

Quarterly Teleconference for Florida Phase I MS4 NPDES Coordinators

Wednesday, March 10, 2021

10:30 - 11:30 am EST

Meeting Minutes

Next quarterly teleconference for Phase I NPDES Coordinators:

- Wednesday, June 9th, 2021
- Submit agenda items to Sharon.Surita@FloridaDEP.gov
- [Subscribe to Phase I MS4 GovDelivery](#)

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
Matt Irwin	Phase I MS4 Coordinator	850-245-8643
Jason Maron	Phase I/II MS4 Coordinator	850-245-7568
Hector Rivera	Phase II MS4 Coordinator	850-245-8667
Sharon Surita	MS4 Support	850-245-8612

Welcome – Borja Crane-Amores

- This should be our last time utilizing the call-in method, our goal for the next quarterly meeting is to use Microsoft Teams. For those of you who may not have Teams, you can still access the meeting via the web. Further instruction will be provided during the next quarterly meeting and/or during the request for agenda topics.
- We are still in the process of filling the FDOT coordinator/rulemaking specialist position. Hopefully it will be filled within the month.

Role of MS4 permittee in MSGP referral/non-filer process – Borja Crane-Amores

- Industrial and High -Risk Runoff - written SOP for the program shall include procedures for conducting the site inspections (including confirming whether a facility has coverage under the MSGP, if applicable.)
- If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's MSGP, it shall notify the Department's NPDES Stormwater Program and provide the name and address of the facility.
- Maintain documentation of high-risk inspections performed, including the date of the inspection, findings of the inspection, type of illicit discharge(s) found, type of enforcement action(s) taken, date of verification of elimination, and any non-permitted MSGP facility referrals completed.
- What is a non-filer?
- A Non-Filer is an unpermitted facility or site which conducts operations that are determined to have the potential to require coverage under the NPDES Stormwater Program.
- A Permit Determination is the evaluation of a facility's operations that is conducted by the

NPDES Notice Center to broaden the Department's understanding of a facility or site's activities. There are a variety of ways a permit determination can be performed, each method involving a different level of formality, including the evaluation the Sector-Specific, Standard Industrial Classification codes.

- Our homepage contains an excel spreadsheet of all active MSGP facilities, you can filter to retrieve information pertinent to potential illicit discharge violators; spreadsheet is updated monthly.
- Stormwater Facility Lists - Standard Database Retrievals
[.https://floridadep.gov/water/stormwater/content/stormwater-facility-information](https://floridadep.gov/water/stormwater/content/stormwater-facility-information)

Scott Browning – so decisions are not made strictly by SIC?

Borja – Within each sector-specific language, and based on the SIC code or codes, we determine applicability. A non-filer letter provides analysis applicable to the particular regulated industry.

Modifications to permit required training due to COVID-19 – Matt Irwin

- We want to reiterate the Department's expectation that the permit requirements, particularly with education/outreach and required training for illicit discharge, spills, and activities associated with construction, are still met.
- Though these programs may be impacted, causing effects such as reduced capacity or frequency, but they still need to occur through a modification to the approach or delivery method of the training and/or outreach material.
- By this time I'm sure that most programs have adapted, but if no activities occurred, please provide justification in the notes section of the annual report – the coordinators will likely want to see how the program is or will be modified to meet these requirements going forward through a revision, modification, or update made to the program SOP.
- In either case this would be a good opportunity to revise SOPs and build in redundancy for contingency situations such as COVID, or any other situation that may impact how business is conducted – I think we've all learned some valuable lessons and alternative ways to operate efficiently given the conditions and limitations placed upon us.
- If there are any issues or concerns, please reach out to your coordinator.

Submittals/FTP site changes – Michelle Bull

- DEP is moving away from FTP.
- A new process is in place, a secure FTP.
- Instructions for use are attached.
- The system should auto-generate an email if anything is uploaded, but please notify your coordinator if anything is added to the site.
- Files are available for 60 days.
- We are still working on how long-term storage will be maintained for annual report templates, etc...

Legal Authority current permit requirements – Steve Cioccia

- see attachment.

Cycle 5 Update – Matt Irwin

- We are planning to hold another workgroup in the same general format as the previous.
- We are currently reviewing comments and incorporating revisions to the draft permit.
- Expect to see a draft on about the 2nd week of April accompanied with a workgroup schedule.
- Presently we are planning to have 4 Teams meetings in successive weeks beginning around 20 April.
- Until then, we welcome any feedback on how we ran the previous workgroup or ideas for the next – you can send any of those recommendations to me at matt.irwin@floridadep.gov.

General Updates – Borja Crane-Amores

- We contracted the development of the PRM to include guidance and helpful information to accompany the Cycle 5 permit.
- Another contractor is working with the MS4 inventory; most permittees have submitted their major outfall information, and we are working with the contractor to develop the schema for that data system.
- Required audits are identified below; some permittees may have additional audits scheduled based on increased levels of service requirements.

eReporting – Jason Maron

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 currently a specific date on when this tool will be completed. The analysts will then use this tool as a baseline to develop the Phase I MS4 tool.

Q&A

Alan Wertepney – are these audits listed for Palm Beach County the only ones we should expect?

Borja – For the most part, yes, though there could be additional audits based on increased levels of service or audits scheduled for other reasons; all audits will be preceded by at least a 30-day notification.

Alan Wertepney – will any future audits be virtual/desktop?

Borja – it is likely given the situation, but I will add that the method, whether remote/desktop or in person, will be laid out in the audit notification.

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

*not inclusive of all audits that will be conducted

FDOT

FDOT District 1-Manatee
FDOT District 1-Sarasota
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
Sanibel, City of

Pinellas County (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

St. Petersburg, City of (Matt)

Sarasota County Co-permittees (Jason)
Longboat Key, Town of

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)
Anna Maria, City of

Palm Beach County Co-permittees (Steve)

North Palm Beach, Village of

Pasco County (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

NPDES Stormwater Program

Instructions for Submitting Files via DEP's Secure FTP site

(revised 3/9/2021)

The Department has transitioned to a new file sharing platform. If a permittee needs to submit large files, they can upload files to the Secure File Transfer Protocol Service (SFTP). The DEP SFTP site is used for DEP to share documents with permittees, and for permittees to submit documents to DEP.

Tips before 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.
- ZIP files before uploading.

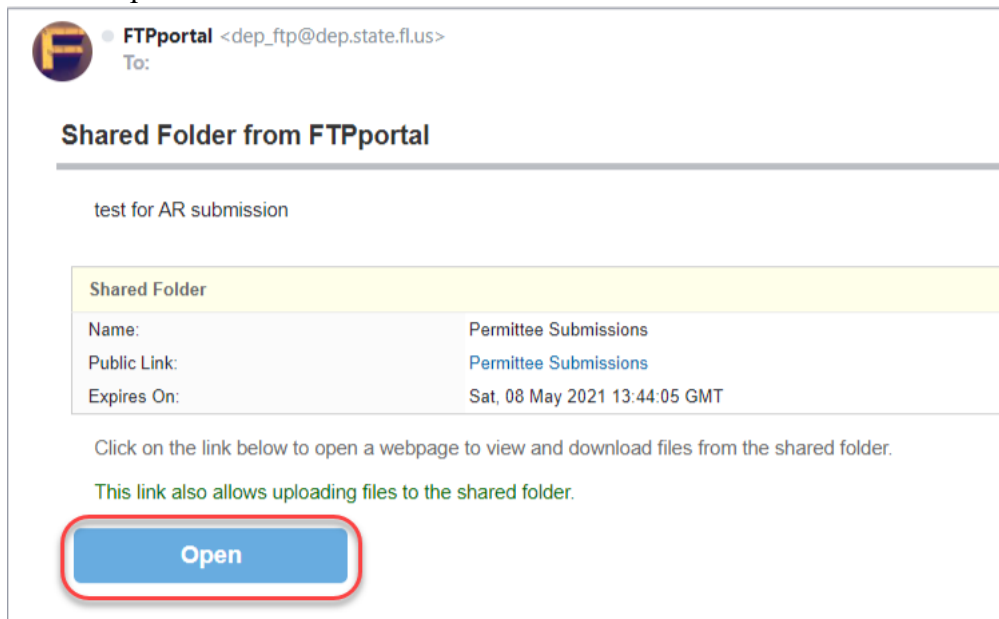
Instructions for uploading files to the DEP SFTP site:

1. Email your MS4 Coordinator requesting they create a folder for you to upload requested documentation. <https://floridadep.gov/water/stormwater/content/npdes-stormwater-permitting-program-contacts>

Your MS4 Coordinator will create a folder and send you two (2) emails. For security purposes, these emails are required to be sent separately.

- The first email will come from your MS4 Coordinator or from the FTP Portal and will contain a link to the SFTP site.
- The second email will come from your MS4 Coordinator and contain a password.

2. Select "Open" in the email link.

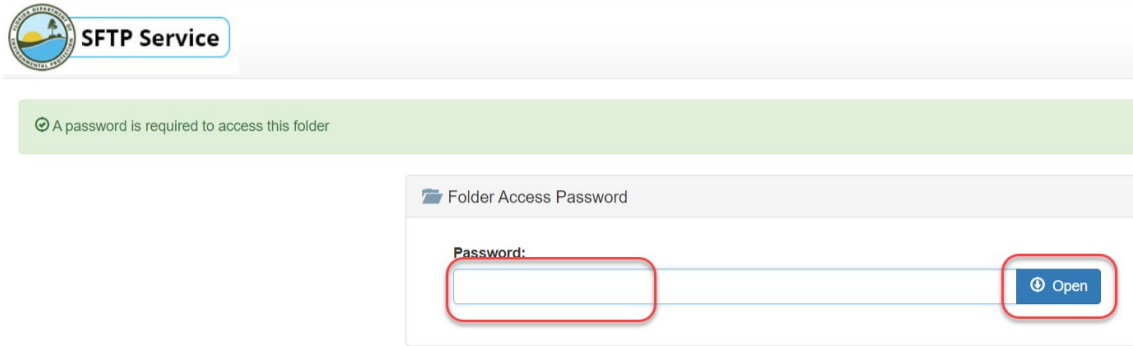


NPDES Stormwater Program

Instructions for Submitting Files via DEP's Secure FTP site

(revised 3/9/2021)

3. Enter the password provided by your MS4 Coordinator in the second email.



 **SFTP Service**

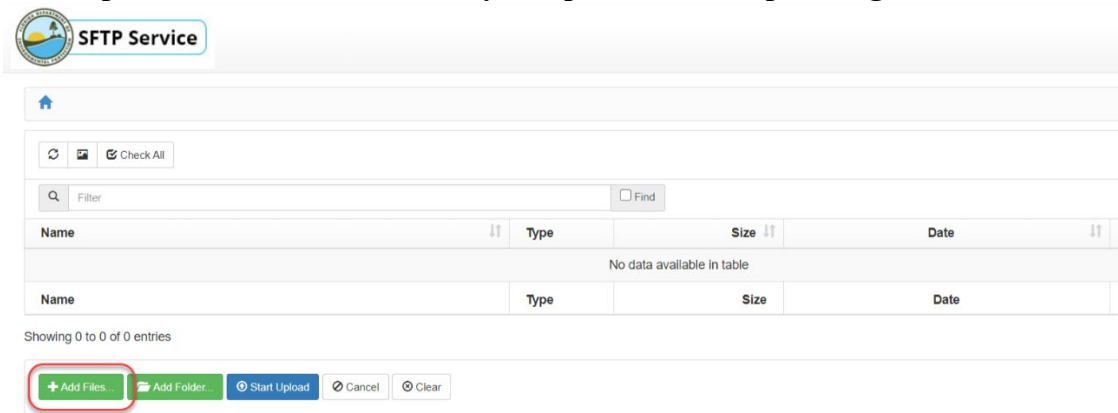
✔ A password is required to access this folder

Folder Access Password

Password:

4. Once you have entered the SFTP portal, select “Add Files...” and choose the files you would like to upload. Multiple files can be added at the same time, but folders cannot.

The Department recommends that you zip files before uploading.



 **SFTP Service**

Home

Check All

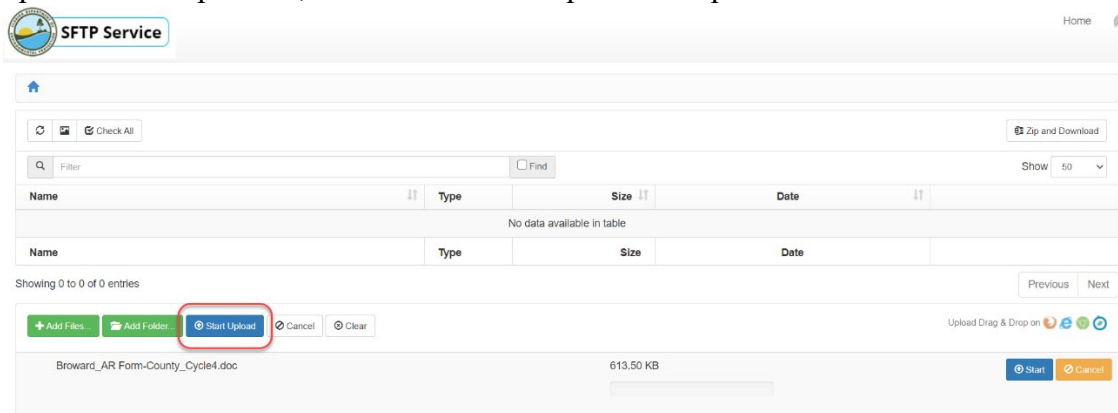
Filter Find

Name	Type	Size	Date
No data available in table			
Name	Type	Size	Date

Showing 0 to 0 of 0 entries

5. Once the file(s) have been added, select “Start Upload”.

If you accidentally added an incorrect file, select “Clear” for any file you do not want to upload. Once uploaded, select “Clear” to wipe the file queue.



 **SFTP Service**

Home

Check All Zip and Download

Filter Find Show 50

Name	Type	Size	Date
No data available in table			
Name	Type	Size	Date

Showing 0 to 0 of 0 entries Previous Next

Upload Drag & Drop on    

Broward_AR Form-County_Cycle4.doc	613.50 KB	Start Cancel
-----------------------------------	-----------	--

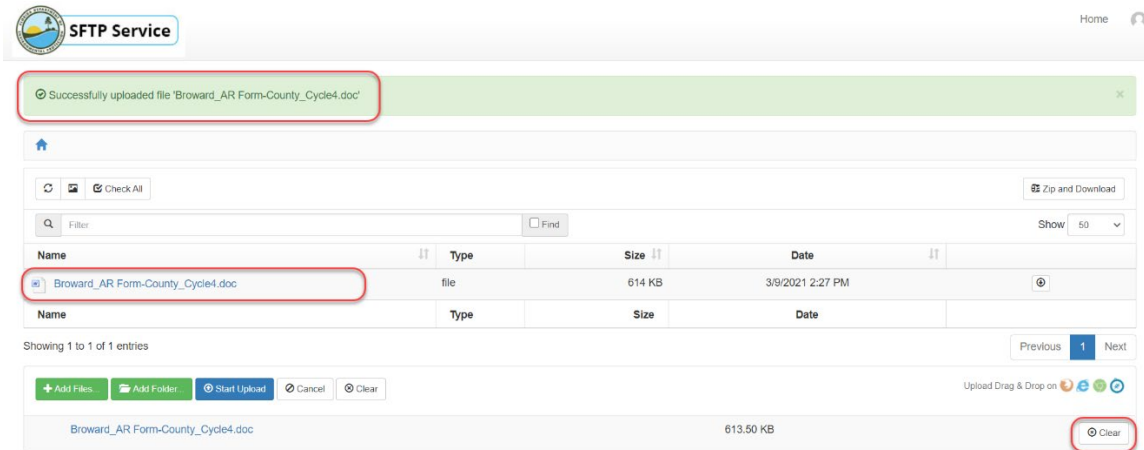
NPDES Stormwater Program

Instructions for Submitting Files via DEP's Secure FTP site

(revised 3/9/2021)

6. Confirm the file has been successfully uploaded.

If you were not able to upload the file, contact your MS4 Coordinator.



7. Email the MS4 Coordinator when your files have been uploaded. We will download the files and delete them from FTP site.

Files uploaded to the SFTP site are only retained for 60 days.

Legal Authority Cycle 4 Permit Requirements
S. Cioccia Topic - Quarterly Telecon FL Phase I MS4
Wednesday, March 10, 2021 - 10:30 - 11:30 am

The MS4 Program considers the Legal Authority Permit Requirements as cornerstone essential element of the permit required SWMP, they are required by federal statute to be an element of the NPDES MS4, and are essential elements of a functional and effective MS4 SWMP.

Statutory Basis for Legal Authority Permit Requirements:

1. Statutory requirement for NPDES permits to contain specified legal authority.
2. Contained in 40 CFR §122.26 (d)(2)(i) – ‘Adequate legal authority’.
3. The Federal statute requires legal authority covering 6 areas and specifies demonstration that the permittee can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the permittee at a minimum to:
 - A. Control contribution of pollutants to the MS4 by storm water discharges associated with industrial activity;
 - B. Prohibit through ordinance, order or similar means, illicit discharges to the MS4;
 - C. Control through ordinance, order or similar means the discharge to a MS4 of spills, dumping or disposal of materials other than storm water;
 - D. Control through interagency agreements among co-permittees the contribution of pollutants from one portion of the MS4 to another portion of the municipal system;
 - E. Carry out all inspection, surveillance ,monitoring and enforcement; and

- F. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the MS4.

DEP MS4 Permit Requirements for Legal Authority:

1. Cycle 4 Permit identifies required legal authority in the following 3 sections:

A. Permit PART II.E - Legal Authority:

- i. To the extent allowed by law, each permittee shall continue to ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction;
- ii. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements between permittees with adequate existing legal authority to accomplish Items 1 – 6 below;
- iii. A permittee can rely on the legal authority of another entity if it allows the permittee, or another entity under a written agreement, to effectively prohibit and enforce as necessary.
- iv. Permittee SWMP activities to control discharges to the MS4 requiring legal authority (**mirrors 6 elements from 40 CFR**):
 - (1). “Control the contribution of pollutants to the MS4 associated with industrial activity, including construction sites”;
 - (2). “Prohibit illicit discharges and illicit connections to the MS4”;
 - (3). “Control the discharge of spills and the dumping or disposal of materials other than stormwater into the MS4”;
 - (4). “Control through interagency or inter-jurisdictional agreements

between permittees the contribution of pollutants from one portion of the MS4 to another”;

- (5). “Require compliance with conditions in ordinances, permits, contracts or orders”; and
- (6). “Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with MS4 permit conditions”.

B. Second section of permit requires legal authority for specific SWMP activity to control Illicit Discharge & Improper Disposal.

Permit PART III.A.7.a - Illicit Discharges and Improper Disposal, Inspections, Ordinances, and Enforcement Measures.

Legal authority Requirement:

- i. “Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders.”
- ii. “This includes the legal authority to take legal action to eliminate illicit discharges or connections.”

c. Third section of permit requires legal authority for specific SWMP activity to control contributions to the MS4 from construction activities.

Permit PART III.A.9.a - Construction Site Runoff, Site Planning and Non-Structural & Structural Best Management Practices.

Legal authority Requirement:

- i. Implement the local codes or land development regulations that require the use and maintenance of appropriate structural and non-structural erosion, sedimentation and waste controls during construction to reduce the discharge of pollutants to the MS4.

For the cycle 5 rewrite, we are attempting to clarify and emphasize these requirements for permittee legal authority.