

Minutes - Quarterly Teleconference for Florida Phase I MS4s Wednesday, March 2, 2022

The next quarterly teleconference is scheduled for:

- June 29, 2022 @ 10:30 am
- Submit agenda topics to Sharon.Surita@FloridaDEP.gov
- [Subscribe to Phase I MS4 GovDelivery](#)

Welcome & Introductions – Michelle Bull

- In January, the NPDES Stormwater program merged with the Engineering, Hydrology and Geology program within the Division of Water Resource Management to form the Stormwater Technical Services. This will have little impact on the MS4 program.
- I am now the manager for the MS4 Coordinators, as well as the FDOT Coordinator.
[Stormwater Contacts](#)

Reapplication Requirements – Anna Lomasney/Matt Irwin

- Y4 Re-Application Requirements – in addition to the other Y4 reporting requirements, the Y4 AR also serves as the permit reapplication. I will review those re-application requirements, and then Matt will talk about some of the potential Assessment Program or SWMP revisions that may be needed. Please note that as we work through some annual report review backlog, you may receive Requests for Additional Information (RAI's) related to your Y4 permit reapplication.
 - Duty to Reapply – Part VII.C.
 - Y4 AR, including Assessment Program with revisions if applicable, AND revisions to the SWMP if pollutant loadings have not decreased over past two cycles.
 - Monitoring Requirements – Part V.B.5.
 - Submit Assessment Program as an attachment, with revisions to SWMP if loadings have not decreased (see Part V.A.).
 - Reporting Requirements – Part VI.C.
 - Reapplication includes an evaluation of SWMP effectiveness and directs you to review the information generated in Parts V and VIII.
 - Recommended SWMP revisions for each element in Part III as a result of the SWMP evaluation.
- The SWMP evaluation and status of the Assessment Program are key interrelated components of the Year 4 Annual Report and permit reapplication.
- The comparison of annual pollutant loadings from the current cycle's Year 3 to the previous cycle's Year 3 is a primary trigger for a SWMP evaluation if any increases in pollutant loading are identified.
- Other data, such as that generated through the assessment program monitoring plan, trends in observations in IDDE, or other SWMP activities can be used against, or in conjunction with, annual loading data to facilitate a thorough review and generate substantive SWMP revisions going into a new cycle. Conceptually, these revisions will address identified loading increases through targeted activities or revised approaches to stormwater management, when applicable.
- Please note: SWMP evaluations should be conducted by each permittee and co-permittee respective to their MS4 service area and SWMP; many permittees and co-permittees utilize a system-wide assessment program where data is generated by a lead entity. Unless it is specifically agreed upon, or unless the Assessment Program designed so that the lead entity is providing the analysis and identifying recommended SWMP revisions, we will be looking for that analysis and any applicable SWMP revisions from each permittee and co-permittee as a part of the reapplication review.

- With regards to the Assessment Program itself, going through this evaluation process may give insight into its effectiveness and the value of the data that it generates.
- If through this process, data gaps or other issues with implementation are identified, this is the time to make adjustments to the assessment program; these should also be reflected in the Year 4 AR/reapplication.
- We have received a few questions about the effects the transition from the current permit to the next round of permits will have on Assessment Programs.
- The revisions we have made to language associated with the Assessment Program has largely been for clarification and content consolidation – currently these requirements are located in a few different locations of the permit; we intend to make these two areas of both the current permits and the next permits compatible.

Q/A

- **Anne Capelli, Palm Beach County** – We have submitted year 4 annual report over a year ago. Are we discussing year 4 because of backlog?
MI, FDEP – a few permittees are approaching year 4 and also different coordinators are completing these reviews.

Illicit Discharge / Erosion & Sedimentation Control Inspections – Jason Maron

- Differences between Part III.A.7.c which requires permittees to conduct proactive illicit discharge inspections and Part III.A.9.b which requires permittees to conduct erosion and sediment and waste control inspections of active construction sites.
- Erosion and sediment control inspections are not and should not be included in your proactive illicit discharge inspection program. Your illicit discharge inspection program should be focused on inspecting areas of your jurisdiction where illicit discharges to the MS4 or most likely to occur. These areas to be inspected could be in industrial or commercial areas with restaurants, apartment complexes, hotels, automotive maintenance shops, and industrial facilities. Inspections could be in residential areas with older infrastructure where cross connections between the sanitary sewer and MS4 could be occurring. These same neighborhoods may have individuals improperly disposing of waste, improperly applying fertilizer so it directly enters the MS4, or simply people may be blowing leaves down the storm drains. There could also be various businesses impacting the MS4 in residential areas also. As you can see there are many things you could be inspecting as part of your illicit discharge inspection program.
- Construction sites are meant to be inspected for controls to prevent erosion, sediment, and waste from leaving the site. If the city's construction inspection program is working smoothly then it would not be expected that any discharges would occur under normal conditions since your inspections should be frequent enough to ensure the proper implementation of BMPs, maintenance of BMPs, and final stabilization of the site. This coincides with site plan review since your review should also ensure that the BMPs being implanted will effectively reduce offsite discharges so in some cases one silt fence unfortunately might not be enough.
- Illicit discharge inspections and erosion and sediment control inspections are two significant requirements of the permit and the inclusion or belief that construction site inspections can be counted as illicit discharge inspections could cause someone to be out of compliance.

Q/A

- **Keith McVeigh, Polk City PW Director** – requirement to inspect construction sites, if there is no illicit discharge, is there a need to inspect.
JM, FDEP – I was speaking on the distinction between the permit requirement parts. The goal of dividing them is to confirm that illicit discharges are taking place in a distinct program separate from ESC inspections.

Complaint Receipt Process for Department – Michelle Bull

- The NPDES Stormwater Program receives complaints via phone and email. Complaints are often forwarded from the EPA, a DEP District office, or other DEP program. We also receive complaints from MS4 permittees requesting assistance or forwarding a non-MS4 related complaint.
- Staff determine if the complaint is MS4-related, and forward to the appropriate permittees. Complaints may be illicit discharge, construction, or flooding related. We generally do not call the complainant before forwarding, unless we need additional information to determine if it may be an MS4 issue.
- We ask that the permittee investigate the complaint or provide a summary of the situation if the permittee is aware of the complaint. Submit findings of the investigation to DEP within one week of receiving the complaint.
- We expect permittees to respond to complaints from the Department as they would any stormwater complaint.
- We may evaluate the permittee's response to evaluate compliance with the structural maintenance, illicit discharge, or construction requirements of the permit.

Q/A

- **Hillsborough County** - Offices sending request for assistance, do you prefer that the requests go to the Tallahassee office or the regional office.
MB, FDEP – answered that the preference is to go to the Tallahassee office. Regional offices address if impacting WOTS, and the Tallahassee office addresses if impacts to the MS4. For offsite construction discharges, district offices should be sent the information. Unpermitted construction sites should go to Michelle Bull or the MS4 coordinator.

Direct Mail – Jason Maron

- Public Education and Outreach requirements: some cities are using Direct mail to distribute stormwater educational pamphlets/fliers to targeted neighborhoods or broad areas within the city. You're able to go online and there are many websites online that allow you to pick specific locations in a specified radius with various demographic filters to select a target audience to receive information. You all could simply use this for general public education and outreach but being able to pick a targeted neighborhood could be very beneficial several parts of the permit.
- A few examples include - targeted illicit discharge education to neighborhoods with a high number of illicit discharges recorded; distribution of TMDL educational materials within a that specific watershed to fulfill supplemental SWMP requirements; distribution of materials educating readers on proper fertilizer use in watersheds or area where ambient water quality monitoring data may be showing increases in total nitrogen and total phosphorus. These are all only recommendations, but these are all items that may be suitable to be included your SWMP evaluation effectiveness as part of your permit reapplications.

Q/A

- **MB, FDEP** – do any of our permittees use this Direct Mail approach currently?
Keith McVeigh, Polk City – we send flyers through water bills.
- **Errol**, Consultant – you mentioned websites. Are these for-profit websites. Are you identifying areas, packaging and they are mailing them? Do they have a link to the specific documents?
JM, FDEP – USPS may be the primary entity. Some Phase IIs stated they have the brochures printed and drop of at the USPS and it is distributed to that specific area. USPS does not have a link to stormwater specific documents.

Cycle 5 Permit Update – Matt Irwin

- We are looking at sending our current draft language to the working group in two weeks.
- Following that, we plan to schedule a meeting with the working group to provide an overview of the changes and facilitate discussion on key aspects of the language – we anticipate this meeting to occur a month after we send the draft.
- I will send all calendar invites. As of now the tentative schedule is:
 - 16 Mar: send the working group draft
 - 13 April: working group meeting
- Comments on the draft language are welcome; please send them to me in any convenient format prior to the meeting. We don't intend to go line by line over the permit language and comments during this next meeting like we have in the previous working group sessions; we will review all comments, and I will use them to take the pulse and facilitate our meeting.
- This is all a part of an ongoing process to get the permit language in as good of a place as we can, so we appreciate your patience, feedback, and support.

Q/A

- **Mark Heidecker, City of Tallahassee** – question on fact sheets, traditionally they have been provided without opportunity to comment. If this could be provided as a draft, that would be appreciated. We assume that the current cycle will be extended to year 6. How will this be disseminated to the permittees along with the specific requirements. It would be nice to see something official memo/letter from the DEP to notify the City staff.
MI, FDEP – administratively continued across the permittees for those submitting year 4.
MB, FDEP – we will look at coming up with a letter, decision schedule if the Year 4 annual report review hasn't been received, we can include a note. We do expect permittees to submit annual reports
- **Errol Boss** – We've gone through several administrative continuations and historically, the last year's annual report covered year 5 and the continuation period. We are now into the 6th month of the year 6 annual reporting period.
MB, FDEP – it's going to be on a case-by-case basis, because some are only continued for 3 months rather than a full year. The annual requirements of the permit would be required to be reported. Everyone is required to continue their activities so a report covering the time period would be required.
Terry Carr, City of Jacksonville – clarification that Errol is not speaking on behalf of the City of Jacksonville but for his own clarification.
MB, FDEP – comments for draft can include comments for draft sheet. If changes need to be made, then we send an amended track sheet with the intent to issue. We are working on drafting the fact sheet now but have not finished because the permit language is being amended.

eReporting Update – Jason Maron

- The Senior IT Business Consultant has been providing weekly updates on eReporting status. Based on

the most recent update the final technical analysis review is complete and an update to the eReporting analysis and development document is underway based off the review.

- The document will be submitted back to the NPDES Stormwater Program for final review and approval soon after.
- Phase IIs will be used to implement Phase Is process.

Audit Updates – Anna Lomasney

- See list attached to teleconference agenda for permittees due for an audit this year, before Sept. 30.
- Three FDOT FTE audits are also due and are updated herein.
- We will also be reviewing anyone due for an inspection.
- You may also be getting correspondence related to any Cycle 4 audits, RAI's, CAOL's that are still open and need to be completed for this Cycle.

General Updates – Michelle Bull

- Surveillance Fees (still have 6 that have not paid). It is important to keep DEP apprised if MS4 contacts change.
- Phase I pond inventory request – have about 40 permittees that have not submitted. Eric Simpson has been assisting with this request. An email will be sent out to request this data.
- Rulemaking – published current CGP. The CGP is planned for revision in the future and Matt Irwin will take the lead on this project.
- The Census has come out recently; however, the revised urbanized area maps have not been received from the EPA yet. This drives the areas that will be permitted. Most are not in Phase I counties, so it is not expected to affect Phase Is.
- Templates, Guidance, Manuals and Meeting Minutes can be found at [\\DepPubFS\PUBFDS\DWRM\NPDES Stormwater](#)
- FDEP requests topics to discuss along with willing presenters to discuss challenges overcome and implementation of the SWMP.

Q & A / Open Discussion

- **Mark Heidecker, City of Tallahassee**, regarding request for stormwater infrastructure, we've seen this as a security concern and used the exemption. This is an issue that will need to be addressed. **MB, FDEP** – our attorney is looking into the request.
- **Terry Carr, City of Jacksonville** – also brought up the security concern. Some MS4 GIS layers would pose a security risk. We have no reservation of making available to FDEP staff, but rather to the public.
- **BCA, FDEP** – previous discussions with DEP's Office of General Council made it clear that the infrastructure request is not exempt with respect to the information being requested.

NPDES Stormwater Contacts

Borja Crane-Amores	Program Administrator	850-245-7520
Michelle Bull	Environmental Manager/ FDOT Coordinator	850-245-7561
Anna Lomasney	Phase I MS4 Coordinator	850-245-8568
Matt Irwin	Phase I MS4 Coordinator	850-245-8643
Jason Maron	Phase I MS4 Coordinator	850-245-7568
Hector Rivera	Phase II MS4 Coordinator	850-245-8667
Alex Weeks	Phase II MS4 Coordinator	850-245-8495
Eric Simpson	MS4 Support	850-245-8385
Sharon Surita	MS4 Support	850-245-8607

List of permittees required to be audited by September 30, 2022

*not inclusive of all audits that will be conducted

Broward County Co-permittees

(Anna Lomasney)

Coconut Creek
Cooper City
Coral Springs
Deerfield Beach
Hallandale Beach
Lauderdale by the Sea
West Park
Weston
Wilton Manors

Palm Beach County Co-permittees

(Matt Irwin)
Atlantis
Belle Glade
Greenacres
Jupiter
Lake Worth
Manalapan
Mangonia Park
South Bay

Miami-Dade County (Jason Maron)

Coral Gables
Cutler Bay
Doral
Hialeah Gardens
Homestead
Key Biscayne
Medley
Miami Lakes
Miami Shores
Miami Springs
Miami-Dade Expressway Authority
North Miami Beach
South Miami
Sunny Isles Beach
Surfside
Virginia Gardens
West Miami

Pinellas County Co-permittees

(Matt Irwin)
Madeira Beach
North Redington Beach
Oldsmar
Safety Harbor

FDOT (Michelle Bull)

District 6, Miami-Dade
FDOT FTE-Broward
FDOT FTE-Palm Beach
FDOT FTE-Polk

Permit #	Permit	MS4 Coordinator
FLS000002	City of Miami	Jason Maron
FLS000003	MIAMI-DADE COUNTY	Jason Maron
FLS000004	SARASOTA COUNTY	Jason Maron
FLS000005	PINELLAS COUNTY	Matt Irwin
FLS000006	HILLSBOROUGH COUNTY	Anna Lomasney
FLS000007	City of St. Petersburg	Matt Irwin
FLS000008	City of Tampa	Anna Lomasney
FLS000009	City of Temple Terrace	Anna Lomasney
FLS000010	Reedy Creek Improvement District	Jason Maron
FLS000011	ORANGE COUNTY	Jason Maron
FLS000012	City of Jacksonville	Matt Irwin
FLS000013	City of Jacksonville Beach	Matt Irwin
FLS000014	City of Orlando	Jason Maron
FLS000015	POLK COUNTY	Anna Lomasney
FLS000016	BROWARD COUNTY	Anna Lomasney
FLS000017	City of Ft. Lauderdale	Anna Lomasney
FLS000018	PALM BEACH COUNTY	Matt Irwin
FLS000019	ESCAMBIA COUNTY	Matt Irwin
FLS000020	City of Hollywood	Anna Lomasney
FLS000023	City of Hialeah	Jason Maron
FLS000032	PASCO COUNTY	Jason Maron
FLS000033	LEON COUNTY	Matt Irwin
FLS000034	City of Tallahassee	Matt Irwin
FLS000035	LEE COUNTY	Anna Lomasney
FLS000036	MANATEE COUNTY	Jason Maron
FLS000037	City of Bradenton	Jason Maron
FLS000038	SEMINOLE COUNTY	Jason Maron
	FDOT	Michelle Bull