

December 28, 1998

Memorandum

TO: Palm Beach County NPDES Permittees
FROM: Alan D. Wertepny, P.E.
SUBJECT: Minutes of NPDES Steering Committee Meeting Held On December 17, 1998
(Our Ref. No. 98029.01)

- I. Attendees / Introductions – The attached sign-in sheet provides a listing of the individuals who were present at the December 17, 1998 NPDES meeting. Approximately 32 of the 40 NPDES permittees were represented at the meeting. Steering committee members present included: Laurent Van Cott (President), Ken Ferry (Vice President), Randall Krejcarek (Secretary), Allen Trefry (Member), and John Bonde (Member). The Steering Committee approved the minutes of the October 21, 1997 meeting.
- II. Budget Report – The budget reports were transmitted to all co-permittees prior to the meeting. Laurent Van Cott gave an overview of the NPDES 2nd year budget and discussed the NPDES quarterly income and disbursement report for the 2nd and 3rd year of the program.
- III. Monitoring Equipment Sale – The City of West Palm Beach has made a bid (\$3000.00) for two of the four automatic monitoring stations (including accessories). Due to the size of the bid, the steering committee decided that all of the equipment would be advertised for public bid. The equipment will be available for purchase by the piece or all together as a package. An advertisement will be placed in the Palm Beach Post to notify the public. The manufacturer will be contacted for the current equipment value and to learn what interest they can generate for the equipment. Once bids have been received for the equipment the City of West Palm Beach will have an opportunity to negotiate for the purchase of the equipment, otherwise it will go to the highest bidder. Tracy Robb with NPBCID will coordinate this activity.
- IV. Steering Committee Member Replacement – Small Town Representative – Ken Ferry (Committee Vice President) is relocating to the Midwest and will no longer serve on the Steering Committee. Laurent Van Cott placed telephone calls to representatives of small municipalities (population 10,500 or less) to identify a possible replacement member. Brian Sullivan with the Town of Lake Park expressed an interest in becoming a Steering Committee member. The Steering Committee asked in the meeting if any of the small municipalities would be interested in the position. There were no recommendations made by the audience. Brian Sullivan was unanimously approved to replace Ken Ferry. Nominations were also taken to replace Ken Ferry's position as Vice Chairman. Allen Trefry nominated John Bonde and the motion was seconded by Randall Krejcarek and unanimously approved by the Steering Committee.
- V. Discussion of High Risk Facilities – The immediate goal for the permittees with high-risk facilities is to develop an inventory of potential high-risk facilities that discharge into the MS4's. The inventories are to be submitted to Alan Wertepny by January 4, 1999. Laurent Van Cott outlined the procedure he used to develop the inventory for the Town of Mangonia Park, which includes the following:

- Review the listing and remove from the inventory the facilities that are outside the Mangonia Park boundary
- Remove from the inventory those facilities that do not discharge (sheet or point discharge) into the MS4.
- Remove from the inventory the companies that are no longer in business.
- Identify facilities that (fall under) occur on more than one list.
- Identify which agencies receive reports from the facility.

Mangonia Park started out with 30 facilities and the list has been narrowed down to just three. See the attached inventory for Mangonia Park. For this final inventory most of the co-permittees are not required to perform inspections during this year. This will be discussed at a subsequent meeting. At this time use only the high-risk facilities provided for you by the group.

VI. NPDES Construction Permit – Alan Wertepny discussed the exemption of municipalities that serve a population less than 100,000. These co-permittees are exempt from the requirements of the NOI if they are performing the work themselves. While attending an NPDES stormwater permit compliance workshop sponsored by the American Society of Civil Engineers, I obtained a copy of the “Storm Water Pollution Control, Second Edition” publication by Roy D. Dodson, P.E. Included in this book is a reference to a deferral for small municipalities, as granted by Congress in Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991. The Environmental Protection Agency has extended this deferral until the proposed Phase II regulations become effective in the year 2001. The NPDES stormwater discharge permit requirement for construction projects owned by small municipalities (population less than 100,000) is exempt from permit coverage, even though the operator may be a private contractor. Permit coverage may still be required if the project is a significant contributor of pollutants to stormwaters of the United States, or if it contributes to a violation of water quality standards. Due to copyright protections, excerpts from this book referencing this deferral are not provided with this report. However, in a telephone conversation with our permit writer, Caroline Ejimofor confirmed that this deferral is appropriate for the Palm Beach County co-permittees. Within our group, the only entities exceeding the 100,000 population threshold are Palm Beach County, Florida Department of Transportation (District IV and Turnpike District) and Northern Palm Beach County Improvement District. It was suggested that a municipality not filing the NOI with the EPA still prepare and implement a Pollution Prevention Plan (PPP) for good housekeeping reasons and to protect their MS4. It was also mentioned that the 5-acre threshold for requiring the NOI would be lowered to 1 acre as part of the phase II Federal Program. Implementation of Phase II is not expected until 2002.

Laurent Van Cott discussed the procedure he recently went through while filing for a developer on a project in PGA National. He strongly recommended that the PPP be required prior to construction, not prior to the approval of the site engineering plans. He also stated that the **contractor** should develop and file their own PPP that they will ultimately be responsible to implement.

There were several questions raised of the responsibility/liability of the co-permittees to review and/or approve the PPP and the inspection protocol. The municipal NPDES permit requires the co-permittees to:

- notify the developers of their responsibilities under the NPDES construction permit
- verify that construction sites subject to NPDES regulations have a PPP onsite
- train the co-permittees' inspectors for Best Management Practices for construction sites and enforcement protocol
- require post-development and proper operation to projects discharging into the co-permittees MS4.

There is no requirement to approve the PPP. The municipality/special district may decide to review and/or accept the PPP as it pertains to protecting their MS4. At the next Steering Committee meeting there will be further discussion of the co-permittees' inspection responsibilities and legal counsel (Ken Edwards) will be available to discuss the municipalities liability exposure for review/approval of PPP's and inspections.

- VII. Meeting schedule – The next Steering Committee meeting is scheduled for Wednesday, January 20, 1999 at 9:00 a.m. at the offices of Northern Palm Beach County Improvement District. Activities to be discussed at this meeting include the status of the Water Quality Monitoring Program, details of the Construction Inspection Seminar, High-Risk Facilities inventories and NPDES Construction inspection liabilities.

We believe that these minutes accurately reflect the discussions and decisions of this meeting; however, the writer will welcome additions and/or corrections in writing within seven days of the date of these minutes. Should you have any questions, please call me at extension 231.

TBE/ADW:kmm

Enclosure

Copies: Peter L. Pimentel
All Attendees