

## Memorandum

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DATE: July 1, 2009  
TO: Palm Beach County NPDES Permittees  
FROM: Alan Wertepny  
REF. NO. A8045.01  
SUBJECT: Minutes of NPDES Steering Committee Meeting held on June 10, 2009

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### I. Attendees/Introductions

Approximately 37 of the 41 co-permittees were represented at the June 10, 2009 NPDES Steering Committee meeting. Steering Committee members present included: Laurent Van Cott (Chair), Jay Foy (Vice Chair), 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 March 18, 2009 Meeting Minutes** – A motion was made by Dan Beatty to approve the minutes, seconded by Jay Foy, and approved by the Steering Committee.
- b. **Education Sub-Committee Update** – Anne Capelli provided an update on the Public Education Sub-Committee. The website (<http://www.stormwaterandme.org>) is operational and contains materials covering two (2) NPDES program educational requirements (Pesticides, Herbicides, and Fertilizer Use and Illegal Dumping and Illicit Discharges). During this reporting year we produced and distributed two (2) public education pamphlets for “Reporting Illegal Dumping and Illicit Discharges” and “Pesticides, Herbicides and Fertilizer Use”. We also had a booth at the Delray Affair to help educate the public on the effects of pollution on our stormwater system and how to help prevent pollution from entering the stormwater system. At the event we gave away 850 tote bags, 900 chip clips, 800 sticky pads, 800 stickers, and 1,200 each of the two brochures. We estimated that 2,500 people visited our booth. All municipalities will be able to obtain credit for education program requirements in Year 7 of our Second Term Permit. These activities include the website, special event and distribution of brochures. Copies of the brochures were distributed to representatives of the co-permittees. Overall 3,500 brochures of “Pesticides, Herbicides and Fertilizer Use” and 2,800 brochures of “Illegal Dumping and Illicit Discharges” were provided to the co-permittees for re-distribution to the public. The website also includes some TV spots we are coordinating with the City of Boca Raton.

Note that South Florida Water Management District (SFWMD) had previously indicated that they could contribute \$5,000 toward our public education efforts. Our contact was Fred Rapach who is no longer with SFWMD. Follow-up correspondence with SFWMD indicated that they would not provide us any support for this year. In discussion regarding the Sub-Committee, the Steering Committee thanked the Sub-Committee for their efforts and agreed that they should continue to meet to develop joint educational programs. The Sub-Committee requested guidance on the use of the S.A.M. logo by the co-permittees. Attorney Peggy Wood suggested that the Steering Committee set a policy regarding use of the logo by the co-permittees. The Steering Committee agreed that it would allow the co-permittees to use the logo provided it is used appropriately and documentation is provided as to how it will be used. The group discussed whether we should copyright the logo or register it with the State. The Steering Committee directed the Attorney to research whether the logo may be registered with the State.

- c. **Inspector Training Certification Program** – The Inspector Training Program was a great success. The training program was held May 20 & 21, 2009 at the Town of Jupiter’s Community Center. We thanked David Rotar and the Town of Jupiter for allowing us to use their facility. This year 105 individuals were in attendance consisting of 34 private individuals, 39 municipal construction site inspectors, 14 municipal construction site plan reviewers, and 18 municipal construction site operators. The program has been a great success and we will continue to do this on a yearly basis.
- d. **Monitoring Program Expenses** – A letter dated June 4, 2009 was received from Palm Beach County Department of Environmental Resource Management regarding the cost of the monitoring program. The increased costs associated with the program are the result of laboratory fee increases, assuming responsibility for heavy metals testing no longer being done by SFWMD for six (6) sites in the Lake Worth Lagoon, increased labor costs, and supporting documentation for the Joint Annual Report. The estimated cost of this year’s program is an additional \$10,500, and an estimated \$18,500 for the FY 09-10 program which includes the replacement and maintenance of existing sampling equipment. The funding for this increase in monitoring expenses is available from the reserve funds associated with the closeout of the 6<sup>th</sup> Year, Second Term Permit. After some discussion, the motion was made by Jay Foy, seconded by Karen Brandon, to increase Palm Beach County’s ERM’s monitoring budget for the 7<sup>th</sup> Year Program to \$59,000 and \$67,000 for FY 09-10. The Steering Committee approved these budget increases.
- e. **Budget Report** – Van Cott read into the record the funds available in our program as of June 4, 2009. The 6<sup>th</sup> Year fund has a balance of \$41,414.43 with a contingency reserve of \$22,430.65. The 7<sup>th</sup> Year fund has a balance of \$227,892.36 with a contingency reserve of \$34,327.79. The FY 09-10 Program has a fund balance of \$286,368.16 with contingency

reserve of \$28,636.82. All activities of the 6<sup>th</sup> Year Program have been completed and the Steering Committee discussed transfer of these funds to the 7<sup>th</sup> Year (FY 08-09) and FY09-10 Program funds. The transfers are needed to cover additional programs and expenses, particularly the water quality monitoring program. A motion was made by Jay Foy to transfer \$10,500 from the 6<sup>th</sup> Year fund to the 7<sup>th</sup> Year fund and the remaining \$30,900.43 in the 6<sup>th</sup> Year fund to the FY 09-10 fund. The motion was seconded by Karen Brandon and approved by the Steering Committee.

- f. **Sunshine Law Policy** – Attorney Peggy Wood advised that in her opinion the Sunshine Law does not appear to apply to the Steering Committee nor the Sub-Committees created to study and advise the Steering Committee regarding FDEP’s proposed requirements for stormwater monitoring plans. However, for the purposes of transparency it is suggested that the Sub-Committee still comply with the Sunshine Law’s advertisement requirements, opening meeting policy, and limitation on communications among its members. Posting of the notices of the meetings on the NPDES website and the holding of meetings open to the public will fulfill these requirements. The Steering Committee members are also encouraged to avoid private communications on agenda items in order to advance the transparency goal of good government practices. Open communications can occur between staff and Steering Committee members and emails are considered a form of public communication. As a matter of policy, all meetings of the Sub-Committees (Education Committee and Monitoring Program Committee) will be posted on our website ([www.pbco-npdes.org](http://www.pbco-npdes.org)).

### III. **FDEP’s Consultant’s Annual Presentation – Robert van den Akker (SAIC)**

A copy of Robert’s presentation will be posted on the website. Robert noted that there is no time certain when we will receive a draft of our Third Term Permit. The Second 5-Year Term Permit is automatically extended until we obtain the Third 5-Year Permit. Currently the Palm Beach County MS4s are in their 7<sup>th</sup> Year, Second Permit Term and there is no certain time set by FDEP that this permit cycle will end the 7<sup>th</sup> Year. It may continue to an 8<sup>th</sup> Year. Robert advised that when we do receive our draft permit we should write another letter to FDEP requesting that we continue with our current permitting cycle of October 1st through September 30<sup>th</sup> of the following year. Although FDEP staff has previously granted this to Palm Beach County MS4s, new administration at FDEP should be reminded of their commitment to Palm Beach County. Robert mentioned that the current administrator of FDEP’s NPDES MS4 Program, Steven Kelley is leaving and the Department has not selected a replacement.

When the Third Term Permit is finally issued, one of the requirements of the first year will be to update the NPDES outfall maps. All co-permittees are encouraged to prepare for this update. In regard to educational requirements, Robert noted that the activities of the group and

Palm Beach County Solid Waste Authority (household waste) are acceptable programs and can be used by each co-permittee. However, each co-permittee should endeavor to supplement and expand on their educational programs. Robert agreed to coordinate with Mock•Roos on the reporting of these educational activities such as referencing Palm Beach County's Annual Report for SWA activities and our Joint Report for the group activities. Robert also informed the group that besides inspections/audits by SAIC for FDEP, both FDEP and EPA have been conducting inspections and audits. Co-permittees should be prepared in future years for more auditors. These auditors may ask your field personnel if they understand the purpose of the program and consequences of non-compliance. Therefore, it is advisable your field personnel be briefed on the program. As the audits are being conducted, be advised that FDEP is taking a stronger approach on non-compliance items. Co-permittees without adequate programs may receive a non-compliance letter and a demand for resolution within 30 to 45 days.

#### **IV. Next Steering Committee Meeting**

The next steering committee meeting is scheduled for Wednesday, September 16, 2009, 9:00 a.m., at Northern Palm Beach County Improvement District. The meeting will include a presentation by Abtech Industries on smart sponge filters for the removal of pollutants including debris, sediments, oils, greases, and heavy metals from stormwater collection systems.

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  
Robert van den Akker