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**- M E M O R A N D U M -**

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**TO:** Brett Lenart, Planning and Development Services Unit

**FROM:** Jerry Hancock – Stormwater and Floodplain Programs Coordinator,  
Systems Planning Unit, Public Services Area

**DATE:** September 2, 2022

**SUBJECT:** Proposed UDC Section 5.22.3 (Storm Water Management Systems) changes per MS4 NPDES requirements

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The City of Ann Arbor is required by the Federal Clean Water Act to maintain a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. In Michigan those permits are issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). In a March 22, 2022 letter from EGLE, several issues with the City's post-construction stormwater requirements were raised, that necessitate making some adjustments to several of the City's stormwater requirements found in the Unified Development Code (UDC).

By reference, in the UDC, the City utilizes the Rules of the Washtenaw County Water Resources Commissioner (WCWRC) as our stormwater design standards for development. Those rules are in compliance with the NPDES MS4 requirements. However, within the UDC there are numerous exceptions to the Rules of the WCWRC. Those exceptions are the focus of the issues the EGLE has raised. The issues raised by the EGLE are summarized as:

- All site plans on parcels one acre or greater, must address the First Flush volume (first 1" of runoff), even if impervious area is not being increased.
- Impervious area solely for ADA improvements may not be excluded for stormwater management requirements.
- Impervious area solely for public sidewalk improvements may not be excluded for stormwater management requirements.
- Existing impervious area on Historic Structures may not be excluded for stormwater management requirements.

Removing these exceptions from the UDC will make our stormwater requirements more consistent with the Rules of the WCWRC, meet the NPDES MS4 requirements, and make very little difference in the stormwater requirements that would be applied to site plans.

Additionally, we would like to propose a change to the "alternative method of stormwater detention" section. The current section has only been utilized once in the 20-plus years it has been in code. We would like to change it to allow more staff flexibility when site constraints make it infeasible to meet the full detention volume requirement.

These changes were discussed with the Ordinance Revisions Committee of the City Planning Commission on July 26, 2022. Another potential change was also discussed at the meeting which would have lowered the threshold for providing full stormwater detention and would have resulted in gaining points within the Community Rating System. The committee asked for further analysis on lowering that threshold, so it has been pulled out of this proposal.

These potential changes will be more consistent with the Rules of the WCWRC and meet the NPDES MS4 requirements.

*Stormwater changes ORC Memo 9-2-22*