

Michigan Municipal Separate Storm Sewer System (MS4) Permit

Scope of the Storm Water Pollution Prevention Initiative and Storm Water Management Plan

Storm Water Pollution Prevention Initiative (SWPPI) Contents of the Watershed General Permit

The submitted SWPPI shall, at a minimum, include actions to address the standard requirements as defined in the Watershed General Permit, Part I.A.4.b., page 9.

Where Watershed Management Plans (WMPs) are developed under the Watershed General Permit, the SWPPI shall address actions as follows:

Under the Watershed General Permit, the Public Education Plan, Part I.A.4.b.2., page 10, and Post-Construction Storm Water Control for New Developments and Redevelopment Projects, Part I.A.4.b.4., page 15, shall be designed and implemented to carry out actions across the permittee's regulated area.

Regulated areas, as defined in the watershed permit, are the permittee's urbanized areas and other areas identified by the permit applicant to be subject to a watershed management planning process. At a minimum, each permittee will implement public education and post-construction storm water control requirements within the urbanized area and the areas covered or scheduled to be covered under a WMP in its jurisdiction, Part I.A.4.b., page 9. (This definition is applied at the time the current certificate of coverage (COC) is issued).

All other requirements of Watershed General Permit, Part I.A.4.b., page 9, (Total Maximum Daily Load (TMDL), Illicit Discharge Elimination Plan (IDEP), Construction Storm Water Runoff Control, pollution prevention, and good housekeeping activities) shall be designed and implemented to carry out actions where the permittee owns and operates a Municipal Separate Storm Sewer System (MS4) in the regulated area. (i.e., MS4 in the urbanized area and in areas covered or scheduled to be covered under a WMP in its jurisdiction).

SWPPI Coverage in Areas with Deferred WMPs of the Watershed General Permit

There are cases where a permittee has an urbanized area, which lies within multiple watersheds, and where there are few partners to develop an effective WMP for each watershed. For those areas, the WMP may be deferred until a time when there are adequate partners to develop a WMP. Permittees that wish to defer all WMPs will have to request coverage under the Jurisdictional General Permit.

In urbanized areas where the WMP has been deferred, the SWPPI requirements of the Watershed General Permit, Part I.A.4.b., page 9, shall be designed and implemented to carry out actions where the permittee owns and operates a MS4 within its jurisdiction.

The COC identifies the watersheds under a watershed planning process and whether any areas have been deferred within the permittee's jurisdiction.

See Example 1 for clarification on the scope of the SWPPI under the Watershed General Permit. Example 2 on the following page provides compliance assistance for the scope of the Storm Water Management Plan (SWMP) for permittees that have coverage under the Jurisdictional General Permit.



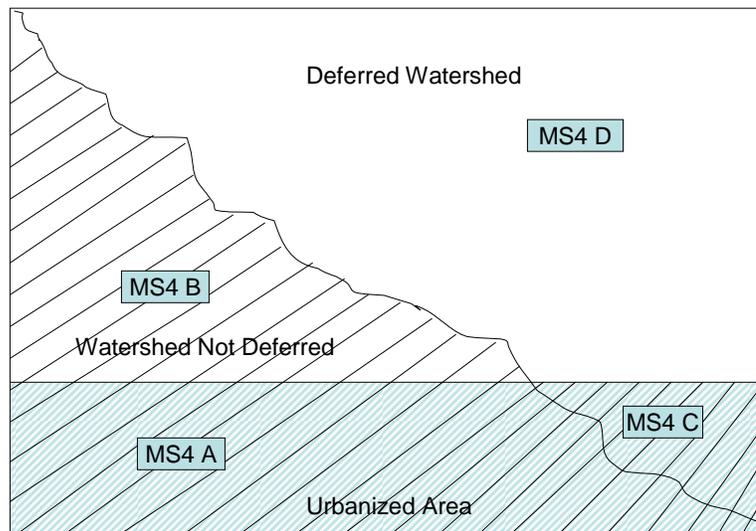
For both the Watershed and Jurisdictional General Permits, nested jurisdictions covered by the permittee should be treated as if they are a MS4 owned and operated by the permittee.

Example 1 – Permittee with Watershed General Permit

Example 1 depicts a permittee with a Watershed General Permit that has four areas where the permittee owns or operates a MS4. This MS4 may be associated with permittee owned or operated properties, roadways, or drainage systems.

MS4 areas A, B, and C are located in the regulated area, shown here as the barred area.

Example 1 - Permittee with Watershed Permit



Regulated area = Area under a watershed management planning process (watershed not deferred) and the urbanized area.

The Watershed General Permit requires that public education activities and post-construction control requirements be implemented throughout the entire regulated area (barred area). This includes areas where private properties may not discharge storm water to an MS4, but instead discharge directly to a surface water of the state.

All other Watershed General Permit requirements (TMDL, IDEP, construction storm water runoff control, pollution prevention, and good housekeeping activities) are required to be implemented only where the permittee owns and operates a MS4 in the regulated area. In this example, actions to meet these permit requirements would be implemented in MS4 areas A, B, and C only because A, B, and C are either in the Urbanized Area or covered by a WMP, or both.

MS4 area D is located in a deferred watershed that is outside of the urbanized area. Therefore, MS4 area D and the remaining land use in the deferred area are not in the regulated area, and are not covered by the permit. The permittee is not required to implement permit requirements in this area at this time.

SWMP Contents of the Jurisdictional General Permit

Under the Jurisdictional General Permit, permittees must implement all permit requirements for the MS4 it owns and operates within the urbanized area. This is a divergence from the Watershed General Permit where post-construction control and public education requirements are applicable on a broader scale.

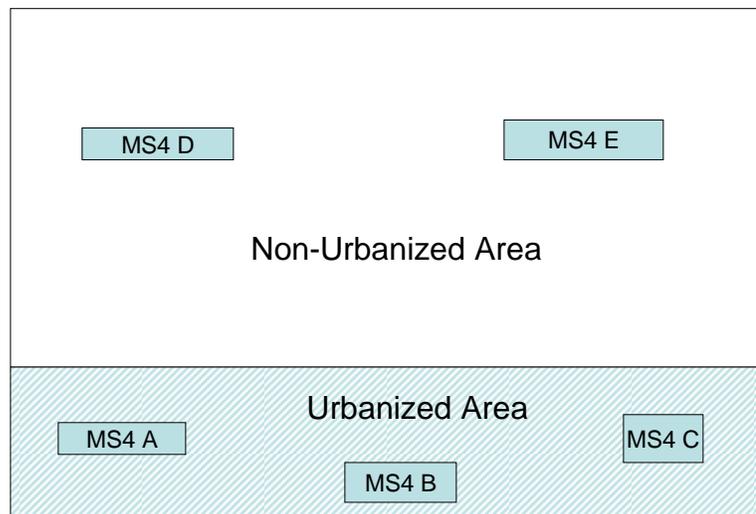
Example 2 – Permittee with Jurisdictional General Permit

Example 2 depicts a permittee that has a Jurisdictional General Permit and has five areas where the permittee owns or operates a MS4. These MS4 areas may be associated with permittee owned or operated properties, roadways, or drainage systems.

The permittee would be required to implement all permit requirements for the MS4 it owns and operates within the urbanized area (MS4 areas A, B, and C).

MS4 areas D and E are located in the non-urbanized area of the permittee’s jurisdiction and are not covered under the Jurisdictional General Permit.

Example 2 – Permittee with Jurisdictional Permit



Post-Construction Storm Water Control for New Developments and Redevelopments as it Applies to County Agencies, Administrations, Drain Commissioners, and Road Commissions

Under both the Watershed and Jurisdictional General Permit, permittees are required to include in their post-construction program a minimum treatment volume standard to minimize water quality impacts and channel protection criteria to prevent resource impairment resulting from flow volumes and rates. Watershed General Permit, Part I.A.4.b.4, page 15, and Jurisdictional General Permit, Part I.A.8, page 10.

For both the Watershed and Jurisdictional General Permits, these requirements can be fulfilled by either adopting or utilizing an existing ordinance, issuing permits for the development projects or using some other regulatory mechanism.

Under the Watershed General Permit, the regulated area is the urbanized area and watershed boundaries within the county. County permittees are required to apply the post-construction requirements to their projects in the regulated area. This would include projects within the MS4 Right-of-Way (ROW) or easements controlled by the county permittee. This would also apply to non-permittee projects which discharge into a MS4 owned or operated by the county permittee in the regulated area.

Under the Jurisdictional General Permit, the regulated area is the urbanized area within the county. County permittees are required to apply the post-construction requirements to their projects within the urbanized area. This would include projects within the MS4 ROW or easements controlled by the county permittee. This would also apply to non-permittee projects that discharge into a MS4 owned or operated by the county permittee in the urbanized area.

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.