

**Minutes**  
**Quarterly Teleconference for Florida Phase I MS4 for NPDES Coordinators**  
**Wednesday, April 18, 2018**  
**10:30 - 11:30 am EST**

**Next quarterly teleconference for Phase I NPDES Coordinators:**

- July 17, 2018
- Submit agenda items at least 2 weeks prior of the teleconference to [Robin.Babin@dep.state.fl.us](mailto: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 |
| Cierra Robinson    | MS4 Assistance           | 850-245-5723 |
| Hector Rivera      | Phase II MS4 Coordinator | 850-245-8667 |
| Jason Maron        | Phase II MS4 Coordinator | 850-245-7568 |

**NOTES:**

**TELECONFERENCE PROCESS:** Michelle Bull

In response to requests, DEP has eliminated the facilitator in the teleconference, as feedback was that participants had trouble asking questions during the call. Please note that without the facilitator, it is necessary for all participants to press \*6 on their phones to mute their lines. This prevents background noise during the Q&A portions of the call.

DEP is also researching using GovDelivery for the email notifications of future teleconferences. Be on the lookout for more information on subscribing to GovDelivery for teleconference announcements.

**NPDES.COM LETTER:** Borja Crane-Amores

A letter from the National Stormwater Center was distributed to many permittees. DEP did not sponsor the letter, and has not reviewed the course. We cannot speak to whether it meets the training requirements of the Phase I MS4 permit.

## **FL STORMWATER EROSION & SEDIMENT CONTROL INSPECTOR PROGRAM:**

Sara Davis

DEP is working on significant improvements in the FSESCI Program. The new process aims to improve the way we register attendees and send certificates of qualification to all passing attendees, cutting down on the turnaround time to get certificates after classes.

We are also working on more regular communication with instructors, to inform instructors of the latest information. This should also allow us to compile manual and presentation suggestions on an ongoing basis, and to provide more regular updates to the digital version of the manuals. The target date to roll out the new process is July 1, 2018.

### **Manual**

We are in the process of updating the FSESCI Manual that is used for qualifying installers and inspectors. We have compiled a draft version of two manuals that will be used to train on the installation (Tier I) and inspection (Tier II) of the BMPs.

The breakdown of the existing class/manual to two tiers is aimed at allowing people who don't need to become inspectors to take just the installation course, so they better understand how to select, install, and maintain BMPs to stay in compliance with their permit. There is not an official exam or "qualification" for the Tier I installer class, but we are investigating database options and considering offering a general certification of completion.

People who need to become inspectors would go through the Tier I material and also complete the Tier II class and exam. The certificates that we print and mail would only be for the inspectors who pass the exam after taking the Tier II class (qualified inspectors).

We notified active instructors (for which we had valid email addresses) of the manual revisions, and solicited comments by April 15, 2018. We will review all the comments submitted and develop the final edition that all instructors will use to instruct future classes.

### **Training**

We will be scheduling several webinars to train all active instructors on this latest edition of the FSESCI manuals and our updated registration and certificate process. Tentative dates are June 1, 7, 13, 19, and 25. Topics covered will be the new manuals, revised presentations, and instructor agreement process.

**Q:** Alexis Clark, Orange County: The comment period is closed. Is there an alternative timeline for submitting comments?

**A:** Comments can be submitted at any time. The Program is meeting April 19 to review comments received, and may be able to accommodate comments until the manual and training

are updated. The Program plans to update the manual and training more frequently, so any comments can be included in future updates.

**Q:** Harry Phillips, Cape Coral: How do we report Tier I and Tier II on the Annual Report?

**A:** Inspectors are required to be Tier II trained. Tier I staff can be reported as operators.

**Q:** Monica S. Belina, NyPDES Services: Who do we contact for comments?

**A:** [Sara.C.Davis@dep.state.fl.us](mailto:Sara.C.Davis@dep.state.fl.us)

**COMPLIANCE INITIATIVE:** Borja Crane-Amores

As a part of our Compliance Initiative, MS4 coordinators are identifying key and repetitive deficiencies through the audit and annual review process and a combination of other factors. These identified deficiencies may become required improvements on the Annual Assessment Package, and include a compliance schedule that the permittees shall respond within 30 days of receipt of the letter.

Failure to submit required reports, respond to an assessment package, annual report request for information (RAI) or other request will prompt us to send a Compliance Assistance Offer (CAO) letter, which is a precursor to formal enforcement. The CAO letter will require responses or deliverables within 15 days. If the CAO is not responded to sufficiently, the next step is a warning letter with a compliance schedule to submit required deliverables. If needed and based on the level of deficiencies, the department may respond to the violations with a Notice of Violation and/or Consent Order.

**PHASE I TOPIC – COMPLETING ANNUAL REPORTS:** Michelle Bull

All permittees are required to submit annual reports. MS4 coordinators review the reports, and send requests for additional information to help evaluate compliance and to plan audits. Many reports received may be missing elements, which increased the amount of time it takes to review those reports.

Please ensure that all elements of the report are completed. If you have questions about what or how to report, contact your MS4 Coordinator in Tallahassee.

**PHASE I TOPIC – COMMON ANNUAL REPORT DEFICIENCIES:** Steve Cioccia

1. Section III. ASSESSMENT PROGRAM, Item C: *“Attach a monitoring data summary as required by the permit. An analysis of the data discussing changes in water quality and/or stormwater pollutant loading from previous reporting years. DEP Note: Analysis must be specific to the permittee’s SWMP.”*

- A. Not including the required ‘*monitoring data summary*’ or the ‘*analysis*’ of the data “*discussing changes in water quality and/or stormwater pollutant loading from previous reporting years.*”
  - B. Not providing analysis/conclusions drawn from monitoring results. Data/graphs are not sufficient.
  - C. Most important: What are your results telling you about effectiveness of the MS4 Program in reducing pollutant loads released from the MS4? OR What are your results telling you about presence/absence of MS4 impacts on state waters?
2. Section II. CERTIFICATION STATEMENT AND SIGNATURE:
- A. Not signed by the responsible authority. This signature is required under Section 62-620.305 F.A.C. and is clearly stated in the AR.
3. Section VII, Part III.A.1: STRUCTURAL CONTROLS AND STORMWATER COLLECTION SYSTEMS OPERATION
- A. Reporting an incomplete structural control inventory (e.g. reporting portions of inventory unknown or MS4 structures are included with unlike structures and reported as aggregated.  
\*\*By now, each permittee should have a complete and differentiated or near complete MS4 structural control inventory. \*\*
  - B. Failure to inspect MS4 structures according to the permit’s minimum inspection frequency requirements as stated in permit, Table II.A.1.a.
    - i. Make sure those scheduling/conducting inspections know the inspection frequency required by the permit.
    - ii. Check, prior to end of reporting period, that required inspection frequency has been met or will be met for each type of structure.
4. Section VII, Part III.A.3: ROADWAYS
- A. Not reporting Total Nitrogen (TN) and Total Phosphorus (TP) load reductions for Street Sweeping. These calculations are important to demonstrate and quantitate MS4 activity load reductions.
  - B. Use FSA calculator <https://www.florida-stormwater.org/research>
  - C. These reductions can also be used in the ‘Assessment Program’ results.
5. Section VII, Part III.A.7.c – IDID Inspector Refresher Training, Part III.A.7.d – Spill responder Refresher Training –& Part III.A.9.c E&SC Inspector Refresher Trainings:
- A. Failure to perform annual training for all inspectors/responders/field staff during the reporting period (illicit discharge, spill response, and construction).

**\*\*By now, each permittee should be completing this requirement and have a training program in place. \*\***

B. Training Guidance from Previous Teleconferences:

**Illicit Discharge 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 and has a printable certificate (<http://wbt.dot.state.fl.us/ois/EnvironmentalManagementOffice/index.html>).

DEP presentation online

([ftp://ftp.dep.state.fl.us/pub/NPDES\\_Stormwater/Training%20Program/](ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/Training%20Program/))

**Other:** Many YouTube videos are available for free. Examples for purchase: Excal, FSA Stormwater Operator, StormwaterOne, Mapistry, etc.

C. Training videos on the Orange County Water Atlas, as provided by the County's MS4 (Alexis Clark). The videos are public and can be viewed by anyone. Located under "NPDES Stormwater Training" upper left of screen.

<http://www.orange.wateratlas.usf.edu/npdes-stormwater-training#npdes-stormwater-training>

6. Section VII, Part III.A.9.a: CONSTRUCTION SITE RUNOFF - SITE PLANNING AND NON-STRUCTURAL AND STRUCTURAL BEST MANAGEMENT PRACTICES

A. Failing to perform confirmation of ERP/CGP permit coverage for those construction activities which it applies.

B. These permits are required to be issued and in hand prior to and during construction activity.

C. The objective of this requirement is to ensure the MS4 protected by the contractor's implementation of the requirements in these permits.

7. SUMMARY OF STRENGTHS, LIMITATIONS & SWMP REVISIONS implemented to address limitations; contained within each element of Section VII, Parts 1-9:

A. Intended to encourage permittee to evaluate effectiveness of each of Parts 1-9 in meeting SWMP requirements, note where challenges are preventing meeting required reporting and begin consideration of process changes to SWMP to remedy issues preventing meeting required reporting.

B. Strengths:

i. What is working well in SWMP for that element;

ii. Particular process elements which promote effectively implementing the SWMP or meeting required reporting.

C. Limitations/Challenges which are preventing/challenging the effective implementation of the SWMP or meeting required reporting.

- i. Should always reflect any reporting element(s) where adequate required reporting information is not provided;
  - ii. Include factors/issues/challenges causing difficulty in the effective implementation of the SWMP or reason for the deficiency in meeting reporting requirement(s);
  - iii. Identification of an element/process/procedure in the current SWMP SOP or procedure which is impeding effective implementation of the SWMP or meeting required reporting.
- D. SWMP revisions implemented to address limitations:
- i. Intended to provide the permittee the opportunity to initially convey their recognition of the cause of the deficiency/challenge/inability to provide required information;
  - ii. Provides the permittee this location in the AR to present their initial/conceptual remedy to correct the deficiency;
  - iii. Provides the AR reviewer with the permittee's initial 'corrective actions' as a basis to formalize within the AAP's addressing of the deficiency.

**Q:** Robert Scheilding, Jacksonville Beach: What do we report for structures (canals) that we don't own/are not part of our MS4?

**A:** Report None, with a note of who owns those structures. Alternately, the annual report gives instructions for deleting the lines of those structures you don't have.

**Q:** Robert Scheilding, Jacksonville Beach: Is it okay to include multiple strengths and no weaknesses?

**A:** Yes. We encourage you to provide processes that work well, so that we can share with other permittees. However, if there is a deficiency in the report, we expect to see that listed as a weakness, and corrective actions included.

**PHASE I TOPIC – AUDIT EXPECTATIONS:** Jon Turner

DEP is obligated to audit every permittee on a 5-year basis, or 20% of the permittees each year. Generally, we try to group together audits for co-permittees within the proximity to each other. When DEP schedules an audit for a permittee, we will try to provide a set of dates/times to help schedule the best available time for each permittee. We will try to send out formal audit notification within 30 days of audit dates.

When conducting an audit, we use the Annual report as a summary/guide

- **Records Review** of the activities required under Part III of the referenced permit. The review will require the permittee to make available the documentation specified by the permittee in Section VII, Column D of the annual report.
  - Documentation should reflect the SWMP activities performed during the reporting period.

- The review will focus on the standard operating procedures (SOPs) required by Part III.A.7.c (Proactive Illicit Discharge Inspection) and Part III.A.9.b (Construction Site Runoff – Inspection and Enforcement) of the permit. We may also review SOPs that are required by the permit but are not required to be submitted in the annual report.
- **Stormwater Ordinances:** Provide stormwater ordinances for review.
- **Site Visits,** as time permits, may include the following:
  - Municipal Yard inspections (Part III.A.3 & III.A.5)
  - Active Construction Sites (Part III.A.9)
  - Stormwater projects, including CIP (Part III.A.4)

**Q:** Alexis Clark, Orange County: What is the turnaround time for the department to issue the Annual Assessment Package (AAP) to the permittees?

**A:** Exact times will vary based on number of audits and RAIs sent out, but generally it would happen within 3-4 months after the annual reports are received.

**Surveillance Fee Contact:** Michelle Bull

Surveillance Fee Invoices are sent annually the first week in December, and are due by January 15. The emails are generated by Noreen Biernacki, and are sent to the Responsible Authority (Permittee). If a Financial Official is given, the email will also be sent to them. We have many permittees that miss paying their surveillance fee because the email only goes to the RA. We'd like facilities to assign a Financial Official, so that the appropriate staff can receive the invoice. If the invoice needs to be sent to more than the permittee or financial officer, you can appoint a Responsible Official who will also receive the invoice.

If you'd like to assign a Financial Official or Responsible Official to receive the annual surveillance fee, please send the following information to your MS4 Coordinator (Michelle, Steve or Jon):

|         |  |
|---------|--|
| Name    |  |
| Title   |  |
| Address |  |
| Phone   |  |
| E-mail  |  |