

MDEQ MS4 NPDES Permit Stakeholder Group Meeting
July 19, 2011
Meeting Summary

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Opinion statements are identified by italics.

Introduction/Overview Items

- There were about 50 people in attendance including permittees, consultants and MDEQ staff.
- The meeting was led by Peter Ostlund and Phil Argiroff (MDEQ Water Resources Div.).
- Purpose of the meeting is to continue to discuss permittee concerns/suggestions on the Treatment Technology Requirements. Specifically the Post Construction Controls, Construction Storm Water Control and the Pollution Prevention/Good Housekeeping requirements.

Comments/discussion on material distributed with meeting notice

None

Comments on June meeting notes

None

Further comments on Topics from June meeting

The issue of orphan drains was raised and discussed. Various scenarios to address orphan drains were discussed. Michigan Drain Code procedures exist to incorporate as a county drain or properly transfer maintenance responsibilities. *How to address this issue probably will be on a case by case and permittee by permittee basis.*

Post Construction Control for New Development and Redevelopment

Concerns Raised

- Storm water post construction controls have resulted in MDOT adopting a policy of “no net increase” of storm water runoff into their system from new developments. Some Road Commissions are following suit and refusing to accept “new storm water” into their systems from new developments.
- Storm water post construction controls are creating inequity between regulated and non-regulated communities making unregulated areas more attractive for traditional (environmentally unfriendly) developments to take place.
- The lack of authority for most County’s to pass storm water regulations/ordinances was expressed.
- “Place” within the watershed and “scale/impact” should matter. The requirement should be to “minimize the impacts of storm water runoff on the water resource” and not prescribe a uniform requirement/standard for each development.

Proposed Solutions

- Flexibility should exist to allow for post construction storm water controls to be implemented to “minimize the impacts of storm water on the local water resources”.
- Permittees expressed a desire that credits be given for offsite mitigation (storm water controls), particularly for brownfield redevelopment projects. The ability to implement regional storm water management systems rather than small individual project detention systems should exist.
- On-site green infrastructure/low impact development activities should also be given clearer credit for achieving water quality and volume protection.
- Post construction storm water controls should be expanded into CSO areas.
- *The language within the 2008 Permit could be workable provided MDEQ staff remain flexible to local approaches.*

Construction Storm Water Control

Concerns Raised

- 2008 Permit language gave the impression that materials (solid waste items) beyond Part 91 authorities (sediment) were to be regulated under the storm water permit.
- Discussion was held on the 2008 Permit language and permittees asked for clarification on confusing reporting requirements.

Pollution Prevention/Good Housekeeping

Concerns Raised

- Integration of multiple existing regulations (e.g. Part 5, etc.) is problematic and should be avoided.
- The volume of paperwork that would have been necessary to comply with 2008 Permit language would be inefficient use of limited resources.
- TSS study requirements were not going to be efficient use of resources.
- New phosphorus fertilizer legislation should eliminate the need for MS4 storm water permit requirements.
- Contractor training requirement was a concern and the documentation needed to document staff training seemed excessive.
- The MDEQ staff noted that their intent was to allow flexibility and several of the permittees expressed comfort with the 2008 language. Others however expressed concern with volume of text and the list of examples becoming a checklist for MDEQ staff

Other Items

The current audit process was raised. MDEQ indicated that they are intentionally implementing the audits in different ways this year as a pilot process so that they can learn how best to proceed. MDEQ indicated that they would be meeting internally to evaluate the audit process. Any audit-related comments or concerns should be sent to Pete Ostlund (ostlundp@michigan.gov).

Future Meetings

At future meetings the group should continue to be prepared to offer like/dislikes of the permit by topic area and make suggestions for improvements. The location for future meetings will be Constitution Hall in the Con Con Conference Room (lower level).

- August 16th 1 – 4 pm: Begin water quality-based effluent limits discussion (aka: TMDLs)
- September 22nd 9 am – 12 pm: Complete TMDL discussions; Administrative Requirements
- October 18th 9 am – 12 pm