

10-26-2011

Lee County Cycle 3 NPDES MS4 Permit
FDEP Permit Review w/ Eric Livingston

Eric Livingston presented a thorough review by section and page specific commentary for the cycle 3 permit. Below are our notes on both his general and page by page comments.

EPA initiating a new project to improve the effectiveness of NPDES permits. They want improvement in the way that the permits are quantifiable and objective. DEP negotiated with EPA to have the revisions EPA required as part of the new permit. EPA wanted increased emphasis on construction activities. Post-development construction: EPA also wanted to shift the permit to handle stormwater as a point source. DEP has done some educating with EPA which changed the provision that local NPDES permittees have to check to see that ERP permits are in place as part of a check list. EPA's position was that all outfalls that discharge to a waterbody with a TMDL will be monitored.

DEP was able to negotiate that down to one outfall in each priority waterbody. DEP should be finished reissuing NPDES permits by December. Pinellas Co challenged the provision to monitor one outfall in each TMDL basin. DEP added a requirement in their guidance to start doing storm event monitoring at priority discharge points. This is the point of contention that Pinellas Co is challenging.

Component: **Significant New Development and Redevelopment** – Eric recommends if there is no definition by the municipality, then permittee should decide on a criteria, include those criteria in the SOP, track and report those activities that constitute changes to a stormwater system where there may be existing similar land use.

Page	Section	Comment
8	II.A.1.a Frequency of Inspection	At startup and once every 3 years thereafter w/ no problems
14	Weirs, Channel Structures.....	This also includes culverts, pipes, etc. The 10% inspection rate...visual, is it working?
31	New Development and Redevelopment	Attempt to control local land use. Write summary of code effectiveness and necessary changes...See last paragraph.
33	Litter Control	Incorporate quantities into the SOPs (how to quantify). 12 months to come up with a written SOP. Estimated weight of litter collected still required.
35	Roads and Street Sweeping	To calculate loads and quantities, Bateman paper, By 2012 should be spreadsheet on FSA web site. <i>Eric did not sound optimistic about including HOAs in the NPDES permit program. He said that we will have to work that issue out with the co-permittees.</i>
37	Maintenance yards	Permittees must annually inspect maintenance yards. Eric recommends stormwater training and annual audits for staff that run maintenance yards.
38	ERP	Even if design is primary flood control must have WQ benefits, including retrofit projects. Look at SW Academy site for studies and values for sewer credits, etc.
39	Municipal waste areas	Make sure SOPs are up to date

41	Herbicide Applicators	Permittees must verify that applicators of herbicide/pesticide on municipal lands are licensed. Must maintain the list of FDACS trained/licensed in annual report.
42	Herbicide/Pesticide Application	Permittees must require a copy of adopted Florida Friendly Landscape Ordinance. Includes fertilizer requirements, landscape plantings, irrigation.
43	Training	Plan, public awareness, (how, phone calls, interviews?) Develop measure to get effectiveness.
46	Illicit Discharges	Local authority in local ordinances. Just report what your ordinances do and any fine-tuning. CDDs have to make sure there is legal authority in their covenants or have an interlocal agreement to enforce illicit discharge penalties.
49	Illicit Discharge	Proactive/Reactive: Key is to report activity even tho contracted (count the contracted numbers). FDEP estimates only 30% of businesses have CGP. Want locals to report those w/o CGP.
49	Illicit Discharge	Develop spreadsheet for all discharging to MS4 (as part of the "Plan") including: bus name, address, contact, MSGP or CGP, copy of SWP3 on file and the business SIC>
56	Training	Who needs training, user defined, content and topics of training. Could be tailgate/lunch/define what is to be reported and to whom it filed with. Need a Plan.
58	Spill Training	What is Spill? Where? Who gets the report?
60	Spill Training Illicit Discharge, public	Educate public on illicit discharge, report to and action to keep out of system.
70	Industrial Hi Risk	<u>May test</u> to verify increase in loading
72	Const Site Runoff	Verify ERP has been notified of CGP requirements, can be on checklist.
74	Construction Sites	Set prioritization scheme, frequency and # of inspections. 3 minimum, set in SOP.
78	Const Site, site operator training	Site Operator training can use pre-const conference or on-site training as operator training, again SOP. Refreshers cover reminders and updates.
80	Monitoring	Can use EMCs from Manual. Are loads going down? Answer the questions, pgs 83 & 84 (a-e).
83	Annual Report Submittals	DEP prefers electronic submissions. They are migrating to an electronic document management program. Permittees do not have to submit an annual report for the period between the last permit report period and permit issuance. At minimum have to answer the questions under #2 on p. 83.

Attendees:

FDEP Permit Review

10/26/11

Name

e-mail

~~Raymond Parker~~

~~BURKER@ECLWD.com~~

JOE BAKER

jbaker@m-da.com

Leilani Farrell (for FDOT)

LFarrell@esciencesinc.com

Robert Potts (for FDOT)

RPot@esciencesinc.com

Kevin Assisias, Lee Co. Dir.

kassisias@lee.gov

Gennie Jarvis

gjarvis@epes.com.net

Anthony Zimmerman

AZimmerman@capconet.net

Jed Schmeckel

jschmeckel@rsbatt.com

Thomas Mullin

TMullin@RSBatt.com

Karen Bickford

Lee Co

John Mort

John Mort
jmort@lee.gov

DAVID ROBINSON

DRobinson@lee.gov

Leigh Simmons

LSimmons@lee.gov.com

Rene Joselin

rjoselin@lee.gov.com

Wes Anderson

wanderson@cityofmays.com

JOSE ZARAGOZA

JZARAGOZA@CITYOFMAYS.COM

Tony Pellicca

tpellicca@lee.gov

David Liccardo

david.liccardo@cityofbuncombe.gov

FRANK SAVARE

FRANK.SAVARE@NETSERV

Tim Gavin

Tim G. Gavin@NETSERV

Cathy Lewis

Cathy Lewis@cityofbuncombe.gov

Daryl Wala

Daryl Wala@cityofbuncombe.gov

Rolando Ottecin

rolando.ottecin@lee.gov.com