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PERMIT NO. MI0022284

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18,

City of Bay City
301 North Washington
Bay City, Michigan 48708

is authorized to discharge from the Bay City Wastewater Treatment Plant located at

2905 North Water Street
Bay City, Michigan 48708

designated as Bay City WWTP

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

This permit takes effect on January 1, 2003. Any person who is aggrieved by this permit may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely. If any condition of this permit is administratively challenged, the entire challenged permit is stayed and the previous permit will remain in effect until the Department takes final action after the Administrative Hearing.

This permit and the authorization to discharge shall expire at midnight, October 1, 2006. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information and forms as are required by the Michigan Department of Environmental Quality to the Saginaw Bay District Supervisor of the Water Division by April 4, 2006.

This permit is based on a complete application submitted on April 3, 1995 as amended through March 30, 2000. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede NPDES Permit No. MI0022284, expiring October 1, 1995. This issuance of the permit does not effect the conditions, dates, and terms of Administrative Consent Order No. ACO-SW96-007 issued on August 28, 1996.

Issued December 6, 2002

D. Steven Eldredge
Chief, Surface Water Permits Section
Water Division

PART I

Section A. Limitations and Monitoring Requirements

1. Final Effluent Limitations, Monitoring Point 004A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge treated municipal wastewaters from Monitoring Point 004A through Outfall 004 to the Saginaw River. Such discharges shall be limited and monitored by the permittee as follows:

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2,500	4,000	---	lbs/day	25	40	---	mg/l	Daily	24-Hr Composite
Total Suspended Solids	3,000	4,500	---	lbs/day	30	45	---	mg/l	Daily	24-Hr Composite
Ammonia Nitrogen (as N)										
May 1-Sep 30	750	---	---	lbs/day	7.5	---	---	mg/l	Daily	24-Hr Composite
Oct 1-Apr 30	no monitoring required									
Total Phosphorus (as P)	100	---	---	lbs/day	1.0	---	---	mg/l	Daily	24-Hr Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	---	cts/100 ml	Daily	Grab
Total Residual Chlorine	---	---	---	---	---	---	0.038	mg/l	Daily	Grab
Total Copper	---	---	9.9	lbs/day	---	---	99	µg/l	Weekly	24-Hr Composite
Amenable Cyanide	---	---	---	---	(report)	---	---	µg/l	Quarterly	Grab
Total Mercury	---	---	---	---	(report)	---	---	ng/l	Monthly	Grab
Hexachlorobenzene	---	---	---	---	(report)	---	---	µg/l	Monthly	24-Hr Composite
Total Lead	---	---	---	---	(report)	---	---	µg/l	Monthly	24-Hr Composite
Total Silver	---	---	---	---	(report)	---	---	µg/l	Monthly	24-Hr Composite
Total Cadmium	---	---	---	---	(report)	---	---	µg/l	Quarterly	24-Hr Composite
Total Nickel	---	---	---	---	(report)	---	---	µg/l	Quarterly	24-Hr Composite
Total Zinc	---	---	---	---	(report)	---	---	µg/l	Quarterly	24-Hr Composite
Total Polychlorinated Biphenyls (PCBs) - see Part I.A.1.g. below	0.0000026	---	---	lbs/day	0.000026	---	---	µg/l	Weekly	24-Hr Composite
Acute Toxicity										
Through August 31, 2005	---	---	---	---	---	---	(report)	TU _A	Quarterly	24-Hr Composite
Beginning September 1, 2005	---	---	---	---	---	---	1.0	TU _A	Monthly	24-Hr Composite
					Minimum Monthly					
CBOD ₅ Minimum % Removal	---	---	---	---	85	---	---	%	Monthly	Calculation
Total Suspended Solids Minimum % Removal	---	---	---	---	85	---	---	%	Monthly	Calculation

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Section A. Limitations and Monitoring Requirements

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
					<u>Minimum Daily</u>		<u>Maximum Daily</u>			
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	---	3.0	---	---	mg/l	Daily	Grab

The following design flow was used in determining the above limitations, but is not to be considered a limitation or actual capacity: 12 MGD

- 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.
- b. Sampling Locations
Samples for Dissolved Oxygen, Fecal Coliform Bacteria, Total Residual Chlorine, Acute Toxicity, and pH shall be taken after disinfection. Samples for all other parameters shall be collected prior to disinfection. The Saginaw Bay District Supervisor of the Water Division may approve alternate sampling locations which are demonstrated by the permittee to be representative of the effluent.
- c. Total Residual Chlorine
Compliance with the Total Residual Chlorine limit shall be determined on the basis of one or more grab samples. If more than one (1) sample per day is taken, the additional samples shall be collected in near equal intervals over at least eight (8) hours. The samples shall be analyzed immediately upon collection and the average reported as the daily concentration. EPA Method 330.1 or the Orion 97-70 electrode shall be used for analysis.
- d. Percent Removal Requirements
These requirements shall be calculated based on the monthly (30-day) effluent CBOD₅ and Total Suspended Solids concentrations and the monthly influent concentrations for approximately the same period.
- e. Quantification Levels
The quantification level for Total Copper, Total Lead, Total Silver, Total Chromium, Total Nickel, and Total Zinc shall not exceed the value listed below unless a higher level is appropriate because of sample matrix interference. If a higher quantification level is appropriate because of sample matrix interference, justification shall be submitted to the Saginaw Bay District Supervisor of the Water Division.

Parameter	Quantification Level	EPA Method
Total Copper	10 µg/l	EPA Approved
Total Lead	100 µg/l	EPA Approved
Total Silver	7.0 µg/l	EPA Approved
Total Chromium	20 µg/l	EPA Approved
Total Nickel	25 µg/l	EPA Approved
Total Zinc	15 µg/l	EPA Approved
Amenable Cyanide	1.0 µg/l	EPA Method 4500-CN-G

PART I**Section A. Limitations and Monitoring Requirements**

f. Monitoring Frequency Reduction

After the submittal of twelve months of data, the permittee may request a reduction in monitoring frequency for Total Copper, Total Lead, Total Silver, Total Cadmium, Total Nickel, Total Zinc, Whole Effluent Toxicity, Total Mercury and Hexachlorobenzene. This request shall contain an explanation as to why the reduced monitoring is appropriate (such as documentation of changes made to the wastewater treatment system that would improve the effluent quality and supporting data collected subsequent to such changes) and shall be submitted to the Saginaw Bay District Supervisor of the Water Division. Upon receipt of written approval and consistent with such approval, the permittee may reduce or eliminate the monitoring frequency indicated in Part I.A.1. of this permit. The Saginaw Bay District Supervisor may revoke the approval for reduced monitoring at any time upon notification to the permittee.

g. 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 µg/l unless a higher level is appropriate because of sample matrix interference. If a higher quantification level is appropriate because of sample matrix interference, justification shall be submitted to the Saginaw Bay District Supervisor of the Water Division.

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 permit is a specific violation of this permit. If an effluent sample is less than the quantification level, the permittee will be considered to be in compliance with the Total PCBs final effluent limitations set forth in Part I.A.1. for the period that the sample represents, provided that the permittee is also in full compliance with the Pollutant Minimization Program for Total PCBs set forth in Part I.A.5. 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 purposes of reporting on the Discharge Monitoring Reports, the permittee shall calculate concentration and loading levels of Total PCBs in this same manner; however, the result of any individual aroclor measurement less than the quantification level but greater than the detection level shall be reported on the Daily Discharge Monitoring Reports (see Part II.C.2.). 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.

h. Total Mercury Testing Requirements

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry". The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. If a higher quantification level is appropriate because of sample matrix interference, justification shall be submitted to the Saginaw Bay District Supervisor of the Water Division.

The use of clean technique sampling procedures is strongly recommended. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, July 1996. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

On or before January 1, 2005, the permittee shall submit to the Saginaw Bay District Supervisor a report summarizing the mercury monitoring data. The Department will review the report using the reasonable potential process described in R 323.1211 of the Michigan Administrative Code to determine if there is a reasonable potential for the Water Quality Standard of 1.3 ng/l of total mercury to be exceeded in the effluent.

1) If it is determined that the effluent has a reasonable potential to exceed 1.3 ng/l of total mercury, and upon written notification by the Saginaw Bay District Supervisor, the permittee shall implement the Pollutant Minimization Program for Total Mercury contained in Part I.A.3. of this permit.

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2) If it is determined that the effluent does not have a reasonable potential to exceed 1.3 ng/l of total mercury, upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency or eliminate monitoring for total mercury indicated in Part I.A.1. of this permit. The Saginaw Bay District Supervisor may revoke the approval for reduced monitoring at any time upon notification to the permittee.

i. Hexachlorobenzene Testing Requirements

The analytical protocol for Hexachlorobenzene shall be in accordance with EPA Method 612.

On or before January 1, 2005, the permittee shall submit to the Saginaw Bay District Supervisor a report summarizing the Hexachlorobenzene monitoring data. The Department will review the report using the reasonable potential process described in R 323.1211 of the Michigan Administrative Code to determine if there is a reasonable potential for the effluent to cause an exceedance of Water Quality Standards.

1) If it is determined that the effluent has a reasonable potential to cause an exceedance of Water Quality Standards, and upon written notification by the Saginaw Bay District Supervisor, the permittee shall implement the Pollutant Minimization Program for Hexachlorobenzene contained in Part I.A.4. of this permit.

2) If it is determined that the effluent does not have a reasonable potential to cause an exceedance of water quality standards, upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency or eliminate monitoring for hexachlorobenzene indicated in Part I.A.1. of this permit. The Saginaw Bay District Supervisor may revoke the approval for reduced monitoring at any time upon notification to the permittee

j. Acute Toxicity Requirements

Test species shall include fathead minnow **and** either *Daphnia magna*, *Daphnia pulex* or *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures contained in EPA/600/4-90/027F, "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms." Toxicity test pH shall be maintained at the pH of the effluent at the time of sample collection. The maximum value of the tests shall be reported in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports. The results shall not be averaged. After one (1) year of toxicity testing and upon approval of the Saginaw Bay District Supervisor of the Water Division, the acute toxicity tests may be performed using the more sensitive species identified in the acute toxicity database. If a more sensitive species cannot be identified, the acute toxicity tests shall be performed with both species. Toxicity test data acceptability is contingent upon the validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

Through August 31, 2005

Beginning on the effective date of this permit the permittee shall implement a Toxicity Reduction Evaluation (TRE). The objective of the TRE shall be to reduce the toxicity of the final effluent from monitoring point 004A to ≤ 1.0 acute toxic unit (TU_A) by September 1, 2005. The following documents are available as guidance to reduce toxicity to acceptable levels: Phase I, EPA/600/6-91/003; Phase II, EPA/600/R-92/080; Phase III, EPA/600/R-92/081; and Publicly Owned Treatment Works (POTWs), EPA/833B-99/002. Annual progress reports shall be submitted to the Saginaw Bay District Supervisor within 30 days of the completion of the last test of each annual cycle.

Effective September 1, 2005

1) When monitoring shows persistent exceedance of the 1.0 TU_A limit for effluent toxicity, the Saginaw Bay District Supervisor will determine whether the permittee must implement the toxicity control program requirements specified in 2) below.

PART I**Section A. Limitations and Monitoring Requirements**

- 2) Upon written notification by the Saginaw Bay District Supervisor, the following conditions apply. Within 90 days of the notification, the permittee shall implement a TRE. The objective of the TRE shall be to reduce the toxicity of the final effluent from monitoring point 004A to ≤ 1.0 TU_A. The following documents are available as guidance to reduce toxicity to acceptable levels. Phase I, EPA/600/6-91/003; Phase II, EPA/600/R-92/080; Phase III, EPA/600/R-92/081; and POTWs, EPA/833B-99/002. Annual progress reports shall be submitted to the Saginaw Bay District Supervisor within 30 days of the completion of the last test of each annual cycle.

The permittee may request removal of the whole effluent toxicity limitation. This request shall be submitted to the Saginaw Bay District Supervisor of the Water Division and shall contain an explanation as to why modification of the permit is appropriate (such as documentation of changes made to the wastewater treatment system that would improve the effluent quality and supporting data collected subsequent to such changes). If the Saginaw Bay District Supervisor determines that the request is approvable, this permit may be modified in accordance with applicable laws and rules to remove the Whole Effluent Toxicity limitation.

- k. **Quarterly Testing Requirements**
The testing for Amenable Cyanide, Total Cadmium, Total Nickel, Total Zinc and Acute Toxicity (through August 31, 2005) shall be conducted in January, April, July and October of each year.

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Section A. Limitations and Monitoring Requirements

2. Retention Treatment Basin Discharge Authorization, Monitoring Point(s) 013A, 014A, 018A, 040A, and 048A

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge treated combined sewage from Monitoring Points 013A, 014A, 018A, 040A, and 048A through Outfalls 013, 014, 018, 040, and 048, respectively, to the Saginaw River when the basin is full and flows exceed the maximum Wastewater Treatment Plant capacity of 12 MGD. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Influent Characteristics</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Biochemical Oxygen Demand (BOD ₅)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
<u>Effluent Characteristics</u>										
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Biochemical Oxygen Demand (BOD ₅)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Suspended Solids	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Ammonia Nitrogen (as N)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Total Phosphorus (as P)	---	---	---	---	(report)	---	(report)	mg/l	Daily	Grab
Fecal Coliform Bacteria	---	---	---	---	200	---	400	cts/100 ml	Daily	Grab
Total Residual Chlorine	---	---	---	---	---	---	(report)	mg/l	Daily	Grab
Total Chromium	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Hexavalent Chromium	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Copper	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Lead	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Nickel	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Silver	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Zinc	---	---	---	---	(report)	---	---	µg/l	Monthly	Grab
Total Polychlorinated Biphenyls (PCBs)	---	---	---	---	(report)	---	---	µg/l	Weekly	Grab

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Section A. Limitations and Monitoring Requirements

<u>Influent Characteristics</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
					<u>Minimum Daily</u>		<u>Maximum Daily</u>			
pH	---	---	---	---	(report)	---	(report)	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	---	(report)	---	---	mg/l	Daily	Grab

- a. **Retention Basin Monitoring and Reporting**
 The permittee shall monitor retention basin performance and report the monitoring consistent with the requirements of Part II.C.2. of this permit. The permittee shall supply the results of each sample taken during each discharge period. Influent reporting is required only when the basin has discharged.

Influent sampling shall be by grab samples collected every two (2) hours for the first eight (8) hours of flow into the basin and every four (4) hours thereafter for the duration of flow into the basin. The average of all discrete sample results shall be calculated for each calendar day of flow. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration. An alternate sampling protocol may be submitted to the Saginaw Bay District Supervisor of the Water division for approval. The request for the alternate sampling protocol shall include the volume of the individual aliquots in insure an adequate volume of sample has been collected to meet the laboratory sample size requirements for each test. The permittee may implement the alternate monitoring upon approval of the Saginaw Bay District Supervisor

Effluent sampling shall be by grab samples collected every two (2) hours for the first eight (8) hours of discharge and every four (4) hours thereafter for the duration of the discharge. The average of all discrete sample results shall be calculated for each calendar day of discharge. The highest daily average for the calendar month shall be reported as the maximum daily concentration. The average of the daily averages shall be reported as the monthly concentration. An alternate sampling protocol may be submitted to the Saginaw Bay District Supervisor of the Water division for approval. The request for the alternate sampling protocol shall include the volume of the individual aliquots in insure an adequate volume of sample has been collected to meet the laboratory sample size requirements for each test. The permittee may implement the alternate monitoring upon approval of the Saginaw Bay District Supervisor

For Fecal Coliform Bacteria, the “daily maximum” shall be the geometric mean of all samples on any discharge day, provided that three (3) or more samples are collected. The Fecal Coliform Bacteria “monthly average” shall be the geometric mean of all samples collected during the month, provided that five (5) or more samples are collected. The goal of the effluent sampling program is to collect at least three samples during each discharge event, and samples shall be collected at shorter intervals at the onset of the event, if the permittee estimates that the event duration may be less than six hours.

For purposes of reporting on a discharge event which lasts less than 24 hours, but occurs during two calendar days, the pollutant loadings and concentrations for the event shall be reported as daily values on the day when the majority of the discharge occurred.

- b. **Retention Treatment Basin Dewatering**
 The retention treatment basin shall be promptly dewatered as soon as possible following the need to divert flow to the basin and shall be maintained in readiness for use. The discharge of sludge or residual accumulations from the basin to the surface waters is prohibited. These sludges shall be promptly removed and disposed in accordance with procedures approved by the Saginaw Bay District Supervisor of the Water Division.

PART I**Section A. Limitations and Monitoring Requirements**

- c. **Total Residual Chlorine**
The permittee shall minimize the discharge of Total Residual Chlorine, with the goal of achieving a daily average of 1 mg/l.
- d. **Discharge Notification**
In the event of a retention treatment basin discharge, the permittee shall, in accordance with notification procedures approved by the Saginaw Bay District Supervisor of the Water Division, notify the Saginaw Bay District Supervisor, the local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located. Notification that the discharge is occurring shall be made promptly after the discharge begins. After the conclusion of the discharge, the permittee shall provide written notification to the above parties of the following:
- 1) the amount of discharge as measured in accordance with the procedures approved by the Saginaw Bay District Supervisor,
 - 2) the reason for the discharge,
 - 3) the time the discharge began and ended as measured in accordance with the procedures approved by the Saginaw Bay District Supervisor, and
 - 4) verification that the permittee is in compliance with the retention treatment basin requirements of this permit. If such verification cannot be made, an explanation shall be provided detailing the reasons why the permittee is not in compliance with the combined sewer overflow requirements of this permit.
- The permittee shall also annually contact municipalities whose waters may be affected by the permittee's discharge of combined sewage, and if those municipalities wish to be notified in the same manner as specified above, the permittee shall provide such notification. Such notification shall also include a daily newspaper in the county of the affected municipality.
- e. **Operation and Maintenance Plan**
The permittee shall assure that discharges only occur in response to rainfall (or snowmelt) events and cease soon thereafter. Any rehabilitation and maintenance needs shall be addressed to ensure adequate sewer capacity and functionality. This may be accomplished through continued implementation of an approved Operation and Maintenance Plan.
- f. **Testing for Escherichia coli**
Each time a combined sewer overflow discharge occurs, the permittee shall test the affected waters for Escherichia coli to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The affected local county health department may waive this testing requirement if it determines that such testing is not needed to assess the risk to the public health as a result of the discharge event.
- g. **Disconnection of Eaves Troughs and Roof Downspouts**
The permittee shall eliminate direct connections of eaves troughs and roof downspouts to the sewer system throughout the tributary service area tributary to combined sewer overflow outfalls. This requirement shall be completed within 1 year after the effective date of this permit for residential property, and within 5 years after the effective date of this permit for commercial and industrial properties. This requirement does not apply if the permittee demonstrates that the disconnection of eaves troughs and roof downspouts is not a cost-effective means of reducing the frequency or duration of combined sewer overflows or of maintaining compliance with this permit. Such a demonstration and supporting documentation shall be submitted to the Saginaw Bay District Supervisor of the Water Division for approval.

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h. New Wastewater Flows

Increased levels of discharge of sanitary sewage from the retention treatment basin are prohibited unless:

- 1) these increased discharges are the result of new sanitary wastewater flows which, on the basis of sound professional judgment, are within design peak dry weather transportation capacity; or
- 2) the permittee has officially adopted and is timely implementing a definite program, satisfactory to the Department, leading to the construction and operation of necessary collection, transportation or treatment devices.

i. Quantification Levels

The quantification level for Total Copper, Total Lead, Total Silver, Total Chromium, Hexavalent Chromium, Total Nickel, and Total Zinc shall be as listed below unless a higher level is appropriate because of sample matrix interference. If a higher quantification level is appropriate because of sample matrix interference, justification shall be submitted to the Saginaw Bay District Supervisor of the Water Division.

Parameter	Quantification Level	EPA Method
Total Copper	10 µg/l	EPA Approved
Total Lead	100 µg/l	EPA Approved
Total Silver	7.0 µg/l	EPA Approved
Total Chromium	20 µg/l	EPA Approved
Hexavalent Chromium	5.0 µg/l	EPA Approved
Total Nickel	25 µg/l	EPA Approved
Total Zinc	15 µg/l	EPA Approved

j. Monitoring Frequency Reduction

After the submittal of three monitoring events of data, the permittee may request a reduction in or elimination of monitoring frequency for Total Copper, Total Lead, Total Silver, Total Chromium, Hexavalent Chromium, Total Nickel, and Total Zinc. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Saginaw Bay District Supervisor of the Water Division. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.2. of this permit. The Saginaw Bay District Supervisor may revoke the approval for reduced monitoring at any time upon notification to the permittee.

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Section A. Limitations and Monitoring Requirements

3. Pollutant Minimization Program for Total Mercury

This condition is required only upon written notification by the Saginaw Bay District Supervisor of the Water Division, as specified in Part I.A.1.h.1). The goal of the Pollutant Minimization Program is to maintain the effluent concentration of total mercury at or below 1.3 ng/l. Within 180 days of the written notification, the permittee shall submit to the Saginaw Bay District Supervisor an approvable Pollutant Minimization Program for mercury designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

- a. an annual review and semi-annual monitoring of potential sources of mercury entering the wastewater collection system;
- b. a program for quarterly monitoring of influent and periodic monitoring of sludge for mercury; and
- c. implementation of reasonable cost-effective control measures when sources of mercury are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

The Pollutant Minimization Program shall be implemented upon approval by the Saginaw Bay District Supervisor.

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

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

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

The permittee may choose to demonstrate that the program is complete and request removal of the program from the permit. Such request and supporting documentation demonstrating that the goal is being achieved shall be submitted in writing to the Saginaw Bay District Supervisor. If the Saginaw Bay District Supervisor determines that the request is approvable, this permit may be modified in accordance with applicable laws and rules to remove this requirement.

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

PART I

Section A. Limitations and Monitoring Requirements

4. Pollutant Minimization Program for Hexachlorobenzene

This condition is required only upon written notification by the Saginaw Bay District Supervisor of the Water Division, as specified in Part I.A.1.i.1). The goal of the Pollutant Minimization Program is to maintain the effluent concentration of Hexachlorobenzene at or below 0.0028 µg/l. Within 180 days of the written notification, the permittee shall submit to the Saginaw Bay District Supervisor an approvable Pollutant Minimization Program for hexachlorobenzene designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

- a. an annual review and semi-annual monitoring of potential sources of Hexachlorobenzene entering the wastewater collection system;
- b. a program for quarterly monitoring of influent and periodic monitoring of sludge for Hexachlorobenzene; and
- c. implementation of reasonable cost-effective control measures when sources of Hexachlorobenzene are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

The Pollutant Minimization Program shall be implemented upon approval by the Saginaw Bay District Supervisor.

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

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

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

The permittee may choose to demonstrate that the program is complete and request removal of the program from the permit. Such request and supporting documentation demonstrating that the goal is being achieved shall be submitted in writing to the Saginaw Bay District Supervisor. If the Saginaw Bay District Supervisor determines that the request is approvable, this permit may be modified in accordance with applicable laws and rules to remove this requirement.

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

PART I

Section A. Limitations and Monitoring Requirements

5. Pollutant Minimization Program for Total Polychlorinated Biphenyls (PCBs)

This requirement establishes the program necessary to comply with the final effluent limitation for Total PCBs. The goal of the Pollutant Minimization Program is to maintain the effluent concentration of Total PCBs at or below 0.000026 µg/l. The permittee shall continue to implement the Pollutant Minimization Program approved by the Saginaw Bay District Supervisor of the Water Division on January 21, 1999 and modified on March 23, 2000 to proceed toward the goal.

On or before February 1, of each year, the permittee shall submit a status report to the Saginaw Bay District Supervisor that includes 1) the monitoring results for the previous year, 2) an updated list of potential Total PCB sources, and 3) a summary of all actions taken to reduce or eliminate identified sources of Total PCBs.

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

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

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

6. Additional Monitoring Requirements

As a condition of this permit, the permittee shall monitor the discharge from monitoring point 004A for the constituents listed below. This monitoring is an application requirement of 40 CFR 122.21(j), effective December 2, 1999. Testing shall be conducted in May, 2004, July, 2004, September, 2004, and March, 2005. Grab samples shall be taken for total mercury, cyanide amenable to chlorination, total phenols, and parameters listed under Volatile Organic Compounds. For all other parameters, 24-hour composite samples shall be taken.

Test species for whole effluent toxicity monitoring shall include fathead minnow **and** *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures contained in EPA/600/4-91/002, "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms". When the effluent ammonia nitrogen (as N) concentration is greater than 3 mg/l, the pH of the toxicity test shall be maintained at a pH of 8 Standard Units.

The test reports shall be submitted with the Discharge Monitoring Report (DMR) for the month following testing. Acute and chronic toxicity data shall be included in the reporting for the toxicity test results. For acute toxicity, the maximum value of any test shall be reported on the DMRs. Acute toxicity results shall not be averaged. For chronic toxicity, the greater value of the two species shall be reported on the DMRs. If multiple chronic toxicity tests for the same species are performed during the month, the monthly average value shall be determined for each species and the greater value shall be reported. Report acute toxicity in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. Report chronic toxicity in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs. Toxicity test data acceptability is contingent upon the validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

If, upon review of the analysis, it is determined that any of the materials or constituents require limiting in accordance with applicable Water Quality Standards, the permit may then be modified by the Michigan Department of Environmental Quality in accordance with applicable laws and rules.

PART I

Section A. Limitations and Monitoring Requirements

Whole Effluent Toxicity

acute toxicity
chronic toxicity

Hardness

calcium carbonate

Metals (Total Recoverable), Cyanide and Total Phenols (Quantification levels in parentheses)

antimony (1 µg/l)	arsenic (1 µg/l)	beryllium (1 µg/l)
cadmium (0.2 µg/l)	chromium (5 µg/l)	copper (1 µg/l)
lead (1µg/l)	mercury (0.5 ng/l)	nickel (5 µg/l)
selenium (1 µg/l)	silver (0.5 µg/l)	thallium (1 µg/l)
zinc (5 µg/l)		
cyanide amenable to chlorination (5 µg/l)		
total phenolic compounds		

Volatile Organic Compounds

acrolein	acrylonitrile	benzene
bromoform	carbon tetrachloride	chlorobenzene
chlorodibromomethane	chloroethane	2-chloroethylvinyl ether
chloroform	dichlorobromomethane	1,1-dichloroethane
1,2-dichloroethane	trans-1,2-dichloroethylene	1,1-dichloroethylene
1,2-dichloropropane	1,3-dichloropropylene	ethylbenzene
methyl bromide	methyl chloride	methylene chloride
1,1,2,2,-tetrachloroethane	tetrachloroethylene	toluene
1,1,1-trichloroethane	1,1,2-trichloroethane	trichloroethylene
vinyl chloride		

Acid-Extractable Compounds

p-chloro-m-creso	2-chlorophenol	2,4-dichlorophenol
2,4-dimethylphenol	4,6-dinitro-o-cresol	2,4-dinitrophenol
2-nitrophenol	4-nitrophenol	pentachlorophenol
phenol	2,4,6-trichlorophenol	

Base/Neutral Compounds

acenaphthene	acenaphthylene	anthracene
benzidine	benzo(a)anthracene	benzo(a)pyrene
3,4-benzofluoranthene	benzo(ghi)perylene	benzo(k)fluoranthene
bis(2-chloroethoxy)methane	bis(2-chloroethyl)ether	bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate	4-bromophenyl phenyl ether	butyl benzyl phthalate
2-chloronaphthalene	4-chlorophenyl phenyl ether	chrysene
di-n-butyl phthalate	di-n-octyl phthalate	dibenzo(a,h)anthracene
1,2-dichlorobenzene	1,3-dichlorobenzene	1,4-dichlorobenzene
3,3'-dichlorobenzidine	diethyl phthalate	dimethyl phthalate
2,4-dinitrotoluene	2,6-dinitrotoluene	1,2-diphenylhydrazine
fluoranthene	fluorene	hexachlorobenzene
hexachlorobutadiene	hexachlorocyclo-pentadiene	hexachloroethane
indeno(1,2,3-cd)pyrene	isophorone	naphthalene
nitrobenzene	n-nitrosodi-n-propylamine	n-nitrosodimethylamine
n-nitrosodiphenylamine	phenanthrene	pyrene
1,2,4-trichlorobenzene		

PART I

Section A. Limitations and Monitoring Requirements

7. Fish Biouptake Study

The permittee shall conduct fish biouptake studies on the monitoring point 004A effluent in 2004, 2005 and every other year beginning in 2007. The fish species used shall be channel catfish (*Ictalurus punctatus*), unless other fish species are approved by the Saginaw Bay District Supervisor of the Water Division. The parameters to be monitored in fish are listed below at the indicated quantification levels unless higher levels are appropriate because of sample matrix interference. The fish biouptake studies shall be conducted in accordance with ASTM Standard E 1022-94, Practice for Conducting Bioconcentration Tests with Fishes and Saltwater Bivalve Mollusks, except that the permittee is not restricted to the use of the ASTM chemical analysis methods referenced in ASTM E 1022-94 (Section 12), and shall be 28 days in duration. The fish shall be exposed to an 11% effluent solution prepared using outfall 004 effluent and a synthetic moderately hard water or other suitable clean dilution water, without any further treatment of the effluent.

<u>Parameter</u>	<u>Quantification Level</u>
Total PCBs	0.025 ppm
Percent Lipid	0.1%
Hexachlorobenzene	1.0 ppb
Lindane	5.0 ppb

At least 90 days prior to initiation of each test, a study plan outlining specific sampling and testing procedures shall be submitted to the Saginaw Bay District Supervisor for review and approval. Analytical results of the fish tissue analysis shall be submitted to the Saginaw Bay District Supervisor within 150 days from when the samples were taken, but not later than December 31st of that year. Staff of the Michigan Department of Environmental Quality shall be provided the opportunity to split samples upon request and to modify the list of parameters to be monitored following the review of each study.

After the first study, the permittee may request a reduction in the parameters to be monitored. Such a request and supporting documentation shall be submitted to the Saginaw Bay District Supervisor for approval. Upon written notification from the Saginaw Bay District Supervisor and consistent with such approval, the permittee may reduce the parameters monitored.

Preventing Pollution is the Best Solution

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

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

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

PART I**Section B. Schedule of Compliance****1. Schedule for Retention Basin Influent Collection, Transportation and Treatment**

- a. The permittee shall conduct a retention basin study at the rate of one basin per year starting in the year 2004. The study shall determine if each basin meets the minimum treatment requirements defined below.

Adequate Treatment is defined as:

- retention, for transportation and treatment at the wastewater treatment plant, of combined sewage flows generated during storms up to the one-year, one-hour storm,
- primary treatment of combined sewage flows generated during storms up to the ten-year, one-hour storm (thirty minutes detention or equivalent for settling, skimming, and disinfection), and
- treatment of combined sewage flows generated during storms in excess of the ten-year, one-hour storm to the extent possible with facilities designed for lesser flows.

- b. The results of each study shall be submitted to the Saginaw Bay District Supervisor of the Water Division 60 days after completion.

2. Power Reliability Study Requirements

On or before January 1, 2004, the permittee shall submit an approvable power reliability study to the Saginaw Bay District Supervisor of the Water Division. The study shall include but is not necessarily limited to: the identification of essential treatment equipment and pump stations, the steps to be taken in case of power failure or equipment breakdown, including a description of special reserve units available for emergency treatment, storage, or transportation of the wastewater e.g. dual power, number and size of auxiliary pumps and generators, etc.).

PART I**Section C. Industrial Waste Pretreatment Program****1. Federal Industrial Pretreatment Program**

- a. The permittee shall implement the Federal Industrial Pretreatment Program approved on September 20, 1985, and modifications thereto, which upon approval are incorporated as enforceable requirements of this permit.
- b. The permittee shall comply with Rules 323.2301 through 323.2317 of the Michigan Administrative Code (Part 23 Rules), the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403), and the approved Federal Industrial Pretreatment Program.
- c. The permittee shall have the legal authority and necessary interjurisdictional agreements that provide the basis for the implementation and enforcement of the approved Federal Industrial Pretreatment Program throughout the service area. The legal authority and necessary interjurisdictional agreements shall include, at a minimum, the authority to carry out the activities specified in Rule 323.2306(a).
- d. The permittee shall develop procedures which describe, in sufficient detail, program commitments which enable implementation of the approved Federal Industrial Pretreatment Program, 40 CFR Part 403, and the Part 23 Rules in accordance with Rule 323.2306(c).
- e. The permittee shall establish an interjurisdictional agreement (or comparable document) with all tributary governmental jurisdictions. Each interjurisdictional agreement shall contain, at a minimum, the following:
 - 1) identification of the agency responsible for the implementation and enforcement of the approved Federal Industrial Pretreatment Program within the tributary governmental jurisdiction's boundaries; and
 - 2) the provision of the legal authority which provides the basis for the implementation and enforcement of the approved Federal Industrial Pretreatment Program within the tributary governmental jurisdiction's boundaries.
- f. The permittee shall prohibit discharges that:
 - 1) cause, in whole or in part, the permittee's failure to comply with any condition of this permit or the Michigan Act;
 - 2) restrict, in whole or in part, the permittee's management of biosolids;
 - 3) cause, in whole or in part, operational problems at the treatment facility or in its collection system;
 - 4) violate any of the general or specific prohibitions identified in Rule 323.2303(1) and (2);
 - 5) violate categorical standards identified in Rule 323.2311; and
 - 6) violate local limits established in accordance with Rule 323.2303(4).
- g. The permittee shall maintain a list of its nondomestic users that meet the criteria of a significant industrial user as identified in Rule 323.2302(cc).
- h. The permittee shall develop an enforcement response plan which describes, in sufficient detail, program commitments which will enable the enforcement of the approved Federal Industrial Pretreatment Program, 40 CFR Part 403, and the Part 23 Rules in accordance with Rule 323.2306(g).
- i. The District Supervisor of the Water Division may require modifications to the approved Federal Industrial Pretreatment Program which are necessary to ensure compliance with 40 CFR Part 403 and the Part 23 Rules in accordance with Rule 323.2309.

PART I**Section C. Industrial Waste Pretreatment Program**

- j. The permittee shall not implement changes or modifications to the approved Federal Industrial Pretreatment Program without notification to the District Supervisor of the Water Division. Any substantial modification shall be subject to Department public noticing and approval in accordance with Rule 323.2309.
- k. The permittee shall maintain an adequate revenue structure and staffing level for effective implementation of the approved Federal Industrial Pretreatment Program.
- l. The permittee shall develop and maintain, for a minimum of three (3) years, all records and information necessary to determine nondomestic user compliance with 40 CFR Part 403, Part 23 Rules and the approved Federal Industrial Pretreatment Program. This period of retention shall be extended during the course of any unresolved enforcement action or litigation regarding a nondomestic user or when requested by the Department or the United States Environmental Protection Agency. All of the aforementioned records and information shall be made available upon request for inspection and copying by the Department and the United States Environmental Protection Agency.
- m. The permittee shall evaluate the approved Federal Industrial Pretreatment Program for compliance with the 40 CFR Part 403, Part 23 Rules and the prohibitions stated in item f (above). Based upon this evaluation, the permittee shall propose to the District Supervisor of the Water Division all necessary changes or modifications to the approved Federal Industrial Pretreatment Program no later than the next Industrial Pretreatment Program Annual Report due date (see item o below).
- n. The permittee shall develop and enforce local limits to implement the prohibitions listed in item f above. Local limits shall be based upon data representative of actual conditions demonstrated in a maximum allowable headworks loading analysis.
- o. On or before April 1st of each year, the permittee shall submit, as required by Rule 323.2310(8) an Industrial Pretreatment Program Annual Report on the status of program implementation and enforcement activities. The reporting period shall begin on January 1st and end on December 31st. The Industrial Pretreatment Program Annual Report shall be submitted to the District Supervisor of the Water Division and may be submitted on forms provided by the Department. At a minimum, the Industrial Pretreatment Program Annual Report shall contain the following items:
 - 1) additions, deletions, and any other modifications to the permittee's previously submitted nondomestic user inventory (Rule 323.2306(c)(i));
 - 2) additions, deletions, and any other modifications to the permittee's approved Significant Industrial User List (Rule 323.2306(h));
 - 3) a listing of the names of Significant Industrial Users not inspected by the permittee at least once during the reporting period or at the frequency committed to in the approved Federal Industrial Pretreatment Program;
 - 4) a listing of the names of Significant Industrial Users not sampled for all required pollutants by the permittee at least once during the reporting period or at the frequency committed to in the approved Federal Industrial Pretreatment Program;
 - 5) a listing of the names of Significant Industrial Users without a permit at any time during the reporting period;
 - 6) a listing of the names of nondomestic industrial users in significant noncompliance for each of the criteria as defined in Rule 323.2302(dd)(i)-(viii);
 - 7) proof of publication of all nondomestic users in significant noncompliance in the largest daily newspaper in the permittee's area;

PART I**Section C. Industrial Waste Pretreatment Program**

- 8) a summary of the enforcement activities by the permittee during the report period. This Summary shall include:
- a) a listing of the names of nondomestic users which were the subject of an enforcement action;
 - b) the enforcement action taken and the date the action was taken; and
 - c) whether the nondomestic user returned to compliance by the end of the reporting period (include date nondomestic user returned to compliance).
- 9) a listing of the names of Significant Industrial Users who did not submit pretreatment reports in accordance with requirements specified in their permit during the reporting period;
- 10) a listing of the names of Significant Industrial Users who did not self-monitor in accordance with requirements specified in their permit during the reporting period;
- 11) a summary of results of all the sampling and analyses performed of the wastewater treatment influent, effluent, and sludge conducted in accordance with approved methods during the reporting period; and
- 12) any other relevant information as requested by the Department.

PART I**Section D. Residuals Management Program****1. Residuals Management Program for Land Application of Biosolids**

It is understood the permittee does not currently land apply biosolids or prepare biosolids for land application, and therefore is not required to immediately develop a Residuals Management Program (RMP) in accordance with the Part 24 Rules of the Michigan Administrative Code. Alternative biosolids recycling and/or disposal activities, including incineration and landfiling, shall be conducted in accordance with Part II.D.7. of this permit. In the event the permittee proposes to prepare biosolids for land application or land apply biosolids, an RMP shall be submitted to the Saginaw Bay District Supervisor of the Water Division for approval.

a. Program Development

At a minimum, the program submittal shall include:

- 1) a description of the type and size of facility generating the biosolids;
- 2) a description of the biosolids treatment processes including the volume of biosolids generated from each process;
- 3) storage volume provided, if applicable;
- 4) transportation methods and spill prevention plan;
- 5) a description of the land application method;
- 6) a listing of the required information on all land application sites, information on initial application notifications required by R323.2408 and class B biosolids site restriction notifications, if applicable, as specified in R323.2414(3)(f);
- 7) a land application plan which shows compliance with the applicable management requirements identified in R323.2410 and the loading rates and limitations as specified in R323.2408, R323.2409 and R323.2417;
- 8) a description of the pathogen reduction method used to comply with R323.2411, R323.2414 and R323.2418;
- 9) a description of the vector attraction reduction method used to comply with R323.2415; and
- 10) information on monitoring program, monitoring frequencies pursuant to R323.2412, and one year of records representing the volume and concentrations of pollutants in the biosolids.

b. RMP Implementation

The permittee shall implement the approved RMP immediately upon written approval from the Saginaw Bay District Supervisor of the Water Division. Upon RMP approval, the permittee may land apply bulk biosolids, and the approved RMP becomes an enforceable requirement of this permit.

c. Modifications to the Approved RMP

The permittee shall submit proposed modifications to its RMP to the Saginaw Bay District Supervisor of the Water Division for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Saginaw Bay District Supervisor may impose additional requirements and/or limitations to the approved RMP, as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

d. Recordkeeping

Records required by R323.2413 shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

e. Annual Report

The permittee shall report the number of dry tons of biosolids generated that were applied to the land in the State of Michigan in the state fiscal year (October 1 through September 30). The annual report shall include information required in R323.2413(2)(h) and R323.2413 (3) to (8), except R323.2413 (6)(b), (7)(b), and (8)(b). The report shall be submitted to the Saginaw Bay District Supervisor of the Water Division on or before October 30 of each year.

PART II

Section A. Definitions

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

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

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

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

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

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

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

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

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

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

Department means the Michigan Department of Environmental Quality.

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

District Supervisor: The Saginaw Bay District Supervisor of the Water Division is located at the Saginaw Bay District Office-DEQ, Water Division, 503 North Euclid Avenue, Suite 1, Bay City, Michigan 48706-2965, telephone: 989-686-8025 (fax: 989-684-9799).

PART II

Section A. Definitions

Division of Health Facility Services -- Health Facility Evaluation Section, Michigan Department of Consumer and Industry Services mailing address is P.O. Box 30195, Lansing, Michigan 48909.

Drinking Water and Radiological Protection Division -- Environmental Health, Michigan Department of Environmental Quality mailing address is P.O. Box 30630, Lansing, Michigan 48909-8130.

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

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

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

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

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

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference.]

Land Application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

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

PART II

Section A. Definitions

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

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

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

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

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

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

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

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

POTW is a publicly owned treatment works.

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

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

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

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

PART II

Section A. Definitions

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

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

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

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

Water Quality Standards means the Part 4 Water Quality Standards developed under 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.

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

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). For parameters not specified in the permit or covered by the regulations, test procedures shall be submitted for approval to the Saginaw Bay District Supervisor of the Water Division.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

3. Instrumentation

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

4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Michigan Department of Environmental Quality.

PART II

Section C. Reporting Requirements

1. Start-up Notification

If the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Saginaw Bay District Supervisor of the Water Division within 14 days following the effective date of this permit, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

Unless instructed on the effluent limits page to conduct "retained self-monitoring," the permittee shall submit self-monitoring data on the Environmental Protection Agency's Discharge Monitoring Report (DMR) forms (monthly summary information) and the Department's Daily Discharge Monitoring Report forms (daily information) to PCS-Data Entry, Water Division, 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).

Alternative Daily Discharge Monitoring Report formats may be used if they provide equivalent reporting details and are approved by the Saginaw Bay District Supervisor of the Water Division. For information on electronic submittal of this information, contact the Saginaw Bay District Supervisor.

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Water 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 Facility Services -- Health Facility Evaluation Section, Michigan Department of Consumer and Industry Services). Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

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

4. Additional Monitoring by Permittee

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

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

5. Compliance Dates Notification

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

PART II

Section C. Reporting Requirements

6. Noncompliance Notification

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

- a. 24-hour reporting - Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

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

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Saginaw Bay District Supervisor of the Water Division at 989-686-8025, or if the notice is provided after regular working hours call the Department of Environmental Quality's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Saginaw Bay District Supervisor of the Water Division a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

8. Upset Noncompliance Notification

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

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated; and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

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

PART II**Section C. Reporting Requirements****9. Bypass Prohibition and Notification**

- a. Bypass Prohibition - Bypass is prohibited unless:
 - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
 - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Saginaw Bay District Supervisor of the Water Division, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Saginaw Bay District Supervisor. The Saginaw Bay District Supervisor may approve an anticipated bypass, after considering its adverse effects, if it will meet the three conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Saginaw Bay District Supervisor of the Water Division of an unanticipated bypass by telephone at 989-686-8025 (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the Saginaw Bay District Supervisor of the Water Division, and at additional times as directed by the Saginaw Bay District Supervisor. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Saginaw Bay District Supervisor.
- e. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. of this permit.
- f. Definitions
 - 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

PART II

Section C. Reporting Requirements

10. Notification of Changes in Discharge

The permittee shall notify the Saginaw Bay District Supervisor of the Water Division, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 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 submitted on April 3, 1995 as amended through March 30, 2000. Any other monitoring results obtained as a requirement of this permit 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 Saginaw Bay District Supervisor of the Water Division by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

12. Bioaccumulative Chemicals of Concern (BCC)

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

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Saginaw Bay District Supervisor of the Water Division 30 days prior to the actual transfer of ownership or control.

PART II

Section D. Management Responsibilities

1. Duty to Comply

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

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

2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Michigan Department of Environmental Quality, as required by Sections 3110 and 4104 of the Michigan Act.

3. Facilities Operation

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

4. Power Failures

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

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

5. Adverse Impact

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

6. Containment Facilities

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

PART II

Section D. Management Responsibilities

7. Waste Treatment Residues

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

8. Treatment System Closure

In the event that discharges from a treatment system are planned to be eliminated, the permittee shall submit a closure plan to the Saginaw Bay District Supervisor 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 Saginaw Bay District Supervisor. Closure activities involving waste treatment residuals shall be consistent with Part II.D.7. of this permit.

The permittee 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 permit. After proper closure of the treatment system, this permit may be terminated.

9. Right of Entry

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

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

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 permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

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

2. Facility Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Division -- Environmental Health, Michigan Department of Environmental Quality. Approval for such construction for a hospital, nursing home or extended care facility shall be from the Division of Health Facility Services -- Health Facility Evaluation Section, Michigan Department of Consumer and Industry Services upon request.

3. Civil and Criminal Liability

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

4. Oil and Hazardous Substance Liability

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

5. State Laws

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

6. Property Rights

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