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 are authorized to be discharged from facilities specified in an individual Certificate 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**
Issue Date:	**April 1, 2023**
Expiration Date:	**April 1, 2028**

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 General 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, 2023

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 31st 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. Limitations and Monitoring Requirements

1. Effluent Limitations and Monitoring

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.

Parameter	Minimum Limit	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)		20,000	GPD	Daily	Direct 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
5-Day Biochemical Oxygen Demand (BOD_5)		(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	(report)	(report)	S.U.	Annually	Grab
Dissolved Oxygen	(report)		mg/L	Annually	Grab
Total Suspended Solids		(report)	mg/L	Annually	Grab

a. *Flow Measurement Device*
The discharge shall be monitored by a flow measurement device.

b. *Total Inorganic Nitrogen (TIN)*
The daily maximum value for TIN shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen

c. *Sample Collection and Analytical Methods*
The permittee shall perform all monitoring and sampling in accordance with the Sampling and Analysis Plan (SAP) approved by the Department in accordance with Part I.A.9. of this permit.

d. *Discharge Monitoring Reports (DMR)*
Monthly DMRs shall be submitted each calendar month whether or not there has been a discharge. DMRs shall be submitted via MiEnviro. If the facility does not discharge during the period in question, a sample is not required for that month. For any month in which a sample is not taken, the permittee shall enter "*G" on the DMR. (For purposes of reporting on the Daily tab of the DMR, the permittee shall enter "*G" on the first day of the month only.)

2. Lagoon Facility Operations and Maintenance

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Facility Maintenance*
Lagoons shall be maintained to meet, at a minimum, the following:

i. The permittee shall implement a Facility Maintenance Program that incorporates the following management practices unless otherwise authorized by the Department.

ii. Vegetation shall be maintained at a height not more than six (6) inches above the ground on lagoon dikes.

iii. 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.

iv. Dike damage caused by erosion, slumping, or animal burrowing shall be corrected immediately and steps taken to prevent occurrences in the future.

v. The integrity of the lagoon liner shall be protected. Liner damages shall be corrected immediately, and steps taken to prevent future occurrences.

vi. The occurrence of scum, floating sludge, offensive odors, insect infestations, and septic conditions shall be minimized.

vii. 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.

b. *Observation Log*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Freeboard*
The permittee shall visually observe all lagoons to ensure there is two (2) feet of freeboard.

ii. *Control Structures*
The permittee shall visually observe all control structures to ensure they are functioning as designed.

iii. *Dike Integrity*
The permittee shall visually observe all dikes to ensure they are functioning as designed. Observations shall include slumping land, erosion, and animal damage.

iv. *Vegetation*
The permittee shall visually observe all lagoons for duckweed or other floating vegetation, rooted vegetation around the perimeter, and invasive species that may overpopulate the lagoon area.

v. *Nuisance Animals*
The permittee shall visually observe all lagoons for signs of burrowing or collapsing holes in the berms and dikes and repair any damage caused by such animals.

vi. *Fence Integrity and Signage*
The permittee shall visually observe the fence and signage surrounding all lagoons to ensure they are intact, any damage is corrected, and all signage is legible.

The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

c. *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.

i. 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.

ii. 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.

iii. The permittee shall maintain a minimum of two (2) feet of water in all cells at all times.

3. Subsurface Disposal Facility Operation and Maintenance

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Observation Log*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Ponding and Outbreaks*
The permittee shall visually observe all drainfields for any standing water or any other signs of damage or failure of the drainfield.

ii. *Odors*
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties or indicate failure of the drainfield.

iii. *Vegetation*
The permittee shall visually observe all drainfields for any woody vegetation, shrubs, trees, and proper vegetation height over the drainfield.

The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

4. Septic Tank Facility Operation and Maintenance

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Observation Log*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Depth of Sludge*
The permittee shall physically measure the depth of sludge in all septic tanks with a proper measurement device.

ii. *Watertight Construction*
The permittee shall visually observe the land around all septic tanks for any saturation, slumping, or other unusual settling of the soil.

The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

b. *Facility Maintenance*
Tanks shall be maintained to meet, at a minimum, the following:

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.

5. Irrigation Field Operation and Maintenance

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Observation Log*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Ponding and Flooding*
The permittee shall visually observe all irrigation fields for any standing water.

ii. *Runoff and Erosion*
The permittee shall visually observe all irrigation fields for potential runoff and erosion. Observations shall include signs of runoff creating a concentrated flow path or other signs of erosion.

iii. *Odors*
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties.

iv. *Piping*
The permittee shall visually observe all above ground piping associated with each irrigation field to ensure they are functioning as designed. Observations shall include signs of physical damage, leaks, and freezing. The permittee shall visually observe all underground piping associated with each irrigation field to ensure they are functioning as designed. Observations shall include collapsed or slumping soil and signs of damage.

v. *Sprinkler Heads*
The permittee shall visually observe all sprinkler heads to ensure they are functioning as designed, including signs of physical damage, clogs, or freezing.

The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

b. *Facility Maintenance*
The permittee shall operate and maintain a slow rate land application system in accordance with the following requirements:

i. The slow rate land application system shall meet the requirements of R 323.2234 including, but not limited to:
   (1) The wastewater loading volume shall be maintained 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.
   (2) 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.
   (3) If used, all furrow side slopes shall be maintained to allow for periodic maintenance and/or mechanical harvesting of vegetative cover.
   (4) The depth of the furrows of a ridge and furrow system, when utilized, shall be adequate to contain the highest proposed furrow stream.
   (5) If used, the header ditch drainage and the grading of the furrows shall be tested for equal liquid distribution before seeding.
ii. The slow rate land application system shall allow for appropriate loading cycles.
iii. 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.

iv. Crops for human consumption grown on effluent irrigated fields shall be limited to crops requiring processing prior to consumption.

v. 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.

vi. 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.

vii. Portions of the wastewater distribution system shall be capable of being taken out of service for maintenance and other operational activities and to provide rest to the portions of the irrigation area without disruption applications to other areas of the system.

viii. All areas within a system shall be accessible for maintenance equipment.

c. *Discharge Management Plan (DMP)*
The permittee shall manage land application in accordance with the DMP approved by the Department. The DMP approved by the Department is an enforceable requirement under this permit. The DMP shall include, at a minimum, the following information:

i. A site map identifying the location and size of each application area utilized in the system.

ii. Maximum daily and annual discharge volumes.

iii. The total discharge area.

iv. Scheduled maintenance.

v. Vegetative cover control and removal.

vi. Load and rest cycles.

vii. Application rates.

viii. Means for even distribution of waste or wastewater.

ix. Strategies for periods of adverse weather.

x. Monitoring procedures.

xi. Other pertinent information.

More information can be found in Part 22 Guidesheet II for the Development of a Discharge Management Plan.

Prior to implementation of any modifications to the procedures specified in the approved DMP, the permittee shall submit to the Department for review and approval an updated DMP. Such changes may include, but are not limited to, dosing and resting schedule, land area increases, land area decreases, or discharge season. Approved modifications shall become enforceable requirements under this permit upon the date of Department written approval. Major modification such as, but not limited to, an increase in discharge volume, addition of a new land application site, change in effluent characteristics, or change in treatment method shall not be authorized under this part. The permittee shall submit a permit modification application with a revised DMP for any major modifications in accordance with Part II.D.7. of this permit.

The permittee shall keep an approved copy of the DMP, including any approved modification, at the facility and shall be provided to the Department upon request. The Department may review any document in whole or in part at its discretion and upon written notification require modifications if portions are determined to be

inadequate. The permittee shall immediately initiate steps to correct any condition that is not in accordance with the DMP approved by the Department.

d. *Discharge Season*
Irrigation shall be limited to vegetated areas between May 1 to November 15, unless otherwise approved by the Department.

6. Rapid Infiltration Basin Facility Operation and Maintenance

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Observation Logs*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Vegetation*
The permittee shall visually observe all rapid infiltration basins for woody vegetation, shrubs, trees; and properly remove any harvested material.

ii. *Piping*
The permittee shall visually observe all piping to ensure there has been no damage and is functioning as designed.

The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

b. *Rapid Infiltration*
The permittee shall meet all of the following standards in accordance with R 323.2236.

i. 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.

ii. 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.

iii. An appropriate hydraulic loading cycle shall be developed and implemented to maximize long-term infiltration rates and allow for periodic maintenance.

c. *Discharge Management Plan (DMP)*
The permittee shall manage land application in accordance with the DMP approved by the Department. The DMP approved by the Department is an enforceable

requirement under this permit. The DMP shall include, at a minimum, the following information:

i. A site map identifying the location and size of each application area utilized in the system.

ii. Maximum daily and annual discharge volumes.

iii. The total discharge area.

iv. Scheduled maintenance.

v. Vegetative cover control and removal.

vi. Load and rest cycles.

vii. Application rates.

viii. Means for even distribution of waste or wastewater.

ix. Strategies for periods of adverse weather.

x. Monitoring procedures.

xi. Other pertinent information.

More information can be found in Part 22 Guidesheet II for the Development of a Discharge Management Plan.

Prior to implementation of any modifications to the procedures specified in the approved DMP, the permittee shall submit to the Department for review and approval an updated DMP. Such changes may include, but are not limited to, dosing and resting schedule, land area increases, land area decreases, or discharge season. Approved modifications shall become enforceable requirements under this permit upon the date of Department written approval. Major modification such as, but not limited to, an increase in discharge volume, addition of a new land application site, change in effluent characteristics, or change in treatment method shall not be authorized under this part. The permittee shall submit a permit modification application with a revised DMP for any major modifications in accordance with Part II.D.7. of this permit.

The permittee shall keep an approved copy of the DMP, including any approved modification, at the facility and shall be provided to the Department upon request. The Department may review any document in whole or in part at its discretion and upon written notification require modifications if portions are determined to be inadequate. The permittee shall immediately initiate steps to correct any condition that is not in accordance with the DMP approved by the Department.

7. Facilities Utilizing Overland Flow

The permittee shall, at all times, maintain in good working order all treatment or control facilities or system installed or used to achieve compliance with the terms and conditions of this permit.

a. *Observation Log*
The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written form, maintained by the permittee. The observation forms are available on the Groundwater Discharge Permit webpage. The observation forms shall be retained on site in accordance with Part II.C.6 of this permit and made available for inspection by the Department upon request. The following weekly observations are the requirements of the observation form:

i. *Ponding and Flooding*
The permittee shall visually observe all irrigation fields for any standing water.

ii. *Runoff and Erosion*
The permittee shall visually observe all irrigation fields for potential runoff and erosion. Observations shall include signs of runoff creating a concentrated flow path or other signs of erosion.

iii. *Odors*
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties.

iv. *Piping*
The permittee shall visually observe all above ground piping associated with each irrigation field to ensure they are functioning as designed. Observations shall include signs of physical damage, leaks, and freezing. The permittee shall visually observe all underground piping associated with each irrigation field to ensure they are functioning as designed. Observations shall include collapsed or slumping soil and signs of damage.

b. *Facility Maintenance*
The permittee shall operate and maintain an overland flow system in accordance with the following requirements:

i. The overland flow system shall meet the following requirements in accordance with R 323.2235.

(1) 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.

(2) Suitable soil shall extend not less than three (3) feet below the soil surface.

(3) 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.

(4) The shape of each cell within the system shall be designed to minimize soil disturbance when constructing the system.

(5) 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.

(6) The header ditch drainage and the grading of the furrows, where utilized, shall be tested for equal liquid distribution before seeding.

(7) All embankments and dikes shall be properly seeded in order to establish appropriate vegetative cover for the purpose of erosion prevention.

(8) All furrow side slopes, where present, shall be designed and constructed to allow for the periodic maintenance and mechanical harvesting of vegetative cover.

(9) 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.

(10) 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.

(11) 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. The slow rate land application system shall allow for appropriate loading cycles.

iii. Portions of the wastewater distribution system shall be capable of being taken out of service for maintenance and other operational activities and to provide rest to the portions of the irrigation area without disruption applications to other areas of the system.

iv. All areas within a system shall be accessible for maintenance equipment.

v. 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.

c. *Discharge Management Plan (DMP)*
The permittee shall manage land application in accordance with the DMP approved by the Department. The DMP approved by the Department is an enforceable requirement under this permit. The DMP shall include, at a minimum, the following information:

i. A site map identifying the location and size of each application area utilized in the system.

ii. Maximum daily and annual discharge volumes.

iii. The total discharge area.

iv. Scheduled maintenance.

v. Vegetative cover control and removal.

vi. Load and rest cycles.

vii. Application rates.

viii. Means for even distribution of waste or wastewater.

ix. Strategies for periods of adverse weather.

x. Monitoring procedures.

xi. Other pertinent information.

More information can be found in Part 22 Guidesheet II for the Development of a Discharge Management Plan.

Prior to implementation of any modifications to the procedures specified in the approved DMP, the permittee shall submit to the Department for review and approval an updated DMP. Such changes may include, but are not limited to, dosing and resting schedule, land area increases, land area decreases, or discharge season. Approved modifications shall become enforceable requirements under this permit upon the date of Department written approval. Major modification such as, but not limited to, an increase in discharge volume, addition of a new land application site, change in effluent characteristics, or change in treatment method shall not be authorized under this part. The permittee shall submit a permit modification application with a revised DMP for any major modifications in accordance with Part II.D.7. of this permit.

The permittee shall keep an approved copy of the DMP, including any approved modification, at the facility and shall be provided to the Department upon request. The Department may review any document in whole or in part at its discretion and upon written notification require modifications if portions are determined to be inadequate. The permittee shall immediately initiate steps to correct any condition that is not in accordance with the DMP approved by the Department.

8. Lagoon Monitoring for Exfiltration/Leakage

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.

To ensure that leakage from lagoons to surface waters and/or groundwaters of the state is not causing unacceptable impacts, the following conditions shall apply unless previously satisfied or otherwise approved by the Department. Previously satisfied requirements shall not be included in the individual COC:

a. **Within 90 days** of the effective date of this permit, 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.

b. **Within 90 days** of notification by the Department that the lagoon(s) does not meet the requirement of R 323.2237, the permittee shall submit to the Department for review and approval a groundwater monitoring well installation plan. **Within 90 days** of receipt of written approval from the Department for this plan, unless the Department approves an extended period (not to exceed 180 days), the permittee shall install groundwater monitoring wells around the perimeter of the lagoons, in

accordance with the approved plan, to document both groundwater water quality impacts and groundwater flow.

c. **Within 90 days** of notification by the Department that the lagoon(s) does not meet the requirement of R 323.2237, the permittee shall submit to the Department for review and approval a groundwater monitoring plan. The groundwater monitoring plan shall include monitoring of the groundwater elevation and the following parameters: total phosphorus, dissolved phosphorus, total inorganic nitrogen, sodium, chloride, pH, and specific conductance.

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Static Water Elevation	(report)	USGS-Ft	Quarterly	Grab
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

d. **Within 90 days** of receipt of written approval from the Department for the groundwater monitoring plan, the permittee shall begin implementation of the groundwater monitoring plan. Monitoring carried out in accordance with the approved groundwater monitoring plan shall be conducted quarterly unless and until the permittee is notified in writing by the Department that monitoring may cease or be reduced. Laboratory analytical reports on all monitoring shall be submitted to the Department quarterly.

e. **Within six (6) months** of receipt of written notification from the Department that unacceptable leakage is impacting surface waters and/or groundwaters of the state, the permittee shall submit to the Department for review and approval a lagoon leakage remediation work plan. The purpose of this work plan is to control exfiltration/leakage from the lagoon treatment system. The lagoon leakage remediation work plan shall specify remediation methods, procedures, time schedules, and staff, as appropriate, to achieve the stated purpose.

f. **Within 30 days** of receipt of written approval from the Department for the lagoon leakage remediation work plan, the permittee shall commence implementation of the approved work plan.

g. **Within one (1) year** of receipt of written approval from the Department for the lagoon leakage remediation work plan, the permittee shall complete implementation of the work plan and submit to the Department for review and approval a final report with

supporting data. An approvable final report shall include a plan and schedule for continued maintenance and monitoring of the lagoon treatment system.

All submittals required herein shall be made via the Department's MiEnviro Portal system.

9. Sampling and Analysis Plan (SAP)

The permittee shall complete all measurement, sampling, and analysis procedures in accordance with the SAP approved by the Department. The SAP approved by the Department is an enforceable requirement under this permit. The SAP shall meet the requirements of R 323.2223(3) and shall include, at a minimum, the following information:

a. Effluent Monitoring.
   i. Location of effluent sampling.
   ii. Sample frequency.
   iii. A list of substances to be sampled.
      (1) The following parameters shall be performed on-site, if required to be sampled by this permit: pH, Dissolved Oxygen.
   iv. Sampling procedures, including all of the following:
      (1) The method and volume of water removed during sampling.
      (2) Steps taken to prevent cross-contamination.
      (3) Sample handling and preservation methods.
      (4) Laboratory analysis method.
      (5) Laboratory method detection level.
      (6) Quality assurance and quality control program.

Prior to implementation of any modifications to the procedures specified in the approved SAP, the permittee shall submit to the Department for review and approval a written request for modification of the SAP. Such requests shall explain the nature of the modification, provide adequate rationale for the modification, and include all necessary supporting documentation to enable a full review of the SAP. Approved modifications shall become enforceable requirements under this permit upon the date of the Department's written approval.

The permittee shall keep a copy of the approved SAP, including any approved modification, at the facility permanently and shall be provided to the Department upon request. The Department may review any document in whole or in part at its discretion and upon written notification require modifications if portions are determined to be inadequate. The permittee shall immediately initiate steps to correct any condition that is not in accordance with the SAP approved by the Department.

10. Operations and Maintenance Manual (O&M 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. Refer to Guidesheet VI: Operation and Maintenance Manual.

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

11. 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 MiEnviro system. Please refer to Select Water Treatment Additives Discharge Application Instructions for submitting such a request. 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.

12. Residuals Management Program (RMP) for Land Application of Biosolids

A permittee seeking authorization to land-apply bulk biosolids or prepare bulk biosolids for land application shall develop and submit an RMP to the Department for approval. Effective upon Department approval of the permittee's RMP, the permittee is authorized to land-apply bulk biosolids or prepare bulk biosolids for land application in accordance with the approved RMP and the requirements established in R 323.2401 through R 323.2418 of the Michigan Administrative Code (Part 24 Rules). The permittee's approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with Part II.E.11. of this permit.

a. *RMP Approval and Implementation*
A permittee seeking approval of an RMP shall submit the RMP to the Department at least 180 days prior to the land application of biosolids. The permittee may utilize the Biosolids Residuals Management Program (RMP) Form, or obtain detailed requirements from the Department. The RMP shall become effective and shall be implemented by the permittee upon written approval from the Department.

b. *Annual Report*
On or before October 30 of each year, the permittee shall submit an annual report to the Department for the previous fiscal year of October 1 through September 30. The report shall be submitted electronically via the Department's MiEnviro Portal system at MiEnviro.Michigan.gov. At a minimum, the report shall contain:

i. a certification that current residuals management practices are in accordance with the approved RMP, or a proposal for modification to the approved RMP; and

ii. a completed Annual Report Form for Reporting Biosolids, available at MiEnviro.Michigan.gov.

c. *Modifications to the Approved RMP*
Prior to implementation of modifications to the RMP, the permittee shall submit proposed modifications 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. *Record Keeping*
Records required by the Part 24 Rules shall be kept for a minimum of five (5) 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. *Contact Information*
RMP-related submittals shall be made to the Department.

13. Expiration and Reissuance

On or before **October 1, 2027**, 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 MiEnviro system. Without a timely application for reissuance, the permittee's authorization to discharge will expire on **April 1, 2028**. 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 MiEnviro.

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_5), 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.

Biosolids or a biosolids derivative sprayed or spread onto the land surface or incorporated 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. General Prohibitions

The permit shall be in accordance with the requirements of R 323.2204 of the Part 22 Rules. This includes, but is not limited to, the following:

1. The discharge shall not be, or not be likely to become, injurious to the protected uses of the waters of the state.

2. The discharge shall not cause runoff to, ponding on, or flooding of adjacent property, shall not cause erosion, and shall not cause nuisance conditions.

3. 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, unless the discharge is authorized under R 323.2210, R 323.2211, or R 323.2213 of the Part 22 Rules or unless a lesser distance is specifically approved by the Department in the permit.

4. For a discharge authorized under R 323.2211, R 323.2213, R 323.2215, R 323.2216(2), or R 323.2216(4) of the Part 22 Rules the discharge shall be a minimum of 200 feet from a Type I or Type IIa water supply well, 75 feet from a Type IIb and Type III water supply well, and 50 feet from any domestic well. For a discharge authorized under R 323.2218 or R 323.2216(3) of the Part 22 Rules, the discharge shall be a minimum of 2,000 feet from a Type I or Type IIa water supply well, 800 feet from a Type IIb or Type III water supply well, and 300 feet from a domestic well. The Department may authorize a lesser or greater isolation distance in an individual case based on groundwater flow direction, volume, and constituents of the discharge; geological, surface, and other site conditions; and the degree of threat to the well or wells.

5. The discharge shall not create a facility as defined in Part 201, Environmental Response, of the NREPA.

PART II

C. Monitoring Procedures

1. Permit Monitoring Requirements

Pursuant to R 323.2223(1) of Part 22 Rules, 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 or 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."

5. Recording Results

The permittee shall record the following information for each measurement or sample taken pursuant to the terms and conditions of this permit:

a. The exact place, date, and time of measurement or sampling.

b. The person(s) who performed the measurement or sample collection.

c. The dates the analyses were performed.

d. The person(s) who performed the analyses.

e. The analytical techniques or methods used.

f. The date of and person responsible for equipment calibration.

g. The results of all required analyses.

6. Records Retention

The permittee shall maintain records of all groundwater-related activities. All such records and information resulting from the monitoring activities required by this permit shall be retained for three years. This includes, but is not limited to, all records of analyses performed, facility operation and maintenance logs, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation.

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, Sewerage Systems, 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.

PART II

D. Reporting Requirements

1. Designated Wellhead Protection Area

The permittee shall do all of the following if the discharge is located within a designated wellhead protection area:

a. Provide to the public water supply system manager a copy of each monitoring report provided to the Department.

b. Notify the pertinent public water supply system manager when a discharge has exceeded an applicable standard. The notification shall be made within 48 hours of a determination by the discharge that an applicable standard has been exceeded.

2. 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, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. The permittee shall submit self-monitoring data via the Department's MiEnviro system.

The permittee shall utilize the information provided on the MiEnviro website, located at MiEnviro.Michigan.gov, to access and submit the electronic forms. Annual, monthly summary, and daily data shall be submitted to the Department no later than the **20th day of the month** following each month of the authorized discharge period(s) or reporting due date specified in this permit. The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Compliance Requirements

The permittee shall comply with all applicable requirements set forth in Parts 31 and 41 of the NREPA and related regulations and rules. The permittee shall report all instances of noncompliance with concentration limitations of effluent or groundwater in accordance with the following requirements:

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:

   i. The name of the substance(s) for which a limit was exceeded

   ii. The concentration at which the substance was found

   iii. 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:

   i. The results of the confirmation sampling

   ii. An evaluation of the cause for the limit being exceeded and the impact of that event to the groundwater

   iii. A proposal detailing steps taken or to be taken to prevent recurrence.

e. In accordance with R 323.2227 of the Part 22 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 that a change in groundwater quality from a normal operating baseline has occurred that indicates the concentration of a substance in groundwater may exceed an applicable limit, then upon written notification from the Department the permittee shall take the following actions:
   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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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

a. The legal name and address of the new owner

b. A specific date for the effective transfer of permit responsibility, coverage, and liability

c. 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.

9. 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 Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31, 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.

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.

10. 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.

11. Bypass Prohibition and Notification

a. *Bypass Prohibition*
Bypass is prohibited and the Department may take an enforcement action, 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 11.b. or 11.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 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 11.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 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 to the Department within five (5) working days of commencing any bypass, 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 11.a., 11.b., 11.c.,

and 11.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.D.9, of this permit.

12. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Part 31, 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 "CSO/SSO/RTB/Other Discharge Event" form available in MiEnviro (after logging into MiEnviro, navigate to the facility's Dashboard section and open the As Needed tab to find the submittal).

In addition, in accordance with Part 31, 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.

13. Availability of Reports

Except for data determined to be confidential under Section 323.2128 of Part 21, 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 Part 31 Sections 324.3112, 324.3115 and Part 41, Sections 324.4106, and 324.4110 of the NREPA.

PART II

E. Management Responsibilities

1. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision and control of an operator certified at the appropriate level for the facility certification by the Department, as required by Part 31, Section 324.3110 and, as applicable, Part 41, Section 324.4104 of the NREPA.

2. Facility Contact

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time. Within 10 days of taking such action, the permittee shall notify the Department in writing and update the Facility Contact in MiEnviro, including the name, physical address, email address, and telephone number of the new facility contact. (Log in, select the site from the left-site menu, click on Details, click on Contacts from the top menu, click Add Contact, fill out required fields, and select "facility Contact" from the list of roles.)

a. The facility contact shall be (or a duly authorized representation of this person):
   i. 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 groundwater form originates,
   ii. For a partnership, a general partner,
   iii. For a sole proprietorship, the proprietor, or
   iv. 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 duly authorized representative only if:
   i. The authorization is made in writing to the Department by a person described in subpart a. of this section: and
   ii. 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 and named position).

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

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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). For a POTW, these facilities shall be approved under Part 41 of the NREPA.

11. 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 By-Products; 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.

12. 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 Part 22, Section 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 (Act 299).
   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.

13. 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.

14. Construction Certification

On or before 30 days following completion of construction of any new wastewater treatment facilities after issuance of this permit, pursuant to Part 22, Section 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.

15. Termination

This permit shall remain in full force and effect until terminated by a written termination notice issued by the Department. Prior to issuance of a written termination notice, the permittee shall submit a request to the Department for termination of this permit via the MiEnviro website.