

PERMIT NO. MI0025585



**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 Orders 1991-31, 1995-4, and 1995-18,

**8 ½ Mile Relief Drain Drainage District**

P.O. Box 806  
Mount Clemens, Michigan 48046

and

**South Macomb Sanitary District**

20001 Pleasant Street  
St. Clair Shores, Michigan 48080

are authorized to discharge from the **Chapaton Retention Treatment Basin** facility located at

23001 East Nine Mile Road  
St. Clair Shores, Michigan 48080

designated as **Chapaton RTB**

to the receiving water named Chapaton Canal 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 May 22, 2009.

**This permit takes effect on December 1, 2009.** 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. On its effective date this permit shall supersede NPDES Permit No. MI0025585, expiring October 1, 2009.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2014**. 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 by **April 4, 2014**.

Issued \_\_\_\_\_

DRAFT – August 28, 2009  
Daniel Dell, Chief  
Permits Section  
Water Bureau

## 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 Michigan Department of Environmental Quality (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:** Municipal Minor CSO (Individual Permit)

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

## CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Southeast Michigan District Supervisor of the Water Bureau. The Southeast Michigan District Office is located at 27700 Donald Court, Warren, Michigan 48092-2793, Telephone: 586-753-3700, Fax: 586-753-3751.

## CONTESTED CASE INFORMATION

Any person who is aggrieved by this permit 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. Retention Treatment Basin Discharge Authorization, 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 treated combined sewage from the Chapaton Retention Treatment Basin Monitoring Point 001A through Outfall 001 when the basin is full and wastewater flows exceed downstream interceptor capacity. Outfall 001 discharges to Chapaton Canal. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Influent Characteristics</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Monitoring Sample Frequency Type</u>	
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )		---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)--	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)---	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
<b><u>Effluent Characteristics</u></b>										
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )		---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)--	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)---	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Fecal Coliform Bacteria										
May – October	---	---	---	---	---	---	400	cts/100 ml	Daily	Grab
November – April	---	---	---	---	---	---	1000	cts/100 ml	Daily	Grab
Total Residual Chlorine (TRC)										
Any Event	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
(see additional controls specified in Part I.A.3.)										
					<b><u>Minimum Daily</u></b>		<b><u>Instantaneous Maximum</u></b>			
pH	---	---	---	---	(report)	---	(report)	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	---	(report)	---	---	mg/l	Daily	Grab

## PART I

### Section A. Limitations and Monitoring Requirements

a. Retention Basin Monitoring and Reporting

The permittee shall monitor retention basin performance and report the monitoring consistent with the requirements of Part II.C.2. of this permit. The permittee shall supply the results of each sample taken during each discharge period. Influent reporting is required only when the basin has discharged.

Basin influent flow shall be reported as total daily influent flow and monthly total influent flow. Discharge flow shall be reported as total daily discharge flow and monthly total discharge flow.

**Influent sampling** shall be by grab samples collected every two (2) hours for the first eight (8) hours of flow into the basin and every four (4) hours thereafter for the duration of flow into the basin. The average of all discrete sample results shall be calculated for each calendar day of flow. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration.

**Effluent sampling** shall be by grab samples collected every two (2) hours for the first eight (8) hours of discharge and every four (4) hours thereafter for the duration of the discharge. The average of all discrete sample results shall be calculated for each calendar day of discharge. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration.

For Fecal Coliform Bacteria, the “daily maximum” shall be the geometric mean of all samples on any discharge day, provided that three (3) or more samples are collected. The goal of the effluent sampling program is to collect at least three samples during each discharge event, and samples shall be collected at shorter intervals at the onset of the event, if the permittee estimates that the event duration may be less than six hours.

For purposes of reporting on a discharge event which lasts less than 24 hours, but occurs during two calendar days, the pollutant loadings and concentrations for the event shall be reported as daily values on the day when the majority of the discharge occurred.

b. Retention Treatment Basin Dewatering

The retention treatment basin shall be promptly dewatered as soon as possible following the need to divert flow to the basin and shall be maintained in readiness for use. The discharge of sludge or residual accumulations from the basin to the surface waters is prohibited. These sludges shall be promptly removed and disposed in accordance with procedures approved by the Department.

c. 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.

d. Discharge Notification and *Escherichia coli* Testing

The permittee shall conduct discharge notification and *Escherichia coli* testing in accordance with Part I.A.5. “Untreated or Partially Treated Sewage Discharge Requirements” of this permit.

e. Disconnection of Eaves Troughs and Roof Downspouts

Direct connections of eaves troughs and roof downspouts to the sewer system throughout the service area tributary to the Chapaton RTB are prohibited. This requirement does not apply if the permittee has demonstrated that the disconnection of eaves troughs and roof downspouts is not a cost-effective means of reducing the frequency or duration of overflows or of maintaining compliance with this permit. Such a demonstration and supporting documentation shall be submitted to the Department for approval.

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### Section A. Limitations and Monitoring Requirements

- f. New Wastewater Flows  
Increased levels of discharge of sanitary sewage from the retention treatment basin are prohibited unless:
- 1) these increased discharges are the result of new sanitary wastewater flows which, on the basis of sound professional judgment, are within design peak dry weather transportation capacity; or
  - 2) the permittee has officially adopted and is timely implementing a definite program, satisfactory to the Department, leading to the construction and operation of necessary collection, transportation or treatment devices.

### 2. Nine Mile Bypass Structure

Discharges from the Nine Mile Bypass Structure to Chapaton Canal via Outfall 001 are prohibited except in accordance with the bypass provisions of Part II.C.9. of this permit. At times when wet weather flows entering the facility's pump station exceed firm pumping capacity of 1,030 cubic feet per second, a discharge from the Nile Mile Bypass Structure to Chapaton Canal vial Outfall 001 will be considered by the Department as meeting the requirements of Part II.C.9.a.1. and Part II.C.9.a.2. of this permit.

### 3. Total Residual Chlorine Minimization Program

The goal of the Total Residual Chlorine (TRC) Minimization Program is operation of the CSO RTB in a manner which will provide consistent, effective disinfection while minimizing the discharge of TRC, recognizing the overall goal is compliance with the TRC Final Acute Value of 0.038 mg/l at any point in the receiving stream, unless it is determined by the Department by a permit action that a higher level is acceptable.

In addition, the Operational Goals for this facility are 1.5 mg/l TRC as an event average value and 2.0 mg/l (November – April) or 3.0 mg/l (May – October) TRC as an event instantaneous maximum value.

- a. TRC Minimization Assessment (Assessment)  
The permittee shall prepare and conduct a program to assess the capability of the CSO RTB to minimize the discharge of TRC. Compliance with the Fecal Coliform Bacteria effluent limits set forth in Part I.A.1. of this permit shall be maintained during the Assessment. The Assessment shall include an evaluation of various operational practices under a variety of wet weather events to identify measures which can be taken to reduce TRC discharge concentrations. Upon notification by the Department, the permittee shall begin conducting the Assessment over an 18 month period and shall submit a report summarizing the results to the Department within 60 days of completion. An extension of the Assessment period beyond 18 months may be requested by the permittee for approval by the Department in the event that a sufficient number of CSO discharge events have not occurred to allow for an adequate assessment of operational procedures. The Assessment report shall include the expected achievable TRC discharge concentrations, recommendations as to specific protocols to be used to manage sodium hypochlorite (NaOCl) dosage rates under various conditions to achieve the Operational Goals, and recommended facility modifications to enhance the ability to control TRC levels while maintaining compliance with the Fecal Coliform Bacteria limits. Specific procedures for adjustment of NaOCl feed rates to minimize the discharge of TRC shall be submitted as part of the Operational Plan (and revised as appropriate in annual updates), as required by Part I.A.4. of this permit. The TRC minimization procedures, developed as part of the Assessment, shall be implemented upon approval by the Department.

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- b. **Operational Goals**  
Upon completion of the Assessment, the permittee shall operate the facility with a goal of 1.5 mg/l TRC as an event average value and a goal of 2.0 mg/l (November – April) or 3.0 mg/l (May – October) TRC as an event instantaneous maximum value. If upon completion of the Assessment the permittee determines the facility can achieve lower TRC goals than those specified above, then the permittee shall operate the facility to achieve the lower TRC levels. If either TRC goal is exceeded for a CSO discharge event, the permittee shall submit a written report to the Department within seven (7) days explaining the cause of the exceedance and describing the corrective measures that will be undertaken to prevent a future recurrence.
- c. **In-Stream TRC Effluent Plume Evaluation**  
The permittee shall conduct an evaluation of the in-stream TRC effluent plume attributable to the CSO RTB discharge. The evaluation shall identify the location and size of the TRC effluent plume during and after CSO discharge events and identify the maximum TRC concentrations in-stream at various downstream locations. A Total Residual Chlorine Mixing Zone Demonstration Plan, dated March 6, 2007 was approved on October 14, 2008. This Demonstration Plan can be used as part of the In-Stream TRC Effluent Plume Evaluation. The permittee shall implement the In-Stream TRC Effluent Plume Evaluation following the schedule below:
- 1) On or before October 1, 2012, the permittee shall submit to the Department an approvable Study Report. If the required Study cannot be completed by October 1, 2012, due to circumstances beyond the control of the permittee, such as an insufficient number of overflow events occurring during the Study period, an extension to the schedule for the Study may be approved by the Department.
- d. **Permit Re-Opener Clause**  
Upon completion of the TRC Minimization Assessment and the In-Stream TRC Effluent Plume Evaluation, the Department may re-evaluate the need for TRC effluent limitations. This permit may be modified in accordance with applicable laws and rules to incorporate such revisions as may be necessary to comply with Water Quality Standards at the time of discharge.
- e. **Best Management Practices/Operator Coordination Work Group (Work Group)**  
The permittee shall attend and participate in at least quarterly Work Group meetings with representatives from other CSO facilities in Southeast Michigan to exchange information and share experiences relating to the operation and maintenance of CSO control facilities. Such Work Group meetings shall be used to develop Best Management Practices (BMPs) relating to CSO RTB operation, with an initial focus on actions to minimize the TRC discharge levels. At a minimum, the Work Group shall include representatives of the following CSO facilities: Birmingham CSO RTB, Bloomfield Village CSO RTB, Chapaton RTB, Dearborn CSO, DWSD CSO Facilities, Inkster-Dearborn Heights CSO, Martin RTB, Oakland County-Acacia Park (Acacia Park CSO Drainage District, Village of Beverly Hills, City of Birmingham), Redford Township CSO, River Rouge CSO, Wayne County – Dearborn Heights CSO, Wayne County – Inkster CSO, Wayne County – Inkster – Dearborn Heights CSO, and Wayne County – Redford – Livonia CSO. The Work Group shall submit an annual report summarizing the meetings and BMPs developed to the Department by March 1<sup>st</sup> of each year.

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#### 4. Operational Plan

The permittee shall continue implementation of the Operational Plan approved on March 7, 2005. Any changes to the operational plan which affect the rate, volume, or the system storage and transportation for conveyance of wet weather flows, shall be submitted to the Department for approval prior to implementation. On or before March 1<sup>st</sup>, annually, the permittee shall submit to the Department the Operational Plan, which incorporates all changes made to the plan during the last year. The Operational Plan shall define the hydraulic design constraints of the system during both dry and wet weather operation. The plan shall include:

- a. the procedures to ensure that the collection and treatment systems are operated to maximize treatment;
- b. the procedures to ensure that all dry weather flows are conveyed to the treatment facilities for treatment without bypass;
- c. the hydraulic profile and hydraulic operational elevations for system pump stations, regulators, diversion devices, gates, level sensors, interceptors, etc. to ensure the conveyance of all dry weather flows to the treatment facilities for treatment without bypass;
- d. the procedures to ensure that the sewerage system hydraulic and storage capacity is identified and fully utilized during wet weather events with eventual transport and treatment of stored flows;
- e. the hydraulic profile and hydraulic operational elevations for system pump stations, regulators, diversion devices, gates, level sensors, interceptors, etc. to ensure that the greatest quantity of wet weather flow is conveyed to the Wayne County Interceptor System for transport to the treatment facilities for treatment to minimize combined sewage discharges;
- f. the procedures to ensure that the greatest quantity of wet weather flow is conveyed to the Chapaton RTB for treatment;
- g. the procedures to ensure the sewerage system is maintained at its optimum operational capability, including procedures for dewatering the Chapaton RTB as soon as possible after use;
- h. the procedures for ongoing inspection of the sewer system within the permittees jurisdiction for excessive inflow and infiltration and where necessary, reduction of the excessive infiltration and inflow sources, and the elimination of unauthorized sewer system connections; and an
- i. identification of the location of all rain gauges.

The permittee shall consider opportunities to encourage pollutant prevention strategies by industries and municipalities tributary to the treatment system. Such strategies may include public education, and other activities that may be effective in reducing the volume and pollutants of combined sewer overflows.

#### 5. Untreated or Partially Treated Sewage Discharge Requirements

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

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

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### Section A. Limitations and Monitoring Requirements

shall provide such notification. Such notification shall also include a daily newspaper in the county of the affected municipality.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the "CSO/SSO Reporting Form" available via the internet at: [http://www.michigan.gov/deq/0,1607,7-135-3313\\_3682\\_3715---,00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3715---,00.html), or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

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

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

## 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.

**PART I****Section A. Limitations and Monitoring Requirements****7. Monthly Operating Reports**

Part 41 of Act 451 of 1994 as amended, specifically Section 324.4106 and associated Rule 299.2953, requires that the permittee file with the Department, on forms prescribed by the Department, reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into waters of the state.

Within thirty (30) days of the effective date of this permit the permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. The reporting forms and guidance are available on the DEQ web site at [http://www.michigan.gov/deq/0,1607,7-135-3313\\_44117---,00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html). The permittee may use alternative operating forms if they are consistent with the approved monitoring program. These forms shall be maintained on site and shall be provided to the Department for review upon request. These treatment facility monitoring records shall be maintained for a minimum of three years.

## PART II

### Section A. Definitions

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

**Acute toxic unit (TU<sub>A</sub>)** 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.

**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<sub>C</sub>)** means  $100/MATC$  or  $100/IC_{25}$ , where the maximum acceptable toxicant concentration (MATC) and  $IC_{25}$  are expressed as a percent effluent in the test medium.

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

**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 Environmental Quality.

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

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**EC<sub>50</sub>** 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.

**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.

**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.

**IC<sub>25</sub>** 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.

**LC<sub>50</sub>** means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

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

**MGD** means million gallons per day.

**Monthly frequency of analysis** 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.

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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.

**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.

**Quarterly frequency of analysis** 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)).

## PART II

### Section A. Definitions

**Significant Materials** Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (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 frequency of analysis** 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 frequency of analysis** 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.

**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.

**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.

## 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 Bureau, Michigan Department of Environmental Quality, 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 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 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 Michigan DEQ 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 **20<sup>th</sup> 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 Bureau, Michigan Department of Environmental Quality. 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 10<sup>th</sup> 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.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 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.

## PART II

### Section C. Reporting Requirements

#### 11. 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.

#### 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 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.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such notice, the permit 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

Part 41 of Act 451 of 1994, as amended, specifically Section 324.4104 and associated Rule 299.2957, allow the Department to require an Operations and Maintenance (O&M) manual for the wastewater treatment facility. An up-to-date copy of the O&M manual shall be kept at the wastewater treatment facility. Upon request a copy of the O&M manual shall be provided to the Department. The Department may review the manual in whole or in part at their discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M manual should include the following information: permit standards, description and operation information for all equipment, staffing information, laboratory requirements, record keeping requirements, maintenance plan for equipment, 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 operations and maintenance manual is required to be submitted to the Department at least sixty days prior to startup of a new wastewater treatment plant. Submittal of re-certifications will also be required sixty days prior to start up of any substantial improvements or modifications made at the wastewater treatment plant.

## 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. Facility Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Bureau, Michigan Department of Environmental Quality. Approval for such construction for a hospital, nursing home or extended care facility shall be from the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services upon request.

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