

# National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System

## Opening Meeting 2010

### Palm Beach County NPDES MS4 Year 7 Audit

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# Annual Permit Assessment Process

**Submit:** Annual Report

**Receive:** Audit Notification \*and AR Comments\* Letter

**\*\*Possibly Submit:** AR Comment Response

**\*\*Possibly Provide for Review:** Audit Materials (records & ordinances)

**Audit:**

**\*\*Possibly Receive:** Audit RAI Letter

**\*\*Possibly Submit:** Audit RAI Response

**Receive:** Year 3 Permit Assessment Letter

**\*\*Possibly Submit:** Permit Assessment Response

**\*\*Possibly Receive:** Addendum to Permit Assessment Letter

# Opening Meeting

## ❖ AR Comments

- ✓ Any questions on DEP's AR Comments
- ✓ Submittal of response

## ❖ General questions?

# Special Notes

- ❖ Inspectors may change from year to year
- ❖ The program is evolving – it is not static
- ❖ Purpose of the annual report review and audit is for DEP to get an in-depth view of how well the permit requirements are being implemented
- ❖ The annual report is also for:
  - ✓ Your benefit for next year's report
  - ✓ Analysis of yearly MS4 activities
- ❖ EPA and DEP inspections/Audits:
  - ✓ MSGP, CGP, MS4

# Annual Report

(reference)

## SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation/Record	Entity Performing the Activity	Comments
Part III.A.1	Structural Controls and Stormwater Collection Systems Operation				
	Channel control structure inspections				
	Channel control structure maintenance				
	Swale/ditch inspections (miles)				
	Swale/ditch maintenance (miles)				
	Inlet/catch basin/grate inspections				
	Inlet/catch basin/grate maintenance				
Part III.A.2	Areas of New Development and Significant Redevelopment				

# Audit: Records Reviews

- ❖ The records reviews focus on correlating the data reported in the AR in Column C with the permittee's documentation/records reported in Column D for each reporting item.
- ❖ When a large number is reported, need to see at least a sample of the record reported.
- ❖ Provide records from the reporting year only.
- ❖ The implementation of any non-reportable requirements, such as legal authority, policies, procedures, will also be reviewed.
- ❖ Site visits will be conducted as time allows.

# Audit: Satisfactory Records

- ❖ Must have a record/documentation for every value reported in Column C.
  - ✓ Just like taxes...you need receipts for those deductions!
- ❖ Can estimate values for certain reporting items but still need to document how the estimate was arrived at.
- ❖ The record **must be an actual record documenting the value reported.**
  - ✓ A copy of the Construction Activities brochure does not document that 75 of them were distributed.
- ❖ The record **must clearly reflect the reporting item was accomplished.**
  - ✓ A list of construction projects does not demonstrate that pre-construction reviews for E&S controls were performed for them.

# AR: Most Common Reporting Errors

- ❖ Not explaining why reporting “0” activities in Column C for:
  - ✓ Pro-active illicit discharge inspections
  - ✓ Training (illicits, spills, construction)
  - ✓ Inspections (MS4, muni. facilities, constr. sites)
  - ✓ Pesticide/herbicide certifications (if report “0” for both personnel & contractors)
- ❖ Leaving gaps in Column D or Column E when reported a value in Column C
- ❖ Not reporting an actual document name, or the correct document name, in Column D

# AR: Section VII, Column C

- ❖ Only numbers or a frequency (if specified in the reporting item) are to be inserted here.
- ❖ Do not leave Column C blank or insert “N/A” if no activities, **rather insert a “0” and explain why the lack of data.**
- ❖ Only report a value in Column C if have a record to support it. **If no record, need to report “0.”**
- ❖ Place any notes/comments regarding the reported values in Column F.

# AR: Section VII, Column D

- ❖ Be as specific as possible about the **actual title** of the record/document.
- ❖ **Avoid generic terms** such as:
  - ✓ Log, spreadsheet, folder, file, checklist, report, email
  - ✓ Paper records, electronic file, Excel, database
  - ✓ Public Works files
- ❖ **Avoid the name of an entity** such as:
  - ✓ Streets Dept.
  - ✓ Bob Green
  - ✓ Volunteers

# AR: Section VII, Column E

- ❖ **Be as specific as possible.**
  - ✓ Include the department name as well as the particular division, and even the responsible person's position title.
- ❖ If more than one entity conducts the activities under a single permit requirement, such as the municipality and the county, list both with detail – do not simply state “Broward County” as the other entity. Also, include the POC for that entity.
- ❖ Be sure to include the **name of any contractors** hired to perform an activity.

# AR: Section VII, Column F

- ❖ Reasons for permit requirements not completed
- ❖ Reasons for variances from normal activities
- ❖ Notes/comments regarding the entities performing the activities
- ❖ Listing of names of certified/trained staff (if short list)
- ❖ Indicate if number in Column C is an estimate and how it was arrived at
- ❖ Provide information on any additional activities not recorded (so can't be reported in Column C)

# Attachments to Year X Annual Report

- ❖ **Every Year:** Monitoring Program data summary
- ❖ **Year 1:** An inventory of all known major outfalls per Rule 62-624.600(2)(a), F.A.C.
- ❖ **Year 3:** Recommendation of changes to land development codes and ordinances per Part III.A.2 of the permit.
- ❖ **Year 3:** Estimates of pollutant loadings and event mean concentrations per Part V.A of the permit.
- ❖ **Year 4:** Permit re-application information per Rule 62-624.420(2), F.A.C.

# AR: Signatory Requirement

- ❖ Rule 62-620.305(4), F.A.C.
- ❖ Any person signing a document under subsection (1) or (2) of this section shall make the following certification:
- ❖ “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. **I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.**”

# Permit Reapplication: Next Steps

- ❖ Permit is automatically administratively continued until it is reissued.
  - ✓ Have no set schedule for when permit will be reissued.
- ❖ 3 official versions: **Draft** → **Intent to Issue** → **Final**
- ❖ Public notice required of: **Draft** & **Intent to Issue**
- ❖ Facility Decision Schedule will be the first item you receive.

## SAMPLE FACILITY DECISION SCHEDULE

Process Elements	Projected Date of Completion
Permit Application received (is complete)	1/1/07
Effective Date of Permit Application ( <i>date of Decision Schedule Letter</i> )	1/7/07
Draft Permit/Fact Sheet to Applicant and EPA	1/14/07 (A)
Applicant to Publish Public Notice of Draft Permit (no later than)	2/14/07 (B)
Applicant to Provide Proof of Publication of Draft Permit Notice (no later than)	3/1/07 (C)
Public Comment Period Ends (no later than)	3/16/07 (D)
Intent to Issue (ITI) Permit/Fact Sheet to Applicant and EPA	4/15/07 (E)
Applicant to Publish Public Notice of ITI Permit (no later than)	5/15/07 (F)
Applicant to Provide Proof of Publication of ITI Permit Notice (no later than)	5/23/07 (G)
Public Petition Period Ends (no later than)	5/30/07 (H)
Final Permit to Applicant and EPA	6/30/07 (I)

**USE THE FOLLOWING GUIDANCE TO FILL IN THE SCHEDULE:**

- A. Draft Permit/ Fact Sheet to Applicant and EPA (Date 0)\*
- B. Applicant to Publish Public Notice of Draft Permit (A + 30 days)
- C. Applicant to Provide Proof of Publication of Draft Permit Notice (B + 14 days)
- D. Public Comment Period Ends (B + 30 days)
- E. Intent to Issue (ITI) Permit/Fact Sheet to Applicant and EPA (D + 30 days) \*
- F. Applicant to Publish Public Notice of ITI Permit (E + 30 days)
- G. Applicant to Provide Proof of Publication of ITI Permit Notice (F + 7 days)
- H. Public Petition Period Ends (F + 14 days)
- I. Issue Final Permit (F + 30 days)\*

\* These are estimated dates that are not based on the administrative timelines for permitting.

# Future Reporting: Reporting Periods

- ❖ **Year 8:** 10/1/09 - 9/30/10, due 3/30/11.
- ❖ **Possible Year 9:** 10/1/10 - 9/30/11, due 3/30/12.
- ❖ **Year 1:** Continue on current reporting schedule – see future reporting notes!

# Future Reporting: Tailored AR Form

- ❖ Revised Tailored MS4 AR Forms will be provided to the permittees after the permit is reissued.
- ❖ The revised forms will include all of the reporting items prescribed in Part II.A of the permit.
- ❖ There will not be individual meetings with each permittee to review & tailor their revised form.
- ❖ Each permittee will need to further tailor their form themselves per DEP's instructions in the form.

# Possible New Permit Requirements

- ❖ Parts III.A.1 - III.A.9 – Develop, annually review, and revise as necessary written implementation procedures.
- ❖ Part III.A.1 – Maintain and report updated inventory of stormwater structures.
- ❖ Part III.A.1 – FDOT must comply with Table II.A.1.a, or with the inspection and maintenance schedule as included in a revised FDOT Statewide SWMP that specifies minimum inspection frequencies.
- ❖ Part III.A.2 – Conduct a review of the permittee's codes and land development regulations to determine where changes can be made to reduce the stormwater impact of new development and areas of significant redevelopment.
  - ✓ In the Year 2 AR, report a summary of the review.
  - ✓ In the Year 4 AR, report examples of how the codes and regulations were implemented and, if applicable, the status of any changes to the codes and regulations.

## Possible New Permit Requirements

- ❖ Part III.A.3 – Minimum annual site inspection of any municipal equipment yards and maintenance shops that support road maintenance activities.
- ❖ Part III.A.3 – Street sweeping required of all permittees, as applicable.
- ❖ Part III.A.5 – Minimum annual site inspection of any applicable waste treatment/storage/disposal facility.
- ❖ Part III.A.6 – Applicators must receive training through Green Industry BMP Program.
- ❖ Part III.A.6 – Adopt Florida-friendly ordinance if within watershed of impaired waterbody.

## Possible New Permit Requirements

- ❖ Parts III.A.6, III.A.7.e, and III.A.7.f – Develop written plan for public education and outreach.
- ❖ Parts III.A.6, III.A.7.c, III.A.7.d, and III.A.9.c – Develop written plan for employee and contractor training.
- ❖ Part III.A.7.c – Develop and submit written plan for proactive illicit discharge/connection/dumping inspections.
- ❖ Parts III.A.7.c and III.A.8.a – Notify DEP if industrial facility does not have coverage under MSGP.
- ❖ Part III.A.8.a – Develop written plan for inspections of high risk facilities.

# Possible New Permit Requirements

- ❖ Part III.A.9.a – Develop procedures to ensure that ERP & CGP permits have been obtain prior to issuing local grading, clearing, or building permits.
- ❖ Part III.A.9.a – Report the number of permittee-operated construction sites requiring an NOI under the CGP.
- ❖ Part III.A.9.b – Develop written plan for inspections of both permittee and private construction sites (need to address the timing of the inspections, the prioritization schedule, and documentation).

# Possible New Permit Requirements

- ❖ Part V – Changes to parameters for EMCs and pollutant loadings.
- ❖ Part V – In Year 3 AR, must include comparison of current pollutant loadings with previous two Year 3 loadings and provide explanation if there is no decrease.
- ❖ Part VI.B – Report on the effectiveness of the SWMP in reducing pollutant loads. Additional reporting may be required for discharges to impaired waterbodies and/or those with TMDLs or BMAPs.
- ❖ Part VIII.B – TMDL requirements may include:
  - ✓ Develop TMDL Monitoring and Assessment Plan
  - ✓ Stormwater Event Monitoring of prioritized and selected outfalls
  - ✓ Supplemental SWMP that identifies BMPs to reduce loadings to TMDL waterbodies
  - ✓ Annual report on status of TMDL implementation and results

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