

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
I	Calusa Waterkeeper (Ed)	All permit holders should be required to make public their permits, annual reports, SWMP, SOP, monitoring results, and all other supporting materials. Today, this does not happen.	No action	MS4 permits and reports submitted to the Department are publicly available in OCULUS.  The Department has implemented a process to upload SOPs and agreements gathered during permitting and audits into OCULUS.
I.A	Polk Co	Please clarify responsibility of co-permittees and ramifications if co-permittees are unable to provide required responsibilities of new permit language due to lack of personnel and/or resources  Understood, is it explicitly stated in the permit that the permit holder is not responsible/liable if a co-permittee is not in compliance? We are looking for clarification for the relationship between permit holders and their co-permittees.	Updated	Individual SWMPs are to be implemented to the MEP. The Department will initiate enforcement if permittees cannot implement portions of the permit.  Language was revised to clarify permittee responsibility.
I.B	Miami Waterkeeper/ Everglades Law	Our experience reviewing MS4 permit annual report in Miami-Dade County and our discussions with co-permittees has led us to believe that MS4 co-permittees should be encouraged to develop cooperative arrangements broadly so that better-resourced municipalities are able to support less resourced ones.	No action	While the Department encourages permittees to work together, the responsibility for SWMP implementation lies at the individual permittee level.
I.B.1	Everglades Law	The key will be how the SWMP will be validated and enforced. History shows that annual reports can be submitted with erroneous information and there is no validation or enforcement by FDEP.	No action	The NPDES Stormwater Program has exercised greater scrutiny of all required SOPs and documentation through more detailed audits since 2020.
I.B.1.d	FDOT	Remove the word "all" as many of our field personnel conduct visual inspections on the maintenance condition of an MS4 element as they drive their route. Requiring the creation of such a document would reduce the productivity of the inspectors and create unnecessary additional paperwork on our maintenance personnel.	Updated	Section relocated to Part II.A.; "all" removed.
I.B.2	Calusa Waterkeeper (Ed)	Same as above. There must be validation that ALL major discharge points are correctly identified and monitored. History shows that some permit holders select arbitrary or convenient points to monitor that have no relevance to their actual outfall discharges.	No action	Anecdotal evidence of poor site selection will be addressed on a case-by-case basis.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
I.B.2	Calusa Waterkeeper (John)	Are co-permittees responsible for using water quality monitoring data obtained by the principle MS4 permittee with respect to their individual SWMP evaluations? Example Lee County MS4.	No action	A co-permittee may enter into an agreement with another co-permittee through which monitoring is conducted and data is shared. Publicly available data may also be used as a resource in the evaluation of the SWMP.
I.B.2	Volunteer Cleanup (Dave Doeblner)	I would also add Permittees 'Jointly' responsible for: c. Coordination and Collaboration with other co-permittees to ensure surface water quality goals are met. d. Developing and implementing a program to effectively prohibit the infiltration and inflow of untreated or incompletely treated leakage or waste from Septic Systems / Onsite Treatment and Disposal Systems (OSTDS) into the MS4. e. Developing regional Stormwater Asset Management Systems to document asset locations and maintenance activities.	No action	c. Please see previous comment regarding cooperation. d. Inflow and infiltration is addressed in the Illicit Discharge program. OSTDS is regulated by DOH and another program within DEP. These items may also be addressed through bacteria TMDL implementation. e. Please see previous comment regarding cooperation.
I.B.2.b	Miami Waterkeeper/ Everglades Law	Add the words, AND OTHER under I.B.2.b.: Implementation of permit-area AND OTHER programs in Part III	Updated	Section 1 and 2 combined and relocated to Part II.A. SWMP.
I.C	Calusa Waterkeeper (Ed)	It should be noted that Nutrients are considered Point Sources.	Requested more information; no response received.	Nutrients may be categorized as pollutants, however, they are not themselves sources.
I.C	Escambia	Please add regulatory citation to support this.	No action	Page 1 of the permit includes all regulatory citations relevant to comment.
I.C	PBC (Mock Roos)	Delete "Except for discharges prohibited under Part I.D.," <-- the prohibited discharges under Part I.D. are NOT stormwater; therefore they are not an exception to the authorized discharge of stormwater.	No action	The permit includes existing language.
I.D	Pinellas Co	How do uncontaminated street wash waters meet the criteria for a clean discharge? Does lawn watering run-off take reclaimed water into account? Does swimming pool discharges take salt water pools into account? [main issue is perception of blanket authorization]	Updated	Added cycle 4 language to Part III.A.5; permittees should evaluate the list of allowable non-stormwater discharges that may impact their MS4. The updated Resource Manual will discuss expectations.
I.D	FDOT	Section I.D.1.c - Add "to surface waters of the state." after "... provided they do not cause a violation of water quality standards"	No action	Language is consistent with 62-624.200(2), F.A.C.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
I.D	PBC (Mock Roos)	The section title indicates that PROHIBITED discharges will be discussed/listed in this paragraph/section, but then goes on to list exceptions to the prohibition, which really means that are not prohibited. If you remove all the circular language, you get to the fact that non-stormwater is prohibited (spills are non-stormwater, so they don't need their own sub-paragraph). All the exceptions listed could really be listed in section I.C. above, with their associated caveats. This would make these two sections far less confusing to read than they currently are (and always have been).	No action	Language is consistent with previous permits. Part I.A and B were relocated to Part II; removed title "Authorized Discharges" of Part I.C. Section is more clear regarding allowed and prohibited discharges.
I.D.1	Calusa Waterkeeper (John)	Landscape irrigation and lawn watering runoff are potentially a huge source of nutrient pollution (purple pipe reuse water). Not all nutrients are sequestered by soil horizon. Net increase to surface water via groundwater may be significant considering volumes of water used. Don't expect permittees to voluntarily evaluate the potential loading outcome.	Updated	Added cycle 4 language to Part III.A.5; permittees should evaluate the list of allowable non-stormwater discharges that may impact their MS4. The updated Resource Manual will discuss expectations.
I.D.2	Escambia	Language needs to be updated to clarify that these are NOT prohibited discharges if they are NOT causing a violation of water quality standards per 62-624.200(2), F.A.C. Recommended language I.D.1.c. "Non-stormwater discharges to the MS4 shall be prohibited by the permittees, except for the following non-stormwater discharges to the MS4, provided they do not cause a violation of water quality standards:...."	No action	Language is consistent with previous permits.
I.D.2	Escambia	Please add "Act of God" to definitions and link here.	No action	This is a legal term that has implications outside of the MS4 permit.
I.D.2.a	Sarasota Co.	(SC) In 2.a., consider adding the red text "...taken to <b>mitigate the potential for a spill and</b> minimize..." The purpose would be to make clear the responsibility of mitigating a potential spill before it happens in cases such as hurricanes when there is sufficient warning before storm impact.	No action	Part III.A.5. discusses preventing spills. If spills are mitigated before reaching the MS4, they would not be a prohibited discharge.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
I.D.3	Hillsborough Co.	Why are reclaimed water line flushing pursuant to a permit and uncontaminated roof drain runoff no longer included in the list of allowable discharges? These should remain (uncontaminated roof drain runoff is just stormwater, and line flushing that is being done as permitted should be allowed).	No action	This list was updated to be consistent with the definition of Illicit discharge in 62-624.200(2), F.A.C.
TOC	Pinellas Co	Please hyperlink the Table of Contents	Updated	Table of Contents has been hyperlinked.
TOC	Polk Co	Overall comment for permit: it would be helpful to have a table/checklist (similar to the one found in Section V of the Annual Report 'Materials To be Submitted With This Annual Report Form) on the permit	Added	Added Table I.F., Permit Compliance Milestones Summary
V.B.1.a	Polk Co	A table/timeline of when all things are due would be very helpful, not just for this section but for the whole permit	Added	Added Table I.F., Permit Compliance Milestones Summary
VII.C	Pinellas Co	create table with all due items and year	Added	Added Table I.F., Permit Compliance Milestones Summary

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II	FDOT	"reasonable further progress" is a subjective term open to interpretation. Please define the term and provide specific expectations or remove from the permit.	No action	This is consistent with language in Federal Register FR 99-29181 to describe the iterative nature of SWMPs; direct applicability to purpose behind assessment program. It is also existing permit language.
II.A	Calusa Waterkeeper (Ed)	It should be noted that "The NPDES permitting program is the "centerpiece" of the Clean Water Act and the primary method for enforcing the effluent and water-quality standards established by the Environmental Protection Agency and state governments". The permit regulates the amount of pollution that the facility can release into the water and sets other conditions, such as monitoring and reporting requirements. The CWA aims to prevent, reduce, and eliminate pollution in the nation's water in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters", as described in CWA section 101(a).	No action	Noted.
II.A	FDOT	Language that is very important to the successful prosecution of FDOT's MS4 program was removed from the March 2022 draft that working group members reviewed and discussed. Add the following language back into this section.  "The Florida Department of Transportation Statewide Stormwater Management Plan, (SSWMP, 2012, or most current version approved by the Department), is hereby incorporated into this permit by reference, and thus its contents are enforceable by the permit."	No action	The document is outdated; DEP will provide comments to the SSWMP separately.  Aside from the inspection frequency table and illicit discharge process, the SSWMP provides no actionable activities.  Once the SSWMP is updated, DEP will evaluate adding the citation to new permits.
II.A	PBC (Mock Roos)	Add " <i>permittees</i> ," between " <i>other</i> " and " <i>public</i> " in 1st sentence.	No action	Permittees are public agencies. Agencies/entities used throughout section.
II.A	PBC (Mock Roos)	Add " <i>and/</i> " before " <i>or private</i> " in 1st sentence.	No action	Unnecessary.
II.A	PBC (Mock Roos)	End sentence after " <i>behalf of the permittee</i> "; strike " <i>and a plan of action</i> " (because it's stated below); and move " <i>in accordance with Part I.B.1.e.</i> " to the end of the 3rd bullet in sub-part 1. below.	Updated	Part I.B was relocated to Part II.A SWMP. Plan of action language consolidated under permittee responsibilities.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.A	Pinellas Co	"each permittee shall implement... a description of operation and maintenance" [depends on if we are referring to a SWMP or a written SWMP]	Updated	Clarified first paragraph.
II.A	Volunteer Cleanup (Dave Doeblner)	Implementation of the SWMP *IS BEST* achieved cooperatively with other public agencies or private entities. Written agreements shall clearly identify the respective entities' roles and responsibilities, including the specific conditions of this permit, where applicable.	No action	Discussion of implementation tools will be captured in the Resource Manual.
II.A.1	Calusa Waterkeeper (Ed)	History shows that permit holders do not maintain adequate SWMPs and that the only tangible plan exists in the form of their annual report. There is no validation that an actual SWMP or SOP exist or that it is accurate and effective.	No action	The NPDES Stormwater program began reviewing SOPs in 2020 during audits; this method remains in practice.
II.A.1	Escambia	Third bullet should include ", if applicable." at the end to clarify and cover that not all permittees will have activities delegated to other entities. Without this clarification, it could be interpreted that this plan of action is required for all permittees.	Updated	Noted.
II.A.1	PBC (Mock Roos)	Move " <i>in accordance with Part I.B.1.e.</i> " from the paragraph above to the end of the 3rd bullet	Updated	Part I.B was relocated to Part II.A SWMP.
II.A.2	Calusa Waterkeeper (John)	Does this include a method for estimating effluent loading? Co-permittees use different methods to determine loading from major outfalls.	No action	This is addressed in Part VI.A Assessment Program.
II.A.2	PBC (Mock Roos)	Move the 1st sentence of sub-part c. to the end of sub-part b. It's part of the same step	Updated	Language was updated to clarify what changes need DEP approval.
II.A.2	Polk Co	III.A.2.a Reporting Provide timeline for implementation of SOP	Updated	Clarified in Part II.A that all SOPs should be updated or developed within 12 months of permit issuance.
II.A.2	Tarpon Springs (Pinellas)	Micromanaging our Program. Will cause undo delays if there is an immediate need. More reporting and labor/cost ineffective.	Updated	Language was updated to clarify what changes need DEP approval.
II.A.2.a	Pinellas Co	Adds a new annual reporting requirement anytime we escalate inspection frequency for a BMP (specific or class?) based on risk levels OR add a new BMP (specific or class?)	No action	Existing permit language.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.A.2.b	Jacksonville (T. Carr)	Permittees are responsible for the performance of their MS4s. MS4 BMPs are constructed and modified in accordance with professional engineering standards. FDEP should not determine what modifications can be made. FDEP should only make performance-based evaluations of modifications based on MS4 operator inspection findings, monitoring data, or FDEP audit observations. MS4s are dealing with dual concerns of treatment and flooding. Resiliency concerns related to protection of life and property may require expedient modifications that could be delayed by such approval requirements.	Updated	Language was updated to clarify what changes need DEP approval.
II.A.2.b	Pinellas Co	Adds a new on-demand and recurring <i>PERMITTING</i> requirement anytime we deescalate inspection frequency for a BMP (specific or class) based on risk levels OR add a new BMP (specific or class?) <i>Do these requirements mean individual instances of BMPs, or classes of BMPs? In other words do we have to get permission to decrease the inspection frequency of a specific Pollution Control Box that was previously escalated, or do we just have to get permission to change the frequency for ALL Pollution Control Boxes as a rule? [permit mod vs. SOP adjustment, update annually, etc...]</i>	Updated	Language was updated to clarify what changes need DEP approval.  SOPs should clarify inspection frequencies based on specific concerns.
II.B	Calusa Waterkeeper (John)	At least one Lee County co-permittee complains of not having control of discharges into its MS4 from outside their MS4 boundary with respect to responsibility for compliance with effluent limitations.	No action	This issue will be handled on a case-by-case basis.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.B	FDOT	<p>This rule reference is misplaced. Section 403.0885 is the broad framework to establish Florida's federally approved NPDES Program. It's too broad of a reference to cite to require MS4's to prohibit non-stormwater discharges. In addition, Section 402(p)(3)(B)(ii) of the CWA only requires MS4 permits to prohibit non-stormwater discharges not "discharges" which is more open-ended. Recommend the following revised text:</p> <p>"Each permittee shall <del>effectively</del> prohibit non-stormwater discharges <u>as defined in Chapter 62-624.200 (2), F.A.C. to</u> into their respective MS4 pursuant to <del>Section 403.0885, F.S., and rules promulgated thereunder, and consistent with</del> Section 402(p)(3)(B)(ii) of the CWA. To the extent allowed by law, [the/each] permittee shall maintain legal authority to control <del>discharges</del> non-stormwater discharges <del>to</del> <u>into</u> and from the MS4.</p>	Updated	Citation to Florida Statutes removed.
II.B	Miami Waterkeeper/ Everglades Law	<p>We recognize that the permit template addresses a wide range of MS4s. Specific permits should reflect work that has been completed in prior permit terms with each permittee.</p> <p>This comment advocates for a recognition in renewed permits to specific permittees of prior work that has been completed in prior permit cycles. For example, some MDC co-permittees were required to implement Bacteriological Pollution Control Plans (BPCPs) as part of their 2017 MS4 permits and annual reports reflect the progress that has been completed on those BPCPs. The new permits should include specific requirements about further implementation of the BPCPs and not simply reiterate a generic requirement. This ensures continuing progress.</p>	No action	Individual permits will include previously approved TMDL Implementation plans in Part II.E.
II.B	PBC (Mock Roos)	Replace " <i>the MS4</i> " with " <i>its MS4</i> " on line 1 and line 4 of the paragraph.	No action	Language is consistently "the MS4" throughout the permit.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.B	Tampa	Please revisit and clarify this entire section and, at a minimum, strike the final sentence. The City meets the adequate legal authority criteria required of a MS4 permittee under 40 CFR 122.26(d)(2). The wording in this section implies the permittee will be required to seek to expand its legal authority beyond that which is required by 40 CFR 122.26(d)(2).	No action	Existing permit language and required by CWA. Through time and implementation, ordinances may need to be updated or revised to remain effective.
II.B. Reporting	FDOT	Please replace the word "regulatory" with "procedural or regulatory." For instance, FDOT does not have ordinances against spills (from vehicle crashes) on the highway but instead has procedures in place for the containment, control, and cleanup of the spill.	No action	The introductory language has examples that can be used for regulatory mechanisms, including policies.
II.B. Reporting	PBC (Mock Roos)	Should be a ", " after "REPORT" at the beginning of the sentence.	Updated throughout permit	Updated throughout permit.
II.B. Reporting	Pinellas Co	Requiring additional items in Year 4, which already has substantial requirements for the reapplication, will cause a significant burden to NPDES staff. Can this reporting requirement be moved to another year (2, 3 or 5)?	No action	Year 4 annual report acts as the reapplication; submitting legal authority citations as part of the SWMP is appropriate, see 62-624.440, F.A.C.
II.B. Reporting	Tarpon Springs	Duplicative and much more work. We already supply this information in our Annual Reports.	No action	Maintaining legal authority is an existing permit requirement. Submitting citations is a new requirement to be used for reapplication review.
II.B. Reporting	Volunteer Cleanup (Dave Doebler)	4 years is too long to enact many of these policies. They should already have them in place, and if not, should expedite. I would suggest reporting "With the Year 2 ANNUAL REPORT"	No action	For existing permittees, these mechanisms are in place. Based on limitations and constraints discovered through implementation, they may need to be strengthened or otherwise revised.
II.B.1	Polk Co	Please provide definition for 'Illicit Connections' and 'Illegal Dumping'	No action	Existing language in permit. Many permittees have defined these terms in their local ordinances. Illegal dumping moved back with controlling spills.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.B.2	Tampa	Clarify please-High risk industrial permits are issued by FDEP. The City has no authority to enforce the conditions of FDEP's industrial wastewater discharge permits and it does not have the authority to enter and inspect the private property regulated by those permits. Including this condition in the City's MS4 permit would be giving the City a legally unenforceable mandate. The City does not have control or issue any permits for this activity. Facilities are located on private, secure properties not assessable to City staff. Perimeter inspections are conducted by City staff for possible violations entering MS4 ditches. Any violations observed are reported to FDEP for enforcement.	No action	Existing language in permit from CFR. Whether a facility is covered by an MSGP or not is not relevant to this requirement, nor is it the intent of this requirement for a permittee to inspect and enforce requirements found in the MSGP.
II.B.2-6	PBC (Mock Roos)	<p>Since this is pertaining to legal authority, shouldn't the word "<i>Control</i>" be replaced with "<i>Prohibit</i>"? "<i>Control</i>" implies managing the discharge, which implies that it's somehow okay to discharge, but it's not. MS4 code should prohibit the discharge of pollutants into the MS4.</p> <p>Please note: Many/most Special Districts lack (per state law) the authority necessary to implement some of the required activities, and should be exempted from those requirements as is FDOT.</p>	No action	<p>"Control" is consistent with CFR.</p> <p>The list of mechanisms was expanded to capture techniques that can be used by non-traditional permittees.</p>
II.B.3	FDOT	At the end, add "unless the State Legislature does not give such operational directives to the MS4." This would be applicable for FDOT whose only legal authority is over transportation and the State Highway System.	No action	Implementation of the Discharge Connection Permit provides this control.
II.B.3-4	FDOT	Item #3 and #4 - FDOT does not have statutory authority to control construction site discharges to its MS4. Nor does it have authority to inspect or take enforcement on off-site sources. Where DOT cannot establish an inter-local agreement for enforcement, it must rely on DEP to enforce. This applies to all discharges, not just those with a permit issued by DEP. Perhaps add "inter-agency cooperation" to list of ways to establish legal authority.	No action	<p>II.B.3 (post-construction) the DCP requires a water quality review and confirmation of ERP.</p> <p>II.B.4 (construction) FDOT inspects DCPs during construction. Inter-jurisdictional agreements are listed as a regulatory mechanism.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.B.5	FDOT	"5. Control the discharge of spills into the MS4." Can you explain or provide examples of what "controlling the discharges of spills into the MS4 entails?"	No action	Discussion of implementation tools will be captured in the Resource Manual. Controls may include requiring responsible parties to remove spilled material and/or mitigate impacts.
II.B.5	Tampa	Please clarify - The undefined use of "spill" in this statement is overly broad and ambiguous. To have any meaning, discharge of what, from which source(s), at what quantities should be specified.	No action	Discussion of spills relating to Part III.A.5.c including those reportable to the SWO (State Watch Office) will be captured in the Resource Manual.  SOPs should at a minimum discuss spills that don't meet SWO reporting thresholds.
II.B.6	Pinellas Co	The requirement to implement interlocal agreement between co-permittees for joint pollutant was removed. This requirement dates back to the EPA application and is critical to co-permittee situations. It should be spelled out. See 40 CFR 122.26 (d) (2) (D) "Control through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;" [CFR - Control through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system]	Updated	Added to make permit more clear and specific, and consistent with previous permits. DEP will begin reviewing during audits.
II.B.8	FDOT	Item #8 - FDOT relies on co-permittees and sister-agencies for enforcement.	No action	Noted.
II.B.8	FDOT	At the end, add "unless the State Legislature does not give such legal authority to the MS4". This would be applicable for FDOT whose only legal authority is over transportation and the State Highway System.	No action	Implementation of the Discharge Connection Permit provides this control. Additionally, FDOT is not excluded from the requirements in CFR.
II.B.8	Tampa	Clarify please -These are SOP conditions and not enforced by law or ordinance	No action	Existing permit and CFR requirement to have the legal authority to conduct inspections, etc. SOP requirements are captured in Part III.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.C	Dunedin	Long-term this is not sustainable for the City of Dunedin to conduct a fiscal analysis as it may have to be outsourced to a vendor because internal staff do not have the capacity to run such analysis just for our MS4 permit. Moreover, with all the requested requirements. This is a heavy financial burden for the City to incur.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C	Escambia	Clarify if required fiscal analysis is expected to be based on actual programmatic expenditures, a projection of the financial resources necessary to effectively implement the SWMP, or a comparison of both sets of numbers.	No action	Proposed fiscal budget.
II.C	Escambia	Permit should be clearly written to allow for the required fiscal analysis to be based on financials derived from the permittee's fiscal year rather than an arbitrary permit reporting year.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C	Oldsmar	We are unsure of the need for additional fiscal analysis above what is already provided in the current permit. The additional analysis appears to be a lot of extra work with no clear reasoning or benefit from doing so.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C	PBC (Mock Roos)	In the 1st sentence, the "C" in the word "Conduct" should be lower case.	Updated	Corrected.
II.C	Pinellas Co	<p>What do legal restrictions entail here?</p> <p>CLARIFICATION: To clarify our comment, we are asking for a clarification to the use of "legal restrictions" in Section II. C. where it states "...the analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including LEGAL RESTRICTIONS on the use of such funds."</p> <p>What is meant by "legal restrictions"?</p>	No action	Common term. Each permittee should evaluate legal restrictions on funds, such as grants, general funds, emergency funds, etc.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.C	Pinellas Co	Will the fiscal analysis no longer be required annually? Also same comment as above regarding submittal in Year 4, which is a heavy reporting year.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C	Redington Beach	The Town of Redington Beach has an established Stormwater Utility Fee that provides funding for program and projects. Not sure that an annual fiscal analysis will change.	No action	Noted.
II.C	St. Pete Beach	The City of St. Pete Beach has an established Stormwater Utility Fee that provides funding for the stormwater program and projects. The City budgets the stormwater program and projects based on the Utility Fee. Unless the City's Utility Fee is increased, a fiscal analysis does not seem warranted. There are legal restriction on the Utility Fee and how the City spends the money. Budget and annual amount spent is already provided to FDEP. A Fiscal Analysis will not provide additional information. Unsure what FDEP's overall intent for this new requirement and why the FDEP would impose more requirements on a municipality.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C	Tarpon Springs	Need to define more specifically. We already provide this information in our Annual Reports. Why cant these "in-depth" numbers be provided at time of Audit? More work and extra staff (finance) involved causing delays.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	Clearwater	Clearwater provides current expenditures in the MS4 program and the proposed budget for future years with the annual report. Since the city continues to remain in compliance with requirements in the permit, an analysis of the financial resources dedicated to the program is not necessary. An analysis is completed every year with the city's budget process to ensure the MS4 program and initiatives are adequately funding. With already overwhelmed and limited staff, a specific purpose analysis of a redundant and a burden. Time and resources are better spent on MS4 program and Initiatives rather than a redundant analysis.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.C Reporting	Escambia	Clarify if fiscal analysis performed annually but only reported in Year 4 or if fiscal analysis is only performed / reported once per permit cycle. If only reported once per permit cycle clarify what time period is expected to be included in the analysis.	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	FDOT	1. Historically, this information has been provided within the annual report form. What is FDEP's expectations for a single year-4 submittal?  2. How does this tie-in with requirement to demonstrate fiscal responsibility in the proposed stormwater rule / ERP permitting process?	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.  Fiscal responsibility demonstrations for ERP can be used to develop the MS4 fiscal analysis.
II.C Reporting	PBC (Mock Roos)	Fiscal analysis is a new requirement. The reporting requirement is only for Year 4; does this mean the previous requirement of providing budget/expenditure values will no longer be required each year?	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	Pinellas Co	Many of the proposed changes seem to create an immediate increase in required O&M and Program Management resources. Is this year 4 report intended to be a retrospective analysis?	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	Redington Beach	Another report due in Year 4	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	St. Pete Beach	Another report due in Year 4	No action	Revised the permit to not require annual reporting of fiscal expenditures. A more comprehensive analysis is required to be submitted as part of the reapplication. Guidance on analysis will be provided in the Resource Manual.
II.C Reporting	Volunteer Cleanup (Dave Doeblir)	4 years is too long to conduct a fiscal analysis and allocate funding. Suggest "With the Year 2 ANNUAL REPORT".	No action	The analysis will be submitted as part of the reapplication, which is submitted with the Year 4 annual report.
II.D.2	Escambia	For D.2.b. please modify "annually" to "within one year of collection" to match the rule citation for Subsection 62-40.540(3), F.A.C.	Updated	Corrected

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
II.D.2	Escambia	For D.2.a., please add link/citation for Chapter 62-160.240, F.A.C. for field sampling recordkeeping requirements referenced in the permit condition.	Updated	Rule citation added.
II.D.2	Escambia	Florida Administrative Code 62-40.540(3) referenced with the mandate for annual upload of ambient monitoring data appears to still reference FLORIDA STORET as the state's central repository for water quality data.	No action	DEP-DEAR is aware of this and has plans to update in future rulemaking.
II.D.2	PBC (Mock Roos)	Sub-part c. is not a record-keeping requirement; it's a requirement to adhere to a procedure. It really doesn't belong here.	Updated	Moved back to Part VI.
II.E	Miami Waterkeeper/ Everglades Law	The template should provide for "area-specific plans" beyond those developed and/or required because of a completed TMDL or BMAP. The template should specifically allow for area-specific plans developed as part of RAPs/Alternative Restoration Plans. And it should also allow for plans or agreements among co-permittees developed before a RAP or TMDL is finalized that specify joint responsibilities for permit implementation of expanded stormwater discharge characterization/monitoring; inspections and maintenance; illicit discharge elimination; and development and construction permit reviews.	No action	The permit will include existing approved implementation plans, including BMAPs. Part V discusses TMDL implementation plans.  Individual permits may include more plans if agreed upon by the permittee.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1	Hillsborough Co.	As floatables is not included in the definition of pollutants in the Clean Water Act, please clarify what is the intended definition of floatables - not all items that float are pollutants. If referring to general litter is that not considered garbage or solid waste which are part of the CWA definition of pollutants in which case "including floatables" is redundant and not needed.	No action	Current language is consistent with 40 CFR 122.
III.A.1	Miami Waterkeeper/ Everglades Law	We previously suggested adding a requirement for Floatables Management, Monitoring and Reporting Stormwater Strategy in prior comments. The FDEP response was that the concept would be added to the Permit Resource Manual. We believe that the development of a strategy to prevent the capture of plastics larger than 5mm should be a required element of the SWMP.	No action	See catch basin management program. DEP will incorporate proposed language into the Resource Manual.
III.A.1	PBC (Mock Roos)	Delete " <i>Operations</i> " from title. This section is about more than just that. Alternatively, you could add " <i>Inventory, Inspection, Maintenance &amp; Operations</i> " to the title. Insert " <i>Inventory</i> " at the beginning of the sentence.	No action	Inventory and maintenance are part of operating the entirety of the permittee's MS4.
III.A.1	Tampa	Is plastic, aquatic trash the target of "floatables"? The City implements trash removal programs outside of required permit regulations. Trash and litter removal is a priority for the City of Tampa but not appropriate for an MS4 permit for stormwater controls. Research data gathering for plastic pollution distribution in the environment is not an appropriate application of the MS4 permit language. Wind is also a conveyance for trash and litter; stormwater runoff is not the only way trash travels to protected waterbodies.	No action	The term "floatables" may describe any number of materials suspended in the water column. The MS4 is a conveyor of trash to surface waters; collecting pollutants within stormwater systems before discharge is a major component of the MS4 program. The permit does not require research data-gathering for plastic pollution distribution in the environment.
III.A.1	Tampa	Clarify "floatables" language-Garbage is included in the CWA definition but is not by definition aquatic trash. Garbage also includes food waste, paper products, and plastics.	No action	Current language is consistent with 40 CFR 122.
III.A.1	Volunteer Cleanup (Dave Doebler)	Creation of "E: FLOATABLES AND SETTLEABLE TRASH AND DEBRIS ASSESSMENT AND MANAGEMENT PLAN"	No action	Current language is consistent with 40 CFR 122.
III.A.1	Volunteer Cleanup (Dave Doebler)	Reduce the discharge of pollutants, including FLOATABLE AND SETTLEABLE TRASH, DEBRIS AND SEDIMENTS, from the MS4.	No action	Current language is consistent with 40 CFR 122.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.a	Calusa Waterkeeper (Ed)	History shows that all Major Outfall points are NOT identified, mapped, or monitored. This information needs to be validated by FDEP.	Requested additional information; no response.	DEP reviews outfall and inventories during MS4 audits. Any discrepancies or concerns are addressed through audit reports and followup activities.
III.A.1.a	FDOT	"Maintain an up-to-date map or geographic information system (GIS) and inventory that depicts all known major outfalls <u>owned or operated by the permittee.</u> "	No action	This is captured in III.A.1 introductory language.
III.A.1.a	Indian Rocks Beach	Shouldn't be an issue based on recent analysis last year. All are mapped	No action	Noted.
III.A.1.a	Miami Waterkeeper/ Everglades Law	We previously suggested that permittees be required to submit digitized data in earlier comments, and the FDEP response was that FDEP did not have the authority to require this and had developed its own digitized map. We appreciate the work that FDEP has done creating a statewide GIS map of stormwater assets. However, this map needs to be used by permittees to be most effective. Will permittees be able to access the map to track system maintenance? To log illicit discharge reports or monitoring data? The ability to combine data from multiple SWMP activities in a GIS system is what will facilitate progress toward meeting water quality standards.	No action	The Department is working on making the database updatable by permittees. The information can be distributed to permittees for their use. That said, the purpose of the database is not to be an asset management system for permittees.
III.A.1.a	PBC (Mock Roos)	Insert " <i>e.g.</i> ," before " <i>lat/long</i> "; assuming you'd allow for northing/easting coordinates instead of <i>lat/long</i> ?	No action	Data can be converted by the permittee to <i>lat/long</i> for submission.
III.A.1.a	Pinellas Co	Is the expectation that the "Unique object ID" is a permanent ID that persists with the occurrence of an "outfall configuration" in the MS4 system, or can the unique ID be ephemeral and only applicable within the annual report? For example, if a pipe that constitutes a major outfall is decommissioned and replaced with an identical pipe, the pipe ID may change but the existence of the major outfall persists. In this case should the subsequent reports list the same "outfall id" as in previous years?	No action	Each outfall should have a unique object ID. Changes to IDs based on construction, etc. should be addressed on a case-by-case basis, or by permittee's procedures.
III.A.1.a	Pinellas Co	Why is there a need for both a map and a GIS inventory? Duplicative.	Updated	Removed reference to inventory, clarified map or GIS dataset.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.a Reporting	FDOT	Suggest revising first sentence under reporting to: "In each ANNUAL REPORT: provide updates on major outfalls added to or removed from the inventory, including:"  At minimum, change "map" to "inventory" in the first sentence under reporting.	No action	40 CFR 122 specifies map. GIS was added for permittees that have their information in GIS format.
III.A.1.a Reporting	Volunteer Cleanup (Dave Doebler)	suggest recommending ASSET MANAGEMENT SYSTEM (SAM)	No action	Permittees have many ways of mapping based on their decisions, resources, and capabilities.
III.A.1.b	Dunedin	This is not feasible. We are having a hard enough time mapping our major outfalls and updating them let along updating Non-major outfall mapping. We only have one GIS person in the City to assist in these updates. This is not feasible for the City.	No action	The permit does not require GIS mapping.
III.A.1.b	FDOT	The phrase <u>non-major outfalls</u> is not defined in 62-624.200 and should not be included in the permit text. If you would like to add this requirement to Phase I MS4 permits, Rule 62-624 should be amended to clearly define non-major outfalls.	No action	Outfall is defined in Section 62-624.200 F.A.C. in addition to Major Outfall. All conveyances, including non-major outfalls, are part of the MS4 and regulated through the MS4 permit.
III.A.1.b	FDOT	Mapping of non-major outfalls will take more than five years to complete. The emphasis through the Cycle 4 permit has been on major outfalls, and that is where permittees have concentrated their efforts. To require all known non-major outfalls to be mapped during the Cycle 5 permit is unreasonable and beyond the funding capability of the MS4s. We request the five year timeframe be changed to ten years since this is the first permit that is requesting the mapping of non-major outfalls.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.b	Indian Rocks Beach	Shouldn't be an issue based on recent analysis last year. All are mapped	No action	Noted.
III.A.1.b	Miami Waterkeeper/ Everglades Law	We strongly support the addition of minor outfall mapping in the permit template but have the same comment as for major outfall mapping.	No action	Noted.
III.A.1.b	North Port (Sarasota)	Define non-major outfall mapping. We have many non-major outfalls and this will be time consuming. What minimum size pipe is included? Will private SW system outfalls be included?(LBK) Same comment	No action	Outfall is defined in Section 62-624.200, F.A.C. Private outfalls are not required to be inventoried.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.b	Pinellas Co	Is the expectation that the "Unique object ID" is a permanent ID that persists with the occurrence of an "outfall configuration" in the MS4 system, or can the unique ID be ephemeral and only applicable within the annual report? For example, if a pipe that constitutes a minor outfall is decommissioned and replaced with an identical pipe, the pipe ID may change but the existence of the minor outfall persists. In this case should the subsequent reports list the same "outfall id" as in previous years?	No action	Each outfall should have a unique object ID. Changes to IDs based on construction, etc. should be addressed on a case-by-case basis, or by permittee's procedures.
III.A.1.b	Pinellas Co	Why is there a need for both a map and a GIS inventory? Duplicative.	Updated	Clarified between map and inventory or GIS dataset, which includes inventory information.
III.A.1.b	Tarpon Springs	Added layer of effort. Apprehensive to future Department requests of additional work on the vast number of Non-Major Outfalls.	No action	40 CFR 122 has historically required reporting of known MS4 outfalls. Now that permittees have mapped major outfalls, non-major outfalls should be mapped. Additionally, non-major outfalls should already be known through the existing MS4 inventory.
III.A.1.b	Volunteer Cleanup (Dave Doebler)	suggest recommending ASSET MANAGEMENT SYSTEM (SAM)	No action	Permittees have many ways of mapping based on their decisions, resources, and capabilities.
III.A.1.b Reporting	FDOT	Does FDEP have an expectation on the number of non-major outfalls added to the inventory each year?	No action	Expectation is to report all non-major outfalls added to the inventory within the reporting period. Permittees should plan how to complete their inventory within the permit cycle.
III.A.1.b Reporting	FDOT	Suggest revising first sentence under reporting to: "In each ANNUAL REPORT: provide updates on non-major outfalls added to or removed from the inventory, including:"  At minimum, change "map" to "inventory" in the first sentence under reporting.	No action	40 CFR 122 specifies map. GIS was added for permittees that have their information in GIS format.
III.A.1.b Reporting	Long Boat Key (Sarasota)	Do we include the mapping of Private	No action	Part III.A.1 is specific to structures "owned or operated by the permittee."
III.A.1.b Reporting	PBC (Mock Roos)	Insert "e.g.," before "lat/long"; assuming you'd allow for northing/easting coordinates instead of lat/long?	No action	Data is collected in lat/long or GIS. Data can be converted by the permittee to lat/long for submission.
III.A.1.c	Calusa Waterkeeper (Ed)	Inspection by who? FDEP? Self monitoring is not adequate. FDEP needs to inspect, validate, and enforce all requirements.	Updated	Second paragraph reworded.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c	Escambia	Please define "structural integrity" language throughout so intent is clear, I have concern with using a new term without a definition.	Updated	Language reverted from "structural integrity" to previous permit language.
III.A.1.c	Escambia	Clarify if requiring inspections to evaluate "structural integrity" and "ensuring it is functioning as designed" will be interpreted to mean inspectors will be required to have specialized training, certifications, or qualifications beyond training requirements listed in Section III.A.8.a.	Updated	Language reverted from "structural integrity" to previous permit language.
III.A.1.c	Escambia	Draft permit indicates increased inspection frequency be given to infrastructure "with a history of..." Clarify what amounts to "a history".	No action	Guidance for historic information will be provided in the Resource Manual.
III.A.1.c	FDOT	<p>"Where inspection schedules for individual stormwater management systems permitted in accordance with Chapter 62-330, F.A.C. are more stringent than those in the MS4 permit, the more stringent activities shall be followed and incorporated into written SOPs for those individual systems."</p> <p>This appears to be new language from last version. This may negatively impact permittees that have historically followed MS4 inspection frequencies. SJRWMD wet pond frequency is typically 24 months. Table III in the draft template shows 36 months for wet ponds. Further, this appears to conflict with proposed changes to Section 12 of draft stormwater rule which would allow ERP permittees in regulated MS4s to adhere to conditions established in the MS4 permit vs. new ERP conditions.</p>	Language removed from permit	Previous MS4 permit requirements do not supersede ERP permit requirements. The more stringent inspection requirements should be met.
III.A.1.c	FDOT	In the first paragraph on page 8: "...Table III.A.1.c, below. and shall", there is a minor typo.	Updated	Noted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c	FDOT	<p>Language that is very important to the successful prosecution of FDOT's MS4 program was removed from the March 2022 draft that working group members reviewed and discussed. Add the following language that was removed from the March 2022 and October 2022 versions:</p> <p>"Florida Department of Transportation (FDOT) shall comply with the inspection requirements in Table III.A.1.d, or with the inspection schedule included in the SSWMP that specifies minimum inspection frequencies."</p>	No action	See previous comments.
III.A.1.c	FDOT	The section lists minimum maintenance procedures that the program shall consist of, but says these minimum procedures are not limited to what is given. It is possible that the word <i>minimum</i> is not needed here. Also, it is redundant to say that these procedures are minimum themselves since these procedures have binary outcomes of success (e.g. you can't exceed in removing more trash from an outflow structure past removing the trash in the first place). "Minimum maintenance procedures" --> "Maintenance procedures"	Updated	Deleted 'minimum' from maintenance bullet.
III.A.1.c	Hillsborough Co.	When referencing the Guidance for the Management of Street Sweepings, Catch Basin Sediments and Stormwater System Sediments document should use the word "may" instead of "shall" as this is a guidance document in which it is stated that it is not intended to be a regulatory mechanism.	Updated	Updated to DEP rule, with guidance document listed for reference.
III.A.1.c	Indian Rocks Beach	This will likely double the amount of time/maintenance for your NSBB/PCB's.	No action	Pollution Control Boxes (including baffle boxes) are currently required to be inspected more frequently, as they are designed to collect more debris/pollution than traditional catch basins.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c	Jacksonville (T. Carr)	The minutes of the last Monthly Teleconference document that Michelle Bull reported that the need for more frequent inspections is "based on audits." On the contrary, many MS4s have already documented through several permit cycles that less frequent inspections are appropriate for various types of structures and in various geographical areas (especially for newer developments). Is there documentation from those MS4 audits that is available for other MS4s to view that may help in planning frequencies and targeting structure types?	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  All audit reports are stored in OCULUS, DEP's public filing system.
III.A.1.c	Long Boat Key (Sarasota)	If the inspection includes the Non-major after defined, then the number could increase by a large amount also placing a burden on the very small staff dedicated to this activity.	No action	Note, inspections of non-major outfalls can be conducted during initial field identification.
III.A.1.c	Miami Waterkeeper/ Everglades Law	We appreciate that minor outfalls are added to the template, but they should be inspected no less frequently than annually, like major outfalls.	No action	The focus of this permit cycle is identifying and mapping non-major outfalls.
III.A.1.c	Miami Waterkeeper/ Everglades Law	Specific text (add the CAPITALIZED TEXT in the bulleted list under Section III.A.1.c): Evaluations of segments or specific components of the MS4 for increased inspection frequencies if they have a history of illicit discharges, illicit connections, or illegal dumping, INCLUDING THE POTENTIAL FOR LEAKAGE OF UNTREATED OR INCOMPLETELY TREATED WASTE FROM SEPTIC SYSTEMS;	No action	Septic discharges are captured in illicit connections and illicit discharge. OSTDS is regulated by DOH and another program within DEP. These items may also be addressed through bacteria TMDL implementation.
III.A.1.c	Miami Waterkeeper/ Everglades Law	In response to previous suggestions that septic discharge be explicitly included as an illicit discharge, FDEP variously responded that it was covered as an illicit discharge generally and was regulated by the FDOH. Septic discharges are explicitly mentioned in other states' MS4 permits, and it is appropriate to be explicit in the template that leaking/failing septic tanks can discharge to an MS4, and that those discharges are illicit discharges and must be "effectively prohibited."	No action	A discussion of septic tanks will be included in the Resource Manual.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c	North Port	Reducing 10-year to 5-year inspection frequency will be a hardship. Please make this voluntary or only for municipalities that have repeat violations.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c	Palm Beach Gardens	The City of PBG is concerned with increase inspection frequency for catch basins and linear conveyance (two fold) in respect to how this will affect the annual stormwater budget. Rather drastic change especially if the change happens outside of a budget period, meaning we will need to make up for it in following years.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c	PBC (Mock Roos)	Delete "and shall include evaluating the structural integrity of each structure and ensuring it is functioning as designed" in the 1st sentence of the 3rd paragraph; this phrase is redundant to the list below in the program.  In the Program section (page 8, middle of the page), the first sub-bullet under the 4th bullet states "...ensure structural integrity and..."; it's very unlikely that a public works inspector is going to have the engineering qualifications to ensure structural integrity - that's a pretty technical and specific guarantee. Suggest striking "structural integrity and" and leaving the rest of the sentence.  That being said, the phrase at the end of the sentence (" , including debris levels;" does not read well and should either be rewritten or relocated to an appropriate sentence.	Updated	Language reverted from "structural integrity" to previous permit language.
III.A.1.c	PBC (Mock Roos)	Add " <i>Except Catch basins, Inlets &amp; Grates</i> " to the title of the section.	No action	Structures added back to Table III.A.1.c.
III.A.1.c	PBC (Mock Roos)	4th sub-bullet under 4th Program bullet - replace " <i>...bottom and inflow...</i> " with " <i>...bottom of inflow...</i> "	Updated	Noted.
III.A.1.c	PBC (Mock Roos)	5th sub-bullet under 4th Program bullet - this is only true for dry systems; wet systems would rarely if ever have vegetative cover on the bottom.	No action	The list is inclusive of many types of structures.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c	PBC (Mock Roos)	8th sub-bullet under 4th Program bullet - delete the word "each " from 1st line of text.	No action	This language is throughout the permit.
III.A.1.c	PBC (Mock Roos)	In the 2nd sentence of the 4th paragraph, add " <i>indications/signs of</i> " after "...components of" and before " <i>the MS4...</i> "	No action	Any structures with indications of illicit discharges should be investigated. One incident may not warrant increased inspection frequencies.
III.A.1.c	Sarasota Co.	What is the basis for adding non-major outfalls? Only after the mapping of the non-major outfalls, when the MS4 knows the magnitude of the effort should an inspection frequency be discussed. Inspection & Maintenance of non-major outfalls for this permit cycle should be as determined necessary by the MS4.	No action	Federal code 40 CFR 122.26(d)(1)(iii)(B)(1) requires applicants to report the location of known MS4 outfalls.
III.A.1.c	Tarpon Springs	Request removal of mandated 5 yr inspection & Maintenance. We currently achieve a bit more than the required 10yr cycle frequency. Essentially "Doubling" this will require more staff, more vehicles, & more equipment. All of which, are not feasible within our Budget.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.c	Volunteer Cleanup (Dave Doebler)	Conduct inspections and maintenance to ensure MS4 components function as designed and to reduce the discharge of pollutants, including FLOATABLE AND SETTLEABLE TRASH AND DEBRIS, from the MS4.	No action	Current language is consistent with CFR.
III.A.1.c Reporting	PBC (Mock Roos)	2nd bullet - reword sentence to " <i>...distance of components inspected for each applicable...</i> " An "activity" isn't a defined term and doesn't directly correlate to the inventory reported, so its meaningless in calculating a percentage complete.	Updated	Noted. Removed "activities" and updated to inspections.
III.A.1.c Reporting	PBC (Mock Roos)	4th bullet - reword sentence to " <i>...distance of components maintained for each applicable...</i> " Same justification as above.	Updated	Noted. Removed "activities".
III.A.1.c Reporting	PBC (Mock Roos)	Table III.A.1.c Title - rename to " <i>Minimum MS4 Inspection Frequencies.</i> "	Updated	Noted.
III.A.1.c Reporting	Tampa	Consider the word "may" instead of "shall" -SOPs have limited flexibility as stated & consider the inclusion of guidance manuals for reference only; guidance manuals should not be requirements	No action	Evaluated throughout the permit.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Reporting	Volunteer Cleanup (Dave Doebler)	Add * Volume of sediment, litter or debris removed for each component in the MS4 inventory.	No action	<p>The Department added requirements to define 'thresholds' and criteria for catch basin maintenance/cleaning.</p> <p>While permittees may record catch basin cleaning volumes for assessment program, it is not feasible to require permittees to track the amount of debris removed from each catch basin. Permittees may choose to perform studies as needed.</p>
III.A.1.c Table	Calusa Waterkeeper (John)	Currently Lee County co-permittees (i.e. CDDs) avoid or even prohibit discreet sampling of water within their jurisdictional SWMP area.	Requested additional information; no response.	
III.A.1.c Table	Clearwater	Clearwater meets the current required inspection frequency outlined in the MS4 permit. In order to meet the proposed increased inspection frequency, additional FTEs would be needed. Hiring additional staff requires budget changes that must be approved by the City Council and require at least nine months planning before the start of the fiscal cycle.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.c Table	Dunedin	Inspection of non-major outfall every five years instead of 10 years will be very difficult for the City of Dunedin to achieve due to staff shortages. Currently, our stormwater staff is only operating at 75% with 25% of positions still open and not filled. This will require Full Time Employees + Equipment (vehicle, computer etc.). The City cannot financially afford to support this requirement.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.c Table	Escambia	Increased requirement to inspect pipes, culverts, ditches, and conveyance swales from once every ten years to once every five years will require a considerable increase in program implementation costs.	No action	<p>The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.</p> <p>Pipes and culverts was reverted to once every 10 years.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	FDOT	The change of inspection frequency from 10 to 5 years is going to significantly impact all permittees. FDEP should consider phasing this requirement out over the 5 year permit cycle allowing permittees the opportunity to obtain the funding and resources necessary to meet the increased demand.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	FDOT	Inspection of non-major outfalls once every five years is unwarranted. Recommend the inspection frequency be changed to a "suggested inspection frequency" since this effort will include a very broad number and type of discernible discharges from the MS4s and the inventory will constantly be updated. Additionally, since MS4s are still inventorying non-major outfalls during this permit cycle (Cycle 5), it is recommended that inspections not begin until Cycle 6.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.c Table	FDOT	Annual inspection of major outfalls is unwarranted based on the historical experience of many MS4s. Our inspection of major outfalls observe an extremely small number of required maintenance activities. Recommend the inspection frequency be changed to a "suggested inspection frequency" or the minimum inspection frequency be changed to once every five years.	No action	The permit includes procedures for requesting less frequent inspections for major outfalls on a case-by-case basis.
III.A.1.c Table	FDOT	Would permittees that have an approved alternative inspection frequency in Cycle 4 have to submit a request for less frequent inspection schedule upon permit issuance for Cycle 5?	No action	Yes. Previously reviewed inspection frequencies need to be re-evaluated by DEP.
III.A.1.c Table	FDOT	The goal of the permit is to protect water quality by reducing the discharge of pollutants in stormwater to surface waters of the state. Annual inspection of major outfalls does not further that goal, so this requirement only redirects scarce resources from other activities that actually will help to protect water quality.	No action	This is an existing permit requirement.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	North Port (Sarasota)	The change from 10 to 5 years will require double the staff & double the budget. Unlikely this could be accomplished during the first 5- year permit term. The MS4 should have the discretion to increase the frequency as necessary. Is there any data to back up the change this frequency? We are not aware of any current problems within Sarasota County to warrant such an increase. The inspection frequency should remain 10 years. The switch to 5 years would likely result in permit non-compliance.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	Oldsmar	Changing inspections from a 10-year cycle to a 5-year cycle will cause a large time and financial burden on the city. The increase will require at least one additional FTE position (25% increase in stormwater staff) and the equipment associated with the position (vehicle, tools, etc.). These changes could require an increase in the stormwater utility rate to fund.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	PBC (Mock Roos)	In the table: Wet Detention System - in the Activities column - a "•" is missing for the 4th inspection item.	Updated	Bullet added.
III.A.1.c Table	PBC (Mock Roos)	Pipes; Culverts; Ditches; Conveyance swales; Other Conveyances - consider moving this structural control out of the table and putting it with the Catch basins/Inlets/Grates. The inspection of these features is often done together, given that access to the pipes is via the catch basins/grates. Even if done separately, the inspection frequency would likely be affected by the same issues that plague the catch basins/inlets. This would address the concern that the District is doubling the effort when it may be completely unnecessary for some of the pipes/etc. Also, the 1st bullet of activities states loss of storage volume, but these are conveyance facilities; they are not generally intended to provide storage, so that should be deleted. They are inspected for debris to prevent loss of conveyance and to remove waste from a potential discharge stream.	Updated	Bullet updated.
III.A.1.c Table	PBC (Mock Roos)	Weirs; Channel Control Structures; Other appurtenances - delete "Channel." Control structures may be in other locations besides a channel.	Updated	Added canal.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	Pinellas Co	<p>5. Non-Major Outfalls - Increasing inspection frequency from 10 yrs to 5 yrs represents a SIGNIFICANT increase in inspection activities. Pinellas County has 34,000 outfalls.</p> <p>6. Canals and Channels: This requirement means ALL open drainage large enough to facilitate navigation AND all natural channels must be annual whereas some of them were previously every 10 years. That is a SIGNIFICANT increase in inspection activities.</p> <p>10. Pipes, Culverts, Ditches, Conveyance Swales, Other - MAJOR increase from 10 to 5 year cycles. This effectively doubles the minimum inspection frequency, and doubles the inspection and maintenance workload.</p> <p>The increase in inspection frequency from 10 years to 5 years for these structural controls is going to create a significant financial burden on large permittees, requiring an increase on already lean stormwater fees, which will have to go through Board Approval and a public hearing before being implemented. The financial impact will be substantial and would likely require replanning for a couple of years.</p> <p>Propose looking at a sliding scale for maintenance based on permittee-determined asset criticality matrix. [asset management criticality matrix]</p>	Updated	<p>The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.</p> <p>Pipes and culverts was reverted to once every 10 years.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	Polk Co	Increasing the inspection frequency from 10% per year to 20% per year for minor outfalls will requiring doubling the amount of man hours and/or resources this will be a large burden on both large and small municipalities, this may require hiring additional staff in a very limited time (from permit issuance to implementation). It might be more realistic to allow municipalities to develop an inventory of minor outfalls for the first cycle and implement the increased inspections in the next cycle, this would also give municipalities more time to allocate funding for additional personnel.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.
III.A.1.c Table	Polk Co	Requiring 20% of all pipes, culverts, ditches and swales be inspected each year will be very difficult without hiring new employees. Polk has ~60,000 pipes alone. If we do need to hire new employees for this task, it will require BoCC approval which may take time. Additionally, we do not see how this will improve water quality or decrease pollutants.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	Polk Co	Canals and Channels: please add in the MS4 clarification that was included in the C4 permit example: "Canals that are part of the MS4 system and not Waters of the State"	No action	Per guidance provided by EPA, Waters of the US and MS4s are not mutually exclusive. DEP relies on each permittee to maintain their MS4 inventory.
III.A.1.c Table	Polk Co	All major outfalls only need to be inspected once in a 5 year period, requiring inspections on a yearly basis is a major drain on personnel time with little return on investment versus other activities that could reduce pollutants to the MS4s and receiving waterbodies	No action	The permit includes procedures for requesting less frequent inspections for major outfalls on a case-by-case basis.
III.A.1.c Table	Polk Co	Provide clarification that inspections are for county owned assets only	No action	Part III.A.1 is specific to structures "owned or operated by the permittee."

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	Redington Beach	The increase to inspect pipes, culverts and inlets from every 10 year to every 5 years will be a significant cost increase for the Town of Redington Beach which only has two staff for maintaining everything (MS4, Beach, Streets, Parks) in the Town. The Town spent \$330,000 on videoing and cleaning the entire 1.9 miles of stormwater culverts in the Town. The Town's current Utility provides \$94,000 per year. The Town cannot afford to increase the inspection of the MS4 every 5 years without doubling the current stormwater utility fee. FDEP needs to provide explicit reason to justify the Town commission to approve doubling the stormwater utility fee.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	Redington Beach	The Town of Redington Beach has 2 CDS units. These are inspected twice per year by contractor and cleaned as needed. Quarterly inspection will double the cost for inspection and maintenance since the Town contracts the work. The Town is reasonably sure that the CDS units are adequately maintained.	No action	CDS units are considered pollution control boxes, and are currently required to be inspected quarterly, unless a less frequent inspection schedule has been approved by the Department.
III.A.1.c Table	St. Pete Beach	The City maintains 16.7 miles of pipes and 740 catch basins/inlets. An increase in the number of inspections of the MS4 system every 5 years could require doubling the current stormwater utility fee. The City of St Pete Beach strongly urges FDEP to reconsider their position on increasing the inspection requirements.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	St. Pete Beach	The City of St Pete Beach has recently installed 32 baffle boxes. The City has a jet/vac truck but only 2 stormwater personnel for inspections of all inlets, catch basins and the baffle boxes. The staff attempt to check the boxes after heavy rains. Quarterly inspection of all the boxes will increase costs for the program - more frequent inspections will require additional staff and possibly additional vehicles or the City will have to contract the work. As the stormwater program cost increase, the Stormwater Utility Fee will have to be increased at a time when many families are struggling with inflation since.	No action	Baffle boxes are considered pollution control boxes, and are currently required to be inspected quarterly, unless a less frequent inspection schedule has been approved by the Department.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.c Table	Tampa	CONSIDER REVISION TO CURRENT PERMIT 4 CYCLE CONDITIONS --In the table III.A.1.c.-INCLUDE the word "POSSIBLE" before the word inspection activities- current permit language states "POSSIBLE INSPECTION ACTIVITIES" and allows for flexibility in SOPs --Doubling frequency requirements will require additional resources to comply with a "not to exceed the 5 year permit cycle"-current permit allows 10 years to complete maintenance cycle.	No action	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies.  Pipes and culverts was reverted to once every 10 years.
III.A.1.c Table	Volunteer Cleanup (Dave Doebler)	"Minimum Stormwater Structural Control and Collection System MINIMUM Inspection Frequency"	Updated	Updated to "MS4 Minimum Inspection Frequencies."
III.A.1.c Table	Volunteer Cleanup (Dave Doebler)	"MS4 Component; MINIMUM Inspection Frequency"	Updated	Updated to "Minimum Inspection Frequency."
III.A.1.c Table	Volunteer Cleanup (Dave Doebler)	Add "reduce the discharge of pollutants, including FLOATABLE AND SETTLEABLE TRASH AND DEBRIS, from the MS4" to all the bullet points for example "Inspect for debris/litter/sediment accumulation at inflow/outflow structures, screens, and within the PCB to prevent loss of storage volume or impacts on flow or operation, AND REDUCE THE DISCHARGE OF POLLUTANTS, INCLUDING FLOATABLE AND SETTLEABLE TRASH AND DEBRIS, FROM THE MS4".	Updated	Added to Part III.A.1 introductory paragraph.
III.A.1.c Table	Volunteer Cleanup (Dave Doebler)	Add bullet on Major Outfalls "* Inspect for indication of upstream pollution control or litter capture failures. If inspection indicates failure, initiate inspection of upstream control devices."	No action	Part III.A.1.c states "All inspections shall include the identification of the presence or absence of illicit discharges, illicit connections, or illegal dumping." This would trigger investigation through Part III.A.
III.A.1.d	Clearwater	Clearwater has about a dozen trash management system in various inlets. Although they are labor intensive to maintain, the location of these trash management systems are essential in managing trash throughout the MS4. The city will install these if trash is a problem in an area. A specific assessment program is not necessary; field observations are sufficient to determine if additional BMPs are needed.	No action	Noted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d	Escambia	Same comment as III.A.1.c. for "structural integrity" reference.	Updated	Inspection requirements moved to Table III.A.1.c, which removed any "structural integrity" language from Part III.A.1.d.
III.A.1.d	FDOT	"Identify a frequency for inspections assigned to each category as determined by the permittee to be necessary or appropriate" appears to be in conflict with the minimum inspection frequency of once / 5 years noted above. Please clarify.	Updated	Noted.
III.A.1.d	Hillsborough Co.	Inspection frequency of every five years for each catch basin, inlet, and grate is not practical or financially feasible for a system of the size that Hillsborough County has and there is no justification for this. This will require the County to increase inspection staff by at least two full time employees with additional vehicles and equipment none of which is budgeted for or likely to be approved in the near future. These should remain on a 10 year cycle.	Clarified timelines	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies. The draft permit has been revised to clarify the compliance timeline.
III.A.1.d	Hillsborough Co.	Inspection frequency of every five years for each catch basin, inlet, and grate is not practical or financially feasible for a system of the size that Hillsborough County has and there is no justification for this. This will require the County to increase inspection staff by at least two full time employees with additional vehicles and equipment none of which is budgeted for or likely to be approved in the near future. These should remain on a 10 year cycle.	Clarified timelines	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies. The draft permit has been revised to clarify the compliance timeline.
III.A.1.d	Indian Rocks Beach	GSRD addition seems difficult due to limited fall. NSBB's are being added where prioritized for this purpose.	Updated language to upgrades or retrofits to reduce pollutant discharges.	Noted.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d	Miami Waterkeeper/ Everglades Law	We previously suggested a more detailed inspection and maintenance schedule for catch basins and associated infrastructure. FDEP's response was that these suggestions would be added to the Permit Resource Manual. While we appreciate the change to require a more individualized assessment of catch basins and associated structures in determining appropriate maintenance schedules, the template should specify a higher minimum floor of inspections, no less than ANNUALLY and ensure that catch basins, inlets, or grates that are more than 25% full are cleaned out.	No action	The catch basin management program was added to allow permittees to evaluate and prioritize their systems.
III.A.1.d	North Port (Sarasota)	The change from 10 to 5 years will require double the staff & double the budget. Unlikely this could be accomplished during the first 5- year permit term. The MS4 should have the discretion to increase the frequency as necessary. Is there any data to back up the change this frequency? We are not aware of any current problems within Sarasota County to warrant such an increase. The inspection frequency should remain 10 years. The switch to 5 years would likely result in permit non-compliance.	Clarified timelines	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies. The draft permit has been revised to clarify the compliance timeline.
III.A.1.d	Palm Beach Gardens	The City of PBG is concerned with increase inspection frequency for catch basins and linear conveyance (two fold) in respect to how this will affect the annual stormwater budget. Rather drastic change especially if the change happens outside of a budget period, meaning we will need to make up for it in following years.	Clarified timelines	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies. The draft permit has been revised to clarify the compliance timeline.
III.A.1.d	PBC (Mock Roos)	Change title to " <i>Catch basins, Inlets, and Grates Inspection and Maintenance</i> " (and expand or revise if Culverts, Pipes, other conveyances are added to this section.	No action	Section includes more than inspections.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d	PBC (Mock Roos)	<p>There appear to be two efforts required under this section:</p> <ol style="list-style-type: none"> <li>1. Evaluate all the catch basins/inlets/grates in the MS4 to determine what their individual inspection frequency needs to be. It appears this just needs to be done once, in the 1st year and reported with the Year 1 annual report; please confirm.</li> <li>2. Inspection of the catch basins/inlets/grates within the MS4 at the frequency identified in the first effort.</li> </ol> <p>The following sentence in the 1st paragraph seems incorrect: "Implement inspection and maintenance procedures for catch basins, inlets, and grates according to permittee-developed evaluation criteria." But procedures developed to evaluate frequency are not intended to change the inspection and maintenance procedures, just the frequency. The procedures should be the same, and as described in the 2nd paragraph of this section. Therefore, suggest you strike the last sentence of 1st paragraph OR re-write it to say "<i>Implement the evaluation procedures developed [in the 1st sentence] in order to identify an inspection frequency for each catch basin/inlet/grate within the MS4.</i>"</p>	Updated	1st paragraph, last sentence updated to "Conduct inspections and maintenance according to permittee-developed evaluation criteria."
III.A.1.d	PBC (Mock Roos)	Revise the sub-title " <i>These procedures shall;</i> " to " <i>The evaluation procedure shall:</i> "	Updated	Noted.
III.A.1.d	PBC (Mock Roos)	The 1st bullet - revise to " <i>Develop a categorization system for catch basins, inlets and grates, based on permittee-identified criteria;</i> "	No action	
III.A.1.d	PBC (Mock Roos)	2nd bullet - revise to " <i>Identify an inspection frequency for each category, as determined by the permittee to be necessary or appropriate;</i> "	Updated	Noted.
III.A.1.d	PBC (Mock Roos)	3rd bullet - revise to " <i>Assign each catch basin, inlet, and grate to the appropriate category; and</i> "	No action	
III.A.1.d	PBC (Mock Roos)	4th bullet - revise to: " <i>Incorporate criteria for identifying the need and feasibility of upgrading...</i> "	Updated	Noted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d	Pinellas Co	This is a significant overall effort with an initial program setup, recurring program management, and if structured aggressively it has the potential to consistently and continually escalate permittee inspection workload over time.	No action	See previous discussions regarding the goals of the management program. The purpose of the program is for each permittee to develop criteria and inspection frequency.
III.A.1.d	Pinellas Co	In addition, Gross Solids Removal Devices have largely been found to be maintenance intensive and therefore cost-prohibitive.	Updated language to upgrades or retrofits to reduce pollutant discharges.	GSRDs are not specifically required to be constructed. Any MS4 planning should include long-term operation resources.
III.A.1.d	Redington Beach	FDEP required the Town to divide batch basins and inlet inspections into 3 sections within the Town in Year 4 of Permit Cycle 4. The Town is a small residential community that uses underdrains and swales for stormwater BMPs. The Town does not have the capability of cleaning GRSD - the installation and contracting the cleaning of these devices is cost prohibitive to the Town.	Updated language to upgrades or retrofits to reduce pollutant discharges.	Reference to GSRD was removed from the permit. GSRDs are not specifically required to be constructed.  Any MS4 planning should include long-term operation resources.
III.A.1.d	St. Pete Beach	The City has reached maintenance ability for cleaning GRSD - installation of additional units will require the City to add staff and vehicles or contract the cleaning which will significantly increase the cost of the City stormwater program. The primary revenue for stormwater is the Stormwater Utility Fee.	Updated language to upgrades or retrofits to reduce pollutant discharges.	GSRDs are not specifically required to be constructed. Any MS4 planning should include long-term operation resources.
III.A.1.d	Tarpon Springs	Request removal of mandated 5 yr inspection & Maintenance. We currently achieve a bit more than the required 10yr cycle frequency. Essentially "Doubling" this will require more staff, more vehicles, & more equipment. All of which, are not feasible within our Budget.	Clarified timelines	The Department acknowledges the increase in resources and time it will take to implement increased inspection frequencies. The draft permit has been revised to clarify the compliance timeline.
III.A.1.d	Volunteer Cleanup (Dave Doebler)	Add "Dedicated personnel and resources" - III.A.1.c. MS4 Inspection and Maintenance includes a requirement for "Dedicated personnel and resources", but this section does not include such a requirement for dedicated personnel. Since III.A.1.d. doesn't flow from the MS4 Inspection above, there is no assumed requirement for dedicated personnel, so it should be specifically mentioned.	No action	The SOP requirements in Part III.A.1.c have this requirement, which covers inspection and maintenance for catch basin management in Part III.A.1.d.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d	Volunteer Cleanup (Dave Doebler)	Catch basins and inlets inspections need to be more frequent than a minimum of once every 5 years to address nutrient load (organic materials) and trash. Suggest minimum 1 year for any system without downstream pollution controls and empty directly into waterways.	No action	A discussion of inspection frequency relative to downstream controls will be included in the Resource Manual.
III.A.1.d Reporting	FDOT	Recommend changing submittal of management procedures to Year 4. This submittal requirement was not included in the March 2022 draft reviewed by the working group.	Clarified timelines	Year 1 Annual Report, submit evaluation procedures. In each Annual Report, provide the number of components upgraded or retrofitted.
III.A.1.d Reporting	FDOT	<p>It is unlikely permittees will be able report on these items in Year 1. As noted above, this new program is going to take several years for permittees to develop these reporting requirements and identify funding and staff necessary to meet these new requirements.</p> <p>FDEP should consider the compliance schedule where permittees develop the management plan and submit with the Year 4 permit / re-application and begin reporting on activities in the Cycle 6 permit. Small MS4s may be able to comply with this schedule, but the larger cities, counties, and FDOT may not be able to meet this requirement without sufficient planning due to the number of inlets.</p>	Clarified timelines	Year 1 Annual Report, submit evaluation procedures. In each Annual Report, provide the number of components upgraded or retrofitted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.1.d Reporting	FDOT	FDOT properly manages its curb and ditch bottom inlets to ensure stormwater is safely conveyed off the road surface or right-of-way to ensure safety of the traveling public. Current FDOT maintenance reporting through the Maintenance Management System (MMS) is not by individual structure but instead by roadway section and linear distances. Further, inspections are often drive-by inspections which is sufficient to observe the operating condition of inlet structures. These visual inspections are not documented on an individual basis and therefore the "number of inspection activities conducted" may be descriptive and not numeric. Additionally, the "number of maintenance activities conducted" may continue to be reported as linear feet of drainage structures cleaned which is the value provided by MMS.	No action	Note, while FDOT may use MMS activities for MS4 requirements, number/quantity of structures inspected and maintained should be reported.
III.A.1.d Reporting	PBC (Mock Roos)	Intro sentence - revise to "...and grate evaluation procedure(s)." 3rd bullet - revise to " <i>The number of structure maintained; and</i> "	Updated	Noted.
III.A.1.d Reporting	Pinellas Co	Year 1 is too aggressive if this is implemented- this will require significant change to our inventory structure and inspection methodology	Clarified timelines	Year 1 Annual Report, submit evaluation procedures. In each Annual Report, provide the number of components upgraded or retrofitted.
III.A.1.d Reporting	Polk Co	Provide timeline for implementation of SOP	No action	Management procedures are required to be submitted with the Year 1 annual report.
III.A.1.d Reporting	Redington Beach / St. Pete Beach	The Town's SOP covers maintenance and inspection of the catch basins, inlets and grates. What is the reasoning behind FDEP requiring an additional report for the same procedures?	Updated	The goal of the procedures are to better direct resources for reducing pollutants discharging from the MS4. Inspection SOP was combined with Part III.A.1.c.
III.A.1.d Reporting	Tallahassee	Recommend submitting the catch basin, inlet, and grate management procedures plan with the Year 2 annual report as opposed to the Year 1 annual report.	Clarified timelines	Year 1 Annual Report, submit evaluation procedures. In each Annual Report, provide the number of components upgraded or retrofitted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.2	PBC (Mock Roos)	1st sentence - revise to <i>"Implement pollution controls for... from entering the MS4 in order to reduce..."</i>	Updated	Removed "to reduce the impact of MS4 discharges on receiving waters.
III.A.2	Jacksonville (T. Carr)	Do the requirements for "parks and other public use areas" include State and Federal parks that could impact permittee-owned MS4s? If so, how would MS4s be able to overcome jurisdictional issues? Or, does this section only apply to permittee-owned parks and public use areas?	Updated	Clarified "... permittee streets, highways, rights-of-way, parks and other public-use areas".
III.A.2	Polk Co	Provide clarification on the 'Public Use Areas' this is intended to cover examples; ball fields, boat ramps	Updated	Part III.A.2.b specifies areas that have the potential to impact the MS4.  Added definition of public use area. Will add examples of PUAs: ball fields, boat ramps, etc. to the Resource Manual.
III.A.2.a	FDOT	<del>Clarify "current known miles of roadways with curb and gutter", does this mean the area connected to curb and gutter?</del>  <del>After further discussion with District 6 staff, no additional information is needed on this comment. There was a misunderstanding which was clarified during an internal meeting.</del>	No action	No action.
III.A.2.a	Hillsborough Co.	When referencing the Guidance for the Management of Street Sweepings, Catch Basin Sediments and Stormwater System Sediments document should use the term "which may be in accordance with" after "collected" as this is a guidance document in which it is stated that it is not intended to be a regulatory mechanism.	Updated	Added DEP rule, which is referenced in Guidance document.
III.A.2.a	PBC (Mock Roos)	Revise the name of the sub-title to <i>"The Street Sweeping Program shall consist of:"</i>	Updated	Change made throughout document.
III.A.2.a	PBC (Mock Roos)	1st bullet - revise "areas " to "streets " (This program is for STREET sweeping.)	Updated	Added "roadways/areas"
III.A.2.a	PBC (Mock Roos)	2nd bullet - delete <i>"/areas and "</i> and insert commas as needed; add <i>"for each "</i> at the end of the phrase.	Updated	Added "for each"
III.A.2.a	PBC (Mock Roos)	5th bullet - Insert <i>"Identification of the..."</i> at the beginning of the phrase.	No action	Identification captured in II.A.2.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.2.a	Volunteer Cleanup (Dave Doebler)	There should be a minimum street sweeping frequency of once every ___ years (likely at least once every year). Suggest "For permittees that are the operator of roadways with curb and gutter, DEVELOP AND IMPLEMENT A REGULAR STREET AND ROAD SWEEPING PROGRAM ON PERMITEE-OPERATED STREETS, HIGHWAYS AND OTHER RIGHTS-OF-WAY WHERE STORMWATER FLOWS INTO THE MS4 TO PREVENT ORGANIC MATERIAL, LITTER AND SEDIMENTS FROM ENTERING THE STORMWATER SYSTEMS THAT INCLUDES SWEEPING OF ALL STREETS AND ROADS WITHIN THE REGULATED AREAS AT LEAST ANNUALLY, UNLESS A LESSER FREQUENCY CAN BE JUSTIFIED BASED ON AT LEAST TWO CONSECUTIVE YEARS OF DATA INDICATING THE STREET OR ROAD DOES NOT REQUIRE ANNUAL SWEEPING, TO BE FULLY IMPLEMENTED BY THE THIRD YEAR OF THE PROGRAM.	No action	Frequency of sweeping annually: the Department does not have guidance supporting a minimum frequency of annually for street sweeping.  The permit requires permittees to identify areas and frequencies in their SOP; this is more effective than requiring sweeping annually, as areas will be evaluated based on local factors contributing to pollutant loading.
III.A.2.a	Miami Waterkeeper/ Everglades Law	We understand that this permit applies broadly to municipalities with widely varying levels of development. In MS4s in Miami-Dade County, based on current co-permittee activities, we believe the permit should specify a minimum frequency for street sweeping that is no less than monthly.	No action	Please submit this comment during the Miami-Dade County MS4 Draft Permit public comment period. Clarify if the request is to be implemented throughout Miami-Dade County, or if it is specific to certain co-permittees; include evidence to support the minimum frequency.
III.A.2.a Reporting	Polk Co	Is this saying that we must sweep all streets with curb and gutter, what about situations where curb and gutter roads are not near waters of the state?	Updated	All applicable areas should be identified and assigned a frequency for sweeping.  Deleted "and to reduce the impact of MS4 discharges on receiving waters" as this is captured in Part II.
III.A.2.b	Volunteer Cleanup (Dave Doebler)	Procedures for the management of litter (INCLUDING PERIODIC REEVALUTION OF PLACEMENT, ADEQUATE DESIGN TO PREVENT WIND-BLOWN TRASH, SCHEDULE FOR COLLECTION, ETC);"	No action	This will be incorporated into the Resource Manual.
III.A.2.b	PBC (Mock Roos)	6th bullet - add " <i>Identification of the...</i> " at the beginning of the phrase.	No action	"Identification" captured in II.A.2.
III.A.2.b	Tarpon Springs	We currently do, & Report these activities.	No action	Noted.
III.A.2.b	Miami Waterkeeper/ Everglades Law	We understand that this permit applies broadly to municipalities with widely varying levels of development. In MS4s in Miami-Dade County, based on current co-permittee activities, we believe the permit should specify a minimum frequency for litter collection that is no less than weekly.	No action	Please submit this comment during the Miami-Dade County MS4 Draft Permit public comment period. Clarify if the request is to be implemented throughout Miami-Dade County, or if it is specific to certain co-permittees; include evidence to support the minimum frequency.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.2.b	Tarpon Springs	<p>We currently Report these activities.</p> <p>Adding mapping and all associated proposed program elements will take a massive effort and involve massive effort from Divisions other than ours. This will not only impact our Budget, but also the Budgets of other Divisions that are not technically responsible for NPDES Reporting.</p>	No action	<p>The Department does not anticipate a massive effort to develop a map or list of areas where litter control is currently being conducted. The existing program should include areas where litter is collected and frequency of collection. In lieu of requiring monthly cleanup, language indicating criteria to be determined by the permittee was added.</p> <p>Note, the permit is issued to the municipality, not a specific department.</p>



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3	FDOT	It is somewhat unclear what FDOT is responsible for in this section. In sections where FDOT is an exception, say "except FDOT - entire section" or something similar to avoid inconsistency. For example, "except FDOT" is only stated before one paragraph in III.A.3.b, yet there seems to be nothing that FDOT reports as indicated by the Reporting section header. This also goes for other sections where this inconsistency applies.	Updated	<p>Part III.A.3.a. FDOT is required to adhere to local codes. Clarified that FDOT is excepted from the requirement to maintain a list of proposed projects.</p> <p>Part III.A.3.b. Clarified that FDOT is excepted.</p> <p>Part III.A.3.c. FDOT's DCP review and issuance process includes activities in the program and reporting requirements.</p>
III.A.3	Miami Waterkeeper/ Everglades Law	<p>III.A.3.d. Stormwater Pollution Improvement As part of its SWMP, each Permittee shall implement a Stormwater Pollution Continuing Improvement Program to prevent or reduce impacts caused by discharges from the MS4, where stormwater discharges are likely contributing to water quality impairments. Impacts that shall be addressed include disturbances to watershed hydrology and stormwater pollutant discharges. The program shall consider impacts caused by stormwater discharges from areas of existing development; including runoff from highways, streets, and roads owned or operated by the Permittee; and areas of new development, where impacts are anticipated as development occurs. The program shall address impacts that are not adequately controlled by the other required actions of the SWMP.</p> <p>i. The program shall consider the following projects:</p> <ul style="list-style-type: none"> <li>(a) New flow control facilities,</li> <li>(b) New treatment (or treatment and flow control) facilities,</li> <li>(c) New LID BMPs,</li> <li>(d) Retrofit of existing treatment and/or flow control facilities,</li> <li>(e) Property acquisition for water quality and/or flow control benefits, and</li> <li>(f) Maintenance with capital construction costs.</li> </ul> <p>ii. Permittees should consider other projects to address impacts, such as:</p> <ul style="list-style-type: none"> <li>(a) Restoration of riparian buffers,</li> <li>(b) Restoration of forest cover,</li> <li>(c) Floodplain reconnection,</li> <li>(d) Permanent removal of impervious surfaces, and</li> <li>(e) Other actions to address stormwater runoff into or from the MS4 not otherwise required in Section III.A.3.</li> </ul> <p>iii. The Stormwater Pollution Continuing Improvement Program may also include a program designed to implement small-scale projects that are not planned in advance.</p> <p>REPORTING</p> <p>Each Permittee's SWMP Plan shall describe the Stormwater Pollution Continuing Improvement Program. With each Annual Report, each Permittee shall provide a list of planned projects scheduled for implementation during the Permit term for the purpose of meeting the requirements of Part III.A.3.d. No later than the year 4 Annual Report, each Permittee shall achieve 300 Program Points, calculated per Appendix XX [detailing points per type of projects].</p>	No action	Current language is consistent with 40 CFR 122. Regulatory requirements for impaired waters are addressed through the TMDL adoption process.
III.A.3	PBC (Mock Roos)	1st sentence - revise to " <i>Implement non-structural/regulatory controls to ... new development and/or significant...</i> "	No action	Language is consistent with 40 CFR 122.26(d)(2)(iv)(A)(2).

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.a	Calusa Waterkeeper (John)	This element may need clarification. Lee County defers to the South Florida Water Management District for stormwater permitting other than for NPDES construction regs.	Requested additional information	Lee County refers to SWFWMD standards in their LDC.
III.A.3.a	FDOT	FDOT is exempt from local codes and regulations. Please add "Except FDOT" before "Adhere to the requirements of local codes and regulation..." Same as is done in Part III.A.3.b.	No action	FDOT is required to adhere to local codes. Clarified that FDOT is exempted from the requirement to maintain a list of proposed projects.
III.A.3.a	Miami Waterkeeper/ Everglades Law	Based on our review of different Miami-Dade County Permittees' Stormwater Management Master Plans, there seemed to be confusion about whether these are required, when they are required, and what they are required to discuss.	No action	This is being addressed through audits and enforcement.
III.A.3.a	Miami Waterkeeper/ Everglades Law	Maintain a list of stormwater capital improvement projects proposed by the Stormwater Management Master Plan [REFERENCE THE LAWS AND REGULATIONS THAT REQUIRE THIS DOCUMENT], basin master planning studies, or other flood control projects being considered by the permittee.	Updated	Citation to Chapter 163 F.S. added for Comprehensive Plan.
III.A.3.a	PBC (Mock Roos)	Please note: Many/most Special Districts are not local governments and do not have the authority over land use planning, the adoption of codes, or development of comprehensive plans; suggest adding Special Districts to the exception).  2nd paragraph - revise to "(except FDOT and Special Districts)."	Updated	Updated "permittee's current" to "local" Comprehensive plan... in accordance with Chapter 163 F.S.
III.A.3.a	PBC (Mock Roos)	3rd paragraph - revise sentence to " <i>Maintain a list of MS4 capital improvement projects proposed by a Stormwater Master Plan, basin master planning study, and/or other flood control projects being considered by the permittee.</i> " Or, even better, " <i>Maintain a list of MS4 capital improvement projects for flood control that are being considered by the permittee.</i> " Does it really matter where they come from??	Updated	Paragraph updated to "Maintain a list of stormwater capital improvement projects or flood control projects being considered by the permittee."
III.A.3.b	Escambia	"...identify potential changes <u>to be considered for adoption to that will</u> further reduce impacts..."	Updated	III.A.3.c Paragraph 1 revised to "... to identify potential changes to be considered for adoption to further reduce impacts ..."

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.b	Jacksonville (T. Carr)	The third paragraph refers to O & M requirements for private ponds. Those ponds are currently permitted by WMDs (in the past some were permitted by FDEP). The permitting agencies establish O & M requirements which would <u>create jurisdictional restrictions for any enforcement actions by MS4 permittees</u> . To complicate matters further, WMDs have repealed FAC regulations for private ponds O & M requirements and replaced them with general guidance that have reduced enforcement capabilities. All of the above make MS4 permittee regulation of private ponds impractical, if not unfeasible.	No action	<p>The purpose of the requirement is to review and strengthen local regulations.</p> <p>The Department acknowledges that many systems have ERP coverage; however, this does not prevent local governments from requiring maintenance for private systems within their jurisdiction that discharge into the MS4.</p>
III.A.3.b	Miami Waterkeeper/ Everglades Law	Specific text (add capitalized text): Ensure stormwater attenuation and treatment requirements in local land-use planning and development codes and regulations TAKE INTO ACCOUNT WATER QUALITY STANDARDS AND ANY APPROPRIATE TMDL, BMP, AND RAP/ALTERNATIVE RESTORATION PLAN REQUIREMENTS, AND are at least as stringent as the requirements set forth in the Environmental Resource Permit (ERP) rules of the applicable Water Management District...	No action	<p>Added "The review may include strengthening standards to account for receiving waterbody impairment status."</p> <p>Current language is consistent with 40 CFR 122. Regulatory requirements for impaired waters are addressed through the TMDL adoption process.</p>
III.A.3.b	PBC (Mock Roos)	<p>Please note: Many/most Special Districts are not local governments and do not have the authority over land use planning, the adoption of codes, or development of comprehensive plans; suggest adding Special Districts to the exception).</p> <p>1st paragraph - revise to "<i>(except FDOT and Special Districts)</i>" and add "<i>/or</i>" after the "<i>and</i>" near the end of the sentence. Please note: Many/most Special Districts do not have the authority to adopt codes and ordinances; suggest adding Special Districts to the exception).</p>	Updated	Updated language from "codes and land development regulations" to "regulatory mechanisms."

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.b Reporting	Escambia	<p>"...A description of potential changes recommended for incorporation into codes or regulations <u>before the end of the current permit cycle</u>; and <del>A schedule for implementing the recommended changes.</del>"</p> <p>It is unreasonable to expect permittees to have the ability to accurately schedule potential changes to local regulations out beyond the typical five year permit cycle given uncertainties in technology, best practices, state/federal regulations, makeup of policy boards, etc.</p> <p>Potential changes not practicable within the current permit cycle will also have the ability to be readdressed in Year 2 of the following cycle. It is also important to note recommended changes to local regulations made by an interdepartmental committee may not necessarily equate to changes to local regulations.</p>	Updated	<p>Bullets 4-5 revised to:</p> <ul style="list-style-type: none"> <li>• A description of <u>proposed</u> changes recommended for incorporation into codes or regulations; and</li> <li>• A schedule for <u>reviewing and/or adopting</u> recommended changes.</li> </ul>
III.A.3.b Reporting	Escambia	<p>The reporting requirement final bullet requires the Year 2 annual report to provide a summary that includes a schedule for implementing recommended changes, this assumes that recommended changes will be approved and written into the codes and does not allow for the previous C4 Y4 annual report plan implementation update. Proposed edits to final bullet "A proposed schedule for implementing the recommended changes", and adding back the C4 Y4 update on the implementation of the proposed changes.</p>	No action	<p>See response to previous comment.</p> <p>Part II.B Reporting and VII.C.3 address providing updates for regulatory mechanism changes.</p>
III.A.3.b Reporting	Miami Waterkeeper/ Everglades Law	<p>For the MS4 permit to minimize pollution to the MEP with the goal of meeting water quality standards, regulations must at least account for water quality impairments.</p>	No action	See previous comments.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.b Reporting	Miami Waterkeeper/ Everglades Law	Specific text (add capitalized text): The review shall also include the identification of existing language that may be prohibitive of low impact development (LID), green stormwater infrastructure (GSI), or adherence to the principles of the UF/IFAS Florida Friendly Landscaping (FFL) program; and identify changes that would promote or incentivize LID, GSI, and FFL principles. THE INTENT SHALL BE TO MAKE LID, GSI AND FFL PRINCIPLES THE PREFERRED AND COMMONLY-USED APPROACH TO SITE DEVELOPMENT. THE LOCAL DEVELOPMENT-RELATED CODES, RULES, STANDARDS, OR OTHER ENFORCEABLE DOCUMENTS SHALL BE DESIGNED TO MINIMIZE IMPERVIOUS SURFACES, NATIVE VEGETATION LOSS, AND STORMWATER RUNOFF IN ALL TYPES OF DEVELOPMENT SITUATIONS, WHERE FEASIBLE.	No action	This will be incorporated into the Resource Manual.
III.A.3.b Reporting	Miami Waterkeeper/ Everglades Law	<p>The MEP standard has been interpreted across the United States to require the implementation of LID/GSI.</p> <p>One specific example is the Washington State Phase I MS4 permit (amended in 2021; attached. See Section S5 (page 6 of the attached permit), discussing the requirements for Phase I permittees MS4 Stormwater Management Programs. Numbered requirement 6 (page 13 of the attached permit) regarding required stormwater planning requires the implementation of LID principles: "Permittees shall continue to require LID Principles and LID BMPs when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents, as needed. "The intent shall be to make LID the preferred and commonly-used approach to site development. The local development-related codes, rules, standards, or other enforceable documents shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations, where feasible."</p>	No action	<p>The Department has not received direct guidance from EPA to require LID/GSI in MS4 permits. Additionally, Florida has statewide stormwater treatment requirements outside of the MS4 permit requirements.</p> <p>The Resource Manual includes guidance on low impact design.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.b Reporting	PBC (Mock Roos)	<p>Please note: Many/most Special Districts are not local governments and do not have the authority over land use planning, the adoption of codes, or development of comprehensive plans; suggest adding Special Districts to the exception).</p> <p>Revise the name of the sub-title to "REPORTING (<i>except FDOT and Special Districts</i>)" Suggest adding Special Districts to the exception.</p>	Updated	Updated language from "codes and land development regulations" to "regulatory mechanisms."
III.A.3.c	Calusa Waterkeeper (John)	Why not? (local approvals not contingent...)	No action	166.033 F.S. Development permits and orders (5) For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.
III.A.3.c	EPA	The permit does not specify explicit post-construction performance standards, but instead requires compliance with the permittee's Comprehensive Plan, local codes, land development regulations, etc. EPA suggests that the permit include a numeric performance standard in cases where a local post-construction standard does not exist, or simply identify the local standard within the permit itself. Disregard this comment if the template note (to reference applicable local regulations) under Part C. will identify the applicable performance standard.	No action	<p>Numeric performance standards are covered by state Environmental Resource Permitting. The MS4 permit require local development regulations be as stringent as those standards (Part II.B.3).</p> <p>Local regulations will be included in permit drafts.</p>
III.A.3.c	EPA	The permit should include requirements for the long-term operation and maintenance of any post-construction control measures. This will likely require some provision to assure responsibility and accountability for controls located on private property. To better track these post-construction controls, the permit should also require the development and maintenance of an inventory, which is necessary for the inspection of post construction controls.	No action	<p>Chapter 62-330, F.A.C. is implemented by DEP and water management districts, which houses post-construction stormwater treatment regulations.</p> <p>Appropriate permittees are required to maintain land development regulations addressing post-construction.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.c	Escambia	Some of the information to be reported under this section appears to be also captured under Section III.A.7.a.	No action	<p>Notification and confirmation of ERP was moved from the construction element to this element.</p> <p>The permit requirement to maintain and ensure compliance with treatment regulations and the construction erosion, sediment and waste control regulations are separate permit requirements.</p> <p>The Department acknowledges that review of applications for the different requirements may occur within the same process.</p>
III.A.3.c	Escambia	"... Notification to applicable project applicants of the need to obtain required Environmental Resource Permits (ERP); ..." Proposed language implies permittee has the ability to determine on behalf of the state when an ERP permit either is or is not required. Consider clarifying. See proposed language included under Section III.A.7.a for CGPs as possible solution.	Updated	Revised Program bullet 4: "Notification to applicable project applicants that they may need to obtain ERP coverage"
III.A.3.c	FDOT	The bullet list was relocated from its original location above the FDOT requirements. To avoid any misinterpretation that the bullet list applies to FDOT, move back to the original location or add "(except FDOT)" before "The program shall consist of:"	No action	Part III.A.3.c. FDOT's DCP review and issuance process includes activities in the program and reporting requirements.
III.A.3.c	FDOT	Recommend revising "FDOT: Employ the FDOT Drainage Connection Permit (DCP) to ensure that appropriate stormwater treatment and permitting occurs prior to discharge into FDOT drainage system" to "FDOT: Adhere to requirements of Chapter 14-86 F.A.C. for drainage connections to the FDOT drainage system."	No action	

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.c	FDOT	<p>Add language from Cycle 4: FDOT shall refer connecting entities failing to meet requirements of Chapter 14-86 F.A.C. or maintain the discharge of acceptable water quality, after sufficient warning by FDOT, to FDEP, water management district(s), and or local county or municipality to regulate the stormwater quality through state rules, local ordinances, and codes. Maintain documentation of the enforcement referrals.</p> <p>Consistent with Rule 14-86.005 F.A.C. (General Conditions): <i>The permittee or property owner will be required to reimburse the Department [of Transportation] for any fines, penalties, and costs, e.g., abatement costs, mitigation costs, remediation costs, incurred by the Department in the event the permittee's discharge fails to meet the applicable water quality standards or minimum design and performance standards.</i></p> <p>FDOT lacks enforcement authority and must rely on sister state agencies such as FDEP and local WMDs to enforce violations of environmental regulations.</p>	No action within permit	The Department will schedule a meeting with FDOT representatives to discuss FDOT's ability to enforce Rule 14-86, F.A.C.
III.A.3.c	Jacksonville (T. Carr)	The text that is bold and underlined appears out of sequence with respect to the other elements of this section. The first 5 bullets are all activities that would occur pre-construction, not post-construction.	No action	<p>Part III.A.3 requires controls for development.</p> <p>The term "post-construction" generally refers to design of stormwater treatment systems.</p>
III.A.3.c	Jacksonville (T. Carr)	Please consider inclusion of more restrictive language in the first paragraph: "control stormwater discharge <u>to the MS4</u> from these sites..." MS4s permittees will only have ability to enforce for discharges to the MS4. The State permitting agency (WMD/ERP or FDEP/CGP) should enforce their permit in the cause of such discharges to waters of the State or other non-MS4 offsite impacts.	No action	This is captured in introductory sentence in Part III.A.3.
III.A.3.c	Jacksonville (T. Carr)	For FDOT, please provide clarification of the practical function of the FDOT DCP. Do all DCPs actually contain requirements for stormwater treatment. I have seen some FDOT DCPs for construction sites that only apply to sheet flow from the site driveway to the FDOT gutter or roadway.	Updated	Added the definition for DCP to permit.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.3.c	Miami Waterkeeper/ Everglades Law	This newly added discussion of post-construction stormwater management is critical; we strongly support it.	No action	Noted.
III.A.3.c	PBC (Mock Roos)	How is this section different from 3.a?	No action	III.A.3.a clarified that this element is for permittee projects.  III.A.3.c is for review of development applications.
III.A.3.c	PBC (Mock Roos)	1st sentence - after " <i>from these sites</i> " insert " <i>to the MS4</i> "	No action	This is captured in introductory sentence in Part III.A.3.
III.A.3.c	PBC (Mock Roos)	Please note: Many/most Special Districts are not local governments and do not have the authority over land use planning, the adoption of codes, or development of comprehensive plans; suggest adding Special Districts to the exception).  Suggest adding Special Districts to the exception and adding requirement that they use something similar to FDOT's DCP instead.	Updated	Updated language from "codes and land development regulations" to "regulatory mechanisms."
III.A.3.c Reporting	Escambia	"... The number of applications reviewed for post-construction stormwater management and the number approved; ..." Clarify how this data will be used. Applications under review may or may not be approved in the same reporting year. Number of projects approved in any given year could actually exceed the number reviewed if corresponding reviews were counted in the previous reporting year.	No action	The Department acknowledges that reporting will not be 1:1 in all reports. Reporting is separated into reviewed and approved.
III.A.3.c Reporting	Escambia	"... The number of applicable projects notified of the need to obtain ERP coverage; ..." See comment for section III.A.3.c.	No action	The Department acknowledges that reporting will not be 1:1 in all reports.
III.A.3.c Reporting	Escambia	Notification to applicable project applicants need to obtain ERP, use language used for CGP, may apply language. See Section III.A.7.a already reported under this section.	No action	Notification and confirmation of ERP was moved from the construction element to this element.  The Department acknowledges that review of applications for the different requirements may occur within the same process.
III.A.3.c Reporting	FDOT	Please provide clarification on what FDOT reports since the section's objectives are different for FDOT. Should FDOT only report on the number of referrals?	No action	Part III.A.3.c. FDOT's DCP review and issuance process includes activities in the program and reporting requirements.
III.A.3.c Reporting	Jacksonville (T. Carr)	All of these are activities that should occur pre-construction for the purpose of proactively preventing discharges to the MS4. Considering this and the above comment, perhaps III.A.c. should be retitled <u>Pre-Construction Stormwater Management</u> .	No action	Post-construction is a commonly-accepted term; see EPA guidance and the Clean Water Act.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.4	Miami Waterkeeper/ Everglades Law	We understand this template covers a wide range of permittees. Specific MS4 permits such as Miami-Dade County should reflect the specific status of ordinance development/implementation in their jurisdiction.	No action	Each permit will reference applicable local regulations. Additionally, all fertilizer ordinances are tracked: <a href="https://ffl.ifas.ufl.edu/fertilizer/">https://ffl.ifas.ufl.edu/fertilizer/</a>
III.A.4.a	Escambia	Draft language refers to a "watershed of a nutrient-impaired water body." Consider clarifying. Adding the definition of a "watershed" to Section X would provide the intended scale. The Pensacola Bay system, Escambia River, and Fletcher Creek all have corresponding watersheds, but in this case the creek could also be considered to be part of the river which is also part of this bay system.	Updated	Added definition of watershed to Part X. The language was not changed, as it is quoted from Section 403.9337, F.S.
III.A.4.a	Escambia	Clarify if the adopted ordinance is only required to be applied to the watershed of the nutrient-impaired water body or the permittee's entire jurisdiction.	No action	The permit does not specify; see definition of watershed. Most ordinances are jurisdiction wide.
III.A.4.a	Escambia	Provide timeline to comply with the new requirements never before included such as III.A.4.a. interdepartmental review process, Year 2 Annual Report submittal	No action	The permit requires that the summary of ordinance review be submitted with the Year 2 annual report.
III.A.4.a	FDOT	For clarity, add "Except FDOT" after all local governments in the first and third paragraphs.	No action	As non-traditional MS4s such as FDOT are not a local government, the requirement is not applicable.
III.A.4.a	PBC (Mock Roos)	1st paragraph, last line - replace " <i>impaired waterbodies established</i> " with " <i>waterbodies verified as nutrient impaired</i> "	Updated	Updated to "All local governments located within the watershed of a nutrient-impaired waterbody shall..."
III.A.4.a	PBC (Mock Roos)	2nd and 4th paragraphs - insert " <i>and Special Districts</i> " after " <i>except FDOT</i> " Please note: Many/most Special Districts are not local governments and do not have the authority to adopt codes and ordinances.	No action	As non-traditional MS4s such as FDOT are not a local government, the requirement is not applicable.
III.A.4.a	Pinellas Co	As of 7/1/23, 163.211 F.S. (2022) preempts any local government licensing of occupations. [is there a conflict between 403 and 163?]	No action	Section 403.9337, F.S. and the model ordinance do not require local licensing. There is no conflict. <a href="https://ffl.ifas.ufl.edu/media/fflifasufledu/docs/dep-fert-modelord.pdf">https://ffl.ifas.ufl.edu/media/fflifasufledu/docs/dep-fert-modelord.pdf</a> (page 9 Guidance)
III.A.4.a Reporting	Escambia	Same comment as III.A.3.b. for reporting requirement final bullet, recommended change "A proposed schedule for implementing the recommended changes", since the updates are not implicitly required.	Updated	Bullets revised to: <ul style="list-style-type: none"> <li>• A description of proposed changes identified; and</li> <li>• A schedule for reviewing and/or adopting recommended changes.</li> </ul>
III.A.4.a Reporting	PBC (Mock Roos)	1st bullet - revise to " <i>a citation for the existing or proposed ordinance;</i> "	No action	The ordinance is required to be adopted within 24 months of permit issuance. The ordinance should be in place by the submission of the Year 2 annual report.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.4.b	Calusa Waterkeeper (John)	Under BMPs to minimize fertilizer use: does this include reuse water with high concentrations of nitrogen and phosphorus sometime referred to as miracle grow?	No action	The Resource Manual will include this recommendation. Applying fertilizer in areas with reuse water may be captured in permittees' SOPs, ordinances, and education.
III.A.4.b	Escambia	Suggested language in III.A.4.: "No later than two years of permit issuance, implement controls to reduce the impact of pesticide, herbicide, and fertilizer application on discharges to and from the MS4, as included in the Year 2 Annual Report Submittal."	No action	This is an existing permit requirement; sections added to the SOP are FDACS requirements.
III.A.4.b	Escambia	Clarify how the Department intends the permittee to provide adequate "documentation of product application consistent with FDACS requirements."	Updated	Updated draft to include Rule 5E-9.032, F.A.C. associated with RUPs.
III.A.4.b	PBC (Mock Roos)	In title - replace " <i>Application</i> " with " <i>Use</i> " (The section is about more than just application.)	No action	
III.A.4.b Reporting	Escambia	Clarify what constitutes a "spill."	Updated	Removed PHF spill reporting requirement.
III.A.4.b Reporting	Escambia	Information to be reported under this section seems to be also captured under Section III.A.5.c.	Updated	Removed PHF spill reporting requirement.
III.A.4.b Reporting	PBC (Mock Roos)	You must define " <i>adverse incident</i> "	Updated	Removed PHF spill reporting requirement.
III.A.4.c	PBC (Mock Roos)	Title - Revise to " <i>Training, Certification, and Licensing</i> "	Updated	Updated title to Certification, Licensing and Training.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5	Calusa Waterkeeper (John)	Does FDEP or EPA really expect permittees to voluntarily identify non-stormwater discharges that cause a violation of water quality standards?	No action	Implementation of narrative effluent limits includes pollution prevention and elimination. A main element of the MS4 permit is to prohibit, investigate and eliminate illicit discharges, connections and dumping.
III.A.5	FDOT	First sentence is incomplete. Revise to read "Implement controls to prohibit and eliminate illicit discharges, illicit connections, improper disposal and illegal dumping <u>to</u> reduce the impact on MS4 discharges.	Updated	Updated to read "...dumping to the MS4."
III.A.5	FDOT	In second sentence of the section, insert "in surface waters of the state" after "...provided they do not cause a violation of water quality standards..." Water quality standards do not apply within stormwater facilities, and there must be absolute clarity in the permit to prevent third-party lawsuits.	No action	The language is consistent with state rule and 40 CFR 122.
III.A.5	Hillsborough Co.	Why are reclaimed water line flushing pursuant to a permit and uncontaminated roof drain runoff no longer included in the list of allowable discharges? These should remain (uncontaminated roof drain runoff is just stormwater, and line flushing that is being done as permitted should be allowed).	No action	The permit was updated to be consistent with federal and state rules. Each permittee should assess non-stormwater discharges allowed to be discharged to their MS4.
III.A.5	PBC (Mock Roos)	1st paragraph, 1st sentence - add "to " before "...reduce the impact on MS4 discharges. "	Updated	Updated to read "...dumping to the MS4."
III.A.5	PBC (Mock Roos)	2nd paragraph, 1st sentence - add "state " before "...water quality standards..."	No action	The language is consistent with state rule and 40 CFR 122.
III.A.5	Volunteer Cleanup (Dave Doebler)	illicit connections, improper disposal, SEPTIC LEAKAGE and illegal dumping	No action	OSTDS is regulated by DOH and another program within DEP. These items may be addressed through bacteria TMDL implementation. Additionally, septic leakage would be considered an illicit discharge.
III.A.5.a	EPA	What are DEP's plans to include dry weather screening requirements?	No action	Dry weather field screening is not feasible in Florida due to the high groundwater table and high annual rainfall averages. Florida implements a proactive inspection program to meet the intent of this requirement.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.b	Calusa Waterkeeper (John)	Various MS4 permittees import reuse water from outside their MS4 boundary for lawn irrigation. This high nutrient (purple pipe) water is sometimes stored within the MS4 co-permittees jurisdiction in unlined wet detention stormwater ponds that infiltrate to shallow groundwater and eventually to downgradient surface waters. Reuse water should be treated to a higher standard as exemplified by certain AWWT utilities.	No action	Each permittee should assess non-stormwater discharges allowed to be discharged to their MS4.
III.A.5.b	Miami Waterkeeper/ Everglades Law	Specific Text (add capitalized text): Implement a program(s) to detect and eliminate illicit discharges/connections to the MS4 through proactive inspections and investigations of reported illicit discharges/connections INCLUDING THE INFLOW AND INFILTRATION OF TREATED OR PARTIALLY TREATED WASTE FROM OSTDS/SEPTIC SYSTEMS BOTH BY WAY OF ABOVE-GROUND FLOW AND SUBSURFACE FLOW (E.G. INTO BROKEN PIPES OR SUBMERGED EXFILTRATION TRENCHES).	See above	
III.A.5.b	PBC (Mock Roos)	3rd paragraph - add " <i>IDDE</i> " to the paragraph heading so it reads " <i>The IDDE program(s) shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.5.b	Pinellas Co	Local govt staff are not qualified to determine a facility's SIC code, which can be complex and based on revenue streams.	No action	The Department will evaluate adding methods of determining/looking up NAICS/SIC codes to the Resource Manual.  The Department has updated the online data pull to include SIC codes for MSGPs ( <a href="https://floridadep.gov/water/stormwater/content/stormwater-facility-information">https://floridadep.gov/water/stormwater/content/stormwater-facility-information</a> ).
III.A.5.b	Pinellas Co	Why were proactive and reactive inspections merged into one requirement? These items were purposely split off in the early 2000's.	No action	Comments from permittees requested the two programs be combined in the permit. The template does not require a single program. Permittees may maintain their current structure.
III.A.5.b Reporting	PBC (Mock Roos)	3rd bullet - should the number include those investigations that follow a proactive inspection?	No action	This would be dependent on how a permittee's SOPs are written.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.b Reporting	Tarpon Springs	Lets not Report on " <i>Predicting the Future</i> " by Reporting "Priority Areas that have the potential to impact the MS4". That would literally be 100% of our MS4.  **Also, REMOVE the "Proactive Inspection" portion of this Permit. This literally is 100% of every employees, every day, action at all times. Not quantifiable, or to the extreme, multiply staff number x hours worked per year, and there you go. STOP.	No action	
III.A.5.c	Escambia	Confirm if data required to determine the number of spills that occurred in the MS4 service area could be obtained from the State Watch Office. If not, the permit as written contains a requirement to create a duplicate and potentially competing reporting process for the general public.	No action	The Department recognizes that spills may be reported to the State Watch Office. The Resource Manual will include a discussion of the types of spills that should be reported on the MS4 permit.
III.A.5.c	Escambia	Clarify what constitutes a "spill."	No action	The Resource Manual will include a discussion of the types of spills that should be reported on the MS4 permit.
III.A.5.c	Escambia	Overall this section is confusing, not clear whether we are discussing chemical spills or sanitary sewer overflow spills, the two seem to be combined/confused here. Need to clarify what is expected. Ideally chemical spills and sanitary sewer overflows would be handled separately. 1st bullet not clear what is being required here, are we looking for chemical spills, domestic wastewater, industrial wastewater?	Updated	The purpose of the change is to combine reporting of sanitary and non-sanitary spills into one section, to reduce confusion noted in the current permit. This allows the Limitation of Sanitary Sewer Contamination section to be applicable to owners/operators of a sanitary sewer system.
III.A.5.c	FDOT	As noted above in Part II.B - FDOT lacks legal authority for regulatory enforcement.	No action	See above.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.c	FDOT	<p>This permit condition is beyond the scope of a Phase I MS4 permit and implies that MS4 permittees, including FDOT, are responsible for responding to and cleaning up “all” spills including incidents on roadways. Spills by third parties that impact the FDOT Right-of-Way (ROW) are a frequent occurrence. When a spill on the FDOT ROW occurs, the responsible entity is responsible for the clean-up. It appears the costs to implement this requirement have been overlooked by FDEP.</p> <p>FDOT’s Traffic Incident Management Spill Mitigation Guidelines (May 2021) states that the Responsible Party is accountable for on-roadway vehicle fluid spills, proper removal and disposal of absorbents, and any subsequent site remediation, if needed. If the Responsible Party will not or cannot handle in a timely manner, the governing authority (State of Florida, County, City, etc.) will initiate clean up actions and the Responsible Party will be billed.</p>	No action	<p>Language is consistent with 40 CFR 122.26(d)(2)(iv)(B)(4).</p> <p>Bullet two was added from previous permit language to emphasize the activities by permittees until a spill response entity responds.</p> <p>FDOT road rangers may respond to spills. Additionally, FDOT has an MOU with DEP regarding emergency response. The Department suggests referencing the Traffic Incident Management Spill Mitigation Guidelines and MOU in SOPs.</p>
III.A.5.c	PBC (Mock Roos)	1st paragraph - revise end of sentence to read "...into the permittee's MS4." (delete "including roadways.")	Updated	Updated to read "... to the MS4"
III.A.5.c	PBC (Mock Roos)	2nd paragraph - add "SPCR" to the paragraph heading so it reads " <i>The SPCR program(s) shall consist of:</i> "	Updated	Program titles were updated throughout the permit.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.c Reporting	Escambia	For the reporting section concern over only reporting number of spills occurring in the MS4 service area, If this is going to be a new requirement then there needs to be a rule change at DEP that requires reporting of incidents directly to local programs in the case or programs that do not own/operate sanitary sewer systems. Otherwise there will be a lot of burden on the local programs to obtain this information for every single spill that occurs to determine where impacts were and who was responsible. Seems like DEP should be using DEP's data for what is already reported for other regulatory program areas for this information and not requiring local programs to find all of this data and cherry pick what data is in each permittee/co-permittee's area. Last reporting bullet concern over how to track number of referrals. Typically referrals for suspected domestic wastewater spills are referred to ECUA, Century or DOH/DEP (for private incidents). The data essentially would have no value to the MS4 program, if something is found it is referred appropriately for response by the responsible parties/agencies.	Updated	The purpose of this section is to appropriately respond to spills that impacted the MS4. Additionally, not all spills are reported to the State Watch Office, but should be addressed to prevent/mitigate impacts to the MS4. The State Watch Office reporting does not require information on potentially impacted stormwater systems. Reporting has been updated to report spills that were responded to that impacted the MS4.
III.A.5.c Reporting	PBC (Mock Roos)	shouldn't bullets 2, 3, and 4 be in the next section since it's about sanitary sewer contaminations?	No action	The purpose of the change is to combine reporting of sanitary and non-sanitary spills into one section, to reduce confusion noted in the current permit. This allows the Limitation of Sanitary Sewer Contamination section to be applicable to owners/operators of a sanitary sewer system.
III.A.5.d	Escambia	My understanding for this item from the statewide DEP teleconference on 1/25/23 was that this item would not be required for MS4 permittees/co-permittees that do not own/operate the sanitary sewer system.	No action	Correct.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.d	Escambia	<p>Highlighted bullet comment: If this is going to be a requirement it should also be added to DEP rules.</p> <p>The addition of the prevention of sanitary sewer contamination section for the program to include procedures to clean up spills to the MS4 from SSOs. One of the issues with the current 62-604, F.A.C. is that there is no implicit requirement for SSOs to be cleaned up. Additionally, DEP does not have guidelines for clean-up procedures. There were multiple utilities requesting guidance on clean-up procedures, while the state could provide recommendations, there were challenges, especially when clean-up efforts were reportedly not sufficient from residents affected, or cases where clean-up procedures were not completed at all. DOH was typically leveraged for their sanitary nuisance regulations for resolution.</p> <p>I was suggesting that DEP rules be strengthened to address this gap in the current regulations. I recall that 62-604, F.A.C. was going to undergo further rulemaking in the near future to incorporate some of the changes that were still needed during the last round of rulemaking. It's problematic adding a new rule requirement for POTWs buried in a permit the POTW may not be responsible for, for Escambia County this is the case.</p> <p>The POTW authorities are not part of the MS4 permit (ECUA and the Town of Century). What responsibility would the co-permittees be expected to enforce this requirement on the utilities? As it stands there are multiple SSOs to county retention ponds for instance, the retention ponds are not routinely treated for SSOs or sampled for bacteriological parameters. What would the expectation be? Are we looking at removal of standing water for treatment, disinfection of grassed areas, just removal of any debris/solids? I was just thinking through the implementation of this new component and what the expectations would be.</p>	No action	<p>Acknowledged. Your comments have been forwarded to the Wastewater Management Program.</p> <p>Permittees that own/operate the collection system should develop their own guidelines for cleanup procedures. Municipalities that do not own the sanitary collection system can leverage their own illicit discharge ordinances or other regulatory authority for requiring mitigation by the responsible party of a sanitary collection system.</p>

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.d	Miami Waterkeeper/ Everglades Law	<p>III.A.5.e.Effective Prohibition of Infiltration and Inflow from OSTDS/Septic Systems Establish a monitoring and inspections protocol to assess and determine whether, when, and where septic systems (Onsite Treatment and Disposal Systems, OTSDSs) are making illicit discharges into the system, including, as necessary, a septic tracer study.</p> <p>The program shall consist of: Activities to identify areas with concentrations of OSTDS/septic systems failing or at risk of failing and discharging into the MS4; Activities to monitor the impact of failing septic tanks on water quality in the MS4; Dedicated personnel and resources to implement the program; and A written SOP that describes the aforementioned items.</p> <p>REPORTING In the Year 1 Annual Report provide: A sampling protocol designed to evaluate the effects of failing septic systems on MS4 water quality. In the Year 3 Annual Report provide: The number of failing and at-risk-of failing septic tanks within the MS4 jurisdiction. The number of failing and at-risk-of failing septic tanks in close enough proximity to components of the MS4, including exfiltration trenches and outfalls, to have the potential to impact water quality in the MS4 and receiving waters. Monitoring and sampling data in identified priority areas designed to evaluate the effects of failing septic systems on MS4 water quality.</p>	No action	OSTDS is regulated by DOH and another program within DEP. These items may be addressed through prioritization of bacteria TMDL implementation. OSTDS may be addressed as a priority area within the permittee's SOP. Comment will be evaluated during individual draft permit issuance.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.d	Miami Waterkeeper/ Everglades Law	We note that subsection d. does not cover septic systems because it refers to a rule that excludes them. We recognize this permit template covers a broad range of potential permittees and OSTDS/septic systems are not in use in all areas of the state/MS4s. However, where they are, they can be a significant contributor to illicit discharges to the MS4 and should be expressly identified as such to ensure permittees take the needed steps to address these illicit discharges. EPA has identified septic systems as illicit discharges to be addressed in MS4 permits (i.e., they are appropriately included in MS4 permits as well as in any DOH regulations). The issue is not simply about bacterial contamination, but also nutrient pollution. We thus propose the addition of a new subsection in the template to be included in permits for MS4s that include a significant number of septic systems and waters impaired by nutrients and/or bacterial pollution.	No action	OSTDS is regulated by DOH and another program within DEP. These items may be addressed through prioritization of bacteria TMDL implementation. Additionally, septic leakage would be considered an illicit discharge.
III.A.5.d	PBC (Mock Roos)	The prevention of sanitary sewer contamination is way beyond the scope of a stormwater discharge permit. And requirements to prevent SS contamination should be within the SS system permitting requirements. It's okay to ask about identified contamination discovered within the SW system, and how any spills were addressed, and FDEP should share such information with those that permit the SS systems. But, the MS4 staff/department/budget/etc. are not set up to address SS system problems. This section should be deleted/heavily modified.	Updated	Updated title from "Prevention" to "Limitation."  This is requirement of 40 CFR 122.26(d)(2)(iv)(B)(7) and Chapter 62-604 F.A.C. "A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary."
III.A.5.d	Polk Co	Sanitary sewer systems are already permitted and regulated by FDEP, why is this included in the NPDES permit as well?	No action	This is requirement of 40 CFR 122.26(d)(2)(iv)(B)(7). "A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary."

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.5.d	Sarasota Co.	Stormwater & Utilities have separate funding mechanisms making it difficult to enforce this requirement. This should be moved to wastewater permit. Additionally the county sewer utility is under a consent order. (LBK) Same comment	Updated	The MS4 permit is written to an entity, not a specific department. Entities should cooperate between departments to implement the permit.  This is requirement of 40 CFR 122.26(d)(2)(iv)(B)(7) and Chapter 62-604 F.A.C., not necessarily of a permitted WWTF. Added a note to refer to open collection system enforcement in the MS4 permit.
III.A.5.d	Volunteer Cleanup (Dave Doebler)	* Review of local codes and regulations, including penalties, for third parties that cause sanitary wastewater breaks or spills that could lead into the MS4.	No action	Activity will be included in the Resource Manual as guidance for illicit discharges and bacteria TMDL implementation.
III.A.5.d Reporting	PBC (Mock Roos)	3rd bullet - what about any illicit found but not resolved?  The comment was asking about the reporting of illicit discharges/connection found, but not resolved, as there could be some identified, but still in the process of being rectified. But if the Department does not want to know about those, that's okay. We were just seeking clarification.	No action	Bullet 3 of reporting: we would expect the comments to include a discussion of why an SSO or I&I was not resolved.
III.A.5.d Reporting	PBC (Mock Roos)	Proactive activities carried out to improve the SS system should be reported elsewhere/under a different permit and reporting effort. The only listed items that should be reported for this SW permit is the number of I&Is discovered, and the number resolved. The SSO reporting info should also be moved here, instead of remaining in Section III.A.5.c.	No action	This is requirement of 40 CFR 122.26(d)(2)(iv)(B)(7). "A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary."  SSO reporting was clarified in the Spill Response section, to allow the Sanitary section to be relevant to those permittees who own/operate a collection system.
III.A.5.d Reporting	Sarasota Co.	Only sewer overflows that directly impact the MS4 should be included. It is already done through the utility and therefore should not be duplicated here.	No action	While SSOs are reported to the State Watch Office, discovery of inflow and infiltration will not necessarily be included in reporting. Additionally, some SSOs are reported to the DEP District office, not the State Watch Office.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.6	Escambia	Comment for high-risk request that DEP facility list start including the SIC codes in the facility lists on their data download spreadsheet for MS4 to easily identify these facilities that may need inspections based on SIC codes.	Completed	The Department has updated the online data pull to include SIC codes for MSGPs ( <a href="https://floridadep.gov/water/stormwater/content/stormwater-facility-information">https://floridadep.gov/water/stormwater/content/stormwater-facility-information</a> ).
III.A.6	PBC (Mock Roos)	1st paragraph - redundant to program Part III.A.5.b. If you're going to prioritize areas/facilities for proactive inspection, why wouldn't you just include any of these high risk facilities within that program? Why separate the high-risk facilities into a separate program (inspected LESS frequently)? You could just may the high risk inventory/list part of the prioritization for proactive inspections. Both programs are focused on the same thing: eliminating pollutant-laden runoff into the MS4 or surface waters. PLEASE consider combining these two programs; they belong together. This would be a tremendous streamlining of historically unclear and redundant permit program requirements.	No action	This is an existing permit requirement. Part II.B.2 requires permittees to control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activities.
III.A.6	Tampa	CONSIDER REVISION --why are municipal facilities under more stringent conditions than private HR facilities? Strike "annual" and replace with "per permit cycle"	No action	This is an existing permit requirement. Permittees have more control over their sites and ensure compliance with BMPs.
III.A.6.a	Hillsborough Co.	Why are municipal facilities under more stringent conditions than private HR facilities? Strike "annual" and replace with "per permit cycle" to be consistent.	See comment above	
III.A.6.a	PBC (Mock Roos)	The identification of these facilities could be part of the proactive prioritization activity.	See comment above	
III.A.6.a	Pinellas Co	Municipal facilities under an existing permit should not be included in this requirement. Please update language to ensure there is no duplication of the requirement between permits. The existing caveat at the bottom of that section for facilities that have MSGP coverage is not sufficient. Requiring MS4 permittees to report on these facilities is duplicative and an presents an undue burden on the MS4 permit holder.	No action	The Resource Manual will include a discussion of the types of facilities applicable to this section. We can evaluate exclusion on a case-by-case during the permit draft.  It appears that Pinellas County has one MSGP facility, which is a WWTP, and would not be required to be reported under this permit requirement.
III.A.6.a Reporting	PBC (Mock Roos)	list does not include the total number of facilities in this category	Updated	The permit has been updated to include a list of facilities, consistent with the current permit.
III.A.6.b	Escambia	"... Procedures for monitoring in accordance with Part III.A.6.c, below; ..." Procedures for monitoring a high-risk facility will likely be determined on a case-by-case basis. Consider amending to instead require procedures for determining when/if monitoring of high-risk facilities is required.	Updated	Moved "procedures for monitoring" to Part III.A.6.c.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.6.b	FDOT	After "permittee shall identify..." revise fourth bullet to read, "Any other industrial or commercial facilities determined <u>by the permittee</u> to have the potential to contribute a substantial pollutant loading to the permittee's MS4.	Updated	Added to bullet 4.
III.A.6.b	FDOT	Relative to the first bullet under "The program shall consist of;" see comment in Part II.B regarding FDOT's limited legal authority to implement regulatory enforcement.	Updated	Added "except FDOT" to first bullet.
III.A.6.b	PBC (Mock Roos)	Same comments as above. There does not appear to be any logical reason to separate these from the prioritized proactive inspections. The program requirements are almost identical to the IDDE program in Part III.A.5.b.	See PBC comment above	
III.A.6.b	Polk Co	Provide clarification do facilities with NPDES permits need to be included on the 'High-Risk Facilities' list?	No action	It is up to the permittee to determine if a non-permittee MSGP facility will be included in their High-Risk Facility list.
III.A.6.b Reporting	Escambia	For the program bullet list for referrals to DEP NPDES Stormwater program, proposed clarification to include procedures only for facilities suspected operating without a required MSGP. The way it currently reads indicates that all facilities would be referred, whether a MSGP is required or not. "...for any facilities suspected operating without a required MSGP."	Updated	Updated language: "...suspected of requiring <u>but not having</u> coverage..."
III.A.6.b Reporting	PBC (Mock Roos)	Same comments as above.	See PBC comment above	
III.A.6.c	Escambia	Clarification, the annual reports would no longer require reporting of the number of high-risk facilities sampled?	No action	Correct.
III.A.6.c	PBC (Mock Roos)	This could be added to the IDDE program, specifically for facilities identified as "High Risk" Please note: Special Districts do not have the authority over facilities outside of their rights-of-way or easements. Suggest adding Special Districts to the exception.	See PBC comment above	Special districts will be evaluated during individual draft permit issuance.
III.A.6.c	Pinellas Co	Is the permittee required to sample or the facility? Need to define "new discharge"? Will this sampling need to be coordinated and reported to FDEP? What type of sampling is expected? [add "...if permittee determines..." or something like that]	Updated	Language indicating procedures for determining if a facility needs to be sampled/monitored was added to the monitoring program.
III.A.6.c	Polk Co	Define 'shall be evaluated' and why is FDOT exempt	Updated	"Shall" was removed. Criteria for determining if a facility needs to be sampled/monitored were added to the monitoring program.  FDOT typically uses referrals for facilities not meeting water quality standards. This will be addressed in legal authority discussions.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.7	EPA	Although implied by the specific requirements under Section III.A.7, the permittee should be required to develop a full construction site runoff program. The permit could identify minimum erosion and sediment controls that should be included.	No action	The III.A.7.a. Program includes the local regulatory authority to require erosion, sediment and waste controls.
III.A.7	Indian Rocks Beach	CGP confirmation. This is/will be challenging as they will have to provide it but we cannot hold up our permits for this? May require changes to the regulations.	No action	Existing requirement; local approvals are not contingent upon obtaining CGP coverage. Tools for confirming CGP coverage will be included in the Resource Manual.
III.A.7.a	Escambia	"Referrals to the Department's NPDES Stormwater Program for sites identified as requiring, but that did not obtain CGP coverage, and are discovered to be active construction sites." Current language does not specify for projects that are submitted for review/approval but then not constructed, should only be referring sites discovered as active construction projects without CGP coverage.	No action	Confirmation and referrals for non-filers is captured in SOP requirements as requested by permittees. The permit is written to provide flexibility to perform these items in Part III.A.7.b if not completed in a.
III.A.7.a	FDOT	Relative to the first bullet under "The program shall consist of;" see comment in Part II.B regarding FDOT's limited legal authority to implement regulatory enforcement.	No action	See the Department's response in Part II.B.
III.A.7.a	Jacksonville (T. Carr)	For bullets 4 and 5, please consider adding that CGPs that do not correctly identify MS4s as the point of stormwater discharge shall be referred to FDEP for revision and re-application. In several cases the CGP application incorrectly indicated that stormwater would discharge to a surface water body. This complicates appropriate routing of NOIs to MS4 operators.	No action	The Notice Center has added language to their CGP acknowledgment letters regarding notifying MS4s. This will also be discussed during upcoming CGP rulemaking.
III.A.7.a	PBC (Mock Roos)	2nd paragraph, heading - rename to " <i>The Construction Site Planning Program shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.7.a Reporting	Escambia	Some of the information to be reported under this section seems to be also captured under Section III.A.3.c.	No action	While these activities may happen concurrently, post-construction stormwater treatment and construction site erosion, sediment and waste control are separate requirements. We relocated ERP notification and confirmation to Part III.A.3 to better differentiate these requirements.
III.A.7.b	FDOT	A completely new requirement, not included in any prior version of the draft template, nor discussed during the working group meetings, has been added that appear to imply that MS4s are now responsible for inspecting projects that do not qualify for CGP coverage. Historically, this section focused only on projects that required CGP coverage.  This language significantly expands the requirements under this section of the permit. Recommend deleting the sentence " <i>The frequency of inspections for sites that do not qualify for CGP coverage shall be identified in the written SOP</i> " and continue to focus on sites that require CGP coverage as the determining factor.	Updated	Reverted to previous permit language.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.7.b	Jacksonville (T. Carr)	The disparity in construction site inspection requirements for FDOT vs co-permittees will be counterproductive to efforts to execute interlocal agreements. First, it would lead to unbalanced compliance for FDOT vs other permittee sites. The lack of formal equivalently thorough inspections would hamper proactive compliance assistance. Less stringent inspection will result in less compliance. Furthermore, MS4s that wanted to enter into ILAs with FDOT would not be able to execute the same consistent enforcement protocols that they already have in place that require some measure of proactive compliance assistance prior to enforcement actions. The MS4s would have to take on additional complete site inspections at FDOT-affected sites. This would be cost prohibitive and MS4s co-permittees may decline to do enforcement for discharges related to FDOT sites.	No action	FDOT is required to inspect connections. FDOT does not have the legal authority to enter construction sites outside of the FDOT ROW. Agreements with FDOT for referrals and regulatory authority will be discussed outside of the permit template.
III.A.7.b	PBC (Mock Roos)	4th paragraph, heading - rename to " <i>The Construction Site Inspection and Enforcement Program shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.7.b	PBC (Mock Roos)	Please note: Many/most Special Districts do not have the authority to inspect construction sites outside of their rights-of-way or easements; this is the responsibility of the local government; suggest adding language "SDs: For construction sites that are issued a connection permit, inspections shall occur at the connection to the SD's right-of-way."	No action	FDOT and special districts will be addressed through the draft permit process.
III.A.7.b	Tampa	Clarify please-why track referrals to outside agencies? Recommend removal	No action	This is an existing permit requirement. Referrals and enforcement tracking is required to demonstrate that the activity is occurring.
III.A.7.b Reporting	Polk Co	Provide clarification for 'active non-permittee construction sites'	No action	Previous permits stated "private," however, it was discussed that many construction sites may not be a permittee site, but are also not "private." Sites such as FDOT and other municipal or government sites are captured in "non-permittee" construction sites.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.8.a	Dunedin	We are currently working on implementing an internal training for this requirement. However, does the FSA Level 1 qualify as a MS4 Inspector Training?	No action	A discussion of training options will be added to the Resource Manual.
III.A.8.a	Escambia	Clarify if training under this section is expected on a reoccurring frequency.	No action	MS4 Inspector Training is not required annually. A discussion of training options will be added to the Resource Manual.
III.A.8.a	PBC (Mock Roos)	1st paragraph - Unclear if this is to be done once/staff member, annually for everyone, or is this requiring that staff receive a certificate such as that given by the FSA courses?	No action	MS4 Inspector Training is not required annually. A discussion of training options will be added to the Resource Manual.
III.A.8.a	PBC (Mock Roos)	2nd paragraph, heading - rename to " <i>The MS4 Inspector Training program(s) shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.8.a	Pinellas Co	This new training requirement will create some financial and staff time burden on permittees. FSA Operator Training is \$219/attendee and two days long. It will have to be renewed every 4 years. The alternative is to implement an in-house training program, which would require additional staff to develop and implement. [recommend "...under supervision of someone with appropriate license, certification, or qualification..."]	No action	A discussion of training options will be added to the Resource Manual.
III.A.8.b	PBC (Mock Roos)	1st paragraph - insert " <i>potential</i> " before "... <i>pollutant impacts on the MS4.</i> "	Updated	Comment incorporated.
III.A.8.b	PBC (Mock Roos)	2nd paragraph, heading - rename to " <i>The IDDE training program(s) shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.8.b	Tampa	Recommend "per permit cycle training for employees" remove annual training	No action	No change made to this existing permit requirement.
III.A.8.c	Escambia	Clarification, the last two bullets are very general, is DEP requiring that training for spill response training must include information on the MSGP program and stormwater BMPs and how to use them?	Updated	Comment incorporated; moved bullet from Spill Response training to IDDE training.
III.A.8.c	PBC (Mock Roos)	2nd paragraph, heading - rename to " <i>The SPCR training program(s) shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.8.c	Redington Beach	Spill response is handled by Fire Department - Town of Redington Beach trains for minor IDDE	No action	A discussion of appropriate staff will be added to the Resource Manual.
III.A.8.c	St. Pete Beach	Spill response is handled by Fire Department - City of St. Pete Beach trains for minor IDDE.	No action	A discussion of appropriate staff will be added to the Resource Manual.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.8.c Reporting	Indian Rocks Beach	<p>IDDE training and enforcement, if deemed inadequate, could become prohibitive.</p> <p>The system already exists and the question/comment is: how is this changing? Will there be a set number of follow-ups required and what will the new training entail? Presently there is a +/- standard requirement for updates annually to refresh how to find illicit discharge. If more inspections are required for proactively locating the discharges, this could become very labor intensive.</p>	No action	This is an existing permit requirement.
III.A.8.d	PBC (Mock Roos)	<p>Title - rename to "<i>Construction Site Training</i>";</p> <p>1st paragraph - revise sentence to "...involved in the construction site plan review, construction site operation, and construction site inspection for stormwater erosion...";</p> <p>2nd paragraph - add a comma after the first incidence of the word "<i>inspection</i>";</p> <p>3rd paragraph, 1st sentence - revise to "...involved in the construction site plan review, construction site operation, and construction site inspection of...";</p> <p>3rd paragraph, last sentence - insert "<i>construction</i>" before the words "<i>site plan</i>";</p>	Updated	Language updated where appropriate. Not added throughout to reduce redundancy.
III.A.8.d	PBC (Mock Roos)	4th paragraph, heading - rename to " <i>The construction site training program shall consist of:</i> "	Updated throughout permit	Program titles were updated throughout the permit.
III.A.8.d Reporting	PBC (Mock Roos)	bullets 2, 3, 4 - add the word " <i>construction</i> " before " <i>inspectors</i> ," " <i>site plan reviewers</i> ," and " <i>site operators</i> "	Updated	Language updated to be consistent with other reporting requirements.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
III.A.9	Miami Waterkeeper/ Everglades Law	We understand that this template covers a wide range of municipalities, not all of which contain OSTDSs/septic systems. However, permits for MS4s that contain septic systems should address public education about the impacts of septic pollution on water quality and appropriate maintenance of septic systems. The impacts are not only bacterial pollution but also nutrient pollution.	No action	See previous comment response concerning OSTDS.
III.A.9	Tampa	Clarify if financial support the Florida Yards and Neighborhoods program is sufficient to meet the new outreach requirement for private pond maintenance and green infrastructure	No action	Cooperation on Florida-Friendly Landscaping outreach is adequate if the material addresses the required topics and the materials distributed are within the permittee's jurisdiction.
III.A.9	Tampa	Clarify please the reasoning for an educational program required SOP submittal- why is this program required to be approved by FDEP for an SOP? All other programs SOPs are located on file for audit purposes not a submittal requirement	Removed requirement to submit SOP	The permit has been updated to not require submission of this SOP in the Year 1 annual report.
III.A.9	Volunteer Cleanup (Dave Doebler)	Promote, publicize, and facilitate a public reporting mechanism for illicit discharges, illicit connections, CLOGGED INLETS AND GRATES and dumping;	No action	Operation and maintenance of MS4 structures is covered in Part III.A.1. This section is for illicit discharges.
III.A.9	Volunteer Cleanup (Dave Doebler)	Include material distribution and/or activities on Septic Tank Impacts, Best Maintenance Practices, How to identify failing systems, and opportunities to connect to municipal sewer systems when available.	No action	OSTDS is regulated by DOH and another program within DEP. These items may be addressed through prioritization of bacteria TMDL implementation.
III.A.9 Reporting	PBC (Mock Roos)	2nd paragraph, all bullets - the permittee is told to report " <i>The outreach activities on ...</i> "; what is supposed to be reported? A description or a number?	Updated	The permit has been updated to clarify reporting.
III.A.9 Reporting	Polk Co	Stick with number of people reached, how do you measure impact?  CLARIFICATION: Can you provide some examples of 'methods to evaluate/measure program effectiveness.' What would be the ideal method in FDEP's eyes?	No action	The Resource Manual will discuss the evaluation of program effectiveness
III.A.9 Reporting	Volunteer Cleanup (Dave Doebler)	Identification of the target audience(s); WITH A FOCUS ON REACHING A BROAD SPECTRUM OF THE COMMUNITY	No action	A discussion of target audience will be added to the Resource Manual.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
IV	Miami Waterkeeper/ Everglades Law	<p>Other states have developed innovative approaches in their MS4 permits to reduce violations of water quality standards and reduced stormwater pollution to the MEP. We suggest an approach from the Washington State MS4 permit. The proposed addition below represents a balanced approach as it says the permit doesn't authorize violations of water quality standards, but that a permittee remains in compliance as long as a process for ensuring long-term compliance is complied with.</p> <p>CLARIFICATION: This is a requirement based on the 2021 amended WA Phase I MS4 permit. It represents that state's attempt to reconcile the Clean Water Act's requirement for point source discharges to meet water quality standards and the pragmatic challenges of meeting water quality standards for municipal stormwater systems that accept runoff from many sources. It requires compliance with water quality standards, but creates a safe harbor when a permittee takes specific steps to address a documented violation. See Section S4, starting on page 4 of the attached permit.</p>	No action	<p>The Department utilizes multiple rules and permit requirements to reduce and respond to water quality violations.</p> <p>MS4 permits are iterative; significant changes to the current permit template include more stringent requirements by the Department. Part VI of the permit, Assessment Program, is designed to evaluate water quality and MS4 impacts to receiving waters and requires SWMP changes as applicable. Non-compliance reporting is required by General Condition 20.</p>
(cont.)		<p>Excerpt from Washington State MS4 Permit (and continued in rows 4-6 below):</p> <p>A. Violations of Water Quality Standards Not Authorized This Permit does not authorize a discharge which would be a violation of Florida's Surface Water Quality Standards (Chapter 62-302 FAC). The required response to such discharges is described below.</p> <p>B. How to Remain in Compliance with This Permit if a Discharge Causes or Contributes to a Water Quality Standard Violation A Permittee remains in compliance with this permit despite any prohibited discharges when the Permittee undertakes the following response toward long-term water quality improvement:</p> <p>1. A Permittee shall notify the Department in writing within 30 days of becoming aware, based on credible site-specific information that a discharge from the MS4 owned or operated by the Permittee is causing or contributing to a known or likely violation of water quality standards in a receiving water. Written notification provided under this subsection shall, at a minimum, identify the source of the site-specific information, describe the nature and extent of the known or likely violation in the receiving water, and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing violations, a single written notification to the Department will fulfill this requirement.</p>		

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
	(cont.)	<p>2. In the event that the Department determines, based on a notification provided or through any other means, that a discharge from a MS4 owned or operated by the Permittee is causing or contributing to a violation of water quality standards in a receiving water, the Department will notify the Permittee in writing that an adaptive management response as described, below, is required unless and until:</p> <p>a. The Department also determines that the violation of water quality standards is already being addressed by a Total Maximum Daily Load (TMDL), Basin Management Action Plan (BMAP), Reasonable Assurance Plan (RAP), or other enforceable water quality cleanup plan; or</p> <p>b. The Department concludes the MS4 contribution to the violation will be eliminated through implementation of other permit requirements.</p>		
	(cont.)	<p>3. Adaptive Management Response</p> <p>a. Within 60 days of receiving a notification under Part IV.B.2. of this Permit, or by an alternative date established by the Department, the Permittee shall review its SWMP and submit a report to the Department. The report shall include:</p> <p>i. A description of the operational and/or structural BMPs that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards, including a qualitative assessment of the effectiveness of each BMP.</p> <p>ii. A description of potential additional operational and/or structural BMPs that will or may be implemented on a site-specific basis to prevent or further reduce any pollutants that are causing or contributing to the violation of water quality standards.</p> <p>iii. A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.</p> <p>iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.</p>		

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
	(cont.)	<p>b. The Department will, in writing, acknowledge receipt of the report within a reasonable time and notify the Permittee when it expects to complete its review of the report. The Department will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet MEP on a site-specific basis. If modifications are required, the Department will specify a reasonable time frame in which the Permittee shall submit and the Department will review the revised report.</p> <p>c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by the Department, beginning immediately upon receipt of written notification of approval.</p> <p>d. The Permittee shall include with each subsequent Annual Report a summary of the status of implementation, and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period.</p> <p>e. This adaptive management process is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 et seq.</p>		

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V	Calusa Waterkeeper (Ed)	Unfortunately, we have may permit holder geographies that discharge into Impaired Waterways or Outstanding Florida Waters, sometimes into waterbodies that are both OFWs and Verified Impaired. Some (many) of these areas are not yet under the jurisdiction of a TMDL or BMAP. Something needs to be included that addresses these areas and requires a higher level of adherence.	No action	Noted.
V	EPA	Are there any additional controls or monitoring required for 303(d) listed waters without TMDLs?	No action	No, however, the monitoring guidance does have guidance for monitoring impaired receiving waters.
V	Escambia	Several links to websites and documents that are on the web, concern over the likelihood of links becoming broken with future website improvements/changes. How can DEP ensure the links will stay valid and active throughout the permit cycle?	No action	Noted. The Department will update the Resource Manual as needed.
V	Indian Rocks Beach	This is extremely difficult as there are no receiving streams.  CLARIFICATION: Determining the actual loads received is challenging as there are so few major discharges (as noted above) and the water is comingled so there isn't necessarily and upstream and a downstream. Most of the water quality locations measured in the County are for receiving bodies that convey downstream. All of the City's outfalls go (generally) to South Clearwater Harbor, along with many other outfalls from others.	No action	Permit Part V.B.1 allows for multiple options to determine MS4 load contributions to receiving WBIDs.
V	PBC (Mock Roos)	1st paragraph, 1st sentence - revise to " <i>...a receiving water with a Total Maximum Daily Load (TMDL) that is adopted by DEP or established by EPA as of the effective date of this permit, and which is verified as impaired by... "</i>	No action	Did not change from plural to singular, as permittees may discharge to multiple TMDL WBIDs.
V	PBC (Mock Roos)	2nd paragraph, 3rd sentence - does " <i>through the actions outlined in this part of the permit</i> " supersede what's in an adopted BMAP?	Updated	2nd paragraph in V.A.1 clarified.
V	PBC (Mock Roos)	3rd paragraph - the word "adopted" should not be capitalized. 3rd paragraph - replace the word "can" with "may also"	Updated	Noted.
V	Tampa	Clarify "either directly" -does this language include sheetflow from private properties with no direct connection to the MS4?	No action	Directly discharge through an MS4 outfall.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.A	PBC (Mock Roos)	Replace the word "The " with "A " at the beginning of the sentence. Revise sentence to "...and approval and shall include... "; delete "s " on the word "determination ."	Updated	Noted.
V.A	Polk Co	Why is this being changed from 1 year to 6 months, because prioritization plan cannot be finalized until we receive feedback from FDEP	No action	The timeline for submitting TMDL prioritization plans did not change.
V.A.1	Miami Waterkeeper/ Everglades Law	We understand this permit template applies to a broad range of permittees. We note that individual MS4 permits should be tailored to specifically reflect the status of TMDL prioritization and implementation to ensure continuing progress.	No action	Noted.
V.A.1	PBC (Mock Roos)	1st paragraph, 1st sentence - revise to "...and list all WBIDs with TMDL(s) to which its MS4... ";  1st paragraph, 2nd sentence - replace "waterbodies" with "WBIDs";  1st paragraph, 3rd sentence - add an "s " to "(BMAP) " at the end of the sentence. 3rd paragraph - replace "waterbody " with "WBID ."	Updated	Noted.
V.A.1	Polk Co	Seems vague as to whether a permittee must prioritize both a non-bacterial and bacterial TMDL. I know in our meeting with the department they said it was either/or, but unless I'm missing it, it does not spell out the choice.	Updated	Added a paragraph in Part V.A.1, and clarified in Part V.B/V.C.
V.A.2	Calusa Waterkeeper (John)	Experience indicates permittees will not do this unless it is required.	No action	Permittees have requested the option to address waterbody impairments through implementation before DEP adopts a TMDL.
V.A.2	Escambia	What means will sufficiently demonstrate that the MS4 discharges into the selected WBID(s)?	No action	Infrastructure and/or outfalls within WBID boundaries.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.A.2	Miami Waterkeeper/ Everglades Law	We appreciate the statement that "The permittee may prioritize a Category 5 impaired WBID(s) in lieu of a TMDL waterbody, provided the waterbody is not identified on the DEP TMDL workplan or the TMDL draft list for development, and the permittee prioritizes the WBID(s) for the development of an Alternative Restoration Plan as described in the Department's Guidance on Developing Water Quality Restoration Plans as Alternatives to Total Maximum Daily Loads –Assessment Category 4b and 4e Plans (October 2021, or current version)."	No action	Noted.
V.A.2	PBC (Mock Roos)	1st and 2nd paragraphs - replace " <i>waterbody</i> " with " <i>WBID</i> ." 1st paragraph - define the term " <i>DEP TMDL workplan</i> " and provide where it can be found.	Updated	Noted.
V.A.2	Sarasota Co.	Please define what this means. Is this only for 4e plans? What about RA plans to manage loads?	No action	The permit includes 4b and 4e plans. Reasonable Assurance is included in the Department's review of proposed 4b plans.
V.B	FDOT	See "V.B.1. MS4 Pollutant Loading Evaluation Plan" comment	No action	See below.
V.B	Miami Waterkeeper/ Everglades Law	Prioritized Alternative Restoration Plan/RAP waterbodies should have the same requirements for the development of heightened monitoring for source identification.	No action	Specific monitoring plans will be reviewed by DEP DEAR.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.B	Miami Waterkeeper/ Everglades Law	<p>Specific text (add capitalized text):</p> <p>B. Prioritized Non-bacteria TMDLs This section applies to prioritized TMDL waterbodies OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2 with a pollutant of concern other than bacteria.</p> <p>The permittee shall address the WLA for the associated TMDL waterbody OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2 through implementation of activities to evaluate and reduce the contribution of the pollutant of concern discharged from the MS4.</p> <p>The permittee shall develop an MS4 Pollutant Loading Evaluation Plan and a TMDL Implementation Plan OR ALTERNATIVE RESTORATION/RAP IMPLEMENTATION PLAN as described below.</p> <p>1. MS4 Pollutant Loading Evaluation Plan Implement a plan to conduct, facilitate, or coordinate monitoring and/or modeling of the prioritized TMDL waterbody OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2 in order to evaluate the contribution of the pollutant(s) of concern by the MS4, and load reductions achieved in relation to the WLA....</p> <p>A written plan consisting of Storm Event Outfall Monitoring, Pollutant Load Reduction Modeling, or Targeted Water Quality Monitoring as described below, shall be submitted to the Department within six months of TMDL Prioritization Plan approval. Data collected from the plans shall be used along with other relevant data, such as load reduction data from BMPs that have been implemented in the MS4 drainage basins that discharge to the TMDL waterbody OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2, to evaluate progress over time toward addressing the MS4 WLA in the TMDL waterbody OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2.....</p> <p>b. Pollutant Load Reduction Modeling Conduct 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 OR IMPAIRED WATERS PRIORITIZED PURSUANT TO PARAGRAPH A.2. The model shall, at a minimum, include the following inputs:</p>	No action	<p>The Department reviews and approves Alternative Restoration Plans as an option for addressing verified waters without a TMDL. Permit Part V.A.2 provides an option to prioritize a Category 5 WBID in lieu of prioritizing a TMDL WBID.</p> <p>Section 403.067(2)(a) F.S. The [303(d)] list, priority ranking, and schedule cannot be used in the administration or implementation of any regulatory program.</p>
V.B	PBC (Mock Roos)	1st and 2nd paragraphs - replace " <i>waterbodies</i> " with " <i>WBID(s)</i> ."	Updated	Noted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.B.1	FDOT	Some MS4 operators will want to do a cooperative pollutant load reduction plan with other MS4 operators because this approach often provides the most effective load reduction to meet MEP and optimizes public funds expended on the effort. As such, requiring this written plan within six months is difficult considering the coordination may require joint participation agreements (or equal) be executed, which takes extra time. Recommend "six months" be changed to "12 months" for submission of the Plan.	No action	This can be discussed on a case by case basis.
V.B.1	PBC (Mock Roos)	1st paragraph - replace " <i>waterbody</i> " with " <i>WBID</i> "; 2nd paragraph, last sentence - replace " <i>waterbody</i> " with " <i>WBID</i> "	Updated	Noted.
V.B.1	Polk Co	Provide clarification of what is expected from the 'Pollutant Loading Evaluation Plan'	No action	Addressed.
V.B.1	Volunteer Cleanup (Dave Doebler)	A written plan consisting of Storm Event Outfall Monitoring, Pollutant AND AQUATIC TRASH Load Reduction Modeling,	No action	Florida does not have trash TMDLs at this time.
V.B.1.a	Escambia	Storm Event Outfall Monitoring only required for non-bacteria TMDLs?	No action	Correct. This does not imply that outfall monitoring is not required for bacteria TMDLs.
V.B.1.a	PBC (Mock Roos)	1st paragraph, 2nd sentence - replace " <i>will</i> " with " <i>shall</i> "	Updated	Noted.
V.B.1.a	Polk Co	Provide clarification on timeline of when 7 samples/modeling are due.	No action	Monitoring/sampling should be conducted after prioritization plan is approved by DEP, and before development of the implementation plan (due with the Year 4 annual report).
V.B.1.a	Sarasota Co.	Instead of normalizing annual rainfall, we suggest averaging yr. 1 ,2 & 3 to create an average load.	Updated	Language is consistent with Nationwide Urban Runoff Program. Additionally, data gathered for TMDLs is over a minimum of 10 years. Using a 3-year average does not factor in periods of less or more rainfall.
V.B.1.a	Tarpon Springs	Absolutely not feasible. The cost and effort for our Municipality is unattainable. The cost of purchase/rental of dozens of composite samplers, additional staff, staff training, additional vehicles *& equipment are absolutely impractical without the Department paying for, or doing it themselves.	No action	Language was clarified to normalize rainfall data, not loadings. Monitoring is required for determining loading and corresponding reductions. An option for modeling was added to this cycle, as requested by permittees.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.B.1.b	Calusa Waterkeeper (John)	Utilization of out of date land use for loading estimates is problematic as it tends to underestimate current loading especially in fast growth areas. Mean annual rainfall during what period of record?	No action	The TMDL section of the permit requires local EMC data. Environmental Resource Permit requirements also address loading from new development in fast growing areas.  Annual rainfall is generally normalized over a 30-year period, per the Nationwide Urban Runoff Program guidance.
V.B.1.b	Dunedin	Total Cooper & Total Zinc is captured in our sediment monitoring program.  The City of Dunedin’s sediment monitoring program was established to characterize the pollutants from residential roads, catch basins, and continuous deflection separation systems within the City. Total Copper and Total Zinc are parameters that are analyzed for all three of our BMPs (roads, catch basins, CDS). All sediment data is used to establish loading trends and for our annual pollutant loading analysis.	No action	Acknowledged.
V.B.1.b	FDOT	Recommend revising fourth bullet after "...include the following inputs..." to "The use of site-specific or local EMC data. If site-specific or local EMC data are not available, permittees may use Florida-based EMCs listed in the NPDES Phase I MS4 Permitting Resource Manual (most current version)."  This approach would be consistent with Part VI.A.2 (Year 3 Pollutant Loading Analysis), and without the additional language, the modeling option is useless for much of the state.	No action	The purpose of this section is to calculate site specific loadings. Updated required inputs for modeling.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.B.1.b	Indian Rocks Beach	<p>May be ONLY option due to lack of streams unless measuring at outfalls within Clearwater Harbor. Model already predicts this and large contributors are prioritized based on this.</p> <p>CLARIFICATION: As the City only discharges to a large water body that is well mixed, and doesn't flow, determining real loads from the City will be expensive unless only modeling. It seems modeling may be the only option as the larger discharges are typically District 7 and City co-mingled such as those off of Gulf Blvd. The City only has one major outfall which would make the other outfalls less significant but still present. Combining outfalls has limited possibility due to distances between them and lack of fall.</p>	No action	The load model was added as an alternative to or in conjunction with outfall sampling.
V.B.1.b	North Port	I am aware that municipalities are using significantly different EMCs from those provided by FDEP in the Simple Model spreadsheet. This makes it difficult to make comparison of pollutant discharges between municipalities. How will this be addressed?	Additional information requested	Differences in modeling will be reviewed during Assessment Program implementation. Permittees are required to have agreements to address discharges to other MS4s; including loading discussions may be included.
V.B.1.b	PBC (Mock Roos)	1st paragraph, 1st sentence - replace " <i>waterbody</i> " with " <i>WBID</i> "	Updated	Noted.
V.B.1.b	Sarasota Co.	The County prefers to look at the total load to the bay from all sources and looks for ways to reduce loads like you would as part of a BMAP. (NP)- I am aware that municipalities are using significantly different EMCs from those provided by FDEP in the Simple Model spreadsheet. This makes it difficult to make comparison of pollutant discharges between municipalities. How will this be addressed?	No action	Each monitoring plan is evaluated separately.
V.B.1.b	Tarpon Springs	We do not have an in-house engineering staff. And again, will require significant cost to have consultants complete this.	No action	Monitoring is required for determining loading and corresponding reductions. There are 3 options.
V.B.1.b	Volunteer Cleanup (Dave Doebler)	Conduct Pollutant AND AQUATIC TRASH Load Reduction Modeling to obtain estimates of annual pollutant AND AQUATIC TRASH loadings from stormwater runoff.	No action	Florida does not have trash TMDLs at this time.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.B.1.c	PBC (Mock Roos)	1st paragraph - replace " <i>water body</i> " with " <i>WBID(s)</i> " and add " <i>TMDL</i> " before the 1st " <i>WBID</i> ." 2nd paragraph, 4th bullet - replace " <i>waterbody</i> " with " <i>WBID(s)</i> "	No action	The goal of targeted water quality monitoring is to provide more wholistic/watershed status; which may reach beyond the prioritized WBID.
V.B.1.c	Tarpon Springs	Not practical for our Municipality to accomplish.	No action	Monitoring is required for determining loading and corresponding reductions. There are 3 options.
V.B.2	Calusa Waterkeeper (John)	The baseline condition should have more provisions that define when the baseline starting point should be. From when the TMDL was determined? Estimates of loading from 8-10 year-old land use maps will yield very significant underestimates of loading especially from fast growth areas.	No action	The purpose of the loading evaluation is to determine current loading, and any load reductions from the date of TMDL data collection.
V.B.2	FDOT	Regarding the last bullet under "The plan shall include:", water quality improvement is an inappropriate performance metric. There are a number of sources and factors which influence water quality, the MS4 being only one of many. The performance metric should focus on reductions of the pollutant of concern from the respective MS4 against the WLA established in the TMDL.  Recommend revising to: "A description of proposed corrective actions if implemented management actions / control measures are determined to be ineffective at reducing the pollutant of concern."	Updated	Noted.
V.B.2	PBC (Mock Roos)	2nd paragraph, 1st bullet - delete "a" before the word " <i>baseline</i> "	Updated	Noted.
V.C	Miami Waterkeeper/ Everglades Law	We understand this permit template applies to a broad range of permittees. However, we note that individual MS4 permits should be tailored to specifically reflect the status of TMDL prioritization and implementation to ensure continuing progress. Miami Dade County co-permittees have been engaged in this process for bacteriological control plans, and the renewed permit should assure continuing progress.	No action	Part II of the individual permits will include identification of previously prioritized/ approved TMDL implementation plans/BPCPs.
V.C	PBC (Mock Roos)	1st paragraph - replaced " <i>waterbodies</i> " with " <i>WBID(s)</i> "; add " <i>(FIB)</i> " after " <i>Bacteria</i> "	Updated	Updated to WBID. No action on FIB.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.C	Tampa	Use of the word "may" instead of "shall" -Guidance manuals are for reference only not to be used as a required activity-other manuals are available that are not listed here	Updated	Noted.
V.C.1	Indian Rocks Beach	Typically this will be yard waste from animals. Uncertain how to solve or how to plan. No control over sanitary system.	No action	The FIB toolkit discusses source tracing. Non-point sources may be controlled through local ordinances and cooperation with other regulatory agencies.
V.C.2	Escambia	Will the WTW be required for all BPCPs, or just new ones implemented under the Cycle 5 permit?	No action	All approved implementation plans should be evaluated periodically to evaluate their effectiveness, and be revised as necessary.
V.C.2	FDOT	Regarding the last bullet, see comment on V.B.2 for non-bacteria TMDL.	Updated	Noted.
V.C.2	PBC (Mock Roos)	1st paragraph, 1st bullet, 1st sub-bullet - replace " <i>waterbody</i> " with " <i>WBID</i> "	Updated	Noted.
V.D	Calusa Waterkeeper (John)	Permittees are not reporting net reductions relative to the BMAP. BMAPs disguise actual progress toward load reductions by not measuring net change through time only presumed load reductions from stakeholder projects. MS4s should quantify net change in the respective pollutant load through time in compliance with percent load reductions required in the BMAP.	No action	It is the responsibility of stakeholders to report BMAP activities to DEAR. Please provide specific concerns to DEAR.
V.D	PBC (Mock Roos)	1st paragraph, 1st sentence - replace " <i>the</i> " with " <i>a</i> " before the word "BMAP"; 2nd sentence - replace " <i>waterbody</i> " with " <i>WBID</i> "	No action	BMAPs are waterbody and watershed specific.
V.E.1	Tarpon Springs	New staff with appropriate credentials & training needed. Not within Budget constraints, especially with all other newly requested actions that will require outside contractors effort.	No action	These are existing permit requirements. Budgeting for TMDL activities should be captured in resource planning.
V.E.2	FDOT	Some MS4 operators will want to do a cooperative pollutant load reduction plan with other MS4 operators because this approach often provides the most effective load reduction to meet MEP and optimizes public funds expended on the effort. As such, requiring this written plan within six months is difficult considering the coordination may require joint participation agreements (or equal) be executed, which takes extra time. Recommend "six months" be changed to "12 months" for submission of the Plan.	No action	Acknowledged. Planning can take place before permit issuance.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
V.E.2	Tarpon Springs	New staff with appropriate credentials & training needed. Not within Budget constraints, especially with all other newly requested actions that will require outside contractors effort.	No action	These are existing permit requirements. Budgeting for TMDL activities should be captured in resource planning.
V.E.3	Tarpon Springs	Hopefully the County can do this for us. We are not staffed or qualified to both do this and Report Annually. If the County can not, we will need to have a consultant do it for again, a prohibited extra cost.	No action	These are existing permit requirements. Budgeting for TMDL activities should be captured in resource planning.
V.E.4	FDOT	<p>Regarding item #4, third bullet: For TMDL implementation under the MS4 program, DEP should focus on reductions of pollutant loads <b>from</b> the MS4 to the impaired water. Water quality is the result of multiple sources and factors many of which the MS4 has no control over. Relying on water quality as the performance criteria under an MS4 permit is inappropriate and not feasible. This is not the DEAR program.</p> <p>DEP should re-evaluate how performance under Part V is evaluated. Reductions of the pollutant of concern, compared to the WLA established in the TMDL, would be a more appropriate performance metric and applicable to MS4 activities.</p>	Updated	TMDL implementation plans require ongoing monitoring. Updated to refer to Part V.B.1 or V.C.1.



Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
VI	Calusa Waterkeeper (Ed)	I hate to sound like a broken record, but in my experience, SWMPs are not taken seriously by some permit holders. They do not follow the intention of the CWA/NPDES program, do not maintain an actual SWMP or SOPs, and report misleading or erroneous information to FDEP in their annual report. Until there is validation by the State and enforcement, SWMPs will continue to be ineffective.	No action	This is being addressed through the compliance process.
VI	Volunteer Cleanup (Dave Doebler)	reducing the discharge of pollutants, INCLUDING FLOATABLE AND SETTLEABLE TRASH AND DEBRIS, from the MS4 to the MEP	No action	The targeted pollutants, floatables, are listed in Part III.A.1 and III.A.2 of the permit.
VI	Calusa Waterkeeper (John)	Using monitoring data from outside the MS4 jurisdiction and in mixing zones as is done by Lee County co-permittees cannot be used to attribute effectiveness of the SWMP. Permittees are known to avoid sampling waters within their projects jurisdiction and SWMP to avoid compliance costs.	No action	This is being addressed through the assessment review and compliance process. The monitoring plans in previously approved Assessment Programs are consistent with DEP and EPA guidance.
VI.A	FDOT	The introductory sentence needs the words "and/or" in place of the comma between "...water quality monitoring, pollutant loading estimates..." to be consistent with that same flexibility expressed in section 3 SWMP Evaluation. Some MS4s will use water quality monitoring, some will use pollutant loading data, and some will potentially use both tools for their assessment program.	No action	Existing permit language.
VI.A.1	Escambia	Hyperlink for the guidance document is actually: <a href="https://floridadep.gov/sites/default/files/phase1-ms4-monitor-plan-guidance_0.pdf">https://floridadep.gov/sites/default/files/phase1-ms4-monitor-plan-guidance_0.pdf</a> ; please update.	Updated link	Noted.
VI.A.1	Tampa	Use of the word "may be prepared in accordance" instead of "shall" -Guidance manuals are for reference only not to be used as a required activity	Updated to "may"	Noted.
VI.A.2	Volunteer Cleanup (Dave Doebler)	• Aquatic Trash and Debris	No action	There are currently no studied loading estimates for trash and debris based on land use. The list of parameters to develop load estimates is extracted from 40 CFR 122.
VI.A.2	Tarpon Springs	Hopefully the County can do this for us. We are not staffed or qualified to both do this and Report Annually. If the County can not, we will need to have a consultant do it for again, a prohibited extra cost.	No action	These are existing permit requirements. Budgeting for monitoring and assessment activities should be captured in resource planning.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
VI.A.2	Indian Rocks Beach	<p>Copper and Zinc as additions seems odd. They can inhibit nitrifying bacteria but it would typically be a measure of industrial runoff, no?</p> <p>CLARIFICATION: It was just a note that measuring for zinc and copper seems odd. Is it desired to remove with mechanical/chemical means? As with above, would testing be performed on water that is within inlets? Seems this may be measuring for water originating from roads as zinc/copper can be utilized in tires and brakes. Knowing these can inhibit biological activity, it makes sense. Just wondering if ion exchange, carbon, or membrane treatment is being proposed as it sounds extremely challenging.</p>	No action	The section requires pollutant loading estimates for the parameters of concern. There is no proposed treatment in this section. Each permittee is responsible for evaluating current loading, and evaluating potential sources and treatment/reduction methods.
VI.A.2	Calusa Waterkeeper (John)	Loading estimates derived from modeling rather than monitoring are subject to inherent uncertainty based on land use that may be significantly outdated. Suggest adding "develop estimates from measured loading. Allowing use of only annual rainfall smoothes or normalizes extreme rainfall events mostly from the wet season that ecologically underestimates the seasonally damaging impacts.	No action	The Pollutant Loading Estimates are consistent with previous permit language, and DEP and EPA guidance.
VI.A.2	North Port	Need to delete the pollutant loading water quality monitoring and modeling for Zinc Copper and BOD5 if historic ambient water quality data show insignificant levels.	No action	Existing permit language. The purpose of this section is to evaluate changes over time, regardless of the levels. Each permittee is responsible for evaluating current loading and evaluating potential sources and treatment/reduction methods.
VI.A.2	Redington Beach	The County performs Pollutant Load Analysis for the Town of Redington Beach	No action	Noted.
VI.A.2	Tampa	Same comment as above -resource manuals should not be included as a required activity	Updated	Noted.
VI.A.2	St. Pete Beach	The County performs Pollutant Load Analysis for the City of St. Pete Beach	No action	Noted.
VI.A.3	Tarpon Springs	Again, we are not staffed or qualified to both do this and Report Annually. If the County can not, we will need to have a consultant do it for again, a prohibited extra cost.	No action	These are existing permit requirements. Budgeting for monitoring and assessment activities should be captured in resource planning.
VI.A.3	Miami Waterkeeper/ Everglades Law	Although this permit language is strong, we note that past annual reporting in Miami-Dade County co-permittees has not demonstrated sufficient (or sometimes any) analysis by all co-permittees. Enforcement of permit provisions is critical to ensure progress in reducing stormwater pollution and meeting water quality standards.	No action	This is being addressed through the compliance process.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
VI.A.3	Tampa	Clarify please that this is replacing the strengths and weaknesses summaries? Is the NPDES program reverting back to narrative submittals? Previous cycle revisions eliminated long narrative submittals	No action	The strengths and limitations reported in the annual reports have not been used for SWMP effectiveness in many Cycle 4 reapplication packages. The Cycle 5 permit will highlight the SWMP Effectiveness Evaluation submitted with the reapplication. The strengths and limitations will not be included in the annual reports.
VI.A.3	Calusa Waterkeeper (John)	From surface waters within the MS4 SWMP area? Lee County permittees typically monitoring locations in downstream mixing zones rather than from onsite waters.	No action	This is being addressed through the assessment review and compliance process. The monitoring plans in previously approved Assessment Programs are consistent with DEP and EPA guidance.
VI.A.3	PBC (Mock Roos)	The SWMP Evaluation only needs to be completed in Year 4 of the permit term (as a component of the reapplication)?	No action	Correct. The Cycle 5 permit will highlight the SWMP Effectiveness Evaluation submitted with the reapplication. The strengths and limitations will not be included in the annual reports.
VI.B	Volunteer Cleanup (Dave Doebler)	The estimated pounds of total nitrogen (TN), total phosphorous (TP), and TRASH AND DEBRIS load reductions from street sweeping and catch basin cleaning	"information generated through the implementation of the SWMP" was added to SWMP Evaluation.	
VI.B.2	FDOT	Should 2.a. read "...load reductions from street sweeping and/or catch basin cleaning."?	Updated	Deleted catch basin cleaning as a requirement of the permit. It will be included in the Resource Manual.
VI.B.2	FDOT	Is it FDEP's expectation that street sweeping and catch basin load reductions are to be reported separately? This is not feasible. Please clarify the intent.	Updated	Deleted catch basin cleaning as a requirement of the permit. It will be included in the Resource Manual.
VI.B.2	FDOT	Last sentence in 2.a should read "... the permittee may <u>use</u> a similar tool if approved by the Department."	Updated	Noted.
VI.B.2	Escambia	Link to VI.B.2.a. FSA calculator is incorrect, please revise and update: link is incorrect, revise and update: <a href="https://floridadep.gov/sites/default/files/2019_FSA%20MS4%20Load%20Reduction%20Assessment%20Tool_updated%207-28-19.xlsx">https://floridadep.gov/sites/default/files/2019_FSA%20MS4%20Load%20Reduction%20Assessment%20Tool_updated%207-28-19.xlsx</a>	Updated link	Noted.
VI.B.2	PBC (Mock Roos)	paragraph "c." - please confirm that the "summary of strengths and limitations for each subsection" will not be included in the Program Assessment Report, rather than within the Annual Report Form.	No action	The strengths and limitations reported in the annual reports have not been used for SWMP effectiveness in many Cycle 4 reapplication packages. The Cycle 5 permit will highlight the SWMP Effectiveness Evaluation submitted with the reapplication. The strengths and limitations will not be included in the annual reports.
VI.B.2	Pinellas Co	phosphorus, not -ous	Updated	Noted.
VI.B.3	Tarpon Springs	Hopefully the County can do this for us. We are not staffed or qualified to both do this and Report Annually. If the County can not, we will need to have a consultant do it for again, a prohibited extra cost.	No action	These are existing permit requirements. Budgeting for monitoring and assessment activities should be captured in resource planning.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
VI.B.4	Calusa Waterkeeper (John)	Effectiveness is difficult to determine when co-permittees use offsite water quality monitoring data where the monitoring location is in a mixing zone that represents pollutant contributions or lack thereof from sources other than the MS4 SWMP.	Addressed above	
VI.B.4	PBC (Mock Roos)	Is this in addition to the annual program assessment report? The permit language could benefit from improved clarity on the various reporting that must be done. It would help if the different "reports" had different names.	No action	This is being addressed through the assessment review and compliance process. The monitoring plans in previously approved Assessment Programs are consistent with DEP and EPA guidance.
VI.A.2	Escambia	[Link does not work]. link to NPDES Phase I MS4 Permitting Resource Manual is here: <a href="https://floridadep.gov/sites/default/files/MS4_Permit_Resource_Manual_0.pdf">https://floridadep.gov/sites/default/files/MS4_Permit_Resource_Manual_0.pdf</a> ; other guidance references take you directly to the document, chose either a directory resource or direct link for consistency please.	Updated link	Noted.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
IX	Escambia	IX.(18)(a) should be "Not applicable" as in Cycle 4 permit.	Updated	Noted. Updated (18)(a) through (c) to Not Applicable.
IX	Tampa	RECOMMEND ELIMINATION OF (20) CONDITION-"REPORTING ANY NONCOMPLIANCE WHICH MAY ENDANGER HEALTH OR THE ENVIRONMENT" - not appropriate in the MS4 permit--define minimum thresholds & remove any reference to discharges to groundwaters	No action	This general condition was deemed appropriate and introduced in later-issued Cycle 4 permits.
VII.A	Palm Beach Gardens	The City would like the Reporting Period to encompass a fiscal year from October 1st to September 30th.	No action	Noted. Include request during individual permit application.
VII.A	Polk Co	We recommend keeping the permit year time range the same that it has been since inception (Oct 1-Sept 30) this would make financial reporting more accurate and would not result in a partial year report which would be a burden for permittees and co-permittees	No action	Noted. Include request during individual permit application.
VII.C	PBC (Mock Roos)	paragraph "3." - add "(Legal Authority)," after "Part II.B. "; paragraph "4." - add "(SWMP Resources)" after "Part II.C"	Updated	Noted.
VII.D	Volunteer Cleanup (Dave Doebler)	Electronic PDF submissions should be searchable. Currently, some are scanned in, and cannot use <CTRL> <F> to find information, or copy/pasted for review. Ideally, FDEP should set up a website to input the data directly into a database instead of submitting paperwork so you can identify insufficiencies easier.	No action	The Department has instituted new SOPs to make pdf documents readable. Additionally, eReporting will alleviate these issues in the future.
VIII	PBC (Mock Roos)	Section title - Replace the word "Other" with "Additional"	Updated	Noted.
VIII.C	Pinellas Co	Reapp is due 180 days prior to permit expiration date (so Dec 31) - This is before Year 4 report is due for Pinellas and might cause an issue in submitting the reapplication timely. Permit cycle ends June 30, annual report due Jan 31.	Updated	Updated to refer to Year 4 annual report or at least 180 days before permit expiration date, consistent with rule language.
VII.C	Pinellas Co	Remove item 3 (Regulatory Mechanisms) from Year 4 report and shift to another year. Too much burden on that one year with the reapplication.	No Action	The legal authority citations are an important element of the SWMP. The citations are required in each SOP, and many will be included in the individual permits.
VII.A	Escambia	Annual Report link does not work, please ensure link is accessible by the public, this is the current link: file:///deppubfs/PUBFDS/DWRM/NPDES_Stormwater/MS4/AnnualReportTemplates/PhaseI	Updated link	Noted. The link should be pasted into File Explorer.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
X	Volunteer Cleanup (Dave Doeblner)	Please define 1) Floatables 2) Settlabes 3) Aquatic Trash (trash that has made it into the receiving waters already)	No action	These items are included in 40 CFR 122. The term "Aquatic Trash" is not used in the permit.
X. Canal	Pinellas Co	This category means any open drainage that is man-made and large enough to allow navigation?	No action	Navigation is not in rule definition. Permittees may define assets more specifically than in rule/permit.
X. Catch Basin	Escambia	Why is the street sweeping/catch basin sediment the reference for catch basin definition?	Updated	Removed reference.
X. Channel	Pinellas Co	This category means any open drainage that is not man-made?	No action	Man-made is not in rule definition. Permittees may define assets more specifically than in rule/permit.
X. Conveyance Swale	Escambia	Please add the language from 403.803(14) to the definition for clarity, or refer to X.(14), below, any swale that does not meet the definition of "swale". "Swale" means a manmade trench which: (a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical; (b) Contains contiguous areas of standing or flowing water only following a rainfall event; (c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and (d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.	No action	The definition of grass treatment "swale" is included in the section.
X. Conveyance Swale	Pinellas Co	Is it reasonable to assume that any "swale" not specifically covered by an ERP falls into this category?	No action	Correct.
X. Culvert	Escambia	Please add reference for definition of "culvert".	No action	Definition was updated. No citation was included, as this is a common term.
X. Detention with Filtration Systems	Pinellas Co	Does this category include Detentions systems with underdrains that connect back to the control structure outfall?	No action	These structures may or may not connect to an outfall.
X. Ditch or Drainage Ditch	Pinellas Co	This category means any open drainage that is man-made and NOT large enough to allow navigation?	No action	Navigation is not in rule definition. Permittees may define assets more specifically than in rule/permit.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
X. Dry Detention Systems	Pinellas Co	When a "Dry Detention" system is also a "Detention with Filtration System", do we count the same pond in both categories or pick one?	No action	Permittee discretion so long as it is consistent.
X. Dry Retention Systems	Pinellas Co	When a "Dry Retention" system is also an "Underdrain Filter System", do we count the same pond in both categories or pick one?	No action	Permittee discretion so long as it is consistent.
X. Grass Treatment Swale	Pinellas Co	Shall we include "Bioswales" in this category?	No action	If they meet the criteria they can be placed in either category.
X. Gross Solids Removal Devices	Escambia	"Gross Solids Removal Device" link is a design guidance manual for California which has combined sewer systems, this device/reference is not appropriate for a new definition not yet incorporated into rules, statutes, or CFR, recommend removal from the draft permit in all areas.	Definition removed	Reference to this structure has been removed from Part III.A.1 and Part X.
X. Gross Solids Removal Devices	Tarpon Springs	Thousands to millions of dollars required to accomplish this for our Municipality. Not practical or feasible [sic] at this time.	Definition removed	Reference to this structure has been removed from Part III.A.1 and Part X.
X. Household Hazardous Waste	Escambia	Please provide a better definition, if we can't define it for our permit, how are we expected to do outreach to the public on household hazardous waste if we can't define it?	No action	Discussion will be provided in the Resource Manual.
X. Illicit Discharge	FDOT	Insert "in surface waters of the state" after "...provided they do not cause a violation of water quality standards:"	No action	This definition is in rule.
X. Illicit Discharge	Hillsborough Co.	Why are reclaimed water line flushing pursuant to a permit and uncontaminated roof drain runoff no longer included in the list of allowable discharges? These should remain (uncontaminated roof drain runoff is just stormwater, and line flushing that is being done as permitted should be allowed).	No action	This definition is in rule. Permittees may define allowable discharge more specifically than in rule/permit.
X. Major Outfall	Pinellas Co	Is it acceptable to convert the 36 inch diameter requirement to "cross section" (i.e. $\text{Pi} * (\text{Diameter}/2)^2 \sim 1017 \text{ sqin}$ ), and then use the relevant formulas for elliptical and rectangular shaped conveyances to directly evaluate capacities for inclusion in the major outfall category?	No action	This definition is in rule. Discussion will be provided in the Resource Manual.

Phase I MS4 Cycle 5 Permit Template  
Comments and Responses

Part	Entity	Comment	Action	Response
X. Major Watershed	Tarpon Springs	WBID's, please clarify	No action	The use of WBID is not appropriate here.
X. Non-Major Outfall	Tarpon Springs	Please remove all	No action	Definition is appropriate to Part III.A.1.
X. Outfall	Pinellas Co	Is a pipe discharging into a retention system/wetland (mitigation or not) considered an outfall, since the water exits the MS4 into the subsurface waters of the state, or does intervention of the BMP remove the classification of the pipe as an outfall?	No action	If a pipe discharges into a stormwater management system, that pipe is not a major outfall. A pipe discharging into a wetland is an outfall, if that wetland is considered waters of the State.
X. Pipe	Pinellas Co	This definition is interesting in that it uses the word 'culvert' to describe essentially all underground conveyances, whereas the earlier definition for 'culvert' indicates a conduit specifically designed to convey water through an embankment (e.g. cross drain or side drain in FDOT terminology). Perhaps this definition could say "closed linear conveyance" rather than "culvert"?	Definition removed	The definition was revised to "Stormwater Pipe".
X. Pollution	Escambia	Please add the link to 403.031, F.S. <a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;URL=0400-0499/0403/Sections/0403.031.html">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;URL=0400-0499/0403/Sections/0403.031.html</a>	Updated	Link added.
X. Pollution Control Boxes	Tarpon Springs	Not practical or feasible. We will install as needed.	No action	Noted.
X. Stormwater Associated with Industrial Activity	Escambia	Please add basic definition, suggestion: "Stormwater Associated with Industrial Activity" means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122.	Definition removed	Definition was removed, as it was not used in permit.
X. Under Drain Filter Systems	Tarpon Springs	Not practical or feasible.	No action	Noted.
X. Wet Detention Systems	Pinellas Co	When a "Wet Detention" system is also a "Detention with Filtration System", do we count the same pond in both categories or pick one?	No action	If they meet the criteria they can be placed in either category.