

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 for NPDES Coordinators
Wednesday, July 19, 2017
1:30 - 2:30 pm EST

Next quarterly teleconference for Phase I NPDES Coordinators:

- October 18, 2017
- Call in #: 1-877-470-8796
- Participant Passcode: 972 551 05#
- Submit agenda items at least 2 weeks prior (October 4th) of the teleconference to Robin.Babin@dep.state.fl.us.

NPDES Stormwater Contacts:

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Cierra Robinson	MS4 Permit Assistance	(850)245-7542

NOTES:

Pollution Notification: Borja Crane-Amores

Per Governor Scott's direction, DEP began the public notification process last fall to ensure all Floridians and visitors, as well as local government officials and the media, are notified of pollution releases. The Emergency Rule that was adopted last fall was struck down in December 2016. The notification requirement is now codified into law with the Public Notice of Pollution Act (Chapter 2017-95, 403.077 Laws of Florida) effective July 1, 2017.

Current rules and regulations establish reportable quantities. If an installation reports to the State Watch Office, they must also submit Public Notices of Pollution. The public notice of pollution act does not alter what is already required to be reported.

Submit and view notices, review the rule and the About presentation:

<http://www.dep.state.fl.us/pollutionnotice/>

Notices can also be reported to our office using the form on the above website.

NPDES Stormwater Program

2600 Blair Stone Road, MS 3585

Tallahassee, FL 32399-2400

Phone: (850) 245-7522

"Installation" is any structure, equipment, or facility, or appurtenances thereto, or operation which may emit air or water contaminants in quantities prohibited by rules of the department. (Section 403.031, Florida Statutes (F.S.))

Q: Heather Maggio, City of Tampa – Does the Pollutant Notification have a threshold?

A: The threshold is what is in current rule. If it is required to be reported to the SWO, it should be reported on the Pollution Notice website.

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Stormwater Conveyances: Michelle Bull

Conveyances are an important part of an MS4. Conveyances such as **Pipes, Culverts, Ditches, Conveyance Swales, and Canals** help move stormwater to and from **Inlets, Catch Basins, Grates** to outfalls or other stormwater systems. These conveyances are required to be inventoried and inspected at least 100% over 10 years (10% annually).

Treatment Systems including **Grass Treatment Swales** are required to be inspected once every three years. Make sure if reporting Grass Treatment Swales that they meet the definition in 403.803(14), F.S. If not, they need to be rehabbed, or reported as Conveyance Swales.

Major Outfalls are required to be inspected annually, due to the possibility of higher impacts for damage or flooding if failing or clogged. If you feel that a historic operation records demonstrate that a less frequent inspection schedule is appropriate, you must provide those records to DEP and receive approval before inspecting less than annually.

TMDL Language in new permits: Jon Turner

Primary changes were made to Part VIII.B.2. See attached document.

MS4 and CGP requirements – Borja Crane-Amores, Cierra Robinson

The construction universe is very large with over 12,000 active construction GPs issued from the NPDES Stormwater Program in Tallahassee. Both CGP and MS4 permits have requirement to have a plan/program to control and eliminate sedimentation and other pollutants found at constructions sites from discharging offsite (especially into an MS4).

In our Phase I MS4 audit schedules, we will be including a field day to shadow MS4 inspectors to learn how they inspect construction sites. This allows us to better understand if the SOPs, checklists, ordinances and required training is effective. It also puts a better perspective on the number of CGPs indicated on your AR.

A PowerPoint Presentation and outreach material is in the works to provide clarity as to what responsibly each entity's inspector has. We are also exploring a joint training opportunity within your permitted area which may include the DEP District inspector, MS4 inspectors, site qualified inspectors, Stormwater staff and Hal Lunsford.

Q: Alexis Clark, Orange County – When will the DEP Erosion and Sediment Control manual be updated? It is important to have updated training materials for MS4 staff and operators.

A: Borja – Hal Lunsford is currently working on updating the manual.

Q: Mariana Pitiriciu, City of Hallandale Beach – We've had enforcement issues, because it is hard to enforce rules based on state regulations. How can we improve enforcement?

A: Borja – Suggest reviewing local ordinances for erosion and sediment control requirements and illicit discharge authority. You can ask the County for assistance, or report Construction non-compliance to the NPDES Stormwater Program. We can send DEP inspectors to the site.



Facility and Inspection Information			
Physical Location:		Permit No.:	Inspection Date:
		Effective Date:	Entry Time:
, FL		Expiration Date:	Exit Time:
Mailing Address:		Water Management District:	Hydrologic Conditions:
		County:	Latitude:
			Longitude:
Receiving Waters/MS4:		Start Date:	Disturbed Area (acres):
OFW: Class I or II: Other:		Completion Date:	Size of Entire Lot (acres):
			Critical Area:
Activity			
Nature of Project:			
Construction Stage:			
Company Representatives			
On-Site Representative(s)		Title	Company/Organization
			Telephone
Responsible Corporate Official		Title	Company/Organization
			Telephone
Email Address to Send Report:			
Inspection Comments			
Weather Conditions			
		Is a DEP Certified Inspector used for weekly and/or 0.5" Rain Event Inspections?	
Summary Evaluation			
Inspection Rating:			
	Permit	S=Satisfactory=In-Compliance	
	Condition of Receiving Waters	M=Marginal=Non-Compliance	
	Dewatering Activities	U=Unsatisfactory=Significant Non-Compliance	
	Plans and Records	N=Not Evaluated	
	Reports and Inspections	N/A=Not Applicable	
	Facility Site Review	N/C=Not Covered	
Inspector Information			
Inspector Name		Firm or Agency - Office	Telephone

PART VIII. STORMWATER DISCHARGE COMPLIANCE AND WATER QUALITY STANDARDS

A. The Maximum Extent Practicable (MEP) Standard.

The stormwater management program must be designed and implemented to reduce the discharge of pollutants from each permittee's MS4 to surface waters of the State to the MEP. Narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reduction of pollutants to the MEP) and to protect water quality. Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this permit constitutes compliance with the standard of reducing pollutants to the MEP. The MEP standard is applied to MS4s in recognition of the fact that an operator typically does not have total control over the quality or quantity of stormwater entering its system and ultimately entering waters of the State. Stormwater management programs must be assessed and adjusted by the permittee, as part of an iterative process, to maximize their efficiency and make reasonable further progress toward an ultimate goal of reducing the discharge of pollutants to the extent necessary to protect receiving waters.

B. Requirements for Total Maximum Daily Loads (TMDLs).

For the purposes of Part VIII.B., the term "TMDL" shall mean either a DEP-adopted TMDL, or an EPA-established TMDL within a water body that is verified impaired by DEP for the pollutant of concern using the processes defined in the Impaired Waters Rule (62-303, F.A.C.). The term "MS4 discharge" shall mean direct discharge, or indirect discharge through an interconnected MS4. "Point of interconnection" shall mean the point at which the MS4 of one permittee discharges into the MS4 of another permittee whose MS4 discharges to the TMDL water body. This situation is termed an "indirect discharge" to a TMDL water body. Additional guidance and information about direct and indirect discharges are included in the Department's [*NPDES Phase I MS4 Permitting Resource Manual*](#) (most current version).

The requirements of this section apply only to the permittee's MS4 discharges to receiving waters with TMDLs and associated allocations. It is the intent of this section to ensure that pollutant discharges for those pollutants listed in the TMDL are reduced to the MEP through the implementation of the permittee's SWMP. Adequate progress toward addressing TMDL wasteload allocations (WLAs) will be demonstrated through the implementation of structural and nonstructural best management practices and other program activities that are targeted at TMDL-related pollutants within watersheds that discharge to a water body with a TMDL.

The requirements in this section apply to all of the TMDLs that have been adopted or established as of the effective date of this permit.

DEP Adopted TMDLs are listed in Chapter 62-304, F.A.C. at:

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-304> and in the

TMDL Tracker Application at:

<http://webapps.dep.state.fl.us/DearTmdl/welcomehz.do>.

EPA-established TMDLs can be found at:

http://iaspub.epa.gov/apex/waters/f?p=ASKWATERS:V_WO_APPROVED_TMDLS:0::::P4_OWNER:ATTAINS and

<https://archive.epa.gov/pesticides/region4/water/tmdl/web/html/index-2.html>

1. For water bodies within an adopted DEP TMDL and Basin Management Action Plan (BMAP).

a. BMAP Adopted:

In accordance with Section 403.067, F.S., NPDES permits must be consistent with the requirements of adopted TMDLs. Therefore, when a Basin Management Action Plan (BMAP) and/or an implementation plan for a TMDL for a water body into which the permitted MS4 discharges the pollutant of concern is adopted pursuant to Section 403.067(7), F.S., the MS4 operator must comply with the adopted provisions of the BMAP and/or implementation plan that specify activities to be undertaken by the permittee during the permit cycle.

b. BMAP in Development and Scheduled to be Adopted Within Two Years of the Effective Date of the Permit:

If a BMAP is being developed by DEP and watershed stakeholders, including the permittee, for a water body with an adopted TMDL and the BMAP is scheduled to be adopted within two years of the effective date of the permit, the permittee shall not be required to undertake the activities in Part VIII.B. 2 or 3 below. The permittee shall continue to participate in the BMAP process and shall comply with the adopted provisions of the BMAP that specify activities to be undertaken by the permittee during the permit cycle.

For those permittees that discharge to a water body with an adopted TMDL for which a BMAP has been adopted or is scheduled to be adopted within two years of the effective date of the permit, the permittee shall include the water body in the list of TMDLs in the TMDL Prioritization Plan pursuant to Part VIII.B.2.a; however, this water body does not need to be included in the final prioritized list of TMDLs. If the permittee only discharges to a water body with a BMAP, or to a water body where a BMAP is scheduled for adoption within two years of effective date of the permit, their TMDL Prioritization Plan shall consist of a letter informing DEP of their participation in the BMAP.

2. For water bodies with a TMDL and without a BMAP.

- a. TMDL Prioritization Plan (Due within six months of the effective date of the permit):

Each permittee shall develop a list of TMDL water bodies into which its MS4 discharges. If the permittee discharges into only one TMDL water body, the permittee shall prioritize that water body. If the permittee discharges into more than one TMDL water body, each permittee shall develop a list of factors to rank these water bodies. Each permittee shall prioritize the water body(ies) that will be addressed within the permit cycle and include a schedule for completing the remaining tasks set forth in Parts VIII.B.2.b through VIII.B.3.a for the prioritized water body(ies) within the current permit cycle. Each permittee shall prepare a final report that includes the list of ranked water bodies that the MS4 discharges into and factors used, the prioritized TMDL water body(ies), and the associated schedule for completing the remaining tasks for those TMDL water body(ies) that will be addressed within the current permit cycle. The plan shall be submitted to DEP within six months of the effective date of the permit for review and approval.

The following shall be applied to the TMDL(s) selected by the permittee for implementation (including Targeted Water Quality Monitoring Plan and/or Storm Event Monitoring Plan) during the current permit cycle (excluding bacteria TMDLs, which are addressed in Part VIII.B.3 below).

- b. TMDL Monitoring and Assessment Plan (Due within twelve months of the effective date of the permit):

The permittee shall develop a Monitoring and Assessment Plan (Plan) for the TMDL water body(ies) selected by the permittee in Part VIII.B.2.a for implementation during the current permit cycle. Each permittee shall determine, collect, and assess any additional information that is needed to document progress towards addressing the pollutant load reductions established in the MS4 wasteload allocation of the TMDL.

The resultant monitoring data shall be normalized to average annual rainfall to allow calculation of the average annual stormwater pollutant loading for the parameter(s) analyzed. A final report summarizing the monitoring program's results, including rainfall normalized annual stormwater pollutant loadings, shall be submitted to DEP in the Year 3 ANNUAL REPORT. The normalized annual stormwater loadings shall be used along with other relevant data, such as load reduction data from BMPs that have been implemented in the MS4 drainage basins discharging to the TMDL water body, to evaluate progress over time towards addressing the MS4 wasteload allocation in the TMDL water body

through the implementation of the Supplemental SWMP required in Part VIII.B.2.d.

c. TMDL Monitoring (Years 2 and 3):

(1) Targeted Water Quality Monitoring

Implement a Targeted Water Quality Monitoring Plan for the TMDL waterbody to obtain current estimates of stormwater annual loadings, identify the major sources of the pollutant of concern that are discharging into the waterbody, and evaluate water body health changes over time. The plan shall include monitoring within receiving waters and outfall locations and shall include biological and sediment monitoring if appropriate. The plan shall provide a description and map of the monitoring locations, methods of monitoring at each location, monitoring frequency, planned stormwater retrofitting projects and a narrative detailing the monitoring plan's ability to evaluate changes in stormwater pollutant loadings and water body health over time; and/or

(2) Storm Event and Outfall Monitoring

Implement a Storm Event Monitoring Plan to obtain flow-weighted composite samples from the load assessment discharge point(s) identified in the Monitoring and Assessment Plan. The "load assessment discharge point(s)" is defined as a MS4 stormwater outfall or point of interconnection that will be used to determine progress towards addressing the pollutant load reductions established in the MS4 wasteload allocation of the TMDL. The purpose of this monitoring is to provide baseline pollutant loads and to identify sources of the pollutant(s) of concern identified within the TMDL. A minimum of seven storm events will be monitored at the load assessment discharge point. The Storm Event Monitoring Plan shall provide a description and map of the monitoring location(s), monitoring methods, monitoring frequency (to consider seasonality as appropriate) and a narrative detailing the monitoring plan's ability to evaluate changes in stormwater pollutant loadings over time.

The permittee shall develop an Outfall Prioritization Plan (as part of the TMDL Monitoring and Assessment Plan) for the TMDL water body(ies) selected by the permittee in Part VIII.B.2.a for implementation during the current permit cycle. Each permittee shall determine, collect, and assess any additional information that is needed to identify the load assessment discharge point. This plan shall identify the outfall(s) or point of interconnection(s) to be used as the load assessment discharge point(s). The permittee shall select the load assessment discharge point(s) using the factors listed below.

- i. Estimated annual loading of the pollutant(s) of concern into the prioritized waterbody using water quality or sediment monitoring results; or
- ii. Estimated annual loadings for the pollutants(s) of concern discharged into the prioritized water body using EMCs and rainfall data. For permittees that discharge indirectly, calculate the loads at the point of interconnection; or
- iii. Planned stormwater retrofitting projects.

NOTE: If the permittee has only one outfall or point of interconnection to the TMDL water body, the permittee shall use that assessment point as their load assessment discharge point in their Plan to document progress towards addressing the pollutant load reductions established in the MS4 wasteload allocation of the TMDL, and will be exempt from steps (i) through (iii) above.

- d. Supplemental SWMP (Year 4 ANNUAL REPORT and permit reapplication package):

Each permittee shall develop a Supplemental SWMP for reducing stormwater pollutant loads within the MS4 drainage basins discharging to the TMDL water body. Each Supplemental SWMP shall include structural and nonstructural BMPs, as needed, and other program activities to increase the reduction of stormwater pollutant loads of the pollutant(s) of concern to the MEP, and a schedule for their implementation. The Supplemental SWMP shall include, but not be limited to, the following:

- (1) Modifications to the existing SWMP to implement additional structural and nonstructural BMPs and program activities in MS4 drainage basins that discharge to the TMDL water body. A table shall be included that lists the BMPs and program activities to be implemented, a schedule for their implementation, and projected load reduction associated with the implementation of each BMP or activity.
- (2) A specific strategy for implementing periodic monitoring in the manner and method as done in Part VIII.B.2.c to document progress in addressing the TMDL, along with BMP effectiveness monitoring; or ambient water chemistry, biological, or sediment monitoring, as appropriate; together with other evaluation techniques to enable the permittee to evaluate the effectiveness of the Supplemental SWMP in reducing TMDL pollutant loads to the MEP.

3. Discharging into Waters with a Bacteria TMDL that does not have a BMAP.

a. Bacteria Pollution Control Plan (Year 3 ANNUAL REPORT):

If the permittee has prioritized a bacteria TMDL in Part VIII.B.2.a, the permittee shall develop a Bacterial Pollution Control Plan (BPCP) to identify the sources and activities to reduce bacteria loadings from the MS4 to the MEP and submit with the Year 3 ANNUAL REPORT. To develop the plan, the permittee shall use the assessment tools and methodology within the Department's current bacteria guidance:

http://www.dep.state.fl.us/water/watersheds/docs/fcg_toolkit.pdf
(Florida DEP, 2011, or most current version).

The BPCP shall include the following elements:

- (1) Identification of potential sources of bacteria discharged from the MS4.
- (2) Bacteria source tracking including monitoring to better identify sources of bacteria in the MS4 and to prioritize activities to reduce bacteria loadings.
- (3) Implementation of a pet waste management ordinance or program.
- (4) Implementation of an education program directed at reducing bacterial pollution.
- (5) Identification of additional structural or nonstructural BMPs or activities to reduce bacteria loadings discharged from the MS4 to the MEP. A table shall be included that lists the BMPs and other activities to be implemented, a schedule for their implementation, and estimated load reductions of each BMP or activity.

4. Status of Part VIII.B.2 and 3 (Each ANNUAL REPORT):

Each ANNUAL REPORT shall include a table summarizing the status of the TMDL process. The report also shall include a summary of the estimated load reductions that have occurred for the pollutant(s) of concern being discharged from the MS4 to the TMDL water body during the reporting period and cumulatively since the date the Supplemental SWMP was implemented.

5. **Collaboration with Other MS4 Permittees and Pollution Sources within the Drainage Basin:**

The permittees are encouraged to collaborate with each other and other entities that have TMDL-assigned Wasteload Allocations or Load Allocations within the drainage basin of a TMDL water body to complete the tasks outlined in Part VIII.B.2 through 3 above. The Department recognizes that TMDLs are best implemented on a watershed-wide basis and that no single entity is responsible for developing and implementing a TMDL implementation plan or for addressing the load reductions specified in an adopted TMDL. Additionally, the Florida Watershed Restoration Act requires the equitable allocation of allowable loads and required load reductions among all sources that are causing or contributing to the water body impairment.