

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators
Wednesday, November 28, 2012
1:30 – 2:30 pm EST

MS4 Team:

Eric Livingston – Program Administrator Emeritus
Allen Hubbard – Program Administrator Designee
Heather Ritchie – Phase I & Phase II Manager
Ken Kuhl – Phase I Specialist
Katie Downey – Phase II Specialist
Edward Smith – Compliance and Enforcement Manager

Agenda:

- Welcome & Introduction
- Overview of DEP reorganization
- Status Update – Pinellas County Part VIII TMDL Permit Challenge
- Part III.A.9.c. Annual Report form clarification
- Status of IDDE Online Training Program
- Evaluation of SWMP section of permit and AR form
- Input on teleconference format and schedule
- Next MS4 Teleconference: Wednesday, February 27th at 1:30 – 2:30 pm

Notes:

Welcome & Introduction:

The purpose of the quarterly conference calls is to establish a regular forum between the Phase I MS4s and DEP to discuss emerging issues or permit implementation questions, 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.

Overview of DEP reorganization:

As part of the Governor's efforts to shrink government and costs, DEP is going through a reorganization that includes elimination of about 15% of the regulatory positions. The Southwest District in Tampa was the first DEP entity to complete this process. The Division of Water Resource Management in which the NPDES Stormwater Section exists is in the process of finalizing its position cuts and reorganization. The organizational structure has changed from a Division-Bureau-Section arrangement to a Division-Program arrangement. This has led to our current section staff being placed into two programs: NPDES Stormwater and Compliance and Enforcement. Our five inspectors in the DEP District Offices and two other CE staff are now in the Compliance and Enforcement Program. Fortunately, Edward Smith who will manage these staff is the former MS4 Coordinator and his boss, Jessica Kleinfelter, is our former CE Manager. We will be implementing new communication and coordination procedures to ensure that the overall NPDES stormwater program continues to function smoothly. In addition, Allen Hubbard, former Program Administrator of the Industrial Wastewater Section has been designated as the new Program Administrator for NPDES Stormwater. Eric Livingston will continue as Program Administrator Emeritus until he retires on April 30, 2013. Details about the reorganization including the revised Organization Chart are available at: <http://www.thefloridacurrent.com/article.cfm?id=30029782>

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. Since then staff from 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. We are happy to report that we have agreed on the revised language. We have attached the Track Changes and Clean versions of this Part of the MS4 permit for your reading pleasure.

The revised language clarifies the requirements for direct and indirect discharges and promotes a collaborative process between MS4 permittees. 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 on the monitoring, including cost sharing, between indirect and direct dischargers are enhanced and encouraged. In addition, the revisions allow an alternative monitoring approach to the storm event outfall monitoring and better define how the data will be used to evaluate the reduction in stormwater loadings over time.

We will be issuing a Permit Modification by letter for all of the Cycle 3 permittees that have the Part VIII TMDL language. Permittees will have the option of revising their TMDL Prioritization Reports if desired to allow indirect and direct dischargers to collaborate on the monitoring. Permittees will have at least six months from the modification to prepare their Monitoring and Assessment Plans.

If desired by the Phase I MS4s, we will schedule a Go-To-Meeting in the near future to go through the revised language. We also will be updating the Permit Resource Manual.

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

- Is the permittee that owns the outfall discharging to a TMDL water body solely responsible for the outfall monitoring if other MS4 permittees indirectly discharge to the TMDL water body through the downstream MS4's outfall? No. The permittees need to collaborate on the monitoring.
- 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.

Part III.A.9.c. Annual Report Form clarification

As one of our MS4s was completing their Annual Report form they raised a good issue about the information to be reported in Part III.A.9.c related to staff and contractor training. All MS4s are free to modify their AR form as shown below. Essentially, certification training and refresher training is only needed for construction site inspectors. Plan reviewers and site operators only require initial noncertification training. Also, remember that pre-construction meetings can be counted as site operator training provided these meetings are documented and tracked properly.

Part III.A.9.c	Construction Site Runoff — Site Operator Training							
	During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by <u>or under contract with</u> the permittee) and private persons involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. All inspectors of construction sites shall be certified through the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. <u>Refresher training shall be provided annually. Report the number and type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private persons trained by the permittee.</u> <u>DEP Note: If "0" is reported for any of these reporting items, please include in Column F an explanation of why training was not provided to / obtained by the permittee's staff and private persons during the applicable reporting year.</u> <u>DEP Note: The permittee should report only the number of staff and private persons (i.e., private construction site operators) trained / certified during the applicable reporting year, and then note in Column F the number of staff and private persons who were previously trained / certified. Private site operator training can include pre-construction meetings.</u>							
		Certification Training	Initial Training (non- certification)	Refresher Training				
	Permittee construction site inspectors							
	Permittee construction site plan reviewers							
	Permittee construction site operators							
	Private persons							

A question was raised about the need for a similar change in Part III.A.7 of the Annual Report form. However, after reviewing this section of the form we see no need for a revision.

Status of Online Training:

The Department is planning to implement online training programs in early 2013 to assist permittees with training requirements for staff and especially for contractors, including IDDE inspection, spill response, good-housekeeping practices, and construction-site inspection. We want to thank all of the MS4 staff that volunteered to work with our staff in reviewing the initial draft Powerpoint presentation and script that we put together. Heather and Ken have held two teleconferences with the Review Team and we are nearing consensus on the final product. We will be contacting the students at FSU that had expressed interest in working on making the final online training class. However, given the timing during the semester, it will likely be January before we can get students selected and onboard.

Additionally, we'd like your input on the Construction Inspection refresher training class. Our concept is that this will focus primarily on the evolution of erosion and sediment control BMPs to ensure that MS4 staff and inspectors stay current with state-of-the-art technology.

Questions Related to Above Topics

- We are having great difficulty in getting contractors trained and getting our Contracting staff to revise contracts to include this requirement. Do any other MS4s have some contract language that you can share to help us with this issue? If you do, please email them to Heather so we can share with everyone.
- Are there any legal requirements for a stormwater supervisor in local governments to be trained or certified? No. We worked to develop the Stormwater Operator Training and Certification Class that is conducted by FSA, FWPCOA, and others. The Class A level training is targeted towards supervisors. Many years ago Connie Jarvis from Cape Coral raised this issue but no one has taken the ball and tried to get a bill passed in the Legislature that would require training and certification for stormwater operators or managers. Wastewater treatment plant operators and drinking water plant operators must be trained and certified so there is a precedent. Perhaps FSA could take this on.
- Have we heard anything back from EPA about the Section 308 letters that about 30 MS4s received from EPA last year? This was driven by an EPA National Compliance and Enforcement Initiative. We have been working closely with EPA to try to ensure this doesn't happen again, however, we learned long ago that EPA frequently changes its mind. To attempt to resolve this issue we have placed a renewed emphasis in the permits on having written SWMPs for each permit component. We also provided to EPA a spreadsheet of all of the Phase I MS4s that denoted whether, based on the most recent audit, the MS4 was "in compliance", "minor noncompliance", "major noncompliance". Fortunately, none of our MS4s fell into the latter category.

Future Teleconferences

We have received feedback from several MS4s that another, more interactive format may be more useful to the MS4s. We are happy to continue with our quarterly teleconferences but we do these for your benefit, so please provide us with your feedback. We could go to a semiannual teleconference, we can use a Go-To-Webinar format that would allow multiple presenters, etc.

Stormwater Management Program Evaluation:

One of the tasks on Eric's list of things to do before he retires on April 30 is getting all of the Phase I MS4 files we inherited from EPA and from our contractor, SAIC, cleaned up. As he has been working on that project he has looked at Annual Reports from Cycle 1 and Cycle 2. These had an interesting format for the annual evaluation of the SWMP with discussions of strengths, weaknesses, deficiencies, and needed revisions for each permit component. This seems like it is better process and could provide more useful information for MS4 managers and elected officials than the list of questions that we have in Part V.B. of the revised Cycle 3 permits.

We'd like your input on this approach. If the MS4 community agrees this is a better and more useful approach we can modify the permit as part of the modification of the Part VIII TMDL language. We have prepared an example Annual Report form for how this would be done which is attached.

Action Items

1. The Phase I MS4 team will prepare a meeting summary and send it out within two weeks.
2. We will provide a link to the proposed Division of Water Resource Management reorganization.
3. We will provide a copy of the revised Part VIII TMDL language in a "track changes" version and a clean version for your reading pleasure.
4. MS4s will provide to Heather examples of language in their contracts where they require contractors to obtain IDDE and other training required by the MS4 permit.
5. MS4s will provide to Heather input on the concepts for the Stormwater Construction-site Inspector refresher training, including any slides or powerpoints they wish to share.
6. MS4s will provide to Heather input on the continuation and format for the teleconferences.
7. MS4s will provide to Heather input on the revised method of documenting the annual evaluation of the SWMP.

Next Teleconference

The next quarterly MS4 teleconference will be on Wednesday, February 27 starting at 1:30 PM. 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.