

Quarterly Teleconference Phase II MS4 NPDES Coordinators
Wednesday, April 18, 2018
1:30 - 3:30 pm EST

Minutes:

- Welcome – Borja Crane-Amores
- Staff Updates – Borja Crane-Amores
 - Hector Rivera and Jason Maron are the new Phase II MS4 Coordinators
- Adoption of the Remand Rule – Borja Crane-Amores
 - The Federal Phase II Permit Rule has been adopted by reference. There were no comments received during public comment period. FDEP sent out an Outreach Letter that detailed high level overview of the changes required by the rule. (This has been included with the minutes.)
 - The process improvement which requires the permitting authority to approve the BMP Descriptions doesn't changed Florida's current process—permittees are already familiar with RAI process.
 - The requirement to be “clear specific and measurable”, was defined by EPA. (See definition in response to FSA's inquiry below.)
 - We are required to address TMDLs—which have always been requirement in the current 2003 Generic Permit. Either the permittee will continue to follow the BMAP or prioritize and develop activities to address their pollutant loadings to TMDLs.
 - Mention of the E-Reporting Role was also included. DEP is obligated to develop by 2020 a tool to receive reports electronically and transmit to EPA

Questions:

- City of Naples: Do we follow the same protocols for submission until the electronic tool for 2020 tool is built (Yes)
Is there a way to pay electronically? (Yes, once the permit has been processed, FDEP will notify the permittee that the fee is ready to be paid online. FDEP will provide guidance for how to pay online.)
- Clay Black – Hernando County – Is the public notice process for renewals only? (Yes)
- Diane Hughes - Martin County - The DEP is reviewing discharges to TMDLs? (Borja: Part of the Remand Rule and a part of the current 2003 State rule is the FDEP is assessing additional terms and conditions to discharges you may have to TMDL waterbodies. It's being included in the Appendix A - element 6 with a BMP description, Measurable Goal and Schedule for implementation/completion. For a BMAP the PMTEs will follow the BMAPs provisions in 403.067 F.S. This language has already been proposed in some renewal permits.)
- Kurt Spitzer – FSA – Permits needing to be clear specific and measurable. Can you expand on that contrasting MEP? (EPA has defined clear specific and measurable. We will send this definition with the minutes as we are

relying their definition. Only associated with our evaluation of the BMP Descriptions and not necessarily with any specific data.)

- “Clear” means requirements are expressed in a manner that establishes certainty as to what specific actions the permittee is expected to take.
 - “Specific” means that the permit provides a level of detail in requirements that portrays the level of effort need to comply with the MS4 permit standard.
 - “Measurable” means that the permit requirement has been articulated in such a way that compliance with it can be assessed in a straightforward manner.
- Sandy – Public Notice will happen after the current RAI process? (Yes)
- Status on update of Phase II Generic Permit – Borja Crane-Amores
 - DEP adopted the Phase II MS4 Federal Rule January 26, 2018 and will make clerical modifications to the 2003 State rule sometime in 2018-2019.
- Cycle 4 Permit Renewals – Cierra Robinson
- We have about 40 permits pending to be processed (either NOI, Draft Package, or RAI). Thank you all for working with us so patiently as we get through this transition into new staff and the updates from the Remand Rule. Two things you can expect to see during the Cycle 4 renewal process are comments to acknowledge Element 5 on you RAIs and then the public notice process.
 - Post Construction (Element 5)
 - The key word for Element 5 is “acknowledge”. We want you to identify the qualified alternative program that satisfies this requirement for your MS4s.
 - Some permittees have a more stringent program, and that’s fine—you all keep doing what you’re doing.
 - There’s just an issue, as you can imagine, as result of turn over and just skipping Element 5 all-together results in the possibility that no one knows it’s there.
 - So, we’re asking that it’s acknowledged, and we also give example language modeled after Charlotte County to help provide some clarification there.
 - Public Notice Process
 - The next thing you can expect to see before the permit is issued is an email that includes the public notice information.
 - So far Volusia County is the first and only Phase II to go through this process—kudos!
 - The way this process works, if you haven’t submitted your renewal yet or if you have and you’re waiting for our response:
 - Send in your completed NOI by the deadline, as usual.
 - We review and send an RAI if necessary, as usual.
 - Once we’ve gone through the RAI process (if necessary) and have an NOI that both the MS4 and the department are ready to roll

with, we will send you a draft package with the public notice information included.

- If you're familiar with the Phase I MS4 permits, it's a very similar, in fact, virtually identical process as far as I understand.
- The package includes the language that would need to be published in a newspaper of general circulation to provide the public the opportunity to comment.
- Once the public comment period ends we will send the intent to issue coverage.
- Big thing: you don't publicly notice it before you send it to us.

Questions:

- Diane Hughes – Has Vero Beach had any comments? (So far, we haven't heard of any comments from Vero Beach)
- Audit Schedule – Cierra Robinson
 - We have about 12 permittees who we are anticipating will be audited this year. As usual we will call in advance to schedule the audit and ideally get the Audit Notifications out to you all at least 30 days before the audit. We will send the tentative Audit Schedule for this year with the minutes from today's teleconference.

Permittee	Tentative Date
Brooksville	June 2018
Federal Bureau of Prisons	June 2018
The Villages CDD 1 - 10	June 2018
Mount Dora	June 2018
City of Rockledge	July 2018
FDOT Turnpike	July 2018
Florida Atlantic University	July 2018
FDOT District 4	July 2018
Florida City	July 208
St Cloud	August 2018
Town of Windermere	August 2018
City of Minneola	August 2018

- Common audit and reporting deficiencies – Hector Rivera
- The primary item for issues we've seen during audits:
 - Please be prepared to explain your processes and show supporting documentation.
 - For example, if the BMP/Measurable Goal is referring to training, we would be looking for sign-in sheets.
 - If the BMP/Measurable Goal is about weighing debris collected, we would be looking for daily/weekly logs, etc.

- For processes, we want to see your forms, SOPs, outreach material, ordinance, record of inspection, training documentation, etc.
- Site Visits:
 - When we conduct a site visit during an audit, we want to see how the MS4 conducts their audits.
 - Have inspection report forms and SOPs ready to utilize.

Common Reporting Deficiencies:

- The primary reporting deficiency is related to permittees deviating from the approved NOI
 - Please use the language specified in the approved NOI when generating Annual Report(s).
 - Any changes that were not pre-approved in a previous Annual Report, OR recommended/required through some other medium (such as an Audit Report), should be first requested on the Proposed Change Form—which is Section III of the departments guidance Annual Report Form.
 - Meaning, if there was an item that was not conducted, the MS4 should still include it in the Annual Report and report zero (if applicable).
 - If it was not completed and the permittee wants to change or update the BMP Description, utilize the form to make the update. If the change is approved, the permittee would include the new information on all subsequent reports.

Questions:

- Sue Moore – FDOT 7 – Can you provide insight for examples of issues that have come up that would put a permittee out of compliance? (Reporting zero, not conducting a BMP program, ordinances not meeting the intent of the element and onsite **audits evaluation.**)
- Open Discussion – Borja Crane-Amores (No questions)

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