

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 NPDES
Coordinators Wednesday, June 8, 2016
10:30 – 11:30 am EST

Next quarterly teleconference for Phase I NPDES Coordinators: (Tenative)

- September 14, 2016
- Call in #: 1-877-218-0607
- Participant Passcode: 692-926-02#
- Submit agenda items at least 2 weeks prior to the teleconference to Robin.Babin@dep.state.fl.us.

Notes:

NPDES Stormwater MS4 Contacts:

Borja Crane-Amores	Program Administrator	(850) 245-7520
Michelle Bull	Phase I MS4 Coordinator	(850) 245-7561
Ken Kuhl	Phase I MS4 Coordinator	(850) 245-8667
Stephen (Steve) Cioccia	Phase I MS4 Coordinator	(850) 245-8568
Jonathan Turner	Phase I MS4 Coordinator	(850) 245-8482
Candace Richards	Phase II MS4 Coordinator	(850) 245-7523
Cierra Robinson	MS4 Permit Assistance	(850) 245-7542

Phase I MS4 Program Staff

Jon Turner is our newest member of the program's staff. Jon has a degree from FSU in Chemical Engineering. He has spent the last 6 years working in the TMDL program at DEP. His expertise in TMDLs, monitoring, GIS, modeling and water quality standards is critical to the success of this program. His knowledge will greatly assist our MS4s with the most important requirements of the MS4 permit. Jon will be the regional coordinator over Southwest and South Florida.

Ken Kuhl has stayed on to assist in the transition, and will remain with the program to work on special projects and initiatives.

Status of Permit Reissuance

Orange County – Final Permit Issued;

City of Jacksonville - Draft package stage (to owner by 6/10);

Escambia County, Leon County, City of Orlando, Reedy Creek Improvement District, Pasco County - Applications In-house;

Hillsborough County - ITI issued;

Polk – Draft in two weeks;

Lee – Draft in late Summer;

Cities of Temple Terrace, Tampa, and Bradenton Re-Applications In-house – Draft in 4-6 weeks;

Hialeah – ITI issued, Final permit by mid-June;

Hollywood – ITI issued, Final permit by mid- June;

Palm Beach County- Draft packaged issued, ITI in the works;

Ft. Lauderdale, Broward, Miami-Dade – Application In-house.

Changes in the Cycle 4 Permits Reissued in 2016

Key changes in newly reissued permits primarily impact Part V Monitoring Requirements as follows:

- Permittees are required to submit an assessment program to DEP within 12 months of permit issuance;
- The assessment program must include a water quality monitoring plan intended to identify local sources where urban stormwater is adversely effecting surface water resources, or pollutant loadings.

- The permittee must explain how the assessment program will be used:
 - To evaluate pollutant loadings from the MS4 and in water quality, and
 - To identify portions of the MS4 which can be targeted for loading reduction with additional pollutant reduction measures.

The intent of these changes is to require permittees to reevaluate their existing monitoring plans to be sure monitoring data reflects water-quality trends for stormwater discharged from the MS4. These changes encourage permittees to use multiple tools in the assessment including data from ambient monitoring programs, monitoring of inflows and outflows from stormwater retrofit projects, load estimates based on EMCs, storm event monitoring required in Part VIII of the permit, or other monitoring activities within the MS4. These changes do not suggest that existing efforts to monitor ambient waters is unacceptable, but rather that this data may be augmented with other monitoring data or load estimates which better characterize impacts from stormwater discharged from the MS4.

Requirements for prioritizing waterbodies with an EPA Established TMDL have been modified to require prioritization only where impairments associated with EPA Established TMDLs have been verified by DEP in accordance with the Impaired Waters Rule (62.303, F.A.C.).

Q: Jeanne Espinal, City of Doral: What is the status of permit reissuance for Miami-Dade County?

A: The County's Year 4 annual report and application are in-house and a draft package should be issued soon.

Q: Melanie Weed, Pinellas County: Do the changes to Part V of the permit imply that ambient water quality monitoring will no longer suffice as acceptable data to evaluate the effectiveness of a permittee's SWMP?

A: No, the new permit language encourages the use of multiple tools to evaluate a permittee's SWMP including data from ambient monitoring, TMDL monitoring, CIP or retrofit project monitoring, load-estimate calculations, outfall monitoring, or other monitoring within the MS4.

Q: Alexis Clark, Orange County: Is DEP recommending moving from ambient monitoring to outfall monitoring?

A: No, ambient monitoring programs are still very important. DEP recommends that each permittee fully evaluate their station locations and determine if those locations are best able to show what influence loading from the MS4 is having on waters of the state.

Q: Steve Peene, ATM: Can SWMPs be evaluated using either monitoring or load calculations from BMPs, or does it need to be both?

A: SWMP evaluations can be completed through a monitoring program and/or the load calculations.

New Bacteria Criteria for Waterbodies with Bacteria Impairment

The department has created new bacteria standards for assessing waterbodies. The department has moved away from fecal coliform bacteria to E-Coli for freshwater and Enterococci for Class 3 marine. The Updates can be found in 62-302 F.A.C.

(<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-302>), and are now fully in effect. All Fecal Coliform TMDLs will remain in effect until there is enough data to assess the waterbodies under the new criteria.

The department is encouraging all permittees who are sampling for fecal coliform as either a Part V or a Part VIII (Bacteria Pollution Control Plan) requirement, to begin sampling for E-coli (or

Enterococci). Since there is no universal relationship between fecal coliform concentrations and E-coli concentrations, a way to compare the results from these analyses would be to check the frequency of exceedances for each dataset. In addition to the new standards, the chemical tracers sucralose and acetaminophen can also be used for source-tracking efforts to help determine potential anthropogenic impacts on the waterbody.

Initiating Enforcement

Per our Section 106 work plan commitment with EPA, the program had conducted 4 main and 67 co-permittees for a total of 69 audits during EPA's fiscal FY14/15. We are currently on pace to meet those percentages again.

DEP's primary obligation is to provide the highest level of customer service and outreach. However, we must have the ability to initiate enforcement where compliance issues persist. Recently the program has sent out several compliance assistance offer letters to remediate deficiencies within annual reports/audits. These letters are the initial steps in the enforcement process, if the issues are not rectified within the time specified, a warning letter would follow and ultimately a notice of violation.

There may be some confusion with regards to the 5th Year Annual Report. Unless specified by the program, all 5th Year Annual Reports are required.

EPA's e-Reporting Rule Status (See attached key milestones)

High Risk facilities

Contact Cierra Robinson (Cierra.Robinson@dep.state.fl.us, (850-245-7522) with any questions on whether a high-risk facility in an MS4 jurisdiction should apply for a Multi-Sector Generic Permit (MSGP). Please note, this is an EPA Region 4 Enforcement Initiative, which will be pursued over the coming years. The Industrial Stormwater Penalty Policy is set to be finalized this year.

E-Reporting Rule 40 CFR 127

Phase I - Key Milestones:	Date
Final NPDES Electronic Reporting Rule – Effective Date	12/21/2015
Authorized NPDES programs will decide the NPDES data groups for which they wish to be the initial recipient of electronic NPDES information from NPDES-regulated entities. The final rule uses an ‘opt-out’ approach so these authorized programs will need to provide notice to EPA if they wish for EPA to be the initial recipient for one or more of their NPDES data groups.	4/19/2016 Completed
Authorized NPDES programs will need to complete any necessary updates to their state regulations within one year and statutes within two years from the effective date.	12/21/2016
Authorized NPDES programs will electronically transmit to EPA their state performance data, basic facility and permit information , which includes information generated from compliance monitoring (e.g., inspections), violation determinations, and enforcement actions.	12/21/2016
EPA and authorized NPDES programs will begin electronically receiving DMRs from all DMR filers [40 CFR 122.41(l)(4)] and start sharing these data with the designated EPA and state NPDES data systems.	12/21/2016
Authorized NPDES programs will submit an Implementation Plan (IP) to EPA for EPA’s review to ensure that authorized NPDES programs will meet the Phase 2 electronic reporting deadline. The content of these plans must provide enough detail (e.g., tasks, milestones, roles and responsibilities, necessary resources) to ensure that EPA and authorized NPDES programs can work together to successfully implement electronic reporting. The IP will also document the process for evaluating and approving temporary and permanent electronic reporting waivers from NPDES regulated entities.	12/21/2016

Phase II - Key Milestones:	Dates
Authorized NPDES programs will electronically transmit to EPA the data necessary for implementation of Phase 2 data collection (three months prior to Phase 2 deadline).	9/21/2020
NPDES regulated entities will start electronically submitting their Phase 2 data. This information includes: • General Permit Reports [Notices of Intent to discharge (NOIs); Notices of Termination (NOTs); No Exposure Certifications (NOEs); Low Erosivity Waivers or Other Waivers from Stormwater Controls (LEWs)] [40 CFR 122.26(b)(15), 122.28 and 124.5]; • Sewage Sludge/Biosolids Annual Program Reports [40 CFR part 503] – where the state is the authorized NPDES program; • Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]; • Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)];	12/21/2020
Authorized NPDES programs will also need to re-submit their waiver process descriptions to EPA for review on a five-year cycle. EPA will inform the state if its waiver process description is inadequate. This will allow EPA and authorized NPDES programs to assess the effectiveness of the waiver process against advances in information technology.	12/21/2020
Upon successful implementation of Phase 1 and 2, authorized NPDES programs will stop generating the Quarterly Non-Compliance Report (QNCR), the Annual Non-Compliance Report (ANCR), the Semi-Annual Statistical Summary Report, and the part 501 annual biosolids report.	12/21/2021
EPA will start publishing the NPDES Noncompliance Report (NNCR).	12/21/2021