

Quarterly Teleconference Phase II MS4 NPDES Coordinators
Wednesday, July 18, 2018

Minutes:

- Welcome – Borja Crane-Amores
- Teleconference Topics – Borja Crane-Amores

The department requests topics from MS4s in the months leading up to each teleconference. If you have topics for anything you would like the NPDES Stormwater Program to address, please submit them to Robin.Babin@floridadep.gov.

- Template Appendix A – Borja Crane-Amores

The NPDES Stormwater Program is in the process of developing a master guidance document of BMP descriptions per Element. This collection of BMPs are optional and can be used as guidance to assist MS4s in developing and implementing their Stormwater Management Program. This will be a living document on our FTP site. It may also service in the development of the E-Reporting Rule.

Questions – Master Template

John Dowler, City of Brooksville—Seeking clarification on the Master Template.

Cierra, FDEP – The template will be a suite of BMPs for permittees to consider incorporating to increase permit effectiveness. The purpose is to provide guidance and it is something that we may continually add to as we see great examples from Phase II MS4s

John Dowler, City of Brooksville—How long until it is available.

Cierra, FDEP – This is a new effort that we are in the beginning stages, so it may be a few months before we have something to share with you all.

- Remand Rule Review – Cierra Robinson

Just a recap for any MS4s that weren't present on previous teleconferences, EPA adopted changes to the federal regulations for Phase II Small MS4s generic permit as result of a remand from the US court of Appeals.

It was determined that the permitting authority must be able to review BMPs selected by the MS4 to ensure that efforts will reduce pollutants in the discharge to the MEP and that public notice, public comment and the opportunity to request a hearing per the CWA are satisfied.

FDEP adopted the rule by reference on January 26, 2018.

- The review of BMPs prior to reissuance was already exercised in Florida.
- The two primary changes that (Cycle 4) Renewals have been implementing since that date are publicly noticing the (Draft) NOI and Appendix A and the incorporation of acknowledging Post-Construction SW Management, BMAPs and TMDLs.

Over the next two years, the department will also be working towards the electronic receipt of all submissions by 2020 per the E-Reporting Rule (which was also addressed in the Remand Rule changes.)

If anyone has questions or did not receive a copy of the outreach letter, please feel free to reach out to me directly (Cierra.Robinson@floridadep.gov).

Questions—Remand Rule

Fred Noble, FDOT – Expressed concerns with the process of implementing the Remand Rule, NOIs and the public notice process. Asking if FDEP will address the concerns that were voiced by FDOT.

Borja FDEP — Yes, we have evaluated the request from FDOT and are addressing the concerns initially voiced on how the procedural process will be finalized. We will have the response for FDOTs questions as soon as possible.

Fred Noble, FDOT – Requested an ETA for response from the department

Borja, FDEP —We are hoping to have a response within a month or so. We are working through the language to ensure the concerns are addressed and the documents are being reviewed by several parties at the department to confirm the legitimacy of any and all updates changes to our Draft Packages prior to providing to FDOT.

Fred Noble, FDOT — Expressed concerns with the department addressing TMDLs outside of an adopted BMAP.

Borja, FDEP—The program has worked with the DEAR programs and with MS4s upon request on proposed language for the best way to implement what works to meet the requirements and what works for the permittees.

Kurt Spitzer, FSA— Expressed concerns about implementing TMDLs without a BMAP. Stated that FDEP should update the state GP prior to implementing the language into Appendix A.

Borja — We are open to discussions on this topic. Ultimately, the language is currently being proposed in the current Appendix A for renewal. Upon request the program has and will meet with MS4s to discuss the best approach to implementing TMDLs.

Katie Lockman City of Naples – How can permittees go about developing language to address this new (TMDL) requirement.

Borja—Please set up a meeting with the coordinators or myself to discuss the best approach for your MS4.

Tammy Mayfield City of Melbourne—Permit was renewed July 2017, contacted in February to ensure no new requirements. Will Melbourne need to update prior to renewal?

Cierra, FDEP – Changes can be made utilizing the Annual Report form at any time.

However, the city will only be required to update their permit for the next renewal of the 5-year Cycle.

- Standard Operating Procedures and Staff Contributions – Jason Maron

The department wants to emphasize that the responsibilities of the permit are not for a single individual but for the entire municipal staff. Each of the department/employees that play a role in the permit can assist in the gathering of results for the annual reports. Some permittees may have a difficult time, dividing responsibilities of the permit and to avoid this an SOP can be created for the entirety of the permit.

The SOP will identify the details and requirements of each BMP in the permit and the responsible persons for these BMPs. Once the responsible persons are identified for the BMPs a table or other form of information tabulation can be created and sent to each of the responsible persons for the permit. At the end of the reporting period the information gathered from the responsible parties can be sent back to the primary Annual Report writer where it can be consolidated into the Annual Report.

We understand that this may not be applicable to all MS4s, due to size constraints, but many of you may find this a viable option.

- Common Deficiency on Annual Reports – Jason Maron

The department approves the use of zero in the summary of results when applicable. The department asks the permittees to include a narrative justification of why zero was reported within the summary of results. If a justification is not provided in the annual report, the permittee can expect a justification for reporting zero to be a Required Improvement of the report.

- Audit Schedule – Hector Rivera

The following are the list of permittees that the department will be auditing in the next upcoming months:

August: Town of Windermere; St. Cloud; City of Minneola and Edgewater.

September: Florida Atlantic University and Florida City.

- Common audit and reporting deficiencies – Hector Rivera

A typical approach to auditing involves three basic steps: (1) conducting the audit, (2) identifying problems or deficiencies, and (3) fixing those identified problems or deficiencies. Each audit encompasses the review of all 6 minimum control measures (better known as

Appendix A) and there is also a field component. The field component consists of the visit of a construction site or fleet maintenance yard, industrial facility, etc. During this event, the MS4 coordinator will shadow a routine inspection of the site.

How can you prepare for an audit?

The following are typical records that your coordinator may review while conducting an MS4 Phase II compliance audit:

- Educational and outreach material
- Public participation program
- Annual reports
- Outfall map
- Ordinances
- Notice of Intent documentation
- Waste disposal invoices or manifests
- Hazardous substance spill control and contingency plan
- Site plans / Stormwater Pollution Prevention Plans (SWPPPs)
- Sediment and erosion control plans
- Stormwater management program plans
- Operation and maintenance plans
- Notices of noncompliance
- Notices of violations
- Administrative orders
- Local ordinance or regulatory mechanism.
- Training manuals
- MS4 inspection reports

The following are typical physical features the coordinator may observe while conducting a field / site compliance audit:

- Discharge outfall pipes
- Floor drains
- Parking lot drains
- Stormwater management facilities
- Covered storage facilities
- Erosion and sediment control devices.
- Sediment traps and basins
- Outdoor storage areas exposed to Stormwater
- Waste, litter, debris, oil or chemical stains.

- Minimum Control Measures - Cierra Robinson

In-line with the expectations for audits, we thought it might be helpful to do a quick overview of the intent of the MCMs with respect to what we would be expecting for BMP descriptions in renewal or new NOIs and what supporting documentation would be reviewed for audits.

- Element 1 – Borja Crane-Amores
 - Most MS4s have a BMP description for developing a webpage and/or distributing newsletter, this may not be the most economic and transparent way to reach your targeted audience. Consider utilizing a social media platform or developing an app. to reach a different demographic. MS4s can use analytics to account for the number of stormwater related topics, number of group followers, number of comments, or “likes”
- Element 2 – Jason Maron
 - Participation effort, we see a lot of general education, or presentations that are given that don’t have an opportunity for the residents to participate in the permit. MS4s should review their BMPs for Element 2 and ensure there’s some contribution coming from the public AND indicate how the opportunities are publicly noticed.
- Element 3 – Cierra Robinson
 - Outfall Map is straight forward. Just make sure it’s updated as necessary, has all known outfalls and identifies names and locations of waters which receive discharges from those outfalls.
 - Make sure the ordinances both define and prohibit illicit discharges and illicit connections. If you have doubts about your ordinances, feel free to send them over and we can review them together.
 - Proactive and Reactive Discharges are both critical to the success of this Element. Make sure you’re logging inspections and SOPs are always recommended to ensure the MS4 is prepared for new staff and efficient/accurate execution
 - 3 target audiences:
 - Public: This information should explain how to identify, prevent and report illicit discharges with scenarios relevant to the everyday activities of your residences. Some examples are; proper disposal of hazardous materials, like paints and solvents; how to discharge pool water while minimizing adverse effects on water quality standards; proper application of fertilizers and pesticides; etc.

- Employees: This segment is not limited to public works staff. All staff should be exposed to the information about identifying and reporting illicit discharges.
 - Businesses: We recommend that all outreach to businesses be industry specific. The department has been sending out examples from the City of Melbourne for guidance on developing these materials. Some examples of activities in correlation with their industries are; restaurants not dumping fats, oils and greases into storm drains or inlets; landscaping companies blowing grass clippings back onto the lawns and out of the MS4; automotive industry BMPs for preventing polluted discharges; etc.
- Element 4 – Hector Rivera
 - A-C, Ordinances must include sanctions to ensure compliance, requirements to install ESC BMPs and requirements to control construction related waste.
 - Site Plan review, the MS4 must review site plans for ESC considerations. Some instances MS4s limit which site plans are reviewed. The rule of thumb, if it has the potential to contribute an illicit discharge, the MS4 should have oversight.
 - There should be a way for MS4s to receive comments specific to construction sites. Also, the method whether it's a phone number, email address or web submission needs to be well advertised.
 - Inspections need to be logged. SOPs recommended. Frequency is recommended at least pre, during and post construction.
- Element 5 – Jason Maron
 - Satisfied by ERP. MS4s are meeting these requirements per the regulations of the ERP program. Some MS4s have outlined more stringent requirements and that works too!
- Element 6 – Cierra Robinson
 - Operation and Maintenance activities/inspections/etc. should be logged
 - Employee trainings should be conducted at least annually
- Car Washing/Pressure Washing – Cierra Robinson

Information covered in the linked guidance is specific to Mobile Vehicle Car washing, but may be valuable to permittees for addressing discharges from various other activities:

- Mobile or stationary vehicle washing
- Pressure washing

- Carpet cleaning
- Pool discharge
- Color runs

Types of car washing:

- Mobile Vehicle Washing
 - Based: company warehouse, bus station, dealership
 - Intermediate: Parking lots, gas station for fundraisers, etc.
- Stationary (car washes for passenger and commercial/industrial vehicle wash facilities.)
- Residential/Individual

All car washing activities produce wastewater. By-products of oil, grease, petroleum products, dirt, grit, heavy metals, detergents and other pollutants can all result in violations of water quality standards if not properly managed. Operators of car washes should follow appropriate BMPs regarding car washing and pressure washing (or any activity that could result in non-stormwater discharges) to address potential illicit discharges.

The residential/individual washing of cars is an allowable non-stormwater discharge; however, the department recommends MS4s consider distributing information to educate the public on how to minimize runoff and pollution during these activities, like washing on pervious (grass) surfaces and using biodegradable detergents.

Examples of BMPs:

- Minimize wastewater by using high pressure, low volume techniques and equipment
Discharge to on-site swales, grassy areas
- Contain wastewater with containment booms/pools, storm drain covers, dispose of into sanitary sewer system
- Use minimal detergents and cleaners, use biodegradable soaps

Options for discharging wastewater:

1. Discharge to a Municipal Sanitary Sewer System: Discharges to municipal sanitary sewerage systems go to a wastewater treatment facility. Discharges to a sanitary sewer must have prior approval from the wastewater utility and may require pretreatment.
2. Discharge to Land or Ground: A grassy ground surface can provide treatment for small (i.e. minimal ponding and no runoff) and infrequent discharges. Damage to plants and soil can be avoided by minimizing the use of soaps, detergents, and chemicals. Any solids must be filtered out of the waste stream.
3. Discharge to Surface Water: Discharge of wastewater to stormwater systems or to surface water is prohibited without an NPDES wastewater permit. For more information

concerning the permitting requirements involved in discharging to surface water, please contact the local DEP office.

Ultimately, educating those in the industry, as well as residents, to use relevant BMPs is the best way to protect water quality. We intend to develop guidance documents from the NPDES Stormwater program, but if you have any questions or would like educational materials/guidance please visit the FTP site.

ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/Guidance/Education&Outreach/

Questions – Car Washing

Kim Jones City of Sebastian – What about residential car washing?

Cierra, FDEP – Even though individual residential car washing is listed as an allowable non-stormwater discharge, the department always recommends the use of BMPs for any non-stormwater discharges. If blocking or redirecting wash water away from inlets is impractical, washing over pervious (grass) instead of impervious surfaces is away to add filtration to the discharge.

Patty E-Sciences – There’s a local MS4 that is looking at dune work with small equipment and trucks near the ocean, anything specific to rinsing salt off equip?

Cierra, FDEP – This one I’m not 100% sure on. We will have to investigate this and provide information after the teleconference. Please send an email with the details and we can do some research and let you know.

Tammy Mayfield, City of Melbourne – Car washing suggested BMPs for fundraisers?

Cierra, FDEP – This would be considered the “Intermediate Mobile Vehicle Washing” and so storm drain covers and mats, utilizing on-site swales, grassy drainage areas would all be applicable

City of Port St Lucie – How would those conducting car washing for fund raisers know to use BMPs

Cierra, FDEP—This would be a good example of the intention of an effective education and outreach program for the public in BMP 3d of the Illicit Discharge Program.

- Conclusion/Fire drill – Cierra Robinson

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