APPENDIX B

Sanitary Sewer Overflow (SSO) Detail Report

January 1, 2006 - December 31, 2006

St. Joseph — County: Berrien

Reported Events:

Event ID	Start Date/Time	End Date/Time	Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge

Summary for St. Joseph: 1 of 1 Events with a Reported Volume — Total SSO Volume Reported: 0.0001 Million Gallons

Outfall Corrective Actions: (No corrective actions entered)

Three Rivers — County: St Joseph

Reported Events:

Event ID	Start Date/Time	End Date/Time	Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge
7626	01/25/06 3:55 P	01/25/06 4:10 P	0.0001 Million Gallons	Raw sewage	East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump Station in Three Rivers.). Land: A few yards of soil., Waterbody: St. Joseph River	The Constantine Street Pump Station lost power to the controls (but not the pump station)

Summary for Three Rivers: 1 of 1 Events with a Reported Volume — Total SSO Volume Reported: 0.0001 Million Gallons

Outfall Corrective Actions:

Associated Outfall(s): East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump S

Corrective Action(s) Complete: (repairs/modifications complete) Yes

Schedule of Compliance: None entered

Schedule of Compliance Approved by MDEQ: No

Actions by MDEQ: None entered

Actions to Prevent Reoccurrence: Patch hole in manhole structure.

Sanitary Sewer Overflow (SSO) Detail Report

January 1, 2006 - December 31, 2006

Three Rivers — *County: St Joseph*

Comments: None entered

Associated Outfall(s): East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump S

Corrective Action(s) Complete: (repairs/modifications complete) Yes

Schedule of Compliance: None entered

Schedule of Compliance Approved by MDEQ: No

Actions by MDEQ: Monitor for reocurrance.

Actions to Prevent Reoccurrence: Errors in SCADA program corrected.

Comments: None entered

Traverse City — *County: Grand Traverse*

Reported Events:

Event ID	Start Date/Time		End Date/Time		Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge
8269	03/22/06	1:00 P	03/27/06	1:30 P	0.0006 Million Gallons	Raw sewage	Garfield & Hannah Streets (Line between 2 manholes). Land: Immediate vicinity of leak, Waterbody: None entered	Small leak on pressure sewer - result of construction.
8239	03/27/06	10:00 A	03/27/06	12:30 P	0.002 Million Gallons	Raw sewage	2772-2810 Garfield Road (Ground between 2 manholes). Land: Road shoulder @ point of leak, Waterbody: None entered	Blockage in main sewer between manholes.

Sanitary Sewer Overflow (SSO) Detail Report

January 1, 2007 - December 31, 2007

Thornapple Township — County: Barry

Reported Events:

Event ID	Start Date/Time	End Date/Time	Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge
10120	06/22/07 8:00 A	06/25/07 3:30 P	0.076 Million Gallons	Raw sewage	7140 Noffke (just east of this location). Land: Hay field, Waterbody: Duncan Creek	Air relief system failed allowing sewage to discharge from force main. Discharge occurred in hay field. Unknown if overflow made it to Duncan Creek.

Summary for Thornapple Township: 1 of 1 Events with a Reported Volume Total SSO Volume Reported: 0.076 Million Gallons

Outfall Corrective Actions: (No corrective actions entered)

Three Rivers — County: St Joseph

Reported Events:

Event ID	Start Date/Time	End Date/Time	Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge
9689	01/26/07 5:00 A	01/26/07 6:00 A	0.0002 Million Gallons	Partially treated sewage	S. Lincoln Ave. Land: WWTP property, driveway and Lincoln Ave, Waterbody: None entered	The reactivation of the recirculation pump for the biosolids storage tank is believed to have caused excess foaming due to excess aeration. When the foam exceeded the capacity of the tank, it overflowed onto the ground and into the street.
10063	05/13/07 9:15 P	05/13/07 10:45 P	0.03 Million Gallons	Raw sewage	East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump Station in Three Rivers.). Land: A few yards of soil., Waterbody: St. Joseph River	The Constantine Street Pump Station failed. (power failure and equipment failure)

Sanitary Sewer Overflow (SSO) Detail Report

January 1, 2007 - December 31, 2007

Three Rivers *County:* ***St Joseph***

Reported Events:

Event ID	*Start Date/Time*	*End Date/Time*	*Event Volume*	*Discharge Quality*	*Point(s) of Discharge*	*Reason for Discharge*

Summary for Three Rivers: **2 of 2 Events with a Reported Volume** **Total SSO Volume Reported: 0.03 Million Gallons**

Outfall Corrective Actions:

Associated Outfall(s): East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump S

Corrective Action(s) Complete: (repairs/modifications complete) Yes

Schedule of Compliance: None entered **Schedule of Compliance Approved by MDEQ:** No

Actions by MDEQ: None entered

Actions to Prevent Reoccurrence: Patch hole in manhole structure.

Comments: None entered

Associated Outfall(s): East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump S

Corrective Action(s) Complete: (repairs/modifications complete) Yes

Schedule of Compliance: None entered **Schedule of Compliance Approved by MDEQ:** No

Actions by MDEQ: Monitor for reocurrance.

Actions to Prevent Reoccurrence: Errors in SCADA program corrected.

Comments: None entered

Sanitary Sewer Overflow (SSO) Detail Report

January 1, 2008 - December 31, 2008

St. Johns — County: Clinton

Corrective Action(s) Complete: (repairs/modifications complete) Yes

Schedule of Compliance: None entered

Schedule of Compliance Approved by MDEQ: No

Actions by MDEQ: Negotiating settlement.

Actions to Prevent Reoccurrence: City will continue to investigate inflow/infiltration problems in areas that are serviced by this lift station

Comments: None entered

Three Rivers — County: St Joseph

Reported Events:

Event ID	Start Date/Time	End Date/Time	Event Volume	Discharge Quality	Point(s) of Discharge	Reason for Discharge
10567	02/10/08 11:00 P	02/11/08 3:30 P	0.65 Million Gallons	Raw sewage	East side of the St. Joseph River at the Broadway Street railroad bridge. (Constantine Street Pump Station in Three Rivers.). Land: A few yards of soil., Waterbody: St. Joseph River	The by-pass pump quit at a construction project and the contractor was not on site until the next morning.

Summary for Three Rivers: 1 of 1 Events with a Reported Volume Total SSO Volume Reported: 0.65 Million Gallons

Outfall Corrective Actions: (No corrective actions entered)

Department of Environmental Quality

Michigan.gov

SSO Event Details

Reporting Entity: Three Rivers

Event Type:	SSO
Notification Date/Time:	2/2/2009 9:00:00 AM
Event Start Date/Time:	1/31/2009 6:00:00 AM
Event End Date/Time:	1/31/2009 6:30:00 AM
Volume:	80 gallons
Characterization:	The discharge was reported per statuatory requirements.
Precipitation Type:	None
Precipitation Amount:	
Reason For Discharge:	Foam from the ATAD digester exceeded the tank volume and spill off the roof onto the snow surrounding the tank.
Entity Actions to Stop/Min Discharge:	Bolower for digester was turned off to stop foaming.
Discharge Locations:	
Outfall Description:	ATAD
Outfall Location:	ATAD, located on WWTP property
Receiving Water:	
Land Impacted:	Area around ATAD and adjoining street
Volume from this Outfall:	0.00008 Million Gallons
Discharge Water Quality:	Partially treated sewage
Outfall Discharge Start:	1/31/2009 6:00:00 AM
Outfall Discharge End:	1/31/2009 6:30:00 AM
Actions by MDEQ:	
Schedule of Compliance:	This Outfall is not subject to a Schedule of Compliance

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Department of Environmental Quality

Michigan.gov

SSO Event Details

Reporting Entity: Three Rivers

Event Type:	SSO
Notification Date/Time:	12/14/2009 11:30:00 AM
Event Start Date/Time:	12/14/2009 6:00:00 AM
Event End Date/Time:	12/14/2009 6:30:00 AM
Volume:	500 gal
Characterization:	The discharge was reported per statuatory requirements.
Precipitation Type:	None
Precipitation Amount:	0
Reason For Discharge:	Controls Feed too much air to the ATAD digester causing it to foam over.
Entity Actions to Stop/Min Discharge:	Blowers and Jet aeration pumps were shut off and tank level reduced by transfering to storage.
Discharge Locations:	
Outfall Description:	ATAD
Outfall Location:	ATAD, located on WWTP property
Receiving Water:	
Land Impacted:	Area around ATAD and adjoining street
Volume from this Outfall:	0.0005 Million Gallons
Discharge Water Quality:	Partially treated sewage
Outfall Discharge Start:	12/14/2009 6:00:00 AM
Outfall Discharge End:	12/14/2009 6:30:00 AM
Actions by MDEQ:	
Schedule of Compliance:	This Outfall is not subject to a Schedule of Compliance

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Department of Environmental Quality

Michigan.gov

SSO Event Details

Reporting Entity: Three Rivers

Event Type:	SSO
Notification Date/Time:	2/16/2010 5:30:00 PM
Event Start Date/Time:	2/10/2010 1:15:00 PM
Event End Date/Time:	2/10/2010 2:00:00 PM
Volume:	0.001 MG
Characterization:	The discharge was reported per statuatory requirements.
Precipitation Type:	Rain
Precipitation Amount:	0.38
Precipitation Start Date:	2/9/2010 7:00:00 AM
Precipitation End Date:	2/10/2010 7:00:00 AM
Reason For Discharge:	Upstream lift station backed up. When the pumps were turned on they exceeded the capacity of the sewer running under the river and discharged through the cracks in the manhole.
Entity Actions to Stop/Min Discharge:	None, Discharge was overby the time it was discovered
Discharge Locations:	
Outfall Description:	Constantine Street Pump Station in Three Rivers.
Outfall Location:	East side of the St. Joseph River at the Broadway Street railroad bridge.
Receiving Water:	St. Joseph River
Land Impacted:	A few yards of soil.
Volume from this Outfall:	0.001 Million Gallons
Discharge Water Quality:	Raw sewage
Outfall Discharge Start:	2/10/2010 1:15:00 PM
Outfall Discharge End:	2/10/2010 2:00:00 PM
Actions by MDEQ:	
Schedule of Compliance:	This Outfall is not subject to a Schedule of Compliance

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Department of Environmental Quality

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SSO Event Details

Reporting Entity: Three Rivers

Event Type:	SSO
Notification Date/Time:	2/26/2010 3:51:00 PM
Event Start Date/Time:	2/26/2010 1:30:00 PM
Event End Date/Time:	2/26/2010 2:00:00 PM
Volume:	.0005 MG
Characterization:	The discharge was reported per statuatory requirements.
Precipitation Type:	
Precipitation Amount:	
Reason For Discharge:	The city was bypass pumping and had three different hoses blow apart at 3 different times.
Entity Actions to Stop/Min Discharge:	Bypass pumping was shut down immediately.
Discharge Locations:	
Outfall Description:	Constantine Street Pump Station in Three Rivers.
Outfall Location:	East side of the St. Joseph River at the Broadway Street railroad bridge.
Receiving Water:	St. Joseph River
Land Impacted:	A few yards of soil.
Volume from this Outfall:	0.0005 Million Gallons
Discharge Water Quality:	Raw sewage
Outfall Discharge Start:	2/26/2010 1:30:00 PM
Outfall Discharge End:	2/26/2010 2:00:00 PM
Actions by MDEQ:	
Schedule of Compliance:	This Outfall is not subject to a Schedule of Compliance

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Department of Environmental Quality

Michigan.gov

SSO Event Details

Reporting Entity: Three Rivers

Event Type:	SSO
Notification Date/Time:	4/28/2010 3:15:00 PM
Event Start Date/Time:	4/28/2010 1:15:00 PM
Event End Date/Time:	
Volume:	1.637 MG
Characterization:	The discharge was reported per statuatory requirements.
Precipitation Type:	None
Precipitation Amount:	
Reason For Discharge:	The valve on the 1 ton cylinder fouled and a replacement couldn't be obtained before they ran out of back-up chlorine.
Entity Actions to Stop/Min Discharge:	Back-up chlorine was used until they ran out.
Discharge Locations:	
Outfall Description:	Wastewater Treatment Plant outfall in the St. Joseph River
Outfall Location:	Three Rivers Wastewater Treatment Plant Outfall
Receiving Water:	St. Joseph River
Land Impacted:	None
Volume from this Outfall:	1.637 Million Gallons
Discharge Water Quality:	Partially treated sewage
Outfall Discharge Start:	4/28/2010 1:15:00 PM
Outfall Discharge End:	
Actions by MDEQ:	
Schedule of Compliance:	This Outfall is not subject to a Schedule of Compliance

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ITEM B-2

THREE RIVERS PUMP STATION INVENTORY*

Constantine Pump Station — 904 South Constantine Street

1. Pump #1 — 50 hp 1650 gpm with VFD
2. Pump #2 — 50 hp 1650 gpm with VFD
3. Pump #3 — 50 hp 1650 gpm

Fourth Street Pump Station — 439 Fourth Street

1. Pump #1 — 15 hp 870 gpm wth VFD
2. Pump #2 — 20 hp 1400 gpm with VFD
3. Pump #3 —15 hp 870 gpm
4. Onan Generator with Ford NG V-8 & auto transfer switch

Union Street Pump Station — 301 Union Street

1. Pump #1 — 3 hp 200 gpm
2. Pump #2 — 3 hp 200 gpm

Adams Street Pump Station — 211 Adams Street

1. Pump #1 — 7.5 hp 375 gpm
2. Pump #2 — 7.5 hp 375 gpm
3. Onan Generator with Ford NG 6 cyl & auto transfer switch

American Axle Manufacturing Pump Station - US 131

1. Pump #1 —15 hp 1110 gpm
2. Pump #2 —15 hp 1110 gpm
3. Generator 6 cyl diesel with auto transfer switch

Lincoln Avenue Pump Station — 409 Wolf Road

1. Pump #1 --15 hp 1110 gpm
2. Pump #2 — 15 hp 1110 gpm

Village Pump Station — 300 Water Street, Constantine

1. Pump #1 — 75 hp 800 gpm submersible with VFD
2. Pump #2 — 75 hp 800 gpm submersible with VFD
3. Pump #3 — 125 hp 1600 gpm with VFD
4. Pump #4 — 125 hp 1600 gpm with VFD
5. Pump #5 — 1500 hp 1200 gpm
6. Generator 6 cyl diesel with auto transfer switch
7. Grinder #1
8. Grinder #2
9. Seal Water Pump —1 hp
10. Seal Water Pump — 3 hp
11. Air Compressor

Booster Station – 63356 US131

1. Pump #3 –125 hp 1600 gpm with VFD
2. Pump #4 –125 hp 1600 gpm with VFD
3. Seal Water Pump –1 hp
4. Seal Water Pump – 3 hp
5. Air Compressor

Airport Pump Station – 1630 Hov Aire Drive

1. Pump #1 –7.5 hp 470 gpm
2. Pump #2 –7.5 hp 470 gpm
3. Generator natural gas with auto transfer switch

Welton Pump Station – 611 Coolidge Place

1. Pump #1 – 7.5 hp 470 gpm
2. Pump #2 – 7.5 hp 470 gpm
3. Generator natural gas with auto transfer switch

Grinder Stations

Village Market – 300 Enterprise Dr Barnes duplex 208v 3ph 2 hp
Cinima 6 – 120 Enterprise Dr Barnes duplex 208v 3ph 2 hp
North Main Shell --1801 N Main St Barnes duplex 220v 1ph 2 hp
Airport - 1200 Flight Line Dr Unit 408 Barnes duplex 460v 3ph 5 hp

*Last Revised 8/1/05

Dry Weather I/I Analysis - City of Three Rivers

Monthly Average

Non-precipitation days March to May and September to November - 2008 to 2009

[one day shift (i.e. no rain on 7/26/07, volume from 7/27/07)]

Daily Average	*City of Three Rivers*							
Non-precip days	*GPD*	*Westside*	*Additional Non-Residential Flow 45%*	*Residential Flow*	*Total Customers*	*Residential Customers 95%*	*Capita*	*GPCD*
Mar-08	1,684,970	29,274	758,237	897,459	2,433	2,311	7,859	114
Apr-08	1,286,633	35,740	578,985	671,908	2,433	2,311	7,859	85
May-08	1,208,540	29,109	543,843	635,589	2,433	2,311	7,859	81
Sep-08	1,426,168	30,735	641,776	753,657	2,433	2,311	7,859	96
Oct-08	1,019,032	27,329	458,564	533,139	2,433	2,311	7,859	68
Nov-08	911,661	26,995	410,248	474,419	2,433	2,311	7,859	60
Mar-09	1,738,672	98,487	782,402	857,783	2,433	2,311	7,859	109
Apr-09	1,776,100	67,389	799,245	909,466	2,433	2,311	7,859	116
May-09	1,785,355	61,240	803,410	920,706	2,433	2,311	7,859	117
Sep-09	1,038,570	32,651	467,357	538,562	2,433	2,311	7,859	69
Oct-09	1,019,032	48,305	458,564	512,162	2,433	2,311	7,859	65
Nov-09	911,661	44,133	410,248	457,281	2,433	2,311	7,859	58
Average	**1,317,199**			**680,178**	**2,433**	**2,311**	**7,859**	**87**

MDNRE Maximum: 120

Dry Weather I/I Analysis - Village of Constantine

Monthly Average

Non-precipitation days March to May and September to November - 2008 to 2009

[one day shift (i.e. no rain on 7/26/07, volume from 7/27/07)]

Daily Average	*Village of Constantine*								
Non-precip days	*GPD*	*Ludlow*	*MMPA*	*Additional Non-Residential Users 45%*	*Residential Flow*	*Total Customers*	*Residential Customers 95%*	*Capita*	*GPCD*
Mar-08	658,497	26,984	99,579	296,324	235,610	612	581	1,977	119
Apr-08	628,667	21,589	98,231	282,900	225,947	612	581	1,977	114
May-08	566,650	20,874	92,337	254,993	198,447	612	581	1,977	100
Sep-08	535,000	21,796	96,860	240,750	175,594	612	581	1,977	89
Oct-08	419,000	14,111	103,218	188,550	113,121	612	581	1,977	57
Nov-08	387,222	13,916	96,426	174,250	102,631	612	581	1,977	52
Mar-09	655,833	25,475	99,647	295,125	235,586	612	581	1,977	119
Apr-09	671,500	23,411	113,904	302,175	232,010	612	581	1,977	117
May-09	692,159	22,192	143,623	311,472	214,872	612	581	1,977	109
Sep-09	521,950	13,413	113,235	234,878	160,425	612	581	1,977	81
Oct-09	419,000	19,376	107,944	188,550	103,130	612	581	1,977	52
Nov-09	387,222	17,540	116,821	174,250	78,611	612	581	1,977	40
Average	**545,225**				**172,999**	**612**	**581**	**1,977**	**88**

MDNRE Maximum: 120

Wet Weather I/I Analysis - City of Three Rivers

Ten (10) largest precipation events April 1 to October 31 - 2008 to 2009

[one day shift (i.e. rain on 7/26/07, volume from 7/27/07)] - 3.71-inch interpolation

Date	Precipitation	*City of Three Rivers*							
Storm Events	Inches	*GPD*	*Westside*	*Additional Non-Residential Flow 45%*	*Residential Flow*	*Total Customers*	*Residential Customers 95%*	*Capita*	*GPCD*
09/14/08	5.05	3,231,900	43,831	1,454,355	1,733,714	2,433	2,311	7,859	221
MDNRE	**3.90**	**3,529,132**							**247**
09/15/08	3.71	3,357,200	75,340	1,510,740	1,846,460	2,433	2,311	7,859	235
07/03/08	2.55	1,573,700	17,820	708,165	865,535	2,433	2,311	7,859	110
09/05/08	1.76	1,209,300	40,570	544,185	665,115	2,433	2,311	7,859	85
05/14/09	1.56	2,285,700	95,101	1,028,565	1,257,135	2,433	2,311	7,859	160
08/18/09	1.46	1,666,100	70,251	749,745	916,355	2,433	2,311	7,859	117
06/19/09	1.28	2,426,900	91,560	1,092,105	1,334,795	2,433	2,311	7,859	170
04/06/09	1.25	2,806,900	47,130	1,263,105	1,543,795	2,433	2,311	7,859	196
04/11/08	1.20	2,325,000	39,019	1,046,250	1,278,750	2,433	2,311	7,859	163
09/13/08	1.14	2,374,000	62,020	1,068,300	1,305,700	2,433	2,311	7,859	166
Average		**2,435,076**				**2,433**	**2,311**	**7,859**	**166**

MDNRE Maximum: 275

Wet Weather I/I Analysis - Village of Constantine

Ten (10) largest precipation events April 1 to October 31 - 2008 to 2009

[one day shift (i.e. rain on 7/26/07, volume from 7/27/07)] - 3.71-inch interpolation

Date	Precipitation	*Village of Constantine*								
Storm Events	Inches	*GPD*	*Ludlow*	*MMPA*	*Additional Non-Residential Users 45%*	*Residential Flow*	*Total Customers*	*Residential Customers 95%*	*Capita*	*GPCD*
09/14/08	5.05	769,000	27,889	129,010	346,050	266,051	612	581	1,977	135
MDNRE	**3.90**	**801,024**								156
09/15/08	3.71	762,000	22,600	103,350	342,900	293,150	612	581	1,977	148
07/03/08	2.55	441,000	36,970	75,620	198,450	129,960	612	581	1,977	66
09/05/08	1.76	340,000	31,234	105,360	153,000	50,406	612	581	1,977	25
05/14/09	1.56	639,000	34,960	119,400	287,550	197,090	612	581	1,977	100
08/18/09	1.46	447,000	16,513	130,610	201,150	98,727	612	581	1,977	50
06/19/09	1.28	632,000	46,820	120,710	284,400	180,070	612	581	1,977	91
04/06/09	1.25	783,000	29,194	109,350	352,350	292,106	612	581	1,977	148
04/11/08	1.20	908,000	20,687	121,470	408,600	357,243	612	581	1,977	181
09/13/08	1.14	495,000	29,936	86,550	222,750	155,764	612	581	1,977	79
Average		**637,911**				**202,057**	**612**	**581**	**1,977**	**79**

MDNRE Maximum: 275

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
KALAMAZOO DISTRICT OFFICE

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

April 15, 2010

CERTIFIED MAIL

Mr. James Rozeboom, Director
Three Rivers Wastewater Treatment Plant
409 Wolf Road
Three Rivers, Michigan 49093

VN No. VN-004467

Dear Mr. Rozeboom:

SUBJECT: VIOLATION NOTICE
Compliance Sampling Inspection (CSI)
Pretreatment Compliance Reconnaissance Inspection (PCI-R)
National Pollutant Discharge Elimination System (NPDES) Permit No. MI0020991
Designated Name: Three Rivers WWTP – St. Joseph County

On November 16-17, 2009, staff of the Department of Natural Resources and Environment (DNRE), Water Bureau (WB) conducted a CSI and PCI-R at the Three Rivers Wastewater Treatment Plant (WWTP), located at 409 Wolf Road, Three Rivers, St. Joseph County. The purpose of the inspection was to evaluate the facility's compliance with Part 31, Water Resources Protection (Part 31), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), National Pollutant Discharge Elimination System (NPDES) Permit No. MI0020991, issued on July 31, 2007, effective November 1, 2007, and the Michigan pretreatment requirements in NPDES Permit No. MI0020991. During the inspections, the status of many of the issues cited in Second Violation Notice No. SVN-000303, issued September 18, 2009, were evaluated for compliance with Part 31 and NPDES Permit No. MI0020991.

Mr. James Rozeboom, Plant Director, and Ms. Deborah Quinn, WB, participated in the both the CSI and PCI-R, which included an interview, records review, laboratory review, site inspection, and an industrial user site visit. In addition, effluent sampling was conducted by DNRE Point Source Monitoring staff. The results of the sampling event were forwarded to you, by email, on February 3, 2010, and a copy is enclosed with this letter.

On November 30, 2009, representatives of the City of Three Rivers (City), including Mr. Joseph Bippus, City Manager, Mr. James Rozeboom, Director, and Mr. Paul Romano and Mr. Allyn Ernst, Consultants of Jones & Henry Engineers, met with DNRE staff Mr. Dale Ehinger, Mr. Deborah Quinn and Mr. Greg Danneffel , WB Supervisor. The purpose of the meeting was to discuss the City's response to SVN-000303 and to develop a schedule by which the City would resolve the remaining issues. When the City did not respond by the agreed upon due dates of December 31, 2009, and January 31, 2010, issuance of this inspection transmittal was delayed to allow the City additional time to respond to all of the remaining issues. The City submitted information to address the violations cited in SVN-000303 by correspondence received October 16 and December 17, 2009, and January 29, February 16 and March 15, 2010; and by email on January 29, February 12 and March 2, March 3, and March 12, 2010. On March 10, 2010, Mr. Paul Romano stated in a meeting that the City's response to SVN-000303 was complete.

The following items were identified and/or discussed during our inspection.

RECORDS & REPORTING

1. The Three Rivers WWTP had not submitted a Discharge Monitoring Report (DMR) since August 14, 2009, the date on which the July 2009 daily DMR was submitted. Furthermore, the data submitted in the July report was identical to the data submitted in May 2009. In accordance with Part II Section C.2 of the facility's NPDES Permit, DMRs are to be submitted on the 20th day of the month following the reporting period. Table 1 is a summary of DMRs from January 2007 through February 2010 that were submitted late.

   In response to SVN-000303, the City submitted daily DMRs for July, August, September and Oct 2009 on November 30, 2009; and monthly DMRs for July, September, October and November 2009 on December 9, 2009. The monthly August 2009 DMR, along with corrections to the July 2009 monthly DMR, were submitted on January 22, 2010.

   Late submittal of the DMR report is a violation of your NPDES Permit. While submittal of the aforementioned late reports has been resolved, DNRE staff has identified another violation associated with late reporting—the October 2008 daily and monthly DMR reports have never been submitted. Therefore, this violation is continuing.

2. The review of the facility's bench sheets and daily DMRs identified several data transfer/reporting errors, including the failure to enter oxygen depletion on a bench sheet which generated additional reporting errors for influent and percent removal in May 2009; reporting "to numerous to count" data as "less than" the quantification level in October 2008 (note that this DMR has not yet been submitted); and reporting a quantifiable value together with an "H" code which indicates the WWTP did not sample as required.

   Numerous reporting error violations were identified in SVN-000303 and the City was asked to conduct a quality assurance/quality control audit to identify the cause of the reporting problems and submit it by January 31, 2010. The results of that audit were finally submitted on March 15, 2010. Data entry errors were identified for May 2007, August 2007, January – May 2008, July – November 2008, and January – April 2009. These reporting errors are summarized in Table 2.

   Reporting the wrong data on the DMR is a violation of your NPDES Permit. The reporting errors cited in SVN-000303 for March 2005, September 2005, December 2007, and December 2008 have not yet been corrected and additional reporting errors have been identified (see Table 3). Therefore, these violations are continuing.

   Reporting errors are a misrepresentation of the chemical characteristics of the authorized discharge from the Three Rivers WWTP to Waters of the State. These continual and excessive reporting errors are not only a violation of your NPDES Permit but also demonstrate a significant deficiency in the City's procedures for reporting accurate information to the State regulatory authority.

3. In accordance with Part II Section C.6 of your NPDES Permit, the City is required to verbally report any noncompliance which may endanger health or the environment (including maximum

daily concentration discharge limit exceedances) within 24 hours from the time the City becomes aware of the noncompliance, followed by a written report within five days. The City incurred in December 2009: 11 violations of the maximum 7-day concentration average for Total Suspended Solids (TSS); 11 violations of the maximum 7-day load for TSS; 2 violations of the Total Residual Chlorine (TRC) daily maximum limit, 1 of which was 17 times the limit and 1 violation of the daily minimum limit for dissolved oxygen. None of these violations were reported within 24 hours of the City becoming aware of the violation, nor was written notification received. Failure to notify DNRE of such noncompliance is a violation of your NPDES Permit.

LABORATORY

4. Written analytical and quality assurance/quality control (QA/QC) procedures were outdated and did not always correspond with those being used. Procedures need to be updated when methods change. Furthermore, many of the QA/QC procedures described in the procedures manual were not being implemented and not all parameters had adequate laboratory QA/QC to ensure a high level of accuracy and precision. Meter calibration records were not maintained.

   Analytical methods must correspond to those listed as approved in the Title 40, Code of Federal Regulations, Part 136, Guidelines Establishing Test Procedures for Analysis (40 CFR 136). A method citation for the dissolved oxygen procedure could not be found and the method referenced for total phosphorus, HACH 10013, has not been verified as an Environmental Protection Agency (EPA)-approved method. The City must verify that the analytical procedures being used for dissolved oxygen and total phosphorus correspond to an EPA-approved method or modify the procedures being used to comply with NPDES Permit requirements.

SAMPLE PROTOCOL

5. Weekly ammonia samples are collected, preserved, and transported to a contract laboratory "once per month", as per WWTP staff. The holding time for ammonia analysis is 28 days. If the first weekly sample collected is exceeding the holding time for any month, the WWTP must modify its procedures to ensure that samples are received by the contract laboratory within sufficient time to avoid exceeding the holding time.

FACILITY SITE REVIEW

6. Overall, general housekeeping practices were deficient. The primary clarifiers (No. 9, below) were in need of cleaning and the weed and tree growth on concrete structures in the disinfection tank, cited as a deficiency in SVN-000303, has not been removed. Equipment that is not well maintained and cleaned as needed is more prone to mechanical failure and contributes to treatment inefficiency, a violation of Rule 55(1) of the Part 4, Water Quality Standards (Part 4 Rules). Therefore, the issue of inadequate housekeeping still needs to be resolved.

OPERATIONS & MAINTENANCE

7. The constantine pinch valve had still not been repaired. This valve was not operational during the December 2008 inspection and was cited as needing repair in Violation Notice No. VN-

003798, VN-004038 and Second Violation Notice No. SVN-000303. City staff stated during this inspection that the bladder that composed the valve had been in stock for two years. During a November 30, 2009 meeting, you informed DNRE staff that the valve had been replaced.

8. The primary clarifiers had a considerable accumulation of solids in the outer chamber, indicating either insufficient cleaning or malfunctioning equipment, or both. City staff stated at the November 30, 2009, meeting that the function of the broken scum pit valve of the primary clarifiers has been replaced by a procedural change that involves removing accumulated solids with a vacuum truck. It was stated during this inspection that the primary clarifiers are cleaned once per month. It would appear from the condition of the primary clarifiers that this schedule of maintenance is either insufficient or the equipment is in need of repair.

   NOTE: Several days after the inspection, one of the City's larger contributors of suspended solids had a major spill which discharged via a large equalization tank to the sanitary sewer. In early December, the WWTP began to violate its NPDES Permit limits for TSS, incurring 25 TSS violations during the month.

   SVN-000303 cited the operational failure of the scum pit valve as a Part 41, Sewerage Systems (Part 41) of the NREPA violation. Based on the City's October 2009 response to SVN-000303, DNRE staff accepted the City's proposal to implement procedural changes that would replace the function of the scum pit valve. Based on the inspection findings, the City's maintenance schedule is inadequate. The poor condition of the primary clarifiers is likely a contributing factor to the total suspended solids effluent limits violations and must be corrected.

9. The disinfection system is not flow based and is adjusted manually once per day based on the fecal coliform sample results from the day before. The continual and sporadic TRC and fecal coliform violations experienced at the Three Rivers WWTP demonstrates that the chlorine demand of the plant's influent may not be consistent. Therefore, the existing disinfection system is inadequate and this violation is continuing. Based on the size of the Three Rivers WWTP, a flow-based disinfection system is required. However, this may or may not resolve the WWTP's fecal coliform violations due to the potential impact on chlorine residual from industrial discharges with high chlorine demand.

10. The redundant blower that is needed to provide firm capacity was not in service. The facility does not have firm capacity without all three aeration blowers in service. The City indicated as part of their response to SVN-000303 that the blowers were being upgraded to provide the capacity needed. DNRE has not received written confirmation that the aeration upgrades have been completed; therefore, this violation is continuing. We strongly recommend that the City also consider controls that adjust dosage based on automated chlorine residual measurements.

11. The City has a Preventative Maintenance Program checklist that was submitted with their response to SVN-000303. In addition, City staff stated at the November 30, 2009, meeting that the Operations and Maintenance manual is updated with the maintenance manuals of each new piece of equipment purchased. The continuing effluent limit violations, malfunctioning equipment, and general maintenance deficiencies indicate that the Preventative Maintenance Program and perhaps the Operations and Maintenance manual need to be reviewed and updated to address these issues. The Operations and Maintenance manual and the

Preventative Maintenance Program must be updated when the violations cited in this letter are addressed.

BIOSOLIDS PROCESSING

12. The cause of overflows from the Autothermal Thermophilic Aerobic Digestion (ATTAD) tank has been identified as a malfunction of the foam sensor when hair and other debris wrap around the probes. The debris impairs the sensor's ability to detect fluctuations in foam levels which read as a constant depth on the control panel when the probe needs cleaning. Since this could occur at any time, frequent monitoring would be needed to prevent overflows. The City has been investigating alternative systems that would not be subject to the problems encountered with probes that come in contact with the media. However, to date, the City has not proposed any corrective actions nor modified its procedures to minimize the potential for overflows. The City has experienced another overflow of the ATTAD since the November 30, 2009 meeting. Therefore, this violation has not been addressed. In the interim, the WWTP should develop a schedule of monitoring foam levels that is adequate to prevent overflows from the ATTAD.

13. The City removed the biofilter media, in June 2009, without having any in stock to replace it. During the August 2009 site visit, which was prompted by an odor complaint, the media had not yet been replaced. The media was partially replaced by the date of this inspection, but additional media could not be placed in the enclosure until a rubber liner had been installed. According to City staff, the liner has been replaced and the biofilter has been completely filled with media.

14. The City had disposed of the used biofilter media as mulch on City property. The used filter media must be determined to be inert to dispose of in this manner or be disposed of as industrial waste. As of the November 30, 2009 meeting, the City had not taken steps to determine if the media is inert and no response has been received since the meeting to address this issue. Therefore, this violation is continuing.

INDUSTRIAL PRETREATMENT

15. As part of VN-003719 and SVN-000303, the City was required to identify the modifications they had made to their Sewer Use Ordinance (SUO) since a DNRE review of the SUO in 2006. With the exception of the mass-based local limits approved in June 2005, the SUO modifications proposed by the City in 2006 were not approvable as proposed. The City's SUO has been reviewed for compliance with Part 23 Rules, Pretreatment (Part 23) of Part 31 of NREPA and Title 40, Code of Federal Regulations, Part 403, General Pre-treatment Regulations for Existing and New (40 CFR 403), promulgated October 28, 2005. The modifications made in 2006 do not comply with these regulations. Therefore, this violation is continuing. The required modifications that are necessary to comply with state and federal law are listed in Table 4, along with recommendations to strengthen the City's legal authority.

16. As part of VN-003719 and SVN-000303, the City was to submit an assessment of the WWTP design loading capacity and propose upper limits for Biochemical Oxygen Demand (BOD), TSS and Total Phosphorus (TP). The load analysis was to include all non-regulated background

sources, such as domestic sanitary sewage, septage, and commercial wastewater sources, if not included as part of the nondomestic loading. The assessment, submitted October 16, 2009, is not approvable as submitted. Daily maximum limits for industry were based on a peaking factor of 3, which does not follow the methods developed by EPA for local limits development. The domestic background loading was estimated only and there was no indication that the load from septage was considered. Allocations were based on 0.62 million gallons per day (MGD) of industrial flow--the annual average daily flows for Michigan Milk Producers Association, Westside Landfill, and Covalence Specialty Products during 2008 were reported at 0.893 MGD, which does not include the other three Significant Industrial Users (SIUs) discharging to the WWTP. If the reported flows are accurate, the industrial flow allocation needs updating. Finally, a 10 percent (%) safety factor is normally applied when calculating the maximum load available to industry, unless site-specific factors, including the compliance status of the facility, suggest that a less restrictive safety factor is acceptable. The compliance status of the City of Three Rivers WWTP does not warrant the approval of a 2 % safety factor.

In response to SVN-000303, the City submitted copies of the permits it has issued to its SIUs, which were modified September 24, 2009. A review of the limits contained in these permits indicates that the City has allocated more than the Maximum Allowable Headworks Load (MAHL) of BOD to its SIUs. The City also allocated more than the available load limit of Copper, as contained in its SUO, to industries with a copper limit because categorical concentration limits were not converted to an equivalent mass limit and considered as part of the entire load.

The City currently has no user limits for TSS in its SIU permits. Analysis of the TSS loading being discharged from three industrial users to the WWTP indicates that the City receives on a regular basis from its industries, more than the current Basis of Design for TSS. The annual average TSS received from industry plus the estimated domestic background also exceeds the Basis of Design with no safety factor applied. From 2008 through 2009, the City incurred 50 TSS violations of NPDES permit limits. These violations suggest that significant sources of TSS should be controlled through the City's approved Industrial Pretreatment Program by including discharge limits in the user's permit and pretreatment, where necessary, to comply with the limits.

The City's failure to propose approvable upper limits for BOD, TSS and P is a violation of Administrative Consent Order, ACO-SW00-005, and is continuing.

17. As part of VN-003719 and SVN-000303, the City was required to obtain updated Baseline Monitoring Reports (BMR) from Categorical Industrial Users (CIU) within 60 days of any change to the information required under Rule 323.2310(2)(i). The City did not require its CIUs to update their BMRs until September 24, 2009, and then allowed them 129 days. These BMRs were to have been submitted to the City by February 1, 2010. DNRE has not received notification that these have been received; therefore, this violation is continuing.

18. A CIU that manufactures paperboard for the building trades was determined by DNRE staff to be regulated under the former Title 40, Code of Federal Regulations, Part 431, The Builder's Paper and Board Mills Point Source Category (40 CFR 431), currently 40 CFR 430, subpart J, in 2000. Although the facility has changed ownership several times since then, based on the November 17, 2009 site visit, the industry still manufactures paperboard for the building trades.

The City has reclassified the industry under 40 CFR 430, subpart E, the Papergrade Sulfite subcategory, which has different monitoring requirements. According to industry staff, sulfites are not used in any of their processes.

The City was required under VN-003719 and SVN-000303 to obtain the information necessary to appropriately classify this CIU and submit an updated BMR noting the applicable processes. The City responded to the SVN indicating that the facility was appropriately classified under subpart E but did not provide adequate documentation to justify the reclassification. Based on the information obtained during this inspection, this industry is not appropriately classified. Therefore, this violation is continuing.

19. As part of VN-003719 and SVN-000303, the City was required to develop a plan of action to address its failure to take enforcement action for frequent violations in accordance with the City's approved Enforcement Response Plan and submit the plan for our review and approval. The City's plan is to substantially increase the upper limits for compatible pollutants to prevent exceedences from occurring. The resulting limits would allow a headworks loading for compatible pollutants of 50-100% above the current Basis of Design and a daily maximum industrial headworks load of 13,225 pounds per day (lbs/d) of BOD and 16,416 lbs/d of TSS. This approach is unacceptable (see #16 above) and does not address the enforcement deficiencies. Therefore, this violation is continuing.

20. During the 2008 PCI, numerous industrial user violations were identified for which Significant Noncompliance (SNC) had not been assessed because they were "just" violations of compatible pollutant limits. The City was required to submit an assessment of SNC for 2007. The assessment and proof of publication for the 2007 and the late 2008 annual reports was submitted December 17, 2009. A review of the data submitted with the SNC determination indicates that Covalence Specialty Products was also in SNC, in 2008, for violations of the monthly average BOD limit, but that facility was not included in the publication. Therefore, this violation is continuing.

The City of Three Rivers has failed to resolve most of the deficiencies requiring action under Second Violation Notice No. SVN-000303 and Violation Notice Nos. VN-003798, VN-003719, and VN-004038. The City of Three Rivers continues to be in noncompliance with Part 31 of NREPA and NPDES Permit No. MI0020991 despite numerous attempts by DNRE staff to have the City resolve these issues.

The City of Three Rivers should take immediate action to achieve and maintain compliance with Part 31 of the Natural Resources and Environmental Protection Act and the terms and conditions of NPDES Permit No. MI0020991 and Second Violation Notice No. SVN-000303.

Compliance with the terms of this Notice does not relieve the City of Three Rivers of any liability, past or present from the failure to comply with NPDES Permit No. MI0020991 or Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The DNRE reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

Due to the continuing nature of noncompliance at the Three Rivers WWTP, those violations described above as new or continuing are being referred to our Enforcement Unit for their review.

If you have any factual information you would like us to consider regarding the new and continuing violations and other deficiencies identified above, please include it in a written response to the Kalamazoo District Office **by May 5, 2010**.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this Notice or if you would like to arrange a meeting to discuss it, please contact me.

Sincerely,

Deborah Quinn, Environmental Quality Analyst
Kalamazoo District Office
Water Bureau
269-567-3574

dq/dmm

Enclosures: Inspection Checklists; Point Source Monitoring Report
cc: Mr. Joseph Bippus, City of Three Rivers
Mr. Barry Selden, DNRE
Ms. Grace Scott, DNRE

TABLE 1. Summary of Late Discharge Monitoring Report (DMR) submittals from the Three Rivers WWTP.

MONTH/YEAR	DMR TYPE	SUBMITTAL DATE	COMMENTS
February 2004	daily	11/28/06	
February 2004	monthly	11/28/06	
June 2004	daily	8/24/06	
June 2004	monthly	8/24/06	
July 2004	monthly	8/24/06	
March 2005	daily	n/a	
August 2005	daily	11/16/06	
August 2005	monthly	11/16/06	
September 2005	daily	n/a	
October 2008	daily	n/a	
October 2008	monthly	n/a	
November 2008	daily	12/22/08	submitted as a December 08 report, corrected 1/15/09
November 2008	monthly	12/22/08	submitted as a December 08 report, corrected 1/15/09
February 2009	daily	7/28/09	
February 2009	monthly	7/28/09	
March 2009	daily	7/28/09	
March 2009	monthly	7/28/09	
April 2009	daily	6/16/09	
April 2009	monthly	6/16/09	
June 2009	daily	8/14/09	
June 2009	monthly	8/14/09	
July 2009	daily	11/30/09	
July 2009	monthly	1/22/10	first monthly submittal was actually Aug 09 data
August 2009	daily	11/30/09	
August 2009	monthly	1/22/10	
September 2009	daily	11/30/09	
September 2009	monthly	12/9/09	
October 2009	daily	11/30/09	
October 2009	monthly	11/30/09	

TABLE 2. Quality Assurance/Quality Control (QA/QC) DMR Audit Results, April 2007 – April 2009.

MONTH-DAY-YEAR	DMR TYPE	REPORTING ERROR
August 31, 2007	daily	CBOD reported as 6 mg/l on DMR, but bench sheet values suggest it should be 3.7 mg/l
January 15, 2008	daily	total residual chlorine (TRC) reported as 0.025 mg/l but nothing was reported on the bench sheet
January 2008	monthly	mercury loading was reported as 0.068 lbs/d, but should be 0.000068 lbs/day
February 11, 2008	daily	TRC was reported as "0", but there are no values on the bench sheet
March 6, 2008	daily	TRC was reported as "0", but the data on the bench sheet indicates a value of 0.008 mg/l should have been reported
March 2008	monthly	mercury loading was reported as 0.00019 lbs/d, but should be 0.000019 lbs/d
April 2008	monthly	mercury loading was reported as 0.0004 lbs/d, but should be 0.000045 lbs/d
May 2008	monthly	mercury loading was reported as 0.0004 lbs/d, but should be 0.000059 lbs/d
July 2008	monthly	mercury loading was reported as 0.00044 lbs/d, but should be 0.000044 lbs/d
August 2008	monthly	mercury loading was reported as 0.013 lbs/d, but should be 0.000013 lbs/d
September 2008	monthly	mercury loading was reported as 0.011 lbs/d, but should be 0.000011 lbs/d
October 2008	monthly	mercury loading was reported as 0.012 lbs/d, but should be 0.000012 lbs/d
November 2008	monthly	mercury loading was reported as 0.015 lbs/d, but should be 0.000015 lbs/d
January 2009	monthly	mercury loading was reported as 0.019 lbs/d, but should be 0.000019 lbs/d
February 2009	monthly	mercury loading was reported as 0.043 lbs/d, but should be 0.000043 lbs/d
March 2009	monthly	monthly average TSS conc. of 43 mg/l exceeded limit of 30 mg/l
March 2009	monthly	monthly average TSS loading of 1150 lbs/d exceeded the 690 lbs/d limit
March 2009	monthly	monthly average minimum removal rate of 73% exceeded the limit of 85%
April 2009	monthly	mercury loading was reported as 0.089 lbs/d, but should be 0.00009 lbs/d

TABLE 3. DMR Reporting Errors identified from January 2007 – February 2010.

MONTH-DAY-YEAR	DMR TYPE	REPORTING ERROR
January 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
February 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
March 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
April 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
May 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
May 22, 2007	daily	no value and no code reported for TSS % removal
June 25, 2007	daily	no value and no code reported for TSS % removal
June 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
July 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
August 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
September 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
October 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
November 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
November 2007	monthly	reported code for mercury "sampling equipment failure"
December 2007	daily	TRC reported only on one day (13) and that appears to be the loading value for mercury
December 13, 2007	daily	mercury loading reported as 0.9 lbs/d appears to be the mercury concentration value (ng/l)
December 2007	daily	mercury concentrations reported for all 31 days—these appear to be the TRC values not reported above
December 2007	monthly	reported the monthly average NH3 concentration as the max 7-day average
January 15, 2008	daily	TSS minimum % removal nor a code was reported
February 2, 3, 4 & 28, 2008	daily	TSS minimum % removal nor a code was reported
February 7, 28 & 29, 2008	daily	the code "prior to disinfection" entered in place of total residual chlorine (TRC) values
February 2008	monthly	reported the monthly average NH3 concentration as the max daily
April 2008	monthly	reported the monthly average NH3 concentration as the max daily
April 2008	monthly	reported maximum 7-day average TSS as the monthly average load
April 2008	monthly	reported the maximum daily TSS value as the 7-

		day average load
May 2, 3, 5 & 6, 2008	daily	no value and no code for TSS % removal
May 2, 2008	daily	no value and no code for CBOD % removal
May 2008	monthly	reported the monthly average NH3 concentration as the max daily
June 2008	monthly	reported the monthly average NH3 concentration as the max daily
July 2008	monthly	reported max 7-day average TSS as 33 mg/l—should have been 63 mg/l, which is a violation
July 2008	monthly	reported monthly average TSS as 28 mg/l—should have been 29 mg/l
July 2008	monthly	reported the monthly average NH3 concentration as the max daily
August 2008	monthly	reported the monthly average NH3 concentration as the max daily
September 1-29, 2008	daily	reported "0" values for mercury (monthly monitoring requirement)
September 2008	monthly	reported the monthly average NH3 concentration as the max daily
November 16, 2008	daily	no value and no code for TSS load & conc.; CBOD load & conc.; and TSS & CBOD % removals
November 25, 2008	daily & monthly	mercury load reported as 0.015 lb/d; should be 0.000015 lbs/d
November 2008	monthly	reported the monthly average NH3 concentration as the max daily
December 2008	daily	reported all fecal coliform data in the monthly mercury load column
December 2008	daily	reported % removal data in monthly mercury conc. column
December 2008	daily	reported % removal data in fecal coliform column
December 2008	daily	reported pH daily values in CBOD % removal column
December 2008	daily	reported dissolved oxygen values in TSS % removal column
December 2008	daily	did not report any values for pH
December 2008	daily	did not report any values for dissolved oxygen
December 2008	monthly	reported the monthly average NH3 concentration as the max daily
January 17, 2009	daily	reported negative value for TRC
January 26, 2009	daily	incorrectly reported mercury monthly load and rolling average load
January 2009	monthly	reported the monthly average NH3 concentration as the max daily
February 2009	monthly	reported the monthly average NH3 concentration as the max daily
February 2009	monthly	incorrectly reported mercury monthly load and rolling average load, even though both values appeared correct on the revised daily form (they were incorrectly reported on the initial daily form)
March 2009	monthly	reported the monthly average NH3 concentration

		as the max daily
March 2009	monthly	incorrectly reported mercury monthly and rolling average loads even though both values appear correct on the revised daily form (values reflect initial daily DMR submittal)
March 2009	monthly	did not use maximum detection levels of TNTC data to calculate the geometric mean for fecal coliforms, resulting in no violations even though there were 3 TNTC and a count of 1567 within a 7-day period
April 2009	monthly	reported the monthly average NH3 concentration as the max daily
April 2009	monthly	incorrectly reported mercury monthly and rolling average loads even though both values appear correct on the revised daily form (values reflect initial daily DMR submittal)
April 2009	monthly	did not use maximum detection levels of TNTC data to calculate geometric mean for fecal coliforms
April 2009	daily	reported sample values for each day of the month for ammonia, but normally only sample weekly – only 3 weekly data points are above "0" (appears that no sample was analyzed during the third week)
May 2009	monthly/daily	incorrectly reported mercury monthly and rolling average loads on both forms
May 2009	monthly	reported the monthly average NH3 concentration as the max daily
May 11-12, 2009	daily	no value and no code for TSS % removal
May 2009	monthly	did not use maximum detection levels for TNTC data to calculate the geometric mean for fecal coliform, when doing so may have resulted in violations
June 29-30 2009	daily	no value and no code for CBOD conc., load, or % removal
June 2009	monthly	incorrectly calculated and reported monthly average ammonia
June 2009	monthly	reported the incorrect monthly average NH3 concentration as the max daily
June 1, 2009	monthly/daily	reported "0" for minimum dissolved oxygen on daily but reported "6.7" mg/l on monthly DMR
June 2-7, 2009	daily	reported lab errors for 5 out of 6 days straight for TRC
June 2-8, 2009	daily/monthly	reported incorrect value for 7-day geo mean for fecal coliforms (should have been 224, not 208)
July 31, 2009	daily	no data reported and no code for ANY parameter
July 2009	monthly	reported the monthly average NH3 concentration as the max daily
July 2009	monthly/daily	appears to have incorrectly calculated the rolling average load for mercury
August 2009	monthly	reported the monthly average NH3 concentration as the max daily
August 10, 2009	daily	no data and no code for dissolved oxygen
September 2009	monthly	reported the monthly average NH3 concentration

		as the max daily
October 30-31, 2009	daily	no data and no code for dissolved oxygen
October 30, 2009	daily	no data and no code for pH
October 2009	monthly	reported the monthly average NH3 concentration as the max daily
October 2009	monthly/daily	incorrectly reported mercury monthly and rolling average loads on both forms
November 2009	monthly	reported the monthly average NH3 concentration as the max daily
December 2009	monthly	incorrectly reported mercury rolling average load
December 2009	monthly	incorrectly reported monthly average phosphorus as 0.99 mg/l instead of 1.0 mg/l
January 2010	monthly	reported the monthly average NH3 concentration as the max daily
January 2010	monthly	incorrectly reported mercury rolling average load
February 2010	monthly	incorrectly reported mercury rolling average load

Table 4. DNRE Review conducted January 12, 2010 of the City of Three Rivers' Sewer Use Ordinance (SUO) for compliance with Michigan's Pretreatment Regulations, Part 23 Rules, and the Federal Streamlining Rules (NR = not a requirement, but recommended change; NNC = Notice of Noncompliance NNC12-98-06-001P).

REQUIRED BY	ORDINANCE LOCATION	LANGUAGE TO BE CHANGED	RESPONSE FROM CITY	REQUIREMENT SATISFIED?
NNC	19-1(B)	Objectives related to pass-through: prevent NPDES violations	SUO was reorganized and "objectives" were removed	NR
NNC	19-1	"direct" and "indirect" discharge needs defining	Incorporated in Sec. 19-2, definitions	YES
NNC	Definition	There is no distinction between "contact cooling water" and "noncontact"	All "cooling water" is still considered "non polluted" by the City	NO
NNC	Definition	Domestic Wastes: "wastewater generated from normal operations at a residential home in single family quantities"	No change. That definition would exclude multi-res. dwellings as "domestic"	NR
NNC	Definition	Industrial waste: defined as distinct from domestic, but not how	No change	NR
NNC	Definition	Natural Outlet: ANY outlet to a water body	No change	NO
NNC	Definition	New Source: "The production of wastewater-generating processes of the building, structure, facility, or installation is substantially	No change. The City's SUO states: the production of waste stream of the facility is substantially independent of	NO

		independent of an existing source at the same site."	existing sources at same site.	
NNC	Definition	Pass-through: "...causes a violation of any requirement of the Act."	No change. the SUO states: "causes a violation of the NPDES permit"	NO
NNC	Definition	Pollution	No change	NR
NNC	Definition	Storm sewer: "excludes sewage and polluted industrial wastes"	No change. should state: "excludes any untreated non-domestic wastes which has not been authorized by applicable federal, state or local law."	NR
NNC	Definition	Toxic Pollutant	Definition changed	YES
NNC	Definition	CFR – add "code"	Added	YES
NNC	19-4.2	Water pollution: add: "and where all applicable federal, state, and local permits have been obtained".	No change	NR
NNC	19-4.5	Word missing at end of sentence	Added	YES
NNC	19-7.1	"Storm water and other unpolluted drainage shall be discharged into sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Manager. Upon approval of the city manager, industrial cooling water or unpolluted process waters may be discharged into a storm sewer, combined sewer or natural outlet.	First, if the City does not have combined sewers, there should be no reference to them. Second, the city manager does not have sole discretion for approving the discharge of anything but storm water to waters of the state. Industrial discharges require an NPDES permit, even if it is "unpolluted".	NO
NNC	19-7.2	General prohibitions do not include pass-through	No change	NO
NEW	19-7.2	Not all Specific Prohibitions are listed here—some are in 7.5 and in in 8.2. Furthermore, an Affirmative Defense is given for ALL prohibitions in 7.2 – 7.6	New Requirement—an affirmative defense is not allowed for all prohibitions.	
NNC	19-7.2	SUO must have prohibition against "trucked or hauled pollutants except...	NO change—the prohibition is in section 8.2.	OK
NNC	19-7.3	"...develop an adequate surcharge for the contributing User to cover the cost of added treatment for the interfering or pass through substance." A surcharge alone is not adequate enforcement of substances that pass through or interfere.	Changes made: "pass through" had been eliminated as a condition. under (1), "require that the discharge be discontinued" has been added. No change to (2) – (does contain pass through as a condition)	NO
NEW	19-7.5	(B): "insoluble substances in excess of 10,000 mg/l or exceeding a daily average of 500 mg/l"	No change—if this is "suspended solids" then this limit is in contradiction with other specified limits in the SUO and is not approved.	NO
NEW	19-7.5	(C): "total solids (soluble and insoluble) in excess of 20,000 mg/l or exceeding a daily average of 4,000 mg/l)"	Dissolved solids generally pass through untreated. A discharge of dissolved solids at this level could put the	NEW

			WWTP in noncompliance with Water Quality Standards	
NNC	19-7.5	(H): Chlorine demand is too broad. Specific pollutants should be regulated.	No change	NO
NNC	19-7.5	(L): floatable fats	No change	NR
NEW	19-7.5	(K): 100 mg/l of any antiseptic substance	This has no technical basis—what substances does the City want to regulate?	NEW
NNC	19-7.6	Specific pollutant limits: those that were submitted were approved. Phenolic compounds, toluene and TCE have no technical basis	Need to conduct MAHL for phenols, toluene and TCE	NEW
NNC	19-7.19	This section lists the Basis of Design for compatible pollutants as an upper level that cannot be exceeded by an IU in combination with all other discharges. The stated "Basis" is not current and must be updated. Furthermore, the Basis of Design cannot be considered an upper limit because it does not take into consideration domestic loadings nor does it allow a safety factor.	No change made other than to increase the design load for BOD, TSS, etc. The upper limits submitted haven't been approved.	NO
NEW	19-17.10	Upset provisions: described as "noncompliance with this chapter", not noncompliance with categorical standards. The three reporting provisions listed do not include the affirmative defense requirements.		NEW
NEW	19-8.2	BMR referred to as a "Disclosure Declaration". This could infer Confidential Information. The use of this terminology is discouraged because of the legal implications.		NEW
NNC	19-8.2	(C), (E), (H), (I): BMR requirements: not all required information is asked for: Other environmental permits; average rate of production; request "instantaneous peak flow" instead of maximum daily flow; flows for each regulated process stream, points of discharge and from which processes the discharge originates. The nature and concentration of ALL regulated pollutants, not just those prohibited by this chapter. BMRs also need a certification statement. Also, specific sampling requirements (sample type, number of grabs) should be added.	No change	NO
NNC	19-8.2	60 day notification to BMR info change	Moved to 19-8.3	YES
NNC	19-9.1	(B): this paragraph states that "The City shall reinstate the wastewater treatment service and terminate	No change	NO

		judicial proceedings when the Discharger shall have eliminated the non-complying discharge OR conditions creating the threat of imminent or substantial danger as set forth above." "Or" should be changed to "And". "Shall" obligates action by the City.		
NNC	19-9.7	Annual publication-SNC definition. Also, Streamlining will require SNC definition changes	1."significant dischargers" has not been changed. 2. Changed publication of SIU to CIU. 3. No change to "largest newspaper circulated" (not published). 4. Still has "remained uncorrected for 45 days"	NO YES NO NO
NNC	19-9.7	(A): SNC definition for Chronic and Technical Review must change to comply with Streamlining	No change	NO
NNC	19-9.9	Violations of Sections 7.2(A), (C), (E), (K) and 7.5(G) and (M) are NOT allowed an affirmative defense. Section 9.9 must be amended.	No change	NO
NNC	19-10.1	Violations subject to civil penalties must include violations of all federal, state or local pretreatment standards and requirements	No change	NO
NNC	19-10.3	Civil penalty for criminal act plus imprisonment—is falsification being considered criminal or civil?	No change	?
NNC	19-10.4	The IU must also make records available for inspection and copying by federal, state and local authorities. The period of retention must be extended if requested by the State or EPA, not just City.	No changes	NO

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE

STEVEN E. CHESTER
DIRECTOR

September 18, 2009

CERTIFIED MAIL

Mr. Joseph Bippus, Manager
City of Three Rivers
333 West Michigan Avenue
Three Rivers, Michigan 49093

SVN No.SVN 000303

Dear Mr. Bippus:

SUBJECT: Second Violation Notice

The Department of Environmental Quality (DEQ), Water Bureau (WB), issued Violation Notice Nos. VN-003719, VN-003798, and VN-004038 on October 9, 2008, December 17, 2008, and May 20, 2009, respectively, in response to violations of Part 23, Michigan Pretreatment Rules (Part 23), and Part 41, Sewerage Systems (Part 41), promulgated pursuant to Part 31, Water Resources Protection (Part 31), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0020991. The City of Three Rivers (City) has either provided no response or has provided an inadequate response to these Violation Notices and has not returned to compliance.

EFFLUENT LIMIT VIOLATIONS

The City is required under NPDES Permit No. MI0020991, Part I, Section A.1, to comply with the following effluent limitations for Outfall 001:

- Total phosphorus shall be limited to 1 milligram per liter (mg/l) as a monthly average.
- Dissolved oxygen shall be limited to 3 mg/l as a daily minimum from October 1 through April 30.
- Dissolved oxygen shall be limited to 5 mg/l as a daily minimum from May 1 through September 30.
- Total residual chlorine (TRC) shall be limited to 0.038 mg/l as a daily maximum.
- Fecal coliform bacteria shall be limited to 400 counts per 100 millimeters (ml) as a maximum 7-day geometric mean.
- Minimum percent (%) removal of total suspended solids (TSS) shall be limited to 85% as a monthly minimum.

The following violations of effluent limitations have been identified based on DEQ staff review of Discharge Monitoring Reports (DMRs):

1.A. The City incurred 28 total residual chlorine (TRC) effluent limit violations occurring from January 2006 through December 2008 (see Table 1A). These monitoring results are violations of your permit.

1.B. Furthermore, the City incurred six (6) additional TRC effluent limit violations occurring from January 2009 through June, 2009 (see Table 1B).

2.A. The City incurred 20 maximum 7-day geometric mean fecal coliform bacteria effluent limit violations occurring from January 2006 through December 2008 (see Table 2). These monitoring results are violations of your permit.

2.B. Furthermore, the City incurred 17 additional maximum 7-day geometric mean fecal coliform bacteria effluent limit violations from January 1 to May 31, 2009. WB staff included in the calculation, values reported as "too numerous to count (TNTC)" by assigning the maximum value achievable with the range of values governed by the procedure and presuming all TNTC data came from the 3 ml sample dilution.

3.A. The City incurred 32 TSS effluent limit violations occurring between January 2006 through December 2008 (see Tables 3A and 3B). These monitoring results are violations of your permit.

3.B. Furthermore, the City incurred a TSS minimum % removal effluent limit violation of 81% on May 31, 2009.

4. The City incurred seven (7) Carboneous Biochemical Oxygen Demand (CBOD) effluent limit violations occurring from January 2006 through December 2008 (see Table 4). These monitoring results are violations of your permit.

5. The City incurred 21 dissolved oxygen monitoring violations occurring between January 2009 through July 2009 (see Table 5). These monitoring results are violations of your permit.

6. The City reported a violation of the maximum monthly average phosphorus limit for January 2009. This monitoring result is a violation of your permit.

7. The City has failed to submit and/or properly report discharge monitoring data in the following monthly and daily DMRs.

REPORTING PERIOD	TYPE OF DMR	PARAMETER(S)
March 2005	Daily	All
September 2005	Daily	All
December 2007	Daily	Total residual chlorine
July 2009	Monthly	All
July 2009	Daily	All

8. By review of the December 2008 daily DMR, DEQ staff identified 217 reporting violations for: fecal coliform bacteria, total mercury (lbs/day), total mercury (ng/l); minimum percent removal for CBOD, minimum percent removal for TSS, pH and DO. The values for these parameters appear to have been reported in the wrong column on the DMR report form.

9. Finally, the City is required to conduct analysis for TRC using one of the methods listed in Part I Section A.1.c of NPDES Permit No. MI0020991 and following the procedures approved under 40 CFR 136. Although the approved Orion 97-70 electrode was being used, the City was not following the procedures established by either the manufacturer of the Orion electrode or the analytical meter being used. The City was using a single 1 mg/l standard as a blank. The meter model in use requires the use of two standards that bracket the expected sample range—in the case of final effluent, 0.01 to 0.05 mg/l. This meter, when programmed, can be used to establish a calibration curve which is also part of the required procedures established for the Orion 97-70 probe that is being used. Improper methodology would likely yield inaccurate analytical results. Inaccurate measurement of total residual chlorine could lead to insufficient residual chlorine levels and consequently, fecal coliform bacteria violations. Further, improper methodology calls into question the validity of the data being reported to the State and may explain some of the 36 TRC violations experienced by the Three Rivers WWTP from January 2006 to June 2009 (30 between January 1, 2008 and June 30, 2009).

It must be noted that many apparent violations appear to be due to inaccurate reporting—data reported under the wrong parameter column or corrected DMR data entered in the form of the wrong month. The frequency of reporting errors is excessive and must be addressed to assure accurate data is consistently reported.

Each day an effluent limit violation, reporting error, or unreported parameter occurs, or continues to occur, is a separate violation.

OPERATIONS AND MAINTENANCE

Part 4, Operation and Maintenance of Sewerage Systems (Part 4), of the Part 41 Rules of the NREPA, requires proper operation and maintenance of sewerage systems to ensure continuous protection of the public health, safety, and welfare, the water resources of the state, and the fish, wildlife, and plant life. It is the DEQ's position that equipment failure and lack of maintenance are factors in many of the effluent violations. The following violations identified in VN-003798 and VN-004038 are violations of Part 4, have not been adequately addressed and continue to occur.

Disinfection

10. There have been a significant number of TRC violations. The chlorination/dechlorination systems appear to have been an automated system at one time but are now only capable of manual adjustments. The chlorination/dechlorination systems are not flow based, do not have an effective method to determine how much product is in the tank and do not comply with the reliability criteria. There are no back up systems or tanks available should the primary components fail.

11. The chlorination/dechlorination system safety equipment used to determine a gas leak is not functional. The gas detection equipment is required not only for the protection of the wastewater treatment plant employee's but also the surrounding community.

Sludge Digestion and Handling

12. The ATAD has had foaming issues that have resulted in unauthorized discharges. It was our understanding that the issue had been resolved by collecting the foam and piping it to an empty tank where it can cool and breakdown. We now understand that the foam collection system only collects foam from the storage tank not the digestion tank. It is also our understanding that the foam sensor installed in the digestion tank requires frequent maintenance and may not always be functional due to the environment in the digester.

13. The ATAD has experienced some issues with grit accumulating in the digestion chamber. It is our understanding that the system was not designed to handle grit.

14. The bio-filter is no longer functioning as intended and is creating a higher than normal backpressure. The bio-filter material has degraded to the point where relief points needed to be manually excavated to allow the exhaust to exit from the ATAD.

    The filter media of the odor control equipment for solids handling (the biofilter) had been removed at least 30 days prior to a joint DEQ site visit conducted on August 6, 2009, with Air Quality Division (AQD), and had not yet been replaced. According to City staff, the system back pressure measurements recorded in October 2008, indicated that the filter media needed changing at that time. On August 13, 2009, during a WB reconnaissance inspection, the biofilter bed had finally been partially refilled with media, but additional filter media was needed to complete the job.

    In addition, it was noted during the site visit on August 6, 2009, that the used biofilter media that had been removed was being used on City property as mulch around trees and shrubs. The old media, which was used to remove contaminants from the air, is considered a solid waste under Part 115, Solid Waste Management (Part 115), of the NREPA. Solid waste must either be disposed of in accordance with Part 115 of the NREPA or designated as inert in accordance with Rules 299.4115 – 299.4117. Improper disposal of solid waste is a violation of Part 115 of the NREPA and is continuing.

15. The sludge handling system was designed to utilize a Muffin Monster to grind up the biosolids before they are dewatered by the centrifuge. The biosolids are currently bypassing the Muffin Monster and are causing operational problems with the centrifuge.

Headworks

16. The automated valve for the Constantine Lift Station equalization tank was not functioning.

17. The grit pump in the headworks building had been removed.

18. The grit classifier in the headworks building was not functional.

Primary Clarification

19. The scum pit control valve on east clarifier is not functioning.

Activated Sludge

20. The redundant blower that provides firm aeration capacity is not functioning.

21. A number of fine bubble diffusers in three (3) of the four (4) aeration tanks have failed.

Final Clarification

22. The mechanical portion of final clarifier 3 needs to be repaired and final clarifier 4 is out of service for repairs.

23. The return activated sludge (RAS) pumps were not operating properly with the result that solids were not being effectively removed in secondary treatment. Large amounts of solids were observed floating on the secondary clarifiers and to a lesser degree, the chlorine contact tank.

General Observations

24. Several general maintenance and housekeeping deficiencies were noted during the site visits conducted on August 6, 2009 and August 13, 2009. There was an excessive build up of solids in the secondary clarifier wells and excessive terrestrial plant growth on concrete structures in the chlorine contact tank. Equipment that is not well maintained and cleaned as needed is more prone to mechanical failure and contributes to treatment inefficiency, a violation of Rule 55(1) of the Part 4 Rules. Root growth from plants growing on concrete structures can create cracks in the concrete which can lead to premature structural deterioration. It is important to maintain the condition and appearance of the facility not only to assure it is capable of the most efficient level of treatment, but also to preserve the value of the City's significant investment in the facility.

SCHEDULES OF COMPLIANCE

25. In accordance with Part I. Section A.1 of the permit and beginning on November 1, 2008, the City was required to comply with a seasonal Dissolved Oxygen (DO) effluent limitation of 5 mg/l for the period of May 1, 2009, through September 30, 2009. The City incurred 20 violations of the 5 mg/l DO effluent limitation during May 2009 and has therefore failed to achieve consistent compliance with this schedule. The failure to achieve consistent compliance with seasonal DO effluent limitations is a violation of your permit.

26. In accordance Part I. Section A.3 of the permit, the City was required to submit an approvable Pollutant Minimization Program for Mercury (PMP) by January 1, 2009. On January 6, 2009, the City submitted a PMP which was not approvable as submitted. Pursuant to Violation Notice No. VN-004038, the City was required to submit a revised PMP by June 15, 2009. On June 15, 2009, Jones & Henry Engineers responded by email on behalf of the City, referencing the Violation Notice, and stated, "The purpose of this email is simply to let you know that Jones & Henry Engineers was retained last week to

assist the Three Rivers, MI WWTP with various compliance issues as noted in recent correspondence from your office. More specifically, I have been asked to assist in gaining MDEQ approval of its Mercury PMP." This response is inadequate because the City was required under VN-004038 to submit an approvable PMP by June 15, 2009. The failure by the City to submit an approvable PMP by January 1, 2009 is a violation of the NPDES permit.

WASTEWATER OVERFLOWS

27. In accordance with Part 31, Section 324.3109 of the NREPA, the discharge of untreated or partially treated sewage from a sewer system onto land or into the waters of the state is a violation of Part 31. The Kalamazoo District Office was notified on February 2, 2009, that a discharge of partially treated sewage from the ATAD at the Three Rivers WWTP had occurred January 31, 2009. The discharge of raw or partially treated sewage onto land or into waters of the state is a violation of Part 31 of the NREPA.

Part 31, specifically Section 324.3112(a) of the NREPA, requires that the City immediately notify, but not more than 24-hours after the discharge begins, the Department, local Health Department and a daily newspaper of general circulation. The City failed to make the proper initial notifications. The failure to make the proper notifications is a violation of Part 31 of the NREPA.

INDUSTRIAL PRETREATMENT PROGRAM

In accordance with Violation Notice Nos. VN-003719 and VN-004038, the City was required to respond to the violations listed below.

28. PURSUANT to Part I.C.1.m. of NPDES Permit No. MI0020991, issued March 11, 2002, and subsequently reissued July 31, 2007, the City was required to evaluate the approved Michigan Industrial Pretreatment Program for compliance with Part 23 Rules promulgated pursuant to Part 31 of NREPA. Sewer Use Ordinance modifications necessary to comply with the Part 23 Rules, were further required under Notice of Noncompliance No. NC-12-98-06-001P and Notice Letter No. NL-09-01-02-016K, and subsequent correspondence through July 13, 2006. The proposed changes submitted by the City on April 20, 1999 were not approvable as submitted. This requirement had been deferred in July 1999, pending completion of the Maximum Allowable Headworks Loading (MAHL) study, which was submitted on February 10, 2003, and received partial approval on June 9, 2005. During the pretreatment compliance reconnaissance inspection conducted March 23, 2006, the City was informed of the new federal pretreatment regulations promulgated October 28, 2005, and advised to review the new requirements in consideration of the SUO modifications previously proposed by the City. In a letter dated July 13, 2006, DEQ staff again deferred the requirement to complete the Part 23 revisions, pending new modifications to the Part 23 Rules. Mr. James Rozeboom of the City responded by letter dated October 5, 2006, saying, "I am reviewing the new federal pretreatment rules and the draft MDEQ pretreatment to see what changes need to be made in our SUO."

During the pretreatment compliance inspection conducted September 30, 2008, it was discovered that the City had made modifications to its SUO, which constitutes a substantial modification of the City's approved pretreatment program. The final modifications were not submitted to this office for review and approval. A substantial modification requires DEQ approval. In accordance with Part I.C.1.j of NPDES Permit No. MI0020991, the City shall not implement changes to the approved Industrial Pretreatment Program without notification to the Department.

The SUO revisions submitted by the City in 1999, did not satisfy the Part 23 requirements. In order to determine if the SUO modifications adopted by the City comply with Part 23 and the federal pretreatment regulations under 40 CFR 403, a review and approval by DEQ is required. The City has not adequately responded to this violation and this violation is continuing.

29. In accordance with Part I. Section C. of NPDES Permit No. MI0020991, issued July 31, 2007, the City is required to implement the Michigan Industrial Pretreatment Program approved on April 10, 1985, and all subsequent modifications approved up to the issuance of the permit and comply with Rules 323.2301 through 323.2317 of Part 23 of the Michigan Administrative Code.

During the Pretreatment Compliance Inspection conducted September 30, 2008, the following violations were identified. The City has not responded to these violations and they are continuing.

a. In accordance with Rule 323.2310(2)(i), categorical industrial users must submit an updated Baseline Monitoring Report (BMR) to the City within 60 days of any change to the information required under Rule 323.2310(2). There was no BMR on file for Covalence Coated Products, a facility formerly classified under 40 CFR 430, Subpart J, the Secondary Fiber Non-deink Subcategory that has had several name/ownership changes within the last decade. The City has since reclassified the facility under 40 CFR 430, Subpart E, the Papergrade Sulfite Subcategory, but there was no documentation on file supporting the change in classification.

b. In accordance with Rules 323.2306 (a)(iii) and 323.2306 (c)(i) – (iii), the City is required to appropriately classify all industrial users and to include all applicable pretreatment standards and requirements in each user's permit. The City did not have documentation to support the classification change of Covalence Coated Products. If the facility's operations have changed such that they now conform with Subpart E, then the pretreatment standards contained in the facility's permit are not applicable.

c. In accordance with Rule 323.2306 (a)(iii), industrial user permits must include all applicable sampling and reporting requirements. The industrial user permits issued by the City did not clearly state the sampling frequency and sample type for each parameter and the permit contained no due date for the semiannual self-monitoring report.

d. In accordance with Rule 323.2306 (g), the City is required to implement their approved Enforcement Response Plan (ERP). The City failed to take enforcement action during 2007 for frequent violations of the City's SUO in accordance with the approved ERP developed by the City.

e. The City is required to participate in the public participation requirements of Rule 323.2306(d), report all significant noncompliance (SNC) in the annual pretreatment report, and submit with the annual report, proof of publication for all categorical industrial users in SNC during the reporting period. The two Significant Industrial User (SIU) files reviewed contained numerous violations of local limits, but these violations were not treated as violations and therefore, an SNC assessment, and publication if required, was not conducted.

30. In accordance with Administrative Consent Order No. ACO-SW00-005, Notice of Noncompliance No. NC-12-98-06-001P, and Part I.C.2 of NPDES Permit No. MI0020991, issued March 2002, the City was required to develop and submit approvable upper limits for compatible pollutants. On February 10, 2003, the City submitted the results of its MAHL study, which included proposed upper limits for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Total Phosphorus (TP) which were found on July 13, 2006, not to be approvable as proposed. The City responded by letter dated October 5, 2006, stating, "The 2000 upgrade added 125% volume to our aeration tanks and 200% to our blower capacity, so I don't understand how our treatment capacity could have decreased...I will need to have this settled before we can properly calculate distribution of the capacity." DEQ staff advised Mr. Rozeboom of the City that the DEQ would give consideration to any documentation with supporting data that demonstrated the headworks loading capacity proposed by the City. No other correspondence was received from the City. Violation Notice No. VN-003719 was issued October 9, 2008, and required a written response by January 9, 2009, to address this and other violations. Mr. Rozeboom responded by email on February 5, 2009, stating, "Just a note to let you know that the City has hired Al Ernst with Jones & Henry to review the design loading of our plant." Jones & Henry Engineers notified DEQ staff on June 15, 2009, that they had just been retained to address various issues at the WWTP. On August 13, 2009, Jones & Henry Engineers provided several charts and tables summarizing WWTP influent, effluent and removal rates for BOD, TSS and TP for the period between January 2008, through May 2009. There has been no other correspondence pertaining to this issue and the response from Jones & Henry does not satisfy the requirement. Therefore, this violation is continuing.

31. In accordance with Part I. Section D.1.o of NPDES Permit No. MI0020991, the City was required to submit an Industrial Pretreatment Annual Report by April 1, 2009. The failure to submit the Industrial Pretreatment Annual Report by the due date is a violation of the City's NPDES Permit. The City has not submitted the annual report in response to VN-004038, therefore, this violation is continuing.

The violations identified in Violation Notice Nos. VN-003719, VN-003798, and VN-004038 and Second Violation Notice No. VN-000303 are violations of Part 31 of the NREPA, and the rules promulgated thereunder, and NPDES Permit No. MI0020991.

The City shall take immediate action to achieve and maintain compliance with the terms and conditions of NPDES Permit No. MI0020991 and Part 31 of the NREPA, including Part 23 and Part 41, promulgated pursuant to Part 31.

REQUIRED ACTIONS

Please submit a schedule by which the City will correct the violations listed in this Notice to this office by **October 21, 2009.** At a minimum, the response shall include:

Effluent Limit Violations

1. A plan to improve the accuracy of data recorded on DMR forms, including a quality assurance review comparing all laboratory bench sheets with the data submitted on monthly and daily DMR forms from July 2006 through July 2009. The plan shall also include the submittal all delinquent monthly and daily DMRs that have not yet been submitted and the submittal of all corrected monthly and daily DMRs that contain reporting errors. This shall include revised monthly and daily DMRs for all months in which any reporting error occurred, including those cited in this Second Violation Notice or those discovered through the quality assurance review.

2. A plan to identify the cause of each violation that has been determined not to be a reporting error and a schedule of corrective actions that will be taken to address all identified operations and maintenance problems that have lead to effluent limit violations.

3. Verification that the City has updated the analytical procedures for total residual chlorine, including a copy of the calibration curve demonstrating the use of two or more standards.

Operations and Maintenance

A corrective action plan shall be submitted to address all mechanical and operational deficiencies listed in this Second Violation Notice. The plan and schedule for implementation shall include, but not necessarily be limited to the following:

4. A detailed description of the existing chlorination/dechlorination equipment and controls shall be submitted. The description shall include all components (tanks, scales, rotometers, evaporators, etc.) originally installed, identify redundant components, describe controls, indicate what safety features exist, and describe which items are functioning properly for the chlorination and dechlorination system and the improvements needed to restore these systems' operational integrity and reliability.

5. Provide a plan and schedule for repairing the automated valve on the Constantine force main equalization tank, repairing the grit pump and grit separator.

6. Provide a plan and schedule for repairing the scum pit control valve on the eastern primary clarifier.

7. Provide a plan and schedule to provide firm capacity for the activated sludge blowers, inspect and repair fine bubble diffusers in the aeration tanks.
8. Provide a plan and schedule to provide adequate return activated sludge pumps and fully functional secondary clarifiers.

9. Verification that the biofilter bed has been adequately filled with filter media or a date by which this action will be completed.

10. A plan to dispose of the used biofilter media in accordance with Part 115, of the NREPA.

11. Inspect all wastewater treatment plant and lift station equipment and provide a plan and schedule for all repairs of equipment not operating properly and to improve general housekeeping. A copy of your Preventative Maintenance Program shall also be submitted.

Schedules of Compliance

12. Provide a plan and schedule to provide sufficient capacity to meet the 5 mg/l dissolved oxygen limit from May through September 30.

13. A revised PMP containing, at a minimum, the following required information:

    a. A stated goal to achieve compliance with the Water Quality Standard of 1.3 nanograms per liter (ng/l) of total mercury in the effluent.

    b. A sampling program to include quarterly influent and monthly effluent monitoring. The analytical method (EPA 245, EPA 1631, or alternate approved method), quantification level and appropriate sample type for the analytical method used, must be stated.

    c. A list of known sources and a plan to identify and confirm potential sources must be included. Known sources include those that have been identified as discharging mercury at or above the analytical quantification level through sample analysis.

    d. A commitment to monitor known sources semiannually.

    e. A commitment to submit an annual report on March 31 of each year following PMP approval. The plan shall include all mercury monitoring results for the previous year and an updated list of known and potential sources.

    f. The PMP must also indicate the actions the City will take (collect additional samples upstream in the collection system, investigate known sources, etc.) when mercury is detected in the influent at or above the quantification level, if EPA Method 245 is used, or, at a specified trigger concentration if using EPA Method 1631 on the influent.

    NOTE: A revised PMP was forwarded by email to this office on September 16, 2009, by Jones & Henry Engineers on behalf of the City. That document is under review.

Wastewater Overflows

14. A plan and schedule to eliminate the discharge of partially treated wastewater due to foaming in the ATAD, provide grit removal in the ATAD, replace the media in the bio-filter and utilize the muffin monster prior to sending sludge to the centrifuge.

15. A written plan to assure reporting of discharges of untreated or partially treated wastewater in accordance with Section 3112(a) of Part 31, of the NREPA.

Industrial Pretreatment

16. A copy of the most recently codified Sewer Use Ordinance, including the signature page, indicating the modifications made in response to Notice of Noncompliance No. NC-12-98-06-001P, Notice Letter No. NL-09-01-02-016K and subsequent pretreatment inspections.

17. A corrective action plan to resolve deficiencies in implementation of the Industrial Pretreatment Program requirements of Part I. Section C of NPDES Permit No. MI0020991. The plan shall provide the mechanisms by which the City will:

    a. Maintain updated user information necessary for adequate classification. Specifically, the City must determine the appropriate categorical classification for Covalence Coated Products and modify the Industrial User's permit monitoring requirements if necessary, and submit documentation, including the BMR, used to properly categorize the facility. The City must also modify other permits, as necessary, to include all applicable pretreatment standards and requirements in accordance with R 323.2306(a)(iii).

    b. Incorporate applicable pretreatment standards and requirements into user permits. At a minimum, the City must revise all control documents to include a due date for all applicable reports; clearly specify sample type (grab or composite) for each parameter, and the sampling frequency required.

    c. Assess user noncompliance in accordance with the approved Enforcement Response Plan and address the City's failure to take enforcement action for frequent violations; and

    d. Comply with the public participation requirements of Rule 323.2306(d). The plan shall include a schedule by which the following documentation will be submitted: a reevaluation of all Significant Industrial Users (SIU) for SNC for all four rolling quarters of the reporting period (October 2006 through March 2007, and January through June 2007, April through September 2007, and July through December 2007); submittal of an amended 2007 pretreatment annual report to include any SIU found to be in SNC; and publication in the largest newspaper circulated in the area, at a minimum, any categorical SIU that has been determined to be in SNC during 2007. Proof of publication must be submitted with the modified annual report.

18. A plan to complete a MAHL assessment of BOD, TSS, and phosphorus—using current influent, effluent and domestic/commercial background data—to determine approvable upper limits. The plan shall include an engineering assessment of the current basis of design; site specific influent and effluent data reflecting current conditions and demonstrating both the average removal rates and peak removal rates during periods when the WWTP is receiving significantly increased loads; and a load analysis of all non-regulated background sources including domestic sanitary sewage, septage, and commercial wastewater sources, if not included as part of the nondomestic loading. If the assessment does not support the load limits proposed by the City in 2003, for BOD (5360 lb/d), TSS (4556 lb/d) and TP (229 lb/d), the City must propose upper load limits for allocation to industry that are consistent with the available data.

19. The Industrial Pretreatment Annual Report for January 1, 2008 – December 31, 2008.

If you have any factual information you would like to share with us regarding the violations identified in this Notice please provide them with your written response.

Compliance with the terms of this Notice does not relieve the City of any liability, past or present from the failure to meet the conditions specified in NPDES Permit No. MI0020991, or failure to comply with Part 31, and the rules promulgated thereunder, of the NREPA.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

Due to the severity of the noncompliance, this matter is being evaluated for possible escalated enforcement.

If you have any questions regarding this Notice or if you would like to arrange a meeting to discuss it, please contact Ms. Deborah Quinn at 269-567-3574

Sincerely,

Gregory A. Danneffel, District Supervisor
Kalamazoo District Office
Water Bureau
269-567-3575

GAD:DQ:DMS

Enclosures
cc: Mr. James Rozeboom, Three Rivers WWTP
Ms. Mary Douglas, DEQ
Ms. Carrie Monosmith, DEQ
Mr. Barry Selden, DEQ
Ms. Grace Scott, DEQ

TABLE 1A. City of Three Rivers Total Residual Chlorine (TRC) effluent limit violations occurring from January 2006 through December 2008.

TRC	EFFLUENT LIMITATIONS	REPORTED VALUE
DATE	Daily Maximum (mg/l)	Daily Maximum (mg/l)
2/18/2006	0.038	0.076
3/2/2006	0.038	0.100
12/9/2006	0.038	0.275
11/23/2007	0.038	0.115
11/24/2007	0.038	0.086
11/27/2007	0.038	0.312
2/12/08	0.038	0.296
2/13/08	0.038	0.06
5/2/08	0.038	0.193
5/3/08	0.038	0.15
5/4/08	0.038	0.083
5/14/08	0.038	0.188
5/18/08	0.038	0.041
5/21/08	0.038	0.046
7/13/08	0.038	0.36
7/14/08	0.038	0.372
8/16/2008	0.038	0.856
8/17/2008	0.038	0.24
8/18/2008	0.038	0.135
9/17//08	0.038	0.121
9/22/08	0.038	0.111
9/30/08	0.038	0.083
11/10/2008	0.038	0.367
11/29/2008	0.038	0.074
12/17/2008	0.038	0.154
12/18/2008	0.038	0.381
12/23/2008	0.038	0.103
12/25/2008	0.038	0.599

TABLE 1B. City of Three Rivers TRC effluent limit violations occurring from January 2009through June, 2009.

TRC	EFFLUENT LIMITATIONS	REPORTED VALUE
DATE	Daily Maximum (mg/l)	Daily Maximum (mg/l)
1/3/09	0.038	0.133
3/11/09	0.038	0.07
4/15/09	0.038	0.725
5/21/09	0.038	0.044
5/22/09	0.038	0.046
5/23/09	0.038	0.040

Table 2. City of Three Rivers fecal coliform bacteria effluent limit violations occurring from January 2006 through December 2008

Fecal Coliform	EFFLUENT LIMITATION	CALCULATED VALUE
DATE	Maximum 7-day Mean (cts/100 ml)	Maximum 7-day Mean (cts/100 ml)
1/16/2008	400	797.2
1/17/2008	400	1040
1/18/2008	400	1346
1/19/2008	400	1392
1/20/2008	400	1687
1/21/2008	400	1164
1/22/2008	400	977
1/23/2008	400	764
1/24/2008	400	764
1/25/2008	400	764
1/26/2008	400	803
1/27/2008	400	636
2/1/2008	400	**526
2/2/2008	400	**584
2/3/2008	400	**814
2/4/2008	400	**1455
2/5/2008	400	**2062
2/6/2008	400	**2552
2/7/2008	400	2487
2/9/2008	400	800
3/1/2009	400	**508
3/2/2009	400	**433
3/14/2009	400	492
3/15/2009	400	831
3/16/2009	400	657
3/17/2009	400	473
5/1/2009	400	**508
5/2/2009	400	**669
5/3/2009	400	**1980
5/4/2009	400	**2074
5/5/2009	400	**2293
5/6/2009	400	**1651
5/7/2009	400	746
5/8/2009	400	426
5/9/2009	400	442
5/15/2009	400	582
5/16/2009	400	419

** Days 1-6 were calculated using data from the previous month (rolling average approach).

Table 3A. City of Three Rivers TSS maximum 7-day average effluent limit violations occurring between January 2006 through December 2008.

TSS	EFFLUENT LIMITATIONS		CALCULATED VALUE	
DATE	Maximum 7-day Average (mg/l)	Maximum 7-day Average (lbs/day)	Maximum 7-day Average (mg/l)	Maximum 7-day Average (lbs/day)
1/11/2008	45	1000	71.75	1929.5
1/12/2008	45	1000	115.2	3130.8
1/13/2008	45	1000	103.4	2807.7
1/14/2008	45	1000	106.5	2903.3
1/15/2008	45	1000	128.4	3462.4
1/16/2008	45	1000	147.2	3977.2
1/17/2008	45	1000	185.8	4844.5
1/18/2008	45	1000	128.7	3207.8
1/19/2008	45	1000	87.0	2057.3
1/20/2008	45	1000	84.1	1962.2
1/21/2008	45	1000	81.2	1869
1/22/2008	45	1000	55.6	1218
1/23/2008	45	1000	49.2	1073
9/30/2008	45	1000	59	1479

Table 3B. City of Three Rivers TSS monthly average and minimum % removal effluent limit violations occurring between January 2006 through December 2008.

TSS	EFFLUENT LIMITATIONS		REPORTED VALUE	
DATE	Monthly Average	Minimum % Removal	Monthly Average	Minimum % Removal
1/31/2008	690 lbs/day		1190 lbs/day	
1/31/2008	30 mg/l		49 mg/l	
9/30/2008	690 lbs/day		1479 lbs/day	
9/30/2008	30 mg/l		59 mg/l	
1/31/2008		85%		82%
9/30/2008		85%		83%

Table 4A. City of Three Rivers CBOD maximum 7-day average effluent limit violations occurring from January 2006 through December 2008.

CBOD	EFFLUENT LIMITATIONS		CALCULATED VALUE	
DATE	Maximum 7-day Average (mg/l)	Maximum 7-day Average (lbs/day)	Maximum 7-day Average (mg/l)	Maximum 7-day Average (lbs/day)
1/15/2008	40	920		1043.9
1/16/2008	40	920	43.3	1157.7
1/17/2008	40	920	59	1509.8
1/18/2008	40	920	44.3	1081.0

Table 5. City of Three Rivers Dissolved Oxygen effluent limit violations occurring from January 2009 through July 2009.

DISSOLVED OXYGEN	EFFLUENT LIMITATIONS	REPORTED VALUE
DATE	Daily Minimum (mg/l)	Daily Minimum (mg/l)
1/17/09	3	0
5/1/09	5	4
5/4/09	5	4.3
5/5/09	5	4.1
5/6/09	5	4.1
5/7/09	5	4.1
5/8/09	5	4.2
5/9/09	5	3.9
5/12/09	5	4.1
5/13/09	5	4.1
5/14/09	5	4
5/15/09	5	3.9
5/16/09	5	4.1
5/17/09	5	4.1
5/18/09	5	4.9
5/19/09	5	4.2
5/20/09	5	3.6
5/21/09	5	3.9
5/22/09	5	4.1
5/23/09	5	4.1
5/24/09	5	4.7

PERMIT NO. MI0020991

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

City of Three Rivers
333 West Michigan Avenue
Three Rivers, Michigan 49093

is authorized to discharge from the **Three Rivers Wastewater Treatment Plant** located at

409 Wolf Road
Three Rivers, Michigan 49093

designated as **Three Rivers WWTP**

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

This permit is based on a complete application submitted on March 9, 2006.

This permit takes effect on **November 1, 2007**. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede NPDES Permit No. MI0020991, expiring October 1, 2006.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2011**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department by **April 4, 2011**.

Issued **July 31, 2007**. This permit was modified (minor) on August 8, 2008, to include storm water discharge authorization and supersedes Certificate of Coverage No. MIS710013 issued March 30, 2004, which is hereby revoked.

Original Permit Signed by Daniel Dell, Acting Chief
William Creal, Chief
Permits Section
Water Bureau

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the Michigan Act, 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. The fee shall be postmarked by January 15 for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1.

In accordance with Section 324.3118 of the Michigan Act, the permittee shall make payment of an annual storm water fee to the Department for each January 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. The fee shall be postmarked by March 15 for notices mailed by February 1. The fee is due no later than 45 days after receiving the notice for notices mailed after February 1.

In accordance with Section 324.3132 of the Michigan Act, the permittee shall make payment of an annual biosolids land application fee to the Department if the permittee land applies biosolids. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 31 of each year.

CONTACT INFORMATION

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

CONTESTED CASE INFORMATION

Any person who is aggrieved by this permit may file a sworn petition with the State Office of Administrative Hearings and Rules of the Michigan Department of Labor and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Labor and Economic Growth 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 the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge treated municipal wastewater from Monitoring Point 001A through Outfall 001. Outfall 001 discharges to the St. Joseph River. Such discharge shall be limited and monitored by the permittee as specified below.

	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration					
Parameter	**Monthly**	**7-Day**	**Daily**	**Units**	**Monthly**	**7-Day**	**Daily**	**Units**	**Frequency of Analysis**	**Sample Type**
Flow	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)										
	570	920	---	lbs/day	25	40	---	mg/l	Daily	24-Hr Composite
Total Suspended Solids	690	1000	---	lbs/day	30	45	---	mg/l	Daily	24-Hr Composite
Ammonia Nitrogen (as N)	---	---	---	lbs/day	(report)	---	(report)	mg/l	Weekly	24-Hr Composite
Total Phosphorus (as P)	23	---	---	lbs/day	1.0	---	---	mg/l	Weekly	24-Hr Composite
Fecal Coliform Bacteria	---	---	---	---	200	400	---	cts/100 ml	Daily	Grab
Total Residual Chlorine (During Chlorination)			---	---	---	---	0.038	mg/l	Daily	Grab
Total Mercury	(report)	---	---	lbs/day	(report)	---	---	ng/l	Monthly	Grab
	12-Month Rolling Average				**12-Month Rolling Average**					
Total Mercury Beginning (12/1/08)	(report)	---	---	lbs/day	(report)	---	---	ng/l	Monthly	Calculation
Total Mercury Beginning (12/1/09)	0.00023	---	---	lbs/day	10	---	---	ng/l	Monthly	Calculation
					Minimum Monthly					
$CBOD_5$ Minimum % Removal		---	---	---	85	---	---	%	Monthly	Calculation
Total Suspended Solids Minimum % Removal		---	---	---	85	---	---	%	Monthly	Calculation
					Minimum Daily		**Maximum Daily**			
pH	---	---	---	---	6.5	---	9.0	S.U.	Daily	Grab
Dissolved Oxygen										
5/1-9/30	---	---	---	---	(report)	---	---	mg/l	Daily	Grab
5/1-9/30 (beginning 11/1/2008)		---	---	---	5.0	---	---	mg/l	Daily	Grab
10/1-4/30	---	---	---	---	3.0	---	---	mg/l	Daily	Grab

The following design flow was used in determining the above limitations, but is not to be considered a limitation or actual capacity: 2.75 MGD.

PART I

Section A. Limitations and Monitoring Requirements

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. Sampling Locations
Samples for $CBOD_5$, Total Suspended Solids, Ammonia Nitrogen and Total Phosphorus shall be taken prior to disinfection. Samples for Dissolved Oxygen, Fecal Coliform Bacteria, Total Residual Chlorine, Total Mercury, and pH shall be taken after disinfection. The Department may approve alternate sampling locations which are demonstrated by the permittee to be representative of the effluent.

c. Total Residual Chlorine
Compliance with the Total Residual Chlorine limit shall be determined on the basis of one or more grab samples. If more than one (1) sample per day is taken, the additional samples shall be collected in near equal intervals over at least eight (8) hours. The samples shall be analyzed immediately upon collection and the average reported as the daily concentration. Amperometric Titration using either Standard Method 4500-CI D, Standard Method 4500-CI E or the Orion 97-70 electrode shall be used for analysis.

d. Ultraviolet Disinfection
It is understood that ultraviolet light is predominately used to achieve compliance with the fecal coliform limitations. If chlorine is used for disinfection, the total residual chlorine effluent limit in Part I.A.1 shall apply. If disinfection methods other than ultraviolet light or chlorine are used, the permittee shall notify the Department in accordance with Part II.C.11. - Changes in Facility Operations.

e. Percent Removal Requirements
These requirements shall be calculated based on the monthly (30-day) effluent $CBOD_5$ and Total Suspended Solids concentrations and the monthly influent concentrations for approximately the same period.

f. Final Effluent Limitation for Total Mercury
The final limit for total mercury is the Level Currently Achievable (LCA) based on a multiple discharger variance from the water quality-based effluent limit of 1.3 ng/l, pursuant to Rule 323.1103(9) of the Water Quality Standards. Compliance with the LCA shall be determined as a 12-month rolling average. The 12-month rolling average shall be determined by adding the present monthly average result to the preceding 11 monthly average results then dividing the sum by 12. For facilities with quarterly monitoring requirements for total mercury, quarterly monitoring shall be equivalent to 3 months of monitoring in calculating the 12-month rolling average. Facilities that monitor more frequently than monthly for total mercury must determine the monthly average result, which is the sum of the results of all data obtained in a given month divided by the total number of samples taken, in order to calculate the 12-month rolling average. If the 12-month rolling average for any month is less than the LCA, the permittee will be considered to be in compliance for total mercury for that month, provided the permittee is also in full compliance with the Pollutant Minimization Program for Total Mercury, set forth in Part I.A.3.

The permittee may choose to demonstrate that an alternate site-specific LCA is appropriate and request a permit modification. Such request and supporting documentation shall be submitted in writing to the Department. Supporting documentation shall include a minimum of 12 samples taken over a 12 month period in accordance with EPA Method 1631. Upon approval, this permit may be modified in accordance with applicable laws and rules to incorporate the alternate site-specific LCA as the effluent limitation for total mercury.

After a minimum of 5 additional monthly data points have been collected, the permittee may request a reduction in the monitoring frequency if the data indicate that the 12-month rolling average mercury concentration is less than 5 ng/l. This request shall contain an explanation as to why the reduced monitoring is appropriate and shall be submitted to the Department. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency for total mercury indicated in Part I.A.1 of this permit. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

PART I

Section A. Limitations and Monitoring Requirements

g. Total Mercury Testing Requirements

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry". The quantification level for total mercury shall be 0.5 ng/l, unless a higher level is appropriate because of sample matrix interference. Justification for higher quantification levels shall be submitted to the Department within 30 days of such determination.

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

2. Additional Monitoring Requirements

As a condition of this permit, the permittee shall monitor the discharge from monitoring point 001A for the constituents listed below. This monitoring is an application requirement of 40 CFR 122.21(j), effective December 2, 1999. Testing shall be conducted in August 2008, May 2009, March 2010, and October 2010. Grab samples shall be taken for available cyanide, total phenols, and parameters listed under Volatile Organic Compounds. For all other parameters, 24-hour composite samples shall be taken.

Test species for whole effluent toxicity monitoring shall include fathead minnow **and** either *Daphnia magna, Daphnia pulex* or *Ceriodaphnia dubia*. If the permittee has received Department approval to conduct acute toxicity testing using the more sensitive species identified in the toxicity database, the first three (3) tests required above may be performed using the more sensitive species. The last (4^{th}) test shall be conducted using two (2) test species. Testing and reporting procedures shall follow procedures contained in EPA-821-R-02-012, "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (Fifth Edition)." When the effluent ammonia nitrogen (as N) concentration is greater than 5 mg/l, the pH of the toxicity test shall be maintained at the pH of the effluent at the time of sample collection. Toxicity test data acceptability is contingent upon the validation of the test method by the testing laboratory. Such validation shall be submitted to the Department upon request.

The analytical protocol for total mercury shall be in accordance with EPA Method 1631, Revision E, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry". The use of clean technique sampling procedures is strongly recommended. Guidance for clean technique sampling is contained in: EPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels (Sampling Guidance)*, EPA-821-R96-001, [July 1996]. Information and data documenting the permittee's sampling and analytical protocols and data acceptability shall be submitted to the Department upon request.

The results of such monitoring shall be submitted with the application for reissuance (see the cover page of this permit for the application due date). The permittee shall notify the Department within 14 days of completing the monitoring for each month specified above in accordance with Part II.C.5. Additional reporting requirements are specified in Part II.C.10. The permittee shall report to the Department any whole effluent toxicity test results greater than 1.0 TU_A or 1.0 TU_C within five (5) days of becoming aware of the result. 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.

Whole Effluent Toxicity
acute toxicity

Hardness
calcium carbonate

PART I

Section A. Limitations and Monitoring Requirements

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

antimony (1 µg/l)	arsenic (1 µg/l)	barium (5 µg/l)
beryllium (1 µg/l)	boron (20 µg/l)	cadmium (0.2 µg/l)
chromium (5 µg/l)	copper (1 µg/l)	lead (1 µg/l)
nickel (5 µg/l)	selenium (1 µg/l)	silver (0.5 µg/l)
thallium (1 µg/l)	zinc (5 µg/l)	

available cyanide (2 µg/l) using Method OIA - 1677
total phenolic compounds

Volatile Organic Compounds

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

Acid-Extractable Compounds

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

Base/Neutral Compounds

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

PART I

Section A. Limitations and Monitoring Requirements

3. Pollutant Minimization Program for Total Mercury

The goal of the Pollutant Minimization Program is to maintain the effluent concentration of total mercury at or below 1.3 ng/l. The permittee shall develop and implement a Pollutant Minimization Program in accordance with the following schedule.

On or before January 1, 2009, the permittee shall submit to the Department an approvable Pollutant Minimization Program for mercury designed to proceed toward the goal. The Pollutant Minimization Program shall include the following:

a. an annual review and semi-annual monitoring of potential sources of mercury entering the wastewater collection system;

b. a program for quarterly monitoring of influent and periodic monitoring of sludge for mercury; and

c. implementation of reasonable cost-effective control measures when sources of mercury are discovered. Factors to be considered include significance of sources, economic considerations, and technical and treatability considerations.

The Pollutant Minimization Program shall be implemented upon approval by the Department.

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

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

A request for modification of the approved program and supporting documentation shall be submitted in writing to the Department for review and approval. The Department may approve modifications to the approved program (approval of a program modification does not require a permit modification), including a reduction in the frequency of the requirements under items a. & b. if the data indicate that the 12-month rolling average mercury concentration is less than 5 ng/l.

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

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

PART I

Section A. Limitations and Monitoring Requirements

4. Storm Water Pollution Prevention Plan

The permittee is authorized to discharge storm water associated with industrial activities as defined in 40 CFR 122.26(b)(14). These storm water discharges shall be controlled in accordance with the requirements of this special condition. The permittee has developed and implemented a Storm Water Pollution Prevention Plan (plan). The permittee shall continue implementation of the plan for maximum control of significant materials (as defined in Part II.A.) so that storm water discharges will not cause a violation of the Water Quality Standards. The plan shall be routinely reviewed and updated in accordance with the requirements of this Special Condition.

a. Source Identification

To identify potential sources of significant materials that can enter storm water and subsequently be discharged from the facility, the plan shall, at a minimum, include the following:

1) A site map identifying the following: buildings and other permanent structures; storage or disposal areas for significant materials; secondary containment structures; storm water discharge outfalls (numbered for reference); location of storm water inlets contributing to each outfall; location of NPDES permitted discharges other than storm water; outlines of the drainage areas contributing to each outfall; structural runoff controls or storm water treatment facilities; areas of vegetation; areas of exposed and/or erodible soils; impervious surfaces (roofs, asphalt, concrete); name and location of receiving water(s); and areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the Michigan Act.

2) A list of all significant materials that could enter storm water. For each material listed, the plan shall include the following descriptions:

a) ways in which each type of material has been or has reasonable potential to become exposed to storm water (e.g., spillage during handling; leaks from pipes, pumps, and vessels; contact with storage piles; waste handling and disposal; deposits from dust or overspray, etc.);

b) identification of the outfall or outfalls through which the material may be discharged if released;

c) a listing of spills and leaks of polluting materials in quantities reportable under the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code) that occurred at areas that are exposed to precipitation or that otherwise discharge to a point source at the facility. The listing shall include spills and leaks that occurred over the three (3) years prior to the completion of the plan or latest update of the plan; the date, volume and exact location of release; and the action taken to clean up the material and/or prevent exposure to storm water runoff or contamination of surface waters of the state. Any release that occurs after the plan has been developed shall be controlled in accordance with the plan and is cause for the plan to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss; and

d) If there is a Total Maximum Daily Load (TMDL) established by the Department for the receiving waters, which restricts the discharge of any of the identified significant materials or constituents of those materials, then the SWPPP shall identify the level of control for those materials necessary to comply with the TMDL, and an estimate of the current annual load of those materials via storm water discharges to the receiving stream.

3) An evaluation of the reasonable potential for contribution of significant materials to runoff from at least the following areas or activities: loading, unloading, and other material handling operations; outdoor storage, including secondary containment structures; outdoor processing activities; significant dust or particulate generating processes; discharge from vents, stacks and air emission controls; on-site waste disposal practices; maintenance and cleaning of vehicles, machines and equipment; sites of exposed and/or erodible soil; sites of environmental contamination listed under Part 201 (Environmental Response) of the Michigan Act; areas of significant material residue; and other areas where storm water may contact significant materials.

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Section A. Limitations and Monitoring Requirements

4) a summary of existing storm water discharge sampling data (if available) describing pollutants in storm water discharges associated with industrial activity at the facility. This summary shall be accompanied by a description of the suspected source(s) of the pollutants detected.

b. Preventive Measures and Source Controls, Non-Structural

To prevent significant materials from contacting storm water at the source, the plan shall, at a minimum, include the following non-structural controls:

1) Description of a program for routine preventive maintenance which includes requirements for inspection and maintenance of storm water management and control devices (e.g., cleaning of oil/water separators and catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. A log of the inspection and corrective actions shall be maintained on file by the permittee, and shall be retained in accordance with Record Keeping, below.

2) A schedule for comprehensive site inspection to include visual inspection of equipment, plant areas, and structural pollution prevention and treatment controls to be performed at least once every six (6) months. A report of the results of the comprehensive site inspection shall be prepared and retained in accordance with Record Keeping, below. The report shall identify any incidents of non-compliance with the plan. If there are no reportable incidents of non-compliance, the report shall contain a certification that the facility is in compliance with this plan.

3) A description of good housekeeping procedures to maintain a clean, orderly facility.

4) A description of material handling procedures and storage requirements for significant materials. Equipment and procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The procedures shall identify measures to prevent the spilled materials or material residues on the outside of containers from being discharged into storm water. The plan may include, by reference, requirements of either a Pollution Incident Prevention Plan (PIPP) prepared in accordance with the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 264 and 265 Subpart D, as required by Part 111 of the Michigan Act; or a Spill Prevention Control and Countermeasure (SPCC) plan prepared in accordance with 40 CFR 112.

5) Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall also identify measures used to control soil erosion and sedimentation.

6) A description of employee training programs which will be implemented to inform appropriate personnel at all levels of responsibility of the components and goals of the plan. The plan shall identify periodic dates for such training.

7) Identification of actions to limit the discharge of significant materials in order to comply with TMDL requirements.

8) Identification of significant materials expected to be present in storm water discharges following implementation of non-structural preventative measures and source controls.

c. Structural Controls for Prevention and Treatment

Where implementation of the measures required by Preventive Measures and Source Controls, Non-Structural, above, does not control storm water discharges in accordance with Water Quality Standards, below, the plan shall provide a description of the location, function, and design criteria of structural controls for prevention and treatment. Structural controls may be necessary:

1) to prevent uncontaminated storm water from contacting or being contacted by significant materials, and/or

PART I

Section A. Limitations and Monitoring Requirements

2) if preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with Water Quality Standards, below.

d. Keeping Plans Current

1) The permittee shall review the plan on or before February 1 of each year, and maintain written summaries of the reviews. Based on the review, the permittee shall amend the plan as needed to ensure continued compliance with the terms and conditions of this permit.

2) The plan shall also be updated or amended whenever changes or spills at the facility increase or have the potential to increase the exposure of significant materials to storm water, or when the plan is determined by the permittee or the Department to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Updates based on increased activity at the facility shall include a description of how the permittee intends to control any new sources of significant materials or respond to and prevent spills in accordance with the requirements of Source Identification; Preventive Measures and Source Controls, Non-Structural; and Structural Controls for Prevention and Treatment, above.

3) The Department may notify the permittee at any time that the plan does not meet minimum requirements. Such notification shall identify why the plan does not meet minimum requirements. The permittee shall make the required changes to the plan within 30 days after such notification from the Department, and shall submit to the Department a written certification that the requested changes have been made.

e. Certified Storm Water Operator

The permittee shall have a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act. The certified storm water operator shall have supervision over the facility's storm water treatment and control measures included in the plan. If the certified storm water operator is changed or an additional certified storm water operator is added, the permittee shall provide the name and certification number of the new operator to the Department. The new operator shall review and sign the plan.

f. Signature and Plan Review

1) The plan shall be signed by the certified storm water operator and by either the permittee or an authorized representative in accordance with 40 CFR 122.22. The plan shall be retained on site of the facility that generates the storm water discharge.

2) The permittee shall make plans, reports, log books, runoff quality data, and supporting documents available upon request to the Department or authorized representative.

g. Record Keeping

The permittee shall maintain records of all inspection and maintenance activities. Records shall also be kept describing incidents such as spills or other discharges that can affect the quality of storm water runoff. All such records shall be retained for three (3) years.

h. Water Quality Standards

At the time of discharge, there shall be no violation of the Water Quality Standards in the receiving waters as a result of this discharge. This requirement includes, but is not limited to, the following conditions:

1) In accordance with Rule 323.1050 of the Water Quality Standards, the receiving waters shall not have any of the following unnatural physical properties in quantities which are or may become injurious to any designated use: unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits as a result of this discharge.

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

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Section A. Limitations and Monitoring Requirements

3) Any pollutant for which a level of control is specified to meet a Total Maximum Daily Load (TMDL) established by the Department shall be controlled at the facility so that its discharge is reduced by the amount specified in the waste load allocation of the TMDL. Any reduction achieved through implementation of the non-structural controls or structural controls in accordance with Preventive Measures and Source Controls, Non-Structural; and Structural Controls for Prevention and Treatment, above, shall count toward compliance with the TMDL.

i. Prohibition of Non-storm Water Discharges

Discharges of material other than storm water shall be in compliance with an NPDES permit issued for the discharge. Storm water shall be defined to include the following non-storm water discharges provided pollution prevention controls for the non-storm water component are identified in the plan: discharges from fire hydrant flushing, potable water sources including water line flushing, fire system test water, irrigation drainage, lawn watering, routine building wash down which does not use detergents or other compounds, pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material have been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated groundwater, and foundation or footing drains where flows are not contaminated with process materials such as solvents. Discharges from fire fighting activities are authorized by this permit, but do not have to be identified in the plan.

5. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Section 324.3112a of the Michigan Act, if untreated sewage, including sanitary sewer overflows (SSO) and combined sewer overflows (CSO), or partially treated sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the entity responsible for the sewer system shall immediately, but not more than 24 hours after the discharge begins, notify, by telephone, the Department, local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located that the discharge is occurring.

The permittee shall also annually contact municipalities, including the superintendent of a public drinking water supply with potentially affected intakes, whose waters may be affected by the permittee's discharge of combined sewage, and if those municipalities wish to be notified in the same manner as specified above, the permittee shall provide such notification. Such notification shall also include a daily newspaper in the county of the affected municipality.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the "CSO/SSO Reporting Form" available via the internet at: http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3715---,00.html, or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the Michigan Act, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *Escherichia coli* to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments and to the Department. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The affected local county health department may waive this testing requirement, if it determines that such testing is not needed to assess the risk to the public health as a result of the discharge event. The results of this testing shall be submitted with the written notification required above, or, if the results are not yet available, submit them as soon as they become available. This testing is not required, if the testing has been waived by the local health department, or if the discharge(s) did not affect surface waters.

Permittees accepting sanitary or municipal sewage from other sewage collection systems are encouraged to notify the owners of those systems of the above reporting and testing requirements.

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Section A. Limitations and Monitoring Requirements

6. 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 described in the permit application or other NPDES form originates,
- for a partnership, a general partner,
- for a sole proprietorship, the proprietor, or
- for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.

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 obviates the permittee from properly submitting reports and forms as required by law.

7. Monthly Operating Reports

Part 41 of Act 451 of 1994 as amended, specifically Section 324.4106 and associated Rule 299.2953, requires that the permittee file with the Department, on forms prescribed by the Department, reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into waters of the state.
Within thirty (30) days of the effective date of this permit the permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. The reporting forms and guidance are available on the DEQ web site at http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html. These forms shall be maintained on site and shall be provided to the Department for review upon request. These treatment facility monitoring records shall be maintained for a minimum of five years.

PART I

Section B. Schedule of Compliance

1. Schedule of Compliance Not Required

This section (Section B: Schedule of Compliance) is not needed for this permit.

PART I

Section D. Residuals Management Program

1. Michigan Industrial Pretreatment Program

a. The permittee shall implement the Michigan Industrial Pretreatment Program approved on April 10, 1985, and any subsequent modifications approved up to the issuance of this permit.

b. The permittee shall comply with Rules 323.2301 through 323.2317 of the Michigan Administrative Code (Part 23 Rules) and the approved Michigan Industrial Pretreatment Program.

c. The permittee shall have the legal authority and necessary interjurisdictional agreements that provide the basis for the implementation and enforcement of the approved Michigan Industrial Pretreatment Program throughout the service area. The legal authority and necessary interjurisdictional agreements shall include, at a minimum, the authority to carry out the activities specified in Rule 323.2306(a).

d. The permittee shall develop procedures which describe, in sufficient detail, program commitments which enable implementation of the approved Michigan Industrial Pretreatment Program and the Part 23 Rules in accordance with Rule 323.2306(c).

e. The permittee shall establish an interjurisdictional agreement (or comparable document) with all tributary governmental jurisdictions. Each interjurisdictional agreement shall contain, at a minimum, the following:

1) identification of the agency responsible for the implementation and enforcement of the approved Michigan Industrial Pretreatment Program within the tributary governmental jurisdiction's boundaries; and

2) the provision of the legal authority which provides the basis for the implementation and enforcement of the approved Michigan Industrial Pretreatment Program within the tributary governmental jurisdiction's boundaries.

f. The permittee shall prohibit discharges that:

1) cause, in whole or in part, the permittee's failure to comply with any condition of this permit or the Michigan Act;

2) restrict, in whole or in part, the permittee's management of biosolids;

3) cause, in whole or in part, operational problems at the treatment facility or in its collection system;

4) violate any of the general or specific prohibitions identified in Rule 323.2303(1) and (2);

5) violate categorical standards identified in Rule 323.2311; and

6) violate local limits established in accordance with Rule 323.2303(4).

g. The permittee shall maintain a list of its nondomestic users that meet the criteria of a significant industrial user as identified in Rule 323.2302(cc).

h. The permittee shall develop an enforcement response plan which describes, in sufficient detail, program commitments which will enable the enforcement of the approved Michigan Industrial Pretreatment Program and the Part 23 Rules in accordance with Rule 323.2306(g).

i. The Department may require modifications to the approved Michigan Industrial Pretreatment Program which are necessary to ensure compliance with the Part 23 Rules in accordance with Rule 323.2309.

j. The permittee shall not implement changes or modifications to the approved Michigan Industrial Pretreatment Program without notification to the Department.

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Section D. Residuals Management Program

k. The permittee shall maintain an adequate revenue structure and staffing level for effective implementation of the approved Michigan Industrial Pretreatment Program.

l. The permittee shall develop and maintain, for a minimum of three (3) years, all records and information necessary to determine nondomestic user compliance with the Part 23 Rules and the approved Michigan Industrial Pretreatment Program. This period of retention shall be extended during the course of any unresolved enforcement action or litigation regarding a nondomestic user or when requested by the Department or the United States Environmental Protection Agency. All of the aforementioned records and information shall be made available upon request for inspection and copying by the Department and the United States Environmental Protection Agency.

m. The permittee shall evaluate the approved Michigan Industrial Pretreatment Program for compliance with the Part 23 Rules and the prohibitions stated in item f (above). Based upon this evaluation, the permittee shall propose to the Department all necessary changes or modifications to the approved Michigan Industrial Pretreatment Program no later than the next Industrial Pretreatment Program Annual Report due date (see item o. below).

n. The permittee shall develop and enforce local limits to implement the prohibitions listed in item f. above. Local limits shall be based upon data representative of actual conditions demonstrated in a maximum allowable headworks loading analysis.

o. On or before April 1 of each year, the permittee shall submit to the Department, as required by Rule 323.2310(8), an Industrial Pretreatment Program Annual Report on the status of program implementation and enforcement activities. The reporting period shall begin on January 1 and end on December 31. At a minimum, the Industrial Pretreatment Program Annual Report shall contain the following items:

1) additions, deletions, and any other modifications to the permittee's previously submitted nondomestic user inventory (Rule 323.2306(c)(i));

2) additions, deletions, and any other modifications to the permittee's approved Significant Industrial User List (Rule 323.2306(h));

3) a listing of the names of Significant Industrial Users not inspected by the permittee at least once during the reporting period or at the frequency committed to in the approved Michigan Industrial Pretreatment Program;

4) a listing of the names of Significant Industrial Users not sampled for all required pollutants by the permittee at least once during the reporting period or at the frequency committed to in the approved Michigan Industrial Pretreatment Program;

5) a listing of the names of Significant Industrial Users without a permit at any time during the reporting period;

6) a listing of the names of categorical industrial users in significant noncompliance for each of the criteria defined in Rule 323.2302(dd)(i)-(viii);

7) proof of publication of all categorical industrial users in significant noncompliance in the largest daily newspaper in the municipality in which the permittee is located;

8) a summary of the enforcement activities by the permittee during the report period. This Summary shall include:

a) a listing of the names of nondomestic users which were the subject of an enforcement action;

b) the enforcement action taken and the date the action was taken; and

c) whether the nondomestic user returned to compliance by the end of the reporting period (include date nondomestic user returned to compliance).

PART I

Section D. Residuals Management Program

9) a listing of the names of Significant Industrial Users who did not submit pretreatment reports in accordance with requirements specified in their permit during the reporting period;

10) a listing of the names of Significant Industrial Users who did not self-monitor in accordance with requirements specified in their permit during the reporting period;

11) a summary of results of all the sampling and analyses performed of the wastewater treatment plant's influent, effluent, and biosolids conducted in accordance with approved methods during the reporting period. The summary shall include the monthly average, daily maximum, quantification level, and number of samples analyzed for each pollutant. At a minimum, the results of analyses for all locally limited parameters for at least one monitoring event that tests influent, effluent and biosolids during the reporting period shall be submitted with each report, unless otherwise required by the Department. Sample collection shall be at intervals sufficient to provide pollutant removal rates, unless the pollutant is not measurable; and

12) any other relevant information as requested by the Department.

PART I

Section D. Residuals Management Program

1. Residuals Management Program for Land Application of Biosolids

The permittee is authorized to land apply bulk biosolids or prepare bulk biosolids for land application in accordance with the permittee's approved Residuals Management Program (RMP) approved on May 21, 2004 and approved modifications thereto in accordance with the requirements established in R323.2401 through R323.2418 of the Michigan Administrative Code (Part 24 Rules). The approved RMP, and any approved modifications thereto, are enforceable requirements of this permit. Incineration, landfilling and other residual disposal activities shall be conducted in accordance with Part II.D.7. of this permit. The Part 24 Rules can be obtained via the internet (http://www.michigan.gov/deq/ and on the left side of the screen click on Water, Biosolids & Industrial Pretreatment, Biosolids then click on Biosolids laws and Rules Information which is under the Laws & Rules banner in the center of the screen).

a. Annual Report

On or before October 30 of each year, the permittee shall submit to the Department an annual report for the previous fiscal year of October 1 through September 30. At a minimum, the report shall contain:

1) a certification that current residuals management practices are in accordance with the approved RMP, or a proposal for modification to the approved RMP; and

2) a completed Biosolids Annual Report Form which can be obtained via the internet (http://www.michigan.gov/deq/ and on the left side of the screen click on Water, Biosolids & Industrial Pretreatment, Biosolids then click on Biosolids Annual Report Form which is under the Downloads banner in the center of the screen) or from the Department.

b. Modifications to the Approved RMP

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

c. Record Retention

Records required by the Part 24 Rules shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

PART II

Section A. Definitions

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

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

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

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

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

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

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

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

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

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

Department means the Michigan Department of Environmental Quality**.**

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

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

PART II

Section A. Definitions

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

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

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

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

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

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2) therefore, is a cause of a violation of any requirement of the POTW's NPDES 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.

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

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

MGD means million gallons per day.

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

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

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

PART II

Section A. Definitions

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

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

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

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

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

POTW is a publicly owned treatment works.

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

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

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

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the 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)).

PART II

Section A. Definitions

Significant Materials 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; hazardous substances designated under Section 101(14) of 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 (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111 of the Michigan Act; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

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

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

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

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

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

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

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

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

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

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

PART II

Section B. Monitoring Procedures

1. Representative Samples

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

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. 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 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The 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 Control/Quality Assurance program.

3. Instrumentation

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

4. Recording Results

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

5. Records Retention

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

PART II

Section C. Reporting Requirements

1. Start-up Notification

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

2. Submittal Requirements for Self-Monitoring Data

Part 31 of Act 451 of 1994, as amended, specifically Section 324.3110(3) and Rule 323.2155(2) of Part 21 allows 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 Michigan DEQ Electronic Environmental Discharge Monitoring Reporting (***e2-DMR***) system.

The permittee shall utilize the information provided on the ***e2-Reporting*** website @ **http://secure1.state.mi.us/e2rs/** 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).

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Water Bureau, Michigan Department of Environmental Quality (in the case of hospitals, nursing homes and extended care facilities, to the staff of the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services). Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

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

4. Additional Monitoring by Permittee

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

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

5. Compliance Dates Notification

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

PART II

Section C. Reporting Requirements

6. Noncompliance Notification

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

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

b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

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

7. Spill Notification

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

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

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

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

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

PART II

Section C. Reporting Requirements

9. Bypass Prohibition and Notification

a. Bypass Prohibition - Bypass is prohibited unless:

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

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

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

b. Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.

c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the first page of this permit (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.

d. Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the 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 assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. of this permit.

f. Definitions

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

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

10. Notification of Changes in Discharge

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

PART II

Section C. Reporting Requirements

11. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

12. Bioaccumulative Chemicals of Concern (BCC)

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

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control 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

Part 41 of Act 451 of 1994, as amended, specifically Section 324.4104 and associated Rule 299.2957, allow the Department to require an Operations and Maintenance (O&M) manual for the wastewater treatment facility. An up-to-date copy of the O&M manual shall be kept at the wastewater treatment facility. Upon request a copy of the O&M manual shall be provided to the Department. The Department may review the manual in whole or in part at their discretion and require modifications to it if portions are determined to be inadequate.

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

Certification of the existence and accuracy of the operations and maintenance manual is required to be submitted to the Department at least sixty days prior to startup of a new wastewater treatment plant. Submittal of re-certifications will also be required sixty days prior to start up of any substantial improvements or modifications made at the wastewater treatment plant.

PART II

Section D. Management Responsibilities

1. Duty to Comply

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

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

2. Operator Certification

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

3. Facilities Operation

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

4. Power Failures

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

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

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

5. Adverse Impact

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

6. Containment Facilities

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

PART II

Section D. Management Responsibilities

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants 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 Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

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

a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and

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

9. Availability of Reports

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

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

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

2. Facility Construction

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

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.0. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

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

5. State Laws

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

6. Property Rights

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

Discharge Data Form

Please complete the information requested below and indicate the page numbers or appendices in the project plan, which verify the information provided. Enter "N/A" if information is not pertinent.

PROJECT APPLICANT: **City of Three Rivers**

PROJECT LOCATION: **409 Wolf Road, Three Rivers**

SRF/SWQIF PROJECT NUMBER: _____ RLOCS PROJECT MANAGER: _____

A. Water Quality Severity Data

page **5** **1. Pre-project conditions, including wastewater collection/treatment deficiencies and water quality problems currently occurring.**

page **12** **2. Post-project conditions, including proposed facilities and water quality improvements.**

Does the existing facility (or facilities) being upgraded, expanded, or replaced by this project file either surface water or groundwater discharge monitoring reports?

☒ **YES, Proceed to Section D or** ☐ **NO, Proceed to Section B or C**

Note: If a project with either a surface water or groundwater discharge is also causing a nitrate problem in the groundwater (i.e., leaky lagoons), please be sure to complete Item C.5. Projects may receive points for both surface water and groundwater contamination.

B. Data on <u>Existing Surface Water Discharge</u>

page _____ **1. Discharge type:**

☐ Continuous

☐ Seasonal

☐ Intermittent (***if CSO, or SSO, please complete Sections E and F below***)

page _____ **2. Flow** *(identify whether units are MGD or MGY*) _____

page _____ **3. Identify Receiving Water and Type** _____

page _____ **4. Location** (*town, range, and section*) _____

page _____ **5. Existing Treatment**

☐ Untreated ☐ Secondary ☐ Combined Sewer Overflow ☐ Tertiary

☐ Primary (including septic system with direct surface water discharge)

page _____ **6. Existing Disinfection Process:**

☐ None

☐ Chlorination

☐ Other (*specify*) _____

C. Data on <u>Existing Groundwater Discharge</u>

page _____ **1. Discharge Type:**

☐ Continuous

☐ Seasonal

☐ Intermittent

page _____ **2. Flow** *(identify whether units are MGD or MGY)* _____

page _____ **3. Location** (*provide town, range, and section*) _____

page _____ **4. Existing Treatment**

☐ Untreated ☐ Primary (including septic with tile field) ☐ Secondary

page _____ **5. Nitrate contamination of public or private wells caused by the discharge of effluent/wastes from the treatment system or systems:**

☐ Public well(s) in vicinity contains nitrates > 10 mg/L (100 points)

☐ Private well(s) in vicinity contains nitrates > 10 mg/L (75 points)

☐ Monitoring well(s) in vicinity contains nitrates > 10 mg/L (50 points)*

☐ No evidence of nitrate contamination in local wells

*Note: If only the total inorganic nitrogen ("TIN" ammonia + nitrite + nitrate) concentration is available, a separate sampling and nitrate analysis should be performed to document the nitrate concentration.

D. Information on Proposed Surface Water/Groundwater Discharge (*attach additional pages if necessary; a copy of the effluent limits letter/permit table may suffice.*)

page **8** **1. Discharge Type:**

☒ Continuous

☐ Seasonal Identify all discharge points and receiving waters.

☐ Intermittent

page **9** **2. Average Design Flow** *(identify units as MGD or MGY)* **2.75 MGD**

page **49, App B** **3. Identify receiving water for a surface water discharge** **St. Joseph River**

page **App A-2** **4. Location** (*town, range, and section*) **T6S, R11W, Section 19, Lockport Township**

5. List Effluent Limits:

Minimum Dissolved Oxygen	**5.0 mg/L (May-Sept); 3.0 mg/L (Oct-Apr)**
$CBOD_5$	**25 mg/L**
Ammonia	**(report)**
Phosphorus	**1.0 mg/L**
TIN (Groundwater Permit)	

Page **1** **6(a) Will the proposed facility address <u>documented</u> total residual chlorine (TRC) violations?**

☒ YES, proceed to 6(b) ☐ NO

_____ **6(b) Will the proposed disinfection improvements involve either dechlorination or an alternative disinfection technology (e.g. ultraviolet disinfection, ozonation) that eliminates the use of chlorine?**

☒ YES ☐ NO

E. Data on Existing (Pre-Project) CSO and SSO Discharges

*Information must be provided **for each outfall** directly associated with the proposed correction project.*

Outfall #	Receiving Stream	Location* Town/Range/Section	Estimated Overflow Volume (MG) for 1-year, 1-hour storm event
001	See Appendix A, A-7	See Appendix A, A-2	N/A (It is noted that any SSO events are related to operational issues at the CWP and NOT flow volume)

Outfall #	Estimated Overflow Duration (Hours)	Estimated Annual Overflow Volume (MG)	Tributary Residential Population
001	N/A	N/A	See Appendix B, B-3

F. Data on Future (Post-Project) CSO Discharges

List each outfall from Section E. For outfalls which will cease to function as combined sewer outfalls upon the completion of this project, simply enter "Eliminated" under Receiving Stream. *List any new outfalls (e.g., for a retention/treatment basin) created by this project and include its associated discharge data.*

Outfall #	Receiving Stream	Location* Town/Range/Section	Estimated Overflow Volume (MG) for 1-year, 1-hour storm event

Outfall #	Estimated Overflow Duration (Hours)	Estimated Annual Overflow Volume (MG)	Detention Time Prior to Discharge for 1-year, 1-hour storm event

* A map showing the discharge locations by number is highly preferable and can be attached to this sheet.

Please attach additional pages if necessary.

The City of Three Rivers has violation notices and SSOs that are to be addressed by the 5-year projects listed in the project plan. The violation or SSO event is listed with the solution shown below.

- Item 17 of VN-003798 indicates that the sludge is bypassing the muffin monster and causing additional maintenance of the centrifuge de-watering.
    - The City plans to add a second centrifuge style de-watering system for back-up during maintenance activities on the primary.
- Item 11 of VN-003798 indicates that the redundant blower that provides firm capacity in the aeration tanks is not functioning.
    - The City plans to add VFD controls to the blowers to allow them to function more efficiently. This will also allow for less stress on the motors as they will be soft starting and slowly coming up to speed and slowing down. With this addition and the repair of the redundant blower, the City expects to return to compliance.
- Item 9 of VN-003798 indicates that the grit classifier was not functional during a December 4, 2008 unannounced inspection.
    - The City is planning to overhaul or replace the existing grit classifier so that it is more dependable and requires less time consuming maintenance that takes it out of service as it was during the inspection.
- Items 14 and 15 of VN-003798 indicate that there have been issues with grit accumulation and foaming in the ATAD system.
    - The installation of the new grit classifier should reduce the grit issues in the ATAD system. The foaming problems are being addressed with the proposed instrumentation and control upgrades.
- Item 13 of VN-003798 indicates that the mechanical portion of final clarifier 3 needs to be repaired and final clarifier 4 is out of service for repairs.
    - New drive mechanisms are to be installed in final clarifiers 3 and 4 as part of the SRF project.
- Item 12 of VN-003798 indicates that the fine bubble diffusers in three of the four aeration tanks have failed.
    - Sock type diffusers are proposed to be added to the aeration tanks to replace the failed fine bubble diffusers.
- Items 2 thru 6 of VN-003798 indicate that there are multiple items in the chlorination/dechlorination system that need to be addressed.
    - The installation of automated Cl2 and SO2 control systems are intended to address those issues.

Three Rivers ACO.
Final Draft

STATE OF MICHIGAN

JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

SURFACE WATER QUALITY DIVISION
KNAPPS CENTRE
PO BOX 30273
LANSING MI 48909-7773

April 19, 2000

CERTIFIED MAIL

RECEIVED
APR 21 2000
SWQD - PLAINWELL

Mr. Joseph Bippus, City Manager
City of Three Rivers
333 West Michigan Avenue
Three Rivers, Michigan 49093

Dear Mr. Bippus:

Enclosed is a revised Administrative Consent Order (ACO) that has been prepared for the City of Three Rivers (the City) by the Department of Environmental Quality (DEQ), Surface Water Quality Division (SWQD). The ACO contains many of the revisions requested by the City in a January 14, 2000 letter to Ms. Janna Sebald of the SWQD.

The revised ACO also includes an updated list of the National Pollutant Discharge Elimination System (NPDES) permit violations that are being resolved by entry of this ACO. The list has been updated to include the NPDES permit violations that have occurred through December 1999.

The SWQD has considered the City's request to eliminate the proposed civil penalty of $40,000. The proposed civil penalty is reasonable both in terms of other similar settlements entered by the SWQD, and in the number of violations of the City's NPDES permit that are being resolved by this ACO. However, in the interest of settlement, the SWQD will agree to reduce the civil penalty to $35,000 payable over three years. The proposed payment schedule has been added to paragraph 50.

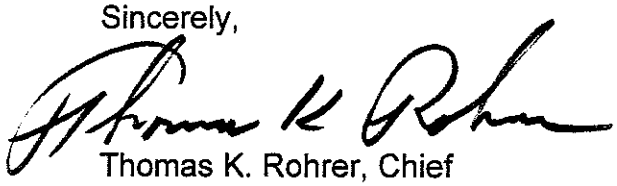
Also, at the City's request, here is a short outline of the DEQ's costs to date pursuant to paragraph 49. You will note that the actual costs total more than the proposed $17,000 that is contained in the ACO. The SWQD is willing to accept $17,000 in partial compensation for these costs:

- Administrative Oversight $ 4,000
- Enforcement Staff $ 1,800
- Compliance Staff $11,500
- Travel, Lab., Miscellaneous $ 1,025

I have enclosed three original documents for final signature by the City. Please have the appropriate party from the City sign all three copies, then return all three signed documents to me and I will obtain the signatures of the SWQD division chief and our attorney. A fully signed and executed original ACO will then be returned to the City.

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Janna Sebald, Enforcement Specialist, at 517-335-4143.

Sincerely,



Thomas K. Rohrer, Chief
Enforcement Unit
Surface Water Quality Division
517-335-4101
517-373-2040 Telefax

Enclosure
cc/enc: James Rozeboom, City of Three Rivers WWTP
Pat O'Malley, City Attorney
Tim Harmsmen, Finkbeiner, Pettis, & Strout
Hal Martin, DAG
Kelie Caudell, DEQ
Fred Morley. SWQD
Steve Norton, SWQD
Deborah Quinn, SWQD
John Vollmer, SWQD
Laura Rauwerda, SWQD
Janna Sebald, SWQD

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

ABATEMENT OF WATER POLLUTION

ACO-SW00-005
Date Entered:

City of Three Rivers
333 West Michigan Avenue
Three Rivers, MI 49093-2193
_____/

The City of Three Rivers (the City) and the Department of Environmental Quality (the DEQ) hereby agree and consent to the following:

STATUTORY PROVISIONS

1. Section 3109(1) of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.3109 (1), states that: "A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:

   (a) To the public health, safety, or welfare.

   (b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being or may be made of such waters.

   (c) To the value or utility of riparian lands.

   (d) To livestock, wild animals, birds, fish, aquatic life, or plants or the growth or propagation thereof be prevented or injuriously affected; or whereby the value of fish and game is or may be destroyed or impaired."

2. Section 3112(1) of 1994 PA 451, MCL 324.3112(1), states in part that: "A person shall not discharge any waste or waste effluent into the waters of this state unless that person is in possession of a valid permit from the department"

3. Section 3112(2) of 1994 PA 451, MCL 324.3112(2), states that: " If the department determines that a person is causing or is about to cause unlawful pollution of the waters of this state, the department may notify the alleged offender of its determination and enter an order requiring the person to abate the pollution or refer the matter to the attorney general for legal action, or both."

FINDINGS

4. The City of Three Rivers (the City), St. Joseph County, was issued a National Pollutant Discharge Elimination System (NPDES) permit, Number MI0020991 (the permit), on November 22, 1996 by the Surface Water Quality Division (SWQD) of the DEQ. The permit authorizes the City to discharge treated municipal and industrial wastewaters from the City Wastewater Treatment Plant (WWTP) through outfall 001 to the St. Joseph River via a storm sewer. The permit contains effluent limits and monitoring requirements that must be complied with in order to protect Michigan's surface waters.

5. Part 1, Section A.1.a. of the permit establishes effluent limits for several parameters including Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD5), Fecal Coliform Bacteria (FCB) and Total Residual Chlorine (TRC).

6. Part 1, Section C.1. of the permit outlines the requirements the City must implement to participate in the approved Michigan Industrial Pretreatment Program (MIPP) and the Rules 323.2301 through 323.2317 of the Michigan Administrative Code (Part 23 Rules).

7. Part 1, Section D.1. of the permit outlines requirements the City must undertake for the Program For Effective Residuals Management (PERM). The PERM requires effective management and/or disposal of solids, sludges, ash, grit and other substances removed from or resulting from treatment of wastewater. The City previously had an approved plan but was required to submit proposed modifications for future residuals management to the SWQD Plainwell office by March 1, 1997.

8. In March of 1997 a die-off of the WWTP biomass occurred that resulted in permit effluent violations for several parameters. It took several months for the biomass to regenerate and for the WWTP to return to compliance with its permit limits.

9. The City submitted the PERM on October 2, 1997. The PERM addressed the production, storage, and disposal of biosolids. The City utilizes two methods for biosolids disposal: liquid land application, and dry land application of dewatered and dried solids. The treatment, storage, and application of biosolids is to be done according to the conditions outlined in the PERM.

10. In November of 1997 the WWTP was again out of compliance with permit limits. One of the final clarifier drive mechanisms at the WWTP broke down due to age. It was built in 1972. The City was able to bring the WWTP back into compliance by January of 1998 by adjusting plant flows.

11. In February of 1998 the City began accepting sanitary and industrial waste from the Village of Constantine (the Village). The waste is transported from the Village's wastewater storage tank to the City via a newly constructed seven-mile long force main and pump station. It takes approximately 12 hours for the waste to flow from the Village to the City's WWTP.

12. The City was also receiving between 200,000-500,000 gallons of septage per month from local septage haulers.

13. In February of 1998 after receiving the initial waste from the Village, the WWTP was again out of compliance with its permit limits. The actual flow from the Village turned out to be approximately twice the anticipated flow. The Village used a faulty meter when determining the amount of waste effluent it would be sending to the WWTP. The excess flow combined with the broken clarifier drive unit caused permit exceedances. The exceedances continued in March and April of 1998.

14. In May of 1998, the WWTP again experienced a die-off of its biomass. The SWQD Plainwell District Office issued the City a Notice Letter, NL-06-98-05-102P, on June 30, 1998. The Notice Letter stated that the combination of the biomass die-off, the unexpected high flows from the Village, the disabled clarifier, and a staffing shortage at the WWTP were contributing to continuing problems at the WWTP.

15. The Notice Letter directed the City to perform needed repair, operation, and maintenance at the WWTP, including hiring additional staff if needed. The new clarifier drive unit had arrived, but had not yet been put into operation. The City was asked to reduce in any way the amount of wastewater coming into the plant until it could be effectively treated. The City was also directed to investigate the cause of the biomass die-off in accordance with the requirements of its Industrial Pretreatment Response Plan.

16. On June 29, 1998 the County Health Department issued a health advisory warning against contact with the St. Joseph River beginning at the WWTP and continuing for a distance of 3 ½ miles downstream due to high fecal coliform levels in the river. Activated sludge bulked from the final clarifiers and discharged into the river. Bulking results from an inability of the sludge to settle in the clarifier. The new clarifier drive unit was installed on July 3, 1998. The health advisory was lifted on July 16, 1998.

17. Since the City began receiving waste from the Village, citizens had been complaining about an odor coming from the WWTP. The long detention time that the Village's waste remained in the wastewater storage tank and seven-mile force main was identified as one of the sources of bad odors, but not necessarily the only one.

18. On December 16, 1998, the SWQD Plainwell District Office issued the City a Notice of Non-Compliance, NNC-12-98-06-001P (the NNC). The NNC advised the City that it had been out of compliance with the requirements of its permit for several months, including loading and concentration exceedances for several parameters. The NNC also noted several instances of noncompliance with the City's IPP. The NNC put the City on a schedule to return to compliance with its permit requirements.

19. In response to the NNC, in January of 1999 the City hired Finkbeiner, Pettis & Strout, Inc. (FPS) to conduct an evaluation of the operational and equipment problems at the WWTP and to provide recommendations to control or eliminate these problems.

20. In May of 1999 FPS submitted its report on the WWTP odor evaluation. The report identified the sludge handling system as the main source of the odor problem.

21. On May 19, 1999, the City put a ban on the acceptance of trucked septage. FPS determined that equipment failure in the anaerobic digesters caused them to be overloaded and not able to function properly. FPS recommended as a short-term odor solution that the acceptance of trucked septage be halted until the digesters could be repaired.

22. On June 2, 1999 FPS submitted its report on the WWTP Facilities Study. FPS conducted an evaluation of the existing WWTP facilities and presented recommendations for improvements at the WWTP. FPS primarily focused this study on an assessment of the current process loading as it related to the design capability of the WWTP.

23. On July 23, 1999, the WWTP again experienced bulking. During this time there was a loss of secondary solids to the St. Joseph River. The County Health Department issued a health advisory warning against contact with the river in the area downstream of the WWTP from July 23-25 as a result of the loss of solids.

24. The DEQ and the City now agree to enter this Administrative Consent Order (ACO) to resolve the NPDES permit violations that are cited in paragraphs 25-32 below. The ACO will also put the City on an enforceable compliance schedule to conduct the necessary improvements to bring the WWTP into full and continuous compliance with the terms of its permit.

25. Part 1, Section A.1.a. of the permit establishes permit limits for concentration of pH at a daily minimum of 6.5. The City violated this limit on the following dates:

Parameter	Date	Daily Minimum Limit	Reported Value
pH	5/96	6.5	6.4
pH	6/96	6.5	6.3
pH	7/96	6.5	5.9
pH	2/97	6.5	6.3
pH	3/97	6.5	6.3
pH	4/97	6.5	6.2
pH	6/97	6.5	6.2
pH	7/97	6.5	6.2
pH	6/98	6.5	6.3
pH	7/98	6.5	5.2
pH	8/98	6.5	6.2

Parameter	Date	Daily Minimum Limit	Reported Value
PH	9/98	6.5	6.4
pH	5/99	6.5	6.4

26. Part 1, Section A.1.a. of the permit establishes permit limits for the concentration of Total Suspended Solids (TSS) at a monthly average of 30 mg/l and a 7-day average of 45 mg/l. The City violated these limits on the following dates:

Parameter	Date	Monthly Ave. Limit (mg/l)	Report Value (mg/l)	7-day Ave.Value (mg/l)	Report Value (mg/l)
TSS	11/96	30	30.9	45	90.9
TSS	01/97	30	36.6	45	61.9
TSS	02/97	30	70	45	131
TSS	03/97	30	129	45	266
TSS	04/97	30	168	45	316
TSS	05/97	30	182	45	296
TSS	06/97	30	44	45	107
TSS	11/97	30	53	45	113
TSS	12/97	30	119	45	194
TSS	02/98	30	40	45	103
TSS	03/98	30	99	45	156
TSS	04/98	30	178	45	225
TSS	05/98	30	110	45	273
TSS	06/98	30	232	45	312
TSS	07/98	30	182	45	289
TSS	08/98	30	153	45	242
TSS	09/98	30	39	45	101
TSS	11/98			45	60
TSS	03/99	30	51	45	80
TSS	04/99	30	69	45	83
TSS	07/99			45	53
TSS	11/99	30	35	45	85
TSS	12/99			45	78

27. Part 1, Section A.1.a. of the permit establishes permit limits for the loading of Total Suspended Solids (TSS) at a monthly average of 688 lbs/day and a 7-day average of 1032 lbs/day. The City violated these limits on the following dates:

Parameter	Date	Monthly Ave. Limit lbs/day	Report Value lbs/day	7-day Ave.Value lbs/day	Report Value lbs/day
TSS	03/97	688	1332	1032	2593
TSS	04/97	688	1595	1032	2925
TSS	05/97	688	1564	1032	2576
TSS	12/97	688	835	1032	1324

Parameter	Date	Monthly Ave. Limit lbs/day	Report Value lbs/day	7-day Ave.Value lbs/day	Report Value lbs/day
TSS	02/98			1032	1290
TSS	03/98	688	1418	1032	2461
TSS	04/98	688	2820	1032	3580
TSS	05/98	688	1731	1032	4468
TSS	06/98	688	3023	1032	4016
TSS	07/98	688	2084	1032	3349
TSS	08/98	688	1822	1032	2870
TSS	09/98			1032	1083
TSS	04/99	688	873		

28. Part 1, Section A.1.a. of the permit establishes permit limits for the concentration of Total Phosphorus (P) at a monthly average 1 mg/l. The City violated this limit on the following dates:

Parameter	Date	Monthly Ave. Limit mg/l	Report Value mg/l
P	02/97	1.0	1.06
P	04/97	1.0	1.17
P	05/97	1.0	1.29
P	03/98	1.0	1.1
P	04/98	1.0	1.2
P	05/98	1.0	1.4
P	06/98	1.0	1.1
P	07/98	1.0	1.4

29. Part 1, Section A.1.a. of the permit establishes permit limits for the concentration of Total Residual Chlorine (TRC) at a daily maximum of .036 mg/l. The City violated this limit on the following dates:

Parameter	Date	Monthly Ave. Limit mg/l	Report Value mg/l
TRC	02/96	.036	.04
TRC	01/97	.036	.06
TRC	10/97	.036	.046

30. Part 1, Section A.1.a. of the permit establishes permit limits for the concentration of Fecal Coliform Bacteria (FCB) at a monthly average of 200 cts/ml and a 7-day average of 400 cts/ml . The City violated these limits on the following dates:

Parameter	Date	Monthly Ave. Limit cts/ml	Report Value cts/ml	7-day Ave.Value cts/ml	Report Value cts/ml
FCB	12/97	200	391	400	494
FCB	01/98	200	2574	400	6000
FCB	02/98	200	309	400	3000
FCB	03/98	200	471	400	600
FCB	04/98	200	581	400	600
FCB	05/98	200	600	400	600
FCB	06/98	200	600	400	600
FCB	12/98			400	526
FCB	01/99			400	511
FCB	02/99			400	600

31. Part 1, Section A.1.a. of the permit establishes permit limits for the concentration of Carbonaceous Biochemical Oxygen Demand (CBOD5) at a monthly average of 25 mg/l and a 7-day average of 40 mg/l. The City violated these limits on the following dates:

Parameter	Date	Monthly Ave. Limit (mg/l)	Report Value (mg/l)	7-day Ave.Value (mg/l)	Report Value (mg/l)
CBOD5	02/97	25	56	40	86
CBOD5	03/97	25	77	40	66
CBOD5	04/97	25	88	40	163
CBOD5	05/97	25	55	40	99
CBOD5	11/97	25	48	40	83
CBOD5	12/97	25	50	40	91
CBOD5	02/98	25	40	40	103
CBOD5	03/98	25	44	40	60
CBOD5	04/98	25	61	40	87
CBOD5	05/98	25	79	40	147
CBOD5	06/98	25	90	40	123
CBOD5	07/98	25	55	40	74
CBOD5	08/98	25	27	40	42
CBOD5	02/99	25	31		
CBOD5	03/99	25	42	40	50
CBOD5	04/99	25	45	40	59

32. Part 1, Section A.1.a. of the permit establishes permit limits for the loading of Carbonaceous Biochemical Oxygen Demand (CBOD5) at a monthly average of 573 lbs/day and a 7-day average of 917 lbs/day. The City violated these limits on the following dates:

Parameter	Date	Monthly Ave. Limit lbs/day	Report Value lbs/day	7-day Ave.Value lbs/day	Report Value lbs/day
CBOD5	03/97	573	671	917	1149
CBOD5	04/97	573	834	917	1511
CBOD5	02/98			917	1290
CBOD5	03/98	573	636	917	1081
CBOD5	04/98	573	960	917	1317
CBOD5	05/98	573	1162	917	2055
CBOD5	06/98	573	1178	917	1582
CBOD5	07/98	573	629		

ORDER

The City of Three Rivers hereby agrees to the following actions to resolve violations of Part 31 of the 1994 PA 451, as amended, and NPDES Permit Number MI0020991:

33. The City agrees to continue all efforts to maintain compliance with its NPDES Permit MI0020991 until improvements to the WWTP have been completed.

Interim Measures

34. The City agrees to cease land application of liquid biosolids until it can demonstrate compliance with Class B pathogen reduction and vector attraction reduction pursuant to Rule 2414(3), MCL 323.2414(3) and Rule 2415, MCL 323.2415, of Part 24, Land Application of Biosolids, of the Administrative Rules promulgated pursuant to Part 31 of 1994 PA 451 as amended.

35. The City agrees to develop a contingency Residual Management Program (RMP) designed to maximize the removal of sludge/biosolids from the treatment system in order to control and maintain the integrity of existing treatment processes. The program must be designed to comply with effluent limitations and protect public health until repair, upgrade, or expansion of the WWTP has been completed. The City agrees to submit the contingency RMP in writing to the SWQD Plainwell District Office for approval **within 90 calendar days** after the issuance date of this ACO. The City agrees to begin implementation immediately upon approval.

36. The City agrees to review and limit compatible pollutants from non-domestic sources through its Industrial Pre-Treatment Program to prevent effluent violations. Additional temporary limitations will be used to protect the WWTP until its capacity problems are resolved.

37. The City agrees that all sludge that cannot be land applied within one business day after removal from the digester shall be dewatered and landfilled.

38. The City agrees to require industries that discharge to the WWTP to temporarily reduce flows and loading beginning **not more than 30 days** after the issuance date of this ACO and continuing until the plant improvements are completed.

39. The City agrees to develop an emergency operating plan that will require industrial dischargers to temporarily reduce flows and loading during plant upsets and instances of NPDES permit noncompliance. The City agrees to submit the plan in writing to the SWQD Plainwell Office **within 20 days** after the issuance date of this ACO. The City shall initiate the plan any time that a plant upset continues for more than 4 hours, and anytime that a NPDES permit limit exceedance continues for more than one day. The plan shall be implemented **within 45 days** of the issuance date of this ACO.

40. The City agrees not to accept trucked waste (septage) until such time as facilities approved by DEQ per the requirements of Part 41 of 1994 PA 451 are constructed at the WWTP to handle trucked waste.

41. The City is put on notice that the DEQ will not issue permits for sewer extensions to the Three Rivers collection system until the City can demonstrate that the WWTP has the capacity to handle the additional load.

42. The City agrees to implement the following in an effort to protect human health during instances of WWTP noncompliance:

    a. Whenever the WWTP effluent begins to exceed its NPDES permit limits, an additional grab sample shall be collected for FCB.

    b. Whenever any levels of FCB in the effluent exceed the permitted daily maximum in the NPDES permit, the appropriate WWTP staff shall immediately inform the Branch-Hillsdale-St.Joseph District Health Department of the plant's FCB readings. Such notification shall be by telephone followed by a letter to document the situation. Notification shall also be made to SWQD in Plainwell.

    c. If the WWTP cannot meet the permit limits for FCB, then the WWTP shall immediately initiate the use of chlorine to augment its ultraviolet disinfection system.

Final Measures

43. The City agrees to repair, upgrade, or expand the WWTP sludge handling and storage equipment according to the schedule below. For all work under this Item:

    a. The City agrees to submit to the SWQD Plainwell District Office for approval plans and specifications within **12 months** after the issuance date of this ACO.

    b. Begin construction within 16 **months** after the issuance date of this ACO.
    c. Complete construction according to approved plans within 24 **months** after the issuance date of this ACO.

d. The drive units in the primary clairifiers shall be replaced by **November 1, 2000.**

44. The City agrees to develop a long-term Residuals Management Program (RMP) for the final use and disposal of sludge/biosolids in accordance with Rule 2403, MCL 323.2403, of Part 24, Land Application of Biosolids, of the Administrative Rules promulgated pursuant to Part 31 of 1994 PA 451, as amended. An RMP modification shall be submitted by January 1, 2001, and shall include the following:

a. Size and type of generating facility.

b. One year of records representing the volume and concentrations of pollutants in the biosolids.

c.Treatment process origin, for example, primary or secondary treatment and the volume of biosolids generated from each process.

d. A description of the treatment processes.

e.Storage volume.

f.Transportation methods and spill prevention plan.

g. Land application method.

h. Land application site list.

i. Land application plan.

j. Pathogen reduction method.

k. Vector attraction reduction method.

i.Monitoring program.

45. The City agrees to comply with the following requirements regarding trucked waste:

a. Before the City may resume accepting trucked waste, approved facilities shall be constructed to allow septage to be introduced into the WWTP under controlled conditions.

b. Facilities constructed to handle trucked waste shall by approved by DEQ per the requirements of Part 41 of 1994 PA 451.

c. The City agrees to notify DEQ in writing of its current plans regarding trucked waste within 90 days after the issuance date of this ACO. The

City may change these plans at a later date and must send the DEQ the proposed changes.

Industrial Pretreatment Program

46. The City of Three Rivers agrees to provide a staffing structure and sufficient staff hours for the City's Industrial Pretreatment Program (IPP) to achieve the following:

a. Day to day operation of the IPP by an adequately trained Pretreatment Coordinator who is knowledgeable of State and Federal rules governing Pretreatment requirements.

b. Personnel with sufficient IPP training to conduct Industrial User (IU) inspections and assess IU compliance with IPP regulations.

c. Staff trained in proper sample collection procedures, to collect wastewater samples at IU facilities with sufficient care to be used in enforcement proceedings. Sample collection need not be conducted by pretreatment staff.

d. Allocate time each year for pretreatment staff to attend training seminars and conferences to keep informed on pretreatment issues and changes in pretreatment regulations.

e. The City shall provide an organizational chart depicting the WWTP's staffing structure and time allocation, with emphasis on adequate time allocation to IPP duties, within **30 days** after the issuance date of this ACO.

f. The City shall appoint an individual as IPP Coordinator within **90 days** after the issuance date of this Order.

g. Proof of meeting requirements a. through d. shall be provided within **6 months** after the issuance date of this Order.

47. Loadings from Non-domestic Users shall be re-evaluated to include assessments of the following:

a. BOD5 and TSS removal capabilities

b. The need to reduce plant loadings to improve WWTP treatment capabilities.

c. The need to install pretreatment where currently non-existent.

d. The need to reduce BOD5 and TSS limits in Industrial User permits.

e. A written report summarizing items a-d above shall be submitted to DEQ within **6 months** after the issuance date of this Order.

Notification of Compliance

48. Within 14 days after achieving any compliance deadline contained in this Order, the city agrees to notify the DEQ Plainwell District Office in writing.

PENALTY and COST RECOVERY

49. The City of Three Rivers agrees to pay to the State of Michigan **SEVENTEEN THOUSAND ($17,000) DOLLARS** as compensation for the cost of investigation and compliance and enforcement activities arising from the violations of the City's NPDES Permit and unlawful discharges of sewage into waters of the state. The payment shall be made within 30 days after the entry of this Order according to the instructions in paragraph 52.

50. The City of Three Rivers agrees to pay a civil penalty of **THIRTY FIVE THOUSAND ($35,000) DOLLARS** to the general fund of the State of Michigan for the violations of its NPDES permit and unlawful discharges of sewage to waters of the state. The payment shall be made in accordance with paragraph 52 according to the following schedule:

    a. $10,000 shall be paid within 30 days after the entry of this Order.
    b. $10,000 shall be paid by June 15, 2001.
    c. $10,000 shall be paid by June 15, 2002.
    d. $ 5,000 shall be paid by June 15, 2003.

51. The City of Three Rivers agrees to pay stipulated penalties of **ONE THOUSAND ($1,000) DOLLARS** per day for each day that it fails to comply with any deadline in paragraphs 33-48 of this Order. The City agrees to pay all stipulated penalties within 10 days after the end of each month in which penalties occur and without demand from the DEQ.

52. The City of Three Rivers agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Michigan Department of Environmental Quality, Cashier's Office, P.O. Box 30657, 300 S. Washington Square, Suite 457, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Order must include the Payment Identification Number SWQ3044.

FORCE MAJEURE

53. A "force majeure" event is defined for the purposes of this ACO as an occurrence or nonoccurrence arising from the cause or causes not foreseeable and without the fault of the City and which could not be avoided or overcome by due diligence of the City and any entity controlled by the City performing work under this ACO, such as the City's employees, contractors, subcontractors, including but not limited to:
    (a) An act of God;
    (b) Labor strikes or work stoppages over which the City has no control;
    (c) Acts of omissions of third parties for which the City is not responsible.

Force Majeure does not include unanticipated or increased costs, or changed financial circumstances.

The City shall notify the department by certified mail within fifteen days of becoming aware of any event that it alleges meets the definition of a force majeure event according to the conditions listed above. Failure to notify the department within this time period shall constitute waiver of any such claim. The final decision of whether or not to accept a claim of a force majeure event as a valid reason for delay rests solely with the department. To the extent that any such force majeure event results in noncompliance with the terms of this ACO, the City shall not be liable for any stipulated penalties set forth in this ACO and the time for performance or compliance with the terms of this ACO shall be extended by the department to the extent appropriate. An extension of one compliance date due to a particular force majeure event will not necessarily result in an extension of a subsequent compliance date or other unrelated compliance date or dates.

In any event, the City shall have the burden of proof for any claim of a force majeure event that it alleges.

DISPUTE RESOLUTION

54. The dispute resolution procedures of this section shall be the exclusive mechanism to resolve disputes arising between the parties under this ACO. The dispute resolution procedures shall apply without limitation to all provisions of this ACO. The City and the DEQ shall initially negotiate informally any dispute that arises under this Agreement. Informal negotiations shall end fifteen (15) days after the City or the DEQ advises the other that a dispute exists unless the parties agree otherwise in writing.

55. If the City and the DEQ cannot informally resolve a dispute under the ACO, then either party may initiate formal dispute resolution by sending written notice to the other within fifteen (15) days after the end of informal negotiations. The notice shall state the issues in dispute; the relevant facts upon which the dispute is based; any factual data, analysis, or opinion supporting its position; and all supporting documentation on which the party relies. The other party shall serve a written reply on the party who initiated dispute resolution within fifteen (15) days. The written reply shall state the replying party's understanding of the issues in dispute, the relevant facts upon which its dispute is based. Any factual data, analysis, or opinion supporting its position; and all supporting documentation on which the party relies.

56. If the Parties fail to resolve a dispute within fifteen (15) days after the exchange of the statements of positions, then the dispute shall be resolved in accordance with the position of the DEQ unless the City files a motion for resolution of a dispute with a court of competent jurisdiction within thirty (30) days after receipt of the DEQ's proposed resolution. The motion for resolution of a dispute shall set forth the matter in dispute, the parties' effort to resolve it, the relief requested, and the schedule, if any, within which the dispute must be resolved to insure orderly implementation of this ACO.

57. For all plans required to be submitted by this Order, the City shall send one copy, unless otherwise requested, to:

Mr. Fred Morley, District Supervisor
Michigan Department of Environmental Quality
Surface Water Quality Division
1342 SR 89 West
Plainwell, Michigan 49080

GENERAL CONDITIONS

The City of Three Rivers is put on notice that compliance with the requirements of this Order does not constitute a release or waiver of liability for other past or continuing violations of any statutes, rules, or regulations of the State of Michigan, and constitutes only a release from liability for issues listed in this Order.

The Department reserves its right to enforce the terms of all applicable permits, rules, this Order and any other orders that may be issued to the City.

This Administrative Consent Order becomes effective on the day it is signed by the department.

The undersigned parties hereby certify that they have full and appropriate authority to bind the parties to the terms of this Order

DEPARTMENT OF ENVIRONMENTAL QUALITY

_____
David A. Hamilton, Chief
Surface Water Quality Division

_____
Date

The City of Three Rivers

_____
By

_____
Title

_____
Date

APPROVED AS TO FORM:

_____
By: Harold J. Martin, Assistant Attorney General
For: Michael Leffler,
Assistant Attorney General In Charge
Natural Resource Division
Michigan Department of Attorney General