

**FACT SHEET FOR
STATE OF FLORIDA
MUNICIPAL SEPARATE STORM SEWER SYSTEM NPDES PERMIT
RENEWAL TO DISCHARGE TO WATERS OF THE STATE**

TWO-STEP GENERIC PERMIT

PERMIT NUMBER: FLR04E034-004 (Minor)

FACILITY NAME: City of Destin MS4

1. APPLICANTS:

Destin, City of
4200 Indian Bayou Trail
Destin, FL 32541

2. SUMMARY OF APPLICATION

a. Chronology of Application

Application Received: December 4, 2017

Additional Information Received: February 20, 2018

b. The current permit for this facility FLR04E034-004 expired March 19, 2018. The current permit for this facility FLR04E034-004 was administratively continued March 20, 2018.

c. Type of Facility: MS4

3. DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)

As authorized by Section 403.0885, Florida Statutes (F.S.), and rules promulgated thereunder, and consistent with Section 402(p) of the Clean Water Act (CWA), this permit is being proposed on a jurisdiction-wide basis. The permittees named above are hereby authorized to discharge stormwater to waters of the State, in accordance with the approved Stormwater Management Programs (SWMPs), permit conditions, monitoring requirements, effluent limitations, and other provisions as set forth in the permit. The permittee is authorized to discharge stormwater from all portions of the MS4 owned or operated by the permittee listed above. This permit covers all areas within the jurisdiction of the referenced MS4 served by or otherwise contributing to discharges of stormwater from the Municipal Separate Storm Sewer (MS4) owned or operated by the applicant listed above.

4. RECEIVING SURFACE WATERS

The following named receiving waterbodies have been identified to which the Phase II MS4 discharges, as of the date of development of this fact sheet:

Coleman's Lake	Twin Lakes	Joe's Bayou	East Pines
Quail Lake	Dunes of Destin Lake	Indian Bayou	
Spring Lake	Gulf of Mexico	Marler Bayou	
Four Prong Lake	Choctawhatchee Bay	Destin Harbor	

Total Maximum Daily Loads (TMDLs):

The list of impaired waters, TMDLs and BMAPs associated with the discharges from a permitted MS4 may change as more information is collected and analyzed. The permittee is ultimately responsible for identifying all TMDLs and BMAPs for which they are responsible under the requirements of Part V.B. of the permit.

The following are the identified DEP adopted TMDLs for the waters that may potentially receive discharges from the applicants' MS4 outfalls:

DEP TMDLs:

Water Body	WBID ⁽¹⁾	Pollutant(s) of Concern
N/A	N/A	N/A

EPA TMDLs:

Water Body	WBID ⁽¹⁾	Pollutant(s) of Concern
Choctawhatchee Bay (Middle Segment 1)	778B	Fecal

The following web site includes final DEP TMDL reports: <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/final-tmdl-reports>.

The Department may have in development or in their TMDL work plan TMDLs that may apply to the applicants' MS4 discharges. The following web site identifies draft DEP TMDL reports:

<https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/draft-tmdls>.

The following websites may be used to search for DEP and EPA TMDLs:

- TMDL Tracker: <http://prodenv.dep.state.fl.us/DearTmdl/welcomehz.do>.
- Chapter 62-304 F.A.C.: <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-304>.
- EPA TMDL Tracker: http://iaspub.epa.gov/apex/waters/f?p=ASKWATERS:V_WO_APPROVED_TMDLS:0:::P4_OWNER:ATTAINS

5. REASONABLE ASSURANCE:

The applicants have affirmatively provided the Department with reasonable assurance that the stormwater management program will achieve a reduction of the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP) in accordance with 40 Code of Federal Regulations (CFR) 122.26 and Rules 62-620.100(3)(m) and 62-620.320(1) Florida Administrative Code (F.A.C.).

6. BASIS FOR SPECIFIC PERMIT CONDITIONS

This permit is to be issued pursuant to Section 403.0885, F.S. and rules promulgated there under. The stormwater element of the federal NPDES program is mandated by Section 402(p) of the CWA, which is set out in the federal statutes at 33 U.S.C. Section 1342(p) and implemented through federal regulations including 40 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 F.A.C. Chapter 62-624, F.A.C., specifically addresses MS4s. The specific conditions established by this permit are intended to implement Section 402(p)(3)(B) of the CWA (33 U.S.C. 1251 et seq., as modified by the Water Quality Act of 1987, P.L. 100-4), which requires the Agency to effectively prohibit the discharge of non-stormwater to the separate storm sewer system and require the permittee to reduce pollutants in discharges from the MS4 to the MEP. As authorized by Section 40 CFR 122.44(k) and adopted by reference in Rule 62-620.100(3)(m), F.A.C., the permittee is required to use Best Management Practices (BMPs) in the form of required pollution prevention measures and a comprehensive SWMP as the mechanism to implement the statutory requirements.

The SWMP shall consist of a combination of BMPs, control techniques, system design, engineering methods and such other provisions as the permittee and the Department determine appropriate. The various components of the SWMP, taken as a whole rather than individually, are expected to be sufficient to meet the MEP requirement. The permittee may be required to update their SWMPs periodically to ensure conformance with Section 403.0885, F.S., and rules promulgated consistent with Section 402(p)(3)(B) of the CWA.

Each permittee is required to conduct annual evaluations on the effectiveness of the SWMPs and institute or propose modifications necessary to meet the overall permit standard of reducing the discharge of pollutants to the MEP. The Florida Department of Environmental Protection (Department or DEP) may also require modifications to the permittee's SWMP to address impacts on receiving water quality, caused or contributed to, by discharges from the MS4. The Department may include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements and such other conditions deemed necessary to comply with the goals and requirements of the Department's NPDES stormwater program.

7. PERMIT SCHEDULES

See Appendix A - Schedule for Implementation/Completion.

8. ADMINISTRATIVE ORDERS (AO) AND CONSENT ORDERS (CO)

This permit is not accompanied by an AO and has not entered into a CO with the Department.

9. THE ADMINISTRATIVE RECORD

The administrative record including application, draft permit, fact sheet, public notice (after release), comments received and additional information is available for public inspection during normal business hours at the location specified in item 12. Copies will be provided at a minimal charge per page.

10. PROJECT DECISION SCHEDULE FOR PERMIT ISSUANCE [per 62-620.510]

* *These dates are target dates for planning – actual dates may vary.*

Draft Permit/Fact Sheet to Applicant and EPA	5/5/2018
Applicant to Publish Public Notice of Draft Permit (no later than)	6/5/2018
Provide Proof of Publication of Draft Permit Notice (no later than)	6/20/2018
Public Comment Period Ends (no later than)	7/6/2018
Intent to Issue (ITI) Permit/Fact Sheet to Applicant and EPA	7/14/2018
Applicant to Publish Public Notice of ITI Permit (no later than)	8/14/2018
Provide Proof of Publication of Notice of ITI Permit (no later than)	8/22/2018
Public Petition Period Ends (no later than)	8/29/2018
Final Permit to Applicant and EPA*	9/6/2018

11. DEP CONTACT

Additional information concerning the permit and proposed schedule for permit issuance may be obtained during normal business hours from:

Cierra Robinson
Department of Environmental Protection
NPDES Stormwater Program
2600 Blair Stone Road, Mail Station 3585
Tallahassee, FL 32399-2400
Telephone Number: (850) 245-7523
Fax Number: (850) 245-7524

12. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

a. Public Comment Period

The Department of Environmental Protection proposes to re-issue an MS4 permit to the applicant subject to the conditions as noted in the Draft Permit. This decision is tentative and open to comment from the public.

Interested persons are invited to submit written comments regarding permit issuance on the draft permit limitations and conditions to the following address:

Department of Environmental Protection
NPDES Stormwater Program
2600 Blair Stone Road
Mail Station 3585
Tallahassee, FL 32399-2400
Attn.: Cierra Robinson

All comments received within **30 days** following the date of public notice, pursuant to Rule 62-620.550, F.A.C., will be considered in the formulation of the final decision with regard to permit issuance.

Any interested person may submit written comments on the Department's proposed permitting decision or may submit a written request for a public meeting to the address specified above, in accordance with Rule 62-620.555, F.A.C. The comments or request for a public meeting must contain the information set forth below and must be received in the above-named Department office, NPDES Stormwater Program within **30 days** of receipt or publication of the public notice. Failure to submit comments or request a public meeting within this time period will constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, F.A.C.

The comments or request for a public meeting shall contain the following information:

- (1) The commenter's name, address and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (2) A statement of how and when notice of the draft permit was received;
- (3) A description of any changes the commenter proposes for the draft permit;
- (4) A full explanation of the factual and legal reasons for each proposed change to the draft permit; and
- (5) A request that a public meeting be scheduled (if applicable) including a statement of the nature of the issues proposed to be raised at the meeting.

b. Public Meeting

The Department will hold a public meeting if there is a significant degree of public interest in the draft permit or if it determines that useful information and data may be obtained thereby. Public notice of such a meeting shall be published by the applicant at least **30 days** prior to the meeting.

If a public meeting is scheduled the public comment period is extended until the close of the public meeting. If a public meeting is held any person may submit oral or written statements and data at the meeting on the Department's proposed action.

c. Issuance of the Permit

The Department will make its decision regarding permit issuance after consideration of all written comments, including comments from the United States Environmental Protection Agency on surface water discharge (NPDES) aspects of the draft or proposed permit; the requirements of Chapter 403, F.S., and appropriate rules; and, if a public meeting is held, after consideration of all comments, statements and data presented at the public meeting. The Department will respond to all significant comments in writing. The Department's response to significant comments will be included in the administrative record of the permit and will be available for public inspection at the above-named District office of the Department.

Unless a request for an administrative hearing, or an extension of time to file a petition for an administrative hearing, pursuant to Chapter 120, F.S., as indicated in d. below, is granted, the Department will take final agency action by issuing the permit or denying the permit application. If an administrative hearing is convened, final agency action will be based on the outcome of the hearing.

d. Administrative Hearing

A person whose substantial interests are affected by the Department's proposed permitting decision has the opportunity to petition for an administrative proceeding (hearing) to challenge the Department's decision in accordance with Section 120.57, F.S.

An administrative hearing is an evidentiary proceeding in which evidence is presented by testimony and exhibits before an independent hearing officer. The result of an administrative hearing is the issuance of the hearing officer's recommended order to the Department, including the hearing officer's findings of fact, based on the evidence presented at the hearing. The Department will issue a final order, granting or denying the permit, based on the hearing officer's recommended order.

The petition for an administrative hearing must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of publication of notice of agency action or within 14 days of personal receipt of notice of agency action, whichever occurs first. The petitioner is to mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period will constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S. The petition is to contain the following information:

- (1) The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

- (2) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (3) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (4) A statement of the material facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (5) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (6) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in the notice of agency action. Persons whose substantial interests will be affected by any decision of the Department on the application have the right to petition to become a party to the proceeding, regardless of their agreement or disagreement with the Department's proposed action indicated in the notice of agency action.