PERMIT NO. MIG580000

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE GENERAL PERMIT

WASTEWATER STABILIZATION LAGOON EFFLUENT

In compliance with the provisions of the Federal Clean Water Act, 33 U.S.C., Section 1251 *et seq*., as amended (CWA); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2011-1, wastewater that is associated with stabilization lagoon effluent that is authorized to be discharged from facilities specified in individual "Certificates of Coverage" (COC) in accordance with effluent limitations, monitoring requirements and other conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (the "permit").

The applicability of this permit shall be limited to seasonal (spring/fall) discharges of sanitary or municipal wastewater that: (1) have been adequately treated by a wastewater stabilization lagoon; (2) are not subject to the industrial pretreatment program requirements under the NREPA and R 323.2301 through R 323.2317 of the Michigan Administrative Code (Part 23 Rules); and (3) have been determined by the Michigan Department of Environmental Quality (Department) not to need an individual permit. Aerobic lagoons, both mechanically aerated and non-mechanically aerated, which discharge treated sanitary wastewater, are included. The lagoon system shall: (1) meet accepted design criteria as determined by the Department; and (2) comply with secondary treatment standards for lagoon systems in Part I.A.1. of this permit and other requirements and limitations stated herein as specified in the COC. Discharges that may cause or contribute to a violation of a water quality standard (WQS) are not authorized by this permit.

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 the General Permit apply at the individual facility, including if the Groundwater Monitoring for Lagoon Exfiltration/Leakage, Additional Final Effluent Limitation for Total Phosphorus, and/or Residuals Management Program for Land Application of Biosolids for New or Approved Programs.

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

This permit takes effect on April 1, 2019. 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.

This permit shall expire at midnight on **April 1, 2024**.

Issued: January 29, 2019

Original signed by Christine Alexander
Christine Alexander, Manager
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of the occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by **January 15** for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1.

In accordance with Section 324.3132 of the NREPA, the permittee shall make payment of an annual biosolids land application fee to the Department if the permittee land applies biosolids. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 31 of each year.

CONTESTED CASE INFORMATION

The terms and conditions of this permit shall apply to an individual facility on the effective date of a COC for the facility. 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 Environmental Quality, 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

Section A. Final Effluent Limitations and Monitoring Requirements

1. Final Effluent Limitations

During the period beginning on the effective date of an individual COC under this permit, and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated sanitary wastewater to the surface waters of the state of Michigan. Effluent shall be discharged during high-flow conditions in the spring and/or fall of each year. There shall be no discharge from June 1 to September 30 and from January 1 to February 28/29 (see b. below). In addition, there shall be no discharge during periods of significant ice cover on the receiving stream unless authorized by the Department. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration					
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**Monitoring Frequency**	**Sample Type**
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Biochemical Oxygen Demand (BOD_5)	---	---	---	---	30	45	(report)	mg/l	see d. below	Composite
Total Suspended Solids (TSS)										
March – May	---	---	---	---	70	100	(report)	mg/l	see d. below	Composite
October – December	---	---	---	---	40	45	(report)	mg/l	see d. below	Composite
Ammonia Nitrogen (as N)	---	---	---	---	(report)	---	(report)	mg/l	see d. below	Composite
Total Phosphorus (as P)	---	---	---	---	(report)	---	(report)	mg/l	see d. below	Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	(report)	cts/ 100 ml	see d. below	Grab
					Minimum Daily					
pH	---	---	---	---	6.5	---	10	S.U.	see d. below	Grab
Dissolved Oxygen	---	---	---	---	5.0	---	---	mg/l	Daily	Grab

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.

b. Acceptable Discharge Periods
If the Department determines that discharge periods of shorter duration than March 1 through May 31 and/or October 1 through December 31 are necessary to protect water quality, the reduced discharge periods will be stated in the COC. Upon approval by the Upper Peninsula District Supervisor, the spring discharge period may be extended to April 1 through June 21 for facilities located in the Upper Peninsula.

c. Discharges Outside of Acceptable Discharge Periods
For discharges outside the acceptable discharge periods, the permittee shall notify the Department of the potential noncompliance prior to discharge, as required by Part I.A.7. of this permit.

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d. Discharge Management
The discharge is to be managed consistent with all of the following requirements:

1) Cell Isolation - The permittee shall isolate a cell from cells receiving untreated sanitary wastewater at least two weeks in advance of a proposed discharge. There shall be no discharge to the surface waters from unisolated cells.

2) Pre-Discharge Sampling - The permittee shall sample the isolated cell for BOD_5, Total Suspended Solids, Ammonia Nitrogen, Total Phosphorus, Fecal Coliform Bacteria, and pH no more than two weeks in advance of a proposed discharge. Samples shall be drawn from a point approximately five feet from the edge of the cell and one (1) foot beneath the water surface. All samples shall be grab samples. If more than two weeks will pass prior to the beginning of an actual discharge, additional pre-discharge samples shall be obtained, analyzed, and reported to the Department prior to discharge.

3) Discharge Approval Required - The permittee shall notify and receive approval from the appropriate District Supervisor or staff authorized to act on his/her behalf prior to discharge of any effluent for each discharge event. The permittee shall supply the results of all pre-discharge effluent samples and the results of a Dissolved Oxygen sample taken no more than 24 hours prior to notification.

4) Discharge Duration - Multiple discharge events are authorized in the spring and/or fall of each year in accordance with Part I.A.1.b. of this permit and the following provision. Discharge event duration shall not exceed 10 days within a 14-day period. The discharge may be continuous or intermittent during the event. After the discharge event is ended, the permittee shall wait a minimum of seven calendar days prior to initiating a new discharge event.

5) Discharge Sampling Frequency - Flow and Dissolved Oxygen shall be measured daily during discharge. All other parameters shall be measured the first day and every other day during discharge, including the last day of discharge. The Department may approve alternate sampling frequencies that are demonstrated to be representative of the discharge.

6) Discharge Sample Type and Location - The sampling for BOD_5, Total Suspended Solids, Total Phosphorus, and Ammonia Nitrogen shall be 3-portion composite samples or 24-hour composite samples of the effluent. The sampling for Dissolved Oxygen, Fecal Coliform Bacteria, and pH shall be grab samples of the effluent.

e. Discharge Monitoring Reports
Monthly Discharge Monitoring Reports (DMRs) shall be submitted for the months of October, November, December, March, April, May, and June whether or not there has been a discharge. Upper Peninsula facilities authorized under Part I.A.1.b. of this permit shall also submit a monthly DMR for any approved discharge event. Daily DMRs shall be submitted only during months a discharge occurred.

f. Security Fencing
The lagoon shall be enclosed by security fencing. The fencing shall include gates wide enough to accommodate mowing machinery. All gates shall be locked to prevent unauthorized access. Metal warning signs shall be posted on the fencing. Lagoon systems that utilize sophisticated mechanical equipment should consider more secure fencing and access control.

g. Water Treatment Additives
This permit does not authorize the discharge of water treatment additives without approval. Approval of water treatment additives is authorized under separate correspondence. Water treatment additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water treatment additives, including an increased discharge concentration of a previously approved water treatment additive, the permittee shall submit a request for approval in accordance with Part I.A.6. of this permit.

h. Construction Approval
This permit does not authorize the construction or modification of any physical structures of the wastewater treatment facility. The permittee shall receive any required approval of plans and specifications from the appropriate Department before commencing construction of the wastewater treatment facility necessary for compliance with this permit.

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2. Additional Final Effluent Limitation for Total Phosphorus

If the Department determines it is necessary to control total phosphorus discharges to protect downstream water quality, the discharge shall be limited and monitored by the permittee as specified below. Such determination will be indicated in the COC.

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration					
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**Monitoring Frequency**	**Sample Type**
Total Phosphorus (as P)	---	---	---	---	1.0	---	(report)	mg/l	see Part I.A.d.5 above	Composite

3. Facility Operation and Maintenance

The permittee shall comply with the inspection, operation, and maintenance program requirements specified below. An alternate facility operations program may be approved by the Department.

a. Lagoon Inspection
The permittee shall inspect the lagoon facilities three times weekly year-round unless otherwise authorized by the Department. These inspections shall include all of the following:

1) The lagoon dikes for vegetative growth, erosion, slumping, animal burrowing or breakthrough, and condition of the lagoon liner.

2) The lagoon for growth of aquatic plants, offensive odors, insect infestations, scum, floating sludge, and septic conditions.

3) The depth of the water in each cell and the freeboard.

4) The drain pipe to ensure there is no discharge.

5) The control structures and pump stations to assure that valves, gates, and alarms are set correctly and properly functioning.

6) The lagoon security fence and warning signs.

7) Analysis for Dissolved Oxygen in each lagoon cell at least once weekly, except when the lagoons are ice covered. The data shall be kept as retained self-monitoring. See Part II.C.3. of this permit.

The permittee shall initiate steps to correct any condition that is not in accordance with the facility maintenance program outlined in Part I.A.3.b. of this permit. A record of the inspections shall be maintained by the permittee for a period of three (3) years.

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

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

2) At all times, the facility shall be maintained to prevent the negative effects of floating material and/or water perimeter emergent rooted aquatic plants on Dissolved Oxygen concentrations, treatment efficiency, nuisance organisms, offensive odors, or other measurable impacts. However, in no case, even without demonstrated impact, shall the floating material and/or water perimeter emergent rooted aquatic plants exceed forty (40) percent cover.

3) Dike damage due to erosion or animal burrowing shall be corrected immediately and steps taken to prevent occurrences in the future.

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

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

6) A schedule for the inspection and maintenance of the collection system, lift stations, mechanical and electrical systems, transfer stations, and control structures shall be developed and implemented.

c. Lagoon Drawdown Conditions
The permittee shall observe all of the following conditions when drawing down a cell for transfer or discharge, unless otherwise authorized by the Department:

1) Water discharged shall be removed from the surface two feet of the cell at a rate of less than one (1) foot per day.

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

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

4. Groundwater Monitoring for Lagoon Exfiltration/Leakage

This condition is required if specified in the COC. The intent of this requirement is to demonstrate that lagoons have not impacted, and are not likely to impact, surface waters and/or groundwaters of the state in accordance with Part 31 of the NREPA; specifically, Part 4, Water Quality Standards (Part 4 Rules), and R 323.2222 of Part 22, Groundwater Quality Administrative Rules (Part 22 Rules). Information that may be/has been considered by the Department in making this determination includes but is not limited to: the date of lagoon construction; construction design methods and materials including whether liner specifications meet R 323.2237 of the Part 22 Rules or provide equivalency as allowed in R 323.2237; and indications of the presence of a direct vent to surface waters and whether such vent complies with surface water quality standards.

To ensure that leakage from lagoons to surface waters and/or groundwaters of the state is not causing unacceptable impacts, 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. A plan for the monitoring wells shall be submitted to the Department for approval within 90 days of notification by the Department. Within 90 days of approval of the plan, unless the Department approves an extended period (not to exceed 180 days), the groundwater monitoring wells shall be installed.

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b. The permittee shall submit a groundwater monitoring plan to the Department for approval within 90 days of the effective date of this permit. This groundwater monitoring plan may be submitted as part of the monitoring well work plan. The monitoring plan shall include monitoring of the groundwater elevation and the following parameters: total phosphorus, dissolved phosphorus, total inorganic nitrogen, sodium, chloride, pH, and specific conductance. 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 monitoring plan within 90 days of approval of the monitoring plan, or upon installation of the monitoring well, whichever occurs last. The result of the monitoring shall be submitted to the Department quarterly.

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 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.

Based on the results of groundwater monitoring, the Department may require the permittee to obtain an individual permit, as described under Part I.A.13. of this permit, to address compliance with R.323.2222 or surface water quality standards.

5. Quantification Levels and Analytical Methods for Selected Parameters

Quantification levels (QLs) are specified for selected parameters in the table below. These QLs shall be considered the maximum acceptable unless a higher QL is appropriate because of sample matrix interference. Justification for higher QLs shall be submitted to the Department within 30 days of such determination. Where necessary to help ensure that the QLs specified can be achieved, analytical methods may also be specified in the table below. The sampling procedures, preservation and handling, and analytical protocol for all monitoring conducted in compliance with this permit, including monitoring conducted to meet the requirements of the application for permit reissuance, shall be in accordance with the methods specified in the table below, or in accordance with Part II.B.2. of this permit if no method is specified in the table below, unless an alternate method is approved by the Department. With the exception of total mercury, all units are in ug/l. The table is continued on the following page:

Parameter	QL	Units	Analytical Method
1,2-Diphenylhydrazine (as Azobenzene)	3.0	ug/l	
2,4,6-Trichlorophenol	5.0	ug/l	
2,4-Dinitrophenol	19	ug/l	
3,3'-Dichlorobenzidine	1.5	ug/l	EPA Method 605
4-Chloro-3-Methylphenol	7.0	ug/l	
4,4'-DDD	0.05	ug/l	EPA Method 608
4,4'-DDE	0.01	ug/l	EPA Method 608
4,4'-DDT	0.01	ug/l	EPA Method 608
Acrylonitrile	1.0	ug/l	
Aldrin	0.01	ug/l	EPA Method 608
Alpha-Hexachlorocyclohexane	0.01	ug/l	EPA Method 608
Antimony, Total	1	ug/l	

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Parameter	QL	Units	Analytical Method
Arsenic, Total	1	ug/l	
Barium, Total	5	ug/l	
Benzidine	0.1	ug/l	EPA Method 605
Beryllium, Total	1	ug/l	
Beta-Hexachlorocyclohexane	0.01	ug/l	EPA Method 608
Bis (2-Chloroethyl) Ether	1.0	ug/l	
Bis (2-Ethylhexyl) Phthalate	5.0	ug/l	
Boron, Total	20	ug/l	
Cadmium, Total	0.2	ug/l	
Chlordane	0.01	ug/l	EPA Method 608
Chloride	1.0	mg/l	
Chromium, Hexavalent	5	ug/l	
Chromium, Total	10	ug/l	
Copper, Total	1	ug/l	
Cyanide, Available	2	ug/l	EPA Method OIA 1677
Cyanide, Total	5	ug/l	
Delta-Hexachlorocyclohexane	0.01	ug/l	EPA Method 608
Dieldrin	0.01	ug/l	EPA Method 608
Di-N-Butyl Phthalate	9.0	ug/l	
Endosulfan I	0.01	ug/l	EPA Method 608
Endosulfan II	0.01	ug/l	EPA Method 608
Endosulfan Sulfate	0.01	ug/l	EPA Method 608
Endrin	0.01	ug/l	EPA Method 608
Endrin Aldehyde	0.01	ug/l	EPA Method 608
Fluoranthene	1.0	ug/l	
Heptachlor	0.01	ug/l	EPA Method 608
Heptachlor Epoxide	0.01	ug/l	EPA Method 608
Hexachlorobenzene	0.01	ug/l	EPA Method 612
Hexachlorobutadiene	0.01	ug/l	EPA Method 612
Hexachlorocyclopentadiene	0.01	ug/l	EPA Method 612
Hexachloroethane	5.0	ug/l	
Lead, Total	1	ug/l	
Lindane	0.01	ug/l	EPA Method 608
Lithium, Total	10	ug/l	
Mercury, Total	0.5	ng/l	EPA Method 1631E
Nickel, Total	5	ug/l	
PCB-1016	0.1	ug/l	EPA Method 608
PCB-1221	0.1	ug/l	EPA Method 608
PCB-1232	0.1	ug/l	EPA Method 608
PCB-1242	0.1	ug/l	EPA Method 608
PCB-1248	0.1	ug/l	EPA Method 608
PCB-1254	0.1	ug/l	EPA Method 608
PCB-1260	0.1	ug/l	EPA Method 608
Pentachlorophenol	1.8	ug/l	
Perfluorooctane sulfonate (PFOS)	2.0	ng/l	ASTM D7979 or an isotope dilution method (sometimes referred to as Method 537 modified)
Perfluorooctanoic acid (PFOA)	2.0	ng/l	ASTM D7979 or an isotope dilution method (sometimes referred to as Method 537 modified)

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Parameter	QL	Units	Analytical Method
Phenanthrene	1.0	ug/l	
Phosphorus (as P), Total	10	ug/l	
Selenium, Total	1.0	ug/l	
Silver, Total	0.5	ug/l	
Strontium, Total	1000	ug/l	
Sulfate	2.0	mg/l	
Sulfides, Dissolved	20	ug/l	
Thallium, Total	1	ug/l	
Toxaphene	0.1	ug/l	EPA Method 608
Vinyl Chloride	0.25	ug/l	
Zinc, Total	10	ug/l	

6. Request for Approval to Use Water Treatment Additives

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

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

a. The Safety Data Sheet (SDS).

b. Ingredient information, including the name of each ingredient, Chemical Abstracts Service (CAS) number for each ingredient, and fractional content by weight for each ingredient.

c. The proposed water treatment additive discharge concentration with supporting calculations.

d. The discharge frequency (i.e., number of hours per day and number of days per year).

e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged.

f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge.

g. The water treatment additive's function (i.e., microbiocide, flocculant, etc.).

h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp*., *Daphnia sp*., or *Simocephalus sp*.). The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated.

i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

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

In accordance with Section 324.3112a of the NREPA, if untreated sewage, including sanitary sewer overflows (SSO) and combined sewer overflows (CSO), or partially treated sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the entity responsible for the sewer system shall immediately, but not more than 24 hours after the discharge begins, notify, by telephone, the Department, local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located that the discharge is occurring.

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 combined sewage, and if those municipalities wish to be notified in the same manner as specified above, the permittee shall provide such notification. Such notification shall also include a daily newspaper in the county of the affected municipality.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the “Report of Discharge Form” available via the internet at: https://www.michigan.gov/egle/maps-data/mienviroportal or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the NREPA, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *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 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. The results of this testing shall be submitted with the written notification required above, or, if the results are not yet available, submit them as soon as they become available. This testing is not required, if the testing has been waived by the local health department, or if the discharge(s) did not affect surface waters.

Permittees accepting sanitary or municipal sewage from other sewage collection systems are encouraged to notify the owners of those systems of the above reporting and testing requirements.

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8. 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 ten (10) days after replacement (including the name, address and telephone number of the new facility contact).

a. The facility contact shall be (or a duly authorized representative of this person):
- 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.
- For a partnership, a general partner.
- For a sole proprietorship, the proprietor.
- For a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee.

b. A person is a duly authorized representative only if both of the following apply:
- The authorization is made in writing to the Department by a person described in paragraph a. of this section.
- 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.

9. Monthly Operating Reports

For wastewater treatment facilities that serve the public, Part 41, Sewerage Systems, of the NREPA, specifically Section 324.4106 and associated R 299.2953, requires that the permittee file with the Department, on forms prescribed by the Department, operating reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into waters of the state.

FOR ALL **NEW** DISCHARGERS:
Within 60 days prior to start-up of the treatment facility, the permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. Applicable forms and guidance are available on the Department's web site at http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html. The permittee may use alternate forms if they are consistent with the approved treatment facility monitoring program. Unless the Department provides written notification to the permittee that monthly submittal of operating reports is required, operating reports that result from implementation of the approved treatment facility monitoring program shall be maintained on site for a minimum of three (3) years and shall be made available to the Department for review upon request.

FOR ALL **EXISTING** DISCHARGERS**:**
Within 30 days of the effective date of the COC, the permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. Applicable forms and guidance are available on the Department's web site at http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html. The permittee may use alternate forms if they are consistent with the approved treatment facility monitoring program. Unless the Department provides written notification to the permittee that monthly submittal of operating reports is required, operating reports that result from implementation of the approved treatment facility monitoring program shall be maintained on site for a minimum of three (3) years and shall be made available to the Department for review upon request.

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10. Residuals Management Program (RMP) for Land Application of Biosolids: First RMP, including new uses (The individual COC indicates if applicable.)

A permittee seeking authorization to land-apply bulk biosolids or prepare bulk biosolids for land application shall develop and submit an RMP to the Department (see Part I.A.10.e. of this permit) for approval. Effective upon Department approval of the permittee's RMP, the permittee is authorized to land-apply bulk biosolids or prepare bulk biosolids for land application in accordance with the requirements established in R 323.2401 through R 323.2418 of the Michigan Administrative Code (Part 24 Rules) which can be obtained via the internet (http://www.michigan.gov/deq/ and near the top of the screen click on Water, Wastewater, Surface Water, then click on Biosolids & Industrial Pretreatment, Biosolids, then click on Biosolids Laws and Rules Information which is under the Laws & Rules banner in the center of the screen). The permittee's approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with Part II.D.7. of this permit.

a. RMP Approval and Implementation
A permittee seeking approval of an RMP shall submit the RMP to the Department (see Part I.A.10.e. of this permit) at least 180 days prior to the land application of biosolids. The permittee may utilize the RMP Electronic Form which can be obtained via the internet (http://www.michigan.gov/biosolids then click on RMP Electronic Form which is under the Downloads banner in the center of the screen) or obtain detailed requirements from the Department. The RMP shall become effective and shall be implemented by the permittee upon written approval by the Department.

b. Annual Report
On or before October 30 of each year, the permittee shall submit an annual report to the Department for the previous fiscal year of October 1 through September 30. The report shall be submitted electronically via the Department's MiEnviro system at https://www.michigan.gov/egle/maps-data/mienviroportal. At a minimum, the report shall contain:

1) A certification that current residuals management practices are in accordance with the approved RMP, or a proposal for modification to the approved RMP.

2) A completed Biosolids Annual Report Form, available at https://www.michigan.gov/egle/maps-data/mienviroportal.

c. Modifications to the Approved RMP
Prior to implementation of modifications to the RMP, the permittee shall submit proposed modifications to the Department (see Part I.A.10.e. of this permit) for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

d. Recordkeeping
Records required by the Part 24 Rules shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

e. Contact Information
RMP-related submittals shall be made to the Department.

PART I

Section A. Final Effluent Limitations and Monitoring Requirements

11. Residuals Management Program for Land Application of Biosolids: APPROVED RMPs (The individual COC indicates if applicable.)

The permittee is authorized to land-apply bulk biosolids or prepare bulk biosolids for land application in accordance with the permittee's approved RMP approved on the date specified in the COC and approved modifications thereto, in accordance with the requirements established in R 323.2401 through R 323.2418 of the Michigan Administrative Code (Part 24 Rules). The approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling, and other residual disposal activities shall be conducted in accordance with Part II.D.7. of this permit. The Part 24 Rules can be obtained via the internet (http://www.michigan.gov/deq/ and near the top of the screen click on Water, Wastewater, Surface Water, then click on Biosolids & Industrial Pretreatment, Biosolids, then click on Biosolids Laws and Rules Information which is under the Laws & Rules banner in the center of the screen)

a. Annual Report
On or before October 30 of each year, the permittee shall submit an annual report to the Department for the previous fiscal year of October 1 through September 30. The report shall be submitted electronically via the Department's MiEnviro system at https://www.michigan.gov/egle/maps-data/mienviroportal. At a minimum, the report shall contain:

1) A certification that current residuals management practices are in accordance with the approved RMP, or a proposal for modification to the approved RMP.

2) A completed Biosolids Annual Report Form, available at https://www.michigan.gov/egle/maps-data/mienviroportal.

b. Modifications to the Approved RMP
Prior to implementation of modifications to the RMP, the permittee shall submit proposed modifications to the Department (see Part I.A.11.d. for this permit) for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

c. Record Retention
Records required by the Part 24 Rules shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

d. Contact Information
RMP-related submittals shall be made to the Department.

12. Expiration and Reissuance

On or before October 1, 2023, a permittee seeking continued authorization to discharge under this permit beyond the permit's expiration date shall submit to the Department a written request containing such information, forms, and fees as required by the Department. Without an adequate request, a permittee's authorization to discharge will expire on **April 1, 2024**. With an adequate request, a permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the request, unless this permit is terminated or revoked.

If this permit is terminated or revoked, 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 of any required action. Without an adequate response, a permittee's authorization to discharge will terminate on the effective date of the modified permit. With an adequate response, a permittee shall be subject to the terms and conditions of the modified permit on the effective date of the modified permit unless the Department notifies the permittee otherwise.

If a discharge is terminated, the permittee shall request termination of discharge authorization.

PART I

Section A. Final Effluent Limitations and Monitoring Requirements

13. 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 NPDES permit if any of the following circumstances apply:

a. The discharger is a significant contributor to pollution as determined by the Department on a case-by-case basis.

b. The discharger is not complying or has not complied with the conditions of this permit.

c. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of waste applicable to the point source discharge.

d. Effluent standards and limitations are promulgated for point source discharges subject to this permit.

e. The Department determines that the criteria under which the permit was issued no longer apply.

Any person may request the Department to take action pursuant to the provisions of Rule 2191 (R 323.2191 of the Michigan Administrative Code).

14. Industrial Waste Pretreatment Program

It is understood that the permittee does not receive the discharge of any type or quantity of substance which may cause interference with the operation of the treatment works; and, therefore, the permittee is not required to immediately develop an industrial pretreatment program in accordance with Section 307 of the CWA. The permittee is required to comply with Section 307 of the CWA upon accepting any such discharge for treatment. The permittee is required to notify the Department within thirty (30) days if any user discharges or proposes to discharge such wastes to the permittee for treatment.

Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

a. Pollutants which cause pass-through or interference.

b. Pollutants which create a fire hazard or explosion hazard in the sewerage system, including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in Title 40 of the Code of Federal Regulations (CFR), Section 261.21.

c. Pollutants which will cause corrosive structural damage to the sewerage system; but in no case, discharges with pH less than 5.0, unless the works is specifically designed to accommodate such discharges.

d. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewerage system resulting in interference.

e. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment plant.

f. Heat in amounts which will inhibit biological activity in the treatment plant resulting in interference; but in no case, heat in such quantities that the temperature at the treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Department, upon request of the permittee, approves alternate temperature limits.

g. Pollutants which result in the presence of toxic gases, vapors or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems.

PART I

Section A. Final Effluent Limitations and Monitoring Requirements

h. Any trucked or hauled pollutants, except at discharge points designated by the permittee.
If information is gained by the Department that the permittee receives or is about to receive industrial wastes, then the permittee may be required to obtain an individual permit (see Part I.A.13. of this permit).

15. Industrial Waste (for non-POTWs such as mobile home parks, campgrounds, nursing homes and marinas)

Under no circumstances shall the permittee allow introduction of waste into the sewerage system other than domestic sewage generated by the facility named on the COC.

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

Section A. Definitions

Acute toxic unit (TU_A) means $100/LC_{50}$ where the LC_{50} is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

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.

Authorized public agency means a state, local, or county agency that is designated pursuant to the provisions of Section 9110 of Part 91 of the NREPA to implement soil erosion and sedimentation control requirements with regard to construction activities undertaken by that agency.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into storm water, to direct the flow of storm water, or to treat polluted storm water.

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than eight (8) weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

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

Chronic toxic unit (TU_C) means $100/MATC$ or $100/IC_{25}$, where the maximum acceptable toxicant concentration (MATC) and IC_{25} are expressed as a percent effluent in the test medium.

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.

Combined sewer system is a sewer system in which storm water runoff is combined with sanitary wastes.

PART II

Section A. Definitions

Daily concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the permit, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).

For pH, report the maximum value of any *individual* sample taken during the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs and the minimum value of any *individual* sample taken during the month in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. For dissolved oxygen, report the minimum concentration of any *individual* sample in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

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 Environmental Quality.

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 surface water of the state.

EC_{50} means a statistically or graphically estimated concentration that is expected to cause one (1) or more specified effects in 50% of a group of organisms under specified conditions.

Fecal coliform bacteria monthly
FOR WASTEWATER STABILIZATION LAGOONS (WWSLs) THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a discharge event. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. If the period in which the discharge event occurred was partially in each of two months, the calculated monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a reporting month. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR.

PART II

Section A. Definitions

Fecal coliform bacteria 7-day
FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days of discharge during a discharge event. If the number of daily concentrations determined during the discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean value for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days in a reporting month. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. The first calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

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

General permit means a National Pollutant Discharge Elimination System permit issued authorizing a category of similar discharges.

Geometric mean is the average of the logarithmic values of a base 10 data set, converted back to a base 10 number.

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

IC_{25} means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Individual permit means a site-specific NPDES permit.

PART II

Section A. Definitions

Inlet means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations, or its sludge processes, use, or disposal; and (2) is therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the CWA, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference].

Land application means 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.

LC_{50} means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period event divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a reporting period. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the “AVERAGE” column under “QUANTITY OR LOADING” on the DMR.

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.

Municipal separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a publicly-owned treatment works as defined in 40 CFR, Section 122.2.

PART II

Section A. Definitions

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the CWA that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the CWA. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact cooling water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Outfall is the location at which a point source discharge enters the surface waters of the state.

Part 91 agency means an agency that is designated by a county board of commissioners pursuant to the provisions of Section 9105 of Part 91 of the NREPA; an agency that is designated by a city, village, or township in accordance with the provisions of Section 9106 of Part 91 of the NREPA; or the Department for soil erosion and sedimentation activities under Part 615, Supervisor of Wells; Part 631, Reclamation of Mining Lands; or Part 632, Nonferrous Metallic Mineral Mining, of the NREPA pursuant to the provisions of Section 9115 of Part 91 of the NREPA.

Part 91 permit means a soil erosion and sedimentation control permit issued by a Part 91 agency pursuant to the provisions of Part 91 of the NREPA.

Partially treated sewage is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's National Pollutant Discharge Elimination System permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

Point of discharge is the location of a point source discharge where storm water is discharged directly into a separate storm sewer system.

Point source discharge means a discharge from any discernible, confined, discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source discharge where the runoff from the site is ultimately discharged to waters of the state.

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment works.

PART II

Section A. Definitions

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

Public (as used in the MS4 individual permit) means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

Public body means the United States; the state of Michigan; a city, village, township, county, school district, public college or university, or single-purpose governmental agency; or any other body which is created by federal or state statute or law.

Qualified Personnel means an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Storm Water Certified Operator to collect the storm water sample.

Qualifying storm event means a storm event causing greater than 0.1-inch of rainfall and occurring at least 72 hours after the previous measurable storm event that also caused greater than 0.1-inch of rainfall. Upon request, the Department may approve an alternate definition meeting the condition of a qualifying storm event.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly monitoring frequency refers to a three (3)-month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value, or observation shall be reported for that period if a discharge occurs during that period.

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Regulated area means the permittee's urbanized area, where urbanized area is defined as a place and its adjacent densely-populated territory that together have a minimum population of 50,000 people as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Secondary containment structure means a unit, other than the primary container, in which significant materials are packaged or held, which is required by State or Federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface or ground waters of this state.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which is not a combined sewer where storm water mixes with sanitary wastes, and is not part of a POTW.

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

PART II

Section A. Definitions

Significant materials Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111 of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills and significant leaks means any release of a polluting material reportable under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

Special-use area means secondary containment structures required by state or federal law; lands on Michigan's List of Sites of Environmental Contamination pursuant to Part 201, Environmental Remediation, of the NREPA; and/or areas with other activities that may contribute pollutants to the storm water for which the Department determines monitoring is needed.

Stoichiometric means the quantity of a reagent calculated to be necessary and sufficient for a given chemical reaction.

Storm water means storm water runoff, snow melt runoff, surface runoff and drainage, and non-storm water included under the conditions of this permit.

Storm water discharge point is the location where the point source discharge of storm water is directed to surface waters of the state or to a separate storm sewer. It includes the location of all point source discharges where storm water exits the facility, including *outfalls* which discharge directly to surface waters of the state, and *points of discharge* which discharge directly into separate storm sewer systems.

SWPPP means the Storm Water Pollution Prevention Plan prepared in accordance with this permit.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Total maximum daily loads (TMDLs) are required by the CWA for waterbodies that do not meet water quality standards. TMDLs represent the maximum daily load of a pollutant that a waterbody can assimilate and meet water quality standards, and an allocation of that load among point sources, nonpoint sources, and a margin of safety.

Toxicity reduction evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

Weekly monitoring frequency refers to a calendar week which 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

Section A. Definitions

WWSL is a wastewater stabilization lagoon.

WWSL discharge event is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 14-day period.

3-portion composite sample is a sample consisting of three equal-volume grab samples collected at equal intervals over an 8-hour period.

7-day concentration
FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily concentrations determined. If the number of daily concentrations determined during the WWSL discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the WWSL discharge event in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations in the reporting month. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

7-day loading
FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily loadings determined. If the number of daily loadings determined during the WWSL discharge event is less than 7 days, the number of actual daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the WWSL discharge event in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days in a reporting month divided by the number of daily loadings determined. If the number of daily loadings determined is less than 7, the actual number of daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations in the reporting month. When required by the permit, report the maximum calculated 7-day loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

24-hour composite sample is a flow-proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period. A time-proportioned composite sample may be used upon approval of the Department if the permittee demonstrates it is representative of the discharge.

PART II

Section 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.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the CWA (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 not promulgated under 40 CFR Part 136 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 Environmental Quality, 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 Control/Quality Assurance 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 Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

1. Start-Up Notification for New or Upgraded Facilities

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 at https://www.michigan.gov/egle/maps-data/mienviroportal to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20th day of the month following each month of the authorized discharge period(s). 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 (April 1st for animal feeding operation facilities) 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 (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.

PART II

Section C. Reporting Requirements

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 the CWA, Parts 31 and 41 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** dial 1-517-373-7660).

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

PART II

Section C. Reporting Requirements

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, all of 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).

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 all of the following apply:

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.

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, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.

Section C. Reporting Requirements

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.

PART II

Section C. Reporting Requirements

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 in accordance with applicable laws and rules.

14. Operations and Maintenance Manual

For wastewater treatment facilities that serve the public (and are thus subject to Part 41 of the NREPA), Section 4104 of Part 41 and associated Rule 2957 of the Michigan Administrative Code allow the Department to require an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information: permit standards; descriptions and operation information for all equipment; staffing information; laboratory requirements; recordkeeping requirements; a maintenance plan for equipment; an emergency operating plan; safety program information; and copies of all pertinent forms, as-built plans, and manufacturer's manuals.

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least sixty days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing wastewater treatment facility.

PART II

Section C. Reporting Requirements

15. 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 CWA and the NREPA.

The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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.

16. 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.

PART II

Section 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/or the CWA 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.

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.

PART II

Section D. Management Responsibilities

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 Publicly Owned Treatment Work (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, or the Regional Administrator, upon the presentation of credentials and, for animal feeding operation facilities, following appropriate biosecurity protocols:

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.

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 Section 308 of the CWA and 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 and the Regional Administrator. As required by the CWA, 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 Section 309 of the CWA and 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

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the NREPA.

2. POTW Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities at a POTW. Approval for the construction or modification of any physical structures or facilities at a POTW shall be by permit issued under Part 41 of the NREPA.

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. Oil and Hazardous Substance Liability

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 to which the permittee may be subject under Section 311 of the CWA except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA.

6. 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 permits, or approvals from other units of government as may be required by law.