

GENERAL PERMIT NO. GW1510000

**STATE OF MICHIGAN**  
**DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY**  
**GROUNDWATER DISCHARGE PERMIT**



This general permit is issued under the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), being Sections 324.3101 through 324.3119 of the Compiled Laws of Michigan, and the Administrative Rules promulgated thereunder. Existing above ground sewage disposal systems area authorized to be discharged from facilities specified in an individual Certificates of Coverage (COC) in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this Groundwater General Permit. This general permit does not relieve the discharger from obtaining and complying with any other permits required under local, state, or federal law.

**Rule Authorization: Rule 2215**

**Discharge Category: Existing Above Ground Sewage Disposal Systems**

**Operation Type: Various**

**Wastewater Type: Sanitary Sewage**

**Effective Date: April 1, 2020**

**Expiration Date: April 1, 2023**

The Michigan Department of Environment, Great Lakes, and Energy (Department) has determined that existing facilities with above ground sewage disposal systems where the daily maximum discharge up to 20,000 gallons per day where treatment and disposal facilities are constructed, operated and maintained in accordance with plans and specifications approved by the Department, are appropriately and adequately controlled by a general permit.

In order to constitute a valid authorization to discharge, this permit must be accompanied by a COC issued by the Department.

This general permit supersedes all Permits and Exemptions issued by the Department to facilities with the same or substantially similar types of operation.

All construction, maintenance, operations, and monitoring of this facility must comply with the conditions set forth in this general permit by the Department. Failure to comply with the terms and provisions of this general permit may result in civil and/or criminal penalties as provided in Part 31.

Issued: March 31, 2020.



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Kristine Rendon, Supervisor  
Groundwater Permits Unit  
Permits Section  
Water Resources Division

### **PERMIT FEE REQUIREMENTS**

In accordance with Part 31, Section 324.3122 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each December 15th 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 March 1st for notices mailed by January 15th. The fee is due no later than 45 days after receiving the notice for notices mailed after January 15th.

In accordance with Section 324.3132 of the NREPA, during years in which biosolids are land applied, the permittee shall make payment of an annual biosolids land application fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 31<sup>st</sup> of each year.

### **CONTESTED CASE INFORMATION**

Any person who is aggrieved by this permit may file a sworn petition with the Michigan Administrative Hearing System of the Michigan Department of Licensing and Regulatory Affairs, setting forth the conditions of the permit that are being challenged and specifying the grounds for the challenge. The Michigan Administrative Hearing System may reject any petition filed more than 60 days after issuance as being untimely.

**PART I****A. Permit Requirements****1. Effluent Limitations and Monitoring Requirements**

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge sanitary sewage to the groundwaters of the state. Such discharge shall be limited and monitored by the permittee as specified below.

*The monitoring point, designated as EQ-1, shall be limited and monitored as specified in the table below*

<b>Parameter</b>	<b>Maximum Limit</b>	<b>Units</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Flow (Daily)	20,000	GPD	Daily	Measurement
Flow (Annually)	3,650,000	GPY	Annually	Calculation
Total Inorganic Nitrogen (TIN)	(report)	mg/L	Annually	Calculation
Ammonia Nitrogen	(report)	mg/L	Annually	Grab
Nitrate Nitrogen	(report)	mg/L	Annually	Grab
Nitrite Nitrogen	(report)	mg/L	Annually	Grab
Biochemical Oxygen Demand (BOD <sub>5</sub> )	(report)	mg/L	Annually	Grab
Total Phosphorus	(report)	mg/L	Annually	Grab
Sodium	(report)	mg/L	Annually	Grab
Chloride	(report)	mg/L	Annually	Grab
pH (maximum)	(report)	S.U.	Annually	Grab
Dissolved Oxygen	(report)	mg/L	Annually	Grab

*a. Daily Monitoring*

Flows shall be recorded on a daily basis. The self-monitoring data shall be submitted via the Department's MiWaters system through an annual Discharge Monitoring Report (DMR).

*b. Total Inorganic Nitrogen*

The daily maximum value for total inorganic nitrogen shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen

*c. Sampling Location*

Effluent flow shall be measure in accordance with the approved Sampling and Analysis Plan. The location and method of collecting and analyzing effluent samples shall be in accordance with the approved Sampling and Analysis Plan.

**2. Facility Operations and Maintenance**

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee shall comply with the inspection, operation, and maintenance program requirements by maintaining a year-to-date log onsite. This log should be available for inspection to the staff of the Department. The COC will specify what sections the permittee does not have to follow.

**a. Facilities Utilizing Lagoons**

A year-to-date log should be kept for the following conditions:

<b>Lagoon</b>		
<b>Condition</b>	<b>Measurement Frequency</b>	<b>Sample Type</b>
Freeboard - 2 foot minimum	Monthly	Visual Observation
Control Structures	Monthly	Visual Observation
Dike Integrity	Monthly	Visual Observation
Vegetation Control	Monthly	Visual Observation
Nuisance Animals	Monthly	Visual Observation
Odors	Monthly	Olfactory Observation
Fence Integrity/Signage	Monthly	Visual Observation

i. *Lagoon Inspection*

- A. These inspections shall include:
- B. The lagoon dikes for vegetative growth, erosion, slumping, animal burrowing, or breakthrough.
- C. The lagoon for growth of aquatic plants, offensive odors, insect infestations, scum, floating sludge, and septic conditions.
- D. The depth of the water in each cell and the freeboard with a minimum two (2) feet of freeboard being maintained at all times.
- E. The control structures and pump stations to assure that valves, gates, and alarms are set correctly and properly functioning.
- F. The lagoon security fence and warning signs.

ii. *Facility Maintenance*

- A. The permittee shall implement a Facility Maintenance Program that incorporates the following management practices unless otherwise authorized by the Department.
- B. Vegetation shall be maintained at a height not more than six (6) inches above the ground on lagoon dikes.
- C. Not more than ten (10) percent of the water surface shall be covered by floating vegetation and not more than ten (10) percent of the water perimeter may have emergent rooted aquatic plants.
- D. Dike damage caused by erosion, slumping, or animal burrowing shall be corrected immediately and steps taken to prevent occurrences in the future.
- E. The integrity of the lagoon liner shall be protected. Liner damages shall be corrected immediately and steps taken to prevent future occurrences.
- F. The occurrence of scum, floating sludge, offensive odors, insect infestations, and septic conditions shall be minimized.
- G. A schedule for the inspection and maintenance of the collection system, lift stations, mechanical and electrical systems, transfer stations, and control structures shall be developed and implemented.

iii. *Lagoon Drawdown Conditions*

The permittee shall observe the following conditions when drawing down a cell for transfer or discharge unless otherwise authorized by the Department.

- A. Water discharged shall be removed from the surface two (2) feet of the cell at a rate of less than one (1)-foot per day.
- B. The permittee shall maintain a minimum of two (2) feet of freeboard in all cells at all times. Upon written notification, the Department may require a minimum of three (3) feet of freeboard for larger systems.
- C. The permittee shall maintain a minimum of two (2) feet of water in all cells at all times.

b. **Facilities Utilizing a Drainfield(s)**

A year-to-date log should be kept for the following conditions:

Drainfield		
Condition	Measurement Frequency	Sample Type
Ponding	Monthly	Visual Observation
Outbreaks	Monthly	Visual Observation
Odors	Monthly	Olfactory Observation
Vegetation	Monthly	Visual Observation

c. **Facilities Utilizing a Septic Tank(s)**

A year-to-date log should be kept for the following conditions:

Septic Tank		
Condition	Measurement Frequency	Sample Type
Depth of Sludge	Annual	Physical Depth Measurement
Watertight Construction	Annual	Visual Observation

- i. Before the sludge volume occupies 25 percent of the holding tank capacity, septic tanks shall be pumped by a septage hauler licensed pursuant to Part 117, Septage Waste Servicers, of the NREPA. Septage shall be disposed of in accordance with Part 117.

d. **Facilities Utilizing a Spray Irrigation Field(s)**

A year-to-date log should be kept for the following conditions:

Irrigation Field		
Condition	Measurement Frequency	Sample Type
Ponding	Daily During Discharge	Visual Observation
Pooling	Daily During Discharge	Visual Observation
Erosion	Daily During Discharge	Visual Observation
Odors	Daily During Discharge	Olfactory Observation
Piping	Daily During Discharge	Visual Observation
Sprinkler Heads	Daily During Discharge	Visual Observation

- i. For operations with slow rate land application:  
Per R. 323.2234 the permittee is expected to meet the following standards

- A. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.
  - B. The wastewater loading volume shall be designed so that the wastewater will be absorbed and held within the effective rooting zone of the vegetative cover established on the site receiving the wastewater.
  - C. If used, the header ditch drainage and the grading of the furrows shall be tested for equal liquid distribution before seeding.
  - D. The system shall be seeded with a mixture of perennial vegetative cover, which are grasses such as reed canary grass, tall fescue, and orchard grass, alone or in combination with legumes, such as clover, alfalfa, and birdsfoot trefoil, suited to the climate and the soil moisture conditions created as a result of the application of wastewater in accordance with the designed loading cycle. The Department may approve alternative vegetative cover on a case-by-case basis but may impose restrictions based upon the characteristics of the proposed alternative.
  - E. If used, all furrow side slopes shall be designed and constructed to allow for periodic maintenance and or mechanical harvesting of vegetative cover.
  - F. The depth of the furrows of a ridge and furrow system, when utilized, shall be adequate to contain the highest proposed furrow stream.
  - G. The treatment system shall have sufficient hydraulic capacity to treat organic or inorganic loading so that the discharge receives physical, chemical, or biological treatment or a combination of treatments to meet the standards of R 323.2222.
  - H. Crops for human consumption grown on effluent irrigated fields shall be limited to crops requiring processing prior to consumption.
  - I. Animals that produce milk for human consumption shall not be allowed to graze on any effluent irrigated fields for 30 days following the application of effluent.
  - J. In no case shall nutrients provided by wastewater and supplemental fertilization exceed the nutrient requirements of the crop based on the yield goal for that crop.
- ii. *Discharge Management Plan (DMP)*  
Wastewater may be applied via spray irrigation in accordance with an approved DMP. Additional guidance can be found in Guidesheet II: Guidance for the Development of a Discharge Management Plan found at: [https://www.michigan.gov/documents/deg/wrd-groundwater-p22-discharge\\_564951\\_7.pdf](https://www.michigan.gov/documents/deg/wrd-groundwater-p22-discharge_564951_7.pdf)
  - iii. *Discharge Season*  
Irrigation shall be limited to vegetated areas between May 1 to November 15, unless otherwise approved by the Department.

**e. Facilities Utilizing a Rapid Infiltration Basin(s)**

A year-to-date log should be kept for the following conditions:

<b>Rapid Infiltration Basin</b>		
<b>Condition</b>	<b>Measurement Frequency</b>	<b>Sample Type</b>
Vegetation Control	Monthly	Visual Observation

- i. For operations with rapid infiltration land application:
 

Per R. 323.2236 the permittee is expected to meet the following standards

  - A. The system shall consist of two (2) or more cells or absorption areas that can be alternately loaded and rested or consist of one (1) cell or absorption area preceded by an effluent storage or stabilization pond system. If only one (1) cell or absorption area is provided, the storage or stabilization pond shall be operated on a fill and draw basis and have sufficient capacity to allow intermittent loading of the cell or absorption area.
  - B. For a system that has more than one (1) cell or absorption area, an individual cell or absorption area of the system shall be capable of being taken out of service without disrupting application to other cells or absorption areas of the system.
  - C. An appropriate hydraulic loading cycle shall be developed and implemented to maximize long-term infiltration rates and allow for periodic maintenance.
- ii. *A Discharge Management Plan (DMP)*  
 Wastewater may be applied via overland flow in accordance with an approved DMP. Additional guidance can be found in Guidesheet II: Guidance for the Development of a Discharge Management Plan found at: [https://www.michigan.gov/documents/deg/wrd-groundwater-p22-discharge\\_564951\\_7.pdf](https://www.michigan.gov/documents/deg/wrd-groundwater-p22-discharge_564951_7.pdf)

**f. Facilities Utilizing Overland Flow**

A year-to-date log should be kept for the following conditions:

<b>Overland Flow</b>		
<b>Condition</b>	<b>Measurement Frequency</b>	<b>Sample Type</b>
Erosion	Daily During Discharge	Visual Observation
Odors	Daily During Discharge	Olfactory Observation
Piping	Daily During Discharge	Visual Observation

- i. For operations with overland flow land application:
 

Per R. 323.2235 the permittee is expected to meet the following standards

  - A. A system may be constructed on a site that has slowly permeable soil, which is soil that has 50 percent or more of the soil particles pass through a No. 200 sieve, except that more permeable or coarser textured soil may be approved on a case-by-case basis depending on system design and wastewater strength.
  - B. Suitable soil shall extend not less than three (3) feet below the soil surface.

- C. The system shall consist of an adequate number of cells that can be alternately loaded and rested, unless there is adequate storage or pretreatment, to allow loading and resting of a single cell.
- D. The shape of each cell within the system shall be designed to minimize soil disturbance when constructing the system.
- E. For a system utilizing more than one (1) cell, the wastewater distribution system shall be designed and constructed so that individual cells within the system can be taken out of service for resting or other purposes without disruption to the remaining cells.
- F. The header ditch drainage and the grading of the furrows, where utilized, shall be tested for equal liquid distribution before seeding.
- G. All embankments and dikes shall be properly seeded in order to establish appropriate vegetative cover for the purpose of erosion prevention.
- H. All furrow side slopes, where present, shall be designed and constructed to allow for the periodic maintenance and mechanical harvesting of vegetative cover.
- I. The depth of the furrows of a ridge and furrow system, when utilized, shall be adequate to contain the highest proposed furrow stream. The furrow stream is the volume, in gallons per unit time, usually per minute, of wastewater discharged into the furrow.
- J. The system shall be seeded with perennial grass, or other vegetation approved by the Department as capable of high nutrient uptake, and be suited to the climate and soil moisture conditions created by the operation of the system.
- K. Vegetative cover, not less than two (2) inches in length and capable of preventing significant erosion to furrows or embankments, shall be established before the system is used for wastewater treatment.

ii. *A Discharge Management Plan (DMP)*

Wastewater may be applied via overland flow in accordance with an approved DMP. Additional guidance can be found in Guidesheet II: Guidance for the Development of a Discharge Management Plan found at: [https://www.michigan.gov/documents/deq/wrd-groundwater-p22-discharge\\_564951\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-groundwater-p22-discharge_564951_7.pdf)

### **3. Lagoon Construction Conditions**

Lagoon Construction shall be consistent with R.323.2237 of the Part 22 Rules and shall consist of a composite liner composed of a base and flexible membrane liner or a geocomposite clay liner unless sub rule (4) of Rule 323.2237 is met. Guidance can be found in Guidesheet IV: Wastewater Treatment and Storage Lagoons found at: [https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons\\_564953\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons_564953_7.pdf)

### **4. Lagoon Monitoring**

The intent of this requirement is to demonstrate that lagoons have not impacted, and are not likely to impact, surface waters and/or groundwaters of the state in accordance with Part 31 of the NREPA; specifically, Part 4, Water Quality Standards (Part 4 Rules), and R

323.2204 of Part 22, Groundwater Quality Administrative Rules (Part 22 Rules). Information that may be considered by the Department in making this determination includes but is not limited to: the date of lagoon construction; construction design methods and materials including whether liner specifications meet R 323.2237 of the Part 22 Rules or provide equivalency as allowed in R 323.2237; and indications of the presence of a direct vent to surface waters and whether such vent complies with surface water quality standards.

- a. To ensure that leakage from lagoons to surface waters and/or groundwaters of the state is not causing unacceptable impacts, all of the following conditions shall apply unless previously satisfied:
  - i. The permittee shall provide information on construction design methods and materials to show compliance with R 323.2237 within 90 days of issuance. If the facility does not provide this information, or the information shows that the lagoon does not meet R 323.2237, then the facility will have to proceed with the following schedule.
  - ii. The permittee shall install groundwater monitoring wells around the perimeter of the lagoons to document both groundwater water quality impacts and groundwater flow. A plan for the monitoring wells shall be submitted to the Department for approval within 90 days of notification by the Department. Within 90 days of approval of the plan, unless the Department approves an extended period (not to exceed 180 days), the groundwater monitoring wells shall be installed.
  - iii. The permittee shall submit a groundwater monitoring plan to the Department for approval within 90 days of the effective date of this permit. This groundwater monitoring plan may be submitted as part of the monitoring well work plan. The monitoring plan shall include monitoring of the groundwater elevation and the following parameters, listed in the table below. Monitoring shall be conducted quarterly until the permittee is notified by the Department that the monitoring can end or be reduced.

<b>Monitoring Wells</b>				
<b>Parameter</b>	<b>Maximum Limit</b>	<b>Units</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Total Inorganic Nitrogen (TIN)	(report)	mg/L	Quarterly	Calculation
Ammonia Nitrogen	(report)	mg/L	Quarterly	Grab
Nitrate Nitrogen	(report)	mg/L	Quarterly	Grab
Nitrite Nitrogen	(report)	mg/L	Quarterly	Grab
Total Phosphorus	(report)	mg/L	Quarterly	Grab
Sodium	(report)	mg/L	Quarterly	Grab
Chloride	(report)	mg/L	Quarterly	Grab
pH (maximum)	(report)	S.U.	Quarterly	Grab
Specific Conductance	(report)	mg/L	Quarterly	Grab
Iron	(report)	ug/L	Quarterly	Grab
Manganese	(report)	ug/L	Quarterly	Grab
Arsenic	(report)	ug/L	Quarterly	Grab

- iv. The permittee shall begin implementation of the monitoring plan within 90 days of approval of the monitoring plan, or upon installation of the monitoring well, whichever occurs last. The result of the monitoring shall be submitted to the Department quarterly.
- v. Upon written notification by the Department that unacceptable leakage is impacting surface waters and/or groundwater, the permittee shall develop a work plan to address the leakage. Within 6 months of such notification, the permittee shall submit an approvable lagoon leakage remediation work plan to the Department. The purpose of the work plan is to control exfiltration from the lagoon treatment system. The study shall include remediation methods, procedures, time schedules, and staff, as appropriate.
- vi. The permittee shall begin implementation of the lagoon leakage remediation work plan within 30 days of approval of the work plan.
- vii. The permittee shall complete implementation of the lagoon leakage remediation work plan and submit an approvable final report with supporting data to the Department on or before within one year of approval of the work plan. The final report shall include a plan and schedule for continued maintenance and monitoring of the lagoon treatment system.

#### **5. Submittal Requirements for Self-Monitoring Data**

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. The permittee shall utilize the information provided on the MiWaters website, located at <https://miwaters.deq.state.mi.us>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20<sup>th</sup> day of the month following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

#### **6. 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 324.3110 and 324.4104 of the NREPA.

#### **7. Operations and Maintenance Manual**

For treatment systems covered under Part 22 Rules of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451) the Department requires an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information; descriptions and operation information for all equipment; an emergency operating plan; monitoring program to monitor process efficiency; inspection instructions and plans for the collection system and pump stations; maintenance plan for equipment; documentation of maintenance and inspection; listing of relevant environmental regulations. A guidance document is available via the Internet at: <http://www.deq.state.mi.us/documents/deq-wmd-gwp-Part22GuidshtVI.pdf>

The Department requires that the following maintenance practices utilized as part of the facility's operation and maintenance.

- a. Harvested crops/grass clipping must be removed from the irrigation area
- b. Vegetation must be maintained at an adequate height and type
- c. Irrigation system should not be operated during precipitation events

## 8. General Conditions

Facilities must comply with Part 22, Section 323.2204, promulgated from Part 31 of NREPA. This includes:

- a. The discharge shall not be, or not be likely to become, injurious to the protected uses of the waters of the state.
- b. The discharge shall not cause runoff to, ponding on, or flooding of adjacent property, shall not cause erosion, and shall not cause nuisance conditions.
- c. The point of discharge shall be located not less than 100 feet inside the boundary of the property where the discharge occurs, unless a lesser distance is specifically authorized in writing by the Department.
- d. The discharge shall not create a facility as defined in Part 201, Environmental Response, of the NREPA.
- e. The discharge of treated wastewater shall only be in property owned by the discharger unless the discharger has written authorization from the landowner for such a discharge.
- f. All treatment or control facilities or systems installed or used to achieve compliance with this general permit shall be maintained in good working order and operated as efficiently as possible.

## 9. Water Additives

Prior to use of any water treatment additive, the permittee shall obtain written approval from the Department. Requests for such approval shall be submitted via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Instructions for submitting such a request may be obtained at <http://www.michigan.gov/deqnpdes> (near the bottom of that page, click on one or both of the links located under the Water Treatment Additives banner). Additional monitoring and reporting may be required as a condition for the approval to use the water treatment additive.

A request for approval to use water treatment additives shall include all of the following usage and discharge information for each water treatment additive proposed to be used:

- a. The Safety Data Sheet (SDS);
- b. Ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient;
- c. The proposed water treatment additive discharge concentration with supporting calculations;
- d. The discharge frequency (i.e., number of hours per day and number of days per year);
- e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged;

- f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge;
- g. The water treatment additive's function (i.e., microbiocide, flocculant, etc.);
- h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*). The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated; and
- i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

## 10. Compliance Requirements

Compliance with all applicable requirements set forth in Parts 31 and 41 of the NREPA and related regulations and rules is required. All instances of noncompliance with concentration limitations of effluent or groundwater shall be reported as follows:

- a. If the facility is in a wellhead protection area, within 48 hours from the time the permittee becomes aware of the noncompliance, the permittee shall report noncompliance to the public water supply manager.
- b. Within seven (7) days from the time the permittee becomes aware of the noncompliance, the permittee shall report, in writing, all instances of noncompliance. Written reporting shall include all of the following: (1) the name of the substance(s) for which a limit was exceeded; (2) the concentration at which the substance was found; and (3) the location(s) at which the limit was exceeded.
- c. Within 14 days from the time the permittee becomes aware of the noncompliance, the permittee shall resample the monitoring point at which the limit was exceeded for the substance for which a limit was exceeded.
- d. Within 60 days from the time the permittee becomes aware of the noncompliance, the permittee shall submit a written report that shall include all of the following: (1) the results of the confirmation sampling; (2) an evaluation of the cause for the limit being exceeded and the impact of that event to the groundwater; and (3) a proposal detailing steps taken or to be taken to prevent recurrence.
- e. In accordance with applicable rules, the Department may require additional activities including, but not limited to, the following:
  - i. Change the monitoring program, including increasing the frequency of effluent monitoring or groundwater sampling, or both.
  - ii. Develop and implement a groundwater monitoring program if one is not in place.
  - iii. If the discharge is in a designated wellhead protection area, assess the effects of the discharge on the public water supply system.
  - iv. Review the operational or treatment procedures, or both, at the facility.
  - v. Define the extent to which groundwater quality exceeds the applicable criteria that would designate the site as a facility under Part 201 of the NREPA.

- vi. Revise the operational procedures at the facility.
  - vii. Change the design or construction of the wastewater operations at the facility.
  - viii. Initiate an alternative method of waste treatment or disposal.
  - ix. Remediate contamination to comply with the terms of Part 201 of the NREPA, if applicable.
- f. If the Department determines there is a change in groundwater quality from a normal operating baseline that indicates the concentration of a substance in groundwater may exceed an applicable limit, then the discharger shall take the following actions if required by the Department:
- i. Change the monitoring program, including increasing the frequency of effluent sampling or groundwater sampling, or both.
  - ii. Review the operational or treatment procedures, or both, at the facility.

#### **11. Residuals Management Program (RMP) for Land Application of Biosolids**

The permittee is authorized to land apply bulk biosolids or prepare bulk biosolids for land application in accordance with the requirements established in R323.2401 through R323.2418 of the Michigan Administrative Code (Part 24 Rules). The permittee shall develop and implement an RMP to assure land applied bulk biosolids comply with the requirements of the Part 24 Rules. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with the appropriate statutory requirements.

a. *Program Development*

On or before 180 days prior to the land application of biosolids the permittee shall develop an RMP and submit the information required for implementation to the Department for approval. At a minimum, the program submittal shall include:

- i. a description of the type and size of facility generating the biosolids;
- ii. a description of the biosolids treatment processes including the volume of biosolids generated from each process;
- iii. storage volume provided, if applicable;
- iv. transportation methods and spill prevention plan;
- v. a description of the land application method;
- vi. 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);
- vii. 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
- viii. a description of the pathogen reduction method used to comply with R323.2411, R323.2414 and R323.2418;
- ix. a description of the vector attraction reduction method used to comply with R323.2415; and
- x. 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 approved RMP immediately upon written 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.

## 12. **Expiration and Reissuance**

On or before October 1, 2022, a permittee seeking continued authorization to discharge under this permit beyond the permit's expiration date shall submit to the Department an application for reissuance via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Without a timely application for reissuance, the permittee's authorization to discharge will expire on April 1, 2023. With a timely application for reissuance, the permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the application, unless this permit is terminated or revoked.

If this permit is terminated or revoked, the Department will notify the permittee in writing and all authorizations to discharge under the permit shall expire on the date of termination or revocation. If this permit is modified, the Department will notify the permittee in writing of any required action. Upon the effective date of the modified permit, the permittee shall be subject to the terms and conditions of the modified permit, unless the Department notifies the permittee otherwise.

If the discharge authorized under this permit is terminated, the permittee shall submit to the Department a Groundwater Notice of Termination request via MiWaters at <https://miwaters.deq.state.mi.us>.

## PART II

### A. Definitions

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

**Annual Monitoring Frequency** 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.

**Best Management Practices** means structural devices or nonstructural practices that are designed to prevent pollutants from entering into groundwater.

**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.

**By-Pass** means any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit.

**Certificate of Coverage (COC)** is a document, issued by the Department, which authorizes a discharge under a general permit.

**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.

**Conventional Onsite Wastewater Treatment System** means an onsite wastewater treatment and soil dispersal system that contains a watertight septic tank with distribution of effluent to subsurface soil trenches or an adsorption bed.

**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. For pH, report the maximum value of any individual sample taken during the month and the minimum value of any individual sample taken during the month.

**Daily Monitoring Frequency** refers to a 24-hour day. When required by this permit,

**Department** means the Michigan Department of Environment, Great Lakes, and Energy.

**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.

**Discharge** means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any groundwaters of the state.

**Domestic Equivalent Wastewater** means wastewater that falls outside the definition of sanitary sewage, but which has similar wastewater characteristics and is amenable to on-site wastewater treatment and subsurface soil disposal.

**Enhanced Treatment** is reducing the amount of biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS) or nutrients (including phosphorus and nitrogen) or altering the nature of wastewater properties to a less harmful state prior to discharge into groundwater. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means.

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

**Furrow Stream** is the volume, in gallons per unit time, usually per minute, of wastewater discharged into the furrow.

**General Permit** means a groundwater permit that is designed to cover permittees with similar operations or type of discharge.

**GPD** means gallons per day.

**GPY** means gallons per year.

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

**High Strength Wastewater** is wastewater influent that contains amounts of fats, oils, and greases (FOG), organic material, suspended solids or nutrients that exceed typical concentrations of residential wastewater. It can also mean the wastewater contains high amounts of certain chemicals, such as disinfectants, cleaning products or pharmaceuticals.

**Individual Permit** means a site-specific Groundwater permit.

**Land Application** means spraying or spreading waste, waste effluent, or wastewater onto the land surface or incorporating into the soil to be treated by the plants, soil surface, and/or the soil matrix.

For biosolids or a biosolids derivative sprayed or spread onto the land surface or incorporating into the soil can either condition the soil or fertilize crops or vegetation grown in the soil.

**MGD** means million gallons per day.

**Mg/l** is a unit of measurement and means milligrams per liter.

**Monthly Monitoring Frequency** 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.

**POTW** is a publicly owned treatment work.

**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 Monitoring Frequency** 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.

**Rapid Infiltration** is the application of wastewater to areas of moderately to highly permeable soil. The majority of applied wastewater percolates through the soil, and the treated effluent drains naturally to groundwater.

**Slow-Rate Land Treatment** is the application of wastewater to a vegetated land surface with the applied wastewater being treated as it flows through the plant and soil matrix. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.

**Report** means there is no limit associated with the individual substance for the medium that is being sampled, that the permittee must only report the result of the laboratory analysis.

**Weekly Monitoring Frequency** refers to a calendar week that 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.

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

**PART II****B. Monitoring Procedures****1. Permit Monitoring Requirements**

Pursuant to R 323.2223(1), the Department may modify the effluent or groundwater monitoring parameters or frequency requirements of this permit. The permittee may request a modification of the parameters of frequency of monitoring of this permit with adequate supporting documentation.

**2. Instrumentation**

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

**3. Test Procedures**

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to either SW-846, 3rd Edition, September 1986, "Test Methods for the Evaluation of Solid Waste, Physical-Chemical Methods," or Section 304(h) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), 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 defined here shall be submitted to the Department for review and 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 Assurance/Quality Control (QA/QC) Program.

**4. Representative Samples**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Guidance on how to collect representative samples is contained in Guidesheet III, "Characterization of Wastewater," which is available via the Internet at <http://www.deq.state.mi.us/documents/deq-wmd-gwp-P22GuidshtIII.pdf>

**5. 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.

**6. 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 Department.

**7. 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 NREPA or Rule 35 of the Mobile Home Park Commission Act (1987 PA 96) for assurance of proper facility operation shall be submitted as required by the Department.

### **8. Operations and Maintenance Manual**

For treatment systems covered under this permit, the Department requires that each facility have an Operations and Maintenance (O&M) Manual. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications if portions are determined to be inadequate.

A guidance document is available via the Internet at <http://www.deq.state.mi.us/documents/deq-wmd-gwp-Part22GuidshtVI.pdf> and specifications that shall be followed are set in section () of this document.

The permittee shall initiate steps to correct any condition that is not in accordance with the O&M Manual. A record of the inspections shall be maintained by the permittee for a period of 3 years.

**PART II****C. Reporting Requirements****1. Electronic Reporting**

Upon notice by the Department that electronic reporting tools are available for specific reports or notifications, the permittee shall submit all such reports or notifications as required by this permit, electronically.

**2. 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.

**3. 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.

**4. Notification of Changes in Discharge, Treatment, or Facility Operations**

If proposing to modify the quantity or effluent characteristics of the discharge or the treatment process for the discharge, the permittee shall notify the Department of the proposed modification prior to its occurrence. Significant modifications require the permittee to submit an application. A permit modification shall be processed in accordance with applicable rules and laws prior to implementation of the modification.

**5. 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.

**6. Spill Notification**

The permittee shall immediately report any release of any polluting material that occurs to the surface waters or groundwater of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in R 324.2001 through 324.2009 of the Michigan Administrative Code (Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA), by calling the Department at the number indicated in the Contact Information section of this permit, or if the notice is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System at 1-800-292-4706 (from out-of-state call 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.

## 7. Upset Noncompliance Notification

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

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

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

## 8. Bypass Prohibition and Notification

- a. Bypass Prohibition - Bypass is prohibited unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - ii. 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.
  - iii. The permittee submitted notices as required under 15.b) or 15.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 15.a), above.
- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated in the

Contact Information section of this permit (if the notice is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System at 1-800-292-4706; from out-of-state call 1-517-373-7660) 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 that 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 15.a), 15.b), 15.c), and 15.d), above. This provision does not relieve the permittee of any notification responsibilities under Part II, Section 13, of this permit.

## 9. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Section 324.3112a of the NREPA, if untreated sewage, including sanitary sewer overflows (SSO), 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 entity 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 "Report of Discharge" form available via the Internet (<http://www.michigan.gov/sewagedischarge>; under Information, click on Report a Discharge (RTB/CSO/SSO/Other) Form), or alternatively for CSO discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the NREPA, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *E. 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 the Department. The testing shall be done at locations specified by each affected local county health department but shall not exceed ten (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.

## 10. Availability of Reports

Except for data determined to be confidential under R 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. 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 Sections 324.3112, 324.3115, 324.4106, and 324.4110 of the NREPA.

**PART II*****D. Management Responsibilities*****1. Discharge to the Surface Waters**

This permit does not authorize any discharge to the surface waters. The permittee is responsible for obtaining any permits required by federal or state laws or local ordinances.

**2. 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.

**3. 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 or approvals as may be required by law.

**4. 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 this 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, conditions, or terms of this permit constitutes a violation of the NREPA and constitutes grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or denial of an application for permit renewal.

**5. Civil and Criminal Liability**

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.

**6. 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 include adequate laboratory controls and appropriate quality assurance procedures.

**7. Power Failures**

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

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

**8. 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 (R 324.2001 through 324.2009 of the Michigan Administrative Code). For a publicly owned treatment works (POTW), these facilities shall be approved under Part 41 of the NREPA.

**9. Waste Treatment Residues**

Residuals (i.e., solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants) removed from or resulting from treatment or control of wastewaters, 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, Part 31, Water Resources Protection; Part 55, Air Pollution Control; Part 111, Hazardous Waste Management; Part 115, Solid Waste Management; Part 121, Liquid Industrial Wastes; Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the NREPA. Such disposal shall not result in any unlawful pollution of the air, surface waters, or groundwater of the state.

**10. Treatment System Closure**

- a. In the event that discharges from a treatment system are planned to be eliminated, the permittee shall do the following:
  - i. Eliminate all physical threats associated with discharge-related facilities not later than five (5) days after use of the facility has ceased.
  - ii. Not less than 75 days before cessation of discharge-related activities, characterize any wastewater, sediments, and sludges related to the discharge, pursuant to R 323.2226(4)(a) (i-iii).
- b. Within 30 days of completing the characterization, the discharger shall submit a closure plan to the Department for review and approval that describes how the wastewater, sediments, and sludges associated with the discharge will be handled in accordance with Part 31, Part 111, Part 115, or Part 201 of the NREPA, as appropriate.
- c. Closure activities must be initiated within 30 days of Department approval of the Closure Plan and must be completed within one (1) year of approval of the Closure Plan.
- d. If the groundwater exceeds a standard established by the Department that would result in the site qualifying as a facility under Part 201 of the NREPA, then the permittee shall comply with the requirements of Part 201, as applicable.
- e. The Department may require post closure monitoring activities to evaluate the effectiveness of the closure activities. Any wastewater or residual disposal inconsistent with the approved plan shall be considered a violation of this permit. After proper closure of the treatment system, this permit may be terminated.
- f. The permittee must certify completion of the approved closure plan. Certification shall be by a qualified person described as follows:
  - i. An engineer licensed under Public Act 299 of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws and known as the Occupational Code.
  - ii. A professional geologist certified by the American Institute of Professional Geologists, 7828 Vance Drive, Suite 103, Arvada, Colorado 80003.
  - iii. A professional hydrologist certified by the American Institute of Hydrology, 2499 Rice Street, Suite 135, St. Paul, Minnesota 55113.
  - iv. A groundwater professional certified by the National Ground Water Association, Association of Groundwater Scientists and Engineers Division, 601 Dempsey Road, Westerville, Ohio 43081.

- v. Another groundwater professional certified by an organization approved by the Department.

**11. Right of Entry**

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

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

**12. Construction Certification**

On or before 30 days following completion of construction of any new wastewater treatment facilities after issuance of this permit, pursuant to R 323.2218(4)(a), the permittee shall submit a certification that a QA/QC Program was utilized and the facilities constructed were built consistent with standard construction practices to comply with the permit and the NREPA. This certification shall be by an engineer licensed under Act 299.