

OUTLINE OF NEW MS4 STORMWATER PERMIT APPLICATION

For ARC Members

October 27, 2014

Requirements that are New for Permits due 2013-2018

General Items

- Application due dates: **April 1**, 2013 (St. Clair River/Huron), 2014 (Lake St. Clair), 2015 (Clinton), **2016 (Rouge)**
- Permits will be issued by: **Oct. 1**, 2014 (St. Clair River/Huron), 2015 (Lake St. Clair), 2016 (Clinton), **2017 (Rouge)**
- The application can serve as your Stormwater Management Plan (SWMP) or you can draft a separate SWMP.
- Provide a measurable goal and assessment method for each BMP and a schedule for implementation, interim milestones and frequency for each BMP, as appropriate. This will likely be included in the “Evaluating Effectiveness” procedures.

Enforcement Response Procedure (ERP) (Item 1)

- Provide a document that describes enforcement procedures for violations of ordinances/regulatory mechanisms included in the SWMP. Include a method for tracking instances of non-compliance.

PPP Section (Items 2 & 3)

Provide a measurable goal and assessment method for each BMP and a schedule for implementation, interim milestones and frequency for each BMP, as appropriate.

- Provide a procedure for
 - Making the SWMP available for public inspection after permit issuance,
 - *This can be done by posting on the permittee’s website.*
 - Encourage public involvement and participation in implementation and review of the SWMP.

PEP Section (Items 4 – 6). *This section will be covered in the ARC Collaborative PEP.*

Rank the PEP elements as high, medium or low priority (unofficially, 7 of the 11 elements must be ranked as high priority).

- Provide the procedure for
 - Assessing high priority PEP minimum measures, and
 - Evaluating the effectiveness of the overall PEP.

- Identify the target audience, key message, delivery mechanism, year/frequency of BMP, and responsible party for each applicable minimum measure (provide in a table, refer to approved PEP or explain why not applicable):
 - A. Public responsibility and stewardship (Promote).
 - B. Connection between storm sewers and water bodies (Inform and Educate).
 - C. Illicit discharges and promote reporting (Educate).
 - D. Preferred cleaning materials and procedures for car, pavement and power washing (Promote).
 - E. Proper application and disposal of pesticides, herbicides and fertilizers (Inform and Educate).
 - F. Disposal for grass clippings, leaf litter and animal wastes (Promote).
 - G. Availability, location, and requirement of facilities for the collection and disposal of household hazardous wastes, travel trailer wastes, chemicals, yard wastes and motor vehicle fluids (Identify and Promote).
 - H. Septic system care, maintenance and how to recognize system failures (Inform and Educate).
 - I. Benefits and use of GI and LID techniques (Educate and Promote)*.
 - J. Methods for managing riparian lands (Promote).
 - K. Commercial, industrial and institutional entities likely to contribute stormwater pollutants (Identify and Educate)*.

*New items

IDEP Section (Items 7 – 26)

*These items are generally not going to be found in existing IDEP Plans. **Many of these will be covered by the ARC Collaborative IDEP Plan.***

IDEP Application Requirement	Application Item	Comments
Provide the location where a storm map can be found	7	Submission not required
Field Efforts		
Provide procedures for		An alternative approach can be provided for items 8-14 (application item 16)
i. Selecting priority areas to detect IDEP issues or perform field efforts across entire MS4. [3]	8	
ii. Performing field observations at outfalls and discharge points [1], [3]	10	
iii. Performing field screening if flow is present and an illicit discharge is suspected [3]	11	
iv. Performing source investigations [3]	12	
v. Responding to pollution complaints/spills [3]	13	
vi. Responding to suspected illicit discharge (ID) outside of priority areas [3]	14	
vii. Reporting the release of polluting materials to MDEQ [3]	15	
viii. Follow-up/Enforcement for identified ID sources [3]	17	

IDEP Application Requirement	Application Item	Comments
Identify the location of the prioritized areas and those covered in the permit cycle [3]	9	
Training		
Provide procedure for training staff to identify, report and respond to a suspected ID [3]	18	
Evaluation		
Provide procedure to determining the effectiveness of the IDEP program [3]	19	
Ordinance		
Provide an ordinance that		
i. Prohibits non-stormwater discharges.	20	
ii. Allows flows from firefighting activities unless they are significant pollution source to waters	21	
iii. Allow flows from various activities unless they are significant pollution source to a MS4	22	
iv. Regulates the contribution of pollutants.	23	
v. Prohibits IDs and direct dumping to the MS4.	24	
vi. Establishes authority to inspect, investigate, and monitor suspected IDs to the MS4.	25	
vii. Requires the elimination of ID and provide the MS4 the authority for enforcement.	26	

[1] This procedure can include an agreement with neighboring MS4s describing how they will communicate and follow-up if a discharge is traced back to an upstream MS4. This would eliminate the discharge point screening requirement.

[3] Should be covered in the Collaborative IDEP.

Construction Runoff Control Section (Items 27-31)

Completion of this section is based on whether the permittee is a Part 91 Agency.

Construction Runoff Application Requirement	Application Item	Comments
Identify if permittee is a Part 91 agency	27	
Provide a procedure for		
i. Notifying the Part 91 Agency when soil or sediment is discharged to the MS4 – observed by staff or complaint from the public	28	
ii. Notifying the MDEQ when soil, sediment, or pollutants are discharged to the MS4	29	
iii. Ensuring that Part 91 projects obtain a Part 91 permit	30	
iv. Advising landowners of Michigan’s Permit by Rule	31	

Post Construction Stormwater Runoff Program (Items 32 – 58)

This program applies to discharges to MS4s not waters of the state. If the requested items are not available, than indicate the date that they will be available (Note: ARC applicants these items will likely be due to MDEQ by Oct 1, 2016).

Post Construction Application Requirement	Application Item	Comments
Stormwater Ordinance		
Is a stormwater ordinance in place for new and redevelopment? Does the ordinance:		If covered by the County, check with counties to determine if these requirements are covered in their existing ordinance.
i. Address preventing or minimizing water quality impacts	32	
ii. Apply to projects that disturb 1 or more acres.	33	
Does the ordinance:		If covered by the County, check with counties to determine if these requirements are covered in their existing ordinance. If not, the County may need to revise.
<u>Water Quality Standards</u>		
i. Cover treatment of runoff from the first 1 inch or from 90% of storms (list source of rainfall data) or some alternate?	36, 37	
ii. Require BMPs be designed on a site-specific basis to reduce TSS by 80% or to under 80 mg/L or alternate)? Monitoring is not required.	38	
<u>Channel Protection Standards</u>		
iii. Require that runoff rate and volume do not exceed pre-development rate and volume for all storms up to the 2-yr 24-hr storm or alternate?	39	
iv. Exclude certain large water bodies (as listed in the application)?	40	
<u>Site Specific Requirements</u>	41	
v. Provide a procedure for reviewing infiltration BMPs in areas with soil or groundwater contamination?	42	
vi. Require BMPs to address pollutants in potential hot spots (ex: gas stations, commercial vehicle maintenance/repair shops, auto recyclers, recycling centers and scrap yards)?		
<u>Site Plan Review</u>	53	
vii. Require the submittal of a site plan for review and approval of post-construction stormwater BMPs?	54, 55	
viii. Provide the procedure for site plan review and approval. Include the process for determining how meets the performance standards and ensures long-term O&M of the BMPs.		
<u>Long-Term O&M</u>	56	
ix. Require long-term maintenance of the BMPs?		
x. Require a maintenance agreement between the Applicant and the owner/operators of the BMPs?	57 58	
xi. Allow the Applicant inspect BMPs?	58	

Post Construction Application Requirement	Application Item	Comments
xii. Perform the necessary maintenance/corrective actions on neglected BMPs?	58	
xiii. Track the transfer of O&M responsibility for BMPs?		
Describe any exceptions to the performance standards, besides offsite mitigation and payment in lieu programs.	52	
Requirements for Federal facilities	34, 35	

Offsite Mitigation and Payment in lieu Programs (OPTIONAL PROGRAMS)	Application Item	Comments
Does the ordinance:		
i. Allow for offsite mitigation for redevelopment projects that can't meet the performance standards after maximizing detention?	43	If NO for both questions, skip this entire section (46-52).
ii. Allow for payment in lieu for projects that can't meet the performance standards after maximizing detention?	44	
Does the ordinance:		Optional (46-51)
i. Establish criteria for determining the conditions where offsite mitigation or payment in lieu can be used? It can't be based solely on cost to implement.	45	
ii. Establish a minimum amount of stormwater to be managed onsite as a first-tier for offsite mitigation or payment in lieu?	46	
iii. Require an offset ratio of 1:1.5 for the amount of stormwater, above the first-tier value, required to be mitigated at another site?	47	
iv. Require an offset ratio of 1:2 for cases where the first-tier volume cannot be managed onsite?	48	
v. Require a schedule for completing offsite mitigation and in lieu of projects? MDEQ recommends 24 months.	49	
vi. Require that offsets and in lieu of projects be preserved and maintained in perpetuity?	50	
Describe the system for tracking offsite mitigation and in lieu of projects.	51	Optional

P2 and Good Housekeeping (Items 59 – 83)

Some of these items can be found in a permittee's existing Pollution Incident Prevention Plan (PIPP), if available.

P2 and Good Housekeeping Application Requirement	Application Item	Comments
Facility and Stormwater Control Inventory		
Identify all Applicant-owned/operated facilities and structural controls [1] that discharge runoff.	59	
Provide the location of a map depicting the facilities and controls.	60	Locations may be included on the storm sewer map. (Item 7)
Provide the procedure for updating the map. MDEQ suggests 30 days after adding/removal a facility/stormwater control.	61	
Facility-specific Stormwater Management		
Provide the procedure for assessing each facility for its potential (low, medium or high) to discharge pollutants to surface waters of the state. Fleet maintenance and storage yards are considered High Priority. Include a process for updating the assessment.	62, 63	
Provide a list of prioritized facilities.	63	
For High-Priority facilities, have on-hand a SOP for the implementation and maintenance of structural and non-structural controls. May refer to the PIPP, if available.	64	The SOP may be requested by DEQ during the application process
For each SOP, provide:		
i. A list of significant materials stored onsite that could impact stormwater, a description of handling and storage requirements, and the potential to discharge the material.	65	
ii. The good housekeeping practices implemented at the facility.	66	
iii. A description and schedule for conducting routine maintenance and inspections of the facility and stormwater controls to ensure they are clean and orderly so that stormwater is not impacted. DEQ recommends biweekly.	67	
iv. A description and schedule for a comprehensive site inspection of structural and non-structural stormwater controls at least every 6 months.	68	
For each low and Medium priority facility, provide:	69	
i. The procedure for identifying BMPs that are being or will be implemented to reduce pollutant runoff.		
Structural Stormwater Control O&M Activities		
Provide the procedure for		
i. Prioritizing each catch basin for routine inspection, maintenance, and cleaning to prevent/reduce polluted runoff. Assign a priority level to each catch	70, 71	NA, if you don't own catch basins (71-74).

P2 and Good Housekeeping Application Requirement	Application Item	Comments
<ul style="list-style-type: none"> basin and describe locations. ii. Inspecting, cleaning and maintaining catch basins. iii. Dewatering and disposal of catch basin debris. iv. Inspecting and maintaining other structural controls. v. Requiring new applicant-owned/operated facilities or structural controls for water quantity be designed and implemented in accordance with the stormwater performance standards and long-term O&M requirements. 	<p>72</p> <p>73</p> <p>74</p> <p>75</p>	<p>NA, if you don't own other structural controls (75).</p>
Municipal Operation and Maintenance Activities		
<p>Provide the procedure for</p> <ul style="list-style-type: none"> i. Assessing the applicants O&M activities for the potential to discharge pollutants to surface waters of the state. [2] ii. Prioritizing applicant-owned/operated streets, parking lots and other impervious infrastructure for sweeping based on the potential to discharge pollutants to surface waters of the state. Assign a priority level and cleaning frequency/timing for each and describe the locations. iii. Identifying sweeping methods based on the equipment used to sweep. iv. Dewatering and disposal of street sweeping debris. 	<p>76</p> <p>77, 78</p> <p>79</p> <p>80</p>	<p>NA, if you don't perform these O&M activities (77).</p> <p>NA, if you don't own impervious surfaces (78 - 81).</p>
Managing Vegetative Properties		
<p>Provide the procedure for</p> <ul style="list-style-type: none"> i. Requiring that the applicant's pesticide applicator be certified by the State in the appropriate category. 	<p>81</p>	<p>NA, if you use ready to use products from the original container.</p>
Employee Training		
<p>Describe the program to train employees involved in the P2/Good Housekeeping program. Include a training schedule</p>	<p>82</p>	<p>Once per 5 years and with 1 yr of new hire</p>
Contractor Requirements		
<p>Provide the procedure for contractors to comply with P2/Good Housekeeping BMPs. Include the process for permittee oversight.</p>	<p>83</p>	

[1] Structural controls include: catch basins, detention basins, oil/water separators, pump stations, swales, BMPs, etc.

[2] At minimum, the following O&M activities are to be assessed: road, parking lot, sidewalk, bridge, right-of-way, and unpaved road maintenance, colder weather operations (plowing, sanding, application of deicing agents, and snow pile disposal), and vehicle washing and maintenance.

TMDL Section (Items 84-87). This section will be covered by a collaborative plan.

- List EPA-approved TMDLs.
- Provide a procedure for
 - Identifying and prioritizing BMPs that are being or will be implemented to address the TMDL.
 - *List BMPs from other parts of the application.*
- Provide a list of prioritized BMPs that are being or will be implemented to address the TMDL.
- Provide a monitoring plan for assessing the effectiveness of the BMPs. Monitoring may include outfall or in-stream monitoring or modeling and shall be conducted at least twice in the permit cycle or at a frequency sufficient to determine BMP effectiveness.

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