

## Michigan Municipal Separate Storm Sewer System (MS4) Permit Post-Construction Storm Water Control for New Developments and Redevelopment Projects

Part 1.A.4.b.4., pages 15-17, of the Municipal Separate Storm Sewer System (MS4) Watershed General Permit and Part I.A.8., pages 10-12, of the MS4 Jurisdictional General Permit require that the permittee develop, implement, and enforce a program to address post-construction storm water runoff from all new and redevelopment projects that disturb one acre or more. Projects that disturb less than one acre are subject to the requirements if they are part of a larger common plan of development or sale that would disturb one acre or more. The permittee shall have the authority to implement and enforce its post-construction storm water runoff control program through an ordinance or other regulatory mechanism.

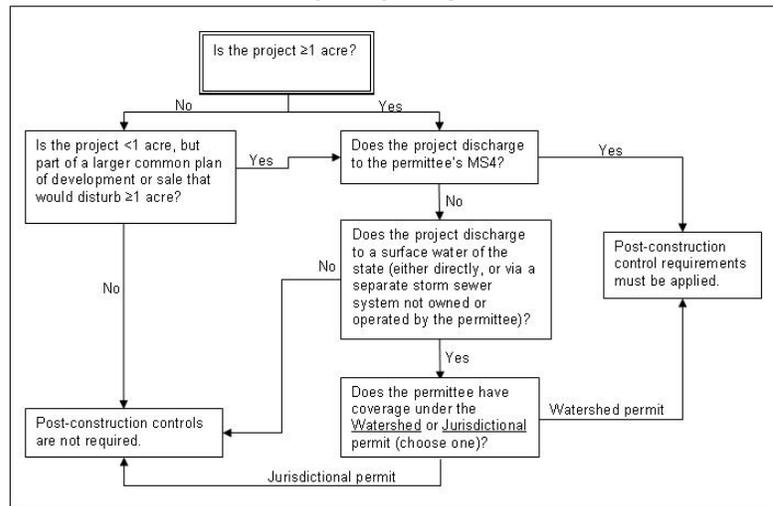
**Post-Construction Storm Water Runoff** means the storm water that would flow from a project site to an MS4 or surface water of the state following (not during) development or redevelopment.

For the MS4 Watershed General Permit, the post-construction storm water runoff control program shall be implemented across the permittee's jurisdiction in the regulated area (watershed and urbanized area). The program is applicable to all development and redevelopment projects that disturb one acre more (i.e., both permittee projects and non-permittee projects) and discharge to a surface water of the state, either directly or via a separate storm sewer system.

For the MS4 Jurisdictional General Permit, the post-construction storm water runoff control program shall be implemented for development and redevelopment projects that disturb one acre or more and discharge to the permittee-owned or permittee-operated MS4 within the urbanized area. This requirement is applicable to both permittee and non-permittee projects that discharge to the permittee's MS4.

For additional details on the geographic extent of the post-construction program requirements in the MS4 Watershed and Jurisdictional General Permits, refer to the separate compliance assistance document entitled *Scope of the Storm Water Pollution Prevention Initiative and Storm Water Management Plan*.

**Post-Construction Control (PCC) Requirements Decision Flow Chart**



The post-construction storm water runoff control program shall include all of the following components:

- A minimum water quality treatment volume standard
- Channel protection criteria
- Site plan requirements
- Operation and maintenance requirements
- Enforcement mechanisms
- Recordkeeping procedures

The minimum water quality treatment volume standard, channel protection criteria, site plan requirements, and operation and maintenance requirements are mandatory components of the permittee's program that shall be applied to project developers (even when the permittee is the developer), by the permittee. Enforcement mechanisms and recordkeeping procedures also are mandatory components of the permittee's program, but they represent the methods that the permittee will use to

**Project Developer** means the person or entity responsible for writing and implementing site plans (e.g., development company, individual lot landowner, municipality).

implement and track its program. The minimum water quality treatment volume standard, channel protection criteria, operation and maintenance requirements, site plan requirements, and enforcement mechanisms shall be incorporated into the permittee's ordinance or regulatory mechanism. The permittee may incorporate all components into a single ordinance or regulatory mechanism or a combination of ordinances and regulatory mechanisms, provided all permit requirements are covered. Further, a permittee may choose to address the recordkeeping requirements with supplemental procedures to the ordinance or regulatory mechanism. If the permittee is placing any portion of the operation and maintenance recordkeeping responsibility on the project developer, however, the permittee's ordinances or regulatory mechanisms must incorporate recordkeeping requirements.

Permittees are required to track and maintain records of their post-construction control program. An effective recordkeeping program will ensure that sufficient information is maintained to document the implementation and compliance with the permittee's post-construction storm water control program. Permittees shall have copies of their storm water control ordinances, regulatory mechanisms, and/or procedures. Further, permittees shall maintain records for all development and redevelopment projects that are required to comply with the permittee's post-construction storm water control requirements. These records shall document: 1) project developer site plans; 2) operation and maintenance plans or agreements; and 3) all enforcement actions taken. Permittees are required to maintain these records and make them available to the Department of Natural Resources and Environment upon request.

This document was produced by the Michigan Department of Natural Resources and Environment (DNRE) and is intended for guidance only. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. The DNRE will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the Office of Human Resources, PO Box 30473, Lansing, MI 48909.