



# NAVIGATING THE PHASE II MS4 DESIGNATION PROCESS

**Kristie Seyon**

NPDES Stormwater Program  
Division of Water Resource Management  
Florida Department of Environmental Protection

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# AGENDA

- National Pollutant Discharge Elimination System (NPDES) program overview.
- Designation criteria.
  - Prioritization of designees.
- Resource development.
- Potential designation.
  - Templates, forms, documentation.
- Final designation.
  - Application development assistance.
  - Outreach.
  - Application review.



# NPDES PROGRAM OVERVIEW

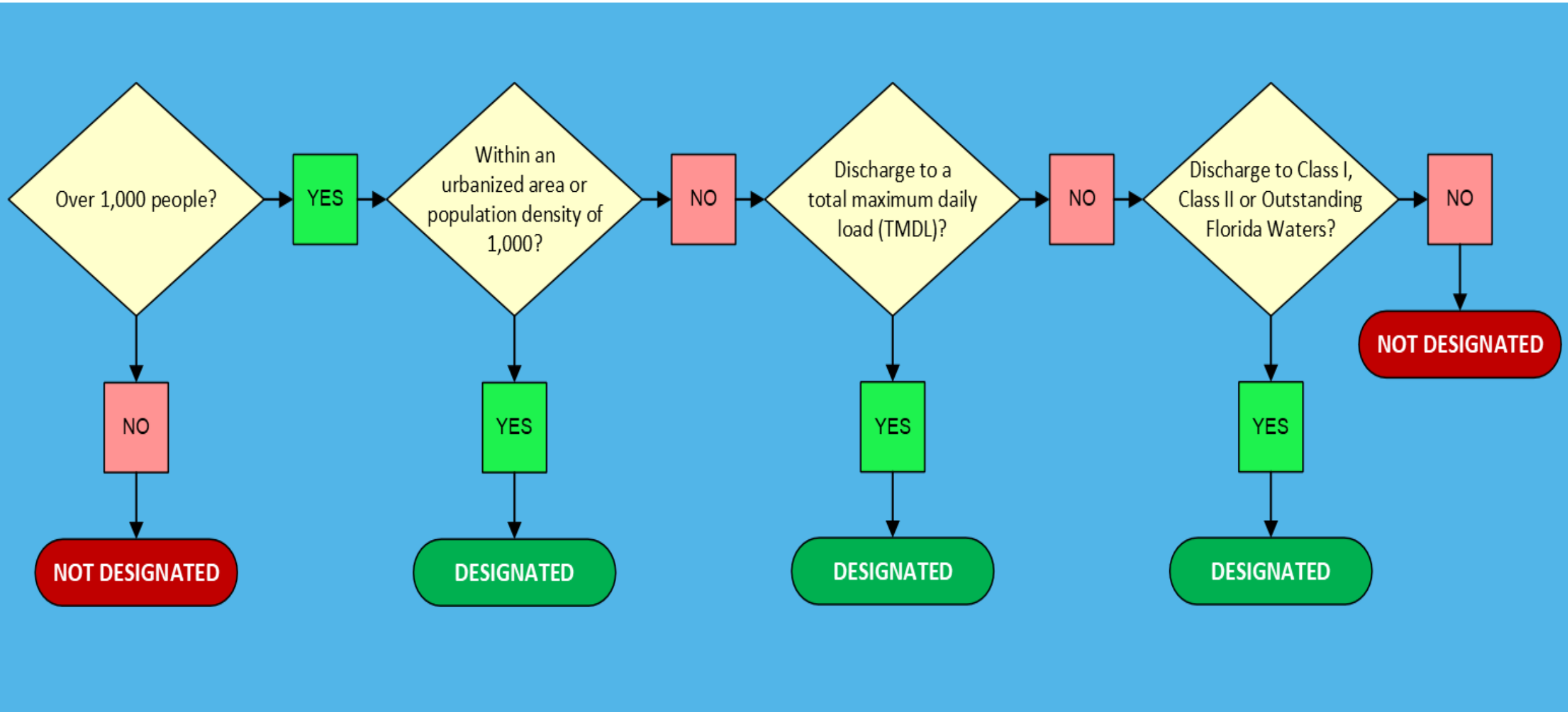
## MS4 DESIGNATIONS

- The NPDES program is required by Section 402 of the federal Clean Water Act.
- In 2000, the U.S. Environmental Protection Agency (EPA) authorized the Florida Department of Environmental Protection (DEP) to implement the NPDES stormwater permitting program.
- Municipal separate storm sewer systems (MS4s) are regulated based on population and discharges to waters of the state or to other regulated MS4s.
- Phase II of EPA's NPDES stormwater rule regulates small MS4s.
- States "designate" MS4s based on specific designation and waiver criteria in 40 Code of Federal Regulations, sections 122.32 and 123.35(b).



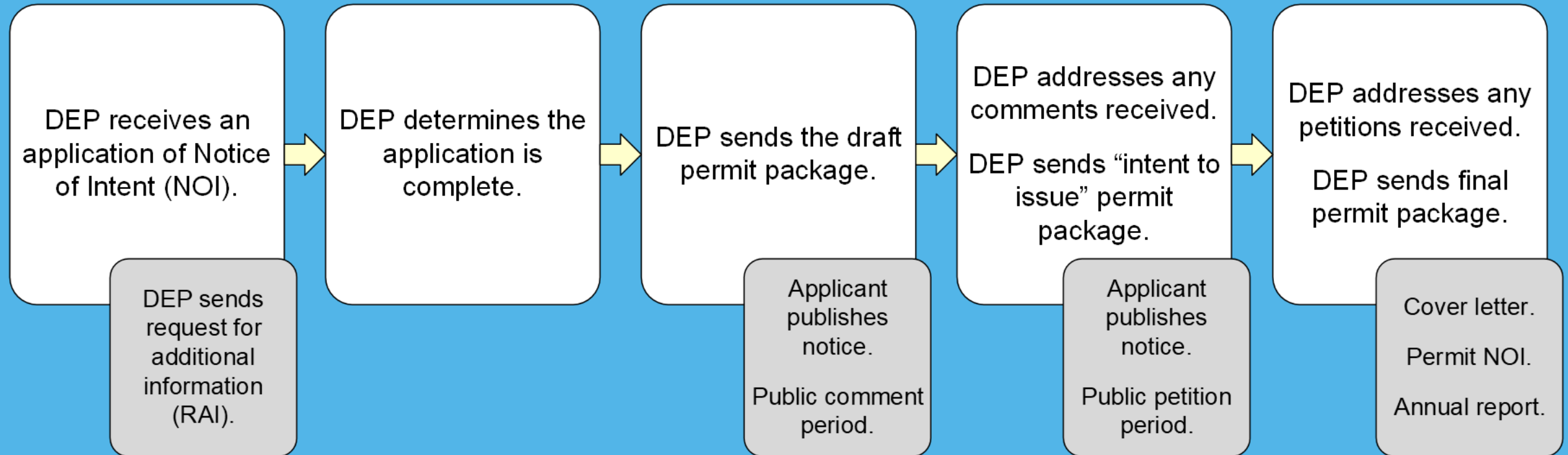
# DESIGNATION CRITERIA

RULE 62-624.800, FLORIDA ADMINISTRATIVE CODE (F.A.C.)





# PHASE II: PERMITTING PROCESS





# MS4 DESIGNATION: RESOURCES

Navigating the Phase II MS4  
Designation Process



# RESOURCE DEVELOPMENT

- Resources to improve understanding of MS4 program requirements:
  - MS4 video series – nine videos.
    - The key videos will include information for city officials, and training for illicit discharge detection and elimination.
  - Maps of regulated areas.
    - NPDES MS4 Urban Areas
    - NPDES Stormwater





# RESOURCE DEVELOPMENT (2)

- Resources to improve understanding of MS4 program requirements:
  - Potential designation verification form.
    - The form is designed to provide clear guidelines on what information designees need to provide to DEP staff, which will also be used on their permit application if designated.
  - Non-traditional MS4 legal authority guidance.
  - Model regulatory mechanisms.



# RESOURCE DEVELOPMENT (3)

- MS4 guidance package.
  - Resource and outreach examples from other permittees.
  - Standard operating procedure examples and templates.
  - TMDL prioritization summary and resource sheet.
  - Basin Management Action Plan and MS4 joint guidance sheet.
- Anticipated Rulemaking.
  - Updates to the NOI and annual report.
  - Updates to Chapter 62-624, F.A.C., to revise the definition of “urbanized area.”
  - Updates to the Phase II MS4 generic permit, section 62-621.300(7)(a), F.A.C.



# MS4 DESIGNATION: PROCESS

Navigating the Phase II MS4  
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# PRIORITIZATION

- Determine initial list of potential MS4s to evaluate for designation.
  - There are 119 potential designees.
    - Counties.
    - Municipalities.
    - Non-traditional MS4s (special districts, Florida Department of Transportation, etc.).
- Five rounds of letters for potential designation will be sent based on the criteria below.
  - Population.
  - Discharges to DEP-adopted TMDLs.
  - Non-traditional.
  - Region.



# POTENTIAL DESIGNATION PROCESS

- Contact information has been gathered for potential designees.
- DEP will call potentially designated permittees to inform them of their potential designation.
- DEP will also send “potential designation” letters.
  - Letters will include designation information and requests for virtual or in-person meetings.
- DEP will meet with each potentially designated permittee to discuss the following.
  - Designation and verification criteria.
    - Located within urban area of 50,000+, discharge to, population density of 1,000 people per square mile, and/or petition.
  - Submission of requested documentation.
    - Can include drainage maps, geographic information system, land surveys, etc.
    - May include the use of the designation verification form.
  - Program requirements if designated.



# POTENTIAL DESIGNATION PROCESS (2)

- Each permittee should submit a response to DEP within 45 days of the meeting.
  - Responses should include requested documentation and any additional information the permittee finds relevant.
  - The permittee may also submit a letter stating they accept the designation and forgo submitting alternative documentation.
- Following its review of the submitted documents, DEP will send each permittee either a final designation letter or a letter stating the entity is not designated.
  - A 365-day clock will begin for submission of an NOI.



# POTENTIAL DESIGNATION PROCESS (3)

- Regional and local workshops will be held to educate MS4 leaders.
  - Option to become a Phase I MS4 co-permittee is available if the permittee is located within the jurisdiction of a regulated Phase I MS4.
- DEP will conduct multiple statewide virtual workshops on developing a stormwater management program (SWMP).
- Reminders will be sent six months, three months and one month prior to the due date.
  - DEP can perform an informal application review and provide feedback on draft NOIs.
    - This early feedback from DEP can help ensure final applications will be complete or mostly complete by the due date.



# APPLICATION REVIEW

- Once the application/NOI is received and processed, DEP will:
  - Create a permit ID.
  - Review the application.
  - Send an RAI if needed.
  - Schedule a virtual application meeting for each permittee.
  - Upon final approval by DEP, meet with the permittee to discuss implementation.
- DEP will issue permit coverage.
  - Draft permit package: 30-day public comment period; 60-day EPA review period.
  - Intent to issue permit package: 14-day petition period.
  - Final permit package: permit coverage is effective.



# OVERSIGHT AND COMPLIANCE ASSISTANCE

- DEP will work with permittees to develop and implement SWMPs.
  - Audits of new permittees.
    - Focus on years three to five of the permit cycle; development of SWMP.
  - Reviews of annual reports.
    - Reports are due annually during the first permit cycle.
    - DEP will send reminders six months before and one month before the due date.
- DEP will evaluate new designees annually, in accordance with designation criteria.



# OVERVIEW: DESIGNATION PROCESS

DEP contacts potential designee and sends potential designation letter.

Potential designee schedules meeting with DEP.

DEP holds meeting with potential designee to discuss designation and requests documentation.

Potential Designee submits documentation accepting or refuting their designation.

DEP reviews documentation submitted to determine final designation.

DEP sends final designation letter or closure.

Designee has one year to complete a NOI and begin development of a SWMP.

DEP provides outreach, guidance and check-ins to provide feedback.

Designee submits the NOI one year after final designation letter.

See "Phase II: Permitting Process".



# QUESTIONS?

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Designation Process



# THANK YOU

**Kristie Seyon**

NPDES Stormwater Program

Division of Water Resource Management

Florida Department of Environmental Protection

Contact Information:

850-245-8667

[Kristie.Seyon@FloridaDEP.gov](mailto:Kristie.Seyon@FloridaDEP.gov)