



Palisades Nuclear Plant: 27780 Blue Star Memorial Highway, Covert, MI 49043

Kurt M. Haas
Plant Safety and Licensing Director

November 10, 1994

Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

DOCKET 50-255 - LICENSE DPR-20 - PALISADES PLANT
RENEWAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

The Palisades Environmental Protection Plan, Section 3.2, requires that changes to NPDES permits be reported to the NRC. Our June 11, 1991 letter to the NRC clarified the timing of these submittals.

In a letter dated April 13, 1994, a copy of the application for renewal of the Palisades NPDES permit was transmitted to the NRC. In response to additional requirements concerning permitting of storm water outfalls, additional information supporting our request for renewal of the NPDES permit was forwarded to the NRC in a letter dated September 6, 1994.

We have received notification from the State of Michigan that our NPDES permit has been renewed and will become effective on January 1, 1995. Attachment 1 to this letter contains a summary of the changes made in the permit, as well as a copy of the revised permit.

SUMMARY OF COMMITMENTS

This submittal contains no new commitments.

Kurt M Haas
Plant Safety and Licensing Director

CC Administrator, Region III, USNRC
NRC Resident Inspector - Palisades

Attachment

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A CMS ENERGY COMPANY

ATTACHMENT

Consumers Power Company
Palisades Plant
Docket 50-255

RENEWAL OF THE NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

November 10, 1994

**CONSUMERS POWER COMPANY
PALISADES PLANT
NPDES PERMIT REISSUANCE EFFECTIVE JANUARY 1, 1995**

Major Permit Changes

Major permit changes include:

1. Use of Betz molluscicide is now addressed in the Permit, i.e. requires phase-out of Betz CT-1 usage by December 31, 1995, authorizes use of alternative chemicals Betz CT-2 and for CT-4, provides for 12 or 16 hour treatment duration dependent upon water temperature, continues to limit Betz treatments to six times per year, and now requires a one-time whole effluent toxicity test on the treated and detoxified water.
2. Outfall 001 previous pH range of 6.0 to 9.0 was tightened slightly - minimum pH limit increased from 6.0 to 6.5. This change is not expected to effect plant operations.
3. Total Phosphorous effluent limits and monitoring requirements for Radwaste Discharge (internal Outfall 00D) were deleted.
4. Authorizations for stormwater discharges through Outfalls 001, 002, 003 and 004 have been withdrawn. These stormwater discharges will be authorized separately under a State of Michigan General NPDES Permit for stormwater discharges. A Certificate of Coverage under the General Permit is expected to be issued through the Plainwell MDNR Office prior to January 1, 1995.
5. In response to the Company's request, previously accepted "boilerplate" language under Part IIA Management Requirements for both Item 3 Containment Facilities and Item 6 Spill Notification has been clarified (narrowed) to decrease the Plant's liability under these two clauses. It was the Company's position that previous language essentially constituted ad-hoc rulemaking and placed unnecessary burdens upon the plant.

Specific Permit Changes are identified in the attached Table.

CONSUMERS POWER COMPANY
PALISADES PLANT
NPDES PERMIT NO. MI 0001457
PERMIT REISSUANCE EFFECTIVE JANUARY 1, 1995

SUMMARY OF CHANGES

PERMIT PART	PAGE NO	CHANGE
Cover Page	1 of 17	1. Permit effective January 1, 1995. 2. Permit expires October 1, 1998. 3. Permit based on application received on April 5, 1993.
Part IA1	2 of 17	1. Provision for stormwater discharge deleted from authorization statement. 2. *Use and discharge of Betz Clam-Trol CT-1, CT-2 and CT-4 authorized. 3. *Discharge limitations and monitoring requirements specified for Betz products. 4. *Termination of Betz CT-1 use and discharge required by 12/31/95. 5. Daily minimum pH limit raised from 6.0 to 6.5.
Part IA1	3 of 17	1. Double asterisk specifies sampling procedures, preservation and handling, analytical protocol for Betz Clam-Trol. 2. *Double asterisk, 2nd paragraph restricts usage of Betz Clam-Trol product(s) to no more than 6 times per year and limits treatment duration to either 12 hours or 16 hours dependent upon water temperature.
Part IA1	4 of 17	1. *Double asterisk, 3rd paragraph , provision for permittee compliance demonstration through mass-balance calculations and requirement for the use of detoxicant in the alternative. 2. Triple asterisk specifies grab sample of Betz Clam-Trol discharge once every three hours.
Part IA2	5 of 17	1. *Internal Outfall 00D-Radwaste Discharge Total Phosphorus effluent limit and monitoring requirement deleted. 2. Previous single and double asterisk notes deleted.
*Denotes Significant Change		

PERMIT PART	PAGE NO	CHANGE
Part IA3	6 of 16 (Previous Permit)	1. *The <u>previous</u> authorization for stormwater discharges through Outfalls 002, 003 and 004 and associated monitoring requirements completely deleted from re-issued permit.
Part IA3	6 of 17	1. *Special Condition 3 specifies toxicity testing requirements during Betz Clam-Trol treatments - <u>carefully review</u> .
Part IC1	11 of 17	1. Minor clarification to list all outfalls with specified effluent limits.
Part IIA3	12 of 17	1. *Item 3 Containment Facilities - Language modified consistent with Michigan regulations.
Part IIA6	13 of 17	1. *Item 3 Spill Notification - Language modified consistent with Michigan regulations.
Part IIA9	13 of 17	1. *Item 9 Bypass - Terms and conditions relating to bypass of wastewater treatment facilities has been expanded - <u>carefully review</u> .
*Denotes Significant Change		

CERTIFIED

P 260 573 911

MAIL

STATE OF MICHIGAN



WLB SEP 20 1994

File 21EP10-1-1

JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

Stevens T. Mason Building, P.O. Box 30028, Lansing, MI 48909
ROLAND HARMES, Director

JAMES P. HILL
DAVID HOLLI
JOEY M. SPANO
JORDAN B. TATTER

September 16, 1994

CERTIFIED MAIL

Mr. Paul C. Hittle
Director, Environmental Department
Consumers Power Company
1945 West Parnall Road
Jackson, Michigan 49201

Dear Mr. Hittle:

SUBJECT: NPDES Permit No. MI0001457
Consumers Power Company, Palisades Power Plant, Covert

Your National Pollutant Discharge Elimination System (NPDES) Permit has been processed in accordance with appropriate state and federal regulations. It contains the requirements necessary for you to comply with state and federal water pollution control laws.

REVIEW THE PERMIT EFFLUENT LIMITS AND COMPLIANCE SCHEDULES CAREFULLY. These are subject to the criminal and civil enforcement provisions of both state and federal law. Permit violations are audited by the Michigan Department of Natural Resources and the United States Environmental Protection Agency and may appear in a published quarterly noncompliance report made available to agencies and the public.

Your monitoring and reporting responsibilities must be complied with in accordance with this permit. If applicable, Discharge Monitoring Report forms will be transmitted to you in the near future. These reports are to be submitted monthly or otherwise as required by your NPDES permit.

Any reports, notifications, or questions regarding the attached permit or NPDES program should be directed to the following address:

Fred Morley, District Supervisor
621 North Tenth Street
P.O. Box 355
Plainwell, Michigan 49080
Telephone: (616) 685-6851



Consumers Power Company
Page 2
September 16, 1994

NOTE: All references within this permit made to the Water Quality Division or Chief of the Water Quality Division are to refer to the Surface Water Quality Division or Chief of the Surface Water Quality Division, respectively.

Sincerely,

William E. McCracken

William E. McCracken, P.E.
Chief, Permits Section
Surface Water Quality Division
517-373-8088

Enclosure: Permit

cc: EPA-Region V (2)
208 Agency - Southwest Michigan Regional Planning Commission
Planning and Special Programs Section, SWQD
Mr. Fred Morley - Plainwell District, SWQD (2)
Data Entry, SWQD
Point Source Studies (Grand Rapids District Office), SWQD
Files

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Act"), Michigan Act 245, Public Acts of 1929, as amended (the "Michigan Act"), and Michigan Executive Order 1991-31,

Consumers Power Company
1945 W. Parnall Road
Jackson, Michigan 49201

is authorized to discharge from a facility located at

Palisades Power Plant
27780 Blue Star Memorial Highway
Covert, Michigan 49043

designated as CPCO-Palisades Power Plt

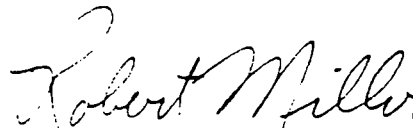
to the receiving water named the Lake Michigan in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit takes effect on January 1, 1995. Any person who is aggrieved by this permit may file a sworn petition with the Michigan Commission of Natural Resources (c/o Chief, Permits Section, Surface Water Quality Division), setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Commission may reject any petition filed more than 60 days after issuance as being untimely. Upon granting of a contested case, the Commission shall review the permit to determine which contested conditions shall be stayed until the Commission takes its final action. If a condition contested by the applicant is a requirement placed on wastewater covered by a new or increased discharge authorization, such increased discharge authorization shall be stayed until the Commission takes final action. All other conditions of the permit remain in full effect. If the contested condition is a modification of a previous permit condition and the Commission determines the contested condition shall be stayed, then such previous condition remains in effect until the Commission takes final action.

This permit and the authorization to discharge shall expire at midnight October 1, 1998. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Michigan Department of Natural Resources to the Permits Section of the Surface Water Quality Division no later than 180 days prior to the date of expiration.

This permit is based on an application received on April 5, 1993 as amended through March 16, 1994. On its effective date this permit shall supersede NPDES Permit No. MI0001457, expiring October 1, 1993.

Issued September 15, 1994.



Robert P. Miller
Chief, Surface Water Quality Division

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Final Effluent Limitations, Outfall 001 (Mixing Basin Discharge)

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 one hundred thirty five million two hundred thousand (135,200,000) gallons per day of cooling tower blowdown, noncontact cooling water and treated miscellaneous low volume wastewater consisting of steam generator blowdown, demineralizer backwash and regeneration waste, reverse osmosis filter backwash, turbine sump drainage, floor drainage, laboratory waste and radwaste wastewater from outfall 001 to Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below.

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow (MGD)	(report)	(report)			Daily	Report Total Daily Flow
Total Residual Oxidant (TRO)*						
<u>During Chlorination - No Bromine Use</u>						
<u>Discharge Mode</u>						
Continuous (greater than 120 min/day)				36 ug/l	Daily	Grab
Intermittent (less than/equal to 120 min/day)						
Jun 1 - Sep 30				100 ug/l	Daily	Grab
Oct 1 - May 31				50 ug/l	Daily	Grab
<u>During Bromine Use - the discharge of bromine shall not exceed 120 min/day</u>						
Intermittent (less than/equal to 120 min/day)				50 ug/l	Daily	Grab
TRO Discharge Time (minutes/day)				(report)	Daily	Report Total Discharge Time
Betz Clam-Trol CT-1				0.05 mg/l**	***	Grab
(The authorization to discharge CT-1 ceases after December 31, 1995)						
Betz Clam-Trol CT-2				0.01 mg/l**	***	Grab
Betz Clam-Trol CT-4				0.04 mg/l**	***	Grab
Heat Addition (BTU/Hour)				2,100x10 ⁶	Daily	Calculated
Temperature (°F)				(report)	Daily	Continuous
Outfall Observation (report)					Daily	Visual
				<u>Daily Minimum</u>	<u>Daily Maximum</u>	
pH (Standard Units)				6.5	9.0	Daily Grab

(continued)

PART I

Section A.1. (continued)

* Total Residual Oxidant (TRO) shall be analyzed using EPA Method 330.1 (alternate methods may be used upon approval of the Plainwell District Supervisor of the Surface Water Quality Division). 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 120 minutes per day, otherwise the limitations for continuous discharge of chlorine apply. Authorization to discharge bromine with or without chlorine is limited to 120 minutes per day at the limitations specified above with the additional requirement that any discharge of chlorine is restricted to a concurrent discharge with bromine (no additional discharge of chlorine is authorized for that day).

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

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

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

The permittee may report application time of chlorine and/or bromine as TRO discharge time upon approval of the Plainwell District Supervisor of the Surface Water Quality Division.

** The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for Betz Clam-Trol (Clam-Trol) CT-1, CT-2 and CT-4 shall be in accordance with the Methyl Orange Method. The detection level shall not exceed 0.2 mg/l, 0.05 mg/l and 0.26 mg/l for Clam-Trol CT-1, CT-2 and CT-4 respectively unless higher levels are appropriate because of sample matrix interference. Other methods may be used upon approval of the Plainwell District Supervisor of the Surface Water Quality Division. The highest value measured during the discharge event shall be reported. If the Clam-Trol concentration in all samples is less than the detection limit, report zero on the discharge monitoring reports.

The discharge of Clam-Trol CT-1, CT-2 and CT-4 is restricted to no more than six (6) times per year. The discharge of CT-1, CT-2 and CT-4 shall not exceed 12 hours when water temperature is 55°F and higher or no more than 16 hours when water temperature is below 55°F, per discharge event. The permittee shall notify the Plainwell District Supervisor at least 1 week prior to each discharge.

(continued)

PART I

Section A.1. (continued)

The water quality-based effluent limitations for Clam-Trol CT-1, CT-2 and CT-4 are less than the levels of detection using the specified analytical method. Detoxification of Clam-Trol treated effluent is required unless the permittee demonstrates, through mass-balance calculations, that the discharge concentration of Clam-Trol will be less than or equal to the final effluent limits listed above (page 2 of 17). Such a demonstration must be submitted for approval to the Plainwell District Supervisor prior to the first treatment with Clam-Trol. Any discharge of Clam-Trol at or above the level of detection is a specific violation of this permit. If all the samples in any monthly reporting period are less than the level of detection, the Michigan Department of Natural Resources will consider the permittee to be in compliance with the final effluent limitations for this pollutant for that reporting period, provided that the permittee has also demonstrated compliance with the final limit through mass-balance calculations or is also in full compliance with the toxicity testing program set forth in Part I.A.3.

The permittee shall gradually phaseout the use of Clam-Trol CT-1 by the end of the year 1995 and may switch to CT-2 and/or CT-4.

*** Every three hours during discharge.

- a. The receiving stream shall contain no unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits as a result of this discharge.
- b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan. A once per shift (3 times daily) temperature measurement is permissible when either the continuous monitor or recorder is out of service for calibration or repair.
- c. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported immediately to the Plainwell District Supervisor of the Surface Water Quality Division followed with a written report within 5 days detailing the findings of the investigation and the steps taken to correct the condition.
- d. In the event the permittee shall require the discharge of water treatment additives in addition to any previously approved by the Plainwell District Supervisor of the Surface Water Quality Division, the permittee shall notify the Plainwell District Supervisor. Written approval from the Plainwell District Supervisor to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. The permit may be modified in accordance with the requirements of Part II.B.4. if a constituent of the additive or additives requires limiting.
- e. The term noncontact cooling water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product, or finished product.

PART I

Section A.

2. Final Effluent Limitations, Outfalls 00A through 00F (Internal outfalls)

During the period beginning upon the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge the following internal discharges through outfall 001 to Lake Michigan. Such discharges shall be limited and monitored by the permittee as specified below.

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
<u>00A - South cooling tower suction basin overflow (62 mgd)</u> Flow (MGD)	(report)	(report)			Daily	Report Total Daily Flow
<u>00B - North cooling tower suction basin overflow (60 mgd)</u> Flow (MGD)	(report)	(report)			Daily	Report Total Daily Flow
<u>00C - Cooling tower blowdown (86 mgd)</u> Flow (MGD)	(report)	(report)			Daily	Report Total Daily Flow
<u>00D - Radwaste wastewater (0.1 mgd)</u> Flow (MGD)	(report)	(report)			Per Batch	Report Total Daily Flow
Total Suspended Solids			30 mg/l	100 mg/l	Per Batch	Grab
<u>00E - Neutralizer tank wastewater (0.1 mgd)</u> Flow (MGD)	(report)	(report)			Per Batch	Report Total Daily Flow
Total Suspended Solids			30 mg/l	100 mg/l	Per Batch	Grab
<u>00F - Turbine sump oil separator & volume reduction system (0.1 mgd)</u> Flow (MGD)	(report)	(report)			Daily	Report Total Daily Flow
Oil & Grease			15 mg/l	20 mg/l	2 X Monthly	Grab

a. The permittee shall not discharge priority pollutants, contained in chemicals added for cooling tower maintenance, in the cooling tower blowdown to the receiving waters of the state as a result of plant operations.

b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to the mixing basin or co-mingling with other wastestreams.

PART I

Section A.

3. Special Condition - Toxicity Testing During Clam-Trol Treatment

If the permittee has not demonstrated through mass-balance calculations that the final effluent limits of 0.05 mg/l, 0.01 mg/l and 0.04 mg/l for Clam-Trol CT-1, CT-2 and CT-4, respectively, will be met (See Part I.A.1., page 2 of 17), then the authorization to discharge Clam-Trol treated effluent after detoxification with bentonite clay from outfall 001 requires the permittee to conduct a 48-hour acute toxicity test using a Daphnia species to verify adequate detoxification. This test shall be conducted on the discharge during the first treatment with each of the Clam-Trol products following the effective date of this permit. This test shall be conducted using procedures contained in EPA/600/4-90/027 "Methods for Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms".

The results of the above testing shall be submitted to Plainwell District Supervisor of the Surface Water Quality Division within 30 days following Clam-Trol application. If the results of toxicity testing do not exceed 1.0 acute toxic units (TU^A), the permittee is authorized to continue the use and discharge of Clam-Trol as proposed in the application received on April 5, 1993 as amended through March 16, 1994, and according to requirements of Part I.A.1. (page 2 of 17).

If, upon review of the data, it is determined by the Plainwell District Supervisor that the results of toxicity testing exceed 1.0 TU^A, the permittee will be so notified. The permittee will not be authorized to discharge Clam-Trol product(s) until a proposal to remedy the unacceptable condition(s) is approved by the Plainwell District Supervisor.

"Acute toxic unit" is defined as the reciprocal of the test concentration that causes the acute effect by the end of the acute exposure period.

4. Special Condition - Boron Monitoring

The permittee shall monitor the discharge of steam generator blowdown for boron on a on time basis when steam generator blowdown is routed directly to the mixing basin during a boron soak. This condition may occur when a steam generator boron soak is in progress and there is a need for an immediate steam generator blowdown over a short period of time (i.e., less than 24 hours). Analysis should be conducted using the ASTM Mannitol Titration Method with a detection level of 1 mg/l. Discharge concentrations of boron through outfall 001 should be calculated based on mass balance. This monitoring is designed to determine whether this constituent will be discharged in significant quantities. The results of the analysis of such monitoring shall be submitted to the Plainwell District Supervisor of the Surface Water Quality Division within 60 days of the event. If, upon review of the analysis, it is determined that this constituent requires limiting to protect the receiving waters in accordance with applicable water quality standards, this permit may then be modified in accordance with Part II.B.4. of this permit.

PART I

Section A.

5. Special Condition - Temperature Modification

The Michigan Department of Natural Resources is considering the necessity of incorporating temperature limitations in this permit to assure that the requirements of Rule 82(1) of the Michigan Water Quality Standards are met. Therefore, when the consideration of this issue has been completed, the Department may modify this permit in accordance with Part II.B.4. to add appropriate temperature limitations or requirements.

6. Special Condition - PCB Prohibition

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

7. Special Condition - Intake Screen Backwash

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge intake screen backwash from outfall 000 to Lake Michigan. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in an appropriate manner.

8. Special Condition - Reopener Clause

This permit may be modified or, alternatively, revoked and reissued to comply with any applicable standard(s) or limitation(s) promulgated under Section 301(b)(2)(c)(d), 304(b)(2) and 307(a)(2) of the Act, if the effluent standard(s) or limitation(s) so promulgated:

- a. is(are) either different in condition or more stringent than any effluent limitation in the permit; or
- b. control(s) any pollutant not limited in the permit.

PART I

Section A.

9. Special Condition - Notification Requirement

The permittee shall notify the Plainwell District Supervisor of the Surface Water Quality Division, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of:

- a. Detectable levels* of chemicals on the current Michigan Critical Materials Register or priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, which were not acknowledged in the application** or listed in the application at less than detectable levels.
- b. Detectable levels* of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information.
- c. Any chemical at levels greater than five times the average level reported in the application**.

Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the schedule of compliance.

*The detectable level shall be defined as the Method Detection Limit (MDL) as given in Appendix B to Part 136, Federal Register, Vol. 49, No. 209, October 26, 1984, pp. 43430-31.

**The application received on April 5, 1993 as amended through March 16, 1994.

10. Discharge to the Groundwaters

The reissuance of this permit does not authorize any discharge to the groundwaters. Such discharge must be authorized by a groundwater discharge permit issued pursuant to the Michigan Act.

PART I

B. MONITORING AND REPORTING

1. Representative Sampling

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

2. Reporting:

a. DMR Submittal Requirements - The permittee shall submit Discharge Monitoring Report (DMR) forms to the PCS Unit, Surface Water Quality Division, Michigan Department of Natural Resources, P.O. Box 30273, Lansing, Michigan, 48909-7773, for each calendar month of the authorized discharge period(s). The DMRs shall be postmarked no later than the 10th day of the month following each month of the authorized discharge period(s).

3. Definitions

a. The monthly average discharge is defined as the total discharge by weight, or concentration if specified, during the reporting month divided by the number of days in the reporting month that the discharge from the production or commercial facility occurred. If the pollutant concentration in any sample is less than the detection limit, regard that value as zero when calculating monthly average concentration. When less than daily sampling occurs, the monthly average discharge shall be determined by the summation of the measured daily discharges by weight, or concentration if specified, divided by the number of days during the reporting month when the samples were collected, analyzed and reported.

b. The daily maximum discharge means the total discharge by weight, or concentration if specified, during any calendar day.

c. The Regional Administrator is defined as the Region V Administrator, U.S. EPA, located at R-16J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

d. The Chief of the Permits Section, Surface Water Quality Division mailing address is P.O. Box 30273, Lansing, Michigan, 48909.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

PART I

Section B.

5. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of measurement or sampling;
- b. The person(s) who performed the measurement or sample collection;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The date of and person responsible for equipment calibration; and
- g. The results of all required analyses.

6. 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.

7. 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 Michigan Department of Natural Resources.

PART I

C. SCHEDULE OF COMPLIANCE

1. The permittee shall continue to operate the installed facilities to achieve the effluent limitations specified for outfalls 00D, 00E, 00F and 00I.

2. Reapplication

If the discharges authorized by this permit are expected to continue beyond the expiration date of this permit, the permittee is required to submit an application for reissuance to the Chief of the Permits Section of the Surface Water Quality Division on or before April 3, 1998.

3. Written Notification Required

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

PART II

A. MANAGEMENT REQUIREMENTS

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 Public Acts 245, of 1929, as amended, and/or PL 92-500, as amended, and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. Change of Conditions

Any anticipated facility expansion, production increases, or process modification which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application to the Chief of the Permits Section of the Surface Water Quality Division or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Plainwell District Supervisor of the Surface Water Quality Division. Following such notice, the permit may be modified to specify and limit any pollutant not previously limited.

3. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of oil or other polluting materials in accordance with the requirements of the Part 5 Rules of the Michigan Act.

4. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified by the Michigan Department of Natural Resources, as required by Section 6a of the Michigan Act.

5. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Plainwell District Supervisor of the Surface Water Quality Division with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

PART II

Section A.

6. Spill Notification

The permittee shall immediately report any spill or loss of oil or other polluting materials which occurs to the surface waters or groundwaters of the state by calling the Department of Natural Resources (DNR). During normal working hours contact DNR, Surface Water Quality Division, Plainwell District Office at 616-685-9886. Outside of normal working hours, contact the 24-hour Pollution Emergency Allerting System (PEAS) at 1-800-292-4706 (calls from out-of-state dial 1-517-373-8166); and within ten (10) days of the spill or loss, the permittee shall submit to the Plainwell District Supervisor of the Surface Water Quality Division a full written explanation as to the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken, and schedule of implementation.

7. Facility 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.

8. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface 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.

9. Bypass

a. Bypass Prohibition - Bypass is prohibited unless:

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

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

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

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

(continued)

PART II

Section A.9. (continued)

- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Plainwell District Supervisor of the Surface Water Quality Division of an unanticipated bypass by telephone at 616-685-9886 (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass - A written submission shall be provided within five working days of commencing any bypass to the Plainwell District Supervisor of the Surface Water Quality Division, and at additional times as directed by the Plainwell District Supervisor. 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 Plainwell District Supervisor.
- e. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part I.A.9. 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. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, 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 which provision shall be indicated in this permit by inclusion of a specific compliance date in each appropriate "Schedule of Compliance for Effluent Limitations".
- 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.

PART II

Section A.

11. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters, or the entry of toxic or harmful contaminants thereof onto the groundwaters in concentrations or amounts detrimental to the groundwater resource.

12. 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 Plainwell District Supervisor of the Surface Water Quality Division 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;
- c. That the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

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

13. Any requirement of this permit which is included under the unique terms of the Michigan Act and rules promulgated thereunder, is not enforceable under the Federal Clean Water Act regulations.

PART II

B. RESPONSIBILITIES

1. Right of Entry -

The permittee shall allow the Michigan Department of Natural Resources, any agent appointed by the department, or the Regional Administrator, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Plainwell District Supervisor of the Surface Water Quality Division and the Regional Administrator.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act and Rule 2128 of the Part 21 Rules of the Michigan Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Pollution Control Agency and the Regional Administrator. As required by the 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 Act and Sections 7 and 10 of the Michigan Act.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully, all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

PART II

Section B.

5. Toxic Pollutants

Notwithstanding Part II.B.4. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.A.9., pursuant to 40 CFR 122.41(m)) and "Upset" (Part II.A.12., pursuant to 40 CFR 122.41(n)), 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 his control, such as accidents, equipment breakdowns, or labor disputes.

7. 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 Act except as are exempted by federal regulations.

8. 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 Act.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals from other units of government as may be required by law.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Notice to Public Utilities (Miss Dig)

The issuance of this permit does not exempt the permittee from giving notice to public utilities and complying with each of the requirements of Act 53 of the Public Acts of 1974, being sections 460.701 to 460.718 of the Michigan Compiled Laws, when constructing facilities to meet the terms of this permit.