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**DEPARTMENT OF PUBLIC WORKS**

Justin Westlake	Director
Derek Diederich	Administrative Superintendent
Kristin Goetze, P.E.	DPW Engineer
Scott McGrady	DPW Superintendent
Derek VanDam	DPW Superintendent

DATE: February 20, 2024

TO: Honorable Charter Township of Waterford Board of Trustees

FROM: Justin Westlake, DPW Director

RE: Stormwater Management Ordinance Amendment

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Please review the attached proposed Code of Ordinances amendment to Chapter 8, Environmental Protection, Article VI, Stormwater Management, Sec. 8-374, Prohibition on Illegal Discharges.

The Amendment is required as a condition of the Township's Michigan Department of Environment, Great Lakes, and Energy (EGLE) 2024 – 2025 National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) discharge permit. The permit authorizes the Township to discharge stormwater from the campus site to the pond along Crescent Lake Road.

Specifically, the Amendment prohibits illegal discharges and exempts described discharges that are not significant sources of pollution to waters of the state, allowing those discharges.

The draft NPDES MS4 Permit will be finalized and issued later this year.

### **Requested Board Action**

**Approve the proposed Ordinance Amendment, to Chapter 8, Environmental Protection, Article VI Stormwater Management, Sec. 8-374, Prohibition on Illegal Discharges, as described.**

Cc: Gary Wall, Twp. Supervisor  
Jeffrey Polkowski, Director of Development Services  
Joellen Shortley, Township Attorney  
Kristin Goetze, P.E., DPW Engineer  
Kyle Gall, P.E., Township Consulting Engineer  
Laura Gruzalski, DLZ

**With us there are no boundaries**

(**CHAPTER 8, ARTICLE V, DIVISION 9 cont.**)

**Sec. 8-343. Administrative remedies.**

- (a) The Public Works Official, upon discovery of violation of any provision of this WHPO, may pursue with reasonable notice any legally available administrative remedies or enforcement actions including, but not limited to, the following:
  - (1) Ordering cessation of any use or activity that may create hazards or have deleterious effects on the water supply or facilities;
  - (2) Discontinuing utility service to any Facility operating in violation of this WHPO;
  - (3) Ordering remedial actions;
  - (4) Requiring pollution control and abatement; and
  - (5) Requiring development of compliance schedules to implement corrective action.
- (b) When considering the exercise of any of the above powers or actions, the Township Board may take into consideration any evidence presented by the entity regarding cost effectiveness and the economic impact imposed by the requirements or actions.

**Sec. 8-344. Liability.**

The Township is authorized to order the cleanup or abatement, or take such other actions as may be necessary to cause cleanup or abatement, of any hazardous material release to soils, surface water, and/or groundwater in or near a WHPA which may present a threat to groundwater quality or violate Michigan's water quality standards. The entity or person responsible for the release shall be liable for any reasonable expense, loss, or damages attributable to the release incurred by the Township in response to such an incident, in addition to any fines imposed under Michigan and Federal law, and this WHPO.

**Sec. 8-345. Cost of abatement of the violation.**

Within 90 days after abatement of the violation, the owner of the property will be notified of any cost of abatement, including administrative costs, which the Township seeks from said owner as reimbursement. The property owner may file a written protest objecting to the amount sought within thirty (30) days. If the amount due is not paid within thirty (30) days of the final decision of the Township or the expiration of the time in which to file an appeal, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**Sec. 8-346. Appeals.**

Any person aggrieved by any order issued by the Public Works Official or other official under the provisions of this WHPO may appeal such decision to the Township Board by filing a written notice of appeal with the Township Clerk and the Public Works Official within 14 days of the date of the order.

**Secs. 8-347--8-370. Reserved.**

**ARTICLE VI STORMWATER MANAGEMENT**

**Division 1. Generally**

**Sec. 8-371. Short title.**

This Article shall be known and cited as the "Waterford Township Stormwater Management Ordinance"

**Sec. 8-372. Purposes.**

The purpose of this Article is declared to be:

**CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES  
CHAPTER 8 FLOOD DAMAGE PREVENTION AND CONTROL**

**(CHAPTER 8, ARTICLE VI, DIVISION 1, SECTION 8-372 cont.)**

- (a) To protect public health, safety and welfare by requiring stormwater best management practices whenever new, expanded or modified developments are proposed.
- (b) To assure that stormwater runoff from development is controlled so that the water quality in inland lakes and streams, watercourses, wetlands, groundwater recharged by stormwater, and habitat situated in areas impacted by stormwater are protected, and that siltation and pollution are minimized.
- (c) To provide for cost-effective and functionally-effective stormwater management, and to reduce the need for future remedial projects.
- (d) To prevent soil erosion and sedimentation.
- (e) To ensure that the natural functions and quality of wetlands for stormwater filtering and detention throughout the Township are protected to the maximum extent feasible.
- (f) To recognize private responsibility to incorporate stormwater best management practices and systems into the early stages of site planning and design.
- (g) To ensure that all stormwater conveyance and detention facilities will be properly maintained.
- (h) To promote the avoidance of degradation of water resources by reducing and/or avoiding impacts on the hydrology of stormwater runoff.
- (i) To establish regulations to prevent harmful effects of changes in the quantity and quality of surface water discharge into the Township's water resources.
- (j) To achieve compliance with state and federal law and regulations relating to water quality.

**Sec. 8-373. Definition of terms.**

In addition to those rules of construction and definitions contained in Sections 1-002 and 8-001, the following definitions shall apply to this Article:

The following terms, phrases, words and derivatives shall have the meaning defined below:

**Accelerated Soil Erosion** The increased movement of soils that occurs as a result of the impact of development upon the flow of stormwater.

**Appeal** means a request for a review of or variance from the Township Engineer's decision based upon, or interpretation of, any provision of this Article.

**Best Management Practice (BMP)** structural and nonstructural stormwater management control measures taken to mitigate changes to both quantity and quality of run-off caused through changes to land use. BMP's are designed to reduce volume, peak flows, and/or treat non-point source pollution through evapotranspiration, infiltration, detention, retention, filtration, or biological and chemical actions.

**Catchment Area** An area in which there is a common receiving body of water into which stormwater ultimately flows, otherwise known as a drainage area.

**Conveyance Facility** A storm drain, as defined in this Article.

**Detention** A method of *detaining* a certain volume of stormwater runoff generated from a development area, based on a given design storm event, for a limited period of time and releasing it at a controlled rate, thereby, providing protection to the downstream drainage system.

**Development** Any change in land or vegetative cover that will or may alter stormwater discharge or impact. This term shall not include customary lawn maintenance or gardening.

**Discharge** Any addition or introduction of any pollutant, stormwater, or any other substance into the stormwater system or into ground water.

**Disturbed Area** An area of land subjected to development.

**Drainage System** All facilities, measures, areas, and structures which serve to convey, catch, hold, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

**Earth Change** A human-made change in the natural cover or topography of land, including but not limited to cut and fill activities, which may result in or contribute to soil erosion or sedimentation of watercourses or wetlands.

**French Drain** A below-ground drain consisting of a trench filled with gravel to permit movement of water through the gravel and into the ground. Perforated pipe may be used to enhance the efficiency of the system.

(**CHAPTER 8, ARTICLE VI, SEC 8-373 cont.**)

**Grading Plan** As defined in the Waterford Township Zoning Ordinance.

**Infiltration** The percolation of water into the ground, expressed in inches per hour.

**Infiltration Facility** A structure or designated area which allows runoff to seep gradually into the ground, e.g., French drains, seepage pits, infiltration trenches, dry well, or perforated pipe.

**Maintenance Agreement** A binding agreement that sets forth the terms, measures and conditions for the maintenance of stormwater systems and facilities.

**Non-Erosive Velocity** Stormwater flow that does not cause accelerated soil erosion.

**Offsite Facility** All or part of a drainage system that is located partially or completely off the development site which it serves.

**Peak Rate of Discharge** The maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

**Receiving Body of Water** Any watercourse or wetland into which stormwaters are directed, either naturally or artificially.

**Retention** A method of *retaining* a certain volume of stormwater runoff generated from a development area based on a given design storm event for an indefinite period of time, thereby, providing protection to downstream areas.

**Runoff** That part of precipitation which flows over the land.

**Sediment** Mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

**Soil Erosion** The wearing away of land by the action of wind, water, gravity or a combination thereof.

**Soil Erosion Control Measures** A structure, facility, barrier, berm, process, vegetative cover, basin, and/or other installations designed to control accelerated soil erosion. Temporary measures are installed to control soil erosion during construction or until soils in the contributing drainage area are stabilized. Permanent measures remain after the project is completed.

**Storage Facility** A basin, structure, or area, either natural or human made, which is capable of holding stormwater for the purpose of controlling or eliminating discharge from the site.

**Stormwater Discharge** The volume of water passing a given point at a given time expressed in cubic feet per second. Also referred to as the rate of flow.

**Storm Drain** A conduit, pipe, swale, natural channel or manmade structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

**Stormwater Management Plan** Drawings and written information prepared in accordance with the Township Engineering Standards by a registered engineer or registered surveyor which describe and detail the means and methodology in which accelerated soil erosion and/or stormwater flows are proposed to be controlled through BMPs and stormwater management systems, both during and after construction, having as its purpose to ensure that the objectives of this Article are met.

**Stormwater Management System** Entire stormwater conveyance and storage facilities and all appurtenances thereto.

**Swale** Defined contour of land with gradual slopes that transports and directs the flow of stormwater.

**Watershed** A geographical area of land in which stormwater drains from a higher elevation to a common low-lying water course; is generally comprised of smaller catchment areas as together they are linked hydraulically to the common low-lying water course.

#### Sec. 8-374. Applicability.

- (a) The following types of developments shall require a Stormwater Management Plan to be submitted along with the Grading Plan to be reviewed and approved by the Township Engineer

**CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES  
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(**CHAPTER 8, ARTICLE VI, DIVISION 1, SECTION 8-374 cont.**)

during the applicable plan review process as required by the Waterford Township Zoning Ordinance or Chapter 15, Subdivision and Land Management Regulations, of this Code:

- (1) All land development proposals requiring major site plan review in accordance with the Waterford Township Zoning Ordinance.
- (2) Subdivision plat proposals.
- (3) Any land division which results in the creation of a public or private street.
- (4) Any development activity not listed above where the Township Engineer has determined that a Stormwater Management Plan is necessary to ensure that stormwater is contained on the zoning lot to be developed and ensures the health, safety, and general welfare of adjoining property owners.

- (b) No development requiring a Stormwater Management Plan or preparation for such a development on a site shall occur unless and until the Stormwater Management Plan is approved by the Township Engineer.

**Sec. 8-375. Exempt activities.**

Notwithstanding the requirements of Section 8-374, a Stormwater Management Plan shall not be required for the following:

- (a) Activities protected by rights accorded to citizens by the Right to Farm Act.
- (b) Routine landscaping and/or gardening.
- (c) Development on one single family zoning lot where the Township Engineer determines that, due to the size of the site, scope of the development activity, or due to other circumstances, the quantity, quality and/or rate of stormwater leaving the site will not be significantly altered.
- (d) Developments that have received final site plan approval prior to the effective date of this Article. In the case of a phased development in which one or more phases have been constructed prior to the effective date of this Article, then this Article shall apply to those phases for which detention or retention facilities have not been constructed and approved.

**Sec. 8-376. Fees.**

The Township Board shall establish by resolution a schedule of fees and escrow requirements intended to cover the costs of processing and approving a Stormwater Management Plan, and plan implementation compliance monitoring. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the Township including the costs of on-site inspections.

**Sec. 8-377. Responsibilities of applicant not limited to this Article.**

- (a) Compliance with the requirements of this Article does not relieve an applicant from the responsibility to obtain required permits and approvals from the Township, County agencies, and S.E.A. for activities including but not limited to soil erosion, drainage, and wetlands.
- (b) Compliance with the requirements of this Article does not relieve an applicant from the responsibility to comply with other applicable township ordinances and regulations.

**Sec. 8-378. Violations; Civil Infraction.**

Violation of this Article is a civil infraction punishable as provided in Section 1-010(b).

**Secs. 8-379--8-390. Reserved.**

**Division 2. Administration**

**Sec. 8-391. Contents of stormwater management plan.**

- (a) The Stormwater Management Plan shall be drawn to the scale and on the plan sheet size required for Grading Plans as defined in the Waterford Township Zoning Ordinance.

(**CHAPTER 8, ARTICLE VI, DIVISION 2, SECTION 8-391 cont.**)

- (b) The Stormwater Management Plan shall contain the information required on a Grading Plan as well as all information specified in the Township Engineering Standards.
- (c) When development of a zoning lot is proposed to be accomplished in two or more phases, the Stormwater Management Plan shall be prepared and submitted for the total project. Moreover, it shall be demonstrated that a sufficient "stand alone" plan for stormwater management shall exist upon the completion of each phase, i.e., assuming that future phases shall never be developed.

**Sec. 8-392. Plan submission.**

- (a) Stormwater Management Plans shall be submitted, along with the required fees and escrow payment, to the Township Engineer for review and approval before submittal of construction plans and in accordance with the review schedule established by the Township Engineer.
- (b) The Township Engineer may establish a Stormwater Management Plan review process that is integrated and concurrent with major site plan review and subdivision plat review procedures to provide for a streamlined review process.

**Sec. 8-393. Standards for stormwater management plan approval.**

A Stormwater Management Plan shall be designed to prevent flooding and soil erosion and protect water quality. The particular facilities and measures shown on the plan shall provide:

- (a) Stormwater management conveyance, storage and infiltration measures and facilities designed to prevent flood hazards and water pollution related to stormwater runoff, to prevent accelerated soil erosion from the proposed development, and to conform to the Township Engineering Standards.
- (b) Preservation of natural topography and natural site drainage to the maximum extent feasible.
- (c) Unless otherwise approved, stormwater runoff conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, allowance for natural infiltration, allowance for suspended sediment particles to settle, and removal of pollutants.
- (d) Runoff rates from detention basins conforming to the requirements specified in the Township Engineering Standards.
- (e) Inland lakes and streams and watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized or otherwise altered without applicable permits or approvals from the Township, relevant County agencies and the S.E.A.
- (f) Drainage systems designed to protect public health and safety and to facilitate efficient and effective maintenance.
- (g) Promotion of on-site retention and detention through the design of site contours, yards, paved areas, street roadways, driveways, landscaping, and infiltration measures (including but not limited to native landscaping, French drain, or leaching basin.)
- (h) No alterations of stormwater runoff to adjacent and downstream properties that result in off-site impacts such as flooding, accelerated soil erosion, or damage to natural features.
- (i) Wetlands will be protected from damaging modification and adverse changes in runoff quality and quantity associated with land developments, as well as from direct discharge of untreated stormwater. Documentation shall also provide that all runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland and that such treatment facilities shall be constructed and operational before site grading begins.
- (j) Site drainage patterns will not be altered in any way that will modify existing water levels in protected wetlands without proof that all applicable permits from the S.E.A. and the Township have been obtained.

**Sec. 8-394. Stormwater storage and infiltration facilities.**

Stormwater storage and/or infiltration facilities required pursuant to this Article shall comply with the Township Engineering Standards.

**Sec. 8-395. Off-site stormwater management.**

- (a) The Township Engineer may approve Stormwater Management Plans for off-site stormwater management systems provided that they are governed by permanent cross-access easements

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**(CHAPTER 8, ARTICLE VI, DIVISION 2, SECTION 8-395 cont.)**

and maintenance agreements, whose language and provisions are reviewed and approved by the Township Attorney, that ensure:

- (1) easements are placed on all properties from which stormwater is directed and all properties to which stormwater is directed to be collected;
- (2) access for inspections;
- (3) access to stormwater management facilities for maintenance purposes; and
- (4) preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.

(b) Easements shall be recorded with the Oakland County Register of Deeds according to Oakland County requirements as a condition of stormwater management plan approval and prior to the issuance of any temporary or final certificates of occupancy for any portion of the development associated with the shared off-site stormwater management system.

(c) The purpose of the maintenance agreement is to provide the means and assurance that maintenance of stormwater management and facilities shall be undertaken. The maintenance agreement shall include a plan for routine, emergency and long term maintenance and repair by the property owners who are party to the maintenance agreement.

(d) The maintenance agreement shall be binding on all subsequent owners of the properties identified as part of the subject stormwater management system, and shall be recorded with the Oakland County Register of Deeds according to Oakland County requirements as a condition of stormwater management plan approval and prior to the issuance of any temporary or final certificates of occupancy for any portion of the development associated with the shared off-site stormwater management system.

**Sec. 8-396. Performance guarantees.**

When required by the Township Engineer, the applicant shall post an acceptable form of an irrevocable letter of credit, cash escrow, certified check, or other Township approved performance security to assure completion of a stormwater management system. Required performance guarantees shall be provided to the Township after Stormwater Management Plan approval but prior to the initiation of any earth change.

**Sec. 8-397. Variance and appeal power of Township Board.**

The Township Board shall have full power and authority to vary the application of the provisions of this Article. The Township Board shall hear appeals from any requirement, decision or determination made by the Township Engineer in the enforcement and administration of this Article. In passing upon such matters, the Township Board shall consider:

- (a) All technical factors and standards specified in this Article.
- (b) Danger to life, health or property by improperly managed stormwater.
- (c) Special conditions and circumstances which are unique to a zoning lot and which are not generally applicable to other zoning lots.
- (d) Other factors as are in keeping with the purpose of this Article.

**Secs. 8-398--8-420. Reserved.**

**ARTICLE VII WOODLANDS MANAGEMENT**

**Division 1. Generally**

**Sec. 8-421. Short title.**

This Article shall be known and cited as the "Waterford Township Woodlands Management Ordinance"

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2024-00\_**

**STORMWATER MANAGEMENT ORDINANCE AMENDMENT**

An Ordinance to amend the Stormwater Management Ordinance Generally Section codified in Division 1 of Article VI in Chapter 8 of the Waterford Charter Township Code to provide for discharge prohibitions required to be included in the Code of Ordinances as a condition of receiving a renewal of the Municipal Separate Storm Sewer System (MS4) permit.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The Waterford Charter Township Code is amended replacing Section 8-374 with a new section 8-374 regarding prohibited activities to read as follows:

**Sec. 8-374 Prohibition on Illegal Discharges**

No person shall discharge or cause to be discharged into the storm drain (i.e., sewer) system or watercourse, any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

- (a) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the water of the state.
- (b) Discharges specified in writing by the Charter Township of Waterford Township Engineer as being necessary to protect public health and safety.
- (c) Dye testing, when there has been verbal notification to the Township Engineer and the Michigan Department of Environment, Great Lakes, and Energy procedures have been followed.
- (d) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (e) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards:
  - i. Water line flushing and discharges from potable water sources.
  - ii. Landscape irrigation runoff, lawn watering runoff, and irrigation waters.
  - iii. Diverted stream flows and flows from riparian habitats and wetlands.
  - iv. Rising groundwaters and springs.
  - v. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits.
  - vi. Foundation drains, water from crawl space pumps, footing drains and basement sump pumps.
  - vii. Air conditioning condensation.
  - viii. Waters from noncommercial car washing.
  - ix. Street wash water.

- x. Dechlorinated swimming pool water from single-, two-, or three family residences. (A swimming pool operated by the permittee shall not be discharged to a separate storm sewer or to surface waters of the state without an NPDES permit.)

### **Section 2 of Ordinance**

The Waterford Charter Township Code is amended by renumbering sections 8-374 through 8-378 and reserved sections 8-379-8-390 to begin with section 8-375 and end with 8-390 to accommodate adding a new Section 8-374.

### **Section 3 of Ordinance**

The Waterford Charter Township Code is amended by modifying subsection 8-376 to add a new subsection e to include additional activities exempt from requiring a stormwater management plan to read as follows:

#### **Sec. 8-376. Exempt Activities.**

- (a) - (d) Unchanged
- (e) Discharges exempt from prohibitions as described in Section 8-374 (a) - (e)

### **Section 4 of Ordinance. Severability**

Should the Courts declare any Section, subdivision, sentence, clause or phrase of this ordinance to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

### **Section 5 of Ordinance. Repealer**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### **Section 6 of Ordinance. Effective Date**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on March 25, 2024.

CHARTER TOWNSHIP OF WATERFORD

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Date

By: \_\_\_\_\_  
Kimberly F. Markee, Township Clerk