

PERMIT NO. MI0060278



**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the federal Clean Water Act (Federal Water Pollution Control Act, 33 U.S.C., Section 1251 *et seq.*, as amended); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2019-06,

Enbridge Energy, Limited Partnership
425 West Superior Street
Suite 1100
Duluth, MN 55802

is authorized to discharge from the **Enbridge Energy, Limited Partnership, Great Lakes Tunnel Project, Mackinaw Station and North Straits Facilities** located at

Mackinaw Station (South Side), 16309 Headlands Road, Mackinaw City, MI 49701
and
North Straits, Boulevard Drive, St. Ignace, MI 49781

designated as **Enbridge Energy-Line 5-Straits of Mackinac**

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

This permit is based on an application received on February 13, 2025, and completed on September 19, 2025, as amended through April 24, 2026.

This permit takes effect on (draft). 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 National Pollutant Discharge Elimination System (NPDES) Permit No. MI0060278 (expiring October 1, 2025).

This permit and the authorization to discharge shall expire at midnight on **October 1, 2030**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application that contains such information, forms, and fees as are required by the Michigan Department of Environment, Great Lakes, and Energy (Department) by **April 4, 2030**.

Issued DRAFT

Andrea Munoz-Hernandez, Manager
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the NREPA, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiEnviro Portal system. The MiEnviro Portal website is located at <https://mienviro.michigan.gov/ncore/>. Payment shall be submitted or postmarked by January 15 for notices mailed by December 1. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after December 1.

Annual Permit Fee Classification: Industrial-Commercial Minor, high-flow (Individual Permit)

PERMIT TERMINATION REQUEST

The permittee may request termination of the discharge authorization under this permit by submitting to the Department the appropriate Notice of Termination form via MiEnviro Portal. Payment of the annual permit fee will be required if the Notice of Termination form is not submitted to the Department by September 1 or if the Department does not approve the termination.

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Gaylord District Office of the Water Resources Division. The Gaylord District Office is located at 2100 West M-32, Gaylord, MI 49735, Telephone: 989-731-4920, Fax: 989-731-6181.

CONTESTED CASE INFORMATION

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

PART I

Section A. Limitations and Monitoring Requirements

1. Final Effluent Limitations, Monitoring Point 001A (During Construction)

During the period beginning on the effective date of this permit and lasting until the construction is complete or the expiration date of this permit, the permittee is authorized to discharge a maximum of 5 MGD of treated tunnel/portal construction water, tunnel boring machine air intervention water, slurry treatment facility wastewater, tunnel drainage, groundwater seepage, and noncontact cooling water, and an unspecified amount of stormwater from Monitoring Point 001A through Outfall 001 . Outfall 001 discharges to Lake Michigan at Latitude 45.787762, Longitude -84.777995. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
Temperature								
Intake	---	---	---	---	(report)	°F	Daily	Reading
Effluent	---	---	---	---	85	°F	Daily	Reading
Thermal Discharge								
November-May	57	(report)	MBTU/hr	---	---	---	Daily	Calculation
Total Residual Chlorine	---	---	---	---	38	ug/l	See Part I.A.1.j.	Grab
Total Suspended Solids	---	---	---	40	70	mg/l	Daily	3-Portion Composite
Whole Effluent Toxicity								
Acute Toxicity – Fathead Minnow	---	---	---	---	1.0	TU _A	Monthly	3-Portion Composite
Acute Toxicity – <i>C. dubia</i>	---	---	---	---	1.0	TU _A	Monthly	3-Portion Composite
					Individual Chronic Value			
Chronic Toxicity – Fathead Minnow	---	---	---	11	(report)	TU _C	Monthly	3-Portion Composite
Chronic Toxicity – <i>C. dubia</i>	---	---	---	11	(report)	TU _C	Monthly	3-Portion Composite
					Maximum Daily			
Total Dissolved Solids	---	---	---	---	(report)	mg/l	Weekly	3-Portion Composite
Oil and Grease	---	---	---	---	15	mg/l	Weekly	Grab
Chloride	---	---	---	---	(report)	mg/l	Weekly	3-Portion Composite

PART I

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>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Sulfate	---	---	---	---	(report)	mg/l	Monthly	3-Portion Composite
				Minimum Daily				
pH	---	---	---	6.5	9.0	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	4.0	---	mg/l	Daily	Grab
Additional Final Effluent Limitations During Water Treatment Additive Use								
				Maximum Monthly				
Total Phosphorus	42	(report)	lbs/day	1.0	(report)	mg/l	See Part I.A.1.h.	3-Portion Composite
Hydrogen Peroxide	4.6	7.5	lbs/day	110	180	ug/l	See Part I.A.1.h.	Grab

- a. **Narrative Standard**
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan. The intake temperature shall be taken prior to being used as cooling water.
- c. **Outfall Observation**
Outfall observation shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be verbally reported **within 24 hours** to the Department followed with a written report **within five (5) days** detailing the findings of the investigation and the steps taken to correct the condition.
- d. **Equipment Inspection**
Equipment inspection shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. The permittee shall inspect the treatment systems used to achieve compliance with the terms of the permit. The permittee shall immediately implement any corrective action for the treatment system that is noted during the inspection.
- e. **Remote Monitoring**
Outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in Part I.A.1. of this permit or the Department's approval for reduced monitoring. If qualified personnel will not be on site at this frequency and the treatment system has continuous remote monitoring equipment, the permittee may request, in writing, Department approval to conduct less frequent on-site visual inspections. Upon receipt of written approval and consistent with such approval, the permittee may monitor the treatment system remotely and shall conduct on-site visual inspections at the frequency specified in the Department's approval letter. At a minimum, on-site visual inspections shall be conducted two (2) days per month, approximately once

PART I

Section A. Limitations and Monitoring Requirements

every 14 days. If the remote monitoring equipment becomes temporarily inoperable, outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in either Part I.A.1. of this permit or the Department's approval for reduced monitoring, until the remote monitoring equipment is once again operable. The qualified personnel conducting the monitoring shall identify and record the dates and times of remote monitoring vs. on-site monitoring, and these records shall be retained in accordance with Part II.B.5. of this permit.

- f. Monitoring Frequency Reduction for Oil and Grease, Temperature, Thermal Discharge, Total Suspended Solids, Total Dissolved Solids, Chloride, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide

After the submittal of 12 months of data, the permittee may request, in writing, Department approval for a reduction in monitoring frequency for Oil and Grease, Temperature, Thermal Discharge, Total Suspended Solids, Total Dissolved Solids, Chloride, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.1. of this permit. The monitoring frequency for Oil and Grease, Temperature, Thermal Discharge, Total Suspended Solids, Total Dissolved Solids, Chloride, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide shall not be reduced to less than monthly. This monitoring frequency reduction will only remain in effect during the construction period. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

- g. Whole Effluent Toxicity Final Requirements

Test species shall include fathead minnow **and** *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures set forth in EPA-821-R-02-013, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" (Fourth Edition). The acute toxic unit (TU_A) value and chronic toxic unit (TU_C) value for **each species tested** shall be reported on the DMR. If multiple chronic toxicity tests for the same species are performed during the month, the maximum TU_A value and monthly average TU_C value for the species shall be reported. For **each species not tested**, the permittee shall enter **"*W"** on the DMR. (For purposes of reporting on the Daily tab of the DMR, the permittee shall enter **"*W"** on the first day of the month only). Completed toxicity test reports for each test conducted shall be retained by the permittee in accordance with the requirements of Part II.B.5. of this permit and shall be available for review by the Department upon request. After **six (6) months** of toxicity testing and upon approval from the Department, the monitoring frequency may be reduced to no less than quarterly if the test data indicate that the toxicity requirements of R 323.1219 of the Michigan Administrative Code are consistently being met. After one (1) year of toxicity testing and upon approval from the Department, the chronic toxicity tests may be performed using the more sensitive species identified in the chronic toxicity results collected to date. If a more sensitive species cannot be identified, the chronic toxicity tests shall be performed with both species. Toxicity test data acceptability is contingent upon validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

1) When monitoring shows persistent exceedance of the 11 TU_C limit or the 1.0 TU_A limit for effluent toxicity, the Department will determine whether the permittee must implement the toxicity control program requirements specified in 2), below.

2) Upon written notification by the Department, the following conditions apply. **Within 90 days** of the notification, 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 001A to <11 TU_C and <1.0 TU_A. The following documents are available as guidance to reduce toxicity to acceptable levels: Phase I, EPA/600/6-91/005F (chronic), EPA/600/6-91/003 (acute); Phase II, EPA/600/R-92/080 (acute and chronic); Phase III, EPA/600/R-92/081 (acute and chronic); and Publicly Owned Treatment Works (POTWs), EPA/833B-99/002. Annual reports shall be submitted to the Department **within 30 days** of the completion of the last test of each annual cycle.

PART I

Section A. Limitations and Monitoring Requirements

- h. **Water Treatment Additive Monitoring**
Monitoring for Hydrogen Peroxide and Total Phosphorus is only required during periods of water treatment additive use containing these constituents and subsequent discharge. The monitoring frequency shall be weekly unless otherwise specified in the water treatment additive approval letter. The Department may specify additional monitoring requirements in the water treatment additive approval letter.
- i. **Thermal Discharge Calculation**
Thermal discharge shall be determined using the following calculation: (flow rate in MGD) **multiplied by** (the conversion factor of 8.34) **multiplied by** (discharge temperature in °F **minus** intake temperature in °F), **divided by** 24. The resulting value is the amount of thermal discharge in MBTU/hr.
- j. **Total Residual Chlorine Requirements**
Monitoring for Total Residual Chlorine (TRC) is only required during periods of water treatment additive use containing this constituent or use of municipal water sources and subsequent discharge. TRC shall be analyzed in accordance with Part II.B.2. of this permit. The monitoring frequency shall be daily during these periods of water treatment additive or municipal water source use unless otherwise specified in an approval letter.

Upon written approval from the Department, the permittee may use a dechlorinating reagent as a water treatment additive, including but not limited to sodium thiosulfate, sodium bisulfite, and sodium sulfite, to achieve applicable TRC limitations. Requests for such approval shall be submitted in accordance with Part I.A.7. of this permit. The quantity of the reagent(s) used shall be limited to 0.6 times the stoichiometric amount of TRC for sodium thiosulfate, 1.5 times the stoichiometric amount of TRC for sodium bisulfite, and 1.8 times the stoichiometric amount of TRC for sodium sulfite. For guidance and example calculations, see the Department's "Calculator to Determine Stoichiometric Amount of Dechlor Agent," available at <https://www.michigan.gov/egle/about/organization/water-resources/npdes/compliance-assistance>. TRC samples taken to determine the amount of each reagent to add shall be taken upstream of dechlorination.

PART I

Section A. Limitations and Monitoring Requirements

2. Final Effluent Limitations, Monitoring Point 001A (Post-Construction)

During the period beginning after construction of the tunnel is complete and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.0765 MGD of treated groundwater seepage and an unspecified amount of storm water from Monitoring Point 001A through Outfall 001. Outfall 001 discharges to Lake Michigan at Latitude 45.787762, Longitude -84.777995. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
Oil and Grease	---	---	---	---	15	mg/l	Weekly	Grab
Total Suspended Solids	---	---	---	---	(report)	mg/l	Weekly	Grab
Total Dissolved Solids	---	---	---	---	(report)	mg/l	Monthly	Grab
Chloride	---	---	---	---	(report)	mg/l	Monthly	Grab
Sulfate	---	---	---	---	(report)	mg/l	Monthly	3-Portion Composite
				Minimum Daily				
pH	---	---	---	6.5	9.0	S.U.	Monthly	Grab

- a. **Narrative Standard**
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan.
- c. **Outfall Observation**
Outfall observation shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be verbally reported **within 24 hours** to the Department followed with a written report **within five (5) days** detailing the findings of the investigation and the steps taken to correct the condition.
- d. **Equipment Inspection**
Equipment inspection shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. The permittee shall inspect the treatment systems used to achieve compliance with the terms of the permit. The permittee shall immediately implement any corrective action for the treatment system that is noted during the inspection.

PART I

Section A. Limitations and Monitoring Requirements

- e. **Remote Monitoring**
 Outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in Part I.A.2. of this permit or the Department’s approval for reduced monitoring. If qualified personnel will not be on site at this frequency and the treatment system has continuous remote monitoring equipment, the permittee may request, in writing, Department approval to conduct less frequent on-site visual inspections. Upon receipt of written approval and consistent with such approval, the permittee may monitor the treatment system remotely and shall conduct on-site visual inspections at the frequency specified in the Department’s approval letter. At a minimum, on-site visual inspections shall be conducted two (2) days per month, approximately once every 14 days. If the remote monitoring equipment becomes temporarily inoperable, outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in either Part I.A.2. of this permit or the Department’s approval for reduced monitoring, until the remote monitoring equipment is once again operable. The qualified personnel conducting the monitoring shall identify and record the dates and times of remote monitoring vs. on-site monitoring, and these records shall be retained in accordance with Part II.B.5. of this permit.

- f. **Monitoring Frequency Reduction for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chloride, Sulfate, and pH**
 After the submittal of 6 months of data for discharges during the post-construction period, the permittee may request, in writing, Department approval for a reduction in monitoring frequency for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chloride, Sulfate, and pH. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.2. of this permit. The monitoring frequency for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chloride, Sulfate, and pH shall not be reduced to less than quarterly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

3. Final Effluent Limitations, Monitoring Point 003A (During Construction)

During the period beginning on the effective date of this permit and lasting until construction is complete or the expiration date of this permit, the permittee is authorized to discharge a maximum of 1 MGD of treated slurry treatment facility wastewater, tunnel drainage, groundwater seepage, and tunnel/portal construction water, and an unspecified amount of storm water from Monitoring Point 003A through Outfall 003. Outfall 003 discharges to Lake Michigan at Latitude 45.839797, Longitude -84.755672. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
Total Residual Chlorine	---	---	---	---	38	ug/l	See Part I.A.3.i.	Grab
Total Suspended Solids	---	---	---	40	70	mg/l	Daily	3-Portion Composite
Oil and Grease	---	---	---	---	15	mg/l	Weekly	Grab
Total Dissolved Solids	---	---	---	---	(report)	mg/l	Weekly	3-Portion Composite

PART I

Section A. Limitations and Monitoring Requirements

Parameter	Maximum Limits for Quantity or Loading			Maximum Limits for Quality or Concentration			Monitoring Frequency	Sample Type
	Monthly	Daily	Units	Monthly	Daily	Units		
Chloride	---	---	---	---	(report)	mg/l	Weekly	3-Portion Composite
Sulfate	---	---	---	---	(report)	mg/l	Monthly	3-Portion Composite
Whole Effluent Toxicity								
Acute Toxicity – Fathead Minnow	---	---	---	---	1.0	TU _A	Monthly	3-Portion Composite
Acute Toxicity – <i>C. dubia</i>	---	---	---	---	1.0	TU _A	Monthly	3-Portion Composite
					Individual Chronic Value			
Chronic Toxicity – Fathead Minnow	---	---	---	11	(report)	TU _C	Monthly	3-Portion Composite
Chronic Toxicity – <i>C. dubia</i>	---	---	---	11	(report)	TU _C	Monthly	3-Portion Composite
				Minimum Daily	Maximum Daily			
pH	---	---	---	6.5	9.0	S.U.	Daily	Grab
Dissolved Oxygen	---	---	---	4.0	---	mg/l	Daily	Grab

Additional Final Effluent Limitations During Water Treatment Additive Use								
				Maximum Monthly				
Total Phosphorus	8.3	(report)	lbs/day	1.0	(report)	mg/l	See Part I.A.3.h.	3-Portion Composite
Hydrogen Peroxide	0.92	1.5	lbs/day	110	180	ug/l	See Part I.A.3.h.	Grab

- a. Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. Monitoring Location
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan.
- c. Outfall Observation
Outfall observation shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be verbally reported **within 24 hours** to the Department followed with a written

PART I

Section A. Limitations and Monitoring Requirements

report **within five (5) days** detailing the findings of the investigation and the steps taken to correct the condition.

d. Equipment Inspection

Equipment inspection shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. The permittee shall inspect the treatment systems used to achieve compliance with the terms of the permit. The permittee shall immediately implement any corrective action for the treatment system that is noted during the inspection.

e. Remote Monitoring

Outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in Part I.A.3. of this permit or the Department's approval for reduced monitoring. If qualified personnel will not be on site at this frequency and the treatment system has continuous remote monitoring equipment, the permittee may request, in writing, Department approval to conduct less frequent on-site visual inspections. Upon receipt of written approval and consistent with such approval, the permittee may monitor the treatment system remotely and shall conduct on-site visual inspections at the frequency specified in the Department's approval letter. At a minimum, on-site visual inspections shall be conducted two (2) days per month, approximately once every 14 days. If the remote monitoring equipment becomes temporarily inoperable, outfall observation and equipment inspection shall be conducted through on-site visual inspection by qualified personnel at the frequency specified in either Part I.A.3. of this permit or the Department's approval for reduced monitoring, until the remote monitoring equipment is once again operable. The qualified personnel conducting the monitoring shall identify and record the dates and times of remote monitoring vs. on-site monitoring, and these records shall be retained in accordance with Part II.B.5. of this permit.

f. Monitoring Frequency Reduction for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chloride, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide

After the submittal of 12 months of data, the permittee may request, in writing, Department approval for a reduction in monitoring frequency for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chlorides, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide. This request shall contain an explanation as to why the reduced monitoring is appropriate. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in Part I.A.3. of this permit. The monitoring frequency for Oil and Grease, Total Suspended Solids, Total Dissolved Solids, Chloride, pH, Dissolved Oxygen, Total Phosphorus, and Hydrogen Peroxide shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

g. Whole Effluent Toxicity Final Requirements

Test species shall include fathead minnow **and** *Ceriodaphnia dubia*. Testing and reporting procedures shall follow procedures set forth in EPA-821-R-02-013, "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" (Fourth Edition). The acute toxic unit (TU_A) value and chronic toxic unit (TU_C) value for **each species tested** shall be reported on the DMR. If multiple chronic toxicity tests for the same species are performed during the month, the maximum TU_A value and monthly average TU_C value for the species shall be reported. For **each species not tested**, the permittee shall enter **"*W"** on the DMR. (For purposes of reporting on the Daily tab of the DMR, the permittee shall enter **"*W"** on the first day of the month only). Completed toxicity test reports for each test conducted shall be retained by the permittee in accordance with the requirements of Part II.B.5. of this permit and shall be available for review by the Department upon request. After **six (6) months** of toxicity testing and upon approval from the Department, the monitoring frequency may be reduced to no less than quarterly if the test data indicate that the toxicity requirements of R 323.1219 of the Michigan Administrative Code are consistently being met. After one (1) year of toxicity testing and upon approval from the Department, the chronic toxicity tests may be performed using the more sensitive species identified in the chronic toxicity results collected to date. If a more sensitive species cannot be identified, the chronic toxicity tests shall be performed with both

PART I

Section A. Limitations and Monitoring Requirements

species. Toxicity test data acceptability is contingent upon validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

1) When monitoring shows persistent exceedance of the 11 TU_C limit or the 1.0 TU_A limit for effluent toxicity, the Department will determine whether the permittee must implement the toxicity control program requirements specified in 2), below.

2) Upon written notification by the Department, the following conditions apply. **Within 90 days** of the notification, 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 003A to <11 TU_C and <1.0 TU_A. The following documents are available as guidance to reduce toxicity to acceptable levels: Phase I, EPA/600/6-91/005F (chronic), EPA/600/6-91/003 (acute); Phase II, EPA/600/R-92/080 (acute and chronic); Phase III, EPA/600/R-92/081 (acute and chronic); and Publicly Owned Treatment Works (POTWs), EPA/833B-99/002. Annual reports shall be submitted to the Department **within 30 days** of the completion of the last test of each annual cycle.

h. Water Treatment Additive Monitoring

Monitoring for Hydrogen Peroxide and Total Phosphorus is only required during periods of water treatment additive use containing these constituents and subsequent discharge. The monitoring frequency shall be weekly unless otherwise specified in the water treatment additive approval letter. The Department may specify additional monitoring requirements in the water treatment additive approval letter.

i. Total Residual Chlorine Requirements

Monitoring for Total Residual Chlorine (TRC) is only required during periods of water treatment additive use containing this constituent or use of municipal water sources and subsequent discharge. TRC shall be analyzed in accordance with Part II.B.2. of this permit. The monitoring frequency shall be daily during these periods of water treatment additive or municipal water source use unless otherwise specified in an approval letter.

Upon written approval from the Department, the permittee may use a dechlorinating reagent as a water treatment additive, including but not limited to sodium thiosulfate, sodium bisulfite, and sodium sulfite, to achieve applicable TRC limitations. Requests for such approval shall be submitted in accordance with Part I.A.7. of this permit. The quantity of the reagent(s) used shall be limited to 0.6 times the stoichiometric amount of TRC for sodium thiosulfate, 1.5 times the stoichiometric amount of TRC for sodium bisulfite, and 1.8 times the stoichiometric amount of TRC for sodium sulfite. For guidance and example calculations, see the Department's "Calculator to Determine Stoichiometric Amount of Dechlor Agent," available at <https://www.michigan.gov/egle/about/organization/water-resources/npdes/compliance-assistance>. TRC samples taken to determine the amount of each reagent to add shall be taken upstream of dechlorination.

PART I

Section A. Limitations and Monitoring Requirements

4. Final Effluent Limitations, Monitoring Point 003B

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge a maximum of 0.944 MGD of hydrostatic pressure test water from Monitoring Point 003B through Outfall 003. Outfall 003 discharges to Lake Michigan at Latitude 45.839797, Longitude -84.755672. Such discharge shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Discharge Flow Rate	(report)	(report)	GPM	---	---	---	Daily	Report Total Daily Flow
Total Discharge Volume	---	(report)	Gallons	---	---	---	Per Event	Calculation
Outfall Observation	(report)	---	---	---	---	---	3x Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	3x Daily	Visual
Oil and Grease	---	---	---	---	15	mg/l	3x Daily	Grab
Total Suspended Solids								
Intake	---	---	---	---	(report)	mg/l	Daily	3-Portion Composite
Discharge	---	---	---	---	(report)	mg/l	Daily	3-Portion Composite
Net	---	---	---	---	30	mg/l	Daily	Calculation
				Minimum Daily				
pH	---	---	---	6.5	9.0	S.U.	3x Daily	Grab
Dissolved Oxygen	---	---	---	4.0	---	mg/l	3x Daily	Grab

a. Narrative Standard

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

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

- b. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to mixing with the surface waters of the state. Samples for intake total suspended solids (TSS) shall be taken near the point of intake.
- c. **Outfall Observation**
Outfall observation shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be verbally reported **within 24 hours** to the Department followed with a written report **within five (5) days** detailing the findings of the investigation and the steps taken to correct the condition.
- d. **Equipment Inspection**
Equipment inspection shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. The permittee shall inspect the treatment systems used to achieve compliance with the terms of the permit. The permittee shall immediately implement any corrective action for the treatment system that is noted during the inspection.
- e. **Frequency of Analysis**
Samples, measurements, and observations taken in compliance with the monitoring requirements identified above for discharge flow rate and TSS, shall be taken daily during discharge.

For pH, dissolved oxygen, and oil and grease the permittee shall take three (3) grab samples at equal intervals throughout the duration of the day or discharge event (defined below), whichever is shorter; and the maximum and minimum pH, minimum dissolved oxygen, and maximum oil and grease of those three (3) grab samples shall be reported for that day or discharge event. For outfall observation and equipment inspection, visual inspections should be taken at equal intervals throughout the duration of the day or discharge event (defined below), whichever is shorter.

Under Total Discharge Volume, Per Event is herein defined as beginning when a discharge of wastewater through the monitoring point commences and ending when this discharge ceases and does not resume within 24 hours.

- f. **Total Suspended Solids (TSS)**
Total suspended solids shall be sampled using a 3-portion composite sample collected at three (3) equally-spaced intervals representing the daily discharge period [for example, if the discharge period is twelve hours per day, the sampling requirement would be three (3) samples per day, with each sample collected at four-hour intervals (i.e., at 2 hours, 6 hours, and 10 hours)].

The permittee may report net total suspended solids in place of total suspended solids. Net total suspended solids concentrations shall be defined as the difference between intake and discharge total suspended solids concentrations. If the permittee only reports total suspended solids, they shall enter "G" on the Discharge Monitoring Report for the Intake and Discharge modes with a note indicating "Total Suspended Solids Only," and shall report the total suspended solids result under the Net mode.

- g. **Plan for the Discharge of Hydrostatic Pressure Test Water**
Prior to discharge, the permittee shall develop a plan for the discharge of hydrostatic pressure test water into surface waters of the state. The goal of the plan is to maximize the control of potential pollutants in the discharge so as not to cause a violation of water quality standards. To meet this goal, the plan shall include, at a minimum:
- 1) A site map that identifies the proposed discharge location;
 - 2) A proposed schedule of discharge:

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

- 3) Method(s) of preparing and cleaning the piping, vessels, and associated equipment prior to the hydrostatic pressure testing;
- 4) Water source for hydrostatic pressure testing;
- 5) On-site designated permittee contacts during the discharge;
- 6) A description of any additional measures that ensure the discharge will satisfy the WQS;
- 7) If the permittee elects to report net total suspended solids in placed of total suspended solids, identify intake sampling location by latitude/longitude.

The plan shall be submitted to the Department at least **thirty (30) days** prior to initiation of discharge unless an alternate schedule is approved by the Department. The Department shall have the opportunity to review the plan and may notify the permittee in writing that additional information is required, or the plan is otherwise unacceptable. If such notification is sent, the permittee may not discharge until authorized in writing by the Department.

If the permittee wishes to carry out additional hydrostatic pressure testing consistent with Part I.A.4. of this permit, then at least **thirty (30) days** prior to initiation of each additional discharge, the permittee shall submit a revised Plan for the Discharge of Hydrostatic Pressure Test Water to the Department unless an alternate schedule has been approved by the Department.

h. Notification of Discharge

The permittee shall notify the Department at least **five (5) days prior** to initiating a discharge from the hydrostatic pressure testing unless an alternate schedule has been approved by the Department.

PART I

Section A. Limitations and Monitoring Requirements

5. Intake Structure Monitoring

The intake structure at the facility withdraws water from Lake Michigan at Latitude 45.790153, Longitude -84.777511. The intake structure shall be limited and monitored by the permittee as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Monitoring Frequency</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Intake Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Intake Observation (See Part I.A.10.)								
Weekly Observation	(report)	---	---	---	---	---	Weekly	Visual
Semi-Annual Inspection	(report)	---	---	---	---	---	2x Annually	Visual

- a. **Monitoring Location**
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken at a representative location.

- b. **Intake Observation**
Intake observation shall be reported as "yes" or "no." The permittee shall report yes if this requirement was completed and no if this requirement was not completed. Intake observation requirements are specified in Part I.A.10.c. of this permit.

PART I

Section A. Limitations and Monitoring Requirements

6. Additional Monitoring Requirements

As a condition of this permit, during the tunnel construction period only, the permittee shall monitor the discharge from Monitoring Points 001A and 003A for the constituents identified below. The permittee shall review the pollutants listed in Tables 4, 5, and 6 of the NPDES Appendix to the Permit Application to determine if any of those parameters may be in the discharge. If the permittee has reason to believe that any parameter in Tables 4, 5, and/or 6 could be present in the discharge then those parameter(s) shall also be included in the analysis of the samples. The permittee may choose to take an influent sample near the intake structures to submit to the Department. **Testing shall be conducted within the first 30 days of discharge, six months following initial discharge, and annually thereafter during construction.** The permittee may request a reduced frequency after two annual sampling results have been submitted to the Department. Grab samples shall be collected for total mercury, available cyanide, total phenols, and Volatile Organic Compounds identified below. For all other parameters, 3-portion composite samples shall be collected.

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," EPA-821-R-02-019, August 2002. The use of clean technique sampling procedures is required unless the permittee can demonstrate to the Department that an alternative sampling procedure is representative of the discharge. Guidance for clean technique sampling is contained in EPA Method 1669, "Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels," 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.

The results of such additional monitoring shall be submitted via MiEnviro within 14 days of receiving the results. Additional reporting requirements are specified in Part II.C.11. If, upon review of the analysis, it is determined that additional requirements are needed to protect the receiving waters in accordance with applicable water quality standards, the permit may then be modified by the Department in accordance with applicable laws and rules.

Hardness

Calcium carbonate

Metals (Total Recoverable), Cyanide, and Total Phenols

Antimony	Arsenic	Available Cyanide	Nickel
Beryllium	Cadmium	Chromium	Zinc
Copper	Lead	Mercury	Thallium
Selenium	Silver	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

4-Chloro-3-Methylphenol	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	

PART I

Section A. Limitations and Monitoring Requirements

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	Hexachlorocyclopentadiene	Hexachloroethane
Indeno(1,2,3-cd)pyrene	Isophorone	Naphthalene	Nitrobenzene
N-Nitrosodi-N-Propylamine	N-nitrosodimethylamine	N-nitrosodiphenylamine	Phenanthrene
Pyrene	1,2,4-Trichlorobenzene		

7. Request for Approval to Use Water Treatment Additives

This permit does not authorize the use of any water treatment additive without prior written approval from the Department. Such approval is authorized under separate correspondence. Water treatment additives include any materials that are added to water used at the facility, or to wastewater generated by the facility, to condition or treat the water. Permittees proposing to use water treatment additives, including a proposed increased concentration of a previously approved water treatment additive, shall submit a request for approval via the Department's MiEnviro Portal system. The MiEnviro Portal website is located at <https://mienviro.michigan.gov/ncore/>. Instructions for submitting such a request may be obtained at <https://www.Michigan.gov/EGLENPDES> (near the center of that page, click on one or both links). Additional monitoring and reporting may be required as a condition of approval to use the water treatment additive.

A request for approval to use water treatment additives shall include all of the following usage and discharge information for each water treatment additive proposed to be used:

- a. The Safety Data Sheet (SDS);
- b. Ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient;
- c. The proposed water treatment additive discharge concentration with supporting calculations;
- d. The discharge frequency (i.e., number of hours per day and number of days per year);
- e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged;
- f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge;
- g. The water treatment additive's function (e.g., microbiocide, flocculant, etc.);
- h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*). The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated; and
- i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

PART I

Section A. Limitations and Monitoring Requirements

8. Quantification Levels and Analytical Methods for Selected Parameters

Maximum acceptable quantification levels (QLs) are specified for selected parameters in the table below. These QLs apply to all monitoring conducted in compliance with this permit if and when the parameters specified herein are monitored. This includes monitoring conducted to meet the requirements of the application for permit reissuance. These QLs shall be considered the maximum acceptable unless a higher QL is appropriate because of sample matrix interference. Justification for higher QLs shall be submitted to the Department **within 30 days** of such determination.

Where necessary to help ensure that the QLs specified herein can be achieved, analytical methods may also be specified in the table below. The sampling procedures, preservation and handling, and analytical protocol for all monitoring conducted in compliance with this permit, including monitoring conducted to meet the requirements of the application for permit reissuance, shall be in accordance with the methods specified herein, or in accordance with Part II.B.2. of this permit if no method is specified herein, unless an alternate method is approved by the Department. The Department will consider only alternate methods that meet the requirements of Part II.B.2. and whose QLs are at least as sensitive (i.e., low) as those specified herein. **Not all QLs are expressed in the same units in the table below.** The table is continued on the following page:

Parameter	QL	Units	Analytical Method
1,2-Diphenylhydrazine (as Azobenzene)	3.0	ug/l	
2,4,6-Trichlorophenol	5.0	ug/l	
2,4-Dinitrophenol	19	ug/l	
3,3'-Dichlorobenzidine	1.5	ug/l	
4-Chloro-3-Methylphenol	7.0	ug/l	
4,4'-DDD	0.01	ug/l	
4,4'-DDE	0.01	ug/l	
4,4'-DDT	0.01	ug/l	
Acrylonitrile	1.0	ug/l	
Aldrin	0.01	ug/l	
Alpha-Endosulfan	0.01	ug/l	
Alpha-Hexachlorocyclohexane	0.01	ug/l	
Antimony, Total	1	ug/l	
Arsenic, Total	1	ug/l	
Barium, Total	5	ug/l	
Benzidine	0.1	ug/l	
Beryllium, Total	1	ug/l	
Beta-Endosulfan	0.01	ug/l	
Beta-Hexachlorocyclohexane	0.01	ug/l	
Bis (2-Chloroethyl) Ether	1.0	ug/l	
Bis (2-Ethylhexyl) Phthalate	5.0	ug/l	
Boron, Total	20	ug/l	
Cadmium, Total	0.2	ug/l	
Chlordane	0.01	ug/l	
Chloride	10	mg/l	
Chromium, Hexavalent	5	ug/l	
Chromium, Total	10	ug/l	
Copper, Total	1	ug/l	
Cyanide, Available	2	ug/l	EPA Method OIA 1677
Cyanide, Total	5	ug/l	
Delta-Hexachlorocyclohexane	0.01	ug/l	

PART I

Section A. Limitations and Monitoring Requirements

Parameter	QL	Units	Analytical Method
Dieldrin	0.01	ug/l	
Di-N-Butyl Phthalate	9.0	ug/l	
Endosulfan Sulfate	0.01	ug/l	
Endrin	0.01	ug/l	
Endrin Aldehyde	0.01	ug/l	
Fluoranthene	1.0	ug/l	
Heptachlor	0.01	ug/l	
Heptachlor Epoxide	0.01	ug/l	
Hexachlorobenzene	0.01	ug/l	
Hexachlorobutadiene	0.01	ug/l	
Hexachlorocyclopentadiene	0.01	ug/l	
Hexachloroethane	5.0	ug/l	
Hydrogen Peroxide	50	ug/l	
Lead, Total	1	ug/l	
Lindane	0.01	ug/l	
Lithium, Total	10	ug/l	
Mercury, Total	0.5	ng/l	EPA Method 1631E
Nickel, Total	5	ug/l	
PCB-1016	0.1	ug/l	
PCB-1221	0.1	ug/l	
PCB-1232	0.1	ug/l	
PCB-1242	0.1	ug/l	
PCB-1248	0.1	ug/l	
PCB-1254	0.1	ug/l	
PCB-1260	0.1	ug/l	
Pentachlorophenol	1.8	ug/l	
Perfluorooctanesulfonic acid (PFOS)	2.0	ng/l	Analyses may be performed using EPA Method 1633A, ASTM D7979, ASTM D8421-24, or another isotope dilution method (sometimes referred to as Method 537 modified) until one or more analytical methods are promulgated at which time only promulgated methods may be used.
Perfluorooctanoic acid (PFOA)			
Perfluorobutanesulfonic acid (PFBS)			
Perfluorononanoic acid (PFNA)			
Perfluorohexanesulfonic acid (PFHxS)			
Phenanthrene	1.0	ug/l	
Phosphorus (as P), Total	10	ug/l	
Selenium, Total	1.0	ug/l	
Silver, Total	0.5	ug/l	
Strontium, Total	1000	ug/l	
Sulfate	10	mg/l	
Sulfide, Total	20	ug/l	
Thallium, Total	1	ug/l	
Toxaphene	0.1	ug/l	
Vinyl Chloride	1.0	ug/l	
Zinc, Total	10	ug/l	

PART I

Section A. Limitations and Monitoring Requirements

9. Cold Shock Prevention

Cessation of thermal inputs to the receiving water from this facility shall occur gradually to prevent fish mortality due to cold shock during the winter months (November through March). This requirement will allow fish associated with the discharge-heated mixing zone for Outfall 001 to acclimate to the decreasing temperature.

10. Cooling Water Intake Structures

The federal rules promulgated by the United States Environmental Protection Agency in 40 CFR Parts 122 and 125 establishing the requirements of Section 316(b) of the Clean Water Act for New Facilities. The New Facilities Rule applies to facilities with point source discharges having one or more cooling water intake structure (CWIS) constructed after January 17, 2002. The rule identifies applicability qualifications in 40 CFR 125.81 which state, in part, that a facility is subject to the requirements if it is designed to withdraw more than 2 million gallons per day (MGD) of water **and** use at least 25% of that water exclusively for cooling purposes. Documentation in the application states that the maximum design intake flow is 1.728 MGD, based upon two pumps, each rated at 600 gallons per min (GPM) with a third pump in reserve as a backup. Since the design intake flow is below the threshold of the rule, this facility is not subject to the requirements under the New Facilities Rule.

However, in accordance with 40 CFR 125.80(c), an intake structure that does not meet the applicability qualifications of the New Facilities Rule still needs to meet the requirements under section 316(b) of the CWA on a case-by-case, best professional judgement (BPJ) basis. The CWIS proposed to be operated by the permittee has been evaluated using all available information relating to its location, design, construction, and capacity. At this time, the Department has determined that the CWIS represents the best technology available (BTA) for minimizing adverse environmental impacts in accordance with section 316(b) of the CWA. The permittee shall give advance notice to the Department of any planned changes in the location, design, construction, or capacity of the intake structure, especially if the design intake flow is expected to exceed 2 MGD. The facility must operate at least two of the three proposed wedge-wire t-screen units (two intake branches, four screen segments) at any time, utilizing only two of the proposed 600 GPM intake pumps (the third pump shall only be used as a backup pump) to maintain compliance with this condition. This information is based on the intake structure information submitted with the application and is subject to change based on the Submittal of Final Design, As-Builts, and Modification of the CWIS as specified in d. below.

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for previous or future fish losses. Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act in accordance with 40 CFR § 125.98(b)(1).

a. **Monitoring Requirements**

The permittee shall monitor the actual intake flows at a minimum frequency of daily as specified in Part I.A.5. of this permit. The intake flow monitoring must be representative of normal operating conditions.

b. **Proper Operation and Maintenance**

The permittee shall ensure that the CWIS associated equipment at this facility is properly operated and maintained at all times to minimize adverse environmental impact. This includes keeping the intake structure screens clear of debris so that partially blocked screens do not increase the through-screen velocity. Where possible, the permittee shall collect and remove debris accumulated in the intake structure and dispose of such material in an appropriate manner.

c. **Equipment Inspection**

The permittee shall conduct weekly visual inspections during the period the CWIS is in operation to ensure the intake is maintained and operated to function as designed. The Department may establish alternative procedures if this requirement is not feasible (e.g., an offshore intake, velocity cap, or during periods of inclement weather). The permittee, at a minimum, shall also conduct semi-annual visual inspections of the screens utilizing a certified dive team or a remotely operated vehicle (ROV) as identified in the application documents.

PART I

Section A. Limitations and Monitoring Requirements

The permittee shall keep records of the weekly observations and semi-annual visual inspections and make them available upon request to the Department. If weather or other unsafe or hazardous conditions exist, or if raising the screen to conduct the inspection may cause damage to the screen or other equipment, the permittee shall document the conditions that preclude any inspection from taking place. Any unusual characteristics of the intake shall be verbally reported **within 24 hours** to the Department followed by a written report **within five (5) days** detailing the findings of the investigation and the steps taken to correct the condition.

- d. Submittal of Final Design, As-Builts, and Modification of the CWIS
According to the information provided in the application, the final design of the intake structure is not yet complete (has not reached the 100 percent design phase). To ensure that the intake structure is not subject to the New Facilities Rule and the BTA determinations are consistent with the installed and operated intake structure, **60 days prior to the operation of the intake structure**, the permittee shall submit the final plans and specifications of the intake structure to the Department for review.

Prior to the start of operation of the intake structure, the permittee shall submit to the Department a certification that the intake structure was constructed in accordance with the final plans and specifications that were submitted to the Department, and/or identify changes that were made, and submit as-built information to the Department.

The permittee shall give advance notice to the Department of any planned changes in the location, design, operation, or capacity of the CWIS associated equipment specific to the operations at this facility. If the Department determines that additional technologies or control measures are necessary to reduce the impact of impingement or entrainment, the Department may revise the requirements of this condition or permit.

During each permit reissuance, the Department will reevaluate the facility's CWIS to determine if it represents BTA for minimizing adverse environmental impacts. On or before **April 4, 2030**, with the application for reissuance, the permittee shall submit the appropriate information specified in the application and 40 CFR 122.21(r) for the CWIS at this facility.

11. Facility Contact

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing **within 10 days** after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
- for a corporation, a principal executive officer of at least the level of vice president; or a designated representative if the representative is responsible for the overall operation of the facility from which the discharge originates, as described in the permit application or other NPDES form,
 - for a partnership, a general partner,
 - for a sole proprietorship, the proprietor, or
 - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.
- b. A person is a duly authorized representative only if:
- the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
 - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

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

PART I

Section A. Limitations and Monitoring Requirements

12. Continuous Monitoring

If continuous monitoring equipment is used and becomes temporarily inoperable, the permittee shall manually obtain a minimum of three (3) equally spaced grab samples/readings within each 24-hour period for the affected parameter(s). On such days, in the comment field on the Daily tab of the DMR, the permittee shall indicate "continuous monitoring system inoperable," the date on which the system is expected to become operable again, and the number of samples/readings obtained during each 24-hour period.

13. Liner Requirements

The stormwater detention ponds associated with the discharges authorized under this permit shall meet the liner requirements set forth in R 323.2237 of the Part 22 Rules, Groundwater Quality, promulgated pursuant to Part 31 of the NREPA. Stormwater infiltration basins associated with discharges authorized under this permit are not required to be lined.

14. Notifications of Operational Status

The permittee shall complete the following actions:

- a. **On or before 60 days prior to construction**, the permittee shall submit documentation that a professional engineer has reviewed the wastewater treatment system(s) and approves the system(s) as appropriate for the proposed work.
- b. **On or before 60 days prior to the commencement of discharge**, the permittee shall notify the Department in accordance with Part II.C.1.
- c. **On or before 60 days prior to the operation of the intake structure**, the permittee shall submit the final Cooling Water Intake Structure Design in accordance with Part I.A.10.
- d. **On or before the start of operation of the intake structure**, the permittee shall submit a certification that the intake structure was constructed in accordance with the final plans and specifications that were submitted to the Department, and/or identify changes that were made, and submit as-built information.
- e. **On or before 60 days prior to the end of tunnel construction**, the permittee shall notify the Department of the expected date of the completion of construction and the conversion to the post-construction monitoring requirements under Part I.A.2.

15. Operations and Maintenance Manual

On or before 60 days prior to beginning construction, the permittee shall develop and submit to the Department, for review and approval, an operations and maintenance manual (manual). The manual shall, at a minimum, include the following:

- a. a description of the function of the treatment system and unit processes, and start-up procedures;
- b. appropriate operational and construction procedures that, given the chosen tunnel design and methods of construction, ensure that the maximum authorized flow of 5 MGD specified in this permit is not exceeded. These procedures shall include, but are not limited to, use of a slurry-based pressurized Tunnel Boring Machine capable of probing ahead of the face as included in the specifications or plans required by the specifications. If and when the maximum flow exceeds 3.3 MGD, a report shall be submitted to the Department within 15 days of the incident describing the reasons for the higher maximum flow, and additional operational and construction procedures to ensure that maximum flow will be controlled during remaining construction;
- c. the permittee shall update the Department at least quarterly during tunnel construction. The update can be accomplished through separate meetings between the permittee and the Department; meetings with

PART I

Section A. Limitations and Monitoring Requirements

the permittee, Michigan Department of Transportation and the Department; or another mutually agreed to process between the permittee and the Department;

- d. a description of the emergency operating plan that shall be followed during upset (Part II.C.8.) or bypass conditions (Part II.C.9.) or equipment failure, to minimize the impact and facilitate rapid implementation of corrective action(s), including a description of offsite disposal options available for treatment and disposal of untreated slurry or excess tunnel water. If maximum flow to the wastewater treatment system exceeds 5 MGD during tunnel construction, the permittee shall stop construction until corrective actions are implemented including a plan for how the additional flows will be addressed to minimize impact on the receiving waters and notify the department within 24 hours;
- e. a description of the operator training and safety program procedures for the facility; and
- f. a program for the routine inspections for each unit process and item of mechanical and electrical equipment, including schedules and procedures.

The permittee shall implement the manual which shall be maintained at the facility. All personnel responsible for operation and maintenance processes at the site are required to know the procedures and requirements described within the manual. The permittee shall make the manual, plans, reports, and other supporting documents available to the Department upon request.

The Department shall review and require modification to the manual and any subsequent amendments, as necessary.

PART I

Section B. Stormwater Pollution Prevention

Section B. Stormwater Pollution Prevention is not required for this permit.

PART II

Section A. Definitions

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

Acute toxic unit (TUA) means 100/LC50 where the LC50 is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

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

Authorized public agency means a state, local, or county agency that is designated pursuant to the provisions of Section 9110 of Part 91, Soil and Sedimentation Control, of the NREPA, to implement soil erosion and sedimentation control requirements with regard to construction activities undertaken by that agency.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into stormwater, to direct the flow of stormwater, or to treat polluted stormwater.

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.

CAFO means concentrated animal feeding operation.

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

Chronic toxic unit (TUC) means 100/MATC or 100/IC25, where the maximum acceptable toxicant concentration (MATC) and IC25 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, Land Application of Biosolids, promulgated under Part 31 of the NREPA. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

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

Composite sample is a sample collected over time, either by continuous sampling or by mixing discrete samples. A composite sample represents the average wastewater characteristics present during the compositing period. Various methods for compositing are available and are based on either time or flow-proportioning, the choice of which will depend on the permit requirements.

PART II

Section A. Definitions

Continuous monitoring refers to sampling/readings that occur at regular and consistent intervals throughout a 24-hour period and at a frequency sufficient to capture data that are representative of the discharge. The maximum acceptable interval between samples/readings shall be one (1) hour.

Daily concentration

FOR PARAMETERS OTHER THAN pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – Daily concentration is the sum of the concentrations of the individual samples of a parameter taken within a calendar day divided by the number of samples taken within that calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations. For guidance and examples showing how to report and perform calculations using results below quantification levels, see the document entitled “Reporting Results Below Quantification,” available at .

FOR pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – The daily concentration used to determine compliance with maximum daily pH, temperature, and conductivity limitations is the highest pH, temperature, and conductivity readings obtained within a calendar day. The daily concentration used to determine compliance with minimum daily pH and dissolved oxygen limitations is the lowest pH and dissolved oxygen readings obtained within a calendar day.

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

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

Department means the Michigan Department of Environment, Great Lakes, and Energy.

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

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

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

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a discharge event. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR. If the period in which the discharge event occurred was partially in each of two months, the calculated monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a reporting month. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR.

PART II

Section A. Definitions

Fecal coliform bacteria 7-day

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days of discharge during a discharge event. If the number of daily concentrations determined during the discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. 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 geometric mean value for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days in a reporting month. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. 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 geometric mean for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. The first calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

Flow-proportioned composite sample is a composite sample in which either a) the volume of each portion of the composite is proportional to the effluent flow rate at the time that portion is obtained; or b) a constant sample volume is obtained at varying time intervals proportional to the effluent flow rate.

General permit means an NPDES permit authorizing a category of similar discharges.

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

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

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

Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-stormwater discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of stormwater or uncontaminated groundwater. Illicit discharges include non-stormwater discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-stormwater waste directly into a separate storm sewer.

Individual permit means a site-specific NPDES permit.

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

PART II

Section A. Definitions

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts a 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.

Maximum extent practicable means implementation of best management practices by a public body to comply with an approved stormwater management program as required by a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

MBTU/hr means million British Thermal Units per hour.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. For guidance and examples showing how to report and perform calculations using results below quantification levels, see the document entitled "Reporting Results Below Quantification," available at <https://www.Michigan.gov/-/Media/Project/Websites/EGLE/Documents/Programs/WRD/MiEnviro/Results-Below-Quantification.pdf>.

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

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a reporting period. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR.

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

PART II

Section A. Definitions

Municipal separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying stormwater which is not a combined sewer and which is not part of a POTW as defined in the Code of Federal Regulations at 40 CFR 122.2.

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the Clean Water Act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

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 Clean Water Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

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

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

Nondomestic user means an industry, commercial establishment, or other entity that discharges wastewater to a POTW other than, or in addition to, sanitary sewage.

Nonstructural controls are practices or procedures implemented by employees at a facility to manage stormwater or to prevent contamination of stormwater.

NPDES means National Pollutant Discharge Elimination System.

Outfall is the location at which a point source discharge first enters a surface water of the state.

Part 91 agency means an agency that is designated by a county board of commissioners pursuant to the provisions of Section 9105 of Part 91 of the NREPA; an agency that is designated by a city, village, or township in accordance with the provisions of Section 9106 of Part 91 of the NREPA; or the Department for soil erosion and sedimentation control activities under Part 615, Supervisor of Wells; Part 631, Reclamation of Mining Lands; or Part 632, Nonferrous Metallic Mineral Mining, of the NREPA, pursuant to the provisions of Section 9115 of Part 91 of the NREPA.

Part 91 permit means a soil erosion and sedimentation control permit issued by a Part 91 agency pursuant to the provisions of Part 91 of the NREPA.

Partially treated sewage is any sewage, sewage and stormwater, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's NPDES permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

PFAS means perfluoroalkyl and polyfluoroalkyl substances.

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

PART II

Section A. Definitions

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

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment work.

Predevelopment is the last land use prior to the planned new development or redevelopment.

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.

Public (as used in the MS4 individual permit) means all persons who potentially could affect the authorized stormwater discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

Public body means the United States; the state of Michigan; a city, village, township, county, school district, public college or university, or single-purpose governmental agency; or any other body which is created by federal or state statute or law.

Qualified Personnel means an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Stormwater Certified Operator to collect the stormwater sample.

Qualifying storm event means a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge), and that follows the preceding storm event by at least 72 hours (i.e., three days). The 72-hour storm interval does not apply if documentation is provided showing that less than a 72-hour interval is representative for local storm events.

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

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

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

Regulated area means the permittee's urbanized area, where urbanized area is defined as a place and its adjacent densely populated territory that together have a minimum population of 50,000 people as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Sanitary sewage means water-carried wastes from toilet, kitchen, laundry, bathing, or other facilities used for household purposes.

PART II

Section A. Definitions

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

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

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

Significant materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111, Hazardous Waste Management, of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

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

Special-use area means stormwater discharges for which the Department has determined that additional monitoring is needed from: secondary containment structures required by state or federal law; lands on Michigan's List of Sites of Environmental Contamination pursuant to Part 201, Environmental Remediation, of the NREPA; and/or areas with other activities that may contribute pollutants to the stormwater.

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

Stormwater means stormwater runoff, snowmelt runoff, surface runoff and drainage, and non-stormwater included under the conditions of this permit.

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

Structural controls are physical features or structures used at a facility to manage or treat stormwater.

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

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

PART II

Section A. Definitions

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

Total maximum daily loads (TMDLs) are required by the Clean Water Act for waterbodies that do not meet water quality standards. TMDLs represent the maximum daily load of a pollutant that a waterbody can assimilate and meet water quality standards, and an allocation of that load among point sources, nonpoint sources, and a margin of safety.

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

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

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

WWSL is a wastewater stabilization lagoon.

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

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

7-day concentration

FOR WWSLS THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily concentrations determined. If the number of daily concentrations determined during the WWSL discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the WWSL discharge event in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 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. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations in the reporting month. When required by the permit, report the maximum calculated 7-day concentration for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

PART II

Section A. Definitions

7-day loading

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily loadings determined. If the number of daily loadings determined during the WWSL discharge event is less than 7 days, the number of actual daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the WWSL discharge event in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days in a reporting month divided by the number of daily loadings determined. If the number of daily loadings determined is less than 7, the actual number of daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations in the reporting month. When required by the permit, report the maximum calculated 7-day loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

12-month rolling average

When required by the permit, the 12-month rolling average is determined by adding the present monthly average result to the preceding 11 monthly average results and dividing the sum by 12. If sufficient data needed to calculate the 12-month rolling average is not yet available, enter “*E” on the monthly DMR until 12 months, or the equivalent of 12 months, of monthly monitoring data have been obtained, then begin reporting the calculated 12-month rolling average as required. If quarterly monitoring requirements apply, quarterly monitoring shall be equivalent to three (3) months of monitoring in calculating the 12-month rolling average. If monitoring more frequent than monthly applies, determine the monthly average result by summing the results of all data obtained in a given month and dividing that sum by the total number of samples taken in that month.

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 and in which the volume of each portion is proportional to the discharge flow rate at the time that portion is taken. A time-proportioned composite sample may be used upon approval from the Department if the permittee demonstrates it is representative of the discharge.

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 Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations.** For lists of approved test methods, go to <https://www.EPA.gov/CWA-Methods>. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR Part 136.4. These requests shall be submitted to the Manager of the Permits Section, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control 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, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

1. Start-Up Notification

The permittee shall notify the Department of start-up if one of the following conditions applies and in accordance with the applicable condition:

a. Non-CAFOs

1) **If this is an individual permit** and the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department via MiEnviro Portal **within 14 days** following the effective date of this permit, and then again **60 days prior** to commencement of the discharge.

2) **If this is a general permit** and the permittee will not discharge during the first 60 days following the effective date of the Certificate of Coverage (COC) issued under this general permit, the permittee shall notify the Department via MiEnviro Portal **within 14 days** following the effective date of the COC, and then again **60 days prior** to commencement of the discharge.

b. CAFOs

1) **If this is an individual permit** and the permittee will not populate with animals during the first 60 days following the effective date of this permit, the permittee shall notify the Department via MiEnviro Portal **within 14 days** following the effective date of this permit, and then again **60 days prior** to populating with animals.

2) **If this is a general permit** and the permittee will not populate with animals during 60 days following the effective date of the Certificate of Coverage (COC) issued under this general permit, the permittee shall notify the Department via MiEnviro Portal **within 14 days** following the effective date of the COC, and then again **60 days prior** to populating with animals.

2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," the permittee shall submit self-monitoring data via the Department's MiEnviro Portal system.

The permittee shall utilize the information provided on the MiEnviro Portal website, located at <https://mienviro.michigan.gov/ncore/>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the **20th day of the month** following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Retained Self-Monitoring Requirements

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

PART II

Section C. Reporting Requirements

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

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

4. Additional Monitoring by Permittee

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

Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act, 1987 PA 96, as amended, 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 Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>) indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

6. Noncompliance Notification

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

- a. 24-Hour Reporting
Any noncompliance which may endanger health or the environment (including maximum and/or minimum daily concentration discharge limitation exceedances) shall be reported, verbally, **within 24 hours** from the time the permittee becomes aware of the noncompliance by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC). A written submission shall also be provided via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>) **within five (5) days**.
- b. Other Reporting
The permittee shall report, in writing via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>), 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.

PART II

Section C. Reporting Requirements

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

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if the notice is provided after regular working hours, by calling the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.

Within 10 days of the release, the permittee shall submit to the Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>) a full written explanation as to the cause of the release, the discovery of the release, response measures (clean-up and/or recovery) taken, and preventive 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 Department by telephone **within 24 hours** of becoming aware of such conditions; and **within five (5) days**, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

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

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

9. Bypass Prohibition and Notification

- a. Bypass Prohibition
Bypass is prohibited, and the Department may take an enforcement action, unless:
 - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

PART II

Section C. Reporting Requirements

- 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, the permittee shall submit written notification to the Department before the anticipated date of the bypass. This notification shall be submitted **at least 10 days before** the date of the bypass; however, the Department will accept fewer than 10 days advance notice if adequate explanation for this is provided. The notification shall provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions specified in a. above.
- c. **Notice of Unanticipated Bypass**
As soon as possible but no later than 24 hours from the time the permittee becomes aware of the unanticipated bypass, the permittee shall notify the Department by calling the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if notification is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.
- d. **Written Report of Bypass**
A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.
- e. **Bypass Not Exceeding Limitations**
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.
- f. **Definitions**
- 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Bioaccumulative Chemicals of Concern (BCC)

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

PART II

Section C. Reporting Requirements

11. Notification of Changes in Discharge

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

12. Changes in Facility Operations

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

13. Transfer of Ownership or Control

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the following requirements apply: Not less than **30 days prior** to the actual transfer of ownership or control – for non-CAFOs, or **within 30 days** of the actual transfer of ownership or control – for CAFOs, the permittee shall submit to the Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>) a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

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

14. Operations and Maintenance Manual

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

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

PART II

Section C. Reporting Requirements

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least 60 days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted **60 days prior to start-up** of any substantial improvements or modifications made to an existing wastewater treatment facility.

15. Signatory Requirements

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

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

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

16. Electronic Reporting

Upon notice by the Department that electronic reporting tools are available for specific reports or notifications, the permittee shall submit electronically via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>) all such reports or notifications as required by this permit, on forms provided by the Department.

PART II

Section D. Management Responsibilities

1. Duty to Comply

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

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

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

2. Operator Certification

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

3. Facilities Operation

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

4. Power Failures

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

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

5. Adverse Impact

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

6. Containment Facilities

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

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

8. Right of Entry

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

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

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act and Rule 2128 (R 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit and required to be submitted to the Department shall be available for public inspection via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>). As required by the Clean Water 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 Clean Water Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

10. Duty to Provide Information

The permittee shall furnish to the Department via MiEnviro Portal (<https://mienviro.michigan.gov/ncore/>), **within a reasonable time**, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

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

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

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

2. POTW Construction

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

3. Civil and Criminal Liability

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

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Clean Water 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 Clean Water Act.

6. Property Rights

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