

Minutes

Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators

Tuesday, October 20, 2020

Next quarterly teleconference for Phase I NPDES Coordinators:

- TBD
- Submit agenda items to Robin.Starkie@FloridaDEP.gov.

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NPDES Stormwater Contacts:

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Jason Maron	Phase I/II MS4 Coordinator	850-245-7568
Hector Rivera	Phase II MS4 Coordinator	850-245-8667

NOTES

Welcome, Staff Updates – Michelle Bull

- Matt Irwin is officially the Ph. I MS4 Coordinator for those permittees who previously worked with Jon Turner - with the exception of Sarasota County, who is working with Jason Maron.

Permit SWMP SOPs: Importance and Function – Steve Cioccia

- Federal Regulations (40 CFR) designed MS4 permits to use BMPs to reduce pollutants discharged by MS4, rather than effluent limits
- The Fed. Regs. designed the MS4 permit to achieve pollutant reduction discharged goal by implementing “reduce pollutants by control” approach to permitting
- Mechanism in permit to achieve this goal of ‘control’ are storm water management programs or **(SWMP)** implementation
- FL MS4 permit employs 9 elements of SWMP (permit parts 1-9) with implementation of various BMPs to “reduce pollutants by control”
- The ‘control mechanisms’ are specified in the standard operating procedures (SOPs); procedures for implementing BMPs, good housekeeping and pollutant reduction measures
- Cycle 4 and previous permits require development and implementation of SOPs or SWMP program elements/procedures for most of the elements 1-9 within Permit Part III.A.
 - i. Approx. 16 SOPs / operating procedures required be developed and implemented
 - ii. Two of SOPs required to be submitted for approval upon initial development and when revised/altered:
 - (1) illicit discharge inspections; Part.III.A.7.c; and
 - (2) construction
- Cycle 4 permit based on premise the SOPs been previously adequately developed and complete in cycle 3; cycle 4 not specify, in most cases, development, submittal and required DEP review of SOPs.
- Permit Part III text identifies SWMP element activities to be defined by SOP procedures development
- The SOPs are essential elements of the MS4 permit SWMP and must be viewed as a vital permit condition with commensurate importance and enforceability

- The SOPs should be considered as contracts established between permittee and FDEP; with same regulatory status as any permit condition; for conduct/implementation of the federally required MS4 SWMP
- SOPs should accurately describe activities conducted by permittee for the subject SWMP element
- Permittee must adequately document the SOP activities to verify compliance
- MS4 program staff have initiated in cycle 4 attention to sufficiency of SOPs, especially during audit activities
- This will intensify in the future to ensure all permittee have developed adequate SOPs to meet defined permit requirements and SOPs are effectively implemented
- Essential all MS4s ensure they currently have complete and functional SOPs
- FDEP especially wants to ensure permittees have complete and functional SOPs prior to beginning cycle 5 permit.

Questions:

Tanya Camacho, Cardno, Temple Terrace: Can you provide guidance on how to demonstrate mobile data collection process for inspections schema functions? Does DEP have a format for electronic/digital inspection documentation? Is there a need for digital signatures in forms/inspections?

Steve Cioccia: We have a couple of permittees performing inspections using digital/electronic inspection recording and can provide referral to them. We currently do not have a report format for digital/electronic inspection recording. We do have some example of SOPs & reporting format (manual reporting) on our FTP site. The permit does not require signature of inspectors on inspection documentation, only the name of inspector; if permittees wish to include signature on inspection forms, it is okay to use digital signatures.

Year 4 Reapplication – Michelle Bull

Reapplication Requirements:

- Letter that states the Year 4 Annual Report is for reapplication.
Rule 62-624.420 (2) An MS4 permittee may re-apply for permit coverage concurrently with a timely filing of the fourth year annual report. A fourth year annual report used as the principle component for re-application must clearly state that the report is being used for re-application purposes, and must clearly describe proposed revisions to the permittee's activities required under the existing permit.
- Evaluation of SWMP Effectiveness. Part VI C.
 1. An evaluation of the effectiveness of the SWMP in reducing pollutant loading from the MS4, accomplishments in the implementation of MS4 pollutant reduction activities, and the overall effectiveness of SWMP implementation. The permittee should utilize information generated in Part V and Part VIII of the permit in composing their evaluation.
 2. Describe whether stormwater pollutant loadings discharged from the MS4 have decreased (EMCs). Include results and annual loadings from Part V.3: If the total annual pollutant loadings for each parameter in Table V.A.1 have not decreased since the issuance of the previous MS4 permit, each permittee shall re-evaluate its SWMP and identify and submit revisions to its SWMP, as appropriate, to reduce pollutant loadings, especially to impaired waters, in the Year 4 ANNUAL REPORT.
 3. Recommended SWMP revisions for each of the elements in Part III of the permit as a result of the SWMP evaluation. Based on an analysis of the assessment results, identify any areas or drainage basins within the boundaries of the MS4 that should be targeted for corrective action(s). If applicable, specify what corrective actions should be completed and a timetable for implementation.
- Rule 62-624.440 (2) Stormwater Management Program. Components of the previously permitted SWMP that are found to be effective shall be continued and made an ongoing part of the proposed SWMP. This rule lists SWMP elements to be evaluated.
- Submission of the Assessment Program for Reissuance. Part V.B.5

The permittees shall submit a copy of the assessment program as an attachment to the Year 4 ANNUAL REPORT, including any suggested changes to improve the plan, for Department review and approval.

Rule 62-624.440 (4) Re-application is an appropriate time for MS4s to evaluate their monitoring program and propose changes to make the program more appropriate and useful.

- Additional Attachments:

Rule 62-624.440 (1)

(d) A listing of changes in co-applicants since issuance of initial MS4 permit;

(e) Identification of any previously unidentified water bodies that receive discharges from the MS4;

(f) A summary of any known water quality impacts on the newly identified receiving waters from the MS4 discharge

Questions:

Larry Teich, Ft. Lauderdale – Will you be discussing electronic submittal requirements?

Jason Maron – eReporting was extended under the Phase II Extension Rule, which requested additional time to implement eReporting by 5 years from 12/21/2020 to 2025.

Excerpt from EPA website:

“On September 23, 2020, EPA Administrator Andrew Wheeler signed the final "Phase 2 Extension Rule," which provides states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements. In this final rule, EPA is extending the compliance deadline for implementation of Phase 2 of the eRule by five years from December 21, 2020, to December 21, 2025. This final rule also provides states with additional flexibility to request additional time as needed. Further, this final rule promulgates clarifying changes to the NPDES eRule and eliminates some duplicative or outdated reporting requirements. Taken together, these changes are designed to save the NPDES authorized programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of NPDES program data between states and EPA, enhance public transparency, improve environmental decision-making, and protect human health and the environment.”

Currently the Information Technologies Business analysts are in the process of developing the Phase II MS4 tool and there is not a specific date on when this tool will be completed. The Department will continue to update permittees on the development of this tool and when it will potentially be used.

Non-Filer Reporting Process – Jason Maron

See attached procedures for construction site plan review. We have developed a guidance document that describes steps to verify CGP coverage, and what steps to take following the identification of a non-filer with regards to CGP, MSGP, or dewatering permits. Many MS4's currently use OCULUS, but Map Direct also offers geospatial layers that are updated every 24-48 hours through data derived from WAFR, and the Stormwater Program maintains a spreadsheet database of issued permits that is updated monthly; links for these are provided in the guidance document.

Phase I MS4 Cycle 5 Permit Workgroup – Matt Irwin

- MS4 staff meet weekly to review past comments and incorporate draft revisions for the Cycle 5 permit
- Efforts include reducing/eliminating redundancy, providing clarity for permit requirements, creating a more streamlined permit product, and drawing from lessons learned in previous cycles
- Once we are complete with our internal review, we will send a draft permit to the workgroup for review and comment, as well as a schedule for workgroup meetings, likely to be held on Microsoft Teams

- Each meeting will have an assigned topic – a part, or parts of the permit – to facilitate a focused discussion on specific aspects of the draft and relevant comments
- Consideration of comments is not conditioned on attending all or any of the workgroup meetings, but the meetings will serve as a forum for discussion
- We are tentatively planning for workgroup meetings to occur in December, subject to our internal review
- If you would like to be included in the workgroup (see current list below), please send an email to Matt Irwin – Matt.Irwin@FloridaDEP.gov.

Current contacts for the Cycle 5 Permit Workgroup

Contact	Affiliation	Permit Name
Jim French	City of Neptune Beach	Jacksonville, City of
Anne Marie Capelli	Mock Roos	Palm Beach County
Alan Wertepney	Mock Roos	Palm Beach County
Hans Zarbock	Polk County	Polk County
Heather Maggio	Tampa, City of	Tampa, City of
Mark Heidecker	Tallahassee, City of	Tallahassee, City of
Robert Potts	E Sciences	FDOT
Melissa Pulver	E Sciences	Reedy Creek Improvement District
Shannon Wetzel	Seminole County	Seminole County
Margarita Wells	City of Miami Beach	Miami-Dade County
Elizabeth Wheaton	City of Miami Beach	Miami-Dade County
Shauna Jones	Escambia County	Escambia County
Monica Belina	NyPDES Services	Pinellas County
Tim Kelly	AMEC	FDOT
Larry Teich	Ft. Lauderdale	Ft. Lauderdale
Fred Noble	FDOT	FDOT
John McGee	Plant City, City of	Hillsborough County
Dana Morton	Escambia County	Escambia County
Ashok Raichoudhury	Broward County	Broward County
Carol Auburn	City of West Park	Broward County
Gloria Hunter-Barnes	Jacksonville, City of	Jacksonville, City of
Marc Phelps	Tallahassee, City of	Tallahassee, City of
Mallika Muthiah	Miami-Dade County	Miami-Dade County
Alexis Clark	CMS Environmental Solutions	

MS4 Sediment Disposal – Michelle Bull

We received multiple complaints this spring/fall regarding turbid discharges to and from MS4s. Part II.A.1. states that the MS4 shall continue to be operated by the permittees in a manner to reduce the discharge of pollutants. When performing maintenance, do not allow turbid/polluted discharges to impact the MS4 or surface waters. Please use the guidance document to determine how best to dewater and dispose of debris and decant water.

Water from the MS4 may be disposed of into a portion of the permittee's MS4 that has stormwater treatment, or at a wastewater treatment facility.

Guidance for The Management of Street Sweepings, Catch Basin Sediments and Stormwater System Sediments (DEP, 2004) https://floridadep.gov/sites/default/files/GuidanceSt-Sweep_05-03-04_0.pdf

General Updates – Michelle Bull

- MS4 Statewide GIS Inventory – Jason Maron created an Action Plan, and we are working with the Office of Environmental Accountability and Transparency (OEAT) and the GIS team to move forward with this project. Phase I of the project will likely be the collection of MS4 outfalls either with OPS staff or through a contract.
- Federal Fiscal Year 20/21 started October 1, 2020 and runs to September 30, 2021. The audit schedule is attached below. This year, as part of a DEP initiative, we have been asked to increase our Level of Service from 20% to 25% of permittees audited. MS4 Coordinators will reach out to permittees to schedule audits.
- Staffing Changes. If you have staffing changes, please send their contact information and position to your MS4 Coordinator. We keep track of the Responsible Authority, Points of Contact, consultants, and Financial Officer. The Financial Officer is especially important, as invoices for the annual surveillance fees are sent in December of each year.

Q&A / Open Discussion

Mary Thornhill, Winter Haven – With regards to TMDL Monitoring: were currently do event monitoring, but have sampling machine issues. I'd like to discuss switching to a Targeted Water Quality Monitoring Plan. Who should I contact?

Michelle Bull: I suggest contacting Matt Irwin, your new MS4 Coordinator to discuss a possible revision to the TMDL Monitoring plan.

Ashok Raichoudhury, Broward County – I have questions about the modifications of 62-304 F.A.C. from fecal coliform to enterococci for Class III waterbodies. All TMDLs will be assessed in Group 4 in 2020, and we have about 5 years of sampling data. How will the switch from fecal coliform to e. coli/enterococci affect TMDL monitoring?

Michelle Bull: DEAR currently does not have a plan to rewrite the TMDLs. We ask that you monitor e. coli/enterococci and assess waters with the new standard for bacterial impairments. If the sampled waters are impaired under the new standard, implement those activities associated with a fecal coliform impairment; for waterbodies that are verified as not impaired, there is no requirement to prioritize it.

Heather Maggio, City of Tampa: With Hal Lunsford retired, has he been replaced? Will training take place this year?

Michelle: Hal has been replaced, and the training program has been contracted with a new website. Multiple instructors are hosting courses in person and online. <https://www.fsesci.com/>.

List of permittees required to be audited by September 30, 2021

*not inclusive of all audits that will be conducted

FDOT (Sarah)

FDOT District 1-Manatee

FDOT District 1-Sarasota

FDOT District 4-Broward

FDOT District 4-Palm Beach

FDOT District 7-Pasco

FDOT FTE-Broward

FDOT FTE-Palm Beach

FDOT FTE-Polk

FDOT FTE-Miami-Dade

Lee County Co-permittees (Matt)

Miromar Lakes CDD

River Ridge CDD

San Carlos Estates Drainage District

Sanibel, City of

Pinellas County Co-permittees (Matt)

Pinellas County

Belleair Bluffs, City of

Belleair, Town of

Clearwater, City of

Dunedin, City of

Gulfport, City of

Indian Rocks Beach, City of

Redington Beach, Town of

Redington Shores, Town of

Seminole, City of

South Pasadena, City of

St. Pete Beach, City of

Tarpon Springs, City of

Treasure Island, City of

**Sarasota County Co-permittees
(Jason)**

Longboat Key, Town of

St. Petersburg, City of (Matt)

Polk County Co-permittees (Matt)

Eagle Lake, City of

Lake Alfred, City of

Lakeland, City of

Polk City, City of

Winter Haven, City of

Manatee County Co-permittees (Matt)

Manatee County

Anna Maria, City of

Bradenton Beach, City of

Holmes Beach, City of

Palmetto, City of

**Palm Beach County Co-permittees
(Steve)**

North Palm Beach, Village of

**Pasco County Co-permittees
(Michelle)**

Dade City, City of

New Port Richey, City of

Port Richey, City of

Zephyrhills, City of

Miami-Dade County (Michelle)

Aventura, City of

Bal Harbour, Village of

Bay Harbor Islands, Town of

El Portal, Village of

Indian Creek Village

Miami Beach, City of

Miami Gardens, City of

North Bay Village, City of

North Miami, City of

Guidance for Entities to Report Construction Generic Permit (CGP) Non-Fileers

The intent of this document is to provide guidance to entities on how to report to the Florida Department of Environmental Protection's (FDEP) National Pollution Discharge Elimination System's (NPDES) Stormwater Program's Notices Center that a construction site has **NOT** obtained CGP coverage.

Per Rule 62-621.300(4)(a) all sites that disturb one or more acres of land or disturb less than one acre of land but are part of a common plan of development or sale; and discharge stormwater to surface waters of the state or to surface waters of the State through a municipal separate storm sewer system (MS4) must obtain CGP coverage enforced by FDEP and the District Offices.

Note: The Notices Center will review and process a Notice of Intent if municipalities require construction operators to obtain coverage under the CGP for sites less than an acre and/or sites not part of a larger common plan of development. This will be identified in the acknowledgement letter issued by FDEP.

Please follow the steps below:

1) Prior to contacting the Department please verify the site does not have CGP coverage.

- To verify you may utilize FDEPs MapDirect at [this link](#) to access the "NPDES Stormwater Facilities and Activities" map layer which is updated every 24 to 48 hours.
 - This layer includes all NPDES facilities and activities including:
 - CGP greater than or equal to 5 acres
 - Construction Generic Dewatering (CGD) greater than or equal to 5 acres
 - CGP between 1 and 5 acres
 - CGD between 1 and 5 acres
 - Multisector Generic Permits (MSP)
 - No Exposure Certifications (NEX)
 - Phase I MS4 (point is approximate center of MS4)
 - Phase II MS4 (point is approximate center of MS4)
- You may also search for the site utilizing the "Web NPDES Construction Facilities" [Stormwater Facility List](#) which is updated monthly.

2) If you can't find the construction site utilizing the methods above you may contact the NPDES Stormwater Program Notices Center at NPDES-Stormwater@floridadep.gov and provide the following information.

- Operator (Entity)
- Name of Responsible Authority
 - E-mail and phone number, if available
- Project Name
- Latitude/Longitude or Physical Address
- The county the site is located
- Pictures of site, if available