

1. Requested Motion:

Meeting Date: April 1, 2103

Approve and authorize the Town Manager to execute the "Interlocal Agreement Providing Joint Control of Pollutants" associated with the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) permit number FLS000035-003.

Why the action is necessary:

The Town Council must approve all Interlocal Agreements.

What the action accomplishes:

It authorizes the continuation of the Interlocal Agreement associated with the Lee County MS4 NPDES permit.

2. Agenda:

☒ Consent
☐ Administrative

3. Requirement/Purpose:

☐ Resolution
☐ Ordinance
☒ Other: Interlocal Agreement

4. Submitter of Information:

☐ Council
☒ Town Staff - Public Works
☐ Town Attorney

5. Background:

The Town of Fort Myers Beach has been a party to the Lee County MS4 requirements since its incorporation and has operated in accordance with the Lee County NPDES permit as a co-permittee. All incorporated entities, drainage districts, development districts and Florida Department of Transportation are included within the Agreement as co-permittees. Lee County and co-permittees have been working for several years to finalize the new MS4 permit under the new enhanced requirements as set forth by EPA via FDEP. The new permit was issued in March, 2012, effective September, 2011 and has since been amended, with the first reporting year pursuant to the new permit from September, 2011 through September, 2012. The normal reporting period is one year, but due to the delay in issuance of the permit, the Lee County permittees were provided a 6 month grace period. The new Interlocal Agreement was also pending due to this delay to insure that all permit provisions would be included into it. This Agreement will remain in effect until such time as permit requirements are modified.

Attached for review is the Interlocal Agreement and the newly issued NPDES MS4 permit.

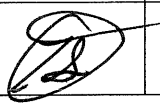
6. Alternative Action:

Disapprove and make an alternative arrangement associated with the NPDES program.

7. Management Recommendations:

Approve

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

INTERLOCAL AGREEMENT PROVIDING JOINT CONTROL OF POLLUTANTS

THIS INTERLOCAL AGREEMENT is by and between the Cities of Bonita Springs, Fort Myers, Cape Coral, Sanibel, and Town of Fort Myers Beach, municipal corporations of the State of Florida, hereinafter referred to collectively as the **MUNICIPALITIES**, the Brooks Community Development District, CFM (Magnolia Landing) Community Development District, Colonial Country Club Community Development District, East County Water Control District, the East Mulloch Water Control District, Gateway Services Community Development District, Bayside Improvement Community Development District, Bay Creek Community Development District (Bayside/Baycreek), Heritage Palms Community Development District, Lucaya Community Development District, Miromar Lakes Community Development District, River Hall Community Development District, River Ridge Community Development District, and San Carlos Estates Drainage District, Catalina at Winkler Preserve Community Development District, special districts of the State of Florida, created pursuant to their respective Florida Statutes, hereinafter referred to collectively as the **DISTRICTS**, the Florida Department of Transportation an agency of the State of Florida, hereinafter referred to as **FDOT**, and the County of Lee, a political subdivision of the State of Florida, hereinafter referred to as **COUNTY**.

Recitals

- A. The Florida Interlocal Cooperation Act of 1969 set forth in section 163.01 Florida Statutes has been established to encourage and ensure cooperation between and among local governmental units and to provide services in a manner that would accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.
- B. The public agencies of the state may exercise jointly with other public agencies of the state any power that the agencies share in common and which each might exercise separately. The joint exercise of powers by means of an interlocal agreement enables governmental entities to work together for public purpose and to achieve common public objectives. This local governmental coordination better serves the taxpayers and citizens of the State.
- C. The purpose of interlocal cooperation is to address public needs that recognize political boundaries and to attain higher levels of efficiency.
- D. The **MUNICIPALITIES, DISTRICTS, FDOT** and **COUNTY** hereinafter "the Parties" desire to protect and promote the public health, safety and general welfare through the management of stormwater runoff; and

- E. The Parties desire to maintain and assist in the improvement of water quality and to preserve and enhance the environmental quality of streams and receiving waters; and
- F. Pursuant to the Federal Clean Water Act (CWA), Section 402(p)(2), certain political entities are required to implement stormwater management programs within certain time frames; and
- G. Pursuant to the CWA requirements, the United States Environmental Protection Agency (EPA) has developed regulations under the National Pollutant Discharge Elimination System (NPDES) permit program published as Part 40 of the Code of Federal Regulations (C.F.R.) Section 122.26 on November 16, 1990, 55 F.R. 47990; and
- H. Section 402(p)(2) of the CWA provides that storm water permits are required for large and medium municipal separate storm sewer systems, as determined from the 1990 census; and
- I. Appendix I to Section 122 of the CWA listed the **COUNTY** as a medium municipal separate storm sewer system; and
- J. On December 16, 1995 the Environmental Protection Agency (EPA), Region IV, notified the **COUNTY** that pursuant to the authority of CWA Section 402(p), it determined that the **MUNICIPALITIES** within the **COUNTY** are part of the **COUNTY** municipal separate storm sewer system for the purposes of NPDES permitting; and
- K. The Parties are co-permittees pursuant to NPDES Permit Number FLS000035-003.
- L. 40 C.F.R. 122.26(d)(2)(i)(D) requires control through interagency agreement the contribution of pollutants from one portion of the municipal system to another portion of the municipal system, and **COUNTY** and several co-permittees entered into an Interlocal Agreement on February 23, 1999. The Interlocal Agreement provided for the design and implementation of a water quality monitoring program consistent with the requirements of NPDES Permit Number FLS000035-003.
- M. Each co-permittee (**DISTRICT, MUNICIPALITIES, COUNTY** or **FDOT**) is accountable for discharges from their system (MS4) which may outfall to other co-permittee (**DISTRICTS', MUNICIPALITIES', COUNTY'S** or **FDOT'S**) storm sewer systems or waters of the United States; and
- N. The Parties agree to cooperate to effectively manage and control discharge into municipal separate storm sewer systems (MS4s); and

- O. It is the mutual desire of the Parties to establish relationships and responsibilities for control of discharges to municipal separate storm sewer systems (MS4s) consistent with 40 C.F.R. Section 122.26;
- P. The Parties to the 1999 Interlocal Agreement desire to terminate that agreement and replace it with the subject Interlocal Agreement to expressly manage and control discharge into municipal separate storm sewer systems (MS4s), as well as identify opportunities for intergovernmental coordination in the areas of training, public education and outreach, inspections, enforcement and monitoring.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the Parties mutually agree as follows:

SECTION ONE: PURPOSE

The purpose of this Agreement is to:

- A. Establish the general responsibilities of the Parties to control the contribution of pollutants from one storm sewer system to another storm sewer system.
- B. Terminate the Interlocal Agreement between the Parties dated February 23, 1999 and to replace that agreement with this Interlocal Agreement.

SECTION TWO: GENERAL RESPONSIBILITIES

The Parties, as co-permittees, recognize that, each party is responsible for the discharges from within its boundaries unless the offending discharge originates from a separate storm sewer system that is located in another party's jurisdictional boundary. The Parties are independently responsible for controlling the contribution of pollutants from their respective separate storm sewer systems so as to meet the requirement of 40 C.F.R. §122.26.

SECTION THREE: COPIES

A certified copy will be provided to each party to this Agreement upon final execution.

SECTION FOUR: PERMIT IMPLEMENTATION

Each party is responsible for implementation of the NPDES Permit conditions and reporting requirements within its jurisdictional boundaries.

SECTION FIVE: OPPORTUNITIES FOR COORDINATION

In furtherance of the NPDES Permit Conditions, Lee County and its co-permittees will collaborate to plan and implement storm-water programs. The Co-permittee bears the primary responsibility for compliance with all terms of the NPDES permit within its jurisdictional boundaries. However, Lee County will facilitate certain NPDES activities throughout the county and promote programs that will include training, public education and outreach, public service announcements, inspections, management and disposal of hazardous and toxic material through the Lee County Division of Solid Waste, and data collection. More specifically, the respective opportunities for coordination are set forth below:

COUNTY'S Responsibilities

A. Training. The **COUNTY** provides annual training for personnel and contractors on the following:

1. Identification and resolution of illicit discharges.
2. Proper spill prevention, containment and response techniques and procedures.
3. Site plan review, inspections or construction of stormwater management, erosion and sedimentation controls.
4. The County will prepare sign in sheets for each class to document attendees and will provide copies of the sheets to requesting co-permittees for use in preparation of the annual report.

The co-permittee may contact the **COUNTY** to schedule the attendance of their personnel and contractors at the **COUNTY'S** training sessions. The **COUNTY** will supply a sign in sheet, but it is the responsibility of the local governmental entity to comply with the FDEP's reporting requirements regarding training of personnel and contractors.

B. Public Education and Outreach.

The co-permittee may participate in the **COUNTY'S** public outreach and education programs that encourage citizens to:

1. Reduce use of pesticides, herbicides, and fertilizers through Florida Yards and Neighborhoods (FYN).
2. Promote, publicize and facilitate public reporting of the presence of illicit discharges and improper dumping.
3. Encourage the proper use and disposal of the used motor vehicle fluids, leftover hazardous household products and lead acid batteries.
4. Public outreach and education may take the form of published written materials, information available on the **COUNTY** website, seminars, workshops, etc.

C. Inspections

1. The **COUNTY** will perform construction site inspections on projects located in unincorporated Lee County while the development order remains active. Once a certificate of compliance has been issued on the development order, the CDD is responsible for inspecting the property for the purpose of monitoring, discovering and addressing illicit discharges and spills.

D. Enforcement.

1. The primary responsibility for enforcement lies with the co-permittee. Upon request, the **COUNTY** will support the co-permittee's enforcement efforts through the use of a citation process or equivalent to address the correction or elimination of:
 - a. Illicit discharges.
 - b. Problems at high-risk facilities.
 - c. Erosion and sedimentation issues.
2. FDOT and the District's hereby authorize the **COUNTY** to cite property owners and entities within the co-permittee's boundaries if the property or activity directly or indirectly discharges into a receiving waterbody in violation of the NPDES permit. In order for the CDD or District to track permit related activities, requests for assistance, support and authorization within the District or CDD boundaries should be in writing (e-mail is acceptable). The **COUNTY** will make every effort to respond in a timely and effective manner.

E. Monitoring Program.

COUNTY will operate and maintain a FDEP approved, monitoring program to meet the **COUNTY** permit requirements. This will be accomplished using **COUNTY** personnel and equipment.

Each co-permittee is responsible for creating and reporting water quality monitoring programs, if required by FDEP. The **COUNTY** will make data acquired during its FDEP approved monitoring program available to the co-permittee upon request. The **COUNTY** will not be responsible for assessing or analyzing data for the co-permittee or placing the data in a specialized format that does not already exist. Each co-permittee is responsible for reporting to FDEP in accordance with the terms of its permit and entering data collected on their behalf into the STORET database.

F. Annual Reporting to Florida Department of Environmental Protection.

Each co-permittee is responsible for the preparation and submittal of an annual report of permit activities. The **COUNTY** will coordinate the submittal of the individual reports (provided by the co-permittee) to FDEP. The **COUNTY** will provide records of training and other specific report related tasks upon request.

Municipality/District/FDOT Responsibilities.

A. Training.

1. The co-permittee may participate in the annual training provided by Lee County to personnel and contractors. The co-permittee bears the responsibility of scheduling annual training sessions for its personnel and any contractors retained by the agency to:
 - a. Perform inspections.
 - b. Identify and resolve illicit discharges.
 - c. Review Erosion and Sedimentation Control Plans

B. Inspections.

1. The co-permittee has the responsibility to perform the following inspections for the purpose of monitoring, discovering and addressing illicit discharges and spills within the co-permittee's boundaries:
 - a. Proactive – at intervals established by co-permittee protocol
 - b. Reactive – when an incident is discovered/reported
 - c. High risk facilities – at intervals established by co-permittee protocol
 - d. Construction Site – as specified in the co-permittee inspection protocols
2. If a co-permittee requires the COUNTY'S expertise or enforcement resources, the co-permittee may request the COUNTY'S assistance on an incident specific basis.

C. First response.

1. Duty to be the first responder to correct or eliminate illicit discharges within the jurisdiction of the agency/co-permittee.
2. Duty to notify the COUNTY when agency/co-permittee is unable to resolve illicit discharges so that the COUNTY can commence enforcement procedures in accordance with Section 2.D.2.

D. Compliance with terms of the NPDES permit.

It is the responsibility of each co-permittee entity to comply with the terms of the FDEP permit.

SECTION SIX: LEGAL AUTHORITY

The Parties agree that as co-permittees, they will consider, and then adopt, modify or amend any ordinances, resolutions, rules, regulations or policies necessary to enforce this Agreement, as allowed by law and subject to any statutory limitations on

the co-permittee's authority to promulgate rules or ordinances, in accordance with 40 C.F.R. 122.26.

This Agreement will be construed according to the laws of the State of Florida. Any action regarding this Agreement will be filed in the Twentieth Judicial Circuit in and for Lee County.

If any part of this Agreement or the application thereof is declared invalid by a court of law, then that part, section, subsection, or other portion, or the application thereof, will be severable. The remaining provisions will remain in effect.

SECTION SEVEN: BUDGET

The Parties recognize that under their respective legal powers, they are unable to obligate themselves legally to spend funds in excess of one (1) budget year. However, the Parties agree to complete the term of this Agreement as permitted under the laws of the State of Florida, and agree to appropriate funds, subject to budgetary constraints and other financial considerations.

SECTION EIGHT: BINDING EFFECT AND DISCLAIMER OF THIRD PARTY BENEFICIARIES

This Interlocal Agreement is intended to bind the Parties executing the Agreement. No party will be bound by the terms of this Agreement to a named party who failed to execute this Agreement.

This Agreement is solely for the benefit of the Parties. No right or cause of action will accrue to, or for the benefit of, third parties not a party to this Agreement.

SECTION NINE: IDENTIFICATION OF DISCHARGES

The Parties agree to devote the resources necessary to identify the source of pollutants if discharges are identified as originating from outside of their respective systems.

SECTION TEN: NOTICES

All written notices to the Parties under this Agreement will be directed to the following addresses:

LEE COUNTY Mr. Tony Pellicer Division of Natural Resources Management 1500 Monroe Street Post Office Box 398 Fort Myers, FL 33902-0398 (239) 533-8129 – (239) 533-8108 fax	CITY OF FORT MYERS Saeed Kazemi City of Fort Myers Engineering Department Post Office Drawer 2217 Fort Myers, FL 33902 (239) 321-7445
CITY OF CAPE CORAL John Szerlag, Manager Post Office Box 150027 Cape Coral, FL 33915-0027 (239) 574-0447	TOWN OF FORT MYERS BEACH Mr. Terrance "Terry" Stewart Town Manager Town of Fort Myers Beach 2523 Estero Blvd. Fort Myers Beach, FL 33931 (239) 765-0202 – (239) 765-0909 Fax
EAST COUNTY WATER CONTROL DISTRICT David Lindsay District Manager 615 Williams Ave, Suite 202 Lehigh Acres, FL 33972 (239) 368-0044 – (239) 368-5412 Fax	EAST MULLOCH WATER CONTROL DISTRICT Mr. Alan C. Freeman, Supervisor PO Box 511 Estero, FL 33929 (239) 267-7472 – (239) 267-7622 Fax
GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT Peter Altman District Management Services, LLC 5680 W. Cypress St., Suite 5680A Tampa, FL 33607 (813) 873-7300 and Mr. Anthony P. Pires, Jr. Woodward, Pires & Lombardo, P.A. 3200 N. Tamiami Trail, Suite 200 Naples, FL 34103 (239) 649-6555	RIVER RIDGE COMMUNITY DEVELOPMENT DISTRICT Chuck Adams, District Manager 9220 Bonita Beach Road, Suite 214 Bonita Springs, FL 34135 (239) 498-9020 and Mr. Anthony P. Pires Woodward, Pires & Lombardo, P.A. 801 Laurel Oak Dr. Naples, FL 34103
SAN CARLOS ESTATES DRAINAGE DISTRICT Mr. Chauncey Normandin, Board Chairman Post Office Box 367807 Bonita Springs, FL 33936 (239) 949-2678	BAYSIDE IMPROVEMENT COMMUNITY DEVELOPMENT DISTRICT Craig A. Wrathell, Managing Partner 6131 Lyons Road, Suite 100 Coconut Creek, FL 33073 (954) 426-2105 And Chuck Adams, Director of Operations 9220 Bonita Beach Road, Suite 214 Bonita Springs, FL 34135 (239) 498-9020

BAY CREEK COMMUNITY DEVELOPMENT DISTRICT Craig A. Wrathell, Managing Partner 6131 Lyons Road, Suite 100 Coconut Creek, FL 33073 (954) 426-2105 And Chuck Adams, Director of Operations 9220 Bonita Beach Road, Suite 214 Bonita Springs, FL 34135 (239) 498-9020	FLORIDA DEPT. OF TRANSPORTATION, DIST 1 Sharon Harris, District Maintenance Administrator Post Office Box 1249 Bartow, FL 33831 (863) 519-2315, (863) 534-7045 Fax
BROOKS OF BONITA SPRINGS CDD Chuck Adams, District Manager 9220 Bonita Beach Road, Suite 214 Bonita Springs, FL 34135 (239) 498-9020	CATALINA AT WINKLER PRESERVE CDD Molly A. Syvret, District Manager Rizzetta & Company, Inc. 9530 Marketplace Road, Suite 206 Ft. Myers FL 33912 (239) 936-0913, (239) 936-1815 Fax
CFM CDD Molly A. Syvret, District Manager Rizzetta & Company, Inc. 9530 Marketplace Road, Suite 206 Ft. Myers FL 33912 (239) 936-0913, (239) 936-1815 Fax	LUCAYA CDD Molly A. Syvret, District Manager Rizzetta & Company, Inc. 9530 Marketplace Road, Suite 206 Ft. Myers FL 33912 (239) 936-0913, (239) 936-1815 Fax
RIVER HALL CDD Molly A. Syvret, District Manager Rizzetta & Company, Inc. 9530 Marketplace Road, Suite 206 Ft. Myers FL 33912 (239) 936-0913, (239) 936-1815 Fax	COLONIAL COUNTRY CLUB CDD Calvin Teague, District Manager Severn Trent Management Services 5911 Country Lakes Drive Fort Myers, FL 33905 (239) 245-7118 ext 301, (239) 245-7120 Fax
HERITAGE COUNTRY CLUB CDD Calvin Teague, District Manager Severn Trent Management Services 5911 Country Lakes Drive Fort Myers, FL 33905 (239) 245-7118 ext 301, (239) 245-7120 Fax	MIROMAR LAKES CDD James P. Ward, District Manager 513 Northeast 13th Ave Ft. Lauderdale, FL 33301 (954) 658-4900
CITY OF BONITA SPRINGS Ben Nelson, Mayor 9101 Bonita Beach Road Bonita Springs, FL 34135 (239) 949-6262, (239) 949-6239 Fax Or Carl L. Schwing, City Manager 9101 Bonita Beach Road Bonita Springs, FL 34135 (239) 949-6262, (239) 949-6239 Fax	CITY OF SANIBEL Kevin Ruane, Mayor 800 Dunlop Rd Sanibel, FL 33957 (239) 472-3700, (239) 472-3065 Fax

SECTION ELEVEN: EFFECTIVE DATE; TERM

This Agreement will be effective on the date a fully executed copy is filed with the Clerk of the Circuit Court for Lee County. This Agreement will remain in effect for so long as a party remains a co-permittee on the NPDES permit, and will automatically be extended with NPDES permit renewals.

This writing constitutes the entire Agreement between the Parties and has been entered into voluntarily and with independent advice and legal counsel. This Agreement has been

executed by the authorized representative of each party on the date written below. Modifications to and waivers of the provisions herein must be made in writing by the Parties.

IN WITNESS WHEREOF, the lawful representatives of the Parties hereto have executed and affixed their official seals to this Agreement this ____ day of ____, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISISONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

By: _____
Office of the County Attorney

ATTEST:

By: _____
City Clerk

CITY OF FORT MYERS

By: _____
Randall Henderson, Mayor

Date: _____

APPROVED AS TO FORM

By: _____
Office of the City Attorney

ATTEST:

CITY OF CAPE CORAL

By: _____
City Clerk

By: _____
John Szerlag, City Manager

Date: _____

APPROVED AS TO FORM

By: _____
Office of the City Attorney

ATTEST:

CITY OF BONITA SPRINGS

By: _____
City Clerk

By: _____
Ben Nelson, Mayor

Date: _____

APPROVED AS TO FORM

By: _____
Office of the City Attorney

ATTEST:

CITY OF SANIBEL

By: _____
City Clerk

By: _____
Kevin Ruane, Mayor

Date: _____

APPROVED AS TO FORM

By: _____
Office of the City Attorney

ATTEST:

TOWN OF FORT MYERS BEACH

By: _____
Town Clerk

By: _____
Terrance "Terry" Stewart,
Town Manager

Date: _____

APPROVED AS TO FORM

By: _____
Town Attorney

ATTEST:

EAST COUNTY WATER CONTROL DISTRICT

By: _____
Secretary

By: _____
David Lindsay, District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

EAST MULLOCH WATER CONTROL DISTRICT

By: _____
Clerk

By: _____
Alan C. Freeman, Supervisor

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

GATEWAY SERVICES COMMUNITY
DEVELOPMENT DISTRICT

By: _____
Secretary

By: _____
Peter Altman,
District Management Services, LLC.

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

RIVER RIDGE COMMUNITY DEVELOPMENT
DISTRICT

By: _____
Secretary

By: _____
Chuck Adams,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

By: _____
Clerk

SAN CARLOS ESTATES DRAINAGE DISTRICT

By: _____
Chauncey Normandin,
Board Chairman

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

BAYSIDE IMPROVEMENT COMMUNITY
DEVELOPMENT DISTRICT
And
BAY CREEK COMMUNITY DEVELOPMENT
DISTRICT

By: _____
Clerk

By: _____
Craig A. Wrathell,
Managing Partner

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Secretary

By: _____
Sharon Harris,
District Maintenance Administrator

Date: _____

APPROVED AS TO FORM

By: _____
FDOT Counsel

ATTEST:

BROOKS OF BONITA SPRINGS COMMUNITY
DEVELOPMENT DISTRICT

By: _____
Secretary

By: _____
Chuck Adams,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT

By: _____
Secretary

By: _____
Molly A. Syvret
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

By: _____
Secretary

CFM COMMUNITY DEVELOPMENT DISTRICT

By: _____
Molly A. Syvret,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

LUCAYA COMMUNITY DEVELOPMENT
DISTRICT

By: _____
Secretary

By: _____
Molly A. Syvret,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

RIVER HALL COMMUNITY DEVELOPMENT
DISTRICT

By: _____
Secretary

By: _____
Molly A. Syvret,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

COLONIAL COUNTRY CLUB COMMUNITY
DEVELOPMENT DISTRICT

By: _____
Secretary

By: _____
Calvin Tegue,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

HERITAGE COUNTRY CLUB COMMUNITY
DEVELOPMENT DISTRICT

By: _____
Secretary

By: _____
Calvin Tegue,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

ATTEST:

MIROMAR LAKES COMMUNITY DEVELOPMENT
DISTRICT

By: _____
Secretary

By: _____
James P. Ward,
District Manager

Date: _____

APPROVED AS TO FORM

By: _____
District Attorney

**STATE OF FLORIDA
MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT**

FACILITY NAME: Lee County MS4

PERMIT NUMBER: FLS000035-003 — MAJOR Facility

ISSUANCE DATE: September 21, 2011

EXPIRATION DATE: September 20, 2016

PERMITTEES:

Bay Creek Community Development
District
6131 Lyons Road, Suite 100
Coconut Creek, FL 33073

Bonita Springs, City of
9101 Bonita Beach Road
Bonita Springs, FL 34135

Cape Coral, City of
Post Office Box 150027
Cape Coral, FL 33915-0027

CFM Community Development District
3800 Colonial Boulevard, Suite 103
Fort Myers, FL 33966

East County Water Control District
601 East County Lane
Lehigh Acres, FL 33936

Florida Department of Transportation
District One
801 N. Broadway
Bartow, FL 33830

Fort Myers Beach, Town of
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Bayside Community Development
District
6131 Lyons Road, Suite 100
Coconut Creek, FL 33073

Brooks of Bonita Springs Community
Development District
6131 Lyons Road, Suite 100
Coconut Creek, FL 33073

Catalina at Winkler Preserve Community
Development District
3800 Colonial Boulevard, Suite 103
Fort Myers, FL 33966

Colonial Country Club Community
Development District
5884 Enterprise Parkway
Fort Myers, FL 33905

East Mulloch Drainage District
Post Office Box 511
Estero, FL 33929

Fort Myers, City of
Post Office Drawer 2217
Fort Myers, FL 33902-2217

Gateway Services Community
Development District
13240 Griffin Drive
Fort Myers, FL 33913

Heritage Palms Community Development
District
5884 Enterprise Parkway
Fort Myers, FL 33905

Lee County
1500 Monroe Street
Fort Myers, FL 33901

Lucaya Community Development District
3800 Colonial Boulevard, Suite 103
Fort Myers, FL 33966

Miromar Lakes Community
Development District
9220 Bonita Beach Road, Suite 214
Bonita Springs, FL 34135

River Hall Community Development
District
3800 Colonial Boulevard, Suite 103
Fort Myers, FL 33966

River Ridge Community Development
District
6131 Lyons Road, Suite 100
Coconut Creek, FL 33073

San Carlos Estates Drainage District
Post Office Box 367807
Bonita Springs, FL 34136

Sanibel, City of
800 Dunlop Road
Sanibel, FL 33957

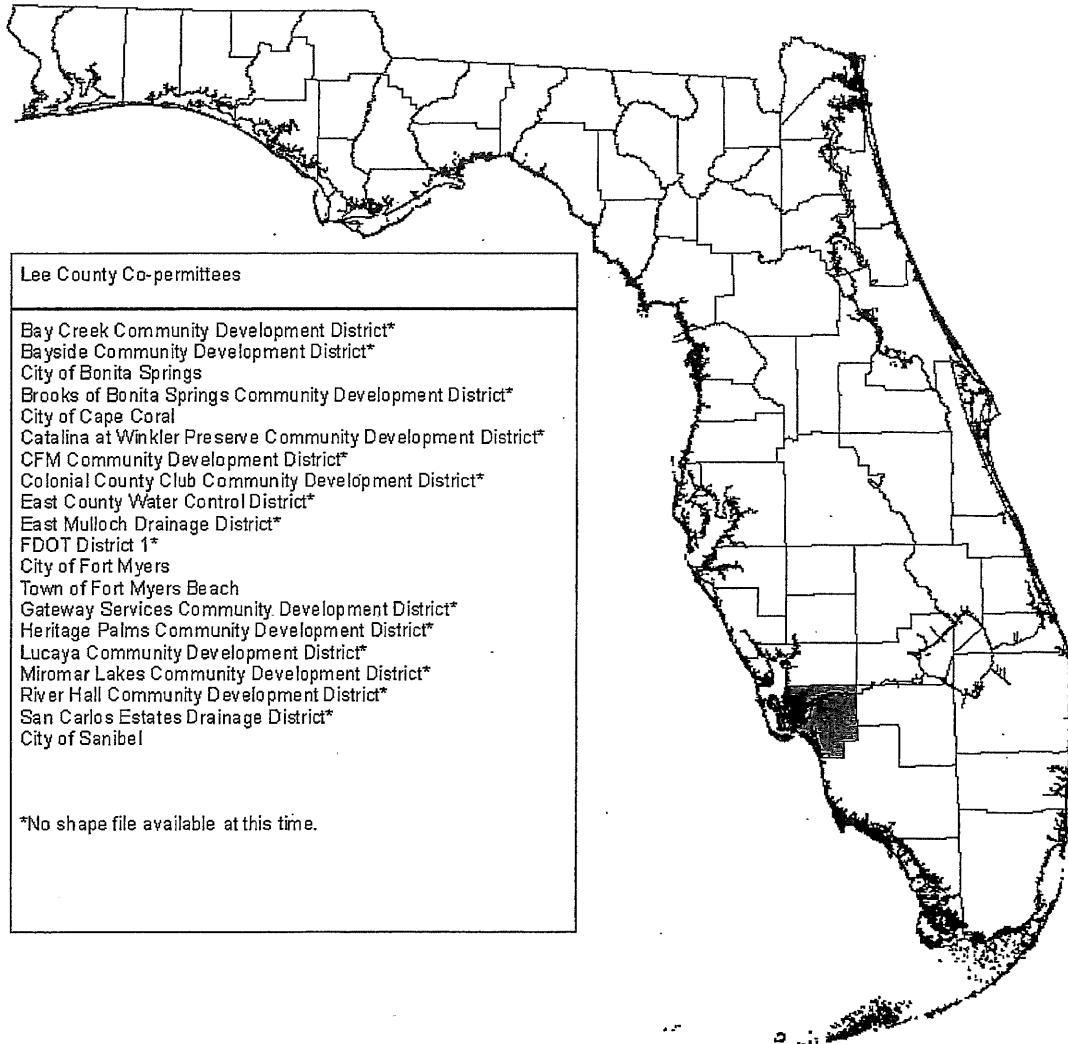
This permit is issued pursuant to Section 403.0885, Florida Statutes (F.S.), and rules promulgated thereunder. The Department of Environmental Protection (Department) implements the stormwater element of the federal National Pollutant Discharge Elimination System (NPDES). The stormwater element of the federal NPDES program is mandated by Section 402(p) of the Clean Water Act (CWA), which is set out in the federal statutes at 33 U.S.C. Section 1342(p) and implemented through federal regulations including 40 Code of Federal Regulations (CFR) 122.26.

Authorized by Section 403.0885, F.S., the Department's federally approved NPDES stormwater program is set out in various provisions within Chapters 62-4, 62-620, 62-621 and 62-624 of the Florida Administrative Code (F.A.C.). Chapter 62-624, F.A.C., specifically addresses Municipal Separate Storm Sewer Systems (MS4s).

The above named permittees are hereby authorized to discharge stormwater to waters of the State, in accordance with the approved Stormwater Management Programs (SWMPs), effluent limitations, monitoring requirements, and other provisions as set forth in this permit, the application and other documents attached hereto or on file with the Department and made a part hereof, from all portions of the MS4 owned or operated by any permittee listed above.

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**A. Permit Area.**

This permit covers all areas located within the political boundary of Lee County that are served by the MS4s owned or operated by the permittees identified above.

**B. Authorized Discharges.**

Except for discharges prohibited under Part I.D, this permit authorizes all existing stormwater point source discharges to waters of the State from those portions of the MS4s owned or operated by the permittees. New stormwater discharges are authorized provided they meet all applicable requirements of the South Florida Water Management District (SFWMD) environmental resource permitting program authorized pursuant to Part IV of Chapter 373, F.S.

C. Permittee Responsibility.

1. Permittees are individually responsible for:
 - a. Compliance with permit conditions relating to discharges from portions of the MS4 where they are the operator;
 - b. Implementation of their SWMP on portions of the MS4 where they are the operator;
 - c. Where permit conditions are established for specific portions of the MS4, the permittees need only comply with the permit conditions relating to those portions of the MS4 for which they are the operator;
 - d. A plan of action to assume responsibility for implementation of stormwater management and monitoring programs on their portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default. (See Part II.G.3 of this permit also.); and
 - e. Submission of annual reports as specified in Part VI (Reporting Requirements).
2. Permittees may be jointly responsible for:
 - a. Collection of monitoring data as required by Part V.B; and
 - b. Insuring implementation of system-wide management program elements, including any system-wide public education efforts.

D. Limitations on Coverage.

Pursuant to Section 403.0885, F.S., and rules promulgated thereunder, and consistent with Section 402(p)(3)(B)(ii) of the CWA, this permit must include a requirement to effectively prohibit non-stormwater discharges into the storm sewers within each permittee's MS4. Consequently, this permit does not authorize the following discharges:

1. *Non-stormwater:* Discharges of non-stormwater, except where such discharges are:
 - a. Authorized under the provisions of Chapter 373 or 403, F.S., or rules promulgated thereunder; or
 - b. Identified by and in compliance with Part II.A.7.a.
2. *Spills:* Discharges of material resulting from a spill, except where such discharges are:

- a. The result of an Act of God where reasonable and prudent measures have been taken to minimize the impact of the discharge; or
- b. An emergency discharge required to prevent imminent threat to human health or prevent severe property damage, where reasonable and prudent measures have been taken to minimize the impact of the discharge.

PART II. STORMWATER POLLUTION PREVENTION AND MANAGEMENT PROGRAMS

Each permittee shall implement a Stormwater Management Program (SWMP) that shall include pollution prevention measures, treatment or removal techniques, stormwater monitoring, use of legal authority, and other appropriate means to control the quality of stormwater discharged from the MS4.

Controls and activities in the SWMP shall identify areas of permittee jurisdiction. The SWMP shall include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 and reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). Compliance with the SWMP shall be reported annually in the ANNUAL REPORT discussed in Part VI of this permit.

Implementation of the SWMP may be achieved through participation with other permit holders, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II and Part III of the permit in lieu of creating duplicate program elements for each individual permittee. However, each permittee remains responsible for annually reporting on the program elements conducted by the other entity within its jurisdictional area and maintaining documentation of the activity. Each SWMP, taken as a whole, shall achieve the "effective prohibition" requirements and "MEP" standards from Section 402(p)(3)(B) of the CWA, as implemented pursuant to Section 403.0885, F.S., and rules promulgated thereunder.

Each SWMP covers the term of the permit and shall be updated as necessary, or as required by the Department, to ensure that it complies with Section 403.0885, F.S., and rules promulgated thereunder, and is consistent with Section 402(p)(3)(B) of the CWA. Modifications to the SWMP shall be made in accordance with Part II.G of this permit. Compliance with the SWMP and the compliance schedules in Part III shall be deemed in compliance with Parts II.A and II.B of the permit. The Florida Department of Transportation's (FDOT) 2005 Statewide Stormwater Management Program for MS4 Permits, or the subsequent revised program that is submitted and approved by the Department, is hereby incorporated into this permit by reference, and thus its contents are enforceable elements of the permit. Specific components of the SWMP are identified in Parts II and III to serve as measurable and enforceable elements of this permit.

A. Stormwater Management Program (SWMP) Requirements.

1. *Structural Controls and Stormwater Collection System Operation:* The MS4 and any stormwater structural control shall continue to be operated by the permittees in a manner to reduce the discharge of pollutants (including floatables) to the MEP.
 - a. Each permittee, except FDOT District One, shall comply with the applicable inspection and maintenance requirements in Table II.A.1.a — Inspection And Maintenance Schedule For Structural Controls And Roadways for those controls operated by the permittee. FDOT District One shall comply with the inspection and maintenance requirements in Table II.A.1.a, or with the inspection and maintenance schedule as

included in the revised and approved FDOT Statewide Stormwater Management Program that specifies minimum inspection frequencies.

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Dry Retention Systems	<i>Monthly to quarterly</i>	Inspect the system for storage volume recovery within the permitted time, generally less than 72 hours. Dead or dying grass on the bottom and / or standing water following three or more days of dry weather is an indication of potential clogging and reduced infiltration capacity.	As needed based on inspection to assure proper operation	If needed, restore the infiltration capacity of the system by scraping, discing or otherwise aerating the bottom so that it meets the permitted recovery time for the required treatment volume.
New systems (i.e., those in operation after the effective date of the permit) →	Annually the first two years of operation	Inspect and monitor sediment accumulation on the bottom or inflow / outflow to prevent loss of storage volume, clogging of the system or the inflow / outflow pipes.		Remove accumulated sediment from the bottom and inflow and outflow pipes and dispose of properly. If possible, sediment removal should be done when the system is dry and when the sediments are cracking.
Existing systems without chronic problems →	Once every three years	Inspect vegetation of bottom and side slopes to assure it is healthy, maintaining coverage, and that no erosion is occurring within the system.		Maintain healthy vegetative cover to prevent erosion in the bottom, side slopes or around inflow and outflow structures (4). Vegetation roots also help to maintain soil permeability. Mow as needed.
Existing systems with chronic problems that affect the permitted operation of the system →	Annually until the chronic problems are corrected	- Inspect inflow and outflow structures, trash racks, and other components for signs of undercutting or piping, settling, or damage, and for accumulation of debris and trash that would cause clogging and adversely impact operation of the system. - Inspect the system for potential mosquito breeding areas such as where standing water occurs after 72 hours or where cattails or other invasive vegetation becomes established. - Note any signs of excessive petroleum hydrocarbon contamination and handle appropriately (3).		- Conduct repairs to prevent undercutting or piping. Remove trash and debris from inflow and outflow structures, trash racks, and other system components to prevent clogging or impeding flow. - Eliminate mosquito breeding habitats.

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Exfiltration Trench / French Drains		- Inspect facility for sediment accumulation in the pipe (when used) and for storage volume recovery (i.e., drawdown capacity). If present, observation wells and inspection ports should be checked following 3 days minimum dry weather. Failure to percolate stored runoff to the design treatment volume level within 72 hours indicates binding of soil in the trench walls and / or clogging of geotextile wrap with fine solids. - Inspect appurtenances such as sedimentation and oil and grit separation traps or catch basins as well as diversion devices and overflow weirs when used. Diversion facilities and overflow weirs should be free of debris and ready for service. Sedimentation and oil / grit separators should be scheduled for cleaning when sediment depth approaches cleanout level. Cleanout levels should be established not less than 1 foot below the invert elevation of the chamber.	As needed based on inspection to assure proper operation	- Conduct minor maintenance measures to restore infiltration rates to acceptable levels. This may include removal of accumulated sediments by mechanical or manual means. - Major maintenance (total rehabilitation) is required to remove accumulated sediment in most cases or to restore recovery rate when minor measures are no longer effective or cannot be performed due to design configuration. - Remove trash and debris from diversion facilities and overflow weirs. Clean out sedimentation and oil / grit separators when sediment depth approaches cleanout level and dispose of properly (3, 5). - Remove debris from the outfall or "smart box" (diversion device in the case of off-line facilities).
New systems (i.e., those in operation after the effective date of the permit) →	Annually the first two years of operation			
Existing systems without chronic problems →	Once every three years			
Existing systems with chronic problems that affect the permitted operation of the system →	Annually until the chronic problems are corrected			

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Grass Treatment Swales (Dry)		Inspect the swale for storage volume recovery within the permitted time, generally less than 72 hours. Dead or dying grass, cattails / aquatic vegetation in the swale and / or standing water following three or more days of dry weather is an indication of potential clogging and reduced infiltration capacity.	As needed based on inspection to assure proper operation	If needed, restore the infiltration capacity of the swale system by scraping, discing or otherwise aerating the bottom so that it meets the permitted recovery time for the required treatment volume.
New systems (i.e., those in operation after the effective date of the permit) →	Annually the first two years of operation	Inspect the swales for debris or litter accumulation or damage to structures including diversion devices, inflow pipes, driveway culverts, and swale blocks.		Remove trash and debris, especially from inflow or outflow structures, to prevent clogging or impeding flow. Repair any damages to structures within the swale system as needed to maintain proper operation.
Existing systems without chronic problems →	Once every three years	- Inspect and monitor sediment accumulation in the swale or at inflows to prevent clogging of the swale or the inflow pipes. - Inspect vegetation of bottom and side slopes to assure it is healthy, maintaining coverage, and that no erosion is occurring within the swale.		Remove accumulated sediment from the swale and inflow or outflows and dispose of properly (3, 5). If possible, sediment removal should be done when the swale is dry and when the sediments are cracking.
Existing systems with chronic problems that affect the permitted operation of the system →	Annually until the chronic problems are corrected	- Inspect the swale for potential mosquito breeding areas such as where standing water occurs after 72 hours or where cattails or other invasive vegetation becomes established. - Inspect the swale to determine if parking, filling, excavation, construction of fences, or other objects are damaging or obstructing stormwater flow in the swales.		- Maintain healthy vegetative cover to prevent erosion of the swale bottom or side slopes (4). Mow grass as needed. - Eliminate mosquito breeding habitats. - Repair any damage to the swale system and remove fences or other obstructions that may have been built in the swale system.

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Dry Detention Systems		- Inspect the system for storage volume recovery within the permitted time, generally less than 72 hours. Dead or dying grass on the bottom and / or standing water following three or more days of dry weather is an indication of potential clogging and reduced infiltration capacity. - Inspect and monitor sediment accumulation on the bottom and at the inflow / outflow to prevent loss of storage volume, clogging of the system or the inflow / outfall pipes.	As needed based on inspection to assure proper operation	- If needed, restore the infiltration capacity of the system by scraping, discing or otherwise aerating the bottom so that it meets the permitted recovery time for the required treatment volume. - Remove accumulated sediment from the system and inflow / outflow pipes and dispose of properly (3, 5). If possible, sediment removal should be done when the system is dry and when the sediments are cracking.
New systems (i.e., those in operation after the effective date of the permit) →	Annually the first two years of operation	- Inspect vegetation of bottom and side slopes to assure it is healthy and maintaining coverage, no erosion is occurring, and excessive seepage that may indicate excessive ground water inflow is not occurring. - Inspect inflow and outflow structures, trash racks, and other system components for signs of undercutting, piping, settling, or damage, and for accumulation of debris and trash that would cause clogging and adversely impact proper operation. - Inspect the system for potential mosquito breeding areas such as where standing water occurs after 72 hours or where cattails or other invasive vegetation becomes established. - Note any signs of excessive petroleum hydrocarbon contamination and handle appropriately (3).		- Maintain healthy vegetative cover to prevent erosion in the bottom, side slopes or around inflow and outflow structures (4). Mow as needed. Monitor seepage and repair if needed. - Conduct repairs to prevent undercutting, piping, or damage. Remove trash and debris from inflow and outflow structures, trash racks, and other system components to prevent clogging or impeding flow. - Eliminate mosquito breeding habitats.
Existing systems without chronic problems →	Once every three years			
Existing systems with chronic problems that affect the permitted operation of the system →	Annually until the chronic problems are corrected			

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Wet Detention Systems		- Inspect the system for storage volume recovery within the permitted time frame. - Inspect the system for excessive sediment accumulations that cause a 20% or more decrease in the wet detention system's permitted storage volume. - Inspect inflow and outflow structures, trash racks, and other system components for signs of undercutting, piping, settling, or damage, and for accumulation of debris and trash that would cause clogging and adversely impact proper operation. - Inspect vegetation on side slopes to assure it is healthy and maintaining coverage, and that no erosion is occurring. - Inspect the wet detention system and, if applicable, littoral zone to assure that cattails or other invasive vegetation are not becoming established.	As needed based on inspection to assure proper operation	- If required, take actions to assure that storage volume is recovered within the permitted time frame. - Remove accumulated sediments to restore permitted storage volume and dispose of properly (3, 5). - Conduct repairs to prevent undercutting, piping, or damage. Remove trash and debris from inflow and outflow structures, trash racks, and other system components to prevent clogging or impeding flow. - Maintain healthy vegetative cover to prevent erosion of side slopes or around inflow and outflow structures (4). Remove any trees or shrubs that may have become established on the discharge structure embankment, if applicable. - Remove cattails and other exotic vegetation from the littoral zone, if applicable, and replant appropriate vegetation if needed to meet littoral zone requirements (4).
New systems (i.e., those in operation after the effective date of the permit) →	Annually the first two years of operation			
Existing systems without chronic problems →	Once every three years			
Existing systems with chronic problems that affect the permitted operation of the system →	Annually until the chronic problems are corrected			

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS				
STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Pollution Control Boxes (e.g., baffle boxes, CDS units, hydrodynamic separators, catch basin inserts, etc.)	Quarterly, unless historic clean out operation records demonstrate that a more or less frequent schedule is appropriate	- Inspect inlets, outlets, and other system components for damage that would prevent proper flow conditions and operation. - Inspect and monitor sediment accumulation in the pollution control box and at the inflow / outflow to prevent loss of storage volume, clogging of the inflow / outfall pipes. - If applicable, inspect and monitor vegetation and debris accumulation in the pollution control box screens to prevent loss of storage volume or clogging of the system. - If applicable, inspect absorbent materials used to trap hydrocarbons or bacteria to determine if they need replacement.	As needed based on inspection to assure proper operation	- Repair any damage to assure proper flow conditions and operation. - Remove accumulated sediment and dispose of properly. - Remove accumulated vegetation and debris and dispose of properly (3, 5). - Replace absorbent materials as required for proper operation. - Follow all manufacturer's recommended maintenance schedule and activities.
Stormwater Pump Stations	Semi-annually and more frequently as needed	- Inspect pump for proper operation. - Inspect inlets, bar screens (if used) and other associated components for debris or litter to assure that pump operates properly.	As needed based on inspection to assure proper operation	- Maintain or repair pump as needed to assure proper operations. - Remove debris, litter, and sediments as needed to assure proper operations. Properly dispose of the litter and debris collected. Properly dispose of sediment collected (3, 5).

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Major Stormwater Outfalls	Annually unless historic operation records demonstrate that a more or less frequent schedule is appropriate	- Inspect outfalls to assure they are not clogged with litter, debris, or sediment and they are flowing properly. - Inspect for damaged headwalls, seepage around pipe, erosion of bank around outfall, erosion or sedimentation at outfall discharge point, and damage or clogged riprap.	As needed based on inspection to assure proper operation	- Remove debris, litter, and sediments as needed to assure proper operations. - Properly dispose of the litter and debris collected. Properly dispose of sediment collected (3, 5). - Repair any structural damage to assure proper operation. - Maintain healthy vegetative cover to prevent erosion of banks or areas near outfalls (4). - Assure that discharges from outfalls are not causing erosion and sedimentation.
Weirs, Channel Control Structures, or Other Control Structures Associated with Stormwater Structural Controls	Same as specified in this column for the type of stormwater control with which it is associated	- Inspect weirs / control structures for damage that would prevent proper flow conditions and operation. - Inspect and monitor sediment accumulation behind weirs / control structures to prevent loss of storage volume and adverse impacts on flow and operation. - Inspect and monitor litter / debris accumulation behind weirs / control structures to prevent loss of storage volume and adverse impacts on flow and operation.	As needed based on inspection to assure proper operation	- Repair any damages to weirs / control structures as needed to assure proper flow conditions and operation. - Remove accumulated sediments to restore permitted storage volume and dispose of properly (3, 5). - Remove litter / debris as needed to assure proper flow conditions and operation and dispose of properly.

TABLE II.A.1.a -- INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Canals that are part of the MS4 system and not Waters of the State	Annually	• Visually inspect for signs of erosion on embankment or side slopes and record. Schedule for stabilization as needed. • Visually inspect for any obstructions to flow (i.e., aquatic plant growth, debris, etc.). Schedule for clean-out as needed. • Visually inspect appearance of water in Canal. Report if water appearance indicates problem (i.e., discoloration, fish kill, oil & grease sheen, algae bloom, etc.). • Visually inspect and discuss general observation of the Levee to include: ○ Any evidence of subsidence ○ Aquatic plant growth ○ Condition of Canal bank ○ Erosion along canal banks ○ Schedule maintenance or aquatic weed treatment as needed. ○ Spot check section of the Canal for changes in Canal design cross-section.	As needed based on inspection	• Mow grass along Canal • Repair any erosion to stabilize • Schedule and perform maintenance as needed.

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Pipes / Culverts	Inspect a minimum of 10% of the total number of structures each year. All of the structures shall be inspected at least once over two consecutive permit cycles (every 10 years).	- Inspect pipes and culverts for structural deficiencies or damage that would prevent proper flow conditions and operation. - Inspect pipes and culverts to monitor sediment accumulation to prevent loss of storage volume and adverse impacts on flow and operation. - Inspect pipes and culverts to monitor vegetation and litter / debris accumulation to prevent loss of storage volume and adverse impacts on flow and operation. - Inspections of pipes and culverts can be done through a variety of methods, such as visual observations during normal operating conditions, TVing, mirroring, or other appropriate methods as set forth in the stormwater system operation and maintenance SOPs.	As needed based on inspection to assure proper operation	- Repair any damages to pipes or culverts as needed to assure proper flow conditions and operation. - Remove accumulated sediments as needed to assure proper flow conditions and operation. - Dispose of collected sediments properly (3, 5). - Remove vegetation and litter / debris as needed to assure proper flow conditions and operation and dispose of properly.

TABLE II.A.1.a — INSPECTION AND MAINTENANCE SCHEDULE FOR STRUCTURAL CONTROLS AND ROADWAYS

STRUCTURAL CONTROL (1)	FREQUENCY OF INSPECTION	POSSIBLE INSPECTION ACTIVITIES	FREQUENCY OF MAINTENANCE	POSSIBLE MAINTENANCE ACTIVITIES (2)
Storm Sewer Inlets, Catch Basins, Grates, Ditches, Conveyance Swales, and Other Stormwater Conveyances	Inspect a minimum of 10% of the total number of structures each year. All of the structures shall be inspected at least once over two consecutive permit cycles (every 10 years).	- Inspect for damage that would prevent proper flow conditions and operation. - Inspect and monitor sediment accumulation to prevent loss of storage volume and adverse impacts on flow and operation. - Inspect and monitor litter / debris accumulation to prevent loss of storage volume and adverse impacts on flow and operation. - Inspect vegetation on bottom and side slopes of conveyances to assure it is healthy, maintaining coverage, and that no erosion is occurring within the conveyance system.	As needed based on inspection to assure proper operation	- Repair any damages to weirs / control structures as needed to assure proper flow conditions and operation. - Remove accumulated sediments to restore permitted storage volume and dispose of properly (3, 5). - Remove litter / debris as needed to assure proper flow conditions and operation and dispose of properly. - Maintain healthy vegetative cover to prevent erosion of the conveyance bottom or side slopes (4).

Notes: (1) The structural controls listed herein are not intended to be a complete listing of all stormwater structures owned and operated by the permittee. The permittee is responsible to perform and record inspections and maintenance of all structures that comprise its municipal separate storm sewer system.

(2) The inspection and maintenance activities in the third and fifth columns of this table are not intended to address every possible inspection need or maintenance activity that may be required to assure that an existing structural control continues to function properly or as permitted.

(3) Excessive petroleum hydrocarbon contamination can present severe sediment disposal / cleanup problems. Evidence of such pollution includes very dark oily stains, particularly at inlet and outlet structures and strong odors of gasoline, etc. The source of such pollutant discharges to the MS4 should be determined and removed if possible. Otherwise, pretreatment practices

should be used as necessary to insure that stormwater runoff is not contaminated beyond levels normally observed in runoff from highways and parking lots.

- (4) Use only pesticides approved by USEPA and FDACS for aquatic sites to control weed pests in and around treatment facilities. Use of pesticides and chemicals for the control of invasive species and common undesirable aquatic plants should be minimized. Careful herbicide selection and application is essential to minimize harm to desirable plants and animals. If done on a routine basis mechanical removal can help control unwanted aquatics and minimize the use of chemicals. However, experienced trained applicators can selectively control many undesirable plants with minimum harm to desirable vegetation and possible downstream contamination. The Florida Fish and Wildlife Conservation Commission's Bureau of Invasive Plant Management and / or the County Extension Office should be contacted for assistance.

Supplemental nutrients (fertilizer) should be used as needed to establish and maintain healthy and vigorous cover on the banks of treatment facilities. However, normal rates of fertilization should be lowered in the immediate vicinity of treatment facilities to avoid over-enrichment of the soil and adjacent waters. Apply supplemental nutrients only when grass shows signs of distress once ground cover is well established. Clippings should not go into the water and should be removed periodically to prevent the buildup of nutrients in vegetation subject to periodic or frequent inundation.

Problem areas susceptible to chronic erosion require more intense measures for protection and establishment of permanent vegetative cover. These special considerations may include the use of sod in lieu of seeding and / or the use of higher rates of soil amendments and supplemental moisture during dry weather conditions to insure more rapid establishment or vigorous growth in bank vegetation. Experts in soil conservation are available for assistance by contacting the Natural Resources Conservation Service with the USDA.

- (5) Solids disposal. Stormwater system sediments including street sweepings, catch basin sediments, collected screenings, slurry, sludge, and other solids shall be handled and disposed of pursuant to Department rules and guidance, which is available at: www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/GuidanceForStSweep050304Final.pdf.

1. *Structural Controls and Stormwater Collection System Operation:* (continued)
 - b. Additionally, to satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.1 of this permit.
2. *Areas of New Development and Significant Redevelopment:* The permittees shall continue the comprehensive master planning process (or equivalent) to reduce the stormwater discharge of pollutants from MS4s, which receive discharges from areas of new development and significant redevelopment, after construction is completed to the MEP.
 - a. To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.2 of this permit.
3. *Roadways:* Public streets, roads, and highways, including rights-of-way, shall continue to be operated and maintained by the permittees in a manner to reduce the discharge of pollutants in stormwater to the MEP.
 - a. To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.3 of this permit.
4. *Flood Control Projects:* The permittees shall continue to assure that flood management projects assess the impacts on the water quality of receiving water bodies and meet current Environmental Resource Permitting rules of the South Florida Water Management District for stormwater treatment. Existing structural flood control devices shall be evaluated to determine if retrofitting the device to provide additional pollutant removal from stormwater is needed or feasible.
 - a. To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.4 of this permit.
5. *Municipal Waste Treatment, Storage, or Disposal Facilities Not Covered By An NPDES Stormwater Permit:* The permittees shall continue to implement a program to reduce pollutants in stormwater discharges from facilities that handle municipal waste not covered by an NPDES stormwater permit through procedures to evaluate, inspect, and monitor these facilities to the MEP.
 - a. To satisfy the requirements of this section, the permittees shall continue to implement a program as identified in Part III.A.5 of this permit.
6. *Pesticide, Herbicide, and Fertilizer Application:* The permittees shall continue to implement controls to reduce the stormwater discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by employees or contractors to public property to the MEP.

- a. To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.6 of this permit.
7. *Illicit Discharges and Improper Disposal:* The permittees shall continue the ongoing program to detect and eliminate (or require the discharger to the MS4 to eliminate) illicit discharges and improper disposal into the MS4 to reduce pollutants discharged to the MS4 to the MEP.
- a. *Inspection, Ordinances, and Enforcement Measures:* Non-stormwater discharges to the MS4 shall continue to be effectively prohibited by the permittees through the use of inspections, ordinances, and enforcement. The permittees, however, may allow the following non-stormwater discharges to the MS4 where they are not identified as a source of pollutants to waters of the State:
 - Water line flushing;
 - Landscape irrigation;
 - Diverted stream flows;
 - Rising ground waters;
 - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
 - Uncontaminated pumped ground water;
 - Discharges from potable water sources;
 - Foundation drains;
 - Air conditioning condensate;
 - Irrigation water;
 - Springs;
 - Water from crawl space pumps;
 - Footing drains;
 - Lawn watering;
 - Individual residential car washing;
 - Flows from riparian habitats and wetlands;
 - Dechlorinated swimming pool discharges;
 - Street wash waters;
 - Discharges or flows from emergency fire fighting activities;
 - Reclaimed water line flushing authorized pursuant to a permit issued under the authority of Rule 62-610, F.A.C.; and
 - Flows from uncontaminated roof drains.

To satisfy the requirements of this section, the permittees identified in Part III.A.7.a of the permit shall:

- (1) Continue assessment of the non-stormwater discharges listed under Part II.A.7.a (above), as well as any other non-stormwater discharges, which will be allowed to be discharged to the MS4.

- (2) Continue to enforce ordinances that prohibit illicit connections and illegal dumping into the MS4, as per the schedule in Part III.A.7.a of this permit.
- b. *Dry Weather Field Screening Program:* ***RESERVED*** Florida's hydrologic and water table conditions make dry weather field screening impossible in many areas. Instead, the Department has concluded that more environmental benefits can be achieved through the implementation of a proactive illicit discharge detection program, which is set forth in the remaining sections of Part II.A.7 of this permit. The permittees performed dry weather field screening during their first permit term. The Department shall incorporate additional dry weather field screening into the permit as necessary.
- c. *Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal:* The permittees shall continue to implement the program developed to identify and eliminate source(s) of illicit discharges, illicit connections and dumping to the MS4 through a proactive inspection schedule and through reactive investigations into reports of suspected illicit activity.
 - (1) To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.7.c of this permit.
- d. *Spill Prevention and Response:* The permittees shall continue to implement procedures to prevent, contain, and respond to spills that may discharge into the MS4.
 - (1) To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.7.d of this permit.
- e. *Public Notification:* The permittees shall continue to implement a program to promote, publicize, and facilitate public reporting of illicit discharges.
 - (1) To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.7.e of this permit.
- f. *Oils, Toxics, and Household Hazardous Waste Control:* The permittees shall continue to effectively prohibit the discharge or disposal of used motor vehicle fluids, household hazardous wastes, and lead acid batteries into the MS4.

- (1) To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.7.f of this permit.
- g. *Limitation of Sanitary Sewer Seepage:* The permittees shall continue to prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the MS4. Each permittee shall eliminate the inflow / infiltration from collection / transmission systems and / or septic tanks into the MS4 to the MEP.
 - (1) To satisfy the requirements of this section, the permittees shall continue to implement the SWMP elements identified in Part III.A.7.g of this permit.
8. *Industrial and High Risk Runoff:* The permittees shall continue to implement a program to identify and control pollutants in stormwater discharges to the MS4 to the MEP from any operating municipal landfill(s); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge that the permittees determine is contributing a substantial pollutant loading to the MS4.

To satisfy the two (2) requirements of this section:

 - a. *Identification of Priorities and Procedures for Inspections:* The permittees shall implement the SWMP elements identified in Part III.A.8.a of this permit.
 - b. *Monitoring of High Risk and Industrial Facilities:* The permittees shall implement the SWMP elements identified in Part III.A.8.b of this permit.
9. *Construction Site Runoff:* The permittees shall continue to implement a program to reduce the discharge of pollutants from construction sites to the MEP.
 - a. *Site Planning and Non-structural & Structural Best Management Practices:* The permittees shall continue to require the use and maintenance of appropriate structural and non-structural best management practices to reduce pollutants discharged to the MS4 during the time of construction.
 - (1) To satisfy the requirements of this section, the permittees shall implement the SWMP elements identified in Part III.A.9.a of this permit.
 - b. *Inspection and Enforcement:* The permittees shall continue to implement a program for inspecting construction sites and enforcing the requirements for stormwater runoff control measures.

(1) To satisfy the requirements of this section, the permittees shall implement the SWMP elements identified in Part III.A.9.b of this permit.

c. *Site Operator Training:* The permittees shall continue to provide appropriate education and training measures for those associated with the review, implementation, and inspection of proper stormwater, erosion, and sedimentation control measures at construction sites.

(1) To satisfy the requirements of this section, the permittees shall implement the SWMP elements identified in Part III.A.9.c of this permit.

B. Area-specific Stormwater Management Program Requirements.

RESERVED This section may be reopened or revised in accordance with Part VII of this permit.

C. Deadlines for Program Compliance.

Except as provided in Part III, compliance with the SWMP shall be required upon permit issuance.

D. Roles and Responsibilities of Permittees.

The SWMP, together with any interagency agreements or interagency agreements developed subsequent to the effective date of the permit, shall clearly identify the roles and responsibilities of the permittee, where applicable.

E. Legal Authority.

To the extent allowed by law, each permittee shall continue to ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements between permittees with adequate existing legal authority to accomplish Items 1 - 6 below. A permittee can rely on the legal authority of another entity if it allows the permittee, or another entity under a written agreement, to effectively prohibit and enforce as necessary.

1. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity, including construction sites, and the quality of stormwater discharged from these facilities / sites;
2. Prohibit illicit discharges and illicit connections to the MS4;

3. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g., industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
4. Control through interagency or inter-jurisdictional agreements between permittees the contribution of pollutants from one portion of the MS4 to another;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

F. Stormwater Management Program Resources.

Each permittee shall undertake annually an analysis of the financial and staffing resources needed to successfully implement its activities under its SWMP. If program resources have been decreased from the previous year, a discussion of the impacts on the implementation of the SWMP shall be provided. Each permittee shall also have a source of funding for implementing all the other requirements included within this permit.

G. Stormwater Management Program Review and Modification.

1. *Program Review:* Each permittee shall continue to participate in an annual review of the current SWMP in conjunction with preparation of the ANNUAL REPORT required under Part VI of the permit.
2. *Program Modification:* Each permittee may modify its SWMP during the life of the permit in accordance with the following procedures:
 - a. Modifications adding (but not subtracting nor replacing) components, controls, or requirements to the approved SWMP may be made by the permittees at any time. A description of the modification shall be included within the subsequent ANNUAL REPORT.
 - b. Modifications replacing or deleting components, controls, or requirements (such as an ineffective or unfeasible BMP or maintenance schedule) with an alternate BMP or schedule may be requested by the permittees in any ANNUAL REPORT. A description of the replacement BMP or schedule shall be included in the ANNUAL REPORT along with the following information:
 - (1) An analysis of why the former BMP or schedule was ineffective or infeasible (including cost prohibitive);

- (2) Expectations on the effectiveness of the replacement BMP or schedule; and
 - (3) An analysis of why the replacement BMP or schedule is expected to achieve the goals of the BMP that was replaced.
 - c. Written approval from the Department must be received prior to implementing a modification requested pursuant to sub-paragraph b., above.
 - d. Modifications requested within the ANNUAL REPORT shall be signed in accordance with Rule 62-620.305, F.A.C., by the directly affected permittees, and shall include a certification that all affected permittees were given an opportunity to comment on proposed changes.
3. *Transfer of Ownership, Operational Authority, or Responsibility for Stormwater Management Program Implementation:* The permittees shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of stormwater quality controls) as expeditiously as practicable. Transfer of ownership shall be in accordance with Rule 62-620.610(14), F.A.C.

H. Recordkeeping Requirements.

The permittees shall maintain the following records for the MS4 for a minimum of three years from the date the report or record was prepared including:

1. Copies of all reports required by this permit;
2. All SWMP operation and maintenance records;
3. All sampling and analytical records;
4. Records of all data, including reports and documents used to complete the application for the permit; and
5. All original recordings for any continuous monitoring instrumentation.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

The permittees shall comply with the following schedules for SWMP implementation and permit compliance.

A. Implementation of Stormwater Management Programs.

STORMWATER MANAGEMENT PROGRAM:		
1. <i>Structural Controls and Stormwater Collection Systems Operation.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures operated by the permittee, including, at a minimum, all of the types of control structures listed in Table II.A.1.a of the permit. Update MS4 mapping, as needed.	Report the current known inventory in each ANNUAL REPORT.
	Provide an inventory of all known major outfalls covered by the permit and a map depicting the location of the major outfalls (hard copy or CD-ROM).	Provide the outfall inventory and map with the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
1. Structural Controls and Stormwater Collection Systems Operation.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
City of Cape Coral	The City shall complete a new inventory and map to redefine areas that formerly were part of the MS4 and that are now directly connected to waters of the United States in the seven mile long Northern Spreader Waterway. These areas generally are west of Burnt Store Road and north of Pine Island Road. The revised map shall clearly delineate those areas that are to remain as part of the MS4 and those areas that formerly were part of the MS4 and are now waters of the United States. All outfalls shall be shown on the map along with their corresponding contributing drainage areas and direction of flow. Upon completion of the revised inventory and map required above, the City shall also develop and implement a stormwater retrofitting plan for those areas that are now directly discharging into waters of the United States instead of into the MS4. The stormwater retrofitting plan shall evaluate alternatives for directing stormwater flows into the existing MS4, where possible, and for providing stormwater treatment for those areas that will continue to discharge through outfalls to waters of the United States. The plan shall be developed during Year 1 through Year 3 of the permit. The City shall include the Department's NPDES Stormwater Section in each step of the process allowing the Department to review and approve all documents associated with the plan's development and adoption. The plan shall include a detailed schedule for the completion of all projects and activities included within it. The plan shall begin to be implemented no later than Year 4 of the permit and shall be completed in accordance with the detailed schedule in the final Department-approved stormwater retrofitting plan. Any projects completed or under construction prior to the Year 4 implementation timeframe will be included for credit and subsequently reported in the Annual Report for that year.	Provide the revised inventory and map with the Year 1 ANNUAL REPORT. A status report on the development and implementation of the stormwater retrofitting plan shall be included in each ANNUAL REPORT. This shall include a list of all documents submitted to the Department for review and approval, and the activities / projects identified in the detailed schedule that were completed or under construction during the reporting period.

STORMWATER MANAGEMENT PROGRAM:		
1. Structural Controls and Stormwater Collection Systems Operation.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Annually review (and revise, as needed) and implement the permittee's written Standard Operating Procedures to conduct inspections and maintenance of the structural controls and roadway stormwater collection systems operated by the permittee in accordance with Table II.A.1.a of the permit to reduce pollutants, including floatables, in discharges from the MS4.* Maintain an internal record keeping system to schedule and document inspections and maintenance activities conducted on the structural controls and roadway stormwater collection structures operated by the permittee. If these activities are conducted by another entity under a contractual agreement, then the permittees shall retain copies of the contractual agreement that specifies the schedule and frequency of the inspection and maintenance activities to be conducted. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written Standard Operating Procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained, in each ANNUAL REPORT. If the minimum inspection frequencies set forth in Table II.A.1.a were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
1. Structural Controls and Stormwater Collection Systems Operation.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Annually review (and revise, as needed) and implement the permittee's written Standard Operating Procedures to conduct inspections and maintenance of the structural controls and roadway stormwater collection systems operated by the permittee in accordance with Table II.A.1.a of the permit, or as included in the revised and approved FDOT Statewide Stormwater Management Program (SSWMP) that specifies minimum inspection frequencies, to reduce pollutants, including floatables, in discharges from the MS4.* Maintain an internal record keeping system to schedule and document inspections and maintenance activities conducted on the structural controls and roadway stormwater collection structures operated by the permittee. If these activities are conducted by another entity under a contractual agreement, then the permittees shall retain copies of the contractual agreement that specifies the schedule and frequency of the inspection and maintenance activities to be conducted. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures and Standard Operating Procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained, in each ANNUAL REPORT. If the minimum inspection frequencies set forth in Table II.A.1.a or the revised and approved SSWMP that specifies minimum inspection frequencies were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
2. <i>Areas of New Development and Significant Redevelopment.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, and City of Sanibel	Continue to adhere to the policies of the permittee's current Comprehensive Plan (or similar document) and the requirements of local codes and regulations, as well as development review and permitting procedures, that incorporate stormwater quality considerations into land-use planning and development activities to reduce pollutants in stormwater discharges from areas of new development and significant redevelopment, and guide new development away from environmentally sensitive areas. The comprehensive planning process shall limit the increases in the discharge of pollutants in stormwater as a result of new development, and shall reduce the discharge of pollutants in stormwater from redeveloped areas, consistent with the requirements set forth in the Environmental Resource Permitting rules of the South Florida Water Management District. Maintain documentation of the new development and significant redevelopment project review activity.	Report the number of significant redevelopment projects reviewed by the permittee for post-development stormwater considerations in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
2. <i>Areas of New Development and Significant Redevelopment.</i>		
PERMITEE	ACTIVITY	REPORTING REQUIREMENT
Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, and City of Sanibel	Conduct an inter-departmental review of the permittee's current local codes and land development regulations to identify potential changes to existing codes and regulations that will further reduce the stormwater impacts of new development and areas of significant redevelopment. In particular, focus on changes to the code that will promote: reductions in impervious surfaces, the use of swales, the incorporation of low impact development principles, reduction in flow and volume of stormwater, increase in natural hydrology, and adherence to the principles of the Florida Yards and Neighborhoods program in new landscaping. Develop a summary report of the review activity that includes the following information: all applicable local code and regulation citations reviewed (both current and draft); a description of the current and proposed techniques aimed at reducing the stormwater impacts of new development and areas of significant redevelopment that are included within the applicable codes and regulations ; a description of innovative stormwater planning techniques, including those described above, recommended for possible future incorporation into the codes and regulations (beyond what may be currently in draft); and, a plan for implementing changes to codes and regulations. In addition, develop a follow-up report that summarizes plan implementation to change the local codes and regulations and promote reducing stormwater impacts from new development and areas of significant redevelopment.	Provide in the Year 2 ANNUAL REPORT the summary report of the review activity. Provide in the Year 4 ANNUAL REPORT the follow-up report on plan implementation.

STORMWATER MANAGEMENT PROGRAM: 2. <i>Areas of New Development and Significant Redevelopment.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Continue to employ the FDOT Drainage Connection Permit (DCP) requirements to ensure that appropriate stormwater treatment and permitting occurs prior to discharge into the FDOT system. FDOT shall refer connecting entities failing to meet the DCP requirements or maintain the discharge of acceptable water quality, after sufficient warning by FDOT, to DEP and / or the South Florida Water Management District to regulate the stormwater quality through local or State rules, ordinances, and codes. Maintain documentation of the enforcement referrals.	Report the number of enforcement referrals completed in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
3. Roadways.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Annually review (and revise, as needed) and implement the permittee's written procedures for the litter control program(s) for public streets, roads, and highways, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Implement the program on a monthly, or on an as needed, basis. Maintain documentation of the litter control program activities. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report on the litter control program, including the frequency of litter collection, an estimate of the total number of road miles cleaned or amount of area covered by the activities, and an estimate of the quantity of litter collected, in each ANNUAL REPORT.
	In addition to the litter collection program implemented by personnel, consider actively promoting and coordinating an "Adopt-A-Road" program (or similar program such as "Keep Lee County Beautiful") where volunteers collect litter and trash along roadways within the permittee's jurisdictional area. This activity may be accomplished through cooperative efforts with other permittees, public agencies, or private entities. Maintain documentation of the Adopt-A-Road (or similar program) activities.	If an Adopt-A-Road or similar program is implemented, report the total number of road miles cleaned and an estimate of the quantity of litter collected, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
3. Roadways.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Bay Creek CDD, Bayside CDD, Brooks of Bonita Springs CDD, Catalina at Winkler Preserve CDD, CFM CDD, Colonial Country Club CDD, East County WCD, East Mulloch DD, Gateway Services CDD, Heritage Palms CDD, Lucaya CDD, Miromar Lakes CDD, River Hall CDD, River Ridge CDD, and San Carlos Estates DD	Develop a description of the permittee-operated litter control program(s) for highways and streets, including rights-of-way, within each permittee's jurisdictional area. The description shall include a map identifying the highways and streets (including rights-of-way) and the total miles addressed under the litter control program, the frequency of the litter collection activities, and the record keeping process that documents the implementation of the litter control program activities.	Provide the description of the litter control program in the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
3. Roadways.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except East County WCD, East Mulloch DD, and San Carlos Estates DD	Annually review (and revise, as needed) and implement the permittee's written procedures for the street sweeping program for highways and streets, including rights-of-way, with curbs and gutters employed within the permittee's jurisdictional area and properly dispose of collected material. The procedures shall include the criteria for determining which roadways will be swept and the frequency of sweeping, and the method for quantifying and tracking the amount of material removed by the street sweepers. The permittees shall use the results of the Florida Stormwater Association MS4 Project to calculate the total nitrogen (TN) and total phosphorus (TP) load reductions. A permittee may also use results from a similar study if it is approved by the Department prior to doing the load calculations. Maintain documentation of the street sweeping program activities. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected, and the total nitrogen (TN) and total phosphorus (TP) loadings that were removed by the collection of sweepings, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
3. Roadways.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except East County WCD, East Mulloch DD, and San Carlos Estates DD	Develop a description of the permittee-operated street sweeping program(s) for highways and streets, including rights-of-way, with curbs and gutters employed within the permittee's jurisdictional area. The description shall include a map identifying the highways and streets (including rights-of-way), the total miles addressed under the street sweeping program, the frequency of the street sweeping activities, the method for quantifying and tracking the amount of street sweeping material collected, and the method for documenting the street sweeping program activities (including the total miles swept, the frequency of the sweeping, the amount of street sweeping material collected and how this material is properly disposed). A permittee that does not have a street sweeping program shall provide an explanation of why no program is necessary or possible. The explanation shall include the alternate BMPs used or planned to offset the load reductions not achieved through street sweeping.	Provide the description of the street sweeping program in the Year 1 ANNUAL REPORT. If no street sweeping program is implemented, provide the explanation of why not in the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
3. Roadways.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Annually review (and revise, as needed) and implement the permittee's written standard practices to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities.*	Report the number of applicable facilities and the number of inspections conducted for each facility in each ANNUAL REPORT.
	The pollution prevention practices during road repair shall include limiting the amount of soil disturbance to the immediate area under repair and using appropriate stormwater, erosion, and sedimentation control BMPs from the <i>Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual</i> (Florida DEP, 2008) and from the <i>State of Florida Erosion and Sediment Control Design and Review Manual</i> , (FDOT, 2007) (or comparable document) until disturbed areas are stabilized.	
	The permittee shall identify the equipment yards and maintenance shops that support road maintenance activities, and shall determine the necessary control measures and procedures to be employed at each facility through annual site inspections. Maintain documentation of the inspections that demonstrates the stormwater concerns reviewed and the appropriate control measures and procedures implemented or needing to be implemented.	
	*(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written standard practices in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	

STORMWATER MANAGEMENT PROGRAM:		
4. Flood Control Projects.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Stormwater treatment shall be provided for all flood management projects undertaken by the permittee as required by the Environmental Resource Permitting rules of the South Florida Water Management District. Continue to maintain a list of stormwater capital improvement projects proposed by the Stormwater Management Master Plan or Basin Master Planning studies (or a similar document). Include in the project list any retrofits of existing structural flood control devices to provide additional pollutant removal from stormwater. Existing structural flood control devices shall be evaluated to determine if retrofitting the device to provide additional pollutant removal from stormwater is needed or feasible.	Report the total number of flood control projects that were constructed by the permittee during the reporting period and the number of those projects that did NOT include stormwater treatment, in each ANNUAL REPORT. The permittee shall provide a list of the projects where stormwater treatment was not included with an explanation for each of why it was not. Report on any stormwater retrofit planning activities and the associated implementation of retrofitting projects to reduce stormwater pollutant loads from existing drainage systems that do not have treatment BMPs.

STORMWATER MANAGEMENT PROGRAM:		
5.	<i>Municipal Waste Treatment, Storage, or Disposal (TSD) Facilities Not Covered By An NPDES Stormwater Permit.</i>	
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Annually review (and revise, as needed) and implement the permittee's written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit: * • Operating municipal landfills; • Municipal waste transfer stations; • Municipal waste fleet maintenance facilities; and • Any other municipal waste treatment, waste storage, and waste disposal facilities. The permittee shall identify the applicable facilities and shall determine the necessary control measures and procedures to be employed at each facility through annual site inspections. Site specific monitoring may be required as detailed in Part III.A.8.b. Maintain documentation of the inspections that demonstrates the stormwater concerns reviewed and the appropriate pollution control measures and procedures implemented or needing to be implemented. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of applicable facilities and the number of inspections conducted for each facility in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
5.	Municipal Waste Treatment, Storage, or Disposal (TSD) Facilities Not Covered By An NPDES Stormwater Permit.	
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Develop, annually review (and revise, as needed), and implement written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit: • FDOT waste transfer stations; • FDOT waste fleet maintenance facilities; and • Any other FDOT waste treatment, waste storage, and waste disposal facilities. The permittee shall identify the applicable facilities and shall determine the necessary control measures and procedures to be employed at each facility through annual site inspections. Maintain documentation of the inspections that demonstrates the stormwater concerns reviewed and the appropriate pollution control measures and procedures implemented or needing to be implemented. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of applicable facilities and the number of inspections conducted for each facility in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
6. Pesticides, Herbicides, and Fertilizer Application.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Continue to require proper certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for all applicators contracted to apply pesticides or herbicides on permittee-owned property, as well as any permittee personnel employed in the application of these products. Maintain a list of the permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed. By January 1, 2014, all permittee personnel applying fertilizer shall be trained through the Green Industry BMP Program. By that same date, a permittee who contracts the application of fertilizer shall use only commercial applicators of fertilizer who have been trained through the Green Industry BMP Program and have obtained a limited certification for urban landscape commercial fertilizer application under Section 482.1562, F.S. If the permittee operates one or more golf courses, the courses shall be operated in a manner that is consistent with the <i>Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses</i> manual (Florida DEP, 2007). ✓ Maintain a list of the permittee personnel and contractors who have been trained through the Green Industry BMP Program and a list of the contracted commercial applicators of fertilizer who are FDACS certified / licensed. Maintain documentation of the proper FDACS certification / licensing for all permittee personnel applicators and contracted commercial applicators of pesticides, herbicides, and fertilizer.	Report the number of permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed in each ANNUAL REPORT. Report the number of permittee personnel and contractors who have been trained through the Green Industry BMP Program and the number of contracted commercial applicators of fertilizer who are FDACS certified / licensed in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
6. <i>Pesticides, Herbicides, and Fertilizer Application.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, and City of Sanibel	Pursuant to SB 2080 (2009), all local governments are encouraged to adopt a Florida-friendly Landscaping Ordinance similar to the one set forth in the document "Florida-friendly Guidance Models for Ordinances, Covenants and Restrictions." This model ordinance incorporates Florida-friendly landscaping and irrigation design requirements, Florida-friendly fertilizer requirements, and training and certification requirements. If the broader Florida-friendly ordinance described above is not adopted, then all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to SB 494 (2009) or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance shall be adopted within 24 months of the date of permit issuance.	Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
6. <i>Pesticides, Herbicides, and Fertilizer Application.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. The plan shall include the distribution of public education materials describing the need to minimize the application of fertilizers, pesticides and herbicides, and promote actions such as incorporating Florida-friendly landscaping concepts into new landscaping projects. The plan shall also include the following: the goals and objectives of the program; the topics to be addressed; a description of the target audience(s); a description of the activities and materials (including clarification of which topics are to be addressed by each) to be employed to reach each target audience and an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program. If these activities are conducted by a permittee under a contractual agreement with another permittee, one plan may be developed for all the permittee jurisdictions covered by the agreement. A single plan may address all three of the required public education and	In each ANNUAL REPORT, report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). Activities performed under the FYN program should only be reported if the permittee is contributing funding towards the FYN staff and program within its jurisdiction.

STORMWATER MANAGEMENT PROGRAM:		
6. <i>Pesticides, Herbicides, and Fertilizer Application.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	outreach topics as per Parts III.A.6, III.A.7.e and III.A.7.f of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually. Maintain documentation of the type and number of public education and outreach activities conducted, the type and number of materials distributed, the percentage of the population reached by the education and outreach activities in total, and the number of Web site visits (if applicable). Compliance with this element may be achieved through participating in, funding and promoting the Florida Yards and Neighborhoods (FYN) program administered by the UF / IFAS County Extension.	
ALL Except FDOT District One	Annually review (and revise, as needed) and implement the permittee's written standardized procedures to minimize its use of pesticides, herbicides, and fertilizers on public property and to properly apply, store, and mix these products.* The program shall include items such as incorporating Florida-friendly landscaping and fertilization on all landscape projects; using only properly trained and certified applicators; maintaining an inventory of on-hand pesticides, herbicides, and fertilizers; properly storing products in special chemical storage buildings at each work site; eliminating spraying programs with minimal effectiveness; using non-toxic pesticides where practical; timing applications for maximum effectiveness by considering growth cycles; and using efficient chemical management practices such as drift-retardants and	As Needed

STORMWATER MANAGEMENT PROGRAM:		
6. <i>Pesticides, Herbicides, and Fertilizer Application.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	applying during appropriate weather conditions. Maintain documentation of the procedures. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	
FDOT District One	Continue to implement the program, described in the 2005 FDOT Statewide SWMP (Standard Operating Procedure for Use and Handling of Herbicides and Fertilizer Application Control), or the subsequent revised SWMP that is submitted and approved by the Department, to minimize the use of pesticides, herbicides, and fertilizers and to properly apply, store, and mix these products.	As Needed

STORMWATER MANAGEMENT PROGRAM:		
7. a.) <i>Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
<i>Language in Code</i> ALL Except FDOT District One	Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. This includes the legal authority to take legal action to eliminate illicit discharges or connections. Continue, as necessary, an assessment of the non-stormwater discharges listed under Part II.A.7.a of this permit, as well as any other non-stormwater discharges, which will be allowed to be discharged to the MS4.	Report amendments, as needed, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:**7. a.) Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures.**

PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Catalina at Winkler Preserve CDD, CFM CDD, Colonial Country Club CDD, Heritage Palms CDD, Lucaya CDD, Miromar Lakes CDD, and River Hall CDD	Develop and implement the legal authorities necessary to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. This includes the legal authority to take legal action to eliminate illicit discharges or connections. Perform an assessment of the non-stormwater discharges listed under Part II.A.7.a of this permit, as well as any other non-stormwater discharges, which will be allowed to be discharged to the MS4. Develop a report that identifies the specific ordinance, permit, covenant, contract, order, inter-jurisdictional agreement, etc. that provides the necessary legal authority to: 1. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity (including construction sites) and the quality of stormwater discharged from sites of industrial activity; 2. Prohibit illicit discharges to the MS4; 3. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g., industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4; 4. Require compliance with conditions in ordinances, permits, contracts or orders; and 5. Take enforcement actions to eliminate violations.	Provide the legal authority report and copies of the applicable legal authorities in the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. b.) <i>Illicit Discharges and Improper Disposal</i> — Dry Weather Field Screening.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	***RESERVED*** Florida's hydrologic and water table conditions make dry weather field screening impossible in many areas. Instead, the Department has concluded that more environmental benefits can be achieved through the implementation of a proactive illicit discharge detection program, which is set forth in the remaining sections of Part III.A.7 of this permit.	As Needed

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	During Year 1 of the permit, develop and implement a written proactive inspection program plan for identifying and eliminating sources of illicit discharges, illicit connections, or dumping to the MS4. The permittee shall inspect portions of the MS4 that have a reasonable potential of containing illicit discharges / connections / dumping or other sources of non-stormwater. Facility inspections may be carried out in conjunction with other permittee programs (e.g., pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include inspections for potential non-stormwater / contaminated stormwater coming from areas / facilities not normally visited by the permittee. The plan shall include the following: the procedures and criteria for identifying priority areas / facilities; a list of identified priority areas / facilities; an annual schedule for inspections; procedures for conducting the site inspections (including confirming whether a facility has coverage under the Department's <i>NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity</i> (62-621.300(5), F.A.C.), if applicable); procedures for tracing the source of an illicit discharge; procedures for eliminating the discharge; procedures for documenting the inspections and any enforcement activities (including use of a standard form / report); procedures for enforcement actions or referrals to the appropriate jurisdictional authority; identification of the staff / department(s) / outside entities responsible for performing the inspections and the enforcement activities; and a description of the resources allocated to implement the plan. Priority areas shall include the following as applicable to the permittee's jurisdiction: • Areas with older infrastructure;	Provide the written proactive inspection program plan with the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	• Industrial, commercial, or mixed use areas; • Areas with a history of past illicit discharge and / or illegal dumping; • Areas with on-site sewage disposal systems; and • Areas upstream of sensitive or impaired water bodies. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually. If these activities are conducted by a permittee under a contractual agreement with another permittee, one plan may be developed for all the permittee jurisdictions covered by the agreement. The plan must include annual inspections in each permittee's jurisdiction.	

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Continue to conduct proactive inspections to identify and eliminate the source(s) of illicit discharges, illicit connections or dumping to the MS4. The permittee shall annually update and implement its written proactive inspection program plan. If an illicit discharge or connection is found, the permittee shall take appropriate action(s) under its illicit discharge program (ordinance or other regulatory mechanism), including enforcement actions where necessary, to correct or eliminate the discharge or connection. The permittee shall also consider placing the facility on its high risk inventory as per Part III.A.8.a of the permit. If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's <i>NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity</i> (62-621.300(5), F.A.C.), referred to as the MSGP, it shall notify the Department's NPDES stormwater staff and provide the name and address of the facility. Maintain documentation of the proactive inspections scheduled and performed, including the date of the inspection, findings of the inspection, type of illicit discharge(s) found, type of enforcement action(s) taken, date of verification of elimination, and any non-permitted MSGP facility referrals completed. The program shall include the use of a standard form / report for documentation purposes.	Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number and type of enforcement actions taken, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal—Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Conduct proactive inspections to identify and eliminate the source(s) of illicit discharges, illicit connections or dumping to the MS4. The permittee shall annually update and implement its written proactive inspection program plan. If an illicit discharge or connection is found within the FDOT right-of-way, the permittee shall further investigate and shall take appropriate action under its illicit discharge program to correct or eliminate the discharge or connection. The permittee shall also consider placing the facility on its high risk inventory as per Part III.A.8.a of the permit. If an illicit discharge or connection is found outside of the FDOT right-of-way, the permittee shall report it to the applicable MS4 operator, DEP and / or the South Florida Water Management District for further investigation and enforcement action. If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (62-621.300(5), F.A.C.), referred to as the MSGP, it shall notify the Department's NPDES stormwater staff and provide the name and address of the facility. Maintain documentation of the proactive inspections scheduled and performed, including the date of the inspection, findings of the inspection, type of illicit discharge(s) found, compliance activity or enforcement referral completed, the date of verification of elimination, and any non-permitted MSGP facility referrals completed. The program shall include the use of a standard form / report for documentation purposes.	Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number of referrals completed, in each ANNUAL REPORT beginning with the Year 2 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and/or Improper Disposal.</i>		
PERMITEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the MS4, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity.* Based upon the reports received, investigate the suspected illicit activity. Through additional sampling or investigation and systematically tracing the source upstream from the point of initial detection, identify the source of the problem. If an illicit discharge or connection is found, the permittee shall take appropriate action(s) under its illicit discharge program (ordinance or other regulatory mechanism), including enforcement actions where necessary, to correct or eliminate the discharge or connection. The permittee shall also consider placing the facility on its high risk inventory as per Part III.A.8.a of the permit. If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (62-621.300(5), F.A.C.), referred to as the MSGP, it shall notify the Department's NPDES stormwater staff and provide the name and address of the facility. Maintain documentation of the reactive investigations performed, including the date of the initial complaint or observation (from permittee personnel, contractors, citizens, or other entities), source and type of illicit discharge, date of the investigation, findings of the investigation, type of enforcement action(s) taken,	Report on the reactive investigation program as it relates to responding to reports of suspected illicit discharges, including the number of reports received, the number of investigations conducted, the number of illicit activities found, and the number and type of enforcement actions taken, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	date of verification of elimination, and any non-permitted MSGP facility referrals completed. The program shall include the use of a standard form / report for documentation purposes. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	
Catalina at Winkler Preserve CDD, CFM CDD, Colonial Country Club CDD, Heritage Palms CDD, Lucaya CDD, Miromar Lakes CDD, and River Hall CDD	Develop and implement a reactive investigation program to inspect and investigate suspected illicit discharges, including explicit written standard investigative procedures and designation of a single reporting point that maintains reports received from permittee personnel, contractors, citizens, or other entities of suspected illicit discharges / connections / dumping.	Provide a description of the reactive investigation program in the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the FDOT MS4 within the FDOT right-of-way, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity.* Continue to maintain a telephone line at the District Office for the reporting of suspected illicit discharges / connections / dumping. FDOT shall investigate the reports of suspected illicit activity within the FDOT right-of-way. Those located outside of the FDOT right-of-way shall be reported to the applicable MS4 operator, DEP and / or the South Florida Water Management District for further investigation and enforcement action. If an illicit discharge or connection is found within the FDOT right-of-way, the permittee shall take appropriate action under its illicit discharge program to correct or eliminate the discharge or connection. The permittee shall also consider placing the facility on its high risk inventory as per Part III.A.8.a of the permit. Maintain documentation of the reactive investigations performed, including the date of the initial complaint or observation (from permittee personnel, contractors, citizens, or other entities), source and type of illicit discharge, date of the investigation, findings of the investigation, compliance activity or enforcement referral completed, date of verification of elimination, and any non-permitted MSGP facility referrals completed. The program shall include the use of a standard form / report for documentation purposes.	Report on the reactive investigation program as it relates to responding to reports of suspected illicit discharges, including the number of investigations conducted, the number of illicit activities found, and the number of enforcement referrals completed, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal — Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	*(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	
ALL	During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Instruct personnel and appropriate contractors to be alert for illicit connections and suspicious flows during routine maintenance activities (particularly in areas with high risk facilities). Include in the training an overview of the NPDES stormwater permitting requirements under the Department's <i>NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity</i> (62-621.300(5), F.A.C.), referred to as the MSGP, and the types of facilities covered under the MSGP. The plan shall include the following: a description of the topics to be covered; a description of the personnel and contractors targeted for training; the methods and materials to be used for the training; identification of the staff / department(s) / outside entities who will perform the training; the method for documenting the training activities; and the annual schedule for the training. The plan shall address comprehensive training for new personnel and refresher training for current personnel.	Report the type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training), in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. c.) <i>Illicit Discharges and Improper Disposal</i> — <i>Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.</i>		
PERMITEE	ACTIVITY	REPORTING REQUIREMENT
	A single plan may address all the training required as per Parts III.A.7.c, III.A.7.d and III.A.9.c of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and be reviewed annually and updated as needed to reflect changes in procedures, techniques, or staffing. Refresher training shall be provided annually. Maintain documentation of the training activities, including the date of the training, the type of training, the topic(s) covered, and the names and affiliations of the participants.	

STORMWATER MANAGEMENT PROGRAM:		
7. d.) <i>Illicit Discharges and Improper Disposal — Spill Prevention and Response.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Annually review (and revise, as needed) and implement the permittee's written spill-prevention / spill-response plan and procedures to prevent, contain, and respond to spills that discharge into the MS4.* Ensure that spills, regardless of whether they are hazardous, are properly addressed. Maintain documentation of the spill prevention and response activities. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have a written plan and procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report on the spill prevention and response activities, including the number of spills addressed, in each ANNUAL REPORT.
	During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. The training shall include how to prevent a spill, recognize and quickly assess the nature of a spill, contain a spill, and promptly report hazardous material and chemical spills to the appropriate authority. The plan shall include the following: a description of the topics to be covered; a description of the personnel and contractors targeted for training; the methods and materials to be used for the training; identification of the staff / department(s) / outside entities who will perform the training; the method for documenting the training activities; and the annual schedule for the training. The plan shall address comprehensive training for new personnel and refresher	Report the type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training), in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. d.) <i>Illicit Discharges and Improper Disposal—Spill Prevention and Response.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	training for current personnel. A single plan may address all the training required as per Parts III.A.7.c, III.A.7.d and III.A.9.c of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and be reviewed annually and updated as needed to reflect changes in procedures, techniques, or staffing. Refresher training shall be provided annually. Maintain documentation of the training activities, including the date of the training, the type of training, the topic(s) covered, and the names and affiliations of the participants.	

STORMWATER MANAGEMENT PROGRAM: 7. e.) <i>Illicit Discharges and Improper Disposal — Public Reporting.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. The permittee shall also disseminate information on the problems associated with illicit discharges, illicit connections and improper disposal, how to identify them, and how to report incidents discovered. As part of this program, the permittees in the unincorporated areas of Lee County shall continue to support the Lee County Pollution Hot Line while other permittees shall maintain a 24 hour phone line for public reporting of suspected illicit discharges and improper disposal, and publicize the existence of this number on a routine basis. The plan shall also include the following: the goals and objectives of the program; the topics to be addressed; a description of the target audience(s); a description of the activities and materials (including clarification of which topics are to be addressed by each) to be employed to reach each target audience and an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program. If these activities are conducted by a permittee under a contractual agreement	In each ANNUAL REPORT, report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the public reporting of suspected illicit discharges and improper disposal of materials, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).

STORMWATER MANAGEMENT PROGRAM: 7. e.) <i>Illicit Discharges and Improper Disposal — Public Reporting.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	A single plan may address all three of the required public education and outreach topics as per Parts III.A.6, III.A.7.e and III.A.7.f of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually. Maintain documentation of the type and number of public education and outreach activities conducted, the type and number of materials distributed, the percentage of the population reached by the education and outreach activities in total, and the number of Web site visits (if applicable).	

STORMWATER MANAGEMENT PROGRAM: 7. f.) <i>Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. On a routine basis, inform the public of the locations of collection facilities for these materials, including a description of the types of materials accepted and the hours of operation. The outreach program could include an activity such as the stenciling / marking of municipally-owned storm sewer inlets, and providing information through the Internet, utility bill inserts, brochures, flyers, PSAs, presentations, etc. The plan shall also include the following: the goals and objectives of the program; the topics to be addressed; a description of the target audience(s); a description of the activities and materials (including clarification of which topics are to be addressed by each) to be employed to reach each target audience and an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program. If these activities are conducted by a permittee under a contractual agreement with another permittee, one plan may be developed for all the permittee jurisdictions covered by the agreement.	In each ANNUAL REPORT, report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the proper use and disposal of oils, toxics, and household hazardous waste, including the type and number of activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).

STORMWATER MANAGEMENT PROGRAM: 7. f.) <i>Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	A single plan may address all three of the required public education and outreach topics as per Parts III.A.6, III.A.7.e and III.A.7.f of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually. Maintain documentation of the type and number of public education and outreach activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the education and outreach activities in total, and the number of Web site visits (if applicable).	
FDOT District One	Continue to include a notice with each FDOT Drainage Connection Permit with information on used oil recycling, proper hazardous waste disposal, stormwater regulations, and spill reporting.	Report the number of notices distributed in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
7. g.) <i>Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate sanitary wastewater contamination into the MS4, including discharges to the MS4 from sanitary sewer overflows (SSOs) and from inflow / infiltration from collection / transmission systems and / or septic tank systems.* Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in the permittee's MS4. Maintain documentation of the SSOs and inflow / infiltration incidents addressed. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report on the type and number of activities undertaken to reduce or eliminate SSOs and inflow / infiltration, the number of SSOs or inflow / infiltration incidents found and the number resolved, and the name of the owner of the sanitary sewer system within the permittee's jurisdiction, in each ANNUAL REPORT.
FDOT District One	Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in FDOT's MS4.	Report the number of violations referred to the appropriate utility owner and the name of the utility owner in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
8. a.) Industrial and High Risk Runoff — Identification of Priorities and Procedures for Inspections.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface water body into which each high risk facility discharges. For the purposes of this permit, high risk facilities include: • Operating municipal landfills; • Hazardous waste treatment, storage, disposal and recovery facilities; • Facilities that are subject to EPCRA Title III, Section 313 (also known as the Toxics Release Inventory (TRI) maintained by the U.S. EPA); and • Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c of the permit.	Report on the high risk facilities inventory, including the type and total number of high risk facilities and the number of facilities newly added each year, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
8. a.) <i>Industrial and High Risk Runoff — Identification of Priorities and Procedures for Inspections.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facilities to determine compliance with all appropriate aspects of the stormwater program (e.g., no illicit discharges / connections / dumping, compliance with local stormwater regulation requirements, coverage under the Department's NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (62-621.300(5), F.A.C.), referred to as the MSGP). The plan shall include the following: procedures for prioritizing the inventoried facilities for inspection; an annual inspection schedule (that includes the order, frequency and timing of inspections); procedures for conducting the site inspections (including confirming whether a facility has coverage under the MSGP, if applicable); procedures for addressing discharges to the MS4 that are not in compliance; procedures for documenting the inspections and any enforcement activities (including use of a standard form / report); identification of the staff / department(s) / outside entities responsible for performing the inspections and the enforcement activities; a schedule for the training of the inspectors as per Part III.A.7.c of the permit; and a description of the resources allocated to implement the plan. If the high risk inspections are conducted by a permittee under a contractual agreement with another permittee, one plan may be developed for all the permittee jurisdictions covered by the agreement. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually.	Report on the high risk facilities inspection program, including the number of inspections conducted, and the number and type of enforcement actions taken, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
8. a.) Industrial and High Risk Runoff — Identification of Priorities and Procedures for Inspections.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	While the permittee may determine the order and frequency of the inspections, the permittee shall inspect each identified facility at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. In addition, inspections must be conducted even if the facility has coverage under an NPDES stormwater permit. In the event that the inspection identifies conditions or activities that are in violation of local codes and ordinances, the permittee shall implement the necessary enforcement to prevent the discharge of pollutants to the MS4. If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (62-621.300(5), F.A.C.), referred to as the MSGP, it shall notify the Department's NPDES stormwater staff and provide the name and address of the facility. Maintain documentation of the high risk inspections scheduled and performed, including the date of the inspection, findings of the inspection, type of illicit discharge(s) found, type of enforcement action(s) taken, date of verification of elimination, and any non-permitted MSGP facility referrals completed.	

STORMWATER MANAGEMENT PROGRAM:		
8. a.) Industrial and High Risk Runoff — Identification of Priorities and Procedures for Inspections.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facility outfalls to the FDOT MS4 to determine compliance with all appropriate aspects of the stormwater program (e.g., no illicit discharges / connections / dumping, compliance with local stormwater regulation requirements, coverage under the Department's NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (62-621.300(5), F.A.C.), referred to as the MSGP). The plan shall include the following: procedures for prioritizing the inventoried facilities for inspection; an annual inspection schedule (that includes the order, frequency and timing of the inspections); procedures for conducting the outfall inspections (including confirming whether a facility has coverage under the MSGP); procedures for addressing discharges to the MS4 that are not in compliance; procedures for documenting the inspections and any enforcement referrals (including use of a standard form / report); identification of the staff / department(s) / outside entities responsible for performing the inspections; a schedule for the training of the inspectors as per Part III.A.7.c of the permit; and a description of the resources allocated to implement the plan. If the high risk inspections are conducted by a permittee under a contractual agreement with another permittee, one plan may be developed for all the permittee jurisdictions covered by the agreement. The plan shall be developed and implemented within 12 months of the date of permit issuance, and shall be updated annually. While the permittee may determine the order and frequency of the inspections,	Report on the high risk facility inspection program, including the number of outfall inspections conducted, and the number of enforcement referrals completed, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
8. a.) Industrial and High Risk Runoff — Identification of Priorities and Procedures for Inspections.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	the permittee shall inspect each identified facility's outfall(s) at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. In addition, inspections must be conducted even if the facility has coverage under an NPDES stormwater permit. In the event that the inspection identifies conditions or activities that are in violation of local codes and ordinances, the permittee shall notify the applicable MS4 operator, DEP and / or the South Florida Water Management District for necessary enforcement to prevent the discharge of pollutants to the MS4. If the permittee determines or suspects that an industrial facility does not have coverage as required under the Department's <i>NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity</i> (62-621.300(5), F.A.C.), referred to as the MSGP, it shall notify the Department's NPDES stormwater staff and provide the name and address of the facility. Maintain documentation of the high risk outfall inspections scheduled and performed, including the date of the inspection, findings of the inspection, type of illicit discharge(s) found, any enforcement referrals completed, date of verification of elimination, and any non-permitted MSGP facility referrals completed.	

STORMWATER MANAGEMENT PROGRAM: 8. b.) <i>Industrial and High Risk Runoff — Monitoring for High Risk Industries.</i>		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL Except FDOT District One	Sampling of the discharge to the stormwater system may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific sampling. Maintain documentation of the sampling activities.	Report the number of high risk facilities sampled in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. a.) Construction Site Runoff — Site Planning and Non-Structural & Structural Best Management Practices.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, and City of Sanibel	Continue to implement the local codes or land development regulations and the written pre-construction site plan review procedures that require the use and maintenance of appropriate structural and non-structural erosion and sedimentation controls during construction to reduce the discharge of pollutants to the MS4.* Consider appropriate innovative structural and non-structural BMPs and new technologies as they evolve for use on permittee projects. Maintain documentation of the pre-construction site plan review activity. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of permittee and private pre-construction site plans reviewed for stormwater, erosion, and sedimentation controls, and the number approved, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. a.) Construction Site Runoff — Site Planning and Non-Structural & Structural Best Management Practices.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, and City of Sanibel <i>Add to Checklist</i>	Annually review (and revise, as needed) and implement the permittee's written procedures to notify all new development / redevelopment permit applicants of the need to obtain all required stormwater permits including but not limited to, the Environmental Resource Permit (ERP) from the South Florida Water Management District or DEP South District Office, and the Department's NPDES <i>Generic Permit for Stormwater Discharge from Large and Small Construction Activities</i> (Rule 62-621.300(4), F.A.C.), referred to as the CGP, as applicable.* During Year 1 of the permit, as part of the local site plan review and approval process, develop and implement written procedures, such as checklist requirements, to assure that the ERP and the CGP have been obtained, as applicable, prior to issuing any local grading or clearing permits or approvals. The procedures shall be developed and implemented within 12 months of the date of permit issuance. Maintain documentation of the notifications of the ERP and CGP, and of the confirmations of ERP and CGP coverage. *(The permittee shall continue implementation of any existing procedures until such procedures are revised. If the permittee does not already have written notification procedures in place, they shall be developed and implemented within 12 months of the date of permit issuance.)	Report the number of new development / redevelopment permit applicants notified of the ERP and CGP, and the number of applicants who confirmed ERP and CGP coverage, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. a.) Construction Site Runoff — Site Planning and Non-Structural & Structural Best Management Practices.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
FDOT District One	Employ FDOT Drainage Connection Permit (DCP) conditions that include the use of stormwater, erosion, and sedimentation control BMPs during construction to reduce pollutants to the MS4 and receiving waters.	Report the number of permits issued in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. b.) Construction Site Runoff — Inspection and Enforcement.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	As an attachment to the Year 1 ANNUAL REPORT, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The plan shall apply to both permittee-operated and privately-operated construction projects discharging into the permittee's MS4, unless the permittee does not have the ability to obtain the legal authority to inspect privately-operated sites. For FDOT District One, privately-operated sites are those sites within FDOT's right-of-way that were issued a Drainage Connection Permit (DCP), in accordance with Rule 14-86, F.A.C., and the inspections are outfall inspections, not site inspections. The plan shall cover all aspects of the construction site inspection program performed by the permittee including the following: 1. The timing of the construction site inspections. The inspections shall occur at multiple phases of construction, and at all phases determined as necessary and appropriate as per the approved site plan. At a minimum, inspections shall occur at least once prior to land disturbance to ensure that BMPs have been properly installed, at least once during active construction, and at the conclusion of active construction, unless otherwise justified by the permittee within the written plan and approved by the Department. 2. A prioritization and frequency schedule for the construction site inspections. The prioritization schedule must clearly identify the priorities for selecting sites to be inspected and the site inspection frequencies deemed by the permittee to be appropriate to provide protection from pollutant discharges to the MS4 and surface waters to the maximum extent practicable. The priority	Provide the written construction site inspection program plan with the Year 1 ANNUAL REPORT. Report on the inspection program for privately-operated and permittee-operated construction sites, including the number of active construction sites during the reporting year, the number of inspections of active construction sites, the percentage of active construction sites inspected, and the number and type of enforcement actions / referrals taken, in each ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. b.) Construction Site Runoff — Inspection and Enforcement.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	order and inspection frequencies shall be based on the following criteria: - Construction site size. Larger sites (as determined by the permittee) shall be inspected more frequently. - Water body status. Sites that discharge to impaired waters or sensitive waters shall be inspected more frequently. - Significance of adverse water quality impacts. Sites that have been determined by the permittee to be a significant threat to water quality shall be inspected more frequently. An evaluation of the site's threat to water quality shall include consideration of factors such as the site's proximity to receiving waters and adjacent wetlands, its slopes, its soil characteristics, its need to be dewatered, history of non-compliance by site operators, and public complaints. This evaluation shall be performed during the pre-construction site plan review as per Part III.A.9.a of this permit. - Seasonality and rainfall. Sites with construction occurring during the wet season or sites where rains greater than one inch occur shall be inspected more frequently. - Historical inspection considerations. The permittee may use knowledge gained from past implementation of the construction site inspection program to further establish priorities and inspection frequencies. - Other criteria as determined by the permittee.	
	A list of the SOPs that detail the procedures that will be followed when conducting an inspection. This shall include examples of the following	

STORMWATER MANAGEMENT PROGRAM: 9. b.) Construction Site Runoff — Inspection and Enforcement.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
	methods to be used for tracking the construction site inspections: (1) a construction site inspection checklist, which includes appropriate stormwater management and water quality inspection items that will be used to standardize the inspection process; and (2) a summary log of all the inspections (including the site name and location, site operator, date of inspection, summary of the inspection findings, any enforcement actions or referrals, and name of inspector) to demonstrate the history of the activities for each site for each reporting year and to verify that the sites are inspected at no less than the minimum frequency as described in the permittee's plan. 4. A description of the procedures, and all available enforcement measures (e.g., Stop Work Orders, Notices of Violation, citations, fines), used to ensure compliance with the permittee's regulatory requirements for construction sites. This shall include procedures the permittee will follow to assure that corrective actions are taken where approved erosion and sedimentation control BMPs and permit conditions are not being met. It also shall include an example of the method used for tracking the date and type of all follow-up enforcement actions taken based upon the construction site inspection findings. Finally, the procedures shall include how the permittee will notify other appropriate jurisdictional authorities if possible permit violations are found during an inspection. The permittee shall implement the plan for inspecting construction sites immediately upon written approval by the Department. Prior to Department approval, the permittee shall continue to perform inspections in accordance with its previously developed construction site inspection procedures.	

STORMWATER MANAGEMENT PROGRAM:		
9. b.) Construction Site Runoff — Inspection and Enforcement.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
Catalina at Winkler Preserve CDD, CFM CDD, Colonial Country Club CDD, Heritage Palms CDD, Lucaya CDD, Miromar Lakes CDD, and River Hall CDD	In Year 1 of the permit, develop and implement the legal authorities necessary to carry out all inspection, surveillance and monitoring procedures to determine compliance with local codes, regulations, and permits regarding stormwater erosion and sedimentation controls for construction activities / sites. This includes the legal authority to take legal action to eliminate violations. Develop a report that identifies the specific ordinance, permit, covenant, contract, order, inter-jurisdictional agreement, etc. that provides the necessary legal authority to: 1. Conduct inspection, surveillance, and monitoring activities on construction sites; 2. Require compliance with conditions in ordinances, permits, contracts or orders; and 3. Take enforcement actions to eliminate violations.	Provide the legal authority report and copies of the applicable legal authorities in the Year 1 ANNUAL REPORT.

STORMWATER MANAGEMENT PROGRAM:		
9. c.) Construction Site Runoff — Site Operator Training.		
PERMITTEE	ACTIVITY	REPORTING REQUIREMENT
ALL	During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. Also provide training for private construction site operators. All permittee inspectors (employed by or under contract with the permittee) of construction sites shall be certified through the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. The plan shall include the following: a description of the topics to be covered; a description of the personnel, contractors and private construction site operators targeted for training; the methods and materials to be used for the training; identification of the staff / department(s) / outside entities who will perform the training; the method for documenting the training activities; and the annual schedule for the training. The plan shall address comprehensive training for new personnel and refresher training for current personnel. A single plan may address all the training required as per Parts III.A.7.c, III.A.7.d and III.A.9.c of the permit. The plan shall be developed and implemented within 12 months of the date of permit issuance, and be reviewed annually and updated as needed to reflect changes in procedures, techniques, or staffing. Refresher training shall be provided annually. Maintain documentation of the training activities, including the date of the training, the type of training, the topic(s) covered, and the names and affiliations of the participants.	Report the type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private construction site operators trained by the permittee, in each ANNUAL REPORT.

B. Compliance with Effluent Limitations.

RESERVED

PART IV. NUMERIC EFFLUENT LIMITATIONS

RESERVED

PART V. MONITORING REQUIREMENTS**A. Annual Loadings and Event Mean Concentrations.**

1. The permittees shall provide estimates of the annual pollutant load and of the event mean concentration for the constituents listed in Table V.A.1 — Parameters for each "major outfall" or "major watershed" within the MS4. The annual pollutant load and event mean concentration (EMC) for each major outfall or watershed shall be estimated using local EMCs derived from storm event monitoring or the State's EMCs listed in the MS4 Permit Resource Manual, and shall take into consideration land uses within the drainage areas associated with the outfall or watershed. For the purposes of this permit, a "major watershed" is defined as an area bounded peripherally by a water parting (i.e., ridge) and draining to a particular water course or body of water. A major watershed shall encompass a named major water course or may consist of a coastal area draining directly into a bay. A major watershed must contain at least one major outfall. For the purposes of this permit, a "major outfall" is defined under Rule 62-624.200(5), F.A.C.

TABLE V.A.1 — PARAMETERS
Biochemical Oxygen Demand (BOD ₅) (mg/L)
Total Copper (mg/L)
Total Nitrogen (as N) (mg/L)
Total Phosphorus (mg/L)
Total Suspended Solids (TSS) (mg/L)
Total Zinc (mg/L)

2. The estimates of annual pollutant loadings and EMCs shall be included in the ANNUAL REPORT for Year 3 of the permit. The permittees shall include in the Year 3 ANNUAL REPORT a table comparing the current calculated annual pollutant loadings with those from the previous two Year 3 ANNUAL REPORTS, and shall specify the source of the EMCs and data used for each of the three calculations. Based on this comparison the permittees shall indicate whether pollutant loadings are increasing or decreasing for each major outfall or major watershed. This information shall be used in evaluating the effectiveness of each permittee's SWMP as required by Parts V.B.1 and VI.B.2 of this permit.
3. If the total annual pollutant loadings have not decreased over the past two permit cycles, each permittee shall re-evaluate its SWMP and identify and submit revisions to its SWMP, as appropriate, to reduce pollutant loadings, especially to impaired waters, in the Year 4 ANNUAL REPORT.

B. Monitoring Program.

1. *Monitoring Program Objective:* The monitoring program is intended to assist the permittees in determining the overall effectiveness of the SWMP being implemented under this permit, to assist them in identifying and prioritizing portions of the MS4 requiring additional controls, and to evaluate load reductions that have occurred during the permit period. The monitoring program is also intended to identify local sources where urban stormwater is adversely affecting surface water resources.
2. *Monitoring Program Requirements:* The existing monitoring plans that were approved by the Department on November 19, 2004 for Lee County (modifications approved on October 19, 2009), on November 22, 2004 for the City of Fort Myers (modifications approved on October 19, 2009 and April 11, 2011), on November 22, 2004 for the City of Sanibel and on February 25, 2005 for the City of Cape Coral shall continue to be implemented by the permittees upon issuance of the permit. Given the new requirements in this permit for water bodies with EPA-established or DEP-adopted TMDLs, the permittees may modify or develop a new plan for submittal, review, and approval by the Department.
3. *Submission of the Monitoring Plan for Review:* The permittees shall submit a copy of the existing Monitoring Plan, including any suggested changes to improve the plan, as an attachment to the Year 4 ANNUAL REPORT. The revised plan shall be prepared in accordance with the Department's *Guidance For Preparing Stormwater Monitoring Plans As Required For Phase I Municipal Separate Storm Sewer System (MS4) Permits (dated August 1, 2009)*. The Department will review how well the existing Monitoring Plan measures the effectiveness of the SWMP as part of the permit reissuance process. Specifically, the submission of the monitoring plan shall:
 - a. Include any requested changes and the rationale for each change;
 - b. Identify any additional monitoring that needs to be completed to assist in the evaluation of the effectiveness of the SWMP;
 - c. Based on an analysis of the monitoring results, identify any areas or drainage basins within the boundaries of the MS4 that should be targeted for corrective action(s). If applicable, specify what corrective actions should be completed and a timetable for implementation. Corrective action(s) include but are not limited to retrofits, structural BMPs, and non-structural BMPs (e.g., public education, street sweeping); and
 - d. Based on an analysis of the monitoring results, identify any evidence of water quality and / or pollutant loading improvements or degradation over the permit period or a statement indicating that the results are inconclusive.

4. *Changes to Existing Monitoring Plan:* Requests for changes to the permittees' existing Monitoring Plan shall be made to the Department in writing and shall include the rationale for the requested change.
5. *Monitoring Program Coordination:* The monitoring requirements may be coordinated and shared between MS4 permittees or assigned to selected permittees via an interlocal agreement. The permittees may also work in partnership with non-permitted entities.
6. *Monitoring Data and Recordkeeping:* Field testing, sample collection, preservation, laboratory testing, including quality control procedures and all record keeping, shall comply with Rule 62-160, F.A.C. Records of all monitoring data shall be maintained for at least three years from the date of sampling or measurement. Ambient monitoring data shall be entered into DEP STORET (or successor) at least annually.
7. *Sample Analysis:* All samples shall be collected and analyzed in accordance with the methods specified at 40 CFR Part 136 as incorporated by reference by Rule 62-620.100(3)(j), F.A.C. and the Department's Quality Assurance requirements as detailed in Rule 62-160, F.A.C.
8. *Sampling Waiver:* In the event a permittee is unable to collect samples due to circumstances beyond the permittee's control, the permittee must submit in lieu of sampling data, a description of why samples could not be collected, including available documentation of the event. Circumstances beyond the control of a permittee may include adverse climatic conditions that may prohibit the collection of samples (i.e., drought) and weather conditions that create dangerous conditions for personnel (i.e., local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) that otherwise make the collection of samples impracticable.
9. *Reporting and Assessment of Monitoring Results:* Each ANNUAL REPORT shall include a monitoring summary. Specifically, the monitoring summary shall:
 - a. Provide a summary of the monitoring data from the reporting year; and
 - b. Provide a long-term assessment of water quality and / or pollutant loading improvements or degradation based on data gathered and analyzed as a result of the monitoring program. For the purposes of the annual report monitoring summary, "long-term" can be defined by the permittees (e.g., 5-years, 10-years, 15-years, etc.).

PART VI. REPORTING REQUIREMENTS**A. Annual Report: Reporting Period and Due Date.**

Each permittee shall prepare an ANNUAL REPORT to be submitted by no later than six months following the period covered by the report. The ANNUAL REPORT shall cover the 12-month period beginning on the date of issuance of this permit and annually thereafter. The ANNUAL REPORT shall cover the 12-month period beginning on the October 1 and ending on September 30 annually except for the Year 1 ANNUAL REPORT which shall cover the period beginning on the date of issuance of this permit and ending on September 30, 2012. Each permittee shall submit either one signed hard copy of the ANNUAL REPORT or you may submit the report electronically by making an Adobe Acrobat (pdf) copy of the signed hard copy or by electronically signing the Word file of the report. Electronic copies can either be emailed to the NPDES stormwater staff or placed on the following ftp site:
ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/ at which time an email shall be sent to the NPDES stormwater staff to notify them that the report has been placed on the ftp site. Bayside Community Development District and Bay Creek Community Development District may submit one combined annual report. If a permittee relies on Lee County to conduct any permit requirements on its behalf, the permittee shall obtain (and, upon request, Lee County shall make available) the necessary annual report information from the County.

B. Annual Report: Content.

1. The ANNUAL REPORT shall be prepared in accordance with the requirements of Rule 62-624.600, F.A.C.
2. The ANNUAL REPORT shall include as an attachment an evaluation of the effectiveness of the permittee's SWMP in reducing pollutant loads discharged from the MS4. At a minimum, the permittee shall attach to the ANNUAL REPORT an explanation of how its SWMP is addressing each of the following:
 - a. Have stormwater pollutant loadings discharged from the MS4 decreased? Why or why not?
 - b. Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?
 - c. Which components of the SWMP are not working well and need to be revised to make them more effective in reducing stormwater pollutant loadings?
 - d. Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why?

- e. Is the monitoring program providing data that can be used to assess the effectiveness of the SWMP in reducing stormwater pollutant loadings, assess the effectiveness of specific BMPs, and determine where stormwater retrofitting projects should be prioritized for implementation?
3. The ANNUAL REPORT shall include as an attachment the reporting and assessment of the monitoring results in accordance with Part V.B.9 of the permit.
4. Where a SWMP activity is being performed by another entity on behalf of a permittee, the permittee remains responsible for reporting on the activities performed by the other entity and maintaining documentation of the activities.
5. The Department may require additional reporting in the ANNUAL REPORT for discharges to impaired waters, especially those with an adopted Total Maximum Daily Load (TMDL) or Basin Management Action Plan (BMAP) in accordance with Part VIII.B of the permit.

C. Annual Report: Certification and Signature.

All reports required by the permit and other information requested by the Department shall be signed and certified in accordance with Rule 62-620.305, F.A.C.

D. Annual Report: Where to Submit.

Signed copies of the ANNUAL REPORT required by Part VI.A and any other information requested by the Department shall be submitted to:

Florida Department of Environmental Protection
NPDES Stormwater Section, Mail Station 2500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

E. Additional Notification.

*** RESERVED***

PART VII. OTHER SPECIFIC CONDITIONS**A. Revision of Permit Conditions.**

The permit may be revised in accordance with Rule 62-620.325, F.A.C. Modifications to the SWMP do not require revision to the permit and can be authorized pursuant to Part II.G of this permit.

B. Reopener Clause.

1. This permit may be reopened and revised for good cause as defined in Rule 62-620.325, F.A.C.
2. The permit may be reopened and revised during the life of the permit to:
 - a. Adjust effluent limitations or monitoring requirements should future adopted total maximum daily load (TMDL), water quality studies, the Department-approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement;
 - b. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - c. Address changes in State or Federal statutory or regulatory requirements;
or
 - d. Include the addition of a new permittee who is the owner or operator of a portion of the MS4.

C. Duty to Reapply.

1. The permittees shall submit an application to renew this permit at least 180 days before the expiration date of this permit, or in the Year 4 ANNUAL REPORT. Reapplication must be in accordance with Rule 62-624.420, F.A.C.
2. A complete application filed in accordance with subsection 1 of this section shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
3. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete prior to the permit expiration date.

D. Termination of Coverage for a Single Permittee.

Permit coverage may be suspended, revoked or terminated, in accordance with the provisions of Rule 62-624.300(4) and Rule 62-620.345, F.A.C., for a single permittee without terminating coverage for the other permittees.

PART VIII. STORMWATER DISCHARGE COMPLIANCE AND WATER QUALITY STANDARDS

A. The Maximum Extent Practicable (MEP) Standard.

The stormwater management program must be designed and implemented to reduce the discharge of pollutants from each permittee's MS4 to surface waters of the State to the MEP. Narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reduction of pollutants to the MEP) and to protect water quality. Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this permit constitutes compliance with the standard of reducing pollutants to the MEP. The MEP standard is applied to MS4s in recognition of the fact that an operator typically does not have total control over the quality or quantity of stormwater entering its system and ultimately entering waters of the State. Stormwater management programs must be assessed and adjusted by the permittee, as part of an iterative process, to maximize their efficiency and make reasonable further progress toward an ultimate goal of reducing the discharge of pollutants to the extent necessary to protect receiving waters.

B. Requirements for Impaired Waters with DEP-Adopted or EPA-Established Total Maximum Daily Loads (TMDLs).

The requirements of this section apply only to the permittee's MS4 discharges to receiving waters with adopted or established TMDLs and associated allocations. It is the intent of this section to ensure that pollutant discharges for those parameters listed in the TMDL are reduced to the MEP through the implementation of the permittee's SWMP. Adequate progress toward achieving assigned wasteload allocations (WLAs) will be demonstrated through the implementation of structural and nonstructural best management practices and other program activities that are targeted at TMDL-related pollutants within watersheds that discharge to a water body with an EPA-established or DEP-adopted TMDL.

1. The requirements in this section apply to all of the TMDLs that have been adopted by DEP for verified impaired waters as of the effective date of this permit. These TMDLs will be listed in Chapter 62-304, F.A.C., which can be viewed at: [https:// www.flrules.org/gateway/ChapterHome.asp?Chapter=62-304](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-304). Adopted TMDLs can also be found in the TMDL Tracker Application that can be accessed at: <http://epic229.dep.state.fl.us/DwrmTmdl/welcomehz.do>. These requirements shall also apply to EPA-established TMDLs. EPA-established TMDLs can be accessed at: http://www.epa.gov/waters/tmdl/expert_query.html. EPA-established TMDLs also can be accessed at: <http://www.epa.gov/region4/water/tmdl/florida/>.
2. For water bodies with an adopted DEP TMDL and Basin Management Action Plan (BMAP).

a. **BMAP Adopted:**

In accordance with Section 403.067, F.S., NPDES permits must be consistent with the requirements of adopted TMDLs. Therefore, when a Basin Management Action Plan (BMAP) and / or an implementation plan for a TMDL for a water body into which the permitted MS4 discharges the pollutant of concern is adopted pursuant to Section 403.067(7), F.S., the MS4 operator must comply with the adopted provisions of the BMAP and / or implementation plan that specify activities to be undertaken by the permittee during the permit cycle.

b. **BMAP in Development and Will Be Adopted Within Two Years of Permit Issuance:**

If a BMAP is being developed by DEP and watershed stakeholders, including the permittee, for a water body with an adopted TMDL and the BMAP will be adopted within two years of permit issuance, the permittee shall not be required to undertake the activities in Part VIII.B.3 or 4 below. Instead, the permittee shall continue to participate in the BMAP process and shall comply with the adopted provisions of the BMAP that specify activities to be undertaken by the permittee during the permit cycle.

3. **For water bodies with an adopted DEP TMDL or an EPA-established TMDL but without a BMAP.**

a. **TMDL Prioritization Report (Months 1-6):**

The Department recognizes the difficulty and expense of undertaking the requirements in this section of the permit. Accordingly, the permittee is required to develop a prioritized list of water bodies and TMDLs and an accompanying schedule for undertaking the tasks that follow. To accomplish this, the permittee shall first develop a final list of water bodies to which its MS4 discharges that have adopted DEP TMDLs or EPA-established TMDLs. The permittee shall then develop a list of factors that will be used to prioritize the water bodies with these adopted TMDLs and undertake the remaining tasks in this section of the permit. Using the factors, the permittee shall develop a prioritized list of water bodies with TMDLs and a schedule for completing the remaining tasks as outlined below. The permittee shall prepare a final report that includes the final list of adopted DEP TMDLs or EPA-established TMDLs, the prioritization factors, the prioritized list, and the associated schedule, and submit it to DEP for review and approval.

The following steps will be applied to all adopted DEP TMDLs or EPA-established TMDLs except for those that address fecal coliform impairments, which will be addressed in Part VIII.B.4 below. For the

purposes of the rest of this section the term "adopted TMDL" shall mean either a DEP-adopted TMDL or an EPA-established TMDL.

b. TMDL Monitoring and Assessment Plan (Months 6 -12):

Within one year of the effective date of the MS4 permit, the MS4 permittee shall prepare and submit to the Department a TMDL Monitoring and Assessment Plan ("Plan") for the top priority water body with an adopted TMDL as set forth in the DEP-approved TMDL Prioritization Report. Additional Plans shall be developed and submitted to DEP pursuant to the schedule set forth in the TMDL Prioritization Report. The Plan can be done in collaboration with co-permittees that discharge to a water body with an adopted TMDL. The Plan shall determine, collect, and assess any additional information that is needed to prioritize MS4 stormwater outfalls and their associated drainage basins discharging to a water body with an adopted TMDL for implementation of additional structural and nonstructural BMPs needed to begin reducing stormwater pollutant loads to ultimately achieve the adopted TMDL load reductions to the MEP. The Plan will, at a minimum, include the following elements:

- (1) Using the estimates of seasonal loadings and event mean concentrations (EMCs) that are included in the Year 3 ANNUAL REPORTS, the permittee shall develop a table showing the annual loadings currently discharged from outfalls into water bodies with an adopted TMDL.
- (2) Using the results from sub-paragraph (1) above, the permittee shall rank the outfalls, based on total annual loading of the pollutant(s) of concern, discharging into each water body with an adopted TMDL.
- (3) The permittee shall review monitoring data, especially any sediment or biological monitoring results, from the past 15 years to validate the results of the loading assessment in sub-paragraph (2) above that identifies the highest priority outfalls discharging to the water body with an adopted TMDL. If the sediment or biological monitoring results indicate that outfalls other than the highest priority ones based on the loading assessment should be targeted for load reductions, the permittee shall document the reasons for selecting its final list of priority outfalls.
- (4) The permittee shall submit the draft Plan to DEP for review and approval within twelve months of the effective date of this permit. DEP shall review the draft Plan and either approves the draft Plan's recommendations or provides comments and proposed revisions to the permittee. The permittee shall incorporate

proposed revisions, as applicable, and submit a revised Plan to DEP for approval within 60 days of receipt of comments from DEP.

c. TMDL Monitoring (Months 12 – 36):

Once the TMDL Monitoring and Assessment Plan is approved by DEP, the permittee shall conduct storm event monitoring to obtain flow-weighted composite samples from the top ranked outfall identified in the Plan approved by DEP to validate the estimates of annual pollutant loadings. A minimum of seven storm events will be monitored at the outfall. All monitoring shall be done in accordance with DEP field sampling SOPs. All sample analyses shall be done by a lab that is certified through the DOH Environmental Laboratory Certification Program for the parameters being analyzed. A final report summarizing the monitoring program and its results shall be submitted to DEP for review and approval within six months after all analyses have been received from the lab. The report shall include a table that compares the event mean concentrations (EMCs) used to estimate pollutant loadings from major outfalls with the event mean concentrations determined through the monitoring program. The permittee shall also revise the original table of loadings in the Plan by recalculating them using the revised EMCs.

d. TMDL Implementation Plan (Months 24 – 48):

The permittee shall use the results of the TMDL Monitoring and Assessment Plan to prioritize MS4 outfalls that discharge to waters with an adopted TMDL for reducing stormwater pollution loads for the pollutant(s) of concern. The permittee shall develop a Supplemental SWMP, which will constitute the TMDL Implementation Plan for the MS4, for the drainage basins associated with the outfalls. The Supplemental SWMP shall be submitted to the Department as part of the permittee's permit renewal application for review and approval by the Department. The permittee shall begin implementing the Supplemental SWMP immediately upon receipt of the approval letter from DEP. In addition, the Supplemental SWMP shall be included as part of the revised permit requirements for the next permit cycle. The Supplemental SWMP will include structural and nonstructural BMPs, as needed, and other program activities to specifically target the reduction of stormwater pollutant loads of the pollutant of concern to the MEP and a schedule for their implementation. The Supplemental SWMP shall include, but not be limited to, the following:

- (1) Modifications to the existing SWMP as needed to focus structural and nonstructural BMPs and enhanced program activities into priority drainage basins served by stormwater outfalls that

discharge to waters with an adopted TMDL so that load reductions are increased. A table of the modified BMPs and enhanced program activities shall be included that lists the schedule for their implementation and the estimated load reduction associated with the implementation of each of the BMPs or activities.

- (2) Identification of regional stormwater retrofitting projects that can be implemented within priority drainage basins to reduce stormwater pollutant loads. A table shall be included that lists the projects, the type of BMP to be implemented, the estimated load reductions, and the schedule for project implementation.
- (3) A specific strategy for implementing BMP effectiveness monitoring; or ambient water chemistry, biological, or sediment monitoring, as appropriate, together with other evaluation techniques designed to enable the permittee to evaluate the effectiveness of the SWMP in reducing TMDL pollutant loads to the MEP. The evaluation process shall include an estimate of the load reductions achieved using an update of the table prepared in accordance with Part VIII.B.3.b.(3) above.

e. Evaluation of Results (Each ANNUAL REPORT):

Each ANNUAL REPORT shall include a section that provides a status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred for the pollutant(s) of concern.

f. Collaboration with Other MS4 Permittees and Pollution Sources within the Drainage Basin:

The permittees are encouraged to collaborate with each other and with other entities that have TMDL-assigned Wasteload Allocations or Load Allocations within the drainage basin of a water body with an adopted TMDL to complete the tasks outlined in (a) through (e) above. The Department recognizes that TMDLs are best implemented on a watershed-wide basis and that no single entity is responsible for developing and implementing a TMDL implementation plan or for meeting the load reductions specified in an adopted TMDL. Additionally, the Florida Watershed Restoration Act requires the equitable allocation of allowable loads and required load reductions among all sources that are causing or contributing to the water body impairment.

4. **Discharging into Waters with an Adopted DEP or EPA-Established Fecal Coliform TMDL that does not have a BMAP.**

Within 36 months of permit issuance, the permittee shall develop and submit to the Department for approval a Bacterial Pollution Control Plan (BPCP) to identify the sources of bacteria and activities that will be undertaken to reduce fecal coliform loadings from stormwater outfalls to water bodies with adopted fecal coliform TMDLs to the MEP. To develop the plan, the permittee shall use the assessment tools and methodology within the Department's Fecal Coliform TMDL Guidance On-Line Tool Kit that is available online at: http://www.dep.state.fl.us/water/watersheds/docs/fcg_toolkit.pdf. The BPCP shall, at a minimum, include the following elements, as appropriate:

- a. Identification of potential sources of bacteria discharged from the MS4 system.
- b. Bacteria source tracking or other assessment techniques, including monitoring, to better refine the identification of bacterial sources to the MS4 system and prioritize them for implementation of activities to reduce fecal coliform loadings.
- c. Adoption and implementation of a pet waste management ordinance or program.
- d. Implementation of an educational program directed at reducing bacterial pollution.
- e. Identification of additional structural or nonstructural BMPs or program activities needed to reduce bacterial loadings discharged from the MS4 into water bodies with an adopted fecal coliform TMDL to the MEP. This shall include a summary of BMPs and other activities to be implemented, the schedule for their implementation, and the anticipated load reductions from the implemented activities.
- f. The permittee shall include in each ANNUAL REPORT a status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred.

PART IX. GENERAL CONDITIONS

These general conditions apply to all permits subject to Rule 62-620, F.A.C. These conditions are primarily designed for wastewater facilities and may or may not be appropriate for MS4 stormwater discharges. Consult with the Department on the applicability of specific provisions.

- A. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
- B. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
- C. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
- D. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
- E. This permit does not relieve the permittee(s) from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee(s) to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee(s) shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee(s) in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]
- F. If the permittee(s) wishes to continue an activity regulated by this permit after its expiration date, the permittee(s) shall apply for and obtain a new permit. [62-620.610(6), F.A.C.]

- G. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee(s) for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), F.A.C.]
- H. The permittee(s), by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
1. Enter upon the permittee(s) premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 2. Have access to and copy any records that shall be kept under the conditions of this permit;
 3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. [62-620.610(9), F.A.C.]
- I. In accepting this permit, the permittee(s) understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
- J. When requested by the Department, the permittee(s) shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee(s) shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee(s) becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
- K. The permittee(s), in accepting this permit, agrees to pay the applicable regulatory program and surveillance fees in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]
- L. This permit is transferable only upon Department approval in accordance with Rule 62-620.610(14), F.A.C. The permittee(s) shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), F.A.C.]

- M. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40 CFR 136, as appropriate.
1. If the permittee(s) monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the ANNUAL REPORT.
 2. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 3. Any laboratory test required by this permit shall be performed by a laboratory that has been certified through the Department of Health Environmental Laboratory Certification Program. Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. Field activities including on-site test and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C. [62-620.610(18), F.A.C.]
- N. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
- O. The permittee(s) shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee(s) becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee(s) becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (a) Oral reports as required by this subsection shall be provided as follows:
1. For any noncompliance which may endanger public health or the environment, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee(s) becomes aware of the discharge. The permittee(s), to the extent known, shall provide the following information to the State Warning Point:
 - a. Name, address, and telephone number of person reporting;
 - b. Name, address, and telephone number of permittee or responsible person for the discharge;
 - c. Date and time of the discharge and status of discharge (ongoing or ceased);
 - d. Estimated amount of the discharge;
 - e. Location or address of the discharge;

- f. Source and cause of the discharge;
 - g. Whether the discharge was contained on-site, and cleanup actions taken to date;
 - h. Description of area affected by the discharge, including name of water body affected, if any; and
 - i. Other persons or agencies contacted.
 - 2. Oral reports, not otherwise required to be provided pursuant to subparagraph (b)1. above, shall be provided to the Department within 24 hours from the time the permittee(s) becomes aware of the circumstances.
- (b) If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. [62-620.610(20), F.A.C.]

PART X. DEFINITIONS

Where terms are used in this permit, definitions found in Rule 62-620.200, F.A.C. and Rule 62-624.200, F.A.C. shall apply. Other definitions used in this permit are provided below:

- A. "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, residuals, industrial sludge or waste disposal, or drainage from raw material storage. [62-620.200(3), F.A.C.]
- B. "Co-permittee" means a permittee to an NPDES permit that is only responsible for permit conditions relating to the municipal separate storm sewer that it operates. [62-624.200(1), F.A.C.]
- C. "Major facility" means any NPDES facility or activity classified as such by EPA with the concurrence of the Department. [62-620.200(23), F.A.C.]
- D. "Major municipal separate storm sewer outfall" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more). [62-624.200(5), F.A.C.]
- E. "Major outfall" means a major municipal separate storm sewer outfall. [62-624.200(6), F.A.C.]
- F. "Municipal separate storm sewer" or MS4 means a conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains:
 - 1. Owned or operated by a State, city, town, county, special district, association, or other public body (created by or pursuant to State Law) having jurisdiction over management and discharge of stormwater and which discharges to surface waters of the state;
 - 2. Designed or used for collecting or conveying stormwater;
 - 3. Which is not a combined sewer; and
 - 4. Which is not part of a Publicly Owned Treatment Works (POTW). POTW means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality." This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment. [62-624.200(8), F.A.C.]

- G. "Outfall" means a point source at the location where a municipal separate storm sewer discharges to water of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state. [62-624.200(9), F.A.C.]
- H. "Permittee" means the owner, operator or other entity to which a permit for a wastewater facility or activity is issued by the Department. The term "permittee" shall be functionally synonymous with the terms "owner," "contractor," and "licensee," but shall not include licensed individuals, such as State certified operators, unless they are the persons to whom a facility permit is issued by the Department. The term shall extend to a permit "applicant" for purposes of this chapter. [62-620.200(35), F.A.C.]
- I. "Point source" is defined as any discernible, confined, and discrete conveyance, such as any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or landfill leachate collection system from which pollutants are or may be discharged. [62-624.200(9), F.A.C.]
- J. "Stormwater" means stormwater runoff, surface runoff and drainage. [62-624.200(12), F.A.C.]
- K. "Stormwater Associated with Industrial Activity" is as defined in 40 CFR 122.26(b)(14).
- L. "Storm sewer," for the purposes of this permit unless otherwise indicated, refers to an MS4.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mark P. Thomasson, P.E.

Director

Division of Water Resource Management