

Memorandum

DATE: March 10, 2009
TO: Palm Beach County NPDES Permittees
FROM: Alan Wertepny
REF. NO. A8045.01
SUBJECT: Minutes of NPDES Steering Committee Meeting held on February 18, 2009

I. Attendees/Introductions

Approximately 30 of the 41 permittees were represented at the February 18, 2009 NPDES Steering Committee meeting. Steering Committee members present included: Laurent Van Cott (Chair), Jay Foy (Vice Chair), Angela Bailus for Randal Krejcarek (Secretary), Dan Beatty (Member), Karen Brandon (Member), and Bonnie Finneran (Member). A copy of the sign-in sheet is available upon request.

II. Administrative Activities

- a. **Approval of January 21, 2009 Meeting Minutes** – A motion was made by Jay Foy to approve the minutes, seconded by Dan Beatty, and approved by the Steering Committee.
- b. **State Response on Monitoring Program** – In a letter dated January 20, 2009, Laurent Van Cott received a response from FDEP (Phil Coram, Deputy Director, Division of Water Resource Management). The letter noted that based on the comments and concerns from the Palm Beach County MS4 NPDES Steering Committee and other organizations, the Department is preparing new draft Monitoring Plan Guidance and MS4 Monitoring Permit Conditions. The guidance is intended to assist the MS4s in developing monitoring plans that:
 - Identify water quality problem areas related to stormwater runoff that can be targeted for corrective action, retrofits, or non-structural BMPs.
 - Measure the effectiveness of stormwater pollution reduction measures that have or will be implemented, and
 - Indicate, refine, and document land-use specific pollutant loadings and/or trends in pollutant loads for specific watersheds or outfalls.

The letter also stated that prior to implementing the monitoring plans and guidance conditions, FDEP will solicit comments from the Palm Beach County MS4 NPDES Steering Committee and all other Phase I MS4 co-permittees. To date, there is no monitoring guidance document. As we get further information, all co-permittees will be

informed.

- c. **Status of 6th Year Individual Reports** – As of February 18, 2009 we have received 32 of the 41 reports. We are still waiting on reports from FDOT District Four, FDOT Turnpike District, City of Greenacres, Town of Lake Park, City of Pahokee, Palm Beach County ERM, City of Palm Beach Gardens, City of Riviera Beach, and Town of South Palm Beach. Of these nine, six were present at the meeting and agreed to provide reports as quickly as possible. Follow-up phone calls will be placed to City of Pahokee, Town of Palm Beach, and FDOT Turnpike District.
- d. **Delinquent Accounts** – Co-permittees with delinquent accounts for payment of joint activities include City of Pahokee, City of Riviera Beach, FDOT District Four, FDOT Turnpike District, Town of Juno Beach, and Village of Palm Springs. Van Cott encouraged those that were present to address delinquencies with their respective municipalities.
- e. **Budget Projections for FY 09-10** – A handout was provided which included the budget breakdown for the projected billing to each co-permittee beginning October 1, 2009 through September 30, 2010. The proposed budget allocation is the same as last year (Total \$330,000). It was recognized that this budgets reflects a reduction in some of the estimated expenses for some of our programs. It was also recognized that once we receive the third term permit from FDEP, there may be some increased costs to fulfill the obligations of the permit. We are anticipating that our current contingencies will cover these increased costs. A motion was made by Tony Puerta to approve the budget for FY 09-10, it was seconded by Karen Brandon, and approved by the Steering Committee.
- f. **EPA's Numerical Nutrient Water Quality Criteria** – A letter dated January 14, 2009 from the United States Environmental Protection Agency to the Florida Department of Environmental Protection was distributed to all attendees. This letter states that EPA intends to propose numerical nutrient criteria for Florida's lakes and flowing waters within 12 months and for the estuaries and coastal waters within 24 months. EPA expects to work closely with the State of Florida in developing this criteria. FDEP has had a nutrient criteria advisory committee since 2003. The committee, working with FDEP, has prepared a State of Florida Numerical Nutrient Water Quality Development Plan, which was released in January 2009. The report contains a priority schedule for FDEP to develop and adopt regional numerical nutrient criteria. According to this document, lakes and streams draft criteria would be developed by December 2009, rule making in 2010, and submitted to the Environmental Regulatory Commission by 2011. Estuary draft criteria was scheduled for May 2009, with wetlands draft criteria to be developed after estuaries are in rule development. It would appear from EPA's letter that both EPA and FDEP decided to expedite the process by EPA moving forward development of nutrient criteria. Members of the nutrient criteria advisory committee include the following: Kevin Carter with SFWMD nominated by the Florida League of Cities, Anthony Federico with MacVicar, Federico and Lamb, Inc. nominated by Florida Department of Agriculture and Consumer Services, Ed Decker of EPA, Douglas Durbin with Biological Research Associates, Inc. nominated by Florida Phosphate Council, Frank Marshall nominated by Florida Stormwater Association, Mark Clarke with University of Florida, Robert Fisher nominated by Florida Pulp and

Paper Association, John Hendrickson with St. Johns Water Management District, Mark Kraus with Everglades Foundation, and Scott McClelland with CDM. Alan Wertepny has placed a call into Scott McClelland, Kevin Carter, and Anthony Federico to obtain further information regarding the committee and role they may play in the development of the criteria for all of Palm Beach County canals, lakes, rivers, and estuaries. We will need to monitor this program very carefully because nutrient criteria (phosphorus and nitrogen standards) will go hand-in-hand with the TMDL Program scheduled for development in 2010 (Palm Beach County area) and requirements in our Third Term NPDES Permit. Updates will follow at future meetings.

- g. **Sedimentation and Erosion Control Training Program** – The Sediment & Erosion Control Training Program scheduled for May 20 - 21, 2009 at Jupiter Community Center is filling up very fast. As of February 17, 2009, we have 82 registered for the class; only 125 can be accommodated.
- h. **Public Education Committee Report** – Anne Capelli provided an update on the program. Drafts of the brochures (Fertilizers and Illicits) have been provided to the sub-committee and the steering committee. Comments have been received and all final comments are due by the end of February.

III. Draft of the 6th Year Joint Annual Report

A draft of the 6th Year Report is available on the website and Steering Committee members are reminded that one of their responsibilities to the group is to review and provide comments on the annual report. All comments either by the Steering Committee or others are due by March 4, 2009. Included in the report is a summary of our water quality monitoring program, analysis of the data including water quality trends, status of the TMDL Program in Palm Beach County, and status of other local, state and federal programs which impact our watersheds. A PowerPoint presentation was provided which included the following. Water quality monitoring program, a summary of water quality exceedences (dissolved oxygen, copper, fecal, and chlorophyll-a), water quality trends (dissolved oxygen) increasing eastward in the watersheds, nutrients (phosphorus and nitrogen) decreasing eastward, graphs of nutrient water quality trends by watersheds depict that phosphorus concentration (in the last 10-years) is generally decreasing or constant, nitrogen concentration is generally decreasing except for the C-17 and C-18 watersheds, the TMDL Program for Palm Beach County generally identifying that the parameters of concern are dissolved oxygen and nutrients in the freshwater system. Numerical Nutrient criteria was proposed by the EPA for the rivers and streams north of Orlando with concentrations of total nitrogen of 0.9 mg/l and total phosphorus 0.04 mg/l. FDEP has established a TMDL for Pompano Canal in Broward County of total nitrogen 0.64 mg/l and total phosphorus of 0.51 mg/l. A copy of this presentation is available upon request. The Steering Committee requested that we continue to monitor TMDLs in other parts of Florida and to provide feedback on other municipalities programs to reduce nutrients.

IV. Next Steering Committee Meeting

The next steering committee meeting is scheduled for Wednesday, March 18, 2009, 9:00 a.m., at the City of Palm Beach Gardens Council Chambers. The primary purpose of the meeting is to fulfill some of the annual training requirements of the co-permittees. Two training videos provided by Excal Visual will be shown.

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