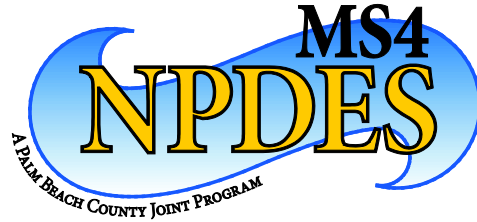


# Palm Beach County NPDES

Northern Palm Beach County Improvement District  
359 Hiatt Drive  
Palm Beach Gardens, FL 33418  
www.pbco-npdes.org



## Memorandum

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DATE: December 15, 2011  
TO: Palm Beach County NPDES Permittees  
FROM: Alan Wertepny  
REF. NO. B1050.10  
SUBJECT: Minutes of NPDES Steering Committee Meeting held on December 7, 2011

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### I. Attendees/Introductions

Approximately 34 of the 41 permittees were represented at the December 7, 2011 MS4 NPDES Steering Committee meeting. Steering Committee members present included: Laurent Van Cott (Chair), Jay Foy (Vice Chair), Dan Beatty (member), Karen Brandon (member), Bonnie Finneran (member), and Tony Puerta (member). A copy of the sign-in sheet is available upon request.

### II. Administrative Activities

- a. **Approval of November 17, 2011 Meeting Minutes** – A motion was made by Jay Foy, seconded by Tony Puerta, and approved by the Steering Committee.
- b. **Income and Disbursement Report** – The Income and Disbursement Report for the 1<sup>st</sup> Year, 3<sup>rd</sup> Permit Term, for the period ending November 29, 2011, has a fund balance of \$111,693.50 with \$11,169.35 reserved for contingency. The 2<sup>nd</sup> Year Program has a fund balance of \$345,644.38 with a reserve contingency of \$34,564.44 for the period ending November 29, 2011. Currently all expenditures are within the budgeted amounts.
- c. **Public Education** – Anne Capelli reported that we are in the process of changing our approach on Public Education in order to capture more of the public. Typically, we have concentrated on our Stormwater And Me website, brochures, outreach events, and outreach materials for distribution. This year we plan on distributing the last of the outreach materials and focusing on two other programs from January through March. We will be placing two video spots on Comcast Cable TV (HGTV, Discovery, Animal Planet, Weather Channel). Comcast has indicated that we can expect to reach over 500,000 households in Palm Beach County. We are also working with Laura Sanagorski (Palm Beach County Cooperative Extension Service) on the Florida Yards and Neighborhood Program. We plan on providing funding assistance with that program.

Right now, she is exploring the possibility of distributing brochures to be sent with billings from water utility providers.

- d. **Fertilizer Ordinance** – Alan Wertepny reported that he has been in contact with some of the permittees regarding the fertilizer ordinance. The City of Palm Beach Gardens has conducted the first reading of this ordinance at this week's council meeting. Palm Beach County is still reviewing their draft ordinance with staff and FDEP. A draft fertilizer ordinance which has been reviewed and accepted by the State is available on the front page of the website.
- e. **Sunshine Issue** – Laurent Van Cott introduced the issue of whether the Sunshine Law may be applicable to the Steering Committee. Betsy Burden and Ken Edwards (Legal Counsel) have provided a memorandum per the Steering Committee's previous request, and met with the Chair and Alan Wertepny. Betsy Burden advised that although the Committee was arguably not subject to the Sunshine Law, the issue is unclear and the Committee should continue meeting the three Sunshine Law requirements, i.e., (1) posting notice of the meetings; (2) keeping written minutes; and (3) allowing an opportunity for public participation. In addition, she recommended that the Committee members refrain from communicating with each other outside the meetings on matters which may foreseeably come before the Committee. Van further advised that apparently there is no need for alternate members, and a quorum will be required to vote upon whether to recommend a budget to the Lead Permittee.

Legal Counsel has been asked to clarify a provision in the "NPDES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds," regarding the Committee's ability to only make recommendations to the Lead Permittee regarding expenditures from the Reserve Fund Contingency account and for unexpected additional costs and expenses. This matter will be further discussed at the January 2012 meeting.

- III. **TMDL Program** – Alan Wertepny provided a PowerPoint presentation on the State's Total Maximum Daily Load (TMDL) Program requirements as contained in our third cycle permit. The focus of the presentation covered TMDLs adopted or established by the Florida Department of Environmental Protection (FDEP) or the U. S. Environmental Protection Agency (EPA) prior to issuance of our current permit. Prior to March 2, 2011, only EPA has established TMDLs requiring the affected permittee to follow a 5-step process to develop a plan for TMDL compliance. The five steps include (1) prioritization list and schedule to address each TMDL (2) preparing a monitoring and assessment plan (3) conducting water quality sampling, (4) developing TMDL implementation plan (additional stormwater

management program to achieve compliance (5) implement the plan and evaluate annually the progress.

Step 1 of the process was completed in October 2011 when a meeting was held with the affected permittees on the six EPA TMDLs for turbidity in the western Palm Beach County canals. The Prioritization Report was submitted and accepted by FDEP. Information on this report and affected permittees is available on our website ([www.pco-npdes.org](http://www.pco-npdes.org)).

Step 2 requires a Monitoring Assessment Plan to be submitted by March 2, 2012 on the top priority waterbody (L-8 Canal). We are currently working with the affected permittees (Indian Trail Improvement District and Palm Beach County) on this plan. The TMDL process requires coordination with the affected permittees and the group.

The Steering Committee was provided with a list of tasks and responsibilities that the group or permittee will need to undertake to develop the TMDL Implementation Plan for each waterbody. The Steering Committee was advised to review the preliminary list and tasks which will be discussed in more detail at the next meeting in January 2012.

**IV. Next Steering Committee Meeting** – The next Steering Committee Meeting is scheduled for January 18, 2012 at Northern Palm Beach County Improvement District. The primary focus of the meeting will be the 2012 schedule, budget estimate for 3<sup>rd</sup> Year Program and TMDL Program for the 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.

Copies: All Permittees (via email)