

ATTACHMENT B

REQUEST FOR BOARD OF COMMISSIONERS ACTION  
ADMINISTRATIVE REVIEW

---

**TO BE COMPLETED BY DEPARTMENT**

Date Submitted: July 18, 2014

Department Name: Water Resources Commissioner

Action Requested: Board of Commissioner's Approval of Resolution to Support

Revised Water Resources Commissioner Rules and Guidelines – Procedures & Design Criteria for Stormwater Management Systems

Heather Rice 222-6833  
Prepared by/Phone Number

\_\_\_\_\_  
Department Head Signature

***CHECK OFF LIST FOR REQUIRED ITEMS:***

***SECTION I ITEMS INCLUDE: (One Original)***

- Department Head Signature on Request for Board Action
- Resolution
- Cover Memorandum
- Disk or Directory -Saved As: G:\WCWRC\Water Resources\2014\BOC Rules Resolution Package 071814 (Must spell out directory)

***SECTION II ITEMS INCLUDE: (\*Minimum of two originals, plus four copies)***

N/A



**COUNTY ADMINISTRATOR**  
220 NORTH MAIN STREET, P.O. BOX 8645  
ANN ARBOR, MICHIGAN 48107-8645  
(734)222-6850  
FAX (734)222-6715

TO: Felicia Brabec, Chair  
Ways & Means Committee

THROUGH: Verna J. McDaniel  
County Administrator

FROM: Evan N. Pratt, P.E., Water Resources Commissioner

DATE: August 6, 2014

SUBJECT: Resolution Supporting the Water Resources Commissioner Revised  
Rules and Guidelines – Procedures & Design Criteria for Stormwater  
Management Systems

**BOARD ACTION REQUESTED:**

It is requested that the Washtenaw County Board of Commissioners approve a resolution supporting the revised Rules and Guidelines of the Water Resources Commissioner.

**BACKGROUND:**

The Water Resources Commissioner promulgates and publishes rules to govern stormwater facilities of new subdivisions under Section 105c of Act 288 of the Public Acts of Michigan of 1967, as amended. The rules will be followed in the processing of all subdivision plats and other developments that come under the jurisdiction of the Washtenaw County Water Resources Commissioner, including site condominium developments on lands discharging directly to county drains, and other developments per local governments' ordinances. These rules have been issued by the Water Resources Commissioner (formerly Drain Commissioner) in Washtenaw County since 1968, with the most recent rules version issued in 2000.

The rules also address the requirements of Washtenaw County's National Pollutant Discharge Elimination System (NPDES) Phase II stormwater discharge permit administered by the Michigan Department of Environmental Quality (MDEQ). The County's stormwater permit is mandated under the Clean Water Act of 1972 which established the National Pollution Discharge Elimination System (NPDES) and the 1987 amendments to the Clean Water Act which require the US Environmental Protection Agency to develop a phased approach to regulating storm water under NPDES. Phase II Rules were signed in 1997 to address storm water discharges from construction activities, light industrial activities, and small municipal separate storm sewer systems (MS4s) in urbanized areas. The 2000 Census determined that significant areas of

Washtenaw County meet the definition of an Urbanized Area and therefore a NPDES Phase II permit was obtained for the County. The permit was issued in 2003 and the County is awaiting reissuance of this permit which is expected to be issued in October 2014. The stormwater requirements of the NPDES permit addressing stormwater treatment and volume performance standards are addressed by the Water Resources Commissioner's rules to the benefit of Washtenaw County waterways.

### **DISCUSSION:**

On July 17, 2014 Water Resources Commissioner Evan N. Pratt signed the Order of Adoption for the revised *Rules and Guidelines* of the Water Resources Commissioner, titled *Rules and Guidelines – Procedures & Design Criteria for Stormwater Management Systems* with the formal rule adoption on August 6, 2014. This is an update from the 2000 Rules.

These Rules are necessary to protect, maintain and enhance the public health, safety, and general welfare of the citizens of Washtenaw County and to protect the environment against pollution and other adverse effects from stormwater runoff. This is accomplished by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, protect floodplains, wetlands, water resources, riparian and aquatic resources, and otherwise provide for environmentally sound use of the county's natural resources and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The rule updates enable Washtenaw County to address the post-construction stormwater management requirements of the NPDES stormwater discharge permit issued to Washtenaw County by the Michigan Department of Environmental Quality (MDEQ), including the updated requirements for the pending 2014 NPDES permit re-issuance. The permit sets minimum water quality treatment standards for the first flush storm event (1"), as well as stream channel protection standards for the bankfull storm event (50% recurrence interval storm).

The rules include a greater emphasis on green infrastructure / low impact development which manages rainfall where it lands and promotes infiltration. Water quality requirements of the stormwater permit, the first flush event, will be addressed utilizing various practices (rain gardens, bioswales, infiltration basins, porous pavement, etc.) on all appropriate sites. These practices are often more cost effective than traditional stormwater structural conveyance systems, and can reduce infrastructure maintenance costs, flooding and streambank erosion. These techniques reduce future costs of fixing problems by utilizing a proactive approach to improve the long-term lifecycle of stormwater systems.

The 2014 Rules of the WCWRC also include revisions to the precipitation data utilized for the County to more accurately reflect the depths falling during precipitation events.

The precipitation data for the 50% recurrence interval storm event (bankfull) and the 1% recurrence interval storm event (flood control) within the county have been updated to include the NOAA Atlas 14 (2013) precipitation data which incorporates precipitation data through 2011.

**IMPACT ON HUMAN RESOURCES:**

None

**IMPACT ON BUDGET:**

None

**IMPACT ON INDIRECT COSTS:**

None

**IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:**

Municipalities utilizing WCWRC rules as part of their stormwater management programs may need to update their ordinances to reflect the rule updates.

**CONFORMITY TO COUNTY POLICIES:**

This action supports Guiding Principle #6 as it focuses on addressing the root causes of problems that affect the quality of life of County citizens by aggressively pursuing prevention strategies.

This action also supports Guiding Principle #7 as it provides leadership and shares information with local governments and agencies aimed at improving services to County citizens.

**ATTACHMENTS/APPENDICES:**

- Order of Adoption by the Water Resources Commissioner
- Draft Washtenaw County Water Resources Commissioner's "*Rules and Guidelines – Procedures & Design Criteria for Stormwater Management Systems*"
- Resolution

A RESOLUTION SUPPORTING THE REVISED WASHTENAW COUNTY WATER RESOURCES COMMISSIONER'S RULES AND GUIDELINES – PROCEDURES & DESIGN CRITERIA FOR STORMWATER MANAGEMENT SYSTEMS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

AUGUST 6, 2014

WHEREAS, Washtenaw County Government and Board of Commissioners is committed to protect, maintain and enhance the public health, safety, and general welfare of the citizens of Washtenaw County, and

WHEREAS, Section 105c of Act 288 of the Public Acts of Michigan of 1967 as amended provides for the promulgation and publication of rules by the Water Resources Commissioner (formerly Drain Commissioner) to govern stormwater drainage facilities of new subdivisions; and

WHEREAS, the Washtenaw County Water Resources Commissioner conducted a review of previously adopted rules (2000 as amended); and

WHEREAS, pursuant to this review, changes and modifications were made to address the updated requirements of the County's National Pollutant Discharge Elimination System (NPDES) Phase II stormwater discharge permit administered by the Michigan Department of Environmental Quality; and

WHEREAS, comments were received and carefully considered from technical peers, municipalities, the public and the Michigan Department of Environmental Quality (MDEQ).

NOW THEREFORE BE IT RESOLVED, that the Washtenaw County Board of Commissioners, formally supports the Water Resource Commissioner's *Rules and Guidelines – Procedures & Design Criteria for Stormwater Management Systems*, effective on August 6, 2014.