



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
JACKSON DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

March 22, 2022

VIA E-MAIL

Jennifer Lawson, Water Quality Manager  
City of Ann Arbor  
Public Services – Systems Planning unit  
P.O. Box 8647  
Ann Arbor, Michigan 48107

Dear Jennifer Lawson:

**SUBJECT:** Municipal Separate Storm Sewer System Permit Application Comments  
National Pollutant Discharge Elimination System Permit No. MI0053856  
Designated Name: Ann Arbor MS4

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), received the City of Ann Arbor's revised application documents for reissuance of National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit No. MI0053856 on December 20, 2021.

The application revisions have been reviewed. We find additional information is again needed to consider the application complete. Please address the following comments as soon as possible:

1. **Public Education Program (PEP):** Please finalize the Huron River Watershed Council collaborative PEP - remove all yellow highlighted instructions and add any City of Ann Arbor specific information and BMPs. Currently the PEP lists only one city-specific BMP: #21-Rain Gardens.
2. **Illicit Discharge Elimination Program (IDEP) section:**
  - a. Please update the IDEP Sampling and Inspection Schedule on page 37 of the 2021 permit application. The specified dates are outdated and need to be updated. You state the entire system will be inspected on a regular basis, but we need to know specifically what the frequency will be during the upcoming permit cycle.
  - b. The sampling flow chart provides minimal information. Please provide additional procedural information which addresses the various application requirements. A narrative procedure in addition to the flow chart is needed.

- c. The Spill Response Plan lists incorrect EGLE phone numbers. Please update the EGLE contact number to 517-780-7690 (EGLE Jackson District Office main number).
  - d. You state the IDEP Training Plan is currently being updated by SEMCOG and will be submitted at a later date once approved by all parties. To consider the application complete you will need to commit to at least the minimum required amount of training as specified in the permit application.
3. **Construction Storm Water Runoff Control Program section:** Please remove any remaining references to Attachment 7.
4. **Post-Construction Storm Water Runoff Program section:** Please clarify the following:
  - a. Certify that site plans for approval that do not increase total impervious area and are not in the jurisdiction of WCWRC but are over one acre, will be required to meet the Water Quality performance standard (WQV)5.22.2.A. Certify that treatment of the WQV will be met for the entire first flush volume for all projects over one acre.
  - b. 5.22.3.B - What criteria makes a site subject to a site plan?
  - c. 5.22.3.B.1 - Certify that projects mentioned in this section for ADA are under one (1) acre and that new projects will include acreage relating to ADA compliance (parking, walkways, ramps etc.) will be included in the total acreage of the project. Sites over one acre will still require treatment of the WQV.
  - d. 5.22.3.2.b - How is impervious surface defined for these cases?
  - e. 5.22.3.3.A.3 - Public sidewalks over one linear acre are subject to post-construction requirements
  - f. 5.22.3.4 - Historic buildings are not subject to exemption under post-construction. These areas should be included in the total site area.
  - g. Define First Flush
  - h. Define Bankfull event
5. **Pollution Prevention/Good Housekeeping section:**
  - a. Application question 72 regarding catch basin priority areas: You stated in your response letter than an online map of storm drain locations is available at [a2gov.org/stormwater](http://a2gov.org/stormwater), however I was unable to locate this map. Please provide an updated link. Does the map identify priorities areas? If not, priority area information will need to be provided.

- b. The Municipal Operations and Maintenance Section (application questions 77-81) remains incomplete. You stated an O&M table was submitted via MiWaters, but I was unable to locate it. Please provide this information and/or clarify if you are referring to Table 2. In addition, no cold-weather operations information or vehicle washing/maintenance information was provided. Please include information regarding these activities. It would be helpful to provide additional information regarding CityWorks and how it relates to O&M of storm water BMPs.
6. **Phase I Industrial Facility Program Requirements:** Per federal regulations, specifically 40 CFR 122.26(d) (copy enclosed), the city is required to develop an industrial facility inspection program. The city's application must be updated to include a commitment to develop and implement an industrial facilities inspection program. A draft ordinance allowing authority to access facilities for inspection and a prioritized list of industrial facilities is also required. Please include a timeline for development of these requirements in the city's application. Per previous discussions regarding this issue (reference June 9, 2020 e-mail from Christe Alwin), EGLE agreed to a timeline of 12 months for development and implementation of the industrial facilities inspection program; with development of a draft ordinance and prioritized list of industrial facilities due in six (6) months.

Please submit the requested information, including all updated attachments, via MiWaters **by April 15, 2022**. Once the application is amended and determined complete, EGLE will continue to process the city's MS4 permit reissuance.

I am available to discuss MS4 submittal requirements as needed. Please feel free to contact me at 517-539-1097, or [SnellID@Michigan.gov](mailto:SnellID@Michigan.gov), to discuss any questions you may have.

Sincerely,



Debora Snell  
Environmental Quality Analyst  
Water Resources Division

Enclosure