

MDEQ MS4 NPDES Permit Stakeholder Group Meeting
June 21, 2011
Meeting Summary

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on behalf of the Alliance of Rouge Communities

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 Bill Creal, Mike Bray and Pete Ostlund (MDEQ Water Resources Div.).
- Christine Alexander and Phil Argiroff were introduced as the new Lakes Erie/Huron Permit Unit Chief and the Permits Section Chief, respectively.
- Purpose of the meeting is to discuss permittee concerns/suggestions for the Public Education Plan (PEP), Public Participation Plan (PPP) and Illicit Discharge Elimination Plan (IDEP) sections of the Permit.

Public Education Plan (PEP)

Although the Permit was likely not contested due to the PEP requirements, permittees gave suggestions on how the future permit could be improved.

- In the 2003 permit, some permittees felt that they were required to have an activity for each of the PEP topic areas for every audience (businesses, residents, visitors, commercial facilities and construction operations). This led to a PEP that was difficult to fully implement. Permittees would rather be allowed the flexibility to select the audiences/messages that they feel can make the biggest impact.
- State-wide PEP programs were encouraged by some permittees. Perhaps build on the success of the Pure Michigan campaign.
- A road commission mentioned that they are not in the business of educating residents and are not well equipped to do so.
- The State's Green Schools program does not include a storm water component; permittees do not have much impact with the school districts when they suggest incorporating storm water topics into school curriculum.

Measuring Effectiveness

- Permittees explained that resources are being wasted by requiring "bean counting" at the individual activity level (ex: number of brochures distributed, number of volunteers trained, etc.). When you have an organization, like Friends of the Rouge, serving multiple permittees it takes far too much staff time to bean count at the individual permittee-level. Determining if PEP activities were implemented should be allowed on a collaborative basis.

- Everyone agreed that we need better measures of effectiveness for public education beyond numbers of attendees/brochures/etc. *It seems that social surveys may be the best way to “measure” effectiveness.* Again, this should be allowed on a collaborative basis.
- Even though measuring PEP effectiveness is difficult, MDEQ stated that they need measurables in order to determine if permittees are complying with the permit.
- It seems unnecessary to have separate measures effectiveness in the PEP (or IDEP), when Watershed Management Plans already contain effectiveness plans.
- Permittees’ suggested PEP evaluation techniques:
 - Pre- and 60-day –post workshop surveys to see if behaviors have changed (CRWC).
 - Ann Arbor/Washtenaw County’s Pledge Program to give residents ownership of their actions
 - A state-wide public education survey.
- Permittees asked for MDEQ guidance on what is required for an acceptable PEP program from a regulatory standpoint.

Public Participation Plan (PPP)

- No comments

Illicit Discharge Elimination Plan

- A group of southeast Michigan permittees met to discuss the IDEP portion of the permit. This group made the following recommendations:
 - There are complex and individual situations for each permittee, including but not limited to: funding, jurisdiction, data availability and priority. Therefore, MDEQ should make the permit language generic, so each permittee can best figure out how to reduce illicit discharges.
 - Perhaps start with the language used in the Phase I permits (see Item A).
 - Ok to require mapping of outfalls, just allow for alternative schedules for larger permittees (ex.: road commissions).
 - All illicit discharge indicator parameters (*E. coli*, ammonia, surfactants, conductivity, etc.) can give false positives and immediate follow-up is not always feasible or warranted. Therefore, permittees should be allowed to select indicator parameters based on local watershed conditions and priorities.
 - Past experiences have indicated that outfall surveys are not necessarily fruitful in finding illicit discharges. Examples:
 - St. Clair Shores: \$66,000 for one round of outfall surveys and found no illicit discharges.
 - Macomb County Road Department: \$776,000 for an outfall survey and found only 37 illicit discharges out of 5,410 outfalls surveyed (0.7%).

- Macomb County Public Works Office: very few illicit discharges were identified using outfall surveys. They have an alternative IDEP plan that they will try to get approved.
 - Since the primary focus for many IDEP program is removing sewage sources, it would be beneficial to allow communities who have CSO and SSO issues the flexibility to spend their resources on dealing with these issues vs traditional outfall surveys that may not yield any pollution reduction.
 - Complaint-initiated investigations (e.g. resident calls to environmental reporting lines) yield many more illicit discharge sources:
 - This can be further strengthened through training & educating municipal field staff and the public on how to spot and where to report suspicious discharges.
 - Example: The City of Ann Arbor has conducted outfall surveys for 15 years, but these surveys never identified an ongoing illicit sewage discharge that was found recently. It took a complaint from another business-owner to bring this problem to light.
 - An outcome-based program will promote ongoing vigilance in comparison to a directive-driven approach.
- Does the IDEP only apply to the MS4 area? Yes, if you have a Jurisdictional Permit. No, it jurisdiction wide if you have a Watershed Permit (per MDEQ).
- What are other states doing in terms of outfall surveys? Dry-weather screening every 5 years (per MDEQ).

Other Items

- Permittees asked what the EPA was requested from the MDEQ. The MDEQ explained that they are not concerned with meeting EPA requirements. Michigan's rules are very generic, so you can't look to them as guidance for permit implementation (per MDEQ).
- In rural areas, all municipalities are not subject to the same rules (because only some are in a Phase 2 area). This makes it very difficult for Phase 2 permittees to reduce TMDL pollutants.
- Permittees expressed concern that large, private storm sewer owners/operators in urbanized areas are not required to implement permit required activities (example: Condo Associations, Apt Complexes, Strip Malls, Big box stores, etc).
- There was discussion about eliminating Watershed Planning requirements from the permit in order to free up 319 funding for some previously exempted activities. MDEQ stressed that they would still encourage cooperative, watershed approaches even if not required in the permit. Permittees who choose to work cooperatively may have very similar individual permits.

Future Meetings

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

- July 19th 1 pm – 4 pm: continue Six Minimum Measures discussion
- August 16th 9 am – 12 pm: Six Minimum Measures discussion; Start water quality requirements
- September 22nd 9 am – 12 pm: complete Six Minimum Measures discussion
- October 18th 9 am – 12 pm: proposed EPA rule changes

Item A. Phase 1 IDEP permit language (Source: Permit No. MI0053856)

The permittee shall develop, implement and enforce a program to prohibit and effectively eliminate illicit dischargers including discharges of sanitary wastewater, to the permittee's drainage system. Appropriate BMP's for this minimum measure and measurable goals for each BMP shall be included in the report required under Part I.C.1.b. of this permit.

"Illicit discharge" means any discharge or seepage that is not composed entirely of storm water into the drainage systems, except for discharges specified in Parts I.A.1.b and c. of this permit. Illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, domestic animal wastes, litter or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste into the drainage system.

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

At a minimum, the Illicit Discharge Elimination Program shall include:

- a. A program to find, prioritize, and eliminate illicit connections and minimize illicit discharges to the permitted drainage system from commercial, industrial, institutional, public, and residential sources. The program to find illicit discharges and illicit connections shall include a strategy to conduct routine dry weather screening of enclosed storm water drains leading to all outfalls from the drainage system and to all connections into drainage systems operated by other public bodies.
- b. A program to minimize infiltration of ground water contaminated by seepage from sanitary sewers and on-site sewage disposal systems into the drainage system.
- c. The legal authority to prohibit discharges into the drainage system operated by the permittee, The permittee shall have the legal authority, which may be a combination of state statute, municipal statute, ordinance, permit, order, rules, regulations, or other means available to the permittee, for the purpose of:
 - 1) regulating the contribution of pollutants to the drainage system;
 - 2) regulating the rate at which water flows into the drainage system;
 - 3) prohibiting illicit connections and illicit discharges including the direct dumping or disposal of materials other than storm water into the drainage system;
 - 4) requiring compliance with ordinances, permits issued by the permittee, contracts or orders; and
 - 5) conducting all inspection, surveillance and monitoring procedures necessary to determine compliance with ordinances, permits issued by the permittee, contracts, orders, and the terms and conditions of this permit.