

# MS4 Implementation Team (MIT)

## Meeting Minutes

February 5, 2014, 1:00 – 4:00 PM

Prepared by: Deb Snell, Water Resources Division (WRD), Jackson District Office

Meeting location: DEQ Constitution Hall, Austin Conference Room  
(Most members participated by conference call due to the weather)

Attendees: Refer to meeting attendance sheet

Christe Alwin, WRD, MS4 Program Chair, opened the meeting by welcoming everyone in person and on the phone.

### 1. MS4 Program Update

Christe gave a general update of MS4 program status, applications and permits. Permit applications for FY13 and FY14 have been or are being reviewed. Applicants are notified of any deficiencies and typically given 30 days to respond. Once an application is determined to be complete, MS4 staff will create a draft permit and give the permittee a window of a couple of weeks for review (pre-public notice). The WRD – Permits Section then places the permit and associated documents (e.g., complete application) on 30-day public notice. The WRD is planning to public notice the first FY13 permit by March 2014. The MS4 individual permit language is structured to require the permittee to “implement the procedure” submitted with the complete application as part of the approved Stormwater Management Program (SWMP). Language is also built into the permit to allow for minor modification of the approved SWMP.

FY15 permit applications are due April 1, 2014. WRD staff provided application training in November 2013 for these applicants.

### 2. Updated Compliance Assistance Documents

The subcommittees for the Post-Construction Stormwater Runoff Program and Illicit Discharge Elimination Program (IDEP) created draft updated compliance assistance documents which were presented for review and comment. The WRD lead for Post-Construction is Chris Bauer (Kalamazoo District Office). The WRD lead for IDEP is Marty Hendges (Southeast Michigan District Office).

#### *Post-Construction Compliance Assistance Document*

Chris Bauer gave a summary of the updated post-construction document. The previous post-construction document was used as the foundation, but was reformatted to match up with the MS4 individual permit application. Much of the core information looks similar. It's framed from the perspective of a permit applicant, but it is just as useful to any permittee who may be further developing their post-construction program. The document provides examples of alternatives to meet the performance standards with a focus on off-site mitigation, payment in lieu, and green infrastructure. A section on linear projects was added to clarify when a road project constitutes redevelopment. Examples were added, tables were clarified, and a section on measurable goals included. Appendix B – Resource List was also updated.

Christe stated the document tried to address a number of questions which seem to keep coming up – e.g. what’s the specific area where the post-construction requirements apply, ordinances vs. regulatory mechanisms depend on the type of permittee, multiple treatment options may be included in an ordinance, and clarification that there is no monitoring requirement for the total suspended solids treatment standard.

A number of comments and questions regarding the post-construction document were discussed as follows: define development and redevelopment, clarify the measurable goals section, consider sidewalks as an example of a linear project, clarify that local requirements may exceed state requirements for areas outside the regulated MS4 and for sites smaller than one acre, add that BMPs must be *maintained* in addition to being designed and installed.

Chris asked that if there are any questions, areas which need clarification and/or more examples to please let her know **by February 21<sup>st</sup> via email at baurc1@michigan.gov.**

#### *IDEP Compliance Assistance Document*

Marty Hendges provided a quick overview of each of the sections of the IDEP document. This document was also drafted from the perspective of the MS4 permit applicant. The options to address an illicit discharge of contaminated groundwater discussed at the last MIT meeting were incorporated into the IDEP document. The document encourages collaboration between permittees and more examples of collaborative agreements will be provided. This document has a fair number of examples, so if members have other examples they would like to include they should send them to Marty.

A number of comments and questions regarding the IDEP document were discussed as follows: regarding collaborative agreements between MS4s – need to clarify expectations when the source of illicit discharge is not an MS4 partner and/or is uncooperative, recommend adding a link and/or summary table for Part 5 Rules and threshold quantities, recommend providing clarification for determining a “significant contributor,” clarify that response timeframes in Appendix B – Example of Dry Weather Screening Collaborative IDEP are *suggested*, provide additional assistance on dealing with groundwater contamination issues, discuss whether permittees may elect to perform dry-weather screening on surface waters of the state if desired as an additional layer of identifying sources of pollution (e.g. when a county drain is a surface water), recommended citing drain code requirements that provide authority beyond an MS4 permit.

Marty requested any additional comments and/or questions be sent **by February 21, 2014 via email to hendgesm@michigan.gov.**

Christe asked members for input on other compliance assistance documents that are being used regularly and need to be updated. Members did not have any suggestions at this time. This topic will be discussed further at our next meeting.

### 3. Post-Construction Control Program

#### *Submittal Date Options*

MS4 applications are due April 1 (six months after an applicant is notified), but applicants have the option of an additional six months to submit an in effect ordinance or regulatory mechanism to meet the post-construction control application requirements. If this additional timeframe is still not feasible, a compliance due date of one year after permit issuance to submit an in effect ordinance or regulatory mechanism to meet the post-construction control application

requirements may be considered. Applicants should coordinate the timing of submittals if relying on adopting another applicant's standards to ensure application and/or compliance dates are met (e.g., a township relying on the county drain commissioner's standards).

*Options to meet performance standard application requirements*

Applicants should consider a variety of options to meet the performance standards (e.g. off-site mitigation, payment in lieu, and/or green infrastructure) for small and/or contaminated sites. Extended detention (above the 2 year/24 hour storm) would be acceptable if channel protection requirement is met.

4. IDEP Application Questions Relating to Fire-Fighting Activities and Non-Stormwater Discharges

MS4 application questions #21 and #22 differ from others in the application. These questions currently use the phrase "exclude prohibiting" in reference to fire-fighting activities and other non-stormwater discharges. These discharges should not be "authorized," but instead only prohibited if they're identified as a significant sources or contributor of pollutants by the applicant.

Discussion ensued regarding fire-fighting water: Jennifer Lawson (City of Ann Arbor) wondered where do you draw the line between allowing the discharge and requiring clean-up of pollutants? Christe recommended establishing a procedure to identify if the fire-fighting water is a significant pollutant, and stated that the municipality is only responsible for pollutants in fire-fighting water consistent with the procedure. The point was made that fire-fighting water can not be authorized, but once the emergency is over a community should require the fire department to take measures to keep pollutants from discharging to the MS4. It was agreed this topic merits further compliance assistance.

A comment was also made regarding the need for a procedure to address dewatering of utility vaults impacted by contaminated sites.

5. Parjana System

Jennifer Lawson described this technology – uses capillary tubes inserted 30-40 feet in the ground to allow ponded surface water to drain into the ground. Members expressed concern with the application of this technology. Parjana is currently performing studies based on discussions with the WRD – Groundwater Permits Unit. Once Parjana completes their studies, applicable regulations will be re-evaluated. Amy Magnus (SEMCOG) requested that WRD draft a short memo summarizing the current status – i.e. DEQ is evaluating this technology and applicable regulations. Pete and Christe agreed to put something together.

6. Other Topics

The next training for MS4 permit application submittals (FY16 permittees) will be early November 2014 and will be a statewide training.