

From: Wild, Elaine (EGLE) <WildE2@michigan.gov>
Sent: Monday, April 12, 2021 3:51 PM
To: Mitch Dempsey
Cc: Ken Recker; Brian Jonckheere; Meyer, Cheri (EGLE); Alwin, Christe (EGLE); Buckmaster, Tarek (EGLE); Stiles, Jessica (EGLE)
Subject: [EXT] RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4
Attachments: NPDES Permit - DRAFT_Livingston Co MS4.pdf; DRAFT Public Notice Document_Livingston Co MS4.pdf

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Hello Mitch,

Thank you for reviewing the draft NPDES permit for the Livingston County Municipal Separate Storm Sewer System and for providing comments. Please see our comment responses below in **red** font. The updated Draft Permit is attached to this email for your review, along with the Draft Public Notice Document (please note that the only change made to the PN Document was the EGLE Permits Section contact personnel).

1. Page 1

- a. "Change effective date to October 1, 2021."
 – The effective date was not included in the draft permit since we apply the same process to all MS4 permits. Using the LCDC request to public notice for the month of May, we will address any comments received during June. If no comments are received or the comments are addressed quickly, the permit may be issued with an effective date of July 1st at the earliest.
- b. "Use "water quality requirements" instead of effluent limitations."
 – The permit language describes the narrative effluent limitations consistent with federal regulations.

2. Part I.A.2.a

- a. "Insert 'within the permittees stormwater jurisdiction' as noted"
 – The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.
- b. "Modify language for (a written request) and replace with 'the required progress report' as displayed"
 – Discharges from outfalls and points of discharge owned/operated by the permittee that were not identified in the application are not authorized. Delaying submittal of the information required in this permit condition until the next progress report could result in long-term unauthorized discharges. The goal of this permit condition is to provide a process to authorize newly identified, constructed, or installed outfalls and

points of discharge to ensure appropriate permit coverage and limit the need for routine modifications (and the associated public notice) of the permit.

3. Part I.A.2.a.5. and Part I.A.2.a.6.

- a. "Insert 'within the permittees stormwater jurisdiction' as noted (2 places)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

4. Part I.A.2.b.

- a. "Modify language for (a written request) and replace with 'the required progress report' as displayed"
 - Discharges from outfalls and points of discharge owned/operated by the permittee that were not identified in the application are not authorized. Delaying submittal of the information required in this permit condition until the next progress report could result in long-term unauthorized discharges. The goal of this permit condition is to provide a process to authorize newly identified, constructed, or installed outfalls and points of discharge to ensure appropriate permit coverage and limit the need for routine modifications (and the associated public notice) of the permit. The form in MiWaters is straightforward and has been used by other permittees to meet this requirement.

5. Part I.A.3. and Part I.A.3.e. (2 times) and Part I.A.3.f.

- a. "Add 'within the permittees stormwater jurisdiction' as noted (2 places)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

6. Part I.A.3.f.1.

- a. "Change date to October 1, 2021"
 - This date has been changed.
- b. "Remove in 'in effect' language (2 places)"
 - This language is consistent with all the other permits and is necessary to ensure implementation of the program.
- c. "Modify (where the permittee is the project developer) replace with 'within the permittees jurisdiction'"
 - It's unclear how this language differs. We believe the original language clearly identifies the role of the permittee to the public.

7. Part I.A.3.f.1.b.

- a. "Add 'to the maximum extent practicable' after (1.3-inch rainfall event)"
 - MEP is identified at the beginning of the Post-Construction Program language and applies to the entire condition.

8. Part I.A.3.f.3.

- a. "Add 'by the owner/operator' after (maintained in perpetuity)"
 - This language has been updated.
- b. "Add 'within the their stormwater jurisdiction' after (maintenance of BMPs)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge

owned/operated by the permittee, and list of receiving waters. The term “regulated” was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

If you have further questions or concerns, please feel free to reach out to myself or your compliance personnel. If you do not have any further comments regarding the draft permit, then please let me know which date works best to begin the public notice period and how the public notice will be posted.

Sincerely,

Elaine Wild

Environmental Engineer

Industrial and Storm Water Permits Unit

Permits Section | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy

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From: Mitch Dempsey <MDempsey@livgov.com>

Sent: Thursday, April 8, 2021 4:34 PM

To: Wild, Elaine (EGLE) <WildE2@michigan.gov>

Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>

Subject: RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

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EGLE Staff,

Please see attached letter with comments regarding the Draft NPDES Individual Permit No. MI0060140 for Livingston County received on March 18, 2021. We are requesting a public notice period starting date of May 1, 2021 and an implementation date of October 1, 2021.

Please let me know if the attached document needs to be uploaded into the miwaters system. I did not see a portal to upload any documents for this permit.

Thanks,

Mitch Dempsey

Environmental Projects Manager

Livingston County Drain Commissioner's Office
2300 E. Grand River Avenue, Suite 105
Howell, MI 48843-7581
Phone: 517-546-0040 Ext: 6910
www.livgov.com/drain

From: Wild, Elaine (EGLE) <WildE2@michigan.gov>
Sent: Thursday, March 25, 2021 10:39 AM
To: Mitch Dempsey <MDempsey@livgov.com>
Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>
Subject: [EXT] RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

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Hello Mitch,

Submitting your comments for the draft MS4 permit by April 8, 2021 is fine.

Please let me know if you have any other questions or concerns.

Sincerely,

Elaine Wild

Environmental Engineer
Industrial and Storm Water Permits Unit
Permits Section | Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy
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From: Mitch Dempsey <MDempsey@livgov.com>
Sent: Thursday, March 25, 2021 10:28 AM
To: Walsh, Riley (EGLE) <WalshR2@michigan.gov>
Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>; Wild, Elaine (EGLE) <WildE2@michigan.gov>

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Riley Walsh,

Our office request an additional 7 days to submit comments prior to April 8, 2021 regarding the terms and conditions of the draft permit.

Please let me know if you can approve this request.

Thanks,

Mitch Dempsey

Environmental Projects Manager

Livingston County Drain Commissioner's Office
2300 E. Grand River Avenue, Suite 105
Howell, MI 48843-7581
Phone: 517-546-0040 Ext: 6910
www.livgov.com/drain

From: Walsh, Riley (EGLE) <WalshR2@michigan.gov>

Sent: Thursday, March 18, 2021 1:58 PM

To: Mitch Dempsey <MDempsey@livgov.com>

Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>; Wild, Elaine (EGLE) <WildE2@michigan.gov>

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Dear Mitch Dempsey:

Attached are your draft National Pollutant Discharge Elimination System (NPDES) permit and public notice document. Please review these documents carefully. Modifications made to the previously-issued permit are summarized in the second paragraph of the attached public notice. If you have any comments on the terms and conditions of the draft permit, including information that should be considered in the development of site-specific effluent limitations or comments on the standard permit language, please forward them prior to April 1, 2021, so that we can consider them before the draft permit is placed on public notice.

Please note, the conditions in Part I.A.3.f. Post-Construction Storm Water Runoff Program (page 8), are consistent with those of the Oakland County MS4 permit.

The conditions of this draft permit have been considered on a case-specific basis, and the monitoring program is considered the minimum that will ensure environmental protection. We require the permittee to report self-monitoring data via the Department of Environment, Great Lakes, and Energy (EGLE) MiWaters system (see Part II.C.2. of the draft permit).

The draft permit is ready for public notice when we agree upon a start date. Please respond with what upcoming date works best to begin the public notice period and let me know which of the alternatives is preferred: posting the public notice document at or near the entrance to the facility, posting the public notice document in a public building in the local municipality, or publishing the public notice document in a local newspaper. We will then send you the public notice package. Your posting will complement the notice that will be on our Internet site.

If you have any questions, please contact me.

Sincerely,

Riley Walsh


Environmental Quality Analyst

Industrial and Storm Water Permits Unit

Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy

517-281-6666 | Walshr2@Michigan.gov

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