

PERMIT NO. GW1520000

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY



GROUNDWATER DISCHARGE PERMIT

This General Permit (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. Vehicle wash facilities not open to the public are authorized to discharge as specified in an individual Certificate of Coverage (COC) and in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. This 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:	Wash Water with Additives
Operation Type:	Vehicle Wash Not Open to the Public
Wastewater Type:	Wash Water with Additives
Issue Date:	April 1, 2024
Expiration Date:	April 1, 2029

The Michigan Department of Environment, Great Lakes, and Energy (Department) has determined that vehicle wash facilities not open to the public, discharging less than 2,000 gallons per day of only wash water with additives, into the groundwater or onto the ground, are appropriately and adequately controlled by a permit.

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

This 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 permit by the Department. Failure to comply with the terms and provisions of this permit may result in civil and/or criminal penalties as provided in Part 31.

Issued: March 26, 2024.

Original signed by

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

1. 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.

2. 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, EQ-1

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 vehicle wash water with additives to the groundwaters of the state. Such discharge shall be limited and monitored by the permittee as specified below.

Parameter	Maximum Daily Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	2,000	GPD	Daily	Direct Measurement
Flow (Annual)	730,000	GPY	Annually	Calculation

a. *Flow Monitoring Device*

The discharge shall be measured by a flow monitoring device.

b. *Discharge Monitoring Reports (DMR)*

DMRs shall be submitted annually regardless of the occurrence of a discharge. DMRs shall be submitted via the [MiEnviro Portal](#) by January 31 for the preceding calendar year.

c. *Oil/Water Separator Requirement*

The permittee shall have an oil/water separator or grease trap installed to separate oils and grease from wastewater before the wastewater discharges to the treatment system if a collection system (e.g. floor drains) is utilized.

2. Additional Monitoring Requirements

As a condition of this permit, the permittee shall monitor the discharge from monitoring point EQ-1 for the constituents listed below. Testing shall be conducted a maximum of one year from application submittal. The results of such additional monitoring shall be submitted with the application for reissuance (see the cover page of this permit for the application due date).

Parameters	Chemical Abstract Service Number	Minimum Quantification Level (ug/L)	EPA Analytical Method or SW-846	Sample Type
Ammonia	7664417	10	350.1	Grab
BOD-5 Day Total ⁵		2000	5210B	Grab
Chloride	168870006	1000	325.2/4500CL-E	Grab
Dissolved Oxygen ⁵		100	4500-O	Grab
Nitrate	14797558	10	353.2	Grab
Nitrite	14797650	10	353.2	Grab
Nitrogen, Kjeldahl		200	351.2	Grab

pH		0.1 s.u.	4500-H /9045/150.1	Grab
Phosphorus, Total	7723140	10	365.4/365.1	Grab
Residue (TDS)		20,000	2540C	Grab
Residue (TSS)		4000	2540D	Grab
Sulfate	14808798	5000	375.2	Grab
Aluminum	7429905	5	200.8/6020A	Grab
Antimony	7440360	1	200.8/6020A	Grab
Arsenic	7440382	1	200.8/6020A	Grab
Barium	7740393	5	200.8/6020A	Grab
Beryllium	7440417	1	200.8/6020A	Grab
Boron	7740428	20	200.7/6010C	Grab
Cadmium	7740439	0.2	200.8/6020A	Grab
Calcium	8047594	1000	200.7/6010C	Grab
Chromium	7740473	1	200.8/6020A	Grab
Cobalt	7740484	5	200.8/6020A	Grab
Copper	7740508	1	200.8/6020A	Grab
Iron	7439896	20	200.7/6010C	Grab
Lead	7439921	1	200.8/6020A	Grab
Lithium	7439932	10	200.7/6010C	Grab
Magnesium	7439954	500	200.7/6010C	Grab
Manganese	7439965	5	200.8/6020A	Grab
Mercury	7439976	0.2	245.1/7470A, 7471A	Grab
Molybdenum	7439987	5	200.8/6020A	Grab
Nickel	7440020	2	200.8/6020A	Grab
Potassium	7440097	200	200.7/6010C	Grab
Selenium	7782492	1	200.8/6020A	Grab
Silver	7440224	0.2	200.8/6020A	Grab
Sodium	17341252	1000	200.7/6010C	Grab
Strontium	7740246	5	200.8/6020A	Grab
Thallium	7740280	2	200.8/6020A	Grab
Titanium	7440326	5	200.8/6020A	Grab
Vanadium	7740622	2	200.8/6020A	Grab
Zinc	7740666	5	200.8/6020A	Grab

3. Vehicle Wash Log

The permittee shall maintain a log on-site, of the vehicle wash operation. The permittee shall record the following information:

- a. The amount of each additive used on each day that washing occurs.
- b. Records of when the oil/water separator and/or septic tanks are pumped out, including the date and the name of the company performing the work.

The log shall be available for review upon request by the Department or the county, district, or city health department that has jurisdiction. Records shall be retained for a period of three years unless otherwise required by the Department.

4. General Conditions

- 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 Remediation, of the NREPA.
- e. The discharge of treated wastewater shall only be on property owned by the discharger unless the discharger has written authorization from the landowner for such a discharge.
- f. All treatment, control facilities, or systems installed used to achieve compliance with this permit shall be maintained in good working order and operated as efficiently as possible.
- g. The discharge shall only consist of wash water with additives. Wash water with additives is defined as wastewater, which results from cleaning operations to which detergents, surfactants, or other chemicals have been added to enhance, accelerate or improve the cleaning process.
- h. Washing shall be limited to the removal of inert substances from the exterior of vehicles, such as uncontaminated soils from vehicles, where the washing process does not add significant additional contaminants to the water. A vehicle's exterior does not include its undercarriage. This permit does not authorize cleaning any portion of the vehicle that has come into direct contact with waste or products regulated by any federal or state solid, hazardous, or liquid waste disposal statute, or cleaning floors within a building.
- i. The source of the wash water shall be from a municipal water supply, a water supply meeting state or federal criteria for use as potable water, another source of water meeting the standards of R323.2222 of the Part 22 Rules, Groundwater Quality, promulgated under Part 31, or another source of water approved by the Department as meeting the conditions of R323.2204 of the Part 22 Rules.
- j. Soaps, detergent, or other additives must be used in accordance with the manufacturer's directions and only for the intended purpose.
- k. Monitor scum and sludge levels at regular intervals in the oil/water separator, grease trap(s) and/or septic tanks. All tank(s) shall be pumped when the total depth of the scum plus sludge layers equals or exceeds 25 percent of the operating depth of the tank (i.e. the depth between the interior tank bottom and the static liquid level in the tank).

5. Expiration and Reissuance

On or before **October 1, 2028**, a permittee seeking continued authorization to discharge under this permit beyond the permit expiration date shall submit to the Department an application for reissuance via the Department's [MiEnviro Portal](#). Without a timely application for reissuance, the permittee's authorization to discharge shall expire on **April 1, 2029**. With a timely application for reissuance, the permittee shall continue to be subject to the terms and conditions of this permit until the Department makes a decision on the application for reissuance, 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 the [MiEnviro Portal](#).

6. Schedule of Compliance

The permittee shall make submittals in compliance with the following schedule, established in accordance with R 323.2206(4) of the Part 22 Rules.

a. *Oil/Water Separator*

This condition is required if specified in the individual COC.

- i. **On or before 90 days after the issuance of an individual COC**, the permittee shall submit to the Department for review and approval, a workplan for the installation of an oil/water separator. The workplan shall include, at minimum, plans for the installation of the oil/water separator showing the proposed location and size/type of structure, and documentation showing that the oil/water separator is sized appropriately for the system.
- ii. **On or before 180 days after the approval of the workplan**, the permittee shall complete the installation of the oil/water separator.

b. *Discharge Basin/Structure Report*

This condition is required if specified in the individual COC.

- i. **With the application for reissuance (see the cover page of this permit for the application due date)**, the permittee shall submit to the Department a Discharge Basin/Structure Report. The report shall include the following:
 - (1) An evaluation of any basin or structure's potential to discharge onto adjoining property and/or connection to a surface water body such as a swale or ditch.
 - (2) The design of any basin or structure including but not limited to construction materials and sizing.

c. *Flow Monitoring*

This condition is required if specified in the individual COC.

- i. **On or before 90 days after the issuance of the COC authorization of this permit**, the permittee shall submit for review and approval a workplan for the installation of an effluent flow monitoring device or an alternative method to monitor the flow being discharged from the vehicle wash. The workplan shall include, at a minimum, the monitoring location, type of flow monitoring device, or details of the alternative method of flow monitoring.
- ii. **On or before 90 days** after the work plan approval, the permittee shall complete the installation of the flow monitoring device(s) or initiate the alternative method.

Submittals shall be made via the Department's [MiEnviro Portal](#). If any document required to be submitted is disapproved by the Department, the permittee shall, within **30 days** of receiving written disapproval, submit a revised document addressing the deficiencies.

PART II

Part II may include terms and/or conditions not applicable to discharges covered under this permit.

A. Definitions

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

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 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.

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 Administrative Rules, Land Application of Biosolids, of Part 31 of the NREPA. Processes may include aerobic digestion, composting, anaerobic digestion, lime stabilization, and/or air drying.

Daily Concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration. 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 period. 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.

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.

Effluent means waste or wastewater during or subsequent to treatment but before discharge.

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.

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.

Monitoring Well means a well that is specifically designed and located to allow for the collection of hydrogeologic data and representative samples in order to measure the impact of a discharge on groundwater.

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.

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

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.

Wastewater means liquid waste discharged directly or indirectly into the waters of the state or onto the ground that results from industrial and commercial processes or municipal operations, including liquid or water-carried process waste, cooling and condensing waters, and sanitary sewage.

Water Additive means a substance added to water to enhance its effectiveness for uses such as, but not limited to, cleaning, disinfecting, heating, and cooling. A substance may be added to water directly or indirectly by being added to a process in such a way that it becomes a constituent of the wastewater.

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.

PART II

B. Design Requirements

1. 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:

- 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, unless the discharge is authorized under R 323.2210, R 323.2211, or R 323.2213 of the Part 22 Rules.
- d. 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.
- e. The discharge shall not create a facility as defined in Part 201 of the NREPA.

2. Land Application Design Requirements

The permittee shall design, construct, and operate any land treatment system in accordance with R 323.2233(4) of the Part 22 Rules, which shall include, at a minimum, the following requirements:

- a. The system shall be designed and constructed to prevent surface runoff from either entering or exiting the system.
- b. The system shall be designed and constructed to provide even distribution of wastewater during application. A header ditch, where used, shall be designed and constructed to allow for complete drainage after each wastewater loading or shall be lined to prevent seepage.
- c. If vegetative cover is utilized and is considered part of the overall treatment system, then the design and construction of the system shall allow for the mechanical harvesting of vegetative cover.

- d. The system shall be designed, constructed, and operated to allow an appropriate loading cycle. An appropriate loading cycle allows time between loadings for all of the following:
 - i. Soil organisms to biologically decompose organic constituents in the wastewater.
 - ii. Organic solids on the soil surface to decompose.
 - iii. The soil to become aerated.
 - iv. Vegetative cover to utilize available nutrients provided through the application of the wastewater.
 - v. Soil conditions to become unsaturated and aerobic.
 - vi. Harvesting operations to occur at appropriate times.
- e. The design hydraulic loading or application rate, whether daily, monthly, or annual, shall not be more than one of the following:
 - i. Three (3) percent of the permeability of the most restrictive soil layer within the solum over the area of the discharge when determined by either the cylinder infiltration method or air entry permeameter test method.
 - ii. Seven (7) percent of the permeability of the most restrictive soil layer within the solum over the area of the discharge as determined by the saturated hydraulic conductivity method.
 - iii. Twelve (12) percent of the permeability of the most restrictive soil layer within the solum over the area of the discharge as determined by the basin infiltration method.
 - iv. If published information is utilized, the permittee shall determine the methodology used to measure the reported hydraulic conductivity. If the hydraulic conductivity is given as a range of expected values, then a permittee shall use the minimum value given the most restrictive soil layer within the solum when calculating the hydraulic loading or application rate.
- f. The system shall be designed, constructed, and operated to prevent the development of sodic conditions within the solum of the discharge area. Sodic conditions are considered to exist in the solum when the exchangeable sodium percentage, which is the percentage of the cation exchange capacity of a soil occupied by sodium, is more than 15 percent.
- g. If phosphorus adsorption within the solum or unsaturated soil column is part of the overall treatment process, then the system shall be designed as follows:
 - i. The available phosphorus adsorption capacity (PAC) of the solum or unsaturated soil column from within the discharge area shall be sufficient to provide the necessary treatment to ensure that the applicable limit established in this permit is not exceeded for the duration of the permit.
 - ii. The loading cycle shall be designed so as to provide the necessary contact time within the solum or unsaturated soil column required for phosphorus to be removed from the applied wastewater through adsorption processes.

- iii. The available PAC of the discharge area shall be determined through either of the following methods:
 - (1) By subtracting phosphorus levels of the unsaturated soil column, determined through on-site Bray-P1 analysis, from published PAC data for the solum found within the discharge area.
 - (2) By subtracting phosphorus levels of the unsaturated soil column, as determined through on-site Bray-P1 analysis, from the phosphorus adsorption maximum as determined through Langmuir isotherm analysis of on-site soils, after adjustments for the concentration of phosphorus in the effluent and fraction of utilization within the solum are made.
- h. All of the following operation and maintenance requirements shall be met:
 - i. 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 portions of the irrigation area without disrupting applications to other areas of the system.
 - ii. All areas within a system shall be accessible for maintenance equipment.
 - iii. For slow rate and overland flow treatment systems, the pH of the plow layer within the discharge area shall be maintained between 6.0 and 7.5 standard units.
- i. The discharge to a land treatment system shall be limited so that the discharge volume combined with the precipitation from a 10-year frequency, 24-hour duration rainfall event does not overflow the designed discharge area.

3. Lagoon Construction

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 unless the conditions set forth in R 323.2237(4) are met. Guidance can be found in [Guidesheet IV: Wastewater Treatment and Storage Lagoons.](#)

PART II

C. Monitoring Procedures

1. Permit Monitoring Requirements

Pursuant to R 323.2223(1) of the 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 the 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 DMR. Such increased frequency shall also be indicated.

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 Portal](#).

The permittee shall utilize the information provided on the [MiEnviro Portal](#) 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 Part 31 and Part 41, Sewerage Systems, 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 analyzed.
 - 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 on 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, 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, 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 each 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 what prevented the accomplishment of 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, the 14-day 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 the following:

- 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 as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances. (If the notice is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System at 1-800-292-4706.)

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 the [MiEnviro Portal](#) (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 the [MiEnviro Portal](#), including the name, physical address, email address, and telephone number of the new facility contact (log in, select the site from the left side 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 the 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 the 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 the issuance of a written termination notice, the permittee shall submit a request to the Department for termination of this permit via the [MiEnviro Portal](#).