

NPDES Stormwater Discharge Regulatory Requirements for Public School Districts

The 1988 amendments to the Federal Clean Water Act required the USEPA to develop and enforce regulations to address the discharges of pollutants from “Non-Point Sources”. These regulations, known as the National Pollutant Discharge Elimination System (NPDES), regulate discharges of stormwater from specific entities.

Phase I became effective April 1, 1993, and regulated only large municipalities with a population in excess of 1,000,000 people. Phase II became effective April 1, 2003 and incorporated these requirements for both municipal and other public organizations, including public school districts, located within urbanized areas of more than 100,000 people.

Urbanized areas are defined as a land area comprising one or more places and the adjacent densely populated surrounding areas that have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

The basin unit for delineating the Urbanized Area (UA) boundaries is the census block. Census blocks are based on physical boundaries such as a city block or political boundaries. Urbanized areas can be comprised of large areas such as counties and Indian reservations or smaller civil divisions (i.e. towns or townships).

The current Urbanized Areas are determined based on the 2000 Census. The State of Michigan has identified the following areas as meeting these requirements:

- Ann Arbor
- Battle Creek
- Bay City
- Benton Harbor - St. Joseph
- Detroit
- Elkhart, Indiana - Michigan
- Flint
- Grand Rapids
- Holland
- Jackson
- Kalamazoo
- Lansing
- Michigan City, Indiana - Michigan
- Monroe
- Muskegon
- Port Huron
- Saginaw
- South Lyon – Howell – Brighton
- South Bend, Indiana - Michigan
- Toledo, Ohio - Michigan

Maps of the 2000 Census Urbanized Areas can be accessed using the following link:

http://www.michigan.gov/documents/deg/wrd-stormwater-urbanizedareas_374344_7.pdf

All “Public” entities, including public school districts with properties located within the boundaries of one of these Urbanized Areas, must obtain a permit from the Michigan Department of Environmental Quality to discharge stormwater through a Municipal Separate Storm Sewer System (MS4) to surface waters of the State.

Applicability

Public entities, including public school districts located within the boundaries of one of these Urbanized Areas, are required to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) to discharge stormwater through a Municipal Separate Storm Sewer System (MS4) to surface waters of the State.

Public school districts have several options in determining the appropriate permit coverage. These options include:

1. Watershed General Permit,
2. Jurisdictional General Permit,
3. Become “Nested” under another MS4 permit, or
4. Individual Permit.

The applicability of these permits is limited to point source discharges of stormwater from municipal separate stormwater drainage systems which have requested coverage under a general permit and have not been determined by the Michigan Department of Environmental Quality (the “Department”) to need an individual NPDES permit or coverage under the NPDES general permit “Stormwater Discharges from MS4s Subject to the Six Minimum Measures.” Discharges which may cause or contribute to a violation of a water quality standard are not authorized by this permit.

Current General Permit Status

On April 1, 2003, the MDEQ issued the 1st General Permits under Phase II of the federal NPDES MS4 regulations. These General Permits expired on March 31, 2008. At that time, the replacement permit requirements had not been finalized and existing permittees were required to submit a “short form” application extending coverage until the new permits could be completed.

On May 22, 2008, the MDEQ issued new MS4 General Watershed and Jurisdictional Permits. These General Permits and new Certificates of Coverage had several additional requirements that were not included in the expired permits. These additional requirements included specific requirements to address Total Maximum Daily Load (TMDL) restrictions, requirements for immediate reductions in the discharge of Total Suspended Solids (TSS), development and implementation of site specific “Stormwater Pollution Prevention Plans (SWPPPs)” for transportation, fleet maintenance, and storage facilities, and development and implementation of a program to train all employees at specific intervals based on their written job descriptions, specific job functions, duties, or responsibilities under the program.

These new permits were contested by more than seventy (70) municipalities and other public entities (including school districts). Due to a variety of problems identified during these cases, the MDEQ chose to withdraw the 2008 general permits.

This action required existing permit holders that had previous coverage under the 2003 General Permits to revert back to the Certificates of Coverage issued under that permit. Entities that had not obtained coverage under the previous General Permit were (and still are) required to enter into an *“Administrative Consent Order (ACO)”* agreement with the MDEQ. The ACO outlines the stipulations of the 2003 General Permits and requires compliance with the currently expired General Permit. ACO’s are also required for permittees that request a change in permit coverage to another General Permit.

The MDEQ, along with a group of stake holders, are engaged in the review of the existing permit requirements and the development of new General Permits. Currently, there is no specific date for issuance of the new permits, but the new permits are anticipated to be issued sometime after December 2012.

Watershed General Permit

The Watershed General Permit allows multiple regulated entities to work cooperatively in meeting the NPDES MS4 permit requirements. In order to constitute a valid authorization to discharge stormwater, the permit must be complemented by a Certificate of Coverage (COC) issued by the MDEQ. The following information will be identified in the Certificate of Coverage:

- The watershed boundaries that are to be covered by a Watershed Management Plan (WMP),
- The submittal date for the process to facilitate the involvement of the watershed jurisdictions and the public in the development of the WMP,
- The submittal dates for the Illicit Discharge Elimination Plan (IDEP) and the Public Education Plan (PEP) (or a revised IDEP or PEP),
- The submittal date for the WMP,
- The submittal date for the Stormwater Pollution Prevention Initiative (SWPPI) and implementation schedule,
- Any deferred areas for a portion of a permittees urbanized area,
- The submittal date for the Annual Progress Reports,
- The submittal date for the revised WMP (or a written determination not to revise the WMP), and
- The submittal date for the revised SWPPI (or a written determination not to revise the SWPPI).

Unless specified otherwise, all contact with the MDEQ required by this permit shall be to the position(s) indicated in the Certificate of Coverage, and all Department approvals specified in this permit shall be by the position(s) indicated in the Certificate of Coverage.

Each permittee shall make payment of an annual stormwater fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than March 15th of each year.

The terms and conditions of this General Permit shall apply to the permittee on the effective date of a Certificate of Coverage issued to the permittee.

Watershed General Permit Requirements

Permittees covered under a Watershed General Permit work cooperatively to develop and implement a “Watershed Management Plan (WMP)”. The WMP identifies and outlines the “Best Management Practices (BMPs)” to be instituted by all covered entities to address the individual components of the General Permit.

- Public Education Program
- Illicit Discharge Elimination Program
- Watershed Plan
- Stormwater Pollution Prevention Initiative
 - Public Involvement & Participation Plan
 - Post-Construction Stormwater Controls
 - Construction Site Stormwater Controls
 - Pollution Prevention & Good Housekeeping Program

Public Education Program

The PEP shall promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce the discharge of pollutants in stormwater to the maximum extent practicable. The PEP may involve combining with or coordinating existing programs for public stewardship of water resources. Pollution prevention shall be encouraged. The PEP shall describe a method for determining the effectiveness of the various public education activities.

The "**Public**" shall be defined to include all persons who potentially could affect the quality of stormwater discharges, including, but not limited to, residents, visitors to the area, businesses, commercial operations, and construction activities.

The PEP shall be designed to accomplish, at a minimum, the following tasks as appropriate based on the potential impact on the watershed:

- 1) Education of the public about their responsibility and stewardship in their watershed;
- 2) Education of the public on the location of residential separate stormwater drainage system catch basins, the waters of the State where the system discharges, and potential impacts from pollutants from the separate stormwater drainage system;
- 3) Encouragement of public reporting of the presence of illicit discharges or improper disposal of materials into the applicant's separate stormwater drainage system;
- 4) Education of the public on the need to minimize the amount of residential, or non-commercial, wastes washed into nearby catch basins (this should include the preferred cleaning materials and procedures for car, pavement, or power washing; the acceptable application and disposal of pesticides and fertilizers; and the effects caused by grass clippings, leaf litter, and animal wastes that get flushed into the waterway);

5) Education of the public on the availability, location and requirements of facilities for disposal or drop-off of household hazardous wastes, travel trailer sanitary wastes, chemicals, yard wastes, and motor vehicle fluids; and

6) Education of the public concerning management of riparian lands to protect water quality.

Illicit Discharge Elimination Program

The applicant shall submit an IDEP, or an update to an existing IDEP, to prohibit and effectively eliminate illicit discharges (including the discharge of sanitary wastewater) to the applicant's separate stormwater drainage system for the regulated area. At a minimum, the IDEP shall include the following:

1) Program to find, prioritize and eliminate illicit discharges and illicit connections identified during dry weather screening activities;

2) Description of a program to minimize infiltration of seepage from sanitary sewers and on-site sewage disposal systems into the applicant's separate stormwater drainage system;

3) Method for determining the effectiveness of the illicit discharge elimination activities which shall, at a minimum, result in the inspection of each stormwater point source every five years unless the Department approves an alternative schedule (an alternative schedule may focus efforts on urbanized areas and cover other regulated areas less frequently, based on watershed goals); and

4) Updated map of the location of each known stormwater point source and the respective receiving water or drainage system (the Department may accept an alternate submission if the permittee demonstrates that the submission will be sufficient in the effective elimination of illicit discharges).

"Illicit connection" means a physical connection to the separate stormwater drainage system that (1) primarily conveys illicit discharges into the system and/or (2) is not authorized or permitted by the local authority (where a local authority requires such authorization or permit).

"Illicit discharge" means any discharge (or seepage) to the separate stormwater drainage system that is not composed entirely of stormwater or uncontaminated groundwater. Examples of illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, or animal wastes, or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-stormwater waste into a separate stormwater drainage system.

Watershed Management Plan (WMP)

Each permittee electing to apply for coverage under the "Watershed General Permit" will participate in the development and implementation of a "Watershed Management Plan (WMP)". The purpose of the WMP is to identify and execute the actions needed to resolve water quality and water quantity concerns by fostering cooperation among the various public and private entities in the watershed. Those concerns related to Total Maximum Daily Loads (TMDLs) established within the watershed should be included and details for those actions specific to stormwater controls shall be listed in the WMP (the Department recognizes that some of the actions required to meet the goals of some TMDLs may involve actions outside of the authorization of this general stormwater permit). The emphasis of the WMP shall

be to mitigate the undesirable impacts caused by wet weather discharges from separate stormwater drainage systems.

Those people most affected by management decisions should participate in the development of the WMP and shape key decisions. By the date specified in the certificate of coverage, the process to facilitate the involvement of the watershed jurisdictions and the public (i.e., "the Public Participation Process") in the development of the WMP shall be submitted to the Department of Environmental Quality (MDEQ) for approval.

A person, group, or agency responsible for coordinating the development of the WMP shall be identified. Where multiple permittees are responsible for submittal of a WMP for the same watershed, a single coordinated public participation process shall be submitted by all of the permittees.

The WMP shall cover the watershed(s) identified on the certificate of coverage. By the date specified in the certificate of coverage, the permittee shall submit the WMP to the Department. (Note: the WMP requirement may be deferred until a later time for a portion of the permittee's jurisdiction. The WMP shall not be deferred for the permittee's entire urbanized area. Any portion of the jurisdiction that is deferred will be indicated on the certificate of coverage.) Significant components of the WMP which do not have complete agreement of the participants shall be detailed in an appendix to the WMP [including a description of the WMP component, identification of participants who disagreed with the component, reasons for disagreement (if provided), and suggested alternatives (if provided)]. Procedures for revising the WMP shall be identified. Where multiple permittees are responsible for submittal of a WMP for the same watershed, one WMP shall be submitted on behalf of all the permittees. Comments provided by the Department within 90 days of submittal of the WMP should be addressed by the participants.

The permittee may choose to demonstrate that a watershed(s) other than that specified on the certificate of coverage is appropriate. This demonstration shall be submitted to the Department for approval.

The WMP should be developed based on sound guiding principles. The EPA's "Watershed Approach Framework" (EPA 840-S096-001, June 1996) and the MDEQ's "Developing a Watershed Management Plan for Water Quality: An Introductory Guide" (February 2000) may be helpful in establishing a framework for a WMP. Collectively, WMP participants should employ sound scientific data, tools, and techniques in an iterative decision making process. The typical steps in a watershed planning process, that may be used to develop a WMP, are as follows:

- 1) Assessment and characterization of the natural resources and the communities that depend upon them,
- 2) Goal setting and identification of environmental objectives based on the condition or vulnerability of resources and the needs of the aquatic ecosystem and the people within the community,

- 3) Identification of priority problems and opportunities (including any TMDL established for a parameter within the watershed that may be affected by stormwater),
- 4) Development of specific management options and action plans,
- 5) Implementation of the action plans, and
- 6) Evaluation of effectiveness and revision of plans, as needed.

Stormwater Pollution Prevention Initiative (SWPPI)

The SWPPI is designed and implemented to reduce the discharge of pollutants to the maximum extent practicable, be consistent with the WMP, include those actions expected to be implemented over the term of this permit, identify methods for determining the effectiveness of the actions to be implemented, and may cover urbanized areas (with a deferred WMP) outside of the watershed boundary included in the WMP.

The SWPPI specified the method to be used by the watershed group including actions required of the permittee in the WMP in accordance with the dates specified, taking into account any specific disagreements to the WMP which were provided by the permittee and included in the appendix to the WMP.

Pollution Prevention & Good Housekeeping Program

Development and implementation of pollution prevention and good housekeeping activities, as appropriate, including a training and inspection program for staff and contractors employed by the permittee in activities that may affect stormwater runoff including:

- Maintenance activities, maintenance schedules, and inspection procedures for stormwater structural controls to reduce pollutants (including floatables) in discharges from the permittee's separate stormwater drainage system.
- Controls for reducing or eliminating the discharges of pollutants from streets, roads, highways, parking lots, and maintenance garages.
- Procedures for the proper disposal of operation and maintenance waste from the separate stormwater drainage system (dredge spoil, accumulated sediments, floatables, and other debris).
- Ways to ensure that flood management projects assess the impacts on the water quality of the receiving waters and, whenever possible, examine existing water quantity structures for incorporation of additional water quality protection devices or practices.
- Implementation of controls to reduce the discharge of pollutants related to application of pesticides, herbicides, and fertilizers applied in the permittee's regulated area.

Public Involvement & Participation

Public input shall be encouraged in areas where the WMP is deferred. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be submitted to the department as part of the annual report. The following minimum actions shall be taken to encourage public input:

- 1) The permittee shall follow local public notice requirements, as appropriate, when notifying the public that a SWPPI must be implemented. Copies of the permittee's SWPPI shall be available for public inspection, and the public shall be notified of when and where it is available.
- 2) The permittee shall establish and implement a citizen advisory committee for the purpose of encouraging public involvement in all aspects of the SWPPI.
- 3) The permittee shall pursue cooperation with local stream or watershed protection organizations, if any, by informing them of activities under the SWPPI, providing copies of the preliminary and final SWPPI and pursuing input on the SWPPI, seeking volunteer assistance including water quality monitoring assistance, and seeking ways to meet permit requirements by assisting the local organizations with their ongoing programs for water resource protection and enhancement.

Post-Construction Stormwater Controls for New Development and Redevelopment Projects

Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the drainage system. The program shall ensure that controls are in place that will prevent or minimize water quality impacts.

Develop and implement a comprehensive stormwater management plan for development, implementation, and enforcement of controls watershed-wide or jurisdiction-wide to protect the designated uses in all receiving waters within urbanized areas from the effects commonly associated with urbanization. Common effects of urbanization to be considered under the comprehensive management plan include stream "flashiness" (higher peak flow and lower base flow), stream-bank erosion, increased stream temperature and pollutant load, reduced stream bank vegetation, and degraded fish and aquatic habitat. Example comprehensive management plan controls for prevention of impacts from urbanization include policies and ordinances that provide requirements and standards for directing growth to identified areas, protecting sensitive areas such as wetlands and riparian areas, maintaining and/or increasing open space (including a dedicated funding source for open space acquisition), encouraging infill development in higher density urban areas and areas with existing infrastructure, establishing in-stream maximum flow targets designed to minimize stream bank erosion and maintain healthy fish populations, and coordinating release volumes and rates from detention basins to achieve in-stream maximum flow targets.

Develop and implement ordinances or other regulatory mechanisms to address post construction stormwater runoff from new development and redevelopment projects to the extent allowable under state or local law. Objectives of the ordinances or other regulatory mechanisms should be to protect receiving water quality from the impacts of development and limit the rate and volume of stormwater discharges from any specific site during and following development or redevelopment. The ordinances or other regulatory mechanisms shall include the following:

- Requirements for implementation of appropriate non-structural and/or structural BMPs. Non-structural BMPs are preventative actions that involve management and source controls.

Examples include: buffer preservation along water bodies, establishment of easements for vegetative filters and infiltration, education programs for developers and the public about project designs that minimize water quality and quantity impacts, minimum disturbance of soils and vegetation, planting native vegetation, restrictions on directly connected impervious areas, and incentives for reducing imperviousness. Structural BMPs are physical controls that improve water quality, including storage practices. Examples of structural BMPs include: wet ponds and extended-detention outlet structures; vegetative buffers; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins, infiltration trenches, rain gardens, and infiltration islands in parking lots.

- Requirements for adequate long-term operation and maintenance of BMPs.
- Requirements to control sediment discharges from new developments and redevelopments that result from soil erosion after the local soil erosion and sedimentation permit and federal permit by rule are no longer in effect.
- Requirements for regulating the rate at which stormwater flows into the drainage system.

Develop and implement a process for review of post-construction stormwater BMPs in initial site plans, as applicable.

Minimize the occurrence of illicit discharges and spills into the drainage system by reviewing site plans for commercial operations to ensure that storm drain inlets are adequately isolated from pollutant sources. Equipment washing and waste material handling shall not result in discharge of wastes to the drainage system.

Jurisdictional General Permit

The Jurisdictional General Permit allows regulated entities to develop and implement their own program to meet the NPDES MS4 permit requirements. In order to constitute a valid authorization to discharge stormwater, the permit must be complemented by a Certificate of Coverage (COC) issued by the MDEQ.

A city, village, or township (primary jurisdiction) permittee may have, within its political or territorial boundaries, “nested” drainage systems owned or operated by public bodies that include, but are not limited to, public school districts; public universities; or county, state, or federal agencies. If the primary jurisdiction and the nested jurisdiction agree to cooperate in carrying out the responsibilities for control of the drainage system, the nested jurisdiction does not need to apply for a separate stormwater drainage system permit. Otherwise, the nested jurisdiction shall apply for a permit.

The permittee shall develop, implement and enforce a stormwater management program designed to reduce the discharge of pollutants from the drainage system to the Maximum Extent Practicable (MEP), to protect the designated uses of the waters of the State, to protect water quality and to satisfy the appropriate water quality requirements of the Federal Act and the Michigan Act.

If a water body has a Total Maximum Daily Load (TMDL) established by the Department for a particular pollutant and a corrective action plan has been developed so as to achieve the TMDL, the appropriate water quality requirements for that pollutant are defined in the corrective action plan. In that event, and except for cases where the TMDL establishes effluent limitations for the permittee’s stormwater based on a waste load allocation, MEP includes, but is not limited to, the development, implementation and enforcement of stormwater controls designed to meet the permittee’s responsibilities defined in the corrective action plan to achieve the TMDL.

The permittee shall implement Best Management Practices (BMPs) to comply with the six minimum measures identified in this section, and, if applicable, any corrective action plans for TMDLs. Minimum measures shall be carried out in a manner that is environmentally beneficial, technically feasible, and within the permittee’s legal authority. If the permittee does not have the power or authority to comply with all minimum measures or parts thereof, the permittee may rely on another permittee to carry out minimum measures or parts of minimum measures on the permittee’s behalf. A description of the specific measure(s) and the area or portion of the drainage system that will be addressed by another permittee shall be identified in the annual progress report [see Part I.C.1.a.6)]. The MEP requirement shall be met by the following:

- 1) Implementation of BMPs to comply with the minimum measures, including cooperation with other permittees as necessary to assure compliance;
- 2) Implementation of BMPs to comply with stormwater related requirements established for the permittee under any corrective action plans to meet TMDLs if applicable; and
- 3) Demonstration of effectiveness or environmental benefit for each BMP implemented by the permittee.

Unless specified otherwise, all contact with the MDEQ required by this permit shall be to the position(s) indicated in the Certificate of Coverage, and all Department approvals specified in this permit shall be by the position(s) indicated in the certificate of coverage.

Each permittee shall make payment of an annual stormwater fee to the Department. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than March 15 of each year.

The terms and conditions of this general permit shall apply to the permittee on the effective date of a certificate of coverage issued to the permittee.

Stormwater Management Program Plan (SWMP)

Permittees covered under a Jurisdictional General Permit develop and implement a "Stormwater Management Program Plan (SWMP)". The SWMP identifies and outlines the "Best Management Practices (BMPs)" to be instituted to address the "Six Minimum Management Measures" required by the General Permit.

- Public Education Program
- Public Involvement & Participation Program
- Illicit Discharge Elimination Program
- Post-Construction Stormwater Controls
- Construction Site Stormwater Controls
- Pollution Prevention & Good Housekeeping Program

Public Education Program

The PEP shall promote, publicize, and facilitate watershed education for the purpose of encouraging the public to reduce the discharge of pollutants in stormwater to the Maximum Extent Practicable. The PEP may involve combining with or coordinating existing programs for public stewardship of water resources. Pollution prevention shall be encouraged. The PEP shall describe a method for determining the effectiveness of the various public education activities.

The "**Public**" shall be defined to include all persons who potentially could affect the quality of stormwater discharges, including, but not limited to, residents, visitors to the area, businesses, commercial operations, and construction activities.

The PEP shall be designed to educate the public on the following as appropriate based on the potential impact on receiving waters:

- 1) Hazards associated with illicit discharges and improper disposal of waste. Encourage public reporting of the presence of illicit discharges or improper disposal of materials into the permittee's drainage system, and develop and publicize a hotline for public reporting. Common illicit discharges are construction site wastes and sediment, carpet cleaner wastes, household wastes and motor vehicle fluids from home owners, septage and other commercially transported wastes, and commercial power washing.

- 2) The water body that would be potentially impacted by improper actions at or near a person's home.
- 3) The availability, location and requirements of facilities for collection and/or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, grass clippings, leaf litter, animal wastes, and motor vehicle fluids.
- 4) Acceptable application and disposal of pesticides, herbicides, and fertilizers.
- 5) Preferred car cleaning agents and procedures for non-commercial car washing.
- 6) Proper septic system maintenance.
- 7) Management of riparian lands to protect water quality.
- 8) Public responsibilities and stewardship in their watershed.
- 9) The water quality impacts of residential de-icer use and how to minimize the impacts.
- 10) The role of native vegetation on residential properties as a ground cover alternative to turf grass.
- 11) Educate commercial, industrial and institutional entities likely to have significant stormwater impacts. At a minimum, educate commercial food service entities to prevent grease and litter discharges to storm drains.

Public Involvement & Participation Program

Public input shall be encouraged in all aspects of the stormwater management program. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be submitted to the Department in accordance with Part I.C.1.a. The following minimum actions shall be taken to encourage public input:

- 1) The permittee shall follow local public notice requirements, as appropriate, when notifying the public that a stormwater management program must be implemented. Copies of the approvable stormwater management plan shall be available for public inspection, and the public shall be notified of when and where it is available.
- 2) The permittee shall participate in a citizen advisory committee for the purpose of encouraging public involvement in all aspects of the stormwater management program. The permittee may participate in an existing citizen advisory committee or may establish and implement its own.
- 3) The permittee shall pursue cooperation with local stream or watershed protection organizations, if any exist, by informing them of activities under the stormwater management program, providing copies of the stormwater management program plan and pursuing input on the plan, seeking volunteer assistance including water quality monitoring assistance, and seeking ways to meet

general permit requirements by assisting the local organizations with their ongoing programs for water resource protection and enhancement.

Illicit Discharge Elimination Program

The permittee shall develop, implement and enforce a program to prohibit and effectively eliminate illicit discharges, including discharges of sanitary wastewater, to the separate storm drain system. Appropriate BMPs for this minimum measure and measurable goals for each BMP shall be included in the SWMP.

At a minimum, the IDEP shall include the following:

- 1) The permittee shall submit a listing or map of the known stormwater point sources for which coverage is requested and identify the receiving waters to which these point sources discharge. This element of the program shall be submitted with the Notice of Intent. City, village, or township permittees may take into account that certain MS4s within their political or territorial boundaries are operated by other entities (nested jurisdictions). Location of such MS4s shall be identified in the Notice of Intent for this general permit, with a final list identified in the first annual progress report.
- 2) A schedule for providing, as expeditiously as practicable, a map showing the location of all point source discharges the permittee operates (this includes outfalls to waters of the State and points of discharge into another MS4), a description of the conveyances leading to these point sources, and the names and location of all waters of the State that receive discharges from the drainage system operated by the permittee.
- 3) A program to find, prioritize, and eliminate illicit connections and minimize illicit discharges to the municipal drainage system or waters of the State from commercial, industrial, private educational, public, and residential sources. Unless the Department approves an alternative approach, the program to find illicit discharges and illicit connections shall include:
 - a. A strategy to conduct routine dry weather screening of enclosed stormwater point sources (i.e., outfalls from the separate stormwater drainage system to waters of the State and point sources discharging into separate stormwater drainage systems operated by other public bodies); and
 - b. A plan to re-inspect each stormwater point source every five years.
- 4) A program to limit infiltration of seepage from sanitary sewers and on-site sewage disposal systems into the drainage system, if applicable.
- 5) The permittee shall have the legal authority, which may be a combination of state statute, municipal statute, ordinance, permit, order, rules, regulations, or other means available to the permittee, for the purpose of:
 - a. Regulating the contribution of pollutants to the drainage system;

- b. Prohibiting and requiring the elimination of illicit connections and illicit discharges including the direct dumping or disposal of materials other than stormwater into the drainage system;
- c. Requiring compliance with ordinances, permits issued by the permittee, contracts or orders; and
- d. conducting all inspection, surveillance and monitoring procedures necessary to determine compliance with ordinances, permits issued by the permittee, contracts, orders, and the terms and conditions of this general permit.

“Illicit connection” means a physical connection to the separate stormwater drainage system that (1) primarily conveys illicit discharges into the system and/or (2) is not authorized or permitted by the local authority (where a local authority requires such authorization or permit).

“Illicit discharge” means any discharge (or seepage) to the separate stormwater drainage system that is not composed entirely of stormwater or uncontaminated groundwater. Examples of illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, or animal wastes, or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-stormwater waste into a separate stormwater drainage system.

[Post-Construction Stormwater Management Program for New Development & Redevelopment Projects](#)

The permittee shall develop, implement and enforce a program to address stormwater discharges into the drainage system from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more. The program shall ensure that controls are in place that will prevent or minimize water quality impacts.

Under the program for new development and redevelopment projects, the permittee shall:

- 1) Develop and implement a comprehensive stormwater management plan for development, implementation, and enforcement of controls across the permittee’s entire urbanized area to protect the designated uses in all receiving waters from the effects commonly associated with urbanization. Common effects of urbanization to be considered under the comprehensive management plan include stream “flashiness” (higher peak flow and lower base flow), stream-bank erosion, increased stream temperature and pollutant load, reduced stream-bank vegetation, and degraded fish and aquatic habitat. Example comprehensive management plan controls for prevention of impacts from urbanization include policies and ordinances that provide requirements and standards for directing growth to identified areas, protecting sensitive areas such as wetlands and riparian areas, maintaining and/or increasing open space (including a dedicated funding source for open space acquisition), encouraging infill development in higher density urban areas and areas with existing infrastructure, establishing in-stream maximum flow targets designed to minimize stream bank erosion and maintain healthy fish populations, and coordinating release volumes and rates from detention basins to achieve in-stream maximum flow targets.

2) Develop and implement ordinances or other regulatory mechanisms to address post construction stormwater runoff from new development and redevelopment projects to the extent allowable under state or local law. Objectives of the ordinances or other regulatory mechanisms should be to protect receiving water quality from the impacts of development. The ordinances or other regulatory mechanisms shall include the following:

a. Requirements for implementation of appropriate non-structural and/or structural BMPs. Non-structural BMPs are preventative actions that involve management and source controls. Examples include: buffer preservation along water bodies, establishment of easements for vegetative filters and infiltration, education programs for developers and the public about project designs that minimize water quality and quantity impacts, minimum disturbance of soils and vegetation, planting native vegetation, restrictions on directly connected impervious areas, and incentives for reducing imperviousness. Structural BMPs are physical controls that improve water quality, including storage practices. Examples of structural BMPs include: wet ponds and extended detention outlet structures; vegetative buffers; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins, bio-infiltration, infiltration trenches, rain gardens, and infiltration islands in parking lots.

b. Requirements for adequate long-term operation and maintenance of BMPs.

c. Requirements to control sediment discharges from new developments and redevelopments that result from soil erosion after the local soil erosion and sedimentation permit and the State of Michigan's Permit by Rule are no longer in effect.

d. Requirements for regulating the rate at which stormwater flows into the drainage system.

3) Develop and implement a process for review of post-construction stormwater BMPs in initial site plans, as applicable.

4) Minimize the occurrence of illicit discharges and spills into the drainage system by reviewing site plans for commercial operations to ensure that storm drain inlets are adequately isolated from pollutant sources. Equipment washing and waste material handling shall not result in discharge of wastes to the drainage system. Polluting materials, as defined in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), shall be stored only in areas that provide secondary containment in accordance with state and federal law.

Construction Site Stormwater Runoff Control

Stormwater discharges from construction activity that results in land disturbance of greater than or equal to one acre, or disturb less than one acre but are part of a larger common plan of development or sale that would disturb one acre or more, shall be controlled.

1) Qualifying Local and State Soil Erosion and Sedimentation Controls

The permittee shall prohibit stormwater discharges into MS4s from construction activities that are not in compliance with the following requirements of the State of Michigan's Permit by Rule (Rule 323.2190):

- a. The construction site developer or recorded easement holder shall be subject to soil erosion and sedimentation control requirements under Part 91 of the Michigan Act.
- b. The construction site developer or recorded easement holder shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- c. Potential water quality impacts shall be considered during site plan reviews for construction activities.
- d. Sites shall be inspected during construction and control measures shall be enforced.

2) Additional Construction Controls

The permittee shall develop, implement and enforce a program to address stormwater runoff from areas of construction activity that discharge into the permittee's separate stormwater drainage system.

Under the Construction Stormwater Runoff Control Program, the permittee shall:

- a. Notify the appropriate Soil Erosion and Sedimentation Control Agency and the Department verbally, within 24 hours, if a construction activity results in a deposit or imminent threat to deposit solids or other waste materials into the drainage system that may endanger health or the environment. Any other soil erosion or sedimentation violations at regulated construction sites shall be reported as required by the general permit;
- b. Review preliminary site plans to ensure that adequate space will be allotted for soil erosion and sedimentation controls during construction as well as permanent stormwater controls, as appropriate; and
- c. Have a procedure to receive and provide follow up on complaints or other information submitted by the public regarding construction site stormwater runoff leading to the drainage system. This requirement may be met in conjunction with the illicit discharge reporting hotline.

Pollution Prevention & Good Housekeeping Program

The permittee shall develop, implement, and ensure compliance with a program of operation and maintenance BMPs with the ultimate goal of preventing or reducing pollutant runoff from municipal operations to the Maximum Extent Practicable. The permittee shall ensure that employees properly handle wastes, recyclables, chemicals, and equipment used on the job; maintain a clean work area; regularly maintain stormwater controls; and identify and report various stormwater pollution sources including illicit discharges, malfunctioning post-construction controls, and poor soil erosion and sedimentation controls at construction sites. The permittee shall provide guidance or operation manuals, employee training and testing, equipment, and any other resources necessary to prevent and reduce stormwater pollution through proper implementation of BMPs in accordance with this minimum measure. The program may be developed and implemented using BMP guidance and training materials that are available from federal, state or local agencies, or other organizations.

The program, and all approved updates, shall meet the following requirements:

1) Structural Controls

Structural controls such as storm drain catch basins, vegetated swales, infiltration basins, sedimentation basins, and any controls installed or operated by the permittee to remove pollutants from stormwater shall have routine maintenance, maintenance schedules, and long-term inspection procedures adequate to provide pollution removal effectiveness to the maximum extent practicable. Structural controls and cleaning schedules may need to be added or enhanced in the future if existing structural or non-structural measures fail to adequately reduce the discharge of sediments, floatables and other pollutants that may be found in or discharging to or from drainage systems.

The permittee shall describe and implement procedures for the proper disposal of operation and maintenance waste such as dredge spoil, accumulated sediments, floatables, and other debris the permittee removes from the drainage system. Wastes removed from a catch basin sump or other parts of a stormwater drainage system shall not be discharged in a manner that would result in a violation of water quality standards.

2) Roadways

The permittee shall construct, operate and maintain its streets, roads, highways, parking lots and other large paved surfaces in a manner so as to reduce the discharge of pollutants, including those related to deicing activities, into the drainage system.

The permittee shall, at a minimum, maintain effective street cleaning and catch basin maintenance programs. The street cleaning and maintenance program, catch basin maintenance program, and illicit discharge elimination program shall be parts of an overall plan to reduce the discharge of sediments, floatables, and associated pollutants into the roadway drainage system. Salt and sand applied for improved traction shall be prevented from entering receiving streams to the Maximum Extent Practicable. Good housekeeping shall be required at salt and sand storage facilities to eliminate discharge of salt and sand from these areas.

The permittee shall not discharge to waters of the State any wastewater generated from cutting, grinding, drilling or hydro-demolition of concrete or asphalt without authorization under an NPDES wastewater discharge permit.

3) Fleet Maintenance

The permittee shall assure that vehicle maintenance activities do not pollute stormwater runoff. Vehicle maintenance activities include adding or changing fluids including fuel, lubrication, mechanical repairs, parts degreasing, and vehicle or equipment washing. Discharge of wash water is not authorized by this general permit. Vehicles and equipment shall be maintained for clean and effective operation to prevent impacts on stormwater quality.

4) Storm Sewer Labeling

The permittee shall provide permanent identification (e.g., label, color coding, or other identifying characteristic) for any outfall structure that the permittee constructs or installs after March 10, 2004, that discharges stormwater to waters of the State. Following the addition of permanent identification, the primary operator of the drainage system shall be readily identifiable by observation of the outfall structure.

5) Flood Control Projects

The permittee shall ensure that new flood management projects assess the impacts on the water quality of the receiving water and, whenever possible, shall examine existing projects for incorporation of additional water quality protection BMPs.

6) Pesticides and Fertilizers

The permittee shall minimize the discharge of pollutants related to the storage, handling and use of pesticides, herbicides, and fertilizers on land that the permittee manages. BMPs required under this measure include a turf management plan for maintaining public lands and parks, employee training, and soil testing for nutrients (nitrogen/phosphorus/potassium) to determine appropriate fertilizer usage on all lands that the permittee maintains by adding fertilizers. Fertilizers shall be applied only in accordance with recommendations based on soil test results.

Submittals & Reporting

Each General Permit requires a variety of submittals and reports based on the General Permit and Certificate of Coverage. Submittals include an initial “Notice of Intent” and an “Application” to obtain coverage under one of the General Permits. Additional submittals and reporting requirements are specified in the specific General Permit and the Certificate of Coverage.

Notice of Intent / Application

Prior to obtaining authorization to discharge stormwater runoff to a municipal separate storm sewer system, an eligible entity is required to submit a “Notice of Intent (NOI)”, which includes an “Application for Coverage” under either the Watershed or Jurisdictional General Permits. The NOI specifies the General Permit in which coverage is being requested and determines eligibility for coverage based on the regulatory requirements under the Federal NPDES Stormwater Discharge regulations.

The NOI includes:

- Stormwater Program Overview
- Application for Coverage
 - Applicant Name
 - Address
 - Contact information
- Stormwater Permit Contacts
 - Application contact
 - Stormwater Program Manager
 - Stormwater Billing Contact
- List of Facilities
- Map of the MS4 including:
 - The urbanized area within the jurisdiction
 - District boundaries
 - Political boundaries
 - Location of facilities
 - Pertinent landmarks
- List of known Point Source Discharges
- Location of Discharge Points
 - Site Name
 - Address
 - Description of discharge or connection to another MS4
 - GPS or Lat/Log
 - Subwatershed

- Name and description of each nested entity or jurisdiction

- Where a cooperative agreement is in place to carry out permit responsibilities.
- That are located within the jurisdiction and have individual coverage and permit responsibilities
- Identify to option or options buy which the requirements for “Post-Constructions Stormwater Controls for New Developments or Redevelopment” projects.
- Certification signed by a person with legal authority to enter such agreement:
 - Principal Executive Officer
 - Mayor
 - Village President
 - City or Village Manager
 - School District Superintendent

Watershed General Permit Application Link

http://www.michigan.gov/documents/deq/wb-npdes-generalpermit-MIG619000_247775_7.pdf

Jurisdictional General Permit Application Link

http://www.michigan.gov/documents/deq/wb-npdes-generalpermit-MIS040000_247773_7.pdf

Stormwater Management Program Plan (Jurisdictional)

Submittal of an approvable “Stormwater Management Program Plan (SWMP)” is specified either on the Certificate of Coverage, Consent Agreement, or application depending on the current status (See SWMP Section).

Progress Reports

Current Certificates of Coverage (COC) require the submittal of “Annual” progress reports by the date specified on the COC. At a minimum, the annual progress report will include the following:

1) Compliance Assessment

The permittee shall describe the status of compliance with general permit conditions for public education, public involvement and participation, illicit discharge elimination, post construction stormwater management, construction stormwater runoff control, and pollution prevention/good housekeeping for municipal operations. The report shall include a description of illicit discharges and illicit connections removed, shall assess the appropriateness of all identified BMPs, and shall describe the progress towards achieving the identified measurable goals for each of the BMPs.

Failure to attain a measurable goal for a BMP implemented to meet a minimum measure is not a violation of this general permit if the Department has not provided or issued a menu of BMPs for that minimum measure. If no menu of BMPs is provided or issued, the permittee shall comply with other requirements of this general permit, including good faith implementation of BMPs designed to comply with the minimum measures.

2) Water Quality Assessment

The permittee shall provide an updated assessment of the water quality conditions within their jurisdiction. Use of data collected by other sources or participation in a group monitoring program is encouraged. Narrative descriptions or a combination of narrative and numeric descriptions may be submitted. The purpose of this update is to show any obvious changes in the receiving waters since the previous progress report.

3) Water Quality Stress Update

The permittee shall provide a description of any water quality stresses newly identified since the previous annual progress report.

4) Data and Results

The permittee shall provide a summary of all information collected and analyzed, including monitoring data, if any, during the annual reporting cycle.

5) Upcoming Activities

The permittee shall provide a summary of the stormwater activities to be implemented during the next annual reporting cycle. The summary shall include schedules for elimination of any illicit connections identified but not disconnected prior to annual progress report submittal.

6) BMP and Measurable Goal Changes

The permittee shall describe any planned changes in identified BMPs or measurable goals for any of the minimum measures. The permittee shall change or add measurable goals if the Department provides a list of measurable goals for BMPs that the permittee is implementing, or proposes to implement, and those measurable goals were not available within a reasonable timeframe to have them identified in the previous annual progress report.

7) Notice of Changes in Reliance on Permitted Drainage System Operators

The permittee shall describe any changes in the need to rely on other permitted drainage system operators to satisfy the terms and conditions of this general permit. A city, village or township permittee shall also identify any nested jurisdictions that enter into or terminate permit agreements with the permittee following the first annual progress report.

8) Stormwater Drainage System Changes

The permittee shall provide an update on areas added to the drainage system due to annexation or other statutory processes (if applicable).

9) Special Reporting Requirements

The University of Michigan (Ann Arbor Campus), the Michigan Department of Transportation, and the Cities of Ann Arbor, Flint, Grand Rapids, Livonia, Sterling Heights, and Warren shall submit the following additional information:

a. Environmental Impacts [40 CFR 122.42(c)(7)]

The permittee shall provide an assessment of the pollution reduction and probable receiving water quality impacts associated with program implementation. When applicable, a statement shall be included regarding any negative water quality impacts that may have occurred as a result of any illicit discharges or accidental spills during the report cycle.

b. Revised Fiscal Analysis [40 CFR 122.42(c)(3)]

The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit, pursuant to permit application requirements [40 CFR 122.26(d)(2)(vi)].

c. Annual Budget [40 CFR 122.42(c)(5)]

The permittee shall provide the previous reporting cycle's expenditures and proposed budget for the reporting cycle following the report.

d. Contact Person

The permittee shall notify the Department within ten days after the replacement of the stormwater contact person.

e. Signatory Requirements

All reports required by this general permit and other information requested by the Department shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person in accordance with 40 CFR 122.22(b).

Watershed Management Plan (Watershed)

The Watershed Plan is submitted and approved by the MDEQ prior to accepting NOI's or applications for coverage. Applications are submitted for coverage under a specific Watershed Management Plan (WMP) and are accompanied by a "Stormwater Pollution Prevention Initiative (SWPPI)". The SWPPI identifies specific activities and responsibilities for each party along with implementation schedules and measurable goals.

Progress Reports

Current Certificates of Coverage (COC) require the submittal of "Annual" progress reports by the date specified on the COC. At a minimum, the annual progress report must include the following"

1) IDEP

- a. The permittee shall provide documentation of the actions taken to eliminate illicit discharges and evaluate the effectiveness of the program. For significant illicit discharges, the permittee shall list the pollutant(s) of concern, the estimated volume and load discharged, and the locations of the discharge into both the permittee's separate stormwater sewer system and the receiving water. The permittee shall include certification of any changes made to the IDEP as requested by the Department in Part I.A.3.
- b. The permittee shall summarize the status of the program to minimize seepage from sanitary sewers and on-site sewage disposal systems into the permittee's separate stormwater drainage system.
- c. The permittee shall provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated.

2) PEP

The permittee shall provide documentation of the public education effort and a summary of the evaluation of its effectiveness. The permittee shall include certification of any changes made to the PEP as requested by the Department in Part I.A.3.

3) New Point Source Discharges of Stormwater

The permittee shall provide the information requested in Part I.A.4. of this permit on the discovery of new stormwater point sources to the separate stormwater drainage system.

4) SWPPI

The permittee shall provide the following information:

- a. The permittee shall describe the compliance status of the permittee-specific SWPPI actions and implementation schedules for the permittee's regulated areas. This review shall cover all of



the permittee's commitments from the WMP, and the SWPPI's conditions for pollution prevention/good housekeeping and post-construction BMPs.

b. If the permittee has urbanized areas with a deferred WMP and selected Option 1, the permittee shall describe the status of any additional requirements for any areas with a deferred WMP.

c. If the permittee has urbanized areas with a deferred WMP and selected Option 2, the permittee shall describe the status for each of the three requirements listed in Part I.B.2.a.2) b). This shall include a listing of the BMPs that will be or have been implemented, descriptions of the measurable goals for each BMP, progress made towards meeting the measurable goals, upcoming actions, and any changes or updates to the BMPs or measurable goals to which the permittee has previously committed to do or meet.

d. The effectiveness of the actions shall be discussed and the methods for this determination shall be reviewed. The permittee shall also include any proposed revisions to the SWPPI.

e. The permittee shall report on the status of any watershed planning decisions for the permittee's regulated area where a WMP has been deferred.

f. If necessary, the permittee may update both the characterization of the watershed(s) in the deferred area, and the comparison to the jurisdiction's watershed that is covered by the WMP. The permittee shall update any additional actions that have been included as part of the SWPPI as a result of any significant discrepancy between the watersheds.

5) Other Actions

The permittee shall submit any information for any other actions taken to reduce the discharge of pollutants in stormwater.

6) Nested Drainage System Agreements

Permittees which are primary jurisdictions shall update the list of each nested jurisdictional area or drainage system that should have its own separate stormwater drainage system permit, originally submitted as part of the application requirements in Part I.A.2. of this permit.

7) Special Reporting Requirements

The University of Michigan (Ann Arbor Campus), the Michigan Department of Transportation, and the Cities of Ann Arbor, Flint, Grand Rapids, Livonia, Sterling Heights, and Warren shall submit the following additional information:

a. Environmental Impacts [40 CFR 122.42(c)(7)]

The permittee shall provide an assessment of the pollution reduction and probable receiving water quality impacts associated with program implementation. When applicable, a statement shall be included regarding any negative water quality impacts that may have occurred as a result of any illicit discharges or accidental spills during the report cycle.

b. Data and Results [40 CFR 122.42(c)(4)]

The permittee shall provide a summary of all information collected and analyzed, including monitoring data, if any, during the report cycle.

c. BMP Changes [40 CFR 122.42(c)(2)]

The permittee shall describe any planned changes in identified BMPs or measurable goals for those BMPs.

d. Revised Fiscal Analysis [40 CFR 122.42(c)(3)]

The permittee shall provide a summary of revisions, if necessary, to the fiscal analysis reported during the previous permit, pursuant to permit application requirements [40 CFR 122.26(d)(2)(vi)].

e. Annual Budget [40 CFR 122.42(c)(5)]

The permittee shall provide the previous reporting cycle's expenditures and proposed budget for the reporting cycle following the report.

Contacts & Resources

Consultants

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[Mr. John McDonald, cleanWATER Division Manager](#)

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Links & Resources

[State of Michigan MDEQ Stormwater Website](#)

[MS4 General Permit FAQ](#)

[MDEQ BMP Guidebooks](#)

[Certified Industrial Stormwater Operator Training Materials](#)

[Certified Industrial Stormwater Operator Training and Exam Registration Form](#)

[Certified Industrial Stormwater Operator Exam Schedule](#)

[Fees for NPDES Stormwater Permits](#)

[Stormwater Employee Training](#)

[SEMCOG Educational Materials](#)

[Genesee County Drain Commission](#)

[Oakland County Water Resources Commission](#)

[Wayne County Environmental Services Department](#)

[Huron River Watershed Council](#)

[Friends of the Rouge](#)

[Flint River Watershed Coalition](#)

[Clinton River Watershed Council](#)

[USEPA Watershed Academy](#)

[MDEQ Part 5 Rules for Polluting Materials](#)

[“New” MDEQ Operator Certification Fees](#)

Michigan Department of Environmental Quality - Water Bureau

STORMWATER DISCHARGE PERMIT APPLICATION

LOCAL DISTRICT OFFICE ADDRESSES AND COUNTY JURISDICTIONS

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BENZIE	LAKE	OTSEGO
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CHEBOYGAN	MANISTEE	ROSCOMMON
CRAWFORD	MASON	WEXFORD
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MENOMINEE
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SCHOOLCRAFT