

NPDES MS4 Rule Update

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September 2022



MS4 Permit Rulemaking



- **Phase II**
 - 2018: FDEP started rule update process
 - 2021: Adopted February 16th
 - 62-621.300(7)(a), F.A.C.
 - 62-621.300(7)(b), F.A.C.
- **Phase I**
 - 2021: FDEP currently working on rule update.
 - Assembled Working Group in 2021
 - Last Working Group session - May 2022

2021 Phase II MS4 Rule Update

New NOI (Appendix A)

- Submitted as part of the Two-Step process
- Word document with drop down menus

TMDL Implementation

- Table 7 – with a BMAP
- Table 8 – without a BMAP

Public Notices

- Public input process

Indicate the number of BMPs listed in Appendix A for each minimum control measure:

Public Education and Outreach: Enter total number of Public Education and Outreach BMPs.

Public Involvement/Participation: Enter total number of Public Involvement/Participation BMPs.

Illicit Discharge Detection and Elimination: Enter total number of IDDE BMPs.

Construction Site Stormwater Runoff Control: Enter total number of Construction Site Stormwater Runoff Control BMPs.

Post-Construction Stormwater Management: Enter total number of Post-Construction Stormwater Management in New Development and Redevelopment BMPs.

Pollution Prevention/Good Housekeeping: Enter total number of Pollution Prevention/Good Housekeeping BMPs.

Basin Management Action Plans and/or Reasonable Assurance Plans: Enter total number of projects, activities, BMPs to address BMAPs and/or RAPs.

Total Maximum Daily Loads without a BMAP: Enter total number of projects, activities, BMPs to address TMDLs without BMAPs.

New NOI Form

Table 1. Public Education and Outreach BMPs

BMP # <small>MCM 1 BMP Number</small>	BMP Description and/or ject or Topic	Target Audience	Delivery Method	Measurable Goal	Schedule for Implementation	Responsible Entity
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.
1a-01	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.
1a-02						
1a-03	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.
1a-04						
1a-05						
1a-06						
1a-07						
1a-08						
1a-09						
1a-10						

300(7)(b) incorporated in Rule 62-621,300(7), F.A.C.
y 16, 2021

New NOI Form

Appendix A-Stormwater Management Program

Choose an item.

General Stormwater Management Information

Household Hazardous Waste Disposal

Storm Drain Marking

Pesticide and Fertilizer Application

Pet Waste Management

Riparian Corridor Protection/Restoration

Trash Management

Vehicle Washing

Wetland Protection

Residential Yard Waste Management (e.g. onsite reuse of leaves and grass clippings)

Steps that can be taken-Household septic system maintenance

Steps that can be taken-Modification of landscape using Florida Yards and Neighborhoods Program principles

Steps that can be taken-Disconnect directly connected impervious areas (e.g. roof downspouts)

Steps that can be taken-Proper use and disposal of landscape and garden chemicals (including fertilizers and pesticides)

Steps that can be taken-Protection and restoration of riparian vegetation

Steps that can be taken-Proper disposal of motor oil or other vehicle fluids

Steps that can be taken-Proper disposal of household hazardous wastes

Steps that can be taken-Proper disposal of pet wastes

Inform individuals or groups on how to become involved in local stream and waterbody restoration activities

Inform individuals or groups on how to become involved with stream or waterbody clean-up activities

Inform individuals or groups on how to become involved with stream or waterbody activities coordinated by youth

Inform individuals or groups on how to become involved with stream and waterbody activities coordinated by conservation corps or other citizen groups

Other (Specify)

Table 1. Public

BMP #	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.
Choose an item.	Choose an item. ▾	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.

New NOI Form

Table 1. Public Education and Outreach BMPs

BMP #	BMP Description and/or Subject or Topic	Public Education and Outreach Target Audience	Measurable Goal	Schedule for Implementation	Responsible Entity		
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.	
Choose an item.	Choose an item.	Contractors	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.	
Choose an item.	Choose an item.	School Groups	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.	
Choose an item.	Choose an item.	Public Employees	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.	
DEP Form 62-621.300(7)(b) incorporated in Rule Effective February 16, 2021		Residential					
		Businesses					
		Restaurants					
		Public Industries					
		Agricultural					
		Other (Specify)					

New NOI Form

Table 1. Public Education and Outreach BMPs

BMP #	BMP Description and/or Subject or Topic	Target Audience	Public Education and Outreach Delivery Method	Schedule for Implementation	Responsible Entity
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here	Click or tap here to enter text.
Choose an item.	Choose an item.	Choose an item.	Website		Click or tap here to enter text.
Choose an item.	Choose an item.	Choose an item.	Brochures/Pamphlets		Click or tap here to enter text.
			Contests		
			Displays/Posters/Kiosks		
			Local Public Service Announcements		
			Meetings		
			Newspaper Articles/Press Releases		
			School Programs		
			Special Events/Fairs		
			Videos		
			Publication of MS4 Annual Report		
			Publication of Stormwater Management Program		
			Publication of Ordinance to control discharges to the MS4		
			Social Media		
			Targeted Group Training		
			Signage		
			Tours		
			Government Event		
			Worskhops		
			Other (Specify)		

DEP Form 62-621.300(7)(b) incorporated in Rule 62-621.300(7), F.A.C. Effective February 16, 2021

New NOI Form

Measurable Goal

- Not a drop-down menu
- Describe implementation of the corresponding BMP
 - Number of web hits, attendees, inspections performed,...etc.

Table 1. Public Education and Outreach BMPs

BMP #	BMP Description and/or Subject or Topic	Target Audience	Delivery Method	Measurable Goal	Schedule for Implementation	Responsible Entity
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select	Click or tap here to enter text.
Choose an item.	Choose an item.	Choose an item.	Choose an item.	Click or tap here to enter text.	Select Schedule	Click or tap here to enter text.

2021 Phase II Rule Update

TMDL Implementation – with BMAP

- Indicate participation in a BMAP or RAP
- Use Table 7 to document permittee activities on existing TMDLs with a BMAP(s)
- Due with the submittal of the NOI

Table 7. BMAP and/or RAP Information

BMAP or RAP Name	Click or tap here to enter text.
Date BMAP or RAP was Adopted	Click or tap here to enter text.
Description of Activity(s)	Click or tap here to enter text.
Schedule for Implementation and/or Completion	Click or tap here to enter text.

2021 Phase II Rule Update

TMDL Implementation – w/o BMAP

- Determine if MS4 discharges to TMDL waterbody with a WLA
- Prioritize TMDL waterbody
- Use Table 8 to document permittee activities to meet WLAs in prioritized TMDL waterbody
- Due with the submittal of the Year 4 annual report

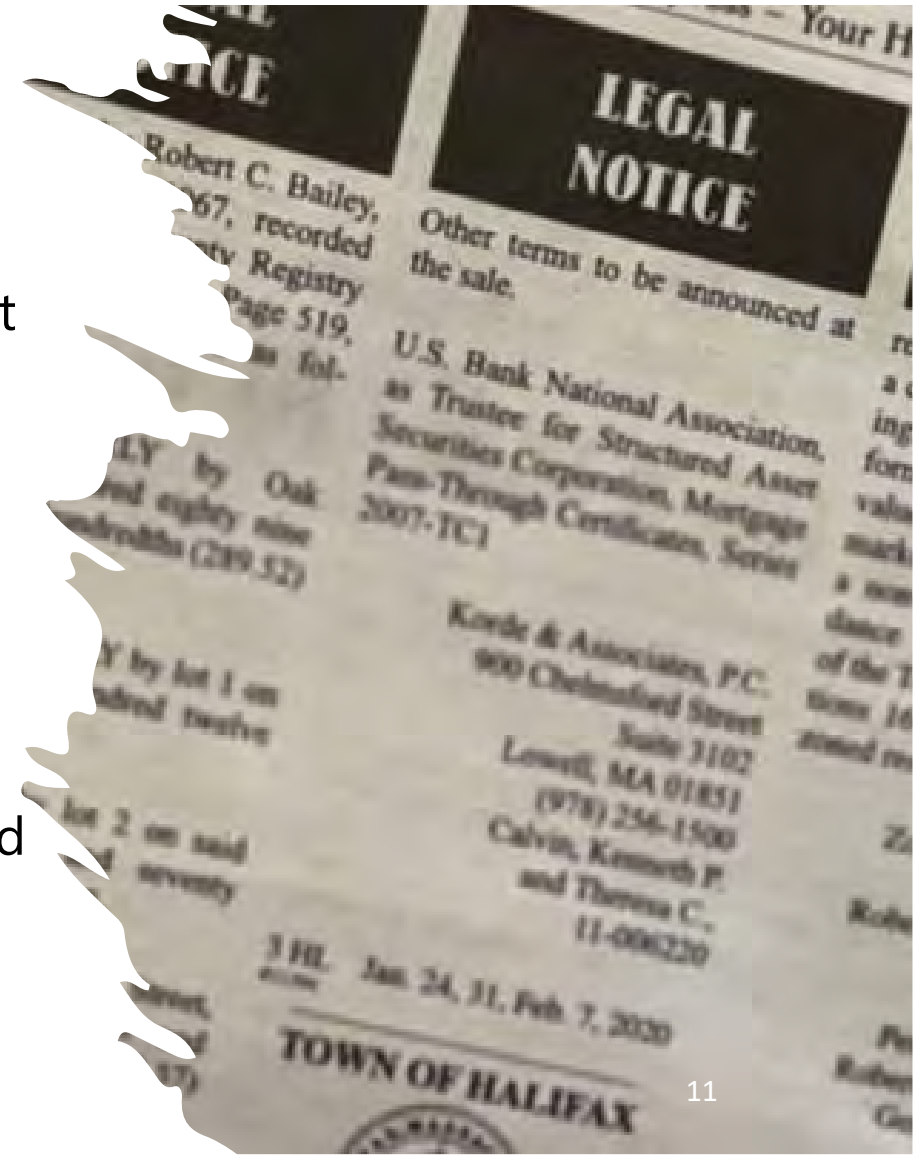
Table 8. Prioritized TMDL (without BMAP)

Prioritized TMDL Report Name	Click or tap here to enter text.
Activity(s) to Address TMDL without BMAP	Click or tap here to enter text.
Measurable Goals (if applicable)	Click or tap here to enter text.
Schedule for Implementation and/or Completion	Click or tap here to enter text.
Responsible Entity(s)	Click or tap here to enter text.

2021 Phase II Rule Update

Public Notices:

- Draft - Notice of Intent (NOI)
- FDEP Intent to Issue Coverage
 - Notice given by publication one time only by the permittee at their expense in the daily or weekly newspaper of general circulation within the area affected
- Department will provide the permittee with a copy of the notice to be published
- Proof of publication of the notice submitted to the Department within two weeks of the date the notice appeared in the newspaper

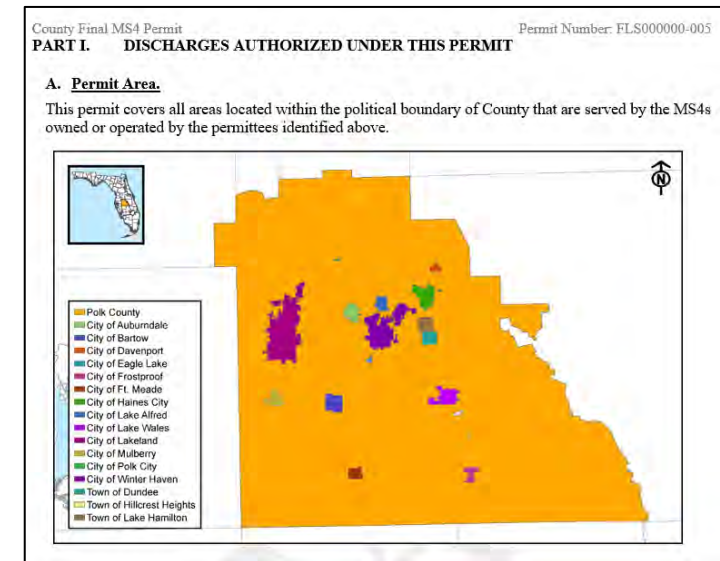


Phase I MS4 Permit Revision

Working Group Meetings: 2021 – 2022

- Informal comment period
- Comprised of members from FDEP and MS4 community
- Focus: to streamline and improve the permit
- Currently all proposed revisions are draft

Conclusion: significant changes and new requirements!



Phase I MS4 Permit Revision

Part II Changes

- SWMP requirements were removed and incorporated into Part III.A
- Legal Authority
 - Consolidated requirements into a single location in permit
 - Added requirements to submit proof of legal authority with reapplication

E. Legal Authority.

To the extent allowed by law, each permittee shall maintain legal authority to control discharges to and from the MS4. This legal authority may be through a combination of statute, ordinance, land development code, permit, contract, policy, order or inter-jurisdictional agreement between permittees, or similar means, provided legal authority is established to:

1. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity;
2. Control the contribution of pollutants to the MS4 by stormwater discharges associated with construction sites; furthermore:

The permittee shall maintain legal authority to require the use and maintenance of appropriate structural and non-structural erosion, sedimentation, and waste controls to prevent and reduce the discharge of pollutants to the MS4 from construction activities that at a minimum require coverage under a CGP. [This includes the legal authority for adequate inspection and enforcement measures to eliminate illicit or unpermitted construction site discharges to the MS4.]

3. Control the contribution of pollutants to the MS4 by stormwater discharges associated with new development or redevelopment projects, furthermore:

The permittee shall maintain and implement local codes and regulations, as well as development review and permitting procedures, that incorporate stormwater quality considerations into land-use planning and development activities that are at least as stringent as the requirements set forth in the ERP rules of the applicable WMD.

4. Prohibit and eliminate illicit discharges, illicit connections, and dumping to the MS4, furthermore: [The permittee shall enforce ordinances and other regulatory mechanisms that prohibit illicit discharges, illicit connections, improper disposal and illegal dumping to the MS4.]
5. Control the discharge of spills into the MS4;
6. Control the contribution of pollutants from one MS4 to another;
7. Require compliance with conditions in ordinances, permits, contracts or orders; and
8. Carry out inspection, surveillance, monitoring and enforcement procedures necessary to implement permit conditions, including the prohibition on illicit discharges to the MS4.

Each permittee shall review its legal authority to accomplish items 1-8 above during the permit cycle.

If existing legal authority is not sufficient to meet these criteria, the permittee shall identify additional authorities necessary to meet the criteria and develop a schedule to seek such authority.

Provide a copy of the legal authority to accomplish items 1-8 above, and a status update to any review activity, changes, and/or legal authority development schedules, with the permit reapplication outlined in Part VII.C.

Phase I MS4 Permit Revision

Part III.A.1: Stormwater Management Program Requirements

- Non-Major Outfalls
- Catch Basin program
- Inspection & Maintenance schedules (reduced from 10 to 5 years)



Phase I MS4 Permit Revision

b. Non-major Outfall Mapping & Inventory

Maintain an up-to-date map or geographic information system (GIS) of that depicts all known non-major outfalls (those outfalls that do not meet the criteria to be defined as major outfalls).

The ~~non-major~~ outfall map shall be at a scale to allow the Department to determine the spatial surroundings and show a unique identifier for each outfall.

The permittee shall assess the entirety of the system within 5 years of permit issuance.

REPORTING

- ~~• With the Year 1 ANNUAL REPORT: provide a map depicting known non-major outfalls~~
- In each ANNUAL REPORT: provide updates ~~to the~~ on non-major outfalls added to, or removed from, the inventory and map, to include:
 - Unique object ID for each non-major outfall
 - Spatial coordinates (lat/long) for each non-major outfall

Phase I MS4 Permit Revision

c. Catch Basin Management

Evaluate catch basins to develop inspection and maintenance frequencies that are appropriate for local conditions and determine the need for component upgrades.

Inspections shall occur at a frequency, ~~as determined by the permittee to be necessary or appropriate to~~ reduce the amount of trash, sediment, and other debris collected within, and discharged from, the MS4.

The program shall consist of:

- The categorization, or grouping, of catch basins based on permittee-identified criteria (e.g., proximity to impaired waters, MS4 outfalls, or construction sites; a history of trash/debris build-up, blockages, or flooding)
- A schedule or frequency for inspections ~~and maintenance~~ assigned to each category or group
- Procedures to track the estimated the weight or volume of trash/debris/sediment removed from catch basins
- An annual evaluation of the effectiveness of assigned frequencies
- Procedures to evaluate catch basins for the need to upgrade with a gross solids removal device (GSRD), or similar
- A written SOP that describes each of the aforementioned items

Phase I MS4 Permit Revision

<p>Inlet; Grate:</p> <p>Once every 5 years</p>	<ul style="list-style-type: none">• Inspect and monitor for debris/ litter/ sediment accumulation to prevent loss of storage volume or adverse impacts on flow and operation• Inspect system for structural integrity and to ensure that it is operating as designed
<p>pipes; Culvert; Ditches; Conveyance swale; Other Conveyance:</p> <p>Once every 5 years</p>	<ul style="list-style-type: none">• Inspect and monitor for debris/ litter/ sediment accumulation to prevent loss of storage volume or adverse impacts on flow and operation• Inspect for erosion or subsidence on embankment or side slopes• Inspect for vegetation that may interfere with proper function.• Inspect system for structural integrity and to ensure that it is operating as designed

Phase I MS4 Permit Revision

Part III.A.5: Illicit Discharge Detection and Elimination Program

- Combined Proactive and Reactive inspection program
- Combined training requirements for IDDE and Spill Response
- Revised language for allowable non-stormwater discharges



Phase I MS4 Permit Revision

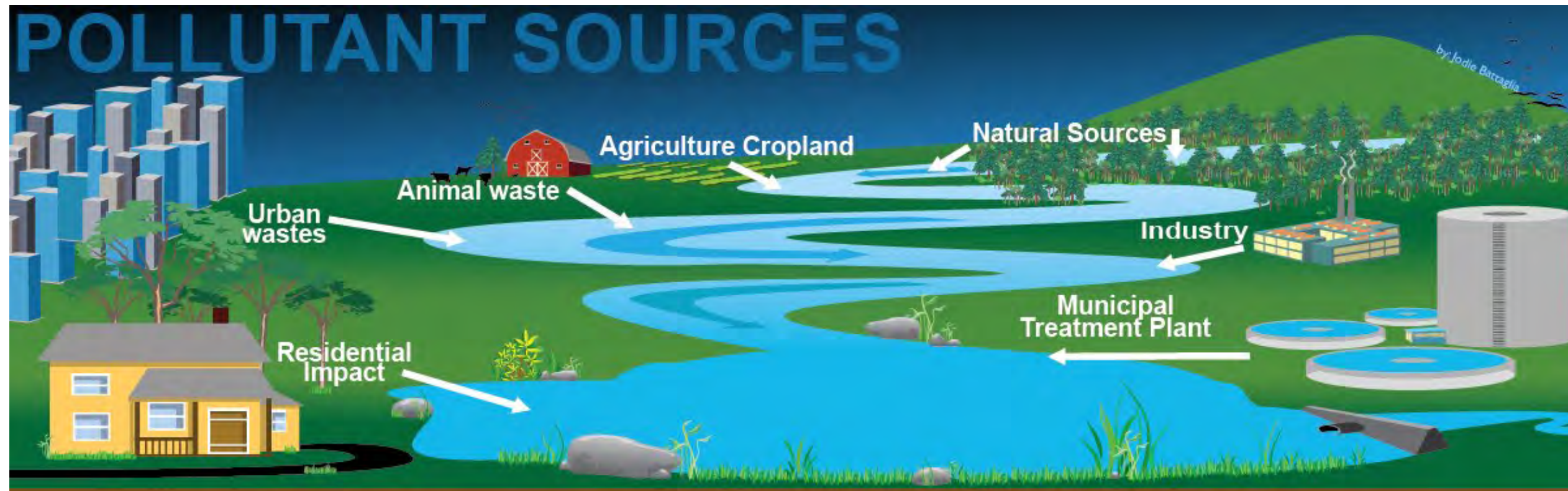
c. ~~The~~ Included within the following categories of non-stormwater discharges, and provided they do not cause a violation of water quality standards:

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;

Phase I MS4 Permit Revision

Part V.B(1): Total Maximum Daily Loads / Pollutant Loading Evaluation

- Added Pollutant Load Reduction Model as 3rd option
- Added ability for permittees to prioritize RAPs in lieu of TMDL



Phase I MS4 Permit Revision

Pollutant Load Reduction Modeling - to obtain estimates of annual pollutant loadings from stormwater runoff as influenced by land-use, stormwater management practices, and other determinants within MS4 drainage areas that discharge to a TMDL waterbody. The pollutant loading model shall, at a minimum, include the following inputs:

- The total land area of each applicable land-use types within the contributing MS4 drainage area(s)
- The estimated percent impervious area within the applicable MS4 drainage area(s) or appropriate impervious area runoff coefficients by land-use type
- The use of local mean annual rainfall data
- The use of site-specific or local, ~~or state-wide~~ EMCs
- The incorporation of BMP data and other associated pollutant removal efficiencies



Phase I MS4 Permit Revision

In lieu of a TMDL waterbody, the permittee may prioritize an impaired waterbody for the development of a Reasonable Assurance Plan (RAP) during the permit cycle, ~~in lieu of a TMDL waterbody~~, under the following conditions:

- ~~The MS4 contains a verified outfall that discharges to the impaired WBID(s) and is suspected as a contributing a potential source of the pollutant(s) of concern targeted by the RAP, and the permittee is identified as a responsible participating entity within the RAP;~~
- The waterbody, at the time of permit issuance, is not on the DEAR 2-year work plan for TMDL development, found in the following link: <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/site-specific-tmdl-prioritization>.
- The permittee shall demonstrate, through proposed or existing MS4 pollution control ~~meechanisms~~ measures or programs, that reasonable progress toward attainment of water quality standards, as described in ~~Chapter~~ Rule 62-303.600(2), F.A.C., will address MS4 loading of the ~~impairment's~~ pollutant of concern. ~~Additional requirements for a permittee to address RAP(s), in lieu of TMDL(s), are described in Part V.A.4.~~
- ~~The WBID(s) addressed by the RAP~~ prioritized waterbody is, or is proposed to be, listed in the Department's assessment category 4b ~~(303(d) listing)~~;
- A RAP(s) shall not be prioritized in two consecutive permit cycles; and,
- A RAP shall not be proposed to address bacteria impairments.



Questions or Comments?

