

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators
Wednesday, August 29, 2012
1:00 – 2:30 pm EST

MS4 Team:

Eric Livingston – Administrator

Heather Ritchie – Phase I & Phase II Manager

Ken Kuhl – Phase I Specialist

Katie Downey – Phase II Specialist

Agenda:

- Welcome & Discussion
- Status Update – Pinellas County Permit Challenge
- TMDL Monitoring and Assessment Plan Submittal Schedule
- Status of Online Training
- Stormwater Management Program Requirements
- Reminder to Send Agenda Items
- Next MS4 Teleconference: Wednesday, November 28th at 1:30 – 2:30 pm

Notes:

- **Meeting Opening and Purpose:**

The purpose of the quarterly conference calls is to establish a forum for DEP to discuss emerging issues which affect MS4s and for permittees to suggest agenda items, to exchange ideas on program implementation, and to ask questions. We encourage permittees to make suggestions, to lead specific discussions, and to share program implementation strategies.

- **Pinellas County Permit Challenge Status:**

Pinellas County filed a petition challenging the Department's authority to implement specific components of Part VIII, "Stormwater Discharge Compliance and Water Quality Standards" of its draft Cycle 3 permit, namely, the requirement to conduct storm event monitoring and the use of that data. Both parties agreed to postpone the original hearing scheduled for May 15, 2012, and to clarify language in Part VIII collaboratively. Consequently, Pinellas County and the Department have engaged in an iterative process to refine the monitoring section language, especially with respect to how the monitoring data will be used to evaluate progress in reducing stormwater pollutant loads and meeting the percent reduction in the TMDL's wasteload allocation. The most recently proposed revisions have been sent to EPA to see if they will approve it or if they will object. The Department expects a response from EPA soon.

Upon agreement with Pinellas County, the Department plans to share the proposed Part VIII revisions with all permittees and conduct a Go-To-Meeting to facilitate review and comment. Once the proposed language is finalized, the Department will initiate a process to revise currently-issued Cycle 3 permits by letter modification.

In our latest proposal that was sent to EPA, the Department has redefined the requirements for direct and indirect discharges, relevant to Part VIII of the permit and storm event monitoring requirements. As proposed, indirect dischargers are responsible for their loadings to the downstream MS4 but they are no longer required to conduct storm event monitoring at the point where their MS4 discharges into the downstream MS4. Consequently, opportunities for collaboration between indirect and direct dischargers are enhanced and encouraged.

- **TMDL Monitoring and Assessment Plan Submittal:**

Part VIII of newly issued Cycle 3 permits requires permittees to submit a TMDL Prioritization Report (process to prioritize TMDL water bodies) within six months of permit issuance, and a TMDL Monitoring and Assessment Plan (process to prioritize an outfall for monitoring) within six months of DEP's approval of the permittee's Prioritization Report. The Department has determined that an extension of the deadline for submitting each permittee's TMDL Monitoring and Assessment Plan is warranted, pending resolution of the current petition and further notice by the Department. In addition, the Department believes that revisions to Part VIII of the permit will clarify requirements and enable permittees to develop the most effective and reasonable TMDL Monitoring and Assessment Plan.

The Department plans to provide a template for the Monitoring and Assessment Plan to all permittees once the Part VIII language is finalized. In addition, a spreadsheet to assist permittees with calculating loadings, based on land use, rainfall, the C-factor, etc., is under development.

- **Questions (Taken in Regards to the First Two Agenda Items Above):**

- Permittees may conduct storm event monitoring at additional outfalls, other than the priority outfall initially identified in the TMDL Monitoring and Assessment Plan approved by the Department, as determined by the permittee. However, the permit only requires storm event monitoring at one outfall.
- If two MS4s prioritize the same water body in their TMDL Monitoring and Assessment Plans but they each own separate outfalls to the TMDL water body, then each permittee must conduct storm event monitoring at their respective (prioritized) outfall. In this situation, permittees may find ways to collaborate, for example, the MS4s may share monitoring equipment.
- Permittees are encouraged to submit their TMDL Monitoring and Assessment Plans subsequent to their review of the finalized Part VIII language. However, the MS4 team is available, in the interim, to assist permittees with Plan development as needed.

- **Status of Online Training:**

The Department is planning to implement online training programs by the beginning of 2013, which will assist permittees with training requirements for MS4 staff and contractors, including IDDE inspection, spill response, good-housekeeping practices, and construction-site inspection. Since our update at the last MS4 teleconference on May 30, 2012, we have received many training-content examples from permittees. Thank you for your assistance! Using these materials we have developed a first draft of the Powerpoint and the script that is undergoing internal review. This should be completed by mid-September.

In addition, many of you have volunteered to assist us with editing the draft Powerpoint slides. We will be contacting volunteers soon to begin the process of reviewing and editing proposed IDDE training content. Please continue to submit examples of training content appropriate for construction-site inspections.

Once the training content is finalized, the Department will enlist local student interns to assist with developing the online training program.

- **Stormwater Management Program (SWMP) Requirements:**

Permittees submitting their Year 4 annual report and permit reapplication need to include their updated SWMPs to the extent practicable. For those that are renewing this year, we will include a provision to prepare and submit an updated SWMP with the Year 1 AR. Other permittees with the original version of the Cycle 3 MS4 permits need to begin updating their SWMPs now so that they can submit them with their permit reapplication package. As we have discussed in prior meetings or teleconferences, the need for all permittees to maintain an updated SWMP has been emphasized by recent EPA program reviews and associated Section 308 letters. These letters make it clear that an updated SWMP is an essential permit requirement. As you recall, each permittee submitted their respective SWMP to EPA as part of the initial Phase I permit application. As per 40CFR122.26 (attached to the transmittal email), the SWMP should consist of the following components:

- Standard Operating Procedures and Inspection Checklists
- Adopted Ordinances, where applicable, which implement the permittee's SWMP
- Copies of the permit and annual report form
- Copy of the most recent annual report
- Responsible Departments or positions for SWMP implementation

It is not necessary to rewrite the SWMP as submitted in the original permit application to EPA. Components of your SWMP may be electronic whereas others may be more useful in a binder. In addition, the SWMP can be an important continuance document during personnel and/or program transitions at the local level. DEP will be reviewing and discussing the SWMP during future program audits.

- **FSA Bulk Density and Moisture Content Study**

The Florida Stormwater Association conducted a webinar on the MS4 Load Reduction tool on July 20. This included an updated Powerpoint presentation on the project by Dr. John Sansalone which included new information about the importance of bulk density and moisture content data to estimate nutrient load reduction accurately. These materials are available on the FSA web site. Let us know if you can't access the Powerpoint.

- **Additional Questions**

- When will the loading spreadsheet be available? The availability of the spreadsheet to assist permittees with calculating estimated loadings (event mean concentrations), required by Part VIII of the permit and discussed in the second agenda item above, will be emailed to the MS4 community and we will post the spreadsheet on the

Department's MS4 website. Statewide EMCs are available in The NPDES Phase I MS4 Permitting Resource Manual.

- o Many of the barrier island communities have multiple outfalls to a bay or estuary. Do we have to monitor them? First remember that in regards to TMDL monitoring requirements, permittees are not required to monitor for fecal coliform TMDLs. Where such communities have multiple outfalls to the bay or estuary, storm event monitoring is required at only one outfall per permittee, which is prioritized according to the permittee's TMDL Monitoring and Assessment Plan.
- o When calculating loads and the progress in meeting load reductions, doesn't the impact of new development make this problematic? Hopefully not since any new discharge to a TMDL water body must meet the "Net Improvement" requirement which means that this discharge is not adding any new loading of the TMDL pollutant of concern. However, this could be an issue in some areas.
- o Can the training programs be done in Spanish? Excellent suggestion, we will pursue Spanish versions for the online training programs.

- **Closing**

Starting time for the next quarterly MS4 teleconference has been moved to 1:30 PM, on November 28th. Please send suggested agenda items or meeting formats, e.g., Go-To-Meetings, etc. Thank you for your participation in these teleconferences and willingness to assist with the development of online training programs.