

ATTACHMENT

Consumers Power Company
Palisades Plant
Docket 50-255

Notification of Revision to the Plant's
National Pollutant Discharge Elimination
System (NPDES) Permit

CERTIFIED

P 282 186 472

MAIL

RAYMOND ROUPORE

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
P.O. BOX 30028
LANSING, MI 48909

DELBERT RECTOR, Director

PCH AUG 15 1991

103-91

August 14, 1991

CERTIFIED MAIL

Mr. Paul C. Hittle, Director
Environmental Department
Consumers Power Company
1945 West Parnall Road
Jackson, Michigan 49201

Dear Mr. Hittle:

SUBJECT: NPDES Permit No. MI0001457
Palisades Power Plant, Covert

Your National Pollutant Discharge Elimination System (NPDES) Permit has been processed in accordance with appropriate state and federal regulations. It contains the requirements necessary for you to comply with state and federal water pollution control laws.

REVIEW THE PERMIT EFFLUENT LIMITS AND COMPLIANCE SCHEDULES CAREFULLY. These are subject to the criminal and civil enforcement provisions of both state and federal law. Permit violations are audited by the Michigan Department of Natural Resources and the United States Environmental Protection Agency and may appear in a published quarterly noncompliance report made available to agencies and the public.

Your monitoring and reporting responsibilities must be complied with in accordance with this permit. If applicable, Discharge Monitoring Report forms will be transmitted to you in the near future. These reports are to be submitted monthly or otherwise as required by your NPDES permit.

Any reports, notifications, or questions regarding the attached permit or NPDES program should be directed to the following address:

Fred Morley, District Supervisor
621 North Tenth Street
P.O. Box 355
Plainwell, Michigan 49080
Telephone: (616) 685-9886

Consumers Power Company
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August 14, 1991

NOTE: All references within this permit made to the Water Quality Division or Chief of the Water Quality Division are to refer to the Surface Water Quality Division or Chief of the Surface Water Quality Division, respectively.

Sincerely,

William E. McCracken
William E. McCracken, P.E.
Chief, Permits Section
Surface Water Quality Division
517-373-8088

Enclosure: Permit

cc: EPA-Region V (2)
208 Agency - Southwest Michigan Regional Planning Commission
Planning and Special Programs Section, SWQD
Mr. Fred Morley - Plainwell District, SWQD (2)
Mr. Paul Blakeslee, Regional Supervisor, Region III, SWQD
Compliance and Enforcement, SWQD
Data Entry, SWQD
Point Source Studies (Grand Rapids District Office), SWQD
Files

MICHIGAN WATER RESOURCES COMMISSION
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 "Act"), and the Michigan Water Resources Commission Act, as amended, (Act 245, Public Acts of 1929, as amended, the "Michigan Act"),

Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

is authorized to discharge from a facility located at

27780 Blue Star Memorial Highway
Covert, Michigan 49043

designated as CPCO-Palisades Power Plt

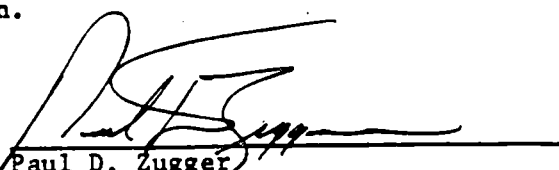
to the receiving water named Lake Michigan in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This modified permit takes effect on the date of issuance. Any person who feels aggrieved by this permit may file a sworn petition with the Executive Secretary of the Michigan Water Resources Commission, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Commission may reject any petition filed more than 60 days after issuance as being untimely. Upon granting of a contested case to the applicant, the Commission shall review the permit to determine which contested term shall be stayed until the Commission takes its final action. If a contested condition is a requirement placed on wastewater covered by a new or increased discharge authorization, such increased discharge authorization shall be stayed until the Commission takes final action. All other conditions of the permit remain in full effect. If the contested condition is a modification of a previous permit condition and the Commission determines the contested condition shall be stayed, then such previous condition remains in effect until the Commission takes final action. During the course of any administrative proceeding brought by a person other than the applicant, the conditions of this permit will remain in effect, unless the Commission determines otherwise.

This permit and the authorization to discharge shall expire at midnight October 1, 1993. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Michigan Water Resources Commission to the Permits Section of the Surface Water Quality Division no later than 180 days prior to the date of expiration.

This permit is based on an application submitted on October 20, 1988 as amended. On its effective date this modified permit shall supersede NPDES Permit No. MI001457, issued July 19, 1990.

Issued this 19th day of July, 1990, and modified this 7th day of August, 1991, by the Michigan Water Resources Commission.


Paul D. Zugger
Executive Secretary

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Final Effluent Limitations, Outfall 001 (Mixing Basin Discharge)

During the period beginning on the effective date of this permit and lasting until the date of expiration, the permittee is authorized to discharge a maximum of one hundred thirty five million two hundred thousand (135,200,000)* gallons per day of cooling tower blowdown, noncontact cooling water, stormwater and treated miscellaneous low volume wastewater consisting in part of steam generator blowdown, laundry waste, demineralizer backwash and regeneration waste, reverse osmosis filter backwash, turbine sump drainage, floor drainage, laboratory waste and radwaste from the mixing basin outfall 001 to Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow (MGD)	(report)	(report)	--	--	Daily	Report Total Daily Flow
Total Residual Chlorine (TRC)**						
Continuous Use	--	--	--	0.036 mg/l	Daily	Grab
Intermittent Use						
6/1-9/30	--	--	0.1 mg/l	0.2 mg/l	Daily	Grab
10/1-5/31	--	--	0.05 mg/l	0.2 mg/l	Daily	Grab
TRC Discharge Time**(min./day)						
(Intermittent Use)	--	--	--	120 min.	Daily	Report Total Application Time
Outfall Observation	--	--	--	--	Daily	Visual
pH (Standard Units)	--	--	6.0	9.0	Daily	Grab
			(Daily Min.)			
Heat Addition (BTU/hr)	--	--	--	2.1×10^9	Daily	Calculation
Temperature (°F)	--	--	--	(report)	Daily	Continuous

* The flow is not a limitation on rate or quantity of discharge.

** During the intermittent use of chlorine, the daily maximum value for TRC shall be reported as the average of a minimum of 3 equally spaced grab samples taken during the time of chlorination, and no single sample may exceed 0.3 mg/l. TRC monitoring is only required during periods of chlorination. The term continuous use shall mean the application of chlorine greater than 120 minutes per day. The term intermittent use shall mean the application of chlorine for 120 minutes per day or less. The permittee shall enter a zero on the Discharge Monitoring Report for the TRC application mode not being used. The amount of chlorine applied shall be limited to the minimum amount needed to prevent biofouling. The permittee may use dechlorination techniques to achieve the applicable TRC limitations, using sodium thiosulfite or sodium sulfite or other dechlorinating agents approved by the Chief of the Surface Water Quality Division, as dechlorinating agents. The quantity of reagent used shall be limited to 1.5 times the stoichiometric amount needed for dechlorination of applied chlorine. The permittee shall report monthly the quantity of each dechlorination reagent used per day.

PART I

Section A.1 (continued)

- a. The receiving water shall contain no unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits as a result of this discharge.
- b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to Lake Michigan. A once per shift (3 times daily) temperature measurement is permissible when either the continuous monitor or recorder is out of service for calibration or repair.
- c. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids or deposits) shall be reported immediately to the Plainwell District Office of the Surface Water Quality Division followed with a written report within 5 days detailing the findings of the investigation and the steps taken to correct the condition.
- d. In the event the permittee shall require the discharge of water treatment additives in addition to any previously approved by the Chief of the Surface Water Quality Division, the permittee shall notify the Division Chief. Written approval from the Chief of the Surface Water Quality Division to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. The permit will be modified in accordance with the requirements of Part II.B.4 if a constituent of the additive or additives requires limiting.

PART I

Section A.

2. Final Effluent Limitations, Outfalls 00A through 00F (Internal Outfalls)

During the period beginning on the effective date of this permit and lasting until the date of expiration, the permittee is authorized to discharge the following internal discharges through the mixing basin outfall 001 to Lake Michigan. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
<u>00A - South cooling tower suction basin overflow (61.9 mgd)*</u>						
Flow (MGD)					Daily	Report Total Daily Flow
<u>00B - North cooling tower suction basin overflow (59.8 mgd)*</u>						
Flow (MGD)					Daily	Report Total Daily Flow
<u>00C - cooling tower blowdown (86 mgd)*</u>						
Flow (MGD)					Daily	Report Total Daily Flow
<u>00D - radwaste wastewater (0.1 mgd)*</u>						
Flow (MGD)					Per Batch	Report Total Daily Flow
Total Suspended Solids			30 mg/l	100 mg/l	Per Batch	Grab
Total Phosphorus (as P)				2 mg/l	Per Batch**	Grab
<u>00E - Neutralizer tank wastewater (0.1 mgd)*</u>						
Flow (MGD)					Per Batch	Report Total Daily Flow
Total Suspended Solids			30 mg/l	100 mg/l	Per Batch	Grab
<u>00F - turbine sump oil separator & volume reduction system (0.1 mgd)*</u>						
Flow (MGD)					Daily	Report Total Daily Flow
Oil & Grease			15 mg/l	20 mg/l	2 x Monthly	Grab

* The above flows are not a limitation on rate or quantity of discharge.

** Phosphorus monitoring is required only during discharge of batch laundry waste.

PART I

Section A.2 (continued)

- a. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to the mixing basin or co-mingling with other wastewater.
- b. In the event the permittee shall require the discharge of water treatment additives in addition to any previously approved by the Chief of the Surface Water Quality Division, the permittee shall notify the Division Chief. Written approval from the Chief of the Surface Water Quality Division to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. The permit will be modified in accordance with the requirements of Part II.B.4 if a constituent of the additive or additives requires limiting.
- c. The permittee shall not discharge priority pollutants, contained in chemicals added for cooling tower maintenance, in the cooling tower blowdown to the receiving waters of the state as a result of plant operations.

PART I

Section A.

3. Final Effluent Limitations, Outfalls 002, 003 & 004 (stormwater)

During the period beginning on the effective date of this permit and lasting until the date of expiration, the permittee is authorized to discharge an unspecified amount of stormwater from outfalls 002, 003 and 004 to Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	<u>Discharge Limitations</u>		<u>Other Limitations</u>		<u>Monitoring Requirements</u>	
	<u>lbs/day</u>		<u>Monthly</u>	<u>Daily</u>	<u>Measurement</u>	<u>Sample</u>
	<u>Monthly</u>	<u>Daily</u>				
	<u>Average</u>	<u>Maximum</u>	<u>Average</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Type</u>
Outfall Observation					Monthly*	Visual

*Outfalls 003 & 004 - monitoring is not required at this time due to the inaccessibility of the outfalls.

a. The receiving stream shall contain no unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits as a result of this discharge.

b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken at outfall 002 prior to discharge to Lake Michigan.

c. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids or deposits) shall be reported immediately to the Plainwell District Office of the Surface Water Quality Division followed with a written report within 5 days detailing the findings of the investigation and the steps taken to correct the condition.

PART I

Section A.

4. Special Condition - Boron Monitoring

The permittee shall monitor the discharge of steam generator blowdown for boron on a one time basis when steam generator blowdown is routed directly to the mixing basin during a boron soak. This condition may occur when a steam generator boron soak is in progress and there is a need for an immediate steam generator blowdown over a short period of time (i.e., less than 24 hours). Analysis should be conducted using the ASTM Mannitol Titration Method with a detection level of 1 mg/l. Discharge concentrations of boron through outfall 001 should be calculated based on mass balance. This monitoring is designed to determine whether this constituent will be discharged in significant quantities. The results of the analysis of such monitoring shall be submitted to the Plainwell District Supervisor of the Surface Water Quality Division within 60 days of the event. If, upon review of the analysis, it is determined that this constituent requires limiting to protect the receiving waters in accordance with applicable water quality standards, the permit may then be modified after public notice and Commission approval of the recommended permit modification in accordance with Part II.B.4.

5. Special Condition - PCB Prohibition

Effective upon the date of issuance of this permit the permittee shall not discharge any polychlorinated biphenyls to the receiving waters of the State of Michigan as a result of plant operations.

6. Special Condition - Intake Screen Backwash

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 intake screen backwash to Lake Michigan. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in an appropriate manner.

7. Special Condition - Reopener Clause

This permit may be modified or, alternatively, revoked and reissued to comply with any applicable standard(s) or limitation(s) promulgated under Section 301(b)(2)(c)(d), 304(b)(2) and 307(a)(2) of the Act, if the effluent standard(s) or limitation(s) so promulgated:

- a. is(are) either different in condition or more stringent than any effluent limitation in the permit; or
- b. control(s) any pollutant not limited in the permit.

PART I

Section A.

8. Special Condition - Notification Requirement

The discharger shall notify the Chief of the Surface Water Quality Division, in writing, within 10 days of knowing, or having reason to believe, that a change in facility operation, sewerage system users, maintenance, or construction has resulted or will result in the discharge of:

- a. Detectable levels* of chemicals on the current Michigan Critical Materials Register or priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, which were not acknowledged in the application** or listed in the application at less than detectable levels.
- b. Detectable levels* of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information.
- c. Any chemical at levels greater than five times the average level reported in the application**.

Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the schedule of compliance.

*The detectable level shall be defined as the Method Detection Limit (MDL) as given in Appendix B to Part 136, Federal Register, Vol. 49, No. 209, October 26, 1984, pp. 43430-31.

**The application submitted on October 20, 1988.

9. Discharge to the Groundwaters

The reissuance of this permit does not authorize any discharge to the groundwaters. Such discharge must be authorized by a groundwater discharge permit issued pursuant to Act 245, Public Acts of 1929, as amended.

10. Special Condition - Temperature Modification

The Michigan Water Resources Commission is considering the necessity of incorporating temperature limitations in this permit to assure that the requirements of Rule 82(1) of the Michigan Water Quality Standards are met. Therefore, when the consideration of this issue has been completed, the Commission may modify this permit in accordance with Part II.B.4. to add appropriate temperature limitations or requirements.

PART I

B. MONITORING AND REPORTING

1. Representative Sampling

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

2. Reporting:

a. DMR Submittal Requirements - The permittee shall submit Discharge Monitoring Report (DMR) forms to the Michigan Department of Natural Resources, Surface Water Quality Division, Data Entry Unit, P.O. Box 30028, Lansing, Michigan, 48909, for each calendar month of the authorized discharge period(s). The DMRs shall be postmarked no later than the 10th day of the month following each month of the authorized discharge period(s).

3. Definitions

a. The monthly average discharge is defined as the total discharge by weight, or concentration if specified, during the reporting month divided by the number of days in the reporting month that the discharge from the production or commercial facility occurred. If the pollutant concentration in any sample is less than the detection limit, regard that value as zero when calculating monthly average concentration. When less than daily sampling occurs, the monthly average discharge shall be determined by the summation of the measured daily discharges by weight, or concentration if specified, divided by the number of days during the reporting month when the samples were collected, analyzed and reported.

b. The daily maximum discharge means the total discharge by weight, or concentration if specified, during any calendar day.

c. The Regional Administrator is defined as the Region V Administrator, U.S. EPA, located at 230 South Dearborn, 13th Floor, Chicago, Illinois, 60604.

d. The Michigan Water Resources Commission is located in the STEVENS T. MASON BUILDING. The mailing address is P.O. Box 30028, Lansing, Michigan, 48909.

e. The Chief of the Surface Water Quality Division's mailing address is P.O. Box 30028, Lansing, Michigan, 48909.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

PART I

Section B.

5. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. 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.

7. Records Retention

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

PART I

C. SCHEDULE OF COMPLIANCE

1. The permittee shall continue to operate the installed facilities to achieve the effluent limitations specified for outfall 001.

2. Reapplication

If the discharges authorized by this permit are expected to continue beyond the expiration date of this permit, the permittee is required to submit an application for reissuance to the Chief of the Surface Water Quality Division on or before April 3, 1993.

3. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the Chief of the Surface Water Quality Division either a report of progress or, in the case of specific actions being required by identified dates, a written statement of compliance or noncompliance. In the latter case, the statement shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. Failure to submit the written statement is just cause to pursue enforcement action pursuant to the Commission Act and the Part 21 Rules.

PART II

A. MANAGEMENT REQUIREMENTS

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 Public Acts 245, of 1929, as amended, and/or PL 92-500, as amended, and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. Change of Conditions

Any anticipated facility expansion, production increases, or process modification which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Chief of the Surface Water Quality Division. Following such notice, the permit may be modified to specify and limit any pollutant not previously limited.

3. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials in accordance with the requirements of the Michigan Water Resources Commission Rules, Part 5. This requirement is included pursuant to Section 5 of the Michigan Water Resources Commission Act 245, P.A. of 1929, as amended, and the Part 5 Rules of the General Rules of the Commission.

4. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified by the Michigan Water Resources Commission, as required by Section 6a of the Michigan Act.

5. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Chief of the Surface Water Quality Division with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. 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.

PART II

Section A.

6. Spill Notification

The permittee shall immediately report any spill or loss of any product, by-product, intermediate product, oils, solvents, waste material, or any other polluting substance which occurs to the surface waters or groundwaters of the state by calling the Department of Natural Resources 24-hour Emergency Response telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-8166); and the permittee shall within ten (10) days of the spill or loss, provide the state with a full written explanation as to the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken, and schedule of implementation. This requirement is included pursuant to Section 5 of the Michigan Water Resources Commission Act 245, P.A. of 1929, as amended.

7. Facility 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.

8. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface 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.

9. By-Passing

Any diversion from or by-pass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life, personal injury, or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Michigan Water Resources Commission and the Regional Administrator, in writing, of such diversion or by-pass.

10. Power Failures

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

- a. Provide an alternative power source sufficient to operate facilities utilized by permittee to maintain compliance with the effluent limitations and conditions of this permit which provision shall be indicated in this permit by inclusion of a specific compliance date in each appropriate "Schedule of Compliance for Effluent Limitations".
- 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.

PART II

Section A.

11. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters, or the entry of toxic or harmful contaminants thereof onto the groundwaters in concentrations or amounts detrimental to the groundwater resource.

12. 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 Chief of the Surface Water Quality Division by telephone within 24 hours of becoming aware of such conditions and within five (5) days, provide in writing, the following information:

- a. That an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. That the permitted wastewater treatment facility was, at the time, being properly operated;
- 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.

13. Any requirement of this permit which is included under the unique terms of the Water Resources Commission, Act 245, P.A. of 1929, as amended, and rules promulgated thereunder, is not enforceable under the Federal Clean Water Act regulations.

PART II

B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the Executive Secretary of the Michigan Water Resources Commission, the Regional Administrator and/or their authorized representatives, 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 any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. 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 Michigan Water Resources Commission and the Regional Administrator.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act and Rule 2128 of the Water Resources Commission Rules, Part 21, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Pollution Control Agency and the Regional Administrator. As required by the 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 Act and Sections 7 and 10 of the Michigan Act.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully, all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

PART II

Section B.

5. Toxic Pollutants

Notwithstanding Part II.B.4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "By-Passing" (Part II.A.9) and "Power Failures" (Part II.A.10), 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 his control, such as accidents, equipment breakdowns, or labor disputes.

7. 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 Act except as are exempted by federal regulations.

8. 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 Act.

9. 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.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Notice to Public Utilities (Miss Dig)

The issuance of this permit does not exempt the permittee from giving notice to public utilities and complying with each of the requirements of Act 53 of the Public Acts of 1974, being sections 460.701 to 460.718 of the Michigan Compiled Laws, when constructing facilities to meet the terms of this permit.