

  
**STATE OF MICHIGAN**  
**DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY**  
**GROUNDWATER DISCHARGE GENERAL PERMIT**  
**GW1530000**

This groundwater discharge 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); and Michigan Executive Order 2019-06. Treated meat processing and slaughterhouse wastewater that may include sanitary sewage is authorized to be discharged from facilities specified in individual Certificates of Coverage (COCs) in accordance with 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.

<b>Authorization:</b>	<b>Rule 2215</b>
<b>Type of Operation:</b>	<b>Meat processing that may include slaughter</b>
<b>Discharge Category:</b>	<b>Meat Processing and Slaughterhouse Wastewater (flow less than or equal to 20,000 gallons per day daily maximum)</b>
<b>Type of Wastewater:</b>	<b>Process wastewater, sanitary sewage</b>
<b>Issue Date:</b>	<b>November 1, 2022</b>
<b>Expiration Date:</b>	<b>November 1, 2027</b>

In order to constitute a valid authorization to discharge, this permit must be accompanied by a COC issued by the Department. The COC will specify which sections of this permit are applicable to the facility.

Unless specified otherwise, all contact with the Department required by this permit shall be to the position(s) indicated in the COC.

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

All construction, operations, maintenance, and monitoring of facilities permitted hereunder must comply with the conditions set forth in this permit. Failure to comply with the terms and provisions of this permit may result in civil and/or criminal penalties as provided in the NREPA.

The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules.

**Issued:** October 21, 2022.

Originally Signed by Kristine Rendon  
 Kristine Rendon, Supervisor  
 Groundwater Permits Unit  
 Permits Section  
 Water Resources Division

### **PERMIT FEE REQUIREMENTS**

In accordance with Section 324.3122 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each December 15 the permit is in effect regardless of occurrence of discharge. Each payment shall be for the preceding December 15. The permittee shall submit the fee in response to the annual notice mailed by the Department. Payment may be made electronically via the Department's MiEnviro system. The MiEnviro website is located at <https://mienviro.michigan.gov>. Payment shall be submitted or postmarked by March 1 for notices mailed by January 15. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after January 15.

### **CONTESTED CASE INFORMATION**

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

## PART I

### A. Conventional Onsite Wastewater Treatment System Utilizing a Series of Grease Trap(s) and Septic Tank(s) Discharging into a Subsurface Soil Dispersal System

#### 1. Final Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated meat processing wastewater, not to include slaughter, that may contain sanitary sewage to the groundwaters of the state. The system shall be constructed, operated, and maintained in accordance with the basis of design approved by the Department and as specified in the individual COC. The effluent shall be limited and monitored by the permittee as specified below.

**Table 1: Effluent limitations and monitoring for a conventional onsite wastewater treatment system**

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Measurement
Flow (Annually)	see COC	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	(report)	mg/L	Annually	Grab
Total Inorganic Nitrogen (TIN)	(report)	mg/L	Annually	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Annually	Grab
Ammonia Nitrogen	(report)	mg/L	Annually	Grab
Nitrate Nitrogen	(report)	mg/L	Annually	Grab
Nitrite Nitrogen	(report)	mg/L	Annually	Grab
Total Phosphorus	(report)	mg/L	Annually	Grab
Sodium	(report)	mg/L	Annually	Grab
Chloride	(report)	mg/L	Annually	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Annually	Grab
pH (maximum)	(report)	S.U.	Annually	Grab
Dissolved Oxygen	(report)	mg/L	Annually	Grab
Manganese	(report)	ug/L	Annually	Grab
Chromium	(report)	ug/L	Annually	Grab
Copper	(report)	ug/L	Annually	Grab
Zinc	(report)	ug/L	Annually	Grab

- i. *Effluent Monitoring and Sampling*
  - a. Annual samples shall be taken in August of each year unless an alternate date is approved by the Department and specified in the COC.
  - b. Effluent samples shall be collected at the last tank in series just prior to discharge to the subsurface soil dispersal system. The analytical protocols for the parameters listed can be found in Test Procedures in Part II.B.
- ii. *Flow (Daily)*

The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily using an approved flow measurement device in accordance with iv. below.
- iii. *Total Inorganic Nitrogen (TIN)*

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

iv. *Flow Measurement Devices*

The Department must approve flow measurement location(s), measurement device(s), or method(s), and any requests for alternative measurement frequencies. Flow measurements must use one of the following methods:

- a. For pressure-dosed systems: Elapsed time meters with known pump flow rates or pump event counters with known dose volumes. Annual draw down testing for calibration must be completed.
- b. Effluent flow meter with annual calibration.
- c. For gravity-dosed systems: potable drinking water meter, calibrated per manufacturer recommendations

Calibration records shall be maintained by the permittee for a period of three (3) years. These records shall be available for inspection by the Department.

## 2. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at:

[www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log shall be retained on site in accordance with Part II.B.5 of this permit and made available for inspection by the Department upon request. The following are the requirements of the observation log:

i. *Drainfield(s)*

The following **weekly** observations shall be made:

a. *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.

b. *Odors*

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

c. *Vegetation*

The permittee shall visually observe all drainfields for any woody vegetation, shrubs, trees, and remove if observed. The permittee shall visually observe all drainfields for a proper vegetation height over the drainfield of less than 6 inches.

ii. *Septic Tank(s)*

The following **annual** observations shall be made:

a. *Depth of Sludge*

The permittee shall physically measure the depth of sludge in all septic tanks with an easily visible, clearly marked depth gauge.

b. *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.

## 3. Liquid Industrial Waste

Before the sludge volume occupies 25 percent of the holding tank capacity, septic tanks shall be pumped by a liquid industrial waste hauler licensed pursuant to Part 121, Liquid Industrial Wastes, of the NREPA. The wastewater shall be disposed of in accordance with Part 121.

## PART I

## B. Onsite Wastewater Treatment System Utilizing Enhanced Treatment Before Discharging into a Subsurface Soil Dispersal System

### 1. Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated meat processing and slaughterhouse wastewater that may contain sanitary sewage to the groundwaters of the state. The system shall be constructed, operated, and maintained in accordance with the basis of design approved by the Department and as specified in the individual COC. The effluent shall be limited and monitored by the permittee as specified below.

**Table 2:** Effluent limitations and monitoring for an onsite wastewater treatment system utilizing enhanced treatment

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Measurement
Flow (Annually)	see COC	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	see COC	mg/L	Monthly	Grab
Total Inorganic Nitrogen (TIN)	10.0	mg/L	Monthly	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Monthly	Measurement
Ammonia Nitrogen	(report)	mg/L	Monthly	Grab
Nitrate Nitrogen	(report)	mg/L	Monthly	Grab
Nitrite Nitrogen	1.0	mg/L	Monthly	Grab
Total Phosphorus	see COC	mg/L	Monthly	Grab
Sodium	(report)	mg/L	Monthly	Grab
Chloride	(report)	mg/L	Monthly	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Monthly	Grab
pH (maximum)	(report)	S.U.	Monthly	Grab
Dissolved Oxygen	(report)	mg/L	Monthly	Grab
Manganese	(report)	ug/L	Monthly	Grab
Chromium	(report)	ug/L	Monthly	Grab
Copper	(report)	ug/L	Monthly	Grab
Zinc	(report)	ug/L	Monthly	Grab

i. *Effluent Monitoring and Sampling*

- a. Monthly samples shall be taken of the discharge unless an alternate frequency is approved by the Department. If the facility does not discharge during this period, the permittee shall sample the next discharge occurring during the period in question. For any month in which a sample is not taken, the permittee shall enter “\*G” on the DMR.
- b. Effluent samples shall be collected at the last tank in series just prior to discharge to the subsurface soil dispersal system. The analytical protocols for the parameters listed can be found in Test Procedures in Part II.B.

ii. *Flow (Daily)*

The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily using an approved flow measurement device in accordance with vi. below.

iii. *Total Inorganic Nitrogen*

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

- iv. *5-Day Biochemical Oxygen Demand*  
The Department will determine the appropriate BOD concentration limitation consistent the submitted basis of design. This limitation will be included in the COC.
- v. *Total Phosphorus*  
For discharge locations that are less than 1,000 feet from a surface water, the Department will determine the appropriate phosphorus limitation consistent with the Part 22 Rule 323.2204(e), Surface Water Quality Standards. This limitation will be included in the COC. For discharge locations greater than 1,000 feet from a surface water, the permittee shall report the observed phosphorus concentration.
- vi. *Flow Measurement Devices*  
The Department must approve flow measurement locations, devices or methods, and any requests for alternative measurement frequencies. Flow measurements must be based on one of the following methods:
  - a. For pressure-dosed systems: Elapsed time meters with known pump flow rates or pump event counters with known dose volumes. Annual draw down testing for calibration must be completed.
  - b. Effluent flow meter with annual calibration.
  - c. For gravity flow systems: Portable water meter, calibrated per manufacturer specifications.
 Calibration records shall be maintained by the permittee for a period of three (3) years. These records should be available for inspection by the Department.

## 2. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at: [www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log shall be retained on site in accordance with Part II.B.5. of this permit and made available for inspection by the Department upon request. The following are the requirements of the observation log:

- i. *Drainfield(s)*  
The following **weekly** observations shall be made:
  - a. *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.
  - b. *Odors*  
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties or indicate failure of the drainfield.
  - c. *Vegetation*  
The permittee shall visually observe all drainfields for any woody vegetation, shrubs, trees, and remove if observed. The permittee shall visually observe all drainfields for a proper vegetation height over the drainfield of less than 6 inches.
- ii. *Septic Tank(s)*  
The following **annual** observations shall be made:
  - a. *Depth of Sludge*  
The permittee shall physically measure the depth of sludge in all septic tanks with an easily visible, clearly marked depth gauge.
  - b. *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.

### **3. Liquid Industrial Waste**

Before the sludge volume occupies 25 percent of the holding tank capacity, septic tanks shall be pumped by a liquid industrial waste hauler licensed pursuant to Part 121, Liquid Industrial Wastes, of the NREPA. The wastewater shall be disposed of in accordance with Part 121.

**PART I**

**C. Discharge into a Rapid Infiltration Basin(s) Subsequent to an Adequately Designed Treatment System**

**1. Effluent Limitations and Monitoring Requirements**

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated meat processing and slaughterhouse wastewater that may contain sanitary sewage to the groundwaters of the state. Treatment may include individual or combinations of adequately designed aerated and non-aerated lagoon(s), enhanced treatment, or other Department-approved treatment methods. The system shall be constructed, operated, and maintained in accordance with the basis of design approved by the Department and as specified in the individual COC. Such discharge shall be limited and monitored by the permittee as specified below.

**Table 3: Effluent limitations and monitoring for an aerated lagoon(s) that discharge into a rapid infiltration basin(s)**

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Measurement
Flow (Annually)	see COC	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	see COC	mg/L	Monthly	Grab
Total Inorganic Nitrogen (TIN)	10.0	mg/L	Monthly	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Monthly	Measurement
Ammonia Nitrogen	(report)	mg/L	Monthly	Grab
Nitrate Nitrogen	(report)	mg/L	Monthly	Grab
Nitrite Nitrogen	1.0	mg/L	Monthly	Grab
Total Phosphorus	see COC	mg/L	Monthly	Grab
Sodium	(report)	mg/L	Monthly	Grab
Chloride	(report)	mg/L	Monthly	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Monthly	Grab
pH (maximum)	(report)	S.U.	Monthly	Grab
Dissolved Oxygen	(report)	mg/L	Monthly	Grab
Manganese	(report)	ug/L	Monthly	Grab
Chromium	(report)	ug/L	Monthly	Grab
Copper	(report)	ug/L	Monthly	Grab
Zinc	(report)	ug/L	Monthly	Grab
Application Rate	(report)	g/ft <sup>2</sup> /d	Daily	Calculation

i. *Effluent Monitoring and Sampling*

- a. Monthly samples shall be taken of the discharge unless an alternate frequency is approved by the Department and specified in the COC. If the facility does not discharge during this period, the permittee shall sample the next discharge occurring during the period in question. For any month in which a sample is not taken, the permittee shall enter “\*G” on the Discharge Monitoring Report (DMR).
- b. Effluent Samples shall be collected at the discharge pipe. The analytical protocols for the parameters listed can be found in Test Procedures in Part II.B.



- ii. *Flow (Daily)*  
The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily using an approved flow measurement device in accordance with vi. below.
- iii. *5-Day Biochemical Oxygen Demand*  
The Department will determine the appropriate BOD limitation consistent the submitted basis of design. This limitation will be included in the COC.
- iv. *Total Inorganic Nitrogen*  
The daily maximum value for total inorganic nitrogen shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen.
- v. *Total Phosphorus*  
For discharge locations that are less than 1,000 feet from a surface water, the Department will determine the appropriate phosphorus limitation consistent with R 323.2204(e) of the Part 22 Rules, and this limitation will be specified in the COC. For discharge locations greater than 1,000 feet from a surface water, the permittee shall report the observed phosphorus concentration.
- vi. *Flow Measurement Devices*  
The Department must approve flow measurement locations, devices or methods, and any requests for alternative measurement frequencies. Flow measurements must be based on one of the following methods:
  - a. Elapsed time meters or pump event counters, with known pumping rates. Annual draw down testing for calibration should be completed.
  - b. Weir flow rate calculation or lagoon drawdown levels for gravity flow systemsCalibration records shall be maintained by the permittee for a period of three (3) years. These records should be available for inspection by the Department.

## 2. Land Application: Rapid Infiltration

Land Application shall be consistent with R 323.2233 and R 323.2236 of the Part 22 Rules and shall include the following:

- 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.
- iv. Wastewater shall be applied to the rapid infiltration basin in accordance with the Discharge Management Plan (DMP) approved by the Department.

## 3. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at: [www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log shall be retained on site in accordance with Part II.B.5. of this permit and made available for inspection by the Department upon request. The following are the requirements of the observation log:

- i. *Lagoon(s)*  
The following **weekly** observations shall be made:
  - 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. Vegetation shall not be more than 6 inches above the ground on lagoon dikes. Not more than 10% of the water surface shall be covered by floating vegetation and not more than 10% of the water perimeter may have emergent rooted aquatic plants.

*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 observation the fence and signage surrounding all lagoons to ensure they are intact, any damage is corrected, and all signage is legible.

*ii. Rapid Infiltration Basin(s)*

The following **weekly** observation shall be made:

*a. Vegetation*

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

*b. Piping*

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

*iii. Lagoon Drawdown Conditions*

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

- a. Water discharged shall be removed from the surface two (2) feet of the cell at a rate of less than one (1) foot per day.
- b. The permittee shall maintain a minimum of two (2) feet of freeboard in all cells at all times.
- c. The permittee shall maintain a minimum of two (2) feet of water in all cells at all times.

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

#### 4. Lagoon Construction

Lagoon construction shall be consistent with R 323.2237 of the Part 22 Rules and shall consist of a composite liner system 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 which is available via the internet at: [https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons\\_564953\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons_564953_7.pdf)

## PART I

### D. Discharge to an Above-Ground Slow-Rate Land Treatment System Subsequent to an Adequately Designed Treatment System

#### 1. Effluent and Land Treatment Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated meat processing and slaughterhouse wastewater that may contain sanitary sewage to the groundwaters of the state. Treatment may include individual or combinations of adequately designed aerated and non-aerated lagoon(s), enhanced treatment, or other Department-approved treatment methods. The system shall be constructed, operated, and maintained in accordance with the basis of design approved by the Department and as specified in the individual COC. Such discharge shall be limited and monitored by the permittee as specified below.

**Table 4:** Effluent limitations and monitoring for a lagoon(s) that discharge to an above ground slow-rate land treatment system

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Direct Measurement
Flow (Annually)	see COC	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	see COC	mg/L	Monthly	Grab
Total Inorganic Nitrogen (TIN)	see COC	mg/L	Monthly	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Monthly	Measurement
Ammonia Nitrogen	(report)	mg/L	Monthly	Grab
Nitrate Nitrogen	(report)	mg/L	Monthly	Grab
Nitrite Nitrogen	1.0	mg/L	Monthly	Grab
Total Phosphorus	see COC	mg/L	Monthly	Grab
Sodium	(report)	mg/L	Monthly	Grab
Chloride	(report)	mg/L	Monthly	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Monthly	Grab
pH (maximum)	(report)	S.U.	Monthly	Grab
Dissolved Oxygen	(report)	mg/L	Monthly	Grab
Manganese	(report)	ug/L	Monthly	Grab
Chromium	(report)	ug/L	Monthly	Grab
Copper	(report)	ug/L	Monthly	Grab
Zinc	(report)	ug/L	Monthly	Grab

**Table 5:** Land application limitations and monitoring requirements

Parameter	Limit	Unit	Monitoring Frequency	Sample Type
Application Rate (Daily)	(report)	inches/day	Daily	Calculation
Application Rate (Weekly)	(report)	Inches/week	Weekly	Calculation
BOD <sub>5</sub> Loading (Monthly Average)	50	pounds/acre/day	Monthly	Calculation

**Table 6: Soil sampling requirements**

Parameter	Limit	Unit	Monitoring Frequency	Sample Type
Bray P1 (available soil phosphorus)	(report)	mg/kg	Annually	Composite
Sodium	(report)	mg/kg	Annually	Composite
pH	(report)	S.U.	Annually	Composite
Cation Exchange Capacity	(report)	meq/100 grams	Annually	Composite
Nitrate	(report)	mg/kg	Annually	Composite

- i. *Effluent Monitoring and Sampling*
  - a. Monthly samples shall be taken of the discharge unless an alternate frequency is approved by the Department. If the facility does not discharge during this period, the permittee shall sample the next discharge occurring during the period in question. For any month in which a sample is not taken, the permittee shall enter “\*G” on the DMR.
  - b. Effluent Samples shall be collected at a point approved by the Department that is representative of the wastewater being discharged to the land. The analytical protocols for the parameters listed can be found in Test Procedures in Part II.B.
- ii. *Flow (Daily)*  
The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily using an approved flow measurement device in accordance with viii. below.
- iii. *Discharge Season*  
Effluent may not be discharged on land that is frozen or snow covered unless otherwise specified in the COC.
- iv. *Land Application Rate*
  - a. The permittee shall not exceed the daily BOD loading rate of 50 pounds per acre per day. Should this level be exceeded, the Department may require additional treatment of the wastewater and groundwater monitoring. The pounds/acre/day BOD limitation is based on wetted acreage and is calculated as a monthly average. Monthly average is defined as the sum of all daily loadings of a parameter divided by the number of days in which a discharge occurred during a given calendar month. Application rates shall be in accordance with the Discharge Management Plan (DMP) approved by the Department and specified in the COC.
  - b. The Department will determine the appropriate total inorganic nitrogen limitation based on the DMP approved by the Department and specified in the COC.
- v. *Total Inorganic Nitrogen*  
The daily maximum value for total inorganic nitrogen shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen.
- vi. *Total Phosphorus*  
For discharge locations that are less than 1,000 feet from a surface water, the Department will determine the appropriate phosphorus limitation consistent with R 323.2204(e) of the Part 22 Rules, and this limitation will be specified in the COC. For discharge locations greater than 1,000 feet from a surface water, the permittee shall report the observed phosphorus concentration.
- vii. *Soil Monitoring and Sampling*
  - a. Soils at land application sites shall be sampled a minimum of once every year in the spring (April – June) and analyzed as indicated in Table 6. Each discrete field shall be sampled separately.
  - b. Soil shall be sampled using an 8-inch vertical core with 20 or more cores in a random pattern spread evenly over each uniform field area. A uniform field area shall be no greater than 20 acres, up to 40 acres if the field has one soil map unit and has been managed as a single field for the last ten years. The 20 cores shall be composited into one sample and analyzed. Alternate methods may be used upon approval of the Department. Additional information on soil sampling can be found in Michigan State University Extension Bulletin E498 available via the internet at:

<https://forage.msu.edu/wp-content/uploads/2014/07/E0498-Sampling-Soils-for-Fertilizer-and-Lime-Recommendations.pdf>.

viii. **Flow Measurement Devices**

The Department must approve flow measurement locations, devices or methods, and any requests for alternative measurement frequencies. Flow measurements must be based on one of the following methods:

- a. Pump hours at the lagoon during discharge based on pump run time and calculated gallons moved per discharge.
- b. Weir flow rate calculation for gravity flow systems.

Calibration records shall be maintained by the permittee for a period of three (3) years. These records should be available for inspection by the Department.

## 2. Land Application: Slow-Rate Land Treatment

Land Application shall be consistent with R 323.2233 and R 323.2234 of the Part 22 Rules and shall include the following:

- i. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.
- ii. The wastewater loading volume shall be designed so that the wastewater will be absorbed and held within the effective rooting zone of the vegetative cover established on the site receiving the wastewater.
- iii. If used, the header ditch drainage and the grading of the furrows shall be tested for equal liquid distribution before seeding.
- iv. 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 but may impose restrictions based upon the characteristics of the proposed alternative and specified in the DMP.
- v. If used, all furrow side slopes shall be designed and constructed to allow for periodic maintenance and or mechanical harvesting of vegetative cover.
- vi. The depth of the furrows of a ridge and furrow system, when utilized, shall be adequate to contain the highest proposed furrow stream.
- vii. The treatment system shall have sufficient hydraulic capacity to treat organic and inorganic loading so that the discharge receives physical, chemical, and biological treatment.
- viii. 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.
- ix. 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.

## 3. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at: [www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log 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 are the requirements of the observation log:

i. *Lagoon(s)*

The following **weekly** observations shall be made:

a. *Freeboard*

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

- b. *Control Structures*  
The permittee shall visually observe all control structures to ensure they are functioning as designed.
  - c. *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.
  - d. *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. Vegetation shall not be more than 6 inches above the ground on lagoon dikes. Not more than 10% of the water surface shall be covered by floating vegetation and not more than 10% of the water perimeter may have emergent rooted aquatic plants.
  - e. *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.
  - f. *Fence Integrity and Signage*  
The permittee shall visually observation the fence and signage surrounding all lagoons to ensure they are intact, any damage is corrected, and all signage is legible.
- ii. *Irrigation Field(s)*  
The following **daily** observations shall be made during discharge:
- a. *Ponding and Flooding*  
The permittee shall visually observe all irrigation fields for any standing water.
  - b. *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.
  - c. *Odors*  
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties.
  - d. *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.
  - e. *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.
- iv. *Lagoon Drawdown Conditions*  
The permittee shall observe the following conditions when drawing down a cell for transfer or discharge unless otherwise authorized by the Department.
- a. Water discharged shall be removed from the surface two (2) feet of the cell at a rate of less than one (1) foot per day.
  - b. The permittee shall maintain a minimum of two (2) feet of freeboard in all cells at all times.
  - c. The permittee shall maintain a minimum of two (2) feet of water in all cells at all times.
- The permittee shall immediately complete proper corrective actions if the observation identifies parts of the facility that are not in good working order.

#### **4. 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 which is available via the internet at: [https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons\\_564953\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-groundwater-p22-lagoons_564953_7.pdf)

## PART I

### E. Holding Tank(s) Discharging to an Above-Ground Slow-Rate Land Treatment System

This section of the permit shall apply to holding tank(s) where the final disposal method is above-ground slow-rate land treatment. The system shall be constructed, operated, and maintained in accordance with the basis of design approved by the Department and as specified in the individual COC.

#### 1. Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated meat processing and slaughterhouse wastewater to the groundwaters of the state. The discharge of sanitary sewage is not authorized under this section. Such discharge shall be limited and monitored by the permittee as specified below.

**Table 7:** Effluent limitations and monitoring requirements for a holding tank(s) that discharge to an above-ground slow-rate land treatment system

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Direct Measurement
Flow (Annually)	see COC	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	see COC	mg/L	Monthly	Grab
Total Inorganic Nitrogen (TIN)	see COC	mg/L	Monthly	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Monthly	Measurement
Ammonia Nitrogen	(report)	mg/L	Monthly	Grab
Nitrate Nitrogen	(report)	mg/L	Monthly	Grab
Nitrite Nitrogen	1.0	mg/L	Monthly	Grab
Total Phosphorus	see COC	mg/L	Monthly	Grab
Sodium	(report)	mg/L	Monthly	Grab
Chloride	(report)	mg/L	Monthly	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Monthly	Grab
pH (maximum)	(report)	S.U.	Monthly	Grab
Dissolved Oxygen	(report)	mg/L	Monthly	Grab
Manganese	(report)	ug/L	Monthly	Grab
Chromium	(report)	ug/L	Monthly	Grab
Copper	(report)	ug/L	Monthly	Grab
Zinc	(report)	ug/L	Monthly	Grab

**Table 8:** Land application limitations and monitoring requirements

Parameter	Limit	Unit	Monitoring Frequency	Sample Type
Application Rate (Daily)	(report)	inches/day	Daily	Calculation
Application Rate (Weekly)	(report)	inches/week	Weekly	Calculation
BOD <sub>5</sub> Loading (Monthly Average)	50	pounds/acre/day	Monthly	Calculation



**Table 9: Soil sampling requirements**

Parameter	Limit	Unit	Monitoring Frequency	Sample Type
Bray P1 (available soil phosphorus)	(report)	mg/kg	Annually	Composite
Sodium	(report)	mg/kg	Annually	Composite
pH	(report)	S.U.	Annually	Composite
Cation Exchange Capacity	(report)	meq/100 grams	Annually	Composite
Nitrate	(report)	mg/kg	Annually	Composite

- i. *Effluent Monitoring and Sampling*
  - a. Monthly samples shall be taken of the discharge unless an alternate frequency is approved by the Department. For any month in which a sample is not taken, the permittee shall enter “\*G” on the Discharge Monitoring Report (DMR).
  - b. Effluent Samples shall be collected at a point approved by the Department that is representative of the wastewater being discharged to the land. The analytical protocols for the parameters listed can be found in Test Procedures in Part II.B.
- ii. *Flow (Daily)*  
The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily using an approved flow measurement device in accordance with viii. below.
- iii. *Discharge Season*  
Effluent may not be discharged on land that is frozen or snow covered unless otherwise specified in the COC.
- iv. *Land Application Rate*
  - a. The permittee shall not exceed the daily BOD loading rate of 50 pounds per acre per day. Should this level be exceeded, the Department may require additional treatment of the wastewater and groundwater monitoring. The pounds/acre/day BOD limitation is based on wetted acreage and is calculated as a monthly average. Monthly average is defined as the sum of all daily loadings of a parameter divided by the number of days in which a discharge occurred during a given calendar month. Application Rates shall be in accordance with the Discharge Management Plan (DMP) approved by the Department and specified in the COC.
  - b. The Department will determine the appropriate total inorganic nitrogen limitation based on the DMP approved by the Department and specified in the COC.
- v. *Total Inorganic Nitrogen*  
The daily maximum value for total inorganic nitrogen shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen.
- vi. *Total Phosphorus*  
For discharge locations that are less than 1,000 feet from a surface water, the Department will determine the appropriate phosphorus limitation consistent with R 323.2204(e) of the Part 22 Rules, and this limitation will be specified in the COC. For discharge locations greater than 1,000 feet from a surface water, the permittee shall report the observed phosphorus concentration.
- vii. *Soil Monitoring and Sampling*
  - a. Soils at land application sites shall be sampled a minimum of once every year in the spring (April – June) and analyzed as indicated in Table 9. Each discrete field shall be sampled separately.
  - b. Soil shall be sampled using an 8-inch vertical core with 20 or more cores in a random pattern spread evenly over each uniform field area. A uniform field area shall be no greater than 20 acres, up to 40 acres if the field has one soil map unit and has been managed as a single field for the last ten years. The 20 cores shall be composited into one sample and analyzed. Alternate methods may be used upon approval of the Department. Additional information on soil sampling can be found in Michigan State University Extension Bulletin E498 available via the internet at: <https://forage.msu.edu/wp-content/uploads/2014/07/E0498-Sampling-Soils-for-Fertilizer-and-Lime-Recommendations.pdf>.

viii. *Flow Measurement Devices*

The Department must approve flow measurement locations, devices or methods, and any requests for alternative measurement frequencies. Flow measurements must be based on one of the following methods:

- a. Pump hours at the discharge pipe for pressurized distribution systems, calibrated per manufacturer specifications.
- b. Weir flow rate calculation for gravity flow system.

Calibration records shall be maintained by the permittee for a period of three (3) years. These records should be available for inspection by the Department.

## 2. Land Application: Slow-Rate Land Treatment

Land Application shall be consistent with R 323.2233 and R 323.2236 of the Part 22 Rules and shall include the following:

- i. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.
- ii. The wastewater loading volume shall be designed so that the wastewater will be absorbed and held within the effective rooting zone of the vegetative cover established on the site receiving the wastewater.
- iii. If used, the header ditch drainage and the grading of the furrows shall be tested for equal liquid distribution before seeding.
- iv. 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 but may impose restrictions based upon the characteristics of the proposed alternative and specified in the DMP.
- v. If used, all furrow side slopes shall be designed and constructed to allow for periodic maintenance and or mechanical harvesting of vegetative cover.
- vi. The depth of the furrows of a ridge and furrow system, when utilized, shall be adequate to contain the highest proposed furrow stream.
- vii. The treatment system shall have sufficient hydraulic capacity to treat organic and inorganic loading so that the discharge receives physical, chemical, and biological treatment.
- viii. Crops for human consumption grown on effluent irrigated fields shall be limited to crops requiring processing prior to consumption.
- ix. 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.
- x. 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.

## 3. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at: [www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log 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 are the requirements of the observation log:

i. *Irrigation Field(s)*

The following **daily** observations shall be made during discharge:

a. *Ponding and Flooding*

The permittee shall visually observe all irrigation fields for any standing water.

- b. *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.
  - c. *Odors*  
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties.
  - d. *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 site conditions of the underground piping associated with each irrigation field to ensure they are functioning as designed. Observations shall include collapsed, slumping soil, or other signs of damage.
  - e. *Sprinkler Heads*  
The permittee shall visually observe all sprinkler heads to ensure they are functioning as designed, including signs of physical damage, clogs, leaks, or freezing.
- iii. *Holding Tank(s)*  
The following **annual** observations shall be made:
- a. *Odors*  
The permittee shall identify any foul odors that may produce nuisance conditions for neighboring properties.
  - b. *Depth of Sludge*  
The permittee shall physically measure the depth of sludge in all septic tanks with an easily visible, clearly marked depth gauge.
  - c. *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.

#### **4. Holding Tank Construction**

Holding tanks associated with a discharge shall be constructed of sound and durable material not subject to excessive corrosion or decay and structurally capable of supporting the loads to which they will be subjected.

## PART I

## F. Existing Facility

## 1. Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the effective date of an individual COC and lasting until the effective date of a modified COC issued by the Department in accordance with the conditions set forth in Part I.F.4., below, the permittee is authorized to discharge treated meat processing and slaughterhouse wastewater that may contain sanitary sewage to the groundwaters of the state. The effluent shall be limited and monitored by the permittee as specified in the table below.

**Table 11:** Effluent limitations and monitoring for an existing treatment system

Parameter	Maximum Limit	Units	Monitoring Frequency	Sample Type
Flow (Daily)	see COC	GPD	Daily	Measurement
Flow (Annually)	7,300,000	GPY	Annually	Calculation
Biochemical Oxygen Demand (BOD <sub>5</sub> )	(report)	mg/L	Annually	Grab
Total Inorganic Nitrogen (TIN)	(report)	mg/L	Annually	Calculation
Total Kjeldahl Nitrogen (TKN)	(report)	mg/L	Annually	Measurement
Ammonia Nitrogen	(report)	mg/L	Annually	Grab
Nitrate Nitrogen	(report)	mg/L	Annually	Grab
Nitrite Nitrogen	(report)	mg/L	Annually	Grab
Total Phosphorus	(report)	mg/L	Annually	Grab
Sodium	(report)	mg/L	Annually	Grab
Chloride	(report)	mg/L	Annually	Grab
Total Suspended Solids (TSS)	(report)	mg/L	Annually	Grab
pH (maximum)	(report)	S.U.	Annually	Grab
Dissolved Oxygen	(report)	mg/L	Annually	Grab
Manganese	(report)	ug/L	Annually	Grab
Chromium	(report)	ug/L	Annually	Grab
Copper	(report)	ug/L	Annually	Grab
Zinc	(report)	ug/L	Annually	Grab

*i. Flow (Daily)*

The daily maximum flow shall not exceed the limit specified in the COC. Flow shall be recorded daily.

*ii. Total Inorganic Nitrogen (TIN)*

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

*iii. Effluent Monitoring and Sampling*

Annual samples shall be taken in August of each year unless an alternate date is approved by the Department and specified in the COC.

*iv. Discharge Season*

Effluent may be discharged via overland flow or spray irrigation to land that is not frozen or snow covered.

*v. Land Application Rate*

The permittee shall not exceed the recommended daily BOD loading rate of 50 pounds per acre per day if land application occurs. The pounds/acre/day BOD limitation is based on wetted acreage and is

calculated as a monthly average. Monthly average is defined as the sum of all daily loadings of a parameter divided by the number of days in which a discharge occurred during a given calendar month.

## 2. Facility Operation and Maintenance

The permittee shall complete site observations to ensure compliance with the terms and conditions of this permit. Observations shall be recorded in a written log, maintained by the permittee. The facility operation and maintenance log template is available on the Groundwater Discharge Permit webpage at: [www.michigan.gov/groundwaterdischarge](http://www.michigan.gov/groundwaterdischarge). The log 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 are the requirements of the observation log:

### i. Facilities Utilizing Lagoons

The following **weekly** observations shall be made:

1. *Freeboard*

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

2. *Control Structures*

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

3. *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.

4. *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.

5. *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.

6. *Fence Integrity and Signage*

The permittee shall visually observation the fence and signage surrounding all lagoons to ensure they are intact, any damage is corrected, and all signage is legible.

### ii. Facilities Utilizing a Drainfield(s)

The following **weekly** observations shall be made:

a. *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.

b. *Odors*

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

c. *Vegetation*

The permittee shall visually observe all drainfields for any woody vegetation, shrubs, trees, and remove if observed. The permittee shall visually observe all drainfields for a proper vegetation height over the drainfield of less than 6 inches.

### iii. Facilities Utilizing a Septic Tank(s)

The following **annual** observations shall be made:

a. *Depth of Sludge*

The permittee shall physically measure the depth of sludge in all septic tanks with an easily visible, clearly marked depth gauge. Before the sludge volume occupies 25 percent of the holding tank capacity, septic tanks shall be pumped by a liquid industrial waste hauler licensed pursuant to Part 121, Liquid Industrial Wastes, of the NREPA. The wastewater shall be disposed of in accordance with Part 121.

b. *Watertight Construction*

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

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

The following **daily** observations shall be made during discharge:

a. *Ponding and Flooding*

The permittee shall visually observe all irrigation fields for any standing water.

b. *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.

c. *Odors*

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

d. *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, leaks or freezing.

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

The following **weekly** observation shall be made:

a. *Vegetation*

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

b. *Piping*

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

vi. **Facilities Utilizing Overland Flow**

The following **weekly** observations shall be made:

a. *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.

b. *Odors*

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

c. *Piping*

The permittee shall visually observe all above ground piping associated with each irrigation area 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 area to ensure they are functioning as designed. Observations shall include collapsed or slumping soil and signs of damage.

### 3. Existing Lagoons Compliance

The intent of this requirement is to demonstrate that lagoons which do not meet the liner requirements of R 323.2237(1) 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 Rules. Information that may be considered by the Department in making this determination includes but is not limited to:

- i. To ensure that leakage from lagoons to surface waters and/or groundwaters of the state is not causing unacceptable impacts, all of the following conditions shall apply unless previously satisfied:
  - a. The permittee shall install groundwater monitoring wells around the perimeter of the lagoons to document both groundwater water quality impacts and groundwater flow direction. A work plan for the installation of the monitoring wells shall be submitted to the Department with the submittal of a basis of design if required under Part I.F.4. below. Within 90 days of approval of the work plan, unless the Department approves an extended period (not to exceed 180 days), the groundwater monitoring wells shall be installed.
  - b. The permittee shall submit a groundwater monitoring plan to the Department for approval within 90 days of the approval of the work plan. This groundwater monitoring plan may be submitted as part of the work plan. The groundwater monitoring plan shall include monitoring of the static groundwater elevation and the following parameters: total phosphorus, total inorganic nitrogen, nitrate nitrogen, nitrite nitrogen, ammonia nitrogen, sodium, chloride, total iron, total manganese, total arsenic, pH, and specific conductance. Groundwater monitoring shall be conducted quarterly until the permittee is notified by the Department that the monitoring can end or be reduced.
  - c. The permittee shall begin implementation of the groundwater monitoring plan within 90 days of approval of the plan, or upon installation of the monitoring wells, whichever occurs last. The results of the groundwater monitoring shall be submitted to the Department quarterly.
  - d. Upon written notification by the Department that unacceptable leakage is impacting surface waters and/or groundwater, the permittee shall develop a work plan to address the leakage. Within 6 months of such notification, the permittee shall submit an approvable lagoon leakage remediation work plan to the Department. The purpose of the lagoon leakage remediation work plan is to control exfiltration from the lagoon treatment system. The study shall include remediation methods, procedures, time schedules, and staff, as appropriate.
  - e. The permittee shall begin implementation of the lagoon leakage remediation work plan within 30 days of approval of the work plan.
  - f. The permittee shall complete implementation of the lagoon leakage remediation work plan and submit an approvable final report with supporting data to the Department on or before within one year of approval of the work plan. The final report shall include a plan and schedule for continued maintenance and monitoring of the lagoon treatment system.

#### 4. Schedule of Compliance

This condition establishes the schedule within which the permittee is required to come into compliance with one (1) of the five (5) treatment methods specified under Part I.A.1. through Part I.E.5. of this permit. The specific due date for each activity required under this condition will be identified in the individual COC.

- i. **On or before 90 days after the effective date of the individual COC**, the permittee shall submit lagoon construction information for any existing lagoons that treat or store wastewater authorized under this permit, to determine compliance with R 323.2237 of the Part 22 Rules. Information that may be considered by the Department includes but is not limited to: the date of lagoon construction; construction design methods and materials including whether liner specifications meet R 323.2237 or provide equivalency as allowed in R 323.2237; and indications of the presence of a direct vent to surface waters and whether such a vent complies with surface water quality standards.
- ii. **On or before 365 days after the effective date of the individual COC**, the permittee shall develop and submit to the Department for review and approval a complete Basis of Design for one of the five treatment methods specified under Part I.A. through Part I.E., of this permit. A complete Basis of Design shall include a treatment flow diagram, sizing of the treatment equipment/processes, an approvable DMP and a proposed construction compliance schedule that includes dates for commencing construction, completing construction, and commencing operation of the treatment system. If applicable, the submittal has also include a Proposed Existing Lagoon Compliance schedule in accordance with Part I.F.3. of this permit or a proposed schedule for the installation of the liner meeting the requirements of R 323.2237. Guidance for developing these documents can be found online at: [https://www.michigan.gov/egle/0,9429,7-135-3313\\_4117-9782--,00.html](https://www.michigan.gov/egle/0,9429,7-135-3313_4117-9782--,00.html). Upon review and approval of this submittal, the Department will issue a modified COC with established dates set forth under Part 1.F.4.ii, iii, iv below.
- iii. **On or before the due date established in the modified individual COC**, the permittee shall submit written certification to the Department that construction has commenced.
- iii. **On or before the due date established in the modified individual COC**, the permittee shall submit written certification to the Department that construction is complete. The permittee shall immediately submit written notification to the Department if there are any significant issues or challenges that would prevent the permittee from meeting the compliance date. Upon review and approval, the Department may revise the date by which the requirements set forth in the modified individual COC are due and send written notification to the permittee. This written notification will become an enforceable part of the individual COC.
- iv. **On or before the due date established in the modified individual COC**, the permittee shall meet the appropriate effluent limits and conditions for the treatment method as specified in the individual COC. The Department will revise the facility's DMRs in accordance with the applicable treatment method. Upon this due date the approved Basis of Design and DMP become enforceable requirements under this permit and the individual COC.
- v. **On or before the due date established in the modified individual COC, and within 30 days after meeting the effluent limits and conditions as specified in iv. above**, the permittee shall develop and submit to the Department for review and approval an O&M Manual and SAP for the constructed treatment system. Upon approval by the Department, the O&M Manual and SAP become enforceable requirements under this permit and the individual COC.

All submittals shall be made via the Department's MiEnviro system. The MiEnviro website is located at <https://mienviro.michigan.gov>. Submittals shall be made under the schedule titled "Facility Upgrades." 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 I

**G. Additional Requirements****1. General Prohibitions**

- i. The discharge shall comply with R 323.2204 of the Part 22 Rules.
- ii. The discharge shall not be, or shall not be likely to become, injurious.
- iii. The discharge shall not cause runoff to, ponding on, or flooding of adjacent property, shall not cause erosion, and shall not cause nuisance conditions.
- iv. 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.
- v. The discharge shall not create a facility as defined in Part 201, Environmental Response, of the NREPA.
- vi. Placement of wells shall not violate the following required minimum well isolation distances, unless lesser or greater isolation distances in an individual case is required by the Department and specified in the COC:

*Table 12: Well Isolation Distances*

<b>Well Classification</b>	<b>Isolation Distance</b>
Type I and Type IIA	200 feet
Type IIB and Type III	75 feet
Private	50 feet

**2. Basis of Design, Discharge Management Plan, Operation and Maintenance Manual, and Sampling and Analysis Plan**

The Basis of Design, Discharge Management Plan (DMP), Operation and Maintenance (O&M) Manual, and Sampling and Analysis Plan (SAP) approved by the Department are enforceable requirements under this permit and the individual COC, and the permittee shall at all times operate the facility in accordance with these approved documents.

Prior to implementation of any modifications to facility management practices or specifications for the land application of wastewater, including but not limited to changes in crops grown, yield goal for those crops, supplemental fertilization provided by the permittee or a third party, or any other change from what is specified in the approved Basis of Design, DMP, O&M Manual, and/or SAP, the permittee shall submit to the Department for review and approval a written request for modification of the relevant document(s). 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 relevant document(s). Approved modifications shall become enforceable requirements under this permit and the COC upon the date of Department approval.

Up-to-date copies of the approved Basis of Design, DMP, O&M Manual, and SAP, including any approved modifications thereto, shall be kept 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 document(s) approved by the Department.

The COC may be modified in accordance with applicable laws and rules as deemed necessary to protect public health and the environment from any adverse effect of the discharge.

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### 3. Sodium and Chloride Requirements

The following conditions shall apply if the discharge from the facility is otherwise in compliance with the sodium and chloride limitations specified in Section 324.3109e(1) of the NREPA and Part 1, Section 1, Effluent Limitations of this permit. In accordance with Section 324.3109e(4) of the NREPA, if the permittee complies with these conditions, the permittee shall not be subject to response activities under Part 201 with respect to the discharge of sodium and chloride.

- i. If the permittee discharges sodium or chloride, or both, into groundwater that migrates off of the property on which the discharge was made and that discharge directly causes the groundwater concentration of sodium or chloride, or both, to exceed the levels of 230 mg/L and 250 mg/L, respectively, provided under Section 324.3109e(2) of the NREPA, the permittee shall do all of the following:
  - a. Initiate a sampling program approved by the Department to monitor downgradient water supply wells for the levels of sodium or chloride, or both, in the water supply.
  - b. If the concentration of sodium in a downgradient water supply exceeds the level provided under Section 324.3109e(2), the permittee shall provide and maintain, for each affected downgradient water supply, free of charge, a point-of-use treatment system approved by the Department that will remove sodium from the water supply so as to be in compliance with the level provided under Section 324.3109e(2).
  - c. If the concentration of chloride in a downgradient water supply exceeds the level provided under Section 324.3109e(2), provide to each affected water supply owner a notice of aesthetic impact with respect to chloride levels.
- ii. If the Department determines there is a change in groundwater quality from a normal operating baseline that indicates the concentration of a substance in groundwater may exceed an applicable limit, then upon written notification from the Department the discharger shall take the following actions:
  - a. Change the monitoring program, including increasing the frequency of effluent sampling or groundwater sampling, or both.
  - b. Review the operational or treatment procedures, or both, at the facility.

### 4. Monitoring Frequency Reduction

After the submittal of 24 months of data, the permittee may request, in writing, for Department approval, a reduction in monitoring frequency for effluent monitoring, as indicated in this permit, to no less than annual. Upon receipt of the written approval from the Department and consistent with such approval, the permittee may reduce the effluent monitoring frequency. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

### 5. Request for Approval to Use Water Additives

Prior to use of any additives, the permittee shall obtain written approval from the Department. Requests for such approval shall be submitted via the Department's MiEnviro system. The MiEnviro website is located at <http://mienviro.michigan.gov>. The *Groundwater Discharge Water Treatment Additive (WTA) Application* form can be found under Apps, Requests, and Reports: Start New Form. Additional monitoring and reporting may be required as a condition for the approval to use the additive.

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

- a. The Safety Data Sheet (SDS);
  - i. 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

## PART I

- ii. 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 specific water treatment additive and shall not be 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.
- b. One hundred percent ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient.
- c. The proposed additive discharge concentration of each additive 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 additive is to be discharged;
- f. The type of removal treatment, if any, that the additive receives prior to discharge;
- g. The specific gravity (if the product is a liquid);
- h. The additive's function (i.e., microbiocide, flocculant, etc.);
- i. Mammalian Toxicity Data: The facility is encouraged to submit mammalian toxicity studies for each product constituent. Preferred studies are sub-chronic or chronic in duration, use the oral route of exposure, examine a wide array of endpoints and identify a no-observable-adverse-effect level. If preferred data are not available, then the minimum information needed is an oral rat LD50 study for each constituent. In addition, an environmental fate analysis that predicts the mobility of the constituents and their potential to migrate to groundwater may be provided.

## 6. Facility Contact

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

- i. The facility contact (or a duly authorized representative of this person) shall be:
  - a. 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 originates, as described in the permit application or other NPDES form,
  - b. for a partnership, a general partner,
  - c. for a sole proprietorship, the proprietor, or
  - d. 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.
- ii. A person is a duly authorized representative only if:
  - a. the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
  - b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

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

## PART I

### 7. Untreated or Partially Treated Sewage Discharge Reporting and Testing Requirements

In accordance with Section 324.3112a of the NREPA, if untreated or partially treated sanitary sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the permittee shall immediately, but not more than 24 hours after the discharge begins, notify 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. The permittee shall also notify the Department via its MiEnviro system on the form entitled "Report of Discharge (CSO\SSO\RTB\Other)." The MiEnviro website is located at <https://mienviro.michigan.gov>. At the conclusion of the discharge, the permittee shall make all such notifications specified in, and in accordance with, Section 324.3112a of the NREPA, and shall notify the Department via its MiEnviro system on the form entitled "Report of Discharge (CSO\SSO\RTB\Other)."

The permittee shall also annually contact municipalities, including the superintendent of a public drinking water supply with potentially affected intakes, whose waters may be affected by the permittee's discharge of untreated or partially treated sewage, and if those municipalities wish to be notified in the same manner as specified above, the permittee shall provide such notification.

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

### 8. Treatment System Closure

- i. In the event that discharges from a treatment system are planned to be eliminated, the permittee shall:
  - a. Not later than five (5) days after use of the facility has ceased, eliminate all physical threats associated with discharge-related facilities.
  - b. Not less than 75 days before cessation of discharge-related activities, characterize any wastewater, sediments, and sludges related to the discharge, in accordance with R 323.2226(4)(a)(i-iii).
- ii. Within 30 days of completing the characterization, the permittee 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.
- iii. 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.
- iv. 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, the permittee shall comply with the requirements of Part 201, as applicable.

## PART I

- v. 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.
- vi. The permittee must certify completion of the approved closure plan. Certification shall be by a qualified person described as follows:
  - a. 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.
  - b. A professional geologist certified by the American Institute of Professional Geologists, 7828 Vance Drive, Suite 103, Arvada, Colorado 80003.
  - c. A professional hydrologist certified by the American Institute of Hydrology, 2499 Rice Street, Suite 135, St. Paul, Minnesota 55113.
  - d. A groundwater professional certified by the National Ground Water Association, Association of Groundwater Scientists and Engineers Division, 601 Dempsey Road, Westerville, Ohio 43081.
  - e. Another groundwater professional certified by an organization approved by the Department.

### 9. Expiration and Reissuance

On or before May 5, 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. The MiEnviro website is located at <https://mienviro.michigan.gov>. Without a timely application for reissuance, the permittee's authorization to discharge will expire on November 1, 2027. 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 and proper closure of the treatment system has been certified in accordance with Part I.B.5. of this permit, the permittee shall submit to the Department a Groundwater Notice of Termination request via MiEnviro at <https://mienviro.michigan.gov>.

### 10. Requirement to Obtain Individual Permit

The Department may require any person who is authorized to discharge, by a COC and this permit, to apply for and obtain an individual permit if any of the following circumstances apply:

- i. the discharger is a significant contributor to pollution as determined by the Department on a case-by-case basis;
- ii. the discharger is not complying or has not complied with the conditions of this permit;
- iii. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of waste applicable to the discharge;
- iv. effluent standards and limitations are promulgated for discharges subject to this permit; and/or
- v. the Department determines that the criteria under which the permit was issued no longer apply.

## PART I

### 10. Compliance Requirements

The permittee shall comply with all applicable requirements set forth in Parts 31 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:

- i. 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.
- ii. Within seven (7) days from the time the permittee becomes aware of the noncompliance, the permittee shall report, in writing, all instances of noncompliance. Written reporting shall include all of the following: (1) the name of the substance(s) for which a limit was exceeded; (2) the concentration at which the substance was found; and (3) the location(s) at which the limit was exceeded.
- iii. 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.
- iv. 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:
  - a. the results of the confirmation sampling,
  - b. an evaluation of the cause for the limit being exceeded and the impact of that event to the groundwater, and
  - c. a proposal detailing steps taken or to be taken to prevent recurrence.
- v. In accordance with R 323.2227 of the Part 22 Rules, the Department may require that the permittee conduct additional activities including, but not limited to, the following:
  - a. change the monitoring program, including increasing the frequency of effluent monitoring or groundwater sampling, or both;
  - b. develop and implement a groundwater monitoring program if one is not in place;
  - c. assess the effects of the discharge on the public water supply system if the discharge is in a designated wellhead protection area;
  - d. review operational or treatment procedures, or both;
  - e. determine the extent to which groundwater quality exceeds the applicable criteria that would designate the site as a facility under Part 201 of the NREPA;
  - f. revise operational procedures;
  - g. change wastewater operation design or construction;
  - h. initiate an alternative method of waste treatment or disposal; and
  - i. remediate contamination to comply with the terms of Part 201 of the NREPA, if applicable.
- vi. 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:
  - a. change the monitoring program, including increasing the frequency of effluent sampling or groundwater sampling, or both; and
  - b. review the operational or treatment procedures, or both.

## PART II

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

### A. Definitions

**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.

**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 shall be reported for that period if a discharge occurs during that period.

**Best management practices (BMPs)** 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.

**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 subsurface soil dispersal system that contains a watertight septic tank with distribution of effluent to subsurface soil trenches or an adsorption bed.

#### **Daily concentration**

FOR PARAMETERS OTHER THAN pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – Daily concentration is the sum of the concentrations of the individual samples of a parameter taken within a calendar day divided by the number of samples taken within that calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations. For guidance and examples showing how to perform calculations using results below quantification levels, see the document entitled “Reporting Results Below Quantification,” available at [https://www.michigan.gov/documents/deq/wrd-npdes-results-quantification\\_620791\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-npdes-results-quantification_620791_7.pdf).

FOR pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – The daily concentration used to determine compliance with maximum daily pH, temperature, and conductivity limitations is the highest pH, temperature, and conductivity readings obtained within a calendar day. The daily concentration used to determine compliance with minimum daily pH and dissolved oxygen limitations is the lowest pH and dissolved oxygen readings obtained within a calendar day.

**Daily monitoring frequency** refers to a 24-hour day. When required by this permit, an analytical result, reading, value, or observation shall be reported for that period if a discharge occurs during that period.

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

**Designated wellhead protection area** means a specific geographic area which is approved by the Department as the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move toward and reach the water well or well field.

**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.

**DMP** means Discharge Management Plan.

**DMR** means Discharge Monitoring Report.

**Effluent** means waste or wastewater during or subsequent to treatment but prior to discharge to groundwaters of the state.

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

**Flow-proportioned sample** is a composite sample with the sample volume proportional to the effluent flow.

**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), biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), organic matter, or nutrients that exceed typical concentrations of residential wastewater. It can also mean the wastewater contains high amounts of certain chemicals, such as disinfectants or cleaning products.

**Individual permit** means a site-specific groundwater discharge permit.

**Influent** means wastewater received by or generated at a facility prior to treatment.

**Injurious** means any damage to or change in the condition of background groundwater quality that causes or may cause groundwater to no longer be fit for one or more protected use.

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

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

**Liquid industrial by-product** means any material that is produced by, is incident to, or results from industrial, commercial, or governmental activity, or any other activity or enterprise, that is determined to be liquid using EPA Method 9095B – Paint Filter Liquids Test, being part of EPA Publication No. SW-846, "Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods," and that is discarded.

**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 shall be reported for that period if a discharge occurs during that period.



**Nuisance conditions** means conditions that cause a substantial unreasonable interference with another person's use or enjoyment of the person's property, including but not limited to, interference caused by any of the following: odors, vectors, noise, pathogens, changes in aesthetic qualities of groundwater.

**O&M Manual** means Operation and Maintenance Manual.

**POTW** means a publicly owned treatment works.

**Protected uses** means uses of groundwater and interests related to groundwater quality as protected in accordance with Section 324.3109(1) of the NREPA.

**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.

**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.

**Residential strength 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 dispersal.

**Sanitary sewage** means treated or untreated wastes that contain only human metabolic wastes or wastes generated and discharged as a result of domestic or restaurant activities.

**SAP** means Sampling and Analysis Plan.

**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.

**ug/L** is a unit of measurement and means micrograms per liter.

**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 or condensing water, and sanitary sewage.

**Waters of the state** means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state, including wetlands as defined by Part 303, Wetlands Protection, of the NREPA, MCL 324.30301 *et seq.*

**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 shall be reported for that period if a discharge occurs during that period.

## PART II

### B. Monitoring Procedures

#### 1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Guidance on how to collect representative samples is contained in Guidesheet III, "Characterization of Wastewater," which is available via the Internet at <https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/WRD/Groundwater-Discharge/characterization-wastewater.pdf>.

#### 2. 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 Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations.** Requests to use test procedures that do not conform as herein specified for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Manager of the Permits Section, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

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

#### 3. Instrumentation

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

#### 4. Recording Results

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

#### 5. Records Retention

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

## PART II

### C. Reporting Requirements

#### 1. Start-Up Notification

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

#### 2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," 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 <https://mienviro.michigan.gov>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20<sup>th</sup> day of the month following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

#### 3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee. Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

#### 4. Additional Monitoring by Permittee

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

Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act, 1987 PA 96, as amended, for assurance of proper facility operation, shall be submitted as required by the Department.

## 5. Compliance Dates Notification

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

## 6. Noncompliance Notification

Compliance with all applicable requirements set forth in Part 31 of the NREPA and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

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

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

## 7. Spill Notification

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

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

## 8. Upset Noncompliance Notification

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

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

## 9. Bypass Prohibition and Notification

- a. Bypass Prohibition  
Bypass is prohibited, and the Department may take an enforcement action, unless:
  - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
  - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass  
If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass  
The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the second page of this permit (if the notice is provided after regular working hours, call: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass  
A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.

- e. **Bypass Not Exceeding Limitations**  
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.
- f. **Definitions**
- 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

## **10. Bioaccumulative Chemicals of Concern (BCC)**

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

## **11. Notification of Changes in Discharge**

The permittee shall notify the Department, in writing, as soon as possible but no later than 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit, for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

## **12. Changes in Facility Operations**

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under R 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such notice, the permit or, if applicable, the facility's COC may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

## **13. Transfer of Ownership or Control**

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

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

#### **14. Signatory Requirements**

All applications, reports, or information submitted to the Department in accordance with the conditions of this permit and that require a signature shall be signed and certified as described in the NREPA.

The NREPA (Section 3115(2)) provides that a person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, COC, or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or COC or in a notice or report required by the terms and conditions of an issued permit or COC, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the Department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, permit, or COC of the Department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

#### **15. Electronic Reporting**

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

## PART II

### D. Management Responsibilities

#### 1. Duty to Comply

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

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

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### 2. Operator Certification

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

#### 3. Facilities Operation

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

#### 4. Power Failures

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

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

#### 5. Adverse Impact

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



## 6. Containment Facilities

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

## 7. Waste Treatment Residues

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

## 8. Right of Entry

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

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

## 9. Availability of Reports

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

## 10. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

## PART II

### E. Activities Not Authorized by This Permit

#### 1. Discharge to the Surface Waters

This permit does not authorize any discharge to the surface waters. Such discharge may be authorized by a surface water discharge permit issued pursuant to the NREPA.

#### 2. Construction or Modification

This permit does not authorize or approve the construction or modification of any wastewater treatment system, physical structure, or facility. Approval for such construction or modification shall be by permit issued under Part 41 of the NREPA for a publicly-owned treatment work (POTW); in accordance with the Mobile Home Commission Act, 1987 PA 96, as amended, for a mobile home park; from the Department's Drinking Water and Environmental Health Division for a campground or marina; and from the Michigan Department of Licensing and Regulatory Affairs, Health Facility Licensing, Permits and Support Division for a hospital, nursing home, or extended care facility.

#### 3. Civil and Criminal Liability

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

#### 4. 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 laws or regulations.

#### 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, including any other Department of Environment, Great Lakes, and Energy permits, or approvals from other units of government as may be required by law.