

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators
Wednesday, May 29, 2013
1:30 – 2:30 pm EST

MS4 Team:

Allen Hubbard – Program Administrator
Michelle Fish –Phase I & Phase II MS4 Specialist
Borja Crane-Amores – CGP/MSGP and Notices Center Specialist
Edward Smith – C&E Manager
Kristine Morris – NPDES Stormwater Program Attorney

Agenda:

- New MS4 staff in the NPDES Stormwater Program
- Update on review of annual reports and audit schedules
- Update on IDDE online training materials
- TMDL Prioritization Reporting for very small co-permittees with limited outfalls and discharge
- Update on generic permit rulemaking for the CGP, MSGP and Phase II MS4s
- Update on BMAP development and process
- Additional topics
- Next MS4 Teleconference: Wednesday, August 28th at 1:30 – 2:30 pm

Notes

New MS4 staff in the NPDES Stormwater Program:

Kristine Morris is the Program Attorney.

Michelle Fish is the new Phase I & Phase II MS4 Specialist. You may contact Michelle by email at Michelle.Fish@dep.state.fl.us or by phone at (850) 245-7561.

Shirish Bhat is the new Phase I & Phase II MS4 Coordinator and will begin on June 3, 2013.

With the new staff on board, the Program plans to continue to provide the same level of service that has been expected.

Update on Review of Annual Reports and Audit Schedules:

The NPDES Program has received several Annual Reports from Phase I permittees. The MS4 Program will begin working on reviewing and responding to Annual Reports that have been received.

The audit schedule will continue in August 2013.

Update on IDDE Online Training Materials:

Eric interviewed candidates to complete the online training materials. AI is working on the hiring process to bring the candidate on board, who is a graduate student in the field of eLearning.

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TMDL Prioritization Reporting for Very Small Co-permittees with Limited Outfalls and Discharge:

Q: Small co-permittees operating under a large co-permittee: Is it acceptable for the small co-permittee's TMDL Prioritization Reports to state that certain TMDLs will be addressed in conjunction with the large co-permittee when they addresses it. In this case, the small co-permittee has limited discharge and limited potential for significant pollutants, and has assigned a low Prioritization to the waterbody due to these factors.

A: The co-permittee should have a written agreement with the large co-permittee stating that the large co-permittee will address the specific TMDL requirements. The small co-permittee should also report on measures taken to limit the pollutant, and why that pollutant is not a significant problem.

Prioritization schedule applies to everyone directly or indirectly. Permittees should provide the Department with justification why a TMDL Prioritization is not necessary, including the measures taken to lower the pollutant input, and why additional measures are not needed. As these are special cases, the co-permittee should receive a determination from the Department that the measures take meet the purpose of the prioritization.

Update on Generic Permit Rulemaking for the CGP, MSGP and Phase II MS4s:

In April, webinars were hosted in Tallahassee to discuss the draft permits for the Construction Generic Permit (CGP), the Multi-Sector Generic Permit (MSGP) for industrial facilities, and the Phase II MS4 Generic Permit. The industrial wastewater dewatering permit is also being revised and was presented.

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. Sites that do not require a CGP will still need to receive a Dewatering GP for non-contaminated dewatering.

Public comments on the revisions are still being accepted by Al Hubbard.

We hope to have the Draft CGP and MSGP adopted by the end of 2013. We hope to adopt the updated Phase II MS4 GP sometime in 2014. There will be another workshop for the Phase II MS4 draft before it is finalized.

Update on BMAP Development and Process:

Charlie Gauthier, the BMAP coordinator was not available for today's teleconference. He may be able to participate in the third Quarter teleconference.

The Department encourages the Phase I MS4 Responsible Authority to participate in local BMAP development.

Ken Kuhl is available in the BMAP Program for questions.

Future Teleconferences

The next teleconference is scheduled for Wednesday, August 28th from 1:30-2:30pm.

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Questions/Comments

Scott Browning- Bradenton

1. Q: How do we factor other MS4 permittees that share the same impaired waterbody into TMDL Prioritization decisions?
A: DEP appreciates permittees collaborating efforts, which may also reduce duplicative efforts and resource burdens.
Q: How do we work with other permittees if their TMDL Prioritization schedules have already been established?
A: Permittee schedules are public record, and permittees can plan their schedules accordingly based on the characteristics of the waterbody.
2. Q: Changing prioritizations: Can permittees lower TMDL Prioritizations based on water quality data showing improvement in the watershed; and bring up prioritizations for water quality improvement projects?
A: Yes. The purpose of the TMDL prioritization was to allow flexibility; however, the quality of the waterbody should continue to improve, with this being demonstrated if prioritizations are lowered.
3. Q: If a co-permittee or adjacent MS4 receives a grant or initiates a project within an impaired waterbody that is expected to improve water quality, can that TMDL be moved up our prioritization list.
A: Yes.

Sean Vanderguard-City of Largo

4. Q: Do permittees have the authority to insist constructions projects have a CGP if the is a potential for violations in a site less than one acre?
A: Only if the larger site is more than one acre. However, there are prohibitions against water quality violations of surface water discharges, even for unpermitted sites. There are other means for maintaining water quality aside from permits.
5. Q: Are all forms of groundwater pumping required to have a dewatering permit?
6. A: If there is a discharge offsite to surface water or MS4, then a dewatering permit is required. If there is no discharge offsite to surface water or MS4, and the water is uncontaminated, groundwater can be pumped to a different location onsite and allowed to infiltrate into the ground. The local District Industrial Wastewater Program should be consulted to determine if the project needs a dewatering permit for this action.
7. Q: If a construction site does not discharge offsite, does the groundwater have to be tested before it is pumped.

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A: See local regulations. DEP recommends that you have the operator demonstrate that the groundwater is not contaminated. If you suspect the site is contaminated, contact the District Waste Management Program contact person.

Megan Nelson

8. Q: When will the second Phase II MS4 GP rule workshop be?

A: The Stormwater Program plans to have the workshop in the third quarter, August/September 2013. The DEP permit needs to be consistent with EPA rules. If the updates will cost money to the regulated community, DEP has to justify the economic impact. The draft is being revised based on appropriate comments. The workshop and materials will be advertised on the NPDES SW website, email, mail and the FAR. Let Al Hubbard know if you'd like to be copied on workshop information.

Mark Winslow – City of Sunrise

9. A: When is the Phase I MS4 audit schedule coming out, and how are Phase I's chosen for the audit schedule?

Q: The order of the audits will be based on the order the Annual Reports were received. DEP will likely also audit co-permittees based on the previous schedule and the Annual Report results. Please email Al Hubbard if you would like a copy of the old schedule.

Lelani Ferrell – E-Sciences

10. Q: Will the new Phase II MS4s per the 2010 census fall under the current or revised GP, or will the one year deadline for submissions be changed due to the revised rule?

A: DEP doesn't have a definite date for when the draft rule will be adopted, so new applicants will be permitted under the current GP. Once the rule is adopted, new applicants will be permitted under the revised rule.