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

TO: Brett Lenart, Planning and Development Services Unit

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

DATE: July 26, 2022

SUBJECT: Ordinance Revisions Committee – Discussion of Proposed Stormwater Code changes per MS4 NPDES requirements

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 area 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.

Last year it came to light during our 5-year recertification of the Community Rating System that the First Flush (first 1" of runoff), Bankfull (runoff from 2.35" of rain in 24 hr), and 100-year (runoff from 5.11" of rain in 24 hr) thresholds in the UDC are short cutting the Rules of the WCWRC, and behind the times for current stormwater management. Lowering the three thresholds to 5000 sf would bring the City 75 additional points within the Community Rating System. Staff estimate this change would only effect about 20% of site plans.

These potential changes will be discussed to be more consistent with the Rules of the WCWRC, meet the NPDES MS4 requirements, and improve within the Community Rating System.

Stormwater changes ORC Memo 7-26-22