

Minutes
Quarterly Teleconference for Florida Phase II MS4
NPDES Coordinators
Wednesday, December 11, 2019 1:30 - 2:30 am EST

Next quarterly teleconference for Phase II NPDES Coordinators:

- **March 11, 2020 @ 1:30 pm**, same Call-in information:
- Submit agenda items at least 2 weeks prior of the teleconference to Robin.Starkie@floridadep.gov
- Sign up in GovDelivery for teleconference notifications.
https://public.govdelivery.com/accounts/FLDEP/subscriber/new?topic_id=FLDEP_439
- Please fill out the following survey on your municipality's MS4 structural control and outfall inventory, and GIS capabilities. This information will help us develop estimates for converting and inputting your MS4 data into the statewide layers. <http://floridadep.Statewide-MS4-GIS-Questionnaire.sgizmo.com/s3/>

NPDES Stormwater Contacts:

Borja Crane-Amores	Program Administrator	850-245-7520
Hector Rivera	Phase II MS4 Coordinator	850-245-8667
Jason Maron	Phase II MS4 Coordinator	850-245-7568
Sarah Ketron	FDOT Coordinator/Rulemaking	850-245-8495
Michelle Bull	Phase I MS4 Coordinator	850-245-7561
Steve Cioccia	Phase I MS4 Coordinator	850-245-8568
Jonathan Turner	Phase I MS4 Coordinator	850-245-8482

Teleconference Notes

Ashok Raichoudhury, Broward County – Proactive Inspection Program

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- Background -
 - Overview
 - Most growth happened in Broward County after Phase I MS4 Stormwater permit issued
 - About 2/3 protected on westside of county (everglades)
 - Bound to the east by Atlantic Ocean with offshore reef
 - Several canals that drain to ocean; except two
 - All drinking water is from groundwater aquifer 50 ft. below surface
 - Regulations are in place to protect critical water resources
- Regulation of stormwater-
 - Prohibit non-stormwater discharges to surface or ground, unless allowed, such as listed in DEP's rule.
 - Ex. Commercial car washes are not allowed to discharge into storm drain
 - Broward County has jurisdiction all over the county
 - Interlocal agreements are executed with municipalities in county for consistency
- Common sources of illicit discharges-

- Marinas
- Broward County is built out, but construction sites continue to be a problem due to lack of space for adequate BMPs.
- Re-development is challenging due to nowhere to handle pumped groundwater
- Seaport/Shipping Industry
 - Rotten fruits and vegetables discharged to storm drain could contribute fecal coliform
- Bulk petroleum storage
- About 4,000 Small Quantity Generators who obtain operating license and are inspected
- Small-scale industries not regulated by agencies
 - Granite shops
 - Using water for dust reduction during cutting discharging to storm drain
 - Pet food manufacturing (discharge bad batches behind shop)
 - Mobile pet grooming
 - Vehicle wash at rental car agencies
 - Body shops
 - Restaurant industry
 - Approximately 7,000 food operations must properly dispose of used cooking oil which is often staged outside

- 12 bacteria TMDLs in County where cooking oil and chicken fat may be a source
 - Open dumpsters
 - Tree Nurseries
 - Use written nursery BMPs in coordination with Green Industries
 - Pool Maintenance Shops selling chemicals
 - Advise DEP of facilities who need coverage under the MSGP
- Outreach -
 - Businesses such as chain restaurants can leverage outreach in response to enforcement
 - Publix
 - Vehicle washing Enterprise rental car
 - For unpermitted facilities:
 - Provide brochures at time of inspection
 - Webpage
 - Annual Water Matters event
 - Free trees and plants
 - 4,000 people attended in March
- Enforcement
 - Emerald Award
 - Incentive for exceptionally well maintained and no past violations

- Fines up to \$15,000 depending on environmental impact
 - Goal is to not close business but bring them into compliance
 - If warnings are ignored, then enforcement is escalated
 - A warning is issued first and can be escalated to a Notice of Violation
- Broward County maintains an Environmental Lab to perform chemical analysis and other functions related to enforcement
- Enforcement Administrator & Hearing Office (quasi-judicial)
- Prioritization of Illicit Discharge Inspections
 - Start in the office (desktop analysis)
 - Review complaints - Hotline established for 30 years
 - GIS Layer review
 - Areas with older infrastructure
 - Industrial, commercial, or mixed-use
 - On-site sewage disposal systems
 - Upstream of impaired waterbodies
 - History of compliance issues
 - Assign a rating - Low, Medium, or High risk
 - Annual Inspection
 - Broward performs annual inspections in 26 municipalities
 - Goal to inspect all municipalities every 5 years
 - About 10% -15% of inspections an illicit discharge is found
 - Complaint data used to determine chronic areas

Update: MS4 GIS Inventory – Jonathan Turner

DEP is requesting everyone complete the following survey on your municipality's MS4 structural control and outfall inventory, and GIS capabilities. This information will help us develop estimates for converting and inputting your MS4 data into the statewide layers.

<http://floridadep.Statewide-MS4-GIS-Questionnaire.sgizmo.com/s3/>

Minimum Control Measure 2 (Public Involvement / Participation) – Hector Rivera

The intent of the element is to involve the public in stormwater activities. Successful implementation of this element should: facilitate public support; use local information to increase interest; provide opportunities for the public to participate in program development and implementation, including effectively publicizing public hearings and encouraging resident's participation; and building partnerships within the community and related local government programs.

Examples:

- Community clean-ups
- Facility Tours
- Workshops
- Storm drain stenciling
- Keep My City Beautiful program
- Interactive public meetings
- A copy of the Stormwater Management Program (SWMP) and annual reports available for public review and comment

- Public presentation concerning SWMP development.

Consider the following when encouraging involvement and receiving input from the public.

- How do you provide opportunities for public participation in the decision-making processes associated with the development, implementation, and update of programs, and other activities associated with the permit?
- How do you communicate and update with local groups in your MS4, such as watershed and river keepers' associations, environmental organizations, and others civic groups?
- Your method of making your MS4 reports available to the public. (i.e. city/town/county website, at municipal offices, or by mail if requested.)
- Provide adequate public notice and suitable opportunities for the public to review stormwater ordinances, fees, and budgets, and acknowledge public comment before adopting or amending the ordinance.
- Consider including at public meetings a summary of the ongoing implementation of your SWMP, including activities and accomplishments, and allow time and opportunities for public feedback and input.

What to take into consideration when involving the public?

- Create an interactive meeting and promote an atmosphere of participation.
- Promote the critical thinking of the participants.
- Keep the audience engaged during the whole process.
- Ensure they are making sense of the information.
- Local, civic, and religious groups can play a key role in the continuation and success of this element.

In conclusion, permittees can have different Best Management Practices that are required to be implemented per the Schedule of Implementation. Please ensure you implement the requirements of your SWMP and maintain adequate records and documentation that shows your required BMPs are implemented and Measurable Goals are being tracked.

Construction Site Inspections – Jason Maron

The department recommends conducting inspections at a minimum, pre-construction, during construction, and after construction. Pre-construction to ensure the operator has properly installed erosion and sediment controls; during construction to ensure the operator is maintaining those controls; and after to ensure the site has been fully stabilized and doesn't have the potential for erosion.

Permittees should evaluate the intended frequency of inspections per permittee procedures and may need to conduct inspections more frequently depending on site specific criteria. Site specific considerations can include

soil type, compliance history with the contractor, weather conditions, and if the site has made a direct connection to the permittee's MS4.

The permittee should be aware that all construction sites have the potential to discharge pollutants from the moment clearing has occurred up until final site stabilization has been established. For all new developments, necessary inspections should be occurring after the infrastructure of a development is completed and single home lots are being constructed. These single home lots being constructed by different or the same contractor are part of a larger common plan of development and there should be pollution prevention measures in place on these sites. This phase of construction can have a higher potential to discharge pollutants because, most times, they have connected to the MS4.

A construction site inspection should also ensure adequate waste controls and storage of materials are being implemented on site. Commonly seen construction waste includes concrete, bricks, scrap metal, and plaster. Hazardous materials seen on construction sites can include paint thinners, strippers, solvents, fluorescent bulbs, and aerosol cans and must be disposed of according to local, state, and federal laws.

The department recommends using a detailed checklist during construction inspections as this checklist will ensure that all items that should be inspected, are inspected. An example checklist is included in these minutes.

Stacey Slavichack (Florida State University) – Asks if any universities on call with an established construction inspection program.

Jason – Will reach out to University of Central Florida (UCF) about their procedures identified during audit.

Stacey – Inquiring about a list of MS4 coordinators at universities

Note: A list will of university contacts will be developed in future to allow for coordination between permittees.

Private Sanitary Sewer Legal Authority: Borja Crane-Amores

- City of Largo (Phase I MS4) has a robust ordinance and program in place to issue permits, conduct inspections and levy fines for private sanitary sewer systems. An ordinance or program could be a solution for Illicit Discharge requirements and/or implementation of Bacterial Pollution Control Plans (BPCPs). Ordinance is included with minutes.

General Updates – Borja Crane-Amores

- E-Reporting Rule: Effective date still 12/21/2020; however, it is expected EPA will request to delay the implementation to 2023. DEP is working on developing a process to electronically receive annual reports and NOIs from permittees in order to transmit data to EPA. Process will likely be rolled out with Phase II MS4s
- The Department is currently evaluating unregulated entities for designation as regulated Phase II MS4.
- **Rulemaking – Sarah Ketron**
 - Phase II MS4 Generic Permit being updated to capture the requirements of EPA's remand rule with an anticipated 2020 adoption.

- New Construction Generic Permit adoption anticipated for late 2020
- The department will look at appropriateness of EPA MSGP in 2020
- **Level of Service (LOS) Audits – Jonathan Turner**
 - Since July 2019, DEP has been tasked with conducting audits for 100% of Phase I and Phase II MS4s who discharge to priority nutrient-affected waterbodies.
 - Current phase of this effort ends 12/31/2019. DEP will use results of the audits to reevaluate future audit focus.

Open Discussion

John Dowler (City of Brooksville) - Requesting clarification of single-family units within a common plan of development or sale.

Jason – A site, usually new developments, where there are multiple construction activities that are less than an acre but cumulatively equal an acre or more of land disturbance.

John – Inquiring on how should these be inspected; individually or together?

Jason – This is dependent on your permit language and Standard Operating Procedures but recommends conducting an inspection of the entire area and documenting what sites were included in this inspection and if deficiencies are found, taking detailed notes on which sites were causing the deficiency.

Phil Mount (City of Lynn Haven) – Inquiring about status of DEP Illicit Discharge Detection and Elimination presentation.

Borja – Currently being reviewed and intended to be ready for use by permittees in early-2020.

Kurt Spitzer (Florida Stormwater Association) - Requesting Phase II Generic Permit rulemaking status update.

Sarah - Entering Notice of Rule Development phase, anticipating mid-2020 adoption.

Steve Peene (Consultant) – Inquiring if DEP will hold a workshop for the Phase II Generic Permit.

Borja - If requested, a workshop will be held.