INDIANA MICHIGAN POWER®
A unit of American Electric Power

Indiana Michigan Power
Cook Nuclear Plant
One Cook Place
Bridgman, MI 49106
IndianaMichiganPower.com

September 25, 2014

AEP-NRC-2014-76
10 CFR 50.4

Docket Nos.: 50-315
50-316

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

Donald C. Cook Nuclear Plant Units 1 and 2
NOTIFICATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT MI0005827 RENEWAL

In accordance with Technical Specification, Appendix B, Section 3.2, this letter provides Indiana Michigan Power Company's (I&M) renewed National Pollutant Discharge Elimination System (NPDES) Permit for I&M, the licensee for Donald C. Cook Nuclear Plant, Units 1 and 2. NPDES Permit MI0005827 is provided as an enclosure to this letter.

This letter contains no new commitments. Should you have any questions regarding this notification, please contact Mr. Jon Harner, Environmental Manager, at (269) 465-5901, extension 2102.

Sincerely,

for M. Scarpello

Michael K. Scarpello
Regulatory Affairs Manager

KMH/dmb

Enclosure: National Pollutant Discharge Elimination System Permit MI000587

c: M. L. Chawla – NRC Washington DC
J. T. King – MPSC, w/o enclosure
MDEQ – WHMD/RPS, w/o enclosure
NRC Resident Inspector
C. D. Pederson – NRC Region III
A. J. Williamson – AEP Ft Wayne, w/o enclosure

C001
NRR

ENCLOSURE TO AEP-NRC-2014-76

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT MI0005827

PERMIT NO. MI0005827

STATE OF 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 (33 U.S.C. 1251 *et seq.*, as amended; the "Federal Act"); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2011-1,

Indiana Michigan Power Company
One Cook Place
Bridgman, Michigan 49106

is authorized to discharge from the **American Electric Power Company, Donald C. Cook Nuclear Plant,** located at

One Cook Place
Bridgman, Michigan 49106

designated as **American Elec Power-Cook Plt**

to the receiving water named Lake Michigan 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 April 5, 2013.

This permit takes effect on October 1, 2014. 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. MI0005827, expiring October 1, 2013.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2018.** In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department of Environmental Quality (Department) by **April 4, 2018.**

Issued: August 26, 2014

Philip Argiroff, Chief
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of occurrence of 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 due no later than 45 days after receiving the notice for notices mailed after December 1.

Annual Permit Fee Classification: Industrial-Commercial Major

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

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Kalamazoo District Supervisor of the Water Resources Division. The Kalamazoo District Office is located at 7953 Adobe Road, Kalamazoo, Michigan 49009-5025, Telephone: 269-567-3500, Fax: 269-567-9440.

CONTESTED CASE INFORMATION

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

PART I

Section A. Effluent Limitations And Monitoring Requirements

1. Final Effluent Limitations, Monitoring Points 001A and 002A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 1,500 MGD from Monitoring Point 001A through Outfall 001 and a maximum of 1,820 MGD from Monitoring Point 002A through Outfall 002 of noncontact condenser cooling water, miscellaneous low-volume wastes, intake screen wash water, treated chemical metal cleaning wastes, and storm water runoff. Outfalls 001 and 002 discharge to Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring	Sample
Parameter	Monthly	Daily	Units	Monthly	Daily	Units	Frequency	Type
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Residual Oxidant (TRO)								
During Chlorination - No Bromine Use								
Discharge Mode								
Continuous (greater than 160 min/day)	---	---		---	38	ug/l	5X Weekly	Grab
Intermittent (less than/equal to 160 min/day)		---		---	200	ug/l	5X Weekly	Grab
During Bromine Use - the discharge of bromine shall not exceed 120 min/day								
Intermittent (less than/equal to 120 min/day)		---		---	50	ug/l	5X Weekly	Grab
TRO Discharge Time	---	---	---	---	(report)	min/day	5X Weekly	Report Total Discharge Time
Temperature								
Intake	---	---	---	---	(report)	°F	Daily	Reading
Discharge	---	---	---	---	(report)	°F	Daily	Reading
Heat Addition	---	17,300	MBTU/Hr	---	---	---	Daily	Calculation
Hydrazine								
Outfall 001	13	---	lbs/day	1.0	---	ug/l	Weekly	Grab
Outfall 002	---	---	---	(report)	---	ug/l	2X Monthly	Grab
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Total Mercury (Intake and Discharge)	(report)	---	lbs/day	(report)	---	ng/l	Quarterly	Calculation (Report blank-corrected sample result)
Total Mercury (Intake and Discharge)								
– Uncorrected Sample Result	(report)	---	lbs/day	(report)	---	ng/l	Quarterly	Grab
– Field Duplicate	---	---	---	(report)	---	ng/l	Quarterly	Grab
– Field Blank	---	---	---	(report)	---	ng/l	Quarterly	Preparation
– Laboratory Method Blank	---	---	---	(report)	---	ng/l	Quarterly	Preparation
				Minimum Daily	Maximum Daily			
pH	---	---	---	6.5	9.0	S.U.	Weekly	Grab

PART I

Section A. Effluent Limitations And Monitoring Requirements

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in unnatural quantities that are or may become injurious to any designated use.

b. Monitoring Location
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan.

c. Outfall Observation
Outfall observation shall be reported as "yes" or "no." The permittee shall report "yes" if this requirement was completed and "no" if this requirement was not completed. 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.

d. Quarterly Monitoring
Quarterly samples shall be taken during the months of January, April, July, and October. If the facility does not discharge during these months, the permittee shall sample the next discharge occurring during that quarter. If the facility does not discharge during a quarter, a sample is not required for that quarter. For any month in which a sample is not taken, the permittee shall enter "*G" on the Discharge Monitoring Report.

e. 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.7. for information on requesting water treatment additive use.

f. Limits below the Quantification Level
The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for hydrazine shall be in accordance with ASTM Method D1385-07. The quantification level shall be 3.0 ug/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination. Upon approval of the Department, the permittee may use other analytical methods with lower quantification levels.

The water quality-based effluent limitations for hydrazine are less than the quantification level; therefore, control requirements are established consistent with R 323.1213. Any discharge of hydrazine at or above the quantification level specified in this permit is a specific violation of this permit. If an effluent sample is less than the quantification level, the permittee will be considered to be in compliance with the hydrazine final effluent limitations set forth in Part I.A.1. for the period that the sample represents, provided that the permittee is also in full compliance with the Pollutant Minimization Program for Hydrazine set forth in Part I.A.8. This paragraph does not authorize the discharge of hydrazine at levels that are injurious to the designated uses of the waters of the state or that constitute a threat to the public health or welfare.

PART I

Section A. Effluent Limitations And Monitoring Requirements

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

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

In order to demonstrate compliance with USEPA Method 1631E and USEPA Method 1669, the permittee shall report, on the daily sheet, the analytical results of all field blanks and field duplicates collected in conjunction with each sampling event, as well as laboratory method blanks when used for blank correction. The permittee shall collect at least one (1) field blank and at least one (1) field duplicate per sampling event. If more than ten (10) samples are collected during a sampling event, the permittee shall collect at least one (1) additional field blank AND field duplicate for every ten (10) samples collected. **Only field blanks or laboratory method blanks may be used to calculate a concentration lower than the actual sample analytical results (i.e., a blank correction). Only one (1) blank (field OR laboratory method) may be used for blank correction of a given sample result, and only if the blank meets the quality control acceptance criteria. The field duplicate is for quality control purposes only; its analytical result shall not be averaged with the sample result.**

The Department will review the mercury monitoring data using the reasonable potential process described in R 323.1211 of the Michigan Administrative Code to determine if there is a reasonable potential for the Water Quality Standard of 1.3 ng/l of total mercury to be exceeded in the effluent. If it is determined that the effluent has a reasonable potential to exceed 1.3 ng/l of total mercury, upon written notification by the Department, the permittee shall resume the Pollutant Minimization Program for Total Mercury in accordance with the provisions of Part I.A.9. of this permit. If, at any time during the life of the permit, the final effluent concentration exceeds 5 ng/l, the permittee shall notify the Department at the time of its next regular monthly monitoring report and shall resume the Pollutant Minimization Program for Total Mercury contained in Part 1.A.9. of this permit.

The permittee may request, in writing, Department approval of a reduction in monitoring frequency for intake and/or discharge. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.1. of this permit. The monitoring frequency shall not be reduced to less than two times per year. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

h. TRO (Chlorine and Bromine) Requirements
Total Residual Oxidant (TRO) shall be analyzed in accordance with Part II.B.2. of this permit.

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).

PART I

Section A. Effluent Limitations And Monitoring Requirements

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 ug/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 ug/l).

The permittee shall enter "*G" on the Discharge Monitoring Report for the TRO discharge modes not being used.

The permittee may use dechlorination techniques to achieve the applicable TRC limitations, using sodium thiosulfate, sodium sulfite, sodium bisulfite, or other dechlorinating reagents approved by the Department. The quantity of the reagent(s) used shall be limited to 0.6 times the stoichiometric amount of TRC for sodium thiosulfate, 1.5 times the stoichiometric amount of TRC for sodium bisulfite, and 1.8 times the stoichiometric amount of TRC for sodium sulfite. The TRC samples taken to determine the amount of each chemical to add shall be taken upstream of dechlorination.

i. Power Plants - PCB Prohibition
The permittee shall not discharge any polychlorinated biphenyls to the receiving waters of the State of Michigan as a result of plant operations, other than due to the presence of such compounds in the intake water.

j. Heat Addition
The daily maximum limit of 17,300 MBTU/Hr is for the total power plant discharge. The permittee shall report the total heat loads discharged through Outfalls 001 and 002 under Outfall 001, in addition to reporting the heat loads discharged individually for the Outfalls 001 and 002 in the discharge monitoring reports.

k. Intake Screen Wash Water
The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in an appropriate manner.

2. Final Effluent Limitations, Monitoring Point 00A (Unit 1 Steam Generator Blowdown) and Monitoring Point 00B (Unit 2 Steam Generator Blowdown)

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 1 MGD of steam generator blowdown from Monitoring Point 00A through Outfalls 001 and 002, and 1 MGD of steam generator blowdown from Monitoring Point 00B through Outfalls 001 and 002. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring	Sample
Parameter	Monthly	Daily	Units	Monthly	Daily	Units	Frequency	Type
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Suspended Solids	---	---	---	30	100	mg/l	Weekly Per Occurrence	Grab
Oil and Grease	---	---	---	15	20	mg/l	Annually	Grab

PART I

Section A. Effluent Limitations And Monitoring Requirements

a. Monitoring Location
Samples and measurements taken in compliance with the monitoring requirements above shall be taken at Monitoring Points 00A and 00B prior to discharge to the intake forebay and thence to Outfall 001 or 002.

3. Final Effluent Limitations, Monitoring Point 00C (Plant Heating Boiler Blowdown)

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.043 MGD of heating boiler blowdown from Monitoring Point 00C through Outfalls 001 and 002. 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			Monitoring Frequency	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Suspended Solids	---	---	---	30	100	mg/l	See Part I.A.3.b.	Grab
Oil and Grease	---	---	---	15	20	mg/l	Annually	Grab

a. Monitoring Location
Samples and measurements taken in compliance with the monitoring requirements above shall be taken at Monitoring Point 00C prior to discharge to the intake forebay and thence to Outfall 001 or 002.

b. Total Suspended Solids
Total suspended solids are to be monitored daily per occurrence or weekly if the heating boiler is operated continuously for periods greater than one week.

4. Final Effluent Limitations, Monitoring Point 00G (Reverse Osmosis System Reject)

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.366 MGD of reverse osmosis system reject from Monitoring Point 00G through Outfalls 001 and 002. 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			Monitoring Frequency	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Suspended Solids	---	---	---	30	100	mg/l	Weekly	Grab
Oil and Grease	---	---	---	15	20	mg/l	Annually	Grab

PART I

Section A. Effluent Limitations And Monitoring Requirements

a. Monitoring Location
Samples and measurements taken in compliance with the monitoring requirements above shall be taken at Monitoring Point 00G prior to discharge to the intake forebay and thence to Outfall 001 or 002.

5. Final Effluent Limitations, Monitoring Point 00H (Turbine Room Sump Emergency Overflow)

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 2.6 MGD of turbine room sump emergency overflow from Monitoring Point 00H through Outfalls 001 and 002. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring	Sample
Parameter	Monthly	Daily	Units	Monthly	Daily	Units	Frequency	Type
Flow	(report)	(report)	MGD	---	---	---	Daily Per Occurrence	Report Total Daily Flow (by Estimation)
Total Suspended Solids	---	---	---	30	100	mg/l	2X Monthly Per Occurrence	Grab
Oil and Grease	---	---	---	15	20	mg/l	2X Monthly Per Occurrence	Grab

a. Monitoring Location
Samples and measurements taken in compliance with the monitoring requirements above shall be taken at Monitoring Point 00H prior to discharge to the intake forebay and thence to Outfall 001 or 002.

b. Frequency of Analysis
Samples and measurements shall be taken during discharge only.

6. Final Effluent Limitations, Monitoring Point 00J (Treated Chemical Metal Cleaning Wastes)

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.216 MGD of treated chemical metal cleaning wastes from Monitoring Point 00J through Outfalls 001 and 002. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring	Sample
Parameter	Monthly	Daily	Units	Monthly	Daily	Units	Frequency	Type
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Suspended Solids	---	---	---	30	100	mg/l	Weekly	Grab
Oil and Grease	---	---	---	15	20	mg/l	Monthly	Grab
Total Copper	---	---	---	1.0	1.0	mg/l	Weekly	Grab

PART I

Section A. Effluent Limitations And Monitoring Requirements

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring	Sample
	Monthly	Daily	Units	Monthly	Daily	Units	Frequency	Type
Total Iron	---	---	---	1.0	1.0	mg/l	Weekly	Grab

a. Monitoring Location
Samples and measurements taken in compliance with the monitoring requirements above shall be taken at Monitoring Point 00J prior to discharge to the intake forebay and thence to Outfall 001 or 002.

b. Frequency of Analysis
Samples and measurements shall be taken during discharge only.

7. 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 Permits Section, Water Resources Division, Department of Environmental Quality, P.O. Box 30458, 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/deqnpdes; then click on Applicable Rules and Regulations, which is under the Information banner, and then click on Water Treatment Additive Discharge Application Instructions). 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. Safety Data Sheet (formerly known as Material Safety Data Sheet)

b. the proposed water additive discharge concentration with supporting calculations

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 Permits Section by telephone at 517-284-5568 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. Effluent Limitations And Monitoring Requirements

8. Pollutant Minimization Program for Hydrazine

This requirement establishes the program necessary to comply with the final effluent limitations for hydrazine. The goal of the Pollutant Minimization Program is to maintain the effluent concentration of hydrazine at or below the water quality-based effluent limitation set forth in Part I.A.1. The permittee shall develop and implement a Pollutant Minimization Program in accordance with the following schedule:

On or before March 31, 2015, the permittee shall submit to the Department an approvable Pollutant Minimization Program for Hydrazine designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

a. an annual review and semi-annual monitoring of potential sources of hydrazine entering the wastewater collection system

b. implementation of reasonable cost-effective control measures when sources of hydrazine are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

The Pollutant Minimization Program shall be implemented upon approval by the Department.

On or before March 31 of each year following approval of the Pollutant Minimization Program, the permittee shall submit a status report to the Department that includes 1) the monitoring results for the previous year, 2) an updated list of potential sources, and 3) a summary of all actions taken to reduce or eliminate identified sources of hydrazine.

Any information generated as a result of the Pollutant Minimization Program set forth in this permit may be used to support a request to modify the approved program or may demonstrate that the Pollutant Minimization Program requirement has been completed satisfactorily.

A request for modification of the approved program and supporting documentation shall be submitted in writing to the Department for review and approval. The Department may approve modifications to the approved program (approval of a program modification does not require a permit modification).

The permittee may choose to demonstrate that the program is complete and request removal of the program from the permit. Such request and supporting documentation demonstrating that the water quality-based effluent limits are being achieved shall be submitted in writing to the Department. If the Department determines that the request is approvable, this permit may be modified in accordance with applicable laws and rules to remove this requirement.

This permit may be modified in accordance with applicable laws and rules to include additional conditions and/or limitations as necessary.

PART I

Section A. Effluent Limitations And Monitoring Requirements

9. Pollutant Minimization Program for Total Mercury

This condition is required, upon written notification by the Department or if the permittee notifies the Department that the final effluent concentration of total mercury has exceeded 5 ng/l, as specified in Part I.A.1.h. The goal of the Pollutant Minimization Program is to maintain the effluent concentration of total mercury at or below 1.3 ng/l. Within 30 days, of the written notification or after the permittee notifies the Department that the final effluent concentration of total mercury has exceeded 5 ng/l, the permittee shall resume implementation of the Pollutant Minimization Program for mercury approved on January 13, 2011, which is designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

a. an annual review and semi-annual monitoring of potential sources of mercury entering the wastewater collection system;

b. a program for quarterly monitoring of influent for mercury; and

c. implementation of reasonable cost-effective control measures when sources of mercury are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

On or before March 31 of each year following resumption of the Pollutant Minimization Program, the permittee shall submit a status report for the previous calendar year to the Department that includes 1) the monitoring results for the previous year, 2) an updated list of potential mercury sources, and 3) a summary of all actions taken to reduce or eliminate identified sources of mercury.

Any information generated as a result of the Pollutant Minimization Program set forth in this permit may be used to support a request to modify the approved program or to demonstrate that the Pollutant Minimization Program requirement has been completed satisfactorily.

A request for modification of the approved program and supporting documentation shall be submitted in writing to the Department for review and approval. The Department may approve modifications to the approved program (approval of a program modification does not require a permit modification), including a reduction in the frequency of the requirements under items a. & b.

This permit may be modified in accordance with applicable laws and rules to include additional mercury conditions and/or limitations as necessary.

10. Deicing Discharge Authorization, Outfall 003

The permittee is authorized to discharge a portion of the flow from Outfall 001 or 002 through intake structure Outfall 003 to prevent ice buildup. The permittee is not required to provide any additional monitoring of this discharge because the effluent limitations and monitoring requirements specified for Outfalls 001 and 002 will determine compliance with applicable water quality standards and any other requirements.

PART I

Section A. Effluent Limitations And Monitoring Requirements

11. 316(a) Thermal Demonstration Update

The permittee shall conduct an update of the 316(a) demonstration for this facility for the discharges from Outfalls 001 and 002 to Lake Michigan. The update shall include at minimum an assessment of the receiving water's balanced, indigenous population of shellfish, fish, and wildlife and how it is protected and propagated within the area of influence of the thermal discharge.

On or before October 30, 2015, a plan for conducting the update shall be submitted to the Department for approval. The plan should specify at minimum the species that will be evaluated and the techniques and methods that will be used for collection. The plan should also provide an explanation for why species that are present, but not evaluated are represented by the identified species.

On or before September 30, 2017, the permittee shall implement the approved plan and submit the final report.

12. Cooling Water Intake Structures

The cooling water intake structure operated by the permittee has been evaluated using all available information relating to its location, design, construction, and capacity. At this time, the Department has determined that the cooling water intake structure represents the best technology available to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. section 1326). The permittee shall at all times properly operate and maintain the cooling water intake structure and associated equipment to minimize adverse environmental impact. The permittee shall give advance notice to the Department of any planned changes in the location, design, operation, or capacity of the intake structure.

If the regulations under Section 316(b) of the Clean Water Act are finalized by the United States Environmental Protection Agency, the Department may revise these requirements through modification or reissuance of the permit.

13. 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 B. Storm Water Pollution Prevention

1. Final Effluent Limitations and Monitoring Requirements

The permittee is authorized to discharge storm water associated with industrial activity as defined under 40 CFR 122.26(b)(14)(i-ix). Such discharge shall be limited and monitored by the permittee as specified below.

a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.

b. Visual Assessment of Discharges
To ensure storm water discharges from the facility do not violate the narrative standard in the receiving waters, storm water discharges shall be visually assessed by the Industrial Storm Water Certified Operator. The Industrial Storm Water Certified Operator shall conduct visual assessments of storm water discharges in accordance with this permit.

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

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

PART I

Section B. Storm Water Pollution Prevention

The Storm Water Pollution Prevention Plan (SWPPP) is a written procedure to reduce the exposure of storm water to significant materials and to reduce the amount of significant materials in the storm water discharge. An acceptable SWPPP shall identify potential sources of contamination and describe the controls necessary to reduce their impacts in accordance with Part I.B.2. through Part I.B.8. of this permit.

2. Source Identification

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

a. A site map identifying:

1) buildings and other permanent structures;

2) storage or disposal areas for significant materials;

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

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

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

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

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

8) structural controls or storm water treatment facilities;

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

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

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

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

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

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

1) the ways in which each type of significant 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, contaminated materials, or soils; waste handling and disposal; deposits from dust or overspray; etc.);

PART I

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2) identification of the discharge point(s) and the inlet(s) contributing the significant material to each discharge point through which the significant material may be discharged if released; and

3) an evaluation of the reasonable potential for contribution of significant materials to storm water from at least the following areas or activities:

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

b) outdoor storage, including secondary containment structures;

c) outdoor manufacturing or processing activities;

d) significant dust- or particulate-generating processes;

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

f) on-site waste disposal practices;

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

h) areas of exposed and/or erodible soils;

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

j) areas of significant material residues;

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

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

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

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

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

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Section B. Storm Water Pollution Prevention

3. Nonstructural Controls

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

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

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

c. Written procedures and a schedule for **quarterly** comprehensive site inspections, to be conducted by the Industrial Storm Water Certified Operator. At a minimum, one inspection shall be performed within each of the following quarters: January-March, April-June, July-September, and October-December. The comprehensive site inspections shall include, but not be limited to, inspection of structural controls in use at the facility, and the areas and equipment identified in the routine preventive maintenance and good housekeeping procedures. These inspections shall also include a review of the routine preventive maintenance reports, good housekeeping inspection reports, and any other paperwork associated with the SWPPP. The permittee may request Department approval of an alternate schedule for comprehensive site inspections. A written report of the inspection and corrective actions shall be retained in accordance with Record Keeping, below, and the following shall be included on the comprehensive inspection form/report:

1) Date of the inspection.

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

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

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

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

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

c) any control measures needing maintenance or repairs; and

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

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Section B. Storm Water Pollution Prevention

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

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

7) Written procedures and a schedule for **quarterly** visual assessments of storm water discharges from each discharge point identified under Source Identification, above. At a minimum, one inspection shall be performed within each of the following quarters: January-March, April-June, July-September, and October-December. These assessments shall be conducted by the Industrial Storm Water Certified Operator as part of the comprehensive site inspection and shall be conducted within one month of control measure observations made in accordance with 4), above. If the Department has approved an alternate schedule for the comprehensive site inspection, the visual assessment may likewise be performed according to the same approved alternate schedule. The following are the requirements of the visual assessment:

a) A representative storm water sample shall be collected from each discharge point. Samples shall be:

(1) collected in a clean, clear glass or plastic container;

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

(3) examined in a well-lit area and visually inspected for conditions that could cause a violation of water quality standards as defined in Water Quality Standards, below.

b) Visual assessments shall be documented. This documentation shall be retained in accordance with Record Keeping, below, and shall include the following:

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

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

(3) sample collection date and time, and visual assessment date and time for each sample;

(4) name(s), title(s), and Industrial Storm Water Certified Operator number(s) of the personnel collecting the sample and performing the visual assessment;

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

(6) observations made of the storm water discharge;

(7) probable sources of any observed storm water contamination;

(8) if applicable, an explanation for why it was not possible to take samples within the first 30 minutes of discharge; and

(9) photographic evidence of the sample against a white background, to be maintained along with the written report.

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

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

e) Within six (6) months of the effective date of this permit, the permittee shall develop procedures for conducting the visual assessment, and incorporate them into the SWPPP. The first visual assessment shall be conducted in conjunction with the next occurring comprehensive inspection. If changes resulting in altered drainage patterns occur at the facility, the permittee shall modify the procedures for conducting the visual assessment in accordance with the requirements of Keeping SWPPPs Current, below, and these modifications shall be incorporated into the SWPPP prior to conducting the next visual assessment.

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

e. Identification of areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion. Gravel lots shall be included. The SWPPP shall also identify measures used to control soil erosion and sedimentation.

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

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

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

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Section B. Storm Water Pollution Prevention

4. Structural Controls

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

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

b. if preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse, or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with water quality standards as identified in Water Quality Standards, below.

5. Keeping SWPPPs Current

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

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

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

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

e. Amendments to the SWPPP shall be signed and retained on-site with the SWPPP pursuant to Signature and SWPPP Review, below.

6. Industrial Storm Water Certified Operator Update

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

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Section B. Storm Water Pollution Prevention

7. Signature and SWPPP Review

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

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

8. Record Keeping

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

a. routine preventive maintenance inspection reports;

b. routine good housekeeping inspection reports;

c. comprehensive site inspection reports;

d. documentation of visual assessments;

e. employee training records; and

f. written summaries of the annual SWPPP review.

9. Water Quality Standards

At the time of discharge, there shall be no violation of water quality standards in the receiving waters as a result of the storm water discharge. This requirement includes, but is not limited to, the following conditions:

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

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

c. Any pollutant for which a level of control is specified to meet a TMDL established by the Department shall be controlled at the facility so that its discharge is reduced by/to the amount specified in the TMDL.

PART I

Section B. Storm Water Pollution Prevention

10. 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 all of the following non-storm water discharges, provided pollution prevention controls for the non-storm water component are identified in the SWPPP:

a. discharges from fire hydrant flushing;

b. potable water sources, including water line flushing;

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

d. irrigation drainage;

e. lawn watering;

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

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

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

i. springs;

j. uncontaminated groundwater;

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

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

11. Tracer Dye Discharges

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

PART II

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

Section A. Definitions

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

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

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

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

Chronic toxic unit (TU_C) means $100/MATC$ or $100/IC_{25}$, where the maximum acceptable toxicant concentration (MATC) and IC_{25} are expressed as a percent effluent in the test medium.

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

Combined sewer system is a sewer system in which storm water runoff is combined with sanitary wastes.

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.

PART II

Section A. Definitions

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

Daily monitoring frequency refers to a 24-hour day. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Department means the Michigan Department of 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.

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

Discharge event is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 14 day period.

Discharge point is the location where the point source discharge is directed to surface waters of the state or to a separate storm sewer. It includes the location of all point source discharges where storm water exits the facility, including outfalls which discharge directly to surface waters of the state and points of discharge which discharge directly into separate storm sewer systems.

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

Fecal coliform bacteria monthly is the geometric mean of the samples collected during a discharge event. Days with no discharge shall not be used to determine the value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. If the period in which the discharge event occurred was partially in each of two months, the monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

Fecal coliform bacteria 7-day is the geometric mean of the samples collected in any 7-day period during a discharge event. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. Days with no discharge shall not be used to determine the value. 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. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

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

General permit means a National Pollutant Discharge Elimination System permit issued authorizing a category of similar discharges.

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

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

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

Individual permit means a site-specific NPDES permit.

PART II

Section A. Definitions

Inlet means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

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

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

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a discharge event divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. If the seven day period was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a discharge event. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR. If the seven day period was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred..

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

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.

PART II

Section A. Definitions

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.

Outfall is the location of a point source discharge where storm water or treated wastewater is discharged directly to the surface waters of the state.

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.

Point of discharge is the location of a point source discharge where storm water is discharged directly into a separate storm sewer system.

Point source discharge means a discharge from any discernible, confined, discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source discharge where the runoff from the site is ultimately discharged to waters of the state.

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment works.

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.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

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

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

Secondary containment structure means a unit, other than the primary container, in which significant materials are packaged or held, which is required by State or Federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface or ground waters of this state.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which is not a combined sewer where storm water mixes with sanitary wastes, and is not part of a POTW.

PART II

Section A. Definitions

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

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 (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111 of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills and significant leaks means any release of a polluting material reportable under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

Stoichiometric means the quantity of a reagent calculated to be necessary and sufficient for a given chemical reaction.

Storm water means storm water runoff, snow melt runoff, surface runoff and drainage, and non-storm water included under the conditions of this permit.

SWPPP means the Storm Water Pollution Prevention Plan prepared in accordance with this permit.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Total maximum daily loads (TMDLs) are required by the 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 the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

Weekly monitoring frequency refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

3-portion composite sample is a sample consisting of three equal-volume grab samples collected at equal intervals over an 8-hour period.

PART II

Section A. Definitions

7-day concentration is the sum of the daily concentrations determined during any 7 days of discharge during a discharge event divided by the number of daily concentrations determined. If the number of days of the discharge event is less than 7 days the number of actual days of discharge shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMR. If the seven day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

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. If the number of days of the discharge event is less than 7 days the number of actual days of discharge shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMR. If the seven day period in which the discharge event occurred was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

24-hour composite sample is a flow-proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period. A time-proportioned composite sample may be used upon approval of the Department if the permittee demonstrates it is representative of the discharge.

25-year, 24-hour rainfall event or **100-year, 24-hour rainfall event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years or 100 years, respectively, as defined by the "Rainfall Frequency Atlas of the Midwest," Huff and Angel, Illinois State Water Survey, Champaign, Bulletin 71, 1992, and subsequent amendments, or equivalent regional or state rainfall probability information developed there from.

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. Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Resources Division, Michigan Department of Environmental Quality, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality 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 the NREPA, specifically Section 324.3110(3) and R 323.2155(2) of Part 21, allows the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring" the permittee shall submit self-monitoring data via the Department's Electronic Environmental Discharge Monitoring Reporting (e2-DMR) system.

The permittee shall utilize the information provided on the e2-Reporting website at https://secure1.state.mi.us/e2rs/ to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the **20th day of the month** following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th (April 1st for animal feeding operation facilities) of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee. Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

4. Additional Monitoring by Permittee

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

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

PART II

Section C. Reporting Requirements

5. Compliance Dates Notification

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

6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the NREPA, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

a. 24-Hour Reporting
Any noncompliance which may endanger health or the environment (including maximum and/or minimum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.

b. Other Reporting
The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit, or if 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.

PART II

Section C. Reporting Requirements

8. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the Department by telephone within 24 hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

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

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

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

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

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

9. Bypass Prohibition and Notification

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

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

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

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

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

c. Notice of Unanticipated Bypass
The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the second page of this permit (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.

PART II

Section C. Reporting Requirements

d. Written Report of Bypass
A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.

e. Bypass Not Exceeding Limitations
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d.; above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.

f. Definitions

1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of R 323.1098 and R 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

11. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, as soon as possible but no later than 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit, for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

PART II

Section C. Reporting Requirements

12. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under R 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such notice, the permit or, if applicable, the facility's COC may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

14. Operations and Maintenance Manual

For wastewater treatment facilities that serve the public (and are thus subject to Part 41 of the NREPA), Section 4104 of Part 41 and associated Rule 2957 of the Michigan Administrative Code allow the Department to require an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information: permit standards; descriptions and operation information for all equipment; staffing information; laboratory requirements; record keeping requirements; a maintenance plan for equipment; an emergency operating plan; safety program information; and copies of all pertinent forms, as-built plans, and manufacturer's manuals.

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least sixty days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing wastewater treatment facility.

PART II

Section C. Reporting Requirements

15. Signatory Requirements

All applications, reports, or information submitted to the Department in accordance with the conditions of this permit, that require a signature shall be signed and certified as described in the Federal Act and the NREPA.

The Federal Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

The NREPA (Section 3115(2)) provides that a person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, COC, or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or COC or in a notice or report required by the terms and conditions of an issued permit or COC, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the Department, is guilty of a felony and shall be fined not less than $2,500.00 or more than $25,000.00 for each violation. The court may impose an additional fine of not more than $25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than $25,000.00 per day and not more than $50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, permit, or COC of the Department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

16. Electronic Reporting

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

PART II

Section D. Management Responsibilities

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit, more frequently than, or at a level in excess of, that authorized, shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the NREPA and/or the Federal Act and constitutes grounds for enforcement action; for permit or Certificate of Coverage (COC) termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Operator Certification

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

3. Facilities Operation

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

4. Power Failures

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

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

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

5. Adverse Impact

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

PART II

Section D. Management Responsibilities

6. Containment Facilities

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

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the NREPA, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, or the Regional Administrator, upon the presentation of credentials and, for animal feeding operation facilities, following appropriate biosecurity protocols:

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

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

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (R 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit, shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

10. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the NREPA.

2. POTW Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities at a POTW. Approval for the construction or modification of any physical structures or facilities at a POTW shall be by permit issued under Part 41 of the NREPA.

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the 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.