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November 6, 2015

Ms. Christe Alwin
Lansing District Office
Water Resources Division
Michigan Department of Environmental Quality
525 W. Allegan Street
Lansing, MI 48909

RE: Eaton County MS4 Application
Response to February 17, 2015 Comments

Dear Ms. Alwin:

On behalf of all of the Eaton County team, we apologize for the length of time it has taken to address your comments. The enclosed revised application and attachments are a work in progress. We look forward to meeting with you or scheduling a conference call to fill in any gaps.

We now have an assigned staff member from the Drain Commissioner's office, Brittany Covault, who has assumed an active role in the MS4 process and will work closely with the GLRC. Her contact information is: bcovault@eatoncounty.org

We are scheduled to make a public presentation to the Public Works Committee of the Eaton County Board of Commissioners to outline the stormwater management process, permit application, and to obtain public comment. We are also scheduled for IDEP training with the GLRC on December 3, 2015.

Our replies below are set up to follow the same format as your letter of February 17, 2015. Your comments are followed by our responses in **bold**.

Section IV

Provide a map of the regulated area. This application requirement can be met by submitting the map available at the following website: http://www.michigan.gov/documents/deq/wbstormwater-MS4-Lansing_248479_7.pdf

The map of the regulated area is Attachment 1.

Section V

Please confirm that the final outfall list provided on July 31, 2013 includes points of discharge within the urbanized area. Points of discharge are discharges from the county's MS4 to an MS4 owned or operated by another public body. Also, confirm the relationship of the outfalls listed in Attachment 3 – *MS4 IDEP Scheduling* and the final outfall list.

The outfall list has been reviewed and revised, and is included as Attachment 2. It has been checked against the IDEP scheduling. See Attachment 7 (previously Attachment 3).

Section VII

The following comments are structured in order of the application with the minimum control measure and application requirement cited.

Overall Comments:

- A measurable goal for each best management practice (BMP) with a measure of assessment was not included in the application. The county may want to consider reviewing the Greater Lansing Regional Committee for Stormwater Management (GLRC) Action Plan to determine if all BMPs are covered by the measurable goals/measure of assessment included in the document.
The GLRC Action Plan is included as Attachment 4. Brittany Covault is the staff member of the Eaton County Drain Commissioner committed to follow up.
- Submit a digital copy of all the referenced material identified in Attachment 1 – *Documents Referenced in the Application*. The information on your website was reviewed but an official copy needs to be submitted.
Official copies of all attachments are included on the flash drive; the documents are too large to email.

Enforcement Response Procedure (ERP)

1. Provide the “enforcement program” referenced on page 123 of the *Stormwater Management Manual* to compel compliance with eliminating illicit discharges and meeting postconstruction control requirements. Also, describe the tracking program for tracking instances of non-compliance including, as appropriate, the name of the person/entity responsible for violating the illicit discharge regulatory mechanism, the date and location of the violation, a description of the violation, a description of the enforcement response used, a schedule for returning to compliance, and the date the violation was resolved.
The ERP is included in Attachment 5 which includes the NPDES Compliance Procedures. Note these have been edited from any previous submittals.

Public Participation/Involvement Program (PPP)

2. Provide the procedure to allow opportunity for public comment on the Stormwater Management Program (SWMP). The county may want to consider using the PPP narrative in the Public Education Plan (PEP) template prepared by the GLRC. More specifically, the narrative in the GLRC PEP template states the following: “*Local public notice requirements will be met as appropriate. Both the SWMP and contact information will be provided to encourage public review.*”
The proposed permit and all attachments will be added to the website. The Public Works Committee of the Eaton County Board of Commissioners will hear a presentation of the Stormwater Management Plan/Process and the permit process, and encourage public input on November 10, 2015. It will then be forwarded to the full board for further input and discussion.

(PEP)

5. The following comments relate to the PEP topics.

- The county should include a specific commitment to using the GLRC educational display (PEP pg. 6). The use of the display is included as part of meeting other PEP activities. The county may want to consider hosting the display annually to meet this requirement. **The GLRC display will be used one week per year at the County Courthouse and one week per year at Delta Township Hall or the Delta Township Library.**
- Describe how the county will coordinate with the Barry-Eaton District Health Department (BEDHD) to promote and post the local Time of Sale septic inspection ordinance. This effort could include providing a link to the BEDHD website on the county website and describing the ordinance requirements. **The time of sale information will be linked to the website.**

Illicit Discharge Elimination Program (IDEP)

11. Provide the procedure for performing a field screening if flow is observed at an outfall and/or point of discharge and the source of an illicit discharge is not identified during the field observation. Field screening shall include analyzing the discharge for indicator parameters (e.g., ammonia, fluoride, detergents, E. coli, and pH). The procedure shall include a timeframe for performing field screening, such as within 24 hours of identifying dry-weather flow.

The IDEP, Attachment 8, Part V has been updated for testing parameters.

12. Include a schedule for performing a source investigation as described in the *Compliance Procedures for Eaton County's National Pollutant Discharge Elimination Program Permit* (Reference D, page 6, number 5). Source investigations should be performed in a timely manner after identifying an illicit discharge.

The IDEP, Attachment 8, Part VI has been updated.

13. The procedure should be updated to include a schedule for responding to complaints and performing a field observation, field screening, and source investigation, as appropriate, in response to illegal dumping/spills.

Attachment 5, NPDES Compliance Procedures, has been updated.

15. Confirm that "reporting obvious contamination" as described in the Compliance Procedures (Reference D, page 6, number 6) includes, at a minimum, reporting a release of polluting materials from the MS4 to surface waters or groundwaters of the state if in excess of the threshold reporting quantities in the Part 5 Rules.

See Attachment 5, NPDES Compliance Procedures, Page 6, Paragraph 6.

- Confirm that the IDEP Pollutant Inquiry Investigation and Incident Report described in the *Compliance Procedures for Eaton County's National Pollutant Discharge Elimination Program Permit* (Reference D, page 3, *Retention*) will be retained for three years. **See also Attachment 8, Page 6, Part V, E. Files will be retained at least three years. See Attachment 5, NPDES Compliance Procedures, Page 3.**

Construction Stormwater Runoff Control Program

29. & 30. Provide the procedures describing the expected response from the county as an Authorized Public Agency to notify appropriate staff internally and the Department of Environmental Quality when soil, sediment or other pollutants are discharged from a county construction project to the MS4.

Eaton County is currently updating their Act 91 Compliance Procedures; see Attachment 9.

Post-Construction Control Stormwater Runoff Program

33. Confirm that Part 2, page 1 – Design Criteria for Stormwater Management Systems in the *Act 40 Drains: Design and Construction Regulations* is the correct reference for requiring and enforcing post-construction stormwater runoff controls.

See Attachment 10, Pages 10, 41 and 54.

- Part 2, page 1 – Design Criteria for Stormwater Management Systems of the *Act 40 Drains: Design and Construction Regulations* affords the option to propose “waivers or variances from specific provisions of these standards” subject to approval of the Drain Commissioner. Please confirm that the only variances/waivers that would be approved for the first flush and channel protection requirements are those requested as part of the offset program described starting on page 82 of the *Stormwater Management Manual*. **Yes, the intent of the manual is that waivers and variances would only apply with an appropriate offset.**

37. Inconsistencies exist between the Water Quality Treatment Performance Standard (first flush) in the *Act 40 Drains: Design and Construction Regulations* and *Stormwater Management Manual*.

- *Act 40 Drains: Design and Construction Regulations* (Part 2, page 1) – First Flush volume, defined as the runoff from the first one-inch of rain from the entire contributing watershed.
- *Stormwater Management Manual: Stormwater Management Criteria* (page 126) – First Flush is one inch (1.0”) of precipitation runoff from the entire catchment area, or one-half inch (0.5”) of runoff from the entire catchment area provided treatment of the entire amount in excess of 0.5” is included in an already approved watershed management plan or constructed drainage system design.

The application defines the Water Quality Treatment Performance Standard as requiring the treatment of the first one inch of *runoff* from the entire site. Clarify how the standards described above are consistent with the application requirement.

The Stormwater Management Manual (Page 126) is being revised. See Attachment 12.

56. Confirm that the correct reference to meet this application requirement is Reference B, *Stormwater Management Manual*, page 34, letter k).

The correct reference is Page 34; see Attachment 10.

Pollution Prevention and Good Housekeeping Program

60. As part of the inventory, provide an estimate of the number of structural controls for each category checked (e.g. 500 catch basins, 10 detention basins, 2 constructed wetlands).

Together with Eng., Inc., Eaton County is compiling an inventory of structural BMPs.

65. – 69. The Road Commission maintains a facility in the watershed in Delta Township and has prepared a separate SWPPP (Stormwater Pollution Prevention Plan). Application

requirement number 65 should be updated to indicate "Yes, a site-specific SOP is available at each facility with the high potential for pollutant runoff." Application requirement numbers 66-69 should be completed with the appropriate reference in the SWPPP.

Yes, see Attachment 3.

70. Update the response to include a "Not Applicable" since there is only one regulated facility that will be addressed by the responses to numbers 65-69.
We have answered "Not Applicable" but are reviewing the Park Department facility at Fitzgerald Park in Grand Ledge.
71. Confirm that the schedule provided for catch basin cleaning of once every five years ensures pollutant runoff is reduced or prevented to the maximum extent practicable and meets the standard to clean before the sump is 40% full as described on page 143 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual. Cleaning catch basins one time in five years is infrequent and should be coupled with an aggressive street sweeping schedule. The county may want to consider a cleaning schedule based on major and minor road designations with major roads receiving more frequent cleaning
See Attachment 13. The catch basins will be monitored and the schedule revised for more frequent cleaning if necessary.
74. Describe the disposal method for the liquid waste extracted from catch basins referenced on page 143 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual. A DEQ guidance document is available on this topic at the following website and could be referenced as the required methods:
http://www.michigan.gov/documents/deq/wb-stormwater-CatchBasinGuidance_216198_7.pdf
The guideline has been added to Attachment 13.
75. Provide the procedure with the description for maintaining detention basins and constructed wetlands. The county may want to update page 143 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual to include this type of information.
See Attachment 10, Pages 47-53. The inventory is being prepared and will be revised within 30 days of the adoption of new controls.
76. Provide the procedure with the statement that any new facilities or structural stormwater controls owned/operated by the county for water quantity will be designed and implemented in accordance with the post-construction performance standards and long-term operation and maintenance requirements in the *Stormwater Management Manual*.
See Attachment 11.
77. Confirm that operation and maintenance activities conducted by the county are addressed in Section 3 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual. Several of the BMPs in the manual cover the various operation and maintenance activities identified in the application requirement. Include a process to update/revise the BMPs to address new and existing operation and maintenance activities.
The Drain Commissioner's office and the Road Commission are working to identify those practices and develop processes.
78. The Road and Street Maintenance (SC-15) BMP described in Section 3 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual describes the street

sweeping procedure but does not provide a specific sweeping schedule. Provide the street sweeping schedule giving consideration to the catch basin cleaning schedule.

The County Road Commission sweeps all streets with curb and gutter annually in late spring.

80. – 81. These application requirements are applicable if street sweeping is performed on any roads owned/operated by the county in the regulated area. Please provide the procedures.
The DEQ guidance has been included. See Attachment 13.

82. The application requirement to have a certified applicator apply pesticides is applicable based on the comment provided. Provide the procedure requiring a State of Michigan certified applicator regardless if staff or a contractor will be performing the work.
The requirement will be added to all contracts that include chemical treatment.

83. The training program included in the *Compliance Procedures for Eaton County's National Pollutant Discharge Elimination Program Permit* is specific to IDEP training. Provide a training program specific to implementing the pollution prevention and good housekeeping program once during the permit cycle and new hires within the first year of the hire date. The county may want to consider referencing the training requirements described Section 3 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual with the schedule described above.

Training has been conducted and will be done again December 3, 2015, including new employees.

84. The procedure should be updated to include requiring contractors hired to perform municipal operation and maintenance activities to comply with all pollution prevention and good housekeeping BMPs as appropriate. The county may want to consider referencing the oversight requirements described Section 3 of the GLRC *Good Housekeeping and Pollution Prevention for Municipal Activities* manual.

This will be added to contract language.

Section VIII

A signature is required on the application.

See revised Application signed by John Fuentes, Eaton County Controller

We do appreciate your kind attention to this application and look forward to your response.

Please contact our office with any questions.

Sincerely,

Eng., Inc.



Gregory L. Minshall, PE
President

cc: John Fuentes, Eaton County Controller
Brittany Covault, Eaton County Drain Commissioner's Office