

Minutes
Quarterly Teleconference for Florida Phase II MS4
Tuesday, October 20, 2020
1:30 - 2:30 pm EST

- Access to the updated Phase II Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (Chapter 62-621.300(7), F.A.C.) at:
<https://floridadep.gov/water/water/content/water-resource-management-rules-development>
- Submit agenda items for the next teleconference to Robin.Starkie@FloridaDEP.gov.
- Sign up for GovDelivery teleconference notifications at:
https://public.govdelivery.com/accounts/FLDEP/subscriber/new?topic_id=FLDEP_440

NPDES Stormwater Program 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
Matt Irwin	Phase I MS4 Coordinator	850-245-8643

Construction Generic Permit (CGP) Non-Filer Reporting – Jason Maron

As part of many of the Phase II MS4 Stormwater Management Programs (SWMPs), permittees are required to verify a construction site has obtained CGP coverage. To assist with this effort, the Department has developed a guidance document with steps to verify and then notify the Department if a site has not obtained coverage. This guidance document is included with the minutes.

Recommended Stormwater Educational Topics – Hector Rivera

People are bringing their pets to the various parks during this time of year. There are 23 million fecal coliform bacteria in a single gram of pet waste which is why proper disposal of pet waste is so important.

Falling leaves and pollutants can easily be washed into the storm drain when it rains. Never rake them into your storm drains. Mulch leaves with your lawn mower at your next cutting as leaves and grass clippings can introduce nutrients into your yard soil.

Focus on:

- Developing goals, objectives and establish a timeframe.
- Identify a target audience.
- Make a list of potential project partners.
 - Regional agencies.

- Local schools
- Business organizations
- Recreational organizations (rowers, kayakers, fishing organizations)
- Community Colleges and/ or Universities
- Professional organizations
- Ethnic associations
- Faith-based organizations.

To draft your messages:

- Use simple language.
- Use a variety of approaches.
- Link everything to an action.

Refine your message:

- Relate to the demographic.
- Make sure to cite photos and obtain permission to use them. Peer review messages.
- Have multi-lingual messages.

Phase II Rulemaking Status Update – Sarah Ketron

The Phase II MS4 Generic Permit is currently awaiting permission from Secretary to publish Notice of Proposed Rule in Florida Administrative Review in accordance with rulemaking procedures. The tentative effective date of the rule is January 2021, dependent on public whether changes are requested through public hearing or as a result of comment from the Joint Administrative Procedures Committee.

- Access to the updated Phase II Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (Chapter 62-621.300(7), F.A.C.) at:

<https://floridadep.gov/water/water/content/water-resource-management-rules-development>

Questions:

Fred Noble (FN) (Florida Department of Transportation (FDOT)) – Were there any changes in permit language from preliminary draft?

Sarah Ketron (SK) – The current draft is similar to the original 2003 Generic Permit with no substantial changes to the requirements. Minor changes occurred from draft included in Notice of Rulemaking in July. Changes include removal of ongoing restoration plans (4e plans). We will be using the Basin Management Action Plan (BMAP) process as a template with Reasonable Assurance Plans (RAP) as an option. Language for implementation of activities to address Total Maximum Daily Loads has not changed since original draft was provided.

FN – Why were 4e plans dropped as a non-viable option for BMAPs?

SK – Entities still have the ability to implement and 4e plans but this implementation will not be recognized by the Phase II MS4 permit. Ideally, when a waterbody is assessed as impaired a

BMAP is developed which identifies activities to be taken to address the impairment.

Alternative restoration (4e) plans are implemented prior to a waterbody being verified as impaired and TMDL development begins. Borja Crane-Amores (BCA) added that 4e plans are difficult to enforce by the Department, while RAPs (4b plans) and BMAPs are approved by secretarial adoption.

Kurt Spitzer (KS) (Florida Stormwater Association (FSA)) – Can you talk about the effective date of the rule and transition to the new rule.

SK – The earliest effective date is December, January the latest.

FN – Is it correct to assume if we submit a new application prior to the issuance of the updated generic permit, it will fall under the old permit?

SK and Department- Timely submittals of Notice of Intents/Appendix-A prior to the issuance of the updated Phase II MS4 Generic Permit will be permitted under the 2003 permit and not the updated permit.

Audit Updates – Jason Maron

The Department's Performance Partnership Agreement commitment with EPA on the percent of entities to be audited has increased from 14 percent of the MS4 universe to 20 percent for this year.

Permittees tentatively schedule can expect to receive an e-mail in the coming weeks with more details to set up dates and times.

Scheduled November Audits	Tentative December Audits
University of South Florida	Tampa Palms Community Development District (CDD)
Florida Gulf Coast University	Cheval West CDD
Charlotte County	MacDill Air Force Base
Collier County	Lakewood Ranch CDD
City of Naples	City of Punta Gorda

Questions:

Sally Adkins (City of Gainesville) – Can you provide a long-term list of expected dates of when audits will be conducted?

Jason Maron (JM) – The Department does maintain a list of years expected when entities will be audited but this list is extremely tentative, and the date of an audit can be moved up a couple years or back. An entity can contact me if they would like to know, but again, this is an extremely tentative list.

E-Reporting Updates – Jason Maron

Excerpt from EPA website:

“On September 23, 2020, EPA Administrator Andrew Wheeler signed the final "Phase 2 Extension Rule," which provides states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements. In this final rule, EPA is extending the compliance deadline for implementation of Phase 2 of the eRule by five years from December 21, 2020, to December 21, 2025. This final rule also provides states with additional flexibility to request additional time as needed. Further, this final rule promulgates clarifying changes to the NPDES eRule and eliminates some duplicative or outdated reporting requirements. Taken together, these changes are designed to save the NPDES authorized programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of NPDES program data between states and EPA, enhance public transparency, improve environmental decision-making, and protect human health and the environment.”

Currently the Information Technologies Business analysts are in the process of developing the Phase II MS4 tool and there is not currently a specific date on when this tool will be completed. The department will continue to update permittees on the development of this tool and when it will potentially be used.

Questions:

Tammy Mayfield (City of Melbourne) – Will we have to use this e-reporting tool with this extension?

JM – The tool is not currently available or use at its being developed. We will provide updates to permittees of this development and let them know when it's available for use and when it will be required to be used.

Statewide MS4 Inventory – Jason Maron

The program has created a Statewide MS4 Inventory Action Plan and are working with the Office of Environmental Accountability and Transparency (OEAT) and the GIS team to move forward with this project. To refresh everyone, the goal is to develop a GIS database identifying the location of all MS4 structures in the state of Florida which would be a pioneer project as no other state has developed such a database. Phase 1 of the project will likely be the collection of MS4 outfalls either with part-time staff or through a contract. When this action plan is finalized, we will be reaching out to the MS4s to collect this outfall data.

Q & A / Open Discussion

Eric Gomez (EG) (City of Sweetwater) – Are there any good sources for illicit discharge detection and elimination (IDDE) and general stormwater information to train law enforcement and other staff on how to enforce illicit discharges?

JM – All permittees are required to have enforcement actions and procedures to enforce the non-stormwater discharge prohibition. These enforcement actions and procedures must be

developed by the permittee as each local government process is different. The Department does have various examples of other permittee procedures which can be provided at request as guidance. The Department also has various IDDE educational material examples. Florida Department of Transportation has developed a training video for IDDE and a video for Spill Prevention and Response which both provide a certification of training at the end.

FDOT IDDE Video - <http://wbt.dot.state.fl.us/ois/IllicitDischarge/index.htm>

FDOT Spill Prevention Video - <http://wbt.dot.state.fl.us/ois/SpillPrevention/index.htm>

EG – We are currently developing a GIS system with structures and outfalls. Will they be required to be mapped?

JM – The Phase II MS4 generic permit requires an inventory and location of all know outfalls to waters of the State but dependent on a permittee's SWMP mapping of other structures may be required. The Department recommends to all permittees to map all MS4 structures to ensure adequate maintenance and illicit discharge inspections are be conducted.

The Department's statewide GIS inventory project is intended to be a two-tiered approach. First mapping of outfalls will occur, then other structures.

Borja Crane-Amores (BCA): In addition to an IDDE presentation which is pending approval and review, there is a construction presentation that gives a good overview of the responsible parties at construction sites and the roles/responsibilities of each individual during construction activities.

Carolina Alvarez (Brevard County) – Is the NPDES Stormwater Program involved in an educational workshop series?

BCA - We are involved and representing MS4 concerns in the workgroup.

Sally Adkins – What media is the construction information in? It would be useful to have some type of guide/fact sheet for use in the field.

BCA – The construction information is only a presentation, but we do have various examples from permittees on quick sheets for construction inspections.