

May 21, 2002

Memorandum

TO: Palm Beach County NPDES Permittees
FROM: Alan D. Wertepny, P.E.
SUBJECT: Minutes of NPDES Steering Committee Meeting Held On May 15, 2002
(Our Ref. No. A1016.01)

I. Attendees/Introductions

Approximately 23 of the 39 co-permittees were represented at the May 15, 2002 NPDES Steering Committee meeting. Steering Committee members present included: Laurent Van Cott (Chair), Jay Foy for John Bonde (Vice Chair), Angela Bailus for Randal Krejcarek (Secretary), Rebecca Travis (Member), and Allen Trefry (Member). A copy of those in attendance is available upon request.

II. Administrative Activities

- a. **Replacement of Steering Committee Member** – The Steering Committee received a request from the City of Belle Glade to fill the vacancy on the Steering Committee for a small municipality. The proposed representative for the City is Karen Brandon of LBFH. Allen Trefry made a motion to accept Karen Brandon as Belle Glade’s representative and it was seconded by Angela Bailus and unanimously approved by the Committee.
- b. **Approval of March 21, 2002 Meeting Minutes** - A motion was made by Rebecca Travis and seconded by Jay Foy to approve the March 21, 2002 minutes. The Steering Committee approved the minutes of the March meeting.
- c. **5th Year Report** – To date we have received 26 of the 40 individual 5th Year Reports. The co-permittees were reminded that 5th Year reports are past due. Mock•Roos will follow up with co-permittees to obtain these reports. The current schedule for the “draft” of the Joint Report is for mid-June.

- d. **Interim Interlocal Agreement** – Betsy Burden reported that she has received four (4) Interlocal Agreements. Co-permittees were reminded that the deadline for receipt of the Agreement is July 15, 2002.

III. South Florida Water Management District Permit – NPDES Construction Permit

On March 21, 2002, the NPDES Construction Committee met with Bob Howard (SFWMD) to discuss the District's program and Palm Beach County's municipal program. The Subcommittee requested that the District consider the following items in processing and administration of District Regulatory Permits.

- Not requiring permit drawings to identify sediment and erosion control methods.
- Development of procedures between the District and municipalities to share in the enforcement responsibilities for controlling sediment and erosion controls on construction projects.
- Development of procedures for processing and acceptance of pollution prevention plans for facilities within District's rights-of-ways.

Concerns on the first item relate to the legal requirement and responsibility of the Professional Engineer signing and sealing construction plans. The Engineer does not control the means and methods that the Contractor utilizes during construction. The second item recognizes that both the municipalities and the District have the legal authority to require the Contractor to control sediment and erosion during construction. A cooperative program could reduce duplication of efforts between these governmental entities.

Bob Howard, SFWMD's Deputy Department of Regulation and Bob Brown, Division Director of Environmental Resource Compliance attended our meeting. Bob Howard indicated that the District has discussed our request and has recommended the following:

- District Staff meet with our NPDES Construction Committee to discuss Item No. 1 in more detail to determine if we can agree on an appropriate compromise.
- The NPDES Construction Committee meets with Maria Clemente and Bob Brown's group to establish a process, assignments and protocols to address sharing of enforcement responsibilities.
- The District can develop procedures for PPP's within District's right-of-way. It was suggested that we contact Tom Fratz in the Right-of-Way Section.

The Steering Committee and those present at the meeting discussed these above issues and decided the NPDES Construction sub-committee should proceed with coordination

efforts with the District. Due to a more urgent need to coordinate our responses on the “draft” permit it was decided that these coordination meetings would take place in July.

IV. Draft Permit – In a letter dated May 1, 2002, FDEP provided Palm Beach County co-permittees with a “draft” permit. The letter stated that comments by the co-permittees must be received within thirty (30) days of receipt of the “draft” permit. Additionally, the co-permittees are required to publish at their own expense the “draft” permit and request for public comment. Any comments submitted by other persons must be received within thirty (30) days of the publication of the public notice.

The “draft” permit requires careful review by all co-permittees. The proposed requirements will most likely increase co-permittees’ cost to conduct the required programs and documentation. The activities affect the co-permittees individually and jointly. Some of the areas of impact include:

1. **Structural Controls** – Requires inspections and maintenance per a specified table and not a suggested program as previously permitted. Requires an inventory, inspection, and remedial action to bring privately owned stormwater management facilities up to their design operating condition.
2. **New/Redevelopment** – Requires co-permittees to review and/or modify land development regulations to reduce the stormwater impacts of new development.
3. **Roadways** – Requires a schedule for maintaining stormwater structures (i.e., catchbasins).
4. **Flood Control** – Requires development and maintenance of a GIS layer attaching water quality information to existing land use.
5. **Municipal Waste Facilities** – Requires all co-permittees to continue monitoring and inspecting of these facilities.
6. **Pesticides/Herbicides/Fertilizer** – The program requires consideration of adopting landscape ordinances, which encourage xeriscaping and the use of native Florida plants and slow release fertilizers.
7. **Illicit Discharges** – Requires training firefighters dealing with hazardous materials and spill management biennially. Also, requires each co-permittee to publicize existence of an illicit discharge reporting hotline number on a quarterly basis.

8. Industrial and High Risk Runoff – Requires random inspection procedures for high-risk facilities.
9. Construction Runoff – Requires co-permittees to provide a summary of the programs to review and approve construction plans. Requires conducting presentations to local professional organizations which are associated with the construction industry to discuss proper construction site management for water quality.
10. Monitoring Program – Requires seasonal load estimates and mean concentrations for all major outfalls.
11. Annual Report – Electronic media for submittals is encouraged.

Due to the number of co-permittees and changes to the existing permit, the Steering Committee recommended that we request a time extension from thirty (30) days to one hundred twenty days (120). Subsequent to the meeting Betsy Burden submitted a request for one hundred twenty (120) days; however, the State agreed to approve ninety (90) days (August 1, 2002).

All co-permittees were directed to carefully review the “draft” permit and provide written comments to me at Mock•Roos on or before the first week of June 2002. The “draft” permit and response to the State will be discussed at our June meeting. Co-permittees suggested that the June meeting be moved one week earlier because of a conflict with Florida’s Stormwater’s Association conference on stormwater management commencing on June 19, 2002.

V. Next Scheduled Meeting

The next Steering Committee meeting is scheduled for Thursday, June 13, 2002, 9:00 a.m. at the offices of Northern Palm Beach County Improvement District. Items on the agenda include the following:

- Status of 5th Year Reports
- Lake Worth Lagoon Partnership Grant Program
- Response to FDEP on “Draft” Permit

I believe 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

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date of these minutes. Should you have any questions, please call me at extension 231.

ADW:jeh

Copies: Peter L. Pimentel
All Co-Permittees
Bob Howard
Bob Brown