STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION

In the matter of:

ACO-05873
Date Entered: 2023-07-26 14:44:00 UTC

Village of Bellaire
202 North Bridge Street
P.O. Box 557
Bellaire, Michigan 49615
/

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD). EGLE alleges the village of Bellaire (Bellaire) located at 202 North Bridge Street, Bellaire, Antrim County, Michigan, 49615, that owns and operates a Wastewater Treatment Plant (WWTP) located at 505 South Court Street, Bellaire, Antrim County, Michigan 49615, is in violation of Part 31, Water Resources Protection, and Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCLs 324.3101 and 324.4101 *et seq.*; the Part 21, Wastewater Discharge Permits, administrative rules promulgated pursuant to Part 31, R 323.2101 *et seq.* (Part 21 Rules); the Part 1, General Provisions, administrative rules promulgated pursuant to Part 41, R 299.2901 *et seq*. (Part 1 Rules); and National Pollutant Discharge Elimination System (NPDES) Individual Permit No. MI0044873, that was issued July 28, 2020, and effective August 1, 2020 (Permit). Bellaire is a municipality, as defined by Section 301 of the NREPA, MCL 324.301. Bellaire and EGLE agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

I. STIPULATIONS

Bellaire and EGLE stipulate as follows:

1.1 The NREPA, MCL 324.101 *et seq*., is an act that controls pollution to protect the environment and natural resources in the state.

1.2 Part 31 and the rules promulgated pursuant thereto provide for the protection, conservation, and control of pollution of the water resources of the state.

1.3 Part 41 and the rules promulgated pursuant thereto provide for the proper planning, construction, and operation of sewerage facilities to prevent unlawful pollution of the water resources of the state.

1.4 EGLE is authorized by sections 3106 and 3112(4) of Part 31, MCLs 324.3106 and 324.3112(4), and section 4111 of Part 41, MCL 324.4111, to enter orders requiring persons to abate pollution or otherwise cease or correct activities in violation of a specific part. The director of EGLE may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).

1.5 Bellaire consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of EGLE and is enforceable as such under Section 3112(4) of Part 31 and Section 4111 of Part 41. Bellaire agrees not to contest the issuance of this Consent Order and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the director of the WRD, delegate of the director of EGLE, pursuant to Section 301(b) of the NREPA.

1.6 Bellaire and EGLE agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by Bellaire that the law has been violated.

1.7 Executive Order 2019-06, signed by Governor Gretchen Whitmer on February 20, 2019, renamed the Department of Environmental Quality (DEQ) as EGLE effective April 22, 2019. This Consent Order uses EGLE to refer to the DEQ prior to April 22, 2019.

1.8 The signatory to this Consent Order certifies that they are fully authorized by Bellaire to enter into the terms and conditions of this Consent Order and to execute and legally bind Bellaire to this document. Bellaire hereby agrees to comply with the requirements of this Consent Order to resolve the violations stated in Section II of this Consent Order and agrees to achieve compliance with Part 31, Part 41, the Part 21 Rules, the Part 1 Rules, and the NPDES Permit by fulfilling the terms of Section III of this Consent Order.

II. FINDINGS

2.1 Bellaire is a municipality that owns and operates a wastewater treatment system that consists of a bar screen, a series of three lagoons, and a tertiary treatment system including clarifiers, filtration, and chemical treatment. The WWTP currently discharges through an above ground piping system to an adjacent wetland that is contiguous with the Intermediate River. The WWTP receives residential and commercial wastewater from Bellaire. Bellaire is authorized to discharge treated wastewater in accordance with the NPDES Permit.

2.2 On October 14, 2021, the WRD was notified via a telephone call that a discharge of raw or partially treated sewage had occurred from the WWTP collection system on October 13, 2021, from a manhole on Broad Street. On October 15, 2021, Bellaire submitted a Sanitary Sewer Overflow (SSO) report to the WRD. The report indicated an approximate discharge of 500 gallons onto the road surface from the overflowing manhole. The report further indicated that Bellaire failed to properly notify the Local Health Department of the SSO as required by the NPDES Permit.

2.3 On November 23, 2021, the WRD issued Violation Notice (VN) No. VN-012496 to Bellaire citing violations of Part 31 and the NPDES Permit for the unpermitted discharge of raw or partially treated sewage and failure to meet statutory notification requirements of an SSO. VN-012496 requested that Bellaire submit corrective actions including updates to its protocols for proper notification and reporting of SSOs by December 22, 2021. Bellaire submitted its response to VN-012496 on December 22, 2021.

2.4 On February 4, 2022, the WRD issued VN-012595 to Bellaire following a compliance file review. VN-012595 cited violations of the NPDES Permit for failure to submit Discharge Monitoring Reports (DMRs) by the required due date on twenty occasions for the reporting periods between April 2019 and December 2021. VN-012595 requested a response with corrective actions by March 4, 2022. The WRD did not receive a response by the requested due date.

2.5 On April 18, 2022, Bellaire's Director of Public Works contacted the WRD to determine the WWTP compliance status. After further discussion of outstanding violations at the WWTP

it was communicated to the WRD that Bellaire had contracted a new certified operator and would work with the WRD to address any remaining compliance issues. On April 21, 2022, the WRD received updated certified operator designation forms.

2.6 On April 20, 2022, Bellaire notified the WRD of the immediate need to discharge from the WWTP due to dangerously high lagoon levels. It was indicated in the notification that there were only inches of freeboard in the lagoons and an emergency discharge from the WWTP was required to avoid an SSO and/or structural damage to the lagoon berms. Bellaire initiated a discharge from Lagoon #3 through the tertiary treatment plant on that date prior to submitting a required lagoon discharge request and without authorization from the WRD. Bellaire indicated that waiting for sample results to complete a discharge authorization request would likely result in a breach or overflow of the lagoons and commenced the unauthorized discharge. On April 21, 2022, Bellaire notified the WRD that the initial emergency discharge rate through the tertiary treatment plant was insufficient to mitigate high lagoon levels and that there was additional concern over forecasted heavy rains. Bellaire added pumps to Lagoon #3, bypassing the tertiary treatment plant, and initiated the discharge of partially treated sewage to receiving waters in the adjacent wetland. Bellaire submitted the required report of discharge of untreated or partially treated sewage and fulfilled the appropriate notification requirements. Bellaire submitted an SSO final report on April 27, 2022, following the emergency discharge event. The final report estimated a total discharge of 13.077 million gallons of partially treated sewage to waters of the state, in violation of Part 31 and the NPDES Permit.

2.7 On April 25, 2022, WRD staff conducted a compliance inspection at the WWTP. The inspection consisted of file review, interview, and facility inspection. At the time of the inspection the unpermitted discharge of partially treated sewage had ceased, and lagoon levels were within compliance. During the inspection WRD staff observed two areas on the berms of Lagoon #1 with burrowing animal damage and visible sludge above the water surface in the northwest corner of the lagoon. Also, WRD staff were informed that the influent bar screen had not been in place when the new WWTP operators initially inspected the WWTP and WRD staff observed that a majority of the lagoon aerators were not in operation. Additionally, a review of on-site records demonstrated that permit monitoring requirements were not being adequately conducted. Further site record review

indicated that the WWTP Operation and Maintenance (O&M) manual was not up to date. During the site inspection, Bellaire staff expressed concern that NPDES Permit isolation requirements were not previously being met prior to discharge. Follow-up review of DMR's and lagoon working volumes confirmed that isolation requirements were not previously being met. At the time of the inspection, Bellaire had hired new certified operators to oversee the WWTP and address compliance issues.

2.8 On May 6, 2022, the WRD issued VN-012965 to Bellaire citing violations of Part 31, Part 41, and the Permit. Violations identified in VN-012965 included failure to obtain authorization prior to the discharge of wastewater to waters of the state, the unpermitted discharge of partially treated sewage from a sewerage system to waters of the state, failure to maintain a minimum of two foot of lagoon freeboard, failure to regularly inspect, repair, and prevent lagoon damage from burrowing animals, failure to isolate discharge lagoon cells for a minimum of two weeks prior to discharge in accordance with the NPDES Permit, improper sampling and monitoring, failure to submit DMRs by the required due date, failure to maintain an up-to-date O&M Manual on-site, failure to properly operate and maintain all treatment and control facilities, failure to submit a groundwater monitoring plan as required by the NPDES Permit, and failure to remove lagoon solids in accordance with the NPDES Permit requirements. VN-012965 required Bellaire to submit a response with corresponding due dates for submittals that would address the identified violations. The WRD received a sufficient response from Bellaire on June 13, 2022, providing corrective actions and a portion of the required submittals as well as a written extension request for the remaining required submittals.

2.9 On July 5, 2022, the WRD issued a follow-up to VN-012965 granting an extension of the deadlines for remaining submittals and providing a new schedule for the required submittals. On July 15, 2022, Bellaire submitted an extension request for the submittal of groundwater monitoring well information which the WRD granted and extended to August 18, 2022.

2.10 On August 15, 2022, Bellaire notified the WRD of an unauthorized discharge of raw or partially treated sewage from the WWTP to surface waters of the state. Bellaire submitted a final report for the discharge on October 12, 2022. The report indicated a discharge of

approximately 4.5 million gallons of partially treated wastewater from the WWTP beginning August 15, 2022, and ending September 9, 2022. The discharge was made through the NPDES outfall to the receiving surface waters of the state without the NPDES Permit required two-week isolation period. DMRs and lab reports for water samples taken during the discharge period did not indicate a violation of the NPDES Permit fecal coliform effluent limit.

2.11 On November 9, 2022, the WRD issued VN-013419 to Bellaire citing violations of Part 31 and the NPDES Permit for the unauthorized discharge of partially treated wastewater to waters of the state between August 15, 2022, and September 9, 2022.

2.12 On March 2, 2023, the WRD issued VN and Enforcement Notice (EN) No. EN-000033 to Bellaire citing violations of Part 31, Part 41, the Part 21 Rules, the Part 1 Rules, and the NPDES Permit. Violations identified in EN-000033 included maximum effluent limit exceedances of the maximum seven-day geometric mean for fecal coliform during three sampling periods between November 30, 2022, and December 20, 2022, maximum effluent exceedance for the monthly geometric mean for fecal coliform for December 2022, and the unauthorized discharge of partially treated wastewater to waters of the state on November 22, 2022. EN-00033 also restated violations identified in VN-012496, VN-012595, VN-012965, and VN-013419.

2.13 On March 28, 2023, Bellaire met with the WRD to discuss updates at the WWTP, the violations identified in EN-000033, Bellaire's intent to apply for State Revolving Fund grant monies, and entry into a Consent Order to bring the WWTP back into compliance and formally resolve violations of Part 31, Part 41, the Part 21 Rules, the Part 1 Rules, and the NPDES Permit. During the meeting, Bellaire verbally agreed to review the proposed Consent Order.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT Bellaire shall take the following actions to comply with and prevent further violations of Part 31, Part 41, the Part 21 Rules, the Part 1 Rules, and the NPDES Permit:

3.1 No later than November 1, 2023, Bellaire shall complete installation and startup of the WWTP ultraviolet (UV) disinfection system to be built in accordance with the January 24, 2023, Part 41 permit No. P41004129 (included as Exhibit A of this Consent Order).

3.2 No later than January 15, 2024, Bellaire shall submit to the WRD for review and approval, an administratively complete Part 41 permit application to install an influent mechanical screen for the WWTP. If the WRD identifies any deficiencies in the Part 41 permit application, they will notify Bellaire. Bellaire shall address all comments and correction requests within 30 days of notification from the WRD. The influent mechanical screen improvements shall be sufficient to protect downstream piping, channels, and equipment from plugging, damage, and/or service interruptions. The design shall meet all applicable standards including, but not limited to, the standards referenced by Part 41.

3.3 Bellaire shall comply with all current and subsequent Part 41 permits issued to Bellaire by EGLE.

3.4 No later than 60 days after WRD approval of the Part 41 permit application required in Paragraph 3.2 of this Consent Order, Bellaire shall submit, for review and approval, a work plan with a schedule to install the WWTP influent mechanical screen. Bellaire shall implement the work plan and schedule immediately upon approval by the WRD. The WRD-approved work plan shall be enforceable under this Consent Order.

3.5 Bellaire provided a preliminary engineering evaluation of the WWTP to the WRD on August 12, 2022. No later than January 1, 2024, Bellaire shall submit to the WRD for review and approval, an updated engineering evaluation of the WWTP completed by an engineer licensed in Michigan. The purpose of the evaluation is to identify all corrective actions needed for the WWTP to obtain compliance with its NPDES Permit and applicable parts of Part 31 and Part 41, including, but not limited to, eliminating bypasses, overflows, and discharges of raw or partially treated wastewater, meeting all effluent discharge limits, and abiding by all operational and maintenance requirements. The evaluation shall be sufficient for the aforementioned purpose and for development of a plan to implement the corrective actions as required under Paragraph 3.6 below. The evaluation shall identify

all needed replacements, repairs, upgrades, improvements, or alternatives. The updated evaluation shall also include, but not be limited to, the following:

a. Alternatives to the existing tertiary treatment process for solids and phosphorus removal.

b. Alternatives for discharge or disposal of solids from the existing tertiary treatment process which must include alternatives to the current practice of discharging solids to the first wastewater treatment lagoon.

c. An assessment of the condition, functionality, and maintainability of the existing final effluent disposal above grade piping system, including any needed replacements, repairs, upgrades, or improvements.

d. Alternative discharge scenarios to the existing wetland discharge through above grade piping.

e. WWTP redundancy and reliability, distribution of loads between motor control centers, and backup power.

f. An assessment of the storage capacity of the existing lagoon system with regard to treatment and storage during the non-discharge (winter) period identified in the NPDES Permit. This assessment shall be sufficient to determine if the existing volume of the lagoon system exceeds the needed volume to be stored during the no-discharge months. This shall consider all pertinent operational requirements including, but not limited to, maintaining the required minimum and maximum water levels in each lagoon.

3.6 No later than March 1, 2024, Bellaire shall submit a Corrective Action Plan (CAP) for WRD review and approval. The CAP shall be developed from the engineering evaluation in Paragraph 3.5 above upon its approval by the WRD. The CAP shall include all corrective actions needed for the WWTP to obtain compliance with its NPDES Permit and applicable parts of Part 31 and Part 41 as stated in Paragraph 3.5 above. The CAP shall include an implementation schedule to address the recommendations of the engineering evaluation in Paragraph 3.5 above. Improvements or modifications to the WWTP may require a

modification to the NPDES Permit and Part 41 wastewater system construction permits. Bellaire shall include the time for permit applications, reviews, modifications, and approvals when proposing the implementation schedule. The WRD-approved CAP shall be incorporated herein and enforceable under this Consent Order.

3.7 No later than 30 days after receiving WRD's approval of the CAP, Bellaire shall implement the WRD-approved CAP. Bellaire shall obtain all necessary and required permits and approvals needed to implement the WRD-approved CAP including, but not limited to, modifications to the NPDES Permit and Part 41 wastewater system construction permits.

3.8 No later than April 1, 2024, Bellaire shall submit an updated Asset Management Plan (AMP) to the WRD for review and approval. An approvable AMP shall contain a schedule for the development and implementation of an asset management program that meets the requirements outlined below in subparagraphs (a) through (d).

a. **Maintenance Staff:** Bellaire shall provide adequate staffing to carry out the operation, maintenance, repair, and testing functions to ensure compliance with the terms and conditions of the NPDES Permit. The level of staffing needed shall be determined by taking into account the work involved in operating the sewerage system and treatment works, planning for and conducting maintenance, and complying with the NPDES Permit and this Consent Order. The asset management program shall quantify and/or estimate: the frequency of operation, maintenance, repair, inspection, and testing tasks required; level of staffing required to complete the tasks; and the current level of staffing. The program shall describe how any differences in staffing needs and current staff will be addressed.

b. **Sanitary Sewer Collection System Map:** Bellaire shall complete a map of the sanitary sewer collection system it owns and operates. The sanitary sewer collection system information shown on the map shall be based on current conditions and shall be kept up-to-date and available for review by the WRD. Such map(s) shall include, but not be limited to, the following.

i. All sanitary sewer lines and related manholes.

ii. All known or suspected connections between the sanitary sewer collection system and storm drain systems.

iii. All connections to municipal and/or regional sewerage systems not owned/operated by Bellaire.

iv. All outfalls, including the treatment plant outfall and any known sanitary sewerage system overflow outfalls, including known locations where sanitary sewerage system overflows have occurred or could occur.

v. All pump stations, force mains, and related structures.

vi. All surface waters (labeled).

vii. Other major appurtenances such as inverted siphons and air release valves.

viii. A numbering system which uniquely identifies manholes, overflow points, and outfalls.

ix. The scale and a north arrow.

x. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

xi. The manhole interior material, rim elevation (optional), and invert elevations.

c. **Inventory and Assessment of Assets:** Bellaire shall update its existing inventory and assessment of operations-related assets, including the treatment works and portions of the collection system owned and operated by Bellaire. The inventory and assessment shall be based on current conditions and shall be kept up-to-date and available for review by the WRD. The asset inventory shall include the following.

i. A brief description of the asset, its design capacity (e.g., pump gallons per minute), its level of redundancy, and its tag number (or service or serial number or other identifying numbers and/or nameplate information or the like) if applicable

ii. The location of the asset.

iii. The year the asset was installed.

iv. The present condition of the asset (e.g., excellent, good, fair, poor).

v. The current asset (replacement) cost in dollars for year specified in accordance with approved schedules.

The asset assessment shall also include a business risk evaluation that combines the probability of failure of the asset and the criticality of the asset, as follows.

i. Rate the probability of failure of the asset on a scale of 1 to 5 (low to high) using criteria such as maintenance history, failure history, and remaining percentage of useful life (or years remaining).

ii. Rate the criticality of the asset on a scale of 1 to 5 (low to high) based on the consequence of failure versus the desired level of service for the facility.

iii. Compute the business risk factor of the asset by multiplying the failure rating by the criticality rating.

d. **Operation, Maintenance and Replacement Budget and Rate Sufficiency Analysis for the Sewer System and Treatment Works:** The asset management program shall include an assessment of its user rates and replacement fund including the following.

i. Beginning and end of fiscal year dates.

ii. Value of Bellaire's replacement fund for the year specified in accordance with approved schedules.

iii. Replacement fund value for all assets with a useful life (moving forward from present year) of 20 years or less.

iv. Fiscal year expenditures for maintenance, corrective action, and capital improvement.

v. Fiscal year operation, maintenance, and replacement budget.

vi. Rate calculation demonstrating sufficient revenues to cover operation, maintenance, and replacement budget. If the rate calculation shows there are insufficient revenues to cover operation, maintenance, and replacement expenses, the permittee shall prepare and submit a plan, subject to WRD approval, for addressing the revenue gap.

3.9 No later than 30 days after WRD approval of the AMP, Bellaire shall implement the WRD-approved AMP. The WRD-approved AMP shall be incorporated herein and enforceable under this Consent Order.

3.10 No later than January 1, 2024, Bellaire shall develop and submit, an updated WWTP O&M manual to the WRD for review and approval. The manual shall include, but not be limited to, the following.

a. Aeration equipment specifications, operation and maintenance schedules, and operational settings.

b. Tertiary treatment system settings, including chemical feed rates, clarifier solids removal procedures, and backwash filter settings.

c. A description of WWTP flow metering and flow metering equipment specifications.

d. UV and influent screen equipment specifications, maintenance schedules, and operational settings, as applicable.

e. Procedures for shutting down and winterizing WWTP equipment, including the discharge piping.

f. Procedures for operating the WWTP during loss of line power.

g. An up-to-date monthly operating report.

h. An evaluation of staffing required to operate and maintain the current WWTP in accordance with the manual.

i. List of the oil and polluting materials stored on-site, subject to the Part 5, Spillage of Oil and Polluting Materials, administrative rules promulgated pursuant to Part 31, including storage amounts and/or storage container capacities.

j. Procedures for sampling and analysis and other monitoring needed to evaluate WWTP process effectiveness. The influent wastewater, wastewater effluent from each lagoon, and the tertiary treatment effluent shall be sampled and analyzed.

k. Spare parts inventory.

l. A Facility Maintenance Program. The Facility Maintenance Program shall include the following management practices.

    i. Lagoon dike vegetation management to a height of not more than six inches above the ground.

    ii. Management of floating material and/or water perimeter emergent rooted aquatic plant cover.

    iii. Immediate correction of dike damage due to erosion or animal burrowing and preventative steps to prevent occurrences in the future.

    iv. Protection of the lagoon liner integrity including immediate correction of liner damage and prevention of future occurrences.

    v. Minimization of scum, floating sludge, offensive odors, insect infestations, and septic conditions.

m. Procedures for sludge depth monitoring and removal. At a minimum, monitoring shall be completed once every five years for the first ten years after sludge removal, and annually thereafter. Sludge dredging shall be completed once average sludge depth reaches two feet, or if sludge levels affect the compliance with the NPDES Permit.

3.11 Bellaire shall immediately implement the revised WWTP O&M manual upon WRD-approval.

3.12 Bellaire shall comply with Part I.A.4.a of the NPDES Permit, including year-round inspection of the lagoon facility three times weekly for erosion, slumping, animal burrowing, or breakthrough of the lagoon dikes. Bellaire shall adhere to and implement the WRD-approved Facility Maintenance Program, as described in Paragraph 3.10(l) of this Consent Order, to maintain compliance with Part I.A.4.b of the NPDES Permit. Bellaire shall immediately correct any lagoon dike or liner damage due to erosion, animal burrowing, or other means.

3.13 Bellaire shall complete all sampling and sample analysis in compliance with Part I.A.1 and Part II.B.2 of the NPDES Permit. Bellaire shall record sampling and analysis information in compliance with Part II.B.4 of the NPDES Permit and shall retain all resulting records and information for a minimum of three years in compliance with Part II.B.5 of the NPDES Permit.

3.14 No later than January 1, 2024, Bellaire shall submit a schedule, for the removal of sludge from the WWTP lagoons to the WRD for review and approval. Bellaire shall remove, handle, and dispose of the sludge in accordance with the WRD-approved schedule; the Part 24, Land Application of Biosolids, administrative rules promulgated pursuant to Part 31; and Part II.D.7 of the NPDES Permit. All sludge removal, storage, transport, and disposal shall be in accordance with applicable requirements, including but not limited to, biosolids requirements and an approved residuals management plan.

3.15 No later than January 1, 2024, Bellaire shall submit, for WRD review and approval, a plan for the installation of groundwater monitoring wells for monitoring lagoon exfiltration in

accordance with Part I.A.2.a of the NPDES Permit. The installation plan shall include the following.

a. The number, location, and anticipated depths of the proposed wells.

b. The drilling method.

c. The method of continuous soil sample collection for the purpose of describing the geologic conditions at the well site.

d. The monitoring well construction materials.

e. The well development method.

f. The requirement to survey the well top casings and ground surface elevations to a United States Geological Survey datum.

3.16 No later than 90 days after the WRD's approval of the groundwater monitoring well installation plan required under Paragraph 3.15, above, Bellaire shall install groundwater monitoring wells in accordance with the approved plan.

3.17 No later than January 1, 2024, Bellaire shall submit, for WRD review and approval, a groundwater monitoring plan in accordance with Part I.A.2.b of the NPDES Permit. The groundwater monitoring plan shall include, at a minimum, quarterly monitoring of the groundwater elevation and the following parameters: total phosphorus, dissolved phosphorus, total inorganic nitrogen, sodium, chloride, pH, and specific conductance. The WRD-approved groundwater monitoring plan shall be enforceable under this Consent Order.

3.18 Bellaire shall implement the WRD-approved groundwater monitoring plan immediately following the installation of the groundwater monitoring wells as specified under Paragraph 3.16 of this Consent Order, and in accordance with Part I.A.2.c of the NPDES Permit. Monitoring shall be carried out in accordance with the WRD-approved groundwater monitoring plan on a quarterly basis, unless and until Bellaire is notified in writing that monitoring may cease or be reduced. Bellaire shall submit laboratory

analytical reports on all groundwater monitoring on a quarterly basis unless notified that monitoring may cease or be reduced.

3.19 Bellaire shall submit DMRs in compliance with Part I.A.1.i and Part II.C.2 of the NPDES Permit. Monthly monitoring reports shall be submitted for each month a discharge is authorized whether or not there has been a discharge. Monthly monitoring reports shall be submitted no later than the 20th day of the month following each month of the authorized discharge period.

3.20 Bellaire shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to their MiEnviro Portal account and, if required, to the WRD, Gaylord District Office-Water Quality Unit supervisor, at EGLE, 2100 West M-32, Gaylord, Michigan 49735-9282. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. EGLE APPROVAL OF SUBMITTALS

4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to EGLE by Bellaire, the following process and terms of approval shall apply.

4.2 All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.

4.3 In the event EGLE disapproves a work plan, proposal, or other document, it will notify Bellaire, in writing, specifying the reasons for such disapproval. Bellaire shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document that adequately addresses the reasons for EGLE's disapproval. If the revised work plan, proposal, or other document is still not acceptable to EGLE, EGLE will notify Bellaire of this disapproval.

4.4 In the event EGLE approves with specific modifications a work plan, proposal, or other document, it will notify Bellaire, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific

reasons for such modifications. EGLE may require Bellaire to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document that adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to EGLE, EGLE will notify Bellaire of this disapproval.

4.5 Upon EGLE approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.

4.6 Failure by Bellaire to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order, and shall subject Bellaire to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in Paragraph 9.2 of this Consent Order.

4.7 Any delays caused by Bellaire's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter Bellaire's responsibility to comply with any other deadline(s) specified in this Consent Order.

4.8 No informal advice, guidance, suggestions, or comments by EGLE regarding reports, work plans, plans, specifications, schedules, or any other writing submitted by Bellaire will be construed as relieving Bellaire of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

5.1 Bellaire and EGLE agree that EGLE may grant Bellaire a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the WRD, Water Quality Enforcement Unit supervisor, at EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958, and the WRD, Gaylord District Office-Water Quality Unit supervisor, at the address provided in Paragraph 3.20 of this Consent Order, no later than ten business days prior to the pertinent deadline, and shall include:

a. Identification of the specific deadline(s) of this Consent Order that will not be met.

b. A detailed description of the circumstances that will prevent Bellaire from meeting the deadline(s).

c. A description of the measures Bellaire has taken and/or intends to take to meet the required deadline.

d. The length of the extension requested and the specific date on which the obligation will be met.

The WRD, Gaylord District Office-Water Quality Unit supervisor or a designee, in consultation with the WRD, Water Quality Enforcement Unit supervisor, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from EGLE, and if applicable, signed by both parties.

VI. REPORTING

6.1 Bellaire shall verbally report any violation(s) of the terms and conditions of this Consent Order to the WRD, Gaylord District Office-Water Quality Unit supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). Bellaire shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

7.1 Upon request by an authorized representative of EGLE, Bellaire shall make available to EGLE all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to the NREPA or its rules. All such documents shall be retained by Bellaire for at least a period of five years from the date of generation of the record unless a longer period of record retention is required by the NREPA or its rules.

VIII. RIGHT OF ENTRY

8.1 Bellaire shall allow any authorized representative or contractor of EGLE, upon presentation of proper credentials, to enter upon the premises of the WWTP at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of EGLE to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

IX. PENALTIES

9.1 Within 30 days after the effective date of this Consent Order, Bellaire shall pay to the State of Michigan **$4,739** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made in accordance with Paragraph 9.4 of this Consent Order.

9.2 For each failure to comply with a provision contained in Section III of this Consent Order, Bellaire shall pay a stipulated penalty of $5,000. If, after 30 days from the original deadline, Bellaire has not fully corrected the violation, Bellaire shall pay stipulated penalties of $200 per violation per day for one to seven days of violation, $300 per violation per day for eight to 14 days of violation, and $500 per violation per day for each day of violation thereafter. Payments shall be made in accordance with Paragraph 9.4 of this Consent Order.

9.3 For each failure to comply with any provision of this Consent Order other than the provisions contained in Section III of this Consent Order, Bellaire shall pay stipulated penalties of $200 per violation per day for one to seven days of violation, $300 per violation per day for eight to 14 days of violation, and $500 per violation per day for each day of violation thereafter. Payments shall be made in accordance with Paragraph 9.4 of this Consent Order.

9.4 Bellaire shall pay all stipulated penalties within 30 days after receipt of the demand for payment of stipulated penalties from EGLE. Bellaire agrees to pay all funds due pursuant to this Consent Order by check made payable to the State of Michigan and delivered to

the Michigan Department of Transportation, Accounting Services Division, Cashier's Office for EGLE, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Michigan Department of Transportation, Accounting Services Division, Cashier's Office for EGLE, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WRD60150**.

9.5 Bellaire agrees not to contest the legality of the costs paid pursuant to Paragraph 9.1 above. Bellaire further agrees not to contest the legality of any stipulated penalties assessed pursuant to Paragraphs 9.2 or 9.3, above, but reserves the right to dispute the factual basis upon which a demand by EGLE for stipulated penalties is made.

9.6 EGLE reserves its rights to seek interest on any unpaid sums due pursuant to the terms of the Consent Order. Subject to the other provisions of this Section IX, EGLE may waive, in its unreviewable discretion, any portion of stipulated penalties and interest that has accrued pursuant to this Consent Order. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal, and calculated from the due date for the payment until the delinquent payment is finally made in full.

X. FORCE MAJEURE

10.1 Bellaire shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of Bellaire's obligations under this Consent Order in accordance with this section.

10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of Bellaire, such as: an Act of God, untimely review of permit applications or submissions by EGLE or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by Bellaire's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include,

among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of Bellaire's actions or omissions.

10.3 Bellaire shall notify EGLE, WRD, by telephone, within 48 hours of discovering any event that may cause a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by Bellaire to prevent or minimize the delay, and the timetable by which those measures shall be implemented. Bellaire shall adopt all reasonable measures to avoid or minimize any such delay. Nothing in this paragraph obviates the need to report violations as required by Paragraph 6.1 of this Consent Order.

10.4 Failure of Bellaire to comply with the notice requirements and time provisions under Paragraph 10.3 shall render this Section X void and of no force and effect as to the particular incident involved. EGLE may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of Paragraph 10.3, above.

10.5 If the parties agree that the delay or anticipated delay was beyond the control of Bellaire, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, EGLE is the final decision-maker on whether or not the matter at issue constitutes a "Force Majeure." The burden of proving that any delay was beyond the reasonable control of Bellaire, and that all the requirements of this Section X have been met by Bellaire, rests with Bellaire.

10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that Bellaire qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XI. GENERAL PROVISIONS

11.1 With respect to any violations not specifically addressed and resolved by this Consent Order, EGLE reserves the right to pursue any remedies to which it is entitled for any failure on the part of Bellaire to comply with the requirements of the NREPA and its rules.

11.2 EGLE and Bellaire consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31**.**

11.3 This Consent Order in no way affects Bellaire's responsibility to comply with any other applicable state, federal, or local laws or regulations.

11.4 The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.

11.5 The parties agree to diligently and in good faith pursue informal negotiations to resolve any disputes arising out of this Consent Order prior to resorting to judicial enforcement. Such negotiations shall proceed in a timely manner.

11.6 Nothing in this Consent Order is or shall be considered to affect any liability Bellaire may have for natural resource damages caused by Bellaire's ownership and/or operation of the WWTP. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.

11.7 In the event Bellaire sells or transfers the WWTP, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, Bellaire shall also notify the WRD, Gaylord District Office-Water Quality Unit supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD, Gaylord District Office-Water Quality Unit supervisor within 30 days of assuming the obligations of this Consent Order.

11.8 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.

11.9 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

11.10 The effective date of this Consent Order is the date it is signed by the director of the WRD.

XII. TERMINATION

12.1 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by EGLE. Prior to issuance of a written TN, Bellaire shall submit a request consisting of a written certification that Bellaire has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. A suggested form for providing the required written certification is appended to this Consent Order as Exhibit B. Specifically, an acceptable certification shall include:

a. The date of compliance with each provision of the compliance program in Section III of this Consent Order, and the date any fines or penalties were paid.

b. A statement that all required information has been reported to the WRD, Gaylord District Office-Water Quality Unit supervisor.

c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the Facility.

EGLE may also request additional relevant information. EGLE shall not unreasonably withhold issuance of a TN.

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

E-SIGNED by Teresa Seidel
on 2023-07-26 14:44:00 EDT

Teresa Seidel, Director
Water Resources Division

2023-07-26 14:44:00 UTC

Date

VILLAGE OF BELLAIRE

E-SIGNED by Dan Bennett
on 2023-07-26 14:27:20 EDT

By: Dan Bennett
Title: President

2023-07-26 14:27:20 UTC

Date

APPROVED AS TO FORM:

E-SIGNED by Margaret A. Bettenhausen
on 2023-07-26 14:31:29 EDT

By: Margaret A. Bettenhausen, Assistant Attorney General
For: Polly A. Synk, Division Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

2023-07-26 14:31:29 UTC

Date

Exhibit A

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

WATER RESOURCES DIVISION

PERMIT FOR CONSTRUCTION OF WASTEWATER SYSTEMS

SITE NAME:	Bellaire WWTP
CONTACT NAME:	Bradley Keiser
CONTACT PHONE:	231-533-6414
CONTACT EMAIL:	dpwdirector@bellairemichigan.com
PROJECT COUNTY:	Antrim

PERMIT NUMBER:	P41004129 v. 1
ISSUED DATE:	January 24, 2023
ISSUED TO:	Village of Bellaire
PROJECT NAME:	Ultraviolet Disinfection Installation - WWTP
PROJECT LOCATION:	Village of Bellaire

APPLICATION SUBMISSION ID: HPP-X7TZ-MACZ3

REQUIRED NOTIFICATIONS: The permittee shall submit a Construction Startup Notification (just prior to excavation) and a Construction Completion Notification (upon project completion) using the permit schedules in MiEnviro Portal.

☒ If this box is checked, please see the SPECIAL CONDITIONS on page 2.

ISSUED UNDER THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)

Issued By:	Reviewed By:
Insert Signature 	Insert Signature 
Name Donal Brady, P.E. Title Environmental Engineer	Name Donal Brady, P.E. Title Environmental Engineer

cc: Gourdie Fraser (plans and specifications)
Operation Services (plans and specifications)
Health Department of Northwest Michigan

GENERAL CONDITIONS

a. This PERMIT only authorizes the construction, alteration, addition, or improvement of the wastewater system as described herein and is issued solely under the authority of Part 41, Sewerage Systems, of Act 451.
b. This PERMIT expires two (2) years after the above date of issuance unless construction starts prior to the expiration date in accordance with R 299.2939(2) of the Part 41 Administrative Rules.
c. Any portion of the herein-described proposed wastewater project constructed prior to the date of issuance is not authorized by this PERMIT and is a violation of Part 41 of Act 451.
d. No sewer shall be placed into service unless and until the outlet sewer has been constructed, tested, and placed into service.
e. Failure to meet any condition of this PERMIT or any requirement of Act 451 constitutes a violation of Act 451.
f. Issuance of this PERMIT does not authorize any violation of federal, state, or local laws or regulations, nor does it obviate the need to obtain other permits or approvals from EGLE or other units of government as required by law.
g. The applicant must provide notice of impending construction to public utilities and comply with the requirements of the Underground Facility Damage Prevention and Safety Act, PA 174 of 2013, as amended (MISS DIG).
h. All earth-changing activities must be conducted in accordance with Part 91, Soil Erosion and Sedimentation Control, of Act 451.
i. All construction activity, including groundwater dewatering, impacting wetlands shall be conducted in accordance with Part 303, Wetlands Protection, of Act 451.
j. If water withdrawal, via dewatering activities, is associated with this project, authorization under Part 327, Great Lakes Preservation, of Act 451, is required for new or increased large quantity withdrawals over 100,000 gallons per day (70 gallons per minute). A Part 327 permit is required for new or increased large quantity withdrawals over 2,000,000 gallons per day.

SPECIAL CONDITIONS

1. The construction of the Village of Bellaire (the “Village”) Wastewater Treatment Plant Ultraviolet (UV) Disinfection project, authorized by this PERMIT, shall be in accordance with the PLANS and SPECIFICATIONS received by EGLE via MiEnviro on December 13, 2022. These PLANS and SPECIFICATIONS are attached to this PERMIT.
2. The following conditions supplement or correct the PLANS and SPECIFICATIONS.
   A. The UV system shall be equipped with a lamp failure alarm(s), including a low lamp intensity alarm. The UV alarms will be integrated into and activate the treatment plant’s existing alarm autodialer.
   B. The UV system shall be designed to operate in an environment with ambient relative humidity of 5-90% and ambient air temperature of 32-104ºF (0-40ºC).
   C. The UV system shall be equipped with a chemical cleaning port and a pressure relief valve.
3. After project construction completion, the Village shall provide an updated treatment plant operation and maintenance (O&M) manual to EGLE, WRD at BradyD6@michigan.gov. The O&M manual shall include, but not be limited to, the following information: i) UV system manufacturer specifications, drawings, and manuals; ii) specifications, electrical diagrams, and manuals for the UV system control panel; and iii) procedures for servicing and cleaning the UV system.

PROPOSED WASTEWATER PROJECT DESCRIPTION

The Village of Bellaire owns and operates a WWTP capable of treating 0.27 MGD of sewage. The plant provides primary, secondary and tertiary treatment and is regulated under NPDES MI0044873 for batch surface water discharge into an unnamed wetland contiguous to the Intermediate River.

The scope of the work includes the installation of one (1) closed vessel UV disinfection chamber downstream of the existing sand filter operation prior to discharge to the lagoons. Work will include installation of piping, valves, and appurtenances to accommodate installation with 2nd vessel provided as on shelf spare. System will be provided with control panel and remote monitoring / operations for redundancy. The UV unit is sized to meet peak hour flows consistent with maximum capacity of the effluent discharge pumps.

Exhibit B

Michigan Department of Environment, Great Lakes, and Energy

Water Resources Division

ADMINISTRATIVE CONSENT ORDER TERMINATION REQUEST

The completion of this form is voluntary and is intended to be used as guidance for persons that are eligible to request EGLE to issue a Termination Notice of their Administrative Consent Order (ACO). However, it may not be relied upon as being legally sufficient to cover all potential issues related to the specific requirements of the ACO. EGLE does not assume any liability for the use of this document and encourages the user to seek independent legal advice before using this form to draft its certification and request for Termination of its ACO.

PLEASE TYPE OR PRINT

<table>
<tr><td>1.ACO</td><td colspan="3">ADMINISTRATIVE CONSENT ORDER NUMBER:</td></tr>
<tr><td rowspan="4">2. Facility Owner or Legally Authorized Representative</td><td colspan="3">Facility Owner/Legally Authorized Representative Who Signed the ACO:</td></tr>
<tr><td colspan="2">Address:</td><td>Address 2 or P.O. Box:</td></tr>
<tr><td>City:</td><td>State:</td><td>Zip Code:</td></tr>
<tr><td>Telephone:</td><td>Fax:</td><td>E-mail address:</td></tr>
<tr><td>3. Compliance Section</td><td colspan="3">Summarize each completed requirement in the Compliance Section of the ACO give the completion date. Please use additional sheets if necessary:</td></tr>
</table>

Exhibit B
Michigan Department of Environment, Great Lakes, and Energy
Water Resources Division

ADMINISTRATIVE CONSENT ORDER TERMINATION REQUEST

3.Certification	I, enter the name of owner or legally authorized representative, hereby certify that each requirement of the ACO that was entered into with the Department of Environment, Great Lakes, and Energy (EGLE) on enter the date has been complied with and completed including paying all money required by the ACO including but not limited to costs, civil fines, stipulated fines and fees. I also certify that all information that I am required to report to EGLE, enter District Office District Office Supervisor has been reported and that all records I am required to maintain pursuant to the ACO are being maintained at the facility (or other location as specified in Section 12 of the ACO). I hereby request that EGLE issue a Termination Notice, formally terminating the ACO in recognition of the resolution of the matters therein. I certify under penalty of law that this certification is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of a fine for having knowledge of violations and certifying that there are none. Print Name _____Title_____ Signature _____ Date _____

Please mail this completed form to EGLE, Water Resources Division, District Office that is listed in Section III of the ACO the Owner/Legally Responsible Representative entered into with EGLE. Addresses for the district offices are listed below.

Bay City District Office
401 Ketchum Street, Suite B
Bay City, Michigan 48708

Cadillac District Office
120 West Chapin Street
Cadillac, Michigan 49601-2158

Gaylord District Office
2100 West M-32
Gaylord, Michigan 49735-9282

Grand Rapids District Office
State Office Building, 5th Floor
350 Ottawa Avenue NW, Unit 10
Grand Rapids, Michigan 49503-2341

Jackson District Office
301 E. Louis Glick Highway
Jackson, Michigan 49201-1556

Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5026

Lansing District Office
525 West Allegan Street (Constitution Hall, 1S)
P.O. Box 30242
Lansing, Michigan 48909-7742

Marquette District Office
1504 West Washington Street
Marquette, Michigan 49855

Warren District Office
27700 Donald Court
Warren, Michigan 48092-2793