STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

October 14, 2009

ARCADIS U.S., Incorporated
30 West Monroe Street, Suite 1710
Chicago, Illinois 60603

Dear Sir or Madam:

SUBJECT: Substantive Requirements Document – No. MIU990028
Designated Name: US EPA-Plainwell Dam No 2 SF

The application for substantive requirements for the wastewater discharge from the Former Plainwell Impoundment No. 2 has been processed in accordance with our Bureau's Procedures. The enclosed Substantive Requirements Document (SRD) contains the requirements necessary for compliance with state and federal water pollution control laws.

Please review the requirements in the SRD, including the monitoring and reporting responsibilities. Discharge Monitoring Report forms will be transmitted to you in the near future. These reports are to be submitted as required by the SRD.

Any reports, notifications, or questions regarding the enclosed SRD program should be directed to the following address:

Mr. Gregory Danneffel, District Supervisor
Kalamazoo District Office, Water Division, MDEQ
7953 Adobe Road
Kalamazoo, Michigan 49009-5026
Telephone: 269-567-3500, Fax: 269-567-9440

Questions about the basis for the SRD requirements may be directed to Mr. Alvin Lam of the Permits Section at 517-335-4132.

Sincerely,

Daniel Dell, Chief
Permits Section
Water Bureau
517-241-1346

dd/sea

Enclosure: Substantive Requirements Document
cc/enc: Mr. Stephen Garbaciak, Jr., Vice President, ARCADIS U.S., Incorporated
Mr. Matthew Bowman, Project Manager, ARCADIS U.S., Incorporated
Mr. Gregory Danneffel, Kalamazoo District Supervisor, Water Bureau (electronic)
Mr. Alvin Lam, Permits Section, Water Bureau
PCS Unit, Water Bureau
File

MIU990028

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

SUBSTANTIVE REQUIREMENTS DOCUMENT
FOR THE
PLAINWELL DAM NO. 2 SUPERFUND SITE

Authorization to (hereinafter referred to as the "discharger"):

ARCADIS U.S., Incorporated
30 West Monroe Street
Suite 1710
Chicago, Illinois 60603

is authorized to discharge from the **Former Plainwell Impoundment No. 2** located at

Former Plainwell Impoundment No. 2, near Douglas Avenue
Plainwell, Michigan 49080

designated as US EPA-Plainwell Dam No 2 SF

In accordance with Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq; "CERCLA") and the Superfund Amendments and Reauthorization Act (Public Law No. 99-499, "SARA") the Water Bureau of the Michigan Department of Environmental Quality, in compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, Part 31, as amended, (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18, which are legally applicable or relevent and appropriate requirements (ARARs), herein establishes substantive requirements for a discharge of treated sediment dewatering water, truck wash water, and collected storm water from the Former Plainwell Impoundment No. 2 to the Kalamazoo River and low-lying area that drains to the Kalamazoo River in Section 32, Town 1 N, Range 11 W, Gun Plain Township, Allegan County.

These substantive requirements are based on information (hereinafter referred to as the "application") received on **July 15, 2009** and amended on **September 22, 2009**, from ARCADIS U.S., Incorporated which provided a description of the wastewater characteristics and proposed treatment. If new information is received subsequent to the date of this document, these substantive requirements may be revised if necessary to protect the receiving waters consistent with the Act and the Michigan Act.

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

This document is not a National Pollutant Discharge Elimination System (NPDES) permit. A NPDES permit is not required for this on-site remedial action associated with a CERCLA cleanup, however, a NPDES permit shall be required to authorize any discharges from this site under any circumstances not exempted by CERCLA Section 121 (e)(1).

Date: October 6, 2009

Daniel Dell, Chief
Permits Section
Water Bureau

PART I

Section A. Effluent Limitations And Monitoring Requirements

1. Final Effluent Limitations, Monitoring Point 001A

This document is based on the discharge of a maximum of 0.036 MGD of treated sediment dewatering water, truck wash water, and collected storm water from Monitoring Point 001A through Outfall 001 to the Kalamazoo River. Such discharge shall be limited and monitored by the discharger as specified below.

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Frequency of Analysis	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
	Retained Self-Monitoring Requirements, see Part II.C.3.							
	INFLUENT MONITORING AND REPORTING							
Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab
	INTERMEDIATE STAGE MONITORING AND REPORTING							
Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab
	DISCHARGE LIMITATIONS, MONITORING AND REPORTING							
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total PCBs	0.7×10^{-8}	---	lbs/day	2.6×10^{-5}	---	ug/l	Weekly	Grab
Total Suspended Solids	---	---	---	30	45	mg/l	Weekly	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	mg/l	Monthly	Grab
Equipment Inspection	(report)	---	---	---	---	---	3X Weekly	Visual
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual

a. Narrative Standard
The receiving water shall contain no unnatural turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in quantities which 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 treatment for all influent monitoring, between the carbon stages for intermediate stage monitoring, and after treatment but prior to mixing with any other waste stream for all effluent monitoring.

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

PART I

Section A. Effluent Limitations And Monitoring Requirements

d. BAT Treatment
This document is based on the discharger providing sedimentation, filtration, and followed by two-stage activated carbon treatment. If treatment other than sedimentation, filtration, and followed by two-stage activated carbon is proposed, the discharger shall amend the application received on July 15, 2009. The document may then be modified to include additional effluent limitations to protect water quality in accordance with applicable rules and regulations.

e. Carbon Treatment System Operation Requirements
The discharger shall operate the two-stage activated carbon treatment system so that rotation and replacement of the carbon tanks shall occur immediately upon detection of total PCBs at the intermediate stage.

In addition, the discharger shall semi-annually test the lag carbon tank to determine the Iodine Number and Ash content. If either of the following criteria is not met and confirmed with an immediate subsequent test, the discharger shall immediately initiate rotation and replacement of the carbon tanks as described above: 1) the Iodine Number is less than 375 mg/g and Ash content is greater than 20% or 2) if the Iodine Number is less than 200 mg/g. The discharger may choose to demonstrate that alternate values for the above criteria are appropriate. Such a demonstration shall be submitted to the Department for approval. Upon approval the discharger shall use the approved criteria values for determining whether carbon replacement is necessary under the requirements of this paragraph.

f. Monitoring Frequency Reduction
Upon initiation of discharge, the influent, the intermediate stage, and the effluent shall be monitored and sampled at the frequency indicated in Part I.A.1. of this document. After three (3) months, and if steady state conditions have been achieved, the discharger may request a reduction in monitoring frequency. This request shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the discharger may reduce the monitoring frequency indicated in Part I.A.1. of this document. The monitoring frequency shall not be reduced to less than once per month. The Department may revoke the approval for reduced monitoring at any time upon notification to the discharger.

g. Water Treatment Additives
This document 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 discharger proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the discharger shall submit a request to the Department for approval. See Part I.A.4. for information on requesting water treatment additive use.

h. Analytical Methods
All samples shall be analyzed using U.S. EPA approved methods. Upon approval of the Department, the discharger may use alternate analytical methods (for parameters with methods specified in 40 CFR 136, the alternate methods are restricted to those listed in 40 CFR 136).

i. Limits below the Quantification Level
The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for total PCBs shall be in accordance with EPA Method 608. The quantification level shall be 0.2 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.

The water quality-based effluent limitations for total PCBs are less than the quantification level; therefore, control requirements are established consistent with R 323.1213. Any discharge of total PCBs at or above the quantification level specified in this document is a specific violation of this document. If an effluent sample is less than the quantification level, the discharger will be considered to be in compliance with the total PCBs final effluent limitations set forth in Part I.A.1. for the period that the sample represents, provided that the discharger is also in full compliance with the treatment requirements (two-stage activated carbon) set forth in Part I.A.1.d. and the carbon treatment system operation requirements set forth in Part I.A.1.e.

PART I

Section A. Effluent Limitations And Monitoring Requirements

For the purpose of determining if an effluent sample is less than the quantification level, total PCBs shall be defined as the sum of the individual analytical results for each of the aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 with any aroclor result less than the quantification level being treated as a zero. For the purpose of recording the monitoring results, the discharger shall calculate concentration and loading levels of total PCBs in this same manner; however, the results of any individual aroclor measurement less than the quantification level but greater than the detection level shall be recorded. This paragraph does not authorize the discharge of total PCBs at levels which are injurious to the designated uses of the waters of the state or which constitute a threat to the public health or welfare.

j. Reduction of Total Phosphorus in the Kalamazoo River/Lake Allegan Watershed
The Department has developed a Total Maximum Daily Load (TMDL) for total phosphorus in Lake Allegan. The TMDL is established to protect Lake Allegan from high nutrient levels which has resulted in violations of water quality standards. In addition to establishing the TMDL, the Department is signatory to a "Cooperative Agreement to Meet Total Maximum Daily Load (TMDL) for Phosphorus" (cooperative agreement). Signatories to the cooperative agreement include point source dischargers of phosphorus and other stakeholders including nonpoint source contributors. The signatories to the cooperative agreement have agreed to participate with other point and nonpoint contributors in the watershed to reduce phosphorus as necessary to meet the goals of the TMDL. This will be accomplished by the development of phosphorus reduction implementation plans and other activities as specified in the cooperative agreement.

If it is determined that commitments under the cooperative agreement are not met, this document may be modified to include the appropriate phosphorus requirements in accordance with applicable laws and rules.

2. Final Effluent Limitations, Monitoring Point 002A

This document is based on the discharge of a maximum of 0.036 MGD of treated sediment dewatering water, truck wash water, and collected storm water from Monitoring Point 002A through Outfall 002 to the Kalamazoo River. Such discharge shall be limited and monitored by the discharger as specified below.

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Frequency of Analysis	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
	Retained Self-Monitoring Requirements, see Part II.C.3.							
	INFLUENT MONITORING AND REPORTING							
Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab
	INTERMEDIATE STAGE MONITORING AND REPORTING							
Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab
	DISCHARGE LIMITATIONS, MONITORING AND REPORTING							
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total PCBs	0.7×10^{-8}	---	lbs/day	2.6×10^{-5}	---	ug/l	Weekly	Grab
Total Suspended Solids	---	---	---	30	45	mg/l	Weekly	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	mg/l	Monthly	Grab
Equipment Inspection	(report)	---	---	---	---	---	3X Weekly	Visual
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual

PART I

Section A. Effluent Limitations And Monitoring Requirements

a. Narrative Standard
The receiving water shall contain no unnatural turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in quantities which 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 treatment for all influent monitoring, between the carbon stages for intermediate stage monitoring, and after treatment but prior to mixing with any other waste stream for all effluent monitoring.

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

d. BAT Treatment
This document is based on the discharger providing sedimentation, filtration, and followed by two-stage activated carbon treatment. If treatment other than sedimentation, filtration, and followed by two-stage activated carbon is proposed, the discharger shall amend the application received on July 15, 2009. The document may then be modified to include additional effluent limitations to protect water quality in accordance with applicable rules and regulations.

e. Carbon Treatment System Operation Requirements
The discharger shall operate the two-stage activated carbon treatment system so that rotation and replacement of the carbon tanks shall occur immediately upon detection of total PCBs at the intermediate stage.

In addition, the discharger shall semi-annually test the lag carbon tank to determine the Iodine Number and Ash content. If either of the following criteria is not met and confirmed with an immediate subsequent test, the discharger shall immediately initiate rotation and replacement of the carbon tanks as described above: 1) the Iodine Number is less than 375 mg/g and Ash content is greater than 20% or 2) if the Iodine Number is less than 200 mg/g. The discharger may choose to demonstrate that alternate values for the above criteria are appropriate. Such a demonstration shall be submitted to the Department for approval. Upon approval the discharger shall use the approved criteria values for determining whether carbon replacement is necessary under the requirements of this paragraph.

f. Monitoring Frequency Reduction
Upon initiation of discharge, the influent, the intermediate stage, and the effluent shall be monitored and sampled at the frequency indicated in Part I.A.2. of this document. After three (3) months, and if steady state conditions have been achieved, the discharger may request a reduction in monitoring frequency. This request shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the discharger may reduce the monitoring frequency indicated in Part I.A.2. of this document. The monitoring frequency shall not be reduced to less than once per month. The Department may revoke the approval for reduced monitoring at any time upon notification to the discharger.

g. Water Treatment Additives
This document 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 discharger proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the discharger shall submit a request to the Department for approval. See Part I.A.4. for information on requesting water treatment additive use.

PART I

Section A. Effluent Limitations And Monitoring Requirements

h. Analytical Methods
All samples shall be analyzed using U.S. EPA approved methods. Upon approval of the Department, the discharger may use alternate analytical methods (for parameters with methods specified in 40 CFR 136, the alternate methods are restricted to those listed in 40 CFR 136).

i. Limits below the Quantification Level
The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for total PCBs shall be in accordance with EPA Method 608. The quantification level shall be 0.2 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.

The water quality-based effluent limitations for total PCBs are less than the quantification level; therefore, control requirements are established consistent with R 323.1213. Any discharge of total PCBs at or above the quantification level specified in this document is a specific violation of this document. If an effluent sample is less than the quantification level, the discharger will be considered to be in compliance with the total PCBs final effluent limitations set forth in Part I.A.2. for the period that the sample represents, provided that the discharger is also in full compliance with the treatment requirements (two-stage activated carbon) set forth in Part I.A.2.d. and the carbon treatment system operation requirements set forth in Part I.A.2.e. For the purpose of determining if an effluent sample is less than the quantification level, total PCBs shall be defined as the sum of the individual analytical results for each of the aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 with any aroclor result less than the quantification level being treated as a zero. For the purpose of recording the monitoring results, the discharger shall calculate concentration and loading levels of total PCBs in this same manner; however, the results of any individual aroclor measurement less than the quantification level but greater than the detection level shall be recorded. This paragraph does not authorize the discharge of total PCBs at levels which are injurious to the designated uses of the waters of the state or which constitute a threat to the public health or welfare.

j. Reduction of Total Phosphorus in the Kalamazoo River/Lake Allegan Watershed
The Department has developed a Total Maximum Daily Load (TMDL) for total phosphorus in Lake Allegan. The TMDL is established to protect Lake Allegan from high nutrient levels which has resulted in violations of water quality standards. In addition to establishing the TMDL, the Department is signatory to a "Cooperative Agreement to Meet Total Maximum Daily Load (TMDL) for Phosphorus" (cooperative agreement). Signatories to the cooperative agreement include point source dischargers of phosphorus and other stakeholders including nonpoint source contributors. The signatories to the cooperative agreement have agreed to participate with other point and nonpoint contributors in the watershed to reduce phosphorus as necessary to meet the goals of the TMDL. This will be accomplished by the development of phosphorus reduction implementation plans and other activities as specified in the cooperative agreement.

If it is determined that commitments under the cooperative agreement are not met, this document may be modified to include the appropriate phosphorus requirements in accordance with applicable laws and rules.

3. Final Effluent Limitations, Monitoring Point 003A

This document is based on the discharge of a maximum of 0.036 MGD of treated sediment dewatering water, truck wash water, and collected storm water from Monitoring Point 003A through Outfall 003 to a low-lying area that drains to the Kalamazoo River. Such discharge shall be limited and monitored by the discharger as specified below.

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Frequency of Analysis	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
	Retained Self-Monitoring Requirements, see Part II.C.3.							
	INFLUENT MONITORING AND REPORTING							
Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab

PART I

Section A. Effluent Limitations And Monitoring Requirements

INTERMEDIATE STAGE MONITORING AND REPORTING

Total PCBs	---	---	---	(report)	(report)	ug/l	Weekly	Grab

DISCHARGE LIMITATIONS, MONITORING AND REPORTING

Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total PCBs	0.7×10^{-8}	---	lbs/day	2.6×10^{-5}	---	ug/l	Weekly	Grab
Total Suspended Solids	---	---	---	30	45	mg/l	Weekly	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	mg/l	Monthly	Grab
Equipment Inspection	(report)	---	---	---	---	---	3X Weekly	Visual
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual

a. Narrative Standard
The receiving water shall contain no unnatural turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in quantities which 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 treatment for all influent monitoring, between the carbon stages for intermediate stage monitoring, and after treatment but prior to mixing with any other waste stream for all effluent monitoring.

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

d. BAT Treatment
This document is based on the discharger providing sedimentation, filtration, and followed by two-stage activated carbon treatment. If treatment other than sedimentation, filtration, and followed by two-stage activated carbon is proposed, the discharger shall amend the application received on July 15, 2009. The document may then be modified to include additional effluent limitations to protect water quality in accordance with applicable rules and regulations.

e. Carbon Treatment System Operation Requirements
The discharger shall operate the two-stage activated carbon treatment system so that rotation and replacement of the carbon tanks shall occur immediately upon detection of total PCBs at the intermediate stage.

PART I

Section A. Effluent Limitations And Monitoring Requirements

In addition, the discharger shall semi-annually test the lag carbon tank to determine the Iodine Number and Ash content. If either of the following criteria is not met and confirmed with an immediate subsequent test, the discharger shall immediately initiate rotation and replacement of the carbon tanks as described above: 1) the Iodine Number is less than 375 mg/g and Ash content is greater than 20% or 2) if the Iodine Number is less than 200 mg/g. The discharger may choose to demonstrate that alternate values for the above criteria are appropriate. Such a demonstration shall be submitted to the Department for approval. Upon approval the discharger shall use the approved criteria values for determining whether carbon replacement is necessary under the requirements of this paragraph.

f. Monitoring Frequency Reduction
Upon initiation of discharge, the influent, the intermediate stage, and the effluent shall be monitored and sampled at the frequency indicated in Part I.A.3. of this document. After three (3) months, and if steady state conditions have been achieved, the discharger may request a reduction in monitoring frequency. This request shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the discharger may reduce the monitoring frequency indicated in Part I.A.3. of this document. The monitoring frequency shall not be reduced to less than once per month. The Department may revoke the approval for reduced monitoring at any time upon notification to the discharger.

g. Water Treatment Additives
This document 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 discharger proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the discharger shall submit a request to the Department for approval. See Part I.A.4. for information on requesting water treatment additive use.

h. Analytical Methods
All samples shall be analyzed using U.S. EPA approved methods. Upon approval of the Department, the discharger may use alternate analytical methods (for parameters with methods specified in 40 CFR 136, the alternate methods are restricted to those listed in 40 CFR 136).

i. Limits below the Quantification Level
The sampling procedures, preservation and handling, and analytical protocol for compliance monitoring for total PCBs shall be in accordance with EPA Method 608. The quantification level shall be 0.2 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.

The water quality-based effluent limitations for total PCBs are less than the quantification level; therefore, control requirements are established consistent with R 323.1213. Any discharge of total PCBs at or above the quantification level specified in this document is a specific violation of this document. If an effluent sample is less than the quantification level, the discharger will be considered to be in compliance with the total PCBs final effluent limitations set forth in Part I.A.3. for the period that the sample represents, provided that the discharger is also in full compliance with the treatment requirements (two-stage activated carbon) set forth in Part I.A.3.d. and the carbon treatment system operation requirements set forth in Part I.A.3.e. For the purpose of determining if an effluent sample is less than the quantification level, total PCBs shall be defined as the sum of the individual analytical results for each of the aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 with any aroclor result less than the quantification level being treated as a zero. For the purpose of recording the monitoring results, the discharger shall calculate concentration and loading levels of total PCBs in this same manner; however, the results of any individual aroclor measurement less than the quantification level but greater than the detection level shall be recorded. This paragraph does not authorize the discharge of total PCBs at levels which are injurious to the designated uses of the waters of the state or which constitute a threat to the public health or welfare.

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Section A. Effluent Limitations And Monitoring Requirements

j. Reduction of Total Phosphorus in the Kalamazoo River/Lake Allegan Watershed
The Department has developed a Total Maximum Daily Load (TMDL) for total phosphorus in Lake Allegan. The TMDL is established to protect Lake Allegan from high nutrient levels which has resulted in violations of water quality standards. In addition to establishing the TMDL, the Department is signatory to a "Cooperative Agreement to Meet Total Maximum Daily Load (TMDL) for Phosphorus" (cooperative agreement). Signatories to the cooperative agreement include point source dischargers of phosphorus and other stakeholders including nonpoint source contributors. The signatories to the cooperative agreement have agreed to participate with other point and nonpoint contributors in the watershed to reduce phosphorus as necessary to meet the goals of the TMDL. This will be accomplished by the development of phosphorus reduction implementation plans and other activities as specified in the cooperative agreement.

If it is determined that commitments under the cooperative agreement are not met, this document may be modified to include the appropriate phosphorus requirements in accordance with applicable laws and rules.

4. Request for Discharge of Water Treatment Additives

In the event a discharger proposes to discharge water additives, the discharger shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Bureau, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department contact listed on the cover page of this document. Instructions to submit a request electronically may be obtained via the Internet (http://www.michigan.gov/deq and on the left side of the screen click on Water, Water Quality Monitoring, and Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Department to discharge such additives at specified levels shall be obtained prior to discharge by the discharger. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

a. Material Safety Data Sheet;

b. the proposed water additive discharge concentration;

c. the discharge frequency (i.e., number of hours per day and number of days per year);

d. the monitoring point from which the product is to be discharged;

e. the type of removal treatment, if any, that the water additive receives prior to discharge;

f. product function (i.e. microbiocide, flocculant, etc.);

g. a 48-hour LC_{50} or EC_{50} for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp., Daphnia sp., or Simocephalus sp.*); and

h. the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the discharger may contact the Surface Water Assessment Section by telephone at 517-335-1180 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 discharger will not need to submit product toxicity data.

PART I

Section A. Effluent Limitations And Monitoring Requirements

5. Facility Contact

The "Facility Contact" was specified in the application. The discharger 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:
- 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 document 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,

or a duly authorized representative of that person.

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 company (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the discharger from properly submitting reports and forms as required by law.

6. Discharge to the Groundwaters

This site is a known source of groundwater pollution. The issuance of this document does not authorize any discharge to the groundwaters or venting of contaminated groundwaters to the surface waters, nor does it constitute a release of liability for any groundwater contamination at or around the site. The state reserves its rights to seek remedies to abate any groundwater contamination.

PART II

Section A. Definitions

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

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

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

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

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

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

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

Daily concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the document, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).

For pH, report the maximum value of any individual sample taken during the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs and the minimum value of any individual sample taken during the month in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. For dissolved oxygen, report the minimum concentration of any individual sample in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

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

Department means the Michigan Department of Environmental Quality.

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

PART II

Section A. Definitions

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 in a calendar month (or 30 consecutive days). The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the document, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.

Fecal coliform bacteria 7-day is the geometric mean of the samples collected in any 7-day period. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the document, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

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

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

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

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES document (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 documents 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 frequency of analysis refers to a calendar month. When required by this document, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Monthly concentration is the sum of the daily concentrations determined during a reporting month (or 30 consecutive days) divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. When required by the document, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.

PART II

Section A. Definitions

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

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined in the reporting month (or 30 consecutive days). The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. When required by the document, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMRs.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

NOAEL means the highest tested dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact Cooling Water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

POTW is a publicly owned treatment works.

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

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

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

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

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

PART II

Section A. Definitions

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

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

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

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

24-Hour Composite sample is a flow proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period.

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

7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the document, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

7-day loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during any 7 consecutive days in a reporting month. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the document, report the maximum calculated 7-day loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

PART II

Section B. Monitoring Procedures

1. Representative Samples

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

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this document. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this document shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The discharger may use such procedures upon approval.

The discharger 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 discharger's laboratory Quality Control/Quality Assurance program.

3. Instrumentation

The discharger 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 document, the discharger 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 document 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 discharger will not discharge during the first 60 days following the effective date of this document, the discharger shall notify the Department within 14 days following the effective date of this document, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

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

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

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page to conduct retained self-monitoring, the discharger shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Water Bureau, Michigan Department of Environmental Quality (in the case of Type I or Type II public water supplies, mobile home parks, campgrounds, and marinas, to the staff of the Drinking Water and Radiological Protection Division, Michigan Department of Environmental Quality, or, in the case of hospitals, nursing homes and extended care facilities, to the staff of the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services). Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The discharger shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this document is based still accurately describes the discharge.

4. Additional Monitoring by Discharger

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

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

PART II

Section C. Reporting Requirements

5. Compliance Dates Notification

Within 14 days of every compliance date specified in this document, the discharger 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 discharger 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 discharger 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 Michigan Act, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

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

b. other reporting - The discharger 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 discharger becomes aware of the noncompliance.

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

7. Spill Notification

The discharger shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the discharger has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the first page of this document, 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 discharger 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 document effluent limitations because of factors beyond the reasonable control of the discharger) has occurred, the discharger 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 discharger can identify the specific cause(s) of the upset;

b. that the documented wastewater treatment facility was, at the time, being properly operated; and

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

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

9. Bypass Prohibition and Notification

a. Bypass Prohibition - Bypass is prohibited unless:

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

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

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

b. Notice of Anticipated Bypass - If the discharger 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 discharger shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the first page of this document (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 discharger becomes aware of the circumstances.

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

PART II

Section C. Reporting Requirements

e. Bypass Not Exceeding Limitations - The discharger 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 discharger of any notification responsibilities under Part II.C.10. of this document.

f. Definitions

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

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

10. Notification of Changes in Discharge

The discharger shall notify the Department, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this document for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this document shall be reported in accordance with the compliance schedules.

11. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards <u>or</u> 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 document; 2) the action or activity will not result in violations of the effluent limitations specified in this document; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the document may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

12. Bioaccumulative Chemicals of Concern (BCC)

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

PART II

Section C. Reporting Requirements

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 discharger shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current discharger and the new discharger containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of document 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 discharger is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this document in accordance with applicable laws and rules.

PART II

Section D. Management Responsibilities

1. Duty to Comply

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

It is the duty of the discharger to comply with all the terms and conditions of this document. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this document constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for document termination, revocation and reissuance, or modification; or denial of an application for document renewal.

2. Operator Certification

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

3. Facilities Operation

The discharger shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the discharger to achieve compliance with the terms and conditions of this document. 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 document and prevent unauthorized discharges, the discharger shall either:

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

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

5. Adverse Impact

The discharger shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this document 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 discharger shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the Michigan Act.

7. Waste Treatment Residues

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

8. Treatment System Closure

In the event that discharges from a treatment system are planned to be eliminated, the discharger shall submit a closure plan to the Department for approval. The closure plan shall include characterization of any wastewater and residuals which will remain on-site after the discharges are eliminated, along with disposal methods, proposed schedule, and any other relevant information as required by the Department. Closure activities involving waste treatment residuals shall be consistent with Part II.D.7. of this document.

The discharger shall implement the closure activities in accordance with the approved plan. Any wastewater or residual disposal inconsistent with the approved plan shall be considered a violation of this document. After proper closure of the treatment system, this document may be terminated.

9. Right of Entry

The discharger shall allow the Department, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials:

a. to enter upon the discharger'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 document; and

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

10. Availability of Reports

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

PART II

Section E. Activities Not Authorized by This Document

1. Discharge to the Groundwaters

This document does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge document issued pursuant to the Michigan Act.

2. Facility Construction

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

3. Civil and Criminal Liability

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

4. Oil and Hazardous Substance Liability

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

5. State Laws

Nothing in this document shall be construed to preclude the institution of any legal action or relieve the discharger 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 document does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.