

Meeting Notes
Quarterly Teleconference for Florida Phase I MS4 for NPDES Coordinators
Wednesday, January 17, 2018
1:30 - 2:30 pm EST

Next quarterly teleconference for Phase I NPDES Coordinators:

- January 17, 2018
- Call in #: 1-877-384-4189
- Participant Passcode: 160 033 78#
- Submit agenda items at least 2 weeks prior (January 3rd) of the teleconference to Robin.Babin@dep.state.fl.us.

NPDES Stormwater Contacts:

Borja Crane-Amores	Program Administrator	850-245-7520
Michelle Bull	Phase I MS4 Coordinator	850-245-7561
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	Phase II MS4 Coordinator	850-245-7542
Paris Lovett	Notices Center	850-245-8667

NOTES:

EDUCATION AND OUTREACH: Jon Turner

Education and Outreach consists of making sure that the public is informed on who to contact to report spills or found illicit discharges, as well as educating the public on proper fertilizer practices, picking up dog waste, litter control, etc. During audits, MS4 staff will ask to collect education materials from permittees to save and give to others as good examples.

Some examples of successful education and outreach include:

- Brochures
- Utility bills inserts
- Targeted social media posts: Facebook and other social media outlets may provide analytics of how many people were able to view posts, and you can pay to have posts extend beyond those who already like or follow a group page.
- TV ads
 - City of Tallahassee Think About Personal Pollution (TAPP) program has many video ads (<http://tappwater.org/media/videos.cfm>).
 - StormwaterAndMe! website also has brochures and videos (<http://www.stormwaterandme.org/tvspots.asp>)
- Signage in parks and trails to pick up pet waste (including contact information)
- Proactive, specific communication with private Homeowners Associations on best management practices
- Setting up displays/booths at fairs or festivals
- Giving demonstrations at local schools to promote good environmental practices

Contact Candace Richards for examples of education and outreach.

Mark McCowen and Hans Zarbock, Polk County:

Q: How is social media advertising tracked?

A: Facebook and other social media outlets provide analytics of how many people could view advertisements. Additional outreach efforts can be added to the annual report.

Ashok Raichoudhury, Broward County: Broward County has an annual “Water Matters Day” which is very successful. Booths are set up at a park, and free plants are given to participants. Contact Ashok for more information (araichoudhury@broward.org).

Michael Perry, St. Petersburg: The City goes to local elementary schools to give demonstrations and hand out materials like coloring books to multiple classes. FDOT and the Tampa Bay Regional Planning Council funded the school books. Training supervisors in IDDE didn’t work, but now training field and road crews.

SUCCESSFUL PROACTIVE INSPECTION PROGRAMS: Michelle Bull

Targeted Inspections – Priority sites or areas that are relevant to the permittee should be listed in the SOP and inspected. Residential areas may include landscaping companies, pool discharges or private stormwater systems. Inspect restaurants for mop water disposal, and grease traps. Inspect gas stations for their car washes. Have education available to facilities visited.

Example: Broward divides each permittee into 5 sections, inspects one section per permittee per year. Inspects facilities such as maintenance shops, auto parts stores, auto dealers, mobile car washes, gas stations, restaurants, pharmacies. Focus on different types of violations, like open dumpsters, improperly maintained grease traps and car washing.

Training – cross train all municipal field crew, including staff that do not work directly with stormwater. Provide contact information, a procedure to submit complaints, and a workplace where staff know it’s okay to submit complaints.

Examples of IDDE training: FDOT training is free, not time consuming, and has a printable certificate. Many YouTube videos are available for free as well. DEP has a presentation online (ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/Training%20Program/)

Examples for purchase: Excal, FSA Stormwater Operator, StormwaterOne, Mapistry, etc.

INSPECTING PRIVATE STORMWATER SYSTEMS: Steve Cioccia

Appropriateness of a MS4 permittee inspecting private pond(s): For this discussion, ‘Private Ponds’ are defined as those stormwater ponds **NOT** owned or operated by the permittee, which have the potential to discharge/impact the MS4.

- Numerous permittee’s have noted their county/city staff’s activities in inspections and/or emergency response to concerns/problems related to ‘Private Ponds’.
- The MS4 program recognizes the necessity of a permittee’s activities related to ‘Private Ponds’ that may be needed to ensure the efficient function of the permittee’s MS4.
- It is certainly appropriate for a MS4 to investigate a ‘Private Pond’ for illicit connections, illegal dumping, or other sources of non-stormwater discharge to the MS4, per the Illicit Discharge element of the permit (Part III.A.7).
- It may be appropriate to include ‘Private Ponds’ within the identified targets for proactive inspections, should the MS4 deem these a priority.

- ‘Private Ponds’ may be the subject of reactive investigations, should the permittee need to investigate a complaint or concern regarding the private pond’s stormwater contributions to the permittee’s MS4.
- These Private Pond inspections should be reported in the applicable reporting year’s Annual Report (Section VII, Part III.A.7). These should not be reported in the stormwater structural control inventory.

Mark McCowen and Hans Zarbock, Polk County: Use common sense when inspecting private systems, to prevent potential municipal responsibility. When investigating illicit discharge complaints into a private pond, if the pond is not discharging into the County’s MS4, the County has no jurisdiction. Section 471.027 and 472.029, F.S. gives authority to engineers and surveyors to go on land when surveying:
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0472/Sections/0472.029.html;
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471.html.

Rick Beard, Osceola County: The County has legal authority for non-MS4 discharges, including access to private ponds.

DEWATERING COMPLIANCE ISSUES: Cierra Robinson

The Construction Generic Permit (CGP) allows permittees to discharge groundwater from dewatering activities that are not within at least 500 ft. a contaminated site. There have been some instances where an applicant has fulfilled the “no contamination indicator” on the Notice of Intent (NOI) and it was discovered after-the-fact that contamination may indeed be present within 500 ft. of the dewatering site.

As result of this, the department has implemented a manual check for all hard copy applications for every NOI that has opted to include dewatering. Notices Center Staff utilizes the GIS layers that identify contaminated areas and the latitude and longitude provided on the NOI to determine if there is any contamination nearby. The NOI does not specify that the applicant provide the lat/long of the dewatering location, only the construction site location. There could be contamination near the overall site, but not within 500 ft. of where the dewatering is occurring. If dewatering is nearby, Notices Center Staff sends a notice to the Permittee to contact the Notices Center and discuss prior to processing the application (example included in agenda).

Given any reasonable doubt, the agency has requested monitoring results and/or reasonable assurance. It would also be within the right of the MS4 to request this rationale and/or documentation from the permittee should there be any cause for concern. This scenario is mostly related to sites where contamination has been remediated, which is also something that must be considered when making these determinations.

Unfortunately, the online applications do not perform this check and about 40% of applications are submitted electronically. There is a plan to implement this feature as an enhancement; however, the compliance of this concern is currently heavily reliant on Operators to ensure they have done their due diligence, MS4 staff to ensure that an illicit and unauthorized discharge is

not entering into their systems, and the DEP inspectors upon review of on-site activities and proper permit coverage.

In the event that an application is submitted with false information, our solution is to revoke coverage of the CGP which includes dewatering and to have the applicant submit a revised NOI and obtain dewatering coverage separately. In future iterations of the CGP, the department has considered including the lat/long of the dewatering site as a required field on the NOI.

MS4 AND CGP REQUIREMENTS: Borja Crane-Amores

What practices have you seen that work in other MS4s that could be of benefit to the group? We are currently finalizing a Construction presentation that will illustrate construction roles and responsibilities from the perspective of the site operator, DEP inspector, MS4s and ERP program.

DEP Tallahassee can assist MS4s with NPDES permitted construction sites that have issues needing DEP District inspectors. We are currently discussing inviting local District inspectors to participate in our MS4 audits / field inspections.

Optional: Through your site plan review, have all contractors initial that they have read your construction and illicit discharge ordinances.

Optional: Many contractors have 15-minute safety meetings, this would be a good time have a code enforcement officer participate in those discussions to explain the MS4 requirements.

Has DEP considered creating model codes and assisting MS4s in at least developing something that they can build from? EPA currently has Erosion and Sediment Control and Illicit Discharge model ordinances for municipalities. We can also include good examples of other MS4 codes on our FTP site.

Optional: MS4s may utilize or modify and at the very least be familiar with DEP's inspection checklist for the Construction Generic Permit. Please see attached PDF.

MS4s are required to utilize their illicit discharge codes in the event that sedimentation or other construction material has entered your stormwater system.

Erosion and Sediment Control Model Ordinance:

https://www.epa.gov/sites/production/files/2015-12/documents/e-s_model_ordinance1.pdf

Model Illicit Discharge and Connection Stormwater Ordinance:

<https://www.epa.gov/sites/production/files/2015-12/documents/modelillicit.pdf>

Can FDEP issue stop work orders where they see egregious violations of the permit? No, however the Department does have well established compliance and enforcement measures through Directive 923/ ELRA guidelines, DEP's Enforcement Manual and Program Standard Operating Procedures. DEP also has enforcement discretion, meaning depending on the environmental harm, DEP can escalate from a compliance assistance situation to formal action.

HIGH RISK INVENTORY: Michelle Bull

Part III.A.8.a of the permit requires permittees to maintain an inventory of high risk facilities discharging into the permittee's MS4, including facilities that are on the Toxics Release Inventory (TRI) maintained by the U.S. EPA.

The Phase I MS4 Permitting Resource Manual (pg. 50) gives guidance for establishing criteria to prioritize industrial and high-risk facilities for inspection, including:

- the type of industrial activity (SIC codes)
- the use and management of chemicals and raw materials at a facility and the likelihood that these can contribute pollutants into stormwater from the site
- the size and location of the facility with respect to its discharge point

When reviewing the TRI list, permittees may also consider the type of spill (air violations likely do not have potential to impact MS4), whether previous spills impacted the MS4, number of spills (chronic violations), and timing of spills (during rain event, poor handling, etc.).

CLOSING COMMENTS: Borja Crane-Amores

Changing format of teleconferences: Once the logistics are figured out, we plan on changing these teleconferences to either Go-to-Meetings or Webinars.

Cycle 5 permits: We will initiate a workgroup to work on rewriting Cycle 5 permits. If you are interested in participating in this workgroup Please contact Jonathan Turner at 850-245-8482 or Jonathan.Turner@dep.state.fl.us

AUDIT SCHEDULE

Typically, audits may be scheduled within 3 months of the annual report submittal. All permittees are required to be inspected within a 5-year fiscal cycle. We also try to inspect each co-permittee at least once per permit cycle.

Permit #	Permit	Tentative Audit Month
FLS000016	Broward Co	September
FLS000017	Ft Lauderdale, City of	September
FLS000020	Hollywood	March
FLS000013	Jacksonville Beach, City of	October
FLS000012	Jacksonville, City Of	June
FLS000019	Escambia Co	August
FLS000006	Hillsborough Co	April
FLS000008	Tampa	July
FLS000009	Temple Terrace	October
FLS000035	Lee Co	June
FLS000033	Leon Co	July
FLS000034	Tallahassee, City Of	August
FLS000037	Bradenton	October
FLS000036	Manatee Co	September
FLS000023	Hialeah	March
FLS000002	Miami	August
FLS000003	Miami Dade Co	March
FLS000011	Orange Co	February
FLS000014	Orlando	March
FLS000010	Reedy Creek ID	April
FLS000018	Palm Beach	May/June
FLS000032	Pasco Co	August
FLS000005	Pinellas Co	September
FLS000007	St Petersburg	November
FLS000015	Polk Co	July
FLS000004	Sarasota Co	September
FLS000038	Seminole Co	September

