

PERMIT NO. MI0058827



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 *et seq.*) (the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Order 2009-45,

CMS Land Company
2936 Charlevoix Avenue
Petoskey, Michigan 49770

is authorized to discharge from the **CMS Land Company Little Traverse Bay Environmental Project** located at

2936 Charlevoix Avenue
Petoskey, Michigan 49770

designated as **CMS Land Co-Bay Harbor Resort**

through discharge pipe and storm sewers to the receiving water named Little Traverse Bay in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

This permit is based on a complete application submitted on August 11, 2010, and amended through December 16, 2010.

This permit for a new use takes immediate effect on the date of issuance. 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 and the authorization to discharge shall expire at midnight, **October 1, 2015**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department of Natural Resources and Environment (Department) by **April 4, 2015**.

Issued December 29, 2010.

Original Permit Signed by Daniel Dell
Daniel Dell, Chief
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

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

Annual Permit Fee Classification: Industrial-Commercial Minor, high-flow (IP)

ANTIDEGRADATION

The Department has determined that the permittee's Antidegradation Demonstration, based on information required by Subrule (4) of R323.1098, shows that lowering of water quality is necessary to support the identified important social and economic development in the area. This determination is solely for purposes of satisfying state water quality regulations and is not intended to supplant local requirements, including land use or zoning laws. It is not, and should not be construed as, a finding by the Department that the proposed development meets local requirements or ordinances.

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Cadillac District Supervisor of the Water Resources Division. The Cadillac District Office is located at 120 West Chapin Street, Cadillac, Michigan 49601, Telephone: 231-775-3960, Fax: 231-775-1511.

CONTESTED CASE INFORMATION

Any person to whom this permit is not acceptable may file a sworn petition with the State Office of Administrative Hearings and Rules of the Michigan Department of Energy, Labor, and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Energy, Labor, and Economic Growth may reject any petition filed more than 60 days after issuance as being untimely.

PART I

Section A. Limitations and Monitoring Requirements

1. Final Effluent Limitations, Monitoring Point 001A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.185 MGD of treated cement kiln dust leachate (collected from the East Park area) and diverted groundwater from the diversion wells (at East Park) from Monitoring Point 001A through Outfall 001 via a discharge pipe and storm sewers. Outfall 001 discharges to Little Traverse Bay. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Mercury								
Influent	---	---	---	(report)	---	ng/l	2X Monthly	Grab
After Treatment and Prior to Dilution				(report)	---	ng/l	2X Monthly	Grab
Discharge	0.000002	---	lbs/day	1.3	---	ng/l	2X Monthly	Grab
Acute Toxicity	---	---	---	---	1.0	TU _A	Monthly	24-Hr Composite
Chronic Toxicity	---	---	---	11	---	TU _C	Monthly	24-Hr Composite
Total Dissolved Solids	---	---	---	(report)	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)	---	---	---	(report)	(report)	mg/l	Daily	Grab
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
				Minimum	Maximum			
				<u>Daily</u>	<u>Daily</u>			
Dissolved Oxygen	---	---	---	4.0	---	mg/l	Daily	Grab
pH	---	---	---	6.5	9.0	S.U.	Daily	Grab

- a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. Monitoring Location
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Little Traverse Bay.
- c. Outfall Observation
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 with a written report within five (5) days detailing the findings of the investigation and the steps taken to correct the condition.

PART I

Section A. Limitations and Monitoring Requirements

d. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Approval of water additives is authorized under separate correspondence. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the permittee shall submit a request to the Department for approval. See Part I.A.3. for information on requesting water treatment additive use.

e. Total Mercury Testing Requirements

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry". The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination.

The use of clean technique sampling procedures is required unless the permittee can demonstrate to the Department that an alternative sampling procedure is representative of the discharge. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, July 1996. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

After one (1) year of total mercury monitoring, the permittee may request a reduction in monitoring frequency. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency for total mercury indicated in Part I.A.1. of this permit. The monitoring frequency shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

f. Whole Effluent Toxicity Final Requirements

Test species shall include fathead minnow **and** *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures contained in EPA/600/4-91/002, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (Fourth Edition)." When the effluent ammonia nitrogen (as N) concentration is greater than 3 mg/l, the pH of the toxicity test shall be maintained at a pH of 8 Standard Units. The acute toxic unit (TU_A) value and chronic toxic unit (TU_C) value for **each species tested** shall be reported on the Discharge Monitoring Report (DMR). If multiple chronic toxicity tests for the same species are performed during the month, the maximum TU_A value and monthly average TU_C value for the species shall be reported. For **each species not tested**, the permittee shall enter "***W**" on the DMR. Completed toxicity test reports for each test conducted shall be retained by the permittee in accordance with the requirements of Part II.B.5. of this permit and shall be available for review by the Department upon request. After one (1) year of toxicity testing and upon approval of the Department, the toxicity tests may be performed using the more sensitive species identified in the toxicity database. If a more sensitive species cannot be identified, the toxicity tests shall be performed with both species. Toxicity test data acceptability is contingent upon validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

If the final effluent limitations of 11 TU_C or 1.0 TU_A for monitoring point 001A are not being met, the permittee shall immediately terminate the discharge from monitoring point 001A and notify the Department of this action. Prior to resuming discharge, the permittee shall notify the Department that measures have been taken to consistently achieve the final effluent limitations of 11 TU_C and 1.0 TU_A for monitoring point 001A.

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Section A. Limitations and Monitoring Requirements

After one (1) year of toxicity testing, the permittee may request a reduction in monitoring frequency. This request shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.1. of this permit. The monitoring frequency shall not be reduced to less than quarterly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

2. Final Effluent Limitations, Monitoring Point 002A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 1.05 MGD of treated cement kiln dust leachate (collected from the Development Site area) and clean groundwater (old City of Petoskey Well #3) from Monitoring Point 002A through Outfall 002 via a discharge pipe. Outfall 002 discharges to Little Traverse Bay. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u> (report)	<u>Daily</u> (report)	<u>Units</u> MGD	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow				---	---	---	Daily	Report Total Daily Flow
Total Mercury								
Influent	---	---	---	(report)	---	ng/l	2X Monthly	Grab
After Treatment and Prior to Dilution	---	---	---	(report)	---	ng/l	2X Monthly	Grab
Discharge	0.000011	---	lbs/day	1.3	---	ng/l	2X Monthly	Grab
Acute Toxicity	---	---	---	---	1.0	TU _A	Monthly	24-Hr Composite
Chronic Toxicity	---	---	---	11	---	TU _C	Monthly	24-Hr Composite
Total Dissolved Solids	---	---	---	(report)	(report)	mg/l	Daily	Grab
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
				Minimum	Maximum			
				<u>Daily</u>	<u>Daily</u>			
Dissolved Oxygen	---	---	---	4.0	---	mg/l	Daily	Grab
pH	---	---	---	6.5	9.0	S.U.	Daily	Grab

- a. **Narrative Standard**
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Little Traverse Bay.
- c. **Outfall Observation**
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 with a written report within five (5) days detailing the findings of the investigation and the steps taken to correct the condition.

PART I

Section A. Limitations and Monitoring Requirements

d. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Approval of water additives is authorized under separate correspondence. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the permittee shall submit a request to the Department for approval. See Part I.A.3. for information on requesting water treatment additive use.

e. Total Mercury Testing Requirements

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry". The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination.

The use of clean technique sampling procedures is required unless the permittee can demonstrate to the Department that an alternative sampling procedure is representative of the discharge. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, July 1996. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

After one (1) year of total mercury monitoring, the permittee may request a reduction in monitoring frequency. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency for total mercury indicated in Part I.A.2. of this permit. The monitoring frequency shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

f. Whole Effluent Toxicity Final Requirements

Test species shall include fathead minnow **and** *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures contained in EPA/600/4-91/002, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (Fourth Edition)." When the effluent ammonia nitrogen (as N) concentration is greater than 3 mg/l, the pH of the toxicity test shall be maintained at a pH of 8 Standard Units. The acute toxic unit (TU_A) value and chronic toxic unit (TU_C) value for **each species tested** shall be reported on the Discharge Monitoring Report (DMR). If multiple chronic toxicity tests for the same species are performed during the month, the maximum TU_A value and monthly average TU_C value for the species shall be reported. For **each species not tested**, the permittee shall enter "***W**" on the DMR. Completed toxicity test reports for each test conducted shall be retained by the permittee in accordance with the requirements of Part II.B.5. of this permit and shall be available for review by the Department upon request. After one (1) year of toxicity testing and upon approval of the Department, the toxicity tests may be performed using the more sensitive species identified in the toxicity database. If a more sensitive species cannot be identified, the toxicity tests shall be performed with both species. Toxicity test data acceptability is contingent upon validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

If the final effluent limitations of 11 TU_C or 1.0 TU_A for monitoring point 002A are not being met, the permittee shall immediately terminate the discharge from monitoring point 002A and notify the Department of this action. Prior to resuming discharge, the permittee shall notify the Department that measures have been taken to consistently achieve the final effluent limitations of 11 TU_C and 1.0 TU_A for monitoring point 002A.

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Section A. Limitations and Monitoring Requirements

After one (1) year of toxicity testing, the permittee may request a reduction in monitoring frequency. This request shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.2. of this permit. The monitoring frequency shall not be reduced to less than quarterly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

3. Request for Discharge of Water Treatment Additives

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Resources Division, Department of Natural Resources and Environment, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department contact listed on the cover page of this permit. Instructions to submit a request electronically may be obtained via the Internet (<http://www.michigan.gov/dnre> and on the left side of the screen click on Water, Water Quality Monitoring, and Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- a. Material Safety Data Sheet;
- b. the proposed water additive discharge concentration;
- c. the discharge frequency (i.e., number of hours per day and number of days per year);
- d. the monitoring point from which the product is to be discharged;
- e. the type of removal treatment, if any, that the water additive receives prior to discharge;
- f. product function (i.e. microbiocide, flocculant, etc.);
- g. a 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*); and
- h. the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section by telephone at 517-335-1180 or via the Internet at the address given above to determine if the Department has the product toxicity data required by items g. and h. above. If the Department has the data, the permittee will not need to submit product toxicity data.

4. Cessation of Discharge

If the final effluent limitations specified for outfalls 001 or 002 are not being met, the permittee shall immediately terminate the discharge(s) from the applicable outfall(s) and notify the Department of this action. Prior to resuming discharge, the permittee shall notify the Department that measures have been taken to consistently achieve the final effluent limitations.

PART I**Section A. Limitations and Monitoring Requirements****5. Short Term Waste Characterization Study**

As a condition of this permit, the permittee shall monitor the discharges from monitoring points 001A and 002A for the constituents, at the frequency, duration and quantification level specified below. The results of the analysis of such monitoring shall be submitted to the Department by January 31, 2012. If, upon review of the analysis, it is determined that any of the materials or constituents require limiting to protect the receiving waters in accordance with applicable water quality standards, the permit may then be modified by the Department in accordance with applicable laws and rules. These monitoring requirements shall be repeated after the Captur treatment system is installed at monitoring point 001A and if the operating ultrafiltration treatment system is replaced by the Captur treatment system at monitoring point 002A. Beginning in 2013, the permittee shall monitor annually the discharges from monitoring points 001A and 002A for the constituents and quantification level specified below.

<u>Constituent</u>	<u>Sample Type</u>	<u>Sample Frequency</u>	<u>Sample Duration</u>	<u>Analytical Method and/or Quantification Level</u>
Total Antimony	Grab	Monthly	One (1) Year	1.0 ug/l
Total Arsenic	Grab	Monthly	One (1) Year	1.0 ug/l
Total Barium	Grab	Monthly	One (1) Year	5.0 ug/l
Total Beryllium	Grab	Monthly	One (1) Year	1.0 ug/l
Total Boron	Grab	Monthly	One (1) Year	20 ug/l
Total Cadmium	Grab	Monthly	One (1) Year	0.2 ug/l
Total Chromium	Grab	Monthly	One (1) Year	1.0 ug/l
Total Copper	Grab	Monthly	One (1) Year	1.0 ug/l
Total Lead	Grab	Monthly	One (1) Year	1.0 ug/l
Total Manganese	Grab	Monthly	One (1) Year	5.0 ug/l
Total Molybdenum	Grab	Monthly	One (1) Year	25 ug/l
Total Nickel	Grab	Monthly	One (1) Year	2.0 ug/l
Total Selenium	Grab	Monthly	One (1) Year	1.0 ug/l
Total Silver	Grab	Monthly	One (1) Year	0.2 ug/l
Total Strontium	Grab	Monthly	One (1) Year	5.0 ug/l
Total Thallium	Grab	Monthly	One (1) Year	2.0 ug/l
Total Vanadium	Grab	Monthly	One (1) Year	2.0 ug/l
Total Zinc	Grab	Monthly	One (1) Year	10 ug/l

PART I

Section A. Limitations and Monitoring Requirements

6. Facility Contact

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

- 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.

7. Total Mercury Treatment

Beginning on the effective date of this permit, and every six months thereafter, the permittee shall submit a status report on the Captur treatment systems until they are in operation.

Outfall 001 – East Park

On or before December 31, 2012, the permittee shall design, construct, and operate the Captur treatment system to remove total mercury from the cement kiln dust leachate collected from the East Park area prior to mixing with diverted upstream groundwater and discharging through outfall 001 to Little Traverse Bay.

Outfall 002 – Development Site

On or before December 31, 2012, the permittee shall also replace the operating ultrafiltration treatment system with the Captur treatment system at outfall 002 for treating cement kiln dust leachate collected from the Development Site area prior to dilution and discharging through outfall 002 to Little Traverse Bay. This requirement only applies if the operating ultrafiltration system is unable to treat the mercury in the cement kiln dust leachate to below 1.3 ng/l. This requirement does not apply if the permittee demonstrates that the Captur system does not further reduce the mercury level in the cement kiln dust leachate.

8. Discharge to the Groundwaters

This site is a known source of groundwater pollution. The issuance of this permit does not authorize any discharge to the groundwaters or venting of contaminated groundwaters to the surface waters, nor does it constitute a release of liability for any groundwater contamination at or around the site. The state reserves its rights to seek remedies to abate any groundwater contamination.

PART II

Section A. Definitions

This list of definitions may include terms not applicable to this permit.

Acute toxic unit (TU_A) means 100/LC₅₀ where the LC₅₀ 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.

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.

Chronic toxic unit (TU_C) means 100/MATC or 100/IC₂₅, where the maximum acceptable toxicant concentration (MATC) and IC₂₅ are expressed as a percent effluent in the test medium.

Class B Biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

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

Department means the Michigan Department of Natural Resources and Environment.

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

PART II

Section A. Definitions

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.

EC₅₀ 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 is the geometric mean of the samples collected in a calendar month (or 30 consecutive days). 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 DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the period in which the discharge occurred was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred..

Fecal coliform bacteria 7-day is the geometric mean of the samples collected in any 7-day period. 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 concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the seven day period was partially in each of two months, the seven day average shall be reported on the DMR of the month in which the last day of discharge occurred.

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

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

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

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts the 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.

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

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

MGD means million gallons per day.

PART II

Section A. Definitions

Monthly monitoring frequency refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Monthly concentration is the sum of the daily concentrations determined during a reporting month (or 30 consecutive days) divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the period in which the discharge occurred was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred.

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 in the reporting month (or 30 consecutive days). The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the period in which the discharge occurred was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred.

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 Federal 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.

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

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.

POTW is a publicly owned treatment works.

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.

PART II

Section A. Definitions

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

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

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 wastestream 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)).

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

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 Federal 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 Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 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 must be reported for that period if a discharge occurs during that period.

Yearly monitoring frequency refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

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.

PART II

Section A. Definitions

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 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. 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 month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the seven day period was partially in each of two months, the seven day average shall be reported on the DMR of the month in which the last day of discharge occurred.

7-day loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during any 7 consecutive days in a reporting month. 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 month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs. FOR SEASONAL LAGOON DISCHARGES ONLY: If the seven day period was partially in each of two months, the seven day average shall be reported on the DMR of the month in which the last day of discharge occurred.

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 Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. Requests to use test procedures not 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 Chief of the Permits Section, Water Resources Division, Michigan Department of Natural Resources and Environment, P.O. Box 30273, Lansing, Michigan, 48909-7773. The permittee may use such procedures upon approval.

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

3. Instrumentation

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

4. Recording Results

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

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) 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 Act 451 of 1994, as amended, specifically Section 324.3110(3) and Rule 323.2155(2) of Part 21 allows 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 Electronic Environmental Discharge Monitoring Reporting (e2-DMR) system.

The permittee shall utilize the information provided on the e2-Reporting website @ <https://secure1.state.mi.us/e2rs/> 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).

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page 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 Water Resources Division, Michigan Department of Natural Resources and Environment. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous years 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.

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 Michigan Act or Rule 35 of the Mobile Home Park Commission Act (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.

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.

PART II

Section C. Reporting Requirements

6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, 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 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 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 (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

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

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

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

PART II

Section C. Reporting Requirements

9. Bypass Prohibition and Notification

- a. Bypass Prohibition - Bypass is prohibited 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.
- 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 assure 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.10. 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.

PART II

Section C. Reporting Requirements

10. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, within 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.

11. 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 Rule 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.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

12. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of Rules 323.1098 and 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.

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.

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 Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit 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 Michigan Act. 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 Michigan Act.

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 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 (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the Michigan Act.

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 Michigan Act, 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:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; 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 (Rule 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 Michigan Act.

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 Michigan Act.

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 must be by permit issued under Part 41 of the Michigan Act.

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 Federal 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 Natural Resources and Environment permits, or approvals from other units of government as may be required by law.