



December 8, 2004

DPR-20, Appendix B, 3.2

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Palisades Nuclear Plant
Docket 50-255
License No. DPR-20

Renewal Of The National Pollutant Discharge Elimination System (NPDES)
Permit No. MI0001457

The Palisades Nuclear Plant (PNP) Operating License, DPR-20, Appendix B, Section 3.2, requires that changes to National Pollutant Discharge Elimination System (NPDES) permit be reported to the Nuclear Regulatory Commission (NRC) within 30 days following the date the changes are approved.

The PNP NPDES permit was issued on September 23, 2004. NMC identified that the permit contained errors and notified the State of Michigan. The State of Michigan manually corrected the permit and reissued it on November 8, 2004. The permit became effective on December 1, 2004.

Enclosure 1 to this letter contains a summary of major changes made in the permit.
Enclosure 2 to this letter contains a copy of the revised permit.

COOL

Summary of Commitments

This letter contains no new commitments and no revisions to existing commitments.

W. Sherbrooke For DJ Malone

Daniel J. Malone
Site Vice President, Palisades Nuclear Plant
Nuclear Management Company, LLC

Enclosures (2)

CC Administrator, Region III, USNRC
Project Manager, Palisades, USNRC
Resident Inspector, Palisades, USNRC

**ENCLOSURE 1
RENEWAL OF THE PNP NPDES PERMIT NO. MI0001457
MAJOR PERMIT CHANGES**

General

The permit becomes effective December 1, 2004, and expires on October 1, 2008. The permit is based on a complete application submitted to the Michigan Department of Environmental Quality (MDEQ), Water Division, on April 3, 2003.

Outfall 001A (Mixing Basin Discharge)

1. A numeric BTU limit of 2.1×10^9 BTU/hour is returned to Lake Michigan at Outfall 001A.
2. Water treatment additives are no longer listed in the permit. New water treatment additives are controlled via individual approvals issued by MDEQ. There are no changes to monitoring controls for the existing approved water treatment additives.

Other

1. A requirement to submit an application for cooling water intake structures has been added to the permit. This requirement is incorporated to proceed toward compliance with federal 316(b) Clean Water Act regulations. The purpose of these regulations is to establish the best technology available for minimizing adverse environmental impact associated with the use of cooling water intake structures.
2. The PNP Storm Water Pollution Prevention Plan annual review recording date is changed from, "by May 10 of each year," to "by May 1 of each year."
3. A new "Facility Contact" requirement is added to the permit. It applies if the facility contact identified in the April 3, 2003, permit application changes. The notification to MDEQ is required within 10 days following the contact change.

ENCLOSURE 2

PNP NPDES PERMIT NO. MI0001457

23 Pages Follow

Rec'd 11/18/04

PERMIT NO. MI0001457

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
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,

Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

is authorized to discharge from the Consumers Energy Company Palisades Plant located at

27780 Blue Star Memorial Highway
Covert, Michigan 49043

designated as CECO-Palisades Power Pt

to the receiving water named Lake Michigan, in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

Unless specified otherwise, all contact with the Michigan Department of Environmental Quality (the "Department") required by this permit shall be made to the Kalamazoo District Supervisor of the Water Bureau. The Kalamazoo District Office is located at 7953 Adobe Road, Kalamazoo, Michigan 49009-5026, telephone: 269-567-3500, fax: 269-567-9440. Unless specified otherwise, all Department approvals specified in this permit shall be by the District Supervisor.

In accordance with Section 324.3120 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 15 of each year.

In accordance with Section 324.3118 of the Michigan Act, the permittee shall make payment of an annual storm water fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than March 15 of each year.

Any person who is aggrieved by this permit may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely.

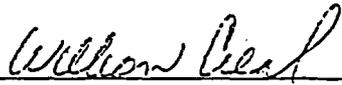
This permit is based on a complete application submitted on April 8, 2003.

This permit takes effect on December 1, 2004. 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. MI0001457, expiring October 1, 2003.

This permit and the authorization to discharge shall expire at midnight, October 1, 2008. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, fees, and forms as are required by the Department by April 4, 2008.

Issued September 23, 2004.

11/08/04 correction Copy


William Creal, Chief
Permits Section
Water Bureau

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 135.2 MGD of noncontact cooling water, cooling water blowdown, and miscellaneous treated low volume wastewaters consisting of steam generator blowdown, demineralization backwash, regeneration waste, reverse osmosis filter backwash, turbine sump drainage, floor drainage, laboratory waste, and radwaste wastewater from Monitoring Point 001A through Outfall 001. Outfall 001 discharges to Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below:

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Frequency of Analysis	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Residual Oxidant (TRO)								
<u>During Chlorination - No Bromine Use</u>								
<u>Discharge Mode</u>								
Continuous (greater than 160 min/day)	---	---	---	---	38	µg/l	5X Weekly	Grab
Intermittent (less than/equal to 160 min/day)	---	---	---	---	200	µg/l	Daily During Discharge	Grab
During Bromine Use - the discharge of bromine shall not exceed 120 min/day								
Intermittent (less than/equal to 120 min/day)	---	---	---	---	50	µg/l	Daily During Discharge	Grab
TRO Discharge Time	---	---	---	---	(report)	min/day	Daily	Report Total Discharge Time
Heat Addition	---	2.1x10 ⁹	BTU/Hr	---	---	---	Daily	Calculation
Outfall Observation	(report)	---	---	---	---	---	5X Daily <i>Weekly</i>	Visual
pH	---	---	---	Minimum Daily 6.5	Maximum Daily 9.0	S.U.	Daily	Grab

- a. Narrative Standard
The receiving water shall contain no unnatural turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge.
- b. Monitoring Location
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan.
- 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.6. for information on requesting water treatment additive use.

e. TRO (Chlorine and Bromine) Requirements

Total Residual Oxidant (TRO) shall be analyzed for using EPA Method 330.1 and probe or Orion Electrode Model 97-70 (other analytical methods specified in 40 CFR 136 may be used upon approval of the Department). TRO monitoring is only required during periods of chlorine or bromine use and subsequent discharge. Limitations for the intermittent discharge of chlorine apply only when the discharge of chlorine is less than or equal to 160 minutes per day, otherwise the limitations for continuous discharge of chlorine apply. Authorization to discharge bromine with or without chlorine is limited to 120 minutes per day at the limitations specified above with the additional requirement that any discharge of chlorine is restricted to a concurrent discharge with bromine (no additional discharge of chlorine is authorized for that day).

During the intermittent discharge of chlorine without bromine ("During Chlorination - No Bromine Use" limitations given above), the daily concentration value reported for TRO shall be the average of a minimum of three (3) equally spaced grab samples taken during a chlorine discharge event, with the additional limitation that no single sample may exceed 300 µg/l.

During the intermittent discharge of bromine with or without chlorine ("During Bromine Use" limitations given above), the daily concentration value reported for TRO shall be the maximum of at least three (3) equally spaced grab samples taken during a bromine discharge event (no single sample may exceed 50 µg/l).

The permittee shall enter a zero ("0") on the Discharge Monitoring Report for the TRO discharge modes not being used.

The permittee may use dehalogenation techniques to achieve the applicable TRO limitations, using sodium thiosulfate, sodium sulfite, sodium bisulfite, or other dehalogenating reagents approved by the Department. The quantity of reagent(s) used shall be limited to 1.5 times the stoichiometric amount of applied chlorine/bromine oxidant. Each month the permittee shall report the quantity of each dehalogenation reagent used per day.

The permittee may report application time of chlorine and/or bromine as TRO discharge time upon approval of the Department

f. Power Plants - PCB Prohibition

Beginning upon the effective date of this permit, the permittee shall not discharge any polychlorinated biphenyls to the receiving waters of the state of Michigan as a result of plant operations.

PART I

Section A. Limitations and Monitoring Requirements

2. Final Effluent Limitations, Monitoring Points 001D and 001F

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 low volume process wastewaters and sump wastewaters from Monitoring Points 001D and 001F through Outfall 001. Outfall 001 discharges to Lake Michigan. 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>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Monitoring Station 001D, authorized flow 0.1 MGD Radwaste Wastewater								
Flow	(report)	(report)	MGD	---	---	---	Per Batch	Report Total Daily Flow
Total Suspended Solids	---	---	---	30	100	mg/l	1/ Batch	Grab
Monitoring Station 001F, authorized flow 0.1 MGD Turbine Sump Water								
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Oil and Grease	---	---	---	15	20	mg/l	2/Month	Grab

- a. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to the mixing basing or prior to co-mingling with other wastewaters.
- b. **Priority Pollutants**
The permittee shall not discharge priority pollutants contained in chemicals added for cooling tower maintenance or contained in the cooling tower blowdown to the waters of the state as a result of plant operations.

3. Intake Screen Backwash, Outfall 001

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 intake screen backwash from outfall 001 to Lake Michigan. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in an appropriate manner.

4. Temperature Modification

The Department is considering the necessity of incorporating temperature limitations in this permit to assure that the requirements of Rule 323.1082 of the Water Quality Standards are met. Therefore, when consideration of this issue has been completed, the Department may modify this permit in accordance with applicable laws and rules to add appropriate temperature limitations or requirements.

5. Cold Shock Prevention

Cessation of thermal inputs to the receiving water by this facility shall occur gradually so as to avoid fish mortality due to cold shock during the winter months (November through March). The basis for this requirement is to allow fish associated with the discharge-heated mixing zone for outfall 001 to acclimate to the decreasing temperature.

PART I

Section A. Limitations and Monitoring Requirements

6. 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 Bureau, Department of Environmental Quality, 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/deq> 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 LC_{50} or EC_{50} 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 Quality Assessment Section by telephone at 517-335-4184 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.

PART I

Section A. Limitations and Monitoring Requirements

7. Cooling Water Intake Structure(s) Application Submittal Requirements for Phase II Facilities

This condition establishes the program necessary for proceeding toward compliance with the regulations under Section 316(b) of the Clean Water Act. The purpose of these regulations is to establish the best technology available for minimizing adverse environmental impact associated with the use of cooling water intake structures.

On or before January 7, 2008, the permittee shall submit the application information required by 40 CFR 122.21(r)(2), (3), and (5), and 40 CFR 125.95 to the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909-7773. The required information is summarized below. Detailed information is contained in the federal regulations. The federal regulations in their entirety are contained in 40 CFR 125, Subpart J (S125.90 through S125.99) and 40 CFR 122.21(r). The Department may require a peer review of the applicable information specified in the federal regulations, and any other information if agreed to by the permittee.

- a. On or before January 1, 2006, the permittee shall submit the Proposal for Information Collection in §125.95(b)(1) prior to the start of information collection activities required in Part I.A.7.c.(1) or show compliance with the Compliance Alternative in §125.94(a)(1)(i).
- b. The permittee shall submit the following information pursuant to 40 CFR 122.21(r)(2), (3), and (5).
 - 1) Source Water Physical Data to include:
 - a) A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility; including areal dimensions, depths, salinity, and temperature regimes;
 - b) Identification and characterization of the source water body's hydrological and geomorphological features; as well as methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
 - c) Locational maps.
 - 2) Cooling Water Intake Structure Data to include:
 - a) A narrative description of the configuration and location of each of the cooling water intake structures in the water body and in the water column;
 - b) Latitude and longitude in degrees, minutes, and seconds for each cooling water intake structures;
 - c) A narrative description of the operation of each cooling water intake structures, including design intake flows, daily hours of operation, number of days of the year in operation, and seasonal changes, if applicable;
 - d) A flow distribution and water balance diagram that includes all sources of water to the facility; recirculating flows and discharges; and
 - e) Engineering drawings of the cooling water intake structure.
 - 3) Cooling Water System Data to include:
 - a) A narrative description of the operation of the cooling water systems, its relationship to cooling water intake structures, the proportion of the design intake flow that is used in the system, the number of days of the year the cooling water system is in operation and seasonal changes in the operation of the system, if applicable; and
 - b) Design and engineering calculations and supporting data to support the description required above.

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Section A. Limitations and Monitoring Requirements

c. **Comprehensive Demonstration Study**

The purpose of the Comprehensive Demonstration Study (The Study) is to characterize impingement mortality and entrainment, to describe the operation of cooling water intake structures, and to confirm that the technologies, operational measures, and/or restoration measures selected and installed, or will be installed, at the facility meet the applicable requirements of S125.94.

The permittee shall specify which Compliance Alternative in S125.94(a) it plans to comply with. All facilities except those that have met the applicable requirements in accordance with S125.94(a)(1)(i), S125.94(a)(1)(ii), and S125.94(a)(4) shall submit all applicable portions of the Study depending upon the compliance alternative selected. Facilities that meet the requirements in S125.94(a)(1)(i) by reducing their flow commensurate with a closed-cycle, recirculating system are not required to submit a Study. Facilities that meet the requirements in S125.94(a)(1)(ii) by reducing their design intake velocity to 0.5 ft/sec or less are required to submit a Study only for the entrainment requirements, if applicable. Facilities that meet the requirements in S125.94(a)(4) and have installed and properly operate and maintain an approved design and construction technology (in accordance with S125.99) are required to submit only the Technology Installation and Operation Plan and the Verification Monitoring Plan. Facilities that are required to meet only impingement mortality performance standards in S125.94(b)(1) are required to submit only a Study for the impingement mortality reduction requirements.

The permittee has specified that it plans to show Compliance with the Compliance Alternative in S125.94(a)(1)(i) for which submittal of a Study is not required. The permittee shall demonstrate that it has reduced, or will reduce, the intake flow commensurate with a closed-cycle recirculating system. In this case the permittee is deemed to have met the impingement mortality and entrainment performance standards in §125.94(b). In addition, the permittee is not subject to the requirements in §125.95, §125.96, §125.97, or §125.98.

8. Storm Water Pollution Prevention Plan

The permittee is authorized to discharge storm water associated with industrial activities as defined in 40 CFR 122.26(b)(14). These storm water discharges shall be controlled in accordance with the requirements of this special condition. The permittee has developed and implemented a Storm Water Pollution Prevention Plan (plan). The permittee shall continue implementation of the plan for maximum control of significant materials (as defined in Part I.A.8.i.) so that storm water discharges will not cause a violation of the Water Quality Standards. The plan shall be routinely reviewed and updated in accordance with the requirements of this Special Condition.

a. **Source Identification**

To identify potential sources of significant materials that can enter storm water and subsequently be discharged from the facility, the plan shall, at a minimum, include the following:

1) A site map identifying the following: buildings and other permanent structures; storage or disposal areas for significant materials; secondary containment structures; storm water discharge outfalls (numbered for reference); location of storm water inlets contributing to each outfall; location of NPDES permitted discharges other than storm water; outlines of the drainage areas contributing to each outfall; structural runoff controls or storm water treatment facilities; areas of vegetation; areas of exposed and/or erodible soils; impervious surfaces (roofs, asphalt, concrete); name and location of receiving water(s); and areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the Michigan Act.

2) A list of all significant materials that could enter storm water. For each material listed, the plan shall include the following descriptions:

- a) ways in which each type of material has been or has reasonable potential to become exposed to storm water (e.g., spillage during handling; leaks from pipes, pumps, and vessels; contact with storage piles; waste handling and disposal; deposits from dust or overspray, etc.);
- b) identification of the outfall or outfalls through which the material may be discharged if released;

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Section A. Limitations and Monitoring Requirements

- c) a listing of oil and materials on the Critical Materials Register that have been spilled or leaked over the three (3) years prior to the completion of the plan; the date, volume and exact location of release; and the action taken to clean up the material and/or prevent exposure to storm water runoff or contamination of surface waters of the state. Any release that occurs after the plan has been developed shall be controlled in accordance with the plan and is cause for the plan to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss; and
 - d) a summary of existing storm water discharge sampling data (if available) describing pollutants in storm water discharges associated with industrial activity at the facility. This summary shall be accompanied by a description of the suspected source(s) of the pollutants detected.
- 3) An evaluation of the reasonable potential for contribution of significant materials to runoff from at least the following areas or activities: loading, unloading, and other material handling operations; outdoor storage, including secondary containment structures; outdoor manufacturing or processing activities; significant dust or particulate generating processes; discharge from vents, stacks and air emission controls; on-site waste disposal practices; maintenance and cleaning of vehicles, machines and equipment; sites of exposed and/or erodible soil; sites of environmental contamination listed under Part 201 (Environmental Response) of the Michigan Act; areas of significant material residue; and other areas where storm water may contact significant materials.

b. Preventive Measures and Source Controls, Non-Structural

To prevent significant materials from contacting storm water at the source, the plan shall, at a minimum, include the following non-structural controls:

- 1) Description of a program for routine preventive maintenance which includes requirements for inspection and maintenance of storm water management and control devices (e.g., cleaning of oil/water separators and catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. A log of the inspection and corrective actions shall be maintained on file by the permittee, and shall be retained in accordance with Part I.A.8.f.
- 2) A schedule for comprehensive site inspection to include visual inspection of equipment, plant areas, and structural pollution prevention and treatment controls to be performed at least once every six (6) months. A report of the results of the comprehensive site inspection shall be prepared and retained in accordance with Part I.A.8.f. The report shall identify any incidents of non-compliance with the plan. If there are no reportable incidents of non-compliance, the report shall contain a certification that the facility is in compliance with this plan.
- 3) A description of good housekeeping procedures to maintain a clean, orderly facility.
- 4) A description of material handling procedures and storage requirements for significant materials. Equipment and procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The procedures shall identify measures to prevent the spilled materials from being discharged into storm water. The plan may include, by reference, requirements of either a Pollution Incident Prevention Plan (PIPP) prepared in accordance with the Part 5 Rule (Rule 324.2006 of the Michigan Administrative Code); a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 264 and 265 Subpart D, as required by Part 111 of the Michigan Act; or a Spill Prevention Control and Countermeasure (SPCC) plan prepared in accordance with 40 CFR 112.
- 5) Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall also identify measures used to control soil erosion and sedimentation.
- 6) A description of employee training programs which will be implemented to inform appropriate personnel at all levels of responsibility of the components and goals of the plan. The plan shall identify periodic dates for such training.
- 7) Identification of significant materials expected to be present in storm water discharges following implementation of non-structural preventative measures and source controls.

PART I**Section A. Limitations and Monitoring Requirements****c. Structural Controls for Prevention and Treatment**

Where implementation of the measures required by Part I.A.8.b. does not control storm water discharges in accordance with Water Quality Standards in Part I.A.8.h., the plan shall provide a description of the location, function, and design criteria of structural controls for prevention and treatment. Structural controls may be necessary:

- 1) to prevent uncontaminated storm water from contacting or being contacted by significant materials, and/or
- 2) if preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with the Water Quality Standards in accordance with Part I.A.8.h.

d. Keeping Plans Current

- 1) The permittee shall review the plan on or before May 1 of each year, and maintain written summaries of the reviews. Based on the review, the permittee shall amend the plan as needed to ensure continued compliance with the terms and conditions of this permit.
- 2) The plan shall also be updated or amended whenever changes or spills at the facility increase or have the potential to increase the exposure of significant materials to storm water, or when the plan is determined by the permittee or the Department to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Updates based on increased activity at the facility shall include a description of how the permittee intends to control any new sources of significant materials or respond to and prevent spills in accordance with the requirements of Parts I.A.8.a., I.A.8.b., and I.A.8.c.
- 3) The Department or authorized representative may notify the permittee at any time that the plan does not meet minimum requirements. Such notification shall identify why the plan does not meet minimum requirements. The permittee shall make the required changes to the plan within 30 days after such notification from the Department or authorized representative, and shall submit to the Department a written certification that the requested changes have been made.

e. Certified Storm Water Operator Update

If the certified operator has changed or an additional certified storm water operator is added, the permittee shall provide the name and certification number of the new operator to the Department. The new operator shall review and sign the plan.

f. Signature and Plan Review

- 1) The plan shall be signed by the certified storm water operator and by either the permittee or an authorized representative in accordance with 40 CFR 122.22. The plan shall be retained on site of the facility that generates the storm water discharge.
- 2) The permittee shall make plans, reports, log books, runoff quality data, and supporting documents available upon request to the Department or authorized representative.

g. Record Keeping

The permittee shall maintain records of all inspection and maintenance activities. Records shall also be kept describing incidents such as spills or other discharges that can affect the quality of storm water runoff. All such records shall be retained for three (3) years.

h. Water Quality Standards

At the time of discharge, there shall be no violation of the Water Quality Standards in the receiving waters as a result of this discharge. This requirement includes, but is not limited to, the following conditions:

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Section A. Limitations and Monitoring Requirements

1) In accordance with Rule 323.1050 of the Water Quality Standards, the receiving waters shall not have any of the following unnatural physical properties in quantities which are or may become injurious to any designated use: unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge.

2) 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.

i. **Significant Materials**

Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; salt; solvents; detergents; plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; 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); any material on the Critical Materials Register pursuant to Section 3111 of the Michigan Act; 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.

j. **Prohibition of Non-storm Water Discharges**

Discharges of material other than storm water shall be in compliance with an NPDES permit issued for the discharge. Storm water shall be defined to include the following non-storm water discharges provided pollution prevention controls for the non-storm water component are identified in the plan: discharges from fire hydrant flushing, potable water sources including water line flushing, fire system test water, irrigation drainage, lawn watering, routine building wash down which does not use detergents or other compounds, pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material have been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated groundwater, and foundation or footing drains where flows are not contaminated with process materials such as solvents. Discharges from fire fighting activities are authorized by this permit, but do not have to be identified in the plan.

9. 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



The Michigan Department of Environmental Quality (DEQ) encourages you to consider submitting your monthly Discharge Monitoring Reports (DMRs) electronically using the new web based Electronic Environmental Discharge Monitoring Reporting (e2-DMR) System. Explore the many benefits of this faster, more efficient alternative to submitting hand-written or paper-based Discharge Monitoring Reports. Participating in *e²-Reporting* will:

- Improve Data Quality
- Save Time
- Reduce Compliance Costs
- Better Utilize State Resources
- Allow for Immediate Feedback
- Improve Compliance Assessment

As a fully operational electronic reporting system, all of the necessary legal, security, and electronic signature functionalities have been included for this system to serve as a completely paperless reporting system. A complete *Facility Participation Package* which includes information regarding minimum system requirements and registration information can be found on the e2-DMR System Website. To access this document simply type in the following URL on the address line of your internet browser: <https://secure1.state.mi.us/e2rs/>
Then click on "about e-DMR" to download the *Facility Participation Package*.

Section B. Schedule of Compliance

A schedule of compliance is not required for this permit.

PART II

Section A. Definitions

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

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

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 $100/IC_{25}$, 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.

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.

PART II

Section A. Definitions

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.

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.

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.

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.

PART II

Section A. Definitions

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.

NOAEL means the highest tested dose or concentration of a substance that 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.

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)).

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.

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.

PART II

Section A. Definitions

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.

Preventing Pollution is the Best Solution

The Michigan Department of Environmental Quality (DEQ) encourages you to consider pollution prevention alternatives. In some cases pollution prevention may allow you to avoid the need to discharge pollutants which would otherwise require permit limitations -- or even avoid the need for permits altogether! Pollution prevention can:

- Save Money
- Reduce Waste
- Aid Permit Compliance
- Protect Our Environment
- Improve Corporate Image
- Reduce Liability

The DEQ is helping Michigan's industries save money, reduce waste and protect our environment through pollution prevention. DEQ staff can provide pollution prevention assistance through telephone consultations, technical workshops and seminars, and informational publications. They can also put you directly in touch with local support networks and national pollution prevention resources. For more information, contact the Michigan Department of Environmental Quality, Environmental Science and Services Division, at 1-800-662-9278 or visit our homepage at <http://www.michigan.gov/deq>.

PART II**Section B. Monitoring Procedures****10. Representative Samples**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

11. 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.

12. Instrumentation

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

13. 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.

14. 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

Unless instructed on the effluent limits page to conduct "retained self-monitoring," the permittee shall submit self-monitoring data on the Environmental Protection Agency's Discharge Monitoring Report (DMR) forms (monthly summary information) and the Department's Daily Discharge Monitoring Report forms (daily information) to PCS-Data Entry, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773, for each calendar month of the authorized discharge period(s). The forms shall be postmarked no later than the 10th day of the month following each month of the authorized discharge period(s). Electronic Environmental Discharge Monitoring Reporting (e2-DMR) System participants shall submit self-monitoring data for each month of the authorized discharge period(s). The electronic forms shall be submitted to the department no later than the 20th day of the month following each month of the authorized discharge period(s).

Alternative Daily Discharge Monitoring Report formats may be used if they provide equivalent reporting details and are approved by the Department. For information on the electronic submittal of this information, contact the Department or visit the *e²-Reporting* website @ <https://secure1.state.mi.us/e2rs/> - click on "about e-DMR" to download the Facility Participation Package.

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 (in the case of hospitals, nursing homes and extended care facilities, to the staff of the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services). 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.

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 first 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 first 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.

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.

PART II**Section C. Reporting Requirements****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 notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department 30 days prior to the actual transfer of ownership or control.

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.

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.

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.

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.

PART II

Section D. Management Responsibilities**7. Waste Treatment Residues**

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of wastewaters, 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 Division, 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 or approvals as may be required by law.