

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators
Wednesday, February 27, 2013
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 – BMAP Coordinator
Marisa Boysen – NPDES Stormwater Program Attorney

Agenda:

- 10/2 ERP Self-Certification Posting
- Bacterial Pollution Control Plans
- Year 2 review of codes for impediments to LID
- Upcoming rule workshops related to NPDES Stormwater generic permits
- Florida Friendly Landscaping v. Florida Friendly Fertilizer Ordinance
- Annual Report Submittals
- Status of Eric's simple spreadsheet
- Status of online training program
- Staff Changes
- Next MS4 Teleconference: Wednesday, May 29th at 1:30 – 2:30 pm

Notes

10/2 ERP Self-Certification Posting:

As you know, HB 503 became effective on July 1, 2012, and:

- Provides a general permit via a self certification by the applicant for stormwater management systems under 10 acres with 2 acres or less of impervious surface, provided that their project meets the stormwater criteria of the applicable water management district;
- Prohibits a local government from conditioning the approval of a development permit on an applicant obtaining a permit or approval from any other state or federal agency.

Many permittees have expressed concern in the ability to track General ERP Permits locally to ensure new projects meet the “no net increase in loading” requirements applicable to impaired water bodies. . Permittees can obtain information about 10/2 self certification permits from the Department's Oculus Document Management System which can be accessed at: <http://wrmedms.dep.state.fl.us/Oculus/servlet/login>. Click on “Public Access Login”. Check the CATALOG BOX in the upper left hand to be sure that you are in the ERP Catalog. In the PROFILE BOX, click on Permitting_ Authorization. Now you can search by selecting the appropriate county in the COUNTY drop down box and then selecting “ERP 10-2 General Permit-EG. This will bring up all of the documents for each submittal. Some may have only the certification while others will have attachments that will let you determine the type of treatment and the treatment volume. These records are uploaded on a daily basis as the “Self Certifications” are completed.

Bacterial Pollution Control Plans (BPCP):

Eric clarified that the report generated upon completion of the Maps on the Table and Walk the WBID exercises, are a great first step in the generation of a Bacterial Pollution Control Plan (BPCP). As stated in the Part VIII of the permit, those electing to prioritize a fecal coliform TMDL should refer to the toolbox for a comprehensive assessment of the impaired WBID:

ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/

Year 2 review of codes for impediments to LID:

The Summary Report submitted in Year 2 should contain the following elements:

- A list of the appropriate codes or land development regulations, with the appropriate reference, which currently authorize the municipality to regulate land clearing and development. Simply referring the Department to the municipality's existing codes is not adequate.
- A list of code sections which restrict the availability of LID principles to the development community and the additions or modifications needed to increase access to LID development options, including the use of Florida-friendly landscapes.
- A schedule for proposing, developing, and adopting the necessary changes to increase the availability of LID principles in the community.

The Year 2 Summary Report should be brief and concise, facilitating submittal of the Year 4 Implementation Status Report. Additional information on how to perform this review of the code has been added to Component 2 of the Permit Resource Manual (February 2013 version).

Upcoming rule workshops related to NPDES Stormwater generic permits:

The Department has prepared revisions to the Construction Generic Permit (CGP), the Multi-Sector Generic Permit (MSGP) for industrial facilities, and the Phase II MS4 Generic Permit. Upon approval by the Secretary, we will host a rule workshop in Tallahassee accessible via webinar to introduce the draft permits. The draft CGP has been updated to incorporate dewatering activities associated with non-contaminated groundwater dewatering which currently requires an NPDES industrial wastewater generic permit. The draft MSGP has been condensed and would require an annual report submittal to the Department. The draft Phase II MS4 generic permit contains significant changes to bring it in line with EPA's MS4 Permit Improvement Guide: http://www.dep.state.fl.us/water/stormwater/npdes/docs/ms4permit-improvement-guide-epa_0410.pdf. All three generic permits have been written in a plain language question and answer format to make them easier to understand. The initial workshop will be held in April.

Florida Friendly Landscaping v. Florida Friendly Fertilizer Ordinance:

Eric discussed the differences with the Florida-friendly Landscaping (FFL) and Florida-friendly Fertilizer (FFF) Ordinances. The FFL ordinance is more comprehensive and addresses the sources of the problem, such as landscape design, irrigation, training, and proper fertilizer application. Those municipalities in a nutrient-impaired watershed must adopt at least the FFF ordinance although the more comprehensive FFL ordinance is encouraged. The Nonpoint Source Management Section at FDEP has prepared a model FFF ordinance:

<http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/dep-fert-modelord.pdf>

and a model FFL ordinance:

<http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/ffl-mo-ccr-1-09.pdf>

In 2010, the Florida Legislature made revisions to the laws that apply to fertilizer applicators. This resulted in a revised 2010 version of the Model Florida-friendly Fertilizer Ordinance. Several MS4s have used the 2009 Model FFF Ordinance to create their ordinances so please be sure to use the 2010 version. The table below summarizes the key differences between the 2009 and the 2010 FFF Model Ordinance.

SECTION	REVISIONS
3. Definitions	The following definitions were revised to be consistent with statute: Commercial Fertilizer Applicator, Fertilizer, Low Maintenance Zone, Approved BMP Training Program. The following definitions were added: Saturated soils, Urban Landscape The following definitions were deleted: Pasture
7. Low Maintenance Zones	Changed from six feet to ten feet
8. Fertilizer Content and Application Rates	Section 8(a) revised to be consistent with statute by deleting “shall be formulated” Section 8(b) added
13. Licensing of Commercial Applicators	Extensively revised
14. Enforcement	Section added to model ordinance

Annual Report Submittals:

Eric reminded the permittees that annual reports are required by permit within 6 months following the end of the reporting year. We appreciate the efforts of our permittees and certainly understand extenuating circumstances that require a request for an extension. Due to the number of permittees, annual reports and audits, we establish an annual workplan to ensure that we provide timely responses and feedback to you. This annual workplan is dependent upon timely submissions. Please remember that failure to submit your annual report in a timely manner is a violation of your permit and may be subject to penalties.

Status of simple stormwater pollutant loading spreadsheet:

As we discussed on the previous teleconference, many MS4s have requested assistance with calculating the annual pollutant loadings needed in the TMDL Monitoring and Assessment Report. Eric has developed a simple spreadsheet model but he needs help putting all of the formulas into “Macros”. Another DEP staffer can help but currently is working on numeric nutrient criteria so it will take another month or so to finish this and make the spreadsheet available to the MS4s.

Status of Online Training:

The Department is still planning to implement the online training program to assist permittees with training requirements for staff and especially for contractors, including IDDE inspection, spill response, and good-housekeeping practices. The slides and narrative have been finalized. We will be contacting the students at FSU that had expressed interest in working on making the final online training class.

Staff Changes:

Eric, Ken and Heather have enjoyed working in the NPDES Stormwater Section. It has been a pleasure serving as your Phase I MS4 team. We value the personal and professional relationships we have built with each of you. We look forward to working with you in the future as we each begin a new chapter.

Ken recently joined the Watershed Planning and Coordination Program. He will serve as a BMAP Coordinator. You may contact Ken by email at Kenneth.kuhl@dep.state.fl.us or by phone at (850) 245-8418.

Heather accepted a position with E Sciences, Inc. and will serve as a Project Scientist beginning on March 4th. You may contact Heather by email at hvritchie@gmail.com or by phone at (850) 264-7787.

The Stormwater Godfather (Eric) will be retiring on April 30th. You can contact Eric by email at stormwater.godfather@yahoo.com.

Allen Hubbard has been named as the Program Administrator for the NPDES Stormwater Program. You may contact Allen by email at allen.hubbard@dep.state.fl.us or by phone at (850) 245-7606.

During this time of transition, please send all correspondence and reports to Allen and Eric to ensure a timely response.

Future Teleconferences

We have received feedback from several MS4s that the quarterly teleconferences are useful. Allen stated that he plans to continue the teleconferences. The next teleconference is scheduled for Wednesday, May 29th from 1:30-2:30pm.

Questions/Comments

1. In Component 2 of the Permit Resource Manual, there is a link that takes you to the Springs Program. Is this a correct weblink? Yes, the Springs page contains a multitude of planning documents that will be beneficial to those working on revising their Land Development Codes to make them Low Impact Design friendly. If you scroll down the web page to the section entitled "Additional Information and Resources" there are several valuable documents to assist in revising LDCs to promote Low Impact Design. Two important documents are [*Protecting Florida's Springs: Land Use Planning Strategies and Best Management Practices*](#) and [*Protecting Florida's Springs: An Implementation Guidebook*](#). These materials can be downloaded from <http://www.floridajobs.org/community-planning-and-development/programs/technical-assistance/planning-initiatives/natural-resource-planning/springs-protection>.

2. Should the notes in the annual report forms be deleted prior to submittal? If you would like to delete them, you may. However, please remember that the notes are included to assist you in meeting all of the reporting requirements.
3. The reporting requirement for household hazardous waste events appears to only require reporting of collection during special events. Should permittees include totals collected during regular operating hours as well? The intent of the reporting item is to report collection during special events and to make those opportunities available to the public.
4. To whom should the annual reports and future correspondence be sent? During this time of transition, please send all correspondence and reports to Allen and Eric to ensure a timely response.
5. Is it possible for Allen to attend the FSA Conferences in June and December this year as an opportunity to further the ongoing relationship with the program and permittees? Allen understands the importance of establishing a relationship with the permittees. Eric will stress the importance of Allen's participation in the FSA Conferences with upper management before he retires.
6. Are there any good examples of public outreach effectiveness methods that could be shared with the permittees via the FTP site? We have not received many submittals to date. However, the City of Orlando submitted an excellent plan that we will post to the FTP site.
7. When does the Florida Friendly Fertilizer ordinance need to be adopted if the municipality is in a nutrient-impaired watershed? Does the newly established Numeric Nutrient Criteria have an impact on this requirement if we are mid-cycle in the permit? Florida Statute does not define a deadline for adoption of a FFF ordinance in the statute. The MS4 permit requires adoption of the FFF ordinance (although we encourage adoption of the more comprehensive FFL ordinance) by year 2 of your permit cycle if your municipality lies within a nutrient-impaired waterbody. The NNC will likely have an impact on the number of nutrient impaired water bodies. However, keep in mind, that any permit requirements related to TMDLs are based on the TMDLs that have been adopted at the time of permit issuance.
8. If a municipality has prioritized a fecal coliform TMDL and intends to complete a bacterial pollution control plan (BPCP), can this be done in phases? The modified permit states that the permittee has 30 months to complete the BPCP once initiated in accordance with the schedule provided in the approved TMDL Prioritization Report.
9. How do I get to the FTP site? ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/
Once you get to the site, go to the top right-hand corner of the screen and select "Page". Select "Open ftp site in Windows Explorer" at the bottom of the drop-down menu. Now you should see a series of files and folders available for download or loading files.