PERMIT NO. MIS520000

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

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORM WATER DISCHARGES ASSOCIATED WITH SPECIAL-USE AREAS FOR CYCLE-YEAR 5 WATERSHEDS

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, storm water associated with industrial activity as defined under Title 40 of the Code of Federal Regulations, Sections 122.26(b)(14)(i-ix) and (xi), or as deemed necessary under Section 402(p)(2)(E) of the Federal Act, and other storm water that is adequately regulated by this permit, is authorized to be discharged from facilities specified in individual Certificates of Coverage (COCs) in accordance with effluent limitations, monitoring requirements and other conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (permit).

The applicability of this permit shall be limited to facilities that discharge storm water to surface waters of the state located within a Cycle-Year 5 Watershed and have not been determined by the Michigan Department of Environment, Great Lakes, and Energy (Department) to need an individual NPDES permit. Applicable discharges include storm water for which the Department has determined additional monitoring is needed from: 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; or areas with other activities that may contribute pollutants to the storm water. Discharges which may cause or contribute to a violation of a water quality standard are not authorized by this permit.

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

Unless specified otherwise, all contact with the Department required by this permit shall be to the position 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: August 29, 2019,

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

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3118 of the NREPA, the permittee shall make payment of an annual storm water fee to the Department for each January 1 the permit is in effect regardless of occurrence of discharge. 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 March 15 for notices mailed by February 1. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after February 1.

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. Final Effluent Limitations and Monitoring Requirements

1. Final Effluent Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and the individual COC and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge storm water associated with industrial activity as defined under 40 CFR 122.26(b)(14)(i-ix) to the surface waters of the state from special-use areas, including 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 areas with other activities that may contribute pollutants to the storm water. Such discharge shall be limited and monitored by the permittee as specified below.

a. Narrative Standard
In accordance with R 323.1050 of the Part 4 Rules promulgated pursuant to Part 31 of the NREPA, the receiving waters shall not have any of the following physical properties as a result of this discharge in unnatural quantities that are, or may become, injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be reported within 24 hours to the Department, followed by a written report within five (5) days detailing the findings of the investigation and the steps taken to correct the condition

b. Visual Assessment of Storm Water Discharges
To ensure that storm water discharges from the facility do not violate the narrative standard in the receiving waters, storm water discharges shall be visually assessed in accordance with Part I.C.3.c.7), below.

c. Implementation of Storm Water Pollution Prevention Plan
The permittee shall implement an acceptable Storm Water Pollution Prevention Plan (SWPPP) as required by this permit.

d. Implementation of Short-Term Storm Water Characterization Study
As specified in the COC, the permittee shall implement an approved Short-Term Storm Water Characterization Study (STSWCS) as required by this permit.

e. Implementation of a Benchmark Monitoring Study
As specified in the COC, the permittee shall implement an approved Benchmark Monitoring Study as required by this permit.

f. Certified Operator
The permittee shall have an Industrial Storm Water Certified Operator who has supervision over the facility's storm water treatment and control measures included in the SWPPP.

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Section A. Final Effluent Limitations and Monitoring Requirements

g. Prohibition of Storm Water Discharges
In addition to the requirements set forth in Part I.A.1.a. through Part I.A.1.f., above, storm water may not be discharged from special-use areas if:

1) the storm water contains unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or suspended solids

2) the permittee knows, or has reason to believe, the storm water is contaminated by or has come into contact with materials present within the special-use area, unless the Department approves the discharge. An operator of a bulk fuel storage facility may discharge storm water that is known to have contacted petroleum products stored within primary containment structures if the contained storm water has been treated to ensure that the limitations set forth in Part I.A.1.g.1), above, are met, or

3) the permittee knows, or has reason to believe, the storm water is contaminated by or has come into contact with materials that may cause a violation of water quality standards.

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Section B. Short-Term Storm Water Characterization Study

1. Short-Term Storm Water Characterization Study (STSWCS)

The purpose of a STSWCS is to determine the quality of the storm water being discharged from special-use areas. Within six (6) months of the effective date of a COC issued under this permit, the permittee shall submit to the Department an approvable STSWCS Plan developed in accordance with the requirements set forth in Part I.B.2.a. through Part I.B.2.e., below. For a facility with more than one category of special-use area, (e.g., a secondary containment structure and a Site of Environmental Contamination), the STSWCS Plan shall address each area individually. Following review of the STSWCS Plan, the Department may request changes to it. Upon approval of the STSWCS Plan, the permittee shall begin monitoring the authorized discharge as specified in the plan. If the Department does not take action to approve or comment on the STSWCS Plan within 90 days after its submittal, the permittee shall begin storm water monitoring in accordance with the STSWCS Plan submitted.

2. STSWCS Plan Requirements

An approvable STSWCS Plan shall include the requirements set forth in Part I.B.2.a. through Part I. B.2.f., below. Additional guidance for developing an approvable STSWCS Plan is available on the Internet at www.michigan.gov/eglestormwater, then in the center of the page, under the 'Information' heading, click on the 'Industrial Program' link, and at the bottom of the page under the 'Storm Water Sampling Info' heading is the Short-Term Storm Water Characterization Study Document link. Nothing in this permit shall prevent additional sampling from being conducted beyond that specified in the STSWCS Plan.

a. Description of Special-Use Area
The STSWCS Plan shall include a description of the special-use area. This description shall identify:

1) the type of special-use area (e.g., "a secondary containment area for fuel storage tanks") and its approximate size or volume (e.g., "approximately 100 cubic feet")

2) the means by which discharges from the special-use area reach surface waters of the state, and the identity of the receiving water (e.g., "valves are periodically opened to release storm water, which runs across pavement into a municipal storm sewer that discharges to the Grand River"), and

3) the potential contaminants of concern (e.g., diesel fuel).

b. Sample Collection and Handling
The STSWCS Plan shall include procedures for sample collection and handling, as follows:

1) the list of pollutants to be monitored. The list shall include all significant materials that the permittee knows, or has reason to believe, are present in the special-use area, as well as any additional parameters (e.g., hardness, pH, etc.) that may be needed to adequately evaluate certain contaminant concentrations in the discharge.

2) the location(s) at which samples will be collected. The STSWCS Plan may propose monitoring a combined discharge from multiple secondary containment structures at a single location if the permittee has demonstrated, in the STSWCS Plan, that the proposed monitoring location is representative of the discharge from all secondary containment structures.

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3) the sampling procedures, including sampling tools, depth at which samples will be collected from within the water column, etc.

4) the source(s) or reference(s) associated with any standard sampling method(s) to be used

5) the sample type to be collected for each pollutant (e.g., grab sample, 24-hour composite sample, etc.) and whether the sample will be collected by a person or by an automated sampler, and

6) the person(s) responsible for conducting the sampling.

c. Sampling Frequency
The STSWCS Plan shall identify:

1) the number of samples that will be collected at each location during each qualifying storm event. A qualifying storm event is defined as 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, unless an alternate definition is approved by the Department;

2) the number of sampling events necessary to characterize the quality of the discharge. A minimum of three (3) qualifying storm events shall be sampled

3) the frequency or spacing of the sampling events, as appropriate (e.g., “at least 72 hours since previous qualifying storm event”)

4) the timing of the sampling events (e.g., “within the first 30 minutes of discharge from each rainstorm greater than 0.1 inch;” or, “whenever discharge from the containment area becomes necessary”), and

5) the approximate period(s) of the year during which samples will be collected.

ci. Sample Analysis
The STSWCS Plan shall identify:

1) the EPA-approved test procedure by which each pollutant will be analyzed. All pollutants shall be analyzed in accordance with Part II.B.2. (Test Procedures), below

2) the quantification level for each analysis. Acceptable quantification levels for selected parameters are available in the NPDES Permit Application Appendix located at Michigan.gov/eglenpdes. In the center of the page, under the ‘Information’ heading, click on ‘How to Apply for an NPDES permit.’ The Permit Application Appendix is under the ‘Downloadable Information’ header

3) the laboratory performing the analysis, and any certifications or other relevant qualifications the laboratory and/or lab technician has, and

4) the approximate date by which the STSWCS will be completed and the approximate date by which the final report will be submitted to the Department.

cii. Additional Requirements by Special-Use Area

1) For secondary containment structures or detention basins with detention periods greater than 24 hours, samples shall be collected from the water within a structure/basin, or of the discharge prior to mixing with the receiving water or other waste streams; grab samples shall be collected unless the Department specifies other sampling methods.

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2) For sites of environmental contamination or areas with other activities (without secondary containment or 24-hour detention) that may contribute pollutants to the storm water for which the Department determines monitoring is needed, samples shall be collected from any discharge resulting from a qualifying storm event. At least one grab sample shall be collected during the first 30 minutes of the discharge for each qualifying storm event. Additionally, composite samples may be required during the first three (3) hours of a discharge event if deemed necessary by the Department to adequately characterize the pollutants discharged from the site.

f. Reporting

Within 90 days of the final sampling event conducted as part of the STSWCS, all permittees shall submit to the Department a final report summarizing the results of the STSWCS. If, upon review of the report, it is determined that any materials or constituents require limiting to protect the receiving waters in accordance with applicable water quality standards, the Department may determine that an individual permit is needed for the discharge, in accordance with Part I.D.9. below. The final report shall, at a minimum, provide:

1) the dates on which samples were collected and analyzed, and whether sample handling times were met or exceeded

2) all analytical results, including actual quantification levels and any notations provided by the laboratory, and all sheets provided by the laboratory, and

3) for each qualifying storm event that occurs during the period covered by the STSWCS, the report shall provide:

a) a written record of the qualifying storm event's date and duration,

b) a measurement or estimate of the rainfall,

c) the time (in days) elapsed between the qualifying storm event sampled and the end-date of the previous qualifying storm event,

d) the concentration and units of each pollutant sampled, and

e) the estimated total volume of the resulting discharge to the receiving water.

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Section C. Storm Water Pollution Prevention Plan

1. Storm Water Pollution Prevention Plan

The SWPPP is a written procedure to reduce the exposure of storm water to significant materials and the amount of significant materials in the storm water discharge. An acceptable SWPPP shall identify potential sources of contamination and describe the controls necessary to reduce their impacts, in accordance with Part I.C.2. through Part I.C.7., below.

2. Source Identification

To identify potential sources of significant materials that have reasonable potential to pollute storm water and subsequently be discharged from the facility, the SWPPP shall, at a minimum, include the following:

a. A site map identifying:

1) buildings and other permanent structures

2) storage or disposal areas for significant materials

3) secondary containment structures and descriptions of the significant materials contained within the primary containment structures

4) storm water discharge points (which include outfalls and points of discharge), numbered or otherwise labeled for reference

5) location of storm water and non-storm water inlets (numbered or otherwise labeled for reference) contributing to each storm water discharge point

6) location of NPDES-permitted discharges other than storm water

7) outlines of the drainage areas contributing to each storm water discharge point

8) structural controls or storm water treatment facilities

9) areas of vegetation (with brief descriptions such as lawn, old field, marsh, wooded, etc.)

10) areas of exposed and/or erodible soils and gravel lots

11) impervious surfaces (e.g., roofs, asphalt, concrete, etc.)

12) name and location of receiving water(s), and

13) areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the NREPA.

b. A list of all significant materials that have reasonable potential to pollute storm water. For each material listed, the SWPPP shall include each of the following descriptions:

1) identification of the storm water discharge point(s) and inlet(s) through which significant materials could discharge if released and

2) an evaluation of each material's reasonable potential to be exposed to storm water at a minimum from following areas or activities listed below:

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a) loading, unloading, and other significant material-handling operations

b) outdoor storage, including secondary containment structures

c) outdoor manufacturing or processing activities

d) significant dust- or particulate-generating processes

e) discharge from vents, stacks, and air emission controls

f) on-site waste disposal practices

g) maintenance and cleaning of vehicles, machines, and equipment

h) areas of exposed and/or erodible soils

i) Sites of Environmental Contamination listed under Part 201 (Environmental Response) of the NREPA

j) areas of significant material residues

k) areas where animals (wild or domestic) congregate and deposit wastes, and

l) other areas where storm water may come into contact with significant materials.

c. A listing of significant spills and significant leaks of polluting materials that occurred in areas exposed to precipitation or that discharge to a point source at the facility. The listing shall include spills that occurred over the three (3) years prior to the effective date of a COC authorizing discharge under this permit. The listing shall include the date, volume, and exact location of the release, and the action taken to clean up the material and/or prevent exposure to storm water or contamination of surface waters of the state. Any release of polluting material that occurs after the SWPPP has been developed shall be controlled in accordance with the SWPPP and is cause for the SWPPP to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss.

d. A determination as to whether the facility discharges storm water to a water body for which an EPA-approved Total Maximum Daily Load (TMDL) has been established. If so, the permittee shall assess whether the TMDL requirements for the facility's discharge are being met through the existing SWPPP controls or whether additional control measures are necessary. The permittee's assessment of whether the TMDL requirements are being met shall focus on the effectiveness, adequacy, and implementation of the permittee's SWPPP controls. The applicable TMDLs will be identified in the COC issued under this permit.

e. A summary of existing storm water discharge sampling data (if available), describing pollutants in storm water discharges at the facility. This summary shall be accompanied by a description of the suspected source(s) of the pollutants detected.

f. A description of actions taken to investigate potential illicit connections. All illicit connections to Municipal Separate Storm Sewer Systems (MS4s) or waters of the state should be permanently plugged or rerouted to the sanitary sewer system, in accordance with the authorization from the local Wastewater Treatment Plant. Any discharge from an illicit connection is a violation of the conditions of this permit.

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3. Nonstructural Controls

To prevent significant materials from contacting storm water at the source, the SWPPP shall, at a minimum, include each of the following nonstructural controls:

a. Written procedures and a schedule for routine preventive maintenance. Preventive maintenance procedures shall describe routine inspections and maintenance of storm water management and control devices (e.g., cleaning of oil/water separators and catch basins, routine housekeeping activities, etc.), as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures, resulting in discharges of pollutants to the storm sewer system or the surface waters of the state. The routine inspection shall include areas of the facility in which significant materials have the reasonable potential to contaminate storm water. A written report of the inspection and corrective actions shall be retained in accordance with Part I.D.1. (Record Keeping), below.

b. Written procedures and a schedule for good housekeeping to maintain a clean, orderly facility. Good housekeeping procedures shall include routine inspections that focus on the areas of the facility that have a reasonable potential to contaminate storm water entering the property. The routine housekeeping inspections may be combined with the routine inspections for the preventive maintenance program. A written report of the inspection and corrective actions shall be retained in accordance with Part I.D.1. (Record Keeping), below.

c. Written procedures and a schedule for **quarterly** comprehensive site inspections, to be conducted by an Industrial Storm Water Certified Operator. At a minimum, one inspection shall be performed within each of the following quarters: January-March, April-June, July-September, and October-December. The comprehensive site inspections shall include, but not be limited to, inspection of structural controls in use at the facility, and the areas and equipment identified in the routine preventive maintenance and good housekeeping procedures. These inspections shall also include a review of the routine preventive maintenance reports, good housekeeping inspection reports, and any other paperwork associated with the SWPPP.

   The permittee may request Department approval of an alternate schedule for comprehensive site inspections. Such a request may be made if the permittee meets the following criteria: the permittee is in full compliance with this permit, the permittee has an acceptable SWPPP, the permittee has installed and/or implemented adequate structural controls at the facility, the permittee has all required inspection reports available at the facility, and the permittee has an Industrial Storm Water Certified Operator at the facility. The Department may revoke the approval of an alternate schedule at any time upon notification to the permittee if these criteria are not being met.

   A written report of the inspection and corrective actions shall be retained in accordance with Part I.D.1. (Record Keeping), below, and the following shall be included on the comprehensive inspection form/report:

   1) Date of the inspection.

   2) Name(s), title(s), and certification number(s) of the personnel conducting the inspection.

   3) Precipitation information (i.e., a description of recent rainfall/snowmelt events).

   4) All observations relating to the implementation of control measures. Items to include if applicable:

      a) updates on corrective actions implemented due to previously-identified pollutant and/or discharge issues

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b) any evidence of, or the potential for, pollutants to discharge to the drainage system or receiving waters and the condition of and around the storm water discharge point, including flow dissipation measures needing maintenance or repairs

c) any control measures needing maintenance or repairs, and

d) any additional control measures needed to comply with permit requirements.

5) Any required revisions to the SWPPP resulting from the inspection.

6) A written certification stating the facility is in compliance with this permit and the SWPPP or, if there are instances of noncompliance, they are identified.

7) Written procedures and a schedule for **quarterly** visual assessments of storm water discharges. At a minimum, one visual assessment shall be conducted within each of the following quarters: January-March, April-June, July-September, and October-December. These assessments shall be conducted as part of the comprehensive site inspection within one month (either prior to or after) of control measure observations made in accordance with Part I.C.3.c.4) (Nonstructural Controls), above. If the Department has approved an alternate schedule for the comprehensive site inspection, the visual assessment may likewise be conducted in accordance with the same approved alternate schedule. Additional guidance for developing written procedures for quarterly visual assessments is available on the Internet at www.michigan.gov/eglestormwater, then in the center of the page, click on the 'Industrial Program' link, and find guidance documents under the 'Conducting Visual Assessments of Industrial Storm Water Discharges' heading.

The following are the requirements of the visual assessment. The permittee shall develop and clearly document, in writing, procedures for meeting these requirements:

a) The permittee shall continue to implement previously developed written procedures for conducting the visual assessment. If Qualified Personnel rather than an Industrial Storm Water Certified Operator will collect storm water samples, these procedures shall include a written description of the training given to these personnel to qualify them to collect the samples, as well as documentation verifying that these personnel have received this training. The first visual assessment shall be conducted in conjunction with the next occurring comprehensive inspection. If changes resulting in altered drainage patterns occur at the facility, the permittee shall modify the procedures for conducting the visual assessment in accordance with the requirements of Part I.C.5. (Keeping SWPPPs Current), below, and these modifications shall be incorporated into the SWPPP prior to conducting the next visual assessment.

b) A visual assessment shall be conducted of a representative storm water **sample** collected **from each storm water discharge point**. Storm water samples shall be visually assessed for conditions that could cause a violation of water quality standards as defined in Part I.A.1.a., above. The visual assessment shall be made of the storm water sample in a clean, clear glass or plastic container. Only an Industrial Storm Water Certified Operator shall conduct this visual assessment. Visual assessment of the storm water sample shall be conducted within 48 hours of sample collection.

Representative storm water samples shall be collected:

(1) from each storm water discharge point identified as set forth under Part I.C.2.a.4) (Source Identification), above. These samples may be collected by one or more of the following: an Industrial Storm Water Certified Operator; and/or an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Storm Water Certified Operator to collect the sample ("Qualified Personnel"); and/or an automated sampling device; and

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(2) within the first 30 minutes of the start of a discharge from a qualifying storm event and on discharges that occur at least 72 hours (3 days) from the previous discharge. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample shall be collected as soon thereafter as practicable, but not exceeding 60 minutes. In the case of snowmelt, samples shall be collected during a period with measurable discharge from the site. Sample collection may occur during the facility's normal hours of operation as described in the facility's written procedures.

c) A visual assessment shall be conducted of the storm water **discharge at each storm water discharge point**. (If an automated sampling device is used to collect the storm water sample, this requirement is waived). Either an Industrial Storm Water Certified Operator and/or Qualified Personnel may conduct this visual assessment. This visual assessment may be conducted directly – by someone physically present at the storm water discharge at each storm water discharge point; or it may be conducted indirectly – through the use of a visual recording taken of the storm water discharge at each storm water discharge point. Direct visual assessment shall be conducted at the same time that the storm water sample is collected. Indirect visual assessment shall be conducted using a visual recording taken of the storm water discharge at the same time that the storm water sample was collected.

d) Visual assessments shall be documented. This documentation shall be retained in accordance with Part I.D.1. (Record Keeping), below, and shall include the following:

(1) sampling location(s) at the storm water discharge point(s) identified on the site map (see Source Identification, above);

(2) storm event information (i.e., length of event expressed in hours, approximate size of event expressed in inches of precipitation, duration of time since previous event that caused a discharge, and date and time the discharge began);

(3) date and time of the visual assessment of each storm water **discharge** at each storm water discharge point;

(4) name(s) and title(s) of the Industrial Storm Water Certified Operator or Qualified Personnel who conducted the visual assessment of the storm water **discharge** at each storm water discharge point. If an automated sampling device was used to collect the storm water sample associated with this storm water discharge point, this documentation requirement is waived;

(5) observations made during visual assessment of the storm water **discharge** at each storm water discharge point. If an automated sampling device was used to collect the storm water sample associated with this storm water discharge point, this documentation requirement is waived;

(6) if applicable, any visual recordings used to conduct the visual assessment of the storm water **discharge** at each storm water discharge point;

(7) date and time of sample collection for each storm water **sample**;

(8) name(s) and title(s) of the Industrial Storm Water Certified Operator or Qualified Personnel who collected the storm water **sample**. If an automated sampling device was used to collect the storm water sample, the permittee shall document that, instead;

(9) date and time of the visual assessment of each storm water **sample**;

(10) name(s), title(s), and operator number(s) of the Industrial Storm Water Certified Operator(s) who conducted the visual assessment of each storm water **sample**;

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(11) observations made during visual assessment of each storm water **sample**;

(12) full-color photographic evidence of the storm water **sample** against a white background;

(13) nature of the discharge (i.e., rainfall or snowmelt);

(14) probable sources of any observed storm water contamination; and

(15) if applicable, an explanation for why it was not possible to collect samples within the first 30 minutes of discharge.

e) When adverse weather conditions prevent a visual assessment during the quarter, a substitute visual assessment shall be conducted during the next qualifying storm event. Documentation of the rationale for no visual assessment during a quarter shall be included with the SWPPP records as described in Part I.D.1. (Record Keeping), below. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical such as drought or extended frozen conditions.

f) If the facility has two (2) or more storm water discharge points that are believed to discharge substantially identical storm water effluents, the facility may conduct visual assessments of the discharge at just one (1) of the storm water discharge points and report that the results also apply to the other substantially identical storm water discharge point(s). The determination of substantially identical storm water discharge points is to be based on the significant material evaluation conducted as set forth under Part I.C.2.b. (Source Identification), above, and shall be clearly documented in the SWPPP. Visual assessments shall be conducted on a rotating basis of each substantially identical storm water discharge point throughout the period of coverage under this permit.

d. A description of material handling procedures and storage requirements for significant materials. Equipment and procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The procedures shall identify measures to prevent spilled materials or material residues from contaminating storm water entering the property. The SWPPP shall include language describing what a reportable spill or release is, and the appropriate reporting requirements in accordance with Part II.C.6. and Part II.C.7. below. The SWPPP may include, by reference, requirements of either a Pollution Incident Prevention Plan (PIPP) prepared in accordance with the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 264 and 265 Subpart D, as required by Part 111 of the NREPA; or a Spill Prevention Control and Countermeasure (SPCC) plan prepared in accordance with 40 CFR 112.

e. Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion. Gravel lots shall be included. The SWPPP shall also identify measures used to control soil erosion and sedimentation. If dust suppression is used, the SWPPP shall include a description of the dust suppression material used and the actions implemented to prevent an unauthorized discharge.

f. A description of the employee training program that will be implemented on an annual basis to inform appropriate personnel at all levels of their responsibility as it relates to the components and goals of the SWPPP. The SWPPP shall identify periodic dates for the employee training program. Records of the employee training program shall be retained in accordance with Part I.D.1. (Record Keeping), below.

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Section C. Storm Water Pollution Prevention Plan

g. Identification of actions to limit the discharge of significant materials in order to comply with TMDL requirements, if applicable.

h. Identification of significant materials expected to be present in storm water discharges following implementation of nonstructural preventive measures and source controls.

4. Structural Controls

Where implementation of the measures required by Nonstructural Controls, above, does not control storm water discharges in accordance with Part I.A.1.a., the SWPPP shall provide a description of the location, function, design criteria, and installation/construction schedule of structural controls for prevention and treatment. Structural controls may be necessary:

a. to prevent uncontaminated storm water from contacting, or being contacted by, significant materials, or

b. if preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse, or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with Part I.A.1.a. of this permit.

5. Keeping SWPPPs Current

a. The permittee and/or an Industrial Storm Water Certified Operator shall review the SWPPP annually after it is developed and maintain a written report of the review in accordance with Part I.D.1. (Record Keeping), below. Based on the review, the permittee or an Industrial Storm Water Certified Operator shall amend the SWPPP as needed to ensure continued compliance with the terms and conditions of this permit. The written report shall be submitted to the Department on or before January 10th of each year.

b. The SWPPP developed under the conditions of a previous permit shall be amended as necessary to ensure compliance with this permit.

c. The SWPPP shall be updated or amended whenever changes at the facility have the potential to increase the exposure of significant materials to storm water, significant spills occur at the facility, or when the SWPPP is determined by the permittee or the Department to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. SWPPP updates necessitated by increased activity or significant spills at the facility shall include a description of how the permittee intends to control any new sources of significant materials, or respond to and prevent spills in accordance with the requirements of this permit (see Part I.C.2. Source Identification; Part I.C.3. Nonstructural Controls; and Part I.C.4. Structural Controls, above).

d. The Department may notify the permittee at any time that the SWPPP does not meet minimum requirements of this permit. Such notification shall identify why the SWPPP does not meet minimum requirements of this permit. The permittee shall make the required changes to the SWPPP within 30 days after such notification from the Department and shall submit to the Department a written certification that the requested changes have been made.

e. Amendments to the SWPPP shall be signed and retained on-site with the SWPPP pursuant to Part I.C.7. (Signature and SWPPP Review), below.

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Section C. Storm Water Pollution Prevention Plan

6. Contact Information and Industrial Storm Water Certified Operator Update

a. The SWPPP shall include contact information (i.e. mailing address, phone number, and email address) for the Facility Contact, Industrial Storm Water Certified Operator, environmental consultant, and/or any other appropriate individuals who manage the storm water program at the facility.

b. If an Industrial Storm Water Certified Operator is changed or an Industrial Storm Water Certified Operator is added, the permittee shall provide the name and certification number of the new Industrial Storm Water Certified Operator to the Department. If a facility has multiple Industrial Storm Water Certified Operators, the names and certification numbers of all shall be included in the SWPPP.

7. Signature and SWPPP Review

a. The SWPPP shall be reviewed and signed by an Industrial Storm Water Certified Operator(s) and by either the permittee or an authorized representative in accordance with 40 CFR 122.22. The SWPPP and associated records shall be retained on-site at the facility that generates the storm water discharge.

b. The permittee shall make the SWPPP, reports, log books, storm water discharge sampling data (if collected), visual assessment documentation, and items required by Part I.D.1. (Record Keeping), available upon request to the Department. The Department makes the non-confidential business portions of the SWPPP available to the public.

PART I

Section D. Special Conditions

1. Record Keeping

The permittee shall maintain records of all SWPPP-related inspection and maintenance activities. All such records shall be retained for three (3) years. The following records are required by this permit (see Part I.C.3. Nonstructural Controls; and Part I.C.5. Keeping SWPPPs Current, above):

a. routine preventive maintenance inspection reports

b. routine good housekeeping inspection reports

c. comprehensive site inspection reports

d. documentation of visual assessments

e. employee training records

f. annual SWPPP review reports

g. spills or other discharges that can affect the quality of storm water

h. STSWCS data and/or Benchmark Monitoring data

2. Non-Storm Water Discharges

Storm water is defined in Part II.A. to encompass non-storm water discharges included under the conditions of this permit. Any discharge of wastewater other than storm water as defined under the conditions of this permit shall be in compliance with an NPDES permit issued for the discharge. The non-storm water discharges included under the conditions of this permit are authorized under this permit, provided pollution prevention controls for the non-storm water component are identified in the permittee's SWPPP. The non-storm water discharges included under the conditions of this permit are as follows:

a. discharges from fire hydrant flushing

b. potable water sources, including water line flushing

c. water from fire system testing and fire-fighting training without burned materials or chemical fire suppressants

d. irrigation drainage

e. lawn watering

f. routine building wash-down that does not use detergents or other compounds

g. pavement wash waters where contamination by toxic or hazardous materials has not occurred (unless all contamination by toxic or hazardous materials has been removed) and where detergents are not used

h. uncontaminated condensate from air conditioners, coolers, and other compressors, and from the outside storage of refrigerated gases or liquids

i. springs

j. uncontaminated groundwater

k. foundation or footing drains where flows are not contaminated with process materials such as solvents, and

l. discharges from fire-fighting activities. Discharges from fire-fighting activities are exempted from the requirement to be identified in the SWPPP.

3. 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 that 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, CAS number for each ingredient, and fractional content by weight for each ingredient;

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

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

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

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

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

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

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

4. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department in accordance with Rule 1097 (R 323.1097 of the Michigan Administrative Code).

PART I

Section D. Special Conditions

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, email address, if available, 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 described in the permit application or other NPDES form originates,
- 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 obviates the permittee from properly submitting reports and forms as required by law.

6. Portable Industrial Facilities

a. Storm water discharges from satellite locations of a portable industrial facility may be authorized by obtaining a COC issued under this permit. To obtain a COC, an NOI or other Department-approved application shall be submitted to the Department for a primary mailing address of the owner or operator of the portable facility. Following receipt of a COC, if the portable facility is to be moved to a satellite location, the permittee shall notify the Department of the relocation, via MiEnviro, at least ten (10) days prior to start-up at the satellite location. The notification shall include the location (township, range, section, and quarter-quarter section) of the current and proposed sites for the portable facility, the receiving water for the discharge, and the anticipated date of the move. Failure to notify the Department concerning the satellite location is a permit violation.

b. The permittee shall submit an NOI or other Department-approved application for each portable facility that could be moved to a satellite location. A SWPPP shall be in place for each facility at the time of start-up and shall be modified for each new location as necessary.

PART I

Section D. Special Conditions

7. Expiration and Reissuance

On or before October 1, 2024, 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, 2025**. 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 substantively modified, the Department will notify the permittee of any required action. If a specific response is required by the Department and the permittee fails to submit an adequate response, the permittee's authorization to discharge will terminate on the effective date of the modified permit. If a specific response is required by the Department and the permittee submits an adequate response, the permittee shall be subject to the terms and conditions of the modified permit beginning on the effective date of the modified permit unless the Department notifies the permittee otherwise.

8. Termination of General Permit Coverage

A permittee may submit a request to the Department to terminate the COC for a facility when:

a. all storm water discharges authorized by Part I.A.1. (Final Effluent Limitations and Monitoring Requirements), above, are eliminated, or

b. industrial activity has ceased, and no significant materials remain or are exposed to storm water.

9. 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 discharge 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, 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 (R 323.2191 of the Michigan Administrative Code).

PART I

Section E. Benchmark Monitoring

1. Benchmark Monitoring

The purpose of a Benchmark Monitoring Study is to provide data to help characterize the quality of the storm water being discharged from facilities within selected industrial sectors. Data obtained during the course of the Benchmark Monitoring Study are then compared with benchmark concentrations as a means of evaluating the effectiveness of nonstructural and structural controls in place at the facility. Benchmark concentrations are not effluent limitations; therefore, exceedance of a benchmark concentration is not a permit violation. However, if corrective actions are required as a result of a benchmark concentration exceedance, failure to implement the required corrective actions is a permit violation.

The Benchmark Monitoring Study shall be carried out in accordance with a Benchmark Monitoring Study Plan developed by the permittee. The schedule for Benchmark Monitoring Study Plan submittal and implementation are as follows:

1. Benchmark Monitoring Study Plan submittal
   Within six (6) months of the effective date of a COC issued under this permit, the permittee shall submit to the Department a Benchmark Monitoring Study Plan developed in accordance with the requirements set forth in Part I.E.2.a. through Part I.E.2.f., below. Following review of the Benchmark Monitoring Study Plan, the Department may request changes to it. Within 30 days of receiving notification from the Department, the permittee shall correct any identified deficiencies and resubmit the plan. If the Department does not take action to comment on the Benchmark Monitoring Study Plan within 90 days after its submittal, the permittee shall commence benchmark monitoring in accordance with the plan submitted.

2. Option to Request Approval for an Alternative Schedule for the Benchmark Monitoring Study Plan submittal
   The permittee may elect to implement additional structural controls prior to commencing benchmark monitoring. In this case, the permittee shall request approval from the Department for an alternative schedule. Such a request shall be submitted within six (6) months of the effective date of the COC and a timeline which shall include the approximate dates for installation of the additional structural controls and the approximate date for the submittal of the Benchmark Monitoring Study Plan developed in accordance with the requirements set forth in Part I.E.2.a. through Part I.E.2.f., below. Within 30 days of receiving notification from the Department, the permittee shall correct any identified deficiencies and resubmit the plan and/or alternative schedule. If the Department does not take action to comment on the Benchmark Monitoring Study Plan or alternative schedule within 90 days after its submittal, the permittee shall commence benchmark monitoring in accordance with the plan and alternative schedule as submitted. Upon receipt from the Department of written approval for the request and consistent with such approval, the permittee shall implement the approved alternative schedule for commencing benchmark monitoring. In no case shall benchmark monitoring commence later than three (3) years after the effective date of the COC.

3. Option to Request Approval to Forgo Benchmark Monitoring
   The permittee may request Department approval to forgo benchmark monitoring. Such a request shall be submitted within six (6) months of the effective date of the COC. The Department may grant such approval if 1) the facility has implemented and is in compliance with the conditions set forth in this permit, including the sector-specific conditions set forth in Part I.F. (Automobile Salvage Yards) or Part I.G. (Scrap Recycling and Waste Recycling Facilities), 2) visual assessments indicate the effectiveness of nonstructural and/or structural controls, and 3) the facility does not/will not accept metal particulates nor engage in practices that generate metal particulates unless the facility's operations and/or physical layout are designed and implemented to prevent contact between scrap metal and precipitation, including runoff, and/or eliminate discharges of storm water associated with areas of metal particulate storage or generation. Practices that generate metal particulates include but are not limited to shredding, cutting, grinding, and/or smelting. Metal particulates include but are not limited to turnings, grinding sludges, and/or swarf.

PART I

Section E. Benchmark Monitoring

Permittees seeking Department approval to forgo benchmark monitoring shall submit written and signed notice to the Department certifying that the facility meets the criteria specified above. Upon written approval from the Department, the permittee may forgo benchmark monitoring at the approved facility. If the Department does not take action to approve or comment on the request within 90 days after its submittal, the permittee may forgo benchmark monitoring at the facility. The Department may at any time deny approval to forgo benchmark monitoring if it determines that the facility does not meet the criteria for such approval. If the approval to forgo benchmark monitoring is denied, the facility shall within 90 days of receiving the notice of denial, submit a benchmark monitoring plan or submit a request for an alternative schedule in accordance with Part I.E.1.a., above.

2. Benchmark Monitoring Study Plan Requirements

An acceptable Benchmark Monitoring Study Plan shall include the requirements set forth in Part I.E.2.a. through Part I.E.2.f., below. It is recommended that the visual assessment procedures required under Part I.C.3.c.7) of this permit be incorporated into the Benchmark Monitoring Study Plan. Additional guidance for developing an acceptable Benchmark Monitoring Study Plan is available on the Internet at Michigan.gov/eglestormwater, then in the center of the page, under the 'Information' heading, click on the 'Industrial Program' link. Nothing in this permit shall prevent additional sampling from being conducted beyond that specified in the permittee's Benchmark Monitoring Study Plan.

a. Description of the Site
The Benchmark Monitoring Study Plan shall include a description of the industrial site. This description shall identify:

1) the type of industrial facility,

2) the facility's normal hours of operation,

3) the means by which storm water discharges from the site reach surface waters of the state, and

4) the identity of the receiving water.

b. Sample Collection and Handling
The Benchmark Monitoring Study Plan shall include procedures for sample collection and handling, as follows:

1) the list of pollutants to be monitored. This list shall, at a minimum, include all parameters identified in the applicable sector-specific Benchmark Concentration Table provided in this permit (see Part I.F. or Part I.G., as specified in the COC);

2) the location(s) at which samples will be collected;

3) the sampling procedures, such as sampling tools, depth at which sample will be collected from within the water column,;

4) the source(s) or reference(s) associated with any standard sampling method(s) to be used;

5) the sample type to be collected for each pollutant (e.g., grab sample, 24-hour composite sample, etc.); and

6) the person(s) responsible for conducting the sampling. This person shall be either the Industrial Storm Water Certified Operator, or Qualified Personnel as defined in Part II.A.

PART I

Section E. Benchmark Monitoring

c. Sampling Frequency

The Benchmark Monitoring Study Plan shall specify the frequency at which storm water samples will be collected from each storm water discharge point as defined herein. At a minimum, the Benchmark Monitoring Study Plan shall specify that one (1) sampling event shall occur within each of three (3) successive quarters in which a qualifying storm event occurs. Quarters are defined as January-March, April-June, July-September, and October-December. These sampling events shall be conducted as part of the quarterly visual assessment and shall be conducted within one (1) month of control measure observations made in accordance with Part I.C.3.c.4) (Nonstructural Controls), above. Samples shall be collected within the first 30 minutes of the start of a discharge resulting from a qualifying storm event as defined in Part II.A (Definitions), below. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample shall be collected as soon thereafter as practicable but not exceeding 60 minutes. In the case of snowmelt, samples shall be collected during a period with measurable discharge from the site. Sample collection shall occur during the facility's normal hours of operation as described in the facility's Benchmark Monitoring Study Plan.

d. Sample Analysis

The Benchmark Monitoring Study Plan shall identify:

1) the EPA-approved test procedure by which each pollutant will be analyzed. All pollutants shall be analyzed in accordance with Part II.B.2. (Test Procedures), below;

2) the quantification level for each analysis. Maximally acceptable quantification levels are provided for selected parameters in the NPDES Permit Application Appendix located at www.michigan.gov/eglenpdes. In the center of the page, under the 'Information' heading, click on 'How to Apply for an NPDES permit.' The Permit Application Appendix is under the 'Downloadable Forms' header;

3) the laboratory performing the analysis;

4) the approximate date by which the study will be completed; and

5) the approximate date by which the final report will be submitted to the Department.

e. Data Evaluation

The Benchmark Monitoring Study Plan shall describe the procedures that will be used to evaluate the benchmark monitoring results obtained during the course of the study.

The permittee shall, at minimum, make two (2) comparisons as part of the data evaluation. The first comparison shall be made between each **individual** benchmark monitoring result and the benchmark concentration. The second comparison shall be made between the **average** of the three (3) benchmark monitoring results and the benchmark concentration. Benchmark concentrations are provided in the sector-specific Benchmark Concentration Table (see Part I.F. or Part I.G., below, as specified in the COC).

For certain metals, the applicable benchmark concentration depends on the hardness of the receiving water. The permittee shall either use the receiving water hardness value provided in the COC, or obtain an alternative hardness value by collecting a sample of the receiving water and having it analyzed for hardness. The analytical results of all hardness sampling shall be reported to the Department in accordance with Part I.E.2.f. (Reporting), below.

PART I

Section E. Benchmark Monitoring

f. Reporting

The permittee shall submit a report to the Department summarizing the results of the completed Benchmark Monitoring Study. The schedule for submittal of this report is dependent upon the outcome of the study (see requirements set forth under Part I.E.3., below). At a minimum, the report shall include:

1) All analytical results obtained during the course of the study, including actual quantification levels and any notations, and all sheets provided by the analyzing laboratory. If an alternative hardness value obtained through sampling was used in the metals data evaluation, analytical results for hardness shall be provided, as well;

2) For the qualifying storm event that is sampled, the report shall provide:

a) a written record of the qualifying storm event's date,

b) a measurement or estimate of the rainfall, and

c) the time (in days or hours) elapsed between the qualifying storm event sampled and the end-date of the previous qualifying storm event;

3) A summary of the outcome of the data evaluation, including the hardness value used in the metals data evaluation;

4) Written notification of any exceedances of benchmark concentrations; and

5) A description of the response(s) made to the data evaluation, including any corrective actions considered necessary and a schedule for implementing them. Responses shall be in accordance with Part I.E.3. (Outcomes and Required Responses), below.

PART I

Section E. Benchmark Monitoring

3. Outcomes and Required Responses

The evaluation of benchmark monitoring data may have several possible outcomes. These outcomes, and the required responses, are set forth below:

a. If the **average** of the three (3) benchmark monitoring results obtained for a given parameter **does not exceed** the benchmark concentration for that parameter, the permittee has fulfilled the benchmark monitoring requirements for that parameter for the duration of the COC issued under this permit. Within 90 days of receiving the final sampling event's analytical results, the permittee shall submit the required Benchmark Monitoring Study report prepared in accordance with Part I.E.2.f. (Reporting), above.

b. If the **average** of the three (3) monitoring results obtained for any single parameter **exceeds** the benchmark concentration for that parameter, the permittee shall review the selection, design, installation, and implementation of the nonstructural and structural controls to determine if modifications are necessary to meet the exceeded benchmark concentration(s). Within 90 days of receiving such sample results, the permittee shall submit a Benchmark Monitoring Study report to the Department for review and approval. The report shall be developed in accordance with Part I.E.2.f. (Reporting), above. If the Department does not take action to approve or comment on the report within 90 days after its submittal, the permittee shall begin taking any corrective actions identified in the report. All corrective actions identified in the report shall be completed within the schedule specified in the report. In addition, the permittee shall continue monitoring for an additional three (3) successive quarters, in which a qualifying storm event occurs, for any parameter(s) that exceeded the benchmark concentration(s) during the previous three (3) sampling events, until the average result no longer exceeds the benchmark concentration. This determination shall be made based on the three (3) most recent sample results.

   After two (2) years of benchmark monitoring, the permittee may determine that no further pollutant reductions are technologically available and/or economically practicable or achievable, in light of best industry practice, to meet the benchmark concentrations. The permittee shall document the rationale for making this determination, and retain all such documentation with the SWPPP. Within 30 days of making this determination, the permittee shall submit written notification of this determination to the Department for review. Following its review, the Department may approve the determination as is, comment and request changes, or determine that the discharge should be covered under an individual NPDES permit in accordance with the provisions set forth in Part I.D.9., above. The permittee shall continue benchmark monitoring once per year unless/until instructed by the Department to do otherwise.

c. If **any single sample result obtained for any required metal exceeds**, by greater than 3 times, the benchmark concentration for that metal, the permittee shall take corrective action to reduce the exceedance. Specifically, within 30 days of receiving the analytical result, the permittee shall:

   1) review all nonstructural and structural controls and develop a schedule for implementing corrective actions;

   2) submit a Benchmark Monitoring Study report to the Department for review and approval. The report shall be developed in accordance with Part I.E.2.f. (Reporting), above.

   3) repeat the actions required above in 1) and 2) IF, after taking corrective action and conducting the next sampling event, one (1) or more metal result still exceeds, by greater than 3 times, the benchmark concentration for that metal.

PART I

Section F. Sector-Specific Requirements for Automobile Salvage Yards

1. Covered Storm Water Discharges

The requirements set forth herein apply to storm water discharges associated with industrial activity from all facilities classified under SIC Code 5015: Motor Vehicle Parts, Used. The requirements set forth herein also apply to SIC Code 5093: Scrap and Waste Materials, if the facility primarily dismantles motor vehicles for scrap.

2. SWPPP Requirements

In addition to the SWPPP requirements set forth in Part I.A. through Part I.E. (except Part I.B.) of this permit, the permittee shall also address the following sector-specific factors as part of the SWPPP:

a. Material Handling Procedures
Material handling procedures shall address 1) the collection, storage, recycling, and disposal of oil, solvents, antifreeze, mercury switches, lead-acid batteries, and other vehicular fluids; 2) the measures to be taken to (as soon as practicable) drain fluids from vehicles that are to be dismantled; 3) instructions for the use of an impervious surface where spilled fluids resulting from dismantling or draining activities will be contained, or equivalent means to prevent spills and leaks if vehicular fluids will not be drained; 4) the handling of any spills or leaks that do occur (e.g., from equipment or during vehicle processing); and 5) the use of a mercury spill kit to handle mercury releases.

b. Employee Training Program
The employee training program shall include instruction on the material handling procedures specified in Part I.F.2.a., above.

c. Structural Controls
The SWPPP shall provide a description of the location, function, design criteria, and installation/construction schedule of structural controls for storm water pollution prevention and treatment within the following areas, as applicable:

1) storage areas/bins/containers where oily parts, engine blocks, scrap material, waste material, lead-acid batteries, or liquids are stored;

2) processing areas where vehicles are dismantled and crushed;

3) storm water discharge points – to control the release of sediment and/or petroleum products;

4) access roads (i.e. entrances and exits) – to reduce/prevent track-out of significant materials; and

5) equipment and vehicle wash areas intended to reduce/prevent unauthorized discharges.

d. Inspection Requirements
The SWPPP shall describe the procedures for carrying out required inspections as specified below:

PART I

Section F. Sector-Specific Requirements for Automobile Salvage Yards

1) Newly arrived salvage vehicles shall be inspected for leaks as soon as practicable after their arrival.

2) Routine preventative maintenance and good housekeeping inspections shall be conducted once every two weeks. At a minimum, these inspections shall include:

a) equipment used on site;

b) storage areas containing oily parts, hydraulic fluids, other fluids (e.g.: fuels, oils antifreeze, brake fluids, and solvents), lead-acid batteries, hazardous materials and/or mercury switches; and

c) all structural controls specified in Part I.F.2.c., above.

The permittee may request Department approval for reduced inspection frequency. Such a request may be made if the permittee meets the criteria set forth in Part I.C.3.c., AND if the outcome of the data evaluation shows that the average of each parameter's benchmark monitoring result obtained during the course of the Benchmark Monitoring Study does not exceed the parameter's benchmark concentration. Upon receipt of written approval and consistent with such approval, the permittee may reduce this inspection frequency. Frequency of inspections shall not be reduced to less than monthly unless site-specific circumstances warrant it. The Department may revoke its approval of reduced inspection frequency at any time upon notification to the permittee if criteria are not being met.

PART I

Section F. Sector-Specific Requirements for Automobile Salvage Yards

3. Benchmark Concentration Tables

Table 1.a.: Benchmarks for Automobile Salvage Yards	
Benchmark Parameter	**Benchmark Concentration**
Total Suspended Solids (TSS)	100 mg/l
Total Copper	Hardness Dependent, see Table 1.b.
Total Lead	Hardness Dependent, see Table 1.b.
Total Zinc	Hardness Dependent, see Table 1.b.

Table 1.b.: Hardness Dependent Benchmark Concentrations			
Receiving Water Hardness (mg/l)	**Benchmark Concentration (µg/l)**		
	Total Copper	**Total Lead**	**Total Zinc**
1-24.99	0.52	35	10
25-49.99	11	580	150
50-74.99	21	1,000	270
75-99.99	31	1,400	390
100-124.99	40	1,800	490
125-149.99	50	2,100	600
150-174.99	59	2,500	700
175-199.99	68	2,800	790
200-224.99	77	3,100	890
225-249.99	87	3,400	980
250-274.99	96	3,700	1,100
275-299.99	100	4,000	1,200
300-324.99	110	4,200	1,200
325+	120	4,500	1,300

PART I

Section G. Sector-Specific Requirements for Scrap and Waste Recycling Facilities

1. Covered Storm Water Discharges

The requirements set forth herein apply to storm water discharges associated with industrial activity from facilities classified under SIC Code 5093: Scrap and Waste Materials, and primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap metal and waste materials.

2. SWPPP Requirements

In addition to the SWPPP requirements set forth in Part I.A. through Part I.E. (except Part I.B.) of this permit, the permittee shall also address the following sector-specific factors as part of the SWPPP:

a. Material Handling Procedures
Material handling procedures shall address 1) the collection, storage, recycling, and disposal of oil, solvents, antifreeze, mercury switches, lead-acid batteries, and other vehicular fluids; 2) the measures to be taken to (as soon as practicable) drain fluids from vehicles or equipment that is to be dismantled, crushed, or shredded; 3) instructions for the use of an impervious surface where spilled fluids resulting from dismantling, crushing, shredding or draining activities will be contained, or equivalent means to prevent spills and leaks if vehicular fluids will not be drained; 4) the handling of any spills or leaks that do occur (e.g., from equipment or during vehicle processing); and 5) the use of a mercury spill kit to handle mercury releases.

b. Employee Training Program
The employee training program shall include instruction on the material handling procedures specified in Part I.G.2.a., above, and instruction on procedures for inspecting inbound materials in order to minimize the potential for significant materials to contaminate storm water.

c. Structural Controls
The SWPPP shall provide a description of the location, function, design criteria, and installation/construction schedule of structural controls for storm water pollution prevention and treatment within the following areas, as applicable:

1) storage areas/bins/containers where oily parts, engine blocks, scrap material, waste material, lead-acid batteries, or liquids are stored;

2) processing areas where vehicles are crushed or shredded;

3) storm water discharge points – to control the release of sediment and/or petroleum products;

4) access roads (i.e. entrances and exits) – to reduce/prevent track-out of significant materials;

5) equipment and vehicle wash areas intended to reduce/prevent unauthorized discharges; and

6) outdoor areas where significant materials are stored.

d. Inspection Requirements
The SWPPP shall describe the procedures for carrying out required inspections as specified below:

PART I

Section G. Sector-Specific Requirements for Scrap and Waste Recycling Facilities

1) Inbound materials shall be inspected to minimize the potential for significant materials to contaminate storm water.

2) Routine preventative maintenance and good housekeeping inspections shall be conducted once every two weeks. At a minimum, these inspections shall include:

a) equipment used on site;

b) storage areas containing oily parts, hydraulic fluids, other fluids (e.g.: fuels, oils antifreeze, brake fluids, and solvents), lead-acid batteries, hazardous materials and/or mercury switches; and

c) all structural controls specified in Part I.G.2.c., above.

The permittee may request Department approval for reduced inspection frequency. Such a request may be made if the permittee meets the criteria set forth in Part I.C.3.c., AND if the outcome of the data evaluation shows that the average of each parameter's benchmark monitoring result obtained during the course of the Benchmark Monitoring Study does not exceed the parameter's benchmark concentration. Upon receipt of written approval and consistent with such approval, the permittee may reduce this inspection frequency. Frequency of inspections shall not be reduced to less than monthly unless site-specific circumstances warrant it. The Department may revoke the approval of reduced inspection frequency at any time upon notification to the permittee if criteria are not being met.

3. Benchmark Concentration Tables

Table 2.a.: Benchmarks for Scrap and Waste Recycling Facilities	
Benchmark Parameter	**Benchmark Concentration**
Total Suspended Solids (TSS)	100 mg/l
Chemical Oxygen Demand (COD)	120 mg/l
Total Copper	Hardness Dependent, see Table 2.b.
Total Lead	Hardness Dependent, see Table 2.b.
Total Zinc	Hardness Dependent, see Table 2.b.

Table 2.b.: Hardness Dependent Benchmark Concentrations			
Receiving Water Hardness (mg/l)	**Benchmark Concentration (µg/l)**		
	Total Copper	**Total Lead**	**Total Zinc**
1-24.99	0.52	35	10
25-49.99	11	580	150
50-74.99	21	1,000	270
75-99.99	31	1,400	390
100-124.99	40	1,800	490
125-149.99	50	2,100	600
150-174.99	59	2,500	700
175-199.99	68	2,800	790
200-224.99	77	3,100	890
225-249.99	87	3,400	980
250-274.99	96	3,700	1,100
275-299.99	100	4,000	1,200
300-324.99	110	4,200	1,200
325+	120	4,500	1,300

PART II

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, Soil and Sedimentation Control, 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 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, Land Application of Biosolids, promulgated under Part 31 of the NREPA. 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 Environment, Great Lakes, and Energy.

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

Discharge means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any surface water of the state.

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

Fecal coliform bacteria monthly
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 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 an NPDES 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.

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.

PART II

Section A. Definitions

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) 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 Clean Water Act, 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.

Maximum extent practicable means implementation of best management practices by a public body to comply with an approved storm water management program as required by a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

MBTU/hr means million British Thermal Units per hour.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period 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 POTW as defined in the Code of Federal Regulations at 40 CFR 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 Clean Water Act 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 Clean Water Act. 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.

Nonstructural controls are practices or procedures implemented by employees at a facility to manage storm water or to prevent contamination of storm water.

NPDES means National Pollutant Discharge Elimination System.

Outfall is the location at which a point source discharge first enters a surface water 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 control 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 NPDES 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, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

PART II

Section A. Definitions

POTW is a publicly owned treatment work.

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 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 waters or groundwaters of the 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 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 the 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, Hazardous Waste Management, 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 storm water discharges for which the Department has determined that additional monitoring is needed from: 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.

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.

Structural controls are physical features or structures used at a facility to manage or treat storm water.

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 Clean Water Act 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.

WWSL is a wastewater stabilization lagoon.

PART II

Section A. Definitions

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 Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations**. Requests to use test procedures 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 Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

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

3. Instrumentation

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

4. Recording Results

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

5. Records Retention

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

PART II

Section C. Reporting Requirements

1. Start-up Notification

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

2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," the permittee shall submit self-monitoring data via the Department's MiEnviro system.

The permittee shall utilize the information provided on the MiEnviro website, located at https://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, 1987 PA 96, as amended, 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 Federal 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 of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

7. Spill Notification

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

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

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, the following information:

a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and

c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

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

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

9. Bypass Prohibition and Notification

a. Bypass Prohibition
Bypass is prohibited, and the Department may take an enforcement action, unless:

1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and

3) the permittee submitted notices as required under 9.b. or 9.c. below.

b. Notice of Anticipated Bypass
If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.

c. Notice of Unanticipated Bypass
The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the second page of this permit (if the notice is provided after regular working hours, 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.

PART II

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; 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 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 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 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, on forms provided by the Department.

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 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. Operator Certification

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

3. Facilities Operation

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

4. Power Failures

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

a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or

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

5. Adverse Impact

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

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 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; and

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

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal 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 Federal 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 Federal Act 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 Federal 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.