Implementation Plan shall be developed and submitted to the MDEQ, SWQD, Kalamazoo District Supervisor, within one year of the effective date of this agreement. The PS Reduction Implementation Plan will contain milestones and a timeline to reach the combined WLA identified in the TMDL within five years of the effective date of this agreement. The permittees listed in #4 above agree to put forth reasonable best efforts for their individual discharges to accomplish the individual phosphorus loading goals set forth in the PS Reduction Implementation Plan. Nothing in this agreement shall be construed to require the use of Best Available Control Technology or any other particular level of treatment technology.
6. The signatories agree to meet semiannually in the spring and fall to: a) discuss overall and individual performance and activity directed towards meeting the goals identified in the TMDL; b) review the PS and NPS Reduction Implementation Plans and recommend modifications for improving implementation; and c) review data and information developed

through the continued studies to be conducted pursuant to paragraphs #8 and #9 below.

7. An annual report shall be submitted by the signatories on or before March 1 of each year to the MDEQ, SWQD, Kalamazoo District Supervisor, summarizing progress made towards meeting the goals identified in the TMDL to include the following:
 - Summaries from the semiannual meetings.
 - Progress made on each item identified in the implementation plans.
 - Changes in the implementation plans in response to new challenges.
 - Local successes in phosphorus control.
 - Summary of the PS phosphorus effluent data and control methods.
 - Summary of any locally derived watershed monitoring data, including trend data, as implementation proceeds.
8. The MDEQ agrees to continue monitoring the water quality in Lake Allegan and the Kalamazoo River, as resources allow. Monitoring will be done at the M-89, M-222, and M-40/89 crossings to evaluate the most effective location for inlet monitoring. The exact monitoring locations for the M-89 inlet to Lake Allegan samples are identified in the MDEQ staff report number MI/DEQ/SWQ-99/125. The locations of the M-40/89 and M-222 inlet monitoring points are identified in the TMDL. The minimum monitoring frequency will be monthly from April through September each year at each site in Lake Allegan and the Kalamazoo River. The MDEQ will prepare a report of the annual sampling results by March 1 of each year. The report will be distributed to all signatories of this agreement.
9. The signatories agree that further study may demonstrate designated use attainment in the watershed even if phosphorus levels are not reduced as contemplated in the TMDL. The signatories agree to discuss the continuing study of the water quality parameters and endpoints for the phosphorus reduction program. The study may include, but need not be limited to, the following:
 - Continued monitoring of ambient phosphorus levels.
 - Verify the established baselines and endpoints for relevant warm water fish species and other indigenous aquatic life and wildlife.
 - Study and quantify phosphorus contributions from accumulated sediments.
 - Evaluate other causes of water quality impairment.
 - Establish relationship between phosphorus reduction and water quality improvements.
10. Any signatory may terminate its involvement in this agreement at any time for any reason. Notice of such termination shall be given in writing to all other signatories prior to the effective date of termination.
11. This agreement shall expire on March 1, 2010. The signatories may agree to renew the agreement.
12. No signatory makes any admission of fact or law, or waives any claim, right, or argument against anyone or any entity by becoming a signatory to this agreement or by acting under it. Nothing in this agreement shall create any claim, right, or argument in any third party.
13. The signatories below shall represent either of the following:

- A. For a municipal, state, or other public facility, or a not-for-profit entity, a principal executive officer or ranking elected official (such as the mayor, village president, city or village manager or clerk).
 - B. For an organization, company, corporation or authority, a principal executive officer.
 - C. For a partnership, a general partner.
 - D. For a sole proprietor, the proprietor.
 - E. For a corporation, a principal executive officer of at least the level of vice president or their designated representative.
 - F. For a local unit of government, a county, city, village, or township official, or an agency of a county, city, village, or township.
-

By Michigan Department of Environmental Quality:

Dennis A. [Signature]
Name and Title

CHIEF, SWQD

5-23-2001
Date

By A M Todd Company:

[Signature] - President & CEO
Name and Title

5/2/01
Date

By City of Albion:

[Signature], City Manager
Name and Title

6-20-01
Date

By City of Allegan:

[Signature], City Manager
Name and Title

5/10/01
Date

By American Paper Mills of Michigan:

Robert Guakenbush
[Signature] Pres. Mgr.
Name and Title

2/8/02
Date

By City of Battle Creek:

[Signature]
Name and Title

Merrill R. Stanley
City Manager

4/16/01
Date

RECEIVED
MAY 01 2001
SWQD - KALAMAZOO

Form Approved
4-2-01
City
City Attorney

By City of Bellevue:

Travis Bininstool
Name and Title

5/9/01
Date

Travis Bininstool Village Manager

By City of Charlotte:

David L. Brown
Name and Title

4/23/01
Date

David L. Brown, Mayor

By Checker Motors Corporation:

James Temple VP-COO
Name and Title

4-12-01
Date

Village
By ~~City~~ of Concord:

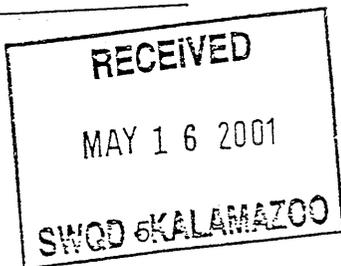
Halsey D. Jenks
Name and Title
Halsey D. Jenks, Village President

April 9, 2002
Date

By Crown Vantage:

Name and Title

Date



By Eaton Corporation – Proving Grounds:

Name and Title

Date

By Eaton Corporation – Torque Control Products Division:



Name and Title

MFG MGR

5-10-01
Date

By Glassmaster Controls - Kalamazoo:



Name and Title

Operations MGR

5-3-01
Date

By Gun Lake Sewer Authority:

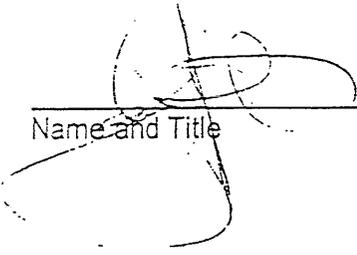


Name and Title

Chairman of the Board

5-02-01
Date

By Hercules, Incorporated – Kalamazoo Plant:

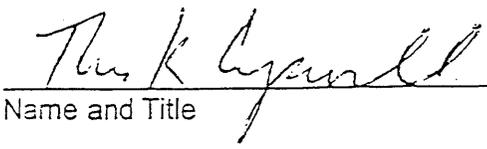


Name and Title

Plant - MGR

4/2/2002
Date

By City of Homer:



Name and Title

5-9-01
Date

By International Paper Company:

Scott Main Plant Manager
Name and Title

8/28/01
Date

By Joseph Campbell Company - Marshall:

Cesar Penaherrera
Name and Title
Cesar Penaherrera
Vice President - CNA Supply Chain

5/14/01
Date

By City of Kalamazoo:

R. Keith Cozby, Acting City Manager
Name and Title R. Keith Cozby, Acting City Manager

10/03/01
Date

By Kellogg Company:

Name and Title

Date

By Mark I Molded Plastics:

M. Shuman Plant Manager
Name and Title

5/8/01
Date

By City of Marshall:

Gail M. Budrow-Bradstreet
Name and Title
GAIL M. BUDROW-BRADSTREET
CLERK - TREASURER / FINANCE DIRECTOR

5-14-01
Date

By Menasha Corporation:

JEFFERY F. VOLMER, VICE PRESIDENT & GENERAL MANAGER

Jeffery F. Volmer
Name and Title

5-7-01
Date

By Murco Foods, Incorporated:

Paul Murray, President
Name and Title

4-10-01
Date

By Olivet WWSL:

Michael Judd
Name and Title MICHAEL JUDD, MAYOR

5/21/01
Date

By City of Otsego:

Theresa J. ... City Manager
Name and Title

5-7-01
Date

By Parker Hannifin Corporation-Brass Products Division:

Name and Title

Date

By Parker Hannifin Corporation-Pump/Motor Division:

Name and Title

Date

By City of Parma:

Charmaine A Clark Clerk
Name and Title

5-13-02
Date

By Perrigo Company-Plant No. 1:

* John J. Hudricksen Exec. VP-Operation
Name and Title

5/16/01
Date

By Perrigo Company-Plants No. 4 and 5:

* John J. Hudricksen Exec. VP-Operation
Name and Title

5/16/01
Date

By Pharmacia and Upjohn:

WARREN R. WELLS, Vice President,
Name and Title EHS & Engineering

MAY 21 2001
Date

By Plainwell, Incorporated:

Name and Title

Date

By City of Plainwell:

Ruth King, City Administrator
Name and Title
RUTH KING

04-24-01
Date

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By Rock-Tenn Company: (Battle Creek Mill)

Bud Kurtz

Name and Title

Bud Kurtz, SR VP & GM

5/7/01

Date

By Rock-Tenn Company: (Otsego)

[Signature] GM

Name and Title

6/27/01

Date

By City of Springport:

Cynthia D. Swickell

Name and Title

Village of Springport
Village Manager

5/17/01

Date