

Webinar Meeting Notes
Permit Revisions and Permit Modification Package
Parts VI Annual Reporting and VIII TMDL Implementation
Go-To-Meeting for Florida Phase I MS4 NPDES Coordinators
Tuesday, January 8, 2013
1:30 – 2:30 pm EST

MS4 Team:

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

AGENDA:

- Meeting Objective
- Overview of Part VI SWMP Evaluation Permit Modification
 - o Questions
- Overview of Part VIII., TMDL Stormwater Discharge Compliance and Water Quality Standards

Summary of Changes and Associated Questions

- o Part VIII.B.1.: Requirements for Impaired Waters with DEP-Adopted or EPA-Established TMDLs
- o Part VIII.B.2.a-c: For Water Bodies with an adopted DEP TMDL and Basin Management Action Plan (BMAP)
- o Part VIII.B.3.a-f: For Water Bodies with an adopted DEP TMDL or an EPA-established TMDL without a BMAP
- o Part VIII.B.4.: Discharging into Waters with an Adopted DEP or EPA-Established Fecal Coliform TMDL that does not have a BMAP
- Summary of Key Meeting Issues
- Next MS4 Teleconference: Wednesday, February 27th at 1:30 – 2:30 pm

MEETING OBJECTIVE:

The purpose of this Go-To- Meeting was to summarize and discuss the proposed changes, applicable to Parts VI (Reporting Requirements) and VIII (Stormwater Discharge Compliance and Water Quality Standards) of Florida's Phase I MS4 Permits, which were first discussed with the Phase I MS4 community during the November 28, 2012 Phase I MS4 Teleconference. Draft changes were subsequently distributed in the Teleconference Notes to all permittees on December 4, 2012. The Phase I MS4 community and the Department also discussed the proposed changes during a recent Go-To-Meeting held on January 8, 2013, which is the subject of these meeting notes.

OVERVIEW OF PROPOSED CHANGES TO PART VI OF THE PERMIT:

- o Based on feedback from the Phase I MS4 community, we have developed alternative language for Part VI, Reporting Requirements, of the permit with respect to how MS4s will conduct and report their evaluation of the effectiveness of their Stormwater Management System (SWMP). Existing permits require the permittee to answer five questions for their SWMP effectiveness,

and submit their responses as an attachment to the Annual Report form. The Permit Modification package, which will be sent by the end of January, will replace the five questions from Part VI of the permit with a new section in the Annual Report form (new Section VIII., Evaluation of the SWMP). The new SWMP evaluation requires the permittee to evaluate the strengths, weaknesses, and SWMP revisions to address deficiencies for each of the required elements of the permit (Parts III.A.1-9).

QUESTIONS:

There were no questions related to this agenda item.

OVERVIEW OF PROPOSED CHANGES TO PART VIII OF THE PERMIT:

As we discussed on the November 28, 2012 teleconference, Pinellas County and the Department have reached an agreement to refine the monitoring section language in Part VIII, 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 revised Part VIII language was attached to the November 28, 2012 Teleconference Notes, distributed by email on December 4, 2012.

The revised language clarifies the requirements for direct and indirect discharges and promotes a collaborative process among 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 but more comprehensive monitoring approach to the storm event outfall monitoring. In addition, the revisions 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 better collaborate on the activities in this part of the permit. Permittees will have six months from February 1 to prepare and submit their Monitoring and Assessment Plans.

Eric Livingston led the discussion regarding changes to Part VIII section-by-section as follows:

Part VIII.B. 1.: Requirements for Impaired Waters with DEP-Adopted or EPA-Established TMDLs

Eric pointed out the live-links, concerning applicable Department rules, DEP-adopted TMDLs, and EPA-Established TMDLs, which are included in the revised permits to better assist permittees with implementation of Part VIII.

Part VIII.B. 2.a-c: For Water Bodies with an adopted DEP TMDL and Basin Management Action Plan (BMAP).

The permit modification adds subsection "c" which explains how a MS4 prioritizes a TMDL water body with an adopted TMDL (See question and response below).

QUESTIONS:

Do permittees include in their TMDL Prioritization Report a water body with an adopted Basin Management Action Plan (BMAP)? The permittee should include this water body in the **list** of water

bodies with an adopted TMDL in their respective TMDL Prioritization Report (Months 1-6) required by Part VIII.B.3.a., but should not include the water body in their **prioritization** of TMDL water bodies since it is subject to an adopted BMAP.

Part VIII.B. 3.a: For Water Bodies with an adopted DEP TMDL or an EPA-established TMDL without a BMAP – TMDL Prioritization Report (Months 1-6)

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. For clarification, Eric explained that Part VIII.B.3.a. of the Permit defines the point of interconnection and indirect discharges, and encourages MS4s with indirect discharges to coordinate the water body prioritization and associated implementation scheduling processes with the downstream MS4 discharging directly to an adopted TMDL water body. In addition, Eric noted that some permittees may want to resubmit their TMDL Prioritization Report to realign schedules for prioritized water bodies to allow better collaboration between MS4s with indirect and direct discharges.

QUESTIONS

How does a permittee resubmit its TMDL Prioritization Report to facilitate changes to prioritized water bodies or schedules for implementing the remaining tasks germane to this section?

If an MS4 plans on updating their TMDL Prioritization Report, they should call one of the Phase I MS4 team members to discuss the schedule for submitting it and the Assessment and Monitoring Report.

Can all permittees within a county prioritize one water body and work on it collaboratively?

We are unaware of any such situations. Typically, the copermitees do not all discharge to the same water body. In situations where multiple MS4s discharge to the same TMDL water body, we encourage them to coordinate their prioritization and schedule so that they can collaborate on such water bodies

How are water bodies with a fecal coliform TMDL addressed in the TMDL Prioritization Report?

Water bodies with fecal coliform TMDLs must be prioritized in accordance with Part VIII.B.3.a. of the Permit, but the remaining sections of Part VIII.B.3. do not apply. Instead, for water bodies with a fecal coliform TMDL, the permittee must prepare and submit a Bacterial Pollution Control Plan (BPCP) to the Department for approval in accordance with the schedule in the TMDL Prioritization Report.

Part VIII.B. 3.b: For Water Bodies with an adopted DEP TMDL or an EPA-established TMDL without a BMAP – TMDL Monitoring and Assessment Plan (Was Months 6-12, Modified to 6 months subsequent to receipt of Permit Modification which will be February 1)

The permit modification only includes minor editorial changes to make the language clearer. For most permittees, the TMDL Monitoring and Assessment Plan will be due six months from the date of Permit Modification or on August 1, 2013. Eric summarized the steps necessary for each Plan to identify either a MS4 outfall or a point of interconnection to the downstream MS4 that will be used by each MS4 to measure its progress in meeting TMDL-wasteload allocations. The selected outfall or point of interconnection will be referred to as the “load-assessment discharge point”, which will be selected based on the following information and processes:

1. Estimate annual loadings for the source of impairment discharged directly or indirectly from the MS4 to the TMDL water body.
2. Permittees will use the estimated loads and/or other acceptable data (prioritized factors) to justify selection of the load-assessment discharge point.
3. The Plan will be submitted within six months (August 1, 2013) of the Department's Permit Modification.
4. Plans must be modified within 60 days of DEP-comment receipt.

ACTION ITEM:

If any MS4s have an easy to use spreadsheet or other type of load calculating tool that they are willing to share, please send it to the Phase I MS4 team so we can post it on the ftp site.

QUESTIONS

What if pollutant loadings, based on monitoring, are less than those which were estimated? Estimated loadings used to develop TMDLs may have been overestimated. In these situations, monitoring data may be used to justify TMDL load reduction credits. This is the value of doing the storm event outfall monitoring.

Are estimated loads from tidally-influenced canal discharges accurate or useful when selecting a suitable load-assessment discharge point?

It is likely that discharges of this type are "waters of the state" and not a discharge from a MS4 outfall.

Does the Permit Modification letter change the schedule for submitting the Monitoring and Assessment Plan from the schedule currently in Part VIII.B.3.b. of the newly issued Cycle 3 permit? Yes. The Department will send out the Permit Modification package on January 31 so that it is effective on February 1. The Monitoring and Assessment Plan will be due within six months or no later than August 1, 2013. However, the Department will be flexible in cases where permittees want to resubmit their TMDL Prioritization Report to increase collaboration between indirect and direct MS4 discharges or to adjust implementation schedules.

Can calculating event mean concentrations at the load-assessment discharge point, on an annual basis, demonstrate incremental reductions in pollutant loads in lieu of conducting storm-event monitoring?

Remember, the objective of this monitoring is provide measured stormwater pollutant loads that can be compared to the estimated loads. Since the storm event monitoring will be done on a mixed land use basis you won't be generating event mean concentrations similar to those used to calculate the loadings. The storm event outfall monitoring will give you a direct measurement of what is being discharged.

Part VIII.B. 3.c: For Water Bodies with an adopted DEP TMDL or an EPA-established TMDL without a BMAP – TMDL Monitoring

Revisions to this section include providing permittees with an alternative monitoring approach, the Targeted Water Quality Monitoring Plan, to storm event outfall monitoring and better define how the data will be used to evaluate reductions in stormwater loadings over time.

QUESTIONS:

If a permittee selects the Targeted Water Quality Monitoring Plan option, do the Monitoring and Assessment Plan and the Targeted Water Quality Monitoring plan both have to be approved by DEP? Yes.

Can permittees collaborate when using the Targeted Water Quality Monitoring Plan? Yes.

Part VIII.B. (3.d): For Water Bodies with an adopted DEP TMDL or an EPA-established TMDL without a BMAP – TMDL Implementation Plan (Months 12-36), to be submitted in Year 4 with the permit reapplication package.

QUESTIONS: Can multiple permittees collaborate in the development and implementation of the TMDL Implementation Plan?

Yes. However, just like in a BMAP, the table(s) of activities to be undertaken must clearly identify the permittee(s) that will be responsible for implementation of each project or activity.

Does the Department recommend that permittees use the street sweeping, load-reduction calculation tool for calculating loadings?

No. That is not appropriate. The MS4 tool allows you to directly calculate load reductions that occur from street sweeping and maintenance activities and obtain load reduction credits for those activities. The Department hopes to provide a simple spreadsheet tool that can be used to estimate annual pollutant loadings.

SUMMARY OF KEY MEETING ISSUES

1. Permit modification packages will be sent to all permittees by January 31 with an effective date of February 1.
2. Permittees must decide whether they want to revise their approved TMDL Prioritization Reports and resubmit them to facilitate collaboration with other permittees.
3. The Department's MS4 Permit Resource Manual will be updated to reflect changes to Parts VI and VIII of the permit as discussed during this teleconference and formalized by the Permit Modification package. This version of the Manual will be sent with the Permit Modification package and posted on the web site by the end of January.

NEXT TELECONFERENCE

Quarterly teleconferences for 2013 have been scheduled as follows:

Wed., Feb. 27th from 1:30-2:30pm

Wed., May 29th from 1:30-2:30pm

Wed., August 28th from 1:30-2:30pm

Wed., Nov. 20th from 1:30-2:30pm

Please send suggested agenda items or meeting formats, e.g., go-to meetings, etc. Heather will send out a reminder a month prior to each call. Thank you for your participation in these teleconferences and willingness to assist with the development of online training programs.