

April 23, 2001

Memorandum

TO: Palm Beach County NPDES Permittees
FROM: Alan D. Wertepny, P.E.
SUBJECT: Minutes of NPDES Steering Committee Meeting Held On April 18, 2001
(Our Ref. No. A0001.01)

I. Attendees/Introductions

Approximately 28 of the 39 co-permittees were represented at the April 18, 2001 NPDES Steering Committee meeting. Steering Committee Members present included: Laurent Van Cott (Chair), Randal Krejcarek (Secretary), Allen Trefry (Member), Rebecca Travis (Member) and Brian Sullivan (Member). John Bonde (Vice Chair) was absent. A copy of those in attendance is available upon request.

II. Administrative Activities

- a. **February 2001 Meeting** – Allen Trefry moved approval of February 21, 2001 meeting minutes. The motion was seconded by Rebecca Travis and approved by the Committee.
- b. **Agenda** - Laurent Van Cott requested that the agenda for this meeting be revised to include discussion regarding the NPDES Construction Permitting for the FDEP and issues with South Florida Water Management District (SFWMD). The Steering Committee approved this addition to the Agenda.

III. Permit Reapplication Discussion

- a. As of this meeting we have not received any written comments regarding our 3rd Year Reports which were submitted to EPA and FDEP in August 2000. Verbal conversations with FDEP's coordinator and their consultant indicated that comments would be received very soon. Telephone conversations indicate that the State is reluctant to eliminate the dry weather field screening and the high-risk facilities from our permit requirements. The State is also recommending that public education activities should be one of the areas requiring improvement. In particular, the State is looking for programs conducted by the permittees to reduce the public usage of

pesticides, herbicides and fertilizers.

- b. Eleven (11) of the thirty-nine (39) permittees have either provided either written or verbal comments on the draft of the permit reapplication. For all written comments I have provided a written response. A Table was distributed to all attendees identifying the revisions to the draft application since February 2001. Additionally, a copy of the latest version of the reapplication was provided to all attendees. Should any permittee require additional copies, please contact me.

In discussion on the reapplication one area of concern centered on the dry weather field screening. Many of the permittees indicated dry weather field screening is not identifying any illicit discharges. The permittees proposed possibly eliminating this requirement. However, after some discussion, it was concluded that the scope could either be reduced or an alternate program could be developed. FDOT indicated that Broward County is proposing to field screen those outfalls, which receive runoff from Industrial or Commercial areas. The co-permittees decided that we should move forward with the proposal in the current reapplication except for FDOT. Under this proposal, the permittees would have the option for field screening either all major outfalls or a grid system within their jurisdiction. Palm Beach County has elected to field screen only portions of the MS4, which receive stormwater contribution from adjacent lands beyond the road right-of-way. FDOT will decide what is best for their jurisdiction and will provide the information for inclusion in the reapplication.

A concern was raised by FDOT that in the State Rules for the municipal NPDES Permit, there are two (2) options for submittal of the reapplication. One is in the 4th Year Report; the other is 180-days prior to the expiration date of the permit. Since our permit expires in December 2001 we may have a conflict with 180-day time frame as compared to the 4th Year Report (which is scheduled for submittal in August 2001). Alan Wertepny will coordinate with FDEP and provide a letter to the State indicating Palm Beach County's MS4 permittees desire to include the reapplication in the 4th Year Report. The Steering Committee decided to move forward with the current reapplication.

Permittees were reminded that their final NPDES 4th Year Reports are due May 4, 2001 and that in late July a draft of the Joint Report will be available. Included in the Joint Report, as Section 6, will be the reapplication.

- c. **FDEP-NPDES Construction Permit** – Permittees were provided a copy of the article in the Florida Engineering Society Journal of March 2001, which provided the latest status of the NPDES Stormwater Program by FDEP. The latest article on Florida's NPDES Stormwater Program by FDEP – "Blind Faith and Lots of Paperwork" includes permitting for municipal systems, industrial facilities and construction sites. FDEP's staff members were identified (including phone numbers,

addresses and e-mail). FDEP's stormwater consultant, Science Application International, Corp., was also identified along with their address and e-mail. A copy of this article is available at our office.

- d. **On March 26, 2001 FDEP held a workshop at SFWMD.** Phil Coram with FDEP indicated that on the delegation of the NPDES Construction Permit from EPA to the State, EPA Region IV has objection to the State permit. The objection from Region IV occurred after the State went through its entire rule making process. The main issue raised by Region IV is that there are not any analytical requirements in the State permit for monitoring discharges to impaired waters. This monitoring program could include upstream, downstream sampling for turbidity, sediments, etc. The State indicated to Region IV that this requirement is difficult to initiate and negotiations between the two (2) entities are in progress. Until this issue is resolved, construction projects of five (5) acres or more will require coverage under the State Program and may also require coverage under the Federal Program. The Steering Committee requested that Alan Wertepny follow-up with Region IV on this issue.

There are some differences between the State Permit and Federal Permit for construction Projects. The NOI's are different. The State Permit requires that if you have a surface water management permit for your Project from either FDEP or a Water Management District (e.g., SFWMD) you are required to submit the NOI at least 48-hours in advance of construction to FDEP. And if you discharge into an MS4 municipal system, you are also required to submit a copy of the NOI to the MS4 entity. It is no longer a State requirement to submit a copy of the NOI to SFWMD. If you Project has a State surface water management permit for your construction activity there is not a requirement to submit a copy of the Pollution Prevention Plan (PPP) to FDEP/SFWMD or the Municipal MS4 entity. The Pollution Prevention Plan is only submitted if these entities request it. However, if your Project **does not** have a State Stormwater Permit from FDEP or SFWMD, then you must submit for permit coverage 30-days in advance of the construction activity and include with the NOI a copy of the PPP.

- e. **SFWMD Permits** – SFWMD is requiring that construction plans include sediment and erosion controls identified on the plans prior to receiving a construction permit. Laurent Van Cott indicated that as an Engineer he is concerned that this requires the Engineer to be involved in the method and means where is the contractor's responsibility. Van suggested there should be a uniform approach between FDEP, SFWMD and the MS4 co-permittees. He recommended that he and Alan Wertepny work with SFWMD to come up with an acceptable compromise. Perhaps a special condition could be added to the SFWMD permit. Alan and Van will follow up with SFWMD.

IV. Next Scheduled Meeting

The next Steering Committee meeting is scheduled for Wednesday, May 16, 2001, 9:00 a.m. The items of discussion include status of the water quality monitoring program, status of the 4th Year individual reports from the permittees and a budget update. The water quality monitoring program will be presented by Brian Gentry with Palm Beach ERM.

I 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.

ADW/jeh

Copies: Peter L. Pimentel
All Attendees and Co-Permittees