

## **Memorandum**

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DATE: AUGUST 6, 2008 - REVISED  
TO: Palm Beach County NPDES Permittees  
FROM: Alan Wertepny  
REF. NO. A7043.01  
SUBJECT: Minutes of NPDES Steering Committee Meeting held on July 16, 2008

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### **I. Attendees/Introductions**

Approximately 25 of the 41 permittees were represented at the July 16, 2008 NPDES Steering Committee meeting. Steering Committee members present included: Laurent Van Cott (Chair), Jay Foy (Vice-Chair), Randal Krejcarek (Secretary), Karen Brandon (Member), and Bonnie Finneran (Member). A copy of the sign-in sheet is available upon request.

### **II. Administrative Activities**

- a. **Approval of June 18, 2008 Meeting Minutes** – A motion was made by Jay Foy to approve the minutes, seconded by Randal Krejcarek, and approved by the Steering Committee.
- b. **Budget Report** – Laurent Van Cott read into the record the 5<sup>th</sup> Year fund balance as of July 8, 2008 is \$87,829.31, 6<sup>th</sup> Year fund balance as of July 8, 2008 is \$176,690.94 and the 1<sup>st</sup> Year of the Third Permit Term the fund balance as of July 8, 2008 is \$316,726.20. Under accounts receivable, the only delinquent account at this time is City of Pahokee. Alan Wertepny will follow up with the City regarding this matter.
- c. **MS4 Assessment Project** – The Florida Stormwater Association Educational Foundation has initiated a new project that will help determine load reduction values for those activities that most MS4s commonly undertake, thus avoiding some costs associated with load reduction requirements. FSA is seeking participants and/or sponsors to assist with the project. The project focuses on estimating the amount of nutrients (total nitrogen and total phosphorus) that accumulate on pavement, catch basins, and BMP devices. Results of the study can be used by the MS4s in estimating nutrient load reductions for activities such as street sweeping, vacuuming catch basins, and BMP devices (baffle boxes, filters, separators, etc.)

FSA is requesting funding assistance and representative sample collection assistance. The samples will be analyzed at FDEP and University of Florida Labs. The estimated cost for the program is \$190,000 and entities such as the Palm Beach County MS4s are

encouraged to provide \$10,000 in funding assistance. The Steering Committee members discussed the Program with the co-permittees and Boca Raton indicated it would be interested in collecting and submitting samples to FDEP. The Steering Committee also decided to discuss potential funding assistance at the next NPDES Steering Committee meeting. Alan Wertepny will obtain more details from FSA and possible sampling being conducted by the City of Boca Raton.

- d. **MS4 Water bodies** – FDEP’s consultant, SAIC, has requested Palm Beach County’s MS4s review the listing of Palm Beach County’s MS4 water bodies and their classification. MS4 water bodies are the receiving water bodies of the MS4 systems. These are typically waters of the State. The classifications of these water bodies are per State Statutes. Alan Wertepny has reviewed the list provided by SAIC and provided comments. At the meeting, a list of the deletions and additions to SAIC’s list was provided to all attendees. Following review of this list a recommendation was made by Jay Foy to delete the M-1 Canal because this water body should not be considered Waters of the State, because the control structure does have provisions for water quality storage in M-1 Canal. Alan Wertepny will provide the final list of comments to SAIC.
  
- e. **3<sup>rd</sup> Permit Term Interlocal Agreements** – A copy of the draft Interlocal Agreement for the MS4s NPDES 3<sup>rd</sup> Term Permit was provided to all attendees. Peggy Wood discussed the changes to this Agreement, which were based on comments received from the MS4 entities and from Laurent Van Cott. This revised Agreement contains three (3) exhibits, one identifying responsibilities of the Lead Permittee (Northern Palm Beach County Improvement District), the second is a resolution of the Board of Supervisors of NPBCID approving the NPDES Steering Committee administrative guidelines for collection, management, and disbursement of the Interlocal Agreement funds, and the third is the NPDES Steering Committee administrative guidelines for collection management and disbursement of NPDES Interlocal Agreement funds. The Steering Committee also discussed a revision to the draft Interlocal Agreement to include language for dispute resolutions, which would govern any controversy arising between the Lead Permittees and a co-permittee. The Steering Committee discussed this resolution and agreed to have this language in the Agreement. Subsequent to the meeting, NPBCID’s Board of Supervisors has approved the draft Interlocal Agreement, including this language. Peggy Wood will e-mail each co-permittee the most current draft Interlocal Agreement for review. **Note: Execution of the Agreement by any of the parties cannot occur until FDEP issues the 3<sup>rd</sup> Term Permit.** To date, we do not have a definite time frame for issuance of this 3<sup>rd</sup> Term Permit. However, the draft permit is expected within one to two month timeframe.
  
- f. **TMDL Water Quality Restoration Grants** – FDEP is working a on draft rule which will specify the process and selection criteria for Urban stormwater retrofitting projects

to receive funding from the TMDL Water Quality Restoration Grant Program. FDEP receives documentary stamp funding for the implementation of projects to reduce urban non-point source pollution discharge to impaired waters. When funds become available, they will be restricted to projects that reduce pollutants loadings to water bodies on the State's verified list of impaired waters or to water bodies with a FDEP proposed or adopted TMDL. The funding will be used for stormwater retrofitting projects undertaken by local governments. FDEP may provide up to \$1 million dollars in grant funding for these water quality projects. All projects will require a minimum of 50% match. If a project is approved for funding, the applicant will be required to monitor the effectiveness of the BMP. Monitoring will include sampling from seven (7) to ten (10) storm events, automatic samplers, sampling and analysis of twelve (12) water quality parameters, rainfall sampling, and a monitoring plan. The project selection criteria proposed by FDEP is heavily favored for projects with an adopted Best Management Action Plan or an adopted TMDL, amount of estimated load reduction, higher percentage of matching funds and if stormwater utility fees are part of the dedicated funding source. Palm Beach County's MS4 co-permittees are encouraged to monitor progress for this grant program and proceed with any applications as appropriate.

- III. Public Education Sub-Committee Update** – Anne Capelli provided an update on the sub-committee activities. The sub-committee has met eight (8) times since February and has coordinated with at least a dozen entities regarding the program. Possible program elements discussed include TV spots, radio spots, print ads, billboards, festival booths/tables, give-away items, poster contest at schools, TV spot contest at schools, website, and movie theatre PSAs. The sub-committee recommended programs for both 2007/2008 and 2008/2009. SFWMD has allocated \$5,000 in their annual budget beginning October 1, 2009.

The sub-committee intends to provide a more detailed cost estimate for the recommended program activities at the next NPDES Steering Committee meeting.

- IV. Florida Fish and Wildlife Fishery Studies** – Alan Wertepny provided a memo describing the coordination activities with the Florida Fish and Wildlife Conservation Commission. The current FWC sampling program covers three (3) counties - Palm Beach, Broward and Dade County. There are six (6) core canals sampled on an annual basis, two (2) of which are in Palm Beach County (Boynton Canal and West Palm Beach). In addition, there are twenty-eight (28) other canals that are sampled periodically; eight (8) of these canals are in Palm Beach County. Typically, two of these canal samples each year resulting in each canal being sampled once every four (4) years.

The Lake Worth Drainage District presented the fisheries information to FDEP in support of its argument that the Boynton Beach Canal meets its intended use. The Boynton Canal was

subsequently delisted for impairments due to dissolved oxygen levels. This delisting was in accordance with the Clean Water Act and with the water quality standards related to achieving a designated use of the water body. By demonstrating that the Boynton Canal had a viable fish population for recreational sport fishing activities, FDEP was able to substantiate the delisting. There are four (4) other canals (E-3, L-8, C-17, and C-51) in Palm Beach County listed as impaired due to low dissolved oxygen levels. The Steering Committee concurred with the recommendation that we continue to pursue coordination efforts with FWC and include a summary of the information in the Joint Annual Report to FDEP. The cost estimate for this coordination analysis and annual reporting will be provided at the Steering Committee at the next meeting.

**V. Next Steering Committee Meeting**

The next steering committee meeting will be held August 20, 2008, 9:00 a.m., at Northern Palm Beach County Improvement District. The purpose of the meeting is to review allocation of the excess funds from the 5<sup>th</sup> Year Program and if available from FDEP, a discussion of the draft 3<sup>rd</sup> Term Permit.

I believe these minutes accurately reflect the discussions and decisions of this meeting; however, additions and/or corrections will be accepted in writing within seven (7) days of the date of these minutes.

If you have any questions, please call me at 683-3113, extension 231.

ADW:jeh

Copies: All Permittees  
Christine Garrow