

Appendix A

MDEQ NPDES Permit No. MI0057364

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PERMIT NO. MI0057364

**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,

Michigan Department of Transportation (MDOT)
Transportation Building
425 W. Ottawa
Lansing, Michigan 48909

is authorized to discharge from the separate storm water drainage system ("drainage system") operated by the Michigan Department of Transportation located

throughout the State of Michigan

designated as MDOT-Statewide MS4

in accordance with conditions set forth in this permit to surface waters of the state.

Unless specified otherwise, all contact with the Department required by this permit shall be made to the appropriate District Supervisor of the Water Division (See the definition of District Supervisor in Part II.A. of this permit). Unless specified otherwise, all Department approvals specified in this permit shall be by the District Supervisor.

In accordance with Section 324.3118 of the Michigan Act, an annual storm water fee shall be paid for each entity that is authorized to discharge storm water. In response to the Department's annual notice, the permittee shall remit the fee to the address on the notice, postmarked no later than March 15 of each year.

PART I**Section A. Authorizations and Coverage Provisions**

This permit takes effect on April 1, 2004. Any person who is aggrieved by this permit may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely. If any condition of this permit is administratively challenged, the entire challenged permit is stayed and the previous permit will remain in effect until the Department takes final action after the Administrative Hearing.

This permit and the authorization to discharge shall expire at midnight, April 1, 2009. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information and forms as are required by the Michigan Department of Environmental Quality to the Chief of the Surface Water Permits Section of the Water Division.

This permit is based on a complete application submitted on March 6, 2003. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede National Pollutant Discharge Elimination System (NPDES) Permit No. MI0053911, expiring October 1, 2006; Permit No. MI0053929, expiring October 1, 2006; Permit No. MI0053937, expiring October 1, 2006; Permit No. MI0053945, expiring October 1, 2006; Permit No. MI0053953, expiring October 1, 2006; and Certificate of Coverage No. MIG610043.

Issued January 21, 2004

Original Permit Signed by William Creal
William Creal
Chief, Surface Water Permits Section
Water Division

PART I**Section A. Authorizations and Coverage Provisions****1. Authorized Discharges**

- a. **Storm Water Discharges by the Permittee**
This permit authorizes the discharge of storm water to the waters of the state from all existing point source discharges of the drainage systems operated statewide by the Michigan Department of Transportation (MDOT). The discharge of storm water from new point sources operated by the MDOT anywhere in the State of Michigan is authorized only if installation and operation of the new conveyances are in accordance with minimum measure requirements in Part I.B.
- b. **Discharges Authorized under other NPDES Permits**
The discharge of storm water commingled with discharges authorized under other NPDES permits is authorized under this permit.
- c. **Non-Storm Water Discharges**
The following non-storm water discharges do not need to be prohibited by the permittee unless they are identified as significant contributors of pollutants to the regulated separate storm water drainage system:
 - 1) water line flushing,
 - 2) landscape irrigation runoff,
 - 3) diverted stream flows,
 - 4) rising groundwaters,
 - 5) uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005(20)),
 - 6) pumped groundwater (except for groundwater cleanups not specifically authorized by NPDES permits),
 - 7) discharges from potable water sources,
 - 8) foundation drains,
 - 9) air conditioning condensate,
 - 10) irrigation water,
 - 11) springs,
 - 12) water from crawl space pumps,
 - 13) footing drains,
 - 14) lawn watering runoff,
 - 15) water from non-commercial car washing,
 - 16) flows from riparian habitats and wetlands,
 - 17) residential swimming pool water and other dechlorinated swimming pool water providing any filter backwash water that is present is treated,
 - 18) residual street wash waters.

Nothing in this permit authorizes discharges to the drainage system which result in violation of state Water Quality Standards. Discharges or flows from emergency fire fighting activities are exempt from prohibition by the permittee but shall be addressed by the permittee where they are identified as significant sources of pollutants to waters of the state.

PART I**Section A. Authorizations and Coverage Provisions****2. Discharges Requiring Separate Authorizations**

a. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department in accordance with Rule 1097 (Rule 323.1097 of the Michigan Administrative Code).

b. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Water additives include any material that is added to water discharged through the drainage system to condition or treat the water.

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

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

- 1) Material Safety Data Sheet;
- 2) the proposed water additive discharge concentration;
- 3) the discharge frequency (i.e. number of hours per day and number of days per year);
- 4) the monitoring point from which the product is to be discharged;
- 5) the type of removal treatment, if any, that the water additive receives prior to discharge;
- 6) product function (i.e., microbiocide, flocculant, etc.);
- 7) a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*); and
- 8) the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Quality Assessment Section by telephone at 517-335-1180 or via the Internet at the address given above to determine if the Department has the product toxicity data required by items 7) and 8) above. If the Department has the data, the permittee will not need to submit product toxicity data.

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Section B. Storm Water Management Program – Minimum Measures

The permittee shall develop, implement and enforce storm water management programs designed to reduce the discharge of pollutants from the MDOT drainage systems in the state of Michigan to the Maximum Extent Practicable (MEP), to protect the designated uses of the waters of the state, to protect water quality, and to satisfy the appropriate water quality requirements of the Federal Act and the Michigan Act.

If a water body has a Total Maximum Daily Load (TMDL) established by the Department for a particular pollutant, the appropriate water quality requirements for that pollutant may be defined in the TMDL. In that event, MEP includes, but is not limited to, the development, implementation and enforcement of storm water controls designed to meet the permittee's responsibilities established by the TMDL. Any reduction achieved through implementation of controls in accordance with Part I.B. of this permit shall count toward compliance with the waste load allocation of the TMDL.

Storm water management programs require implementation of Best Management Practices (BMPs) to comply with the minimum measures identified in this section, and any TMDLs if applicable. Minimum measures shall be carried out in a manner that is environmentally beneficial, technically feasible, and within the permittee's legal authority. If the permittee does not have the power or authority to comply with all minimum measures or parts thereof, the permittee may rely on another permitted public body that has the power or authority to carry out minimum measures or parts of minimum measures on the permittee's behalf. The specific measure(s) and a description of the area or portion of the drainage system that will be addressed by another permitted public body shall be identified in the permittee's annual progress report (see Part I.C.1.b.). The MEP requirement shall be met by implementation of BMPs to comply with the minimum measures for which the permittee has power or authority, implementation of BMPs to comply with minimum levels of storm water pollution control established in TMDLs if applicable, and a demonstration of effectiveness or environmental benefit for each BMP. Within areas where watershed management plans will be developed as a watershed permit requirement, MEP shall also include implementation of BMPs as necessary to comply with watershed goals. These BMPs are not practicable if they exceed the MDOT's authority or capability to implement or if they conflict with the MDOT's project or operational requirements. Watershed goals that cannot be met within the context of the minimum measures in this permit shall be discussed with the watershed stakeholders and a compromise approach shall be sought to meet those goals.

On or before April 1, 2005, (along with the first annual progress reports for each MDOT Region), the permittee shall submit approvable storm water management program plans to comply with Part I.C.1.a.1) and 2) of this permit. In the program plans, the MDOT shall specify schedules to expand throughout the state its activities conducted under Phase I, as specified in the Task Matrix submitted with the permit application on March 6, 2003. Measurable goals submitted as part of the program plans may be designed to demonstrate effectiveness of BMPs implemented on a statewide, region-wide, or local basis.

Implementation of BMPs on a statewide basis shall begin on or before April 1, 2006, except for implementation of BMPs for illicit discharge elimination (Part I.B.3. of this permit), which shall begin upon approval from the Department. If the Department does not approve or comment on the plans for illicit discharge elimination within 90 days of submittal, the permittee shall begin implementation of the plans as submitted. The Department may notify the permittee at any time that one or more of the illicit discharge elimination plans do not meet minimum requirements. Such notification shall identify why the plan(s) do not meet minimum requirements. The permittee shall make the required changes to the plan(s) within 90 days after such notification. The permittee shall submit written certification of the changes to the Department as part of the annual progress reports.

If the Department does not approve or comment on the plans for the remaining minimum measures (i.e., those other than illicit discharge elimination) within one year of submittal, the permittee shall begin implementation of the plans as submitted, on or before the implementation date specified above. The Department may notify the permittee at any time that one or more of the proposed control plans do not meet minimum requirements. Such notification shall identify why the plan(s) do not meet minimum requirements. The permittee shall make the required changes to the plan(s) within 90 days after such notification. The permittee shall submit written certification of the changes to the Department as part of the annual progress reports.

On or before April 1, 2007, the permittee shall submit for approval any remaining program plans necessary to comply with minimum measures that were not addressed in the one-year submittal. The permittee shall fully develop and implement the storm water management programs within 5 years of the effective date of this permit.

Within the cities of Ann Arbor, Flint, Grand Rapids, Sterling Heights and Warren, the permittee shall continue to implement the storm water management program plans approved on February 27, 1998, as amended, until updated storm water management program plans are submitted and approved.

PART I**Section B. Storm Water Management Program – Minimum Measures****1. Education and Outreach on Storm Water Impacts - Public Education Program**

The permittee shall have a statewide public education program to promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water. The public education program may involve combining or coordinating existing programs for public stewardship of water resources. Pollution prevention shall be encouraged. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department.

“General Public” shall be defined as the people who travel state roadways.

"Job-Related Public" shall be defined as MDOT employees and contractors in design, construction and maintenance activities, who potentially could affect the quality of storm water discharges through their job related activities.

- a. The program shall include the development and distribution of guidance materials for the job-related public to accomplish the following, as appropriate, based on the potential impact on the watershed:
 - 1) Educate the job-related public of hazards associated with illicit discharges and improper disposal of waste.
 - 2) Instruct the job-related public to report the presence of illicit discharges or improper disposal of materials into the permittee's drainage system. Common illicit discharges are construction site and demolition wastes and sediment, motor vehicle fluids from home owners, septage and other commercially transported wastes, and commercial power washing (not including street wash water).
 - 3) Educate the job-related public about their responsibilities and stewardship to a watershed. The permittee shall develop and implement a program to guide and assist the job-related public to meet these responsibilities by adherence to the good housekeeping and pollution prevention principles in Part I.B.6.
- b. Educate the general public within urbanized areas about water quality protection and storm water as a pollution source. If the Department develops a statewide public education program, the permittee may either seek a partnership agreement with the Department for implementation of Part I.B.1.b. of this permit, or develop and implement a program to increase awareness and seek positive public behavior regarding the following:
 - 1) Hazards associated with illicit discharges and improper disposal of waste. Encourage public reporting of the presence of illicit discharges or improper disposal of materials into the permittee's drainage system, and develop and publicize a hotline for public reporting. Educate the public regarding proper control and disposal for construction site wastes and sediment, motor vehicle fluids, travel trailer sanitary wastes, commercially transported wastes, and commercial power washing (except street washing that is exempted from prohibition under Part I.A.1.c.).
 - 2) Preferred car cleaning agents and procedures for non-commercial car washing.
 - 3) Watershed awareness, including public responsibilities and stewardship in their watershed.
 - 4) The water quality impacts of residential de-icer use and how to minimize the impacts.
- c. Minimize the occurrence of illicit discharges into the MDOT drainage systems by providing information to applicants that apply to tap into the MDOT drainage systems statewide. The goal shall be to educate developers that storm drain inlets should be adequately isolated from pollutant sources so that activities such as equipment washing and material handling will not result in discharge of pollutants to the drainage system. MDOT employees that review permit applications shall be trained as necessary to provide pollution prevention education during the application process.

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Section B. Storm Water Management Program – Minimum Measures

2. Public Involvement/Participation

Public input shall be encouraged in all aspects of the storm water management program. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department. The following minimum actions shall be taken to encourage public input:

- a. The permittee shall follow state or federal public notice requirements, as appropriate, when notifying the public that a storm water management program must be implemented. Copies of preliminary and final approvable storm water management plans shall be available for public inspection, and the public shall be notified of when and where they are available.
- b. The permittee shall allow the public to review and comment on the storm water management program plan. Input shall be actively sought from NPDES watershed permit stakeholder groups, and from local stream or watershed protection organizations within urbanized areas.
- c. Where metropolitan planning organizations exist, the permittee shall identify and cooperate with local comprehensive storm water master planning processes and the metropolitan planning organizations. The permittee shall implement storm water controls as necessary to cooperate with local storm water master plans (especially for post construction control – see Part I.B.4 of this permit) to the maximum extent practicable.

3. Illicit Discharge Elimination Program

The permittee shall develop, implement and enforce a program to prohibit and effectively eliminate illicit discharges, including discharges of sanitary wastewater, to the permittee's drainage system. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department.

“Illicit discharge” means any discharge or seepage that is not composed entirely of storm water into the drainage system, except for discharges specified in Parts I.A.1.b. and c. of this permit. Illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, domestic animal wastes, litter or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste into the drainage system.

“Illicit connection” means a physical connection to the drainage system that 1) primarily conveys illicit discharges into the drainage system and/or 2) is not authorized or permitted by the MDOT (where the MDOT requires such authorization or permit).

- a. Within one year following the effective date of this permit, the permittee shall submit a schedule for providing maps showing the location of known outfalls and all outfalls at roadway crossings over defined waters of the state within year 2000 U.S. census urbanized area boundaries. Maps shall be developed for outfalls at roadway crossings no later than the expiration date of this permit, and made available to the Department upon request.
- b. The Illicit Discharge Elimination Program inside year 2000 census urbanized area boundaries shall be conducted at outfalls that discharge to waters of the state at roadway crossings. The program shall include identification and elimination of illicit connections and minimization of illicit discharges to the permitted drainage system from commercial, industrial, institutional, public, and residential sources. During the term of the permit, outfalls at stream crossings over waters of the state within urbanized areas shall be prioritized, and the top priority outfalls shall be screened for dry weather discharges. Top priority outfalls shall be those discharging to waters of the state listed on Michigan’s most current Section 305(b) listing of water bodies impaired by untreated sewage, bacteria, pathogens, nutrient enrichment, nuisance plant growth, nuisance algal growth, low dissolved oxygen, sediments, oil or grease, fish kills, and fish or macroinvertebrate communities rated poor. Results of the dry weather screening shall be used to identify and eliminate illicit discharges as expeditiously as practicable. Illicit connections (i.e., physical taps into the system, not discharges) that cannot be disconnected immediately shall be identified in the annual progress report, with a schedule for work to be completed during the following year.
- c. The permittee shall have a system in place to accept and respond statewide to reports of illicit discharges received from the job-related public in accordance with Part I.B.1.a.2).

PART I**Section B. Storm Water Management Program – Minimum Measures**

- d. The permittee shall possess the legal authority statewide to prohibit discharges into the drainage systems it operates. The legal authority may be a combination of state statute, ordinance, permit, order, rules, regulations, or other means available to the permittee, for the purpose of:
- 1) regulating the contribution of pollutants to the drainage system;
 - 2) regulating the rate at which water flows into the existing drainage system;
 - 3) prohibiting illicit connections and illicit discharges including the direct dumping or disposal of materials other than storm water into the drainage system; and
 - 4) requiring compliance with conditions in permits issued by the permittee, contracts or orders.

4. Post Construction Storm Water Management Program for New Development and Redevelopment Projects

The permittee shall develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects by the MDOT and other entities that discharge into the drainage system, and which: 1) disturb areas greater than or equal to one acre, or 2) disturb areas less than one acre but which are part of a larger common plan of development or sale that would disturb one acre or more. The program shall ensure that controls are in place that will prevent or minimize water quality impacts, including resource impairment resulting from extreme flow rates and volumes. Pollution prevention shall be encouraged. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department.

The program for new development and redevelopment projects shall include the following:

- a. The permittee shall have a program to coordinate with local planning efforts that conforms with the cooperative planning requirements of 23CFR450.210 and 23CFR450.312, and which includes consideration of the potential environmental effects associated with impervious surfaces in state highway rights of way. Example storm water controls that the permittee may use to address potential impacts include but are not limited to: policies, operating procedures and standards to protect sensitive areas such as wetlands, riparian areas and stream crossings from roadway construction, and environmental policies for operation and maintenance of roadways. The permittee shall make appropriate information available and coordinate as described in this paragraph with local planning agencies on its construction and maintenance plans so that state and local transportation planning can properly take storm water management issues into account.
- b. The permittee shall develop and implement standards and procedures to address post construction storm water runoff from the permittee's new development and redevelopment projects within the MDOT right of way statewide to the extent allowable under state or local law. Objectives of the standards and procedures should be to protect receiving water quality from the impacts of development and limit the rate at which surface water runoff discharges from any specific site during and following development or redevelopment. The standards and procedures shall include but are not limited to:
 - 1) Requirements for implementation of appropriate non-structural and/or structural BMPs. Non-structural BMPs are preventative actions that involve management and source controls. Examples include but are not limited to: buffer preservation along sensitive water bodies, establishment of easements for vegetative filters and infiltration, education programs for designers and construction contractors about project designs that minimize water quality and quantity impacts, minimum disturbance of soils and vegetation, native vegetation plantings, and restrictions on directly connected impervious areas. Structural BMPs are physical controls that improve water quality, including storage practices. Examples of structural BMPs include but are not limited to: wet ponds and extended-detention outlet structures; vegetative buffers; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.
 - 2) Requirements for adequate long-term operation and maintenance of BMPs.

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- c. Develop and implement a process for review of post-construction storm water BMPs in initial roadway design plans statewide, as applicable. Allow DEQ review of the permittee's preliminary construction plans and provide input on placement of drainage and BMPs.

5. Construction Storm Water Runoff Control

This permit requires the control of storm water discharges from construction activity that results in land disturbance of greater than or equal to one acre. Storm water discharges from construction activity disturbing less than one acre shall also be controlled if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department.

- a. **Qualifying Local and State Soil Erosion and Sedimentation Controls**
The permittee shall meet the following requirements on MDOT construction sites statewide, but may rely on the MDOT Soil Erosion and Sedimentation Control Plan and the State of Michigan's Permit by Rule to the extent that those controls meet the requirements:
 - 1) Implement soil erosion and sedimentation controls.
 - 2) Control demolition and construction waste materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality.
 - 3) Consider potential water quality impacts during road construction plan reviews.
 - 4) Inspect sites to assure that pollution control measures are appropriate and functional.
- b. **Construction Site Special Conditions**
The permittee shall revise, as necessary, implement and enforce a program to address storm water runoff from areas of construction activity that discharge into the permittee's drainage system statewide. Pollution prevention shall be encouraged.

Under this special condition, the permittee shall satisfy the following controls statewide:
 - 1) Notify the Department in accordance with Part I.C.2.a. of this permit if the MDOT becomes aware of a non-MDOT construction activity which exhibits soil erosion, sedimentation or material handling practices that deposit or threaten to deposit pollutants into the drainage system operated by the MDOT.
 - 2) Have a procedure to receive and consider complaints or information submitted by any person regarding MDOT construction site storm water runoff. If a complaint or information indicates failure of soil erosion or sedimentation controls within the permittee's right of way, then the permittee shall take corrective action as necessary to prevent discharge of solids to the drainage system. Actions shall be in accordance with the approved soil erosion and sedimentation control plan prepared under Part 91 of P.A. 451 of 1994.

6. Pollution Prevention/Good Housekeeping for MDOT Operations

The permittee shall develop guidance for operation and maintenance of roadways and associated drainage and BMPs with the ultimate goal of preventing or reducing pollutant runoff from MDOT operations and properties to the maximum extent practicable. The permittee shall ensure that MDOT employees and contractors properly handle wastes, recyclables, chemicals, and equipment used on the job; maintain a clean work area; regularly maintain storm water controls, and identify and report various storm water pollution sources including, but not limited to, illicit discharges, malfunctioning post-construction controls, and poor soil erosion and sedimentation controls at construction sites. The program shall include employee and contractor training to prevent and reduce storm water pollution through proper implementation and maintenance of BMPs in accordance with this minimum measure. The program may be developed and implemented using BMP guidance and training materials that are available from federal, state or local agencies, or other organizations. Pollution prevention shall be encouraged. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the approvable storm water management program plans submitted to the Department.

PART I**Section B. Storm Water Management Program – Minimum Measures**

The programs, and all approved updates, shall satisfy the following requirements:

a. Structural Controls

1) Statewide

Structural controls such as storm drain catch basins, vegetated swales, infiltration basins, sedimentation basins, and any controls installed or operated by the permittee to remove pollutants from storm water shall have routine maintenance, maintenance schedules, and long-term inspection procedures adequate to provide pollution removal effectiveness to the maximum extent practicable.

The permittee shall describe and implement procedures for the proper disposal of operation and maintenance waste such as dredge spoil, accumulated sediments, floatables, and other debris the permittee removes from the drainage system.

2) Urbanized Areas

Structural controls and cleaning schedules may need to be enhanced in the future if other control measures fail to adequately reduce the discharge of sediments, floatables and other pollutants that may be found in or discharging to or from drainage systems.

b. Roadways

1) Statewide

The permittee shall construct, operate and maintain its streets, roads, highways, parking lots and other large paved surfaces in a manner so as to reduce the discharge of pollutants into the drainage system, including but not limited to pollutants related to deicing activities, and concrete and asphalt resurfacing and rehabilitation. Salt and sand applied for improved traction shall be prevented from entering receiving streams to the maximum extent practicable. Good housekeeping shall be implemented at salt and sand storage facilities to eliminate discharges of salt and sand from these areas.

The procedural BMPs described in the storm water management program plan shall, at a minimum, maintain existing street cleaning and catch basin maintenance programs.

2) Urbanized Areas

The permittee shall have an overall plan to reduce the discharge of sediments, floatables, and associated pollutants into the drainage system, which shall include at a minimum, street cleaning and catch basin maintenance programs.

c. Storm Sewer Labeling – In Urbanized Areas

The permittee shall provide permanent identification (e.g., label, color coding, or other identifying characteristic) for outfall structures that the permittee constructs or installs after April 1, 2005 that discharges storm water to waters of the state. Following the addition of permanent identification, the primary operator of the drainage system shall be readily identifiable by observation of the outfall structure. The MDOT's roadside ditches that discharge adjacent to state or interstate roadways are exempt from this requirement if ownership is readily apparent by their proximity to the roadway.

d. Flow Control Projects – In Urbanized Areas

The permittee shall ensure that new storm water flow management projects (e.g., detention ponds) assess the impacts on the water quality of the receiving water and, whenever possible, shall examine existing storm water flow management projects for incorporation of additional water quality protection BMPs.

e. Fleet Maintenance - Statewide

The permittee shall assure that vehicle maintenance activities do not pollute storm water runoff. Vehicle maintenance activities include adding or changing fluids, including fuel; lubrication; mechanical repairs; parts degreasing; and vehicle or equipment washing. Discharge of wash water is not authorized by this permit. Vehicles and equipment shall be maintained for clean and effective operation to prevent impacts on storm water quality.

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Section B. Storm Water Management Program – Minimum Measures

f. Pesticides and Fertilizers - Statewide

The permittee shall minimize the discharge of pollutants related to the storage, handling and use of herbicides and fertilizers on land that the permittee manages. The permittee shall provide employee training to supplement information on product labels in order to protect water quality to the maximum extent practicable.

PART I**Section C. Program Assessment and Reporting****1. Submittals and Reporting****a. First Year Progress Reports**

On or before April 1, 2005, the first annual progress reports describing the progress toward compliance with requirements of this permit shall be submitted, by Region, to the Department for approval. The reports shall include approvable storm water management program plans consisting of descriptions and schedules for best management practices [Part I.C.1.a.1)] to be implemented within each Region, and measurable goals [Part I.C.1.a.2)] for those best management practices. The first-year annual progress reports shall include all of the following:

1) Best Management Practices (BMPs)

The permittee shall submit a listing of the BMPs that will be or have been implemented for each of the minimum measures identified in Part I.B. of this permit. The list shall include BMPs already implemented or proposed under the permittee's existing storm water management program. The submittal shall also identify the years (and months as appropriate) that proposed BMPs will be implemented, whether implementation will be inside or outside of urbanized areas - or both, and the frequency of actions, such as the maintenance frequency for structural BMPs and the implementation frequency of non-structural BMPs.

2) Measurable Goals (interim and final)

The permittee shall submit a description of the measurable goals for each listed BMP. Every BMP shall have a final measurable goal, and may have one or more interim milestones for tracking progress toward the final measurable goal.

a) Final Measurable Goals

Final measurable goals shall demonstrate results that relate to an environmental benefit. Examples of results that relate to an environmental benefit include the number and types of illicit connections identified and corrected; survey results showing a change in road crew awareness of storm water issues; the volume of solids removed during street sweeping and catch basin cleaning operations, or improvements in water quality as measured in an ongoing monitoring program.

b) Interim Milestones

Interim milestones may be reported as interim results or may be descriptions of actions taken.

- Interim results means results received prior to meeting the final measurable goal. For examples, see Part I.C.1.a.2)a) "Final Measurable Goals".
- Descriptions of actions taken means a quantifiable, if possible, description of the BMP implementation. Example descriptions of actions include but are not limited to: number of outfalls inspected for illicit discharges; number of informational programs conducted for public education; number of vehicles recalibrated or updated to improve efficiency of deicer distribution; and number of streets swept or catch basins cleaned as a pollution prevention activity.

Data on interim milestones shall be reported in annual progress reports.

3) Compliance Assessment

The permittee shall describe the status of compliance with the storm water management program plans approved on February 27, 1998. Compliance status shall include reporting of program effectiveness as established under "Assessment of Storm Water Management Program Effectiveness" in Part III.A. of the previous NPDES storm water permit.

4) Revised Fiscal Analysis

The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit. This is required to comply with 40 CFR 122.26(d)(2)(vi).

5) Upcoming Activities

The permittee shall provide a summary of the storm water activities to be implemented during the next annual reporting cycle.

6) Annual Budget

PART I**Section C. Program Assessment and Reporting**

The permittee shall provide the previous fiscal year's annual expenditures and proposed budget for the fiscal year following the report.

b. Permitted Drainage System Operator Identification

Drainage systems can have multiple operators. A single drainage system operator may lack the power or authority to comply with all terms and conditions of this permit for its drainage system(s). If the MDOT is not the sole permitted operator of its drainage system, then it shall report under this part on or before April 1, 2005 to assure that all permitted operators are identified and that the terms and conditions of this permit can be met. Failure to report under this part, if applicable, is a violation of this permit. The following information shall be reported:

1) Notice of Reliance on Another Permittee

The MDOT shall notify the Department of each permitted drainage system operator that will be relied upon to satisfy terms and conditions of this permit for the MDOT. Notification shall include the name of the other permittee (or other MS4 operator in cases where the operator has not yet received permit coverage) and a description of the permit terms and conditions for which the other permittee or MS4 operator will be responsible.

The MDOT is solely responsible for meeting the terms and conditions of this permit unless a notice as described in this part is received by the Department. The MDOT shall also send a copy of the notice to each permittee or MS4 operator named therein.

2) Notice of Obligation to Another Permittee

The MDOT shall notify the Department if it has agreed to be responsible for any terms and conditions of a permit held by another permittee. Notification shall include the name of the other permittee(s) and a description of the permit terms and conditions for which the MDOT will take responsibility.

PART I

Section C. Program Assessment and Reporting

c. Subsequent Year Annual Progress Reports

Reports describing the progress toward compliance with requirements of this permit within each Region shall be submitted to the Department on or before April 1, 2006, and annually thereafter. The Department may approve an alternate date for annual progress report submittal if requested and adequately justified by the permittee. The annual progress reports shall contain the following information:

1) Compliance Assessment

The permittee shall describe the status of compliance with permit conditions, including a report of illicit discharges and illicit connections removed, shall assess the appropriateness of all identified BMPs, and shall describe the progress towards achieving the identified measurable goals for each of the BMPs. Within Ann Arbor, Flint, Grand Rapids, Sterling Heights and Warren, this requirement replaces the “Assessment of Storm Water Management Program Effectiveness” in Part III.A. of the previous permit.

Failure to attain a measurable goal for a BMP implemented to meet minimum measures in Parts I.B.3. through I.B.6. is not a violation of this permit if the Department has not provided or issued a menu of BMPs for that minimum measure. If no menu of BMPs is provided or issued, the permittee shall comply with other requirements of this permit, including good faith implementation of BMPs designed to comply with the minimum measures.

2) Best Management Practices (BMPs)

In an annual progress report for each MDOT region submitted on or before April 1, 2007, the permittee shall submit descriptions of approvable BMPs that will complement those already approved by the DEQ, as necessary to address all minimum measures identified in Part I.B. of this permit on a statewide basis and comply with the MEP requirement of this permit. The submittal shall also identify the years (and months as appropriate) that the proposed BMPs will be implemented, whether implementation will be inside or outside of urbanized areas - or both, and the frequency of actions, such as the maintenance frequency for structural BMPs and the implementation frequency of non-structural BMPs.

3) Measurable Goals (interim and final)

Along with the proposed BMPs, the permittee shall submit approvable descriptions of measurable goal(s) for each BMP described in Part I.C.1.c.2), above. Every BMP shall have a final measurable goal, and may have one or more interim milestones for tracking progress toward the final measurable goal.

a) Final Measurable Goals

Final measurable goals shall demonstrate results that relate to an environmental benefit. Examples of results that relate to an environmental benefit include the number and types of illicit connections identified and corrected; survey results showing a change in road crew awareness of storm water issues; the volume of solids removed during street sweeping and catch basin cleaning operations, or improvements in water quality as measured in an ongoing monitoring program.

b) Interim Milestones

Interim milestones may be reported as interim results or may be descriptions of actions taken.

- Interim results means results received prior to meeting the final measurable goal. For examples, see Part I.C.1.a.2)a) “Final Measurable Goals”.
- Descriptions of actions taken means a quantifiable, if possible, description of the BMP implementation. Example descriptions of actions include but are not limited to: number of outfalls inspected for illicit discharges; number of informational programs conducted for public education; number of vehicles recalibrated or updated to improve efficiency of deicer distribution; and number of streets swept or catch basins cleaned as a pollution prevention activity.

Data on interim milestones shall be reported in annual progress reports.

4) Environmental Impacts

The permittee shall describe any known pollution reduction and probable receiving water quality impacts associated with program implementation. When applicable, a statement shall be included regarding any negative water quality impacts that may have occurred as a result of any illicit discharges or accidental spills during the past year.

5) Data and Results

PART I

Section C. Program Assessment and Reporting

The permittee shall provide a summary of all information collected and analyzed, including monitoring data, if any, during the annual reporting cycle.

6) Upcoming Activities

The permittee shall provide a summary of the storm water activities to be implemented during the next annual reporting cycle. The summary shall include schedules for elimination of any illicit connections identified but not disconnected prior to annual progress report submittal.

7) BMP Changes

The permittee shall describe any planned changes in identified BMPs or measurable goals for any of the minimum measures.

8) Notice of Changes in Reliance on Permitted Drainage System Operators.

The permittee shall describe any changes in the need to rely on other permitted drainage system operators to satisfy the terms and conditions of this permit, as defined in Part I.C.1.b.

9) Drainage System Changes

The permittee shall provide an update on areas added to the drainage system due to new or expanded roadways.

In accordance with Part I.B.3.a., outfall maps shall be submitted for non-urbanized areas where major construction or reconstruction projects were completed during the year prior to the annual progress report.

10) Revised Fiscal Analysis

The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit. This is required to comply with 40 CFR 122.26(d)(2)(vi).

11) Annual Budget

The permittee shall provide the previous fiscal year's annual expenditures, and proposed budget for the fiscal year following the fiscal year covered by the report.

d. Contact Person

The permittee shall designate regional storm water program coordinators to serve as the contact persons for the Department regarding activities carried out to comply with this permit in each MDOT Region. The permittee may replace a program coordinator at any time and shall notify the Department within ten days after the replacement.

2. Notification Requirements

a. Regulated Discharges into the Drainage System

The permittee shall notify the Department, verbally, within 24 hours of becoming aware of any discharges to the drainage system that the permittee suspects may endanger health or the environment if the discharges are from facilities/sites that are not complying or will be unable to comply with the following:

- 1) requirements of an NPDES permit, including an individual permit, a general permit, or the Permit-by-Rule for storm water discharges from construction sites other than those controlled under MDOT's approved plan for soil erosion and sedimentation control pursuant to Part 91 of P.A. 451 of 1994;
- 2) requirements of a State of Michigan permit or approved plan (other than the MDOT approved plan) for soil erosion and sedimentation control pursuant to Part 91 of P.A. 451 of 1994;
- 3) requirements of a State of Michigan permit for discharge of liquid wastes to groundwater pursuant to the Michigan Act;
- 4) requirements of Part 5 Rules for polluting materials (Rules 324.2001 through 324.2009 of the Administrative Code); or
- 5) Water Quality Standards.

PART I

Section C. Program Assessment and Reporting

Notification should include (if known) the name of the regulated discharger, location of the discharge into the storm water drainage system and location of the outfall from that portion of the system, nature of the discharge and the pollutants, clean-up and recovery measures taken or planned. If the notice is provided after regular working hours call the Department of Environmental Quality's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706. Non-compliance as described above that does not pose imminent danger to health or the environment shall be reported by the permittee, either verbally or in writing, within five (5) days of the time the permittee becomes aware of it.

b. **Illicit Discharges into the Drainage System**

The permittee shall copy the Department on notices sent to illicit dischargers, or to city, village, township, or county drainage system operators that are passing illicit discharges into the MDOT-operated drainage systems.

c. **Noncompliance Notification**

The permittee shall submit written documentation to the Department within five (5) days of having knowledge of any reason the permittee is not complying with or will be unable to comply with any condition specified in this permit. Written documentation shall include the following information:

- 1) a description of the circumstances, including the type of noncompliance;
- 2) the period of noncompliance (if known), including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncompliance; and
- 3) for illegal discharges to the system, the estimated volume of discharge, a description of the type of pollutants in the discharge, the location of the discharge into the system, the location of the outfall from which the discharge enters waters of the state; identification of the parties responsible for the discharge, if known, and the facility or the construction site from which the discharge originated, if known.

d. **Untreated Sewage Discharge Notification**

If untreated sewage or partially treated sewage is discharged from the drainage system, the permittee shall comply with Section 324.3112a of the Michigan Act, including notification of the Department, the local health department, and one or more daily newspapers of general circulation within 24 hours after the discharge begins.

3. Identification of Additional Point Source Discharges of Storm Water

If the permittee becomes aware of any drainage system discharge points it operates within urbanized areas of Michigan, which discharge either to waters of the state or to a drainage system operated by another public body or statutory housing authority, which are not on the map developed in accordance with Part I.B.3.a., the permittee shall provide the following information to the Department within 30 days of becoming aware of the discharge(s): the location of the discharge, if coverage of the additional storm water discharge is being requested, and the name of the receiving water or other drainage system operator that receives the discharge.

4. Recordkeeping

The latest approved version of the Storm Water Management Program Plan developed in accordance with this permit shall be retained by each MDOT regional office and available for inspection in accordance with Part II.D.7. of this permit. All records and information resulting from the preparation of the annual progress reports, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained by the permittee for a minimum of three years, or longer if requested by the Department or the Regional Administrator.

PART I

Section C. Program Assessment and Reporting

5. Storm Water Management Program Modification

a. Modifications Requested by the Permittee

The approved Storm Water Management Program may be modified by the permittee as follows:

1) Modifications adding (but not subtracting or replacing) components, controls, or requirements to the approved Storm Water Management Program may be made by the permittee at any time upon written notification to the Department. Notification shall include a description of the modification.

2) Modifications replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternative BMP may be requested at any time by written notification to the Department. Unless denied by the Department, the modification shall be deemed approved and may be implemented by the permittee 60 days from submittal of the request. Such requests must include the following:

- a) an analysis of why the BMP is ineffective or unfeasible (including cost prohibitive);
- b) expectations on the effectiveness of the replacement BMP; and
- c) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

b. Modifications Required by the Permitting Authority:

The Department may require the permittee to modify the Storm Water Management Program as needed to:

- 1) address contributions by the drainage system discharges which impair receiving water quality;
- 2) include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; or
- 3) include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Federal Act or the Michigan Act.

6. Expiration and Reissuance

If the permittee wishes to continue a discharge authorized under this permit beyond the permit's expiration date, the permittee shall submit a written request to the Department on or before October 1, 2008. A person operating under an expired permit shall continue to be subject to the terms and conditions of the expired permit until the permit is terminated, revoked, or reissued.

If this permit is terminated or revoked, all authorizations to discharge under the permit shall expire on the date of termination or revocation.

7. Numeric Effluent Limitation Reopener

This permit does not include numeric effluent limitations. If numeric effluent limitations are established for the permittee's storm water, then the permit may be modified by the Department in accordance with applicable laws and rules.

PART II

Section A. Definitions

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

Approvable is when, on the basis of sound professional judgment, the submittal of a report, document, study plan, set of plans and specifications, or other submittal made in response to a permit requirement, is of sufficient detail and scope to fulfill the intent of the permit requirements.

Department means the Michigan Department of Environmental Quality.

District Supervisor: The Cadillac District Supervisor contact for the North MDOT Region is located at the Cadillac District Office-DEQ, Water Division, 120 W. Chapin Street, Cadillac, Michigan 49601, telephone: 231-775-3960 (fax: 231-775-1511).

The Grand Rapids District Supervisor contact for the Grand MDOT Region is located at the Grand Rapids District Office-DEQ, Water Division, Unit 10, 350 Ottawa N.W., Grand Rapids, Michigan 49503-2341, telephone: 616-356-0500 (fax: 616-356-0202).

The Kalamazoo District Supervisor contact for the Southwest MDOT Region is located at the Kalamazoo District Office-DEQ, Water Division, 7953 Adobe Road, Kalamazoo, Michigan 49009-5026, telephone: 616-567-3500 (fax: 616-567-9440).

The Upper Peninsula District Supervisor contact for the Superior MDOT Region is located at the Upper Peninsula District Office-DEQ, Water Division, KI Sawyer International Airport & Business Center, 420 Fifth Street, Gwinn, Michigan 49841, telephone: 906-228-6568 (fax: 906-228-5245).

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

The Lansing District Supervisor contact for the University MDOT Region is located at the Lansing District Office-DEQ, Water Division, P.O. Box 30242, Lansing, Michigan 48909, telephone: 517-335-4598 (fax: 517-241-3571).

The Southeast Michigan District Supervisor contact for the Metro MDOT Region is located at the Southeast Michigan District Office-DEQ, Water Division, 38980 Seven Mile Road, Livonia, Michigan 48152-1006, telephone: 734-953-1451 (fax: 734-953-1467).

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

Drainage System Operator: See “Municipal Separate Storm Water Drainage System Operator”.

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

Municipal Separate Storm Water Drainage System Operator means a public body or statutory housing authority that owns a separate storm water drainage system, or has the power or authority to implement or carry out any of the minimum measures for storm water pollution control as listed in Part I.B. of this permit. There may be multiple drainage system operators within the same geographic area or for the same drainage system.

On-Site Sewage Disposal System means a natural system or mechanical device used to collect, treat, and discharge or reclaim wastewater from one or more dwelling units without the use of community-wide sewers or a centralized treatment facility.

Point source means an outfall from a drainage system to waters of the State, or a point where a storm water drainage system discharges into a drainage system operated by another public body.

Polluting Materials means oil and any material, in solid or liquid form, identified as polluting material under the Part 5 Rules of the Michigan Administrative Code.

POTW is a publicly owned treatment works as defined at 40 C.F.R. §403.3.

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

PART II

Section A. Definitions

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

Separate Storm Water Drainage System means a system (including but not limited to roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels) that is designed or used for collecting or conveying storm water; is not a combined sewer where storm water mixes with sanitary wastes; and is not part of a POTW. The term does not include separate storm water drainage conveyances that serve an individual building or comparable discrete area. The system may convey the non-storm water discharges specified in Part I.A.1.b. and Part I.A.1.c.

Statutory Housing Authority means the governing body of a condominium association of co-owners or manufactured home community.

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Waters of the State means all of the following, but does not include drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

The Great Lakes and their connecting waters,
All inland lakes,
Rivers,
Streams,
Impoundments,
Open drains, and
Other surface bodies of water within the confines of the state.

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.

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 or water body.

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 Surface Water Permits Section, Water Division, 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. Monitoring by Permittee

If the permittee monitors any pollutant from the storm water point source discharges authorized under this permit, the results of such monitoring shall be provided to the Department with the Annual Progress Reports required by Part I.C.1.

PART II

Section C. Reporting Requirements

1. 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.

2. 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 in the certificate of coverage, 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.

3. 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.

4. Transfer of Ownership or Control

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

PART II

Section D. Management Responsibilities

1. Duty to Comply

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

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the 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. 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.

3. 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.

4. 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 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.

5. 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.

6. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of storm water, 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.

PART II**Section D. Management Responsibilities****7. Right of Entry**

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

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

8. Availability of Reports

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

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

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

2. Facility Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Division, 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

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

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

5. State Laws

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

6. Property Rights

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