

Minutes

Quarterly Teleconference for Florida Phase I MS4s

Wednesday, June 9, 2021

- The next teleconference is scheduled for Wednesday, October 6, 2021.
- Submit agenda items for the next teleconference to Sharon.Surita@FloridaDEP.gov.
- [Subscribe to Phase I MS4 GovDelivery](#) for teleconference notifications.

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
Amanda Lanphere	FDOT MS4 Coordinator	850-245-8495
Sharon Surita	MS4 Support	850-245-8612

Welcome, Staff Updates – Borja Crane-Amores

First time using Teams on this scale. Asking all participants to place on mute until Q/A
New MS4 staff member Amanda Lanphere is the FDOT MS4 coordinator.

Implementing Legal Authority for IDID – Steve Cioccia

Guest Speakers: City of Jacksonville (Terry Carr) & FDOT District 2 (Alan Obaighena)

Presentation is attached.

City of Jacksonville

Jacksonville has developed a unique interagency collaborative approach. Duval Air Improvement Authority was implemented in 1956. In 1971, Jacksonville Environmental Protection Board (JEPB) was implemented. JEPB approves EQD enforcement and provides outreach for schools, teachers, civic and private organizations.

There are two distinct interlocal agreements (ILA): FDOT and Atlantic Beach/Neptune Beach. Structural control inspections and ESC inspections still resides with FDOT. ILA elements included in the ILA include, water quality monitoring, high risk facilities, lift stations/sanitary sewer overflow, MS4 structure GIS mapping, and IDDE.

GIS mapping allows selection of elements/groups to view attributes of each structure mapped. IDDE investigations are also mapped in GIS. To address enforcement, meetings with EQD, FDOT D2, FDEP/NED and SJRWMD were held to discuss limitations (jurisdiction and staffing). Referral procedures were developed and included opportunities to shadow other jurisdictions to ensure uniformity. If COJ does enforcement, other agencies assist in specifying mitigation strategies that will be required.

FDOH is transitioning to FDEP for onsite sewage treatment and disposal symptoms (OSTDS).

Outreach developed for EQD Compliance, Trade Associations, Independent Authorities, private entities and St Johns RIVERKEEPER. EQD implemented analog of FDEP consent order model.

Terry has suggested inter-agency teleconferences to address any issues and share successes in incentivizing compliance.

Q/A:

Steve Cioccia (FDEP): Can you expand on Environmental Protection board and interaction with staff?

Terry Carr (COJ): EPB was established after to reduce duplication of efforts, so they redesignated the authority to a different board. It was driven historically by air pollution issues and piggybacked on water pollution issues. They look at different standards and rules and formally adopts for Duval County. EQD is then empowered to do enforcement of rules, beginning with investigations and efforts to bring into compliance. Punitive enforcement mode is then initiated for penalties for violations. Enforcement officer looks at all enforcement packages before they go up to department head for approval to make sure that court resolution can be accomplished. Typically addressed through the Board. There have been 4 cases addressed by the court in the past 10 years.

Matthew Ivie: What are some examples of enforcement actions?

Terry Carr (COJ): They begin with a notice of violation which specifies range of time to correct violation. If violation cannot be corrected, NOV is still issued for documentation. Formal documentation requiring the ceasing of violation along with penalty assessment.

Randy Daniel: What is the authority to perform these inspections and issue NOVs?

Terry Carr (COJ): Authority comes from Board rule and City ordinance allows inspection with consent from property to access property. In rare instances, if there is a health hazard, then the authority allows for inspection even if private property access has not been granted.

Borja Crane-Amores (FDEP): Will the PowerPoint be available to share?

Terry Carr (COJ): I am providing the verbal consent to share the PowerPoint slides.

Borja: The PowerPoint will be provided along with minutes

Steve Cioccia (FDEP): Terry, can you expand a little on enforcement challenges related to other agencies in dealing with IDID issues?

Terry Carr (COJ): Permittee can do treatment within footprint of delineated area for wetlands projects. It isn't a violation until turbid condition exceeds standard outside of the footprint of the permitted impact area. For Federal Wetlands, we must rely on ACOE, DEP and WMD to determine violations.

EPA's Healthy and Resilient Gulf of Mexico 2021 Request for Applications – Jason Maron

EPA has recently issued the Healthy and Resilient Gulf of Mexico 2021 Request for Applications (RFA) to solicit applications from eligible entities for projects to improve water quality, restore habitat, enhance community resilience, and increase environmental education in the Gulf of Mexico. The RFA consists of four funding opportunities for projects associated with Improving Community Health through Microbial Source Tracking; Trash Free Waters – Preventing More, Picking Up Less; Building Community Resilience Through the Reduction and Prevention of Nonpoint Source Pollution; and STEM Career Development for High School Aged Youth. These grant opportunities were posted June 1, 2021 and close August 6, 2021.

- **Improving Community Health through Microbial Source Tracking**
 - FON: EPA-GM-2021-MiST
 - Approximately \$1.5M for 3 to 5 projects
- **Trash Free Waters – Preventing More, Picking Up Less**
 - FON: EPA-GM-2021-TFW
 - Approximately \$4M for 8 to 16 projects
- **Building Community Resilience Through the Reduction and Prevention of Nonpoint Source Pollution**
 - FON: EPA-GM-2021-NPS

- Approximately \$2M available for 4 to 6 projects
- **STEM Career Development for High School Aged Youth**
 - FON: EPA-GM-2021-HSCD
 - Approximately \$1.5M available for 5 projects

An estimated \$9 million dollars will be used to support these projects. The funding opportunity has been posted on EPA's Gulf of Mexico Division website and should be posted on [grants.gov](https://www.epa.gov/grants.gov) shortly. If, after reading the RFA, listening to the RFA presentation, reading the Common Errors doc and Q&A, you have additional questions, please email GMP-RFP@epa.gov. Details of each of these opportunities can be found at the link below.
<https://www.epa.gov/gulfofmexico/healthy-and-resilient-gulf-mexico-2021-request-applications>

New permit progress/Cycle Renewal – Matt Irwin

- We are planning for the second cycle 5 workgroup to begin on Thursday, 24 June. There will be four sessions occurring on Thursdays from 9am-12pm. Each session will be hosted on Microsoft Teams and have specific topics assigned to them (e.g. Part III.A.1-4). Workgroup drafts and schedule will be sent out tomorrow and will include additional details.
- Please provide comments the Tuesdays prior to the workgroup meeting so they can be consolidated.
- Feel free to contact me if you have any future questions – matt.irwin@floridadep.gov.

Q&A/Comments

Richard Thompson: Stated that FSA conference will be the same date and that the FDEP should reconsider the start date of the work group.

Borja: An update will be provided in the meeting minutes.

UPDATE: The workgroup draft & schedule will be sent out on June 24, 2021 with the first session to take place on July 8, 2021.

Larry Teich (City of Ft. Lauderdale): Should we include the draft permit as a submission for compliance with the year 4 permit requirement?

Jason Maron (FDEP): Year 4 annual report will satisfy this requirement. No draft permit would be required to be submitted.

Audit 30-day reminder period – Borja Crane-Amores

We are no longer offering a 7-day grace period to provide information that was required for the audit. The deficiencies identified will go into an audit report. A compliance schedule will include the 30-day period to provide items. Depending on extent and history of issues, the Program will use CAOL, which is the initiation of enforcement action.

General Updates – Borja Crane-Amores

- We are continuing with the inventory project. Michelle has sent out emails requesting information.
- Resource manual will coincide with Cycle 5 rewrite. This will be useful for new permittees or new staff.

Q&A / Open Discussion

Randy Daniel: To be clear the 7-day grace period has been replaced with the 30-day period?

Borja: Low hanging fruit information was previously given 7-day period to provide. This is the only thing being removed.

Larry Teich: Are you continuing to use MS Teams for audits, or will you be moving to in person audits?

Borja Crane-Amores (FDEP): We have been doing a combination of both. There may be some form of hybrid approach, but we will have to refer to EPA guidance. At some point, we will be traveling to do the face-to-face audits across the board.

Meeting adjourned at 11:29 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, 2021

*not inclusive of all audits that will be conducted

FDOT (Amanda)

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

St. Petersburg, City of (Matt)

Pinellas County (Matt)

Redington Beach, City of

Seminole, City of

Treasure Island, City of

St. Pete Beach, City of

South Pasadena, City of

Tarpon Springs, City of

Belleair, City of

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

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

Illicit Discharge Detection and Elimination

An Interagency Approach



City of Jacksonville Environmental Quality Division (COJ-EQD)

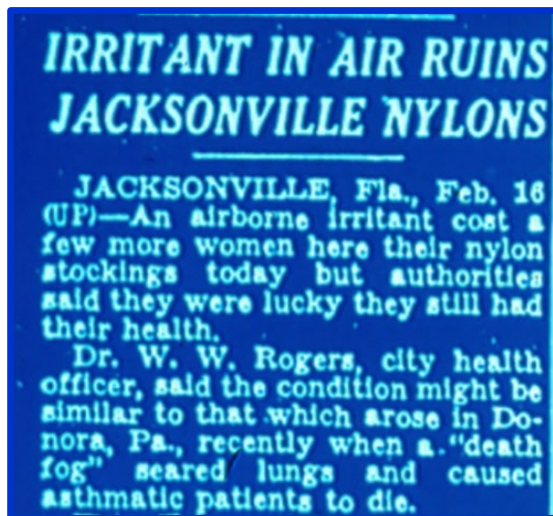
Florida Department of Transportation District 2 (FDOT D2)

Florida Department of Environmental Protection/Northeast District (FDEP/NED)

St. Johns River Management District (SJRWMD)



Environmental Regulation in Duval County – History



NY Times 02-17-1949

- 1965: Duval Air Improvement Authority
Created by Chapter 65-1474, Laws of Florida
- 1969: *Florida Department of Air and Water Pollution Control*
State of Florida's first agency devoted strictly to environmental quality was established
- 1970: *USEPA founded*
- 1971: Jacksonville Environmental Protection Board (JEPB) established
as an enforcement body for environmental matters in Duval County



Local Environmental Regulatory Relationship JEPB and EQD

Jacksonville Environmental Protection Board (JEPB)

- Develops Rules for local environmental regulation
- Approves EQD enforcement actions
- Public outreach programs for schools, teachers, civic and private organizations

Environmental Quality Division (EQD)

- Monitors air and water resources
- Conducts pollution control inspections and investigations
- Initiates enforcement actions
- Compliance assistance, public education & outreach



JEPB and EQD Regulatory Framework

Ordinance Code Chapter 360	Environmental Regulation
Ordinance Code Chapter 362	Air and Water Pollution
Ordinance Code Chapter 365	Hazardous Regulated Substances
Ordinance Code Chapter 366	Groundwater Resource Management
Ordinance Code Chapter 368	Noise Control
Ordinance Code Chapter 376	Odor Control



JEPB Rule 1	JEPB (not EQD) Organization and Procedures
JEPB Rule 2	Air Pollution Control
JEPB Rule 3	Water Pollution
JEPB Rule 4	Noise
JEPB Rule 5	Crude Sulphate Turpentine – reduced sulfur and volatile organic compounds
JEPB Rule 6	Mobile Sources
JEPB Rule 7	Hazardous Regulated Substances
JEPB Rule 8	Groundwater Resources



EQD Investigation & Enforcement

Proactive
Inspections

Citizens'
Complaints

Agency
Referrals

Ambient
Monitoring

Surface Water Monitoring &
Bacteria Source Tracking

Proactive Lift Stations Inspection

Sanitary Sewer Overflows (SSO)
Investigation

Small Quantity HAZ Waste Generators
(SQG) Inspection

HAZMAT Emergency Response

Citizens' Complaint Response

*Erosion & Sediment Control (ESC)
Inspection

*Illicit Discharge Detection & Elimination
(IDDE) Investigation

*Municipal Separate Storm Sewer
System (MS4) Structures Inspection

**High Risk Facility(HRF) Inspection

Compliance
or
Enforcement

* Adjusted for MS4
Permit Compliance

** Added for MS4
Permit Compliance

Duval County MS4 Co-Permittees Collaboration Interlocal Agreements

- Co-permittees
 - Florida Department of Transportation District 2 (FDOT D2)
 - City of Atlantic Beach (COAB)
 - City of Neptune Beach (CONB)
- Examples of MS4 Permit Requirements Done through ILA
 - Surface Waterbody Monitoring
 - Private Lift Station Inspections
 - Emergency (Spill) Response
 - Reporting data and drafts
 - MS4 Annual Reports
 - Monitoring & Effectiveness Assessments

COJ/FDOT ILA Core Components

- *Recitals and Other Obligatory Legalese...*
- The City shall perform the following services to meet the Department's (FDOT D2) requirements for the MS4 Permit:
 - Inventory and Mapping of Structural Controls and Stormwater Collection Systems (MS4 Permit Part III Section A.1.)
 - Illicit Discharge and Improper Disposal (MS4 Permit Part III Sections A.7.(c.) & (d.))
 - proactive and reactive inspection, mapping
 - enforcement referrals to FDEP
 - spill prevention and response
 - Industrial and High-Risk Runoff (MS4 Permit Part III Section A.8.a.)
 - inventory, mapping, inspection, investigation
 - enforcement referrals to FDEP
 - Monitoring Requirements (MS4 Permit Part V)
 - Stormwater Discharge Compliance and Water Quality Standards, Total Maximum Daily Load (TMDL) Monitoring Assessments, TMDL prioritization and implementation (MS4 Permit Part VIII)
- Compensation and Payment

City of Jacksonville/City of Atlantic Beach, City of Neptune Beach ILA - Core Components

- *Whereas, Whereas, Whereas, ...*
- COJ will provide COAB and CONB with data, reports, records and other documents pertaining to the following tasks:
 - Task 1 – Develop and Implement Monitoring Plan
 - sampling: number & frequency, location, parameters, quality assurance, data maintenance, reporting, costs
 - Task 2 – Develop and Submit Summaries and Data for Annual Monitoring Trend Reports required by the NPDES Permit.
 - Task 3 – Additional Operations
 - private lift station inspections
 - emergency spill response
- Specific payment amounts as compensation for services

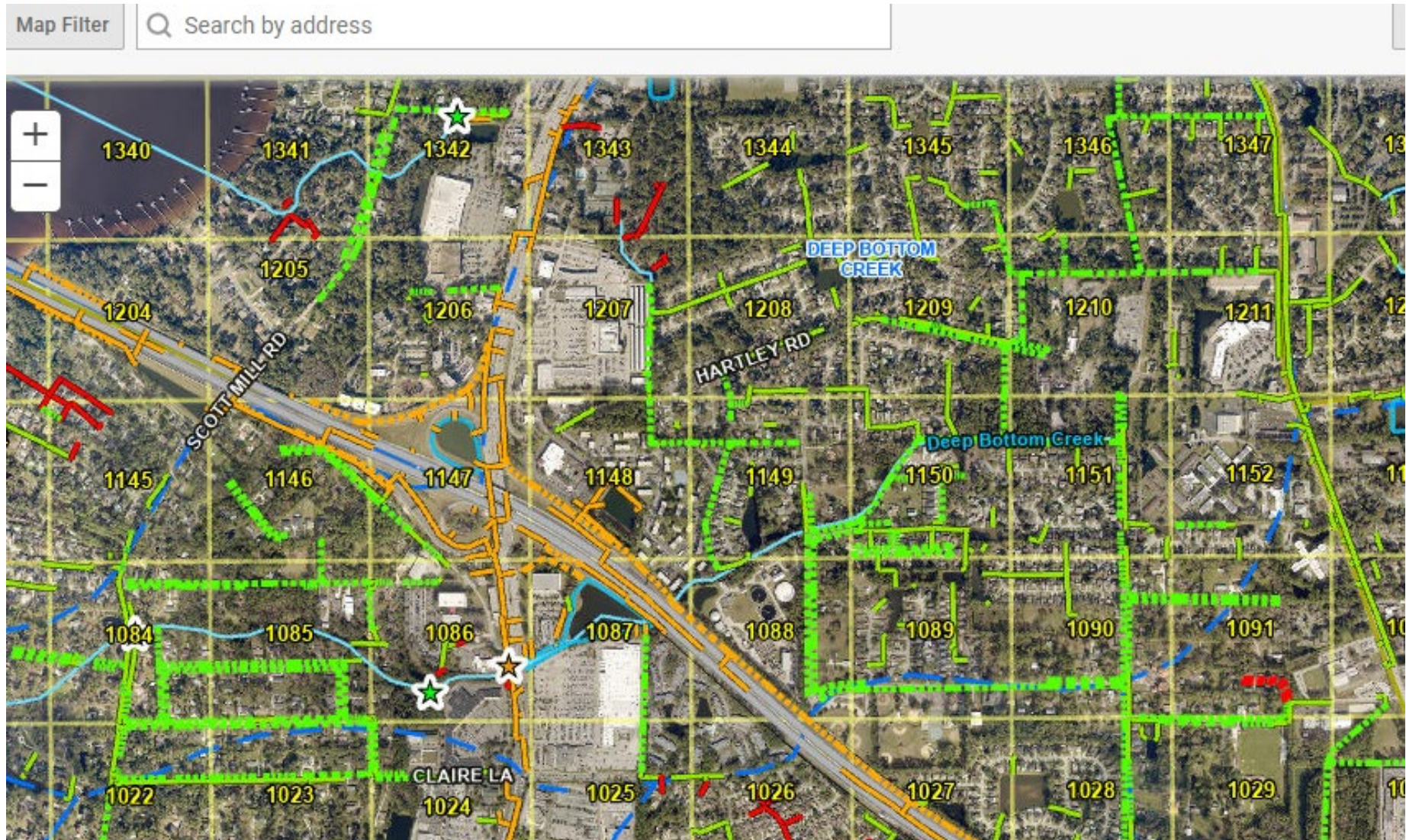
MS4 Permit Requirements Included in the COJ & FDOT D2 Interlocal Agreement (ILA)

EQD Program Area	COJ/FDOT ILA
Water Quality Monitoring* ; Total Maximum Daily Load (TMDL) Assessments	Yes
High Risk Facilities (HRF)*	Yes
Lift Stations/Sanitary Sewer Overflow (LS/SSO)*	Yes
MS4 Structure GIS Mapping (IT)	Yes – Consolidated COJ/FDOT MS4 Map
IDDE* - (proactive and reactive) inventory, mapping, inspection, investigation, compliance assistance	Yes – however, enforcement for FDOT D2 MS4 referred to FDEP

**** Proactive components***

COJ & FDOT D2 ILA - Information Technology Collaboration

MS4 Structures GIS Mapping



COJ & FDOT D2 ILA Information Technology Collaboration

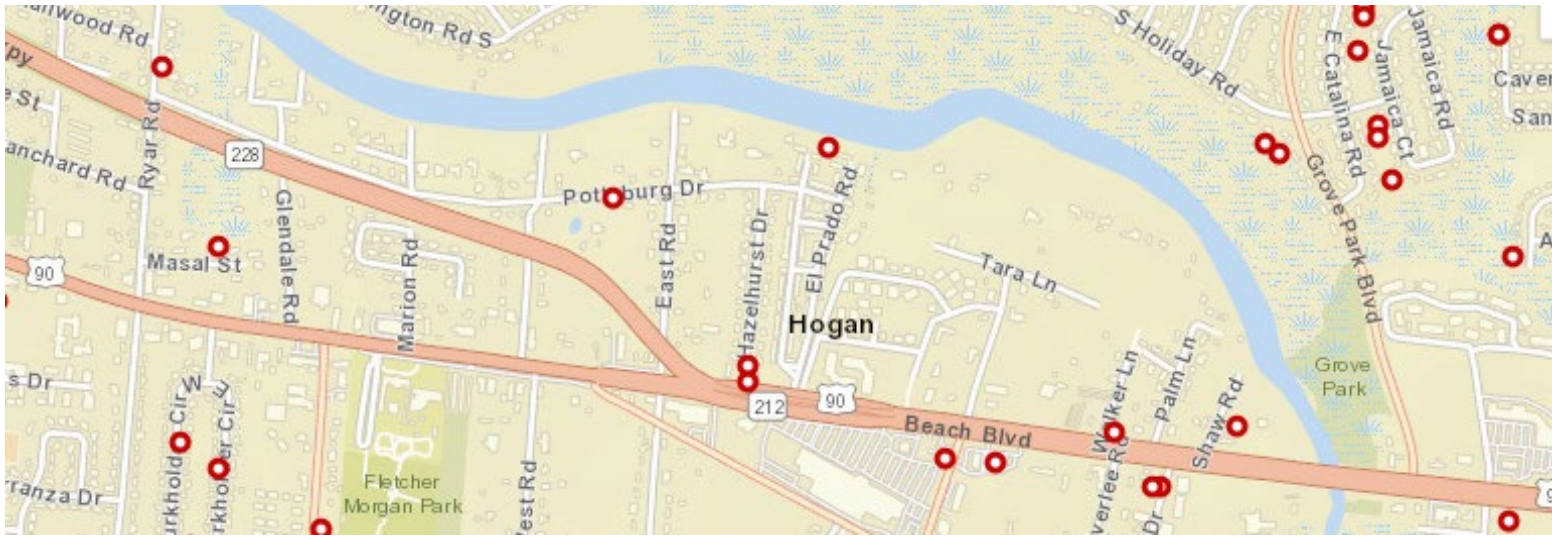
MS4 Structures GIS Mapping



- Associated Database Elements for Each Structure
 - Location
 - Structure Details
 - Inspection Records

COJ & FDOT D2 ILA Information Technology Collaboration

IDDE Investigations & Mapping



PIC ID	CARE ID	Observer	Illicit Conn?	PIC Investigated Date	Status	Closed Date	Agency Referral	Disposition	Discharge to MS4	Drainage System Owner	Enforcement Type
7958		LJ	Yes	9/30/2019	Closed	1/6/2020		Allowed	No	COJ	
8030		JP	No	7/23/2020	Closed	8/20/2020	SJRWMD	Disabled	No	Private	
8002	200302000356	Jp	No	6/8/2020	Closed	7/6/2020		Yes	No	COJ	Warning
7999	200227-001332	JP	No	3/13/2020	Closed	7/6/2020		Permitted	No	COJ	
7959	191001-000772	LJ	No	10/3/2019	Closed	10/6/2019		Allowed	No	COJ	
7671		LJ	No	4/10/2018	Closed	10/7/2019		Allowed	No	COJ	
7674	2018-106058	LJ	No	4/24/2018	Closed	10/11/2019	RWGrounds	Allowed	No	COJ	
7134	2016-185436	LJ	No	6/22/2016	Closed	10/16/2019	DCHD	Allowed	No	COJ	
7137	2016-189942	LJ	No	6/29/2016	Closed	10/16/2019	RWGrounds	Allowed	No	COJ	
8003	200313000166	JP	No	3/9/2020	Closed	7/6/2020		Removed	Yes	COJ	NTC

COJ & FDOT D2 Collaboration – FDOT D2 PIC Referral Form



Florida Department of Transportation
Potential Illicit Discharges/Illegal Connections/Illegal Dumping Report Form

05/27/2021

Potential Illicit Discharge Report

Report No.:	72012-PID-0001-08/19/2020		
County:	Duval		
Date found or observed:	08/19/2020		
Roadway Number:	72012		
Roadway Name:	SR-105 Lane Ave		
Ditch Location:	In back of S. Lane Ave. Animak Hospital		
Receiving Waterbody (if known):	2262B Cedar River		
Approximate location of observed potential illicit discharges, connection, or dumping:	Along South bank of outfall ditch NO 72012-OFDL-005636	Latitude:	30.303319
		Longitude:	-81.751992
Location address (if known):	1166 Lane Ave. South		
Brief description of observation:	Rutting and white pvc pipe found on south bank around 30ft from headwall		
Forwarded for further investigation to:	City of Jacksonville		Status: Open
Date:	08/28/2020		
Name: FDOT Randy Wilbourn	Phone Number: 904-360-5625		

Location Map



Picture of Observation





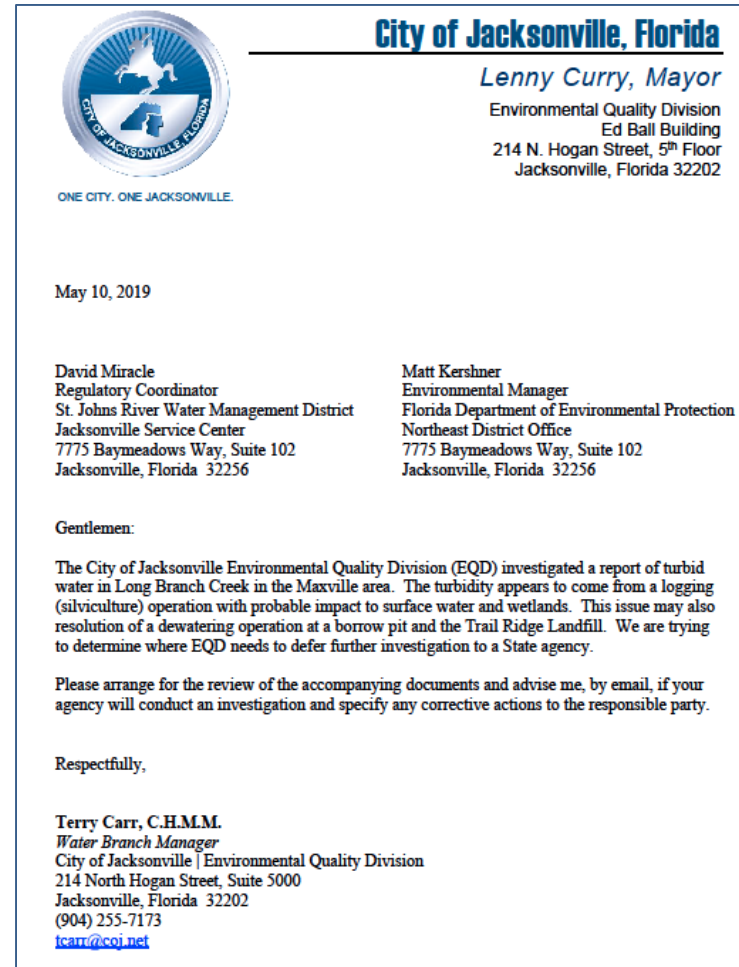
MS4 Permit Requirements Not Included in the COJ & FDOT D2 Interlocal Agreement (ILA)

EQD Program Area	COJ/FDOT ILA
Municipal Separate Storm Sewer (MS4) Structural Control Inspections	No
ESC Inspections (EQD inspects for COJ MS4 only)*	No ILA does not include ESC inspections for sites that discharge to FDOT D2 stormwater system

**** Proactive components***

Enhancement of Interagency Collaboration

- Started with existing relationships
- Expanded to address FDOT D2 needs for enforcement actions for ESC & ID impacts to FDOT D2 MS4
 - Meetings
 - EQD
 - FDOT D2
 - FDEP/NED
 - SJRWMD
 - Limitations
 - Jurisdiction
 - Staffing
 - Opportunities
 - Shadowing
 - Uniformity across jurisdictions



EQD Collaboration in State Regulatory Processes

FDEP/ Northeast District

- Joint Site Investigation
- Establish Applicability of FDEP Regulations
- Permit Determination
 - Construction Generic Permit (CGP)
 - Multi-Sector Generic Permit (MSGP)
- Enforcement
 - Waters of the State (WOTS)
 - Wetlands
- Mitigation Directives
 - (as part of COJ consent order requirements)

St Johns River Water Management District

- Joint Site Investigation
- Establish Applicability of WMD Regulations
- ERP Permit Determination
- Limits of Permit
 - Project boundaries, i.e., “treatment zone”
 - Surface water or wetlands
- Enforcement
 - Waters of the State (WOTS)
 - Wetlands
- Mitigation Directives
 - (as part of EQD consent order requirements)

Agencies' Enforcement Commonalities



- Extent of deviation from regulation or permit
- Potential for harm
- Adjustment factors
 - history of noncompliance
 - economic benefit gained from noncompliance
 - good-faith effort to comply and resolve the violation



Florida Department of Health – Duval County Collaboration

- Onsite sewage treatment and disposal systems (OSTDS)
 - Septic systems
- Targeted inspection areas
- Maintenance and repair requirements
 - Public education and outreach
 - Enforcement
 - Sanitary nuisance
 - Permits
 - Warning letters
 - Administrative orders
- OSTDS Program moving from FDOH to FDEP 07-01-2021

Agencies' Enforcement Collaborations

Agency	Investigate	Enforcement	Referrals
EQD	Yes (Program Areas)	Yes – with Limitations	From and to FDEP, SJRWMD, FDOH
FDOT D2	Limited (Some ESC)	No	Made to EQD through ILA or to FDEP Tallahassee
FDEP NED	Yes	Yes	From and to EQD
FDEP Tallahassee	Determine next referral	Depends...	FDEP NED or EQD
SJRWMD	Yes	Yes	From and to EQD
FDOH	Yes (Septic Tanks)	Yes	From and to EQD

FDOT & EQD Collaboration

IDDE Awareness Training

- Incorporated FDOT IDDE Online Training Video into Citywide Annual IDDE Training Program
 - (Offshoot of FDEP Statewide MS4 Permit Workgroup Discussions)



Efforts to Improve Collaboration

- Ongoing Dialogue on Referrals Processes:
FDEP, SJRWMD, FDOH
- Ongoing Enforcement Collaboration
 - assent from FDEP and SJRWMD for EQD lead
 - parallel proceedings
- Interagency Stormwater GIS and Database Training
 - COJ/FDEP/SJRWMD
 - (Result of COJ Resiliency Committee Effort)
- TAT Team (FDEP, FDOT, EQD, COAB, CONB, JEA, FDOH)
- Bureau of Professional Regulation (Restaurants)
- USACE Federal Wetlands training to EQD staff

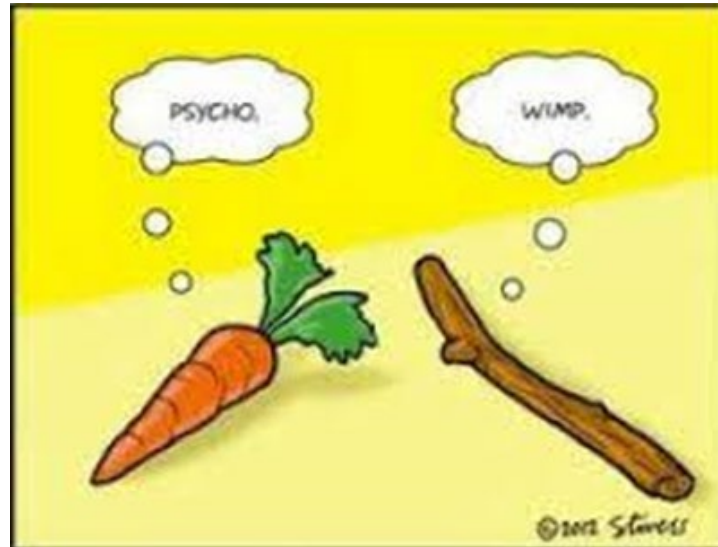
Successes as a Result of Collaboration

- Public Education & Outreach
 - EQD Compliance Assistance Presentation
 - FDOT
 - Engineers
 - Project Managers
 - Contractors
 - Trade Associations
 - Northeast Florida Builders Association (NEFBA)
 - Independent Authorities
 - JTA
 - JEA
 - Private entities
 - St Johns RIVERKEEPER
- EQD implementation of analog of FDEP Consent Order Model

Considerations to Improve Collaborative Between Local Co-Permittees and State Agencies

- Explore ways of removing legal barriers to EQD enforcement for FDOT MS4 impacts
- Virtual Inter-agency MS4 Workgroup Meeting
 - Frequency: Quarterly
 - Following FDEP Statewide Teleconference
 - Co-Permittees and Agencies
 - EQD
 - FDOT, D2
 - COAB
 - CONB
 - FDEP/NED
 - SJRWMD

Consideration to Improve Collaboration Among Statewide MS4 Permittees



- Share successes in incentivizing compliance?
 - Example: Construction site erosions and sediment control
 - Cost savings to developers and contractors
 - Entrance and exit stabilization/rubble grates versus repetitive street sweeping
- Other Ideas?...



Terry Carr, CHMM, Environmental Branch Manager
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