

Quarterly Teleconference for Florida Phase I MS4s

Wednesday, January 25, 2023

Meeting Minutes

The next quarterly teleconference is scheduled for:

- April 26, 2022
- Submit agenda topics to Sharon.Surita@FloridaDEP.gov
- [Subscribe to Phase I MS4 GovDelivery](#)

NPDES Stormwater Contacts:

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Anna Lomasney	Phase I MS4 Coordinator	850-245-8568
Jason Maron	Phase I MS4 Coordinator	850-245-7568
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Sharon Surita	MS4 Support	850-245-8607

Welcome & Updates – Michelle Bull

- Both Phase II Coordinator roles are vacant. Contact me for Phase II questions.
- Ryan Ripple, new OPS Environmental Specialist II, will be assisting with administrative tasks and audits.
- Currently developing an improved audit report tool.

Cycle 5 Update – Michelle Bull

- The latest draft of the Phase I Permit template is open to comment by all permittees at the following link.
- https://publicfiles.dep.state.fl.us/DWRM/NPDES_Stormwater/MS4/PhaseICycle5/
- The link includes -
 - Draft permit
 - Presentation explaining the changes made to the permit.
 - Excel spreadsheet to submit comments.
 - Download.
 - Select the “Comment Type” drop down and enter the respective comment for each permit part.
- Submit comments to Matt.Irwin@floridadep.gov by **February 24, 2023** on provided spreadsheet.

Cycle 5 Q & A

LEGAL AUTHORITY -

Melanie Weed, Pinellas County: Will DEP be looking at compliance programs to back up legal authority? Many small municipalities have the authority but no compliance system to back it up.

Michelle Bull: One of the goals of the new permit is to include interlocal agreements. We do expect ordinances to be implemented even when belonging to the more robust County ordinances. We are evaluating legal authority during audits and requiring new ordinances or agreements where needed.

MS4 OPERATIONS -

Heather Maggio, City of Tampa:

- Requested justification of inspection schedule being reduced from 10 years to 5 years. "I don't think you are taking into account the amount of structures within the MS4s. We will have to double the budget to conduct inspections."
- Why doubling inspection frequency for catch basins, inlets, grates?
- Cassidy Reichert: Double the budget and double staffing, which we have no resources for.

Melanie Weed:

- This will be a huge hardship for the larger MS4s.
- Double the budget.
- This would require budgetary changes that may require increase of stormwater fees, this can take a couple of years.

Amanda Boone, Sarasota County:

- The inspection frequency should remain at 10 years and allow the MS4 to conduct more often where appropriate.
- The change from 10 years to 5 years will require double the staff and double the budget. Additionally, this cannot be done within one year.
- This change is setting all up for immediate failure to comply

Michelle Bull: Based on audits, it's been identified that inspecting structures once every 10 years is not frequent enough to ensure adequate maintenance. Note, only inspection frequency was changed, and maintenance is only required depending on the inspection findings. The Department will approve of less frequent inspection frequencies for the applicable permit identified structures. The permittee must demonstrate that historic operation and maintenance records indicate a less frequent inspection schedule is appropriate and that the stormwater management system will continue to function as designed and permitted with the reduced inspection frequency.

Anne Capelli, Mock Roos: Perhaps the "pipes, culverts, ditches, conveyance swales" should be moved to the next section "catch basins, inlets & grates" so that an evaluation of the inspection frequency can be determined by the permittee for each pipe, culvert, ditch and conveyance swale. like 3

Michelle Bull: Please provide this in the comment spreadsheet.

ILLECT DISCHARGE -

Ron Edenfield: Can you define adverse incidents or spills? How does this relate to "reportable quantities" as defined elsewhere by FDEP.

Michelle Bull: Generally speaking, handling of the chemicals; for example, FFL discusses cleanup and response. Please add this to the comments, but generally this would not meet the threshold of the reporting to the State Watch Office. We can ensure that it is made clear in the permit or the permit resource manual.

Anne Capelli, Mock Roos:

- This isn't a permit for sanitary systems, so why is this in our stormwater permit?
- Sounds like the sanitary rules need to be updated rather than placing it here.
- They have separate funding mechanisms (utilities) making it even more difficult to cross utilities with requirements.

Steve Peene, ATM: SSOs only apply when they become illicit discharges into MS4 system. Not reportable by MS4 unless impacted. Must be clear.

Heather Maggio: So, we are required "to report any noncompliance that may endanger health or the environment?" what are the thresholds? Please consider removing as this is not appropriate.

Michelle Bull: Pollution from sanitary sewer systems have a high likelihood of impacting stormwater systems. As a potential source, it is the permittees responsibility to work with appropriate Departments to prevent/eliminate discharges. The MS4 permit is for the entire municipality, not just the stormwater programs.

HIGH RISK FACILITIES -

Anne Capelli, Mock Roos: Not seeing much in the high-risk facility section that isn't/couldn't be covered in the priority proactive illicit inspection section.

Total Maximum Daily Loads (TMDLs) -

Anne Capelli, Mock Roos: Where can the "DEP TMDL workplan or the TMDL draft list" be found? Can DEP provide a copy of all relevant versions of these documents at the time a permit is issued?

Michelle Bull: We will include link to [DEAR website](#) in the resource manual.

[Final TMDL Reports](#)

[Draft TMDL Reports](#)

Anne Capelli, Mock Roos: TMDLs are updated periodically, and the same ones won't apply to everyone.

Michelle Bull: We include the list of adopted TMDLs in the Draft Permit Fact Sheet, which may not be inclusive of all adopted TMDLs by the issuance date. Permittees will have to verify when meeting TMDL requirements.

Gregory Knothe, Polk County: Could 4e plans be underway at the time or would they need to be new 4e plans?

Michelle Bull: If a 4e plan has been adopted prior to permit issuance, they cannot be used. Those plans in development may be approved on a case-by-case basis through discussion with the permittee and DEAR.

Melanie Weed: The ambient monitoring option for TMDL pollutant load evaluation has been removed. We have had lengthy discussions with legal and I will try to provide documentation.

Matt Irwin: The targeted water quality monitoring option has not been removed. One of the three options can be applied, not all 3.

Melanie Weed: The language will be revised to be more clear.

Ron Edenfield: Bacteria, I presume, is primarily directed at fecal. That said, have there been any breakthroughs that we are unaware of related to distinguishing between "natural" vs anthropogenic?

Michelle Bull: All current adopted bacteria TMDLs are for Fecal Coliform. If you have a TMDL, verify that the WBID is impaired for the most recent indicators (E. coli or enterococci). Chemical tracing is available and listed in the Toolkit. More labs are available throughout the state for analysis.

PERMIT RESOURCES -

Susan Hochuli, City of Bradenton: What is Department's schedule for having its internal resources expanded to handle the increased requirements the permitholders are being required to do, such as staff, possible funding, sources for permit holders.

Michelle Bull: The permit resource manual is being revised to include such guidance.

Anne Capelli, Mock Roos: Will the resource manual be made available by the time the permits are issued?

Anna Lomasney: The manual is anticipated to be updated/issued this summer.

Mallika Muthiah, Miami-Dade County: Could you please provide some resources regarding public outreach requirement?

Jason Maron: We can discuss this offline for Miami-Dade County, but outreach examples will as be included in the resource manual.

GENERAL PERMIT TOPICS -

Susan Hochuli: Is there any information on if our permit surveillance fees will be increased?

Michelle Bull: Increases will likely require rulemaking. When 62-4 F.A.C. is opened, the fees will likely increase. This is not expected to occur soon.

Melanie Weed: Thank you for streamlining the permit template and including positive updates. Can we push back the due date on comments? Two weeks is short, especially for the large MS4s who have multiple departments involved and are currently in the middle of budget development.

Michelle Bull: We can add another week, but we are trying to get the permit as finished as possible before permit issuance to reduce comment periods and permit variations. The due date for comments is **February 24, 2023**.

Samantha Hamilton, New Port Richey: Do you have a draft annual report form prepared yet?

Joseph Thames, Pinellas County: Will we be receiving a draft version of the annual report template?

Anna Lomasney: A draft annual report is in development and will be included

Maggie Giraldo, Kimley-Horn: When do we expect the permit to be adopted?

Michelle Bull: We anticipate permit issuance starting in summer/fall. We do not plan on issuing all draft permits at once and will be staggering issuance. We will send out permit decision schedules within the next couple months.

List of permittees required to be audited and/or inspected by September 30, 2023

*not inclusive of all audits/inspections that may be conducted

**strike through indicates audits/inspections already completed

Bradenton - Audit

(Jason Maron)

Broward County - Audits

(Anna Lomasney)

Broward County

Lauderdale Lakes

Lauderhill

Lighthouse Point

North Lauderdale

Sunrise

Escambia County - Audit

(Matt Irwin)

Pensacola

Ft. Lauderdale - Audit

(Anna Lomasney)

Hillsborough County - Audits

(Anna Lomasney)

Hillsborough County

Plant City

Hollywood - Audit

(Anna Lomasney)

Lee County – Field Inspections

(Amanda Lomasney)

Carlos Estates Drainage District

Miromar Lakes CDD

Sanibel

River Ridge

Manatee County – Field Inspections

(Jason Maron)

Manatee County

Homes Beach

Bradenton Beach

Palmetto

Anna Maria

Miami - Audit

(Jason Maron)

Miami-Dade County - Audits

(Jason Maron)

Golden Beach

Palmetto Bay

Pinecrest

Miami-Dade County – Field Inspections

Aventura

Bal Harbour

Indian Creek Village

North Bay Village

Miami Beach

Palm Beach County - Audits

(Matt Irwin)

Palm Beach County

Boynton Beach

Gulf Stream

NPBCID

Ocean Ridge

Palm Springs

Riviera Beach

West Palm Beach

Palm Beach County – Field Inspection

North Palm Beach

Pinellas County - Audits

(Matt Irwin)

Belleair Beach

Kenneth City

Largo

Pinellas Park

Pinellas County – Field Inspections

Pinellas County

Dunedin

Belleair Bluffs

Clearwater

Gulfport

Indian Rocks Beach

Seminole

St. Pete Beach

Treasure Island

South Pasadena

Tarpon Springs

Belleair

Polk County - Audits

(Anna Lomasney)

Lake Hamilton

Mulberry

Polk County – Field Inspections

Eagle Lake

Fort Meade

Lake Alfred

Lakeland

Polk City

Winter Haven

Sarasota County - Audits

(Jason Maron)

Sarasota County

North Port

Sarasota

Venice

St. Petersburg – Field Inspection

(Matt Irwin)

Tallahassee - Audit

(Matt Irwin)

Temple Terrace - Audit

(Anna Lomasney)

FDOT - Audits

(Michelle Bull)

District 3, Leon

District 7, Pinellas

FDOT – Field Inspections

FDOT FTE – Miami-Dade

Permittee's Respective Coordinator Contact		
Permit #	Permit Name	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



PROPOSED CHANGES: PHASE I PERMIT

Phase I Quarterly Teleconference
January 25, 2023



PROPOSED CHANGES: PHASE I PERMIT RESTRUCTURE

Part I	Discharges authorized under this permit.
Part II	Stormwater pollution prevention and management programs.
Part III	Schedules for implementation and compliance.
Part IV	Numeric effluent limitations.
Part V	Total maximum daily loads.
Part VI	Evaluation of the SWMP.
Part VII	Reporting requirements.
Part VIII	Other specific conditions.
Part IX	General conditions.
Part X	Definitions.



PROPOSED CHANGES: PHASE I PERMIT PART I

Permit Area

A. Permittee Responsibility

- Permits may reference specific permit-area joint programs

B. Authorized Discharges

C. Prohibited Discharges

- Renamed from Limitations on Coverage
- Relocated list of allowable non-stormwater discharges from Part II



PROPOSED CHANGES: PHASE I PERMIT

PART II

Introduction.

- Relocated MEP; Narrative Effluent Limitations from TMDL section.
- Iterative approach.

A. SWMP.

- II.A.1 – II.A.9 requirements incorporated to Part III.A.
- Added requirements for written SOPs.

B. Legal authority.

- Consolidated legal authority requirements of permit.
- Added options for regulatory mechanisms.
- Review authority; submit citations in Year 4 AR



PROPOSED CHANGES: PHASE I PERMIT

PART II (continued)

C. SWMP resources.

- Submit fiscal analysis in Year 4 AR.

D. Recordkeeping requirements.

E. Area-specific SWMP requirements:

- Permits will reference all previously approved TMDL implementation plans (including BPCPs) and BMAPs.

F. Deadlines for program compliance.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.1 – MS4 OPERATIONS

A. Major outfall mapping.

- Report outfalls added/removed annually.

B. Non-major outfall mapping.

- New section; develop inventory within 5 years.
- Report outfalls added/removed annually.

C. MS4 inspection and maintenance.

- Increased inspection frequency for linear conveyances to once every five years.
- Added ID component for all MS4 inspections.
- Relocated possible maintenance activities from table to SOP.
- Added evaluation of segments for increased maintenance based on history
- Inspect ERP systems in accordance with ERP requirements.



PROPOSED CHANGES: PHASE I PERMIT

TABLE III.A.1.C – MINIMUM INSPECTION FREQUENCY

**Proposed inspection frequency if less than Table III.A.1.c.*

- *Approved by DEP prior to implementation.*
- *Historic operation and maintenance records demonstrate a less frequent schedule needed.*
- *Not to exceed the five-year permit term.*
- *Update SOP with approval documentation*

***Florida Department of Transportation (FDOT):*

- *comply with the inspection requirements in Table III.A.1.c, or*
- *with the inspection schedule included in the SSWMP (MRP/MMS) for weirs and control structures, and pipes and culverts.*



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.1 – MS4 OPERATIONS (continued)

A. Catch basin, inlet, and grate management.

- New section. Develop and identify performance/operations-based inspection frequencies. Evaluate structures for upgrades.
- Increased inspection frequency to once every five years.
- Submit catch basin, inlet and grate management program in Year 1.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.2 – ROADWAYS AND PUBLIC USE AREAS

A. Street sweeping program.

- Clarified that section applies to owners/operators of roadways with curb/gutter.
- Report total miles.
- FSA MS4 Tool TP/TN load reduction reporting moved to Assessment Program section.

B. Litter control program.

- Include public use areas.

C. Road repair and maintenance.

- Moved maintenance facilities to High-Risk Facility section.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.3 – STORMWATER MANAGEMENT

A. Comprehensive planning and development.

- Adhere to comprehensive plan (or similar); local codes and regulations that incorporate stormwater quality considerations.

B. Land development regulations and stormwater ordinances.

- Added review of ordinances to identify language that is prohibitive of (in addition to changes to promote) low impact development (LID), green stormwater infrastructure (GSI), Florida friendly landscaping.
- Consolidated all code review with Year 4 reporting.

C. Post-construction stormwater management.

- Application review.
- Relocated ERP coverage notification and confirmation.
- Permits will reference applicable local regulations.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.4 – PESTICIDES, HERBICIDE AND FERTILIZER

A. Ordinances.

- Added review of local codes and ordinances to identify potential changes that will further reduce the impacts of pesticides, herbicides and fertilizer; due in Year 2 annual report.

B. Pesticide, herbicide and fertilizer application.

- Added reporting requirements for adverse incidents or spills.
- FDOT: changed reference from SSWMP to “A Guide for Roadside Vegetation Management.”

C. Certification.

- Removed annual reporting requirements.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.5 – ILLICIT DISCHARGES AND IMPROPER DISPOSAL

A. Dry weather field screening.

B. Illicit discharge detection and elimination (IDDE).

- Combined proactive inspections and reactive investigations.
- Relocated public reporting mechanism from III.A.7.e.

C. Spill prevention and response.

- Relocated reporting of sanitary sewer overflows from III.A.8.a

D. Prevention of sanitary sewer contamination.

- Clarified that section applies to owners/operators of sanitary sewer systems.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.6 – HIGH RISK RUNOFF

A. Municipal facilities.

- Consolidated pollution prevention, including inspections, at municipal road maintenance facilities and waste treatment, storage or disposal facilities.
- List structural and/or non-structural BMPs in SOP.

B. High-risk facilities.

- Identify the North American Industry Classification System / Standard Industrial Classification system codes in inventory.
- Report facilities added to or removed from the inventory.

C. Monitoring of high-risk facilities.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.7 – CONSTRUCTION SITE RUNOFF

A. Site planning and BMPs.

- Clarified site plan review SOP.
- Construction general permit (CGP): confirm during plan review OR inspection.
- Refer sites that did not obtain CGP coverage to DEP.

B. Site inspection and enforcement.

- Clarified pre-, during-, and post-construction inspections are required for sites that qualify for CGP coverage.
- Identify inspection frequency for other sites in SOP.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.8 – EMPLOYEE TRAINING

A. MS4 inspector training.

- New Section. Added training topics: stormwater components, facility stormwater BMPs and erosion, sedimentation and waste controls for road repair.

B. IDDE training.

C. Spill response training.

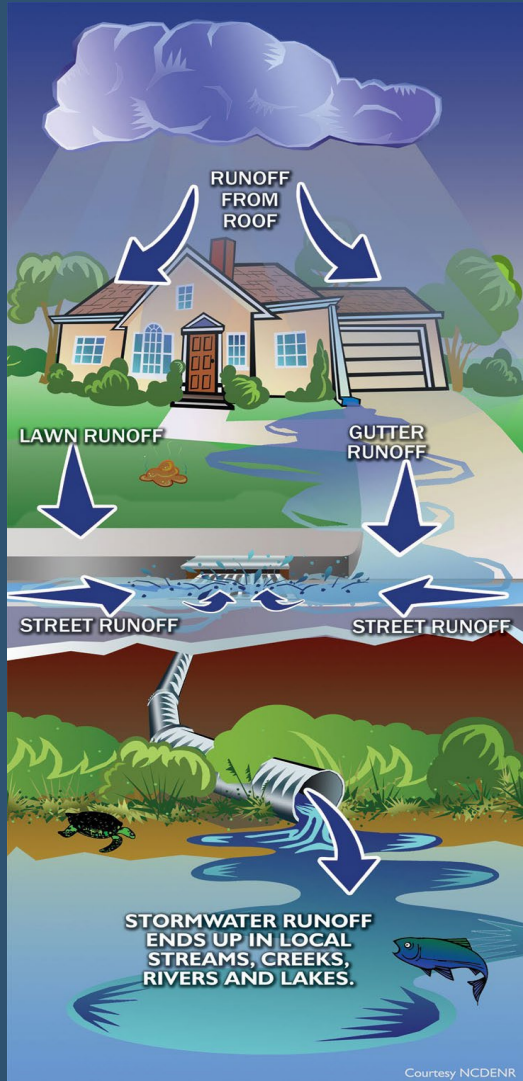
D. Construction training.

- Removed “equivalent program approved by the department.”
- PLACEHOLDER: Reference to 2022 [EPA Construction Inspector training](#).
- Clarified reporting: total number FSESCI AND annual training.



PROPOSED CHANGES: PHASE I PERMIT

PART III.A.9 – PUBLIC EDUCATION AND OUTREACH



- Consolidated III.A.6, 7e & 7.f education requirements.
- Separated illicit discharge topics.
 - Water quality impacts.
 - Reporting.
- Added education requirements.
 - Impacts of litter/trash.
 - Maintenance of private stormwater systems.
 - Promotion of LID/GSI practices.
- Expanded target audience to general public and businesses.
- Written SOP (submit with Year 1 annual report).
 - Evaluate/measure program effectiveness.
 - Written agreements.



PROPOSED CHANGES: PHASE I PERMIT

PART V – TMDLs

- Removed "BMAP in development" language.
 - A. TMDL prioritization.
 - B. Prioritized non-bacteria TMDLs.
 - C. Prioritized bacteria TMDLs.
 - D. Basin Management Actions Plans (BMAPs).
 - E. Reporting.



PROPOSED CHANGES: PHASE I PERMIT

PART V.A. – TMDL PRIORITIZATION

1. TMDL prioritization plan.

- Clarified to prioritize a different WBID each permit cycle.
- If do not discharge to TMDL WBID, submit a letter to DEP.

2. Alternative restoration plans.

- Added option to prioritize a Category 5 impaired waterbody in lieu of a TMDL.
- Added standards for prioritizing a 4.b or 4.e plan.
- Schedule will be developed by DEP and permittee.



PROPOSED CHANGES: PHASE I PERMIT

PART V.B. – PRIORITIZED NON-BACTERIA TMDLs

1. MS4 pollutant loading evaluation plan.

- Combined outfall prioritization plan and monitoring sections.
- Clarified purpose of plan.
- Requires one of three monitoring or modeling approaches.
- Each option has plan requirements

a. Storm event outfall monitoring, OR

b. Pollutant load reduction modeling, OR

- Added option.
- Minimum inputs, including use of regional event mean concentrations.

c. Targeted water quality monitoring.



PROPOSED CHANGES: PHASE I PERMIT

PART V.B. – PRIORITIZED NON-BACTERIA TMDLs (2)

2. TMDL implementation plan.

- Baseline pollutant loading.
- Analysis of water quality trends and/or pollutant loadings.
- Areas wherein pollutant reductions are needed.
- Existing BMPs and load reductions.
- Identification of BMPs planned for further reductions.
- Schedule for BMPs and projected load reductions.
- Ongoing monitoring strategy.
- Proposed corrective action if implementation is ineffective.



PROPOSED CHANGES: PHASE I PERMIT

PART V.C. – PRIORITIZED BACTERIA TMDLS

1. Bacteria source identification plan.

- New section. Separated identification activities from BPCP.
- Schedule for Walk-the-Watershed or equivalent.
- Water quality monitoring.
 - Monitoring frequency within the MS4 or receiving waters.
 - Map of monitoring locations.
 - Exceedance thresholds that trigger source tracking, follow-up monitoring and/or other elimination activities.



PROPOSED CHANGES: PHASE I PERMIT

PART V.C. – PRIORITIZED BACTERIA TMDLS (2)

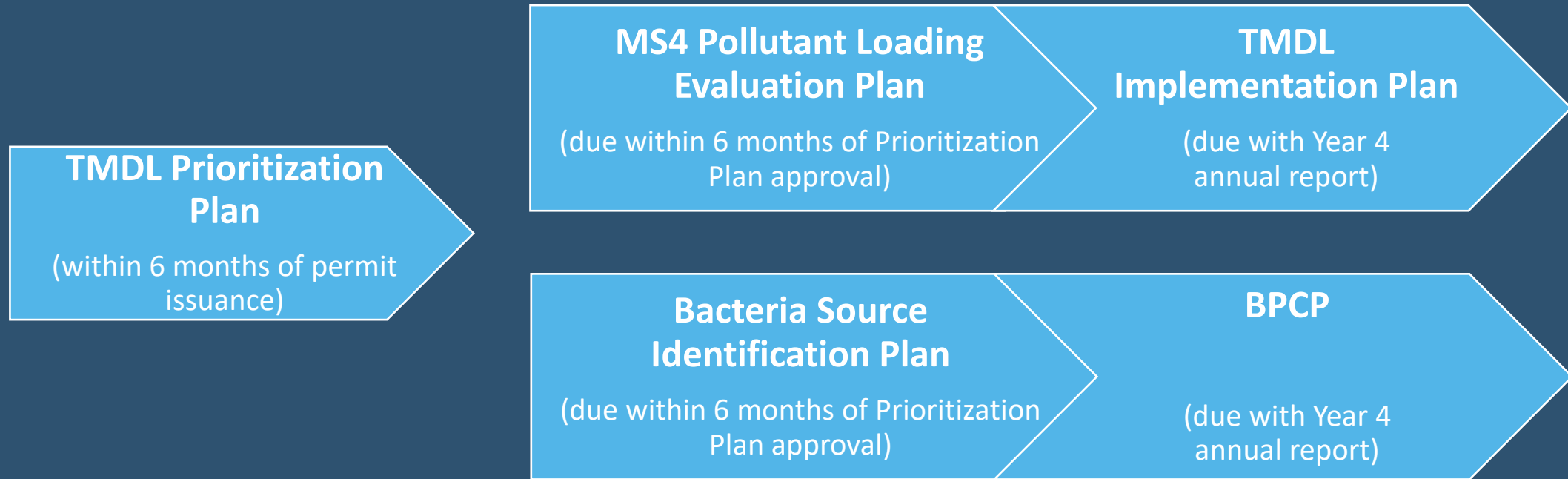
2. Bacteria pollution control plan (BPCP).

- Summary analysis of bacterial source identification plan.
- Description of activities implemented to identify, eliminate or reduce bacteria loadings.
- Schedule for BMPs and other source management measures.
- Ongoing monitoring strategy.
- Proposed corrective action if implementation is ineffective.



PROPOSED CHANGES: PHASE I PERMIT

PART V.E. – TMDL REPORTING



Note, alternative restoration plans are not listed on this timeline, as the schedule will be developed between DEP and permittee

ANNUAL REPORTS

- Updates for previously approved TMDL implementation plan(s) and/or BPCP(s).



PROPOSED CHANGES: PHASE I PERMIT

PART VI – EVALUATION OF THE SWMP

A. Assessment program.

1. Water quality monitoring.
2. Pollutant loading estimates.
3. SWMP evaluation.
4. Changes to approved assessment programs.



PROPOSED CHANGES: PHASE I PERMIT

PART VI.B. – ASSESSMENT PROGRAM REPORTING

1. Permit cycle updates.

2. Annual reporting.

- Florida Stormwater Association MS4 load reduction assessment tool.
- Summary of assessment program results.
- Summary of strengths and weaknesses, SOP revisions.

3. Pollutant loading comparison.

4. SWMP evaluation results.

- Due with Year 4 annual report.
- Summary analysis of water quality and/or pollutant loading improvements or degradation over permit period.
- Results of SWMP effectiveness evaluation.
- Recommended revisions or additions to SWMP.
- Evaluation of assessment program.



PROPOSED CHANGES: PHASE I PERMIT

PART VII – REPORTING REQUIREMENTS

- A. Annual report: reporting period and due date.
- B. Annual report: certification and signature.
- C. Permit reapplication.
 - Added regulatory mechanisms under Part II.B.
 - Added fiscal analysis Part II.C.
- D. Where to submit.
 - Added eReporting language (tool under development)
- E. Additional notification.

Removed “Annual Report: Content” section.



PROPOSED CHANGES: PHASE I PERMIT

PART X – DEFINITIONS

- Added definitions
 - Structural controls ([Description of Stormwater Structural Controls](#)).
 - TMDL, WLA, WBID.
 - Phrases specific to the permit.