

# **The Oakland County Phase II Stormwater Permit (in a nutshell)**

## **What is Phase II?**

Phase II is part of the Federal Clean Water Act, which established the National Pollutant Discharge Elimination System (NPDES) permit program in 1972. In 1987, the Clean Water Act adopted a phased approach to control pollutants for different categories of stormwater discharges.

Phase I regulations were established in 1991 and regulated stormwater discharges associated with industrial activities, large municipalities (over 100,000 in population), and construction sites larger than five acres. This includes the Oakland County International Airport.

Phase II regulations were established in 1997 and regulate counties, cities, townships, and villages that own or operate separated storm sewer systems located within urbanized areas (those with a population over 50,000 by the year 2001). Separated storm sewer systems include open and closed drains and detention facilities that carry only stormwater, not sewage or combined stormwater and sewage.

## **Why does Oakland County have a Phase II Stormwater Permit?**

Oakland County departments and agencies, including the Road Commission, Drain Commissioner's Office, Parks & Recreation, Airports, and Facilities Maintenance collectively own and operate separated storm sewer systems. Because these systems are located in urbanized areas, Oakland County is required to have a Phase II Stormwater Permit.

The Oakland County Board of Commissioners passed a resolution in December of 1998 granting Oakland County Drain Commissioner, John P. McCulloch the authority to apply for coverage under the Michigan Watershed-based stormwater general permit for all County Departments and Agencies.

## **I thought Oakland County already had a Phase II Permit for the Rouge Watershed.**

That's true. Oakland County has been voluntarily permitted for the Rouge Watershed since 1997. However, the voluntary period has now ended. As of March 10, 2003, Oakland County was required to submit an application for Phase II Permit coverage for the entire County.

During the voluntary permit cycle, staff at the Drain Commissioner's Office participated in the appropriate watershed groups and drafted the necessary documents for Oakland County to comply with the voluntary permit. This experience will be invaluable to the County as the Rouge moves forward into its second permit cycle. It also will help the remaining watersheds in Oakland County initiate their programs.

## **Is there a penalty for failing to comply with a Phase II Stormwater Permit?**

Yes. Violators are subject to NPDES fines up to \$32,500 per day.

## **What's a Watershed-based Permit, and why did Oakland County choose that over a Jurisdictional Permit?**

In Michigan, there are two types of NPDES Phase II Stormwater Permits: the Jurisdictional Permit, and the Watershed-based Permit. The Watershed-based Permit allows the permittee (that's Oakland County) to work with other permittees in the same watershed to comply with the requirements of the permit. Instead of re-inventing the wheel, the permittees can collectively develop necessary documents and programs for Phase II compliance. This provides a great advantage in time and money savings for the permittees. It's been shown that the Watershed-based permit can provide greater improvement in overall water quality by allowing permittees to concentrate efforts on the biggest problems in the watershed.

A Jurisdictional Permit, on the other hand, has less flexible requirements and does not allow permittees to share documents and programs. Each permittee must develop all of the necessary documents and programs on their own. In some ways, this may look like an attractive alternative because it allows each permittee to work without considering outside interests and opinions. However, it prevents cost and resource sharing and doesn't always result in the greatest impact on water quality.

The Environmental Unit at the Drain Commissioner's Office carefully reviewed the permit requirements and their experience in the Rouge Watershed before choosing to apply for a Phase II Watershed-based Stormwater Permit for Oakland County.

## **Will Oakland County participate with others for its Watershed-based Permit?**

Yes. The Phase II Permit requires Oakland County to participate in each of the 11 active Subwatershed Advisory Groups (SWAGs) that Oakland County has land area in. (See Subwatershed Map) That includes three SWAGs in the Rouge River Watershed: Rouge Main 1-2, Upper Rouge, and Rouge Middle 1; four SWAGs in the Clinton River Watershed: Stony/Paint Creek, Clinton Main, Red Run, and the Upper Clinton; two SWAGs in the Huron River Watershed: Kent Lake and Chain of Lakes; one SWAG in the Shiawassee River Watershed: Upper 2 Shiawassee, and one SWAG in the Flint River Watershed Middle Flint.

## **11 SWAGs is a lot of groups to participate in. What exactly does Oakland County have to do with each group?**

Oakland County must act as a member of each SWAG. That includes providing ideas and input, helping to secure funding, and providing resources and expertise where appropriate.

Members of the Environmental Unit at the OCDC regularly attend meetings and participate in the SWAGs on behalf of Oakland County. The Environmental Unit even serves as facilitators and grant administrators for some of the groups.

### **Does Oakland County have to write a Public Participation Process for each SWAG?**

Yes. Oakland County must participate in the development and implementation of a Public Participation Process (PPP) for each SWAG. That means Oakland County needs to review the PPP drafts, provide input, and participate as a permittee. Each SWAG will have its own PPP that explains exactly how the permittees within that group are going to get public involvement in the watershed planning process. As a permittee in each group, Oakland County will be responsible for implementing its portion of all 11 PPPs. Oakland County's involvement will range from planning and attending community meetings, and giving presentations for municipal boards and stakeholders, to posting and distributing information to the public and its own employees about the watershed planning process.

The Environmental Unit at the OCDC have been reviewing and providing input into the draft PPPs as they are developed by the SWAGs. Oakland County departments and agencies will be responsible for implementing the PPPs along with other permittees in each SWAG.

### **What's a Watershed Management Plan? How does that fit in?**

Each of the SWAGs will have to write its own Watershed Management Plan (WMP). This is usually a two- or three-year process where a consultant is hired to do all or part of the writing. The WMPs will identify the impaired areas and desired uses of the subwatershed. Additionally, the WMP will outline subwatershed goals relating to water quality, use of the water resources, and public education. It will provide guidance and priorities for improvement of the water resources within each subwatershed, including a list of action items to be followed by the permittees in order to reach their goals. As a permittee in each SWAG, Oakland County will be responsible for providing input and data, reviewing draft documents, securing funding, etc, during the development of the WMPs. Once completed, Oakland County must formally adopt the WMP for each SWAG.

The OCDC Environmental Unit has been working with each SWAG to secure funding for the writing of their WMPs, in addition to reviewing and providing input into the draft chapters as they are developed by the SWAGs. Oakland County departments and agencies will be responsible for continuing to provide input throughout the entire WMP development process.

## **Will Oakland County have an Illicit Discharge Elimination Plan?**

Yes. The Phase II Stormwater Permit requires that each permittee have an Illicit Discharge Elimination Plan (IDEP) for their entire jurisdiction. The Oakland County IDEP will cover the entire County. This plan will outline how all of the Oakland County departments and agencies that own or operate separated storm sewer systems and facilities are going to check each system outlet and facility to ensure that there are no illicit discharges leaving Oakland County systems and facilities. The Oakland County 24-hour Complaint Hotline is an integral part of IDEP. This program provides a means for the public to report suspicious pollution in storm drain systems. The IDEP also will include an implementation schedule outlining how all of the facilities are going to be located and IDEP checked during the five-year permit cycle. The IDEP must then be implemented in all Oakland County departments and agencies.

The OCDC Environmental Unit has created a committee of departments and agencies that own or operate separated storm drainage systems, to provide input into the Oakland County IDEP. The Environmental Unit has been facilitating this committee to educate all of the other entities on the IDEP requirements of the Phase II permit, and to develop a database for storing all of the information that will be collected when the IDEP is implemented. The OCDC Environmental Unit has IDEP experience from the Rouge Watershed and will be able to contract with other Oakland County entities to provide actual IDEP field services.

## **Is Public Education a requirement of the Phase II Stormwater Permit?**

Yes. The Permit requires that each permittee write a Public Education Plan (PEP). The Oakland County PEP will cover the entire County and include the target audiences identified in the permit (residents, visitors to the area, businesses, commercial operations, and construction activities), at a minimum. It also will explain how all Oakland County departments and agencies will educate the public on the topics defined in the permit. The topics range from environmental stewardship to residential efforts to improve water quality. Since most of the residents of Oakland County are covered under other municipal Phase II permits, Oakland County will be focusing its "resident" public education efforts on its own employees. The PEP will include a schedule, and must be implemented in all Oakland County departments and agencies for the duration of the permit cycle.

The Environmental Unit at OCDC also has created a committee of departments and agencies that currently have or support public education programs. This committee will provide input into the Oakland County PEP. The Environmental Unit has been facilitating this committee to educate all of the other entities on the PEP requirements of the Phase II permit. The Environmental Unit has PEP experience from the Rouge Watershed and is making every effort to utilize existing programs and existing means of communication to cover the Public Education requirements of the Phase II Stormwater Permit.

## **Does Oakland County also need a Stormwater Pollution Prevention Initiative?**

Yes. The Phase II Permit requires each permittee to write a Stormwater Pollution Prevention Initiative (SWPPI). The SWPPI is the overall, implementable plan for the permittee that includes timelines and methods for measuring progress on each included item. The WMP, IDEP and PEP requirements are included in the SWPPI, to create a single document that must be reported against. Because Oakland County has completed a full permit cycle in the Rouge Watershed, it currently has a SWPPI that covers the Rouge River Watershed. The SWPPI is currently being revised, but still only covers the Rouge River Watershed. The Oakland County SWPPI will be revised again to include the IDEP and PEP requirements, as well as the action items from the new WMPs when those plans are completed. The coverage area will be increased to cover the entire County.

The OCDC Environmental Unit has been working diligently with many departments and agencies to draft an updated SWPPI for the Rouge River Watershed. Every effort was made to use existing programs and practices that fall under the Phase II permit. That also will help to avoid creating new and more costly programs. All involved agencies will sign the new SWPPI to show support and agreement.

## **What is reported in the Annual Report? Who gets a copy?**

The Phase II Permit requires that Oakland County write and submit an Annual Report for the County that describes the progress on each of the items in the SWPPI. The Annual Report must be sent to the Michigan Department of Environmental Quality by Oct 1<sup>st</sup> of each year. The Phase II Annual Report also is available on the OCDC website. [www.oakgov.com/drain](http://www.oakgov.com/drain)

The OCDC Environmental Unit currently drafts and submits the Annual Report each year on behalf of all Oakland County departments and agencies. This process will involve greater coordination as the permit coverage area expands countywide.

## **Are we done after we write all of these plans...PPP, WMP, PEP, IDEP, and SWPPI?**

Not quite. The Phase II Stormwater Permit requires the SWAGs to periodically update their WMP and Oakland County to update its SWPPI on a two-year cycle.

The OCDC Environmental Unit currently is working on an updated SWPPI for the Rouge River Watershed. As revisions for the WMPs and SWPPI are required, the Environmental Unit at OCDC will coordinate with all other Oakland County departments and agencies to further update and refine these documents.

**It looks like the Phase II Stormwater Permit has a lot of requirements. Can you give me a quick summary?**

Sure. The Watershed-based Stormwater Permit has eight main requirements. As a permittee, Oakland County must do the following basic items. (See accompanying schedule)

1. Participate in the 11 Subwatershed Advisory Groups (SWAGs)
2. Write a Public Participation Process (PPP) in each SWAG
3. Write a Watershed Management Plan (WMP) in each SWAG
4. Write an Illicit Discharge Elimination Plan (IDEP) for the County
5. Write a Public Education Plan (PEP) for the County
6. Write a Storm Water Pollution Prevention Initiative (SWPPI) for the County
7. Write Annual Reports for the County
8. Update Items #3 and #6 as required.

**That's going to require a lot of ongoing coordination between Oakland County departments and agencies!**

That's right. It will require a lot of ongoing coordinating between all of the Oakland County departments and agencies to bring Oakland County into compliance with its Phase II permit; not to mention, coordinating with the International Airport to cover its Phase I requirements. To help steer this monumental effort, the OCDC Environmental Unit has taken the lead and created a committee, the Oakland County Stormwater Committee (OCSC). That committee is comprised of representatives from all Oakland County departments and agencies with facilities or programs that fall under Phase II regulations. (See accompanying figure) The Environmental Unit is facilitating the OCSC, and supporting the group with Phase II expertise and advice to bring Oakland County into Phase II compliance. The OCSC likely will continue to grow as more programs and practices are identified that fall under the Phase II regulations.

**What is this going to cost?**

Phase II is a Federal, unfunded mandate. It is going to cost Oakland County ongoing staff time and money to bring Oakland County into full compliance with their Phase II Permit.

OCDC has been leading the County in Phase II efforts by utilizing the staff of the Watershed Group, authorized by the Board of Commissioner in May of 2002. These staff members have made great strides in defining the permit requirements and creating the Oakland County Stormwater Committee, a forum for coordination between all Oakland County entities. The funding for the watershed group is slated to end in September of 2004. The funding may end, but the requirements to bring Oakland County into Phase II Permit compliance will continue. As a result, additional funding for the watershed group will continue to be a challenge.