



*James W. Ridgway, P.E.*  
*Executive Director*

Allen Park  
Auburn Hills  
Beverly Hills  
Bingham Farms  
Birmingham  
Bloomfield Hills  
Bloomfield Twp.  
Canton Twp.  
Commerce Twp.  
Dearborn  
Dearborn Heights  
Farmington  
Farmington Hills  
Franklin  
Garden City  
Inkster  
Lathrup Village  
Livonia  
Melvindale  
Northville  
Northville Twp.  
Novi  
Oakland County  
Orchard Lake  
Plymouth  
Plymouth Twp.  
Pontiac  
Redford Twp.  
Rochester Hills  
Romulus  
Southfield  
Superior Twp.  
Troy  
Van Buren Twp.  
Walled Lake  
Washtenaw County  
Washtenaw County  
Commission  
Wayne  
Wayne County  
Wayne County Airport  
Authority  
West Bloomfield Twp.  
Westland  
Wixom  
Ypsilanti Twp.

January 29, 2008

Mr. Steve Chester, Director  
Michigan Department of Environmental Quality  
P.O. Box 30473  
Lansing, MI 48909-7973

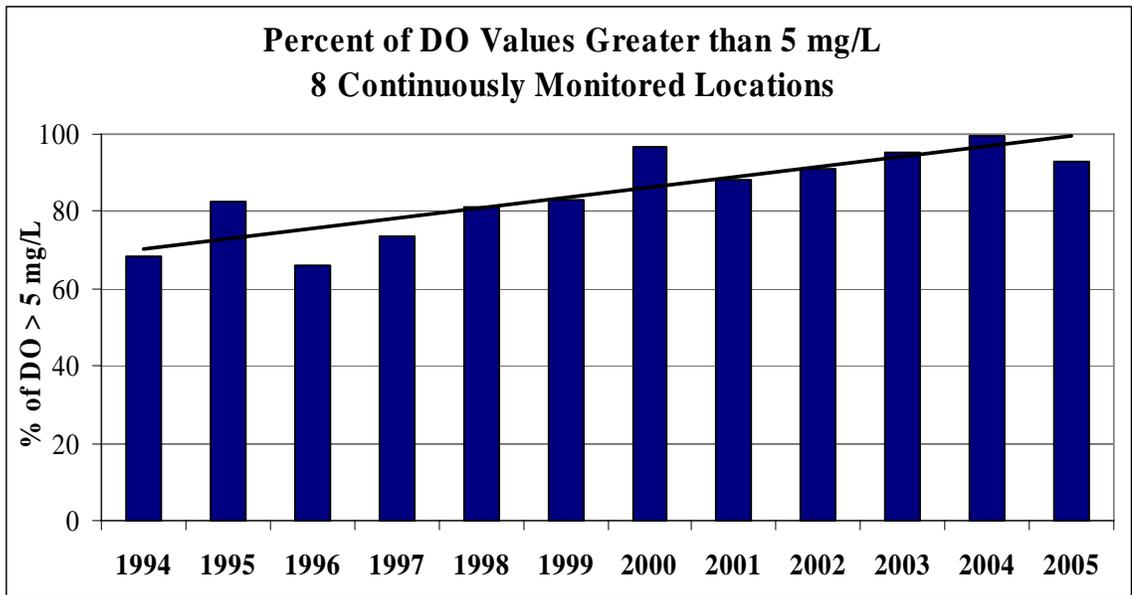
Dear Mr. Chester:

The Alliance of Rouge Communities (ARC) hereby transmits our comments and concerns regarding the Proposed NPDES Phase II Watershed Permit. We appreciate the time and efforts expended by MDEQ staff during the public comment period but are disappointed that we were unable to receive a formal response to our draft comments. We are relying on the representations of the MDEQ that changes will be made to the proposed language but reserve the right to comment further once the actual documents become available to us.

The ARC represents 40 municipal governments, three counties and the Wayne County Airport Authority. As a group we strongly disagree with the language drafted by the MDEQ for the revised NPDES Phase II Watershed Permit. The draft permit language places new costly, cumbersome and prescriptive measures on communities and counties that will add to operating costs but will not allow us to continue our documented progress toward achieving water quality standards. The proposed permit emphasizes extensive individual documentation and reporting rather than achieving watershed-wide improvements through innovative, cost-effective solutions with watershed partners.

The draft language removes local control and decision-making that has been a guiding principle of the watershed permit. It discourages implementation of alternative, cost-effective approaches based on existing watershed conditions.

The Rouge Communities have proven their commitment to achieving water quality standards. Of the millions of data points collected, I believe one graph says it best. As the following figure shows, we have made more progress than any of us would have imagined ten years ago.



More importantly, the Rouge communities remain committed to continuing our progress. This is demonstrated by the fact that the communities have joined the Rouge Alliance and continues to contribute their very limited resources to continued monitoring and cooperative resource management.

Unfortunately, the Watershed Permit, as written, will prove to be a significant disincentive to our watershed efforts and the progress we have made is threatened. If the communities are forced to perform low priority tasks, such as labeling and monitoring outfalls in un-impacted areas, there will not be sufficient funds for the proven activities performed to date. This would be extremely counter-productive.

We believe the Director has the authority to allow flexible, yet enforceable requirements that will lead to improved water quality. When the first watershed permit was drafted, it allowed sufficient flexibility to permit the watersheds to identify their most pressing issues and to address them. The Storm Water Pollution Prevention Initiative (SWPPI) process allowed the MDEQ sufficient oversight and control to assure that all communities were making progress. We encourage a return to this model. It allows flexibility with enforceability.

The differences between the existing and new permit are quite significant. The current permit actually facilitates the use of the flexible watershed-approach to implementing solutions and improvements; however, the new permit has eliminated this flexibility and the prescriptive language now forces uniformity without concern for cost or environmental benefit.

There are other comments for which the Director does not have the authority to change. Specifically, the E coli standards are “hard-wired” into the water quality standards. The standards as written are unobtainable in urban areas and are a major concern for the Rouge communities. We believe that the E coli standard was originally intended to be a surrogate for human sewage. We now know that much more is included in the measurement. Our communities agree that there is no place for human sewage in our waterways. That does not mean that they can live with the

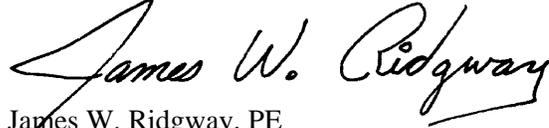
standards as written. We hope the MDEQ will work with us to find a more appropriate means of identifying and locating human sewage sources to our rivers.

We have supported our comments with edited permit language that we believe will comply with the federal requirements, yet allow the flexibility to support watershed based programs. Within the permit we have embedded a series of notes that provide a more detailed discussion of the need, intent, and practical result of the proposed language. Lastly, we are including a series of resolutions passed by the ARC communities. These resolutions demonstrate the concerns expressed by our member communities.

We look forward to working with the MDEQ staff in crafting a stormwater permit that builds upon our past success and achieves the goals of the Clean Water Act; fishable and swimmable waterways.

Sincerely,

**ALLIANCE OF ROUGE COMMUNITIES**

A handwritten signature in black ink that reads "James W. Ridgway". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

James W. Ridgway, PE  
Executive Director

cc: D. Drullinger, Permit Section, Water Bureau  
W. Creal, Water Bureau



## Specific Concerns Relating to the Use of E coli As a Regulatory Measurement

January 29, 2008

The Alliance of Rouge Communities (ARC) requests that the MDEQ join the ARC in determining more realistic measurements for determining compliance with bacterial water quality standards. The ARC recognizes that the MDEQ are required to work toward meeting water quality standards even if they are deemed to be impossible by technical experts. The ARC communities, however, do not wish to sign a permit that establishes impossible discharge limits.

Communities have raised concerns over the issuance of some of the TMDLs being developed for their waterways. In the past, these concerns have been tempered because few regulatory mechanisms were utilized to address wasteload allocations from nonpoint sources. During many of the subwatershed meetings, Phase II permittees were told that by focusing on the Phase II requirements they would be addressing the TMDL issue.

This policy seems to have changed as meeting water quality standards (TMDL implementation) and monitoring is a large focus of the draft Phase II permit. It is imperative that we discuss this issue and the policy implications in detail. In fact, many communities believe they will be out of compliance with the permit due to their likely inability to meet the State's water quality criteria, as stated in the TMDL.

In attempt to work towards resolution of this issue, we have elaborated on specific areas of concern and suggested alternative permit language.

- Many of the TMDLs rely on unproven assumptions to determine compliance with the pollutant of concern.
  - The dissolved oxygen TMDL assume that if the suspended solids are reduced, then the dissolved oxygen would increase during worst case conditions. The data presented does not support that conclusion.
  - Similarly, the biota TMDL assumes that the biota will improve if the sediment load is reduced and if the streams are less flashy. While this assumption has merit, one would ask exactly what water quality standard has been violated (particularly given the weak data set used for this TMDL). The assumption that suspended solids is directly correlated to biota is tenuous at best. One could also question what a biota "load" means in the first place.
  - *E. coli* limits as established are unattainable given updated data on background levels of *E. coli*. In addition recent studies suggest that, *E. coli* is not a good indicator of human health concerns, in part, because it is found in both human sewage and often nonhuman uncontrollable sources and equally important; it is not a human pathogen. Further, an

extensive body of scientific literature demonstrates the existence, stability, and proliferation of *E. coli* in soils, sediments, and algae. Such populations of *E. coli* have in some cases been found in locations where human sources are absent and no human health concerns related to waste exist.

These “background” levels of *E. coli* can be extremely high and have been shown to contribute significantly to water column *E. coli* densities. There is no literature that suggests that *E. coli* values below 300 counts are obtainable in urban areas. Thus, communities that agree to the proposed storm water permits (either jurisdictional or watershed based) would be confronted by signing a permit they have no ability to meet. Furthermore, they would be forced to expend their limited resources to seek sewage contamination in areas where none exists. These communities would be better served by focusing these resources on practical/solvable problems rather than being forced to measure and track pollutants that are known to be “background” *E. coli* not associated with human sewage or health concerns.

For example, in 2004 the DEQ provided CMI funding to the Washtenaw County Drain Commissioner to apply library-based genotypic bacteria source tracking (BST) technology within the municipal storm sewer system (MS4) to identify and quantify species-specific sources of *E. coli*. The BST data and source analysis indicate that the predominant fecal sources are pets and raccoons (The area studied had little avian habitat). The results indicate that elimination of human sources through IDEPs will not achieve the needed reductions. Rather, urban wildlife, namely raccoons and feral cats (the Humane Society of Huron Valley estimates some 60,000 feral cats in Washtenaw County) are the primary contributors to the high *E. coli* counts observed in the storm sewers.

Even with implementation of all practical measures to promote proper disposal of pet waste and to reduce attractiveness of urban areas as wildlife habitat, there are very few practical strategies available to address these wildlife sources.

Based on this information, it is likely that water quality standards specified in the TMDL will not be met, regardless of the control measures implemented.

- **Monitoring should focus on the water resource, not discharge points. The monitoring as required in the proposed permit is too prescriptive and will result in communities monitoring discharge points where water quality is not an issue.** As stated in our previous comments, we agree that some sort of monitoring to evaluate progress and focus activities is appropriate. We also agree that monitoring in the TMDL area should be included in a monitoring strategy. However, the what, where, and when to monitor should be something the permittee and the watershed group designs.
- **By design, implementing the Phase II permit requirements (e.g., IDEP, PEP, storm water ordinances, good housekeeping) all contribute to meeting water quality standards. The need for any additional activities should be based on monitoring and determined after implementation of the permit requirements.** Many of the communities in Michigan are making progress in implementing their watershed permit, but implementation has been a more recent activity and evaluation of these implementation practices has been limited. Therefore, the focus of this permit round should be on resolving any technical issues in TMDL development,

implementing permit requirements, and evaluating the water resource through a monitoring program. The monitoring program could then be the basis for how well the resource is doing in meeting water quality standards.

- **“Meeting” a TMDL implies meeting water quality standards as specified in the TMDL.** For the Rouge *E. coli* TMDL, this means that storm water under the control of communities must be in compliance with the *E. coli* water quality standard of 300 cfu/100mL on a daily basis or 130 cfu/100mL on a monthly basis. This is an impossible limit and a community would be unwise to sign a permit where they know they will be unable to meet the permit limit.
- **As proposed, “consistency” with TMDLs may require adding structural controls to existing developed areas, which was not part of the Phase II permit in the past.** The U.S. EPA Storm water Rule states that the Phase II permit applies to new development and redevelopment greater than 1 acre. Meeting the TMDL would cause communities to go beyond this mandate in order to meet their wasteload allocations.

## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
1	Cover Page: 2 <sup>nd</sup> Paragraph	The literature documents that the E. coli values in urban storm water routinely exceed 300 cfu. The permit language suggests that these discharges will not be covered under this permit. Signing the permit could mean immediate noncompliance with this requirement.
2	Cover Page: 6 <sup>th</sup> Paragraph	The MDEQ has always held that they can unilaterally "modify, suspend, or revoke" a permit without cause. The communities, however, do not agree with this position. Allowing "notice and opportunity for a hearing" does not change this stand.
3	Page 2: Items in COC	Many municipalities are unaware that they are included in a TMDL area. The MDEQ is better suited to provide this information for inclusion.
4	Page 2: Items in COC	Locating discharge points is an iterative process. The format of the discharge point location may vary by municipality. Most will provide it using Lat/Long information however this should not be a requirement. Locating discharge points is a costly exercise that does not improve in stream water quality. For counties and road commissions, there are tens of thousands of locations. Most municipalities continue to improve their knowledge of their drainage system and are willing to share this knowledge. The schedule for completing this task should not, however, be driven by a permit cycle. The funds can be better spent on projects and activities designed to improve water quality.
5	Section A. 1.a. Eligible Permittees	Recognizing that a large number of questions must be answered, the ARC wants to preserve the opportunity to submit a single watershed-wide permit. The ARC, as established under PA 517 of 2005, proposes to submit a single permit application for the entire watershed. Individual communities could be identified as "nested jurisdictions" as well as co-permittees; similar to how permits have been issued under the sanitary sewer overflow permit program.

## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
6	Section A.1. b. Storm Water Discharges by Permittee	Throughout the discussion of the storm water permit, there has been an underlying understanding that this permit would not include numeric limits for storm water quality. After an initial permit discussion meeting between MDEQ staff, SEMCOG and ARC representatives on 9/26/07, it was clear to us that the intent of the permit language was not to require compliance with numeric limits. This language and the repeated reference to the TMDLs suggest that the communities will be held to numeric limits in general, and the 300 cfu E coli limit in particular. Further, the term "effluent limits and monitoring" has a numerical connotation and should be replaced. (Also Refer to Note 13)
7	Section A.2.a Discharge Point Location	The MDEQ should only permit flows into the waters-of-the-state. Discharges between local jurisdictions are addressed in local ordinances, the Drain Code, the building code, etc. The permit should not require information on where pipes change jurisdiction as it quite common to have multiple jurisdictions within a very short part of a storm sewer system. As an example, platted subdivisions may have a storm sewer system that changes jurisdiction multiple times in the road, between lots, in rear yards and in common areas. Not being specific to waters-of-the-state will create a significant documentation exercise burden that will not result in improved water quality. (Also Refer to Note 4)
8	Section A.2.a Discharge Point Location	The benefit of submitting discharge locations in electronic form is unclear. While most communities are migrating to electronic drainage information, this should not be a requirement of the permit. It is costly, time consuming and unlikely to provide useful information to all permittees. This data set will be huge. The formats will vary. The ARC suggests that this requirement be eliminated and a map, like in the previous permit, be accepted form of information. It would also be acceptable for all additional data to be maintained by the community and accessible to the MDEQ upon request.

## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

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9	Section A.2.a Discharge Point Location	Most communities have begun to catalog the BMPs under their jurisdiction but this should not be a requirement of the permit. Many communities have thousands of BMPs that would be included under the current language. In areas where water quality is good, these communities should not be required to catalog these structures.
10	Section A.2.a Discharge Point Location	Communities have information regarding discharge point receiving waters and hydrologic boundary of the cover area in the form of construction and as-built plans. For communities to submit this information electronically or otherwise would be cost-prohibitive, cause an excessive amount of paperwork for the State and would not benefit water quality efforts. If a community is required to track receiving waters of a discharge point they have the ability to 'pull' plans and track this information. The ARC suggests that this requirement be eliminated and a map, like in the previous permit, be accepted form of information. It would also be acceptable for all additional data to be maintained by the community and accessible to the MDEQ upon request.
11	Section A.2.b. Discharge Point Labeling	Labeling outfalls may be an applicable practice in some areas but should not be required state wide. Outfall marking is costly and does not directly result in improved water quality. If a resident notices a questionable discharge, the location of the particular outlet can easily be identified at a later date. That resident should be able to identify the outlet a few days later to aid municipal employees in identifying the source of the discharge. In addition, marking open ditches in some sort of permanent manner as they discharge into waters-of-the-state would be impractical to implement. We suggest promoting the use of the hotline that was utilized during the current permit cycle as a cost-effective, practical mechanism to address what to do if the public sees something "wrong" coming out of a pipe.

## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

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12	Section A.3.a. PPP	The ARC found many of these activities extremely costly and largely ineffective. Local communities and leaders, by their very nature, are responsible and accountable to their citizens for a wide variety of decisions and activities. During the implementation of the PPP activities under the current permit, we have learned that solicitation of stakeholder involvement has been time-consuming and costly while resulting in minimal involvement at stakeholder workshops for many areas. Although there is a level of public involvement important for watershed planning, the level of effort by permittees should focus on soliciting involvement from those stakeholders that are most active
13	Section A.3.b. 4) Identification of goals, etc.	A TMDL is a load allocation process and therefore "compliance with a TMDL is a misnomer." The TMDL for E coli in the Rouge sets the discharge level at 300cfu. This is NOT an allocation but rather a restatement of the WQS. This limit is unobtainable and therefore extremely problematic to the regulated communities. (Also Refer to Note 6)
14	Section A.3.b. 5) Specific Mgt Options and Action Plans	Revising local ordinances has proven to be a cost efficient means of improving water quality in most, but not all, communities but the choice of this management practice should be left to the community. "Revisions needed" to local zoning ordinances is a level of detail that should be left up to the local land use decision-makers and not a level of detail appropriate for a watershed management plan. Types of ordinances recommended that focus on the priorities of the watershed may be included in the plan, but the details should be part of the implementation process.
15	Section A.3.b. 6) Commitments to implement the action plan	While some reviewer felt that including costs was important to watershed planning, one County agency stated that "this is not a reasonable request." This requirement suggests that a community must commit a given amount of money to fulfill the permit requirements
16	Section A.3.b. 9) Plan revision or update	If objectives have been completed within the permit period, a watershed plan update should not be required.

*This document was prepared by the Alliance of Rouge Community Staff to aid in discussion between the MDEQ and the ARC communities. They incorporate recommended language from the SEM Counties, SEMCOG, the ARC communities, and a number of SEM professionals. The comments will not become final until they are endorsed by the ARC Executive Committee.*

**January 28, 2007**

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## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
17	Section A.3.b. 9) Plan revision or update	WMP are costly and the requirement for a revision should only be triggered when additional water quality improvement is being constrained by an out-of-date WMP. Additional concerns are likely to be identified under any active water quality monitoring program. This alone should not trigger the need for a new WMP. A TMDL (whether new or existing) should be anticipated in any WMP (since the waterbody will already be on the 303(d) list). The water quality challenges leading to a TMDL should be known and be actively addressed. The change in regulatory status (i.e. on 303(d), existing TMDL, new TMDL) should not trigger a new WMP if the plan is already addressing a given water quality challenge of concern.
18	Section A.3.b. 9) Plan revision or update	The decision to update the plan should be made by the watershed group and permittees. Significant changes in land use or development that has occurred should not warrant a complete plan update when, in fact, goals, objectives and actions have addressed changes across the landscape. In addition, the last bullet appears to be a catch-all to require everyone to update WMPs every other permit cycle rather than being based on sound scientific information that would warrant a plan update.
19	Section A.3.c. Joint Requirements	The communities are willing to accept the responsibility to fulfill their individual requirements as specified in their SWPPI however those SWPPIs must be approved by the MDEQ to assure the elected officials that their actions are in compliance of the laws and regulations as well as protect them from third party lawsuits.
20	Section A.4.a SWPPI Submission	Post-construction management should be limited to areas where the permittee has jurisdiction. Jurisdictional responsibility varies across the entire State of Michigan and the proposed language does not reflect the varying levels of jurisdiction for storm water that may exist in one community. Also Refer to Note 35

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21	Section A.4.b 1) SWPPI Contents	The purpose of the watershed plan is to outline actions to implement that will move towards improvement of water quality. The SWPPI requirements, as currently written, are completely disconnected from the Watershed Management Plan as there is no requirement to include the actions from the WMP that has been the foundation of SWPPIs since the inception of the voluntary general storm water permit. If it remains disconnected, then what is the incentive to write a watershed management plan?
22	Section A.4.b 2) TMDLs and <i>(Section A.4.b 1) TMDLs)</i>	There are many concerns associated with the TMDL and monitoring outlined in this permit particularly as they pertain to E coli. The ARC recommends that references to the TMDL be removed and/or modified to recognize that TMDLs are used to establish loads and discharge limits but specific references are not needed for the MDEQ to issue this permit.
23	Section A.4.b 3) Monitoring <i>(Section A.4.b 1) TMDLs)</i>	There are many concerns regarding the excessive monitoring that would be required. The ARC recommends the watershed develop a monitoring plan that focuses on impaired areas, as suggested in this section.
24	Section A.4.a 4) PEP Requirements <i>(Section A.4.a 2) PEP)</i>	The MEP reference was removed from the IDEP between the early permit drafts. It should be removed from here as well.
25	Section A.4.a 4) PEP Requirements <i>(Section A.4.a 2) PEP)</i>	The PEP Guidance should be guidance and NOT a requirement of the permit.
26	Section A.4.a 4) PEP Requirements <i>(Section A.4.a 2) PEP)</i>	Educating restaurants is being practiced in SEM and it has met with success. However, other communities have larger, more costly concerns on which they will chose to target their PE budget. Communities should be given the opportunity to choose to address restaurant based pollution but only in the context of their prioritized list of concern.

## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

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27	Section A.4.a 5) IDEP Requirements <i>(Section A.4.a 3) IDEP)</i>	The definition of Illicit Discharges includes wild animals. No community can "effectively eliminate" the discharge of wildlife feces.
28	Section A.4.a 5) IDEP Requirements <i>(Section A.4.a 3) IDEP)</i>	Alternative should be allowed for smaller permit holders. It is our understanding that the statewide BOCA code, the Drain Code, and the Existing state environmental laws fulfill this requirement. This should be verified and if so, the requirement should be removed.
29	Section A.4.a 5) IDEP Requirements <i>(Section A.4.a 3) IDEP)</i>	Impaired waters are either listed on the 303 (d) list or have a TMDL. All other prioritization should be secondary.
30	Section A.4.a 5) a) IDEP Requirements <i>(Section A.4.a 3)a) IDEP)</i>	The IDEP programs vary widely across the state and the prescriptive nature of this section is inconsistent with watershed-based prioritization and allocation of resources. The BOCA code, the Drain Code, and the Existing state environmental laws provide sufficient authority to eliminate the controllable illicit connections. Experience shows that once identified, elimination of controllable discharges has not been a problem.
31	Section A.4.a 5) b) IDEP Requirements <i>(Section A.4.a 3)b)(1) IDEP)</i>	The Permit should demand that the permittee work toward the elimination of controllable illicit discharges. The prescriptive nature of this requirement and assumed prioritization does not reflect the real-world priorities of many municipalities.
32	Section A.4.a 5) b) IDEP Requirements <i>(Section A.4.a 3)b)(2) IDEP)</i>	The monitoring as currently proposed is too prescriptive, extremely costly, and has been proven to be ineffective in many, if not most, areas. The watershed plan should allow communities to prioritize their problems and then design an IDEP program to address their community specific problems.
33	Section A.4.a 5) c) IDEP Requirements <i>(Section A.4.a 3)c) IDEP)</i>	Language taken from current permit.

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## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

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34	Section A.4.a 5) c) IDEP Requirements <i>(Section A.4.a 3)c)(4) IDEP)</i>	Redundant – covered in other regulations.
35	Section A.4.a 6) Post-Construction Controls Requirements <i>(Section A.4.a 4) Post-Con)</i>	<p>Language taken from current permit – The Post Construction Controls have been instituted in a majority of the urban areas. The prescriptive controls presented in the proposed permit are less stringent than some of the existing ordinance criteria and more stringent than other criteria. In either case, as written, the locals will be called upon to enact new regulations or present supporting documentation to have the existing ordinance accepted by the MDEQ as equivalent. This is costly.</p> <p>The goal of developing a watershed management plan is to effectively address specific problems on a watershed-basis. It is widely accepted in the storm water professional community that a one-size-fits-all solution is neither practical nor effective. There is overall agreement that storm water management design guidelines are important; however, establishing a single criteria for the entire state of Michigan is completely contrary to the watershed approach. By creating a watershed plan and thereby understanding a watershed's existing conditions, permittees will be better able to prioritize and determine the appropriate storm water management guidelines for their community and in conjunction with their watershed partners. In addition, storm water management standards developed and utilized in Southeast Michigan have demonstrated a significant improvement. This demonstration is, in itself, justification to keep the current language in the permit whereby allowing communities to determine the exact standards appropriate for their watershed.</p>

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36	Section A.4.a 7) Construction Storm Water Runoff Control  <i>(Section A.4.a 5) Construc</i>	<p>Construction site runoff control for 1 acre or greater is covered by the Part 91 Soil Erosion and Sedimentation Control program.</p> <p>Specifically, the public notice permit includes a requirement to notify the Part 91 agency if the permittee observes construction related waste, including but not limited to: discarded building materials, concrete truck washout, chemicals, lubricants, fuels, litter, and sanitary waste entering the MS4. It is our understanding that construction related wastes are not regulated under the Part 91 permit. Therefore, the Part 91 permit does not have authority over these issues.</p> <p>Also, the public notice permit added a review of soil erosion and sedimentation control measures at the preliminary site plan level. This is not the correct time for review of these measures and the community may not have qualified personnel to review these measures. This requirement will add another tier of review from the county, when these issues are currently addressed during the engineering review/approval process. In addition, Part 91 requires a new site plan for each new phase of development. Therefore, the need to "save room" for future erosion control can be covered during submission of the new site plan.</p>

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37	<p>Section A.4.a 8) a) Pollution Prevention and Good Housekeeping</p> <p>Employee/Contractor Training</p> <p><i>(Section A.4.a 7)a) PP)</i></p>	<p>We would suggest that contractors should only be defined as those that relate to storm water management activities and that training is in the form of a standard specification in the bid specs supplied by the municipality when hiring a contractor.</p> <p>To elaborate, the permit requires various categories of good-housekeeping activities that relate to proper storm water management. If the permittee does this work themselves, then they are required by the permit to fulfill certain obligations to ensure they are conducting their activities in a "proper storm water management" manner.</p> <p>The MDEQ has already indicated that SEMCOG's municipal staff training meets the training requirement.</p> <p>On the other hand, if the municipality decides to contract out the services (often to save money and personnel), then the details of the work "should" ideally be outlined in the specs on the work to be performed, as opposed to having a training session or providing guidance materials to care contractor. The specifications would include how the work will be performed by the contractor (e.g., conduct soil test, determine fertilizer needs, work with community staff to finalize type of fertilizer and apply according manufacturer recommendations, don't apply during rain event), regardless of who is onsite that day (i.e. the same laborers may not be on the same job site every day).</p> <p>Our suggested language focuses on education of full time employees and including good housekeeping specifications with contractors that relate to storm water management activities.</p>

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Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
38	Section A.4.a 8) b) Pollution Prevention and Good Housekeeping  Structural Storm Water Control Effectiveness  <i>(Section A.4.a 7)b) PP)</i>	Inspection and maintenance of storm water structural controls is important, but the details of a program should be developed by the permittee. A main concern of the draft language is the requirement that when a permittee adds/upgrades or rehabilitates facilities, they must meet the treatment volume criteria. First of all, the extent of retrofitting existing structures is completely dependent on site constraints. This language is a one-size-fits-all requirement that does not take into consideration engineering design constraints. Furthermore, adding/upgrading facilities would fall under both the post-construction management standards as well as the flood control section of the good-housekeeping requirements and is not appropriate under the section focusing on inspection/maintenance.
39	Section A.4.a 8)c)(2) Pollution Prevention and Good Housekeeping  Roadways, Parking Lots and Bridges  <i>(Section A.4.a 7)c)(2) PP)</i>	A specified reduction (25%) does not recognize the loading differences found at different locations. If WQS are being met, this requirement should not be imposed. This requirement creates a tremendous burden on permittees to determine annual loading from road/paved surfaces and then achieving a 25% reduction. Specifying a 25% reduction takes away from the local-decision making in the watershed planning activities. The existing watershed permit allows permittees to set their goals and priorities for their actions, but the MDEQ is now specifying what the priority will be. Permittees may expend significant resources doing calculations to determine annual loading and then proving reductions instead of implementing BMPs that have already proven to be effective.
40	Section A.4.a 8)c)(4) Pollution Prevention and Good Housekeeping  Roadways, Parking Lots and Bridges  <i>(Section A.4.a 7)c)(4) PP)</i>	There is no reason to require every permittee to perform the same research. It is overly prescriptive and is covered by 2 in this section.

*This document was prepared by the Alliance of Rouge Community Staff to aid in discussion between the MDEQ and the ARC communities. They incorporate recommended language from the SEM Counties, SEMCOG, the ARC communities, and a number of SEM professionals. The comments will not become final until they are endorsed by the ARC Executive Committee.*

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## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
41	Section A.4.a 8) d) Pollution Prevention and Good Housekeeping  Fleet Maintenance and Storage Yards  <i>(Section A.4.a 7)d) PP)</i>	<p>Requiring another plan in addition to a SWPPI, is cumbersome to a local or county government already facing very limited resources. We recommend that the requirements of the SWPPP be incorporated into a SWPPI for those entities that have fleet maintenance and storage yards. This would eliminate a requirement that will force permittees to expend resources to prepare a plan and documentation for activities that are already covered under the SWPPI in the current permit language.</p> <p>Additionally a Certificated Stormwater Operator should not be required as the SWPPI and NOI is the responsibility of the Stormwater Coordinator.</p>
42	Section A.4.a 8) e) Pollution Prevention and Good Housekeeping  Flood Control Projects  <i>(Section A.4.a 7)e) PP)</i>	<p>The draft permit adds additional requirements on flood control projects to inventory, determine the purpose and water quality impairments with discharges from the structure, and prioritize for retrofitting. Again, this requirement adds additional administrative burden with little water quality benefit, yet would use significant resources by the permittee. For example, this would require the inventory of hundreds of detention basins in many counties in Michigan. It would also require the inventory and assessment of over 75 dams in the Rouge Watershed. Retaining the "minimum treatment volume standard" for these dams is not feasible.</p>
43	Section A.4.a 8) f) Pollution Prevention and Good Housekeeping  Fertilizers, pesticides and herbicides	<p>Although it is generally understood that phosphorus can be a nonpoint source pollutant; the manner in which it is regulated and used should be determined by the permittee and their watershed partners, not by a one-size-fits-all solution.</p>
44	Section A.5.c. Wastewater Associated with Concrete	<p>This requirement relates to maintenance conducted on roads and paved surfaces. This requirement could potentially require permits for potholes repaired in the State of Michigan and is creating another layer of regulatory authority that is extremely cumbersome. Maintenance of roads is already covered under other good-housekeeping operations and this item should be removed.</p>

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## Alliance of Rouge Communities Specific Comments Supporting A Modified Watershed Permit

Note Number (#) Identified in Permit	Draft ARC Permit Section <i>(MDEQ Permit Section)</i>	Comments for Consideration
45	Section B.1.a 3) Joint Reporting Requirements	The goal is to meet WQS (not a TMDL). The permittee should be required to report on their progress and the MDEQ can determine if sufficient progress is being made by all dischargers to determine if the TMDL is sufficient. Clarification is needed in this section.
46	Section B.1.c 3) Annual Budget	While this requirement is only placed upon Phase 1 communities, it is unclear why the MDEQ is requesting how much money is being spent for compliance.
47	Section B.2.a 5) Water Quality Standards	This is impractical for urban discharges, particularly for E coli. Nearly all urban stormwater will violate the E coli WQS.
48	Section A Definitions	Remove – Not applicable to stormwater
49	Section E Activities Not Authorized by the Permit	This section precludes the use of infiltration devices.

**PERMIT NO. MIG610000**

**PUBLIC NOTICE DRAFT**



**ALLIANCE OF ROUGE COMMUNITIES  
MODIFIED WATERSHED PERMIT  
JANUARY 28, 2008**

# **STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

## **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ~~WASTE~~STORM WATER DISCHARGE GENERAL PERMIT**

### **Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) – Watershed General Permit**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18, storm water is authorized to be discharged from the municipal separate storm sewer systems (MS4s) of those permittees specified in individual "certificates of coverage" in accordance with conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (the "permit").

The applicability of this permit shall be limited to point source discharges of storm water from MS4 operators which have submitted complete notices of intent (NOI) for coverage under this permit. Discharges that may cause or contribute to a violation of a water quality standard, or that and have been determined by the Michigan Department of Environmental Quality (the "Department") to need an individual NPDES permit or coverage under the NPDES general permit "Storm Water Discharges from MS4s – Jurisdictional Permit," are not authorized by this permit. *(Note 1)*

In order to constitute a valid authorization to discharge, this permit must be complemented by a certificate of coverage (COC) issued by the Department. The items to be listed in the COC are identified on the following page.

Unless specified otherwise, all contact with the Department required by this permit shall be to the position indicated in the COC.

This permit shall take effect **April 1, 2008**.

The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part *(Note 2)* ~~during its term~~ in accordance with applicable laws and rules.

This permit shall expire at midnight, **April 1, 2013**.

Issued \_\_\_\_\_.

\_\_\_\_\_  
William Creal, Chief  
Permits Section  
Water Bureau

## PERMIT FEE REQUIREMENTS

In accordance with Section 324.3118 of the Michigan Act, the permittee shall make payment of an annual storm water fee to the Department for each ~~January 1~~ year the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by March 15 for notices mailed by February 1. The fee is due no later than 45 days after receiving the notice for notices mailed after February 1.

## CONTESTED CASE INFORMATION

The terms and conditions of this permit shall apply to an individual permittee on the effective date of a COC for the permittee. The Department of Labor and Economic Growth may grant a contested case hearing on this permit in accordance with the Michigan Act. Any person who is aggrieved by this permit may file a sworn petition with the State Office of Administrative Hearings and Rules of the Michigan Department of Labor and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Labor and Economic Growth may grant a contested case hearing on the COC issued to an individual permittee under this permit in accordance with Rule 2192(c) (Rule 323.2192 of the Michigan Administrative Code).

## ITEMS TO BE IDENTIFIED IN THE COC

The following will be identified in the COC:

- The watershed boundaries that are to be covered by a Watershed Management Plan (WMP), referred to as “regulated watersheds;”
- ~~Total Maximum Daily Loads (TMDLs)~~ **Impaired waters (Note 3)** ~~applicable to the receiving waters;~~
- The submittal date for the process or revised/updated process to facilitate the involvement of the watershed jurisdictions and the public [i.e., the Public Participation Process (PPP)] in the development and implementation of a WMP or revised/updated WMP;
- The submittal date for the WMP or revised/updated WMP;
- The submittal date for the Storm Water Pollution Prevention Initiative (SWPPI), which includes the Illicit Discharge Elimination Plan (IDEP) and the Public Education Plan (PEP), and an implementation schedule, or revisions/updates of the SWPPI and implementation schedule;
- The submittal date for **known** discharge point locations ~~(latitude and longitude)~~, **(Note 4)** and ~~associated storm water control structures and~~ **(Note 9)** municipal properties;
- Any nested jurisdictions for which the permittee is assuming responsibility for permit requirements;
- Any deferred areas for a portion of a permittee’s urbanized area; and
- The submittal date for joint reporting requirements and progress reports.

## PUBLIC PARTICIPATION IN A PROPOSED COC

Proposed COCs, their NOIs and other documents related to requests for coverage under this permit will be posted on the Department website for a period of fourteen days prior to issuance of each COC. Any person may file comments with the Department on these documents. Any person may request a public hearing on a proposed COC. The Department may reject as untimely any comments or public hearing requests filed after the fourteen-day public notice period.

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## PART I

### Section A. Effluent Limits and Monitoring

#### 1. Authorized Discharges

- a. Eligible Permittees  
Except as excluded below, any public body that has ownership or control of discharges through MS4s may be eligible for coverage under this permit.

A permittee may have, within its political or territorial boundaries, “nested” MS4s owned or operated by public bodies that include, but are not limited to, **other municipalities, (Note 5)** public school districts; public universities; or county, state, or federal agencies. If the permittee assumes responsibility for the permit requirements for the nested jurisdiction, including identification of the MS4 discharge points for the nested MS4, then the nested jurisdiction does not need to apply for an MS4 permit and the permittee is authorized for the MS4 discharges from the nested jurisdiction. Otherwise, the nested jurisdiction shall apply for a permit.

The Department will determine eligibility for coverage under this permit on a case-by-case basis. Coverage will be granted only if the Department determines there is a sufficient number of participating watershed partners to develop an effective WMP.

Non-governmental entities (such as individuals, private schools, private colleges and private universities, or industrial and commercial entities) are explicitly not eligible for coverage under this permit. However, these entities are encouraged to participate in WMP development and implementation within their watershed.

- b. Storm Water Discharges by the Permittee  
This permit authorizes the discharge of storm water from MS4s to the surface waters of the state, including discharges subject to TMDL requirements, provided the effluent requirements **(Note 6)** of Part I.A. of this permit are met. Only the discharges from MS4 discharge points identified in the **Notice of Intent (NOI)** for authorization to discharge under this permit and any updates to the list of MS4 discharge points submitted to the Department’s Water Bureau, Permits Section, are authorized by this permit.
- c. Discharges Authorized under other NPDES Permits  
This permit does not prohibit the use of the MS4 for discharges authorized under other NPDES permits or equivalent Department approval under the Michigan Act or the Federal Act.

#### 2. Discharge Point Requirements

- a. Discharge Point Location

The permittee shall identify the location of any ~~latitude and longitude of each known~~ storm water discharge points to the Waters of the State **(Notes 4& 7)** from the MS4 it owns or operates, ~~and shall submit the information in electronic list format, either as a spreadsheet or in GIS, **(Note 8)** to the Department’s Water Bureau, Permits Section, with the second progress report.~~ The list shall also include ~~the location and description of structural BMPs and **(Note 9)** municipal properties discharging through each discharge point, and the receiving waters for the discharge points. **(Notes 10)**, This requirement can be satisfied by providing the information in electronic list format or as an existing map of the separate storm water drainage system to the MDEQ. All additional information regarding the drainage system and known BMPs will be maintained by the permittee and be available to the MDEQ upon request.~~ Property locations may be provided as the address or as a shape file on GIS. Structural BMPs include, but are not limited to, vegetated swales, infiltration basins, sedimentation basins, and any other control owned or operated by the permittee to remove pollutants from storm water, but do not include storm water catch basins and associated sumps.

## PART I

## Section A. Effluent Limits and Monitoring

b. Discharge Point Labeling *(Note 11)*

The permittee shall promote a public reporting system such as a hotline phone number that the public can contact if they want to report a questionable discharge from an outfall.

~~The permittee shall provide permanent identification (e.g., label, color coding, or other identifying characteristic) for all visible major MS4 discharge points. Visible major MS4 discharge point structures include pipes, open ditches, and other structures discharging to surface waters of the state, that measure 36" or more at their widest cross section, and that are visible under normal daylight conditions as well as those that are visible when vegetation is dormant and when water levels are at a minimum. The permittee shall also provide permanent identification for its visible MS4 discharge point structures, of any size, that are built new or rebuilt after the effective date of this permit. Providing permanent identification of existing structures may be coordinated with required Illicit Discharge Elimination Program activities, but must be completed by the expiration date of this permit. Following the addition of permanent identification, the primary operator of the MS4 shall be readily identifiable by observation of the discharge point.~~

## c. New Discharge Point Notification

If the permittee becomes aware of or creates any MS4 discharge points which were not identified in the NOI, and wishes to seek authorization for them, the permittee shall provide the discharge point location to the waters of the state (Notes 7), ~~following information~~ to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773, as part of the annual report as updates to the NOI for coverage under this permit:

1) the discharge point location, ~~including latitude and longitude~~ *(Note 4)*,

*(Note 10)*

2) ~~the receiving water for the discharge, and~~

3) ~~any necessary updates to the map of the drainage area indicating the hydrologic boundary of the coverage area (originally submitted with the NOI).~~

These requirements can be satisfied by providing an updated map of the permittee's MS4.

## 3. PPP (Public Participation Process) and WMP (Watershed Management Plan)

The permittee shall participate in the development and implementation of a joint Watershed Management Plan (WMP). The purpose of the WMP is to identify and execute the actions needed to resolve water quality and quantity concerns by fostering cooperation among the various public and private entities in the watershed.

Those concerns related to Total Maximum Daily Loads (TMDLs) established within the watershed should be included in the WMP, and details for the actions specific to storm water controls needed to be consistent with the TMDL should be listed in the WMP (the Department recognizes that some of the actions required to meet the goals of some TMDLs may involve actions outside of the authorization of this general storm water permit).

a. PPP *(Note 12)*

People most affected by watershed management decisions should participate in the development and implementation of the WMP and shape key decisions. By the date specified in the COC, the process to facilitate the involvement of the watershed jurisdictions and the public (i.e., "the Public Participation Process") in the development of the WMP shall be submitted to the Department. A person, group, or agency responsible for coordinating the development of the WMP shall be identified. Where multiple permittees are responsible for

## PART I

### Section A. Effluent Limits and Monitoring

submittal of a WMP for the same watershed, one coordinated public participation process ~~shall~~may be submitted by all of the permittees (See Part I.A.3.c.)

Where a WMP and PPP already have been developed, in lieu of preparing a PPP, the existing PPP shall be revised and submitted as a joint plan to the Department by the date specified in the COC. The revision shall:

- focus on methods of educating the public on the needs and goals of the WMP and involving them in its updating and implementation;
- ensure that all stakeholders are ~~represented~~invited;
- include an updated timeline that reflects public involvement in revising and implementing the WMP; and
- include any additional changes reflective of current conditions (e.g., responsible parties, contact information, communication mechanisms, etc.)

The permittees shall participate in the implementation of the PPP or revisions to the PPP upon submittal.

b. Permittee Specific WMP requirements

The WMP shall cover the watershed(s) identified ~~on~~in the COC. By the date specified in the COC, the permittee shall submit the WMP or revised/updated WMP to the Department. Where multiple permittees are responsible for submittal of a WMP for the same watershed, one WMP shall be submitted on behalf of all the permittees. The permittees may submit a demonstration that no revision is needed if the demonstration is based on the “Methods for evaluation of effectiveness,” in Part I.A.3.b.7. of this permit and the triggers for revision in Part I.A.3.b.9. of this permit. (Note: the WMP requirement may be deferred until a later time for a portion of the permittee’s jurisdiction. The WMP shall not be deferred for the permittee’s entire urbanized area. Any portion of the jurisdiction that is deferred will be indicated on the COC.)

The permittee may choose to demonstrate that a watershed other than that specified on the COC is appropriate. This demonstration shall be submitted to the Department for approval.

The Department’s “Developing a Watershed Management Plan for Water Quality: An Introductory Guide” (February 2000) should be used as a guide in establishing a framework for the WMP. It is available on the Web at [www.michigan.gov/deqnpqs](http://www.michigan.gov/deqnpqs), then select: "Developing an Approvable Watershed Management Plan" under the Information and Education heading. Collectively, WMP participants should employ sound scientific data, tools, and techniques in an iterative decision making process.

The WMP, or revised WMP, as specified by the COC, should contain the following components:

- 1) A summary of the PPP
  - A description of how public input and comment were solicited
  - The roles and responsibilities of partners involved in the development and implementation of the WMP
- 2) An assessment of the nature and status of the watershed
  - A watershed map that clearly shows the watershed boundaries and the location of surface waters, and a description of the watershed, including such information as land use, predominant soil types, significant natural features, and hydrology
  - A list of the designated uses and whether or not they are being met
  - A description of the water quality threats and water quality impairments, if applicable, as they pertain to the designated uses
  - A list of desired uses for the watershed which are not directly tied to the designated uses or water quality. For example, installing a recreational trail along a river
  - A description of local programs, projects, and ordinances that currently impact water quality
  - Beneficial and/or Impaired uses identified in Area of Concern (AOC) or Remedial Action Plan (RAP) documents, where applicable

## PART I

### Section A. Effluent Limits and Monitoring

- 3) Identification of priority problems and opportunities
- Waterways included on the 303 (d) list
  - TMDLs established for a pollutant within the watershed
  - A description of the known or suspected cause of each threat or impaired use, including specific pollutants
  - A description of the sources of the pollutants causing the impairments or threats and those that are critical to control in order to meet water quality standards or other water quality goals (including a description of the source inventory and prioritization process)

Note: Information on approved TMDLs is available on the Internet at: [www.michigan.gov/deqwater](http://www.michigan.gov/deqwater); on the right side under “Quick Links” click on “Total Maximum Daily Load (TMDL) Assessment.” Other identified use impairments are available on the Web at: [www.michigan.gov/deqnpqs](http://www.michigan.gov/deqnpqs). Follow the Quick Link to Nonpoint Source Monitoring and Assessment, then Assessment of Michigan Waters, and then “Water Quality and Pollution Control in Michigan 2006 Sections 303(d), 305(b), and 314 Integrated Reports” under the Information banner.

- 4) Identification of goals and environmental objectives based on the condition or vulnerability of resources and the needs of the aquatic ecosystem and the people within the community
- A description of the long-term goals for the watershed (which should include both the protection of designated uses of the receiving waters as defined in Michigan's Water Quality Standards, ~~and attaining compliance with any TMDL established for a pollutant within the watershed that may be affected by storm water.~~ **(Notes 6 & 13)**)
  - A description of the measurable objectives for the watershed, working toward meeting the long-term goals
- 5) Specific management options and action plans
- A description of the actions needed to achieve measurable objectives and long-term goals for the watershed, including one or more of the following:
    - Best management practices needed, including physical improvements;
    - ~~Revisions needed or proposed to local zoning ordinances and other~~ land use management tools; **(Note 14)**
    - Information and educational activities;
    - Activities needed to institutionalize watershed protection.
  - A timeline for the actions identified above
- 6) Commitments to implement the action plan
- Identification of commitments, by specific permittee or others as appropriate, to implement actions by specified dates necessary to initiate achievement of the measurable objectives and long-term goals
  - ~~An assessment of the costs of implementing the actions identified above~~ **(Note 15)**
- 7) Methods for evaluation of effectiveness
- Identification of methods for evaluation of progress, which may include:
- Chemical water quality monitoring, such as nutrients
  - Physical water quality monitoring, such as temperature, erosion indices or streamflow
  - Biological indicators such as insects, habitat, and fish
  - Photographic or visual evidence, such as before and after photos
  - Compilation of the number and location of best management practices (BMP) implemented
  - Pollutant loading reduction measurements
  - Public surveys, such as baseline and follow-up surveys, to evaluate changes in knowledge and behavior
  - Focus groups, to determine effectiveness of project activities

## PART I

## Section A. Effluent Limits and Monitoring

- 8) Identifying disagreements
- Significant components of the WMP that do not have complete agreement of the participants shall be detailed in an appendix to the WMP [including a description of the WMP component, identification of participants who disagreed with the component, reasons for disagreement, and suggested or planned alternatives (if appropriate)].
  - A permittee who receives a COC under this permit after the WMP is completed shall document any disagreements in a letter to the person, group, or agency coordinating development/oversight of the WMP, which shall be included in an appendix to the WMP.

- 9) Plan revision or update

Description of the procedures that will be used to revise/update the WMP, that, at a minimum, should consider:

- Identifying the party(ies) responsible for revising/updating the WMP
- Delineating a schedule of events needed to revise/update the WMP in accordance with the due date specified on the COC
- Identifying the triggers for revision such as:
  - The WMP does not meet the criteria ~~of for WMP as detailed in~~ Part I.A.3.b.1-8.;
  - ~~only short term objectives were included in the WMP, which have been completed or need revising;~~ **(Note 16)**
  - permittee specific commitments in the WMP have expired;
  - ~~additional watershed concerns are discovered, TMDLs are developed, or the concerns or TMDLs are not included in the WMP;~~ **(Note 17)**
  - evaluation of the WMP indicates that modifications are needed to achieve goals, objectives, etc. **(Note 18);**
    - ~~significant changes in land use or a large increase in impervious area in the watershed (e.g., significant change in agricultural/woodland areas to residential);~~
    - ~~no revisions were made in the last permit cycle. This should trigger a revision/update in this permit cycle unless the permittee can demonstrate that the existing WMP is sufficient to make continued progress in the watershed water quality.~~

- c. Joint Requirements

Watershed planning requires permittees to work jointly on the following requirements of this permit:

- developing a comprehensive WMP that includes the information identified in this Part;
- maintaining a public participation process throughout development and implementation of the WMP; and
- updating/revising the WMP as necessary

Failure to complete joint requirements could result in the Department requiring a ~~general permit without watershed planning~~ **Jurisdictional Permit** or an individual permit. With the exception of the discharge point requirements in Part I.A.2 of this permit and the SWPPI requirements in Part I.A.4. of this permit, the Department will rely upon and encourage voluntary and collaborative efforts of the watershed stakeholders for implementation of the WMP.

~~A key component of a WMP is the identification of undesirable impacts on the receiving water caused by wet weather discharges from MS4s and the measures necessary to mitigate the impacts. Because this is also the goal of a SWPPI (see Part I.A.4. of this permit) permittees are encouraged to draw upon applicable WMP actions to fulfill SWPPI requirements.~~

Every community participating in a Watershed Based Permit will submit a Storm Water Pollution Prevention Initiate (SWPPI) for approval to the MDEQ. The community specific activities identified in the SWPPI are the responsibility of the submitting community. Failure to complete the SWPPI activities within the time identified in the SWPPI can constitute a violation of the permit. (Note 19)

- d. Multiple Watershed Plans

The term “Watershed Management Plan” or “WMP” as used in this permit may refer to a single plan, or multiple plans for the permittee that has more than one.

## PART I

### Section A. Effluent Limits and Monitoring

Where full participation in multiple watershed (or subwatershed) advisory groups by one permittee may be difficult because of limitations on staff and resources, the permittee may identify a “primary watershed” and concentrate their efforts there. For the remaining “secondary” watershed(s) the permittee shall, at a minimum:

- 1) Be involved in the Public Participation Process
- 2) Share the necessary information regarding the assessment of the watershed in their jurisdiction
- 3) Review actions in the WMPs
- 4) Certify in the progress reports that the permittee reviewed the WMPs
- 5) If applicable, include details of disagreements to WMP components, to be included in an appendix to the WMP

For the “primary watershed” the permittee shall do all of the above and also actively participate in watershed or subwatershed meetings.

If the permittee begins operation of a new MS4 within a watershed that is not listed on the COC, the permittee shall submit an update of the MS4 discharge point list, ~~including the latitude and longitude of the new discharge point(s)~~, (**Note 4**) to the Department’s Water Bureau, Permits Section to identify the new MS4 discharge points and to have the watershed listed on the COC.

If a permittee’s jurisdiction spans multiple watersheds but it does not own or operate MS4s in all of those watersheds, then the watersheds where the permittee owns or operates MS4s within an urbanized area shall be identified on the COC as its “regulated watersheds,” unless the permittee and the Department agree to have other watersheds identified. The Department encourages the permittee to be involved in watershed activities within its jurisdiction for watersheds that are not listed on the COC.

## 4. SWPPI (Storm Water Pollution Prevention Initiative)

### a. SWPPI Submission

- 1) Standard Requirements

By the date specified in the COC, the permittee shall submit a SWPPI or revised/updated SWPPI to the Department for approval (**Note 19**). The SWPPI shall:

- be designed to meet the SWPPI requirements as detailed in Part I.A.4.b. of this permit;
- include those actions to be implemented over the term of this permit, which shall include the standard SWPPI requirements in this part or proposed alternative approaches in accordance with Part I.A.4.a.2. of this permit;
- include an implementation schedule for the actions identified above. All actions shall be implemented (i.e., put into action, operation, service or practice) over the term of this permit unless ~~the permittee has a shortened permit term and~~ the Department agrees to another schedule;
- be designed and implemented to carry out actions as follows in areas where WMPs exist during the permit term:
  - All applicable SWPPI actions (Part I.A.4.b. of this permit) and discharge point requirements (Part I.A.2 of this permit), shall be implemented where the permittee owns or operates MS4s.
  - In addition, public education (Part I.A.4.b.2. of this permit) and post construction storm water management requirements (Part I.A.4.b.4. of this permit) shall be implemented across a watershed (**Note 20**) where the following occur:
    - a WMP exists,
    - the permittee has jurisdiction, and
    - the permittee owns or operates an MS4 within the urbanized area covered by the WMP.
- be designed and implemented to carry out actions in accordance with Part I.B.A.4.b.7. of this permit in areas where WMPs are deferred.

## PART I

### Section A. Effluent Limits and Monitoring

- identify methods for determining the effectiveness of the SWPPI actions to be implemented. Evaluation of effectiveness at the watershed level is encouraged.

For the convenience of a single implementation document, the permittee may wish to list all WMP actions in the SWPPI document. Any WMP actions included in the SWPPI that are not necessary to meet the standard requirements in Part I.A.4.b. of this permit must be clearly denoted as "voluntary WMP actions", and placed in an appendix to the SWPPI. Otherwise these actions will be considered enforceable effluent limitations.

The permittee shall implement the SWPPI (or revisions) upon ~~submittal~~approval (*Note 19*).

#### 2) Alternative Approaches

Permittees that are interested in alternative approaches are strongly encouraged to collaborate with their watershed partners to seek innovative watershed based alternatives for meeting SWPPI requirements, where allowed in the permit.

Alternative approaches may be submitted for approval for any of the standard SWPPI requirements in Part I.A.4.b.2. of this permit, except were restricted by the permit and noted below. Alternatives shall be submitted with the SWPPI, by the SWPPI submittal date identified in the COC. The permittee is encouraged to collaborate with the Department on alternative approaches prior to SWPPI submittal.

The permittee shall implement alternative approaches upon approval from the Department or within 90 days of submittal, whichever comes first. The Department may deny an alternative approach, or request that it be modified before approval. If the permittee is notified that an alternative approach is denied, ~~or~~ the requested modifications to the alternative are not completed satisfactorily within six (6) months of SWPPI submittal, or some other date set by the Department; then the permittee shall revise the SWPPI to replace the alternative with the applicable standard permit requirement(s), and begin implementation of those standard requirements within 90 days of notification from the Department:

Alternative approach submittals shall include clearly defined methods for evaluating their effectiveness, and a description of why the alternative approach will be at least as effective as the standard permit requirement.

Approved alternative approaches become part of the SWPPI. Failure to comply with an approved alternative approach or to implement the alternative by the expiration of the COC issued under this permit is a violation of this permit.

#### 3) Department Approval ~~Reopener~~

Upon submittal of the SWPPI, ~~t~~The Department may notify the permittee of concerns with the SWPPI meeting permit requirements and request modification of the SWPPI to address specific concerns. The permittee shall be given 90 days to address the specific concerns, unless a longer timeframe is agreed to by the Department.

The Department may modify permit coverage for the permittee, including requiring a different ~~general~~ permit ~~jurisdictional permit~~, or an individual permit pursuant to Part I.B.4. of this permit.

#### b. SWPPI Contents

The submitted SWPPI shall, at a minimum, include actions to address the following standard requirements:

##### 1) Watershed Management Plan (Note 21)

The SWPPI shall include the actions required of the permittee in the WMP in accordance with the dates specified, taking into account any specific disagreements to the WMP which were provided by the permittee and included in the appendix to the WMP. (Note: if the WMP requirement has been deferred until a later time, as indicated on the certificate of coverage, the SWPPI shall initially be developed without consideration of the WMP.)

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2) ~~TMDL (Total Maximum Daily Load)~~ Achieving Water Quality Standards (Note 22)

The department recognizes that implementation of the watershed management plan and SWPPI activities will make progress toward meeting water quality standards as noted in the permittee's COC. The permittee or a group of permittees shall implement a monitoring program that includes monitoring 303(d) listed waters to determine the effectiveness of permittee activities and develop a strategy for future implementation.

The identified activities shall be included in the second progress report. Implementation shall occur during the 5-year permit cycle that begins in 2013.

~~———— The SWPPI shall identify and prioritize actions to reduce pollutants in storm water discharges from the MS4 to be consistent with the TMDL approved by the U.S. Environmental Protection Agency (EPA), as identified in the COC issued under this permit.~~

~~If the permittee intends to take actions to be consistent with a TMDL through a joint plan with other permittees in the watershed, a joint plan may be submitted in addition to the SWPPI. The plan shall detail how pollutant reductions will be achieved jointly across the watershed to be consistent with the TMDL.~~

~~In addition, the following specific actions shall be taken by the permittee:~~

~~a) ——— For MS4 discharges to waterbodies that are covered by a TMDL for the pollutant E. coli; the permittee shall conduct the following activities:~~

~~(1) ——— Within three years of COC issuance, the permittee shall take at least one representative sample of a storm water discharge from at least 50% of the major discharge points within the urbanized area. (Stormwater implies wet weather sampling — very costly, very variable.) A major discharge point is a pipe or open conveyance measuring 36 inches or more at its widest cross section. The sample shall be analyzed for E coli, at a minimum.)~~

~~(2) ——— The permittee shall retain these results as of all self monitoring, and report them in the second progress report.~~

~~(3) ——— The permittee shall use these results and other available information to develop and prioritize actions to reduce the discharge of E coli to be consistent with the TMDL. These prioritized actions shall be reported to the Department in the second progress report.~~

~~(4) ——— In the event that the permittee already has information and a plan for prioritizing and controlling the discharge of consistent with the TMDL, that plan may be submitted as an alternative approach to Parts I.A.4.b.1.a.1-3. of this permit. Alternatives for this approach standard requirements under Part I.A.4.b.3. of this permit (Illicit Discharge Elimination Program).~~

~~b) ——— For MS4 discharges to waterbodies that are covered by a TMDL for the pollutant Total Phosphorus, the permittee shall conduct the following activities:~~

~~(1) ——— Within three years of COC issuance, the permittee shall take at least one representative sample of a storm water discharge from at least 50% of the major discharge points within the urbanized area. A major discharge point is a pipe or open conveyance measuring 36 inches or more at its widest cross section. The sample shall be analyzed for Total Phosphorus, at a minimum. (~~

~~(2) ——— The permittee shall retain these any results as from self monitoring, and report them in the second progress report.~~

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~~(3) The permittee shall use these results and other available information to develop and prioritize actions to reduce the discharge of Total Phosphorus to be consistent with the TMDL. These prioritized actions shall be reported to the Department in the second progress report.~~

~~(4) In the event that the permittee already has information and a plan for prioritizing and controlling the discharge of Total Phosphorus consistent with the TMDL, that plan may be submitted as an alternative approach to Parts I.A.4.b.1.b.1-3. of this permit. Alternatives for this approach do not include standard requirements under Part I.A.4.b.3. of this permit (Illicit Discharge Elimination Program).~~

~~2)3~~ **Monitoring (Note 23)**

The permittee shall develop and implement a monitoring program to help evaluate the effectiveness of the overall activities in meeting water quality standards and determine priority areas for future implementation activities. The monitoring program shall be based on known water quality deficiencies identified as priorities in the watershed plan and incorporated into the SWPPI. Use of existing data is encouraged.

The design of the monitoring program will be based on such factors as: 303(d) listed waters, TMDL findings, priorities in the watershed plan, results from IDEP, and availability of existing monitoring data.

The permittee shall keep a record of monitoring results and submit them in the permittee's progress report. Permittees working on a watershed-based monitoring program may report progress and record information as a watershed. The results of the monitoring program shall be used in determining activities to be consistent with any TMDL as noted in the COC. These activities shall be reported in the second progress report, with implementation beginning in 2013.

**4) PEP (Public Education Plan)- May be submitted as a stand-alone plan.**

The permittee shall submit a PEP or updates to an existing PEP to comply with these permit requirements. The PEP shall promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water ~~to the maximum extent practicable (Note 24).~~ PEP alternatives may involve combining with or coordinating existing programs for public stewardship of water resources, but shall address the topics in Part I.A.4.b.2.a. of this permit (below), as applicable. Pollution prevention shall be encouraged.

- a) ~~The PEP shall be developed and evaluated in accordance with "Public Education Plan (PEP) Guidance" which is available on the internet at [www.michigan.gov/deqstormwater](http://www.michigan.gov/deqstormwater) under Information; select "Municipal Program / MS4 Permit Guidance."~~ A PEP developed and evaluated in accordance with the Department's PEP Guidance shall accomplish education of the public on the following topics as appropriate **(Note 25):**

Note: The PEP can be developed in accordance with "Public Education Plan (PEP) Guidance" which is available on the internet at [www.michigan.gov/deqstormwater](http://www.michigan.gov/deqstormwater) under Information; select "Municipal Program / MS4 Permit Guidance."

- (1) responsibility and stewardship in their watershed;
- (2) the location of MS4 catch basins and the surface waters of the state that could be impacted by pollutants discharged to the MS4;
- (3) public reporting of illicit discharges or improper disposal of materials into MS4s
- (4) the effects and need to minimize the amount of residential, or non-commercial, wastes washed into MS4s including
  - preferred cleaning materials and procedures for car, pavement, and power washing;

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- acceptable application and disposal of pesticides, herbicides, and fertilizers; and
  - proper disposal practices for grass clippings, leaf litter, and animal wastes that get flushed into MS4s and surface waters of the state;
- (5) availability, location and requirements of facilities for disposal or drop-off of household hazardous wastes, travel trailer sanitary wastes, chemicals, yard wastes, and motor vehicle fluids;
  - (6) proper septic system care and maintenance and how to recognize system failure;
  - (7) the benefits of using native vegetation instead of non-native vegetation;
  - (8) methods for managing riparian lands to protect water quality; and
  - (9) additional pollutants unique to commercial, industrial, and institutional entities as the need is identified. ~~At minimum, commercial food services, primarily restaurants, shall be educated to prevent grease and litter discharges to MS4s.~~ **(Note 26)**

b) The PEP shall describe a method for determining the effectiveness of the public education program.

**5) IDEP (Illicit Discharge Elimination Plan)**

*May be submitted as a stand-alone plan.*

The permittee shall submit an IDEP or updated/revised IDEP to comply with these permit requirements. The permittee shall develop, implement and enforce a program to prohibit and effectively eliminate ~~illicit discharges, including~~ discharges of sanitary seepage and controllable illicit discharges, to MS4s. **(Note 27)** Illicit discharges are not authorized by this permit.

Alternative approaches for the IDEP shall not be allowed for the following general requirements:

- ~~An ordinance or other regulatory method for controlling discharges in the MS4 (Part I.A.4.b.3.a. of this permit);~~ **(Note 28)**
- Identification of ~~areas prioritized for field screening or other investigation methods (Part I.A.4.b.3.b.1. of this permit);~~ stream segments listed on the 303(d) list or for which a TMDL is completed. **(Note 29)**
- Procedures for eliminating controllable illicit discharges and pursuing enforcement action and the development of a system to track the elimination status of illicit discharges and enforcement actions (Part I.A.4.b.3.b.4. of this permit);
- A program to train staff (Part I.A.4.b.3.c. of this permit);
- A method for determining the effectiveness of the illicit discharge elimination program (Part I.A.4.b.3.d. of this permit).

Alternative approaches may be allowed for certain specifics of these general requirements, for example, training needs and type may be varied depending on the experience level of the people being trained.

~~At a minimum, the IDEP shall include the requirements of Parts I.A.4.b.3.a-d. of this permit (below) unless an alternative approach is approved by the Department:~~

- a) ~~An ordinance and program, or other regulatory mechanism where an ordinance is not feasible or appropriate, to prohibit and effectively eliminate illicit discharges into the MS4 owned or operated by the permittee, and implement appropriate enforcement actions. At a minimum, the ordinance or other regulatory mechanism shall: (~~
  - (1) ~~regulate the contribution of pollutants to the MS4 owned or operated by the permittee, including the pollutants in discharges of non-storm water that do not need to be prohibited (below);~~
  - (2) ~~prohibit illicit discharges, including the direct dumping or disposal of materials into the MS4 owned or operated by the permittee;~~

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~~(3) — establish authority to investigate, inspect, and monitor suspected illicit discharges into the MS4 owned or operated by the permittee;~~

~~(4) — require and enforce elimination of illicit discharges and connections into the MS4 owned or operated by the permittee; and **(Note 30)**~~

Non-Storm Water Discharges

The following non-storm water discharges are not authorized in this document, but do not need to be prohibited by the permittee in accordance with Part I.A.4.b.3.a.2. of this permit (above), unless they are identified as significant contributors of pollutants to the regulated separate storm water drainage system:

- ~~Wastes from wild animals (e.g. Raccoons, squirrels, geese, etc.)~~
- water line flushing, discharges from potable water sources;
- landscape irrigation runoff, lawn watering runoff, irrigation waters;
- diverted stream flows, flows from riparian habitats and wetlands;
- rising groundwaters, springs;
- uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005(20));
- pumped groundwaters (except for groundwater cleanups not specifically authorized by NPDES permits), foundation drains, water from crawl space pumps, footing drains and basement sump pumps;
- air conditioning condensates;
- waters from non-commercial car washing;
- residual street wash waters
- discharges or flows from emergency fire fighting activities; and
- residential swimming pool waters and other dechlorinated swimming pool waters without untreated filter backwash. A swimming pool operated by the permittee shall not be discharged to a separate storm sewer or to surface waters of the State without specific NPDES permit authorization from the Department.

b) A program to find and eliminate illicit connections and illicit discharges to the MS4 from commercial, industrial, private educational, public, and residential sources. Unless the Department approves an alternative approach, the program to find illicit discharges and illicit connections shall include:

(1) Identification of areas prioritized by the permittee for field screening or other investigation methods for the purpose of maximizing the detection and elimination of illicit discharges. ~~Prioritization shall consider the criteria in Table 1. Highest priority criteria are generally listed toward the top of the table, but a permittee’s priority order may vary and some criteria may not be applicable. **(Note 31)**~~

**Table 1**

<b>Prioritization Criteria</b>	<b>Characteristics of the criterion that describe why it is an area of concern</b>
<del>Poor Dry Weather Water Quality</del>	<del>Areas where TMDLs have been developed to address pollutants that could originate from illicit discharges or where available data show dry weather water quality criteria are exceeded two or more times in a year are high priorities.</del>
<del>Density of Aging On-Site Disposal Systems (OSDS)</del>	<del>Older septic systems that have exceeded their design life may have failure rates of 25-30% or more. Areas where the OSDS designs would not be permitted today because of poor soils or small lot sizes but where older OSDS are still in operation have a high illicit discharge potential.</del>
<del>Aging or Failing Sewer Infrastructure</del>	<del>Areas where sewer age exceeds its design life; and where clusters of pipe breaks, spills, overflows, or infiltration and inflow are known problems should be given a high priority.</del>
<del>Discharge</del>	<del>Any MS4s owned or operated by the permittee with a history of discharge complaints should be</del>

*This draft document was prepared by the Alliance of Rouge Community Staff to aid in discussion between the MDEQ and the ARC communities. They incorporate recommended language from the SEM Counties, SEMCOG, the ARC communities, and a number of SEM professionals. The comments will not become final until they are endorsed by the ARC Executive Committee.*

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Complaints and Reports	given a high priority.
Age and Density of Industrial Operations	Older industrial operations often have floor drains, waste handling areas, grey water, and sanitary facilities connected to storm sewers. Industrial areas also commonly have storm water pollutants related to poor housekeeping practices, so a higher density of industrial operations increases the likelihood of contaminated discharges.
Age of Development	Areas where the average age of the majority of the development exceeds 50 years should be given a higher priority.
MS4 Discharge Point Density	A density of more than 20 of the permittee’s MS4 discharge points per stream mile (include both sides of the stream) indicates a high illicit discharge potential. Count just the discharge points that discharge directly to a surface water of the state.
Sewer Conversion Areas	Areas where sanitary sewers were added in the last 30 years and people switched from septic systems have a high potential for illicit taps of sanitary water to MS4s.
Historic Combined Sewer Systems	Sewer systems that were once combined but were subsequently separated where oversight was undocumented have a high illicit discharge potential.
Type of Commercial Activity	Businesses not regulated by industrial storm water permits, especially those that handle liquids, including oils and greases (e.g., auto maintenance, food service, and carpet cleaners) may remain unaware of storm water pollution concerns from improper waste disposal and “hopper juice” from the trash bins and compactors they operate.
Other Potential Pollutant Generating Sites	Conditions unique to the permittee’s jurisdiction should be considered.

(2) **(Note 32)** A plan ~~and-or~~ procedures to ~~perform dry weather screening~~ **identify illicit discharges** of each MS4 discharge point to the waters of the state at a minimum of every five (5) years unless the permittee submits an alternative plan for approval. Alternatives should be based on the identification of priority areas in Table 1, and shall demonstrate that other methods for identifying illicit connections and illicit discharges will be at least as effective as dry weather screening every 5 years.

At a minimum, dry weather screening shall include observations of MS4 discharge point flows and receiving water characteristics including: water clarity, color, and odor; presence of suds, oil sheens, sewage, floatable materials, bacterial sheens, algae, slimes; staining of the banks, and unusual vegetative growth. MS4 discharge structures shall be observed for unusual vegetative growth, staining, undocumented connections and integrity of the structure.

If flow is observed from the MS4 discharge point, then a field analysis of the dry weather discharge shall, at a minimum, include: pH, ammonia, surfactants, and temperature. Visual observation, odor, or other sensory characteristics are subjective analyses that do not, by themselves, qualify as alternative approaches.

(3) If an illicit discharge is detected, the source shall be confirmed by one or more of the following methods: indicator parameter sampling which may include chemical and bacterial sampling; dye testing; video testing; smoke testing; documented visual observation or physical indicators; homeowner surveys and surface condition inspections for on-site sewage disposal systems; and drainage area investigations. The discharge of tracer dyes shall be authorized in accordance with Part 1.A.5.a. of this permit.

(4) Procedures for eliminating illicit discharges and pursuing enforcement action, including responding to spills and emergency situations. The procedure shall specify measures for expeditious response to, and elimination of, each identified illicit discharge, spill, and emergency situation. If not already existing, the permittee shall develop a system to track the elimination status of illicit discharges and enforcement actions. The system shall also track confirmation that illicit connections are removed and the discharge permanently ceased. The permittee shall make records associated with this activity available to the Department upon request

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*This draft document was prepared by the Alliance of Rouge Community Staff to aid in discussion between the MDEQ and the ARC communities. They incorporate recommended language from the SEM Counties, SEMCOG, the ARC communities, and a number of SEM professionals. The comments will not become final until they are endorsed by the ARC Executive Committee.*

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- c) A program to train staff employed by the permittee in activities that may affect storm water (**Note 33**), including those involved in illicit discharge related activities and those who have field jobs with the potential for witnessing illicit discharges and connections. At a minimum, the training shall include the following:
- (1) the definition of illicit discharge, illicit connection, and sanitary seepage;
  - (2) techniques for finding illicit discharges, including field screening, source identification, and recognizing illicit discharges and connections;
  - (3) methods for eliminating illicit discharges and proper enforcement response; and
  - (4) proper procedures for responding to spills and emergency situations (**Note 34**)
  - (5) a training schedule and requirement for initial training of appropriate staff, with refresher training every 3-years permit period
- d) The IDEP shall describe a method for determining the effectiveness of the illicit discharge elimination program.

**6) Post-Construction Storm Water Control for New Development and Redevelopment Projects**  
**(Note 35)**

The development, implementation, and enforcement of a comprehensive storm water management program for post-construction controls for areas of new development and significant redevelopment. The goal is to protect the designated uses in the receiving water from the effects commonly associated with urbanization. These effects include: “flashiness” (higher peak flows and lower base flows), stream-bank erosion, increased stream temperature and pollutant load, reduced bank vegetation, and degraded fish and other aquatic habitats. These controls shall have associated requirements for their long-term operation and maintenance to retain the level of water quality protection over time. Standards under this program shall include, at a minimum, treatment volume standards, channel protection criteria, and flood control volume as well as enforcement mechanisms with record keeping. The permittee shall retain records associated with this activity as retained self monitoring in accordance with Part II.C.3 of this permit.

A description and/or copy of the Post Construction Ordinance or regulatory mechanism to be implemented shall be included in the SWPPI.

~~The permittee shall develop, implement and enforce standards through an ordinance or other regulatory mechanism to control storm water at new and redeveloped sites after construction is complete, to include the following general requirements:~~

- ~~• a minimum treatment volume standard (Part I.A.4.b.4.a. of this permit) to minimize water quality impacts;~~
- ~~• channel protection criteria (Part I.A.4.b.4.b. of this permit) to prevent resource impairment resulting from flow volumes and rates;~~
- ~~• operation and maintenance requirements;~~
- ~~• enforcement mechanisms with record keeping procedures;~~
- ~~• the requirements of a TMDL for pollutants other than E. coli, if applicable; and (recognition that the E coli limits are impossible—Does this require Phosphorous limits on fertilizers?)~~
- ~~• a requirement for the project developer to write and implement site plans which shall incorporate the requirements of Part I.A.4.b.4. of this permit.~~

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~~The permittee shall retain records associated with this activity as retained self monitoring in accordance with Part II.C.3. of this permit. Alternative approaches are not allowed for these general requirements unless stated otherwise.~~

~~These standards shall apply at the site level to storm water runoff generated on new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more. For a city, village, or township, design standards shall be established and enforced by ordinance, except where an alternative regulatory mechanism is approved by the Department. Other forms of municipal government shall establish appropriate regulatory mechanisms as authorized. A description of the post construction ordinance or regulatory mechanism to be implemented shall be included in the SWPPI. When available, a copy of the post construction ordinance or regulatory mechanism shall be included in the SWPPI.~~

~~The permittee's structural storm water BMP design standards shall meet a *minimum treatment volume standard* and the *channel protection criteria*, as listed in a) and b) below, except where the following conditions are met and are described in a submittal with the permittee's SWPPI:~~

- ~~• applicable local regulatory mechanisms for water quality treatment and/or stream channel protection existed before the permittee received a COC under this general permit;~~
- ~~• an alternative approach, such as design criteria based on low impact development (LID), that provides an equivalent or greater level of water quality and stream channel protection, and is approved by DEQ; or~~
- ~~• consistency with a TMDL requires a more restrictive standard.~~

~~a) The *minimum treatment volume standard* shall be either:~~

~~(1) One inch of runoff from the entire site; or~~

~~(2) The calculated site runoff from the 90 percent annual non-exceedance storm for the region or locality, according to (a) or (b) below, respectively.~~

~~(a) The statewide analysis by region for the 90-Percent Annual Non-Exceedance Storms is summarized in a MDEQ memo dated March 24, 2006, which is available on the Internet at: [www.michigan.gov/degstormwater](http://www.michigan.gov/degstormwater); under Information; select "Municipal Program/MS4 Permit Guidance," then go to the Storm Water Control Resources heading; or~~

~~(b) The analysis of at least 10 years of local published rain gauge data following the method in the memo "90-Percent Annual Non-Exceedance Storms" cited above. This approach is subject to approval by the Department.~~

~~— Treatment methods shall be **designed** on a site-specific basis to achieve the following:~~

- ~~• a minimum of 80% removal of total suspended solids (TSS), as compared with uncontrolled runoff, and~~
- ~~• discharge concentrations of TSS not to exceed 80 milligrams per liter (mg/l).~~

~~A minimum treatment volume standard is not required where site conditions are such that TSS concentrations in storm water discharges will not exceed 80 mg/l.~~

~~b) The *channel protection criteria* are defined as the controls necessary to maintain post-development site runoff volume and peak flow rate at or below existing levels for all storms up to the 2-year, 24-hour event. "Existing levels" means the runoff flow volume and rate for the last land use prior to the planned new development or redevelopment.~~

~~(1) An acceptable source of rainfall data for calculating runoff volume and peak flow rate is: *Rainfall Frequency Atlas of the Midwest*, Huff & Angel, NOAA Midwest Climate Center and Illinois State Water Survey, 1992.~~

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~~(2) Methods for estimating pre and post development runoff shall follow curve number evaluations as described in Computing Flood Discharges For Small Ungaged Watersheds, dated July 2003, which is available on the Internet at: [www.michigan.gov/deqstormwater](http://www.michigan.gov/deqstormwater); under Information; select "Municipal Program/MS4 Permit Guidance," then under "Storm Water Control Resources" select "Guidance for Calculating Runoff Volume and Peak Flow Rate."~~

~~(3) The permittee shall request approval from the Department to use other rainfall data sources and runoff models.~~

~~(4) Channel protection criteria shall not be required for the following water bodies:~~

~~(a) Great Lakes or connecting channels of the Great Lakes~~

~~(b) Rouge River downstream of the Turning Basin~~

~~(c) Saginaw River (The entire Saginaw River?)~~

~~(d) Mona Lake and Muskegon Lake in Muskegon County;~~

~~(e) Lake Macatawa and Spring Lake in Ottawa County.~~

~~e) All structural and vegetative BMPs installed as a requirement under Part I.A.4.b.4. of this permit shall include a plan for maintaining maximum design performance through long term operation and maintenance (O & M). The permittee shall develop, track, and enforce a program, through the ordinance or other regulatory mechanism, to ensure long term O & M plans for the *water quality treatment and channel protection* controls the permittee requires. (A new costly requirement)~~

#### **7) Construction Storm Water Runoff Control**

The Department has deemed Part 91 of the Michigan Act and Michigan's Permit by Rule (Rule 323.2190) to be qualifying local programs for the control of wet weather discharges from construction activities that result in land disturbance of greater than or equal to one acre, or disturb less than one acre that is part of a larger common plan of development or sale. A qualifying local program provides control for soil erosion, off site sedimentation, and other construction related wastes, consistent with federal Phase 2 storm water control requirements for MS4 permittees.

#### ***(Note 36)***

To assure adequate protection of the MS4, the permittee shall develop and implement the following:

~~a) A procedure to notify the Part 91 permitting entity and the Department when soil, sediment, or other construction related wastes, including but not limited to: discarded building materials, concrete truck washout, chemicals, lubricants, fuels, litter, and sanitary waste; are discharged into the regulated MS4 in violation of Section 9116 of Part 91 of the Michigan Act and Michigan's Permit by Rule at R 323.2190(2)(a). If the permittee suspects the discharge may endanger health or the environment the violations shall be reported in accordance with Part I.B.2.a. of this permit.~~

~~b) A procedure to ensure that preliminary site plans adequately allow space for future soil erosion and sedimentation controls, as applicable.~~

~~c) A procedure for receipt and consideration of complaints or other information submitted by the public regarding construction activities discharging wastes to the MS4.~~

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#### **68) Pollution Prevention and Good Housekeeping Activities for Municipal Operations**

Municipal operations cover a wide variety of activities and land uses that are potential sources of storm water pollutants. These include but are not limited to roadways; parking lots; transportation and equipment garages; fueling areas, warehouses; stockpiles of salt and other raw materials; open ditches and storm sewers; turf and landscaping for all municipal properties including parks; and waste handling and disposal areas.

The permittee shall develop, implement, and ensure compliance with a program of operation and maintenance of BMPs with the ultimate goal of minimizing pollutant runoff from municipal operations to the maximum extent practicable. The permittee is encouraged to use BMP guidance and training materials that are available from federal, state or local agencies, or other organizations.

Alternative approaches for Parts I.A.4.b.6.c.2, and I.A.4.b.6.e.-f. (below) may be submitted for approval by the Department.

The program shall meet the following requirements:

#### a) Employee/Contractor Training *(Note 37)*

The permittee shall provide training to appropriate staff on topics that affect the water quality entering the MS4, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, and any other activity included in the standard requirements of Part I.A.4.b.6.b-f. (below). Training topics shall be determined by the permittee, working with the watershed group. Timing for training shall include the following:

- for existing employees and contractors, one (1) training session prior to the expiration of this permit;
- for new employees, one (1) training session during the first year of employment; and
- for employees of new contractors, provide guidance materials such as local pollution control specifications, or training, before they perform work for the permittee.

#### b) Structural Storm Water Control Effectiveness

Structural storm water controls including but not limited to, vegetated swales, infiltration basins, sedimentation basins, bioretention facilities, or any controls owned or operated by the permittee to remove pollutants from storm water shall have routine maintenance, and maintenance schedules adequate to maintain pollution removal effectiveness at design performance, and to assure that the controls are maintained in a condition (e.g., adequately stabilized, seeded, intact) to prevent the discharge of pollutants to surface waters of the state.

#### *(Note 38)*

(1) The permittee shall include “maintenance activities, maintenance schedules, and inspection procedures for storm water structure controls to reduce pollutants (including floatables) in discharges from the permittee’s separate storm water drainage system”. ~~inspect all structural storm water controls at a frequency appropriate for the BMP design and site conditions following MDEQ guidance for minimum inspection frequencies, when available. If no inspection frequencies are available, the permittee shall establish inspection frequencies in the SWPPI. Where alternative inspection frequencies are proposed by the permittee, the permittee shall provide the Department with justification for the proposed inspection frequencies in the SWPPI.~~

(2) Wastes removed from a catch basin sump or other parts of an MS4 shall not be discharged directly to surface waters. The permittee shall describe and implement procedures to dispose of the following materials in accordance with Part 111 (hazardous waste, Part 115 (solid waste), and Part 121 (liquid industrial waste) of the Michigan Act: operation and maintenance waste such as dredge spoil, accumulated sediments, floatables, and other debris the permittee removes from the MS4.

(3) ~~When the permittee adds, upgrades, or rehabilitates facilities or structural controls for pollution treatment or removal, it shall design and install the controls based on the treatment volume standard,~~

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~~channel protection criteria, and requirements for operation and maintenance established under Part I.A.4.b.4.~~

## c) Roadways, Parking Lots, and Bridges

(1) The permittee shall construct, operate and maintain its streets, roads, highways, parking lots and other permittee owned or operated infrastructure in a manner so as to reduce the discharge of pollutants into the MS4 and surface waters of the state, including pollutants resulting from snow removal practices.

**(Note 39)**

(2) The permittee shall include “controls for reducing or eliminating the discharges of pollutants from streets, roads, highways, parking lots, and maintenance garages”. reduce the runoff of total suspended solids (TSS) from all of its paved surfaces to the maximum extent practicable. Permittees can choose from activities such as: street sweeping, catch basin cleaning, filtration/infiltration devices, leaf pick up, and improved sand application methods. The selected measures will be based on cost, effectiveness in removing pollutants, and water quality conditions. The degree of implementation may vary within the jurisdiction.

~~Permittees that do not currently implement practices to reduce their annual TSS loading from paved surfaces to surface waters by 25%, as compared to annual loading from runoff with no suspended solids controls, shall identify actions necessary to achieve that level of load reduction. The identified actions shall be described in the first progress report, along with a schedule for achieving the 25% TSS discharge reduction during the 5-year permit cycle that begins in 2013. Permittees who currently achieve that level of annual TSS reduction shall describe, in the SWPPI, how it is accomplished and tracked.~~

~~Reductions may be achieved by any combination of pollution prevention (e.g., improved materials handling, or altered land uses or traffic patterns), removal (cleaning streets and catch basins), or treatment (settling filtration or infiltration). Permittees are encouraged to collaborate with their watershed partners to seek watershed-based alternative approaches for meeting the TSS reduction goal.~~

~~Reductions of sediment from activities otherwise regulated or prohibited, such as sediment track-out or runoff from construction sites, shall not be counted toward the TSS reduction goal.~~

(3) Salt and sand applied for improved traction shall be prevented from entering MS4s and receiving streams to the maximum extent practicable. Good housekeeping shall be required at salt and sand storage facilities to eliminate discharge of salt and sand from these areas. The permittee shall also comply with the salt storage requirements of Part 5 Rules (Rules 324.2001 to 324.2009 of the Michigan Administrative Code).

(4) The permittee shall investigate and implement appropriate best management practices to control dust and suspended solids in runoff from unpaved roads and parking lots. **(Note 40)**

(5) The permittee shall not use coal tar emulsions to seal asphalt surfaces.

## d) Fleet Maintenance and Storage Yards

**(Note 41)**

~~(1) A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for all municipal fleet maintenance and storage yards in accordance with the following sections of the Department’s Industrial Storm Water Operator Training Manual:~~

- ~~• SWPPP Development~~
- ~~• Inspections, and~~
- ~~• Plan Updates and Annual Reports.~~

~~The manual is available on the Internet at:~~

~~[http://www.michigan.gov/documents/deq/wb\\_storm\\_Industrial\\_SW\\_Manual\\_198899\\_7.pdf](http://www.michigan.gov/documents/deq/wb_storm_Industrial_SW_Manual_198899_7.pdf)~~

## PART I

### Section A. Effluent Limits and Monitoring

~~or at: [www.michigan.gov/deqstormwater](http://www.michigan.gov/deqstormwater); select “Industrial Program” and then “Training Manual” under “Industrial Facility Certified Operator Manual & Exam Schedule.”~~

~~The MS4 owner or operator shall have a certified storm water operator in accordance with Part II.D.2 of this permit to oversee storm water controls at all facilities with SWPPPs. Alternative approaches are not allowed for the SWPPP and the certified storm water operator.~~

~~(2) The permittee’s SWPPI shall identify its fleet maintenance and storage yard facilities (including those for nested jurisdictions, if applicable), and shall indicate if a SWPPP has been developed for each facility and if it is implemented under the supervision of a certified storm water operator.~~

~~(3) The completed SWPPP shall be signed by the facility manager and certified storm water operator, and retained on site at the facility that generates the storm water discharge. The permittee shall retain the SWPPP, reports, log books, storm water discharge sampling data (if collected), and supporting documents as retained self monitoring in accordance with Part II.C.3. of this permit.~~

(4) Fleet maintenance activities include, but are not limited to, adding or changing vehicle fluids including fuel, lubrication, mechanical repairs, parts degreasing, and vehicle or equipment washing. Discharge of vehicle or maintenance facility wash water is not authorized by this permit. Vehicles and equipment shall be maintained for clean and effective operation to prevent impacts on storm water quality.

(5) The permittee shall also investigate, select or design, and implement appropriate BMPs to prevent the discharge of pollutants to the MS4 from the storage, collection, transport, and disposal of refuse by the permittee or for the permittee under contract.

e) Flood Control Projects

To improve water quality from existing flood control structures (e.g., detention basins, dams, and drainage projects) or new flood control structures that are not associated with development or redevelopment under Part I.A.4.b.4. of this permit, which are owned or operated by the permittee, the permittee shall:

***(Note 42)***

~~Identify “ways~~ Develop procedures to “to ensure that new flood management projects assess and address the impacts on the water quality of the receiving waters and, whenever possible, examine existing water quantity structures for incorporation of additional water quality protection devices or practices”

~~(1) Identify existing water quantity and flood control structures~~

~~(2) Determine the purpose of each structure~~

~~(3) Determine surface water quality impairments associated with discharges from the structure, and prioritize the structure for retrofitting~~

~~(4) Whenever possible, retrofit the structure(s) based on the identified impacts and the prioritized determination in (3), above~~

(5) Design, construct, and maintain new flood control structures in accordance with ~~to meet the minimum treatment volume standard in accordance with~~ the requirements for Post-Construction Storm Water Management Program for New Development and Redevelopment Projects in Part I.A.4.b.4. of this permit.

## PART I

### Section A. Effluent Limits and Monitoring

- (f) Fertilizers, Pesticides and Herbicides

**(Note 43)**

The permittee shall minimize the discharge of pollutants related to the storage, handling, and use of pesticides, herbicides, and fertilizers on land that the permittee manages. BMPs required under this measure include:

- (1) a process to train employees and contractor on the proper storage, handling, and use of pesticides, herbicides, and fertilizers before they handle or apply them;
- (2) ~~use of fertilizers appropriate to the soil conditions; use of only phosphorus free fertilizers or fertilizers with the lowest phosphorus content available for turfgrass. Phosphorus may be added to turfgrass only if soils are tested for nutrients (nitrogen/phosphorus/potassium) every 4 years and a need for phosphorus is demonstrated. Phosphorus fertilizers shall be applied to lands that the permittee owns or operates only as prescribed in the soil test results;~~
- (3) a program to minimize storm water impacts from all of the permittee's managed vegetated areas.

**9) Program Assessment**

The SWPPI shall include methods of assessing progress in storm water pollution prevention.

**10) Implementation Schedule**

Provide a detailed estimated implementation schedule identifying the years and frequency, if applicable, that the permittee will implement the actions that have been committed to.

**11) SWPPIs Requirements for Deferred Watershed Planning**

If the WMP has been deferred for urbanized areas where the permittee owns or operates MS4s, as indicated on the COC, the permittee's submitted SWPPI shall include requirements for those urbanized areas not covered by the WMP. Concerns related to a TMDL approved for the deferred watershed shall be identified in the SWPPI, along with a description of storm water controls needed to be consistent with the TMDL, and schedules for implementation.

- c. Facility Contact Person

The permittee shall identify a facility contact person to act as a storm water program manager responsible for overseeing compliance with the requirements of this permit. The facility contact person may be replaced at any time, and the permittee shall notify the Department within ten days after the replacement.

- d. Retention of Records

The latest approved version of the SWPPI shall be retained until at least three years after coverage under this permit terminates. All records and information resulting from the assessment of SWPPI effectiveness shall be retained for a minimum of three years or longer if requested by the Department or the Regional Administrator.

## 5. Discharges Requiring Separate Authorizations

- a. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes within the waters of the state without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department.

- b. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Water additives include any material that is added to water discharged through the MS4 to condition or treat the water.

## PART I

### Section A. Effluent Limits and Monitoring

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Bureau, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department. Instructions to submit a request electronically may be obtained via the Internet (<http://www.michigan.gov/deq> and on the left side of the screen click on Water, Water Quality Monitoring, Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- 1) Material Safety Data Sheet;
- 2) the proposed water additive discharge concentration;
- 3) the discharge frequency (i.e. number of hours per day and number of days per year);
- 4) the monitoring point from which the product is to be discharged;
- 5) the type of removal treatment, if any, that the water additive receives prior to discharge;
- 6) product function (i.e., microbiocide, flocculant, etc.);
- 7) a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*); and
- 8) the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section by telephone at 517-335-4184 or via the Internet at the address given above to determine if the Department has the product toxicity data required by items 7) and 8) above. If the Department has the data, the permittee will not need to submit product toxicity data.

- c. Wastewater Associated with Concrete  
The permittee shall not discharge to surface waters of the state any wastewater generated from cutting, grinding, drilling or hydrodemolition of concrete without authorization under an NPDES wastewater discharge permit.

**(Note 44)**

## PART I

### Section B. Program Assessment and Reporting

#### 1. Progress Reports

By the dates indicated on the COC, progress reports shall be submitted to the Department on the implementation status of this permit and the progress of pollution prevention. The progress reports shall cover all of the decisions, actions, and results performed as part of this permit during the period since the last report, or since the effective date of the permit if no report was previously submitted.

At a minimum, the progress reports shall cover the following subjects:

- a. **Joint Reporting Requirements**  
Where permittees are responsible for submittal of a joint WMP for the same watershed, one report shall be submitted on behalf of all the permittees, to include the following information about joint activities conducted by all permittees for the joint WMP and PPP for the watershed:
  - 1) **WMP**  
    - a) Permittees who developed a joint WMP under a former general permit with Watershed Planning shall:
      - Identify in a report, by the date specified on the COC, what is necessary to revise/update the existing joint WMP to meet requirements of Part I.A.3.b. of this permit.
      - Provide, by the date specified on the COC, the implementation status of the existing joint WMP.
    - b) Permittees required to develop a new joint WMP under this permit shall submit the WMP with the first progress report by the date specified on the COC.
  - 2) **PPP**  
Describe the PPP activities that have occurred in support of WMP development and/or implementation since the previous progress report. The description shall include an overall evaluation of effectiveness of activities and steps to remedy inadequate public participation (if identified).
  - 3) **Watershed-Wide ~~TMDL~~ Activities**  
Describe progress on a plan to make progress towards meeting the ~~TMDL~~-WQS through joint watershed-wide activities, if applicable with particular emphasis on stream segments listed on the 303(d) list and for which a TMDL has been completed. (Note 45)
  - 4) **Watershed-Wide Alternative Approaches**  
An alternative approach implemented on a watershed basis may be accompanied by a joint report of its effectiveness.
- b. **Permittee Specific Reporting Requirements**  
The permittee shall provide progress reports with the following information (A joint report accompanying item a. above will meet this requirement provided it includes the following information):
  - 1) **Discharge Point Location**  
In the second progress report, provide a listing of MS4 discharge point locations to the waters of the state and other information associated with the discharge points in accordance with Part I.A.2.a. of this permit.
  - 2) **MS4 Changes**  
Provide updated information in accordance with Part I.A.2.c. of this permit on the discovery or addition of new MS4 discharge points to the waters of the state on an annual basis. The information provided constitutes an addendum to the NOI for coverage under this permit.
  - 3) **SWPPI**

## PART I

### Section B. Program Assessment and Reporting

- a) Describe the compliance status of the SWPPI actions and implementation schedules for the permittee's regulated areas. This review shall cover all of the permittee's commitments under the SWPPI, and shall include the IDEP and PEP if those plans are separate from the SWPPI.
  - b) Provide monitoring data and describe the actions prioritized to minimize pollutants consistent with a TMDL, if applicable, under Part I.A.4.b.1. of this permit.
  - c) Provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated.
  - d) Describe any changes and/or proposed revisions to the SWPPI, and the IDEP and PEP if separate from the SWPPI.
  - e) Provide actions and schedules for TSS reduction in accordance with Part I.A.4.b.6.c.2. of this permit.
  - f) Provide contact information for any certified storm water operators added under Part I.A.4.b.6.d. of this permit since the last report or SWPPI submittal.
  - g) If there are urbanized areas with a deferred WMP, describe the status of any additional SWPPI actions for any areas with a deferred WMP. If necessary, update both the characterization of the watershed(s) in the deferred area, and the comparison to the watershed(s) covered by the WMP. The permittee shall update any additional actions that have been included in the SWPPI as a result of any significant discrepancy between deferred watersheds and watersheds with WMPs.
- 4) **Evaluation of Effectiveness**  
Describe the effectiveness of all actions and the methods for these determinations.
- a) For the PEP, provide a summary of the evaluation of the PEP's overall effectiveness, using the evaluation methods prescribed in the PEP.
  - b) For the IDEP, in addition to evaluating its effectiveness, provide documentation of the actions taken to eliminate illicit discharges. For significant illicit discharges (i.e., discharges which the permittee knows or has reason to believe may endanger health or the environment) the permittee shall summarize the total estimated volume and pollutant load eliminated for the main pollutant(s) of concern, and the location(s) of the discharge(s) into both the permittee's separate storm water sewer system and the receiving water.
- 5) **WMP Implementation**  
The permittee may report any voluntary actions that contributed to the implementation of the WMP or progress toward meeting measurable objectives in the WMP.
- 6) **Other Actions**  
The permittee shall submit any information annually for ~~any~~ other actions taken to reduce the discharge of pollutants in storm water.
- 7) **Nested MS4 Agreements**  
If applicable, the permittee shall identify any nested jurisdictional agreements that were not identified in previous progress reports or permit applications.
- c. **Special Reporting Requirements**  
The operator of a large or medium separate storm sewer system who was permitted under Phase 1 of the federal storm water regulations shall also submit the following information:
- 1) **Environmental Impacts [40 CFR 122.42(c)(7)]**  
The permittee shall provide an assessment of the pollution reduction and probable receiving water quality impacts associated with program implementation. When applicable, a statement shall be included regarding any negative

## PART I

### Section B. Program Assessment and Reporting

water quality impacts that may have occurred as a result of any illicit discharges or accidental spills during the report cycle.

2) Revised Fiscal Analysis [40 CFR 122.42(c)(3)]

The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit, pursuant to permit application requirements [40 CFR 122.26(d)(2)(vi)].

3) Annual Budget [40 CFR 122.42(c)(5)]

The permittee shall provide the previous reporting cycle's expenditures and proposed budget for the reporting cycle following the report. **(Note 46)**

## 2. Notification Requirements

a. Regulated Discharges into the MS4

The permittee shall notify the Department, verbally, within 24 hours of becoming aware of any discharges to the MS4 that the permittee suspects may endanger health or the environment if the discharges are from facilities/sites that are not complying or will be unable to comply with the following:

- 1) requirements of an NPDES permit, including an individual permit, a general permit, or the Permit-by-Rule for storm water discharges from construction sites;
- 2) requirements of a State of Michigan permit for soil erosion and sedimentation control pursuant to Part 91 of the Michigan Act;
- 3) requirements of a State of Michigan permit for discharge of liquid wastes to groundwater pursuant to the Michigan Act;
- 4) requirements of Part 5 Rules for polluting materials (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); or
- 5) the Water Quality Standards **(Note 47)**

Notification should include (if known) the name of the regulated discharger, location of the discharge into the MS4 and location of the MS4 discharge point for that portion of the system, nature of the discharge and the pollutants, clean-up and recovery measures taken or planned. If the notice is provided after regular working hours call the Department of Environmental Quality's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706. Non-compliance as described above that does not pose imminent danger to health or the environment, shall be reported by the permittee, either verbally or in writing, within five (5) days of the time the permittee becomes aware of it.

b. Non-Compliance Notification

The permittee shall submit written documentation to the Department ~~within five (5) days~~ **annually** of having knowledge of any reason the permittee is not complying with or will be unable to comply with any condition specified in this permit. Written documentation shall include the following information:

- 1) a description of the circumstances, including the type of noncompliance;
- 2) the period of noncompliance (if known), including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncompliance; and

## PART I

### Section B. Program Assessment and Reporting

3) for illicit discharges to the system, the estimated volume of discharge, a description of the type of pollutants in the discharge, the location of the discharge into the system, the location of the MS4 discharge point from which the discharge enters surface waters of the state, identification of the parties responsible for the discharge, if known, and the facility or the construction site from which the discharge originated, if known.

### 3. Expiration and Reissuance

On or before October 1, 2012, a permittee seeking continued authorization to discharge under this permit beyond the permit's expiration date shall submit to the Department a written request containing such information, forms and fees as required by the Department. Without an adequate request, a permittee's authorization to discharge will expire on April 1, 2013. With an adequate request, a permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the request unless this permit is terminated or revoked.

If this permit is terminated or revoked, all authorizations to discharge under the permit shall expire on the date of termination or revocation.

If this permit is modified, the Department will notify the permittee of any required action. Without an adequate response, a permittee's authorization to discharge will terminate on the effective date of the modified permit. With an adequate response, a permittee shall be subject to the terms and conditions of the modified permit on the effective date of the modified permit unless the Department notifies the permittee otherwise.

### 4. Requirement to Obtain an Individual Permit

The Department may require any person who is authorized to discharge by a COC and this permit, to apply for and obtain an individual NPDES permit if any of the following circumstances apply:

- a. the discharge is a significant contributor to pollution as determined by the Department on a case-by-case basis;
- b. the discharger is not complying or has not complied with the conditions of the permit;
- c. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of waste applicable to the point source discharge;
- d. effluent standards and limitations are promulgated for point source discharges subject to this permit; and
- e. the Department determines that the criteria under which the permit was issued no longer apply.

Any person may request the Department to take action pursuant to the provisions of Rule 2191 (Rule 323.2191 of the Michigan Administrative Code).

**PART I**

**Section C. Compliance Schedule Summary**

Table 2 summarizes the compliance schedules for this permit. The permit is designed to follow the schedules shown, but actual compliance schedules may vary, and are listed in the permittee’s COC issued under this permit.

**TABLE 2: Approximate Compliance Schedule for the Certificate of Coverage (COC)**

PERMIT REQUIREMENT	SUBMITTAL	DUE TO MDEQ	IMPLEMENTATION
Joint Public Participation Plan (PPP) revision/update submittal (not by each permittee)	Six (6) months after the effective date of the certificate of coverage (COC).	Revised/Updated Joint PPP (Part I.A.3.a.)	Upon submittal
SWPPI Revision/Update submittal (including IDEP and PEP)	One (1) year after the effective date of the COC	SWPPI revisions/updates that include all requirements from Part I.A.4. or proposed alternatives.	Implement standard requirements upon submittal and alternatives upon approval or 90 days after submittal
Joint report on WMP updates/revisions needed (not by each permittee)	Two (2) years after the effective date of the COC	Report of the identified needs to update/revise the WMP (Part I.B.1.a.1.a)	Begin revisions/updates of WMP based on the needs identified
Progress Reports	Two (2) years and four (4) years after the effective date of the COC	Permittees progress made since last report (Part I.B.1.b.)	
Discharge Point Location	Four (4) years after the effective date of the COC	Listing of lat/long, associated properties, and structural BMPs for all known discharge points (Part I.A.2.a)	
Joint report on status of WMP implementation (not by each permittee)	Four (4) years after the effective date of the COC	Summary of all actions carried out under the WMP developed under the last permit (Part I.B.1.a.1.a)	
Joint WMP revision/update submittal (not by each permittee)	Four (4) years after the effective date of the COC. Include with 2 <sup>nd</sup> progress reports.	Revised/Updated Joint WMP according to Part I.A.3.b.	As determined by the watershed partners
<p>Where a new WMP is initiated under this permit, the first-time WMP submittal shall be approximately two (2) years after the effective date of the COC. The schedules for first-time submittal and implementation of all other plans shall be the same as the schedules for revised or updated plans (above).</p>			

*This draft document was prepared by the Alliance of Rouge Community Staff to aid in discussion between the MDEQ and the ARC communities. They incorporate recommended language from the SEM Counties, SEMCOG, the ARC communities, and a number of SEM professionals. The comments will not become final until they are endorsed by the ARC Executive Committee.*

## PART II

### Section A. DEFINITIONS

This list of definitions may include terms not applicable to this permit. (*Note 48*)

~~Acute toxic unit (TU<sub>A</sub>) means 100/LC<sub>50</sub> where the LC<sub>50</sub> is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.~~

**Best management practices (BMPs)** means structural devices or non-structural practices that are designed to prevent pollutants from entering into storm water flows, to direct the flow of storm water, or to treat polluted storm water flows.

~~Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field measured BAF or a BAF derived using the biota sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field measured BAF or a laboratory measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.~~

~~Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to; scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.~~

~~Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.~~

~~Chronic toxic unit (TU<sub>C</sub>) means 100/MATC or 100/IC<sub>25</sub>, where the maximum acceptable toxicant concentration (MATC) and IC<sub>25</sub> are expressed as a percent effluent in the test medium.~~

~~Class B Biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.~~

~~Daily concentration is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the permit, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).~~

~~For pH, report the maximum value of any individual sample taken during the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs and the minimum value of any individual sample taken during the month in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. For dissolved oxygen, report the minimum concentration of any individual sample in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

**Daily loading** is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

**Department** means the Michigan Department of Environmental Quality.

## PART II

### Section A. DEFINITIONS

~~Detection Level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.~~

**Discharge point** means the end of a permittee's separate storm water conveyance where storm water discharges from the MS4 it owns or operates. Discharges may be to any conveyance not owned or operated by the permittee, including, but not limited to, surface waters of the state and separate storm sewers.

~~EC<sub>50</sub> means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.~~

**Effluent Limitation** means any restriction on quantities, rates, and concentrations of chemical, physical, biological, and other constituents discharged from point sources.

~~Fecal coliform bacteria monthly is the geometric mean of the samples collected in a calendar month (or 30 consecutive days). The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

~~Fecal coliform bacteria 7 day is the geometric mean of the samples collected in any 7 day period. The calculated 7 day value will be used to determine compliance with the maximum 7 day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7 day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

**Flow Proportioned sample** is a composite sample with the sample volume proportional to the effluent flow.

**Grab sample** is a single sample taken at neither a set time nor flow.

~~IC<sub>25</sub> means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.~~

**Illicit discharge** means any discharge (or seepage) to the MS4 that is not composed entirely of storm water, uncontaminated groundwater, or discharges identified in Part I.A.4.b.3.a.. Examples of illicit discharges include, but are not limited to, dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, or animal wastes, (Municipalities have no control over wild animal waste yet they are required under this permit to eliminate this source) or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste into an MS4.

**Illicit connection** means a physical connection to the MS4 that 1) primarily conveys illicit discharges into the MS4 or 2) is not authorized or permitted by the local authority (where a local authority requires such authorization or permit).

~~Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference.]~~

~~LC<sub>50</sub> means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.~~

## PART II

### Section A. DEFINITIONS

~~Land Application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.~~

~~MGD means million gallons per day.~~

~~Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.~~

**Maximum extent practicable:** The Maximum Extent Practicable (MEP) requirement shall be met by adherence to the applicable effluent limitations of this permit in a manner that is environmentally beneficial, technically feasible, and within the permittee's legal authority. The measure of pollutant removal through compliance with effluent limitations established in a SWPPI as a whole, rather than individually, shall be sufficient to meet the MEP requirement.

~~Monthly concentration is the sum of the daily concentrations determined during a reporting month (or 30 consecutive days) divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

~~For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

~~Monthly frequency of analysis refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.~~

~~Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined in the reporting month (or 30 consecutive days). The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMRs.~~

**Municipal separate storm sewer system (MS4)** means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, drain district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the federal act that discharges to waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

~~National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.~~

~~No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.~~

~~Noncontact Cooling Water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by product, waste product or finished product.~~

## PART II

### Section A. DEFINITIONS

~~Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.~~

**On-site sewage disposal system (OSDS)** means a natural system or mechanical device used to collect, treat, and discharge or reclaim wastewater from one or more dwelling units without the use of community-wide sewers or a centralized treatment system.

~~POTW is a publicly owned treatment works.~~

**Partially treated sewage** is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's National Pollutant Discharge Elimination System permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

**Point source** means a discharge point from an MS4 to surface waters of the state, or a point where an MS4 discharges into a system operated by another entity.

~~Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.~~

**Public** means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

~~Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.~~

~~Quarterly frequency of analysis refers to a three-month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.~~

**Redevelopment** means the alteration of developed land that changes the footprint of the site or building, or offers a new opportunity for storm water controls. The term is not intended to include such activities as exterior remodeling, which would not be expected to cause adverse storm water quality impacts.

**Regional Administrator** is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

**Regulated areas** means urbanized areas and areas identified by the permit applicant to be subject to a watershed planning process.

**Sanitary Seepage** means infiltration into the MS4 of sanitary wastewater which has leaked from public or private sewerage systems, which also includes onsite sewage disposal systems such as septic tanks and drain fields.

**Separate storm sewer** means a conveyance or system of conveyances designed or used for collecting or conveying storm water; which is not a combined sewer; and which is not part of a publicly owned treatment works as defined at 40 CFR 122.2.

**Separate storm sewer system** means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

- The system is not a combined sewer where storm water mixes with sanitary wastes.

## PART II

### Section A. DEFINITIONS

- The system is not part of a publicly owned treatment works.

~~Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).~~

**Storm water** includes storm water runoff, snow melt runoff, and surface runoff and drainage.

**Surface waters of the state** are defined consistent with the Part 4 Rules (Rules 323.1041 through 323.1117 of the Michigan Administrative Code) to mean all of the following, but not including drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

- The Great Lakes and their connecting waters,
- All inland lakes,
- Rivers,
- Streams,
- Impoundments,
- Open drains, and
- Other surface bodies of water within the confines of the state.

~~Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.~~

~~Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.~~

~~Toxicity Reduction Evaluation (TRE) means a site specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.~~

**Treatment** means the removal of pollutants through settling, filtration, infiltration, or the equivalent.

**Urbanized area** means a place and the adjacent densely populated territory that together have a minimum population of fifty thousand (50,000) people, as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

**Water Quality Standards** means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

~~Weekly frequency of analysis refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.~~

~~Yearly frequency of analysis refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.~~

~~24 Hour Composite sample is a flow proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24 hour period.~~

## PART II

### Section A. DEFINITIONS

~~3-Portion Composite sample is a sample consisting of three equal volume grab samples collected at equal intervals over an 8-hour period.~~

~~7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.~~

~~7-day loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during any 7 consecutive days in a reporting month. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.~~

## PART II

### Section B. MONITORING PROCEDURES

#### 1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

#### 2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

#### 3. Instrumentation

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

#### 4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

#### 5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years or longer if requested by the Regional Administrator or the Department.

## PART II

### Section C. Reporting Requirements

#### 1.—Start-up Notification

~~If the permittee will not discharge during the first 60 days following the effective date of the permittee's COC, the permittee shall notify the Department within 14 days following the effective date of the COC, and then 60 days prior to the commencement of the discharge.~~

#### 2.—Submittal Requirements for Self-Monitoring Data

~~Part 31 of Act 451 of 1994, as amended, specifically Section 324.3110(3) and Rule 323.2155(2) of Part 21 allows the department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring" the permittee shall submit self-monitoring data via the Michigan DEQ Electronic Environmental Discharge Monitoring Reporting (e2-DMR) system.~~

~~The permittee shall utilize the information provided on the e2-Reporting website @ <http://secure1.state.mi.us/e2rs/> to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the department no later than the 20<sup>th</sup> day of the month following each month of the authorized discharge period(s).~~

#### 3.—Retained Self-Monitoring Requirements

~~If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department (Department as defined on the COC). Retained self-monitoring results are public information and shall be promptly provided to the public upon written request from the public.~~

~~The permittee shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.~~

~~Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee.~~

~~Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.~~

#### 4.—Additional Monitoring by Permittee

~~If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated. (This requirement causes municipalities to hesitate to take samples outside of their permit required monitoring.)~~

## PART II

### Section C. Reporting Requirements

~~Monitoring required pursuant to Part 41 of the Michigan Act or Rule 35 of the Mobile Home Park Commission Act (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.~~

#### ~~5. Compliance Dates Notification~~

~~Within 14 days of every compliance date specified in this permit, the permittee shall submit a written notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.~~

#### 6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, and related regulations and rules is required. All instances of noncompliance shall be reported ~~as follows~~ on an annual basis:

- ~~a. 24-hour reporting—Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.~~
- ~~b. other reporting—The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.~~

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

#### 7. Spill Notification

The permittee shall immediately report any release under their jurisdiction of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the COC, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release to their jurisdiction, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

#### ~~8. Upset Noncompliance Notification (Not Required in this Permit)~~

~~If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the~~

**PART II****Section C. Reporting Requirements**

~~Department by telephone within 24 hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:~~

- ~~a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;~~
- ~~b. that the permitted wastewater treatment facility was, at the time, being properly operated; and~~
- ~~c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.~~

~~In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.~~

~~9. Bypass Prohibition and Notification (Not Required in this Permit)~~

- ~~a. Bypass Prohibition Bypass is prohibited unless:
  - ~~1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~
  - ~~2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and~~
  - ~~3) the permittee submitted notices as required under 9.b. or 9.c. below.~~~~
- ~~b. Notice of Anticipated Bypass If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.~~
- ~~c. Notice of Unanticipated Bypass The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated in the COC (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.~~
- ~~d. Written Report of Bypass A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.~~

## PART II

### Section C. Reporting Requirements

~~e. — Bypass Not Exceeding Limitations — The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. of this permit.~~

#### ~~f. — Definitions~~

~~1) — Bypass means the intentional diversion of waste streams from any portion of a treatment facility.~~

~~2) — Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.~~

### **10.8. Notification of Changes in Discharge**

The permittee shall notify the Department annually, in writing, ~~within 10 days of knowing, or having reason to believe, that~~ of any activity or change ~~has that~~ occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the COC for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

### ~~11. — Changes in Facility Operations~~

~~Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.~~

### ~~12. — Bioaccumulative Chemicals of Concern (BCC)~~

~~Consistent with the requirements of Rules 323.1098 and 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.~~

### **13.9. Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for

## PART II

### Section C. Reporting Requirements

the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

## PART II

### Section D. Management Responsibilities

#### 1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the permittee's COC. The discharge of any pollutant identified in this permit and/or the permittee's COC more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit and the permittee's COC. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit or the permittee's COC constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

#### 2. Operator Certification

The permittee shall have the storm water treatment and control facilities under direct supervision of ~~an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act~~ the storm water coordinator. (Note 42)

#### 3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. ~~Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.~~

#### ~~4. Power Failures~~

~~In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:~~

- ~~a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or~~
- ~~b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.~~

#### 5.4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

#### 6.5. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the Michigan Act.

## PART II

### Section D. Management Responsibilities

#### **7.6. Waste Treatment Residues**

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

#### **8.7. Right of Entry**

The permittee shall allow the Department, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

#### **9.8. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

## PART II

### Section E. Activities Not Authorized by This Permit

#### ~~1.~~ **Discharge to the Groundwaters**

~~This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the Michigan Act. (Note 49)~~

#### ~~2.~~9. **Facility Construction**

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Bureau, Michigan Department of Environmental Quality. Approval for such construction for a hospital, nursing home or extended care facility shall be from the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services upon request.

#### ~~3.~~10. **Civil and Criminal Liability**

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

#### ~~4.~~11. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

#### ~~5.~~12. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Federal Act.

#### ~~6.~~13. **Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environmental Quality permits, or approvals from other units of government as may be required by law.

## **Resolutions**

Charter Township of Bloomfield  
Charter Township of Plymouth  
City of Wixom  
Charter Township of Redford  
City of Novi  
Charter Township of West Bloomfield  
City of Walled Lake  
City of Melvindale  
City of Farmington Hills  
City of Livonia  
City of Wayne  
Village of Beverly Hills  
City of Northville  
Village of Lake Orion  
City of Lathrup Village  
City of Orchard Lake Village  
City of Huntington Woods  
City of Riverview  
Village of Franklin  
Superior Charter Township  
City of Rochester Hills  
Village of Bingham Farms  
City of Dearborn Heights  
City of Pontiac  
City of Inkster