PERMIT NO. MIG960000

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT AUTHORIZING LAND APPLICATION OF BIOSOLIDS

In compliance with the provisions of the federal Clean Water Act (federal Water Pollution Control Act, 33 U.S.C., Section 1251 *et seq*., as amended); 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 2019-06, biosolids are authorized to be land applied by facilities specified in individual Certificates of Coverage (COCs) in accordance with limitations, monitoring requirements and other conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (permit).

The applicability of this permit shall be limited to biosolids that a) are applied to the land in bulk; b) meet the requirements of Part 31 of the NREPA and R 323.2401 through R 323.2418 of the Michigan Administrative Code (Part 24 Rules); and c) have been determined by the Michigan Department of Environment, Great Lakes, and Energy (Department) not to need an individual NPDES permit. The land application of biosolids that may cause or contribute to a violation of the Part 24 rules is not authorized by this permit.

In order to constitute a valid authorization to land-apply biosolids, this permit must be complemented by a COC issued by the Department. Prior to any biosolids land application, this permit requires permittees to submit for approval a Residuals Management Program (RMP), consistent with the Part 24 Rules. Upon approval, the RMP becomes an enforceable requirement of this permit.

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, 2020. 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, 2025**.

Issued: November 25, 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 occurrence of land application of biosolids. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiEnviro system. The MiEnviro website is located at https://www.michigan.gov/egle/maps-data/mienviroportal. Payment shall be submitted or postmarked by January 15 for notices mailed by December 1. Payment shall be submitted or postmarked 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. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiEnviro system. The MiEnviro website is located at https://www.michigan.gov/egle/maps-data/mienviroportal. Payment shall be submitted or postmarked no later than January 31 of each year for notices mailed by December 15. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after December 15.

CONTESTED CASE INFORMATION

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

PART I

Section A. Limitations and Monitoring Requirements

1. Residuals Management Program

A permittee seeking authorization to land-apply bulk biosolids or prepare bulk biosolids for land application shall develop and submit a Residuals Management Program (RMP) to the Department for approval. Effective upon Department approval of the permittee's RMP, the permittee is authorized to land-apply bulk biosolids or prepare bulk biosolids for land application in accordance with the approved RMP and the requirements established in R 323.2401 through R 323.2418 of the Michigan Administrative Code (Part 24 Rules). The permittee's approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with Part II.D.5. of this permit. The Part 24 Rules can be obtained via the internet (http://www.michigan.gov/egle/ and near the top of the screen click on Water, then towards the bottom right of the screen click on Permits, Wastewater, Biosolids, then click on Biosolids Laws and Rules Information which is under the Laws & Rules banner in the center of the screen).

a. RMP Approval and Implementation
A permittee seeking approval of an RMP shall submit the RMP to the Department at least 180 days prior to the land application of biosolids. The permittee may utilize the Biosolids Residuals Management Program (RMP) Form which can be obtained via the internet (http://www.michigan.gov/biosolids, then click on the Biosolids Residuals Management Program (RMP) 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 from the Department.

b. Annual Report
On or before October 30 of each year, the permittee shall submit an annual report to the Department for the previous fiscal year of October 1 through September 30. The report shall be submitted electronically via the Department's MiEnviro 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; and

2) a completed Annual Report Form for Reporting Biosolids, 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 for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

d. Record Keeping
Records required by the Part 24 Rules shall be kept for a minimum of five (5) years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

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

PART I

Section A. Limitations and Monitoring Requirements

2. Limitations and Monitoring

During the period beginning on the effective date of this permit and an individual COC, and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to land-apply biosolids to agricultural land, silviculture land, reclamation sites, or other lands authorized under the NREPA in accordance with the terms of this permit and the individual COC. Biosolids that are land applied shall be monitored as specified below.

	Concentration				
Parameter	**Annual Minimum**	**Annual Average**	**Annual Maximum**	**Units**	**Monitoring Frequency**
Arsenic	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Cadmium	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Copper	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Lead	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Mercury	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Molybdenum	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Nickel	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Selenium	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Zinc	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Total Kjeldahl Nitrogen	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Ammonia Nitrogen	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Nitrate Nitrogen	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Total Phosphorus	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Total Potassium	(report)	(report)	(report)	mg/kg – dry wt	see d. below
Total Solids	(report)	(report)	(report)	%	see d. below

a. Ceiling Pollutant Concentrations
In accordance with R 323.2409(1) of the Part 24 Rules, this permit does not authorize the land application of biosolids that exceed the Ceiling Pollutant Concentration for any parameter shown below.

Parameter	**Ceiling Pollutant Concentration**	**Units**
Arsenic	75	mg/kg – dry wt
Cadmium	85	mg/kg – dry wt
Copper	4300	mg/kg – dry wt
Lead	840	mg/kg – dry wt
Mercury	57	mg/kg – dry wt
Molybdenum	75	mg/kg – dry wt
Nickel	420	mg/kg – dry wt
Selenium	100	mg/kg – dry wt
Zinc	7500	mg/kg – dry wt

PART I

Section A. Limitations and Monitoring Requirements

b. Vector Attraction Reduction Requirements
The permittee shall comply with one of the vector attraction reduction requirements that includes, but is not limited to, percent solids reduction, pH adjustment, and aerobic processes identified in R 323.2415, along with the provisions on time allotted for incorporation into the soil.

c. Pathogen Reduction Requirements
The permittee shall meet either the class A or class B pathogen requirements for biosolids. A and B biosolids classifications are determined by pH adjustment and temperature criteria, percent solids, and organism testing results defined in R 323.2414. Treatment alternatives to achieve the pathogen reduction criteria are described in R 323.2418.

d. Monitoring Frequency
For all parameters identified in Part I.A.2. above as well as the pathogen reduction and vector attraction reduction requirements specified in b. and c. above, the permittee shall comply with the frequency of monitoring specified below in accordance with the amount of biosolids land applied. If necessary to obtain representative data or to meet the requirements of R 323.2412(4) of the Part 24 Rules, the Department may, upon written notification to the permittee, require additional monitoring beyond that specified below.

Biosolids Land Applied Per Year – English Dry Tons	**Required Monitoring Frequency**
Greater than zero, but less than 320	Annually (Once per year)
Equal to or greater than 320, but less than 1,650	Quarterly (4 times per year)
Equal to or greater than 1,650, but less than 16,500	Once per 60 days (6 times per year)
Equal to or greater than 16,500	Monthly (12 times per year)

e. Monitoring Frequency Increase
If any pollutant concentration in the biosolids exceeds the Pollutant Concentrations set forth in R 323.2409(5)(c) of the Part 24 Rules, the permittee shall increase the monitoring frequency to not less than twice that specified in d. above until pollutant concentrations are at or below the limitations set forth in R 323.2409(5)(c).

f. Discharge Monitoring Reports (DMRs)
The analytical results of all monitoring specified in Part I.A.2. above shall be reported on the Summary tab of the permittee's DMR via the Department's MiEnviro system unless and until the permittee is instructed in writing by the Department to do otherwise. The MiEnviro website is located at https://www.michigan.gov/egle/maps-data/mienviroportal.

g. Monitoring Frequency Reduction
After the submittal of two (2) years of monitoring data, the permittee may request a reduction in monitoring frequency for pollutant concentrations and pathogen density. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency specified in d. above. The monitoring frequency shall not be reduced to less than once per year. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

PART I

Section A. Limitations and Monitoring Requirements

h. Concentration Reporting Requirements
For each parameter specified in Part I.A.2. above, the permittee shall report the lowest concentration obtained during the year (Annual Minimum), the highest concentration obtained during the year (Annual Maximum), and the arithmetic average of all concentrations obtained during the year (Annual Average).

3. Soil Fertility Testing

Soil fertility tests on soils sampled from each land application site shall be performed prior to initial biosolids application. The soils shall be resampled and tested on a regular basis so that the last soil fertility test is not more than two (2) years old at the time of the next biosolids application. Representative soils from each land application site shall be analyzed for pH, lime requirement, extractable phosphorus, potassium, calcium, and magnesium.

4. Management Requirements

a. Endangered Species Act
The permittee shall not land-apply biosolids if doing so is likely to adversely affect a threatened or endangered species listed under Section 36503 of the Federal Endangered Species Act or its designated critical habitat.

b. Site Conditions
The permittee shall not apply biosolids to agricultural land, a forest, silviculture land, a public contact site, or a reclamation site that is flooded, saturated with water, frozen, or snow covered so that the biosolids enter a wetland or other waters of the state. Land application on frozen or snow-covered sites shall be conducted in accordance with R 323.2410(3).

c. Slope of Land
The permittee shall not apply biosolids on lands having a slope greater than six (6) percent for surface application or 12 percent for subsurface injected biosolids, unless otherwise approved by the Department. Bulk biosolids that meet the criteria for exceptional quality as defined in Part II.A. of this permit are exempt from this requirement.

d. Agronomic Rates
The permittee shall apply biosolids to agricultural land, a forest, silviculture land, a public contact site, or reclamation site at an application rate equal to or less than the agronomic rate in accordance with R 323.2410(5), (8), (9), and (10).

e. Landowner Written Consent
The permittee shall obtain written consent to land-apply biosolids from the property owner and farm operator if different than the property owner.

f. Land Application Notification
The permittee shall provide written notification for each initial biosolids land application site at least 10 days before the land application, pursuant to R 323.2408(4). The notification shall include the required information and be submitted to the Department, local health department, and the governmental jurisdiction where the land application site is located. This requirement does not apply to biosolids that meet the criteria for exceptional quality.

g. Isolation Requirements
The permittee shall comply with the isolation distance requirements and other conditions identified in R 323.2410(11) and (12) when land-applying biosolids.

PART I

Section A. Limitations and Monitoring Requirements

h. Single Source Sites
The permittee shall not knowingly apply biosolids from more than one generator to the same land application site within the same crop year. This restriction also includes the application of septage to the site.

i. Site Restrictions for Class B Biosolids
The permittee shall inform all landowners of sites receiving class B biosolids, in writing, of the site restriction provisions in R 323.2414.

j. Additional Requirements
Upon written notification, the Department may impose further requirements for the use of biosolids in addition to, or more stringent than, the requirements in this permit if necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

k. Recordkeeping
Monitoring records, including all other records required by R 323.2413, shall be kept for a minimum of five (5) years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept indefinitely.

5. Facility Contact

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

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

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

PART I

Section A. Limitations and Monitoring Requirements

6. Expiration and Reissuance

On or before October 1, 2024, a permittee seeking continued authorization to land-apply biosolids under this permit beyond the permit's expiration date shall submit to the Department an application for reissuance via the Department's MiEnviro system. The MiEnviro website is located at https://www.michigan.gov/egle/maps-data/mienviroportal. Without a timely application for reissuance, the permittee's authorization to land-apply biosolids will expire on
April 1, 2025. With a timely application for reissuance, the permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the application, unless this permit is terminated or revoked.

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

If authorization to land-apply biosolids is no longer needed, the permittee shall submit to the Department an NPDES Permit Notice of Termination request via MiEnviro at https://www.michigan.gov/egle/maps-data/mienviroportal.

7. Requirement to Obtain Individual Permit

The Department may require any person who is authorized to land-apply biosolids, by a COC and this permit, to apply for and obtain coverage under an NPDES permit other than this permit or to obtain an individual NPDES permit if any of the following circumstances apply:

a. the land application of biosolids is significantly contributing to pollution as determined by the Department on a case-by-case basis;

b. the land application of biosolids 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 land application of biosolids

d. standards and limitations are promulgated for land applications of biosolids subject to this permit; and/or

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 of the Part 21 Rules, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA (R 323.2191 of the Michigan Administrative Code).

PART II

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

Section A. Definitions

Agricultural Land means land on which a food crop (including foods produced for human consumption such as apples, corn, lettuce, onions, watermelons, etc.), a feed crop (including but not limited to any of several grains most commonly used for livestock feed, including corn, grain sorghum, oats, rye, and barley), or a fiber crop is grown. The term includes range land and land used as pasture.

Agronomic Rate is defined as the calculated biosolids application rate (dry weight basis) which provides the amount of plant available nitrogen (PAN) needed by the crop or vegetation grown on the land and minimizes the amount of nitrogen that passes below the root zone of the crop or vegetation grown; and which considers the amounts of phosphate (P_2O_5) and potash (K_2O) added by the biosolids as part of the total nutrient management plan.

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 land application of biosolids occurs during that period.

Annual Pollutant Loading Rate is the maximum amount of a pollutant in biosolids that can be applied to a unit area of land during a 365-day period.

Annual Whole Biosolids Application Rate is the maximum amount of biosolids (dry weight basis) that can be applied to a unit area of land during a 365-day period.

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.

Ceiling Concentration Limits specify the maximum concentration of listed pollutants allowed in biosolids. Biosolids that exceed these limits may not be land-applied under any circumstances.

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

Class A biosolids refers to material that has met the Class A pathogen reduction requirements or equivalent treatment by a Process to Further Reduce Pathogens (PFRP) in accordance with the Part 24 Rules. Processes include composting, heat drying, heat treatment, thermophilic aerobic digestion, beta or gamma ray irradiation and pasteurization.

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, Land Application of Biosolids, promulgated under Part 31 of the NREPA. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Crop Year generally refers to a USDA-designated 12-month period for each crop beginning with that crop's typical month of harvest.

Cumulative Pollutant Loading Rate means the maximum amount of an inorganic pollutant that can be applied to an area of land.

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

Detection level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

PART II

Section A. Definitions

Dry Weight Basis refers to a biosolids analysis that is calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass that is essentially 100% solids content.

Exceptional Quality means biosolids that meet all the following criteria: the pollutant ceiling concentrations set forth in Part I.A.2. of this permit, the pollutant concentrations set forth in R 323.2409(5)(c), one of the vector attraction reduction options in R 323.2415(4), and one of the class A pathogen reduction alternatives in R 323.2414(2)(a).

Forest means a tract of land that is thick with trees and underbrush.

General permit means an NPDES permit issued authorizing a category of similar activities.

Generator means a person who generates biosolids that are applied to land.

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

Incorporation means the blending of surface-applied biosolids into the soil so that a significant amount of the biosolids is not present on the land surface within 1 hour after land application.

Individual permit means a site-specific NPDES permit.

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.

Land Application Method means the specific manner in which bulk biosolids are land applied. These methods include, but are not limited to terra-gator subsurface or surface application, tractor and tank spraying or subsurface injection, spreading with a manure spreader or similar device, etc. The description should include coupled units, such as a disk or harrow, and / or furrow closure devices, and method(s) of incorporation, if required.

Land Application Plan is the process a generator uses to identify and select land application sites that are not included in a land application site list. A plan shall include all of the following: 1) A description of the geographical area covered by the plan; 2) Identification of the criteria used for site selection; and 3) A description of how the sites are managed.

Land Application Site means a contiguous tract of land to which bulk biosolids are land applied in accordance with the requirements of this permit.

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 Clean Water Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

Pathogenic Organisms means disease-causing organisms. The term includes, but is not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

Person means an individual, partnership, association, corporation or any other entity.

pH means the logarithm of the reciprocal of the hydrogen ion concentration measured at 25 degrees Celsius or measured at another temperature and then converted to an equivalent value at 25 degrees Celsius.

Pollutant means an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge into the environment and upon exposure, either directly from the environment or indirectly by ingestion through the food chain, could adversely affect the usefulness of a resource or the health of humans, animals, or ecosystems.

PART II

Section A. Definitions

Pollutant Concentration Limit refers to a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids, for example milligrams per kilogram of total solids; the amount of a pollutant that can be applied to a unit area of land, for example, kilograms per hectare or pounds per acre; or the volume of a material that can be applied to a unit area of land, for example, gallons per acre.

POTW is a publicly owned treatment works.

Reclamation Site means drastically disturbed land that is reclaimed using biosolids. The term includes, but is not limited to, strip mines and construction sites.

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

Septage means either liquid or solid material that is removed from any of the following that receive only domestic sewage: septic tank; cesspool; portable toilet; type II marine sanitation device and similar treatment works.

Soil Fertility means the quality of a soil that enables it to provide nutrients in adequate amounts and in proper balance for the growth of specified plants or crops.

Vector Attraction means the characteristic of biosolids that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

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.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of both biosolids that are applied to the land and soils that receive biosolids.

2. Test Procedures

Test procedures for the analysis of pollutants, nutrients, and soil fertility shall conform to the standards and procedures identified and adopted by reference in R 323.2406 of the Part 24 Rules. For parameters not specified in the permit or covered by the Part 24 Rules, test procedures shall be submitted for approval to the Department. The permittee shall be responsible for ensuring the accuracy of all analytical measurements. If applicable, calibration and maintenance procedures shall be performed on all analytical instrumentation as part of the permittee's laboratory Quality Assurance/Quality Control program. If the permittee utilizes a contract laboratory for such analyses, the permittee shall ensure the laboratory practices approved Quality Assurance/Quality Control procedures.

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. Additional Monitoring by Permittee

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

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

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. The permittee shall submit self-monitoring data via the Department's MiEnviro system.

The permittee shall utilize the information provided on the MiEnviro website, located at https://www.michigan.gov/egle/maps-data/mienviroportal, to access and submit the electronic forms. Summary data shall be submitted to the Department no later than October 30 of each year. The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Compliance Dates Notification

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

4. Noncompliance Notification

Compliance with all applicable requirements set forth in the Clean Water Act, 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 and cause of the 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 noncompliance

PART II

Section C. Reporting Requirements

5. 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.

6. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the generated biosolids emanate, 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.

7. Operations and Maintenance Manual

For 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; record keeping 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 treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing treatment facility.

PART II

Section C. Reporting Requirements

8. 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 Clean Water Act and the NREPA.

The Clean Water Act 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 land application of the biosolids 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.

9. Electronic Reporting

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

PART II

Section D. Management Responsibilities

1. Duty to Comply

All activities authorized herein shall be consistent with the terms and conditions of this permit. The land application 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 Limitations, Special Conditions, or terms of this permit constitutes a violation of the NREPA and/or the Clean Water Act 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. 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.

3. 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 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 noncompliance.

4. Containment Facilities

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

5. 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.

6. 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 a biosolids generation source is located or any place in which records are required to be kept under the terms and conditions of this permit; and

b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any biosolids.

PART II

Section D. Management Responsibilities

7. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act 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 Clean Water Act, 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 Clean Water Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

8. 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.

9. Treatment System Closure

In the event that the biosolids generation from a treatment system located in Michigan is planned to be eliminated, the permittee shall submit a closure plan to the Department for approval. The closure plan shall include characterization of any wastewater and residuals which will remain on-site after the biosolids generation is eliminated, along with disposal methods, proposed schedule, and any other relevant information as required by the Department. Closure activities involving waste treatment residuals shall be consistent with Part II.D.5. of this permit.

The permittee shall implement the closure activities in accordance with the approved plan. Any wastewater or residual disposal inconsistent with the approved plan shall be considered a violation of this permit. After proper closure of the treatment system, the COC under this permit may be terminated.

10. Industrial Waste Pretreatment

Industrial wastes discharged to a publicly owned treatment works (POTW) shall be controlled so the discharge does not cause exceedances of the biosolids pollutant ceiling concentrations set forth in Part I.A.2. of this permit. POTWs are responsible for requiring pretreatment of regulated industrial wastes discharged to their sewer service area in accordance with the Part 23 Rules (Pretreatment) of the Michigan Administrative Code.

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

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 Clean Water Act 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 Clean Water Act.

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

7. Other Activities

The following activities are not authorized under this permit:

a. the use or disposal of septage;

b. the surface disposal of biosolids;

c. the incineration of biosolids fired or co-fired in an incinerator or the use or disposal of ash generated during the firing or co-firing of biosolids;

d. the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage;

e. the use or disposal of sewage sludge determined to be hazardous;

f. the use or disposal of sewage sludge that has a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight);

PART II

Section E. Activities Not Authorized by This Permit

g. the use or disposal of grit or screenings generated during preliminary treatment of domestic sewage (e.g., sand, gravel, cinders, or other materials that have a high specific gravity);

h. the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water;

i. the application of biosolids from more than one source or septage to the same land application site within the same crop year; and

j. for biosolids subject to Cumulative Pollutant Loading Rates as specified in the Part 24 Rules: the application of such biosolids to agricultural land, a forest, silviculture land, a public contact site, or reclamation site if any Cumulative Pollutant Loading Rate has been reached.