



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREETHER
DIRECTOR

May 30, 2017

CERTIFIED MAIL 7013 2630 0002 4056 2704

Village of Blissfield Administrator
Village of Blissfield
415 North Lane Street
Blissfield, Michigan 49228

Dear Village Administrator:

SUBJECT: Village of Blissfield, Administrative Consent Order (ACO)

Enclosed with this letter, please find a fully-executed original of ACO-000262 entered between the Michigan Department of Environmental Quality (DEQ), Water Resources Division (WRD), and the Village of Blissfield, for the resolution of the violations documented pursuant to Part 31, Water Resources Protection and Part 41, Sewerage Systems of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the promulgated rules. The ACO became effective May 30, 2017.

Invoices for payment for payment of costs (\$7,519) related to the enforcement activities and the agreed civil fine in the amount of \$50,000 have also been enclosed with this letter. Both payments are due within 30 days of receiving this letter and invoices. Please be sure to include the Settlement Identification Number #WRD60033 with your payment. Additionally, I have enclosed a certification form which is suggested for use when certifying final compliance and requesting termination of the ACO as mentioned in Section 12.1 of the ACO.

The DEQ appreciates the Village of Blissfield's cooperation with the resolution of these matters. If you have any questions, please contact me at 517-284-5494; brown2@mchigan.gov; DEQ, P.O. Box 30458, Lansing, Michigan 48909-7958; or you may contact Barry Selden at 517-284-5490.

Sincerely,

Angela M. Brown, Enforcement Specialist
Enforcement Unit
Water Resources Division

Enclosure

cc: Mr. Charles Cavanaugh, DAG
Ms. Teresa Seidel, DEQ
Ms. Tiffany Myers, DEQ

**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION**

In the matter of:

ACO-000262
Date Entered: _____

Village of Blissfield
Blissfield Wastewater Treatment Plant
Blissfield, Michigan 49228

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that the Village of Blissfield (Village), which owns and operates a wastewater treatment plant (WWTP) located at 415 North Lane Street, Blissfield, Michigan, Lenawee County, is in violation of 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 Part 41, Sewerage Systems, of the NREPA, MCL 324.4101 *et seq.* (Part 41), and the associated administrative rules and permits issued by the DEQ in accordance with the NREPA. The Village is a person, as defined by Section 301 of the NREPA, MCL 324.301. The Village and the DEQ agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

I. STIPULATIONS

The Village and the DEQ stipulate as follows:

- 1.1 The NREPA is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Part 31 of the NREPA and the rules promulgated pursuant thereto provide for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 Part 41 of the NREPA 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 The DEQ is authorized by Section 3112(4) of Part 31, MCL 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 the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).

- 1.5 The Village consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under Section 3112(4) of Part 31 and Section 4111 of Part 41. The Village 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 the DEQ, pursuant to Section 301(b) of the NREPA.
- 1.6 The Village and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Village that the law has been violated.
- 1.7 The signatory to this Consent Order certifies that he is fully authorized by the Village to enter into the terms and conditions of this Consent Order and to execute and legally bind the Village to this document. The Village hereby agrees to comply with all requirements under 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.
- 1.8 For the purposes of this Consent Order, the parties agree that "day" shall mean calendar day unless modified as "business day." Business day shall mean Monday through Friday of each week, excluding state of Michigan holidays.

II. FINDINGS

- 2.1 The Village owns and operates a public sewerage system with a WWTP. The WWTP is located at 415 North Lane Street in Blissfield, Michigan. On August 27, 2010, the DEQ issued National Pollutant Discharge Elimination System Permit No. MI0021695 (NPDES Permit) to the Village. The NPDES Permit became effective November 1, 2010, and is currently extended. The Village submitted an application for permit reissuance that was

received by the DEQ on April 4, 2014. By authorization of the NPDES Permit, the Village is approved to discharge treated municipal wastewater from the WWTP which has a design capacity of 0.57 million gallons per day (MGD), through Outfall 001, to the receiving water known as the River Raisin.

- 2.2 From 2009 to 2015, the Village violated the final effluent limitations required by its NPDES Permit at monitoring point number 001. Each effluent limit violation is a violation of the NPDES Permit and Section 324.3109(1) of Part 31 of the NREPA, MCL 324.3109(1), which prohibits the direct or indirect discharge into waters of the state of a substance that may become injurious to, among other things, the public health, fish, and aquatic life.
- 2.3 On May 12, 2009, the WRD inspected the Village WWTP to determine compliance with the NPDES Permit. On June 24, 2009, the WRD issued a Violation Notice (VN-004105) to the Village advising that its WWTP had multiple effluent violations for Total Suspended Solids (TSS), Ammonia (NH₃), Total Phosphorus, and Fecal Coliform which constitute violations of Part 31 of the NREPA and the NPDES Permit. The WRD also identified that the WWTP continually operates in excess of the 0.57 MGD design capacity. The WRD identified that the Village has reported an annual average flow for the WWTP during the three previous years (2006, 2007 and 2008) was 0.955 MGD, 0.946 MGD and 0.991 MGD, respectively. Additionally, the Village demonstrated that it was still in the process of determining the nature of wastewater entering the WWTP. During the inspection, WRD staff detected unusual fruity odors at the final effluent discharge chamber. The Village ultimately determined that these odors can be attributed to acetyl aldehyde which was discharged to the sanitary sewer from an industrial user. The Village worked with Riga Township and the suspected companies to ultimately address the problem.
- 2.4 The Village responded to the June 24, 2009 Violation Notice; however, the WRD determined the Village's response was not adequate. The WRD addressed the Village's inadequate response in a letter dated September 9, 2009, and restated that the Village failed to achieve compliance with the NPDES Permit requirements. Additionally, the letter identified that the Village had not completed the Final Wastewater Treatment Evaluation Report, or a Corrective Action Plan to address the concerns from the Violation Notice.

- 2.5 On April 28, 2010, the WRD inspected the Village WWTP to determine compliance with the NPDES Permit. On June 4, 2010, the WRD issued a Violation Notice (VN-004559) reiterating issues listed in VN-004105 dated June 24, 2009. The discharge from the WWTP continued to exceed final effluent limits and the operator was still in the process of characterizing all wastewater from industrial users in its collection system. The operator failed to submit Discharge Monitoring Reports (DMRs) for the months February, March, and April 2010, and the Village disciplined him according to Village Policy. Failure to submit the monthly DMRs is a violation of Rule 53 of the rules promulgated pursuant to Part 41 of the NREPA, Mich Admin Code, R 299.2953. The failure to submit DMRs was also evidence of insufficient staffing at the facility. The Village disagreed with this assessment, and believed it was indicative of inadequate time management skills. Rule 55(2) of the Part 41 rules, Mich Admin Code, R 299.2955(2), states that the owner of the sewerage system shall provide an adequate operating staff which is qualified to carry out the operations, maintenance, and laboratory testing functions required to insure compliance.
- 2.6 The NPDES Permit, Part I, Section D.1., requires the Village to land apply bulk bio-solids in accordance with to the approved Residual Management Plan (RMP). The WWTP should have sufficient storage capacity on site to hold bio-solid waste for 6 months before having to land apply. Due to inadequate storage capacity, the Village land applied bio-solids up to 4 times in 2010 and 2012. In the RMP, Section III, C3, the Village checked the box indicating that no bio-solids would be land applied during the winter months between December 21st and March 21st. However, records submitted by the Village show that winter land applications occurred twice in 2010. However, due to its efforts to address these issues, the Village WWTP has since resumed bi-annual biosolids land applications. This is in part due to the installation of equipment designed for this problem in 2012.
- 2.7 On March 30, 2011, the WRD inspected the Village WWTP to determine compliance with the NPDES Permit. On April 14, 2011, the WRD issued a Violation Notice (VN-004858) with regard to the Village WWTP operation. The Village continued to operate the WWTP in exceedance of the 0.57 MGD design capacity which contributed to continued effluent violations. During the inspection, WRD staff again detected unusual fruity odors at

multiple locations in the treatment system. Such odors are an indication of a discharge to the sanitary sewer from an industrial user.

- 2.8 In 2011, the village solicited bids for a sludge dewatering facility at its water treatment plant (WTP), as sludge from the WTP was proving detrimental to the operation of the WWTP. The bids were far in excess of the engineer's estimate, and were rejected.
- 2.9 The Village re-engineered and re-bid the WTP sludge dewatering facility in 2012. The bid was accepted, and construction was completed in 2013.
- 2.10 On August 23, 2012, the WRD issued a Violation Notice (SVN-000420) for the Village's failure to correct specific issues outlined in the previous Violation Notice. The Violation Notice reiterated the DEQ's belief that there was inadequate staffing at the WWTP, which again was disputed again by the Village. The Notice also noted the detection of unusual industrial waste and stated that effluent violations were continuing to occur despite the Village's attempts to address them.
- 2.11 In 2012, the Village removed substantial quantities of inert solids from the WWTP's oxidation ditches in order to further address the issues.
- 2.12 Records submitted by the Village show that it land applied bulk bio-solids twice in the winter in 2012, in violation of the approved RMP and NPDES Permit, Part I, Section D.1. The Village has since addressed this issue, in part due to the installation of equipment designed for this problem in 2012.
- 2.13 On August 27, 2013, the WRD conducted a compliance sampling inspection at the Village WWTP to evaluate the facility's compliance with Part 31 of the NREPA and the NPDES Permit. On March 13, 2014, the WRD issued a summary of the evaluation. During the inspection, a review of sampling and monitoring methods was conducted. WRD staff found that the composite sampler was not maintaining refrigeration. A failure to maintain proper refrigerated preservation of samples during collection does not comply with required sampling procedures. In its review of the laboratory equipment and procedures, the WRD found that the biochemical oxygen demand (CBOD5) incubator was not maintaining appropriate temperature. Failure to maintain the appropriate temperature

during incubation does not comply with the required analytical method for CBOD5, which could result in inaccurately characterizing effluent quality. WWTP staff informed the WRD that they were aware of the problems, and that replacement equipment was in the process of being procured. During a review of required records, the WRD determined that not all of the monthly Discharge Monitoring Reports for 2013 were received. The WWTP Supervisor was again disciplined by the Village for the late reports according to the Village's Policy. A review of the sampling data from the WRD sampling survey indicated that final effluent was in compliance with final effluent limitations on the day of the inspection and during the two weeks prior. Upon receipt of the DMR's, a follow-up data review identified that 8 out of 12 monthly reports for 2013 contained chronic effluent violations.

- 2.14 On September 4, 2014, the WRD inspected the Village WWTP to determine compliance with Part 31 of the NREPA and compliance with the NPDES Permit. On January 22, 2015, the WRD issued a Violation Notice (SVN-000503) with regard to the Village WWTP operations. At the time of the inspection, the daily flows were over the 0.57 design capacity and annual average flows continued to exceed the design capacity. In spite of improving conditions observed during the inspection, the violations identified in SVN-000420 continued despite of the Village's efforts to address them. Monitoring results from January to November 2014 showed that the discharge from the WWTP resulted in violations for fecal coliform, TSS, TSS percent removal and ammonia nitrogen. The monitoring results are violations of the NPDES Permit. Additionally, Part 1, Section B.1.b. of the NPDES Permit requires the Village to submit the WWTP Capacity Evaluation Final Report for DEQ review and approval by August 31, 2013. The facility's Capacity Evaluation Final Report was not received by the WRD until February 19, 2015. Failure to submit the WWTP Capacity Evaluation Final Report is a violation of the NPDES Permit.
- 2.15 Due to the Village's efforts to address the issues, since August 2015, the WWTP has returned to near-normal operations. However, the Village has reported effluent violations as recently as September 2016, and the WWTP still requires substantial upgrades and/or replacement of its infrastructure.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT Blissfield shall take the following actions to comply with and prevent further violations of Parts 31 and 41:

- 3.1 The Village shall employ adequate staff for the WWTP operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of the NPDES Permit. The Village shall submit a Staffing Analysis to the DEQ within 6 months after the effective date of this ACO. The level of staffing needed shall be determined by taking into account the work involved in operating the WWTP and the sewerage system, planning for and conducting maintenance, and complying with the NDPDES Permit.
- 3.2 No later than 365 days after the effective date of this ACO, the Village shall submit to the DEQ for review and approval, a draft Basis of Design, including draft plans and specifications, for Phase 1 and Phase 2 upgrades to the WWTP. The draft Bases of Design shall propose WWTP upgrades as identified in the Village's November 2015 report entitled "Capacity Evaluation and Corrective Action Plan," which includes, but is not limited to: Phase 1: Clarifier upgrades including the addition of a third clarifier, upgrades to the headworks including the replacement of influent pumps, and ultraviolet disinfection replacement; Phase 2: Pump replacements, miscellaneous piping and valve replacements, digester blower and diffuser replacement, and miscellaneous electrical upgrades.
- 3.3 For Phase 1 improvements, no later than 90 days after the DEQ provides comments to the Village on the Phase 1 draft Basis of Design, draft plans and specifications, the Village shall submit an application for a wastewater construction permit under Part 41 of the NREPA that includes a final approvable basis of design with a final approvable set of plans and specifications.
- 3.4 For Phase 1 improvements, no later than 180 days after issuance of the Part 41 Permit, the Village shall commence construction of the Phase 1 WWTP upgrades.
- 3.5 For Phase 1 improvements, not later than 545 days after the commencement of construction, the Village shall complete construction of the Phase 1 WWTP upgrades, and

they shall be fully operational such that the Village is in full compliance with the NPDES Permit and Part 31 of the NREPA.

- 3.6 For Phase 2 improvements, no later than 365 days after the DEQ provides comments to the Village on the relevant draft Basis of Design, draft plans and specifications, the Village shall submit an application for a wastewater construction permit under Part 41 of the NREPA that includes a final approvable basis of design with a final approvable set of plans and specifications.
- 3.7 For Phase 2 improvements, no later than 180 days after issuance of the Part 41 Permit, the Village shall commence construction of the Phase 2 WWTP upgrades.
- 3.8 For Phase 2 improvements, not later than 545 days after the commencement of construction, the Village shall complete construction of the Phase 2 WWTP upgrades, and they shall be fully operational such that the Village is in full compliance with the NPDES Permit and Part 31 of the NREPA.
- 3.9 The Village shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Jackson District Supervisor, WRD, DEQ, 301 East Louis Glick Highway, Jackson, Michigan 49201. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. DEQ 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 the DEQ by the Village, 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 the DEQ disapproves a work plan, proposal, or other document, it will notify the Village, in writing, specifying the reasons for such disapproval. The Village shall

submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Village of this disapproval.

- 4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Village, 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. The DEQ may require the Village 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 which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Village of this disapproval.
- 4.5 Upon DEQ 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 the Village 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 the Village to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.
- 4.7 Any delays caused by the Village's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Village's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the Village will be construed as relieving the Village of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

- 5.1 The Village and the DEQ agree that the DEQ may grant the Village 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 DEQ, WRD, Enforcement Unit Supervisor, P.O. Box 30458, Lansing, Michigan 48909-7958, and the Jackson District Supervisor at the address in paragraph 3.6, no later than ten business days prior to the pertinent deadline, and shall include:
- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
 - b. A detailed description of the circumstances that will prevent the Village from meeting the deadline(s).
 - c. A description of the measures that the Village 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 Jackson District Supervisor or a designee, in consultation with the 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 the DEQ, and if applicable, signed by both parties.

VI. REPORTING

- 6.1 The Village shall verbally report any violation(s) of the terms and conditions of this Consent Order to the Jackson District 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). The Village 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 the DEQ, the Village shall make available to the DEQ 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 the Village 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 The Village shall allow any authorized representative or contractor of the DEQ, 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 the DEQ 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, the Village shall pay to the State of Michigan **\$7,519** 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.
- 9.2 Within 30 days after the effective date of this Consent Order, the Village shall pay a civil fine of **\$50,000** for the violations specified in Section II of this Consent Order. Payment shall be made in accordance with paragraph 9.5.
- 9.3 For each failure to comply with a specific deadline contained in Section III of this Consent Order, the Village shall pay stipulated penalties of **\$5,000**. If, after 30 days from the original deadline, the Village has not fully corrected the violation, stipulated penalties shall begin to accrue in accordance with paragraph 9.4 of this Consent Order. Payments shall be made in accordance with paragraph 9.5.
- 9.4 Except as provided for in paragraph 9.3, for each failure to comply with any other provision

of this Consent Order, the Village shall pay stipulated penalties of **\$200** per violation per day for 1 to 7 days of violation, **\$300** per violation per day for 8 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.

- 9.5 The Village shall pay all payments within 30 days of receipt of an invoice from the DEQ. The Village agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Accounting Services Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 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. WRD60033**.
- 9.6 The Village agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. Blissfield 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 the DEQ for stipulated penalties is made.
- 9.7 The DEQ 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, the DEQ 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 The Village 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 the Village'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 the Village, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the Village'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 the Village's actions or omissions.
- 10.3 The Village shall notify the DEQ, 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 the Village to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The Village 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 the Village 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. The DEQ 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 the Village, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ 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 the Village, and that all the requirements of this Section X have been met by Blissfield, rests with the Village.

- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that Blissfield 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, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Village to comply with the requirements of the NREPA and its rules.
- 11.2 The DEQ and the Village 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 of the NREPA.
- 11.3 This Consent Order in no way affects the Village's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.4 The DEQ 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 DEQ 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 of the Village may have for natural resource damages caused by the Village'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 that the Village 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, the Village shall also notify the WRD Jackson District 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 Jackson District 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.

XII. TERMINATION

- 12.1 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Village shall submit a request consisting of a written certification that the Village 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 as Exhibit 1. Specifically, an acceptable certification shall include:
- a. The date of compliance with each provision of the compliance program in Section III, and the date any fines or penalties were paid.
 - b. A statement that all required information has been reported to the district Supervisor.

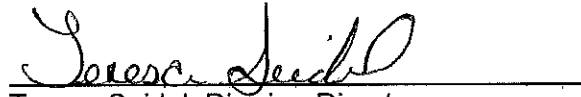
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ 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 ENVIRONMENTAL QUALITY

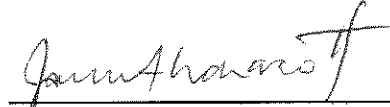


Teresa Seidel, Division Director
Water Resources Division

5/30/17

Date

RESPONSIBLE PARTY



James Wonacott, Village Administrator
Village of Blissfield

5/22/17

Date

APPROVED AS TO FORM:



By: Charles Cavanagh, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

5/25/17

Date

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
Water Resources Division
Enforcement
INVOICE

Issued under authority of Public Act 451 of 1994.
FED ID # 38-6000134

VILLAGE OF BLISSFIELD
415 NORTH LANE STREET
BLISSFIELD, MI 49228
USA

Invoice Number:	761-8171086
Customer Id:	304020
Invoice Date:	May 30, 2017
Total Due:	\$50,000.00

VILLAGE OF BLISSFIELD
415 NORTH LANE STREET
BLISSFIELD, MI 49228

Failure to submit payment by the date due will result in penalties as described by law. Please be sure to reference the settlement ID# on the check when you remit payment.

Reference
WRD60033

Invoice Item	Qty	Unit Cost	Sales Tax	Total Cost
SETTLEMENT ID# WRD6033-CIVIL FINE	1.00	\$50,000.00	\$0.00	\$50,000.00

Total Invoice: **\$50,000.00**
Payment Due: Upon Receipt

REMIT PAYMENT TO: STATE OF MICHIGAN
TO ENSURE PROPER CREDIT, SEND THIS PORTION WITH PAYMENT TO:
DEQ CASHIERS OFFICE
PO BOX 30657

Reference
WRD60033

INVOICE NUMBER 761-8171086 WRD ACO
--

LANSING, MI 48909-8157

(Please note or make any address corrections below.)

VILLAGE OF BLISSFIELD
415 NORTH LANE STREET
BLISSFIELD, MI 49228
USA

Total Due: **\$50,000.00**

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
 Water Resources Division
 Enforcement
INVOICE
Issued under authority of Public Act 451 of 1994.
 FED ID # 38-6000134

VILLAGE OF BLISSFIELD
 415 NORTH LANE STREET
 BLISSFIELD, MI 49228
 USA

Invoice Number:	761-8171087
Customer Id:	304020
Invoice Date:	May 30, 2017
Total Due:	\$7,619.00

VILLAGE OF BLISSFIELD
 415 NORTH LANE STREET
 BLISSFIELD, MI 49228

Failure to submit payment by the date due will result in penalties as described by law. Please be sure to reference the settlement ID# on the check when you remit payment.

Reference
 WRD6033

Invoice Item	Qty	Unit Cost	Sales Tax	Total Cost
SETTLEMENT ID# WRD6033-STAFF COSTS	1.00	\$7,519.00	\$0.00	\$7,519.00

Total Invoice: **\$7,519.00**
 Payment Due: Upon Receipt

REMIT PAYMENT TO: **STATE OF MICHIGAN**
 TO ENSURE PROPER CREDIT, SEND THIS PORTION WITH PAYMENT TO:
 DEQ CASHIERS OFFICE
 PO BOX 30657

Reference
 WRD6033

INVOICE NUMBER
761-8171087
WRD ACO

LANSING, MI 48909-8157

(Please note or make any address corrections below.)

VILLAGE OF BLISSFIELD
 415 NORTH LANE STREET
 BLISSFIELD, MI 49228
 USA

Total Due: **\$7,519.00**



Michigan Department of Environmental Quality
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 the DEQ 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. The DEQ 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>		



Michigan Department of Environmental Quality
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 Environmental Quality (DEQ) 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 the DEQ, 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 the DEQ 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 the DEQ, Water Resources Division, District Office that is listed in Section III of the ACO the Owner/Legally Responsible Representative entered into with the DEQ. Addresses for the district offices are listed below.

Cadillac District Office
120 West Chapin Street
Cadillac MI 49601-2158

Kalamazoo District Office
7953 Adobe Road
Kalamazoo MI 49009-5026

Gaylord Field Office
2100 West M-32
Gaylord MI 49735-9282

Lansing District Office
525 West Allegan Street (Constitution Hall, 1S)
Lansing MI 48909-7742

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

Saginaw Bay District Office
401 Ketchum Street, Suite B
Bay City MI 48708

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

South East Michigan District Office
27700 Donald Court
Warren MI 48092-2793

Upper Peninsula District Office
420 5th Street
Gwinn MI 49841