

Monday, September 13, 2021

Florida Department of Environmental Protection

3900 Commonwealth Boulevard

Tallahassee, Florida 32399-3000

Submitted via email to Stormwater2020@floridadep.gov

Public Comment to Section 5 of Chapter 2020-150, L.O.F. Stormwater Rulemaking

Dear Technical Advisory Committee:

As a continuation of prior public comments we have made regarding the lack of focus on gross solids (including natural material which contribute to nutrient load) and plastic trash, the Biscayne Bay Marine Health Coalition would like to offer friendly amendments to the TAC's working document. The suggested additions are indicated with bold + underline and deletions are indicated with a strikethrough.

Charge Item One

What changes are recommended for improving existing stormwater operation regulations to ensure water resources are protected under the rulemaking directed under the Clean Waterways Act?

1. Maintenance and Operation Regulation Recommendations

a. Require each applicant to provide an O&M plan for each stormwater system to be permitted.

i. **MS4 permittees must design a Stormwater strategy to prevent or capture plastics larger than 5mm (the size of a cigarette butt) and can include education, policy, street sweeping, retention or beginning, middle, and end of pipe pollution controls.**

ii. Incorporate O&M as an attachment to the permit for the future owners.

iii. Establishing a certification process for owners and operators that explicitly outlines maintenance responsibilities, requirements and expectations.

v. State could create a manual for HOAS covering 75% of the standard maintenance required while the remaining 25% of maintenance would be site specific to the HOA.

b. Inspections should be conducted more frequently than the current time schedule to **maintain pollution control effectiveness and** prevent expensive repairs of failed systems

i. **Permit holders must measure and set reduction goals for plastics and garbage flowing through stormwater systems**

ii. **All MS4 permittees must create a baseline assessment of 100% of their stormwater infrastructure and pollution controls to determine minimum and appropriate maintenance schedules to keep the pollution controls below the manufacturers recommended effectiveness capacity**

iii. More frequent inspections for the first two years then switch to less frequent, approved schedule after that.

iv. Swales should be inspected more frequently than every 5 years.

v. ~~**Concerns from the DOT and local governments about making inspection requirements too restrictive, it may take away from other goals (improving WQ).**~~

- c. Inspections and recerts to be submitted to the agency, implement a centralized tracking system, site visits by the agencies, more enforcement and what form of remedial action is required for specific circumstances, baseline quality for state and building flexibility in.
- i. Turn in inspections to district, get reminders for upcoming due dates (tracking).
 - ii. Consideration of the district's ability to obtain or receive funding/resources to help, ever growing compliance record upkeep/obligations and the lack of manpower people to work on it.
 - iii. Inspection reports should be sent to the Department when they are completed, not when they are requested.
 - iv. Should not have exemptions for local governments.
- d. Criteria designating a responsible party to take care of the stormwater system if an entity goes defunct.
- i. Turning in paperwork when maintenance entity is transferred, entity that is accepting the work should be responsible for proof of the O&M, not the entity transferring work. In case some people don't accept the work and then no one is maintaining the system.
 - ii. Need to have an owner for when HOA's go under and can no longer maintain their stormwater systems.

Thank you for considering, addressing and responding to our comments to
Dave@VolunteerCleanup.Org.

Regards,



Dave Doeblner, Steering Committee Member, Biscayne Bay Marine Health Coalition
954-415-7434 cell.

