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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



DAN WYANT
DIRECTOR

October 16, 2013

Ms. Sue McCormick, Director
City of Detroit Water and Sewerage Department
735 Randolph Street
Detroit, Michigan 48226-2830

Dear Ms. McCormick:

SUBJECT: Detroit Wastewater Treatment Plant, NPDES Permit No. MI0022802
Green Infrastructure Plan – Conditional Approval

Thank you for providing the Detroit Water and Sewerage Department (DWSD) Green Infrastructure (GI) Plan (Plan) for the Upper Rouge Tributary (URT) Area received by our office on August 1, 2013. We reviewed the Plan with respect to Part I.A.15.d.5 of National Pollutant Discharge Elimination System (NPDES) permit No. MI0022802 issued March 1, 2013, effective May 1, 2013. On September 18, 2013, Water Resources Division (WRD) and DWSD staff met to discuss our initial review findings. Based on our review and meeting discussions, and in order to guide GI implementation until final approval, we conditionally approve the Plan with needed modifications and documentation identified herein.

The Plan has a number of attributes, for example:

- Strategy – creating a good implementation framework for the GI program;
- Data – utilizing several data and information sources to prioritize specific project locations (e.g. CityGreen analysis; SEMCOG traffic analyses; Detroit Strategic Framework; Davey Tree Service inventory data);
- Holistic Planning – aiming to align with place-making goals consistent with parallel City-wide planning efforts (e.g. 2012 Detroit Strategic Framework Plan);
- Flexibility – assuming an adaptive management approach;
- Emphasis – focusing on publicly held land opportunities within and along roadways and vacant properties;
- Outreach and Participation – engaging the public with a robust stakeholder participation process; and,
- Partnerships – leveraging strengths of existing programs / stakeholders, including City Departments, Community Organizations, Greening of Detroit, Michigan Land Bank, SEMCOG, and others.

At the same time, the Plan does not fully address several items specified in the Permit.

1. Inter-Agency / Inter-Departmental Coordination – The Permit requires the Plan to identify the process for implementation, which involves coordination with other City Departments and perhaps other entities. The Plan does a good job describing the process for some approaches (e.g. road resurfacing), but not for most others.
2. Downspout Disconnection (residential, commercial, industrial)
 - a. Although the Plan estimates approximately 83,000 residential structures in the URT area require disconnection (and the Permit requires residential disconnection by June 28, 2012,

- or according to a schedule in the Plan that may otherwise be approved by the DEQ, Part I.A.15.c), it does not propose a means or schedule for increasing disconnection rates. Either provide the implementation schedule or, or if the reason for this is poor cost-effectiveness, the Plan must include adequate justification with supporting documentation.
- b. The Plan indicates that City code change is needed to facilitate this item, but it does not provide a schedule for achieving the necessary code change(s).
 - c. The Plan does not address commercial / industrial structures. Note that the Permit requires disconnection by June 28, 2016, or according to an approved schedule in the Plan).
3. Demolition Specifications – The Plan indicates that a limited amount of demolitions may require DWSD funding and assumes other funding sources for the bulk of the estimated 2793 structures in the Rouge District. The Plan further indicates that demolitions ‘funded by DWSD’ will comply with permit demolition specifications; it does not state whether these specifications are consistent with City standards. However, these specifications should also apply to demos not funded by DWSD, but where GI will be implemented. In those cases, DWSD should ensure early coordination with the entity funding the demolitions and may consider providing funding, as needed, to ensure the specifications will be met.
 4. Bioswales along Roadways and Parking Lots – The Plan describes concepts for GI projects along roadways, but does not address parking lots. DWSD reportedly supports customer incentives for reducing stormwater fees through GI practices. At present, DWSD reviews these on a case-by-case basis and is in the process of rolling out an incentive program in the near future (possibly by summer 2014). Among other potential approaches, such an incentive program may be tailored to address parking lots for this requirement.
 5. Rain Barrels and Rain Gardens at Commercial and Residential Properties – The Plan indicates that the downspout disconnection workshops include a rain barrel option, but it does not describe what that entails. Otherwise, the Plan does not mention rain barrels / gardens and it does not address commercial properties. Among others, opportunities for addressing all or part(s) of this requirement may include the above mentioned incentive program and/or partnering with existing efforts / organizations with activities focused on facilitating implementation of these practices.
 6. Prioritization Criteria – The Permit requires the Plan to include prioritization criteria that focus on locations and designs that will provide the greatest benefit in terms of keeping flows out of the sewer system and help reduce CSOs. The Plan’s prioritization criteria do a good job addressing location, but no criteria are identified for design.
 7. Public Outreach and Participation – Activities carried out to-date (primarily facilitated by Greening of Detroit) are commendable and we encourage continuing a strong public engagement process, as indicated in the Plan, for all projects. As a minor note, the Plan also indicates that DWSD engages stakeholders through its website and public education materials. WRD staff were unable to find relevant, GI-related public education materials on the website. Please provide and/or explain.
 8. Tracking and Measuring Effects – The Plan provides considerations for what may be included in a tracking mechanism. The considerations did not mention ownership (e.g. for GI projects

on public lands) and/or maintenance, which should also be included. The Plan defers development of the tracking mechanism to contract services, which reportedly will begin in the near future.

9. Maintenance – The Plan indicates that each GI project will have an embedded maintenance program. It describes the maintenance included in Greening of Detroit contract projects, i.e. 1 year for street trees; 2 years for 10 pilot vacant lots. Although the Plan indicates that DWSD will ensure continued maintenance, it does not describe what the maintenance schedule will be for some of these practices that have already been constructed, for example, re-vegetation of the pilot vacant lots. It is important to ensure that development of near and long-term maintenance takes place as part of the planning process for all projects, including those with relatively minimal expected long-term needs (e.g. every 2-5 years for native re-vegetation, per MI Low Impact Development Manual).
10. Sustainability – The Permit requires provisions for ensuring stormwater runoff reduction benefits associated with GI implementation continue over time, even as redevelopment may occur. With its focus on public land opportunities, the Plan briefly states that agreements will be developed to ensure long-term sustainability and that an offset mechanism will be included in the agreement with Michigan Land Bank if properties are repurposed. The Plan does not include standard language to be included in such agreements. Also, DWSD staff indicated that such agreements may differ among the various public land holders (e.g. City of Detroit). As such, please provide a copy of the current agreement(s) with MI Land Bank and City of Detroit regarding GI sustainability on their properties. Agreements executed in the future should be included as part of the GI progress reporting.
11. Specificity – The Plan provides considerations for projects and strategies, lacking specifics regarding which projects will be pursued within the five-year permit cycle. Information provided indicates that contract services (under DWSD Contract No. CS-1522) will develop a detailed five-year plan, to include significant components, such as the tracking mechanism. Please note that we do not expect a detailed plan to sacrifice adaptive management. We do expect relatively greater detail for the initial years of the permit cycle and for projects with longer planning timelines. Adaptive management planning updates should be integrated with progress reports.

Progress Report Comments

12. Financial – The Permit requires GI investment of \$3M per fiscal year for five years ending June 30, 2017; and the approved amended LTCP in May 2010 included a total investment of \$30M for the ten-year period ending 2019. The 2013 GI Progress Report summarizes cumulative GI expenditures totaling approximately \$2.5M for period prior to June 30, 2013. DWSD staff indicated that the current GI budget for the permit cycle is approximately \$15M, with a \$3M per year average. As such, we recommend planning for increased spending rates to achieve the total program expenditures of the approved amended LTCP.
13. Expenditure Documentation – The GI Progress Report summarizes annual and cumulative expenditures. Please provide documentation for these expenditures and provide such supporting documentation with future reporting.

DWSD staff indicated that most or all of the items identified above may be addressed by response letter and/or in the contractor's revised plan which may be completed by August 1, 2014. This

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would be a reasonable timeline, provided the revised plan addresses the comments identified above and meets the minimum requirements specified in the Permit. Please provide a written response to this office by November 15, 2013, addressing the above items, as appropriate, and confirming the timeline for the revised plan.

This letter transmits our conditional approval of the current Green Infrastructure Plan with the understanding that DWSD will address comments identified herein and fully meet the Permit requirements by developing a revised plan to be submitted for approval by August 1, 2014. This approval is effective immediately.

We appreciate the opportunity to review the GI Plan and hope this review process will strengthen the overall GI Program. The leadership role DWSD has taken in advancing GI in the region is commendable and we look forward to seeing the DWSD GI Program develop while implementing the Plan.

Should you require assistance and/or further information, please contact me at 586-601-7693; or Ms. Jodi Peace at 586-601-7985; peacej@michigan.gov; or by mail at the Department of Environmental Quality, Southeast Michigan District Office, 27700 Donald Court, Warren, MI, 48092.

Sincerely,



Laura J. Verona, District Supervisor
Public Wastewater Unit
Southeast Michigan District Office
Water Resources Division

cc: Wendy Barrott, DWSD, Assistant Director WWOG (Electronic)
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