

Minutes

Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators

Tuesday, March 31, 2020

Next quarterly teleconference for Phase I NPDES Coordinators:

- **June 24, 2020 10:30 am**
- Submit agenda items to Robin.Starkie@FloridaDEP.gov.
- Sign up for GovDelivery teleconference notifications at:
 - https://public.govdelivery.com/accounts/FLDEP/subscriber/new?topic_id=FLDEP_439

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
Hector Rivera	Phase II MS4 Coordinator	850-245-8667
Jason Maron	Phase II MS4 Coordinator	850-245-7568
Sarah Ketron	FDOT Coordinator/Rulemaking	850-245-8495
Matt Irwin	MS4 Support	850-245-8643

NOTES

Welcome, Staff Updates – Borja Crane-Amores

- Most DEP employees are currently teleworking. While we have access to our voicemails, we can respond to emails more quickly; we also have access to Microsoft Teams, and other means of communication, should the need arise.
- We still expect business as usual on both our end and on your end, including submission and review of annual reports and required documentation. If a time extension for any report is needed, reach out to your coordinator.
- This is in accordance with FDEP Emergency Order Due to the Effects of COVID-19, which states: “the Department finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies.”
- The emergency order can be found at the following link:
https://floridadep.gov/sites/default/files/EFO_Due_to_the_Effects_of_COVID-19_-_OGC_20-0239.pdf
- Matt Irwin joined the team in February and is helping with program consistency and efficiency.
- Jon Turner is no longer with DEP; we plan on filling this position ASAP. For now, please send all questions, reports, to Borja.

Addressing Private Stormwater Systems – Alexis Clark, Environmental Program Supervisor, Orange County EDP

(presentation attached)

Q&A:

- Michelle Bull: Have you considered using grant or loan programs to upgrade systems? How do you handle pre-ERP systems?
 - Alexis: Due to limitations in code, we don't deal with pre-ERP systems much, besides checking that they are not in a wetland or some other protected area. We do not have any specific grant or loan programs, but there are small business loans and other community development services to tap into. Can DEP create a resource tool along these lines?
- Orange County has a sustainability grant available that, while Orange County EDP wouldn't allow its use for routine stormwater system maintenance, it can be used to add a water quality improvement component to an existing system, e.g. littoral plantings or aeration fountain. This grant can be found at the following link:
<https://www.orangecountyfl.net/NeighborsHousing/NeighborhoodRevitalization/NeighborhoodGrants.aspx>
- The following link to FDEP Water Project Funding Sources has a list of federal and state programs that offer a variety of grants and other funding sources for water-related projects:
<https://floridadep.gov/wra/wra/highlights/water-project-funding-sources>
- Neptune Beach: We have a private ditch that runs into the city that is owned commercially and borders a residential area. Residents have complained that it is overgrown, and not maintained. Code enforcement is mostly ineffective.
 - Alexis: Since it is a private system, involving a complaint between private parties, inform the complainant to reach out to the local bar association, because it is a dispute that may not ultimately involve water quality, and most likely is a private civil matter.
- When there is a dispute between property owners related to drainage that falls outside of their scope of authority, Orange County EDP refers citizens to the Orange County Bar Association at the following link:
<https://www.orangecountybar.org/for-the-public/citizens-dispute-mediation>
- Contact Alexis for any questions at (407) 836-1433, or alexis.clark@ocfl.net

FDEP Biennial Assessment – Kevin O'Donnell, FDEP Watershed Assessment Section
(presentation attached)

- Contact Kevin for any questions at (850) 245-8469, or Kevin.ODonnell@FloridaDEP.gov

Discussion – Michelle Bull

- We received a question from Lee County, they would like to know how other permittees handle illicit discharges from pressure washing, and what BMPs do permittees recommend to residents/businesses for these common activities?
- Some examples of pressure washing guidance:
ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/Guidance/Good%20Housekeeping/Pressure%20Washing%20BMPs/

Audit Scheduling – Michelle Bull

- See below for the list of permittees that are due to be audited by September 30 of this year, we still plan on performing these audits.
- Due to travel restrictions placed on state employees, we are anticipating conducting off-site desk audits for MS4 permits.
- Off-site desk audits would be similar to regular audits, but with an opening conference call, the permittee sharing their documentation with us, likely on our FTP site, a review of documentation, a closing conference call, and an audit report.
- These audits will likely begin May/June; MS4 Coordinators will work directly with permittees for scheduling.

General Updates – Borja Crane-Amores

- Cycle 5 Permits: Internally, we are working on reviewing and rewriting our draft Phase I Cycle 5 permit. If you have already requested to participate in this work group through Jon Turner, there is no need to resubmit. If you would like to participate please send your contact info to Borja.
- The Nonpoint Source Program: Educational Toolkit- The FDEP values your opinion and would like your feedback on how we can increase the implementation of low impact development in Florida. You will receive a link to an anonymous survey sent through GovDelivery within the next few weeks, and your participation is greatly appreciated.

Q&A / Open Discussion

- Lucia, Coconut Creek: Is there a list of cities that will be audited by off-site, desk-top?
 - Borja: For now, desk-top is an option we have, and is subject to change [due to COVID-19 and current travel restrictions for state employees].

Meeting adjourned at 11:33 a.m. Thank you to all who attended. Please submit agenda topics at any time.

List of permittees required to be audited by September 30, 2020

*not inclusive of all audits that will be conducted

Broward County Co-permittees

Dania Beach, City of
Margate, City of
Miramar, City of
Oakland Park, City of
Parkland, City of
Pembroke Park, Town of
Pembroke Pines, City of
Plantation, City of
Pompano Beach, City of
Southwest Ranches, Town of
Tamarac, City of

City of St. Petersburg

Pinellas County Co-permittees

Belleair, Town of
Gulfport, City of
Indian Rocks Beach, City of
Redington Beach, Town of
South Pasadena, City of
St. Pete Beach, City of
Treasure Island, City of

Polk County Co-permittees

Fort Meade, City of

Manatee County Co-permittees

Manatee County
Palmetto, City of

Palm Beach County Co-permittees

Boca Raton, City of
Cloud Lake, Town of
Delray Beach, City of
Glen Ridge, Town of
Haverhill, Town of
Hypoluxo, City of
Indian Trail Improvement District
Juno Beach, Town of
Jupiter Inlet Colony, Town of
Lake Park, Town of
Palm Beach Gardens, City of
Palm Beach Shores, Town of
Palm Beach, Town of
South Indian River Water Control District
South Palm Beach, Town of

Orange County's Proactive IDDE Private Stormwater System Inspection Program

Alexis Clark

NPDES Program Supervisor
Orange County Environmental Protection Division
321-303-5728 / alexis.clark@ocfl.net

Outline

- ▶ Historical Context
- ▶ Program Activities under the IDDE Program
- ▶ Codes & Ordinances
- ▶ Encouraging O&M
- ▶ Effective Tools

Historical Context & Structure of OC

- ▶ Environmental Protection Division, NPDES Program
 - ▶ Manages Permit (manage AR reporting, approx. 30 internal dept/div)
 - ▶ 5 staff, 1 intern. 4 dedicated staff for construction, private SW, Ind/Comm inspections / IDDE complaints
- ▶ Stormwater System O&M: Roads & Drainage, Stormwater Mgmt, EPD, Parks, Fac. Mgmt.
- ▶ History of Stormwater System O&M
 - ▶ 1980s – Implemented reimbursable MSBU Pond Program
 - ▶ 1996 – Stormwater Utility adopted – millage rate set at \$0.00
 - ▶ 2005 – Issue arose with an HOA not conducting work needed
 - ▶ 2006 – Reimbursable HOAs converted to full county maintained (HOAs authorized to do extra aesthetic maintenance)
 - ▶ Present – Stormwater ponds associated with residential developments / roadway infrastructure (by typ not associated with private commercial development) assumed by County.
 - ▶ Inventory: (Permit 1 – Reported 1,027 ponds)
 - ▶ Permit 4, Yr 3: Dry Retention: 446 ponds, 2,954 Inspections (avg 6/pond), 680 maintenance activities (1,274 tot)
 - Dry Detention: 85 ponds, 681 Inspections (avg 8/pond), 131 maintenance activities
 - Wet Ponds: 366 ponds, 5,635 inspections (avg 15/pond), 695 maintenance activities
 - Det. w/ Underdrains: 377 inspections (avg 8/pond), 695 maintenance activities

• Historical Context

- Program Activities under the IDDE Program
- Codes & Ordinances
- Encouraging O&M
- Effective Tools

Stormwater System Inspections

- ▶ Recognized that presumptive treatment of stormwater runoff is reliant on proper O&M of systems – Incorporated inspections of private systems into proactive IDDE program.
 - ▶ 2006(ish) - Private inspection of SW systems integrated as part of the proactive IDDE program (Relied on Sec. 30-280e as authority)
- ▶ 2013 – Water Quality Ordinance (Ch. 15, Art. IV, Sec. 15-115 (a) & (c))
 - ▶ Provided more direct authority to enforce against property owners that failed to maintain their stormwater system.
- ▶ NPDES Pond Inspection Stats: 3,900 inspections since 2012 (avg 490/yr) (currently limited b/c high construction activity in OC).
- ▶ Ponds Inspection Elements & Process
 - ▶ Look for plans / Inspect / Letter / Follow Up / Plan / Coordinate / Re-inspect / Close
- ▶ Typ. Successful. Can take sig. time when problems are severe. Flexible.
- ▶ Problems: Dissolved Trusts / Deceased / No Collabl. Btwn Comm Owners / Permits not transferred (nuance in how WQ ord. was drafted).

- Historical Context
- Program Activities under the IDDE Program
- Codes & Ordinances
- Encouraging O&M
- Effective Tools

► Site Development Ordinance, Stormwater Standards, Design Criteria (1965, 1986), Sec. 30-280

- (e) *Operation and maintenance of stormwater facilities*: Operation and maintenance of all stormwater management facilities constructed under this article shall be the owner's responsibility, unless such facilities are conveyed to and accepted by the county. Areas adjacent to open drainage ways and ponds shall be graded to preclude the entrance of stormwater except at planned locations. Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties. The submittal of a proposed operation and maintenance schedule shall be required prior to final approval of the project.

► Water Quality Ordinance, Chapt. 15, Art. 14 (2013), Sec 15-115

- (a) It shall be unlawful for any person to cause, permit, suffer or allow any illicit discharge or illicit connection into the county's MS4 or into waters of the county.
- (c) Stormwater facilities, including without limitation ponds, structures, and BMPs, are authorized pursuant to division 2 of the Orange County Site Development Ordinance (Article VIII of [Chapter 30](#) of the Code) and by Article VII of the Orange County Subdivision Regulations (Chapter [34](#) of the Code) to reduce pollutants in stormwater discharges to the MS4 and waters of the county. It shall be unlawful for any person who has operation or maintenance responsibility for such stormwater facilities to fail to maintain them in accordance with the permitted design or performance criteria.

- Historical Context
- Program Activities under the IDDE Program
- Codes & Ordinances
- Encouraging O&M
- Effective Tools

Encouraging O&M

- Historical Context
- Program Activities under the IDDE Program
- Codes & Ordinances
- Encouraging O&M
- Effective Tools

- ▶ Historically
 - ▶ Annual pond contractor training
 - ▶ Brochures
 - ▶ Inspection Program
 - ▶ Enforcement (penalties) if needed.
 - ▶ Collaboration with co-permittees, City of Orlando, water management districts.
- ▶ Public Works does not assume O&M of private ponds.
- ▶ Looking Ahead
 - ▶ Implementing O&M Plans (based in Sec. 30-20(e))
 - ▶ Submitted with Stormwater Calcs.

Opinions of Effective Tools

- Historical Context
- Program Activities under the IDDE Program
- Codes & Ordinances
- Encouraging O&M
- Effective Tools

- ▶ County has a unique set of challenges (no SW utility carrot/stick available)
- ▶ Things that have worked:
 - ▶ Flexibility with owners (challenge – time/many open proj at once)
 - ▶ Sending letters to EVERYONE (owner, Reg. Agent, tenant, etc.)
 - ▶ SQG inspectors do a modified SW pond inspection as part of their inspections of facilities. Not as detailed but helps further overall goals of min. impacts from commercial runoff.
 - ▶ Training contractors, making a list of trained folks available to non-compliant parties.
 - ▶ Helping people find plans.
- ▶ ALWAYS LOOKING FOR WAYS TO IMPROVE 😊



Florida Department of Environmental Protection

2-Year Statewide Watershed Assessment

Kevin O'Donnell

Environmental Administrator

Watershed Assessment Section





Watershed Management Approach

- Watershed Management Approach = Basin Rotation
 - Established five-phase cycle that rotates through all basins in the state over five-year period.
 - Divided the state's basins into 5 Groups
 - Designed to address 1998 303(d) Consent Decree list
- What is the reality?
 - Consent Decree Is Over
 - Completed 3rd cycle of rotation
 - Produce 1-2 IWR Runs Per Year
 - Program Efficiencies

Table 2: Basin Management Cycle

Phase	Schedule	Activities
Phase 1: Preliminary Basin Evaluation	Years 1-2	Identify stakeholders/participants Obtain data and enter into Florida STORET Conduct public meeting to introduce cycle Build basin team Primary Product: draft Status Report that includes: • Evaluation of water body health based on the Impaired Waters Rule (62-303,F.A.C.) • Planning List of potentially impaired waters • Inventory of existing and proposed management activities • Identification of management goals and objectives, resource issues of concern • Identification of current monitoring entities and their activities • Development of a Strategic Monitoring Plan
Phase 2: Strategic Monitoring	Years 2-3	Carry out strategic monitoring to collect additional data. Obtain data and enter into Florida STORET Evaluate new data and incorporate findings into Assessment Report that will include the proposed Verified List of Impaired Waters
Phase 3: Data Analysis and TMDL Development	Years 2-4	Complete TMDLs for verified impaired waters
Phase 4: Basin Management Action Plan	Years 4-5	Finalize management goals/objectives Develop draft BMAP, including TMDL allocation Identify monitoring and management partnerships, needed rule changes and legislative action, funding opportunities Develop Monitoring and Evaluation Plans Seek funding Obtain participants' commitment to implement plan
Phase 5: Implementation	Year 5+	Implement BMAP Carry out rule development/legislative action



Benefits to Statewide Approach

- Statewide Assessment (ALL Basins) in a 2 Year Period
 - One Basin every 5 Years  Five Basins every 2 Years
- Statewide Assessment in a 2 YR Period
 - One Methodology Applied to All Basins
 - Reduced Off-Cycle Assessments (Amendments)
 - Synchronizing 305(b) Integrated Report & 303(d) List Submittals; Submittals to ATTAINS
 - Other Programs in the Division have the Ability to Utilize Updated Assessments
 - TMDL, BMAP, WQBEL
 - Other Divisions have the Ability to Utilize Updated Assessments
 - NPDES Permitting
 - EPA's Review and Approval Process is Consistent
 - Stakeholder Review is Consolidated
 - Anticipated Stakeholder Support
 - Potential for Reduced Public Meetings
 - By Removal of Revised List Meetings
 - Stakeholders Representing Multiple Basins at One Meeting
 - Potential for More Turn Out



Revised Assessment Approach

- Current Discussion

- What are the impacts to permitting programs?
 - What is the workload change for WAS staff?
 - What change occurs to assessment decisions?
- How to gain internal and external support?
- What impacts are there to Strategic Monitoring Data Collection and Prioritization?

Priority	G1	G2	G3	G4	G5
Extra Hi	Revised SMP Strategy - 2 YR Approach				
Hi					
Medium	Current SMP Strategy				
Low					



Biennial Assessment

What does this mean for data providers?

- Requesting all data providers to load data to WIN by June 15th, 2020
- If data are not loaded by the extraction date, it will be picked up in the next biennial assessment cycle
- There will be additional IWR runs produced between biennial assessment cycles



Biennial Assessment Next Steps

- Finalize the Group 2 Assessments as scheduled
 - Scheduled for Adoption in April by Secretary
- Group 3 basins are still the priority, but we will be working to assess all groups
- Create a webpage to provide more information on our Watershed Assessment Section website
- Finalize Biennial Assessment Process Document
- Requesting data loading to WIN by June 15th, 2020
- Data extraction from WIN and other databases in in July, 2020
- Biennial assessment will kickoff in July, 2020



New GovDelivery Notification Process for Stakeholders

- If you'd like to receive notifications, please go to this link <https://floridadep.gov/dear/dear/content/subscribe#IWR> to subscribe to this topic.
- Additional subscription topics include:
 - Total Maximum Daily Load (TMDL)
 - Basin Management Action Plan (BMAP)
 - Algal Bloom Response



New GovDelivery Notification Process for Stakeholders

https://floridadep.gov/dear/dear/content/subscribe#IWR

Impaired Waters Rule (IWR) Updates/Notifications

Thank you for your interest in the Florida Department of Environmental Protection's Water Quality Assessment Program and Impaired Waters Rule (IWR). To receive notifications on upcoming public meetings and the department's activities related to the development and implementation of 303(d) lists and watershed assessments please enter your email address at our [subscriber page](#) and you will be taken to the subscription page. You may update your subscription preferences at any time. Below is a brief description of each distribution list.

Impaired Waters Rule (IWR) Updates/Notifications	Notifications on upcoming public meetings and the department's activities related to the development and implementation of 303(d) lists and watershed assessments
Group 1 Basin Assessments	Updates on basin assessments for waters in the Ochlockonee - St. Marks, Suwannee, Ocklawaha, Tampa Bay, Everglades West Coast, and Lake Okeechobee basins.
Group 2 Basin Assessments	Updates on basin assessments for waters in the Apalachicola - Chipola, Lower St. Johns, Middle St. Johns, Tampa Bay Tributaries, Charlotte Harbor, and St. Lucie - Loxahatchee basins.
Group 3 Basin Assessments	Updates on basin assessments for waters in the Choctawhatchee - St. Andrews, Upper St. Johns, Sarasota Bay - Peace Myakka, Caloosahatchee, and Lake Worth Lagoon -

Top



Section Contacts

Kevin O'Donnell
Environmental Administrator
Water Quality Assessment Program
Watershed Assessment Section
Kevin.ODonnell@FloridaDEP.gov
850.245.8469

Benjamin Ralys
Environmental Consultant
Water Quality Assessment Program
Watershed Assessment Section
Benjamin.Ralys@dep.state.fl.us
850.245.8443