

Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators
Wednesday, February 29, 2012
1:00-2:30pm EST

Call-In Information: 1-888-808-6959
Pass code: 7613135

Agenda:

- Welcome
- Purpose of the calls
- SOP discussion
 - SOP Matrix
 - Development and approval of SOPs
- TMDL Prioritization Reports
- GIS layer for industrial facilities with MSGP
- FTP site for NPDES inspection updates and reports
- Update on training classes
- Updates on EPA stormwater rulemaking

Notes:

- NPDES Phase I Stormwater Team:
Eric Livingston – Administrator
Heather Ritchie – Phase I & Phase II Manager
Ken Kuhl – Phase I Specialist
- The purpose of the calls is to keep the permittees informed. We hope everyone will feel comfortable to express their ideas, ask questions and even lead discussions.
- SOPs and SOP Matrix - As part of the new Cycle 3 permits, written SOPs must be developed for a variety of permit requirements as shown in Checklist B at the end of the new annual report form. Two of these SOPs (construction inspection program SOP and proactive illicit discharge program SOP) must be submitted to the Department for review and approval with the year 1 annual report. We will be glad to review and provide comments to any of the SOPs submitted. Approved SOPs will be added to SOP Folder on the NPDES FTP site: ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/
- Additionally, Ken has developed an SOP matrix or checklist that was sent to permittees by email last week. The SOP matrix was developed for 2 reasons:
 1. to assist the permittees with the development of internal SOPs, and
 2. to assist our staff in reviewing SOPs and providing meaningful comments.
- TMDL Prioritization Reports – As a reminder, these reports are due 6 months after your Cycle 3 permit was issued. We have received many questions and have provided answers to many questions regarding prioritization in our MS4 Permit Resource Manual which is available on our website:
http://www.dep.state.fl.us/water/stormwater/npdes/MS4_1.htm. The permit lays out a 4 step process including prioritization, monitoring & assessment, monitoring, and TMDL implementation plan which will be incorporated into the next cycle permits. If you prioritize a fecal coliform TMDL, you would submit the prioritization report but not have to do the monitoring & assessment plan, monitoring, or TMDL implementation plan. Instead you use the Implementation Guidance for the Fecal Coliform Total Maximum Daily Loads to develop a bacterial control plan. This process typically includes a maps-on-the-table exercise and walk-the-WBID to identify and eliminate sources.

If your MS4 does not directly or indirectly discharge to a water body with adopted TMDLs or, if all of the TMDLs identified in your prioritization plan are incorporated in a BMAP, then your TMDL Prioritization Report can consist of a letter. The letter should state that you have reviewed the TMDLs within your jurisdiction and, either you do not discharge directly or indirectly into a water body with an adopted TMDL or that all water bodies with adopted TMDLs that you discharge into are included within a BMAP. In either case, you will not need to complete the remaining steps in the TMDL implementation process. If you only have EPA TMDLs that have not been verified as impaired within your jurisdiction, then you might consider conducting ambient water quality monitoring to obtain enough data to verify or delist the water body before undertaking any other steps in the TMDL process outlined in the permit.

Approved TMDL Prioritization Reports will be added to the folder on the FTP site (ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/).

- DEP has generally encouraged collaboration in the development of TMDL Prioritization Reports in instances where several co-permittees discharge to the same TMDL waterbody and the opportunity for cost savings exist. A question arose over outfall monitoring and whether each permittee needed to monitor an outfall or if they could collaborate on this. Currently, the response to Question 5 in the TMDL part of the Permit Resource Manual implies that collaboration can occur on outfall monitoring. Is this true?

Unfortunately, after checking with EPA Region 4 staff they stated that this is not consistent with their expectations when they approved our permit language. They specifically expect that EACH PERMITTEE will monitor one outfall. This should be an outfall that either discharges directly into a water body with an adopted TMDL or an outfall that discharges indirectly into a TMDL water body such as when one MS4 discharges into another MS4 that then discharges to the TMDL water body. This will provide baseline loads of what is directly discharged into the water body and also what the copermitttee discharges into that MS4 before it discharges to the water body. Since a number of questions have been raised related to this aspect of the TMDL Prioritization process, the Monitoring and Assessment Plan will be on the agenda for the next MS4 quarterly teleconference.

- At what point is compliance with TMDLs going to be based on this monitoring that is being conducted within the TMDL Implementation requirement? This monitoring helps to provide a baseline of what is being discharged from the MS4 into the impaired water body with a TMDL. By definition, a TMDL = WLA (wasteload allocation = required reduction for point sources) + LA (load allocation = required reduction for nonpoint sources) + MOS (margin of safety = uncertainty factor). Over time, loads need to be reduced to meet the WLA in the TMDL and you can't measure success without having a baseline.
- Questions were raised concerning how a permittee's compliance with a TMDL is determined. Is compliance based on the water quality recovering in the impaired water body, or on meeting the required load reductions in the TMDL WLA, or both? First, remember that the Federal Clean Water Act and EPA's TMDL regulations do not specifically address TMDL implementation. This is somewhat unfortunate since lawsuits and court rulings are currently driving TMDL implementation and compliance/enforcement. The ultimate compliance with TMDLs is water body restoration. DEP is responsible for ensuring that all pollution sources are equitably reduced and the water body is restored. Compliance for a MS4 will be based on implementing the supplemental SWMP, or BMAP, to reduce pollutant loadings and ultimately meet the MS4's percent reduction in the TMDL WLA. Florida is unique in having the Florida Watershed Restoration Act (403.067, F.S.) which specifically states

that it can take more than one or two permit cycles to meet TMDL load reduction requirements providing third party legal protection. Remember that Phase I MS4 permittees are only responsible for pollutant contributions from their stormwater system. In the interim, prior to achieving the TMDL, permittees should be well positioned legally by implementing TMDL requirements consistent with Part VIII of the permit.

- A participant asked about their swale inventory which is inspected, maintained and documented by number and not in miles as requested in the annual report form. Eric indicated that each municipality does things differently and all tracking systems are different. This method of inspections, maintenance and record keeping is fine. He also stated that if records are maintained electronically, then we can review records and documentation electronically during an audit and save trees!
- GIS layer for MSGP – Upon request, FDEP is able to create a shapefile for your municipality which includes active MSGPs for industrial activity. This may be useful as you schedule or prioritize industrial facility inspections for potential illicit discharges. If you are interested, please email us and we will work with you to create the shapefile. In addition, Map Direct (<http://ca.dep.state.fl.us/mapdirect/gateway.jsp>) has other useful information including TMDL coverage, WBIDs, and facilities with active permit coverage which is updated monthly.
- FDEP now has NPDES inspectors located in the district offices who perform construction and industrial inspections. Our FTP site will now contain a folder for inspection reports which you can check periodically to see which sites have been inspected in your area.
- FDEP will be creating online training programs for illicit discharge detection and elimination, spill response and refresher training for construction inspectors. We welcome any materials you all are willing to share that we could incorporate into the training programs. These materials can be placed in the training folder on the FTP site. We are also looking for volunteers to assist in reviewing the materials. Please let us know if you are interested. We hope to use GoToMeetings to assist in the review.
- EPA rule updates – The latest EPA initiative for post-development treatment rule is slowing down. We expect to see a draft rule mid-March however the final rule is a long way down the road. Congress has requested a report with recommendations to consider regarding legal authority for the post-development treatment rule. We do not envision any impacts for the Phase I permits. Our hope is that our ERP program would still meet the definition of a qualified state program.
- We currently are working to develop a rulemaking schedule for revisions to the construction generic permit, the multi-sector generic permit and the Phase II MS4 generic permit. We hope to have a schedule to share by mid-April. We also hope to reduce our fees by revising 62-4. Anticipated revisions to the generic permits include the following:
 1. CGP – new source performance standards
 2. MSGP – permit language should be clarified and updated to mesh with the TMDL process
 3. 62-4 Permit Fees – Reduce by 20% current permit fees to establish financial incentive for submitting general permit NOIs, etc., electronically. Reduce MS4 permit fees to reflect program cost savings of doing with state employees instead of contractor. Change Phase II MS4 fees from one time permit application fee to annual surveillance fees.
 4. Phase II MS4 – written SOPs and TMDL implementation. We also plan to incorporate annual surveillance fees rather than 5-year permit fees.

- Street Sweeping Calculations – The FSA study with Dr. Sansalone has been completed. The methodology and spreadsheet to calculate reductions has been posted to the NPDES MS4 website. Permittees will need to get 24 samples for street sweeping, inlets/catch basins, and BMPs. It is best to take the samples right after the solids are dumped before it has time to dry. The samples need to be run for bulk density and moisture content. Send this data to us when you have it or along with your first annual report. Dr. Sansalone can incorporate the data with the current data to update the calculation spreadsheet. We encourage co-permittees to work together as a permit group to gather the necessary samples. It is also acceptable for two different permittees, e.g. the City of Miami and Miami-Dade County, to cooperate as a permit group when collecting and analyzing samples.
- A participant asked about reductions on a watershed/WBID basis which is proving difficult. FDEP will talk with BMAP staff to see how they may be addressing that.
- A participant asked about remnant contracts for street sweeping activities that currently have no requirement to report volume or tonnage collected. FDEP suggested they estimate as best they can until there is an opportunity to revise the contracts. This may apply to many FDOT contracts.

Next quarterly teleconferences for NPDES Coordinators:

Wednesday, May 30th from 1:00pm-2:30pm

Wednesday, August 29th from 1:00pm-2:30pm

Wednesday, November 28th from 1:00pm-2:30pm

Please submit agenda items for future teleconferences to Heather at least 2 weeks prior to the teleconference (Heather.Ritchie@dep.state.fl.us), provide feedback on the first teleconference, and consider volunteering to review proposed training materials developed by DEP for statewide use.