

How to Prepare for Your MS4 Audit

The Continuous Improvement Approach



Florida Stormwater Association
Fall Seminar – September 16, 2022

Terry Carr, CHMM
City of Jacksonville
Environmental Quality Division

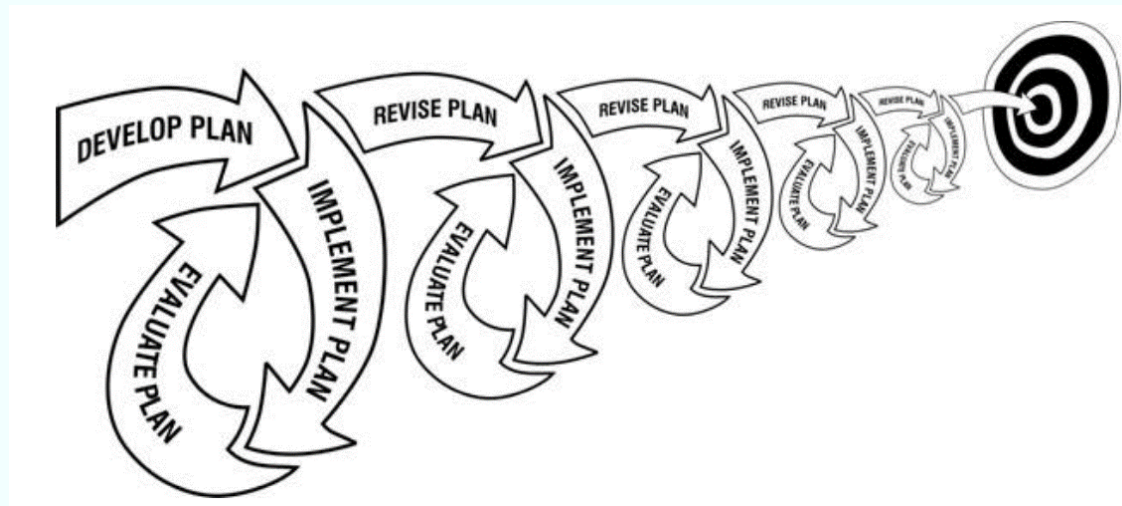
Purpose of MS4 Audit

- Cooperative FDEP/Permittee Continuous Improvement
 - Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
 - Stormwater Management Program (SWMP)



Plan – Compliance

- MS4 NPDES Permit Requirements
 - Clear
 - Comprehensive
- SWMP
 - USEPA Iterative Model for MS4 SWMPs



Plan – Compliance

- MS4 NPDES Permit

- Funding
- Staffing
- Procedural elements established to achieve requirements
- Recordkeeping
- Interlocal Agreements

- SWMP

- S.M.A.R.T.
 - Specific
 - Measurable
 - Attainable
 - Relevant
 - Time-based
- Effective

City of Jacksonville FINAL MS4 Permit		Permit Number: FLS000012-004
STORMWATER MANAGEMENT PROGRAM: 3. <i>Roadways.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	<p>Implement a street sweeping program for highways and streets, including rights-of-way, with curbs and gutters operated by the permittee. The SOP shall include the criteria for determining which roadways will be swept and the frequency of sweeping, proper disposal of collected material, and the method for quantifying and tracking the amount of material removed by the street sweepers. The written SOP shall be reviewed annually.</p> <p>The permittees shall use the results of the Florida Stormwater Association MS4 Project to calculate the total nitrogen (TN) and total phosphorus (TP) loading reductions. This report and the associated spreadsheet to calculate the nutrient loadings are available online at: http://www.dep.state.fl.us/water/stormwater/npdes/MS4_1.htm. A permittee may use results from a similar study if it is approved by the Department.</p> <p>Maintain documentation of the street sweeping program activities.</p>	Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected and the estimated pounds of total nitrogen (TN) and total phosphorus (TP) that were removed by the collection of sweepings, in each ANNUAL REPORT.
City of Jacksonville FINAL MS4 Permit		Permit Number: FLS000012-004
PART II. STORMWATER POLLUTION PREVENTION AND MANAGEMENT PROGRAMS		
<p>Each permittee shall implement a Stormwater Management Program (SWMP) that shall include pollution prevention measures, treatment or removal techniques, stormwater monitoring, use of legal authority, and other appropriate means to control the quality of stormwater discharged from the MS4.</p> <p>Controls and activities in the SWMP shall identify areas of permittee jurisdiction. The SWMP shall include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 and reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). Compliance with the SWMP shall be reported annually in the ANNUAL REPORT discussed in Part VI of this permit.</p>		

Do – Compliance

- MS4 NPDES Permit

REQUIRED PROGRAM ELEMENT
Operation and maintenance of structural controls.
Control of discharges from areas of new development and significant redevelopment.
Operation and maintenance of public streets, roads, and highways.
Ensure that flood control projects consider water quality impacts.
Identification, monitoring, and control of discharges from municipal waste treatment, storage, or disposal facilities.
Control of pollutants related to application of pesticides, herbicides, and fertilizers.
Implementation of an inspection program to enforce ordinances which prohibit illicit connections and illegal dumping into the MS4.
Field screening the MS4 for illicit connections and illegal dumping.
Implementation of standard investigative procedures to identify and terminate sources of illicit connections or discharges.
Prevention, containment, and response to spills that may discharge into the MS4.
Limit the infiltration of sanitary seepage into the MS4.
Identification, monitoring, and control of discharges from municipal landfills; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4.
Control of pollutants in construction site runoff
Public education

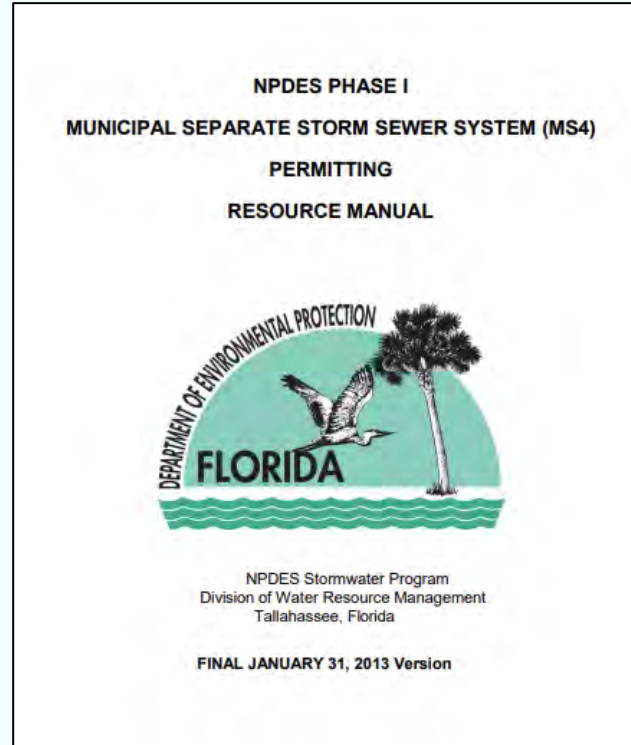


Table 1. Components of the Phase 1 MS4 permit

Table 2. Six Components of the Phase 2 MS4 permit

REQUIRED PROGRAM ELEMENT
Public education and outreach
Public involvement and participation
Illicit discharge detection and elimination
Construction site stormwater control
Post-construction stormwater controls for new development and redevelopment
Municipal operations good housekeeping and pollution prevention

Do – Compliance

- SWMP

- Implementation

- S.M.A.R.T.

- Specific, ..., Attainable, Relevant, Time-based

- Standard Operating Procedures

- Training

- Projects

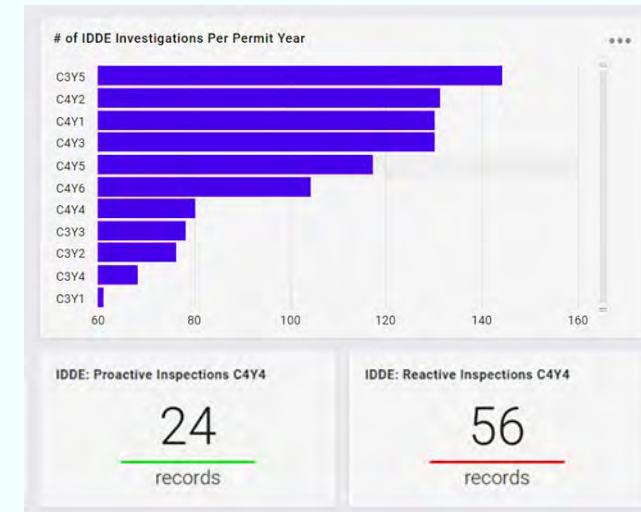
City of Jacksonville	
Stormwater Management Plan	
Permit Number: FLS000012-003 – Major Facility	
Issue Date: June 1, 2011	
Expiration Date: May 31, 2016	
VERSION 1.0 03/16/2016	
✓	Smart_Book_COJ_SWMP_20160314_full.pdf
✓	final draft MS4 IDDE Program Draft SOP 11_28_12 erb edits (002).pdf
✓	Illicit Discharge Detection and Elimination Program Plan
✓	1.0 INTRODUCTION
	3.0 IDDE INSPECTION PLAN
	3.1 Proactive IDDE Inspections
✓	Appendix D FDEP 2010 Technical Report.pdf
✓	Compiled Appendices WBID 2224.pdf
✓	NPDES Monitoring - MS4_2009AnnualReport Feb 26 2010 All rdm.pdf
✓	MONITORING PLAN SPECIFICS
	TRIBUTARY PROGRAM (ROUTINE)
	Methodology
	Frequency
	Stations
>	Routine Tributary Stations Sampled (103)
	"COJ" Tributary Assessment Team (TAT)
>	Station Locations (64)
>	2013_14 Annual Pollutant Loadings EMCs.pdf

Check – Compliance

- MS4 NPDES Permit

- Red flags:

- No performance data or reviews
 - Inadequate documentation
 - Outdated or insufficient SOPs
 - Insufficient training
 - Lack of public involvement



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Tier 1 Illicit Discharge Detection and Elimination Training

- Tier 1 Illicit Discharge Detection and Elimination Training (14:22)
English Version
- Tier 1 Illicit Discharge Detection and Elimination Training (Spanish) (14:51)
Versión en Español

[Resources Page](#)

[Accessibility Page](#)

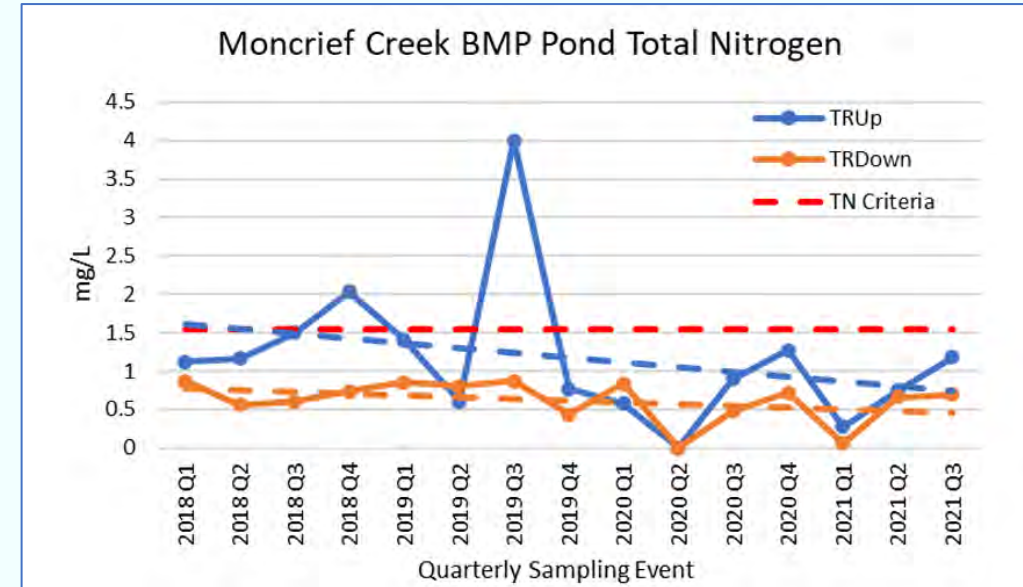
[Web Policies and Notices](#)

Check – Compliance

- SWMP

- S.M.A.R.T.

- Measurement
 - Water quality monitoring
- Operations – SWOT analysis
- Evaluate social indicators
 - Pet waste
 - Yard waste
 - Illicit Discharges
 - Littering
- Key performance indicators
 - Evidence of progress towards achieving a desired result



KPI #1	MS4 Capital Improvement and Retrofit Projects Completed
KPI #2	Septic Tank Phase Out
KPI #3	Maintenance Activities Undertaken
KPI #4	Load reductions Achieved Through Street Sweeping, Roadway Litter Removal, Inlet Cleaning
KPI #5	Structural Control Inspection and Inspection follow up Maintenance
KPI #6	BMP Effectiveness Assessment

Act – Compliance

- MS4 NPDES Permit
 - Additional regulatory authority
 - Reallocate resources to achieve permit requirements
 - Collaborate for Interlocal Agreements
 - Consult with FDEP NPDES Stormwater Program contacts

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF JACKSONVILLE
THE CITY OF ATLANTIC BEACH AND THE CITY OF NEPTUNE BEACH
FOR NPDES PERMIT SERVICES AND FEES**

This Agreement, between the City of Jacksonville, a political subdivision of the State of Florida whose administrative offices are located at City Hall, 117 W. Duval Street, Jacksonville, Florida 32202 (“COJ”), the City of Atlantic Beach, a Florida municipal corporation whose administrative offices are located at 800 Seminole Road, Atlantic Beach, Florida 32233 (“COAB”), and the City of Neptune Beach, a Florida municipal corporation whose administrative offices are located at 116 First Street North, Neptune Beach, Florida 32266 (“CONB”), is entered into this 26 day of April, 2018.

WITNESSETH:

WHEREAS, the COJ, COAB, and CONB desire to protect and promote the public health, safety, and general welfare through the management of stormwater runoff; and

WHEREAS, the COJ, COAB, and CONB desire to maintain and assist in the improvement of water quality and to preserve and enhance the environmental quality of receiving waters; and

Act – Compliance

- SWMP

- Update

- SOPs
- Monitoring Plan
- Assessment Data

- Explore grant opportunities

STANDARD OPERATING PROCEDURE

Neighborhoods Department/Environmental Quality Division

PROCEDURE TITLE: High-Risk Facility (HRF) Program

Effective Date: TBD	Reviewed By: Abigail Jones	Date Reviewed: 05/24/2021
References – Clean Water Act (CWA) Section 402(b) 40 CFR, 122.2 40 CFR, 122.26(b)(14) 40 CFR, 122.26(b)(14)(i)-(xi) 40 CFR, Part 123 Rule 62-620, F.A.C. Rule 62-621.300(5)(a), F.A.C. 403.0833, Florida Statutes (F.S.) FEPB Rule 3 FEPB Rule 3.103 COJ 360.105, 362.104(c) and 73.102 Ordinance Code COJ Chapter 362, Ordinance Code	Title, Section, etc. Date Approved: [Date]	
Revision #	Approved by:	Date Approved:
Revision #	Approved by:	Date Approved:

FUNCTION/PURPOSE:

An outline of the High-Risk Facility (HRF) program as a provision of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase I Permit.

Procedure #

- Administrator(s): an administrator is an individual who contributes to the functionality of the HRF Program by managing the database, approving facility inventory changes, inspection schedules, inspection reports, and performing tasks as deemed necessary by the Water Branch management staff. The Administrator shall aim to approve documents within three weeks of submission for necessary corrections or adjustments.
- Inspector(s): an Inspector maintains the proactive program by initiating inspections, generating a list of changes noted throughout research and assessments, and creating an inspection schedule. All other aspects of the HRF Program, initiated by the Inspector, are approved by program management, and conducted at the Inspector's discretion.

*See attachment A-1, a flowchart of the HRF program.

B. Established Practices

1. Reviewing the HRF Facility Inventory

The HRF Inspector shall perform research and data extraction throughout the year to add applicable HRF properties to the inventory. The HRF Program will review the inventory of high-risk facilities at the end of each permit year. It must include any established and new locations that the program recognizes as a high-risk property. The HRF Inspector and Administrator shall evaluate properties that are not applicable to the HRF Program. The accuracy is reviewed and approved by an HRF Administrator and supervised by COJ EGD Water Branch management.

*See attachment A-2, a detailed guide for proactive inspections.

2. HRF Inspection Cycles

All facilities and their respective outfall, potential connection, or connection to the MS4 are inspected once during the COJ NPDES MS4 Phase I permit cycle or within five years. Facilities that are excluded from this inspection cycle include those on the TR, TSD, and MLF registry and have sheet flow, direct flow, and channelized flow into the City MS4 from potential sources of pollutants including but not limited to manufacturing processes, fueling, vehicle washing, and chemicals or scrap and bulk storage, etc. The HRF Inspector will inspect these facilities annually. TR, TSD, and MLF facilities that do not have a formal discharge point to the COJ MS4 are subject to biennial inspections or as deemed necessary by the program's administrator or EGD management.

It is important to note that a property is subject to a follow-up inspection within the same year of an initial inspection based on their compliance status or history of illicit and unpermitted discharges to the MS4. Facilities are also subject to other proactive efforts to ensure best management practices are adequately in

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SEARCH

Division of Water Restoration Assistance

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Contact Water Restoration Assistance

3800 Commonwealth Blvd.
MSR 3800
Tallahassee, FL 32399-3000
850-245-2835

The Division of Water Restoration Assistance is responsible for providing financial assistance to fund projects that improve the quality and quantity of the water resources of the state. The division was formed in 2015 when several significant water project funding programs collected from around the agency and brought together under one leadership. Formal adoption of the division was completed by the Legislature in 2016.

The Division of Water Restoration Assistance provides **loans and grants** to local governments, utilities and sometimes other agencies for projects that improve the quality and quantity of the state's water resources and provide a significant benefit to the environment and local communities. These projects improve stormwater quality, reduce pollutants entering surface water and ground

Act – Compliance

- SWMP

- Update

- SOPs
- Monitoring Plan
- Assessment Data

- Explore grant opportunities

- Establish partnerships

- Stakeholders
- Public Involvement
- Non-governmental organizations (Riverkeeper)

ENVIRONMENTAL QUALITY DIVISION
Ed Ball Building | 214 N. Hogan St., 5th Floor
Jacksonville, FL 32202 | (904) 255-7100 | epb@coj.net

PET WASTE & WATER QUALITY
Protect your health & Jacksonville's waterways. Scoop the poop!

SCOOP THE POOP

IS IT REALLY ALL THAT IMPORTANT TO SCOOP POOP?
Picking up pet waste and disposing of it in the trash keeps our sidewalks clean and our neighbors happy. But it also protects water quality, keeping our water resources safe for you, your family and your pets. To help us manage pet waste, provisions for proper disposal of animal wastes were enacted in both City of Jacksonville Animal Care and Protective Services Department Ordinance 486.203 and Jacksonville Environmental Protection Board Rule 3.707.

WHY IS POOP A PROBLEM?
Here in Jacksonville, we love our pets. However, their waste is not suitable for compost or fertilizer. It can carry diseases and bacteria, which are unsafe for humans. When it rains, bacteria from pet waste can wash directly into storm drains and drainage ditches and eventually into our tributaries and the St. Johns River. Animal waste contains nutrients that encourage algae blooms that are often seen in the St. Johns River and other waterways. Also, when pet wastes get flushed by rain into our waterways, they carry bacteria and other pathogens that could pose risks to people that enjoy recreational water activities like fishing, kayaking, and boating, and risks to other animals, too.

DID YOU KNOW? 72.8 million dogs currently live in the United States. 30,000 tons of waste is collectively produced every day. That's 1.0 million tons of dog waste produced every year.

WHY SCOOP?
Unsettling Facts About Dog Waste

- ☑ Dog waste is not fertilizer for your lawn. It can introduce harmful organisms, diseases, and bacteria into soil.
- ☑ Just one gram of dog waste can contain as many as 23 million colonies of fecal coliform bacteria - Yuck!
- ☑ The Center for Disease Control (CDC) confirms that hookworms, ringworms, tapeworms and salmonella can be spread by contact with infected dog waste.
- ☑ Dog fecal matter is a major contributor to stormwater pollution.

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD
coj.net/scoopthepoop


Plan – MS4 Audit Preparation

- It's not *if*, but *when*.
- The Florida Department of Environmental Protection (FDEP) will conduct an MS4 NPDES Permit audit sometime in the 5-year permit cycle.
- Make sure that you are prepared throughout the permit cycle:
 - Regulatory authority
 - Mapping
 - Documentation
 - Effective SWMP
 - SOPs
 - Training
 - Funding
 - All other permit requirements



Plan – MS4 Audit Preparation

- FDEP will provide advance notice of the audit date and details.



**FLORIDA DEPARTMENT OF
Environmental Protection**

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Sent via ePost

November 15, 2019

Subject: City of Jacksonville Municipal Separate Storm Sewer System (MS4)
NPDES Permit No. FLS000012-004
Cycle 4 Year 2 Audit Notification and Schedule

The Florida Department of Environmental Protection proposes to conduct MS4 program audits associated with the Cycle 4 Year 2 annual report and implementation of the Stormwater Management Program on December 9, 2019.

The following are the scheduled times and locations for the permittee's audit:

Date and Time	Permittee	Location/Contact
Tuesday, December 10, 2019 8:30 am – 4:00 pm	Site Visits & Records Review	Public Works Department, 214 N. Hogan St. 5th floor. Cassidy Reichert 904-255-7162

Please confirm your attendance per the above schedule by email response.

The audits of permittees listed above may consist of the following activities:

Annual Assessment: An overall assessment of your compliance with annual reporting requirements specified in the referenced permit will be based on the review of your C4Y1 Annual Report. Review of 'Required Improvements' and implementation as well as improvements needed as noted from review of the C4Y1 Annual Report.

Records Review: Permittees should have available the documentation and appropriate staff for the SWMP activities performed during the reporting period. The following documents may be reviewed during the audit:

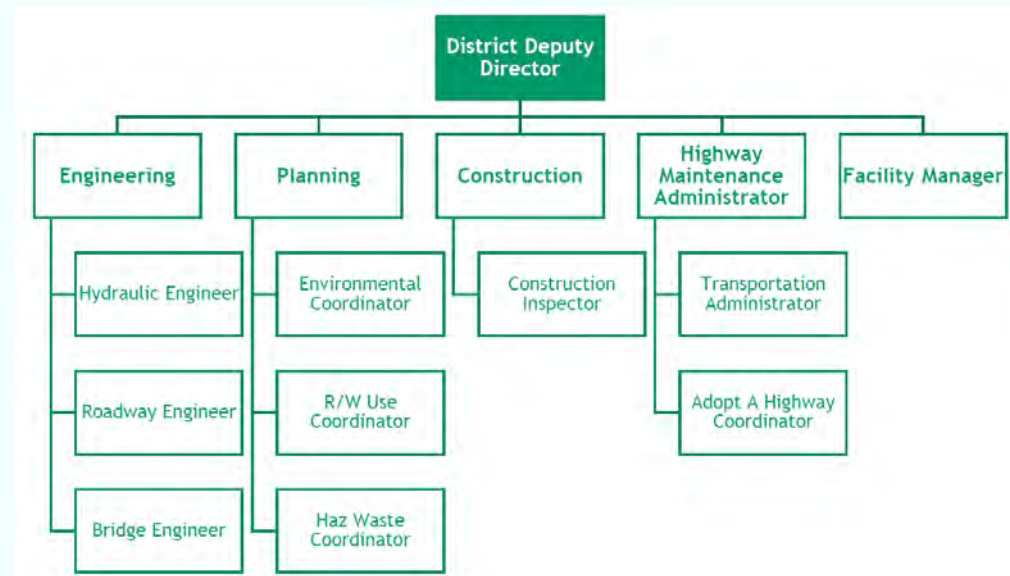
- SOPs for all SWMP elements
- Part III.A.1: Structural control inventory; inspection reports and tracking
- Part III.A.2: List of new/redevelopment projects
- Part III.A.3: Litter control and street sweeping maps and tracking; pick-up events
- Part III.A.4: List of flood control projects; Stormwater Master Plan
- Part III.A.3/5: Municipal facility inspection reports
- Part III.A.6: List of permittee-maintained areas (including parks); FDACS licenses, staff GIBMP certifications; copies of education materials
- Part III.A.7.a: Copy of legal authority for illicit discharge detection and elimination
- Part III.A.7.c: Proactive inspection reports and tracking; reactive investigation reports and tracking; staff training
- Part III.A.7.d: List of spills with potential to impact MS4; staff training
- Part III.A.7.e-f: Copies of education materials
- Part III.A.7.g: List of SSOs and proactive maintenance activities
- Part III.A.8.a: List of HRFs; inspection reports and tracking
- Part III.A.9.a-c: List of site plan review approvals, ERP and CGP notification and coverage; construction site inspection reports and tracking; staff training

Field/Site Visits: Objective is for Department staff to shadow permittee staff on inspections. Prepare for the following:


- Part III.A.4: Stormwater projects (under construction / completed and CIP / flood).
- Part III.A.3/5: Permittee vehicle maintenance and equipment or waste storage yards.
- Part III.A.9: Permittee- or privately- operated active construction site

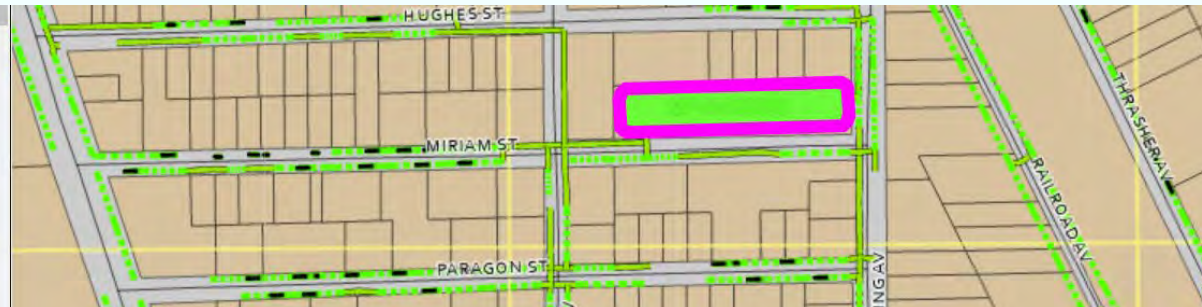
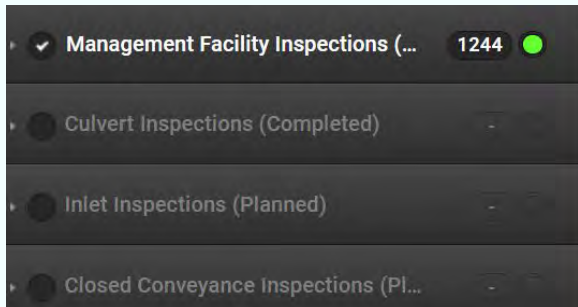
Do – MS4 Audit Preparation

- Determine key personnel that should participate
 - Executive level
 - Organizational chart for all permittees
 - Staff
 - SOP interviews
 - Site inspections
 - Permittee facilities with Stormwater Pollution Prevent Plans




Check – MS4 Audit Preparation

- Look for warning signs 
- Examples of deficiencies detailed during audits:
 - Documentation
 - Mapping
 - Completion of all required structural control inspections



General Information	
Status:	Completed
Last Modified:	6/16/2022 2:55:35 PM
Last Modified By:	LeonJoiner
Outfall Maintenance Activities	
Unable to Locate:	<input type="checkbox"/>
Needs Access:	<input type="checkbox"/>
Needs Maintenance:	<input type="checkbox"/>
Debris:	<input type="checkbox"/>
Erosion:	<input type="checkbox"/>
Sedimentation:	<input type="checkbox"/>
Sediment Conditions:	
Active Flow:	<input type="checkbox"/>
Discharge Staining:	<input type="checkbox"/>
Last Rain Discharge:	<input type="checkbox"/>
Last Rain Discharge Conditions:	
Structure Inspection Resolution:	
Deficiencies Notes:	


Check – MS4 Audit Preparation

- Examples of deficiencies detailed during audits: 
 - Site development plan review
 - Construction site Stormwater Pollution Prevention Plan (SWPPP) review




Discipline	Current Status	Assignee	Action
Addressing	Disapproved	Stephen Nutt snutt@coj.net (904)-255-8345	Review History
Bicycle/Pedestrian Coordinator	In Agency Review		
Concurrency Management Office- Concurrency (CMMSO)	Approved with note	Blaine Warnock warnock@coj.net (904)-255-8321	Review History
Drainage	In Agency Review		
DSD Office	In Agency Review		
Environmental Quality	In Agency Review		Assign
Fire Marshal	Disapproved	Thomas Romano TRomano@coj.net (904)-255-8538	Review History
Landscape Field 3	Approved	Neal Brawner nbrawner@coj.net (904)-383-9273	Review History
Landscape Office	In Agency Review		
Planning DSD	In Agency Review	Seva Abasova SAbasova@coj.net (904)-255-8555	
Traffic Review (DSD)	In Agency Review	John Kolczynski johnfk@coj.net (904)-255-8583	


Check – MS4 Audit Preparation

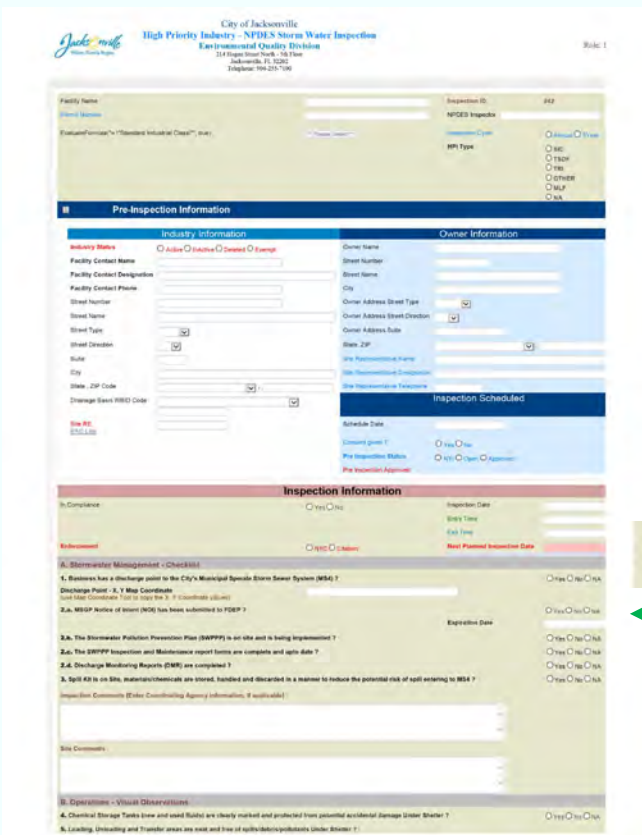
- Examples of deficiencies detailed during audits: 
 - Regulatory authority to control illicit discharges
 - Proactive IDDE
 - IDDE Enforcement

Florida Department of Transportation
Potential Illicit Discharge/Illegal Connection/Illegal Dumping Report Form 05/27/2021

Potential Illicit Discharge Report		
Report No.:	72012-PID-0001-08/19/2020	
County:	Duval	
Date found or observed:	08/19/2020	
Roadway Number:	72012	
Roadway Name:	SR 105 Lane Ave	
Ditch Location:	In back of S. Lane Ave. Antrak Hospital	
Receiving Waterbody (if known):	22628 Cedar River	
Approximate location of observed potential illicit discharge, connection, or dumping:	Along South bank of outfall ditch NO 72012-OPDL-005636	
Location address (if known):	1166 Lane Ave. South	
Brief description of observation:	Rusting and white pvc pipe found on south bank around 30ft from headwall	
Forwarded for further investigation to:	City of Jacksonville	Status: Open
Date:	08/28/2020	
Name: FDOT Randy Wilbourn	Phone Number: 904-360-5625	
Location Map	Picture of Observation	
		

Check – MS4 Audit Preparation

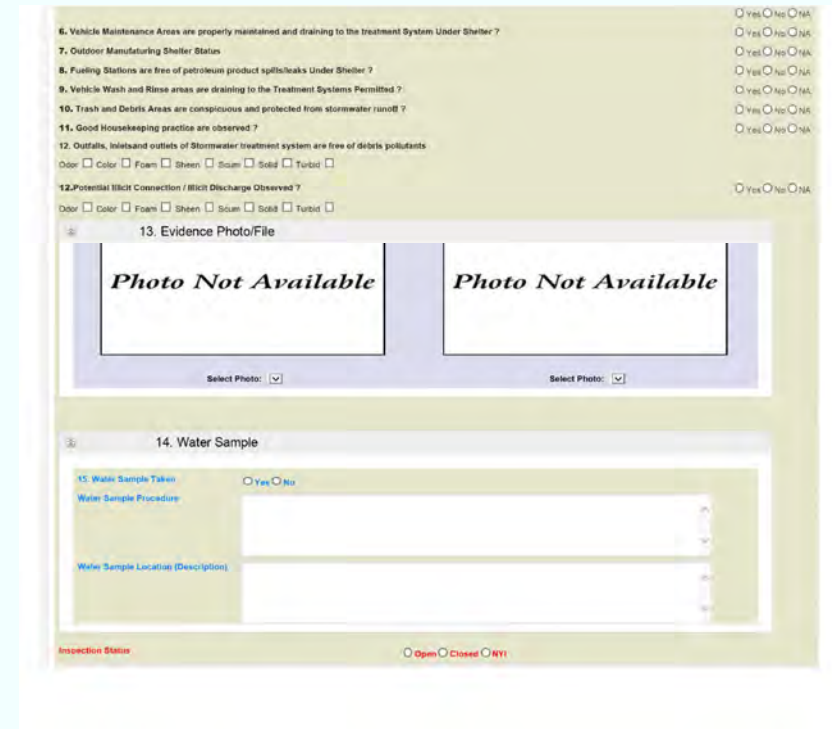
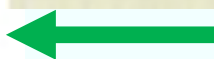
- Examples of deficiencies detailed during audits: 
 - High-risk facility (HRF) inspections
 - HRF multi-sector generic permit confirmation




2.a. MSGP Notice of Intent (NOI) has been submitted to FDEP ?

Yes No NA

Expiration Date



Check – MS4 Audit Preparation

- Examples of deficiencies detailed during audits: 
 - Public Involvement
 - <https://www.stjohnsriverkeeper.org/report/>



ST. JOHNS
RIVERKEEPER®

Illegal Discharge

Any discharge, such as water or sewage, allowed to flow from a pipe or drain directly into a wetland, river or stream.


Jacksonville's Care Center in Duval County (Get case #)	(904) 630-2489
Florida Department of Environmental Protection	(904) 256-1649
Duval County Dept. of Health (for sewage only)	(904) 253-1280

Construction Site Runoff

Soil from a construction site running into a stream, wetlands or the river, regardless of barriers such silt fences or hay bales.

Jacksonville Environmental Quality Division	(904) 255-7100
St. Johns River Water Management District (outside Duval County)	(904) 730-6270

Check – MS4 Audit Preparation

- Examples of deficiencies detailed during audits: 
 - SWMP effectiveness
 - Water quality monitoring
 - Housekeeping at municipal facilities
 - Inadequate staffing
 - Program staff not familiar with or not following SOPs



Photograph 3: HHW Collection Facility, High Priority Industrial Site Visit
View of unprotected used household oil collection container with potential to contaminate nearby stormwater inlet

Act – MS4 Audit Preparation

- Records

- Assemble the records and documents that you reported in the Annual Report
 - original activity records
 - reports
 - work order verifications
 - SOPs
- Have records organized by Section VII, Part 111.A.1 through Part 111.A.9.c of the MS4 Annual Report
- Be ready to have records available at the meeting location established for the audit

Act – MS4 Audit Preparation

- Be prepared to explain and document what interventions you have developed for non-compliances or areas of concerns
 - Define the opportunity for improvement
 - Measure the performance of your existing processes
 - Analyze the process to find defects and root causes
 - Improve processes by addressing root causes
 - Correct deviations
 - Standardize improvements to assure future process performance



FDEP (USEPA) MS4 Audit Process

- USEPA/FDEP MOA requires that FDEP
 - “Comprehensively evaluate and assess compliance with permit conditions”
 - “Maintain a vigorous program of taking timely and appropriate enforcement actions in accordance with State statutes, the CWA and 40 CFR § 123.27”

*NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF FLORIDA AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4*

Section I. Introduction

This Memorandum of Agreement (hereinafter, MOA) establishes policies, responsibilities and procedures pursuant to 40 Code of Federal Regulations (C.F.R.) Part 123 and sets forth procedures for how the National Pollutant Discharge Elimination System (NPDES) program will be administered by the State of Florida, Department of Environmental Protection (hereinafter, FDEP or State) and reviewed by Region 4 of the United States Environmental Protection Agency (hereinafter, EPA or Region 4). All additional agreements between the FDEP and EPA are subject to review by the Regional Administrator of the U.S. Environmental Protection Agency, Region 4 (hereinafter, the Regional Administrator), and the Secretary of the FDEP (hereinafter, the Secretary). If the Regional Administrator determines that any provision of any agreement does not conform to the requirements of Section 402(b) of the Federal Clean Water Act (hereinafter, the CWA), 33 U.S.C. 1251 *et. seq.*, or to the requirements of 40 C.F.R. Parts 122-125, or other applicable federal regulations, the Regional Administrator shall notify the Secretary of any proposed revisions or modifications which must be in such agreements.

FDEP MS4 Audit Process

- FDEP Objectives

- Primary:

- Determine compliance status with regulations, permit conditions, and other program requirements
 - Verify the accuracy of information submitted by permittees
 - Verify the adequacy of sampling and monitoring conducted by the permittee
 - Obtain information that supports the permitting process

- Potential:

- Gather evidence to support enforcement actions, if needed
 - Assess compliance with orders or consent decrees

FDEP MS4 Audit Process

- Notification and Preliminary Documentation Request
- Formal Audit
- Report of Findings
- Compliance Assistance
- MS4 Permittee Opportunity for Continuous Improvement



Observe – FDEP MS4 Audit Process

- Preliminary Documentation Request
 - MS4 permitted area map with receiving waters
 - SWMP
 - Latest Annual Report
 - Interlocal/Co-permittee agreements
 - May request additional information prior to audit
- Formal Audit
 - Meeting
 - Interviews
 - Site Visits
 - Conference
- Findings
 - Request for Additional Information
 - Suggestions
 - Corrective Actions



Observe – FDEP MS4 Audit Process

- General Meeting with co-permittees to discuss:
 - Annual Report(s)
 - Review and assessment of sufficiency for all elements
 - recordkeeping requirements
 - common deficiencies
 - requirements for achieving an “Administratively Complete” AR and other issues
 - Permit Parts of particular interest to permittees
 - SOPs required by the permit
 - Changes from previous to current permit Cycle
 - Assessment Program goals and required elements and relation to
 - Any other items proposed by permittees for discussion

Observe – FDEP MS4 Audit Process

- Records Review (focus areas during previous COJ audits)
 - Standard operating procedures (SOPs)
 - Structural Controls inspection and maintenance recordkeeping
 - Proactive Illicit Discharge Inspection
 - Construction Site Runoff – Inspection and Enforcement
 - SWMP activities performed during the reporting period

MS4 Program Evaluation Guidance

U.S. Environmental Protection Agency Office of Wastewater Management

Records Review

The following records might help in evaluating the compliance and performance of the permittee's MS4 maintenance activities. Ask for copies of relevant information where it will help in writing the report or documenting a permit violation.

Documentation	What to Look For
Tracking systems ✓ Catch basin cleaning ✓ Street sweeping ✓ Pump station maintenance ✓ Structural BMP maintenance	<ul style="list-style-type: none"> • What type of water quality-related information is tracked (i.e., tons of material swept) • Does the permittee set priorities and goals for MS4 maintenance activities each year? • How are these priorities and goals established? <ul style="list-style-type: none"> ▪ Pollutants of concern ▪ Watersheds of concern • Review how these activities are summarized for the annual report
In-field inspection sheets	<ul style="list-style-type: none"> • What guidance is provided to inspectors or maintenance crews to ensure they're properly inspecting and maintaining stormwater infrastructure?

Documentation	What to Look For
Maintenance SOPs	<ul style="list-style-type: none"> • Review standard operating procedures or any employee manuals or fact sheets used by permittee staff to conduct their day-to-day activities to determine if stormwater BMPs are described
List of municipal facilities	<ul style="list-style-type: none"> • Have the facilities been prioritized based on potential water quality impacts? • Are the facilities inspected? How often? Who inspects?
MS4 maintenance facility SWPPPs	<ul style="list-style-type: none"> • Are SWPPPs (or equivalent) for permittee-owned or -operated maintenance yards, wastewater treatment plants, public transit facilities that perform maintenance, or other facilities adequately addressing stormwater? • When were the SWPPPs last updated?
Training schedule	<ul style="list-style-type: none"> • Review training records to determine how often training is provided, who is required to attend
Pesticides, herbicides, and fertilizers ✓ Application records and protocols ✓ Applicator certifications and training	<ul style="list-style-type: none"> • Has the permittee tracked the types and amounts of chemicals applied in the permit area? • Does the permittee have state-certified pesticide applicators? • Are the applicators' certifications up to date?
Flood management program	<ul style="list-style-type: none"> • Review the permittee's capital improvement project list for flood drainage or flood management projects. • Review the permittee's watershed master plans or flood drainage master plans for flood management projects. • What types of evaluation criteria have been used to prioritize the projects on the (CIP) list or in the watershed master plan (e.g., water quality

Observe – FDEP MS4 Audit Process

- Field Observations

- MS4 elements and activities

- MS4 structural BMPs
 - Major and non-major outfalls
 - retention/detention BMPs
 - Permittee facility
 - fleet vehicle maintenance
 - Household hazardous waste
 - Public works yard
 - monitoring station locations (especially those associated with MS4 outfalls)

Observe – FDEP MS4 Audit Process

- Field Observations

- Construction sites

- City capital improvement project that is not a roadway, water line, or sidewalk construction.
 - One to two private sites with a measurable amount of soil disturbance (over 1 acre), preferably with active dewatering to the City MS4.

One of the permittee's certified MS4 construction site erosion and sediment control BMPs inspector will be shadowed as verification of proper SOP and documentation procedures.

Orient – FDEP MS4 Audit Process

- Report of Findings

- Current year's Annual Report (AR) Review and Assessment

- Assessment of compliance with annual reporting requirements specified in the permit

- Review of 'Required Improvements' and SWMP implementation revisions needed

**City of Jacksonville MS4, NPDES Permit No. FLS000012 Year 7 Permit Assessment
June 7, 2010**

City of Jacksonville

Please be advised that the following required improvements need to be implemented immediately and included in your next Annual Report:

- 1) In Section IV "Fiscal Analysis" of the annual report, please ensure the monetary value entered for sub-section A is the total expenditures for all NPDES SWMP activities performed for the current reporting year. Please note that this includes the costs associated with all activities reported in Section VII "SWMP Summary Table" of the annual report.
- 2) Regarding the Fleet Management Yard located at 2581 Commonwealth Avenue, as covered under Part III.A.3 "Roadways" and Part III.A.5 "Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Storm water Permit" of the permit, please:
 - a. Ensure training on spill prevention and response procedures, and recognition of illicit discharges and improper disposal, is provided to staff on an annual basis.
 - b. Ensure pollutant discharges, including wash water and oil spills, are not allowed to enter the stormwater system from this facility.

Act – FDEP MS4 Audit Process

- Provide for permittee interventions
 - Request for additional information
 - Clarifications
 - Missing items
 - Opportunity for permittee course correction

Dear Mr. Livingston:

The Florida Department of Environmental Protection (FDEP) NPDES Permit Annual Report evaluation letter, dated December 14, 2012, has been reviewed by City of Jacksonville (COJ), Department of Public Works and Environmental Quality Division staff. The following additional information is provided in response to your request:

1. Section VII, Part III.A.7.c Annual Report form requires the City to submit its written proactive inspection program plan or SOP. A Review of the plan indicates required content appears to be missing:
 - inspection and documentation procedures for MSGP confirmation and non-filer notification (FDEP).
 - identify specific personnel, divisions, or departments involved in the proactive inspection program.

COJ Response:

The COJ Proactive Inspection Plan will be modified to include operations, staffing, and organizational details regarding the existing MSGP confirmation and non-filer notification activity. Attached is the revised IDDE plan (IDDE plan 12_14_2012).

Act – FDEP MS4 Audit Process

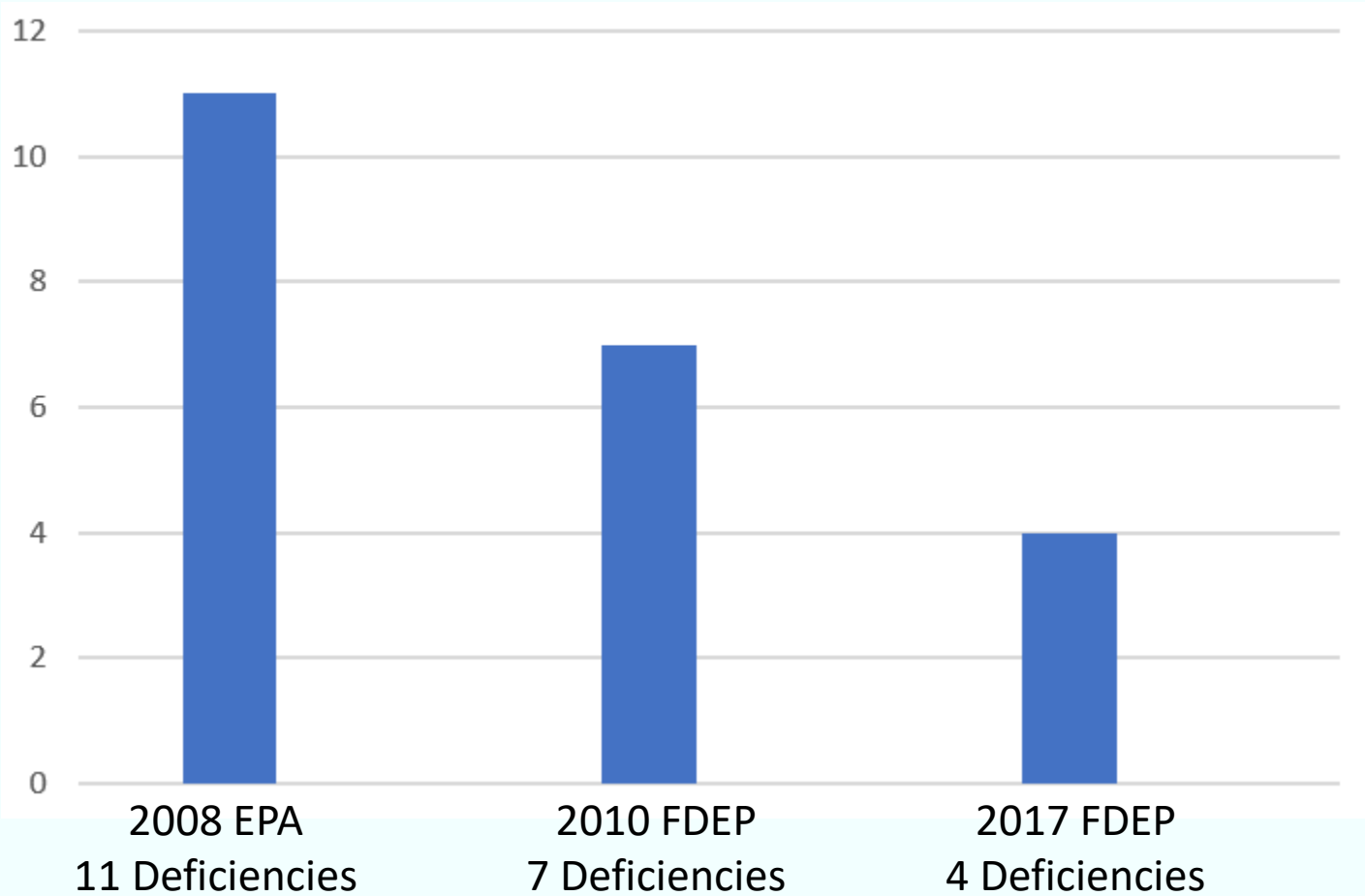
- Enforcement???

Remember the USEPA/FDEP MOA

“Maintain a vigorous program of taking timely and appropriate enforcement actions...”



COJ MS4 Audits Continuous Improvement



References & Resources

- FDEP NPDES Stormwater Program Contacts
 - <https://floridadep.gov/water/stormwater/content/program-contacts>
- FDEP MS4 Resource Manual
 - [https://floridadep.gov/sites/default/files/MS4 Permit Resource Manual 0.pdf](https://floridadep.gov/sites/default/files/MS4%20Permit%20Resource%20Manual%200.pdf)
- USEPA
 - https://www3.epa.gov/npdes/pubs/ms4guide_withappendixa.pdf
- Sample EPA MS4 Inspection Checklist
 - https://www3.epa.gov/npdes/pubs/ms4guide_appendicesb-d.pdf
- Division of Water Restoration Assistance
 - Nonpoint Source Funds
 - <https://floridadep.gov/wra/319-tmdl-fund>