

**Quarterly Teleconference for Florida Phase I MS4
NPDES Coordinators
Tuesday, July 14, 2020
Minutes**

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:

General Updates – Borja Crane-Amores

- **Staffing:** Working on filling MS4 Coordinator for the Southwest region. Jason Maron and Matt Irwin are working on Phase I MS4 reports.
- **eReporting:** The Department’s IT Analyst Consultants are currently finalizing the Phase II MS4 Analysis Document to incorporate Phase II Generic Permit rulemaking updates. Once the Phase II e-reporting analysis document is developed work to create the Phase I analysis document will begin. We currently don’t have a timeframe for completion.

COVID-19 Impacts to Permit Requirements – Borja Crane-Amores

Requested by Shannon Carter Wetzel-Seminole County

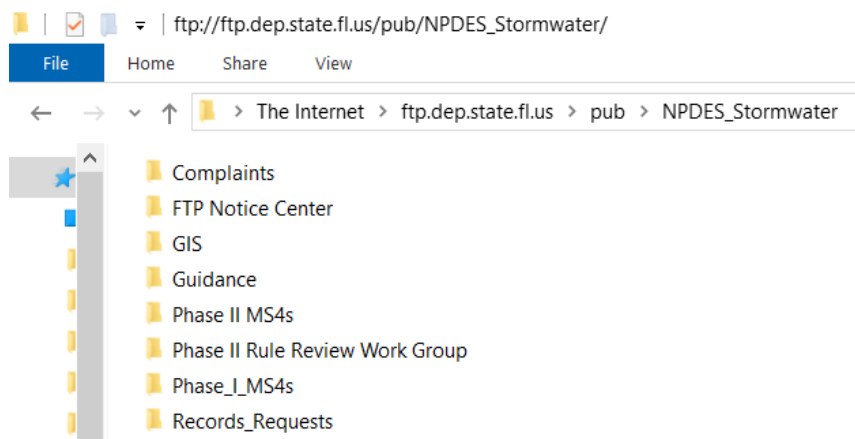
- We still expect business as usual on both our end and on your end, including submission and review of annual reports and required activities and documentation. If a time extension for any report is needed, reach out to your coordinator.
- This is in accordance with FDEP Emergency Order Due to the Effects of COVID-19 (language below). While the EO extends deadlines up to 30 days, it “does not provide relief from any other regulatory requirements” or from “compliance and enforcement activities.”
- In summary, training, monitoring and other permit activities are required.
 - **Monitoring:** {Part V.B.8. *Sampling Waiver:*} Discuss with your coordinator any sampling difficulties your municipalities are having. The permit does have waiver conditions (language below).
 - **Training:** All MS4s must conduct trainings at the frequency identified in their approved permit. Due to current circumstances, the Department understands the potential need to seek alternative training methods to maintain the safety of MS4 employees. Documentation of these trainings is required to be maintained.
 - Examples of alternative training methods include but are not limited to:
 - Attendance of Online Trainings

- E-mail to staff with educational materials
- Providing staff educational printouts for pick up at a common location (printouts could include brochures, fliers, or PowerPoint presentations which were initially meant for in-house trainings)
- **Discussion:** Permittees' innovative solutions for training:
 - Tanya Camacho, Cardno (represents Temple Terrace): Hosted training through Zoom meetings with good feedback.
 - Podcasts
 - Microsoft Teams meetings and quizzes.
 - Social media activities may be counted towards public education.

FTP Site

The DEP FTP site is used for DEP to share documents and guidance with permittees, and for permittees to submit documents to DEP. Some permittees have mentioned issues with uploading documents to the FTP site. To help alleviate some issues, DEP Coordinators will be re-designing the folders in the FTP site.

- Tips if you have trouble uploading files:
 - Are you submitting documents that are not required to be submitted? All files submitted to DEP become public record and will be saved in OCULUS.
 - Keep folder and file names short, otherwise you may receive an Error message.
 - ZIP files or upload separately.
- Instructions for uploading files to the DEP FTP site.
 1. Copy the link ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/
 2. Paste into File Explorer



3. Open the appropriate folder.

4. Create a folder for the documents you wish to upload.
5. Paste or drag-and-drop the files/folders into the FTP folder.
6. Email the MS4 Coordinator when your files have been uploaded. We will download the files and delete from FTP site.

Status of Cycle 5 Phase I MS4 Permit development – Michelle Bull

Requested by Robert Potts - E Sciences, Inc.

Phase I Coordinators are actively meeting on the Phase I Permit rewrite. This fall, we will have a workgroup with permittees have volunteered to assist. We hope to have the draft permit language finalized by December, as we'll be receiving Year 4 annual reports and renewals. To date, we have made the following draft changes:

- Combining Part II.A. with Part III.A.
- Clarifying legal authority language to match 40 CFR 122.26 and include interconnections.
- Reformatted Structural Control Inspection table (no change to minimum frequency requirements) and standardized language. Added "inspect for illicit discharge" to inspection activities. Removed possible maintenance activities, which will be added to the updated guidance manual.
- Combining industrial facility inspections for Parts III.A.3, 5, and 8.
- Combining Parts III.A.2 and 4
- Included elements for each SOP.

Q: Will the draft permit be emailed to all permittees:

A: DEP will make the permit accessible to all permittees after workgroup draft is finalized.

Q: Mike Gambino, Rising Waters Consulting: Is there a process for permittees' input, public comment, etc. on the draft permit?

A: The permit workgroup will be made up of permit representatives. The permit renewal process for each individual permit coverage includes public comment and public petition process, where permittees can also submit comments.

Q: Mike Gambino: I have questions about legal authority changes

A: Please send Michelle Bull an email for specific questions.

DISCUSSION: Ways municipalities enforce stormwater violations – Michelle Bull

Requested by Melinda Spall, City of St. Petersburg

The last few quarterly teleconferences, Alexis Clark with Orange County and Ashok Raichoudhury with Broward County have discussed elements of their proactive illicit discharge programs.

- Mike Gambino, Rising Waters Consulting: Miami-Dade County Code Chapter 24 requires nothing allowed to discharge to stormwater sewer. Covers incorporated and unincorporated.

Q: Aurelio Carmenates, City of South Miami: Are stormwater violations applicable to each municipality or applied per Florida Statute? And if so per which FL Statute?

A: The permit requires each permittee to have legal authority, including enforcement elements, which may include stormwater violation fines. There is no state-wide stormwater violation. The state does have authority to do enforcement against entities that discharge to waters of the state without a permit. Section 403.161(1)(b), F.S., states it is a violation to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

DISCUSSION: Technology used to track/record work orders and maintenance on stormwater infrastructure (asset management programs) – Michelle Bull

Requested by Melinda Spall, City of St. Petersburg

Many of our permittees use an asset management program/software.

1. Stephanie Bortz, City of Doral: Mobile 311 – can run reports based on dates. Overlays data to GIS attributes. Can pull reports on maintenance, area
2. Mustafa Albassam, City of Tamarac: Lucity, GIS-based software. Using for all utilities. Work orders, reports, etc.
 - a. Aurelio Carmenates, City of South Miami: How much is Lucity?
 - b. Tanya Camacho, Cardno is a business partner with Lucity. Cost is variable based on amount of accounts, onsite vs offsite, etc. \$100,000-\$140,000.
Tanya Camacho, (727)431-1582, tanya.camacho@Cardno.com

Q & A / Open Discussion

Borja: As our program receives complaints, we are asking permittees for more information on follow-up actions by the MS4.

Q: Marc Phelps, City of Tallahassee: Why notify if it's part of our standard procedure to respond to complaints?

A: Borja: Based on how we receive a complaint, we are obligated to provide follow up information to original complainant, EPA, the DEP district office, etc.

Q: Elizabeth Wong, City of North Port: How long on average does it take to receive a CGP approval letter after NOI submittal?

A: Borja: The time to process depends on whether the application is complete. If complete, DEP may be able to send an acknowledgement letter within 72 hours of receipt.

Q/A: Heather Maggio, City of Tampa

1. Who is the coordinator for the next audit? BCA
2. The City has missed 2 months of monitoring due to COVID-19 and have resumed sampling.
3. EMCs due in Year 3: should we use older Permit Guidance Manual? Yes.
4. The City implemented a civil fine for grass clippings and sent notifications in the utility bill insert. Would this count as alternative training?[sic]

A: Michelle: I would consider utility inserts as Public Education. If code inspectors etc. were also notified of the new fine and how to enforce it, that could be considered part of employee training.

APPLICABLE LANGUAGE RELATED TO COVID-19

Phase I MS4 Permit

Part V.B.8. *Sampling Waiver*: In the event a permittee is unable to collect samples due to circumstances beyond the permittee's control, the permittee must submit in lieu of sampling data, a description of why samples could not be collected, including available documentation of the event. Circumstances beyond the control of a permittee may include adverse climatic conditions that may prohibit the collection of samples (i.e., drought) and weather conditions that create dangerous conditions for personnel (i.e., local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) that otherwise make the collection of samples impracticable.

DEP #20-0722 Third Amended and Restated Emergency Final Order

7. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, 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, 2 state, or local agencies. This Order likewise does not provide relief from the Department's compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

Extension of Time to Comply with Specified Deadlines

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order [September 5, 2020]. However, as specified above, this Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the Department's compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with 4 regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties. a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for public notices of pollution under Section 403.077, Florida Statutes, and monitoring and reporting required under federally-mandated air permit conditions pursuant to 40 C.F.R. Parts 60, 61, 63, and 75.

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

*not inclusive of all audits that will be conducted

Broward County Co-permittees

Margate, City of

Miramar, City of

Oakland Park, City of

Pembroke Park, Town of

Pembroke Pines, City of

Plantation, City of

St. Petersburg, City of

Pinellas County Co-permittees

Belleair, Town of

Gulfport, City of

Indian Rocks Beach, City of

Redington Beach, Town of

Redington Shores, Town of

South Pasadena, City of

St. Pete Beach, City of

Treasure Island, City of

Polk County Co-permittees

Fort Meade, City of

FDOT District 6 (Miami-Dade)

Manatee County Co-permittees

Manatee County

Palmetto, City of

Palm Beach County Co-permittees (to be audited 7/27 – 8/6/2020)

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 WCD

South Palm Beach, Town of