

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

In the matter of:

ACO-05883  
Date Entered: \_\_\_\_\_

Village of Beulah  
7228 Commercial Street  
P.O. Box 326  
Beulah, Michigan 49617

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**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 Beulah (Beulah), whose municipal building is located at 7228 Commercial Street, Beulah, Michigan 49617, is in violation of the following for their operations of their sanitary sewer system: 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.*, and the associated administrative rules; the Part 22, Groundwater Quality, administrative rules promulgated pursuant to Part 31, Mich Admin Code, R 323.2201 (Part 22 Rules); and Groundwater Discharge Permit No.GW1810013 that became effective March 8, 2010, and expired April 1, 2015 (Permit). Beulah is a person, as defined by Section 301 of the NREPA, MCL 324.301. Beulah and EGLE agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

**I. STIPULATIONS**

Beulah 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 Beulah 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. Beulah 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 Beulah and EGLE agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by Beulah 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 Beulah to enter into the terms and conditions of this Consent Order and to execute and legally bind Beulah to this document. Beulah 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 and Part 41 by fulfilling the terms of Section III of this Consent Order.

## **II. FINDINGS**

- 2.1 Beulah operates and maintains a sanitary sewer collection and treatment system (sewerage system) whose treatment facility is located at 5700 River Road, Benzonia, Benzie County, Michigan 49617 (Facility).
- 2.2 The Facility consists of an Imhoff tank, two sludge drying beds, six wastewater stabilization lagoons operated in series, and a spray irrigation system. The Permit included flow limits to treat 300,000 gallons of sanitary sewage per day and 32.4 million gallons per year. Facility operating personnel have indicated the Facility serves approximately 500 residents.
- 2.3 EGLE and Beulah entered into Consent Order No. FTO-GW05-001 on July 27, 2005, to resolve the violation of discharging sanitary wastewater to the ground without a valid permit in violation of Section 3112 of Part 31 and Rule 2205 of the Part 22 Rules, MCL 324.3112 and R 323.2205, respectively.
- 2.4 FTO-GW05-01 was terminated upon the issuance of the Permit. EGLE issued letters to Beulah informing Beulah of the impending Permit expiration on August 15, 2014, and November 14, 2014, and an expired Permit notification letter on May 15, 2015. A permit renewal application was received on May 26, 2015. Failing to timely apply for permit reissuance is a Violation of Part I of the Permit.
- 2.5 On October 20, 2015, EGLE staff conducted a compliance evaluation inspection at the Facility to determine compliance with Part 31. During the inspection, EGLE staff observed deficiencies in Facility operations and maintenance that included four empty lagoons; excessive solids present in the Imhoff tank; deterioration and lack of maintenance of the Imhoff tank; overgrown vegetation in and/or around the sludge drying beds and stabilization lagoons; floating vegetation growing in the two lagoons that were not empty; damaged fencing around the Facility; excessive infiltration and inflow into the sewage collection system; failing to complete all sampling requirements; failing to submit discharge monitoring reports; damaged groundwater monitoring wells, and groundwater monitoring wells that were inaccessible due to overgrown vegetation.

- 2.6 EGLE issued a letter on December 10, 2015, to notify Beulah of the findings of the inspection conducted on October 20, 2015, and concerns about lagoon liner integrity, lagoon berm maintenance, wetlands and wooded irrigation areas, and lagoon sludge accumulation. The letter stated that the wastewater treatment and collection systems are required to be upgraded or replaced based on continuing violations to the Permit, and operation and maintenance issues. Additionally, Beulah needed to initiate actions as soon as possible by selecting an engineering/consulting firm to begin planning and design of a new system. A written response to the letter was requested to be submitted by December 31, 2015; however, EGLE never received a response.
- 2.7 On November 17, 2017, EGLE staff confirmed a Sanitary Sewage Overflow (SSO) beginning on or before November 16, 2017, had occurred at the Facility discharging raw, untreated sewage, onto the ground. On January 26, 2018, and again on October 12, 2020, Beulah reported to EGLE that additional SSOs that had occurred at the Facility to the ground. All three SSOs were attributed to debris blocking flow in the main sewage line, directly upstream of the Imhoff tank. The discharge of raw or partially treated sewage onto land or into waters of the state is a violation of Section 3109 of Part 31, MCL 324.3109, and Rule 2205 of the Part 22 Rules, R 323.2205.
- 2.8 On July 30, 2022, and August 4, 2022, EGLE staff conducted inspections at the Facility to determine compliance with Part 31, the Part 22 Rules, and the expired Permit in response to the recurring SSOs and the poor conditions at the Facility. During the inspections, EGLE staff identified the following violations:
- a. Failing to have the Facility under the supervision of a properly certified operator from September 19, 2022, through October 31, 2022, in violation of Rule 2218(4)(b) of the Part 22 Rules, and Rule 2952 of the Part 41 administrative rules, R 323.2218(4)(b) and R 323.2952, respectively.
  - b. Discharging sanitary wastewater without a valid permit in violation of Section 3112 of Part 31 and Rule 2205 of the Part 22 Rules, MCL 324.3112 and R 323.2205, respectively.

- c. Failing to submit a Discharge Management Plan in violation of Part I.4.a of the Permit.
- d. Failing to submit a groundwater monitoring plan in violation of Part I.4.d of the Permit.
- e. Failing to develop an Operation and Maintenance (O&M) manual in violation of Part I.5 of the Permit.
- f. Dozens of exceedances to the 300,000 gallons per day flow limit in violation of Part I.1 of the Permit.
- g. Dozens of exceedances of discharge effluent limits including phosphorus and Total Inorganic Nitrogen (TIN) in violation of Part I.1 of the Permit.
- h. Failing to submit discharge monitoring reports for all of 2016 in violation of Part I.7 of the Permit.
- i. Failing to properly operate and maintain the Facility including excessive solids accumulation and plant growth in the Imhoff tank, missing or deteriorated fencing and/or grating at the Imhoff tank, an inoperable irrigation pump, and sludge deposits on the ground and around the pump in the pump house building in violation of R 299.2955(1) and R 299.2955(3) of the Part 41 administrative rules and Part I.8 and Part II.14 of the Permit.
- j. Failing to calibrate the flow meter in violation of Part II.7 of the Permit.
- k. Damaged fencing and missing signage around the lagoon system and spray irrigation fields in violation of Part II.14 of the Permit.
- l. The inability for Facility staff to observe and maintain all spray heads in the irrigation system and one of the sampling locations, entitled UD-5, in Violation of Part I.8 of the Permit.

- m. Failing to keep records of the observation inspection requirements in violation of Part I.8 of the Permit.
- n. Failing to properly maintain the integrity of the lagoon berms by allowing woody vegetation to grow along the berms in violation of R 299.2955(1) and R 299.2955(3) of the Part 41 administrative rules and Part I.8 of the Permit.

In addition, EGLE reviewed monitoring data from two underdrain sampling locations and noted concerns that one or more of the lagoons may be leaking. Furthermore, EGLE reviewed sampling data from downgradient monitoring wells and identified levels of iron and manganese above the criteria for Part 201, Environmental Remediation, of the NREPA for these two parameters.

- 2.9 On, September 22, 2022, EGLE issued Violation Notice (VN) No. VN-013258 to formally notify Beulah that the SSOs that occurred November 17, 2017, January 26, 2018, and October 12, 2020, were violations of Part 31 and the Part 22 Rules. VN-013258 also notified Beulah that failing to make proper notifications of the November 17, 2017, SSO was a violation of Section 3112(a) of Part 31, MCL 324.3112(c). VN-13258 requested that Beulah provide a written response no later than November 30, 2022, addressing the VN and including a plan and schedule for identifying, assessing, and implementing corrective actions to prevent further SSOs, including any operational or infrastructure modifications or upgrades.
- 2.10 Beulah provided a response to VN-013258 on November 30, 2022, that included: an explanation for each SSO; an explanation of the work that had been conducted since the SSOs occurred, including the installation of a new valve; and an operation and maintenance standard operating procedure and future plans that Beulah intends to implement to prevent additional SSOs.
- 2.11 On December 22, 2022, EGLE issued VN-013843 to notify Beulah of the violations to Part 31, Part 41, the Part 22 Rules, and the expired Permit that were identified during the inspections conducted July 30, 2022, and August 4, 2022. VN-013843 also listed several other concerns with the Facility. VN-013843 requested Beulah submit a response

including 2-month, 3-month, 4-month, 6-month, and 12-month Corrective Action Plans (CAPs) related to the violations and concerns identified.

- 2.12 Also on December 22, 2022, EGLE issued a second, separate letter to Beulah that further detailed the results from the data analysis of the downgradient monitoring wells sampled from 2018 through 2022 and reiterated that the exceedances of iron and manganese are above Part 201 criteria. The letter also requested that Beulah conduct sampling of other parameters including biochemical oxygen demand, arsenic, and turbidity and additional samples of iron and manganese following a 2023 sampling schedule provided in the letter.
- 2.13 On February 14, 2023, EGLE received a response to VN-013843 from Beulah that included the 2-month CAP and portions of the 4-month and 6-month CAPs. This included a confirmation that the grating and fencing was installed to secure the Imhoff tank.
- 2.14 On March 27, 2023, EGLE received a response to VN-013843 from Beulah that included the 3-month CAP.
- 2.15 On April 21, 2023, EGLE received a response to VN-013843 from Beulah that included the 4-month CAP.
- 2.16 On June 23, 2023, EGLE issued Second Violation Notice and Enforcement Notice (EN) No. EN-000047 to formally notify Beulah that the matter of the ongoing violations at the sewerage system would need to be formally resolved with a legally binding document. A summary of violations is included with this Consent Order as Exhibit A.

### **III. COMPLIANCE PROGRAM**

IT IS THEREFORE AGREED AND ORDERED THAT Beulah shall take the following actions to comply with and prevent further violations of Part 31, Part 41, the Permit, and any subsequent reissued permits. Requirements specified in this section supersede all required corrective actions outlined in VN-13258 and VN-013843 included as Exhibit B of this Consent Order. This includes the 6-month and 12-month CAPs as well as any unresolved portions of the 2-month, 3-month, and 4-month CAPs outlined in VN-013843.

This section is organized into the following subsections:

- I. Wastewater Treatment Facility (WWTF) Upgrades: New Moving Bed Bioreactor (MBBR) System
- II. Interim O&M Activities Prior to New WWTF Construction: (A) Interim O&M Activities Associated with O&M Manual and Phosphorus Control; (B) Interim O&M Activities Associated with Discharge Management; and (C) Interim O&M Activities Associated with Security, Housekeeping, and Lagoon Berms
- III. Lagoons
- IV. Miscellaneous

- I. WWTF Upgrades: New MBBR System**

- 3.1 No later than **December 15, 2023**, Beulah shall submit to EGLE, for review and approval, a 30 percent design package with basis of design, engineering plans, and specifications for complete WWTF upgrades necessary to comply with the Part 22 Rules and permit effluent limits as defined in Exhibit C of this Consent Order, including full primary, secondary, and tertiary treatment (if necessary) of Beulah's sanitary sewage and disposal to the ground via a center pivot system. The design shall also include all necessary supporting or ancillary processes and equipment and pre-treatment (screening and grit removal). The 30 percent design package submittal shall include, at a minimum:
  - a. Processes for phosphorus and nitrogen removal and treatment to meet permit limits detailed in Exhibit C of this Consent Order.
  - b. The inclusion of an MBBR system, as recommended on behalf of the Facility by Gosling Czubak Engineering Sciences, Inc. in an email provided to EGLE on March 27, 2023, (included as Exhibit D of this Consent Order). At a minimum, the WWTF upgrades featuring the MBBR system design shall include and specify the following components:
    - i. Headworks (pretreatment: metering, screening, grit removal);



- ii. Influent piping and/or valving modifications or corrections between the Imhoff tank and upstream manhole and/or other influent piping, structures, or valving revisions needed to eliminate the SSOs noted in VN-013258;
- iii. Pre-Anoxic Reactors;
- iv. Aerobic integrated fixed film activated sludge reactors;
- v. Nitrate Recycle;
- vi. Post-Anoxic Reactor;
- vii. Re-Aeration;
- viii. Final Clarifiers;
- ix. Equipment Building;
- x. Center Pivots (spray irrigation);
- xi. Effluent storage lagoons (winter storage);
- xii. Aerobic digester;
- xiii. Instrumentation and controls, and power distribution (including power reliability/backup power features);
- xiv. Demolition plan for any existing infrastructure not being used after the upgrades;
- xv. A list of existing Facility treatment units or components that will remain in service as part of the upgraded WWTF along with any upgrades or improvements to them; and
- xvi. Treatment features and processes, if applicable and as necessary, to address the cause of elevated metals in downgradient monitoring wells as

identified in VN-013843 and the related letter dated December 22, 2022, included as Exhibit B of this Consent Order.

The WWTF upgrades featuring the MBBR system shall meet all applicable standards and requirements in and associated with Part 31, Part 41, and the Facility wastewater discharge permit(s). This includes meeting all standards and requirements for reliability and redundancy.

- c. A proposed design to correct, modify or revise influent piping, valving and/or structures as necessary to eliminate the causes of the SSOs that have occurred between the Imhoff tank and the manhole immediately upstream of the Imhoff tank as detailed in VN-013258.
  - d. A wetland delineation to confirm the wetland boundaries within the Facility property. Any regulated activities proposed in the wetland will require an EGLE permit.
    - i. A permit under the authority of Part 303, Wetlands Protection, of the NREPA, would be required for any filling, excavation, construction, draining surface water, and maintained use conducted in a wetland. A maintained use in wetland would include, but is not limited to, any clearing of vegetation that would alter the wetland type and any irrigation that may occur within a wetland.
    - ii. A permit would also be required under Part 303 for temporary access that impacts wetlands.
- 3.2 No later than **September 15, 2023**, a hydrogeological investigation work plan for the shallow aquifer receiving the discharge that meets the requirements of Rule 323.2221(3), shall be submitted to EGLE, for review and approval. The work plan shall be implemented upon approval and shall include, at a minimum:
- a. A proposal for the advancement of soil borings.
  - b. The installation of a monitoring well network in the shallow aquifer.

- c. The determination of horizontal hydraulic conductivity.
- 3.3 No later than **February 1, 2024**, a hydrogeological investigation report that summarizes the results of the hydrogeological investigation work plan and includes a determination of the direction of groundwater flow, the depth to groundwater, existing groundwater quality, and an evaluation of vertical and horizontal extent of groundwater mounding as required in Rule 323.2221(4)(b)(ii) for review. The groundwater mounding analysis should also include an evaluation of the need to reduce the application rate to prevent ponding and pooling on the surface and runoff to nearby surface water.
  - 3.4 No Later than **March 1, 2024**, Beulah shall revise and re-submit the discharge permit application submitted via the MiEnviro Portal on May 26, 2015. This application shall be revised to reflect the approved new MBBR, center pivot systems and all required information from Paragraphs 3.2 and 3.3 of this Consent Order.
  - 3.5 No later than **March 1, 2024**, Beulah shall submit a Part 41 permit application for the WWTF upgrades featuring the MBBR system including basis of design, plans and specifications (at 100 percent design).
  - 3.6 No later than **October 27, 2024**, Beulah shall commence construction of the WWTF upgrades featuring the MBBR system.
  - 3.7 No later than **May 1, 2025**, Beulah shall submit to EGLE, for review and approval, an evaluation of the staffing required to properly operate and maintain the new upgraded WWTF and its collection system (sewerage system) to ensure compliance with Part 31, Part 41, and all provisions of the Permit. The evaluation shall use the O&M manual requirements identified in Paragraph 3.9 of this Consent Order as a guide, and shall include, at a minimum:
    - a. An assessment of the of total labor hours and the resulting number and type full-time employees required for operation and maintenance of the complete upgraded WWTF and its associated sanitary sewage collection and transport system. This shall include operation and maintenance of all existing treatment units or processes remaining in service, the upgraded or new WWTF components,

and the collection system including all transport components such as pump stations and their associated or ancillary features.

- b. An accounting of all operation, maintenance, repair, administrative, planning, monitoring, inspection, sampling, analysis, and testing functions along with any activities required for compliance with permit and consent orders including the frequency of the functions or activities.
  - c. Description of any differences in the staffing needs identified by the evaluation and current staff levels, and a preliminary plan for how any staffing deficits will be addressed.
- 3.8 No later than **November 1, 2026**, Beulah shall complete construction of the WWTF upgrades featuring the MBBR system.
- 3.9 No later than **60 days** following the completion of the construction of the WWTF upgrades, Beulah shall submit an O&M manual for review and approval by EGLE. The O&M manual shall include all items required by and otherwise comply with Rules 299.2956 and 299.2957 of the Part 41 Rules, Part 22 Rules regarding the section about O&M manuals, and any O&M manual provisions or O&M requirements specified in the discharge permit, and also include, at a minimum:
- a. As-built drawings of all engineered systems.
  - b. Contact information for the operator, engineer and owner.
  - c. Float switch inspections and testing.
  - d. Alarm inspections and testing requirements.
  - e. Schedules and checklists for all preventive and corrective maintenance activities.
  - f. Start up and shut down of all systems.
  - g. Winterization procedures.

- h. The appropriate responses or facility adjustments to minimize the impact of emergency situations shall be described so as to facilitate rapid implementation of a correct response during emergencies.
- i. Methods and procedures to complete all compliance requirements in a permit including all sampling and reporting requirements.
- j. Calibration schedules for all flow meters.

Not later than 30 days after receiving any comments from EGLE on the submitted O&M manual, Beulah shall incorporate EGLE's comments, revise, and then re-submit the O&M manual for review and approval.

- 3.10 No later than **May 1, 2026**, Beulah shall submit to EGLE, for review and approval, a staffing plan with implementation schedule detailing how Beulah will achieve the required staffing levels needed to maintain and operate the Sewerage System.
- 3.11 If at any time during the effective period of this Consent Order it is determined by the EGLE or Beulah that additional Part 41 permits are needed to complete the projects identified, Beulah shall apply for and obtain the necessary additional Part 41 permit(s), prior to construction, as necessary to meet the compliance dates as required in this Consent Order.

## **II. Interim O&M Activities Prior to New WWTF Construction**

### **(A) Interim O&M Activities Associated with O&M Manual and Phosphorus Control**

- 3.12 No later than **September 1, 2023**, Beulah shall submit a work plan to EGLE for review and approval, for the addition of ferric chloride to the existing WWTF treatment process as proposed by Beulah in a corrective action response to VN-013843. The ferric chloride addition system shall be designed to control and limit phosphorous in the effluent to meet wastewater discharge permit requirements. The work plan shall be in accordance with the 3-month CAP submitted by Beulah on March 27, 2013 (included as Exhibit D of this Consent Order), in response to VN-013843. Construction and implementation of the temporary ferric chloride addition system must be implemented within 30 days of approval of the work plan. In addition to submitting the required work plan, Beulah shall consider

and implement source reduction measures for phosphorus to limit phosphorous inputs to the existing WWTF.

- 3.13 No later than **December 1, 2023**, Beulah shall submit to EGLE, for review and approval, a new or updated O&M manual for the existing WWTF, lagoons, and spray irrigation systems. The O&M Manual should include, at a minimum:
- a. As-builts for all infrastructure associated with the WWTF including, but not limited to, the Imhoff tank, lagoons, spray irrigation pumping building and spray irrigation distribution and spraying systems. All pipe, valves, instruments, and control systems shall be included with the as-built drawings.
  - b. A listing of daily, weekly, monthly, and annual O&M tasks, including preventive maintenance items and winterization procedures.
  - c. All the requirements listed in the expired discharge permit, and all items required by Rules 299.2956 and 299.2957 of the Part 41 Rules, and the Part 22 Rules in its section about O&M manuals.

**(B) Interim O&M Activities Associated with Discharge Management**

- 3.14 No later than **May 1, 2024**, Beulah shall submit a plan and schedule to EGLE, for review and approval, for evaluating the performance of each disposal irrigation system spray head and for repairing or replacing spray heads not performing as designed or not meeting the requirements of the Discharge Monitoring Plan (DMP) for distribution of wastewater. Beulah shall implement the plan and schedule upon approval of the plan, and then provide a summary report of its findings to EGLE, for review and approval. Upon approval of the summary report, Beulah shall implement repairs or replacements to identified spray heads and then submit to EGLE documentation of those repairs or replacements when completed.
- 3.15 No later than **October 1, 2024**, Beulah shall submit to EGLE, a report that addresses the seasonal high-water table, during a non-drought year, in the wastewater discharge area. The report shall include an on-site determination of the duration when the water table is within 18 inches or nearer to the surface, and the duration of actual flooding, any time

during a calendar year. Flooded areas are defined as any areas of standing or pooled water, including wetlands, on the surface of the ground. Irrigation of wastewater is not allowed where soils may become saturated near the ground surface or flooded per Rule 2233, land treatment of wastewater requirements.

- 3.16 No later than **November 1, 2024**, Beulah shall submit an update to the DMP that was approved by EGLE on January 4, 2023. The update to the DMP shall include interim alternative procedures to be followed in the event fields are flooded or where the groundwater is within a foot of the surface based on the results of the assessment referenced above that complies with Rule 2233 of Part 22 for EGLE review and approval.
- 3.17 No later than **December 1, 2024**, Beulah shall submit to EGLE, for review and approval, a detailed plan and implementation schedule, to cut back dense woody debris, including trees, branches and underbrush, as necessary to manage vegetation, ensure that each disposal system irrigation spray head is uniformly distributing wastewater across each irrigation zone and that spray from each spray head is unimpeded by vegetation in all the spray irrigation zones, and to provide for access and maintenance and observation of the spray heads. The required scope of work shall consider the results of the wetland delineation described in Paragraph 3.1(d) of this Consent Order, and also any proposed future use or abandonment of, or construction activities in, these irrigation areas. Permit coverage under Part 303, Wetlands Protection, of NREPA may be required for certain proposed activities in the wetland. Upon approval of the proposal and schedule, Beulah shall implement them. The requirements in this paragraph may be extended in accordance with Section V of this Consent Order, or may be voided, based on what fields are included in the approved wastewater disposal area.
- 3.18 No later than **August 1, 2025**, Beulah shall submit to EGLE a letter certifying completion of work pertaining to cutting back dense woody vegetation in the wastewater discharge areas.

***(C) Interim O&M Activities Associated with Security, Housekeeping, and Lagoon Berms***

- 3.19 No later than **December 1, 2025**, Beulah shall submit to EGLE, for review and approval, a detailed proposal including a scope of work and implementation schedule to replace, repair or otherwise furnish and install security fencing to re-establish the continuous fence-line surrounding the WWTF and spray irrigation zones and to provide functioning lockable gates for all entry points. The proposal shall also include furnishing and installing adequate signage on the fencing, and for periodic inspection and maintenance of the fencing. Upon approval of the plan, Beulah shall implement the plan and install, repair, and replace the Facility perimeter fencing and appurtenances.
- 3.20 No later than **August 1, 2026**, Beulah shall submit to EGLE a letter certifying completion of the work pertaining to security concerns, fencing repairs and replacement detailed in Paragraph 3.19 of this Consent Order.
- 3.21 Beulah may request an extension, subject to Section V of this Consent Order, to extend the deadlines in Paragraphs 3.19 and 3.20 of this Consent Order until after the proposed new WWTF upgrades and demolition activities are approved (Part 41 permit issued and demolition plan approved). Beulah's extension request to EGLE must include a scope of work and proposed construction start and end date for all the fencing work. While Beulah may propose to extend the work regarding security fencing around the existing WWTF, the design plans and specifications for the proposed new WWTF upgrades shall include this security fencing work.
- 3.22 No later than **September 1, 2023**, Beulah shall submit a letter to EGLE certifying completion of the housekeeping improvements to the irrigation pump house including cleaning up sludge deposits and making repairs to pumps needed to prevent further leakage
- 3.23 No later than **September 1, 2023**, Beulah shall submit to EGLE an evaluation of the labor hours required to operate and maintain the existing lagoon and spray irrigation systems until such time as the proposed new WWTF upgrade is fully operational. This evaluation should specify the number of required labor hours for O&M for each month of the calendar year.



- 3.24 Beulah shall complete an engineering inspection, evaluation, and assessment of all lagoon berms, dikes, and embankments for erosion, seeps, and animal burrowing. Beulah shall immediately implement any corrective actions that are necessary to maintain the integrity of all lagoons, and their berms, dikes, and embankments, based on these inspections. Inspections and repairs shall be conducted by a qualified, licensed engineer and shall be completed by **October 1, 2024**.
- 3.25 No later than **April 1, 2025**, Beulah shall submit to EGLE, an engineering report from a qualified, licensed, engineer describing and certifying the inspection findings and necessary repair activities that were completed, pertaining to the integrity of the lagoon berms, dikes, and embankments described in Paragraph 3.24 of this Consent Order. The report shall also provide a list of corrective actions remaining to be implemented (with a schedule), along with future plans for periodic inspection and maintenance.
- a. Subject to Section V of this Consent Order, Beulah may request to extend this task until 1) after the proposed new WWTF upgrades are installed; 2) after the fate of the existing lagoons has been determined (continuing use vs. closure); and 3) after demolition activities are completed for the existing WWTF system. Beulah's extension request to EGLE must include a scope of work and proposed construction start and end date for work to ensure and maintain the integrity of the lagoon berms, dikes, and embankments. While Beulah may propose to extend the work to implement any corrective actions, the design plans for the proposed new WWTF upgrade shall include detailed engineering plans and specifications for corrective actions necessary to maintain the integrity of the lagoon berms and liners. Immediate threats to lagoon integrity need to be addressed and cannot be included in the postponement request.
- 3.26 Beulah shall obtain a complete engineering inspection and evaluation of the vegetation, including heavy vegetation and large woody vegetation, growing on the outside surface of any lagoon berms or embankments with regard to the effect of this vegetation and growth on the integrity of the lagoon berms and embankments and the function of the lagoons. This inspection and evaluation must be performed by a qualified, licensed engineer, and include an assessment of the effect of this vegetation on lagoon integrity and function. No

later than **October 1, 2024**, Beulah shall submit an engineering report to EGLE summarizing the findings of the engineering inspection and evaluation of the vegetation, including large and heavy woody vegetation, on the lagoon berms. The report shall include recommendations and identify any needed corrective actions necessary to maintain or restore lagoon integrity or function and the schedule proposed to implement those corrective actions. Upon approval of this report by EGLE, Beulah shall implement the corrective actions.

3.27 No later than **April 1, 2025**, Beulah shall submit, to EGLE, for review, a letter from a qualified, licensed engineer certifying completion of the corrective actions based on the findings of Paragraph 3.26 of this Consent Order.

- a. Subject to Section V of this Consent Order, Beulah may request to extend this task until 1) after the proposed WWTF upgrades are installed; 2) after the fate of the existing lagoons has been determined (continuing use vs. closure); and 3) after demolition activities are completed for the existing WWTF system. Beulah's extension request to EGLE must include a scope of work and proposed construction start and end date for work to address the heavy woody vegetation on the lagoon berms. While Beulah may propose to extend the work to implement any identified corrective actions to address heavy wood vegetation on the berms, the design plans for the proposed new WWTF upgrade shall include detailed engineering plans and specifications for corrective actions necessary to maintain or restore lagoon integrity or function related to the vegetation on the lagoon berms. Immediate threats to lagoon integrity need to be addressed and cannot be included in the postponement request.

### **III. Lagoons**

3.28 Beulah shall obtain a complete engineering inspection and evaluation of all existing lagoon liners to assess the current composition of each lagoon's liner and its compliance with liner standards in accordance with Rule 323.2237(1) through 323.2237(3). In addition, the inspection and evaluation shall examine liner condition and inspect them for any damage. No later than **October 1, 2024**, Beulah shall submit an engineering report detailing the

results of the engineering evaluation and inspection of the lagoon liners, including the current composition of each liner and their compliance with liner standards in accordance with Rule 323.2237(1) through 323.2237(3) along with conclusions and recommendations for corrective actions needed to bring all liners into compliance with the current liner requirements. The report shall also identify any liner damage found and the repairs needed. The report shall also include an evaluation of whether or not modifications to any of the lagoons are needed with regards to their slopes and potential future erosion and the need for riprap. This report only needs to be submitted for the lagoons that are planned for continued use in the upgraded WWTF. The report shall be submitted to EGLE for review and approval.

- 3.29 No later than **30 days** after the start-up of the upgraded WWTF featuring the MBBR system, Beulah shall submit a lagoon closure work plan. Any lagoon shall be closed no later than 1 year after the transition to the upgraded WWTF featuring the MBBR system in accordance with Paragraph 3.8 of this Consent Order.
- 3.30 No later than **May 1, 2025**, Beulah shall begin to implement any corrective actions necessary for lagoon liners that will remain in service as part of the design for the new WWTF, to meet Rule 2237 standards. If corrective actions involve construction projects, a Part 41 permit will be required.
- 3.31 No later than **November 1, 2025**, Beulah shall complete all prescribed corrective actions on the lagoon liners. As built plans shall be prepared by Beulah's engineer and the O&M manual shall be updated accordingly.
- 3.32 In lieu of completing corrective actions to bring lagoon liners into compliance with Rule 323.2237 liner standards, Beulah may elect to do a lagoon liner equivalency demonstration for any of the existing lagoons that are not constructed in accordance with the lagoon liner requirements established in Rule 323.2237(1) through 323.2237(3) but that will continue to be used as a portion of the upgraded WWTF. Rule 323.2237(4) allows the department to approve an alternative lagoon liner if (a) the lagoon holds only wastewater that meets the standards of Rule 323.2222 or (b) if through monitoring of the groundwater it can be demonstrated that lagoon leakage has not impacted, and is not

likely to impact, groundwater above the standards described in Rule 323.2222. If so elected, Beulah will need to submit to EGLE for review and approval a lagoon liner equivalency hydrogeological investigation work plan. The lagoon liner equivalency hydrogeological investigation work plan must include, at a minimum, a proposal for the advancement of soil borings, the installation of monitoring wells, and vertical permeability testing. Not later than **180 days from** EGLE's approval of the lagoon liner equivalency hydrogeological investigation work plan, Beulah, shall complete the investigation and submit to EGLE for review, the lagoon liner equivalency hydrogeological investigation report. If EGLE determines that unacceptable leakage is impacting surface waters and/or groundwater, it will provide written notification to Beulah requiring the development of a work plan to address the leakage within **6 months** of the notification and in accordance with Exhibit E of this Consent Order. If the equivalency requirements cannot be met and the lagoons will continue to be in use, then lagoon liners will need to be upgraded to meet Rule 2237 standard requirements.

#### **IV. Miscellaneous**

- 3.33 No later than **January 1, 2025**, Beulah shall submit to EGLE for review, all reports, conclusions, and recommendations provided to Beulah by Beulah's engineer or other professionals that are not specifically required by this Consent Order, but that are used to support the design of the proposed new WWTF. These reports shall include items already discussed such as, for example, additional sampling data, hydraulic evaluations, infiltration and inflow studies, etc.
- 3.34 If Beulah does not obtain funding through the Clean Water State Revolving Fund program for Fiscal Year 2024, Beulah shall request extensions under Sections V and X of this Consent Order for EGLE review and approval.
- 3.35 Beulah shall comply with all issued wastewater discharge permits, Part 31 and Part 41, and the administrative rules promulgated thereunder.
- 3.36 Not later than **10 days** from the effective date of this Consent Order, Beulah shall mail a completed W-9 form (Exhibit F of this Consent Order) to: the Michigan Department of

Transportation, Accounting Services Division, EGLE General Ledger Manager, 425 West Ottawa Street, B175, Lansing, Michigan 48933.

- 3.37 Beulah shall submit all reports, work plans, specifications, schedules, and any other writing required by this Section to their MiEnviro Portal account and, if required, to the WRD, Cadillac District Office-Water Quality Unit supervisor, at EGLE, 120 West Chapin Street, Cadillac, Michigan 49601-2158. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy. A table with abbreviated, chronological schedules detailed in this Compliance Program is included in Exhibit G of this Consent Order.

#### **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 Beulah, 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 Beulah, in writing, specifying the reasons for such disapproval. Beulah 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 Beulah of this disapproval.
- 4.4 In the event EGLE approves with specific modifications a work plan, proposal, or other document, it will notify Beulah, 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 Beulah 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 Beulah 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 Beulah 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 Beulah to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in Paragraph 9.3 of this Consent Order. An approvable work plan as used herein means a work plan that is in substantial compliance with the requirements of this ACO and applicable law.
- 4.7 Any delays caused by Beulah's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter Beulah'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 Beulah will be construed as relieving Beulah of its obligation to obtain written approval, if and when required by this Consent Order.

## **V. EXTENSIONS**

- 5.1 Beulah and EGLE agree that EGLE may grant Beulah 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, Cadillac District Office-Water Quality Unit supervisor, at the address provided in Paragraph 3.37 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 for which an extension is being requested.
- b. A detailed description of the circumstances that will prevent Beulah from meeting the deadline(s).
- c. A description of the measures Beulah 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, Cadillac 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.

- 5.2 It is understood and agreed by the parties that Beulah will submit an application for funding of the actions required by the Compliance Program as set forth in Section III of this Consent Order through the CWSRF program for Fiscal Year 2024, and that Beulah's ability to move forward with these actions under the current timeline is contingent upon a determination that Beulah qualifies for loan forgiveness under the program. If Beulah does not obtain CWSRF funding for FY2024, or if the lack of loan forgiveness prevents Beulah from moving forward with the required actions under this current timeline, then Beulah must submit a request to extend the deadlines set forth in Section III - Compliance Program of this Consent Order. All deadlines remain subject to EGLE/WRD approval. Nothing in this Section excuses Beulah from securing funding to complete the actions set forth in Section III-Compliance Program of this Consent Order.

## **VI. REPORTING**

- 6.1 Beulah shall verbally report any violation(s) of the terms and conditions of this Consent Order to the WRD, Cadillac 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). Beulah 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, Beulah 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 Beulah 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 Beulah shall allow any authorized representative or contractor of EGLE, upon presentation of proper credentials, to enter upon the premises of the Facility 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, Beulah shall pay to the State of Michigan **\$6,644** 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 9.5 of this Consent Order.
- 9.2 Within 60 days after the effective date of this Consent Order, Beulah shall pay to the WRD, the unpaid annual discharge permit fees for fiscal years 2018 through 2023 totaling **\$21,900**. Payment shall be made in accordance with Paragraph 9.5 of this Consent Order and with the payment guidance on the attached invoice.



- 9.3 For each failure to comply with a provision contained in Section III of this Consent Order, Beulah shall pay a stipulated penalty of \$5,000. If, after 30 days from the original deadline, Beulah has not fully corrected the violation, Beulah 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 9.5 of this Consent Order.
- 9.4 For each failure to comply with any provision of this Consent Order other than the provisions contained in Section III of this Consent Order, Beulah 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 9.5 of this Consent Order.
- 9.5 Beulah shall pay all stipulated penalties within 30 days after receipt of the demand for payment of stipulated penalties from EGLE. Beulah 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. WRD60148**.
- 9.6 Beulah agrees not to contest the legality of the civil fine or costs paid pursuant to Paragraphs 9.1 and 9.2, above. Beulah further agrees not to contest the legality of any stipulated penalties assessed pursuant to Paragraphs 9.3 or 9.4, above, but reserves the right to dispute the factual basis upon which a demand by EGLE for stipulated penalties is made.
- 9.7 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 Beulah 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 Beulah'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, 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 Beulah'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 's actions or omissions.
- 10.3 Beulah 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 Beulah to prevent or minimize the delay, and the timetable by which those measures shall be implemented. Beulah 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 Beulah 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 Beulah, 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 Beulah, and that all the requirements of this Section X have been met by Beulah, rests with Beulah.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that Beulah 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 Beulah to comply with the requirements of the NREPA and its rules.
- 11.2 EGLE and Beulah 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 and Part 41.
- 11.3 This Consent Order in no way affects Beulah’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 Beulah may have for natural resource damages caused by Beulah's ownership and/or operation of the Facility. 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 Beulah sells or transfers the Facility, 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, Beulah shall also notify the WRD, Cadillac 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, Cadillac 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, Beulah shall submit a request consisting of a written certification that Beulah 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 H**. 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, Cadillac 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**

\_\_\_\_\_  
Teresa Seidel, Director  
Water Resources Division

\_\_\_\_\_  
Date

**VILLAGE OF BEULAH**

\_\_\_\_\_  
By: Jeri Vandepierre  
Title: President

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Date

List of Exhibits

- Exhibit A:** Summary of Violations, May 2017 – Present
- Exhibit B:** VN-013258
- Exhibit C:** Permit limits for the upgraded WWTF with MBBR
- Exhibit D:** Gosling Czubak Engineering Sciences, Inc letter dated March 27, 2023
- Exhibit E:** Lagoon leakage work plan
- Exhibit F:** W-9 Form
- Exhibit G:** Compliance program summary table
- Exhibit H:** Consent Order Termination Request Form

Exhibit A

Village of Beulah Wastewater Treatment Facility

Summary of Violations

May 2017 to present.

**Failed to Report Permit Parameters**

432 parameters of discharge monitoring data from May 1, 2017 through March 6, 2018.

**Discharge Permit Limit Exceedances**

Violation Date	Category	Type	Parameter	Stat Base	Limit Value	Sample value
5/1/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.17
5/2/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.92
5/3/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.21
5/4/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.77
5/5/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.29
5/8/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.53
5/9/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.24
5/10/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.42
5/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.98
5/15/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.48
5/17/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.15
5/18/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.45
5/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.92
5/23/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.67



5/24/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.01
5/25/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.21
5/26/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.40
5/28/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.54
5/30/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.53
5/31/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.13
6/1/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.23
6/2/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.64
6/3/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.31
6/4/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.27
6/5/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.23
6/6/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.45
6/7/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.96
6/8/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.22
6/9/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.39
6/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.28
6/16/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.48
6/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.44
6/21/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.32
6/22/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.07
6/26/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.57
6/27/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.34

6/28/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.22
6/29/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.43
6/30/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.00
7/3/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.54
7/6/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.37
7/10/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.02
7/11/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.99
7/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.54
7/17/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.23
7/18/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.45
7/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	6.54
7/22/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.39
7/24/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.07
7/26/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.69
7/27/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.58
7/28/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.93
7/31/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.41
8/1/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.00
8/3/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.07
8/4/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.35
8/5/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.25
8/7/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.07

8/9/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.59
8/11/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	6.06
8/14/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.09
8/15/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.20
8/16/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.36
8/17/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.21
8/21/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.43
8/23/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.38
8/24/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	6.51
8/25/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.38
8/29/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.02
8/30/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.46
8/31/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.12
9/1/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.33
9/5/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.50
9/8/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.19
9/11/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.69
9/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.39
9/13/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.79
9/14/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.26
9/15/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.47
9/18/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.80

9/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.52
9/21/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.32
9/22/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.92
9/26/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.79
9/27/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.35
9/28/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.67
9/29/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.29
10/2/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.74
10/3/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.98
10/4/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.57
10/6/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.82
10/7/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	3.29
10/10/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.01
10/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.61
10/12/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.12
10/17/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.71
10/17/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.54
10/18/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.32
10/18/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.4
10/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.55
10/19/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	5.01
10/20/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.31

10/21/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.65
10/21/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	2.21
10/23/2017	DMR Report	DMR value exceeds Limit value	Application Rate	Maximum Weekly	2.0	4.22
10/24/2017	DMR Report	DMR value exceeds Limit value	Flow (Calculated)	Annual Maximum	32400000	36196100
11/1/2017	DMR Report	DMR value exceeds Limit value	Flow (Calculated)	Annual Maximum	32400000	36196100
12/1/2017	DMR Report	DMR value exceeds Limit value	Flow (Calculated)	Annual Maximum	32400000	36196100
6/2/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	378200
6/21/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	433300
7/10/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	408800
7/19/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	532500
7/26/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	382300
8/3/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	412800
8/7/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	412700
8/11/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	493700
8/14/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	414900
8/24/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	530000
8/29/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	409100
9/11/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	381700
9/13/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	308500
9/21/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	433400
9/22/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	400600
9/26/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	390300

10/6/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	310800
10/12/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	375700
10/17/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	335900
10/18/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	383900
10/23/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	369700
10/24/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	370900
10/24/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	408300
10/26/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	378800
10/28/2017	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	343800
10/4/2020	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	307300
10/6/2020	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	304000
10/7/2020	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	303400
10/17/2020	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	307800
10/22/2020	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	313600
5/6/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	325200
5/9/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	323600
5/11/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	302700
5/17/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	313700
5/26/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	314000
5/31/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	303400
6/1/2022	DMR Report	DMR value exceeds Limit value	Flow (Measured)	Maximum Daily	300000	317200
			140			

11/7/2017	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	12.28
#####	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	8.82
1/8/2018	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	8.59
2/6/2018	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	10.1
4/10/2018	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	5.63
5/8/2018	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.13
1/10/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.03
1/10/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.03
2/5/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	10.7
3/7/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	10.7
3/7/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	10.7
6/4/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	8.43
9/5/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	5.48
10/11/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	5.48
11/13/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	5.33
12/5/2019	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.82
6/4/2021	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	5.66

7/9/2021	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.40
5/6/2022	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	6.11
6/3/2022	DMR Report	DMR value exceeds Limit value	Total Inorganic Nitrogen	Maximum Daily	5.0	7.75
			20			
5/2/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.38
6/6/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.92
7/5/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.61
8/1/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.54
9/11/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.66
10/3/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.44
11/7/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.94
12/14/2017	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.68
1/8/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.45
2/6/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.89
3/6/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.34
4/10/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.73
5/8/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.06
7/11/2018	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.76
1/10/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.09
2/5/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.62
3/7/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.0
3/7/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.0



6/4/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.20
7/8/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.46
9/5/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.05
10/11/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.59
11/13/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.73
12/5/2019	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	4.62
7/9/2020	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.99
8/10/2020	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.34
9/8/2020	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.10
10/5/2020	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	1.31
5/7/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.0
6/4/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.18
7/9/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.98
8/9/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.41
9/10/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.48
10/8/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	4.13
11/9/2021	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.72
5/6/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.51
6/3/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	3.61
7/8/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.09
8/1/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.18
9/8/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	2.08

10/12/2022	DMR Report	DMR value exceeds Limit value	Total Phosphorus	Maximum Daily	1.0	4.33
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### Sanitary Sewer Overflow (SSO), SSO Reporting, Certified Operator Violations

Violation Date	Category	Type	Comments
11/17/2017	Statutory Authority - Groundwater	SSO - Failure to Notify Within 24 Hours	This violation is for an SSO event on 11/17/17 in which the operator did not report the incident to EGLE within 24 hours.
11/17/2017	Statutory Authority - Groundwater	SSO - Discharge	
1/26/2018	Statutory Authority - Groundwater	SSO - Discharge	This violation is for an SSO event on 1-26-2018. bjc 7-21-22
10/12/2020	Statutory Authority - Groundwater	SSO - Discharge	This violation is for an SSO event on 10/12/2020. bjc 7-21-22
9/19/2022	Operator Certification - Groundwater	No Certified Operator or Improperly Certified Operator	



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
CADILLAC DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

August 4, 2022

VN No. VN-013258

CERTIFIED MAIL

Jeri Vandeperre, President  
Village of Beulah  
7228 Commercial Street  
P.O. Box 326  
Beulah, Michigan 49617

Dear Jeri:

SUBJECT: Violation Notice for Sanitary Sewer Overflows

On July 20, 2022, staff from the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), conducted an inspection of the Beulah Wastewater Treatment Facility (WWTF, the Facility) located at 5700 River Road, Benzonia, Michigan 49617.

The purpose of the inspection was to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* (Part 31); and the Part 22, Groundwater Quality, administrative rules promulgated pursuant to Part 31, Mich. Admin Code, R 323.2201 *et seq.* (Part 22 Rules)

Please note that this violation notice is for Sanitary Sewer Overflows (SSOs). As indicated above, these SSOs are violations of Part 31. The facility has an expired Groundwater Discharge Permit, GW1810013, that was issued on March 09, 2010, became effective April 01, 2010, and expired on April 1, 2015. The facility has violations of this permit, including, among other things, allowing the permit to expire in 2015 without submitting an application for re-issuance. However, **this violation notice, VN-013258, only addresses the SSOs.** Violations of the permit will be addressed in another violation notice that EGLE is currently working to issue.

Sanitary Sewer Overflows

The WRD's Cadillac District Office was notified by the Village of Beulah or others on three occasions since late 2017 that a discharge of raw untreated sewage occurred from the Beulah WWTF sewage collection system. At the request of a concerned citizen, the Cadillac District office WRD Staff visited the Beulah WWTF on November 17, 2017, and witnessed an unreported SSO that EGLE understands began the day before or even earlier. The spill had occurred on the Wastewater Treatment Plant (WWTP) property from a

manhole immediately upstream of the Imhoff tank at the WWTF. In addition, the Cadillac District Office received notification from the Facility that similar SSO events occurred for similar reasons at the same location on January 26, 2018, and again on October 12, 2020, resulting in discharges of raw untreated sewage to the ground. The facility reported that the October 12, 2020, SSO discharged 10,000 gallons of raw sewage to the ground.

EGLE understands that the cause of these overflows from the manhole is related to debris in the collection system, such as flushable wipes, diapers and rags. This debris lodges at one or more locations, such as at fittings, valves or locations where the sewer pipe changes direction or size. The location where the debris lodges in the pipe is in a pipe section downstream of the overflowing manhole and upstream of the Imhoff tank. Sewage flowing in the pipe encounters the obstruction caused by the debris, backs up and overflows the manhole.

While the more recent SSO events were quickly addressed and overflows stopped and also neutralized with lime, the discharge of raw or partially treated sewage from a sewer system onto land (or into the waters of the state) is a violation of Section 3109 of Part 31 of the NREPA.

The SSO report for the January 26, 2018, SSO event, submitted by the previous operator, Cody Bowers, indicated that the Facility was working with an engineering firm to resolve these SSO issues. The report submitted into MiWaters for the October 12, 2020, SSO event indicated that actions will be taken to prevent this discharge event from reoccurring including looking into possible replacement of the "reducing pipe at the Imhoff tank." However, it is apparent from EGLE's July 20, 2022, inspection of the WWTF and associated conversations with the current operator, Brady Streeter, that no such actions have occurred to resolve this issue.

Regarding the November 17, 2017, SSO event, it is EGLE's understanding that the Facility failed to make the proper notifications within 24 hours as required by Part 31 of NREPA and submit "Reports of Discharges of Untreated or Partially Treated Sewage" to the WRD's Cadillac District Supervisor. The failure to make the proper notifications and submit written reports is a violation of Section 3112(c) of Part 31 of the NREPA. It is EGLE's understanding, based on answers to a series of questions asked of WWTP personnel and contractors, that other SSOs had occurred from the same location as a result of the same failure of the sewer collection system that were not reported.

The concerns identified in this Violation Notice were identified previously in SSO reports submitted to EGLE. EGLE discussed these reports and SSO issues with the operators indicating that the SSO issues must be addressed. The facility operators have indicated in the SSO reports that actions would be taken to address the SSO issues.

The violations identified in this Violation Notice are violations of Part 31 and the Part 22 Rules. The Facility shall take immediate action to prevent the SSOs at the manhole immediately upstream from the Imhoff tank. Please provide a written plan to EGLE on or before **October 30, 2022**, detailing how the Facility will fix the problem to prevent future

Jeri Vandepierre, President

Page 3

August 4, 2022

SSOs of this nature and to achieve and maintain compliance with Part 31 and the Part 22 rules.

At a minimum, the written plan shall include:

1. How the infrastructure will be modified/upgraded to prevent SSOs;
2. A schedule indicating when the infrastructure modifications/upgrades will be completed, including when a Part 41 permit application will be submitted to EGLE for the proposed design of the modifications/upgrade; and
3. What engineering firm will be contracted to perform this work.

Construction of the upgrades must be completed in 2023 in order to prevent any further SSOs of this nature after **October 30, 2023**.

Please be advised that failure to respond to this Violation Notice by the above dates may subject Beulah WWTF to escalated enforcement action and penalties, as provided by Part 31.

If you have any factual information you would like the WRD to consider regarding the violations identified in this Violation Notice, please provide them as a written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Violation Notice or if you would like to arrange a meeting to discuss it, please contact me at [ChristianB2@michigan.gov](mailto:ChristianB2@michigan.gov); (231) 942-8573; or EGLE, WRD, Cadillac District Office, 120 West Chapin Street, Cadillac, Michigan 49601-2158.

Sincerely,

Barry J. Christian, P.E.  
Cadillac District Office  
Water Resources Division

bjc/sh

cc: Dan Smith, past President  
Dan Hook, past President  
Kristine Rendon, EGLE  
Brian Jankowski, EGLE  
Claire Handley, EGLE



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
CADILLAC DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

December 22, 2022

VN No. VN-013843

CERTIFIED MAIL

Jeri Vandeperre, President  
Village of Beulah  
7228 Commercial Street  
P.O. Box 326  
Beulah, Michigan 49617

Dear Jeri Vandeperre:

SUBJECT: Violation Notice in Follow-up to Compliance Evaluation Completed at Beulah  
WWTF. Village of Beulah (Beulah).

On July 20 and August 4, 2022, staff from the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), conducted an inspection of the Beulah Wastewater Treatment Facility (WWTF) (Facility) located at 5700 River Road, Benzonia, Michigan 49616. The purpose of the inspection was to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* (Part 31); and the Part 22, Groundwater Quality, administrative rules promulgated pursuant to Part 31, Mich. Admin Code, R 323.2201 *et seq.* (Part 22 Rules). The Facility's Groundwater Discharge Permit No. GW1810013 expired on April 1, 2015 (the Permit).

Brady Streeter, former WWTF operator, accompanied WRD staff during the inspection, which consisted of an interview, records review, and a site inspection. On July 20, 2022, EGLE staff also met with Dan Smith, whom EGLE understands is a village council person with some responsibilities related to the wastewater collection and treatment systems; specifically, to discuss currently available public funding opportunities for infrastructure improvements.

The Facility is a municipal wastewater treatment plant that consists of an Imhoff tank, gravity-flow dosing chamber, 6-cell lagoon system operated in series (Cells 1, 2, 3, 3A, 4 and 5), and spray irrigation of the treated wastewater to 12 zones consisting of approximately 40 acres of open fields and woods. Two (2) sludge drying beds are also available for use, as needed. During the inspection, Brady Streeter stated the Facility serves approximately 500 residents and spray irrigates from May 1 through October 31 of each year.

According to the document, *1999 Wastewater System Improvements, Basis of Design*, by Gosling Czubak Engineering Sciences, Inc. (GCES) and dated March 12, 1999, (1999 BoD), the 12 irrigation zones are all nearly identical in size and capacity, each at approximately 3.1 acres and 2.7 MGY flow capacity. This equates to a total flow capacity of 32.4 MGY, which is equal to the expired Permit annual flow limit. The Permit included a daily flow limit of 300,000 gpd.

During the inspection, EGLE identified violations of Part 31 and the Part 22 Rules along with the need for corrective actions. These violations and corrective actions are detailed below under several categories with bolded, subject-matter headings.

### **Operator in Charge**

The Facility is required to have a certified operator holding the L2 license as the operator in charge (OIC). WRD staff were notified on September 19, 2022, that the operator at the time of the inspection, Brady Streeter, is no longer associated with the Facility. On October 31, 2022, John Holland of the Michigan Rural Water Association (MRWA) emailed a completed OIC form to EGLE indicating that he would be the OIC. Please note that the Facility was in violation of the Part 22 Rules (Rule 2218(4)(b) and Part 41 (Rule 299.2952) during the period from September 19 to October 31, 2022, for not having a licensed OIC managing operations of the Wastewater Treatment Plant (WWTP). Please note also that Beulah is required by law to retain John Holland as the OIC, or another licensed operator, until such time as Beulah has its own personnel with the required licenses.

### **Expired Permit**

The Permit expired on April 1, 2015. The Facility was notified of the expired Permit via letter on May 15, 2015. The past and continuing unpermitted discharges of sanitary wastewater are a violation of Section 3112 of Part 31 and Rule 2205 of the Part 22 Rules and are subject to penalties under Section 3115 of Part 31. The past and continuing discharges of sanitary wastewater, without a permit, may result in civil fines and will require the violation be formally resolved through entry of a legally enforceable document, such as an Administrative Consent Order, before a valid groundwater discharge permit can be reissued.

### **Non-Domestic Wastewater Sources**

Discussions during the site inspection revealed that the WWTF accepts non-domestic wastewater from several commercial sources, including, but not limited to, several restaurants, a laundromat, and a microbrewery (Five Shores Brewing). These non-domestic wastewater sources were not specified in the most recent permit application from 2020 (an apparently incomplete application submitted by Cody Bowers into MiWaters on October 20, 2020). This permit application must be revised to include these non-domestic wastewater sources for review by WRD Permits section during permit reissuance.

### **Previous Correspondence (reverse chronological order)**

- The Michigan Rural Water Association (MRWA) performed an inspection of elements of the Facility on October 21, 2022, and prepared a report titled, "System Assessment of the Village of Beulah WWTF" (MRWA Assessment Report). The report was prepared by John Holland of MRWA. It is EGLE's understanding that the MRWA Assessment Report was issued to you, and possibly the new operator, Jeff Cypert. MRWA emailed a copy of the report to EGLE and a copy is attached (*Attachment 1*) for easy reference.

EGLE reviewed the MWRA Assessment report and noted the following:

This report detailed various items that WRD staff feel are all important to the operation and maintenance of the system, including replacing walkways to valve structures and adding railings, assessing valve conditions, replacing grating on valve structures with stronger grating, installing life rings around each cell, repairing dike erosion, removing fallen trees from cell 6, removing trash and debris from the lagoon area, and removal of

the “walkway to nowhere” in cell 6. These items are integral to the safety of operators and visitors and will ensure that the system is operating properly moving forward. MRWA findings were similar to WRD’s findings for portions specified under the *Operation & Maintenance* section of this letter below.

- A Violation Notice was issued by EGLE to you on September 22, 2022, stating violations of Part 31 due to Sanitary Sewer Overflows (SSOs). Please note that a separate response is required for Violation Notice No. VN-013258 by November 30, 2022, as specified in that letter. EGLE did receive a response to the SSO VN on or before November 30, but has not yet reviewed it. EGLE may schedule a meeting with Beulah to discuss the response, and/or reply with additional correspondence, depending on the result of our review. However, it is important to understand this matter is unresolved and ongoing at this time.
- A letter was sent by EGLE to Dan Hook, former Beulah President, on December 10, 2015, in response to an inspection completed by EGLE at the Facility on October 20, 2015. This letter detailed action items. EGLE has found no evidence in its files to date that the Facility has responded to this letter as requested. The following sub-bullets are direct quotes from the 2015 letter. These were included again herein because they remain as significant concerns that have not been addressed, that are on-going, and that require resolution and/or corrective action.
  - (#3) The solids/sludge drying basins were found to be overgrown with tall weeds/grass/shrubs and even small trees. This vegetation must be cut, removed, and maintained at not more than 6” in height at all times.
  - (#4) Many areas of the lagoon berms and lagoon water edges were found to have excessive cattails and other tall vegetation/weeds/grass. All vegetation on all berms up to and including the water’s edge must be mowed/killed and maintained at a height not to exceed 6” at all times.
  - (#5) Several of the wastewater lagoons were found to be covered, almost completely, with duckweed. All lagoon surface vegetation must also be kept removed/killed and is not to exceed 10% of the surface area.
  - (#6) The fencing around the entire system was found to be damaged/dilapidated and overtaken by vegetation in some areas. Warning signage on fencing around the system was also found to be old/unreadable, and dilapidated. All areas of the fencing that are damaged must be repaired, and all areas overtaken by vegetation must have it removed. Fencing around the system also must be maintained with sufficient warning/no trespassing signs present to inhibit unwarranted access.
  - (#9) Many of the groundwater monitoring wells appeared to be old, possibly damaged, and of a small enough diameter to be difficult to obtain samples from. It is imperative that these wells be able to provide useful, reliable samples for testing to determine groundwater quality and compliance with the discharge permit. Please have your consultant perform an evaluation of each monitoring well to determine its ability to provide a sufficient quantity of useful, reliable, representative, groundwater samples. In addition, the depth of each of these wells must be established so that a determination can be made as to whether shallow or deeper aquifers are being appropriately analyzed. A report of their findings should be forwarded to this Department (to my attention).



- (#10) Many of the groundwater monitoring wells were found to be surrounded by heavy vegetation and somewhat inaccessible. Make sure all monitoring wells are easily accessible and able to be sampled without excessive difficulty.

The December 10, 2015, letter from EGLE to Dan Hook is attached (*Attachment 2*) for reference and shared via email on November 4, 2022. The letter includes a list of concerns on pages 3 and 4, that are not repeated here, but which are generally unresolved and unaddressed issues. The most significant of these issues are the aging lagoons with liners that do not meet current standards and spray irrigation systems into wooded areas that are not observable and that appear to contain swampy areas potentially connected to wetlands that may be directly connected to the Betsie River. Credits for nutrient uptake by crops cannot be granted for these wooded irrigation areas.

The next to last bullet, on Page 4 of 4, of the December 10, 2015, letter indicates a concern regarding accumulation of sludge on the bottom of the aging lagoons. GCES issued a memorandum to the Village of Beulah on November 4, 2020, regarding a lagoon sludge survey and biosolids testing that they completed on September 21, 2020. GCES concludes in this memo that sludge accumulation in the lagoons is not a concern. GCES further concluded that maintaining a two-week retention time in each lagoon would resolve the effluent phosphorous exceedances of the permit limits. Please provide a written statement in response to this VN indicating if Beulah has followed GCES's recommendation in the past and if they plan to continue to follow it in the future. If GCES's recommendations were followed, but were not successful, please provide a brief written statement indicating Beulah's future plans to control and limit Phosphorous concentrations in the effluent.

- An Administrative Consent Order (ACO) No. FTO-GW05-001 was entered on July 27, 2005, due to discharge of wastewater to the ground without a valid Permit. The Consent Order remained in full effect until the date the DEQ (now EGLE) issues a final decision on the Village's Application. The ACO was terminated upon the issuance of the Groundwater Discharge Permit on March 9, 2010.
- EGLE sent a letter dated May 22, 2000, to the Facility regarding concerns about seeps that were observed on the hillside south of the of the lagoons. The facility shall inspect the berms to ensure there are no seeps and that no erosion of the berms is occurring. Please provide a brief written report of the findings to EGLE within 6 months of the date of this VN.
- A Finding of No Significant Impact Memorandum (Memo), dated May 17, 1999, was issued by EGLE to Interested Citizens. According to the Memo, the Imhoff tank was constructed in the 1950's to settle out solids and separate grease. The six-cell lagoon system was constructed in the 1960's. Cells 1 to 4 were clay lined and provide primary treatment and cells 5 and 6 have sand bottoms and function as seepage lagoons. Note that the 1999 improvements added cell 3A (with PVC liner as noted below/above) and also combined cells 5 and 6 into one cell, cell 5 (also with a PVC liner as noted below/above).

The Memo also has a summary of the collection system including the two pump stations, a summary of efforts to control I/I up to and including the proposed 1999 work, a

summary of regional wastewater collection and treatment alternatives with Elberta, Frankfort and Benzonia, a summary of existing and future wastewater flow rates, a summary of mechanical treatment plant options and a summary that described an expansion of the existing WWTP which was eventually implemented.

### **Schedules of Compliance**

The Expired Permit No. GW1810013, contained requirements for the development and submittal of various plans and documents. The Facility was required to submit a Sampling and Analysis Plan (SAP), a Discharge Management Plan (DMP) and an Operations and Maintenance Manual (O&M Manual) per the Permit. A SAP was located in the hard file from July 2004, although no documentation was located that it was approved by EGLE. The 2004 SAP is insufficient and will need to be revised and updated to include all monitoring points including, effluent, monitoring wells, and soil requirements of the permit. WRD does not have records in its paper files or in MiWaters/MiEnviro that the DMP and the O&M Manual were developed or submitted as required. Failure to submit the DMP and O&M Manual per the appropriate schedules of compliance are violations of the permit when it was in effect. The development and implementation of these plans is required to comply with a groundwater discharge permit.

An Operation and Maintenance Manual (O&M Manual) has not been developed for the Facility. Rule 2218(4)(b) of the Part 22 rules requires that the Facility have an O&M Manual. Also, failure to have an O&M Manual is a violation of Rule 299.2957 of Part 41 of NREPA. An O&M Manual shall be developed in accordance with the expired permit and the Part 22 Rules to detail the operation and maintenance requirements and practices at the Facility. Please provide a timeline that an O&M Plan will be developed.

The Expired permit contained a requirement for submittal of a groundwater monitoring plan for the shallow groundwater at the irrigation fields for review and approval by the Department. WRD staff located shallow groundwater sampling results from 1998 and 1999, along with maps of the sampling locations, although no formal plan was located. Please review your records, and/or contact your engineering consultant, to determine if a groundwater monitoring plan for shallow groundwater wells was ever drafted or developed. If any documentation is located, please provide it in response to this letter. Please note that this SOC for a shallow groundwater monitoring plan is related to the information requested by EGLE in Item #9 of the December 10, 2015 letter, as described above.

### **Exceedances of Permitted Flow and Effluent Limits**

Although the Permit was expired from 2015 through the date of this violation notice, the Facility should comply with the terms of the expired Permit. During this time (permit expiration to present) there were dozens of exceedances of the 300,000 gpd daily flow limits at monitoring point, EQ-1, and dozens of exceedances of effluent quality limits at EQ-1 that included, but were not limited to the following:

- Effluent Phosphorous concentrations exceeded the limit of 1.0 mg/l.
- Effluent TIN concentrations exceeded the limit of 5.0 mg/l.

Please note that even though these exceedances occurred after the date of permit expiration they are important to review, consider, address, and remedy.

No Discharge Monitoring Reports (DMRs) were submitted for 2016. Various permit limit exceedances occurred in 2011 and 2013 that are violations of the Permit since they occurred when the Permit was in effect. The source and/or cause of these exceedances should be investigated and corrected, to the best of your ability, and/or additional treatment of the effluent to control Phosphorous will be required. EGLE also requested information regarding controlling Phosphorous in the effluent in the section above regarding the 2015 letter.

EGLE reviewed DMR data for the last 5 years (approximately) for exceedances of permit limits in the network of monitoring wells and did not identify any exceedances. Please note that DMRs were not submitted from December 2015 through December 2016. The permittee tried to locate data for these months, although was unsuccessful. Therefore, the Facility was instructed to enter a star code stating that the permittee did not monitor as required by the permit for these DMRs.

### **Operation & Maintenance**

Various pieces of equipment and treatment units were in poor condition at the time of the inspection. The **Imhoff tank had excessive solids accumulation and plant growth** that needs to be removed. Accumulated solids must be removed/transferred to the nearby solids drying basins, which are present for this purpose. The safety fencing surrounding the Imhoff tank had fallen down and was non-existent in some areas. This is a major safety concern and should be re-established to surround the Imhoff tank and the sludge drying beds. Since the Imhoff tank is at or near ground level, grating should be installed to prevent accidental falls or to keep additional debris out of the treatment tank.

The Facility has two irrigation pumps which are operated to discharge the treated wastewater from lagoon cell 5 to the designated spray irrigation zone. **One irrigation pump was not operational at the time of the inspection.** The operational ability of both irrigation pumps is fundamental to the successful operation of the system and to providing continuity of service to the Village of Beulah residents. Both irrigation pumps should be kept in operating condition at all times. Correspondence was received from Jeff Cypert, with the Village of Beulah, on August 11, 2022, that the non-working irrigation pump was repaired and fully operational. The pump house building, in which the two irrigation pumps are housed, needed major improvements to housekeeping. **Sludge deposits were observed on the outside of one pump and on the ground as evidence that the pump had been leaking.** This should be cleaned up and the pump packing repaired to prevent leaking from the pump.

The flow meter was reviewed during the evaluation and EGLE determined that the meter generated data that was consistent with the data reported on the DMRs, however, flow meters are required to be calibrated at least annually. **No documentation was provided that the flow meter had previously been calibrated.** Please provide documentation that the flow meter is calibrated in response to this violation notice.

Fencing must be re-established surrounding the entire lagoon system and spray irrigation fields. Fencing must be continuous and intact and include lockable gates for all entry points. Perimeter fencing must also include "No Trespassing" signs at least every 500 feet. In addition to stating "no trespassing" or a comparable phrase, these signs must also include at least one term such as "warning", "caution" or "danger" along with a name that identifies the nature of the facility, such as, for example, Wastewater [or Sewage] Treatment and Disposal Facility. These signs must also be located at all entry points/gates. Secure fencing and appropriate signage are

important for the protection of the public as well as the facility and its personnel. It is also important for the purposes of preventing wildlife from entering the facility that may be harmed by and/or cause damage to the facility.

A portion of the spray irrigation fields are to a wooded area. This poses an issue to the proper operation and maintenance of the irrigation heads. **The spray heads in the wooded area are not visible and therefore, staff are unable to determine if the spray heads are working properly** or intact. Some areas of spray irrigation that were observed in the open fields, specifically field 10, appeared to have broken or non-working spray irrigation heads. Any broken or non-working spray heads that the Facility is aware of must be repaired as soon as possible. Access to all spray irrigation heads is a requirement of the permit and access must be established. Please provide a timeline for cutting back the dense woody debris and trees to allow for maintenance and observation of the spray irrigation heads located in the wooded area. Once this access is established, all spray irrigation heads shall be inspected to determine if they are functioning properly.

**Facility operation and maintenance records for lagoon and irrigation field visual observations were not being kept at the time of the inspection.** After a discussion on the requirements, EGLE staff determined that the Facility was completing the observations but was not keeping a record. Since then, there has been a change in Facility staff. Please ensure that these records are kept moving forward.

#### **Lagoon Construction, Liners & Part 201 Criteria**

Part 41 records and historical records were reviewed as part of the inspection. Design and construction information was located for all lagoon cells, except cells 1 and 2. If Beulah has any documentation or records on the construction or design of lagoon cells 1 and 2, please provide it in response to this Violation Notice. Previous correspondence stated that the lagoon liners were not constructed to the current standards in Rule 2237 and that the standards most likely were not created at the time these lagoons were constructed. A review of the 1999 design plans by GCES show some clay liners and some PVC liners (30 mil PVC liners documented in 1999 BoD for Cells 3A and 5), along with a geo-composite clay liner in one lagoon (cell 4). WRD does not have documentation that the lagoon liners are designed to meet the current liner requirements of Rule 2237. Some form of evaluation will be needed in the future to determine if the liners of all lagoon cells meet Rule 2237, or the liners will need to be upgraded to the current standards.

The Permit contains requirements for monitoring of two underdrain locations (UD-3 and UD-5) along with monitoring wells located downgradient of the lagoons (MW-8, MW-9, & MW-10). No permit limit violations have occurred from these five (5) monitoring points from 2017 to present (please note EGLE concerns about access to UD-5, below). Based on EGLE's review of data from UD-3, there are concerns that one or more lagoons may be leaking. Lagoon liners need to be evaluated by a qualified professional on behalf of Beulah to determine if the liners are constructed in compliance with Rule 2237. This evaluation will also need to address EGLE's concerns that were described in the 2015 letter as: "The two (2) newer lagoons that were apparently lined with a composite liner appear to also have areas of liner damage."

While there are no exceedances of permit limits in these 5 monitoring points, it is important to note that the iron and manganese concentrations in MW-8 on August 8, 2022, were 6.20 and 0.390 mg/l, respectively, and these concentrations exceed Part 201 standards for groundwater

which are 0.300 mg/l for iron and 0.050 mg/l for manganese. The last five (5) years of annual monitoring well sample results were reviewed, and the exceedances of Part 201 criteria for Iron and Manganese are summarized in *Table I* below. Years prior to this were not reviewed for this violation notice. Also, please note that EGLE only looked at iron and manganese data and did not review other parameters for possible exceedances of Part 201 criteria.

Table 1: Summary of Iron and Manganese Exceedances of Part 201 from 2018 to 2022.

Date	Monitoring Point	Iron Results	Manganese Results
8/8/2022	MW-10	0.44 mg/L	
	MW-8	6.20 mg/L	0.390 mg/L
	MW-7	0.52 mg/L	
	MW-5	0.70 mg/L	
	MW-4	0.40 mg/L	
8/11/2021	MW-10	0.45 mg/L	
	MW-8	5.4 mg/L	0.35 mg/L
	MW-7	0.48 mg/L	
	MW-5	4.2 mg/L	0.083 mg/L
	MW-4	0.78 mg/L	
8/11/2020	MW-10	0.47 mg/L	
	MW-8	5.3 mg/L	0.39 mg/L
	MW-7	0.59 mg/L	
	MW-5	4.7 mg/L	0.084 mg/L
	MW-4	0.43 mg/L	
8/6/2019	MW-10	0.55 mg/L	
	MW-9	3.1 mg/L	
	MW-8	3.9 mg/L	0.36 mg/L
	MW-7	0.61 mg/L	
	MW-6	1.7 mg/L	
	MW-5	31 mg/L	0.60 mg/L
	MW-4	1.4 mg/L	
8/29/2018	MW-10	0.51 mg/L	
	MW-8	3.1 mg/L	0.35 mg/L
	MW-7	0.88 mg/L	
	MW-6	2.1 mg/L	0.064 mg/L
	MW-5	1.1 mg/L	
	MW-4	0.46 mg/L	
	MW-2	0.37 mg/L	

*Table I. Summary of Part 201 exceedances of Iron and Manganese in monitoring wells at Beulah WWTF pulled from DMR data.*

**Additional Monitoring Request**

Based on the results in Table I recording elevated Iron and Manganese results in downgradient monitoring wells, WRD will be requesting that additional monitoring be completed for Biochemical Oxygen Demand (BOD5), Iron, Manganese and Arsenic on the effluent monitoring point, EQ-1, during the 2023 irrigation season, as well as at many of the monitoring wells during the May and August 2023 quarterly monitoring events. EGLE will also be requesting that turbidity be added to the list of parameters to be analyzed in the monitoring wells during these two quarterly monitoring events. This request from EGLE will come in a separate letter. This

additional monitoring will aid in the investigation for the cause of the elevated Iron and Manganese in various monitoring wells.

### **UD-5 Monitoring Point**

The location of the UD-5 sampling point was not able to be accessed during the inspection. Each monitoring point must be easily accessed so that proper samples can be collected. A pathway shall be designated and maintained so that staff can easily access UD-5.

### **Lagoon Berms**

EGLE noted during the inspection that there appears to be heavy vegetation, including large woody vegetation, growing on the outside surface of the lagoon berms especially along the southern lagoon boundary on the side closest to the Betsie River. Based on this observation, and satellite imagery showing branches of trees extending over the berm roads, EGLE is concerned about the possibility of this type of vegetation and growth affecting the integrity and/or function of the lagoon berms. Please note that this concern is separate from, but in addition to, related concerns expressed elsewhere in this VN about erosion of, and seeps from, the lagoon berms (see May 22, 2000, letter described above). Concerns regarding integrity and function of the berms such as these must be investigated by a qualified professional with appropriate and applicable expertise.

### **Conclusion – Summary of Required Corrective Actions**

The violations identified in this Violation Notice are continuing. The violations identified in this Violation Notice are violations of Part 31, Part 22 Rules, and Part 41.

The Facility should take immediate action to achieve and maintain compliance with the terms and conditions of the expired Permit.

Please submit the Statements of Corrective Action as separate Corrective Action Plans as requested below (presented in order by requested response date, 2 month, 3 months, 4, months, 6 months. etc.):

#### **2-Month Corrective Action Plan**

1. Please provide confirmation that the permit application was revised to include non-domestic wastewater sources, including a laundromat and microbrewery.
2. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's future plan to address items 3, 4, 5, and 6 from the letter sent on December 10, 2015, that are detailed under the *Previous Correspondence* section, above. The statement should indicate any plans to use water treatment additives (WTAs). Should the Facility plan to use WTAs, authorization from EGLE will be required.
3. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's long-term future plan for periodic, scheduled maintenance of the Imhoff Tank including solids removal to the sludge drying beds.
4. Before the February 2023 quarterly monitoring event and during that event collect the information necessary to comply with Item 9 of the December 10, 2015 letter. At a minimum, the report provided to EGLE regarding the monitoring wells should include total well depth, elevation of top of casing, depth to the static water level, diameter of well, materials of construction of the well and depth interval of the well screen.
5. Please provide a brief written statement to EGLE in response to this VN indicating that Beulah has complied with Item 10 of the December 10, 2015, letter.

### **3-Month Corrective Action Plan**

1. Please provide a brief written statement in response to this VN indicating if Beulah has followed GCES's recommendation for Phosphorous management in the past and if they plan to continue to follow it in the future. If GCES's recommendations were followed, but were not successful, please provide a brief written statement indicating Beulah's future plans to control and limit Phosphorous concentrations in the effluent. Please submit this plan to EGLE **on or before 3 months from the date of this VN.**
2. Please provide a written statement to EGLE in response to this VN indicating Beulah's long-term future plan for periodic, scheduled calibration of the effluent and influent flow meters. Please submit this plan to EGLE **on or before 3 months from the date of this VN.**

### **4-Month Corrective Action Plan**

1. Please submit an updated SAP and a new DMP to EGLE for review and approval **on or before 4 months from the date of this VN.**
2. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan to open and maintain a permanent pathway to access the UD-5 monitoring point. Please submit this plan to EGLE **on or before 4 months from the date of this VN.**

### **6-Month Corrective Action Plan**

1. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's long-term future plan to secure the Imhoff Tank with grates and/or fencing to limit access. Please submit this plan to EGLE **on or before 6 months from the date of this VN.**
2. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan to provide the required security fencing and signage around the Facility (as noted above in this VN) and to provide for periodic, scheduled maintenance of the security fence. Please submit this plan to EGLE **on or before 6 months from the date of this VN.**
3. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan and schedule for evaluating the performance of each spray head and replacing the spray heads that are not performing as designed. Please submit this plan to EGLE **on or before 6 months from the date of this VN.**
4. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan, including a timeline, for cutting back the dense woody debris and trees to allow for maintenance and observation of the spray irrigation heads located in the woods. Please submit this plan to EGLE **on or before 6 months from the date of this VN.**
5. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan, including a timeline, for housekeeping improvements to the irrigation pump house. Please submit this plan to EGLE **on or before 6 months from the date of this VN.**
6. Please submit an O&M Manual to EGLE for review and approval **on or before 6 months after the date of this VN.**
7. Please provide a brief written statement to EGLE in response to this VN indicating that Beulah has inspected all the lagoon berms for erosion, seeps, and animal burrowing, including a summary of findings, as well as a brief statement indicating future plans for

periodic, scheduled berm inspections, **on or before 6 months from the date of this VN.**

8. Please provide a brief written statement to EGLE in response to this VN identifying Beulah's plan and schedule to obtain a complete engineering inspection and evaluation regarding the vegetation, including heavy woody vegetation, on the lagoon berms (reference related item "Lagoon Berms" above). Evaluation shall include an assessment of the effect of this vegetation on the function and integrity of the lagoon berms.

#### **12-Month Corrective Action Plan**

1. Please provide a brief written statement to EGLE in response to this VN indicating Beulah's plan to evaluate the lagoon liners both for compliance with existing liner standards and for damage. Please provide this brief written statement to **EGLE on or before 12 months from the date of this VN.**

If Beulah has already completed work described above, at the time that this VN is received, please send a statement to EGLE, by email or other means, that no plan or other information needs to be submitted to EGLE because the work was already completed. In these situations, simply include a brief statement explaining what work was completed.

If you have any factual information, you would like the WRD to consider regarding the violations identified in this Violation Notice, please provide them as a written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Violation Notice or if you would like to arrange a meeting to discuss it, please contact Barry Christian at [ChristianB2@michigan.gov](mailto:ChristianB2@michigan.gov); (231) 942-8573; or Claire Handley at [HandleyC3@michigan.gov](mailto:HandleyC3@michigan.gov); (231) 878-6795; or EGLE, WRD, Cadillac District Office, 120 West Chapin Street, Cadillac, Michigan 49601-2158.

Sincerely,

Barry Christian  
Cadillac District Office  
Water Resources Division

Claire Handley  
Cadillac District Office  
Water Resources Division

bc/ch/sh

Attachments

cc: Dan Hook, past President  
Kristine Rendon, EGLE  
Brian Jankowski, EGLE





Exhibit C

Discharge Permit Effluent Limits

Parameter	Monthly Average Limit	Weekly Average Limit	Minimum Daily Limit	Maximum Daily Limit	Units	Monitoring Frequency	Sample Type
Total Inorganic Nitrogen (TIN)	5.0				mg/L	Weekly	Calculation
Ammonia Nitrogen				(report)	mg/L	Weekly	Grab
Nitrate Nitrogen				(report)	mg/L	Weekly	Grab
Nitrite Nitrogen				(report)	mg/L	Weekly	Grab
pH			6.0	9.0	S.U.	Weekly	Measured
Biochemical Oxygen Demand (BOD5)	30			(report)	mg/L	Weekly	Grab
Total Suspended Solids (TSS)	30				mg/L	Weekly	Grab
Dissolved Oxygen			(report)		mg/L	Weekly	Measured
Chloride				500	mg/L	Weekly	Grab
Sodium				400	mg/L	Weekly	Grab
Total Phosphorus	0.1				mg/L	Monthly	Grab
Fecal Coliform	200	400			cts/100 mL	5x Weekly	Grab

a. *Total Inorganic Nitrogen*

The daily maximum value for total inorganic nitrogen shall be reported as the sum of the daily maximum values for ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen.

b. *Fecal Coliform*

The monthly fecal coliform calculation shall be based on the geometric mean of all of five or more samples taken over a 30-day period. The weekly fecal coliform calculation shall be based on the geometric mean of all of three or more samples taken during any period of discharge not to exceed seven days.

**Archived:** Friday, June 9, 2023 3:01:49 PM

**From:** [Elizabeth Princing, P.E.](#)

**Sent:** Monday, March 27, 2023 9:16:23 AM

**To:** [Timothy Korson, P.E.](#); [Jeri Vandepierre](#); [danhook2@charter.net](mailto:danhook2@charter.net); [Mark Hurley, M.S., P.E.](#); [Christian, Barry \(EGLE\)](#); [Handley, Claire \(EGLE\)](#)

**Subject:** RE: Beulah CWSRF

**Sensitivity:** Normal

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Good Morning,

Below is an excerpt from the SRF project plan to help further describe the proposed treatment process.

The performance of the existing facility is no longer in compliance with State regulations. A new mechanical wastewater treatment system is needed to meet the State regulations. Mechanical plants generally produce a good consistent quality effluent and are commonly used when increased treatment is required because of more stringent effluent limits. There are many types of mechanical treatment processes available. A moving bed biofilm reactor (MBBR) system is the recommended alternative because of its relative ease of operation and ability to adjust to flow and loading variations while providing a consistent effluent quality. This is similar to the type of treatment system being used at the authority in the Village of Northport.

#### System Description

The treatment system will begin with a headworks to remove inorganics prior to being conveyed into the equalization tanks. The equalized wastewater will then be pumped into parallel, pre-anoxic reactors to begin the biological nutrient removal process. The pre-treated wastewater will then be moved into four, parallel/series, aerobic integrated fixed-film activated sludge reactors where the organic treatment and nitrification will occur (a.k.a. – moving bed bioreactor or MBBR). Parallel recycle chambers will follow the MBBR where nitrate is conveyed back to the equalization chambers for denitrification. Additional denitrification will occur in two additional post-anoxic chambers with a final nitrogen polishing in two additional re-aeration chambers. Final solids/biomass settling will occur in the three parallel clarifier tanks with a portion of the activated sludge being recycled back to the front of the plant and another portion of sludge being wasted to be “cooked” for an addition period of time in an aerobic digester. Coagulant feed will occur prior to the clarifiers for phosphorus removal. Effluent will be discharged to two existing lagoons for final discharge via spray irrigation.

#### Key Elements

1. Headworks
2. Pre-Anoxic Reactors
3. Aerobic IFAS Reactors
4. Nitrate Recycle
5. Post-Anoxic Reactor
6. Re-Aeration
7. Final Clarifiers
8. Equipment Building
9. Center Pivots (spray irrigation)
10. Effluent storage lagoons (winter storage)
11. Aerobic digester

Elizabeth R. Princing, P.E. | Project Engineer  
**Gosling Czubak Engineering Sciences, Inc.**

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[Connect with us on LinkedIn!](#)

-----Original Appointment-----

**From:** Timothy Korson, P.E. <[tnkorson@goslingczubak.com](mailto:tnkorson@goslingczubak.com)>

**Sent:** Monday, February 13, 2023 4:53 PM

**To:** Timothy Korson, P.E.; Jeri Vandeperre; [danhook2@charter.net](mailto:danhook2@charter.net); Mark Hurley, M.S., P.E.; Elizabeth Princing, P.E.; Christian, Barry (DEQ); [HandleyC3@michigan.gov](mailto:HandleyC3@michigan.gov)

**Subject:** Beulah CWSRF

**When:** Monday, March 27, 2023 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

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## Microsoft Teams meeting

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## Exhibit E

### **Lagoon Leakage Work Plan Requirements**

Upon written notification by EGLE that unacceptable leakage is impacting surface waters and/or groundwater, Beulah shall submit an approvable work plan to address the leakage within 6 months of such notification. The purpose of the work plan is to control exfiltration from the lagoon treatment system. The study shall include remediation methods, procedures, time schedules, and staff, as appropriate. Beulah shall begin implementation of the lagoon leakage remediation work plan within 30 days of approval of the work plan. Beulah shall complete implementation of the lagoon leakage remediation work plan and submit an approvable final report with supporting data to the EGLE on or before within one year of approval of the work plan. The final report shall include a plan and schedule for continued maintenance and monitoring of the lagoon treatment system.

# Request for Taxpayer Identification Number and Certification

**Give Form to the requester. Do not send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.		4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ▶ _____		
	5 Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)
	6 City, state, and ZIP code		
	7 List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

<b>Social security number</b>											
				-			-				
<b>or</b>											
<b>Employer identification number</b>											
						-					

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or “doing business as” (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a “disregarded entity.” See Regulations section 301.7701-2(c)(2)(iii). Enter the owner’s name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2, “Business name/disregarded entity name.” If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947



The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

**Line 5**

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

**Line 6**

Enter your city, state, and ZIP code.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.**

You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.**

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

\*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

Exhibit G

Village of Beulah

ACO-05883 Abbreviated Compliance Schedule Due Dates

<b>Date</b>	<b>Action</b>	<b>Item</b>	<b>Paragraph #</b>
10 days following the execution of this Consent Order	Mail	Completed W-9 form attached to this Consent Order as Exhibit F	3.36
12/15/2023	Submit	30% Design Package	3.1
9/15/2023	Submit	Hydrogeological work plan for shallow aquifer	3.2
9/1/2023	Submit	Work plan for ferric chloride usage in Wastewater Treatment Facility (WWTF)	3.12
9/1/2023	Submit	Certification letter for housekeeping improvements to irrigation pump house	3.22
9/1/2023	Submit	Labor hours evaluation for existing lagoon and spray irrigation systems	3.23
12/1/2023	Submit	New or updated Operation and Maintenance (O&M) manual for existing WWTF	3.13
2/1/2024	Submit	Hydrogeological investigation report	3.3
3/1/2024	Re-submit	Discharge Permit application	3.4
3/1/2024	Submit	Part 41 Permit application	3.5
5/1/2024	Submit	Irrigation system evaluation plan and schedule	3.14
10/1/2024	Submit	Seasonal high-water table report	3.15
10/1/2024	Complete	Inspections and repairs to lagoon berms, dikes, and embankments	3.24
10/1/2024	Submit	Engineering report of inspection and evaluation of the vegetation on the lagoon berms	3.26
10/1/2024	Submit	Engineering report of inspection and evaluation of the lagoon liners	3.28
10/27/2024	Commence	Construction of WWTF upgrades	3.6
11/1/2024	Submit	Updated DMP to 1/4/23 approval	3.16
12/1/2024	Submit	Vegetation management plan and schedule	3.17
1/1/2025	Submit	All reports, conclusions, recommendations etc. provided by Beulah's engineer not specifically required by this Consent Order	3.33
4/1/2025	Submit	Engineering report of inspection findings and repair activities completed on lagoon berms, dikes, and embankments	3.25
4/1/2025	Submit	Certification letter for the 3.26 corrective actions completion	3.27
5/1/2025	Submit	Staffing evaluation for sewerage system	3.7
5/1/2025	Begin implementation	Corrective action necessary for lagoon liners	3.30

Exhibit G

8/1/2025	Submit	Certification letter for vegetation management completion	3.18
11/1/2025	Complete	Corrective actions that will bring lagoon liners into compliance with Rule 2237	3.31
180 days from EGLEs approval of liner equivalency work plan	Submit	Investigation results of lagoon liner equivalency work plan (alternative to 3.31)	3.32
12/1/2025	Submit	Proposal and schedule for security fence establishment	3.19
5/1/2026	Submit	Staffing plan with implementation schedule	3.10
8/1/2026	Submit	Certification letter for security fencing completion	3.20
11/1/2026	Complete	WWTF upgrades	3.8
30 days following the start-up of the upgraded WWTF	Submit	Lagoon closure work plan	3.29
60 days following WWTF completion	Submit	Operation and Maintenance manual	3.9



# EXHIBIT H

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

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



# EXHIBIT H

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

## ADMINISTRATIVE CONSENT ORDER TERMINATION REQUEST

3. Certification	<p>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.</p> <p>Print Name _____ Title _____</p> <p>Signature _____ Date _____</p>
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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

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

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

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

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

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

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

Marquette District Office  
1504 West Washington Street  
Marquette, Michigan 49855

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