

Meeting Notes
Quarterly Teleconference for Florida Phase II MS4 Permittees
Wednesday, December 16, 2015
1:30 - 2:30 pm EST

DEP Representatives:

- NPDES Stormwater Program

Next quarterly teleconference for Phase II NPDES Coordinators:

- March (Tentative) @1:30 ET
- Call in #: (877) 809-7263
- Participant Passcode: 224 532 71#
- Submit agenda items at least 2 weeks prior to the teleconference to Candace.Richards@dep.state.fl.us.

Notes:

NPDES Stormwater MS4 Contacts:

Borja Crane-Amores	Program Administrator	(850) 245-7520
Candace Richards	Phase II MS4 Coordinator	(850) 245-7523
Cierra Robinson	Permit Coordinator	(850) 245-7542

Administrative

Reminder to all Permittees:

- Send updated contact information when staff changes
- Provide the Responsible Authority email address on the annual reports
- No additional attachments are required with the annual report.
- Always use your approved Notice of Intent for reporting
- More detail information is encouraged for summary of result section in the annual report, however, ensure you are still capturing what the measurable goal is asking.
- There have been some Cycle 3 notice of intents that do not have all required minimum control measures. If this is the case when you submit your annual report a modification to your permit will be needed.

Determination for Coverage under MSGP

- Municipalities may have facilities with operations that are regulated
 - i.e. Fleet Maintenance Yards, Landfills, Municipal Yards, Municipal Recycling Facilities, Marinas, Airports, Waste Transfer Stations, etc.
- Sector P as an example regulates ground transportation facilities and rail transportation facilities that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and equipment cleaning operations.
 - Sector P also covers facilities under SIC code 4221–4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops or equipment cleaning operations but do have areas where material handling

equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

- Contact me for assistance when making these determinations for your facilities.

Q: Jay Kamys, St. Johns County: Fleet Maintenance facilities, would it only be required if you discharge?

A: No, there are options for a No Exposure Exclusion if you are performing the regulated activities. For the MSGP, coverage may not be required if your stormwater management system can retain a 100-year 24 hour without a discharge. Reasonable assurance must be provided. Please contact Cierra Robinson for in depth determination.

Audit Schedule

The list of potential permittees to be audited in 2016 went out with the notes for the last canceled teleconference information. Attached you will find the completed list with the tentative quarters of when you can be expected to be audited. If any of these timeframes conflict with your schedule, please let Candace know as soon as possible.

Overview of what has been done during DEP fiscal year:

So far in the DEP fiscal year (July 1 – present) 9 municipalities have been audited. Last year we audited 20 municipalities most of which were a proactive approach which is completed on a non-reporting years to ensure the permittees program is being performed properly. We will be conducting some proactive inspections for this fiscal year but most will be lined with the Year 2 annual report for cycle 3 permittees.

Successes throughout the year:

- Thorough tracking mechanisms / organization

Common deficiencies:

- Public participation – many meetings are not publically noticed – this is only required for meetings not for public participation outreach events.
- Proactive illicit discharge inspection – no documentation, SOP/checklist
 - Acceptable efforts if they are being performed daily is to have an SOP that has this specifically listed, or have a checklist that states you are actively checking for illicit discharge. This should be done during routine maintenance of your system.
 - Make sure if an illicit discharge is found that you have a formalized way to document such discharge
 - More detailed information is listed under the open discussion section
- Training: The Department expectation for training to be performed at least once annually. The training does not have to be a formalized training program, it can happen during safety meetings just providing information to the staff to prevent and reduce stormwater pollution from municipal activities.

Q: Marian K, Town of Lady Lake – What is an acceptable frequency for training, is annual okay?

A: Training events should be conducted annually.

Phase II MS4 Generic Permit Update

The Draft Phase II permit has been reviewed and sent out to the workgroup. The workgroup received the Draft permit last week and they will have until January 31, 2016 to send their comments. Once we have received all of their comments we will address them appropriately and step up a teleconference to discuss them with the workgroup.

****Please Note:** There has been no formal rule making procedural steps, all proposed language is subject to change.

The list below highlights some of the main changes you will see in the draft permit.

- Written in plain language, question and answer format
- All educational material and training requirements are in one element
- Include a maintenance and inspection frequency for structural BMPs
- In addition to proactive, reactive illicit discharge investigations
- Developing standard operating procedures (SOPs) for all components of the permit
- Requirements for street sweeping & catch basin clean outs
- ERP staff assisted with the revision to the language on Post-Construction element
- Implementation of BMAP and TMDL requirements. BMAP requirements are consistent with language in Phase I MS4 permit. Criteria for TMDLs discharges (new element 7) are to prioritize water bodies and develop a schedule for implementing structural or non/structural BMPs to address the pollutant of concern.

Q: Rick Baird, Osceola County – You stated that SOPs will be a new requirement for all portions of the permits? Example Public Outreach events. How would you do an SOP on all components?

A: Yes, SOPs will be required for all components of the permit. The public education and outreach sections will be different than your typical inspection SOP. The Department will evaluate the need to create template SOPs for permittees to utilize when creating them.

Q: What kind of events should be publically noticed? Clarify what Public Notice means? Does a post in the newspaper count?

A: Public notices should be posted for all events that are applicable, the newspaper counts as form of notice.

Q: Matt Mitts, City of Vero beach – Vero Beach is currently in a BMAPs, and we are working on reaching our reductions, if we do street sweeping now, get a reduction, does the city lose that credit in BMAP process?

A: The proposed BMAP language is consistent with what is stated in the Phase I MS4 permit which states that if you are within a BMAP you must comply with the provisions of the BMAP. If you are outside of the BMAP boundaries and discharge to a TMDL you would have to prioritize those waterbodies. The City will not lose any credits obtain through the BMAP process, However, you will not be able to retroactively apply any credits for future requirements.

Q: Carolina Alvarez, Brevard County – Can we please have more clarification on Element 7. We already have a BMAP and our MS4 also discharges into St Johns who does not have BMAP but has a TMDL(s), how would that work?

A: Since you are already in a BMAP you will adhere to the provisions of the BMAP. For other discharges into TMDL waterbodies you would follow the requirements listed in element 7. This would include developing a list of waterbodies that have a TMDL, prioritizing them using relevant factors and then developing a schedule for implementing BMPs based on the pollutant of concern. In the draft permit we have listed suggested BMPs that can be utilized, we do not expect all of them to be performed. However, all of this is subjected to change.

EPA Proposed Phase II Rule

EPA has proposed modification to the Phase II rule in response to the Ninth Circuit Partial remand. The rulemaking changes will focus only on the regulation necessary to address the remand. The proposed rule has a deadline to be completed by December 17, 2015 following a 75 day comment period. The Department plans on reviewing the material and providing comments as necessary. Attached you will find detailed information on the 3 proposed options.

E-Reporting Rule

EPA published the e-reporting rule on October 22, 2015 with an effective date of December 21, 2015. This rule requires the electronic reporting and sharing of specific data elements received from permittee, facilities or entities permitted under the Clean Water Act NPDES program. Permittees and authorized NPDES Programs will use existing, available technology to electronically report information and data related to the NPDES permit programs. This rule does not change the information required from NPDES-permitted facilities under existing regulation and practices.

Key components of the rule include:

- Within one year after effective date of rule **(Phase I)**: authorized NPDES programs must start electronically transmitting to EPA, information will include: basic facility information, DMRs, compliance monitoring, inspections and enforcement actions.
- Within five years after effective date of rule **(Phase 2)**: authorized NPDES programs must begin electronically collecting, managing and sharing the remaining set of information. Including Generic permit reports and annual reports. **This will be when it effects the Phase II MS4s.

The state is required to develop an implementation plan that includes a schedule of millstones for program data submission. DEP has an internal workgroup that has been assembled to review the rule requirements and start to develop the implementation plan. A meeting has been scheduled to discuss with our program lawyers if there will be a need to revise our regulation to adopt the e-reporting rule.

Open Discussion

Q: Clay Black, Hernando County – Hernando County will be up for permit renewal in 2017, will these changes affect them?

A: The draft language proposes that those Permittees would be “grandfathered –in”. Once the rule has become effective the new requirements would be addressed upon reissuance, though this is not yet finalized.

Q: John Dowler, City of Brooksville – Could you provide clarification on the Annual Reporting period, what counts prior to reporting period?

A: The annual reporting period is for year 2 and year 4 of your 5 year permit cycle. The permittees are to report only on the 12 month period for those 2 years.

Q: Does the Department send out any reminders for renewals?

A: Yes, Candace sends out an email reminder 30 days before due date.

Q: Rick Baird, Osceola County – Could you please give a brief overview of what constitutes entire MS4 system? What’s typically left out?

A: The entire MS4 system would consist of conveyance or system of conveyances like roads with stormwater systems, municipal streets, ditches, curbs, catch basins, underground pipes, or storm drain.

Proactive Illicit Discharge programs generally consist of the following cornerstones:

1. Illicit discharge ordinances which provide the MS4 with the proper authority to identify and eliminate pollutant sources should include:
 - Definition of illicit discharge, illegal connection or dumping;
 - Provide authority to access private property where sources of illicit discharge are suspected to perform inspections and identify pollutant sources;
 - Provide authority to eliminate or stop activity causing pollution; and
 - Provide authority to utilize enforcement action when necessary.
2. Routine Inspection of MS4 or municipal facilities should include:
 - Routine maintenance or functional inspection of stormwater system should include inspection for signs of an illicit discharge;
 - One method is to create zones within urbanized area and develop a routine schedule that will assist staff in completing inspections and maintenance of the entire MS4 system.
 - When signs of an illicit discharge exist, conduct investigation to identify the source; and
 - Eliminate the source using education and outreach or enforcement authority.
3. Areas of older infrastructure, industrial or commercial areas, or areas with history of illicit discharge activity should be prioritized and inspected at least once during the permit cycle, and may include:
 - Restaurants and grease trap overflows.
 - Sanitary sewer pump station failures and overflows.
 - Areas where stormwater treatment are absent.
 - Areas with industrial uses.
 - Areas where illicit discharge or illegal connection are problematic.

Tentative Audit Schedule

Alachua County	Quarter 1 (January)
City of Gainesville	
University of Florida	
Tyndall AFB	Quarter 1 (February)
City of Parker	
Okaloosa County	
City of Milton	Quarter 1 (March)
Santa Rosa County	
University of West Florida	
Marion County	Quarter 2 (April)
City of Ocala	
Hernando County	
City of Punta Gorda	Quarter 2 (May)
Charlotte County	
City of Daytona Beach	Quarter 2 (June)
City of Daytona Beach Shores	
City of New Smyrna Beach	