

# Berrien & Cass County NPDES-MS4 Group Meeting

*Bridgman Beach House  
5239 Lake St, Bridgman, MI 49106*

**Wednesday, May 11, 2016**

**9:00 a.m. – 11:00 p.m.**

## Meeting Minutes

### **I. Call Meeting to Order & Introductions**

*The meeting was called to order at 9:00 a.m.*

**Present:** Tim Kading, *City of Bridgman*; Tom MacDonald, *City of St. Joseph*; Kelsea Zimmerman & Russ Beaubien, *Spicer Group*; Jamie Moody, *City of Niles*; Mike Fellner, *Berrien County*; Brian Berndt, *Berrien County Road Commission*; JT Adkerson, Jason Williams & Bill Marx, *City of Buchanan*; Steve Slavicek, *Village of Stevensville*; Jeannine Totzke, *Berrien County Drain Commissioner*; Dick Stauffer & Kevin Gebhard, *Lincoln Charter Township*; Marcy Hamilton, *SWMPC*.

**Excused:** Kyle Alexander, *MDEQ*

### **II. Review of Meeting Minutes from January 13, 2016's Group Meeting**

*A motion was made by Tom MacDonald to approve the January 13<sup>th</sup> meeting minutes and the motion was supported by Dick Stauffer.  
Motion passed.*

### **III. MDEQ Comments and Updates- Kyle Alexander**

#### **A. Reminders**

- i. NPDES Permit Payments can be done through MiWaters
- ii. NPDES MS4 Permit Application- available in MiWaters
- iii. Upcoming Audits

R. Beaubien stated that Kyle Alexander could not make it to the meeting, but informed R. Beaubien that he did not have any updates. K. Alexander will be present at the MDEQ audit for the City of Niles which is scheduled for June 1<sup>st</sup>. The audit will cover Pollution Prevention and Good Housekeeping and the Public Education Program.

R. Beaubien additionally stated that members should be receiving invoices soon if they haven't already; invoices can be paid through MiWaters or mailed in.

### **IV. Southwest Michigan Planning Commission (SWMPC) Comments and Updates- Marcy Hamilton**

M. Hamilton stated that a workshop for agricultural landowners was held in January and was well attended. Cover-crop and no-till best management practice implementation was discussed. Demonstrations were given to show that practicing no-till improves soil conditions, especially regarding irrigation/rain events. Presentations can be viewed on the SWMPC website and M. Hamilton will email out a news article covering the workshop.

M. Hamilton stated that Teri Freehling, a Berrien County Commissioner, was at the workshop and inquired about septic systems. In the future, there may be a push for the County to adopt a point of sale ordinance that requires for the inspection of septic systems and wells prior to selling a property. Having such an ordinance in place would be beneficial because failing systems could

more easily be detected and corrected and MDEQ grant money can only be accessed if there is an ordinance in place for these systems. The SWMPC is currently working with the Health Department and County Commissioners for this point of sale ordinance. Michigan does not have a sanitary code; ordinances are on a county-by-county basis and ordinances are appointed by the health department.

M. Hamilton stated that there will be a workshop on June 9<sup>th</sup> from 4:30 – 9:00 P.M. covering the benefits of natural shorelines with native plants. It will be put on by SWMPC, Michigan State University Extension, and the Berrien County Conservation District. M. Hamilton will send out an email with the information regarding this workshop.

M. Hamilton additionally stated that there has been a lot of interest in the water trails, especially on the following waters of the state: Hickory Creek (the trail extends from Baroda to St. Joseph), Paw Paw River (the trail extends from Paw Paw to Benton Harbor), Lake Michigan Water Trail (the trail extends from Chicago to Buffalo and the proposed extension of designation up through Wisconsin—letters of support are needed from the community for this extension to happen).

M. Hamilton stated that E. coli sampling will be done by the SWMPC through SAW Grant funding. Testing will be targeted at the tributaries leading into Lake Michigan. Results will be shared once they are received. Dogs that are trained to smell waste will be utilized in this process for the initial screening. Historical data will also be analyzed and prior sites of interest will be revisited.

M. Hamilton stated that there was a public meeting in Niles for the Dowagiac Dam removal; attendance was very high. Fisherman seem to be hesitant about removing the dam because it provides areas with high fish concentrations.

M. Hamilton will send out information regarding the West Michigan Sustainable Business Forum. There will be a tour in the fall of the St. Joseph Waste Water Treatment Plant in addition to a tour of a brewery in town.

## **V. Old Business**

### **A. NPDES MS4 Permit Submittal Reminder**

#### **i. October 1<sup>st</sup> of 2016- Notification of Permit Application**

Russ Beaubien stated that you will be receiving notification from the DEQ in October. This includes nested jurisdictions.

#### **ii. April 1<sup>st</sup> of 2017- Permit Application Submittal on/before**

Russ Beaubien stated that Spicer will put these applications together. Please be sure to provide cooperation during the six-month time period of preparation.

#### **1. Post Construction Control, IDEP, PEP or other Ordinances/Resolutions submitted on/before October 1, 2017**

#### **iii. September 30<sup>th</sup> of 2018- Tentative Issuance of permit by MDEQ**

B. Review Proposed Budget for 2016- handouts and discussions

R. Beaubien stated that a draft budget was handed out in January. However, this draft budget did not appropriately reflect the most current census data population, the population within the urbanized area and apportionment ratios for each member. Essentially, this original method did not accurately and fairly distribute the proposed budget which created the purpose to review and revise the budget.

To accurately distribute the proposed budget fairly, K. Zimmerman discussed that the budgets needed to be based on the most current populations of Berrien and Cass Counties while taking into account of an estimation of the most current urbanized area populations within each municipality's limits. K. Zimmerman explained three (3) different budget options in which were handed out during the meeting in which incorporated these necessary revisions; please note the total amount for each municipality member changes based on the apportionment in which was determined using the urbanized area for each municipality's limits:

- Option 1: The base amounts were kept at \$2,500.00 for each municipality and the amounts for the agencies were kept fairly consistent with what was originally proposed in January, with the exception of the Cass County Road Commission whose cost decreased more than the other two agencies.
- Option 2: The base amounts were kept at \$2,500.00 for each municipality and the amounts for the agencies were kept fairly consistent with what was originally proposed in January.
- Option 3: The amounts for the agencies were kept fairly consistent with what was originally proposed in January and are the same as option two. The base amounts for the municipalities were no longer kept at a constant \$2,500.00, but rather were split up separately for villages having a base amount of \$2,250.00, townships having an \$800.00 base amount and cities having a \$2,800.00 base amount.

Feedback was requested by K. Zimmerman and R. Beaubien and the MS4 group decided that option three was the most feasible proposed budget.

*A motion was made by Tom MacDonald to support budget option #3. The motion was supported by Steve Slavicek.*

**MOTION PASSED**

R. Beaubien stated that Letters of Agreement will go out to be signed once the scope of services offered are known for each community. He also stated that the budget will be reassessed next year upon completion of the NPDES MS4 permit applications.

C. Pollution Prevention and Good Housekeeping- Municipal Facility and Property Inventory and Assessment Procedure

- i. Handout; Electronic copy to be emailed to each member
- ii. Please review, revise and return updated document to either Russ or Kelsea

K. Zimmerman stated that an inventory will need to be completed for each member's owned and/or operated property that contains storm water structural controls that is located within the most current urbanized area. Spicer Group is able to perform this inventory for each member, but please keep in mind that it will be more cost effective for each member to complete this process and provide the documentation to Kelsea and Russ for aid with the permit process. Kelsea will be coordinating with each member regarding the spreadsheets and inspections. Please direct any questions to Russ or Kelsea.

#### D. History of NPDES Permits from 2003 to present

R. Beaubien shared with the group the history of NPDES MS4 permits from 2003 to present. The reason for this was due to the fact that members were questioning which permit they were currently reporting under, there wasn't a clear understanding of the process as a whole and it was beneficial considering the group's MS4 permit submittal is next year in April. Below, the following was shared pertaining to the history of the NPDES program:

- 2000 - 2001: The permit process began in Michigan as a voluntary watershed permit without taking into account of the urbanized areas. Watershed groups were joined to start addressing pollution problems.
- 2003: Many MDEQ staff who were responsible for implementing these programs retired around this time, and younger staff were brought on-board to implement programs. A general permit with the two following formats were created:
  - 1.) Watershed approach (collaborative): All six minimum measures were implemented within the entire watershed boundary and not just the urbanized area.
  - 2.) Jurisdictional approach (individual – within jurisdictional boundaries in urbanized area): The six minimum measures were to be implemented within the jurisdictional boundaries.

Opportunities for grant funding were available, but no grants were available for required tasks.

- 2008: Implementation of new programs within the general permit; meetings were held frequently in Lansing starting in 2006. The process began to look into individual permits instead of the watershed approach; these individual permits will be geared toward each individual community and in the most current urbanized area for each community only. Southeast Michigan withdrew from the process and filed a lawsuit because the jurisdictional and watershed approaches became similar. The new permit was never issued and the 2003 permit remained in place.
- 2012: Draft of the individual permit application.
- 2013: First round of the new individual permit applications for southeast Lansing. The permits do not all expire at the same time as there are five (5) watershed cycle years; approximately 20% of permit applications expire each year (approximately 300 permits total).

E. Other

None.

**VI. New Business**

A. Pollution Prevention & Good Housekeeping Documentation

- i. Summary for salt usage from past winter (documentation of quantities- provide to Kelsea and/or Russ for progress reporting purposes)

Russ Beaubien stated that we will need documentation of quantities (salt usage, street sweeping, catch basin cleaning, etc.) for the next year's progress report. Please provide copies to either Russ or Kelsea so they can be included in the future progress report.

- ii. Tasks for Summer:

1. Lawncare/Landscape and Construction Contractors:

- a. Ensure training has been addressed.
- b. Handouts of contractor stormwater compliance agreement forms.

Kelsea Zimmerman stated that the state is requiring to see signed documents that have been provided to contractors regarding SOPs and BMPs while performing contracted work on owned property. Please provide a copy of these documents to Spicer so we can include them in progress reports. Direct any questions to Russ or Kelsea.

2. Quantity documents for any catch basin cleaning (documentation for quantities/receipts from disposal area- provide to Kelsea and/or Russ for progress reporting purposes)

B. Training Videos & Attendance Sheet

Kelsea Zimmerman provided a handout with training video links and an attendance sign-in sheet attached (Kelsea will also provide an electronic copy) and stated that if training videos are used, the attendance sheets need to be signed and dated. Please include what training video(s) was(were) watched as well. Additionally, please email a copy of the attendance sheet(s) to Kelsea so the training documentation can be included in future progress reports.

C. Local and Community Reports

BCDC:

- Berrien County Drain Commissioner Roger Zilke will not be running for a fourth term. Kevin Gillette of Stevensville, a former Lincoln Township supervisor, and Christopher Quattrin, of St. Joseph, have filed to run in the Republican primary for drain commissioner. No Democrats filed for the office. Several projects are underway including the following:

- North Royalton – almost complete
- Yore and Stoeffler Drain – gravel bed and new crossings to be constructed.
- Woodridge Place on Paw Paw River – construction to correct severe erosion on Harbor Shores will be starting soon.

City of Bridgman:

- Beach erosion present – break walls which have been covered for many years have reappeared.

City of Buchanan:

- SAW Grant Progress – storm is 25% finished; 9 miles of sanitary is finished; mapping out systems. J.T. stated that a lot of the work is being completed by the City of Buchanan.
- Working with SWMPC on the Michigan water trails
- St. Joseph River Basin Symposium is on May 20<sup>th</sup>

Village of Stevensville:

- SAW Grant Storm system mapping
- Hickory Creek Water Trails

City of St. Joseph:

- SAW Grant Process – Water, storm, sanitary and road systems and T. MacDonald was hoping to get these systems online with their ArcGIS system within the next few weeks.
- Invasive species management plan – The City treated for the Japanese Knotweed species along their sanitary easement last fall and will be spraying again this fall.

D. Other

**VII. Adjournment**