

**MDEQ MS4 NPDES Permit Stakeholder Group Meeting**  
**May 5, 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 with support from Mike Bray. (Mike's last meeting will be in June, as he is retiring.)
- MDEQ explained that the purpose of the Stakeholder Meetings was for the permittees to supply the MDEQ with input on the next version of the MS4 permit. MDEQ will, in turn, provide permittees the direction given by EPA and explain any MDEQ constraints. Although the MDEQ and permittees may not agree on certain items, MDEQ hopes that at least both parties will understand each other's position at the end of the process. The MDEQ does not anticipate hashing out permit language during these meetings.
- MDEQ is letting the Stakeholder Group drive the discussion. They are providing discussion topics (the Six Minimum Measures) only. ***If the Stakeholder Group doesn't drive the discussion, then the meetings will be very short.***

**EPA Items**

- EPA just released its new Green Infrastructure (GI) Strategy which includes providing support to 10 cities who are already instituting GI projects. MDEQ is interested to see how this plays out in terms of the MS4 permits.
- In regards to the 90<sup>th</sup> percentile / 1 inch minimum treatment volume standard in the Post Construction Control section of the 2008 MS4 permit –
  - In the draft construction storm water permit, EPA is requiring storm water controls for up to the 95<sup>th</sup> percentile storm.
  - The LID manual used a design criterion of the 90<sup>th</sup> percentile storm.
- In regards to the EPA Nov 2010 memo –
  - MDEQ's interprets this memo as EPA moving toward numeric water quality limits for storm water permits.
  - **MDEQ does not agree with this approach and informed the EPA as such** via written feedback through professional pollution control organizations (Association of State and Interstate Water Pollution Control Administrators and The Environmental Council of States). MDEQ subsequently provide these letters to the group (see attached Items A and B).
  - EPA is taking comments on the memo through May 15, 2011.

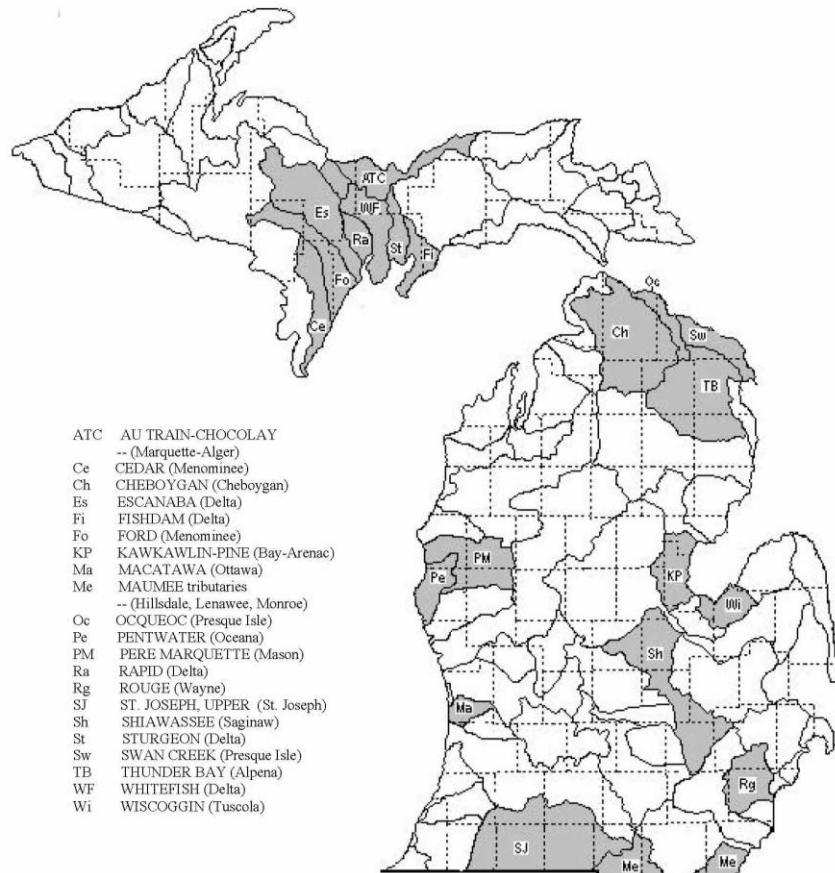
## Permitting Strategy

- Bill provided a brief history of Michigan’s NPDES permitting program from 1973 to present.
  - The first permits were issued in 1973 and created an unbalanced workload for MDEQ.
  - In 1983, MDEQ switched to issuing permits on a 5-year rotating watershed cycle basis to balance their workload. EPA was initially resistant, but eventually agreed to this approach. This approach was not taken for the MS4 permits.
  - Following 1983, MDEQ began to offer General Permits for various industries/discharge types. This was in response to MDEQ using the same language in similar permit types and to decrease workload.

## Rotating Cycle Permits

- Given that there are 340 MS4 permittees, **MDEQ is seriously considering issuing the MS4 permits on a rotating watershed cycle basis to balance their workload.**
  - The Rouge River is in Watershed Cycle 2 (see Figure 1). Cycle 2 permits are re-issued in Fiscal Year 2012 (October 1, 2011 to September 30, 2012); therefore, **the Rouge may be in the first cycle of new MS4 permits.** Note that the Clinton River is in Watershed Cycle 1.
  - Permittees in multiple Cycle Years would likely pick one to be a part of. MDEQ does not intend for a permittee to have multiple MS4 permits because they fall into multiple Cycle Years.

Figure 1. Cycle Year 2 Watersheds



### Individual MS4 Permits

- MDEQ now recognizes that there are various types of MS4's (universities, townships, cities, counties, schools, etc.) and that a General Permit may not sufficiently cover all MS4s.  
**Therefore, MDEQ is seriously considering issuing Individual Permits instead of General Permits for the MS4s.**
  - There was some discussion on the pros and cons of issuing Individual Permits. There was little downside seen by the Group (the Huron and Rouge permittees have already discussed an individual permit approach with their members and received positive feedback). Overall, the group seemed supportive of the idea.
  - MDEQ reported that EPA would accept either a General or Individual MS4 permit.
  - If they go to Individual Permits, there would not be a Watershed or Jurisdictional Permit choice.
- Multiple permittees under one permit...
  - MDEQ believes that they do not have the authority to do this. Furthermore, MDEQ feels that the ARC could not apply for a permit because they do not own-/operate- a MS4.
- Although historically MDEQ has not combined storm water and non-storm water (ex: WWTP) discharges into one permit, they will consider it (*probably on an individual basis*).

### **Open Discussion Items**

- There was interest in defining the scope/applicability of the MS4 permit. As an example, some permittees are confused as to whether an open county drain is a MS4 or a water of the state or both. This will be discussed again, in context, during the IDEP discussions.
- Defining discharge points will also be discussed during the IDEP discussions. MDEQ feels that they gave permittees an "out" on discharge points in the 2008 permit, but not many permittees took advantage of it. Of course, the most affected permittees may have been contesting the permit.
- There was interest in the MDEQ supporting the use of wet weather standards for various water quality criteria including E. coli. Other states have used both wet and dry weather standards, which helps deal with the reality that the 300 cfu/100 ml E. coli water quality standard can not practically be met in urban streams during wet weather. The MDEQ indicated that they can not promulgate new water quality standards (*this requires action by the legislature*).

### Grant funding restrictions on permit-required Items

- It was suggested to drop the requirement for a watershed management plan (WMP) from the permit. Permittees are/were hesitant to develop a true storm water management strategy in the WMP because they felt that anything written in the WMP would become a permit requirement. Furthermore, permit-required items would then not be eligible for grants, which are invariably needed to fund these types of projects. Dropping the WMP requirement would open up WMP development and implementation projects for 319 funding. MDEQ was open to this idea.

### **Meeting Schedule**

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)

June 21<sup>st</sup> 1 pm – 4 pm: PEP, PPP and IDEP

July 19<sup>th</sup> 9 am – 12 pm: continue with treatment technology requirements (aka: the Six Minimum Measures)

August 16<sup>th</sup> 9 am – 12 pm: complete treatment technology requirements – start water quality requirements

September 22<sup>nd</sup> 9 am – 12 pm: complete treatment technology requirements

October 18<sup>th</sup> 9 am – 12 pm: proposed EPA rule changes