

Berrien & Cass County NPDES-MS4 Group Meeting

*Lincoln Charter Township Hall
2055 West John Beers Road, Stevensville, MI*

September 23, 2014

9:00 a.m. – 11:00 a.m.

MEETING MINUTES

I. Call to Order / Introductions

***Present:** Jamie Moody, Gary Soper & Ray Scott, City of Niles; Dick Stauffer & Kevin Gebhard, Lincoln Charter Township; John Monaghan, Village of Edwardsburg; Tim Kading, City of Bridgman; Marcy Colclough, SWMPC; Anne Hendrix, BCDC; Brian Berndt & Don Geisler, BCRC; Derek Perry, City of St. Joseph; Russ Beaubien & Kelsea Zimmerman, Spicer Group.*

***Absent:** Village of Stevensville; Bill Marx, Jason Williams & JT Adkerson, City of Buchanan; Joe Bellina, Cass County Road Commission; MDEQ.*

II. Review of Minutes from May 20th, 2014 Group Meeting

No additional comments.

III. Old Business

A. Questions related to the NPDES MS4 Permit Application Process?

The notification for the permit application will be **October 1st of 2016** and the permit application will need to be submitted by **April 1st of 2017**, will exceptions to Post Construction Control ordinances and resolutions. The permit will take a year to process and review and will be tentatively issued by the MDEQ by 2018. (*Note: These dates were corrected from what was previously stated during the meeting. This will be covered more in detail at the next meeting in January of 2015.*) The Public Education Plan and IDEP will be collaborative documents. The new permit process will be geared toward the 2010 Census urbanized area. The public education plan will include the watershed area.

B. Member Documentation: *Please send us all permit documents with updates made to them if necessary- SWPPI, SWPPP, PIPP, PCC, CC, PP/GH procedures*

We will contact each member individually regarding the information that we have and what we still need regarding permit documentation.

C. Handout of completed Standard Operating Procedures for members

Standard Operating Procedure booklets were handed out for members who returned the SOP checklist for operations that are conducted at their facilities. Please review these procedures and let us know if you need any others or if some procedures are not applicable for your facilities.

D. Public Participation / Involvement Program (PPP): *Have your IDEP and PEP documents been made available to the public via website link or posted on your community website?*

The IDEP and Public Education Plan (PEP) documents need to be available via website link, or a link made available to access Southwest Michigan Planning's website, for the public to access. You will need this documentation for your audit process and to verify that these documents have been made public. Part of the Public Participation and Involvement Program process is something that will be taken care of by the state when your permit has been submitted. The permit will be public noticed for twenty days for the general public to review and comment on after you have the opportunity to review the permit with comments from the state.

Note: For documentation purposes, take and save screen shots of website public education in case of website failure.

E. IDEP Dry-Weather Screening Process: *Status of remaining outfalls in need of screening?*

The outfall and discharge point lists for dry-weather screening for the Berrien County Road Commission, the Berrien County Drain Commissioner and the City of St. Joseph are in the process of being consolidated and office verified before field investigations occur. The dry-weather screening process for these members should be completed by the end of December of 2014, with the exception of the BCDC. However, due to current weather conditions, dry-weather screening efforts may need to be performed in 2015 as well. A report stating findings and progress will be presented to these members. A summary of findings will be included in the progress report to be submitted to the DEQ in 2015.

The definitions of what is designated as an outfall and point of discharge have been applied for the screening process. These outfalls and points of discharge apply to what is found within the 2010 Census urbanized area. (*Outfall means a discharge point from an MS4 directly to surface waters of the state. Point of Discharge means a discharge from an MS4 to an MS4 owned or operated by another public body. Waters of the state are defined as the following: lakes, streams, rivers, natural ponds, wetlands, established county drains, open drains.*)

F. Other

None.

IV. New Business

A. IDEP / Spill Reporting / SWPPI / PP & GH Training During the Fall: *DPW & DPS staffs, municipal/county staff, and contracted groundskeepers*

Training targeting IDEP / Spill Reporting / SWPPI / PP & GH can be held for field, DPW and DPS staffs, municipal/county staff and contracted groundskeepers coming up this fall. The training can be broken up between a few days, or whenever is convenient for you and your staff. Please let Mr. Beaubien know if you are interested in having training conducted for your staff between now and the end of the year.

Furthermore, videos targeting these topics can also be shown to these staff members for training to be completed. Training ideas and new topics to cover were discussed along with vendors, new

technologies, and workshops that could be implemented for the future to offer more beneficial training techniques.

Brochures, signatures sheets, education, and contracts for contracted groundskeepers could potentially be implemented to make groundskeepers aware of protecting storm water and storm water controls while performing work. If you would like copies of these brochures and forms please ask Mr. Beaubien or Ms. Zimmerman.

B. Michigan Planning Commission (SWMPC): PEP updates

1. Marcy Colclough

Ms. Colclough stated that she would be willing to help out if necessary with the audit process for any member. She gave a brief overview of new topics and ideas to be implemented for public education for the future along with what is ongoing now.

These included the following:

- Presentations and workshops discussing water quality
- Newsletters
- Social media & networking (i.e. Facebook, Twitter)
- Love Lake Michigan Campaign (stickers, bumpers, photo contest)
- Lake Michigan Water Trail (*michiganwatertrails.org*) - Where you can launch canoes and kayaks along Lake Michigan and for the future within inland lakes/rivers such as the Paw Paw and the St. Joseph River.
- Funding for Ox Creek Watershed and being involved and sharing public education activities.

Furthermore, Ms. Colclough discussed the new permit for 2018 and the requirements for public education. The DEQ is paying close attention to measureable goals and Marcy presented the idea for implementing online surveys addressing water quality, BMPs, etc.

Ideas for an incentive for returning surveys dealing with storm water education was discussed along with how to implement measureable goals for long term public education.

C. MDEQ Comments and Updates

1. Chris Bauer

With Chris Bauer unable to attend the meeting, Mr. Beaubien presented and handed out to the group two handouts with relative information pertaining to the NPDES MS4 Program.

The state came out with a Post Construction Control compliance assistance guidance document addressing minimum control measures to assist permit applicants with developing the post-construction storm water portion of a SWMP and existing permittees with questions about permit compliance or refining an existing post-construction storm water program. (*Note: These controls are only applicable and are enforceable for new development and re-development in the urbanized area and for development one acre or greater.*)

The DEQ is requiring tracking and enforcement for structural storm water controls in place for new development and re-development in the urbanized area for the new permit submittal. The

owner/operator of these new development or re-development areas could be required to submit documentation identifying inspection dates, details and maintenance performed and maintaining inspection and maintenance information while making all of the documentation available to the permit applicant staff. These may depend on the requirements of the permit applicant's ordinance or other regulatory mechanisms for operation and maintenance (O & M) plans.

A State of Michigan court of appeals case decision was handed out discussing the National Pollutant Discharge Elimination System (NPDES) Permit Application for storm water discharges from municipal separate storm sewer systems. Plaintiffs filed administrative challenges to the permits, and the litigation alleging arbitrary and capricious conduct, statutory and administrative rule violations, and violation of the Headlee Amendment. The ruling from the Supreme Court was in favor of the Michigan Department of Environmental Quality.

D. Site Maintenance, Storage Inspection & Scoring

1. Schedule any remaining sites

Site inspections have been completed for all members with aid from the maintenance garage and storage yards checklist scoring packet.

E. NPDES MS4 Permit: Enforcement Response Procedure (ERP): Discussion of enforcement procedures for new permit application.

Page 2 of the NPDES Permit, 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*). Please begin looking into any enforcement procedures that are in place for your community, review the IDEP document/any old documents and if procedures are not already in place, begin thinking about ways for handling IDEP and PCC violations and ordinances that you may want to adopt.

F. Other

None.

V. Adjournment