

	WATER RESOURCES DIVISION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: April 21, 2000	Subject: Part 88 and Section 319 - Watershed Management Plan Review and Approval		Category: <input type="checkbox"/> Internal/Administrative <input checked="" type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
Revised Date: December 12, 2014 March 6, 2015	Program Name: Surface Water Quality Program		Type: <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

NOTE: This procedure supersedes Surface Water Quality Division Procedure, CMI #1, Approving Watershed Management Plans under the Clean Michigan Initiative, which has been rescinded.

ISSUE:

This procedure describes the roles and responsibilities of Water Resource Division (WRD) staff regarding the review and approval of watershed management plans (WMP) submitted to the WRD's Nonpoint Source (NPS) Program for approval under:

- Rule 88, Clean Michigan Initiative (CMI) NPS Pollution Control Grants, promulgated under Part 88, Water Pollution and Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and/or
- Minimum Elements of a Watershed-Based Plan developed by the United States Environmental Protection Agency (USEPA) for the Section 319 NPS Program of the federal Clean Water Act.

This procedure only applies to final versions of WMPs submitted for review and approval. It does not apply to partial or early drafts of WMPs, which can be submitted directly to WRD staff involved with the development of the WMP for informal review and comment.

AUTHORITY:

Part 88 of the NREPA, effective October 28, 1999; and the *Nonpoint Source Program Grant Guidelines for State and Territories - Appendix C*, April 12, 2013.

DEFINITIONS:

Applicant: The organization that submits a WMP for approval. This can be any stakeholder group with an interest in implementing watershed-based NPS pollution controls within the geographic area covered by the WMP. Typically, applicants include, but are not limited to, local watershed or lake organizations, incorporated nonprofits, local governments (counties, cities, townships, or villages), colleges and universities, regional planning agencies, and conservation districts.

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Decision Maker: Generally, this is the district supervisor responsible for the area the watershed resides in, but may be the NPS Unit chief when a WMP spans multiple districts, or upon mutual agreement between the district supervisor and NPS Unit chief. The decision maker ultimately approves or denies the WMP, signs WMP approval and denial letters, and any other formal correspondence with the applicant.

Lead Reviewer: Assigned by the decision maker. This is typically district staff, but can be NPS Unit staff. Coordinates WMP review and identifies individual reviewers.

PROCEDURES:

Step	Who	Does What
1	Applicant	Submits WMP for formal review and approval.
2	District Supervisor and NPS Unit Chief	Within one week of WMP receipt, determine WMP decision maker.
3	Decision Maker	Within one week of WMP receipt, determines lead reviewer and forwards information from the applicant.
4	Lead Reviewer	<p>Determines if the applicant included the following items:</p> <ul style="list-style-type: none"> • A transmittal letter requesting DEQ approval under CMI, Section 319, or both criteria. • One printed copy of the entire WMP, including all appendices and attachments. • A complete electronic copy of the entire WMP, including all appendices and attachments. A single Adobe PDF is preferred. • A completed electronic copy of the checklist(s) identifying the WMP page numbers where information meeting each of the CMI and/or Section 319 criteria are found, depending on the type of plan approval sought. Copies of the CMI and Section 319 checklist templates are located on the WRD's shared drive at: L:\NPSWatershed_Plans\WMP_Review_Criteria\CMI\Checklist and L:\NPSWatershed_Plans\WMP_Review_Criteria\319\Checklist. <p>Contacts the applicant requesting missing items.</p>
5	Applicant	Complies and submits requested missing information (if applicable) to the lead reviewer.

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6	Lead Reviewer	<p>Once the letter requesting a DEQ review and a complete copy of the WMP is received, the 90-day CMI review process begins. Reviewers should have the goal of completing the initial Section 319 review within 90 days.</p> <p>Staff reviewing WMPs submitted for second or subsequent reviews should attempt to complete the review within 45 calendar days if possible.</p> <p>Responsible for coordinating the WMP review and:</p> <ul style="list-style-type: none">• Creating a WMP specific subdirectory on the WRD's shared drive at: L:\NPS\Watershed_Plans\For_Review, and posts an electronic copy of the WMP and the applicant's checklist(s) in the new folder.• Within one week, notifying the following NPS Program staff via e-mail of the date the WMP was received and that it has been posted on the WRD's shared drive:<ol style="list-style-type: none">1. The NPS Program project administrator, if any.2. WRD NPS Program watershed planning coordinator.3. The NPS Program district staff assigned to the watershed in cases where they are not the lead reviewer.• Determining if additional NPS Program staff expertise is needed (for example, wetlands, hydrology, monitoring, or information and education). Notifies the NPS Program staff and identifies the sections that will require a review. Issues that prevent NPS Program staff from participating in the WMP review should be raised to the district supervisor and/or the NPS Unit chief. <p>Develops the internal review schedule accounting for:</p> <ul style="list-style-type: none">• The statutory time to complete CMI reviews of WMPs is within 90 calendar days from the date a complete plan is received by the WRD. However, staff should strive to complete the review more quickly, particularly for NPS grant funded projects or others with approaching funding or technical deadlines.• The internal schedule must allow time for a USEPA Section 319 review of the WMP, of at least 30 days.• A review is considered to be complete on the date the WRD comments, or an approval, are sent to the applicant that submitted the plan for review.• If the Section 319 review of the WMP is to exceed the 90-day review period specified Rule 88, the CMI review is to proceed independently of the Section 319 review to ensure the 90-day requirement is met. <p>E-mails review schedule to the individual reviewers.</p> <p>Notifies applicant via e-mail of receipt of the WMP and the expected review completion date.</p>
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7	Individual Reviewers	<p>Review the WMP with the following considerations:</p> <ul style="list-style-type: none">• General comments concerning content, organization, and editorial issues.• Specific comments on the adequacy of the WMP related to CMI and/or Section 319 approval criteria. NPS Program guidance documents for conducting this review can be found on the WRD's shared drive at: L:\NPS\Watershed Plans\WMP_Review_Criteria\CMI and L:\NPS\Watershed Plans\WMP_Review_Criteria\319.• Reviews can be summarized on the review sheet templates located on the WRD share drive, or comments to the lead reviewer can be summarized in a separate, standalone document or e-mail.
8	Lead Reviewer	<p>Evaluates the comments and discusses any areas of disagreement with individual reviewers, or the entire review team, as appropriate.</p> <p>Consolidates WMP review comments and prepares the response to the applicant. The response will consist of the following:</p> <ul style="list-style-type: none">• Consolidated general WRD comments on the WMP.• Completed CMI and/or Section 319 checklist(s). Comments should note all elements that meet or exceed requirements, as well as those that do not meet requirements.• Deficiencies that must be addressed for WMP approval. Comments are as detailed as possible and clearly separated from items that are merely suggested improvements.• If the WMP does not meet CMI criteria, the denial letter should cover the key points in the appropriate transmittal letter template provided on the WRD's shared drive at: L:\NPS\Watershed Plans\Approval Letter Templates. At a minimum, the transmittal letter should state that additional work is needed and a revised WMP should be prepared and submitted for NPS Program review.• If the WMP does not meet Section 319 criteria, the denial letter should cover the key points in the appropriate transmittal letter template provided on the WRD's shared drive at: L:\NPS\Watershed Plans\Approval Letter Templates. At a minimum, the transmittal letter should state that additional work is needed and a revised WMP should be prepared and submitted for NPS Program review. <p>If the plan meets CMI and Section 319 criteria, the lead reviewer drafts a CMI approval letter, obtains the decision maker's signature, and sends it to the applicant. The lead reviewer then provides the NPS Unit chief with a copy of the completed Section 319 checklist and the WMP.</p>

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9	NPS Unit Chief	Notifies the USEPA that a WMP is ready for review. If they choose to review the WMP, then the NPS Unit chief forwards the WMP and the completed Section 319 checklist to the USEPA. Once the USEPA comments are received, the NPS Unit chief forwards them to the lead reviewer for inclusion in the review comments or the approval letter.
10	Lead Reviewer	Once NPS Program staff and the USEPA's comments (if any) are adequately addressed, the lead reviewer: <ul style="list-style-type: none"> • Works with the district or unit secretary to draft the appropriate approval letter using the template provided on the WRD's shared drive. The letter should include a request for two printed copies and one electronic version of the entire WMP, including all appendices and attachments. • Provides the draft approval letter and watershed management plan review documents to the decision maker.
11	Decision Maker	Reviews the final WMP review documents, provides comments on documents, discusses any issues with the lead reviewer, and signs the approval letter.
12	WRD District/ Unit Secretary	Distributes all final documents to : <ul style="list-style-type: none"> • Applicant (originals) • Project Administrator (if appropriate) • NPS Program District Representative • WRD Watershed Planning Coordinator • District Supervisor • NPS Unit Chief
13	WRD Watershed Planning Coordinator	After WMP approval: <ul style="list-style-type: none"> • Creates a WMP specific subdirectory on the WRD's shares drive at: L:\NPSWatershed_Plans\Electronic_Plans. • Adds an electronic copy of the WMP, approval letter, and checklists to the WRD's shared drive subdirectory created in the previous step. • Removes the watershed folder on the WRD's shared drive at: L:\NPSWatershed_Plans\FOR_Review. • Updates the "DEQ List of Approved Watershed Management Plans" on the WRD's share drive at: L:\NPSWatershed_Plans. • Notifies appropriate NPS Program Web page authors for updating the online information. • Places a printed copy of the final WMP, approval letter, and checklists in the NPS Program files. • Posts good examples of WMP elements to NPS Program Web site.

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DIVISION CHIEF APPROVAL:



William Creal, Chief
Water Resource Division