



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY*"Better Service for a Better Environment"*

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RUSSELL J. HARDING, Director

REPLY TO:

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To: SWPPI Workshop Participants July 19, 2001

From: Teresa Seidel/Cathy Bean/Joe Rathbun/Fred Cowles
MDEQ-Surface Water Quality Division

Subject: Q & A from SWPPI Workshop and Further SWPPI Guidance

The following is a list of questions and answers that were generated at the SWPPI workshop held on June 8, 2001, as well as from discussions with Rouge Program Office staff with regards to SWPPI permit requirements.

SWPPI Workshop Q & A**1) Can we set up a system so that the Rouge communities are notified when new studies/data is available regarding the Rouge?**

MDEQ believes that the Rougeriver.com website is a good place to house this information and we can provide copies of any new MDEQ/MDNR studies done on the Rouge River to Wayne County for inclusion on this site. In this way, permittees and others could access this information when needed as opposed to the time intensive task of sending out many copies to local governments who may not be interested in the information.

2) Can we drop the 1977 lawsuit that is presently in Federal Court once the SWPPIs are approved?

This is not an issue for MDEQ to decide. The Federal Court case under Judge Feikens will remain active until the judge has determined that all issues have been adequately addressed and that there is no longer a reason to have the permittees as party to this suit. This issue would have to be taken to Judge Feikens for a ruling.

3) Can SSO and CSO Corrective Action Plans that are incorporated into the SWPPIs take the place of individual documents/consent orders that are currently issued and put everything under one document? The SWPPI is enforceable under the permit so it would be just as "enforceable" as the other type documents.

CSO Corrective Action Plans were developed under a "mandatory" permit process with MDEQ. SSOs are not permitted facilities and are addressed by a consent order or corrective action program as part of an enforcement action. The SWPPIs should include the work being done under both of these other programs, but the enforcement of the CSO/SSO programs will **not** be done as part of the the Voluntary General Stormwater Permit. The Voluntary Permit is neither a mandatory permit nor an enforcement action. Therefore, even though the SWPPI is an enforceable part of the permit, no portion of this voluntary permit can be used to substitute for these other MDEQ programs.

4) Can a community change the watershed boundaries established in their COC for the purposes of the SWPPI?

The permit does allow a permittee to demonstrate to MDEQ that a watershed boundary other than that specified in their Certificate of Coverage is appropriate (page 5 of the general permit). However the permittee must submit this to the District Supervisor of the Surface Water Quality Division for review and approval. Review and approval of these permit changes will be done on a case by case basis.

5) Does the MDEQ envision any changes in the approach to the “voluntary permit” once Phase II requirements are in effect?

The existing Voluntary General Stormwater Permit was accepted by the USEPA as Phase II compliant in its present form. Therefore the only changes proposed under Phase II would be grammatical error correction and the fact that this is now voluntary and will become a mandatory permit option under Phase II. The ability to delay the Public Participation Process and Watershed Management Plan under the voluntary permit will no longer be an option under the mandatory Phase II program. Also the existing permitted Phase I communities will be given the option to sign up for the voluntary permit under Phase II. These are the only foreseeable changes at the present time.

6) Is the MDEQ endorsing the statewide OSDS bill?

The MDEQ director has publicly stated that the MDEQ supports legislation on the issue, but is concerned with the details of SB 107. The MDEQ will work with the sponsors of the bill to resolve the issues. Michigan is the only state that does not have standards for On-site Disposal Systems.

7) When are the SWPPIs due to MDEQ?

The SWPPI due date is listed in the one page certificate of coverage issued to each permittee.

8) How long will it take for MDEQ to review the SWPPIs?

There is no specific deadline in the permit for MDEQ’s review and approval of the SWPPIs. We will expedite our review and comment once the SWPPIs are submitted.

9) How does the Watershed Management Plan in the Voluntary Permit compare to the Watershed Management Plan required for obtaining CMI funding?

There are specific requirements for CMI funding as compared to the Voluntary Permit. Please contact Marty Hendges, MDEQ-SWQD for more details. He can be reached at 734-953-1470 or hendgesm@state.mi.us.

Rouge Program Office Q & A

1) Will every short-term goal from the Watershed Management Plan (WMP) need to be addressed by each community, or just each long-term goal category? Do only the long-term goals need to be listed in the SWPPI?

The permit states the SWPPI needs to implement “actions required in the WMP”. The WMP includes a requirement for actions for both long and short-term goals. However, if the Subwatershed Group participants decide that all their goals will take longer than 5 years, (which is the time period used to define a short-term goal), then the WMP may only contain long-term goals (which may be achieved in more than 5 years). If this is the case, there needs to be a statement in the WMP that there were no short-term goals developed in their particular subwatershed and the rationale for

this decision. If short-term goals are listed in the WMP, but are really action items as opposed to goals, this should be clarified in the cover letter attached to the WMP submitted.

2) Where can goals that are not applicable to a permittee be listed in the SWPPI?

Goals that are not applicable to a particular permittee, but are listed in the WMP, can either be detailed in a SWPPI table that shows WMP goals for each subwatershed listed in the permittee's COC, or can be detailed in Section 5 of the SWPPI template. In either case there needs to be a description of why this goal will not be addressed.

3) Should a narrative replace some portions of the table elements to allow for better description of certain activities?

We feel that the tables in several cases will not have enough room (small blanks) to provide the level of detail needed for us to understand fully what is being proposed. Therefore more narrative in the text portion of the WMP may be necessary to fill in the details. Also other information may need to be attached to support what is being proposed.

4) Are cost estimates and responsible parties required? Do they need to be specific in listing the responsible party (ex.City DPW or just City name)? Is an agreement of understanding needed if an entity other than the permittee will be doing the work for the permittee?

Cost is required in the WMP only but communities may want this in their SWPPI for their councils, etc. The "responsible party" with regards to all permit issues is each permitted community, county or agency. Therefore a responsible party does not need to be included in the table unless a permittee wants it for their purposes. Even if the permittee hires someone else to implement all or portions of their SWPPI, the permittee is ultimately responsible to ensure that the permit is implemented as approved. Any enforcement actions that may be necessary will be directed to the permittee themselves.

5) The wording under the SWPPI section, on page 7 of the General Permit, section B2a (2) states that the permittee "shall consider" the following activities for inclusion in the SWPPI. Does this mean that the communities have to address all these activities or just "consider" them?

We will accept a permittee's "consideration" of these housekeeping activities, but the permittee must detail the reasons for not doing any of the 5 items listed. We will review this reasoning as part of our SWPPI approval process.

6) Who should sign the final SWPPI for each permittee?

The initiative needs to be "approvable", therefore whomever signs the SWPPI must be able to make the financial and other commitments for the permittee needed to implement the SWPPI.

7) Should a resolution from the permittees council or board be included with the final SWPPI?

We will leave this up to the permittee's discretion, but we strongly recommend that a council or board resolution be obtained. If the council objects in the future because they were unaware of the permit requirements, this could become a compliance issue.

8) What would an acceptable SWPPI look like for permittees in more than one subwatershed? The permittee must address all goals that apply to them from all the subwatersheds listed in their COC. The Draft Farmington Hills SWPPI presented at the SWPPI workshop is an example SWPPI that will cover a permittee in several subwatersheds.

9) Can the actions in the approved IDEP and PEP be incorporated into the SWPPI so that there is one document to report on annually?

Yes, as long as we have a closure report on the IDEP and PEP to document what has been completed and what will be ongoing under the SWPPI. The IDEP and PEP are programs that must be continued for the life of the permit. You can either use your 2001 annual report to do this closure or submit a separate document or use the SWPPI as long as it is submitted by the annual report due date.