

Saginaw Clean Water Alliance

Memorandum

Date: March 22, 2002

To: Elected Officials and Department Heads
Of Municipalities Affected by NPDES Phase II Storm Water
Requirements

From: SCWA Executive Committee
Chairman: Mr. James Koski, County Public Works
Commissioner
Vice Chairman: Mr. Rob Grose, Saginaw Township
Secretary: Mr. Timothy Ader, Thomas Township Trustee
Treasurer: Mr. John Malzhan, Bridgeport Township

Re: General overview of the National Pollutant Discharge Elimination
System.

The purpose of this memo is to help provide guidance to municipalities within Saginaw County that are affected by Phase II of the National Pollution Discharge Elimination System (NPDES).

Historical Background NPDES Program

Prior to the Clean Water Act of 1972 there was not a national system to evaluate the quality of storm water being discharged into our streams, rivers, and lakes. The CWA prohibits the discharge of any pollutant into waters of the United States from a point source unless the discharge is authorized by a NPDES permit. The NPDES program is designed to track point sources and require the implementation of the controls necessary to minimize the discharge of pollutants.

Examples of prohibited discharges into storm sewers include, sanitary wastewater illegally connected to the storm drain system; effluent from septic tanks; car wash, laundry, and other industrial wastewater; improper disposal of auto and household toxins, such as used motor oil and pesticides; and spills from roadways. These types of illicit discharge pose a serious threat to the environment and the welfare of the citizens of our country.

In 1987, Congress amended the Clean Water Act (CWA) to require implementation of a national program for addressing storm water discharges.

The program was designed in two phases. Phase I requires NPDES permits for storm water discharge from sources including **medium** and **large** municipal separate storm sewer systems (MS4s) serving populations of 100,000 or more and several categories of industrial activity including construction activity that disturbs five or more acres of land. Phase I mostly covers larger cities, and required them to secure an NPDES Permit by February 4, 1992. In order to secure a permit, these cities had to develop a storm water management program, track and oversee industrial facilities regulated under the NPDES storm water program, conduct some monitoring and submit periodic reports.

The second phase of the storm water program requires permits for storm water discharges from certain **small** municipal separate storm sewer systems (MS4s) and construction activity generally disturbing between 1 and 5 acres.

The National Pollutant Discharge Elimination System storm water permitting program labels **municipal separate storm sewer systems** (MS4s) as either small, medium or large for the purpose of regulation. What constitutes a municipal separate storm sewer system (MS4) is often misunderstood. The term MS4 does not solely refer to municipally owned storm sewer systems but rather has a much broader application that can include, in addition to local jurisdictions, State departments of transportation, universities, local sewer districts, hospitals, military bases and prisons. An MS4 also is not always just a system of underground pipes. It can include roads with drainage systems, gutters and ditches.

Phase II NPDES Program

Phase II of the program covers small regulated MS4's. In order to be classified as a regulated "small MS4" jurisdiction, the following criteria must apply:

1. **Automatic Nationwide Designation.** Storm water operators that are located within the boundaries of a Census Bureau delineated "urbanized area" (UA) based on the 1990 Census information. This includes universities, highway departments and any other operator of a storm sewer system that is located fully or partially within an UA.
2. **Potential Designation by the NPDES Permitting Authority – Required Evaluation of 10,000/1,000 Areas.** Storm water operators located outside of the Urbanized Area (UA) that serve a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile.

3. Potential Designation by the NPDES Permitting Authority – Physically Interconnected.

Requires the NPDES permitting authority (MDEQ) to designate any small MS4 located outside of an Urban Area (UA) that contributes substantially to the pollutant loadings of a physically interconnected MS4 that is permitted by the NPDES storm water program.

Definition of an Urban Area. Urban Areas (UA) constitute the largest and most dense areas of settlement. It is a contiguous land area comprising one or more places and the adjacent densely settled surrounding area known as the Urban Fringe, that **together** have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

Based upon the 1990 Census information, the following municipalities in Saginaw County automatically are designated as an Urban Area, and therefore required to secure a National Pollutant Discharge Elimination System permit by March 10, 2003.

City of Saginaw
Saginaw Township
City of Zilwaukee
Buena Vista Township
Bridgeport Township
Thomas Township
James Township
Spaulding Township
Kochville Township
Carrollton Township
Saginaw County Road Commission
Saginaw County Public Works Department
Michigan Department of Transportation

Tittabawassee Township was not designated as an Urban Area in the 1990 Census. The 2000 Census data is currently being compiled and is not available at this time. According to the MDEQ, this information should be available sometime in June of this year. The new data may designate Tittabawassee Township as being in the Urban Area.

School districts located within Urban Areas are also required to obtain an NPDES permit by March 10, 2003. The districts that are located within the UA are as follows:

City of Saginaw Schools
Saginaw Township Schools
Carrollton Township Schools
Bridgeport Township Schools
Thomas Township Schools
Buena Vista Schools
Saginaw Valley State University

Permitting Options

As a public body that operates and maintains storm water drainage systems within a designated urbanized area, your municipality or school district will be required to secure an NPDES permit by March 10, 2003 to maintain authorization to discharge storm water.

There are two permit options available to your community. One is a Traditional Storm Water General Permit while the second is a Watershed based Storm Water General Permit. Regardless of which option is chosen, both permits require that communities develop a minimum of six control measures, determine measurable goals and provide an implementation schedule for each of the six measures.

Elements required for each permit are as follows:

- ✓ Public Education Plan and outreach program on storm water impacts
- ✓ Public participation and involvement
- ✓ Illicit discharge detection and elimination plan
- ✓ Construction site storm water runoff management
- ✓ Post construction storm water management in new developments and redevelopment projects.
- ✓ Pollution prevention / Good housekeeping for municipal operations.

Each community has to determine which permit best fits their needs.

Traditional Approach Summary

The Traditional permit does not require any cooperation with neighboring communities. This approach prescribes one set of requirements for all applicants. It is best suited for a small community that does not have a cooperative partner to share expenses in development of a Watershed Management Plan. Additionally this permit just covers the applicable watershed within the political boundaries of the municipality.

Applying for a NPDES permit under this approach requires that a Notice of Intent (NOI) be submitted to the MDEQ by March 10, 2003 which addresses the six minimum control measures listed above. Measurable goals must be established and an implementation schedule for each control measure shall be included with the notice. Furthermore, the municipality must designate a person who will be responsible for management of the six control measures. Once the MDEQ has reviewed the Notice of Intent and finds that it conforms to the requirements, it will issue a Certificate of Coverage (COC) to the municipality. The Traditional permit requires semi-annual and annual reports be drafted by the municipality and submitted to the MDEQ for review.

Watershed Approach Summary

The Watershed Approach encourages a cooperative effort with other communities that have geographical or political boundaries within a shared watershed district. Although it addresses the same basic requirements as the Traditional General Permit, it provides greater flexibility in how they are selected and implemented. This cooperative effort is designed to accomplish storm water quality improvements watershed wide and provides an added benefit of cost sharing from some storm water controls. Watershed wide controls mean that many public bodies that discharge storm water to the same river or lake will develop these controls together and implement them as part of a coordinated strategy.

Applying for a NPDES permit under this approach requires that a Notice of Intent (NOI) be submitted to the MDEQ by March 10, 2003. The NOI must include:

- ✓ Geographical scope of the watershed district.
- ✓ A description of the storm water drainage system.
- ✓ An illicit discharge elimination plan, and
- ✓ A public education and involvement plan.

Once the MDEQ has reviewed the Notice of Intent and finds that it conforms to the requirements, it will issue a Certificate of Coverage (COC) to the municipality. An illicit discharge plan and public education and involvement plan must be implemented within 30 days of receiving the Certificate.

Utilizing this approach can be a cost effective way to comply with the requirements of obtaining a NPDES permit. The Watershed Approach requires that an annual report be drafted by the municipality and submitted to the MDEQ for review.

Saginaw Clean Water Alliance

On January 4, 2002, the Saginaw County Public Works Commissioner, Mr. James Koski, invited the above-mentioned communities to a meeting with the MDEQ to discuss the NPDES permit requirements in more detail. The meeting resulted in a consensus among participants that the Watershed Approach be explored further. With that in mind, the affected communities met numerous times to determine the best course of action to pursue. Based upon these meetings, it was felt that an authority relating to storm water quality be established for the purpose of sharing costs associated with the development of a Watershed Management Plan. The authority will be called the Saginaw Clean Water Alliance and will be modeled after the Mid Michigan Solid Waste Authority and the Northwest Utilities Authority.

The purpose of the Alliance is to provide guidance to participating communities and share in some of the associated costs. Each participating community will be responsible for costs that do not benefit the Alliance as a whole. Examples can include costs related to identifying outfall areas and illicit discharges into a community's storm sewer system.

Unfortunately, it is still too early in the process to provide specific details regarding the manner in which the Alliance will operate. Furthermore, we are unable to attach a specific dollar figure to each community for their participation in the Alliance. Our goal is to minimize the costs associated with compliance of the NPDES program by sharing resources to the best extent possible.

In order to form the Authority, the executive committee is recommending that each community pass a resolution of support and provide an initial deposit of \$4,000. We have developed a preliminary budget that includes hiring an engineering consultant and legal counsel to help guide us through the process. Late last month, the executive committee solicited proposals from two engineering firms, RC Engineering and the Spicer Group. Both the executive committee and membership as a whole selected Spicer Group to serve as our consultant. Also, Mr. David Meyer, an attorney with Smith Bovill, Pc. who also serves as legal consultant for the Northwest Utilities and Mid Michigan Solid Waste Authority has agreed to provide legal services to the Alliance.

Below is a preliminary budget established by the SCWA:

Preliminary Budget

Engineering Consultant	450 Hours @ \$70.00	\$31,500.00
Legal Counsel	70 hours @ 100.00	\$ 7,000.00
Printing/Publishing/ Postage & Contingency		<u>\$ 9,500.00</u>
Total Cost:		\$ 48,000.00

Twelve Alliance Members / \$48,000 = \$4,000.00

Obviously, we are all concerned about the ultimate cost associated with the formation of an Authority. Again, we must stress that it is the Alliance member's intention to pattern it after the other successful authorities currently operating in the County. **Participation with the Alliance is strictly voluntary.** If your community does not wish to join the Authority, you still have the ability to apply for a Traditional General permit on your own.

Also, it should be emphasized that there will be other costs associated with securing a NPDES Permit that will be the sole responsibility of your community. The Alliance will provide each community with technical guidance and determine what costs can be shared.

Hopefully, this memo has shed some light on the NPDES Program and the intent of the Saginaw Clean Water Alliance. If you have any questions or concerns, please feel free to contact one of the executive committee members.