

Berrien & Cass County NPDES-MS4 Group Meeting

Administration Center: 701 Main Street St. Joseph, MI 49085

Wednesday, January 14, 2015

9:00 a.m. – 11:00 a.m.

MEETING MINUTES

I. Call to Order / Introductions

Present: Jamie Moody & Ray Scott, *City of Niles*; Dick Stauffer & Kevin Gebhard, *Lincoln Charter Township*; John Monaghan, *Village of Edwardsburg*; Tim Kading, *City of Bridgman*; Kyle Alexander; *MDEQ*; Marcy Colclough, *SWMP*; Jeannine Totzke, *BCDC*; Brian Berndt, *BCRC*; Jason Williams & JT Adkerson, *City of Buchanan*; Russ Beaubien, *Spicer Group*.

Absent: *Village of Stevensville*; Derek Perry, *City of St. Joseph*

Excused: Joe Bellina, *Cass County Road Commission*

II. Review of Minutes from September 23, 2014 MS4 Group Meeting

Correction noted for section on Public Education.

III. Old Business

A. Illicit Discharge Correspondence, Berrien County Drain Commissioner – Greenbush Brewery, Sawyer, MI (*Deer Creek Drain*)

Russ updated the group on a recent investigation on an enclosed drain outside of the urbanized area in the community of Sawyer. There was an investigation of a suspected source of *E.coli* and noxious odor in this enclosed drain. A meeting was held at the County Administration Center with all concerned parties. Present were Berrien County Drain Commissioner, Property Owner, Brewery owner, representatives from: the Conservation Fund, the local Waste Water Sewer Authority, Berrien County Health Department, and Spicer Group. It was determined there was a non-storm water discharge coming from the site where the brewery stores spent grain in a truck trailer. Action taken was to eliminate the source of spent grain entering the system, the truck well storage area had a valve, which was shut off. The brewery was already in the process of changing the location of the storage of spent grain to another site away from storm drains. A manhole structure will be put at the 36-inch storm sewer at the connection point of the existing 15 inch point source for structural and monitoring purposes. The brewery was determined not to be the source of the major issue but there was a not storm discharge issue that was resolved immediately. The local Waste Water Authority confirmed that houses near the 36 inch storm had existing connections to the sanitary sewer that were working properly and the video confirmed no connections to the 36 inch from the residential direction. Further action includes additional videoing of two sections of storm sewer where indications from a trained dog has determined possible investigation areas to pursue.

B. NPDES MS4 Permit Submittal Updates:

The group was advised of the established dates for the future MS4 Permit Applications. On or around October 1, 2016, communities with existing permits will receive notification information on their pending application. The MDEQ will announce permit

application training locations and dates near this time period. MS4 applications are due at the MDEQ by April 1, 2017. If ordinances need to be passed communities may have up until October 1, 2017 to submit items that were not submitted by the April 1 date. The MDEQ will review the submittals and will ask for any clarifications in a review letter to the applicants usually by December, 2017 or January 2018. Once the submittal is deemed complete by the Permits Section the permit will be developed and provided to the community for a review and comment period before it is Public Noticed by the MDEQ on their permit website for public notices. Permits are then tentatively scheduled for issuance around September 30, 2018.

The public comment/notice period for the application will be approximately 30 days, however, the pre-comment period for the municipality is typically two or three weeks. This is a good opportunity for the permittee to review and make any last minute requests.

Again, the MDEQ has training sessions at various locations around the State and Kyle and Russ both advised they would keep the group informed as to the dates, times and locations of this training.

There was discussion on what will need to be provided with the application. For example, there will be an ERP (Enforcement Response Procedure). It was explained to the group that they should have a procedure in place to deal with violations of the IDEP, such as illicit discharges and dumping, also, post construction control compliance. This procedure may be in place already in many communities based on zoning violations and how they are handled. The group was advised that a system to track violations and final outcomes needs to be present.

Page 2 of the NPDES Permit Application, Section VII.-Enforcement Response Procedure (ERP): There needs to be an enforcement response to violations to compel compliance with an ordinance or regulatory mechanism. (*e.g., Plumbing Code, code set in a review process, fines, regulations, letter, etc.*) These ordinances will need to be addressed at the local level (*city, village, and township*) and local permit programs or internal written policies being implemented for county agencies (*road commission, drain commissioner and county administration*).

A short discussion on Post Construction Controls and the IDEP also followed. Russ was going to email an example ordinance for communities to adopt to address illicit discharges. Russ also advised communities to review their nuisance and blight ordinances as those typically can cover illicit dumping in storm systems. If a community has an illicit discharge ordinance in place, Spicer Group will review it to make sure it meets the MS4 application requirements and provide feedback if there are any recommended changes.

C. Current List of Member Documentation

Members were asked if there was any other individuals from their municipalities or agencies they wished to put onto the email contact list for these meetings. Provide the information to either Russ or Kelsea after any meeting.

D. IDEP Dry-Weather Screening Progress from 2014:

A summary was provided to members of the work completed for the dry weather screening of 2014. The City of St. Joseph and Berrien County Road Commission have completed their screening by mid-November, and December 30th respectively. The Berrien County Drain Office is mostly completed within the county. There are still 92 outfalls remaining to be screened for 2015. This screening will be completed in 2015.

CDs with the reports were provided to these three members.

E. Other

None.

IV. New Business

A. Proposed Budget for 2015

The budget for 2015 was handed out to those attending the meeting, this will be emailed to members also along with the IDEP ordinance. In general the budget share for each member has gone down for 2015 by approximately \$500 or more per member. The budget will be invoiced quarterly as it has been this past year.

Members asked if this budget included assistance with the progress report due in 2015, and Russ advised he and Kelsea will be assisting members in preparing the progress report.

B. MDEQ Comments and Updates

Kyle Alexander introduced himself to all members at the beginning of the meeting and then provided a brief update on permit compliance schedule that was presented earlier. Kyle advised members to come to him with questions and he would assist them and provide answers. He also reminded members that there is a progress report due 2 years from the date of their last progress report submittal. To determine the reporting period for progress reports, the permittee should look at the date of their last submittal. The next day would be the first day of the new reporting period and the reporting period is approximately 2 years in length. So if your last report was due December 1, 2013. The next report would cover the time period from December 2, 2013 to December 1, 2015. Or, you may have set up a specific time frame with specific start and stop dates that allow time to prepare the submittal by a specific due date.

Kyle specifically reminded the group to quantify items in their reports such as:

- Number of outfalls screened (including changes to the numbers of outfalls observed/in existence)
- Number of dry weather flows
- Any illicit discharges identified or corrected?
- Number of development and redevelopment projects that occurred during the reporting period
- Number of post-construction controls required during the reporting period

The above bullet items are just examples. In general, **specific, quantifiable** details are preferred over vague measures/records.

Kyle also noted that two new compliance assistance documents are available on the website (www.michigan.gov/deqstormwater). The two documents cover:

- Post-Construction Storm Water Runoff Controls Program
- Illicit Discharge Elimination Program

C. Southwest Michigan Planning Commission (SWMPC):

Ms. Colclough reminded members to make sure their links to the SWMPC website for stormwater education materials was working from their municipal or agency websites as this connection is important for PEP compliance for the progress reports.

SWMPC continues to update its website, post information to Facebook, publish newsletter articles and send out press releases. Marcy attended the Two Rivers Coalition Annual Meeting and is providing information for the Berrien County Master Plan update.

Marcy will set up an SESC training in late March/early April for permittees.

The Friends of St. Joe River Association Annual Meeting will be Friday, March 20 in Sturgis. The speaker will talk about how cities have successfully and cost effectively used green infrastructure instead of traditional gray (pipes/storm sewers) to treat stormwater. The speaker is Jim Patchett with The Conservation Design Forum. <http://www.cdfinc.com/> This will be a great training opportunity and a fun night out with dinner, cash bar and auction.

Water trails were discussed and the activities going on in Berrien County related to the establishment of this trail system. This is part of a statewide initiative that will provide opportunities for signage in communities and assist with public education for water quality information along with wetland, plant and animal species, etc.

Also, she discussed a county wide initiative that involves a Point of Sale ordinance in Berrien County. If the County passes an ordinance, when a home is sold it will be subject to inspection of its on-site treatment system (if not hooked to a sanitary line) and well (if not on municipal water). This inspection will provide a baseline for the house and information for the health department on the location and condition of the on-site treatment system for their records. This will help start the tracking of on-site treatment systems for the future and will address failing systems.

The St. Joseph River Watershed Partnership Project was selected for funding by the US Department of Agriculture. Over the next 5 years, \$6.8 million will be available to implement best practices on farmland through the NRCS Farm Bill programs. The best practices such as no-till, cover crops, wetland restoration and irrigation management will protect and improve streams, rivers and lakes. Over 70% of the St. Joseph River Watershed is in agricultural use. The 210 mile long St. Joseph River begins in Hillsdale County (MI) and crosses the IN/MI border twice before emptying into Lake Michigan at St. Joseph, Michigan. The watershed drains 4,685 square miles from 15 counties, has nine major tributaries and flows through and near four major metropolitan areas.

Expected outcomes for the project:

- 46,200 tons of sediment reduction = 4,192 road commission (10-yard) dump trucks
- 116,200 pounds of Phosphorus + 700 tons of Nitrogen reduction = preventing enough nutrients that could grow a ¼” layer of algae on the largest lakes in six project area counties (Berrien, Branch, Cass, Elkhart, St. Joseph, Van Buren)
- 4.8 billion gallon reduction of irrigation water use = enough water to:
 - fill the Sears Tower 12 times, **or**
 - pour over Niagara falls in 9 hours, **or**
 - fill 7,273 Olympic-size swimming pools.

Ms Colclough also advised she will be providing a 2015 budget to communities in the near future.

Also, training for Pollution Prevention and Good Housekeeping practices was brought up by members. Russ advised he has done training already (by request) for the entire BCRC staff in the fall of 2014. He will look at coordinating training days for municipal staff with times provided so all will have an opportunity to attend. It was discussed that March may be a good time to hold such an event for DPS/W staff. This will be looked into and determined how to schedule.

D. Tentative Meeting Dates and Locations for 2015:

It was agreed to use the second Wednesday of the month for meeting days once every four (4) months. The meeting dates and locations are as follows:

Wednesday, May 13th from 9:00 a.m. to 11:00 a.m. at Lincoln Charter Twp Hall

Wednesday, September 9th, from 9:00 a.m. to 11:00 a.m. at City of Bridgman Beach House

E. Other

None.

V. Adjournment