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February 9, 1979

EF2 - 43986

Mr. Ronald L. Ballard
Chief
Environmental Projects Branch I
Division of Site Safety and Environmental Analysis
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Ballard:

Subject: Enrico Fermi Atomic Power Plant, Unit 2
NRC Docket No. 50-341
PL 92-500
National Pollutant Discharge Elimination System Permits

For your information, we are enclosing 10 copies of revised National Pollutant Discharge Elimination System Permit No. MI 0037028 as issued by the Michigan Water Resources Commission for the Enrico Fermi Atomic Power Plant, Unit 2. This Permit has been processed in accordance with appropriate State and Federal Regulations and covers discharges during plant operation.

Also enclosed are 10 copies of National Pollutant Discharge Elimination System Permit No. MI 0039365 authorizing discharge of water from material dredged from Lake Erie and placed in a diked disposal basin.

Should you have any questions concerning the above, please do not hesitate to call.

Sincerely,

WHJ/EFM/jr

Enclosures: 10 each NPDES Permit No. MI 0037028
10 each NPDES Permit No. MI 0039365

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ES/11

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Mr. Ronald L. Ballard
February 7, 1979
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cc: w/encl: Jeffery A. Alson
Citizens for Employment and Energy
772 Green, Bldg. 4
Ypsilanti, Michigan 48197

David Koller
Environmental Law Society
University of Michigan Law School
Ann Arbor, Michigan 48109

MICHIGAN WATER RESOURCES COMMISSION
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"), and the Michigan Water Resources Commission Act, as amended, (Act 245, Public Acts of 1929, as amended, the "Michigan Act"),

The Detroit Edison Company, as sole operator and principal owner of a facility known as Enrico Fermi Atomic Power Plant, Unit 2, located at 6400 Dixie Highway, Newport, Michigan, is authorized to discharge from said facility to receiving waters named Lake Erie and Swan Creek in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II hereof.

This permit shall become effective upon the commencement of discharge.

This permit and the authorization to discharge shall expire at midnight, November 30, 1982. 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 Water Resources Commission no later than 180 days prior to the date of expiration.

This permit is based on the company's application numbered MI 0037028, dated May 5, 1975, as amended, and shall supersede any and all Orders of Determination, Stipulation, or Final Orders of Determination previously adopted by the Michigan Water Resources Commission.

Issued this 28th day of November, 1977, and modified this 19th day of January, 1979, for the Michigan Water Resources Commission.

Robert J. Courchaine

Robert J. Courchaine
Executive Secretary

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Final Effluent Limitations

During the period beginning with the commencement of the discharge and lasting until the expiration date of this permit, the permittee is authorized to discharge cooling tower blowdown and low volume wastes, including but not limited to, demineralizer regeneration wastes and rad wastes treatment system effluent from outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Other Limitations		Measurement	Sample
	Daily Average	Daily Maximum	Daily Average	Daily Maximum	Frequency	Type
Flow, M ³ /Day					Daily	
Temperature (°F)					Daily	Continuous
Intake					Daily	Continuous
Discharge					Report monthly avg. & daily max.	

The permittee shall demonstrate, within one year after start of commercial operation the extent of the mixing zone required, but in no case shall that zone exceed 72 acres (a defined area equivalent to that of a circle with a radius of 1000 feet). The required mixing zone shall not increase the temperature of Lake Erie at the edge of the mixing zone more than 30°F above the existing natural temperature or above the following monthly maximum temperature; provided, however, the permittee may exceed the monthly maximum temperatures when natural temperatures exceed the monthly maximum temperatures, but any such increase at the edge of the mixing zone shall not exceed the natural water temperature plus 30°F.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
45	45	45	60	70	75	80	85	80	70	60	50

Above maximum monthly temperatures are based upon Water Resources Commission Rules, Part 4, Rule 1069(2).

Oil & Grease	No Visible Film	Daily	Visual Observati
Total Residual Chlorine* (TRC)	0.2 mg/l 0.3 mg/l	5 x Weekly	Three grab sample
Chlorine discharge time**	160 min/day	5 x Weekly	equally spaced d
			ing each treatme
			report applicatio
			time

* to be measured by the amperometric titration technique

**the permittee may elect to exceed the 160 min/day maximum discharge time. If the permittee elects to exceed the 160 min/day maximum discharge time, the average concentration of TRC shall not exceed the concentrations described as "The Acute Toxicity Threshold Value from the Freshwater Criteria Curve by J.S. Mattice and H.E. Zittle", illustrated on page 6 of 9 for the period of discharge. The maximum concentration of TRC shall be limited to 1.5 times the average concentration of TRC.

1. Final Effluent Limitations (continued)

The permittee may use dechlorination techniques to achieve the applicable limitations, using sodium thiosulfate or sodium sulfite or other dechlorinating agents approved by the Chief of the Water Quality Division as dechlorination reagents. The quantity of reagent used shall be limited to 1.5 times the stoichiometric amount needed for dechlorination of the chlorine applied. The permittee shall report monthly the quantity of each dechlorination reagent used per day.

The permittee may demonstrate to the Commission that higher concentrations of chlorine are acceptable.

a. The pH shall not be less than 6.0 nor greater than 9.0. The pH shall be monitored as follows: Weekly; grab

b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

c. Samples taken in compliance with the monitoring requirements above shall be taken intake - prior to entering the plant; discharge - prior to discharging to Lake Erie except for chlorine, samples for which shall be taken from the discharge of the decant pump.

2. Final Limitations

During the period beginning with the commencement of discharge and lasting until the termination of this permit, the permittee is authorized to discharge demineralizer regeneration wastes, a low volume waste source, through outfall 001. Such discharge shall be limited and monitored by the permittee prior to mixing with cooling tower blowdown as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Other Limitations		Measurement Frequency	Sample Type
	Daily Average	Daily Maximum	Daily Average	Daily Maximum		
Flow, M ³ /Day (MGD)					Per Occurrence	
Total Suspended Solids			30 mg/l	100 mg/l	Per Occurrence	Grab
Oil and Grease*			15 mg/l	20 mg/l	Monthly	Grab

* Company may demonstrate that a requirement of "No Visible Film" is more stringent than the above concentration limitations.

a. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

b. Samples taken in compliance with the monitoring requirements above shall be taken prior to discharge to outfall 001.

3. Final Limitations

Effective upon the date of issuance of this permit, the company shall not discharge any polychlorinated biphenyls to receiving waters of the State of Michigan.

4. Final Limitations

Beginning on the date of issuance of this permit and lasting until the expiration date, the permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in an appropriate manner. Intake screen backwash may be discharged pending future review.

5. Final Limitations

During the period beginning with the commencement of discharge and lasting until the expiration of this permit, the permittee is authorized to discharge radwaste treatment system effluent from outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Other Limitations		Measurement Frequency	Sample Type
	Daily Average	Daily Maximum	Daily Average	Daily Maximum		
Flow M ³ /Day (MGD)					Weekly per occurrence	
Total Suspended Solids			30 mg/l	100 mg/l	Weekly per occurrence	Grab
Oil & Grease			No visible film		Daily per occurrence	Vis. obs.
Oil and Grease *			15 mg/l	20 mg/l	Monthly per occurrence	Grab

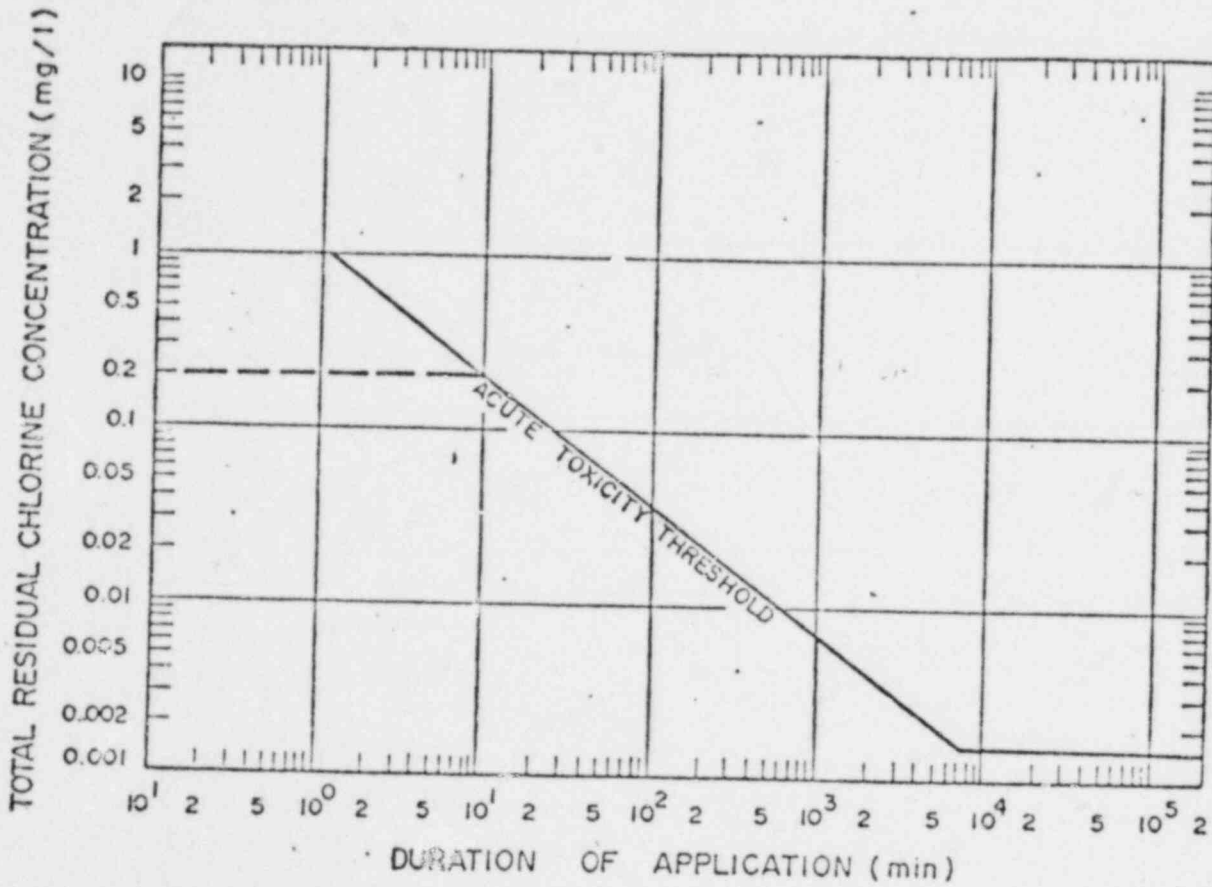
*Company may demonstrate that a requirement of "No Visible Film" is more stringent than the above concentration limitations.

Samples taken in compliance with the monitoring requirements above shall be taken prior to mixing with any other process or cooling waters.

6. Chlorine Limitation Condition

Following approval of the study plan, the permittee shall conduct a 12 month study to determine the magnitude of the free-chlorine component of the total residual chlorine (TRC) which occurs during each of the four seasons of the year. Such study shall be conducted in accordance with a study plan submitted to and approved by the Chief of the Water Quality Division of the Michigan Department of Natural Resources. A final report of findings shall be submitted within 90 days of the completion of the study. If the results of the studies reveal that the magnitude of the average free-chlorine component cannot be reduced to 25 percent or less of the TRC during any particular season, the permit may be modified in accordance with Part IIB4 of this permit. Such modification will require that during those particular seasons when the magnitude of the average free-chlorine component cannot be reduced to 25 percent of the TRC, the average concentration of TRC shall be limited to the concentration described as "The Acute Toxicity Threshold Value from the Freshwater Criteria Curve of J.S. Mattice and H.E. Zittle" illustrated on page 6 of 9, for the period of application, with the maximum concentration limited to 1.5 times the allowable average concentration of the TRC during the same period of application.

FRESHWATER CRITERIA CURVE
 by
 J.S. MATTICE and H.E. ZITTE



Log Concentration = -0.7407 (log time) + 0.0296

Time = minutes

Concentration = mg/l

Chronic Mortality Threshold = 0.0015 mg/l

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

The permittee shall submit monitoring reports containing results obtained during the previous month and shall be postmarked no later than the 10th day of the month following each completed report period. The first report shall be submitted within 90 days of the effective date of this permit.

3. Definitions

a. The daily average discharge is defined as the total discharge by weight, or concentration if specified, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. When less than daily sampling is required, the daily average discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

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 230 South Dearborn, 13th Floor, Chicago, Illinois 60604.

d. The Michigan Water Resources Commission is located in the Stevens T. Mason Building. The mailing address is Box 30028, Lansing, Michigan 48909.

4. Test Procedures

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

5. Recording of 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 sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. the analytical techniques or methods used; and
- e. 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 Monthly Operating 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 Water Resources Commission.

8. Cooling Water Intake

The Michigan Water Resources Commission has determined that the location, design, construction and capacity of the Enrico Fermi Atomic Power Plant, Unit 2, intake structure reflects the best technology available for minimizing adverse environmental impact in accordance with Section 316(b) of the Act. The permittee shall submit to the Chief of the Water Quality Division, a detailed study plan and time schedule for conducting environmental monitoring to determine the loss of aquatic organisms in the cooling water intake and obtain his approval thereof within 18 months after the facility becomes fully operational.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified in this permit upon commencement of discharge.
2. The permittee shall comply with the requirements of Section 10, Part II-A in accordance with the following:
 - a. Submit plans for approval to the Chief of the Water Quality Division necessary to comply with the primary power provision of Section 10 in Part II on or before N/A.
 - b. The permittee shall comply with the requirements of items 10a or 10b contained in Part II on or before N/A.
Notwithstanding the preceding sentence the permittee shall at all times halt, reduce, or otherwise control production in order to protect the waters of the State of Michigan upon the reduction or loss of the primary source of power.

3. If the Company elects to demonstrate to the Michigan Water Resources Commission that higher concentrations of chlorine are acceptable, it shall, submit a study plan for determining safe levels of total residual chlorine in its discharges and obtain approval thereof by the Chief of the Water Quality Division. Said plan shall be implemented upon approval and shall be completed within a period not to exceed 15 months from the date of approval. A progress report shall be submitted 7 months after implementation.

Following completion of the study, a report thereon shall be made to the Chief of the Water Quality Division not later than 3 months following completion of the study along with a time schedule for designing and completing the control facilities needed to meet safe total residual chlorine levels determined by the approved study.

4. The permittee shall conduct a study, during the four seasons of the year, to determine the average percentage of the Total Residual Chlorine which is represented by the Free Chlorine component referenced in Part I A 6 of this permit. All submittals shall be to the Chief of the Water Quality Division of the Department of Natural Resources.

a. Submit a study plan and receive approval on or before N/A.

b. Submit a report of findings 90 days following completion of the study.

5. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

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. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Containment Facilities

The permittee shall provide approved facilities for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials in accordance with the requirements of the Michigan Water Resources Commission Rules, Part 5.

3. Operator Certification

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

4. 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 Regional Administrator and the State 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 steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

5. Spill Notification

The permittee shall immediately report any spill or loss of any product, by-product, intermediate product, oils, solvents, waste material, or any other polluting substance which occurs to the surface or groundwaters of the state by calling the Department of Natural Resources 24 hour Emergency Response telephone number (517) 373-7660; and, the permittee shall within ten (10) days of the spill or loss provide the State with 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.

6. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

7. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

8. By-passing

Any diversion from or by-pass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Michigan Water Resources Commission and the Regional Administrator, in writing, of such diversion or by-pass.

9. 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.

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 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",
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.

B. RESPONSIBILITIES**1. Right of Entry**

The permittee shall allow the Executive Secretary of the Michigan Water Resources Commission, the Regional Administrator and/or their authorized representatives, upon the presentation of the credentials and subject to applicable requirements of federal and state law:

- 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 emanate, 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 Michigan Water Resources Commission 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 Water Resources Commission Rules, Part 21, 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.

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 "By-passing" (Part II, A-8) and "Power Failures" (Part II, A-10), 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.

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 any injury to private property or any invasion of personal rights, nor infringement of 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. Corps of Engineers

The U.S. Corps of Engineers has the authority to assess the permittee for the Corps' reasonable cost incurred in dredging materials attributable to the permittee's discharge.

MICHIGAN WATER RESOURCES COMMISSION
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"), and the Michigan Water Resources Commission Act, as amended, (Act 245, Public Acts of 1929, as amended, the "Michigan Act"),

Detroit Edison Company
2000 Second Avenue
Detroit, Michigan 48226

is authorized to discharge from a facility located at

6400 Dixie Highway
Newport, Michigan 48166

to receiving waters named Lake Erie via the South Lagoon

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

This permit shall become effective on the date of issuance.

This permit and the authorization to discharge shall expire at midnight, October 31, 1983. 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 Water Resources Commission no later than 180 days prior to the date of expiration.

This permit is based on the company's application numbered MI 0039365, dated August 25th, 1978, and shall supersede any and all Orders of Determination, Stipulation, or Final Orders of Determination previously adopted by the Michigan Water Resources Commission.

Issued this 10th day of November, 1978, for the Michigan Water Resources Commission.

Robert J. Courchaine

Robert J. Courchaine
Executive Secretary

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effluent Limitations

During the period beginning with the commencement of the discharge and lasting until the date of expiration of this permit, the permittee is authorized to discharge water from material dredged from Lake Erie and placed in a diked disposal basin thru outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Other Limitations		Measurement Frequency	Sample Type
	Daily Average	Daily Maximum	Daily Average	Daily Maximum		
Flow M ³ /Day (MGD)	-	-	-	-	Daily when discharging	
Total Suspended Solids	-	-	30 mg/l	100 mg/l	Daily when discharging	Grab
Oil & Grease	-	-	NO VISIBLE FILM		Daily when discharging	Visual Observation

a. The pH shall not be less than 6.0 nor greater than 9.0. The pH shall be monitored as follows: Daily when discharging; Grab.

b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.

d. Samples taken in compliance with the monitoring requirements above shall be taken prior to discharge to the South Lagoon.

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

The permittee shall submit monitoring reports containing results obtained during the previous month and shall be postmarked no later than the 10th day of the month following each completed report period. The first report shall be submitted within 90 days of the date of issuance of this permit.

3. Definitions

a. The daily average discharge is defined as the total discharge by weight, or concentration if specified, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. When less than daily sampling is required, the daily average discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

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 230 South Dearborn, 13th Floor, Chicago, Illinois 60604.

d. The Michigan Water Resources Commission is located in the Stevens T. Mason Building. The mailing address is Box 30028, Lansing, Michigan 48909.

4. Test Procedures

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

5. Recording of 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 sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. the analytical techniques or methods used; and
- e. 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 Monthly Operating 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 Water Resources Commission.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for outfall 001 in accordance with the following schedule:

- a. Submit progress report to the Chief of the Water Quality Division on or before N/A.
- b. Submit a preliminary engineering report and basis of design for said facilities to the Chief of the Water Quality Division and obtain his approval thereof on or before N/A.
- c. Submit progress report to the Chief of the Water Quality Division on or before N/A.
- d. Submit final plans and specifications for said facilities to the Chief of the Water Quality Division and obtain his approval thereof on or before N/A.
- e. Commence construction of said facilities on or before N/A.
- f. Submit progress report to the Chief of the Water Quality Division on or before N/A.
- g. Complete construction of said facilities on or before N/A.
- h. Attain operational level necessary to meet the limitations specified herein on or before the commencement of the discharge.

2. The permittee shall comply with the requirements of Section 10, Part II-A in accordance with the following:
- a. Submit plans for approval to the Chief of the Water Quality Division necessary to comply with the primary power provision of Section 10 in Part II on or before N/A.
 - b. The permittee shall comply with the requirements of items 10a or 10b contained in Part II on or before N/A.
Notwithstanding the preceding sentence the permittee shall at all times halt, reduce, or otherwise control production in order to protect the waters of the State of Michigan upon the reduction or loss of the primary source of power.
3. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

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. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Containment Facilities

The permittee shall provide approved facilities for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials in accordance with the requirements of the Michigan Water Resources Commission Rules, Part 5.

3. Operator Certification

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

4. 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 Regional Administrator and the State 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 steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

5. Spill Notification

The permittee shall immediately report any spill or loss of any product, by-product, intermediate product, oils, solvents, waste material, or any other polluting substance which occurs to the surface or groundwaters of the state by calling the Department of Natural Resources 24 hour Emergency Response telephone number (517) 373-7550; and, the permittee shall within ten (10) days of the spill or loss provide the State with 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.

6. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

7. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

8. By-passing

Any diversion from or by-pass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Michigan Water Resources Commission and the Regional Administrator, in writing, of such diversion or by-pass.

9. 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.

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 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",
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.

B. RESPONSIBILITIES**1. Right of Entry**

The permittee shall allow the Executive Secretary of the Michigan Water Resources Commission, the Regional Administrator and/or their authorized representatives, upon the presentation of the 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 emanate, 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 Michigan Water Resources Commission 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 Water Resources Commission Rules, Part 21, 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.

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 "By-passing" (Part II, A-8) and Power Failures" (Part II, A-10), 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.

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 any injury to private property or any invasion of personal rights, nor infringement of 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

It is further made a condition of this permit that the applicant give notice to public utilities in accordance with Act 53 of the Public Acts of 1974, being sections 460.701 to 460.718 of the Michigan Compiled Laws, and comply with each of the requirements of that Act.

The mixing zone for the purpose of evaluating compliance with the state water quality standards is defined as

A zone of mixing in a receiving stream has not been designated. The discharge is directly to the South Lagoon and mixing will take place in that Lagoon.