

# Quarterly Teleconference for Florida Phase II MS4s

## Wednesday, November 10, 2021

### Meeting Minutes

The next quarterly teleconference is scheduled for:

- March 2, 2022
- Submit agenda topics to [Sharon.Surita@FloridaDEP.gov](mailto:Sharon.Surita@FloridaDEP.gov)
- [Subscribe to Phase II MS4 GovDelivery](#)

#### **NPDES Stormwater Contacts:**

|                    |                          |              |
|--------------------|--------------------------|--------------|
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| Matt Irwin         | Phase I MS4 Coordinator  | 850-245-8643 |
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| Jason Maron        | Phase I MS4 Coordinator  | 850-245-7568 |
| Hector Rivera      | Phase II MS4 Coordinator | 850-245-8667 |
| Alex Weeks         | Phase II MS4 Coordinator | 850-245-8568 |
| Sharon Surita      | MS4 Support              | 850-245-8607 |

#### **Welcome – Borja Crane-Amores**

Program Name Change - Stormwater and Technical Services

New staff includes Anna Lomasney, Phase I Coordinator, Jason Maron promoted to a Phase I MS4 Coordinator, and Alex Weeks, Phase II MS4 Coordinator.

#### **New Bacteria TMDL Approach – Ken Weaver, Division of Environmental Assessment and Restoration, Program Administrator**

Ansel Bubel: Overview on the approach, planning and schedule for the Bacteria TMDL. Designated Use Class I – III, Enterococci (Class I and III marine), E. coli (Class I and III Fresh) and Fecal Coliform (Class II) with a focus on primary contact: swimming and secondary contact: boating/fishing

We look at the 90<sup>th</sup> percentile exceeding the criteria to bring water back into compliance. For Enterococci and E. coli there is also a monthly geometric mean requirement, but there are very few areas across the state that accomplish this monitoring.

A Non-parametric estimator typically used, the Hazen 90<sup>th</sup> percentile reduction approach. We are proposing to consolidate information into one unified report covering all verified impaired listings for bacteria. It will be completed every two years in the fiscal year following the adoption of the Biennial Assessment. There will be a clear and predictable process for TMDL development with a known schedule.

A pilot project will be conducted this fall on the Everglades West Coast basin with Biennial Assessment in mid-2022 and 2023 will be first consolidated bacteria TMDL. Permittees will follow TMDL prioritization guidelines in the MS4 NPDES Permit, developing bacteria pollution control plans and working with local stakeholders to address bacteria transported by SW infrastructure.

For existing WWTF, continue to meet discharge permit limits based on the bacteriological criteria and maintain infrastructure to prevent SSOs.

Q/A

*Carolina Alvarez, Brevard County (BC):* In the next phase we will have to come up with a plan to address the TMDL based on the formula that was provided. Are all the waterbodies supposed to be addressed?

*Jason Maron:* Permittees will have to prioritize all TMDL waterbodies in which the MS4 discharges to and the permittee would determine which one you are addressing first based on factors self-determined by the permittee. Each entity is only required to address one TMDL waterbody per cycle.

Kenneth Weaver can be contacted directly for questions regarding the TMDL at 850-245-8414 or [Kenneth.Weaver@FloridaDEP.gov](mailto:Kenneth.Weaver@FloridaDEP.gov).

## **2021 Stormwater Management Program Reminders – Hector Rivera**

A new Phase II MS4 generic permit (GP) was adopted on February 16, 2021. All new permit renewals must be submitted and will be issued using the new form. Forms on the [website](#) are ADA compliant. If you currently have coverage under the generic permit that was issued in 2003, you do not have to utilize the new annual report form. If you want to use the standard form, contact your coordinator.

Q/A

*Jason Sparks, St. Johns County (SJC):* Wants to clarify if the new generic permit form is to be used for the next annual report due June 2021.

Hector Rivera – SJC does not need to use the new form until their coverage is renewed.

*Jason Sparks, (SJC):* A Stormwater Needs Analysis is to be performed by all WMDs, Counties, Cities, Municipalities. Templates were provided but will there be any coordination between the data requirements. It seems to be duplicative. Will there be any grace provided for those of us who have to coordinate with many districts, municipalities and also having to provide our annual report?

*Borja Crane-Amores:* The Department has not been involved in that conversation with the Dept. of Economic and Demographic Research who has been heading the efforts. We don't know the complexity of the timing in submittals of both reports. The Department does have the ability to allow extensions depending on the permittees' circumstances. If there are any questions on House Bill 53, it is recommended to contact Michael Bateman. Contact information is provided below.

Michael Bateman, P.E., Legislative Analyst  
Office of Economic and Demographic Research  
Florida Legislature – Joint  
850.717.0458  
Cell: 850.933.8078

*Borja Crane-Amores:* To clarify the annual report format, you are obligated to use the existing format, however when you are up for reissuance, you will need to utilize the new format.

*Jason Maron:* All permittees as of this meeting are currently operating under the 2003 Permit therefore and reports due can utilize the standard annual report that was previously provided in the issuance e-mail.

## **MS4 Outfall Inventory – Jason Maron**

Since November 2020, the NPDES Stormwater Program has been requesting Phase I MS4 permittees to submit the inventories of their major outfalls. This was the first step in the Department's efforts to

develop a Statewide GIS Inventory which would include the structures associated with all permitted MS4s in the State of Florida. The next step in this effort is to compile the outfall inventories of all the Phase II MS4 permittees.

Q/A

*Diana Hughes, Martin County (MC):* When will you be looking for the inventory of outfalls? There seems to be a lot of upcoming due dates.

*Borja Crane-Amores:* We are still in negotiation phase with contractor. We will be completely transparent and give multiple heads up.

*Sally Adkins:* Only agency owned stormwater ponds and outfalls, not private, correct?

*Jason Moran:* That is correct. Only those owned or operated by the permittee.

## **Chapter 2021-167: Prohibition of Code Inspectors Investigating Anonymous Complaints – Open Discussion - Jason Maron**

<http://laws.flrules.org/2021/167>

This bill may cause some conflict with the MS4 permits as they are required to investigate any illicit discharges

*Jeffrey Ball, Ocala:* There is a provision in the bill that allows for complaints if considered to be a life, health or safety issue, making a notation of the severity of the issue.

*Carolina Alvarez, BC:* Two commissioners requested not to do anything when they are anonymous due to quarrels. We do not go out unless we have contact information. If there is something that is a safety or health issue, we will at least go and take a look and take action if there is a problem. Notices cannot be given if it was anonymous.

## **Audit Updates – Hector Rivera**

A list of audits to be conducted by December 30, 2022 is provided. There are three tiers noted.

*Borja Crane-Amores:* The required audits are provided with the meeting minutes. The Department has two obligations, the Performance Partnership Agreement (PPA) and the Compliance Monitoring Strategies (CMS). The Department is now required to conduct inspections of 20% of the regulated universe, compare to 14% from previous years. We currently have 151 regulated Phase II MS4s. We are still waiting on the Bureau of Census to provide to EPA headquarters on what may be the expanded urbanized areas. The Bureau of Census is currently planning on adopting a rule to change method in which urbanized area is defined. The state is intending on a 32-40% increase in entities requiring MS4 permit coverage.

## **Secure FTP Site – Jason Maron**

Phase IIs have not been utilizing the FTP site much, but we are now currently using a secure FTP site. But if there are any annual report submittals that are too large for an e-mail you can request your coordinator to set up a Secure FTP site. The coordinator will send you a link and password to the site. Once logged in you can then upload any documentation you want to submit. Once uploaded, please notify your coordinator.

## **General Updates – Borja Crane-Amores**

## **Q & A / Open Discussion**

Sally Adkins: Do you know when the data for the updated UA is going to be available? I know there is a release of some information soon, and another in December. Thanks for any information.

*Jason Maron:* EPA will provide any updates. As of now, we do not have any updates on the data. Previously UA was determined by population density (1,000 people per square mile), the proposal was updated to be based on housing unit density 385 housing units per square mile. With this change, the updated area will be able to be updated on more frequent basis than currently.

*Borja Crane-Amores:* What is currently a regulated area may expand as the community continues to grow.

**Audits to be Conducted by September 30, 2022**

\*this depicts a tentative list subject to change

**Priority Audits not conducted within 5 Years of Previous Audit –**

Mary Esther  
Panama City  
Bay County  
Lynn Haven  
Indian Shores

Okaloosa County  
Tyndall Air Force Base  
University of West Florida  
Hernando County

**Audits to Meet 5 Year Frequency -**

Eglin Air Force Base  
Flagler Beach  
Fort Walton Beach  
Arbor Greene CDD  
FDOT District 1 - Charlotte  
Cocoa  
Malabar  
Melbourne  
Walton County

Hurlburt Field  
Ormond Beach  
Port Orange  
South Daytona  
Indian River Shores  
Indian River County  
Vero Beach  
Baldwin

**Audits for Compliance Assurance –**

Springfield  
St. Augustine Beach  
Tavares  
Okeechobee County

Florida City  
Citrus County  
Avon Park