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Jane E Hayes

From: Anne Marie Capelli **Sent:** Thu 5/10/2012 12:25 PM
To: Ken Kuhl; Livingston, Eric; Heather Ritchie
Cc: Sam Heady; Benny Rodgers; Alan D. Wertepny; Jane E Hayes
Subject: City of West Palm Beach Response to RAI on AR and SOPs (MR PA#W9103.00)
Attachments:  [Litter Control Program.doc\(26KB\)](#)  [Illicits-Proactive-Insp Program.doc\(39KB\)](#)  [ARF litter info.pdf\(25KB\)](#)
 [ENG NPDES Compliance Inspection Report 5-10-12.pdf\(794KB\)](#)

VIA E-MAIL: Kenneth.Kuhl@dep.state.fl.us

Kenneth Kuhl
 Environmental Specialist
 NPDES Stormwater Section
 Florida Department of Environmental Protection
 2600 Blair Stone Road – MS2500
 Tallahassee, FL 32399-2400

RE: Year 1 AR Cycle 3 Request for Additional Information – West Palm Beach
 Initial Year 1 SOP Review and Comments – West Palm Beach

Dear Mr. Kuhl:

Below please find your request and the City's response for the Year 1 AR Cycle 3 review.

City of West Palm Beach

1. *Section VII, Part III.A.3 of the Annual Report form and Part III.A.3 of the permit require permittees to implement a litter control program for public streets, roads, and highways, including rights-of-way within the City's jurisdiction. Report the frequency, extent (e.g., square footage or road miles), and an estimate of the amount of litter collected during the reporting period. If activities required by this section of the Annual Report are not performed, explain why these activities were not performed and how the City plans to comply with this permit element during the current reporting period.*

Attached please find a copy of the City's Litter Control Program SOP, along with updated pages for the Annual Report Form documenting the litter control collection for the first year reporting period (March 2, 2011 – September 30, 2011).

Your comments on the submitted SOPs were:

<i>City of West Palm Beach</i>	<i>Neither SOP was approved</i>	<i>Part III.A.7.c and Part III.A.9.b</i>	<i>Inspection checklist lacks MSGP confirmation. Lacks construction inspection checklist</i>	<i>Part III.A.7.c, #5 and Part III.A.9.b, #3</i>
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In response, attached are a revised SOP for the Illicit inspection program, more specifically describing the documentation of the MSGP confirmation steps, and the inspection checklist

for the construction site inspection program.

Should you have any additional questions, please don't hesitate to contact me or the City directly.

Sincerely,

Anne Capelli, Mock Roos
for the City of West Palm Beach

City of West Palm Beach

Proactive Inspection Program

Section III.A.7.c – Illicit Discharges and Improper Disposal – Inspection and Investigation of Suspected Illicit Discharges and/or Improper Disposal

This permit element requires a written **proactive inspection program** for identifying and eliminating sources of illicit discharges, illicit connection or illegal dumping, to our MS4.

- Portions of our MS4 that have a reasonable potential of containing illicit discharges/connections/dumping are inspected annually. The FDEP has indicated that the portions of our MS4 that have a reasonable potential of containing illicit discharges/connections/dumping should be considered to be the commercially zoned areas/properties that could potentially discharge into our MS4.
- FDEP allows these inspections to be combined with other inspection programs, but the inspections must include specific inspection for potential stormwater contamination.

**City of West Palm Beach
Proactive Inspection Program (Written Procedures)**

1. Procedure and Criteria for identifying priority areas/facilities

For consistency with the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit, the following areas are considered a priority in the inspection program:

- Industrial, commercial, or mixed use areas
- Areas with history of past illicit discharges and/or illegal dumping
- Areas with on-site sewage disposal systems
- Areas upstream of sensitive or impaired water bodies

The attached map depicts the areas zoned as industrial or commercial, that lie within our MS4 contributing area or in an area that discharges from an outfall for which we are responsible. The map is updated each year, typically in the month of June, by the Public Utilities department and saved as a PDF format file for use by all.

2. List of identified priority areas/facilities

Each year, a list of addresses is created from an overlay of the map above and the County's current parcel map and associated database. This list is cross-referenced with the Florida Department of Environmental Protection (FDEP) list of facilities that have coverage under the Multi-Sector Generic Permit (MSGP). If any facilities that appear to require an MSGP are not on the FDEP list, the names and addresses of those businesses are referred to FDEP. The annual creation of the list of addresses and cross-referencing with the FDEP MSGP database is done by Public Utilities, typically in the month of June each year.

3. Annual schedule for inspections

All priority areas are inspected at least once within the current five-year permit term. The inspection area has been divided into five zones. One zone will be inspected during each year of the permit term. If an area is found to have illicit discharges/connections/dumping, it is re-inspected for compliance and if warranted, specific facilities within that area are considered for placement on the high risk facility list for more frequent inspection.

In addition, inspections for signs of illicit discharges are part of the Standard Operating Procedure for all structural control inspections and maintenance. A "checkbox" for this activity is included on the inspection forms for those activities. If a suspected illicit is identified, it is reported to Code Compliance for investigation under the Reactive Investigations program. These inspections take place throughout the year.

Finally, all appropriate field personnel receive illicit discharge and illegal dumping identification and notification training. If a suspected illicit is identified during the course of performing their regular activities, it is reported to Code Compliance for investigation under the Reactive Investigations program.

4. Procedure for conducting inspections

The inspector(s) patrols the prioritized area searching for indications of illicit discharges/connections/dumping into the City's MS4, in accordance with the training received. If any are identified, the inspector makes a cursory attempt at identifying the source of the illicit. If the source is identified, the inspector makes the decision to either approach the facility owner or refer the finding to his supervisor for further action. In speaking with the facility owner or operator, the inspector advises of the findings and cites the ordinance which prohibits such discharges. The inspector may use photo documentation to support the inspection. The inspector indicates his/her intention to return to verify that the problem has been corrected. If no source is identified, the findings are reported to the inspector's supervisor for further investigation.

Pro-active inspections also take place during the inspection of structural controls and other MS4 components by Stormwater Drainage & Canal Maintenance personnel that are trained in illicit discharge identification and reporting.

5. Procedure for tracing source of discovered illicit discharge

Visual observation, investigation, and testing if necessary, are used to identify the source of an illicit discharges/connections/dumping.

6. Procedure for eliminating the discharge

If an illicit connection to the MS4 through a pipe is identified, it is immediately terminated (plugged or removed). If the illicit is traced back to a property owner/operator, the owner of the property is contacted by Code Compliance. The owner is notified of the problem and asked to address the situation immediately. The owner is also notified of the re-inspection date, typically one week.

7. Procedure for documenting the inspections and enforcement activities

The MSGP coverage research and reporting is documented by copies of the lists generated during steps one and two above (list of facilities within MS4 that are commercial/industrial, list of facilities in the City with MSGP coverage, list of facilities that appear to need MSGP coverage but appear not to have it). These lists will be maintained with other back-up documentation to support the annual permit activities conducted by the City. The list of facilities that appear to need MSGP coverage will be sent to FDEP for follow-up.

The attached inspection form is used for pro-active inspections and the subsequent follow-up. (Photo documentation will also be provided, as needed.) Selected activity related to the pro-

active inspection program is logged into a database (Community Plus) for management. The electronic files facilitate follow-up, referrals and year-end summarizing.

8. Procedures for enforcement actions (or referrals to appropriate jurisdictional authority)

For cases within West Palm Beach's MS4 contributing area, an unresolved matter is handled by the code compliance division. Code compliance assigns a case number and follows through to resolution. For cases outside West Palm Beach's MS4, the appropriate entity is notified (FDOT, Palm Beach County, etc.) by Code Compliance.

9. Identification of staff /department/outside entity responsible for inspections and for enforcement

Inspection activities are carried out by Code Compliance (two inspectors and one senior inspector). The pro-active inspections that take place during the inspection of structural controls and other MS4 components, are the responsibility of Stormwater Drainage & Canal Maintenance. Follow-up and management are provided by the Utilities O&M Superintendent of Stormwater. Documentation is handled by the Records Manager/Data Analyst. Code officers are called in as needed.

10. Description of resources allocated to implement this permit element

Approximately \$150,000.00 has been allocated for this program for the 2011/2012 fiscal period. See the Stormwater Utility Budget document.

City of West Palm Beach

Proactive Illicit Discharge/Illegal Connection Inspection Form

(Use as many sheets as necessary)

Date of Inspection: _____ Inspector Name: _____

New Inspection

Follow-up Inspection

Description of inspection area: _____

Identification of MS4 component that could receive discharge from this site/area: _____

Findings:

Evidence of illicit connections to storm sewer? Yes___ No___

Evidence of dumping/spills to storm sewer? Yes___ No___

Evidence of wash water going to storm sewer? Yes___ No___

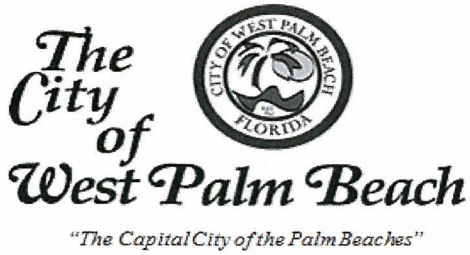
Storage tanks leaking or improperly contained? Yes___ No___

Stockpiles/debris piles uncontained? Yes___ No___

If "yes," to any above, describe:

Type of Enforcement Action Taken: _____

Date to verify correction: _____



NPDES COMPLIANCE INSPECTION REPORT

Project Name: _____
 Project No.: _____
 Constr Coord/Field Rep: _____
 Date: _____
 Weather: _____
 City Owned: Yes No Private Owned: Yes No
 Reviewing Water Body: _____

SWPP PLAN:

Yes No N/A

RECORDS AVAILABLE:

Yes No N/A

EROSION CONTROLS IN PLACE:
 (Per SWPP, if Applicable)

Yes No N/A

SEDIMENT CONTROLS IN PLACE:
 (Per SWPP, if Applicable)

Yes No N/A

EROSION CONTROLLED ON SITE:

Yes No N/A

SEDIMENT CONTROLLED ON SITE:

Yes No N/A

TURBIDITY CONTROLS IN PLACE:

Yes No N/A

INLET PROTECTION:

Yes No N/A

STABILIZATION:

Yes No N/A

DE-WATERING:

Yes No

Discharge Point: _____

ALL OTHER SOURCES OF POLLUTION CONTROL:

Yes No N/A
 (Describe Below)

COMMENTS:

CORRECTIVE ACTION: