



MS4 Permitting

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What to expect today

- Walk through the entire application
- Ask application-related questions
- Understand the process and next steps



MS4 Individual Permits

- Specific to the type of permittee and complexity of the MS4
- Builds on existing efforts
- Alternatives and innovative ideas are encouraged and can be approved at the time of application
- Application process aligns with audit process

Reissuance Timing

FY15 Basin Year Cycle

November	Application notice letters mailed this week
April 1, 2014	Application due
April 2014 – October 2015	Application reviewed and approved. Permit issued.

Application Format

- Application designed to develop a Stormwater Management Program (SWMP)
- Application requirements follow the 6 minimum control measures and water quality requirements (i.e., TMDLs)
- Include a measurable goal and schedule for implementation of each BMP
- Build on existing documents (e.g., approved SWPPI)

Complete Application = SWMP

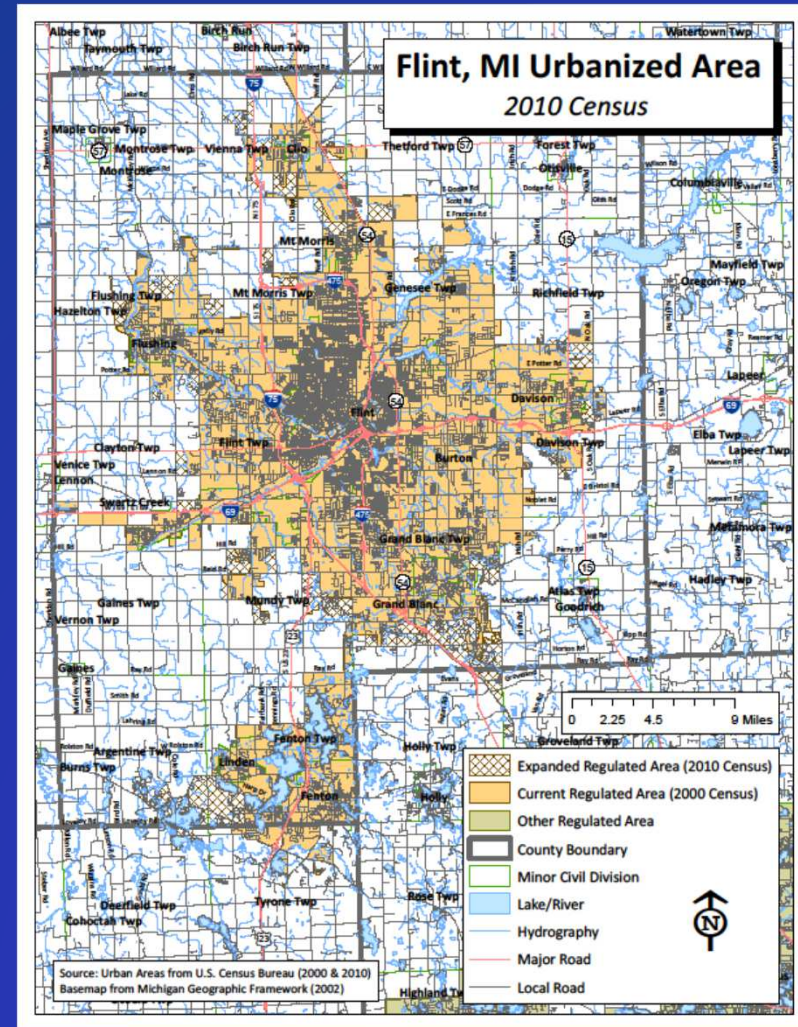
Application Format

- 6 minimum control measures
 - Public Participation/Involvement Program
 - Public Education Program
 - Illicit Discharge Elimination Program
 - Construction Stormwater Runoff Control Program
 - Post-Construction Stormwater Runoff Program
 - Pollution Prevention and Good Housekeeping Program
- Water quality requirements
 - Total Maximum Daily Load Implementation Plan

Regulated Area

Updated Urbanized Area maps to reflect the 2010 Census

Regulated area identified on the maps is the starting point for identifying a regulated MS4



Scope of the MS4 Permit



MS4 or surface water of the state?

MS4

System designed or used to collect or convey stormwater

- Enclosed pipes, road side ditches, vegetated swales, and paved surfaces
- Structural controls: catch basins, detention basins, infiltration devices, and pollutant removal devices



Surface Waters of the State

- Includes lakes, rivers, streams, wetlands, and open drains
- Does not include a system constructed solely to convey stormwater



Referenced Information

- Include specific references to procedures and ordinances (e.g., Attachment A, Page 3, Section b.)
- Referenced information may be submitted in any format
- Only referenced information will be reviewed – not entire documents
- Note when submittals are not required (e.g., storm sewer system maps and SWPPPs)

Collaborative Efforts

Application allows for collaboration with watershed or regional partners for most minimum control measures and the water quality requirements

PEP is a great example of successful collaborative efforts



Outfalls and Points of Discharge

- Outfall = Discharge point from an MS4 directly to surface waters of the state
- Discharge Point = discharge from an MS4 to another MS4



Nested Jurisdictions

- Identify nested jurisdictions you will be assuming responsibility for permit requirements
- Include nested jurisdiction area when completing your application

Stormwater Management Program

- Structural and nonstructural BMPs to be implemented during the permit cycle
- Designed to reduce the discharge of pollutants to the maximum extent practicable

Measurable Goals

Include a measurable goal for each BMP

Include the following, as appropriate:

- Schedule for BMP implementation (months and years)
- Interim milestones
- Frequency of the BMP



Measurable Goals

- Include a measure of assessment to measure progress towards achieving the measurable goal
- May use the same assessment to measure several goals



What is a Procedure?

- **Written Process**
- **Policy**
- **Other mechanism describing how the minimum requirement will be implemented**



Enforcement Response Procedure

Procedure with the expected response to violations to compel compliance with ordinances or regulatory mechanisms

- Written notices
- Citations
- Fines

Include a tracking mechanism



Public Participation/Involvement Program (PPP)

Procedure making the SWMP available for public inspection and comment

- Process for notifying public and opportunities for comment
- Process for complying with local public notice requirements

Procedure for inviting the public to participate in the implementation and review of the SWMP



Public Education Program (PEP)

Procedure with assessment of high priority and targeted issues

Identify applicable PEP topics with option to prioritize

Procedure for evaluating and determining effectiveness

- Method for assessing changes in public awareness and behavior
- Process for modifying the PEP to address ineffective implementation



Illicit Discharge Elimination Program

- Location of up-to-date storm sewer map
- Procedure for identifying areas for dry-weather screening with an option to prioritize areas
 - Document process for selecting priority areas
 - Geographical location of prioritized areas using narrative description or map
 - Identify prioritized areas that will be targeted during the permit cycle with a schedule for implementation

Illicit Discharge Elimination Program

Procedure for performing field *observations*

- Interagency agreement may be used to focus field observations

Procedure for performing field *screenings*

- Analyze discharge for indicator parameters (e.g., ammonia, fluoride, detergents)

Procedure for performing source *investigation*

Include a schedule for implementing

Illicit Discharge Elimination Program

Procedure for responding to illegal dumping/spills

Procedure for responding to illicit discharges
outside of priority areas

*Schedule for responding to complaints, performing field
observations and follow-up field screening and source
investigations*

Illicit Discharge Elimination Program

Procedure for reporting a release of polluting materials from the MS4 to surface/ground waters of the State

Procedure for responding to illicit discharges when source identified

- Specify expected corrective action
- Schedule to eliminate the illicit discharge and pursue enforcement actions
- Include addressing illegal spills/dumping

Illicit Discharge Elimination Program

IDEP training program for staff employed by applicant

- Train staff once during the permit cycle and new hires within first year of hire

Procedure for evaluating and determining effectiveness

- Evaluate the prioritization process
- Evaluate effectiveness of using different detection methods
- Evaluate program efficiency and staff training frequency

Illicit Discharge Elimination Program

Ordinance or regulatory mechanism that prohibits non-stormwater discharges into applicant's MS4

- Regulate the contribution of pollutants to MS4
- Prohibit illicit discharges, illicit connections, and direct dumping/disposal
- Establish authority to inspect, investigate, and monitor suspected discharges
- Require and enforce the elimination of illicit discharges
- Provide authority to require and enforce elimination of the illicit discharge

Construction Stormwater

- Questions focus on identifying existing efforts under other qualifying local programs
- Are you a Part 91 agency?
 - County Enforcing Agency
 - Municipal Enforcing Agency
 - Authorized Public Agency
 - Rely on another Part 91 Agency

Construction Stormwater

Procedure with the process for notifying the Part 91 agency or appropriate staff when soil and sediment is discharged to the MS4 from a construction activity

- Complaints
- Notification requirements
- Internal and/or external process

Construction Stormwater

- Procedure to notify the DEQ when soil, sediment, or other pollutants are discharged to the MS4 from a construction activity
- Applicant determines when and under what circumstances the DEQ will be contacted

Construction Stormwater

Procedure for ensuring that construction activity ≥ 1 acre in total earth disturbance with the potential to discharge to the MS4 obtains a Part 91 permit or is conducted by an approved APA

- Triggered at the site plan review stage

Procedure to advise the landowner or recorded easement holder of the State of Michigan Permit by Rule

- Consider adding notification to site plan application

Post-Construction Runoff

Ordinance(s) or regulatory mechanism(s) to address stormwater runoff from new development and redevelopment projects

- Private, commercial and public projects
- Applies to projects that disturb 1 acre or greater, including projects less than an acre that are part of a larger common plan of development



Post-Construction Runoff

- Referencing other technical documents (e.g., performance standards). We know this works well for many of you.
- May be appropriate to submit a combination of ordinances and other regulatory mechanisms

Post-Construction Runoff

Water Quality Treatment Performance Standard

- Treat the first 1" of runoff from the entire site
- Treat runoff generated from 90 percent of all runoff-producing storms

Treatment: *BMPs must be designed to reduce total suspended solids loadings by 80% or achieve a discharge concentration not to exceed 80 mg/l*

Post-Construction Runoff

Channel Protection Performance Standard

Require that the post-construction runoff rate and volume of discharges not exceed the pre-development rate and volume for all storms up to the 2-year, 24-hour storm at the site

Predevelopment: *Last land use prior to the planned new development or redevelopment*

Post-Construction Runoff

Procedure for reviewing the use of infiltration BMPs in a manner that does not exacerbate existing conditions

Ordinance or regulatory mechanism requiring BMPs to address the associated pollutants in potential hot spots

- Commercial vehicle maintenance/repair
- Gas stations
- Auto recyclers
- Recycling centers
- Scrap yards
- Public water supply intakes



Post-Construction Runoff

- Off-Site Mitigation – BMPs implemented at another location within the same jurisdiction and watershed or sewershed as the original project
- Payment in Lieu – Developer pays a fee to the applicant that is applied to a public stormwater management project within the same jurisdiction and watershed or sewershed as the original project

Post-Construction Runoff

- Off-site mitigation and payment in lieu are options to address the following:
 - Space or light limitations at the site
 - Contaminated sites
 - Mainly focused on redeveloped sites
- Applicant establishes criteria for determining the availability of these options
- Offset ratio required

Post-Construction Runoff

- Ordinance or regulatory mechanism requirement to submit a site plan for review and approval of post-construction BMPS
- Procedure for site plan review and approval
- Reference to the process for determining how the developer meets the performance standards and ensures long-term operation and maintenance of BMPs

Post-Construction Runoff

- Ordinance or regulatory requirement for the long-term operation and maintenance of all BMPs installed and implemented to meet the performance standards in perpetuity
- Ordinance or regulatory mechanism requirement for a maintenance agreement

Post-Construction Runoff

Maintenance agreement shall allow the applicant to complete the following

- Inspect structural and vegetative BMPs
- Perform the necessary maintenance
- Track the transfer of operation and maintenance responsibility

Pollution Prevention/Good Housekeeping

- Inventory of applicant owned/operated facilities and stormwater structural controls
 - Location of facility
 - Estimate of the number of structural stormwater controls for each category
- Location of up-to-date map that identifies the location of each facility and structural control
- Procedure for updating and revising the inventory and map

Pollution Prevention/Good Housekeeping

- Procedure for assessing each facility for the potential to discharge to surface waters
 - Process for updating and revising the assessment
- List of prioritized facilities based on the assessment
 - High, medium or low potential to discharge pollutants to surface water

Pollution Prevention/Good Housekeeping

Site-specific SOP for facilities designated with a **high** potential to discharge

- ✓ Available at each facility
- ✓ Identify person responsible for oversight of facility
- ✓ List of significant materials, handling/storage requirements, potential to discharge
- ✓ Identify good housekeeping practices at the site
- ✓ Description and schedule for conducting routine maintenance and inspections
- ✓ Comprehensive site inspection at least once every six months

Procedure identifying current or future BMPs to be implemented during the permit cycle at **medium** and **low** facilities

Pollution Prevention/Good Housekeeping

- Procedure for prioritizing catch basins for routine inspection, maintenance, and cleaning with a process for updating/revising priority level based on inspection results and citizen complaints
- Narrative description/map of catch basins in each priority level
- Procedure for inspecting, cleaning, and maintaining catch basins
- Procedure for dewatering and disposal of materials extracted from catch basins



Pollution Prevention/Good Housekeeping

Procedure for inspecting and maintaining other stormwater structural controls

- Description and schedule for inspecting and maintaining each control
- Disposal process for maintenance waste materials
- Process for updating/revising the procedure

Procedure for requiring new water quantity facilities/structural controls be designed and implemented in accordance with post-construction requirements

Pollution Prevention/Good Housekeeping

Procedure with assessment of applicant's O&M activities for the potential to discharge pollutants and the BMPs being implemented to prevent or reduce pollutant runoff

- Road, parking lot and sidewalk maintenance
- Bridge maintenance
- Right-of-way maintenance
- Unpaved road maintenance
- Cold weather operations
- Vehicle washing and maintenance

Pollution Prevention/Good Housekeeping

Procedure for prioritizing street sweeping activities

- Assign priority levels and associated cleaning schedule
- Process for updating/revising the priority level

Narrative description or map of streets, parking lots, and other impervious surfaces

Procedure identifying sweeping methods used

Procedure for dewatering and disposal of street sweeper waste



Pollution Prevention/Good Housekeeping

- Procedure requiring pesticide applicator to be certified by the State
- Employee training program to train employees involved in P2/GH
 - Staff trained once during the permit cycle and new hires within first year of hire date
- Procedure for requiring contractors to comply with P2/GH program
 - Process for providing oversight of contractor activities

Total Maximum Daily Load (TMDL) Implementation Plan

- Procedure for identifying and prioritizing BMPs to make progress towards achieving pollutant load reduction requirements
 - Process for reviewing/updating/revising BMPs
- List of prioritized BMPs
 - Include reference to targeted TMDL pollutant
- Monitoring plan for assessing effectiveness of BMPs
 - Schedule for completing monitoring
 - Conducted at least two times during the permit cycle

Final Submittal

Final application submittal may be lengthy if entire documents are submitted

Example

Entire development standards document submitted with only portions referenced in application

137 Pages →



Submittal Options

- Submit the application and attach a separate SWMP document
- Submit the application and attach the separate procedures/ordinances referenced to make up the SWMP
- Submit two applications: one for collaborative efforts and one for individual permittee efforts

Submittal Options

- Hard copy to Permits Section
- Email to District Staff
- Upload to DEQ FTP Server
- Flash drive to Permits Section
- CD to Permits Section

Greater Lansing Regional Committee
For Stormwater Management

Public Education Plan
For
City of East Lansing



REVISED: JANUARY 2013

Individual Permit Process

- Application reviewed by District Staff
- When the SWMP appears to meet the minimum requirements, the individual permit is drafted
 - ✓ Draft permit sent to applicant for review
 - ✓ Proposed permit is public noticed for 30 days
- Decision is made on the permit
- Permit is in effect for 5 years, on average

Application Assistance

- **Contact Stephanie Kammer**
- **Schedule a one-on-one meeting**
- **Start early**



Questions

