



ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-624.600(2), F.A.C.)

- This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.
- Submit this fully completed and signed form and any REQUIRED attachments by mail to the address in the box at right.
- Refer to the Form Instructions for guidance on completing each section.
- **Please print or type information in the appropriate areas below.**

Submit the form and attachments to:
 Florida Department of Environmental Protection
 Mail Station 2500
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

SECTION I. BACKGROUND INFORMATION

A.	Permittee Name: Town of Jupiter		
B.	Permit Name: Palm Beach County Municipal Separate Storm Sewer System		
C.	Permit Number: FLS000018-003 (Cycle 3)		
D.	Annual Report Year: <input type="checkbox"/> Year 1 <input checked="" type="checkbox"/> Year 2 <input type="checkbox"/> Year 3 <input type="checkbox"/> Year 4 <input type="checkbox"/> Year 5 <input type="checkbox"/> Other, specify Year:		
E.	Reporting Time Period (month/year): 10/ 2011 through 09 / 2012		
F.	Name of the Responsible Authority: David Rotar, CFM		
	Title: Utility Services Manager		
	Mailing Address: 210 Military Trail		
	City: Jupiter	Zip Code: 33458	County: Palm Beach
	Telephone Number: 561-748-2705		Fax Number: 561-746-2792
	E-mail Address: davidr@jupiter.fl.us		
G.	Name of the Designated Stormwater Management Program Contact (if different from Section I.F above):		
	Title:		
	Department:		
	Mailing Address:		
	City:	Zip Code:	County:
	Telephone Number:		Fax Number:
	E-mail Address:		

SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)

A.	Number of outfalls ADDED to the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable)
B.	Number of outfalls REMOVED from the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable)
C.	Is the change in the total number of outfalls due to lands annexed or vacated? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

SECTION III. MONITORING PROGRAM

Provide a brief statement as to the status of monitoring plan implementation:

A. *DEP Note: The monitoring plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the monitoring information.*

Provide a brief discussion of the monitoring results to date:

B. *DEP Notes:*

- "Please see the Palm Beach County Joint Annual Report for the monitoring information.
- See Part V of the permit for the monitoring requirements.

C. Attach a monitoring data summary, as required by the permit.

SECTION IV. FISCAL ANALYSIS

A. Total expenditures for the NPDES stormwater management program for the current reporting year: \$1,309,851
DEP Note: If program resources have decreased from the previous year, attach a discussion of the impacts on the implementation of the SWMP as per Part II.F of the permit.

B. Total budget for the NPDES stormwater management program for the subsequent reporting year: \$1,465,634

SECTION V. MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM

Only the following materials are to be submitted to the Department along with this fully completed and signed Annual Report Form (check the appropriate box to indicate whether the item is attached or is not applicable):

Attached	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	***DEP Note: Please complete Checklists A & B at the end of the tailored form.*** Any additional information required to be submitted in this current annual reporting year in accordance with Part III.A of your permit that is not otherwise included in Section VII below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A monitoring data summary as directed in Section III.C above and in accordance with Rule 62-624.600(2)(c), F.A.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Year 1 ONLY: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM) in accordance with Rule 62-624.600(2)(a), F.A.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Year 3 ONLY: The estimates of pollutant loadings and event mean concentrations for each major outfall or each major watershed in accordance with Rule 62-624.600(2)(b), F.A.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Year 4 ONLY: Permit re-application information in accordance with Rule 62-624.420(2), F.A.C.

DO NOT SUBMIT ANY OTHER MATERIALS
(such as records and logs of activities, monitoring raw data, public outreach materials, etc.)


SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE

The Responsible Authority listed in Section I.F above must sign the following certification statement, as per Rule 62-620.305, F.A.C.:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Responsible Authority (type or print): David Rotar

Title: Utility Services Manager

Signature:  Date: 02 / 11 / 2013

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE									
A.	B.					C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity					Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.1	Structural Controls and Stormwater Collection Systems Operation								
	<p>Maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures operated by the permittee, including, at a minimum, all of the types of control structures listed in Table II.A.1.a of the permit. Report the current known inventory.</p> <p><i>DEP Note: The permittee needs to "customize" this section by adding any structural controls to the list below that are part of the permittee's MS4 currently or are planned for the future. The permittee may remove any structural controls listed that it does not have currently or will likely not have during this permit cycle. Please see the attached description of each type of structure. In addition, the permittee may choose its own unit of measurement for each structural control to be consistent with the unit of measurement in the documentation. Unit options include: miles, linear feet, acres, etc.</i></p> <p>Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained. If the minimum inspection frequencies set forth in Table II.A.1.a were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met.</p> <p><i>DEP Note: If the minimum inspection frequencies set forth in Table II.A.1.a of the permit were not met for one or more type of structure, the permittee must provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met. Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.</i></p>								
	Type of Structure	Number of Activities Performed				Documentation / Record	Entity Performing the Activity	Comments	
		Total Number of Structures	Number of Inspections	Percentage Inspected	Number of Maintenance Activities	Percentage Maintained			
	Dry retention systems							We do not have retention systems	
	Exfiltration trench / French drains (linear feet)	3,900	10	100	0	0	Critical Canals/Outfalls/ Structures Monthly Inspection Report	TOJ Stormwater Crew We have 5 areas that the exfiltration structures are inspected semi-annually	
	Grass treatment swales (miles)	58.2	0	0	0	0	N/A	N/A We did not do any major swale rehab projects this year. Scheduled for next fiscal year	

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity				Number of Activities Performed		Documentation / Record	Entity Performing the Activity	Comments
	Dry detention systems	6	72	100	240	100	Critical Canals/Outfalls/ Structures Monthly Inspection Report	TOJ Stormwater Crew, Terracon Services	
	Wet detention systems	3	36	100	132	100	Critical Canals/Outfalls/ Structures Monthly Inspection Report	TOJ Stormwater Crew, Terracon Services, Future Horizons	
	Pollution control boxes	9	108	100	0	0	Critical Canals/Outfalls/ Structures Monthly Inspection Report	TOJ Stormwater Crew	
	Stormwater pump stations	2	104	100	104	100	Station Log	TOJ Stormwater Crew	
	Major stormwater outfalls	34	34	100	0	0	Critical Canals/Outfalls/ Structures Monthly Inspection Report, Inspection Form for Structural Controls- Catch Basins/Inlets	TOJ Stormwater Crew	Major discharge outfalls are also inspected if major rainfall event is expected
	Weirs or other control structures								N/A at this time
	MS4 pipes / culverts (miles)	75.6	0	0	.3 miles	.4	Town of Jupiter GIS	Town of Jupiter GIS	Drainage System is mapped on GIS system, Atlas, increase due to taking over private systems
	Inlets / catch basins / grates	3040	1791	58.9	994	32.7	Inspection Form for Structural Controls- Catch Basins/Inlets	TOJ Stormwater Crew	Increase in number from previous year due to taking over two private systems
	Ditches / conveyance swales (miles)	1	12	100%	12	100%	Critical Canals/Outfalls/	TOJ	

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							Structures Monthly Inspection Report	Stormwater Crew, Terracon Services, Future Horizons	
	ATTACH explanation if any of the minimum inspection frequencies in Table II.A.1.a were <u>not</u> met						N/A	N/A	Meet or exceeded inspection frequencies
	Year 1 ONLY: Attach a map of all known major outfalls as per Rule 62-624.600(2)(a), F.A.C.						N/A	N/A.	N/A
Part III.A.2	Areas of New Development and Significant Redevelopment								
	Report the number of new development and significant redevelopment projects reviewed by the permittee for post-development stormwater considerations. <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. This provision DOES NOT APPLY to Indian Trail Improvement District (ITID), Northern Palm Beach County Improvement District (NPBCID), South Indian River Water Control District (SIRWCD), and FDOT.</i>								
	Number of new development / significant redevelopment projects reviewed				7		Webdb	SFWMD, project engineer, TOJ stormwater personnel	
	Provide in the Year 2 Annual Report the summary report of the review of local codes activity. Provide in the Year 4 Annual Report the follow-up report on plan implementation of modifying codes to allow low impact design BMPs. <i>DEP Note: Refer to Part III.A.2 of the permit for details regarding what the review entails, and what must be included in the summary report and follow-up report. Please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E. This provision DOES NOT APPLY to ITID, NPBCID, SIRWCD, and FDOT.</i>								
	Year 2 ONLY: Attach the summary report of the review activity Year 4 ONLY: Attach the follow-up report on plan implementation						Code Review	TOJ Personnel	Attachment
							N/A	N/A	

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.3	Roadways				
	<p>Annually review (and revise, as needed) and implement the permittee's written procedures for the litter control program(s) for public streets, roads, and highways, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Implement the program on a monthly, or on an as needed, basis. Report on the litter control program, including the frequency of litter collection, an estimate of the total number of road miles cleaned or amount of area covered by the activities, and an estimate of the quantity of litter collected.</p> <p><i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. In addition, the permittee may choose its own units of measurement for the reporting items. Unit options for the amount of litter include: bags, cubic yards, pounds, tons. Unit options for the amount of area covered by the activity include: square feet, linear feet, yards, miles, acres. If all litter collection is performed by staff or by contractors, but not by both, please remove the non-applicable reporting items.</i></p>				
	<p>PERMITTEE Litter Control Program: Frequency of litter collection</p>				<p>Town of Jupiter does not have a Litter Control Program. This is part of the Street Sweeping Program</p>
	<p>PERMITTEE Litter Control Program: Estimated amount of area maintained (linear feet)</p>				
	<p>PERMITTEE Litter Control Program: Estimated amount of litter collected (cubic yards)</p>				
	<p>CONTRACTOR Litter Control Program: Frequency of litter collection</p>				
	<p>CONTRACTOR Litter Control Program: Estimated amount of area maintained (linear feet)</p>				
	<p>CONTRACTOR Litter Control Program: Estimated amount of litter collected (cubic yards)</p>				
	<p>If an Adopt-A-Road or similar program is implemented, report the total number of road miles cleaned and an estimate of the quantity of litter collected.</p> <p><i>DEP Note: The permittee may choose its own unit of measurement for the amount of litter collected. Unit options include: bags, cubic yards, pounds, tons. If an Adopt-A-Road or similar program is not implemented by the permittee, please note that in Column F but do not remove the Adopt-A-Road Program reporting items.</i></p>				

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p>Keep PBC Beautiful Trash Pick-up Events: Total miles cleaned</p> <p>Keep PBC Beautiful Trash Pick-up Events: Estimated amount of litter collected (cubic yards)</p> <p>Adopt-A-Road Program: Total miles cleaned</p> <p>Adopt-A-Road Program: Estimated amount of litter collected (cubic yards)</p>				<p>Town of Jupiter does not have an Adopt –A- Road program</p>
	<p>Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected, and the total nitrogen (TN) and total phosphorus (TP) loadings that were removed by the collection of sweepings. If no street sweeping program is implemented, provide the explanation of why not in the Year 1 Annual Report.</p> <p><i>DEP Note: Please provide an explanation in Column F for any “0” reported in Column C. Also, the permittee may choose its own unit of measurement for the amount of sweeping material collected. Unit options include: cubic yards, pounds, tons.</i></p> <p><i>DEP Note: If the permittee has curbs and gutters but no street sweeping program is implemented, the permittee must provide an explanation of why not in the Year 1 Annual Report. Refer to Part III.A.3 of the permit for the information that must be included in the explanation (including the alternate BMPs used or planned in lieu of street sweeping). Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.</i></p>				
	<p>Frequency of street sweeping</p> <p>Total miles swept (per year)</p> <p>Estimated quantity of sweeping material collected (cubic yards)</p> <p>Total nitrogen loadings removed (pounds)</p> <p>Total phosphorus loadings removed (pounds)</p> <p>Year 1 ONLY: If have curbs and gutters, attach explanation of why no street sweeping program and the alternate BMPs used or planned</p>	<p>Quarterly</p> <p>422</p> <p>115</p> <p>148</p> <p>95</p>	<p>Invoices</p> <p>Invoices</p> <p>Invoices</p> <p>Street Sweeping Cycle 3 Yr. 2 excel sheet</p> <p>Street Sweeping Cycle 3 Yr. 2 excel sheet</p> <p>0</p>	<p>All American Sweeping</p> <p>All American Sweeping</p> <p>All American Sweeping</p> <p>TOJ personnel</p> <p>TOJ personnel</p> <p>0</p>	<p>Additional sweeping was done in areas that have Oak trees and are a problem</p> <p>Calculated using FDEP Load Reduction Tool</p> <p>Calculated using FDEP Load Reduction Tool</p> <p>N/A</p>
	<p>Annually review (and revise, as needed) and implement the permittee’s written standard practices to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities. Report the number of applicable facilities and the number of inspections conducted for each facility.</p>				

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p><i>DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.</i></p>				
	<p>Name of facility #1: Town of Jupiter Maintenance Facility</p>	12	Municipal Maintenance Yard Inspection Check List	Ken Whitmore	Partial year reported
	<p>Name of facility #2:</p>				
	<p>Name of facility #3:</p>				
	<p>Name of facility #4:</p>				
<p>Part III.A.4</p>	<p>Flood Control Projects</p>				
	<p>Report the total number of flood control projects that were constructed by the permittee during the reporting period and the number of those projects that did NOT include stormwater treatment. The permittee shall provide a list of the projects where stormwater treatment was not included with an explanation for each of why it was not. Report on any stormwater retrofit planning activities and the associated implementation of retrofitting projects to reduce stormwater pollutant loads from existing drainage systems that do not have treatment BMPs.</p> <p><i>DEP Note:</i> A "stormwater retrofit project" is one implemented primarily to provide stormwater treatment.</p> <p><i>DEP Note:</i> The status of the flood control and retrofit projects should be reported as of the last day of the applicable reporting period. Therefore, there should be no duplication for those reported as planned, for those reported as under construction and for those reported as completed.</p> <p><i>DEP Note:</i> If applicable, please provide the title of the attached list of flood control projects that did not include stormwater treatment in Column D and the name of the entity who finalized the list in Column E.</p>				
	<p>Flood control projects completed during the reporting period</p>	0	N/A	N/A	None scheduled
	<p>Flood control projects completed during the reporting period that did <u>not</u> include stormwater treatment</p>	0	N/A	N/A	None scheduled
	<p>ATTACH a list of the flood control projects that did <u>not</u> include stormwater treatment and an explanation for each of why it was not</p>	0	N/A	N/A	None scheduled
	<p>Stormwater retrofit projects planned</p>	0	N/A	N/A	None scheduled
	<p>Stormwater retrofit projects under construction during the reporting period</p>	0	N/A	N/A	None scheduled
	<p>Stormwater retrofit projects completed during the reporting period</p>	0	N/A	N/A	None scheduled

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Part III.A.5	Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit				
	<p>Annually review (and revise, as needed) and implement the permittee's written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit:</p> <ul style="list-style-type: none"> • Operating municipal landfills; • Municipal waste transfer stations; • Municipal waste fleet maintenance facilities; and • Any other municipal waste treatment, waste storage, and waste disposal facilities. <p>Report the number of applicable facilities and the number of the inspections conducted for each facility.</p> <p><i>DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. An applicable facility under Part III.A.5 includes, but is not limited to, those facilities/yards where street sweeping material and/or yard waste are temporary stockpiled, and where solid waste collection vehicles are parked and/or maintained. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.</i></p>				
		Number of Inspections			
	Name of facility #1:				Not applicable the Town of Jupiter does not own any.
	Name of facility #2:				
	Name of facility #3:				
	Name of facility #4:				

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Part III.A.6	Pesticides, Herbicides, and Fertilizer Application				
<p>Continue to require proper certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for all applicators contracted to apply pesticides, herbicides, or fertilizers on permittee-owned property, as well as any permittee personnel employed in the application of these products. Report the number of permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed. Report the number of permittee personnel and contractors who have been trained through the Green Industry BMP Program, and the number of contracted commercial applicators of fertilizer who are FDACS certified / licensed.</p> <p><i>DEP Note: If "0" is reported in Column C for any of the reporting items, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training / certification was previously provided / obtained, and the names of the personnel and contractors previously trained / certified.</i></p>					
<p>PERSONNEL: Florida Department of Agriculture and Consumer Services (FDACS) certified applicators of pesticides and herbicides</p>		1	Copy of State License	TOJ Parks & Public Works	
<p>CONTRACTORS: FDACS certified / licensed applicators of pesticides and herbicides</p>		2	Copy of State License	Future Horizons, OneSource Landscape & Golf Services	
<p>CONTRACTORS: FDACS certified / licensed applicators of fertilizer</p>		1	Copy of State License	OneSource Landscape & Golf Services	
<p>PERSONNEL: Green Industry BMP Program training completed</p>		0	N/A	N/A	January 2014
<p>CONTRACTORS: Green Industry BMP Program training completed</p>		0	N/A	N/A	January 2014
<p>Pursuant to SB 2080 (2009), all local governments are encouraged to adopt a Florida-friendly Landscaping Ordinance similar to the one set forth in the document "Florida-friendly Guidance Models for Ordinances, Covenants and Restrictions." If the broader Florida-friendly ordinance described above is not adopted, then all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to SB 494 (2009) or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance shall be adopted within 24 months of the date of permit issuance. Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 Annual Report.</p> <p><i>DEP Note: This provision DOES NOT APPLY to ITID, NPBCID, SIRWCD, and FDOT. For all other permittees, if this provision is not applicable because the permittee is not within the watershed of a nutrient-impaired water body, then please indicate that in Column F, but do not remove this reporting item.</i></p> <p><i>DEP Note: Please provide the title and citation of the ordinance in Column D, and the name of the entity who finalized the ordinance in Column E.</i></p>					
<p>Year 1 or Year 2 ONLY: Attach copy of adopted Florida-friendly ordinance</p>		1	Draft Ordinance	TOJ Personnel	The 1 st reading is scheduled for May 21, 2013 with the 2 nd reading scheduled for June 18, 2013

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A. Permit Citation/SWMP Element	B. Permit Requirement/Quantifiable SWMP Activity	C. Number of Activities Performed	D. Documentation / Record	E. Entity Performing the Activity	F. Comments
	<p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). Activities performed under the Florida Yards and Neighborhoods (FYN) program should only be reported if the permittee is contributing funding towards the FYN staff and program within its jurisdiction.</p> <p><i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i></p> <p><i>DEP Note: All the permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the row below. The permittees may remove all reporting items except the first reporting item if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i></p> <p><i>DEP Note: Indicate under Column E "Entity Performing the Activity" if FYN or IFAS is performing any of the reported public education and outreach activities. In addition, please complete the following line:</i></p> <p style="text-align: center;">FYN PROGRAM FUNDING: Permittee Provides Funding? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount of Funding = \$See Joint Report</p>				
	<p style="text-align: center;">Public education and outreach program</p> <p>Estimated percentage of the population reached by the activities in total</p> <p style="padding-left: 40px;">Brochures/Flyers/Fact sheets distributed</p> <p style="padding-left: 80px;">FYN: Brochure/Flyers/Fact sheets distributed</p> <p style="padding-left: 40px;">Neighborhood presentations: Number conducted</p> <p style="padding-left: 80px;">FYN: Neighborhood presentations: Number of participants</p> <p style="padding-left: 40px;">FYN: Neighborhood presentations: Number conducted</p> <p style="padding-left: 80px;">Neighborhood presentations: Number of participants</p> <p>Newspapers & newsletters: Number of articles/notices published</p> <p style="padding-left: 40px;">Newsletters: Number of newsletters distributed</p> <p style="padding-left: 40px;">Public displays (e.g., kiosks, storyboards, posters, etc.)</p> <p style="padding-left: 80px;">FYN: Public displays (e.g., kiosks, storyboards, posters, etc.)</p> <p style="padding-left: 40px;">Radio or television Public Service Announcements (PSAs)</p> <p style="padding-left: 80px;">FYN: Radio or television Public Service Announcements (PSAs)</p> <p style="padding-left: 40px;">School presentations: Number conducted</p> <p style="padding-left: 80px;">School presentations: Number of participants</p> <p style="padding-left: 40px;">FYN: School presentations: Number conducted</p>			<p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p> <p style="text-align: center;">FYN</p> <p style="text-align: center;">FYN</p> <p style="text-align: center;">FYN</p> <p style="text-align: center;">FYN</p> <p style="text-align: center;">FYN</p>	

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p>FYN: School presentations: Number of participants</p> <p>Seminars/Workshops: Number conducted</p> <p>Seminars/Workshops: Number of participants</p> <p>FYN: Seminars/Workshops: Number conducted</p> <p>FYN: Seminars/Workshops: Number of participants</p> <p>Special events: Number conducted</p> <p>Special events: Number of participants</p> <p>FYN: Special events: Number conducted</p> <p>FYN: Special events: Number of participants</p> <p>Web Site: Number of hits / visitors to the stormwater-related pages</p>			<p>FYN</p> <p>FYN</p> <p>FYN</p> <p>FYN</p>	
	<p>During Year 1 of the permit, develop and implement a written plan for the training of all permittee personnel applicators and contracted applicators to emphasize the stormwater implications of pesticide, herbicide and fertilizer application. Follow-up training shall be provided annually. Training to obtain or maintain an FDACS certificate and/or license does not satisfy this requirement. Report the number of permittee personnel applicators and contracted applicators who participated in training on the stormwater implications of pesticide, herbicide and fertilizer application (both in-house and outside training).</p> <p><i>DEP Note: This permit requirement has been removed from other Phase I MS4 permits that were reissued after the Palm Beach County MS4 permit since recent changes to the FDACS certification / licensing program have allowed it to adequately fulfill this requirement. Therefore, at this time, this permit requirement does not need to be implemented.</i></p>				
Part III.A.7.a	Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures				
	<p>Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. Report amendments, as needed.</p> <p><i>DEP Note: If applicable, please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E.</i></p>				
	<p>ATTACH a report on any amendments to the applicable legal authority</p>		<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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Part III.A.7.c	Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal				
	<p>During Year 1 of the permit, develop and implement a written proactive inspection program plan for identifying and eliminating sources of illicit discharges, illicit connections, or dumping to the MS4. Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number and type of enforcement actions taken.</p> <p><i>DEP Note: If "0" is reported in Column C for the first reporting item, please include an explanation in Column F for why no proactive inspections were performed. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p> <p><i>DEP Note: Proactive inspections may include, for example, suspect areas (e.g., industrial areas), commercial businesses (e.g., restaurants, car washes, service stations, laundries / dry cleaners, auto body shops, mobile carpet cleaners) or temporary activities (e.g., special events / fairs / circuses) that would not otherwise be inspected during routine inspections and maintenance of the MS4, in association with high risk industrial facilities or construction sites, or in response to citizen or staff reports.</i></p> <p><i>DEP Note: Refer to Part III.A.7.c of the permit for what must be included in the written proactive inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.</i></p>				
	<p>Proactive inspections for suspected illicit discharges / connections / dumping</p> <p>Illicit discharges / connections / dumping found during a proactive inspection</p> <p>Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a proactive inspection</p> <p>Fines issued for illicit discharges / connections / dumping found during a proactive inspection</p> <p>Year 1 ONLY: Attach the written proactive inspection program plan</p>	<p>1791</p> <p>0</p> <p>0</p> <p>0</p> <p style="background-color: #cccccc;"> </p>	<p>Inspection Form for Structural Controls Catch Basin/Inlet</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Stormwater Crew</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Look for illicit discharges when inspecting inlets</p> <p>None found</p> <p>Not needed</p> <p>Not needed</p> <p>Provided with Year 1 Report</p>

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p>Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the MS4, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity. Report on the reactive investigation program as it relates to responding to reports of suspected illicit discharges, including the number of reports received, the number of investigations conducted, the number of illicit activities found, and the number and type of enforcement actions taken.</p> <p><i>DEP Note: If the number of reports received differs from the number of reactive investigations, please provide an explanation for the discrepancy in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p>				
	<p>Reports of suspected illicit connections / discharges / dumping received</p>	0	N/A	N/A	None reported
	<p>Reactive investigations of reports of suspected illicit discharges/ connections / dumping</p>	0	N/A	N/A	Not required
	<p>Illicit discharges / connections / dumping found during a reactive investigation</p>	0	N/A	N/A	Not required
	<p>Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a reactive investigation</p>	0	N/A	N/A	Not required
	<p>Fines issued for illicit discharges / connections / dumping found during a reactive investigation</p>	0	N/A	N/A	Not required
	<p>During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) <u>and contractors</u> to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training).</p> <p><i>DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.</i></p>				

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity			Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
		Initial Training	Refresher Training				
	Personnel trained	0	9		NPDES Attendance Summary	Town of Jupiter Utilities	Training provided DVD: "Rain Check"
	Contractors trained	0					N/A
Part III.A.7.d	Illicit Discharges and Improper Disposal — Spill Prevention and Response						
	<p>Annually review (and revise, as needed) and implement the permittee's written spill-prevention/spill-response plan and procedures to prevent, contain, and respond to spills that discharge into the MS4. Report on the spill prevention and response activities, including the number of spills addressed.</p> <p><i>DEP Note: The permittee may report the number of hazardous material spills separately from the number of non-hazardous material spills, or report one combined number, to more accurately reflect its tracking of these spills.</i></p>						
	Hazardous and non-hazardous material spills responded to	0	N/A	N/A	None reported		
	<p>During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training).</p> <p><i>DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.</i></p>						
		Initial Training	Refresher Training				
	Personnel trained	0	9		NPDES Attendance Summary	Town of Jupiter Utilities	Training provided DVD: "Rain Check"

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A.	B.		C.	D.	E.	F.
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	Contractors trained	0	0	N/A	N/A	N/A
Part III.A.7.e	Illicit Discharges and Improper Disposal — Public Reporting					
	<p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee’s jurisdiction to encourage the public reporting of suspected illicit discharges and improper disposal of materials, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).</p> <p><i>DEP Note: The permittee should “customize” the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of “Estimated percentage of the population reached by the activities in total” must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If “0” is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i></p> <p><i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items except the first one if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i></p>					
	<p>Public education and outreach program</p> <p>Estimated percentage of the population reached by the activities in total</p> <p>Brochures/Flyers/Fact sheets distributed</p> <p>Neighborhood presentations: Number conducted</p> <p>Neighborhood presentations: Number of participants</p> <p>Newspapers & newsletters: Number of articles/notices published</p> <p>Newsletters: Number of newsletters distributed</p> <p>Public displays (e.g., kiosks, storyboards, posters, etc.)</p> <p>Radio or television Public Service Announcements (PSAs)</p> <p>School presentations: Number conducted</p> <p>School presentations: Number of participants</p> <p>Seminars/Workshops: Number conducted</p> <p>Seminars/Workshops: Number of participants</p> <p>Special events: Number conducted</p> <p>Special events: Number of participants</p>	<p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p>				

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	Web Site: Number of visitors to the stormwater-related pages				
Part III.A.7.f Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control					
	<p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the proper use and disposal of oils, toxics, and household hazardous waste, including the type and number of activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).</p> <p><i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i></p> <p><i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i></p>				
	<p>Public education and outreach program</p> <p>Estimated percentage of the population reached by the activities in total</p> <p>Brochures/Flyers/Fact sheets distributed</p> <p>Household Hazardous Waste (HHW) Collection Day: Events</p> <p>HHW Collection Day: Amount of waste collected/recycled/properly disposed (tons)</p> <p>Neighborhood presentations: Number conducted</p> <p>Neighborhood presentations: Number of participants</p> <p>Newspapers & newsletters: Number of articles/notices published</p> <p>Newsletters: Number of newsletters distributed</p> <p>Public displays (e.g., kiosks, storyboards, posters, etc.)</p> <p>Radio or television Public Service Announcements (PSAs)</p> <p>School presentations: Number conducted</p> <p>School presentations: Number of participants</p> <p>Seminars/Workshops: Number conducted</p> <p>Seminars/Workshops: Number of participants</p>	<p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p>			

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	Special events: Number conducted Special events: Number of participants Storm sewer inlets newly marked/replaced Web Site: Number of visitors to the stormwater-related pages				
Part III.A.7.g	Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage				
	<p>Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate sanitary wastewater contamination into the MS4, including discharges to the MS4 from sanitary sewer overflows (SSOs) and from inflow / infiltration from collection / transmission systems and/or septic tank systems. Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in the MS4. Report on the type and number of activities undertaken to reduce or eliminate SSOs and inflow/ infiltration, the number of SSOs or inflow / infiltration incidents found and the number resolved, and the name of the owner of the sanitary sewer system within the permittee's jurisdiction.</p> <p><i>DEP Note: The permittee needs to "customize" this section as it pertains to the type of activities undertaken to reduce or eliminate SSOs and inflow / infiltration into the MS4. The first three reporting items below are examples.</i></p> <p><i>DEP Note: The permittee should contact the appropriate authorities for accurate reporting information, such as the sanitary sewer system operator who is responsible for investigating and eliminating SSOs and the local health department who is responsible for permitting / overseeing septic tank systems.</i></p> <p><i>DEP Note: Report only the SSOs and inflow / infiltration incidents into the MS4.</i></p>				
	<p>Activity to reduce/eliminate SSOs and inflow / infiltration: Repair / lining of sanitary sewer system</p> <p>Activity to reduce/eliminate SSOs and inflow / infiltration: Septic systems removed</p> <p>Activity to reduce/eliminate SSOs and inflow / infiltration: Emergency generator added</p> <p>SSO incidents discovered</p> <p>SSO incidents resolved</p> <p>Inflow / infiltration incidents discovered</p> <p>Inflow / infiltration incidents resolved</p> <p>Name of owner of the sanitary sewer system</p>	<p></p> <p>0</p> <p></p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>Loxahatchee River District</p>	<p></p> <p>Loxahatchee River District website (Loxahatcheeriver.org) Topic Septic to Sewer</p> <p></p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Loxahatchee River District</p>	<p></p> <p>Loxahatchee River District</p> <p></p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Loxahatchee River District</p>	<p>Town of Jupiter is not responsible for the sanitary sewer system. No overflows were noted into the MS4.</p> <p>Loxahatchee River District's responsibility</p> <p>Loxahatchee River District's responsibility</p> <p>No incident in TOJ MS4</p> <p>See above</p> <p>See above</p> <p>See above</p>

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity				Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.8.a	Industrial and High-Risk Runoff — Identification of Priorities and Procedures for Inspections							
	<p>Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface water body into which each high risk facility discharges. For the purposes of this permit, high risk facilities include:</p> <ul style="list-style-type: none"> • Operating municipal landfills; • Hazardous waste treatment, storage, disposal and recovery facilities; • Facilities that are subject to EPCRA Title III, Section 313 (also known as the Toxics Release Inventory (TRI) maintained by the U.S. EPA); and • Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c of the permit. <p>Report on the high risk facilities inventory, including the type and total number of high risk facilities and the number of facilities newly added each year.</p> <p><i>DEP Note: The TRI is updated every spring / summer by the U.S. EPA at www.epa.gov/triexplorer. Select "Facility" on the left, chose your Geographic Location, and then select "Generate Report." Please indicate in Column F when (month / year) you last checked EPA's TRI for applicable facilities.</i></p> <p><i>DEP Note: The total number of high risk facilities reported needs to equal the sum of the numbers of the four types of applicable facilities.</i></p> <p>During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facilities to determine compliance with all appropriate aspects of the stormwater program. While the permittee may determine the order and frequency of the inspections, the permittee shall inspect each identified facility at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. Report on the high risk facilities inspection program, including the number of inspections conducted and the number and type of enforcement actions taken.</p> <p><i>DEP Note: If "0" is reported for the number of inspections conducted and the permittee has one or more high risk facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary</i></p>							
		Number of Facilities	Number of Inspections	For violations discovered during a high risk inspection				
		Fines issued	Notices of Violation (NOVs) / warning letters / citations issued					
		Total high risk facilities	0		Tri Explorer Database	Stormwater staff	No high risk facilities in Town	
		New high risk facilities added to the inventory during the current reporting period	0		N/A	N/A	No new facilities	
		Operating municipal landfills	0	0	N/A	N/A	N/A	No operating Landfills

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity				Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	Hazardous waste treatment, storage, disposal and recovery (HWTSDR) facilities	0	0	N/A	N/A	N/A	N/A	No facilities
	EPCRA Title III, Section 313 facilities (that are not landfills or HWTSDR facilities)	0	0	0	0	N/A	Stormwater Staff	To our knowledge there are no High Risk Facilities located in Jupiter that meet this definition
	Facilities determined as high risk by the permittee through the proactive inspections as per Part III.A.7.c	0	0	0	0	N/A	Stormwater Staff	To our knowledge there are no High Risk Facilities located in Jupiter that meet this definition
	Other facilities determined as high risk by the permittee (that are <u>not</u> facilities identified through the proactive inspections)	0	0	0	0	N/A	N/A	To our knowledge there are no High Risk Facilities located in Jupiter that meet this definition

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Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.8.b	Industrial and High-Risk Runoff — Monitoring for High Risk Industries				
	Sampling of the discharge to the stormwater system may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific monitoring. Report the number of high risk facilities sampled.				
	High risk facilities sampled	0	N/A	N/A	No high risk facilities
Part III.A.9.a	Construction Site Runoff — Site Planning and Non-Structural and Structural Best Management Practices				
	Continue to implement the local codes or land development regulations and the written pre-construction site plan review procedures that require the use and maintenance of appropriate structural and non-structural erosion and sedimentation controls during construction to reduce the discharge of pollutants to the MS4. Report the number of permittee and private pre-construction site plans <u>reviewed for stormwater, erosion, and sedimentation controls</u> , and the number approved. <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C.</i>				
	PERMITTEE SITES: Construction site plans reviewed	4	Webdb	TOJ Stormwater	
	PERMITTEE SITES: Construction site plans approved	4	Webdb	TOJ Stormwater	
	PRIVATE SITES: Construction site plans reviewed	7	Webdb	TOJ Stormwater	
	PRIVATE SITES: Construction site plans approved	7	Approval Letter	TOJ Stormwater	We do not approve PPP plans we accept them
	Annually review (and revise, as needed) and implement the permittee's written procedures to notify all new development / redevelopment permit applicants of the need to obtain all required stormwater permits. Report the number of new development/redevelopment permit applicants notified of the ERP and CGP, and the number of applicants who confirmed ERP and CGP coverage. <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. If the number of applicants notified of ERP or CGP coverage is less than the number of construction site plans reviewed, please provide an explanation for the discrepancy in Column F.</i>				

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p style="text-align: center;">Notified of ERP stormwater permit requirements</p> <p style="text-align: center;">Confirmed ERP coverage</p> <p style="text-align: center;">Notified of CGP stormwater permit requirements</p> <p style="text-align: center;">Confirmed CGP coverage</p>	<p style="text-align: center;">11</p> <p style="text-align: center;">11</p> <p style="text-align: center;">11</p> <p style="text-align: center;">11</p>	<p style="text-align: center;">TOJ Stormwater Check list</p> <p style="text-align: center;">Copy of SFWMD Permit</p> <p style="text-align: center;">TOJ Stormwater Check list</p> <p style="text-align: center;">Copy of FDEP Letter</p>	<p style="text-align: center;">TOJ Stormwater Personnel</p> <p style="text-align: center;">SFWMD</p> <p style="text-align: center;">TOJ Stormwater Personnel</p> <p style="text-align: center;">FDEP</p>	
Part III.A.9.b	Construction Site Runoff — Inspection and Enforcement				
	<p>As an attachment to the Year 1 Annual Report, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The permittee shall implement the plan for inspecting construction sites <u>immediately upon written approval by the Department</u>. Prior to Department approval, the permittee shall continue to perform inspections in accordance with its previously developed construction site inspection procedures. Report on the inspection program for privately-operated and permittee-operated construction sites, including the number of active construction sites during the reporting year, the number of inspections of active construction sites, the percentage of active construction sites inspected, and the number and type of enforcement actions / referrals taken.</p> <p><i>DEP Note: If "0" is reported in Column C for the number of inspections conducted, please provide an explanation in Column F of why no inspections were conducted. If the number of inspections reported is equal to or less than the number of active construction sites, or the percentage inspected is less than 100%, please provide an explanation in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p> <p><i>DEP Note: Refer to Part III.A.9.b of the permit for what must be included in the construction site inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.</i></p>				
	<p style="text-align: center;">PERMITTEE SITES: Active construction sites</p> <p style="text-align: center;">PERMITTEE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs</p> <p style="text-align: center;">PERMITTEE SITES: Percentage of active construction sites inspected</p> <p style="text-align: center;">PRIVATE SITES: Active construction sites</p> <p style="text-align: center;">PRIVATE SITES: Inspections of active construction sites for</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">23</p> <p style="text-align: center;">100</p> <p style="text-align: center;">15</p> <p style="text-align: center;">268</p>	<p style="text-align: center;">Town of Jupiter NPDES Compliance Inspection Report</p>	<p style="text-align: center;">TOJ Stormwater</p>	

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	<p>proper stormwater, erosion and sedimentation BMPs</p> <p>PRIVATE SITES: Percentage of active construction sites inspected</p> <p>Notices of Violation (NOVs) / warning letters / citations issued</p> <p>Stop Work Orders issued</p> <p>Fines issued</p> <p>Year 1 ONLY: Attach the written construction site inspection program plan</p>		<p>Compliance Inspection Report</p>	<p>Stormwater Personnel</p>	
		100%			
		0	N/A	N/A	No violations
		0	N/A	N/A	No violations
		0	N/A	N/A	No violations
			N/A	N/A	Provided with Year One Report

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.			C.	D.	E.	F.
Permit Citation/SWMP Element	Permit Requirement/Quantifiable SWMP Activity			Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.9.c	Construction Site Runoff — Site Operator Training						
	<p>During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) and private persons involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. All inspectors of construction sites shall be certified through the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. Follow-up training shall be provided annually. Report the number and type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private persons trained by the permittee.</p> <p><i>DEP Note: If "0" is reported for any of these reporting items, please include in Column F an explanation of why training was not provided to / obtained by the permittee's staff and private persons during the applicable reporting year.</i></p> <p><i>DEP Note: The permittee should report only the number of staff and private persons (i.e., private construction site operators) trained / certified during the applicable reporting year, and then note in Column F the number of staff and private persons who were previously trained / certified. Private site operator training can include pre-construction meetings.</i></p>						
		Certification Training	Initial Training (non-certification)	Refresher Training			
Permittee construction site inspectors	0	0	0		N/A	N/A	All of the Town of Jupiter Stormwater Inspectors are certified
Permittee construction site plan reviewers	0	0	0		N/A	N/A	The Town of Jupiter Stormwater plan reviewers are certified
Permittee construction site operators	2	0	0		Attendance List	Cheryl L. Moore Consulting, LLC	
Private persons	68	N/A			Attendance List	Cheryl L. Moore Consulting, LLC	

SECTION VIII. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)

SECTION VIII. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)		
A.	Permit Citation/ SWMP Element	<p>Proposed Changes to the Stormwater Management Program Activities Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) — REQUIRES DEP APPROVAL PRIOR TO CHANGE IF PROPOSING TO REPLACE OR DELETE AN ACTIVITY.</p> <p><i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i></p>
	III A.5/Municipal Waste Treatment	The Town of Jupiter does not own the Municipal Waste treatment facility. This should be eliminated from the permit. See Annual Report
	III A.7g/ Sanitary Sewer Seepage	The Town of Jupiter does not own the sanitary sewer system. This should be deleted from the permit. See Annual Report
B.	Permit Citation/ SWMP Element	<p>Changes to the Stormwater Management Program Activities NOT Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change)</p> <p><i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i></p>

CHECKLIST A: ATTACHMENTS TO BE SUBMITTED WITH THE ANNUAL REPORTS

Below is a list of items required by the permit that may need to be attached to the annual report. Please check the appropriate box to indicate whether the item is attached or is not applicable for the current reporting period. Please provide the number and the title of the attachments in the blanks provided.

Attached	N/A	Rule / Permit Citation	Required Attachment	Attachment Number	Attachment Title
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part II.F	EACH ANNUAL REPORT: If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.1	EACH ANNUAL REPORT: An explanation of why the minimum inspection frequency in Table II.A.1.a was not met, if applicable.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.4	EACH ANNUAL REPORT: A list of the flood control projects that did <u>not</u> include stormwater treatment and an explanation for each of why it did not, if applicable.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.7.a	EACH ANNUAL REPORT: A report on amendments / changes to the legal authority to control illicit discharges, connections, dumping, and spills, if applicable.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part V.B.9	EACH ANNUAL REPORT: Reporting and assessment of monitoring results. [Also addressed in Section III of the Annual Report Form]	Part of the main Report	See Joint Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part VI.B.2	EACH ANNUAL REPORT: An evaluation of the effectiveness of the SWMP in reducing pollutant loads discharged from the MS4 that, <u>at a minimum</u> , must include responses to the questions listed in the permit.	1	Town of Jupiter NPDES Annual Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.e	EACH ANNUAL REPORT: A status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred for the pollutant(s) of concern.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.4.f	EACH ANNUAL REPORT after approval of the BPCP: The status of the implementation of the Bacterial Pollution Control Plan (BPCP).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rule 62-624.600(2)(a), F.A.C.	YEAR 1: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.3	YEAR 1: If have curbs and gutters but no street sweeping program, an explanation of why no street sweeping program and the alternate BMPs used or planned.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.6	YEAR 1 or YEAR 2: A copy of the adopted Florida-friendly Ordinance, if applicable.	2	Draft Ordinance No. 21-13
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.7.c	YEAR 1: A proactive illicit discharge / connection / dumping inspection program plan.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.9.b	YEAR 1: A construction site inspection program plan. [For approval by DEP]		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.2	YEAR 2: A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment.	3	Town of Jupiter Code Review
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.A.2	YEAR 3: Estimates of annual pollutant loadings and EMCs, and a table comparing the current calculated loadings with those from the previous two Year 3 ARs.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.2	YEAR 4: A follow-up report on plan implementation of changes to codes and regulations to reduce the stormwater impact from new development / redevelopment.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.A.3	YEAR 4: If the total annual pollutant loadings have not decreased over the past two permit cycles, revisions to the SWMP, as appropriate.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.B.3	YEAR 4: The monitoring plan (with revisions, if applicable).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VII.C	YEAR 4: An application to renew the permit.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.d	YEAR 4: A TMDL Implementation Plan / Supplemental SWMP.		

CHECKLIST B: THE REQUIRED ANNUAL REVIEWS OF WRITTEN STANDARD OPERATING PROCEDURES (SOPs) & PLANS

The permit requires annual review, and revision if needed, of written Standard Operating Procedures (SOPs) and plans (e.g., public education and outreach, training, inspections). Please indicate your review status below. **If you have made revisions that need DEP approval, you must complete Section VIII.A of the annual report.**

Did not complete review of existing SOP / Plan	Developed <u>new</u> written SOP / Plan	Reviewed & <u>no revision needed</u> to existing SOP / Plan	Reviewed & <u>revised</u> existing SOP / Plan	Permit Citation	Description of Required SOPs / Plans
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.1	SOP and/or schedule of inspections and maintenance activities of the structural controls and roadway stormwater collection system.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.2	SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant development.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.3	SOP for the litter control program.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.3	SOP for the street sweeping program.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.3	SOP for inspections of equipment yards and maintenance shops that support road maintenance activities.
N/A	N/A	N/A	N/A	Part III.A.5	SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit. Town of Jupiter does not own any waste treatment facilities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.6	Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer.
N/A	N/A	N/A	N/A	Part III.A.6	Plan for pesticide, herbicide and fertilizer application training <i>DEP Note: A plan is not necessary since the FDACS certification / licensing program adequately fulfills the permit requirement.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.6	SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.c	Plan for proactive illicit discharge / connections / dumping inspections.*
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.c	SOP for reactive illicit discharge / connections / dumping investigations.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.c	Plan for illicit discharge training.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.d	SOP for spill prevention and response efforts.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.d	Plan for spill prevention and response training.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.e	Plan for public education and outreach on how to identify and report the illicit discharges and improper disposal to the MS4.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.f	Plan for public education and outreach on the proper use and disposal of oils, toxics and household hazardous waste.
N/A	N/A	N/A	N/A	Part III.A.7.g	SOP to reduce / eliminate sanitary wastewater contamination of the MS4. Loxahatchee River District's responsibility
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.8	SOP for inspections of high risk industrial facilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.9.a	SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.9.b	Plan for inspections of construction sites.*
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.9.c	Plan for stormwater, erosion and sedimentation BMPs training.

* Revisions to these plans require DEP approval – please complete Section VIII.A of the annual report.

REMINDER LIST OF THE TMDL / BMAP REPORTS TO BE SUBMITTED SEPARATELY FROM AN ANNUAL REPORT

Rule / Permit Citation	Report Title	Due Date
Part VIII.B.3.a	6 MONTHS from effective date of permit: TMDL Prioritization Report.	9/2/11
Part VIII.B.3.b	12 MONTHS from effective date of permit: TMDL Monitoring and Assessment Plan.	3/2/12
Part VIII.B.3.c	6 MONTHS from receiving analyses from the lab: TMDL Monitoring Report.	TBD
Part VIII.B.4	30 MONTHS from effective date of permit: A Bacterial Pollution Control Plan (BPCP).	9/2/13

**END OF REVISED TAILORED MS4 AR FORM
CYCLE 3 PERMIT**

ATTACHMENT I
TOWN OF JUPITER
NPDES ANNUAL
REPORT

Town of Jupiter
NPDES Annual Report

- A. Have the stormwater pollutant loadings discharged from the MS4 decreased?
- Street sweeping has helped to reduce the pollutant loading being discharged.
 - Swale re-habilitation program has helped to reduce pollutant loading being discharged by re-establishing the original profile to hold runoff in the swale and allow for infiltration into the ground. Also capturing pollutants.
 - The installation of inlet baskets has helped to reduce the pollutant loading being discharged.
 - Re-development areas are being required to upgrade or construct water quality areas.
- B. Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?
- Street Sweeping – Reduction of pollutants being discharged by picking up the debris which contains the pollutants and disposing of them properly.
 - Swale re-habilitation – Reduction of pollutants being discharged by allowing the pollutants to be settled in the swale area.
 - Inlet baskets – traps debris which is disposed of properly. Eliminates pollutants from entering the water ways.

- C. Which components of the SWMP are not working well and need to be revised to make them more effective in reducing stormwater pollutant loadings?

We have no comment at this time.

- D. Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why?

- The duplication of effort by different entities in the same area. One example of this is the requirement to inspect “High Risk” facilities when they may already have an NPDES permit, be part of an Industrial Pre-treatment program or have a Multi-Sector Generic Permit.

- Part III.A.4 – This area of reporting could be reduced to the number of stormwater projects completed during the reporting period. With the requirements of the Water Management Districts and the Municipalities own rules the number of projects not including stormwater treatment is probably zero.

- Part III.A.7.g – The reporting of Sanitary Sewer Overflows is already required by FDEP of the operator of the sanitary sewer system. FDEP could improve the methods used for tracking of the overflows. Reporting of the overflows, months later on a NPDES report does not help in correcting the situation when it happens. If the entity responsible for the stormwater systems is not aware of the overflow they cannot respond in an appropriate manner. A report of the maintenance of the sanitary sewer system should be a requirement of the entity operating the sanitary sewer system (e.g. slip lining, generators in place, etc.).

- Part III.A.8.a – With the change of owners and/or businesses annually this task is very time consuming and causes resources that could be used for maintaining the drainage system to spend time in the office going through records. One suggestion is to have the property owner pull a MSGP for the property (Plazas, warehouses, multiple business buildings) and modify it when new business rent space. The other possible solution to making sure that businesses have an MSGP

if required would be for the state to collect the information when the business is registering with the state. This requirement is viewed as a non-funded mandate.

- Part III.A9.a – The need to quantify the number of site plans being reviewed is again counter-productive to using resources efficiently. The procedure for reviewing the site plans is the important part of this program. Most entities will not issue a permit without the all other permits being issued by other entities (e.g. South Florida Water Management District, Pollution Prevention Plan approval from FDEP).
- The requirement for the Permit holder to be responsible for the training of contractors in spill prevention and fertilizer application is not practical. The proper training should be a requirement of the state for the contractor to be licensed in the state with re-fresher training being required to re-new their license.

E. Is the monitoring program providing data that can be used to assess the effectiveness of the SWMP in reducing stormwater pollutant loadings, assess the effectiveness of specific BMPs, and determine where stormwater retrofitting projects should be prioritized for implementation?

- The monitoring program provides a “BIG” picture on the health of the water bodies and if the programs that permit holders have in place are having a positive effect. The condition of a water body is dynamic and not static so it is very difficult to say that one specific BMP is more effective.
- BMPs have been studied and their theoretical effectiveness has been calculated. The monitoring program does not necessarily provide the information that one BMP is more effective than another.
- The monitoring program does help to identify areas where there may need to be further investigation of the stormwater systems. This allows the permit holder to take a closer look at an area and determine if retrofitting of the stormwater system may be necessary.

ATTACHMENT II
TOWN OF JUPITER
DRAFT ORDINANCE NO. 21-13
FERTILIZER FRIENDLY

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ORDINANCE NO. 21-13

AN ORDINANCE OF THE TOWN OF JUPITER OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 LANDSCAPING; ADOPTING A NEW SECTION 23-09 FERTILIZER FRIENDLY; FOCUSING ON EXCESSIVE NUTRIENT LEVELS IN PALM BEACH COUNTY WATER BODIES; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

29 **WHEREAS**, pursuant to Section 303(d) of the federal Clean Water Act and the
30 resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code),
31 the Florida Department of Environmental Protection (FDEP) has classified specific
32 water bodies in Palm Beach County as “impaired” as a result of the presence of
33 excessive nutrients; and

34 **WHEREAS**, Florida Statute, Section 403.9337 requires local governments
35 located within the watershed of a water body or water segment that is listed as impaired

1 by nutrients pursuant to Florida Statute, Section 403.067, adopt an ordinance for
2 Florida-Friendly™ fertilizer use on urban landscapes; and

3 **WHEREAS**, the FDEP on the 2nd day of March 2011, issued its Palm Beach
4 County Municipal Separate Storm Sewer System Permit No. FLS 000018-003
5 (hereinafter referred to as the “MS4 Permit”) to forty-one (41) governmental entities
6 including Town of Jupiter; and

7 **WHEREAS**, the MS4 permit requires local governments within the watershed of
8 a nutrient impaired water body to adopt FDEP’s Model Ordinance for Florida Friendly
9 Fertilizer Use on Urban Landscapes or an Ordinance that includes all the requirements
10 set forth in the Model Ordinance; and

11 **WHEREAS**, surface water runoff and base flow runoff leaves residential
12 neighborhoods, commercial centers, industrial areas, and other lands of Palm Beach
13 County and enters into natural and artificial stormwater and drainage conveyances and
14 natural water bodies in Palm Beach County; and

15 **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the
16 degradation of surface water, are commonly the primary components of fertilizer for turf
17 and landscape application; and

18 **WHEREAS**, the quality of streams, lakes, and wetlands is important to
19 environmental, economic, and recreational prosperity and to the health, safety, and
20 welfare of the residents of Palm Beach County; and

1 **WHEREAS**, algae blooms and accelerated growth of aquatic weeds in Palm
2 Beach County's water bodies have heightened community concerns about water quality
3 and eutrophication of surrounding waters; and

4 **WHEREAS**, it is generally recognized that Eastern Palm Beach County soils
5 naturally have adequate phosphorus content for most vegetative needs and that
6 additional phosphorus is therefore only occasionally needed to create or maintain a
7 vibrant landscape; and

8 **WHEREAS**, it has been recognized that proper application of slow-release
9 nitrogen sources is more efficiently used by plants and less likely to leach or runoff; and

10 **WHEREAS**, this Ordinance is part of a regulatory program to address nonpoint
11 sources of nutrient pollution which is scientifically based, and economically and
12 technically feasible; and

13 **WHEREAS**, in the process of adoption of this Ordinance, Town Council of the
14 Town of Jupiter has considered scientific information, including input from the
15 Department of Environmental Protection, the Department of Agriculture and Consumer
16 Services, and the University of Florida Institute of Food and Agricultural Sciences.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
18 **JUPITER, FLORIDA, that:**

19 **SECTION I. TITLE:**

20 This Ordinance shall be known as the Fertilizer-Friendly Use Ordinance.
21
22

1 **SECTION II. DEFINITIONS:**

2 For this Ordinance, the following terms shall have the meanings set forth in this
3 section unless the context clearly indicates otherwise.

4 1. “Application” or “Apply” means the actual physical deposition of fertilizer to
5 turf or landscape plants.

6 2. “Applicator” means any person who applies fertilizer on turf and/or
7 landscape plants in Town of Jupiter.

8 3. “Approved Test” means a soil test from the University of Florida,
9 government, or other commercial licensed laboratory that regularly performs soil testing
10 and recommendations.

11 4. “Best Management Practices (BMP’s)” means turf and landscape
12 practices or combination of practices based on research, field-testing, and expert
13 review, determined to be the most effective and practical site-specific means, including
14 economic and technological considerations, for improving water quality, conserving
15 water supplies and protecting natural resources.

16 5. “Code Enforcement Officer”, “Official”, or “Inspector” means any
17 designated employee or agent of Town of Jupiter whose duty it is to enforce codes and
18 ordinances enacted by Town of Jupiter.

19 6. “Commercial Fertilizer Applicator” except as provided in section
20 482.1562(9), F.S., means any person who applies fertilizer for payment or other
21 consideration to property not owned by the person or firm applying the fertilizer or the
22 employer of the applicators.

1 7. “Fertilizing”, or “Fertilization” means the act of applying fertilizer to turf,
2 specialized turf, or landscape plants.

3 8. “Fertilizer” means any substance or mixture of substances that contains
4 one or more recognized plant nutrients and promotes plant growth, or controls soil
5 acidity or alkalinity, or provides other soil enrichment, or provides other corrective
6 measures to the soil.

7 9. “Institutional Applicator” means any person, other than a private, non-
8 commercial or a Commercial Applicator (unless such definitions also apply under the
9 circumstances), that applies fertilizer for the purpose of maintaining turf and/or
10 landscape plants. Institutional Applicators shall include, but shall not be limited to,
11 owners, managers, or employees of public lands, schools, parks, religious institutions,
12 utilities, industrial or business sites and any residential properties maintained in
13 condominium and/or common ownership.

14 10. “Landscape Plant” means any native or non-native tree, shrub, or
15 groundcover (excluding turf).

16 11. “Pasture” means land managed for livestock grazing.

17 12. “Person” means any natural person, business, corporation, limited liability
18 company, partnership, limited partnership, association, club, organization, and/or any
19 group of people acting as an organized entity.

20 13. “Prohibited Application Period” means the time period during which a
21 Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or

1 Warning is in effect for any portion of Town of Jupiter, issued by the National Weather
2 Service, or if heavy rain (2 inches or more within a twenty-four (24) hour period) is likely.

3 14. “Saturated Soil” means a soil in which the voids are filled with water.
4 Saturation does not require flow. For the purposes of this Ordinance, soils shall be
5 considered saturated if standing water is present or the pressure of a person standing
6 on the soil causes the release of free water.

7 15. “Slow-Release”, “Controlled Release”, “Timed Release”, “Slowly-
8 Available”, or “Water Insoluble Nitrogen” means nitrogen in a form which delays its
9 availability for vegetative uptake and use after application, or which extends its
10 availability to the vegetation longer than a reference rapid or quick release product.

11 16. “Turf”, “Sod”, or “Lawn” means an area of grass-covered soil held together
12 by the roots of the grass.

13 17. “Urban Landscape” means pervious areas on residential, commercial,
14 industrial, institutional, highway rights-of-way, or other nonagricultural lands that are
15 planted with turf or landscape plants. For the purposes of this section, agriculture has
16 the same meaning as provided in section 570.02, Florida Statutes.

17 **SECTION III. FINDINGS:**

18 As a result of the Florida Department of Environmental Protection’s determination
19 that certain water bodies within Palm Beach County are impaired for excessive nutrient
20 levels, the Town of Jupiter finds that the best management practices contained in the
21 most recent edition of the *“Florida-Friendly Best Management Practices for Protection of*
22 *Water Resources by the Green Industries”*, are required in this Ordinance.

1 **SECTION IV. PURPOSE AND INTENT:**

2 This Ordinance regulates the proper use of fertilizers by any applicator; requires
3 proper training of commercial and institutional fertilizer applicators; establishes training
4 and licensing requirements; establishes a Prohibited Application Period; and specifies
5 allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions.
6 This Ordinance requires the use of Best Management Practices to minimize negative
7 environmental effects associated with excessive nutrients in our water bodies. These
8 environmental effects have been observed in and on Palm Beach County's natural and
9 constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other
10 water bodies. Collectively, these water bodies are an asset important to the
11 environmental, recreational, cultural and economic well-being of Palm Beach County
12 residents and the health of the public. Overgrowth of algae and vegetation hinder the
13 effectiveness of flood attenuation provided by natural and constructed stormwater
14 conveyances. Regulation of nutrients, including both phosphorus and nitrogen
15 contained in fertilizer, is anticipated to help improve and maintain water and habitat
16 quality.

17 **SECTION V. APPLICABILITY:**

18 This Ordinance shall be applicable to and shall regulate any and all applicators of
19 fertilizer and areas of application of fertilizer to urban landscapes within the area Town
20 of Jupiter, unless such application is specifically exempted by Section XII of this
21 Ordinance. This Ordinance shall be prospective only, and shall not impair any existing
22 contracts.

1
2 **SECTION VI. TIMING OF FERTILIZER APPLICATIONS.**

3 1. No applicator shall apply fertilizers containing nitrogen and/or phosphorus
4 to turf and/or landscape plants during the Prohibited Application Period or to saturated
5 soils.

6 2. Fertilizer containing nitrogen and/or phosphorus shall not be applied
7 before seeding or sodding a site, and shall not be applied for the first thirty (30) days
8 after seeding or sodding, except when hydro-seeding for temporary or permanent
9 erosion control in an emergency situation (wildfire, etc), or in accordance with the
10 Stormwater Pollution Prevent Plan for that site.

11 **SECTION VII. FERTILIZER FREE ZONES:**

12 Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector
13 shield or drop spreader is used, of any pond, stream, water body, lake, canal, or
14 wetland as defined by the Florida Department of Environmental Protection (Chapter 62-
15 340), Florida Administrative Code or from the top of a seawall or lake bulkhead. Newly
16 planted turf or landscape plants may be fertilized in this zone only for a sixty (60) day
17 period beginning thirty (30) days after planting if needed to allow the vegetation to
18 become well established. Caution shall be used to prevent direct deposition of fertilizer
19 into the water.

20 **SECTION VIII. FERTILIZER CONTENT AND APPLICATION RATES:**

21 1. Fertilizers applied to turf within Town of Jupiter shall be applied in
22 accordance with requirements and directions provided by Rule 5E-1.003(2), Florida

1 Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*. Under Rule 5E-
2 1.003(2), Florida Administrative Code, required application rate and frequency
3 maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or
4 container.

5 2. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape
6 plants except as provided in section (1) above for turf, or in UF/IFAS recommendations
7 for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or
8 tissue deficiency has been verified by an approved test.

9 3. Fertilizer used for sports turf at golf courses shall be applied in accordance with
10 the recommendations in “Best Management Practices for the Enhancement of
11 Environmental Quality on Florida Golf Courses”, published by the Florida Department of
12 Environmental Protection, dated January 2007, as may be amended. Fertilizer used at
13 park or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida
14 Administrative Code.

15 **SECTION IX. FERTILIZER APPLICATION PRACTICES:**

16 1. As required in Section VII of this Ordinance, spreader deflector shields
17 shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be
18 positioned such that fertilizer granules are deflected away from all impervious surfaces,
19 fertilizer-free zones and water bodies, including wetlands. Any fertilizer applied, spilled,
20 or deposited, either intentionally or accidentally, on any impervious surface shall be
21 immediately and completely removed to the greatest extent practicable.

1 2. Fertilizer released on an impervious surface must be immediately
2 contained and either legally applied to turf or any other legal site, or returned to the
3 original or other appropriate container.

4 3. In no case shall fertilizer be washed, swept, or blown off impervious
5 surfaces into stormwater drains, ditches, conveyances, or water bodies.

6 4. Property owners and managers are encouraged to use an Integrated Pest
7 Management (IPM) strategy as currently recommended by the University of Florida
8 Cooperative Extension Service publications.

9 **SECTION X. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER:**

10 In no case shall grass clippings, vegetative material, and/or vegetative debris
11 intentionally be washed, swept, or blown on to or into stormwater drains, ditches,
12 conveyances, water bodies, wetlands, sidewalks or roadways. . Vegetative material
13 may be placed within the roadway right-of-way, but not over the storm drains, for pickup
14 by the municipality's vegetative waste hauler.

15 **SECTION XI. EXEMPTIONS:**

16 The provisions set forth above in this Ordinance shall not apply to:

17 (a) bona fide farm operations as defined in the Florida Right-to-Farm Act,
18 Section 823.14, Florida Statutes.

19 (b) other properties not subject to or covered under the Florida Right-to-Farm
20 Act that have pastures used for grazing livestock.

1 (c) any lands used for bona fide scientific research, including, but not limited
2 to, research on the effects of fertilizer use on urban stormwater, water quality,
3 agronomics, or horticulture.

4 **SECTION XII. TRAINING:**

5 1. All commercial and institutional applicators of fertilizer within Palm Beach
6 County shall abide by and successfully complete the six-hour training program in the
7 “Florida-Friendly Best Management Practices for Protection of Water Resources by the
8 Green Industries” offered by the Florida Department of Environmental Protection
9 through the University of Florida/Palm Beach County Cooperative Extension Service
10 “Florida-Friendly Landscapes” program or an approved equivalent program.

11 2. Non-commercial and non-institutional applicators not otherwise required to
12 be certified, such as private citizens on their own residential property, are encouraged to
13 follow the recommendations of the University of Florida/IFAS “Florida-Friendly
14 Landscape Program” and label instructions when applying fertilizers.

15 **SECTION XIII. LICENSING OF COMMERCIAL APPLICATORS:**

16 1. All businesses applying fertilizer to turf or landscape plants (including, but
17 not limited to, residential lawns, golf courses, commercial properties, and multi-family
18 and condominium properties) must ensure that the business owner or his/her designee
19 holds the appropriate “Florida-Friendly Best Management Practices for Protection of
20 Water Resources by the Green Industries” training certificate prior to the business
21 owner obtaining a Local Business Tax Certificate. Owners for any category of
22 occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide

1 proof of completion of the program to the Town of Jupiter Business Registration Office.
2 It is the responsibility of the business owner to maintain the “*Florida-Friendly Best*
3 *Management Practices for Protection of Water Resources by the Green Industries*”
4 certificate to receive their Business Tax Receipt annually.

5 2. After December 31, 2013, all commercial applicators of fertilizer within
6 Town of Jupiter, shall have and carry in their possession at all times when applying
7 fertilizer, evidence of certification by the Florida Department of Agriculture and
8 Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18),
9 Florida Administrative Code.

10 3. All businesses applying fertilizer to turf and/or landscape plants (including,
11 but not limited to, residential lawns, golf courses, commercial properties and multi-family
12 and condominium properties) must ensure that at least one (1) employee has an
13 appropriate “Florida-Friendly Best Management Practices for Protection of Water
14 Resources by the Green Industries” training certificate prior to the business owner
15 obtaining a Local Business Tax Certificate. Standard Business Tax Receipt (BTR and
16 transaction fees shall apply).

17 **SECTION XIV. ENFORCEMENT:**

18 The provisions of this Ordinance shall be enforced by (1) the Town of Jupiter
19 Code Enforcement Board or Special Master pursuant to the authority granted by
20 Section 162.01 et. seq., Florida Statutes, as may be amended and Article 10 of the
21 Unified Land Development Code, as may be amended, (2) the Council of the Town of
22 Jupiter through its authority to enjoin and restrain any person violating the Unified Land

1 Development Code, or (3) Town of Jupiter through the prosecution of violations in the
2 name of the State of Florida pursuant to the authority granted by Section 125.69, Florida
3 Statutes, as may be amended. The Code Enforcement Director may pursue these or
4 any other enforcement remedies available to and applicable to Town of Jupiter.

5 **SECTION XV. PENALTIES:**

6 1. Failure to comply with the requirement of this Ordinance shall constitute a
7 violation of this Ordinance and each new day the violation exists it is
8 considered a separate incident.

9 2. Fines shall be determined by considering the factors set forth in Sec.
10 162.09 Florida Statutes and shall not exceed the amounts listed in this section of
11 state law. The Special Master shall consider the following factors: (1) the gravity
12 of the violation; (2) Any actions taken by the violator to correct the violation; and
13 (3) Any previous violations committed by the violator. If the Special Master finds
14 the violation is irreparable or irreversible in nature, a fine not to exceed \$15,000
15 per violation may be imposed.

16 3. Funds generated by penalties imposed under this Ordinance shall be used
17 by Town of Jupiter for the administration and enforcement of Section 403.9337,
18 Florida Statutes, and the corresponding Sections of this Ordinance, and to further
19 water conservation and nonpoint pollution prevention activities.

20 **SECTION XVI. APPEAL:**

21 An aggrieved party, including Town of Jupiter, may appeal a final administrative
22 order of a Special Master to the circuit court. Such an appeal shall not be a hearing de

1 novo, but shall be limited to appellate review of the record created before the Special
2 Master. An appeal shall be filed within thirty (30) days of the execution of the order to
3 be appealed.

4 **SECTION XVII. SEVERABILITY:**

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
6 for any reason held by a Court of competent jurisdiction to be unconstitutional,
7 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

8 **SECTION XVII. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

9 The provisions of this Ordinance shall become and be made a part of the Town
10 of Jupiter Code. The sections of this Ordinance may be renumbered or relettered to
11 accomplish such, and the word “ordinance” may be changed to “section”, “article”, or
12 other appropriate word.

13 **SECTION XIX. CAPTIONS:**

14 The captions, section headings, and section designations used in this Ordinance
15 are for convenience only and shall have no effect on the interpretation of the provisions
16 of this Ordinance.

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SECTION XXI. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Council of the Town of Jupiter, Florida, on this the ____ day of _____, 2011.

(Insert Name)
(Insert Title)

(Insert Name – Board or Council of Municipality)

By: _____
(Insert Name and Title)

By: _____
(Insert Name and Title)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
(Insert Name of Municipality Attorney)

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 2011.

ATTACHMENT III
TOWN OF JUPITER
CODE REVIEW

TOWN OF JUPITER

CODE REVIEW

INTRODUCTION

The Town of Jupiter's current Code of Ordinances was reviewed to determine where changes could possibly be made to reduce stormwater impacts of new development and areas of significant redevelopment. In general the town has taken steps to reduce the impact of development with the following steps.

1. Require 25% preserve area set aside of all existing native plant communities.
2. Have minimum green space requirements for all non-residential districts ranging from 30-35%.
3. Require landscaping for all developments including a minimum of 50% to 100% native trees and plants.
4. Open space program that has acquired 64.5 acres of land for preservation and open space since 2007.
5. Connection of Greenways and Blueways as wildlife corridors.
6. Groundcover shall be placed or planted on all exposed ground or earth.
7. The Town has 2435 acres of open space including parks, preserves and greenspace.
8. Bulkheads and Seawalls are discouraged in Comp Plan and in most cases are not permitted by Zoning Code. Alternate shoreline stabilization preferred such as riprap and native vegetation.
9. New developments and redevelopment must meet South Florida Water Management District requirements.

The chapter and/or section of the Town's Code will be cited and the possible change that could be made will be discussed.

Chapter 22 Flood Prevention and Protection

Section 22-4 Statement of purpose - gives general guidelines for minimizing public and private losses due to flooding. The guideline includes not altering natural floodplains, stream channels, and natural protective barriers.

Proposed change would include requiring flood management projects that are under the Town's control to assess the impacts on the water quality of the receiving water(s), and adhere to the stormwater treatment/performance criteria required by State Water Policy and by the South Florida Water Management District.

Section 22-5 Objectives – generally discussed the protection of human life and health and to minimize damage to property.

Proposed change would include wording to protect the quality of the receiving waters.

Chapter 23 Landscaping

The general purpose of this chapter is to provide for the general promotion of the health, safety, welfare, and well-being of the community by establishing rules, regulations and guidelines regarding the protection of existing vegetation, installation of native landscaping and maintenance thereof regarding all vegetation including, but not limited to, trees, shrubs, beach dune grasses, ground cover and mangroves within the corporate limits of the Town.

Article III contains the design standards for landscaping. This section requires interior landscaping, protection of landscape using curb stops, green space and irrigation requirements.

Section 13-62. Interior landscape requirements - An area of land equal to 20 percent of the amount of vehicular use area provided on a development plan, shall be the amount required for interior landscape area. The required interior landscaped area shall be provided as foundation planting, peninsulas or islands in the vehicle use area, or in other green space areas but excludes the required perimeter landscaping. Interior landscaping provided in vehicle use areas shall be provided in the form of a peninsula or island.

Proposed change would include wording for the peninsulas or islands to be inverted to contain runoff from the parking lot.

Section 23-62.1 Green Space standards – intent and purpose of this section:

- (1) Improve environmental quality, including improved air and water quality through the removal of carbon dioxide, the generation of oxygen, the facilitation of aquifer recharge, the reduction of storm water runoff, and the prevention of soil erosion and sedimentation, through the preservation and installation of vegetation.
- (2) Conserve water by preserving and installing plants which are adapted to South Florida seasonal precipitation rates, by encouraging the use of plant materials specifically suited to the growing conditions of a particular location, and by promoting the planting of less sod/turf areas.
- (3) Reduce heat gain in or on buildings or paved areas by naturally cooling surrounding air through the evapotranspiration process of trees and vegetation and the creation of shade.
- (4) Provide human psychological and physical benefits through the use and arrangement of landscape materials to break up and moderate the monotonous urban built environment.
- (5) Provide a haven for urban wildlife.
- (6) Improve the aesthetic appearance of development through the use of plant material, thereby protecting and increasing property values within the community.
- (7) Encourage the use of transitional plantings in stormwater detention/retention areas. For the purposes of this section, the term "green space" shall be defined as in [chapter 27](#), zoning.

No proposed change

Section 23-63 Curbing - Curbing shall be incorporated into all interior portions of vehicle use areas, interior landscape areas, buffer yards, and perimeter landscape areas. Such curbing may extend 2.0 feet into each parking stall as a replacement for wheel stops or an alternative method of preventing damage to plant material. Mountable curb may only be used in conjunction with wheel stops. Wheelstops are not required. Weep holes or breaks should be provided through curbs or other appropriate means shall be provided for stormwater runoff to be absorbed by landscaped areas. Catch basins for stormwater run-off should be encouraged to be located within grassy areas but not in the minimum required perimeter landscape buffers or preserve areas.

Section 23-66 Irrigation design standards – this section requires rain sensors for properties over one (1) acre and encourages the use of drip and weep irrigation systems.

Proposed change would be in the wording to require properties one acre and over to have rain sensors.

Chapter 25 Subdivision and Land Improvement Regulations

Section 25-1 Definitions

Flood control or legal positive drainage shall mean the provision of a storm drainage system meeting the requirements of this chapter, sufficient to prevent inundation resulting from a three-year storm and which conveys stormwaters to publicly dedicated and maintained drainage canals or natural watercourses. The connection of the storm drainage system to the publicly dedicated and maintained drainage canal or natural watercourse shall mean a system approved by the agency having jurisdiction over same, or an alternate proposal for storm drainage system approved by the Town Council.

Proposed change in the wording would be to replace “sufficient to ... three-year storm” with “meeting the requirements of the Town’s Guide to Development”.

Section 25-2 Purposes

It is the purpose and intent of the regulations in this chapter to promote and safeguard the public health, safety, comfort and welfare and to ensure that lands within the Town are developed in an orderly, progressive and harmonious manner. It is further the intent of these regulations to:

- (1) Establish minimum design standards for subdivision and land development.
- (2) Encourage that land be developed with due regard to the preservation and/or promotion of its natural beauty.
- (3) Ensure that subdivision and land development promotes the safe and unimpeded flow of vehicular and pedestrian traffic.
- (4) Ensure the development of adequate educational, recreational and community service facilities.
- (5) Ensure, through review of plans, on-site inspection and engineer certification, that required improvements meet minimum Town standards.
- (6) Set forth basic criteria and procedures to ensure that these regulations are enforced.
- (7) Promote the efficient use of utilities and public facilities.

Proposed change would be to add (8) Ensure that land development with due regard to minimizing the impact of stormwater runoff on the receiving waters.

Section 25-133 Drainage

The developer shall provide such facilities as may be needed to drain the subdivision or land development to positive outlets that can be legally maintained in permanent use, or into a public system of adequate capacity which discharges into such positive outlets, including all rights-of-way, easements and necessary construction at no expense to the Town. Side ditches along public roads may not necessarily be considered as such public drainage systems or positive outlets. Wherever technically feasible within current design standards, storm sewers and treatment facilities shall be provided to control stormwater quality by providing for on-site percolation and/or detention or any other appropriate treatment facilities for stormwater.

Proposed change would be to replace the word “drain” with “manage stormwater runoff on”.

Chapter 27 Zoning

Article I General Section 27-1 Definitions

Green building shall mean a new building and site that has obtained at least a silver certification and redevelopment that has obtained a minimum certification from the Florida Green Building Coalition ("FGBC") or the U.S. Green Building Council ("USGBC"), which increases the efficiency with which it uses resources, such as energy, water, and materials, while reducing a buildings negative impact on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, completing building life cycle.

Green development shall mean a development approach that goes beyond conventional development practice by integrating the following elements: environmental responsiveness, resource efficiency, and sensitivity to existing culture and community. These elements bring together the green development approach and provide numerous environmental and economic benefits by capitalizing on the interconnections between them.

Green space shall mean that portion of the property that is covered and maintained in natural growth in a permeable soil. This includes areas that have been re-vegetated following construction, preserve areas, and those planting areas required by [chapter 23](#).

Lot coverage shall mean that portion of the lot area, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and that extend more than three feet above the surface ground level. Screen enclosures for swimming pools are considered a structure, but are not included in computing lot coverage.

Proposed change would be on the definition of lot coverage and how lot coverage is applied for all of Chapter 27. The change would be for clarifying the definition and for controlling impervious area on a given lot. For each classification, lot coverage is used (along with setbacks) to control the amount of development on a lot. The definition of "Lot coverage" (see above) only addresses roofed or covered buildings and structures. This does not allow for control of impervious area on a lot, which may include driveways, uncovered patio, decks, sports courts, pools, etc. However when combined with the requirement of open space the impervious area may not be allowed to exceed 65 – 85% of the lot. A possibility would be for a maximum "Impervious Surface Coverage" to be used along with "Lot Coverage" and setbacks to control lot development. Establishment of "Impervious Surface Coverage" would consider water quality treatment, flood control, and general aesthetics. Variance to exceed the maximums could be considered if the developer provided mitigatory facilities. This change would affect several sections of Chapter 27, wording would have to be changed throughout the chapter.

Article VIII DIVISION 4. - REQUIREMENTS AND SPECIAL REGULATIONS

This part of the code has three sections which call for Green space requirements, green space dedication and Recreation land dedication. The sections are:

Sec. 27-968. - Green space requirement for large scale planned unit development

Sec. 27-969. - Green space dedication

Sec. 27-970. - Recreation land dedication

Presently there is no need to change this section of the code since minimum green space and recreation land is required for large scale developments.

ARTICLE X. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 40. - GREEN BUILDING PROGRAM

The purposes of the green building program are:

- (1) To provide green building standards and incentives to encourage sustainable construction, water efficiency, energy efficiency, sustainable material selections and improved indoor environmental quality for new development, redevelopment and infill projects.
- (2) To provide for waivers from zoning regulations commensurate with the amount of green building standards incorporated into buildings associated with new development, redevelopment and infill projects which achieve green building certification utilizing standards for green developments from either the Florida Green Building Coalition, Inc. ("FGBC") or the U.S. Green Building Council ("USGBC").

No changes are proposed at this time.

ATTACHMENT IV
TOWN OF JUPITER
STORMWATER MANAGEMENT PLAN

TOWN OF JUPITER
STORMWATER MANAGEMENT
PLAN

Prepared by the Town of Jupiter
Stormwater Utilities Department
January 22, 2013

TABLE OF CONTENTS

1. BACKGROUND
2. STORMWATER MANAGEMENT
 - 2.1 TOWN APPROACH TO STORMWATER MANAGEMENT
 - 2.2.1 STORMWATER MANAGEMENT ISSUES
 - 2.2.2 BEST MANAGEMENT PRACTICES
 - 2.2.3 REGULATIONS
 - 2.2.4 SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3. MAPS
 - TOWN BOUNDARY
 - JUPITER MS4
 - STORMWATER MAINTENANCE/INSPECTIONS AREAS
4. STANDARD OPERATING PROCEDURES
 - INSPECTIONS
5. AUTHORITY
6. INTER-LOCAL AGREEMENTS

SECTION 1

BACKGROUND

Town of Jupiter

Stormwater Management Plan

Section 1.0

Background

1.1 Background

The Town of Jupiter is a coastal community in Northeastern Palm Beach County. The current municipal boundaries encompass approximately 22.12 square miles, and the Town has a population of approximately 52,000. The Town's stormwater management needs are served by a number of naturally occurring and manmade surface water management features.

The primary receiving waters for the Town are the Loxahatchee River and the Intra-coastal Waterway. Stormwater discharge to the Loxahatchee River is both direct and via several major tributaries including:

- C-18 Canal
- Jones Creek
- Sims Creek

Stormwater discharge to the Intracoastal Waterway is both direct and via several tributary water management systems including:

- Jonathan's Landing
- Admirals Cove

Several other entities are involved in the overall provision of stormwater management within the Town, including:

- Northern Palm Beach County Improvement District (NPBCID) is responsible for coordinating the design, construction and maintenance of many "units of development" within the Town of Jupiter.
 - Unit 9 Admiral's Cove West
 - Unit 9A Abacoa I
 - Unit 9B Abacoa II
 - Unit 23 The Shores
 - Unit 27B Botanica
 - Unit 29 North Fork Development

- Unit 33 Cypress Cove
- Unit 36 Cypress Drive
- Unit 41 Mystic Cove
- Unit 44 The Bear's Club
- Unit 45 Paseos
- Unit 46 Jupiter Country Club
- Unit 47 Jupiter Isles

- North Palm Beach Heights Water Control District (NPBHWCD) is responsible for the primary surface water management system which serves the North Palm Beach Heights subdivision and numerous other developments within the Sims Creek watershed.
- South Indian River Water Control District (SIRWCD) is responsible for a primary surface water management system, which for the most part serves the unincorporated portion of Palm Beach County west of Jupiter as well as areas within the Town such as Egrets Landing and Jupiter Park of Commerce.
- Jupiter Inlet District (JID) is responsible for maintenance of the Jupiter Inlet, main embayment of the Loxahatchee River, and the tidal portions of its tributaries.
- South Florida Water Management District (SFWMD) has surface water management responsibilities over a 16 county area, including Palm Beach County. The District's responsibilities include both regulation and operation and maintenance.
- Loxahatchee River District (LRD) is involved in preserving and protecting the Loxahatchee River through numerous programs focused on pollution control and public awareness/involvement.

SECTION 2

STORMWATER MANAGEMENT

Section 2

Stormwater Management

2.1 Town Approach to Stormwater Management

Stormwater management involves the control of the quantity and quality of runoff resulting from rainfall so as to protect property, the health, safety and welfare of the public, and the environment. Because of the amount of rainfall received in south Florida (approximately 60 inches annually), stormwater management is especially important. Several things typically affect meaningful planning and follow through relative to stormwater management:

1. Weather Cycles – Typically, water quantity (flood protection) issues are brought to the forefront by major storm events and/or prolonged wetter than normal weather. Unfortunately, for all except the simplest problems, the planning, design and permitting necessary to implement the required improvements can be very lengthy. This is especially true if improvements are planned and implemented on a comprehensive watershed basis (the most effective and efficient manner). Because of this lengthy time frame, projects and initiatives often lose momentum because of shifts in weather cycles (to drier conditions – and then water supply issues typically come to the forefront).
2. Transparency of Water Quality Issues – Most citizens are adept at identifying flooding (or water quantity) problems. However, except for very obvious problems, usually related to visible litter, those same citizens are much less able to identify and understand water quality problems. Not surprisingly, it is often difficult to generate financial support for issues that are difficult to see, touch or understand. Unfortunately, by the time most water quality problems are readily evident to most people, they are very difficult and very expensive to correct.

Because of the Town's understanding of both water quantity and quality issues, and its understanding of public reaction to these issues, the Town has taken some very wise steps in addressing stormwater management.

1. Creation of a Stormwater Utility – The Town created a stormwater utility to provide dedicated and stable funding for operations, maintenance, administration, and capital improvements relative to stormwater management. This helps lessen swings in financial support of the program that may come about due to changes in weather cycles and/or extreme events or occurrences.

2. Preparation and Updating of a Stormwater Master Plan – This helps set a steady course (plan) for addressing water quantity and quality issues, reminding the Town of what is necessary (and why), even when those issues may no longer be at the forefront of immediate municipal concerns. The Stormwater Master Plan is updated every five (5) years.

3. Development of and Participation in Loxahatchee River Preservation Initiative – Realizing that the general public is typically more focused on flooding issues and funding resolution of those problems, and understanding the crucial nature of protecting the Loxahatchee River, its tributaries and other water bodies in the region, the Town understood that a creative approach would be necessary to accomplish much needed water quality and environmental improvements in the watershed. To that end, the Town led the way in forming a multi-agency/multi-interest group known as the Loxahatchee River Preservation Initiative (LRPI). The LRPI has partnered with local legislative leaders over the past years to bring much needed funding to the Loxahatchee River Watershed for “turn dirt” water quality and environmental improvement projects. In the first five years of its existence, the LRPI and its legislative partners have been responsible for bringing approximately \$16 million to the watershed, including \$3.95 million for projects in the Town of Jupiter, for water quality and environmental restoration projects.

The remainder of this section outlines some of the history, regulations and basic principles and requirements relative to stormwater management (water quantity and quality) which should help the reader appreciate the Town’s proactive approach.

2.2.1 Stormwater Management Issues

Florida has a myriad of issues related to stormwater management, due largely to the quantity of annual rainfall we receive and the distribution in which we receive it. Further complicating things is the direct connection between our stormwater management systems and the often environmentally sensitive receiving waters to which they discharge. Stormwater management issues can typically be placed into two primary categories; water quality and water quantity.

Water Quantity

Water quantity issues typically relate to system’s physical capacity and problems usually manifest themselves in the form of flooding occurrences. Water quantity issues are typically more evident to the public and often garner more widespread public support (depending on the breadth of the problem(s)).

Usually we establish goals (criteria) associated with water quantity in the form of meeting certain “levels of service”. These levels of service are most often identified in the form of protecting facilities or meeting some measurable level of flood control for a pre-described, quantifiable rainfall event. These levels of service are logically associated with the function or use of the facility we are attempting to protect. The more critical the facility, the higher the level of protection (for example, Interstate highways, used for high speed travel and as evacuation routes, are protected to a much higher level than local roadways).

Establishing these levels of service criteria occurs at various levels of government, from federal to local. The primary facilities for which criteria have been established include:

- Buildings/Structures
- Highways/Roadways
- Parking Lots
- Above Ground Impoundments
- Discharge Structures/Facilities

Buildings/Structures

Protection of buildings/structures is governed by various entities, including the Federal Emergency Management Agency (FEMA), the State (Unified Florida Building Code), South Florida Water Management District (SFWMD) and the Town. Protection of buildings/structures typically addresses two criteria;

- Establishment of minimum finished floor elevations. Lowest finished floor elevation shall be above the greater of the following:
 - Above calculated flood stage during a 100-year, 3-day event with no discharge.
 - Six inches (6") above the 100-year flood elevation established by the applicable FEMA FIRM or a regional basin study adopted by the Town.
 - Eighteen inches (18") or seven inches (7") (respectively for residential and non-residential construction) above the adjacent average road crown, except as waived by the Town.
- Prohibitions relative to construction in the floodplain – The Federal Emergency Management Agency's (FEMA) criteria for Floodplain Management are outlined in 44CFR60.3. The criteria address prohibitions, limitations and other regulations pertaining to activities, including development/construction in flood prone areas. This includes criteria for protection of residential and non-residential construction within special flood hazard areas.

Roadways/Parking Lots

Within the Town of Jupiter there exist state, county, town and private roadways.

Town Roads – criteria established by the Town of Jupiter. The Town has multiple levels of service based on the function of various town roads.

Impoundments

Design and construction of above ground impoundments are governed by the SFWMD and the United States Army Corps of Engineers (USACOE). The criteria vary based on the categorization of the impoundment and the respective potential danger to surrounding areas.

Discharge Structures/Facilities

Regulation of discharge quantity from a given area/project into a receiving water body is typically handled by the SFWMD, local water control districts (such as South Indian River Water Control District or North Palm Beach Heights Water Control District), local government, and potentially the Florida Department of Transportation. Regulation may actually be by multiple entities depending upon receiving system ownership. Discharge regulation is typically on a flow rate basis, and is usually intended to protect downstream facilities from being over-burdened (and thus resulting in flooding of or damage to properties or facilities). Two typical means of setting design discharge thresholds are:

- Prohibiting discharge which exceeds existing rates for a given drainage area (typically for a pre-determined design storm event)
- Limiting discharge to a pro-rata (based on area) rate determined based on the physical carrying capacity of the receiving system (typically for a pre-determined design storm event)

Additionally, there are some areas where discharges may be limited (either rate or total volume for a pre-determined storm event) based on the assimilative capacity (from a water quality perspective) of the receiving system. Trends would seem to indicate that this type of regulation will increase in the future (see Water Quality section).

Water Quality

Essentially all water quality requirements relative to stormwater treatment and/or discharge have their roots in the Clean Water Act passed by Congress in 1972 and amended since. Additionally, the state of Florida created chapter 373 of the Florida Statutes (the Florida Water Resources Act).

Water quality treatment criteria are typically based on treating the "first flush" of runoff. This approach is based in the premise that the initial runoff resulting from a storm event scours accumulated pollutants from the earth's surface (especially roads and parking areas) and transports them to receiving waters. By capturing and treating this "first flush", it is presumed that pollutant reductions (in the necessary amounts) can be achieved in order to protect receiving waters.

Other programs are also in place (and under ongoing refinement) to help protect receiving waters from untreated stormwater discharges and other sources of pollution.

- NPDES - The National Pollutant Discharge Elimination System (NPDES) Program was established based on the Clean Water Act and its amendments. In 2000, the United States Environmental Protection Agency (EPA) delegated authority for implementation of the NPDES program in Florida to the Florida Department of Environmental Protection (FDEP). The NPDES program involves a system wide approach which not only utilizes structural controls to treat stormwater related pollution, but also source controls which reduce/eliminate the introduction of pollutants or their interface with stormwater runoff.

- Total Maximum Daily Load (TMDL) - the TMDL program moves beyond just a presumptive standard for treating runoff, and actually addresses the health of a water body (determine if it is impaired relative to its designated use). This approach establishes the maximum pollutant loading a water body can assimilate and requires the development of a watershed based plan that limits pollutant loadings to those levels.

2.2.2 Best Management Practices (BMP's)

Numerous programs and years of research and practical application have been dedicated to the issue of developing and refining best management practices (BMP's) aimed at preventing and treating the water quality impacts of urban stormwater runoff. As the NPDES and TMDL programs continue, the use of BMP's in reducing pollutants will be- come even more important.

BMP's can be structural or non-structural (programmatic) and may be used independently or in combination to meet certain water quality goals/objectives. BMP's may be aimed at the prevention (source control) or reduction/treatment of pollutants. The selection of the BMP (or combination of BMP's) is typically made based upon numerous factors including:

- Physical conditions
- Pollutant characteristics
- Water quality goals
- Appropriate/available technology
- Economics
- Public perceptions/input

Non Structural BMP's

Non- structural BMP's are often referred to as source controls because they are aimed at eliminating or reducing potential pollutants at the source. As is generally the case with pre-emptive strategies, they are usually more cost effective than structural BMP's, which are generally aimed at diverting or treating the problems (pollutants) once they have already been introduced. Good housekeeping procedures are a vital element in combating urban stormwater pollution. Examples of nonstructural BMP's include:

- Public education, outreach and involvement
- Conservation and land management
- Planning and regulatory controls
- Maintenance and good housekeeping

Structural BMP's

Structural BMP's are usually associated with the construction of some type of system or facility for controlling/treating pollution associated with stormwater runoff. BMP's may be implemented anywhere between the pollutants' point of introduction to the stormwater management system and their point of discharge into the receiving water of concern. Historically, in Florida, BMP's have generally involved some type of retention or detention strategy (either online or offline). While these are still the most common approaches, other BMP's are being developed, to work in combination with these strategies, or as alternatives in special situations (often encountered in retrofit type situations).

Some typical BMP's utilized in South Florida include:

- Retention systems (wet and dry)
- Detention systems (wet and dry)
- Grassed swales
- Exfiltration trenches
- Water quality inlets/separation devices
- Chemical treatment

2.2.3 Regulations

Regulations regarding stormwater discharges and protection of waters of the state are included primarily in the following sections of the Florida Statutes:

Chapter 62-25 - Regulation of Stormwater Discharges

This chapter acknowledges the fact that untreated stormwater runoff is a source of pollution to state waters, and establishes that the FDEP will prevent pollution of state waters (which would impact their designated uses, according to their classifications). To this end, the Chapter addresses design and performance standards, operation and maintenance requirements, and permitting. Also, this chapter establishes that to the extent possible, the provisions of this chapter be delegated to local governments or water management districts.

Chapter 62-302 - Surface Water Quality Standards

This chapter establishes state water quality standards based on classification system which places all state waters into a category based upon designated uses:

Class I	-	Potable Water Supplies
Class II	-	Shellfish Propagation for Harvesting
Class III	-	Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
Class IV	-	Agricultural Water Supplies
Class V	-	Navigation, Utility and Industrial Use

This chapter also identifies certain "Outstanding Florida Waters", which are afforded a higher level of protection (and requires a higher level of stormwater runoff treatment before discharge to them).

The current classification system has been in place for some time, and there is currently a Technical Advisory Committee (TAC) evaluating what, if any, changes to the system may be warranted. While the TAC's work is not yet complete, information to date indicates that wide ranging changes are not expected, and that a more likely change would allow case by case requests for reclassification or special conditions for certain state water segments.

2.2.4 South Florida Water Management District

As noted previously, certain elements related to stormwater management have been delegated to other levels of government. For a 16 county area (including Palm Beach County) in south Florida, the South Florida Water Management District (SFWMD) has been delegated the primary responsibility for stormwater management. SFWMD began as the Central and Southern Florida Flood Control District and had primary missions of flood and drought control. The Florida Water Resources Act (1972) expanded the District's duties and added an emphasis on water quality and environmental protection. To this end, the District developed an Environmental Resource Permitting program (previously Management and Storage of Surface Waters). As a part of this permitting program, a "Basis of Review" has been developed which includes criteria for:

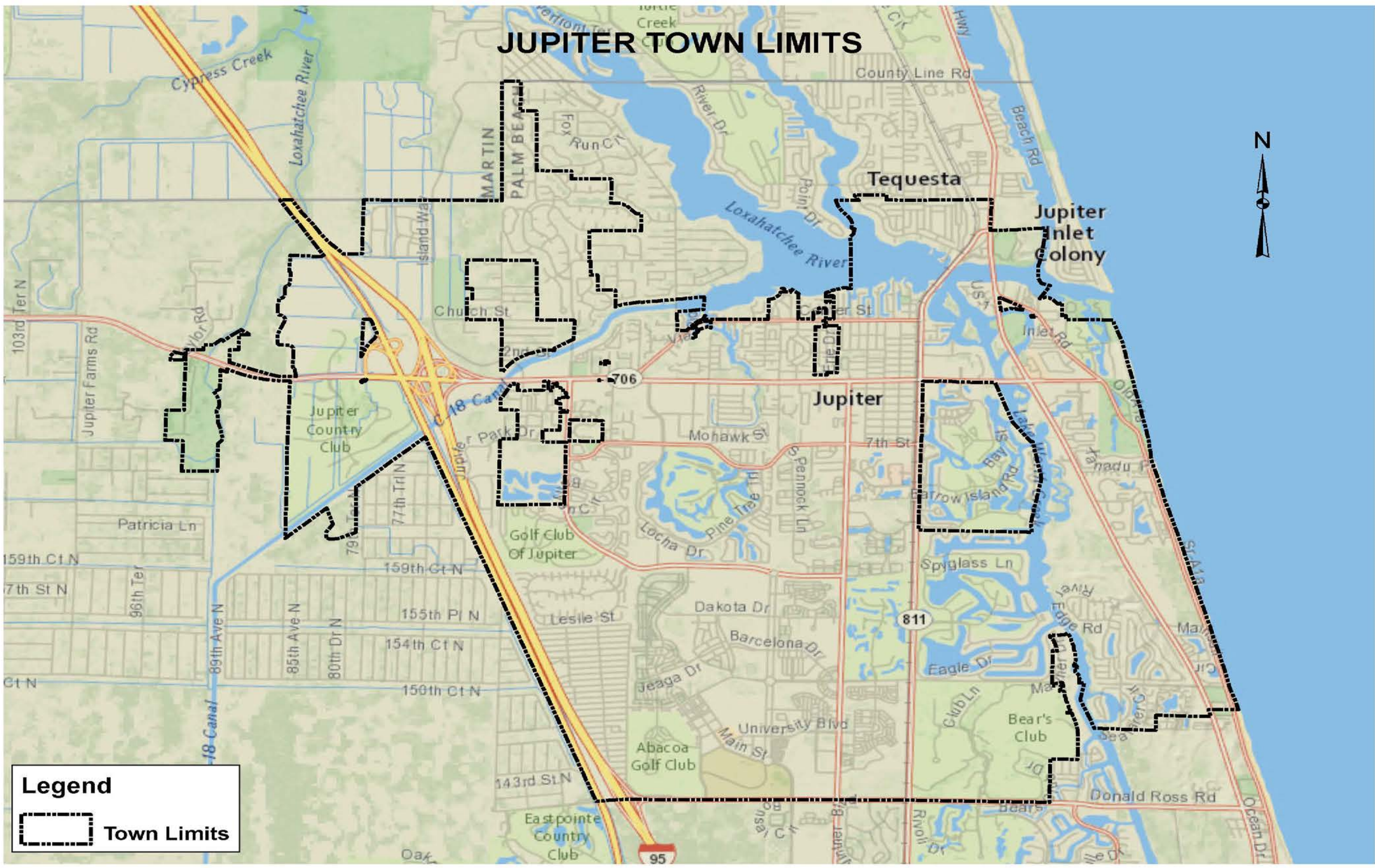
- Water Quality
- Water Quantity
- Design and Construction
- Operations

Most of the activities affecting stormwater management for the Town of Jupiter are in some way affected by or were derived in part from the policies and/or programs of the SFWMD

SECTION 3

MAPS

JUPITER TOWN LIMITS



Legend

 **Town Limits**

Jupiter - MS4

Legend

- MS4 Outfalls
- Town Boundary

Stormwater Features

- Other Ownership

Town Ownership

- CATCH BASIN
- CONTROL STRUCTURE
- END WALL
- MANHOLE
- PUMP STATION

Stormwater Pipes

- Other Ownership

Town Ownership

- TOWN
- Open Water
- TOJ_MS4TMDL

TOJ - MS4 - TMDL

Owner

- HOA / Private
- North Palm Beach Heights Water Control District (NPBWCD)
- Northern Palm Beach County Improvement District (NPBCID)
- Palm Beach County
- South Indian River Water Control District (SIRWCD)
- State of Florida
- Tequesta
- Town of Jupiter

OWNER MAP CODE - OWNER NAME

- 1 - Town of Jupiter
- 2 - HOA / Private
- 3 - Northern Palm Beach County Improvement District (NPBCID)
- 4 - North Palm Beach Heights Water Control District (NPBWCD)
- 5 - South Indian River Water Control District (SIRWCD)
- 6 - State of Florida
- 7 - Palm Beach County
- 8 - Tequesta

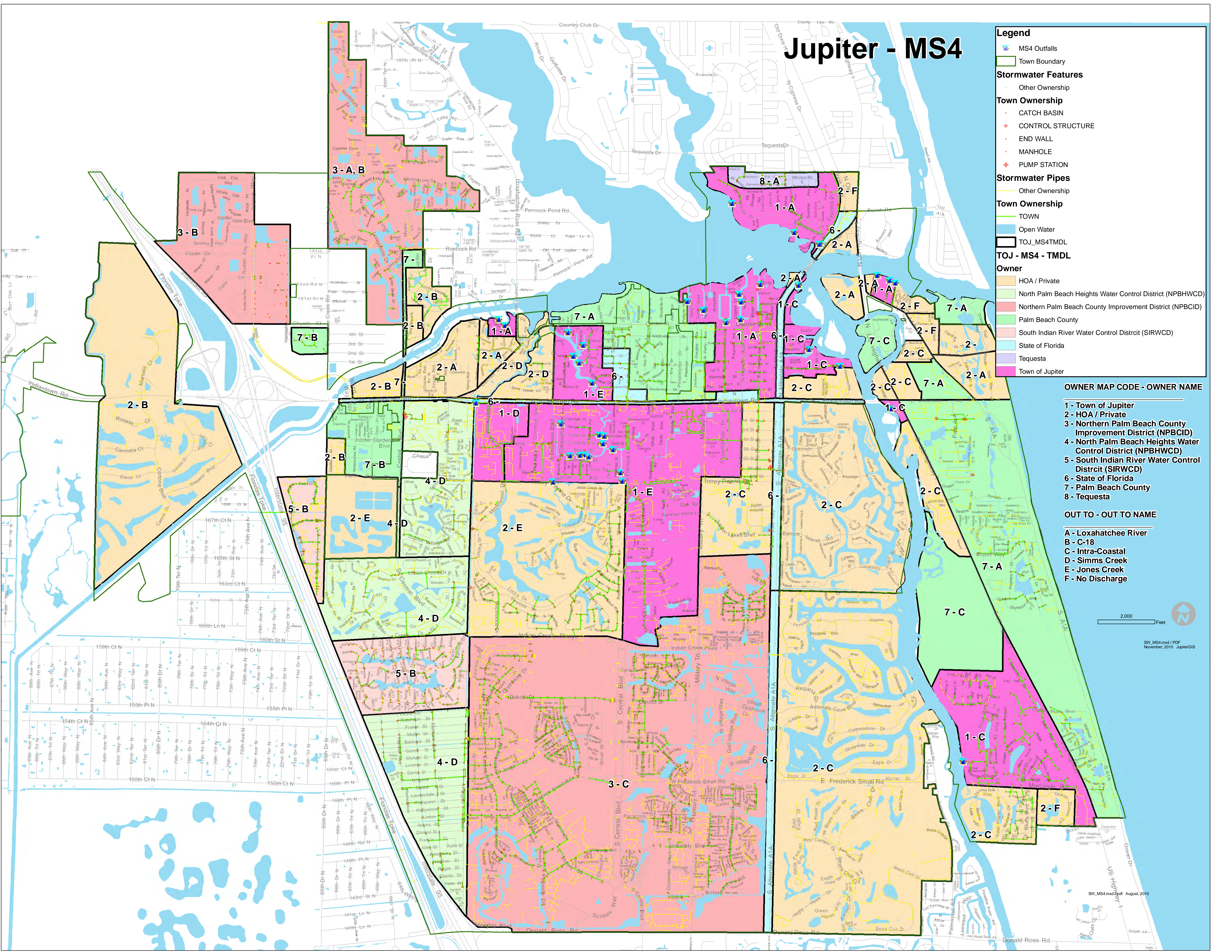
OUT TO - OUT TO NAME

- A - Loxahatchee River
- B - C-18
- C - Intra-Coastal
- D - Simms Creek
- E - Jones Creek
- F - No Discharge

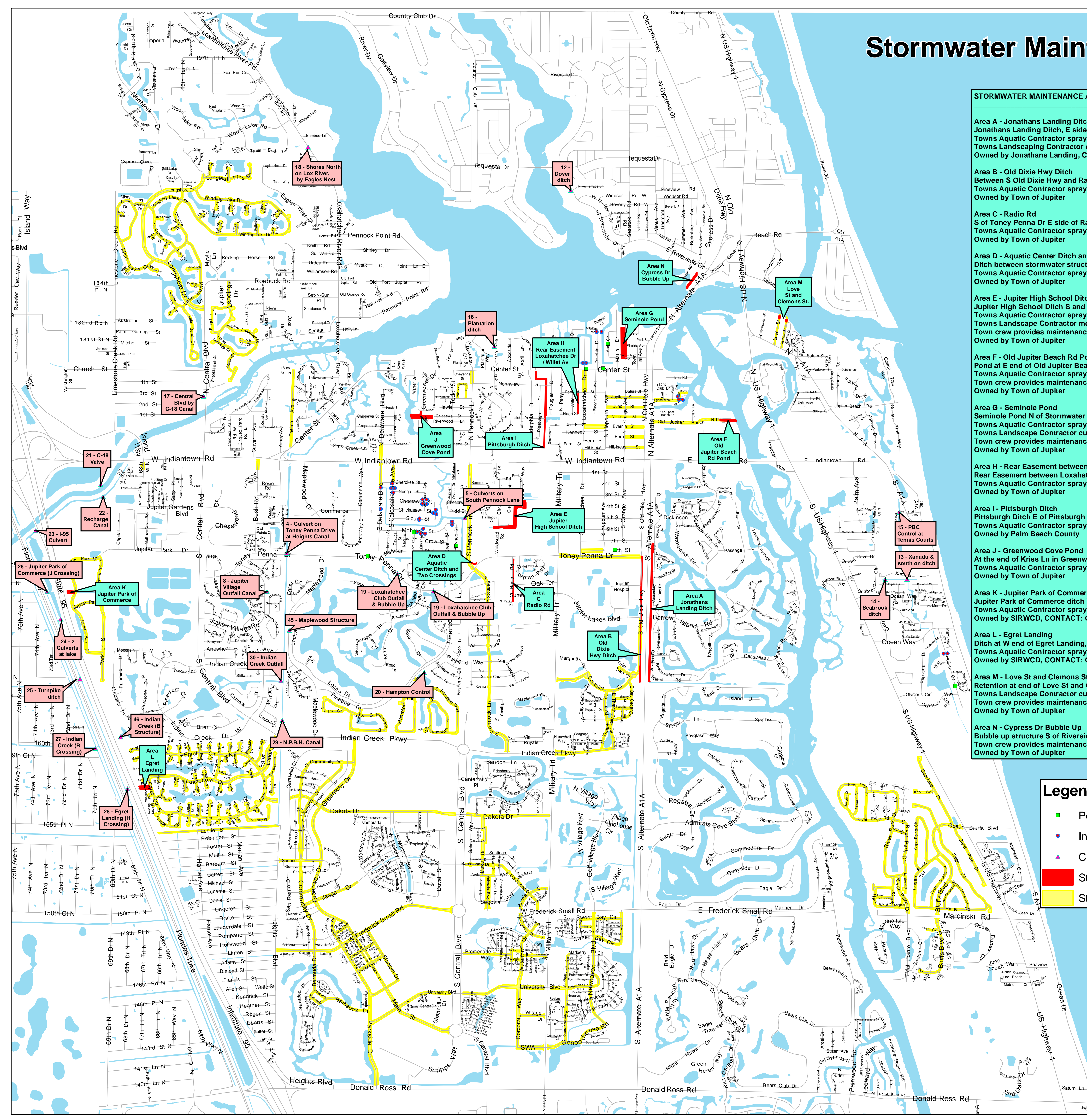


SW_MS4.mxd / PDF
November, 2010 JupiterGIS

SW_MS4.mxd / pdf August, 2010



Stormwater Maintenance / Inspection Areas



STORMWATER MAINTENANCE AREAS

- Area A - Jonathans Landing Ditch**
Jonathans Landing Ditch, E side of Alt A1A, N and S of Barrow Island Rd
Towns Aquatic Contractor sprays water.
Towns Landscaping Contractor cuts west bank.
Owned by Jonathans Landing, CONTACT: Jane, 743-2032
- Area B - Old Dixie Hwy Ditch**
Between S Old Dixie Hwy and Railroad track.
Towns Aquatic Contractor sprays water.
Owned by Town of Jupiter
- Area C - Radio Rd**
S of Toney Penna Dr E side of Radio Rd.
Towns Aquatic Contractor sprays water, PBC cuts the banks.
Owned by Town of Jupiter
- Area D - Aquatic Center Ditch and Two Crossings**
Ditch between stormwater structures S of Aquatic Ctr.
Towns Aquatic Contractor sprays water.
Owned by Town of Jupiter
- Area E - Jupiter High School Ditch**
Jupiter High School Ditch S and W of Town Admin. Complex
Towns Aquatic Contractor sprays the water,
Towns Landscape Contractor mows the banks,
Town crew provides maintenance in this area.
Owned by Town of Jupiter
- Area F - Old Jupiter Beach Rd Pond**
Pond at E end of Old Jupiter Beach Rd, past Cul-De-Sac to ICW.
Towns Aquatic Contractor sprays the water,
Town crew provides maintenance in this area.
Owned by Town of Jupiter
- Area G - Seminole Pond**
Seminole Pond N of Stormwater Pump Station.
Towns Aquatic Contractor sprays the water,
Towns Landscape Contractor cuts the area,
Town crew provides maintenance.
Owned by Town of Jupiter
- Area H - Rear Easement between Loxahatchee Dr and Willet Av**
Rear Easement between Loxahatchee Dr and Willet Av.
Towns Aquatic Contractor sprays this area.
Owned by Town of Jupiter
- Area I - Pittsburgh Ditch**
Pittsburgh Ditch E of Pittsburgh Dr, behind lots, N from Southview.
Towns Aquatic Contractor sprays the water.
Owned by Palm Beach County
- Area J - Greenwood Cove Pond**
At the end of Kriss Ln in Greenwood Cove.
Towns Aquatic Contractor sprays the water.
Owned by Town of Jupiter
- Area K - Jupiter Park of Commerce**
Jupiter Park of Commerce ditch W of Jupiter Prk Dr, S of 1090 Jupiter Park Dr
Towns Aquatic Contractor sprays water.
Owned by SIRWCD, CONTACT: Gayle English, 747-0550
- Area L - Egret Landing**
Ditch at W end of Egret Landing, across from 1129 Egret Cir S.
Towns Aquatic Contractor sprays the water.
Owned by SIRWCD, CONTACT: Gayle English, 747-0550
- Area M - Love St and Clemons St.**
Retention at end of Love St and Clemons St.
Towns Landscape Contractor cuts this area,
Town crew provides maintenance for this area.
Owned by Town of Jupiter
- Area N - Cypress Dr Bubble Up**
Bubble up structure S of Riverside Dr, S of Cypress Dr.
Town crew provides maintenance in this area.
Owned by Town of Jupiter

INSPECTIONS / CRITICAL OUTFALLS

- MAP#-TYPE
-----NAME
-----OWNER
-----CONTACT
- 4-Canals
-----Culvert on Toney Penna Drive at Heights Canal
-----Town
 - 5-Canals
-----Culverts on South Pennock Lane
-----Town
 - 8-Canals
-----Jupiter Village Outfall Canal
-----Town
 - 12-Other Entity
-----Dover ditch
-----Tequesta
 - 13-Other Entity
-----Xanadu & south on ditch
-----Xanadu H.O.A.
 - 14-Other Entity
-----Seabrook ditch
-----Seabrook H.O.A.
 - 15-Other Entity
-----PBC Control at Tennis Courts
-----County
 - 16-Other Entity
-----Plantation ditch
-----County
 - 17-Other Entity
-----Central Blvd by C-18 Canal
-----NPBCID
 - 18-Other Entity
-----Shores North on Lox River by Eagles Nest
-----County
 - 19-Other Entity
-----Loxahatchee Club Outfall & Bubble Up
-----Loxahatchee Club
 - 20-Other Entity
-----Hampton Control
-----The Hamptons H.O.A.
 - 21-Other Entity Recharge
-----C-18 Valve
-----Town
 - 22-Other Entity Recharge
-----Recharge Canal
-----SIRWCD
-----Gayle English 747-0550
 - 23-Other Entity Recharge
-----I-95 Culvert
-----FDOT
-----Mike Atkins 432-4966
 - 24-Other Entity Recharge
-----2 Culverts at lake
-----FDOT
-----Mike Atkins 432-4966
 - 25-Other Entity Recharge
-----Turnpike ditch
-----FDOT
-----Mike Atkins 432-4966
 - 26-Other Entity Recharge
-----Jupiter Park of Commerce (J Crossing)
-----FDOT
-----Mike Atkins 432-4966
 - 27-Other Entity Recharge
-----Indian Creek (B Crossing)
-----FDOT
-----Mike Atkins 432-4966
 - 28-Other Entity Recharge
-----Egret Landing (H Crossing)
-----FDOT
-----Mike Atkins 432-4966
 - 29-Other Entity Recharge
-----N.P.B.H. Canal
-----NPBCID
-----Jeff Iravani 575-6030
 - 30-Other Entity Recharge
-----Indian Creek Outfall
-----Indian Creek H.O.A.
 - 45-Recharge
-----Maplewood Structure
-----County
 - 46-Recharge
-----Indian Creek (B Structure)
-----County

Legend

- Pollution Boxes
- Inserts
- ▲ Critical Outfalls / Inspections
- Stormwater Maintenance Areas
- Street Sweeping



SECTION 4

STANDARD OPERATING

PROCEDURES

Town of Jupiter
Wet Detention System – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are three wet detention systems that are part of our MS4; they are located on the Stormwater Maintenance / Inspection Areas Map.

Inspections:

Established wet detention systems are inspected once a month, using the critical canals / outfalls / structures monthly inspection report. In addition, they are observed for problems that may impact their functionality, such as trash, debris, eroded areas and accumulated sediment.

Maintenance:

There are several maintenance activities that may be associated with a wet detention system. The appropriate activity will be chosen to correspond to the reported condition. The following activities may be required:

1. Maintain and re-establish any eroded areas on side slopes.
2. Repair any undercutting or piping around inflow and/or outflow structure(s).
3. Remove trash and debris from system and dispose of properly.
4. Remove accumulated sediment from the inflow and/or outflow pipe and dispose of properly.
5. Remove any trees or shrubs that may have become established near the discharge structure/pipe.
6. Remove or spray exotic vegetation from the littoral zone (if applicable) and replant as needed.
7. Remove accumulated sediment from basin to restore design storage volume.

Town of Jupiter
Stormwater Pump Station – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are two stormwater pump stations (SWPSs) that are part of our MS4.

Inspections:

SWPSs are inspected and maintained weekly. In general, inspections will include the items listed on the inspection form located at each facility.

Maintenance:

There are several maintenance activities that may be associated with SWPSs. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris and dispose of properly.
2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.
4. Maintain pump in accordance with pump manufacturer's recommendations.
5. Maintain generator in accordance with generator manufacturer's recommendations.

Documentation:

The documentation for the inspection and maintenance activities related to stormwater pump stations are located at each facility on the inspection / maintenance form.

Town of Jupiter
Swale System – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are 84.5 miles of swales that are part of our MS4.

Inspections:

Established swales are inspected upon complaints. In addition, they are monitored for problems that may impact their functionality whenever we receive complaints on the performance after rainfall events.

If chronic problems are identified with a swale, the swale is placed on the CIP list of the stormwater master plan. If it's an isolated swale and not the entire neighborhood, it's then place on the maintenance schedule and town personnel will perform the rehab.

Inspections are conducted close to the recovery time of that swale (generally 72 hours after a significant rainfall event) to verify that the system still functions as intended.

Maintenance:

There are several maintenance activities that may be associated with swales. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow grass.
2. Remove trash and debris from system and dispose of properly.
3. Remove accumulated sediment from the inflow and/or outflow pipe and dispose of properly.
4. Eliminate any mosquito breeding habitats.
5. Repair any undercutting or piping around inflow and/or outflow structure.
6. Repair and re-establish any eroded areas on the bottom, side slopes, and/or near any structure.
7. Scrape, disc, or otherwise aerate the bottom of the swale to restore the infiltration capacity and to ensure flow. Include soil testing, if needed, to verify that the infiltration capacity has been restored. Re-establish the surface to its final condition (seed, sod, etc...)

Documentation:

The documentation for the inspection and maintenance activities related to swales is on weekly drainage reports and also on monthly report.

Town of Jupiter
Pollution Control Device – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are eight pollution control devices (PCDs) that are part of our MS4; they are located on the Stormwater Maintenance / Inspection Areas Map.

The purpose of PCDs is the removal of debris, sediment, oils, and/or other materials from the stormwater stream before it discharges into a receiving water body. Thus, the more material removed by these devices, the better. Frequent inspection and maintenance is the key to the proper function of these units.

Inspections:

PCDs are inspected monthly and documented on the critical canals / outfalls / structures monthly inspection report. In general, inspections will include the items listed on the inspection form for structural controls catch basin / inlet.

Maintenance:

There are several maintenance activities that may be associated with PCDs. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris from system and dispose of properly.
 2. Remove accumulated vegetative matter and dispose of properly.
 3. Remove accumulated sediment and dispose of properly.
 4. Replace absorbent materials as required.
 5. Repair damage to structure, inflow or outflow pipes.
-

Town of Jupiter
Dry Detention and/or Retention System – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are six dry detention systems that are part of our MS4; they are located on the Stormwater Maintenance / Inspection Areas Map.

Inspections:

Established dry detention systems are inspected once a month, using the critical canals / outfalls / structures monthly inspection report. In addition, they are observed for problems that may impact their functionality, such as trash, debris eroded areas and accumulated sediment.

New dry detention/retention systems are inspected annually for the first two years of operation.

If chronic problems are identified with a dry detention/retention system, it is inspected annually until the problem is resolved (two consecutive annual inspections without an issue).

Inspections are conducted close to the storage recovery time of that dry detention/retention system (generally 72 hours after a significant rainfall event) to verify that the system still functions as intended.

The anticipated inspection schedule follows.

Maintenance:

There are several maintenance activities that may be associated with a dry detention/retention system. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow grass.
2. Remove trash and debris from system and dispose of properly.
3. Remove accumulated sediment from the inflow pipe and dispose of properly.
4. Eliminate any mosquito breeding habitats.
5. Repair any undercutting or piping around inflow structure.
6. Repair and re-establish any eroded areas on the bottom, side slopes, and/or near inflow structure.
7. Scrape, disc, or otherwise aerate the bottom of the detention/retention area to restore the infiltration capacity. Include soil testing, as needed, to verify that the infiltration capacity has been restored. Re-established the surface to its final condition (seed, sod, etc...)

Town of Jupiter
Conveyance (Ditch & Canal) System – Structural Control Inspection
Standard Operational/Maintenance/Documentation Protocol

There are 5,280 linear feet of ditches and/or canals that are part of our MS4; located on the Stormwater Maintenance / Inspection Areas Map.

Inspections:

The Town of Jupiter inspects 100% of the total length of conveyance system (ditches and/or canals) monthly and documented using the critical canals/outfalls/structures monthly inspection report. In addition, they are observed for problems that may impact their functionality whenever the banks are maintained. Such as trash,debris,eroded areas and accumulated sediments.

Maintenance:

There are several maintenance activities that may be associated with ditches and canals. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow/cut vegetative cover above normal water line.
 2. Remove trash and debris from system and dispose of properly.
 3. Remove accumulated sediment from the bottom to restore design conveyance capacity and storage volume.
 4. Repair and re-establish any eroded areas on the bottom, side slopes, and/or top of bank.
 5. Remove or spray exotic vegetation as needed.
-

Town of Jupiter

Spill Prevention & Response Procedures

Following is the Town of Jupiter procedures for preventing and responding to spills within our jurisdictional area.

Procedure

1. Based on training received, identify whether or not the spill requires that a call be made to a supervisor or the Fire Department. If it does, do so immediately and follow any instructions given.
2. Take appropriate steps to contain the spill in order to eliminate or minimize the possibility of the spilled substance entering the storm sewer system.
3. If within your authority, clean up the spill. Rely on training to determine the appropriate method for spill clean-up.
4. Follow up with documentation on any spill incident.

Documentation

Spills and the follow-up responses are documented in the monthly report.

Town of Jupiter

Spill Prevention & Response Training Plan

Following is the Town of Jupiter plan for training the appropriate personnel in preventing and responding to spills within our jurisdictional area.

Who

The following personnel shall receive annual training:

Utility field personnel

Public Works personnel

Parks personnel

Topics

The information covered by the training includes:

- Practices to prevent spills

- How to recognize & assess the nature of a spill

- How to contain a spill

- How to report a spill that is hazardous, too large to manage, or threatens a water body

Method

The training is presented via EXCAL employee training videos. The primary videos for spill prevention & response are “Spills & Skills” and “Controlling Oil: Spill Prevention, Control & Countermeasure.” A question and answer period follows the training video.

Presenter

The training is presented by Rod Carroll.

Schedule

The training is presented annually, usually in *March*.

Training Documentation

Attendance at the training session is documented by sign-in sheets.

Town of Jupiter

Roadway Maintenance Practices

To Reduce Pollutants

Roadway repairs and maintenance may take place anywhere throughout the City's jurisdictional area, and is conducted on an as-needed basis.

Major repair work is typically done as a construction project by a contractor. During these projects BMP'S are used and inspected to ensure integrity of system. Routine inspections are done as part of the construction site inspection program.

Minor repairs, completed by municipal staff, are performed using the following practices:

- Painting, striping, marking, and asphalt and concrete cutting or repair activities are done in dry weather.
- Nearby storm drain inlets are protected by covers, straw bales, sand bags, filter fabric or plastic to reduce the possible entry of wastes, dusts, overspray and/or slurry.
- All waste and debris remaining after the work is swept up and removed.
- Water use is minimized when saw cutting concrete. The waste slurry is allowed to dry and then swept up or a wet vacuum is used to pick up the waste slurry during or immediately after cutting.
- Maintenance supplies (e.g., cement bags, sealants and tars) are stored under cover and away from drainage areas.
- Waste, scraps, rust and paint from any sandblasting or painting projects is collected and disposed of properly.

Town of Jupiter
Plan to Eliminate Wastewater Contamination in Stormwater

The Town of Jupiter does not operate the wastewater collection and transmission system within our jurisdiction.

The Loxahatchee River District operates the wastewater collection and transmission system within our jurisdiction under state and federal regulations.

Town of Jupiter

Pesticide, Herbicide & Fertilizer Minimization Procedures

In accordance with our MS4 permit, the Town of Jupiter continues to endeavor to minimize its use of pesticides, herbicides, and fertilizers on public property. The procedures used to achieve this are as follows:

Pesticides & Herbicides

Only personnel and contractors who have proof of certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for the application of pesticides and herbicides, are allowed to apply these products.

Fertilizers

(By January 1, 2014), All personnel and contractors who apply fertilizers must demonstrate proof of training through the Green Industry BMP Program. In addition, contracted applicators are required to prove certification for “urban landscape commercial fertilizer application.”

Until January 1, 2014, personnel will continue to receive annual training on the proper application practices for fertilizers.

Annually, or more often, training on the proper storage and handling of these products is provided to all relevant personnel. Typically, relevant personnel are required to attend the Palm Beach County joint training event where EXCAL employee training videos on stormwater pollution prevention are shown.

A list is maintained of all personnel and contractors who have received training, licensing, certification, and annual refresher training.

Town of Jupiter

Municipal Waste TSD Facility Procedures

No municipal waste TSD facilities are located in the Town of Jupiter.

Town of Jupiter Maintenance/Equipment Yard Practices And Inspections

General Housekeeping:

Place adequate stockpiles of spill cleanup materials where they are readily accessible.

Keep work sites clean and orderly. Remove debris in a timely fashion.

Spot clean leaks and drips routinely. Leaks are not cleaned up until the absorbent is picked up and disposed of properly.

Clean leaks, drips, and other spills with as little water as possible. Use rags for small spills, a damp mop for general cleanup, and dry absorbent material for larger spills. Use the following three-step method for cleaning floors:

- Clean spills with rags or other absorbent materials
- Sweep floor using dry absorbent material
- Mop the floor. Mop water may be discharged to the sanitary sewer via a toilet or sink.

Sweep the maintenance area weekly, if it is paved, to collect loose particles. Do not hose down the area to a storm drain.

Report leaking vehicles to fleet maintenance.

Vehicle/Equipment Fueling:

Design fueling area to prevent stormwater runoff and spills.

Apply a suitable sealant that protects the asphalt from spilled fuels in areas where covering is infeasible and the fuel island is surrounded by pavement.

Use secondary containment when transferring fuel from the tank truck to the fuel tank.

Maintain clean fuel-dispensing areas using dry cleanup methods such as sweeping for removal of litter and debris, or use of rags and absorbents for leaks and spills. Do not wash down areas with water.

Post signs at the fuel dispenser or fuel island warning vehicle owners/operators against "topping off" of vehicle fuel tanks.

Vehicle/Equipment Washing:

Consider washing vehicles and equipment inside the building if washing/cleaning must occur on-site. This will help to control the targeted constituents by directing them to the sanitary sewer.

Design wash areas to properly collect and dispose of wash water when engine cleaning is

conducted and when chemical additives, solvents, or degreasers are used. This may include installation of sumps or drain lines to collect wash water or construction of a berm around the designated area and grading of the area to collect wash water as well as prevent stormwater run-on.

Post signs stating that only washing is allowed in wash area and that discharges to the storm drain are prohibited.

Use biodegradable, phosphate-free detergents for washing vehicles as appropriate.

Use hoses with nozzles that automatically turn off when left unattended.

Discharge equipment wash water to the sanitary sewer, a holding tank, or a process treatment system, regardless of the washing method used. Discharge vehicle wash water to (1) the sanitary sewer, a holding tank, or process treatment system or (2) an enclosed recycling system.

Vehicle/Equipment Repair:

Move maintenance and repair activities indoors whenever feasible.

If outside, use a vehicle maintenance area designed to prevent stormwater pollution - minimize contact of stormwater with outside operations through berming and appropriate drainage routing.

If temporary work is being conducted outside, use a tarp, ground cloth, or drip pans beneath the vehicle or equipment to capture all spills and drips.

Designate a special area to drain and replace motor oil, coolant, and other fluids. This area should not have any connections to the storm drain or the sanitary sewer and should allow for easy clean up of drips and spills.

Drain all fluids from wrecked vehicles immediately. Ensure that the drain pan or drip pan is large enough to contain drained fluids (e.g. larger pans are needed to contain antifreeze, which may gush from some vehicles).

Do not pour liquid waste to floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections.

Dispose of all waste materials according to applicable laws and regulations.

Collect leaking or dripping fluids in drip pans or containers. Fluids are easier to recycle if kept separate. Promptly transfer used fluids to the proper waste or recycling drums and store in an appropriately designed area that can contain spills. Don't leave drip pans or other open containers lying around.

Do not dispose of oil filters in trash cans or dumpsters, which may leak oil and contaminate stormwater. Place the oil filter in a funnel over a waste oil recycling drum to drain excess oil before disposal. Most municipalities prohibit or discourage disposal of these items in solid waste facilities. Oil filters can also be recycled. Ask your oil supplier or recycler about recycling oil filters.

Avoid hosing down your work areas. If work areas are washed, collect and direct wash water to water recycle equipment.

Storage:

If possible, store materials and wastes under cover whenever possible.

Minimize stormwater runoff by enclosing the area or building a berm around it.

Cover the containers where they are stored.

Raise the containers off the ground by use of pallet or similar method, with provisions for spill control and secondary containment.

Use covered dumpsters for waste product containers.

Contain the material in such a manner that if the container leaks or spills, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters or groundwater.

Store cracked and/or dead batteries in a non-leaking covered secondary container and dispose of properly at recycling or household hazardous waste facilities.

If equipment (e.g., radiators, axles) is to be stored outdoors, oil and other fluids should be drained first. This is also applicable to vehicles being stored and not used on a regular basis.

Try to keep chemicals in their original containers, and keep them well labeled.

Store idle equipment containing fluids under cover.

Inspections:

The form used for the inspection of each site on an annual/monthly/weekly/ daily basis is located in a PDF. Located K drive swu/npdes sops.

MUNICIPAL MAINTENANCE YARD INSPECTION CHECKLIST

Date: _____ Time: _____

Site Name and Location: _____

Owner Name and Address: _____

Description of Activities: _____

Receiving Water Body: _____

Comments:

Fueling Areas

- Proper use of spill overflow protection
- Roof on fueling area
- Dry cleanup methods implemented for fuels spills
- Tank certified by PBCDERM
- Leak detection system for fuel tanks
- Fueling pad graded for minimum runoff of storm water
- Fueling pad discharges into a storage sump, not into a storm system

Vehicle and Equipment Maintenance

- Proper storage & disposal of greasy rags, oil filters, air filters, batteries, spent coolant, etc.
- Labeling and tracking the recycling of hazardous waste materials
- Hazardous materials stored properly w/o evidence of spills
- Inventory of materials maintained onsite with labels and Material Safety Data Sheets
- Wrecked vehicles and "part vehicles" drained of all fluids
- Stored liquids and batteries have secondary containment
- Liquid waste disposed of properly and not being poured into storm system or sinks
- Empty dip pans are cleaned and stored properly
- Floor drains discharge into a storage sump with oil/water separator

Outdoor vehicle and equipment storage

- Ground free of visual stains from oil or other vehicle fluids
- Dip pans used during maintenance of vehicles
- Dip pans cleaned and stored properly
- Storage area covered and maintained properly

Painting Areas

- Paint and paint thinner stored and labeled properly
- Spray paint booths operating properly with a OSHA approved hood
- Personal protection cleaned and stored properly
- Proper painting equipment used and are cleaned and stored properly
- Recycling of used paints, paint thinner and solvents
- Employees trained on proper painting and cleaning procedures

Vehicle and equipment washing areas

- Area designated for cleaning activities
- Wash waters are contained and recycled, sumps clean and used properly
- Proper grading for wash water pad
- Parts and equipment washed within proper cleaning area
- Employees trained on proper washing procedures

Liquid Storage in above ground storage

- Installed per design with no leaks (pipes, pumps, valves, hoses, flanges, etc.)
- Storage containers maintained in good condition
- Safeguards installed, such as secondary containment
- System inspected regularly
- Employees trained on proper filling and transfer procedures

Improper connections to storm sewer

- Floor drains connected to collection system, not to storm sewer
- Runoff from wash, maintenance, storage and fueling areas not directed to storm drains
- Facility has updated plumbing schematics to reflect accurate discharges
- All underground storage tanks are maintained with proper safeguards
- Employees are trained on proper disposal of all materials used on site

General Site

- Emergency Response Plan on site
- Employees trained for emergency procedures
- Material Safety Data Sheets maintained in a location for emergency response
- Stock piles maintained properly to prevent runoff

Town of Jupiter

High Risk Facilities Inspection Program

At this time there are no high risk facilities located within the town's MS4.

ATTACHMENT # 4
Town of Jupiter
Construction Site Inspection Plan and Inspection Form

Construction site inspections are conducted for land-disturbing projects which have the potential to discharge stormwater runoff into our MS4.

Timing

Construction site inspections are conducted:

- Before the start of construction, after the placement of temporary BMPs
- During construction (one or more inspections, based on the project's potential for discharge to our MS4)
- At the end of the construction

Site Priority

All construction sites are considered priority if they have the potential to discharge into water bodies or our MS4. Sites will be inspected with a frequency deemed appropriate during the site plan review process and with consideration to rainfall events. In addition, any sites where compliance is a concern, will be inspected more frequently.

Inspection Procedure

Inspections are the responsibility of Town of Jupiter Stormwater Utilities Department and are conducted using the attached construction site inspection form. The intent of the inspection is to verify that BMPs are performing and to document the inspections. All completed inspection forms are kept at the Stormwater Utilities office.

Enforcement

Instances of non-compliance will be handled with successively more rigorous enforcement measures.

1. Notice of Violation
2. Stop work orders

The construction site inspector will issue notices of violation or stop work orders as deemed necessary.

Town of Jupiter Utilities

NPDES Compliance Inspection Report

Site Manager	Phone Numbers
On-Site Manager	
Engineer / Consultant	Phone Numbers
Receiving Body	
Disturbed Area (circle)	>1 acre >5 acres
Copy of NOI	Yes <input type="checkbox"/> No <input type="checkbox"/>

Date	Inspector	Permits	SWPPP Plan	Records Reports	Facility Site Plan	Erosion Controls	Sediment Controls	Turbidity Controls	Dewatering	Inlet Protection	Chemical Storage	Stabilization	Exfiltration Trench	Wet Detention Pond	Dry Detention Pond	Temp Sediment Basin	Waste Disposal
		Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

Comments

Date	Inspector	Permits	SWPPP Plan	Records Reports	Facility Site Plan	Erosion Controls	Sediment Controls	Turbidity Controls	Dewatering	Inlet Protection	Chemical Storage	Stabilization	Exfiltration Trench	Wet Detention Pond	Dry Detention Pond	Temp Sediment Basin	Waste Disposal
		Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

Comments

Date	Inspector	Permits	SWPPP Plan	Records Reports	Facility Site Plan	Erosion Controls	Sediment Controls	Turbidity Controls	Dewatering	Inlet Protection	Chemical Storage	Stabilization	Exfiltration Trench	Wet Detention Pond	Dry Detention Pond	Temp Sediment Basin	Waste Disposal
		Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

Comments

Date	Inspector	Permits	SWPPP Plan	Records Reports	Facility Site Plan	Erosion Controls	Sediment Controls	Turbidity Controls	Dewatering	Inlet Protection	Chemical Storage	Stabilization	Exfiltration Trench	Wet Detention Pond	Dry Detention Pond	Temp Sediment Basin	Waste Disposal
		Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

Comments

ATTACHMENT # 3

Town of Jupiter

Proactive Inspection Program

1. Procedure and Criteria for identifying priority areas

According to the MS4 NPDES permit, priority areas for inspection should include:

- Areas with older infrastructure
- 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

To the extent of our MS4 contributing area; areas zoned as industrial, commercial or mixed use; areas with on-site septic systems; and, currently identified impaired water body segments. “Older infrastructure” is not indicative of an increased potential to contain incidences of illicit discharges/connections/dumping.

2. List of identified priority areas

The following areas are the priority proactive inspection areas/facilities:

- Pennock Industrial Park
- Pine Gardens North Industrial
- Cypress Drive Industrial/Commercial Area

3. Annual schedule for inspections

All areas/facilities will be inspected at least once within the current permit term. If a facility or area is discovered to have illicit discharges/connections/dumping, it will be placed on the schedule for re-inspection the following year.

4. Procedure for conducting site inspections (include checking for MSGP)

Priority Area inspections: For general areas that have been designated to have a reasonable potential of containing illicit discharges/connections/dumping, a drive-around procedure is followed. The trained inspector(s) patrols the prioritized area searching for indications of illicit discharges/connections/dumping. If any are identified, the inspector either stops to do a Facility Inspection, a reactive investigation, or completes a work order form for the appropriate personnel to complete the investigation.

5. Procedure for tracing source of discovered illicit discharge

- The inspector will look to see if there is a connection to the drainage inlet structure. If a foreign substance is observed they will try to identify which type of activity may use the material seen.
- Businesses or facilities that use the substance found will be inspected for signs of dumping or possible spill.

6. Procedure for eliminating the discharge

- The business will be informed that they have an illegal connection.
- The business will be given thirty (30) days to correct the problem, or provide a plan for taking corrective action.
- The business will be re-inspected at the end of the thirty days or be given additional time to correct the problem if a plan has been provided.
- Final inspection will be done to verify that corrective action has been done.
- If the business does not take corrective action the Town has the right to make corrections and charge the business for all costs.

7. Procedure for documenting the inspections and enforcement activities

(See Inspection Form)

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

- Notification to business that they are in violation of Town Codes
- Contact Town Code enforcement to take actions necessary
- Violation notice sent
- If the violation has not been resolved they are fined.
- Business may have to cease operation if they refuse to take corrective action.

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

- Stormwater
- Code enforcement

10. Description of resources allocated to implement this permit element

- Stormwater personnel
- Code enforcement personnel

Proactive Illicit Discharge/Illegal Connection Inspection Form

Date of Inspection: _____

Address of Facility OR General Description of Area Inspected: _____

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

If Facility inspection, does type of business require an MSGP? Yes___ No___

If yes, does this facility have one? Yes___ No___

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 elimination: _____

Date of Referral to FDEP of facility that may require MSGP: _____

Pipes/Culverts and Inlets/Manholes – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 421,872 linear feet/miles of pipe/culvert that are part of our MS4. The locations are shown on the Town of Jupiter Ownership map. This value and the locations on the map do NOT include exfiltration trench, which is catalogued separately. Each pipe segment (between two structures or between a structure and an outfall) has a unique identification. This information is stored in a geographic information system (GIS).

There are 4121 inlets/catch basins/manholes that are part of our MS4. Their locations are also shown on the following map. Each structure has a unique identification. This information is stored in a geographic information system (GIS).

Inspections:

At least 10% of the total number of linear feet of pipe/culvert is inspected each year. The inlets, catch basins, and manholes associated with a pipe/culvert system are inspected concurrently. Visual inspections are conducted in accordance with the checklist/procedure that follows. Inspection forms are not used. The GIS or hard copy maps are coded to identify the last inspection date for each facility. If warranted, as a result of the visual inspection, a work order for maintenance, repair, or a more detailed pipe or structure investigation is generated. A more detailed investigation may include televising the pipe, or using mirrors or other devices, as appropriate, to determine the condition of the pipe/culvert. As a result of the more detailed investigation, a work order for maintenance or repair may be generated.

Maintenance:

There are several maintenance activities that may be associated with stormwater networks . The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris and dispose of properly.
2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.
4. Remove barnacles and/or other marine life and dispose of properly.
5. Repair/replace the headwall at the end of the pipe, if applicable.
6. Repair/replace pipe or structure, if needed.

Documentation:

The documentation for the inspection and maintenance activities related to the pipes/culverts and inlets/manholes are maintained on drainage reports. Presently this is in paper form.

SECTION 5

ORDINANCE ESTABLISHING

AUTHORITY

ORDINANCE NO. 33-93

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, THE STORMWATER CONTROL ORDINANCE; PROVIDING FOR PURPOSES AND DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR NPDES PERMITS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act (33 U.S.C. 1251 at sec.), as implemented by regulations of the U.S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), make necessary the adoption of local ordinance provisions relating to the Stormwater System;

WHEREAS, the Town is seeking to comply with all provisions of federal and state law; and

WHEREAS, the Town Council has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions.

NOW THEREFORE, be it ordained by the Town Council of the Town of Jupiter, Florida:

ARTICLE 1.0

The purpose of this ordinance is to promote the health, safety

and general welfare of the inhabitants of the Town of Jupiter by complying with and implementing federal and state law and regulations regarding water quality.

Definitions

- (a) Authorized Official: any employee or agent of the Town authorized to administer or enforce the provisions of this ordinance.
- (b) Director: the Director of Public Service.
- (c) Discharge: any direct or indirect entry of any solid, liquid or gaseous matter.
- (d) Person: any natural individual, corporation, partnership, institution, or other entity.
- (e) Site of Industrial Activity: any area or facility used for manufacturing, processing or raw material storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U.S. Environmental Protection Agency, as amended.
- (f) Stormwater: any stormwater runoff, and surface runoff and drainage.
- (g) Stormwater System: the system of conveyances used for collecting, storing, and transporting Stormwater owned by the Town or outfalling into public waters, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

ARTICLE 2.0 PROHIBITIONS

Section 2.1 General Prohibitions. Any discharge in the stormwater system of the Town of Jupiter in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited. Except as set forth under Section 2.4 of this ordinance or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

Section 2.2 Industrial Pollutant Prohibitions. By adoption of

industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Town may establish reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the Town shall be in accordance with applicable law and shall implement the goals, objectives and policies of the Town's Comprehensive Plan.

Section 2.3. Stormwater Discharge Prohibitions. Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

Section 2.4 Authorized Exceptions. Unless the director determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under Section 2.1 of this ordinance: flows from fire fighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, and dechlorinated swimming pool contributions.

Section 2.5 Illicit Connections. No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this ordinance. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

ARTICLE 3.0 NPDES PERMITS

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the director no later than the later of: sixty (60) calendar days after the effective date of this ordinance or sixty (60) calendar days after issuance.

ILLICIT DISCHARGES

ARTICLE 4.0 ENFORCEMENT

Section 4.1 Enforcement Actions. The Town may take all actions necessary, including the issuance of notices of violation through its Codes of Enforcement Board, or by filing any appropriate court or administrative actions to enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

Section 4.2 Continuing Violation. A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this ordinance, or of any regulation or permit issued hereunder.

Section 4.3 Cease and Desist Orders. Pursuant to Town Code, an authorized official of the Town may order any person to immediately cease and desist discharges or any connection to the stormwater system determined by the director or other authorized officials of the Town to be in violation of this ordinance, or any regulation or permit issued hereunder.

ARTICLE 5.0 SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

ARTICLE 6.0 CODIFICATION

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the Town of Jupiter, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

ARTICLE 7.0 EFFECTIVE DATE

The provisions of this ordinance shall take effect immediately upon its adoption.

Upon first reading this 6th day of APRIL, 1993, the foregoing Ordinance was offered by Councilor DANIEL J. AMERO, who moved its adoption. The motion was seconded by Councilor DONALD D. DANIELS, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>✓</u>	<u>—</u>
VICE-MAYOR THOMAS J. MCCARTHY	<u>✓</u>	<u>—</u>
COUNCILOR BARBARA P. HENDERSON	<u>✓</u>	<u>—</u>
COUNCILOR DANIEL J. AMERO	<u>✓</u>	<u>—</u>
COUNCILOR DONALD D. DANIELS	<u>✓</u>	<u>—</u>

Upon second reading this 20th day of APRIL, 1993, the foregoing Ordinance was offered by Councilor BARBARA P. HENDERSON, who moved its adoption. The motion was seconded by Councilor DANIEL J. AMERO, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>ABSENT</u>	<u>—</u>
VICE-MAYOR THOMAS J. MCCARTHY	<u>✓</u>	<u>—</u>
COUNCILOR BARBARA P. HENDERSON	<u>✓</u>	<u>—</u>
COUNCILOR DANIEL J. AMERO	<u>✓</u>	<u>—</u>
COUNCILOR DONALD D. DANIELS	<u>✓</u>	<u>—</u>

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 20th day of APRIL, 1993.

TOWN OF JUPITER, FLORIDA

ATTEST:

Sally M. Boylan
SALLY M. BOYLAN
TOWN CLERK

BY: Karen J. Golonka
KAREN J. GOLONKA
MAYOR

(TOWN SEAL)

Thomas J. Baird
THOMAS J. BAIRD, Esq.
Approved as to form and
legal sufficiency

ORDINANCE NO. 50 - 94

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, AMENDING SECTION 20 OF THE CODE CREATING A NEW SECTION ENTITLED STORMWATER MANAGEMENT; PROVIDING FOR AUTHORITY OF THE TOWN TO CREATE A STORMWATER UTILITY SYSTEM; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES FOR THE OPERATION OF A STORMWATER SYSTEM; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution (1968), and Chapter 166, Florida Statutes, the Town Council of the Town of Jupiter, Florida has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of municipal ordinances;

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities such as the Town, to implement stormwater management programs within prescribed timeframes;

WHEREAS, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq., the United States Environmental Protection Agency has published proposed rules for stormwater outfall permits;

WHEREAS, the Town of Jupiter has been responsible for the maintenance of a stormwater system which has been developed over a number of years for the purpose of collecting and disposing of stormwater;

WHEREAS, the Town of Jupiter's Comprehensive Plan ("the Plan") requires Jupiter to develop and implement a Stormwater Management Plan;

WHEREAS, the Plan contains goals, objectives and policies which address various environmental and infrastructure issues;

WHEREAS, the Plan that the Town's present stormwater system is and will continue to be inadequate to control and manage stormwater runoff within the incorporated limits of the Town;

WHEREAS, the Plan concludes that it will be necessary and essential for Jupiter to construct improvements and extensions to its existing stormwater system to ensure that the collection and disposal of stormwater within the Town furthers and protects the health, safety and welfare of the citizens of the Town of Jupiter;

WHEREAS, those elements of the system which provide for the collection of and disposal of stormwater and regulation of groundwater are of benefit and provide services to all property within the incorporated city limits, including property not presently served by the storm elements of the system;

WHEREAS, the costs of operating and maintaining the Town's Stormwater Management System and financing necessary repairs, replacement, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom; and

WHEREAS, the creation, adoption and implementation of a Stormwater Utility is consistent with and would further various goals, objectives and policies of the Plan.

NOW THEREFORE, be it ordained by the Town Council of the Town of Jupiter, Florida:

Section 1. Authority

The Town is authorized by the Florida Constitution and the provisions of Florida Statutes, Chapter 166, Chapter 163, Part II, and Section 403.0893 to construct, reconstruct, improve, and extend stormwater utility systems and to issue revenue bonds and other debts if needed to finance in whole or part the cost of such system and to establish just and equitable rates, fees, and charges for the services and facilities provided by the system.

Section 2. Establishment of Stormwater Utility

The Stormwater Management Utility is hereby established by the Council to provide for the general welfare of the Town and its residents.

A director shall be appointed by the Town Manager, who shall serve as the chief staff member of the Utility.

Section 3. Definitions

For the purpose of this Ordinance, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and

ordinary use as defined in the latest edition of Webster's Dictionary.

Availability Charge means a charge to a developer or individual resident to recover the Debt Service and Extension and Replacement costs paid on a Stormwater Management System facility that had been previously constructed, but which serves such developer or individual resident.

Bonds mean revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Costs of Construction.

Costs of Construction means costs reasonably incurred in connection with providing capital improvements to the System or any portion thereof, including, but not limited to, the costs of (1) acquisition of all property, real or personal, and all interests in connection therewith, including all rights-of-way and easements therefore; (2) physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith; (3) architectural, engineering, legal and other professional services; (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation; (5) any taxes or other charges which become due during construction; (6) expenses incurred by the Town or on its behalf with its approval in seeking to enforce any remedy against any contractor or sub-contractor in respect of any default under a

contract relating to construction; (7) principal of and interest of any Bonds; and (8) miscellaneous expenses incidental thereto.

Debt Service means, with respect to any particular Fiscal Year and any particular series of Bonds, an amount equal to the sum of (i) all interest payable on such Bonds during such Fiscal Year, plus (ii) any principal installments of such Bonds during such Fiscal Year.

Developed Property means real property which has been altered from "natural" state by the addition of any improvements such as a building, structure, or impervious surface. For new construction, property shall be considered developed pursuant to this Ordinance: (a) upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or (b) if construction has created areas which are impervious to stormwater and construction is halted for a period of three (3) months.

Director means the Director of Utilities or his designee.

Dwelling Unit means a single unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent Residential Unit or ERU means the average Impervious Area of Residential Developed Property per Dwelling Unit located within the Town and as established by Council resolution as provided herein.

ERU Rate means a Utility Fee charged on each ERU as established by Council resolution as provided herein.

Extension and Replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the System, or land acquisition for the System and any related costs thereto, or paying extraordinary maintenance and repair, including the Costs of Construction, or any other expense which are not costs of Operation and Maintenance or Debt Service.

Fee-in-lieu-of means a charge to a developer or individual resident to recover (1) the Costs of Construction and Debt Service on a new Stormwater Management System facility which serves such developer or individual resident; or (2) the Extension and Replacement costs necessitated by development undertaken by such developer or individual resident.

Fiscal Year means a twelve-month period commencing on the first day of October of any year, or such other twelve-month period adopted as the Fiscal Year of the Utility.

Impervious Area means roofed and paved areas, including, but not limited to, areas covered by roofs, roof extensions, patios, porches, pools, driveways, sidewalks, parking areas and athletic courts, or other structures or improvements that do not permit the absorption of water into the ground surface.

Non-Residential Developed Property means Developed Property that is classified by the Property Appraiser as land use types 10

through 99 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

Operating Budget means the annual Utility operating budget adopted by the Town for the succeeding Fiscal Year.

Operations and Maintenance means the current expenses, paid or accrued, of operation, maintenance and current repair of the System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, overhead or indirect charges, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

Property Appraiser means the Office of the County Property Appraiser.

Residential Developed Property means Developed Property that is classified by the Property Appraiser as land use types 00 through 09 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

Revenues mean all rates, fees, assessments, rentals or other charges or other income received by the Utility, in connection with the management and operation of the System, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the Town, all as calculated in accordance with sound accounting practice.

Stormwater Management System or System means the existing stormwater management of the Town and all improvements thereto which by this Ordinance are constituted as the property and responsibility of the Utility, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Undisturbed Parcel means a parcel which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

Utility Fee means a Utility Fee authorized by Florida law and this Ordinance which is established to pay Operations and Maintenance, Extension and Replacement and Debt Service.

Stormwater Management Utility or Utility means the enterprise fund utility created by this Ordinance to operate, maintain and improve the system.

Section 4. Operation of the Stormwater Utility

A. Operating Budget

The Town shall adopt an Operating Budget not later than the first day of each Fiscal Year. The Operating Budget shall set forth for such Fiscal Year the estimated Revenues and the estimated

costs for Operations and Maintenance, Extension and Replacement and Debt Service.

B. Required Levels of Rates for Utility Fees

The Council shall require that adequate Revenues are generated to provide for a balanced Operating Budget by at least annually setting sufficient levels of Utility Fees.

C. Imposition of Utility Fees

The Council hereby authorizes the imposition of Utility Fees on all property within the Town pursuant to the following rate schedule:

1. Property Classification

For purposes of assessing the Utility Fee, the following property classes will identify the customer base:

- a. Residential Developed Property;
- b. Non-Residential Developed Property; and
- c. Undisturbed Parcel.

2. Computation of Utility Fee for Residential Developed Property

The Utility Fee for Residential Developed Property shall be the ERU Rate multiplied by the number of individual Dwelling Units existing on the Property.

3. Computation of Utility Fee for Non-Residential Developed Property

The Utility Fee for Non-Residential Developed Property shall be the ERU Rate multiplied by the numerical factor obtained

by dividing the total Impervious Area of a Non-Residential Developed Property by one ERU. The minimum Utility Fee for any Non-Residential Developed Property shall be equal to one ERU Rate.

4. Computation of Utility Fee for Undisturbed Parcel

Undisturbed parcels shall be exempted from the Utility Fee.

D. Billing and Payment, Penalties

The Utility Fee is to be paid as by the owner, tenant, or occupant of each lot or parcel subject to the fee. All properties within the customer base shall be provided bills or statements for the use of these services and facilities of the system by the Utilities Department. The bills or statements shall be payable at the same time and in the same manner and subject to the same discontinuance of service by the Utilities Department as set forth under the terms and conditions of Section 20 "Utilities" of the Code of the Town of Jupiter.

E. Adjustment of Fees

1. Request for adjustment of the Utility Fee shall be submitted to the Director, who is hereby given the authority to develop and administer the procedures and standards for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site. No credit shall be given for the installation of facilities required by Town or County development codes or State Stormwater

Rules. The following procedures shall apply to all adjustment requests of the Stormwater Fee:

a. Any owner who has paid his Utility Fees and who believes his Utility Fee to be incorrect may, subject to the limitations set forth in this article, submit an adjustment request to the Director.

b. Adjustment request for the Utility Fees paid by an owner shall be made in writing and set forth, in detail, the grounds upon which relief is sought.

c. Adjustment requests made during the first calendar year that the Utility Fee is imposed will be reviewed by the Director within a two (2) month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings, but retroactive adjustments shall not exceed one (1) year.

d. The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the Director including, but not limited to, survey data approved by either a registered professional land surveyor (R.P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.

e. Adjustments to the Utility Fee will be made upon the granting of the adjustment request, in writing, by the Director. Denials of adjustment requests shall be made, in writing, by the Director.

2. Upon receipt of the written denial of the adjustment request, the owner who initially requested the adjustment may, within thirty (30) days of receipt of such denial, appeal to the Town Council for review of the denial.

a. The Council shall complete their review within thirty (30) days of receipt of said request for review. The Town Council's determination on the review shall be in writing and set forth in detail, the reasons for their decision.

b. In reviewing denials of adjustment requests, the Town Council shall apply the standards and review criteria contained in this Section.

F. Capital Contributions

1. Where the Town has constructed or plans to construct stormwater facilities which are proposed to be used by a developer in lieu of a facility usually required to be constructed by him, the Town may accept a capital contribution from the developer and waive certain construction requirements.

2. Procedures and standards developed by the Town shall define appropriate means by which to optimize the developers capital contributions in the construction or refunding of stormwater systems. These capital contributions shall take the form of Fee-in-lieu-of or Availability Charges. Each situation will be analyzed by the Town and a specific written decision will be developed. The application of each is defined as follows:

a. Fee-in-lieu-of is applied to a site specific negotiated procedure, wherein a development's stormwater

contribution (quantity and quality) is assessed its share of the capital needs of the facilities required to serve the development in question. This capital contribution would be used for the construction or refunding of the Town-owned stormwater facilities. The process does not apply wherein the stormwater facilities are privately held. Each application is evaluated against the Town's Master Plan, or where the Master Plan is incomplete, against the cumulative impacts from the development.

b. Availability Charge is administered on a site specific basis identical to the Fee-in-lieu-of procedure noted above. The only difference is that the capital investment advanced by the Town in implementing a stormwater facility is now recovered through an availability charge. The capital charge is determined on a pro-rata share of the capacity used by the new applicant as measured by the cumulative impact from the development upon all impacted facilities applied to the present worth of the original capital expenditure. In the case of a developer constructing Stormwater Management Facilities in excess of the site needs, the Town may enter an agreement with that developer to rebate Fee-in-lieu-of charges paid to the Town by other developers utilizing those facilities over a period of time not exceeding seven (7) years from the date of the agreement.

G. Program Responsibility

It shall be the duty of the Department of Utilities/Public Works to administer the Stormwater Management Utility. The Department shall keep an accurate record of all persons using the

services and facilities of said Stormwater Management System of the Town and to make changes in accordance with the rates and charges established in this ordinance.

H. Stormwater Management Utility Trust Funds

There shall be established a Stormwater Management Utility Trust Fund for the deposit of all fees and charges collected by the stormwater utility. These funds shall be for the exclusive use of the Town's Stormwater Management Utility, including, but not limited to, the following:

1. Administrative Costs associated with the management of the Stormwater Management Utility.
2. Planning and Engineering.
3. Operation and Maintenance of the System.
4. Funding of pollution abatement devices constructed on stormwater systems discharging to the surface water of the Town.
5. Debt Service financing.

Section 5. Repeal of Laws in Conflict

All ordinance or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of any conflict.

Section 6. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the Town of Jupiter, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or any other appropriate word.

Section 7. Severability

In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 8. Effective Date

This ordinance shall take effect immediately upon its adoption by the Jupiter Town Council.

Upon First Reading this 5th day of JULY, 1994, the foregoing Ordinance was offered by Councilor THOMAS J. Mc CARTHY, who moved its adoption. The motion was seconded by Councilor DONALD D. DANIELS, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>✓</u>	—
VICE-MAYOR BARBARA P. HENDERSON	<u>✓</u>	—
COUNCILOR THOMAS J. McCARTHY	<u>✓</u>	—
COUNCILOR DANIEL J. AMERO	<u>✓</u>	—
COUNCILOR DONALD D. DANIELS	<u>✓</u>	—

Upon Second Reading this 19th day of JULY, 1994, the foregoing Ordinance was offered by Councilor DANIEL J. AMERO, who moved its adoption. The motion was seconded by Councilor THOMAS J. Mc CARTHY, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>✓</u>	—
VICE-MAYOR BARBARA P. HENDERSON	<u>✓</u>	—
COUNCILOR THOMAS J. McCARTHY	<u>✓</u>	—
COUNCILOR DANIEL J. AMERO	<u>✓</u>	—
COUNCILOR DONALD D. DANIELS	<u>✓</u>	—

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 19th day of JULY, 1994.

TOWN OF JUPITER, FLORIDA

ATTEST:

Sally M. Boylan
SALLY M. BOYLAN, CMC
TOWN CLERK

(TOWN SEAL)

BY:

Karen J. Golonka
KAREN J. GOLONKA
MAYOR

Thomas J. Baird, Esq.
THOMAS J. BAIRD, ESQ.
Approved as to form and
legal sufficiency

SECTION 6

INTER-LOCAL

AGREEMENTS

RECEIVED
OCT 11 2011

**NPDES THIRD TERM PERMIT
INTERLOCAL AGREEMENT**

This Interlocal Agreement (the "Agreement") is being entered into by and between NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT, 359 Hiatt Drive, Palm Beach Gardens, Florida 33418 (hereinafter referred to as the "Lead Permittee"), and TOWN OF JUPITER (hereinafter referred to as "the Co-Permittee").

WITNESSETH:

WHEREAS, the United States Environmental Protection Agency (hereinafter referred to as "EPA") on the 9th day of December, 1996, issued its National Pollutant Discharge Elimination System ("NPDES") Permit No. FLS000018 (with it and all such subsequent permits being hereinafter referred to as the "MS4 NPDES Permit") to approximately forty (40) governmental entities designated as the Palm Beach County-Municipal Separate Storm Sewer System ("MS4") Permittees (hereinafter referred to jointly as the "Permittees"); and

WHEREAS, EPA has since delegated its regulatory and enforcement authority relating to the MS4 NPDES Permit to the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, Section 403.0885, Florida Statutes, established the federally approved state NPDES Program; and

WHEREAS, FDEP Rule 62-4.052, F.A.C., implemented an annual regulatory program and also set fees to effect the legislative intent that FDEP's costs for administering the NPDES Permit be borne by the regulated entities; and

WHEREAS, at or before the expiration of each MS4 NPDES Permit, the Permittees must file a re-application to FDEP for renewal of the MS4 NPDES Permit for a subsequent term; and

WHEREAS, the MS4 NPDES Permits granted by FDEP to the Permittees contain separate obligations and responsibilities for each individual Permittee, as well as obligations and responsibilities that may be performed jointly by the Permittees; and

WHEREAS, due to the number of Permittees and the tasks that must be performed pursuant to each MS4 NPDES Permit, it would be more economically and administratively feasible to allocate duties, responsibilities, and costs associated with the MS4 NPDES Permits pursuant to individual interlocal agreements between each Co-Permittee and the Lead Permittee; and

WHEREAS, the Permittees previously established a 7-member Steering Committee comprised of 2 representatives of large municipalities, 2 representatives of smaller municipalities, 1 representative of special districts, 1 representative from Palm Beach County, and the Lead Permittee,

which Committee will continue to coordinate the joint activities required under the MS4 NPDES Permit, including but not limited to recommending to the Lead Permittee retention of necessary consultants to execute each MS4 NPDES Permit; and

WHEREAS, the parties hereto are authorized pursuant to Chapter 163, Part I, Florida Statutes, as amended, to enter into this Agreement and do hereby adopt, ratify and confirm the provisions and incorporation herein of Subparagraph (9), Section 163.01, Florida Statutes.

NOW, THEREFORE, in accordance with Chapter 163, Part I, Florida Statutes, as amended, the undersigned parties, for and in consideration of the mutual benefits set forth herein, do hereby enter into this Agreement and represent, covenant, and agree with each other as follows:

**SECTION ONE
REPRESENTATIONS**

1.01. Recitals. The recitals and representations as set forth hereinabove are true and correct to the best of the knowledge of the parties and are incorporated herein by this reference.

**SECTION TWO
DESIGNATION OF PARTIES**

2.01. Lead Permittee. Northern Palm Beach County Improvement District is hereby designated as the Lead Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

2.02. Co-Permittee. The Town of Jupiter is hereby designated as a Co-Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

**SECTION THREE
TERM OF AGREEMENT**

3.01. Agreement Term. The term of this Agreement begins as of the date it is signed by the last of the parties, and shall continue from year to year, subject to the annual Funding Year (as hereinafter defined) renewal process set forth in following Section 3.03, unless otherwise terminated in accordance with other provisions of this Agreement. The parties to this Agreement shall undertake a mutual review of this Agreement during the final year of the term of each Permit.

3.02. Funding Year. The term "Funding Year" is defined as a fiscal year beginning on October 1 and ending on September 30.

3.03. Renewal. This Agreement shall be automatically renewed as of the beginning date of each Funding Year and continue in full force and effect from Funding Year to Funding Year, unless: (i) a party to this Agreement provides written notice of non-renewal to the other party at least thirty (30) days prior to the end of the then-current Funding Year, or (ii) the Agreement has been previously terminated as provided herein.

SECTION FOUR
SCOPE OF WORK AND ALLOCATION OF DUTIES AND OBLIGATIONS

4.01. Allocation of Duties and Obligations

(i) The Lead Permittee shall be responsible for those duties and obligations which are specifically identified and delineated in Exhibit "A" which is attached hereto and incorporated herein (the "Lead Permittee Services"). The Lead Permittee Services may be revised from time to time as required by the MS4 NPDES Permit. Any such revisions shall be agreed to in writing by the Co-Permittee and incorporated into Exhibit "A" and made a part of this Agreement. All revisions to Exhibit "A" shall be attached sequentially to the original Agreement so that all modifications to the Lead Permittee Services that occur over time may be determined.

(ii) The Co-Permittee shall be responsible for such other duties and obligations which are specifically identified as being its individual responsibility in the MS4 NPDES Permit.

4.02. Modifications to MS4 NPDES Permit

In accordance with Section 403.067, Florida Statutes, NPDES permits must be consistent with the requirements of adopted TMDLs. A MS4 NPDES Permit may be reopened and revised during its term to adjust effluent limitations or monitoring requirements should future adopted TMDL, water quality studies, FDEP-approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. It is understood and agreed that any other changes, modifications, revisions, or additions to the terms of the MS4 NPDES Permit made subsequent to the Effective Date of this Agreement are expressly excluded from and not a subject of this Agreement unless and until incorporated herein by written agreement of the parties.

SECTION FIVE
BUDGET AND FUNDING

5.01. Administrative Procedures. The procedures to be followed by the Lead Permittee regarding the collection, management and disbursement of the Co-Permittee payments are set forth in a resolution titled "Resolution of the Board of Supervisors of Northern Palm Beach County Improvement District Approving the NPDES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds" (the "Resolution), which was adopted by the Lead Permittee, a copy of which is attached hereto as Exhibit "B."

Section 2 of the Resolution incorporates by reference the "NPDES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds" (the "Procedures) which are incorporated into this Agreement and are to be

followed by the parties to this Agreement.

The Resolution and the Procedures may be amended from time to time upon the approval of the NPDES Steering Committee and the Lead Permittee. However, the Co-Permittee shall be given a minimum of 60 days advance written notice of any proposed amendments to the Resolution or the Procedures, and shall be afforded the opportunity to offer comments to the Lead Permittee and/or the NPDES Steering Committee prior to any action being taken on said proposed amendments. Any amendment that is incorporated into this Agreement shall also be agreed to in writing by the Co-Permittee.

5.02. Annual Budget. Since this Agreement is anticipated to be renewed for a number of Funding Years, the parties acknowledge that it is not in their respective best interests to project the potential costs the Lead Permittee may be required to incur for future Funding Years in order to carry out the Lead Permittee Services. Therefore, the parties agree to arrive at a mutually acceptable payment amount on a per Funding Year basis in order to more accurately calculate the amount that will be required to be paid by the Co-Permittee to the Lead Permittee for the provision of Lead Permittee Services during each Funding Year.

5.03. Prior Funding. The parties agree that any surplus funds previously paid by the Co-Permittee to the Lead Permittee pursuant to any prior interlocal agreement it has entered into with the Lead Permittee involving a MS4 NPDES Permit shall be applied to and used for the provision of Lead Permittee Services during the next Funding Year period.

5.04. First Funding Year Payment. In addition to the surplus funds referenced in Section 5.03 above, the parties agree that for the upcoming 2011/2012 Funding Year, the Co-Permittee has paid the Lead Permittee the sum of NINETEEN THOUSAND FORTY-ONE AND NO/100 (\$19,041.00) DOLLARS, which sum represents payment of both the Lead Permittee's Services for the upcoming Funding Year of this Agreement and the ten percent (10%) Reserve Fund Contingency required pursuant to Section 5.05.

5.05. Reserve Contingency. The parties acknowledge that each Funding Year payment will include a ten percent (10%) reserve fund contingency (the "Reserve Fund Contingency") for unexpected additional costs and expenses incurred in the preparation and implementation of a MS4 NPDES Permit.

5.06. Current Funding. The parties believe that the funding specified in above Section 5.04 will be sufficient to satisfy the current MS4 NPDES Permit requirements for the 2011/2012 Fiscal Year unless unexpected additional costs and expenses of the nature described in following Section 6.03 are incurred.

5.07. Future Funding Year Payments. The parties: (i) acknowledge that on or before January 31, 2011, the Lead Permittee provided a budget to the Steering Committee of the amount the Permittees will each be requested to pay during the next Funding Year, and (ii) agree that all

subsequent Funding Year budget estimates will be provided on or about January 31st of each following year. The Lead Permittee and Co-Permittee shall have until July 31st of each year to arrive at a mutually acceptable dollar amount to be paid by the Co-Permittee to the Lead Permittee for the immediately upcoming Funding Year, which shall be paid pursuant to Section Six of this Agreement. If the parties cannot agree upon a mutually acceptable dollar amount by the aforementioned deadline, this Agreement shall be deemed terminated unless otherwise agreed to in writing by and between the parties.

5.08. Final Funding Year of a MS4 NPDES Permit Term. It is assumed that during the last Funding Year of the term of each MS4 NPDES Permit, the Permittees and FDEP will commence to negotiate the provisions of the next MS4 NPDES Permit. As a result, allocation of the Scope of Services that are required to be provided hereunder may be modified. Due to this uncertainty, each party's duties and obligations hereunder, together with the funding process for provision of Lead Permittee Services, will be reexamined during the last Funding Year of the term of each MS4 NPDES Permit.

5.09. Separate Co-Permittee Expenses. In addition to the payments required to be paid by the Co-Permittee to the Lead Permittee pursuant to Sections 5.03 through 5.07, the Co-Permittee shall be responsible for all other costs and expenses relating to its individual duties and obligations under a MS4 NPDES Permit, including, but not limited to: (1) all costs of the Co-Permittee's preparation and submittal of such of its own individual annual report(s) that may be separately required by a MS4 NPDES Permit, (2) costs of all monitoring that may be the Co-Permittee's individual responsibility, (3) costs of gathering, compiling, coordinating, and submitting all necessary data that may be individually required of the Co-Permittee by a MS4 NPDES Permit, and (4) all other costs of carrying out any other individual responsibility of the Co-Permittee according to the requirements of a MS4 NPDES Permit.

SECTION SIX PAYMENT PROCEDURE

The Co-Permittee agrees to pay each of its Funding Year payments as follows:

6.01. First Funding Year. The First Funding Year payment for the current MS4 NPDES Permit Term will be paid in either a single lump sum payment on or before November 15, 2011 or in twelve (12) equal monthly installments commencing on October 15, 2011, and thereafter on the 15th day of each subsequent month during the First Funding Year (such payment dates being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule. The initial Funding Year for all future MS4 NPDES Permits shall be referred as the First Funding Year.

6.02. Subsequent Funding Year Payments. Once a Funding Year payment amount has been agreed upon, the Co-Permittee may, at its option, pay the entire agreed-upon amount in a single lump

sum on or before November 15 of that particular Funding Year, or in twelve (12) equal monthly installments commencing on October 15th of that Funding Year and thereafter on the 15th day of each subsequent month during that Funding Year (such payment dates also being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule.

6.03. Additional Costs. Since it is possible that following the parties' agreement as to a particular Funding Year's payment amount, unexpected additional costs and expenses may arise which will need to be paid in order for the Lead Permittee to carry out its Lead Permittee Services for that Funding Year, the parties agree as follows:

(i) If the Lead Permittee determines that unexpected additional costs and expenses must be incurred in order for it to timely provide its Lead Permittee Services, the Lead Permittee shall promptly notify the Co-Permittee, in writing, of the nature and estimated amount of the Co-Permittee's allocable share of these unexpected additional costs and expenses, as well as the Lead Permittee's intent to draw down funds from the Co-Permittee's Reserve Fund Contingency in order to pay said Co-Permittee's allocable share of the unfunded and unexpected additional costs and expenses.

(ii) If the Co-Permittee's allocable share of the unexpected additional costs and expenses exceeds the amount held in the Co-Permittee's Reserve Fund Contingency account, the Lead Permittee shall address the need for such excess amount in the above subparagraph (i) notice to the Co-Permittee. The Lead Permittee and Co-Permittee shall then attempt to negotiate a payment procedure for the unfunded and unexpected additional costs and expenses.

(iii) If the Lead Permittee and Co-Permittee agree as to the need and amount of the unfunded and unexpected additional costs and expenses, their agreement shall be reduced to writing. The agreed upon unfunded and unexpected additional costs and expenses shall be paid either by a lump sum payment within thirty (30) days of their agreement in writing or divided by the remaining months of that particular Funding Year and paid to the Lead Permittee in equal monthly installments for the remainder of the subject Funding Year.

(iv) If the Lead Permittee and Co-Permittee are not able to timely agree as to the need and/or amount of the unfunded and unexpected additional costs and expenses, the Lead Permittee may suspend or terminate this Agreement, at its sole discretion, following the provision of thirty (30) days prior written notice to the Co-Permittee.

6.04. Failure to Pay. Unless otherwise agreed to in writing by and between the parties hereto, if a Funding Year payment or agreed upon unfunded and unexpected additional costs and expenses payment is not timely paid within thirty (30) days of a Payment Due Date, the duties and obligations assumed by the Lead Permittee under the terms of this Agreement may be suspended and/or terminated by the Lead Permittee, at its sole discretion, following the

provision of thirty (30) days prior written notice to the Co-Permittee unless cured by the Co-Permittee by payment in full of the omitted payment within said thirty (30) day notice time period.

SECTION SEVEN OPTION TO TERMINATE

7.01. Termination. Either party to this Agreement shall have the right to terminate this Agreement at will and without cause, provided that the party wishing to terminate the Agreement must provide thirty (30) days prior written notice to the other party of said terminating party's decision to terminate this Agreement. Said termination shall not be effective until said thirty (30) day prior notice period has elapsed (the "Termination Date"). In addition to the aforementioned termination rights, the Agreement may be terminated as provided in Sections 5.07, 6.03(iv), and 6.04.

7.02. Effect of Termination. In the event of termination of this Agreement by the Co-Permittee, the Co-Permittee shall thereupon be individually and solely responsible for all requirements of the applicable MS4 NPDES Permit which are designated therein as the individual responsibility of said Co-Permittee. Thereafter, the Lead Permittee and other Permittees shall not be responsible for said terminating Co-Permittee's individual obligations under the applicable MS4 NPDES Permit.

7.03. Costs and Expenses. Irrespective of which party elects to terminate this Agreement or in the event of a failure to pay by the Co-Permittee to the Lead Permittee the amounts due under and pursuant to the terms of this Agreement, the parties agree that any costs and expenses previously incurred or obligated to be paid by the Lead Permittee as of the Termination Date shall still be due and owing and the right to collect said amount(s) shall survive termination of this Agreement.

7.04. Refunds. The parties acknowledge that the Lead Permittee anticipates entering into contracts with one or more consultants or contractors for the provision of services required in order for the Lead Permittee to provide some or all of its Lead Permittee Services. Since the Co-Permittee's payments under this Agreement represent only a portion of what the Lead Permittee will have to pay its consultants and contractors for their services, the Co-Permittee will not be entitled to receive a refund from the Lead Permittee for any monies that the Co-Permittee has previously paid pursuant to this Agreement unless the Lead Permittee is able to obtain a reduction in its contractual obligations with its consultants or contractors as a result of the termination of this Agreement. In that event, the Lead Permittee shall be obligated to reimburse the Co-Permittee for its allocable share of the amount of such reduction in costs and expenses.

7.05. Documentation and Data. In the event this Agreement is cancelled or terminated, all documentation and data previously collected by the Lead Permittee in accordance with its duties and obligations as assumed herein, shall be made available to the Co-Permittee.

SECTION EIGHT
ENFORCEMENT, VIOLATIONS, AND/OR DEFAULT

8.01. **Enforcement.** The designation herein of the Lead Permittee is not intended nor shall it be construed as authorizing, granting or permitting the Lead Permittee to accept or assume any powers of enforcement of the applicable MS4 NPDES Permit as to the other party.

8.02. **Violations.** Neither party to this Agreement shall be deemed to have assumed any liability for any negligent or wrongful acts or omissions of the other party, and in no event shall any of the provisions of this Agreement be construed as a waiver by either party of its sovereign immunity rights or of the liability limits established in Section 768.28, Florida Statutes.

8.03. **Dispute Resolution Process.** Any dispute or conflict between the parties that arises from any of the terms or conditions of this Agreement, including any exhibits thereto, shall be presented in writing by the complaining party to the other party. The parties' representatives shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process per Ch. 164, F.S., or litigation or any other formal dispute resolution process.

SECTION NINE
MISCELLANEOUS PROVISIONS

9.01. **Notices.** All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) hand delivered by prepaid express overnight courier or messenger service, telecommunicated (including telex, facsimile, telegraphic, or electronic mail (e-mail) communication) with confirmation of receipt, or mailed by registered or certified mail (postage prepaid), return receipt requested, to the following addresses:

As to Lead Permittee: Northern Palm Beach County Improvement District
359 Hiatt Drive
Palm Beach Gardens, Florida 33418
Attn: Executive Director
Phone: (561) 624-7830
Fax: (561) 624-7839

With a copy to: Betsy S. Burden, Esq.
Caldwell Pacetti Edwards Schoech & Viator LLP
One Clearlake Centre
250 South Australian Avenue, Suite 600
West Palm Beach, Florida 33401
Phone: (561) 655-0620
Fax: (561) 655-3775

As to Co-Permittee:

Town of Jupiter
210 Military Trail
Jupiter, FL 33458
Attn: David Rotar
Phone: (561) 741-2706
Fax: (561) 575-7785

9.02. Entire Agreement. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof.

9.03. Construction. The preparation of this Agreement is considered a joint effort of the parties and accordingly this Agreement shall not be construed more severely against one of the parties than the other.

9.04. Discrimination. The Lead Permittee and the Co-Permittee agree that no person shall on the grounds of race, color, sex, national origin, disability, religion, ancestry, marital status or sexual orientation be excluded from the benefits of or be subjected to any form of discrimination under any activity carried out by the performance of this Agreement.

9.05. Binding Effect. All of the terms and provisions of this Agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors, and permitted assigns.

9.06. Assignability. The responsibility for carrying out any task assumed by a party to this Agreement, but not the obligation to pay, may be assigned by the party upon receipt of written approval from the other party, which approval shall not be unreasonably withheld.

9.07. Severability. If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible, unless the prohibited or invalid provision reduces the payment obligations of the Co-Permittee, in which event this Agreement may be thereupon terminated by the Lead Permittee.

9.08. Governing Law and Venue. This Agreement and all transactions contemplated by this Agreement shall be governed by, and construed and enforced in accordance with, the internal laws of the State of Florida without regard to any contrary conflicts of laws principle. Venue of all proceedings in connection herewith shall be exclusively in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and each party hereby waives whatever their respective rights may have been in the selection of venue.

9.09. Headings. The headings contained in this Agreement are for convenience of reference only, and shall not limit or otherwise affect in any way the meaning or interpretation of

this Agreement.

9.10. Remedies. The failure of any party to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies that the party may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

9.11. NPDES Permit. If there is any inconsistency between the terms of this Agreement and the applicable MS4 NPDES Permit, then the applicable MS4 NPDES Permit shall preempt, supersede, and control the provisions of this Agreement.

9.12. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

9.13. Clerk of Court. A copy of this Agreement shall be filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

9.14. Termination of Prior Agreements. All previous interlocal agreements entered into between the parties to this Agreement regarding the application or execution of a MS4 NPDES Permit shall terminate as of the Effective Date of this Agreement.

9.15. Effective Date. This Agreement shall be effective as of the date it is filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

(Balance of Page Intentionally Left Blank.)

IN WITNESS WHEREOF, the parties have set their hand and seals the day and year hereafter written.

EXECUTED by Lead Permittee this 28th day of September, 2011.

ATTEST:

NORTHERN PALM BEACH COUNTY
IMPROVEMENT DISTRICT

By: _____

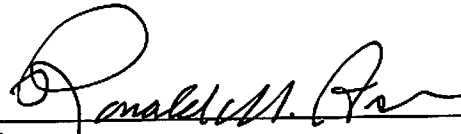
Secretary



By: _____

Print: Ronald M. Ash, President

Title: NPBCID Board of Supervisors



[DISTRICT SEAL]

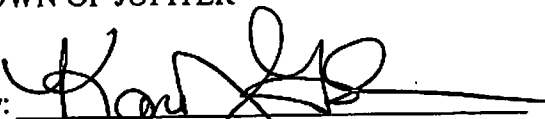
EXECUTED by Co-Permittee this 16th day of August, 2011.

ATTEST:

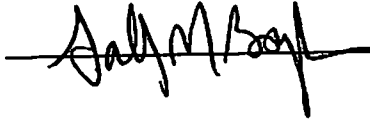
TOWN OF JUPITER

By: _____

By: _____



Karen J. Golonka, Mayor

 Town Clerk

Print: Sally M. Boylan
Title: Town Clerk

[SEAL]

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


By: 
Thomas Bava, Town attorney

EXHIBIT "A"

LEAD PERMITTEE RESPONSIBILITIES

The responsibilities of the Lead Permittee as to the implementation and execution of the MS4 NPDES Permit No. FLS000018 are generally as follows:

- I. The timely preparation, coordination, and execution of interlocal agreements necessary to establish and implement the joint activities required by the Permit.
- II. The timely preparation, coordination, and submittal to FDEP each year during the term of this Agreement, of an annual report describing the activities carried out jointly to fulfill requirements in the permit.
- III. The timely preparation, coordination, and distribution of standardized forms and guidance documents as approved by NPDES Steering Committee to assist permittees in carrying out the terms of the MS4 NPDES Permit.
- IV. The timely preparation, coordination, and execution of a countywide public education and outreach program required by Part III.A.6, Part III.A.7.e. and Part III.A.7.f. as approved by the NPDES Steering Committee.
- V. The timely preparation and coordination of training materials to fulfill the requirements of Part III.A.6, Part III.A.7.c, Part III.A.7.d., Part III.A.9.b, and Part III.A.9.c of the MS4 NPDES permit, as approved by the NPDES Steering

Committee.

- VI. The timely preparation, coordination, and submittal to FDEP of major watershed pollutant load estimates required by Part V.A. of the MS4 NPDES Permit.**
- VII. The timely preparation, coordination, and execution of a monitoring program required by Part V.B. of the MS4 NPDES Permit.**
- VIII. The timely coordination, assessment, monitoring, and execution of activities associated with FDEP's Total Maximum Daily Load (TMDL Program) as required by Part VIII.**
- IX. The preparation and coordination of all MS4 NPDES Steering Committee workshops and meetings.**
- X. The timely remittance of all necessary permit fees to FDEP, subject to the timely and sufficient collection of same for all other permittees.**

The Lead Permittee Services described herein may be revised from time to time as required by each MS4 NPDES Permit, as agreed to in writing between the MS4 NPDES Steering Committee and Northern Palm Beach County Improvement District, which revisions shall be incorporated herein and made a part of this agreement.

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EXHIBIT "B"

**RESOLUTION NO. 2011-04
RESOLUTION OF THE BOARD OF SUPERVISORS OF
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
APPROVING THE NPDES STEERING COMMITTEE ADMINISTRATIVE
PROCEDURES FOR COLLECTION, MANAGEMENT AND DISBURSEMENT
OF NPDES INTERLOCAL AGREEMENT FUNDS.**

WHEREAS, NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT ("Northern") is an independent special district duly organized and validly existing under the Constitution and the Laws of the State of Florida, including applicable provisions of Chapter 298, Florida Statutes, and Chapter 59-994, Laws of Florida, as amended and/or supplemented; and

WHEREAS, the United States Environmental Protection Agency issued its National Pollutant Discharge Elimination System Permit No. FLS000018 (the "MS4 NPDES Permit") which is applicable to a number of governmental entities located in Palm Beach County, including Northern; and

WHEREAS, the Co-Permittees who make up the governmental bodies subject to the NPDES Permit have nominated and appointed Northern as the "Lead Permittee" for the purposes of assisting all Co-Permittees in the collection of general data required to be collected pursuant to the MS4 NPDES Permit and submission of reports to the Florida Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, the Lead Permittee, Northern, is entering into separate Interlocal or Joint Participation Agreements with each of the Co-Permittees, which Agreements set forth the parties' respective duties and obligations regarding fulfillment of the terms and conditions of the MS4 NPDES Permit; and

WHEREAS, a seven member NPDES Steering Committee has been selected by the Co-Permittees, which Steering Committee is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee; and

WHEREAS, on January 19, 2011 the NPDES Steering Committee, in order to provide a level of accountability and fiscal control for the benefit of all NPDES Co-Permittees as it relates to the Interlocal and/or Joint Participation Agreements being entered into between Northern and each Co-Permittee, adopted Administrative Procedures for the collection, management and disbursement of NPDES Interlocal Agreement Funds, a true and correct copy of which is attached hereto and identified as the NPDES Steering Committee Administrative Procedures; and

WHEREAS, Northern has been requested to adopt and comply with the aforementioned NPDES Steering Committee Administrative Procedures for purposes of

administering the funds to be paid to it pursuant to each NPDES Interlocal or Joint Participation Agreement.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Northern Palm Beach County Improvement District as follows:

1. Northern Palm Beach County Improvement District does hereby adopt and agree to comply with the terms and conditions of the NPDES Steering Committee Administrative Procedures.

2. That Northern Palm Beach County Improvement District does hereby incorporate by reference the NPDES Steering Committee Administrative Procedures into each NPDES Interlocal and/or Joint Participation Agreement that it enters into with a Co-Committee.

3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

4. This resolution shall take effect immediately upon its adoption.

THIS RESOLUTION PASSED AND WAS ADOPTED THE 23RD DAY OF FEBRUARY, 2011.

(DISTRICT SEAL)

NORTHERN PALM BEACH COUNTY
IMPROVEMENT DISTRICT

ATTEST:


O'Neal Bardin, Jr., Secretary

BY:


Ronald M. Ash, President

**NPDES STEERING COMMITTEE ADMINISTRATIVE PROCEDURES
FOR COLLECTION, MANAGEMENT AND DISBURSEMENT
OF NPDES INTERLOCAL AGREEMENT FUNDS**

The NPDES Steering Committee (which is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee), has adopted the following administrative procedures in order to provide a level of accountability and fiscal control for the benefit of the NPDES Co-Permittees.

The administrative procedures adopted by the Steering Committee are as follows:

1. Alternative NPDES Interlocal Agreement Payment Schedules. In addition to the two (2) payment options set forth in Paragraphs 6.01 and 6.02 of the NPDES Interlocal Agreement, a Co-Permittee shall also be entitled to elect to pay the annual Funding Year payments on an equal quarterly installment basis. If this additional payment option is selected by a Co-Permittee, the quarterly payments for the First Funding Year are required to be paid on or before October 1, 2010, January 1, 2011, April 1, 2011 and July 1, 2011, with all future Funding Year quarterly payments to be paid in accordance with the same quarterly payment schedule.

NPBCID will be issuing one (1) invoice to each Co-Permittee for its annual Funding Year payment amount, following which the Co-Permittee shall then have thirty (30) days from the date of receipt of the invoice within which to select one of the three (3) payment options and to make its initial payment in accordance with the option so selected.

2. Income and Disbursement Accounting Documentation.

(A) A quarterly income and disbursement report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the NPDES Interlocal Agreements.

(B) The quarterly income and disbursement report shall be prepared by NPBCID in accordance with the format set forth in attached Attachment "A."

3. Budget Accounting Documentation. A quarterly budget accounting report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the NPDES Interlocal Agreement.

4. Reserve Fund Contingency Expenditures. Prior to any expenditures by NPBCID of funds contained in the Reserve Fund Contingency account identified in the NPDES Interlocal Agreement, NPBCID shall be required to subject its request to the Steering Committee members and receive approval from a super-majority of at least five (5) of the Steering Committee members.

5. Unexpected Additional Costs and Expenses. Prior to NPBCID incurring an obligation that will require a Co-Permittee to pay unexpected additional costs and expenses exceeding the amount held in the Reserve Fund Contingency, NPBCID shall be required to submit to the Steering Committee the nature of the event and the amount of the unexpected additional cost and expense. Upon receipt of such notification, the Steering Committee shall present the matter to the Co-Permittees at the next regularly scheduled Steering Committee NPDES meeting (unless it is an emergency matter in which event a special meeting will be promptly scheduled and notice given to all Co-Permittees) for consideration and vote by those representatives of the Co-Permittees present at the meeting. An affirmative vote by a simple majority (i.e., over fifty percent) of those representatives of the Co-Permittees present at the meeting (with only one (1) representative of each Co-Permittee being entitled to vote on the matter at issue) will be required before NPBCID is authorized to incur the subject unexpected additional costs and expenses.

6. NPDES Interlocal Agreement Budget Adoption Process. All future NPDES Interlocal Agreement Funding Year budgets shall be adopted in accordance with the following procedure:

(A) On or before January 31st of each Funding Year, NPBCID shall prepare and present to the Steering Committee a proposed budget for the next Funding Year.

(B) The Steering Committee shall consider the proposed next Funding Year budget at a regular Steering Committee meeting and open the matter to discussion by those Co-Permittee representatives present and attending the meeting.

(C) Adoption of the next Funding Year's budget shall require the approval of a super-majority of at least five (5) members of the Steering Committee.

(D) As a part of the Steering Committee's consideration of the next Funding Year's budget and calculation of each Co-Permittee's allocable share and responsibility for the funding of the budget, the Steering Committee may consider the application of any existing surplus funds as a credit towards each Co-Permittee's allocable funding shares. "Surplus funds" for the purpose of this administrative guideline may include unexpended and unencumbered present Funding Year funds or Reserve Fund Contingency amounts, plus accrued interest thereon, if any.

(E) The Steering Committee shall also be responsible for approving, by a simple majority of those Steering Committee members in attendance (provided there is a quorum) at a Steering Committee meeting, line item budget transfers.

APPROVED AND ADOPTED THIS 19TH DAY OF JANUARY, 2011.

ATTACHMENT "A"

**NPDES QUARTERLY INCOME AND DISBURSEMENT REPORT
FISCAL YEAR _____
FOR PERIOD _____ TO _____**

CASH ON HAND (date)		<u>XXX.XXX.XX</u>
REVENUE: _____ TO _____		
AGREEMENT FEES	<u>XXX.XXX.XX</u>	
TOTAL REVENUES	<u>XXX.XXX.XX</u>	<u>XXX.XXX.XX</u>
TOTAL CASH AND REVENUES AVAIL FOR EXPENDITURES		<u>XXX.XXX.XX</u>
EXPENDITURES PAID DURING _____ TO _____		
ENGINEERING	X.XX	
OTHER PROFESSIONAL FEES	X.XX	
MISCELLANEOUS EXPENSES	X.XX	
GOVERNMENTAL REGISTRATION FEES	X.XX	
LEGAL	<u>X.XX</u>	
TOTAL EXPENDITURES	<u>X.XX</u>	<u>X.XX</u>
FUND BALANCE AT (date)		<u>XXX.XXX.XX</u>
RESERVE FOR CONTINGENCIES		<u>-XX.XXX.XX</u>
UNRESERVED FUND BALANCE		<u>XXX.XXX.XX</u>