

MS4 Implementation Team (MIT) Meeting Notes – June 12, 2013

Meeting Frequency

It is anticipated that the MIT will meet 3 to 4 times per year.

Key Elements related to EPA's Stormwater Rulemaking

EPA's release of proposed stormwater rules has been delayed beyond the anticipated June 10, 2013 release date. The final deadline for the rules is December 2014.

The DEQ provided a brief preview of EPA's slideshow presentation on the proposed rules, which DEQ will be presenting on EPA's behalf (due to the federal sequester) at the Michigan Water Environment Association's (MWEA) conference on June 25, 2013. The full presentation will be available on EPA's website following the conference. There are two key elements being considered by EPA that could affect Michigan's MS4 Program in the future.

- 1) EPA recommends establishing performance standards for new discharges from newly developed or developed land (retentions standards for the 85th to 95th percentile storm, with the less stringent end of the range applying to redevelopment and the more stringent applying to new development). These standards could apply nationally rather than just in regulated MS4 areas with the intent of leveling the playing field to avoid development being pushed to less restrictive, non-urbanized areas. If pursued by EPA, this requirement would become a DEQ permitting program. It's too early to determine what such a program would look like.
- 2) EPA recommends extending the coverage requirements beyond the Urbanized Area. The regulated area under the MS4 Program could be extended to:
 - a. Urbanized Clusters (i.e., density of 1,000 people/mi²). These clusters are not necessarily tied to an Urbanized Area. Or
 - b. HUC 12 watersheds associated with the current Urbanized Area.

Draft Documents Related to Illicit Discharges of Contaminated Groundwater

The DEQ presented two draft documents, a flow chart and narrative sheet, developed by Water Resources Division with the intent to assist MS4 Permittees address illicit discharges resulting from contaminated groundwater venting into a regulated separate storm sewer system. The documents were generated to assist with potential MS4 issues related to recent amendments to the Part 201 Statute (Environmental Remediation). The amendments allow Part 201 site responsible parties to monitor where the venting groundwater mixes with surface water as the compliance point; however, the compliance point for the MS4 Permittees is where the contaminated groundwater (illicit discharge) enters the storm sewer system. MS4 Permittees are responsible for following up on illicit discharges.

The flow chart and narrative sheet were discussed. When dealing with a contaminated groundwater illicit discharge, MS4 Permittees may 1) Eliminate (or require elimination of) infiltration into the MS4 (e.g., line the storm sewer, lower the water table, move the storm sewer); 2) Require the owner or operator of illicit discharge to apply for and obtain an NPDES permit; or 3) Require immediate treatment of contaminated groundwater to uncontaminated groundwater levels prior to infiltrating into the storm sewer.

In addition to collecting comments on the draft documents, Water Resources Division staff will take comments/concerns of the MS4 Permittees regarding venting groundwater illicit discharges to the Remediation and Redevelopment Division and the larger stakeholder Part 201 Amendment stakeholder group. Comments voiced in the meeting are summarized below.

Additional written comments can be provided to Chris Alexander or Christe Alwin until July 1, 2013.

- Members indicated that they wish to be notified when a Part 201 site is venting contaminated groundwater to a separate storm sewer. DEQ staff indicated that the Remediation and Redevelopment Division is updating its policies and procedures and intends to incorporate notification requirements for the responsible parties. The updates will also include direction that the party must request permission from the municipality to conduct monitoring in the separate storm sewer.
- Members reiterated their concern from the February 2013 MIT meeting that MS4 Permittees need to be notified when a party is applying for an NPDES permit to discharge to surface water, where the discharge would first flow through the permittee's separate storm sewer. DEQ staff indicated that NPDES permit applications will now require the applicant to notify the owner of the separate storm sewer. DEQ staff clarified that an NPDES permit provides authorization to discharge to a surface water of the state—not authorization to discharge to a separate storm sewer. Municipalities have the authority to deny permission to discharge to their separate storm sewers.
- Members requested that Remediation and Redevelopment Division require the responsible party to provide written documentation from the affected municipality demonstrating the municipality's permission to use the separate storm sewer.
- Members expressed concern with following up on contaminated groundwater illicit discharges where efforts have proved unable to identify the source and where there is no existing responsible party.
- Members requested that some boxes be added to the beginning of the flow chart to explain how an MS4 party might find itself in a contaminated groundwater illicit discharge situation (e.g., notified by responsible party, found during dry-weather screening, etc.).
- Members requested that the narrative sheet include additional information to identify the target audience as it currently jumps around a bit and seems to be for different audiences.

Summary of a Dry-Weather Screening Alternative to be Approved by DEQ Staff

The DEQ shared a summary sheet of an alternative approach to dry weather screening that recently has been reviewed by DEQ staff and will be approved. The approach, proposed by the Lower Grand River Watershed permittees, focuses highest priority on dry weather screening at outfalls in the Urbanized Area. The approach includes an interagency agreement for investigating identified dry weather flows, which includes progressive investigation of MS4-to-MS4 discharge points in upstream municipalities in the sewershed until the source is identified.

Stormwater, Asset Management, and Wastewater (SAW) Program

The DEQ discussed the SAW Program. This is a state program similar to the federal SRF program. Communities can apply for up to a \$2 million grant or loan for planning and design projects. Guidelines are still being developed. The application and guidelines will be public-noticed Summer 2013. The applications are anticipated to be due in November or December 2013. The award process will be on a first come, first served basis. This is relevant to the MS4 Program because permittees could apply for funding to update a current SWPPI or to complete an application for the next permit reissuance. For stormwater plans, project completion would be determined by DEQ approval of the plan (or permit issuance if completing an application). Examples of other MS4 Program-related opportunities include storm sewer mapping, prioritizing dry weather screening, GIS equipment or asset management software, and designing a stormwater fee program. There are many other opportunities under the SAW Program beyond

those related to the MS4 Program (details are available on the www.michigan.gov/deg website-- search for SAW Program).

Compliance Assistance Documents

The Compliance Assistance Document subcommittees were opened up for additional interested participants. An updated table is provided below. The identified DEQ lead will make initial revisions to the compliance assistance documents noted in the table using “track changes.” Proposed modifications will be presented to the subcommittee for review and comment. The subcommittees should aim to have a draft ready to present to the full group by the next meeting.

IDEP Dry-Weather Screening Interagency Agreement	DEQ: Amanda St. Amour – Lead , Deb Snell
IDEP Compliance Assistance Document	DEQ: Marty Hendges – Lead , Amanda St. Amour, Christe Alwin External: Chris Kosmowski, Noel Mullett, Wayne Harrall, Shawn Keenan, John Paquin
Post-Construction Compliance Assistance Document	DEQ: Chris Bauer – Lead , Christe Alwin, Andrew Bahrou External: Kelly Karl, Scott Connors, Jennifer Lawson, Bob Scheuerman
Catch Basin Cleaning/Street Sweeping Compliance Assistance Document	DEQ: Dave Drullinger – Lead , Keith Noble External: Kelly Karl, Sandra Diorka