



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent Via ePost

August 6, 2013

Subject: Palm Beach County Municipal Separate Storm Sewer System (MS4)
NPDES Permit No. FLS00018 (Cycle 3)
Year 2 Annual Report Comments

Dear Permittees:

The Phase I MS4 team at the Florida Department of Environmental Protection (Department) has reviewed the Palm Beach County MS4 NPDES Permit Annual Reports. The Year 2 Annual Reports submitted by the Indian Trail Improvement District, Northern Palm Beach County Improvement District, Town of Glen Ridge, Town of Gulf Stream, Town of Haverhill, Town of Highland Beach, Town of Hypoluxo, and the Village of Palm Springs are administratively complete. However, additional information is required from permittees listed in the attached Appendix to fully satisfy Part V of the referenced permit and Rule 62-624.600, F.A.C., and therefore, the referenced annual reports are administratively incomplete. Each permittee's annual report will be considered administratively complete when the permittee, where applicable, provides the information requested in the Appendix.

An overall assessment of your compliance with annual reporting requirements specified in the referenced permit will be based on the review of your Cycle 3, Year 2 Annual Report, the additional information received, and field audit results. The Department proposes that we conduct the audits for selected co-permittees September 18-19, 2013. **Please provide the responses to the Appendix in writing during the audit.**

If you have any questions or need any assistance, please do not hesitate to contact a member of the Department's Phase I MS4 team: Michelle Fish (850) 245-7561, michelle.fish@dep.state.fl.us; Shirish Bhat (850) 245-7523, shirish.bhat@dep.state.fl.us; or me (850) 245-7606, allen.hubbard@dep.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Allen P. Hubbard". The signature is written in a cursive, slightly slanted style.

Allen P. Hubbard, P.E.
Program Administrator
NPDES Stormwater Program

APH/mf/sb

Enc: Appendix – Palm Beach County MS4 NPDES Permit Cycle 3, Year 2 Annual Report
Comments

Addressees: Mo Thornton, City of Atlantis
Lomax Harrelle, City of Belle Glade
Tony J. Puerta, City of Boca Raton
Kofi A. Boateng, P.E., City of Boynton Beach
David T. Harden, City of Delray Beach
Carlos Cedeño, City of Greenacres
Jamie B. Brown, City of Lake Worth
Todd Engle, P.E., City of Palm Beach Gardens
Brynt Johnson, City of Riviera Beach
Edgar W. Kerr, City of South Bay
David Hanks, City of West Palm Beach
Maria Connolly, P.E., FDOT District Four
Jose Quintana, P.E., FDOT Florida's Turnpike Enterprise
Tanya Quickel, Indian Trail Improvement District
O'Neil Bardin, Northern Palm Beach County Improvement District
Robert Weisman, Palm Beach County
Michael A. Dillon, South Indian River Water Control District
Donna Erisey, Town of Cloud Lake
Michelle Suiter, Town of Glen Ridge
William H. Thrasher, Town of Gulf Stream
Jay G. Foy, Town of Haverhill
Kathleen D. Weiser, Town of Highland Beach
Kenneth M. Schultz, Town of Hypoluxo
Joseph F. LoBello, Town of Juno Beach
David Rotar, Town of Jupiter
Daniel J. Comerford III, Town of Jupiter Inlet Colony
Daniel P. Clark, Town of Lake Clarke Shores
Dr. Dale S. Sugarman, Town of Lake Park
Debora Manzo, Town of Lantana
Linda Stumpf, Town of Manalapan
Lee Leffingwell, Town of Mangonia Park
Kenneth Schenck, Town of Ocean Ridge
Peter B. Elwell, Town of Palm Beach
John Workman, Town of Palm Beach Shores
Rex Taylor, Town of South Palm Beach
Jorge Santos, Village of North Palm Beach
William Davis, Village of Palm Springs
Paul L. Webster, P.E., Village of Royal Palm Beach
Russell K. White, Village of Tequesta
Jim Barnes, Village of Wellington

Ccs: Steven Mazuk, City of Atlantis
Marcos Yvo Montes de Oca, City of Belle Glade
Christopher J. Roschek, P.E., City of Boynton Beach
Randal Krejcarek, P.E., City of Delray Beach
Michael Grimm, City of Greenacres
Horace Towns, City of Lake Worth
Jevon White, City of Riviera Beach

Stephon Harris, City of West Palm Beach
Ivette Leiva, FDOT District Four
Jeremiah Marek, FDOT Florida's Turnpike Enterprise
Lina Camacho, Indian Trail Improvement District; Town of Ocean Ridge;
Village of Palm Springs
Jared Kneiss, Northern Palm Beach County Improvement District
Bonnie Finneran, Palm Beach County
Dorothy C. Gravelin, Town of Cloud Lake
Joseph Roche, Town of Haverhill
Bill Moore, Town of Highland Beach
Leonard G. Rubin, Town of Hypoluxo
Anthony Meriano, Town of Juno Beach
John Pruitt, Town of Jupiter Inlet Colony
Kevin Varney, Town of Lake Clarke Shores
David Hunt, Town of Lake Park
Jerry Darr, Town of Lantana
Lisa Petersen, Town of Manalapan
Martin Gauthier, Town of Palm Beach
Walter Fleming, Town of Palm Beach Shores
Jodi Nentwick, Village of North Palm Beach
Alan Wertepny, P.E., Mock Roos and Associates, Inc.
Jane Hayes, Mock Roos and Associates, Inc.

APPENDIX

Palm Beach County MS4 NPDES Permit Cycle 3, Year 2 Annual Report Comments

The Department has determined that additional information is needed to properly assess and evaluate the completeness of the following MS4 NPDES Permit Annual Reports. The Annual Reports will be considered administratively complete when the permittee provides satisfactory written responses to the items detailed below. Please provide the responses in writing to the Department **during the audit meeting**.

Areas of New Development and Significant Redevelopment

Part II.A.2. of the MS4 permit requires co-permittees to review current local codes and LDRs to reduce stormwater impacts for new and existing development. Provide a summary that includes:

- a) a description of the current and proposed techniques aimed at reducing the stormwater impact of new development and areas of significant redevelopment that are included within the applicable codes and regulations;
- b) a description of innovative stormwater planning techniques, including those described above, recommended for possible future incorporation into the codes and regulations (beyond what may be currently in draft); and,
- c) a plan for implementing changes to codes and regulations.

The following co-permittees did not include a review of local codes in their Annual Reports:

City of Riviera Beach
City of Lake Worth
Village of Wellington
Town of Juno Beach
Town of Palm Beach Shores

Recommendation: Provide a review of local codes pertaining to new development and redevelopment.

Stormwater Management Program Resources

Part II.F. of the MS4 permit requires each permittee to report the SWMP budget in the Annual Report. If program resources have been decreased from the previous year, a discussion of the impacts on the implementation of the SWMP shall be provided. Each permittee shall also have a source of funding for implementing all the other requirements included within this permit.

The following co-permittees did not report a fiscal analysis in Section III.A and B of the annual report:

City of South Bay
Town of South Palm Beach

The following co-permittees did not provide a discussion on the impacts of resource decreases to the implementation of the SWMP:

City of Belle Glade
City of Greenacres
Town of Juno Beach
Village of North Palm Beach
Village of Royal Palm Beach

City of Boynton Beach
Town of Cloud Lake
Town of Palm Beach

Recommendation: Provide fiscal analysis and discussion on the impacts of resource decreases to the implementation of the SWMP.

Florida-friendly Fertilizer Ordinance

Part III.A.6. of the MS4 permit requires that if a Florida-Friendly Landscaping Ordinance is not adopted, 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 or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance is required to be adopted within 24 months of permit issuance.

The following co-permittees have not provided a complete adopted Florida-Friendly Fertilizer Ordinance or Landscape Ordinance with all the elements of a fertilizer ordinance:

<u>City of Atlantis:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>City of Belle Glade:</u>	Reported not adopted; not attached.
<u>City of Boca Raton:</u>	Reported not adopted.
<u>City of Boynton Beach:</u>	Landscape Ordinance does not contain all fertilizer ordinance elements.
<u>Town of Cloud Lake:</u>	Reported not adopted; not attached.
<u>City of Delray Beach:</u>	Landscape Ordinance does not contain all fertilizer ordinance elements.
<u>Town of Juno Beach:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>Town of Jupiter:</u>	Reported not adopted.
<u>Town of Jupiter Inlet Colony:</u>	Reported not adopted; not attached.
<u>Town of Lake Clarke Shores:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>City of Lake Worth:</u>	Reported not adopted.
<u>Town of Lantana:</u>	Reported not adopted.
<u>Village of North Palm Beach:</u>	Reported not adopted.
<u>Town of Palm Beach:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>Town of Palm Beach Shores:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>City of Riviera Beach:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>City of South Bay:</u>	Reported N/A; no justification indicated in Part III.A.6.
<u>Village of Tequesta:</u>	Landscape Ordinance does not contain all fertilizer ordinance elements.
<u>City of West Palm Beach:</u>	Adopted ordinance does not contain all fertilizer ordinance elements.

Recommendations:

- If MS4 reported N/A, provide justification that no ordinance is required.
- If an ordinance was not submitted with the Annual Report, submit an ordinance for review and approval.
- If an ordinance has not been adopted, submit a schedule for adopting the ordinance.
- If the ordinance is incomplete, it will be forwarded to Dr. Mike Thomas, with the Department's Nonpoint Source Management Section for further modifications. The co-permittee should work with Dr. Thomas to finalize the submitted ordinance.

Mike Thomas, Ph.D. P.E.
Nonpoint Source Management Section
Bureau of Watershed Restoration
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 3570
Tallahassee, FL 32399-2400
Phone: (850) 245-7513
Fax: (850) 245-8434
Email: michael.thomas@dep.state.fl.us

Evaluation of the effectiveness of the SWMP

Part VI.B. of the MS4 permit requires co-permittees to include in the Annual Report an attachment an evaluation of the effectiveness of the permittee's SWMP in reducing pollutant loads discharged from the MS4. The attachment shall include the following questions:

- a) Have stormwater pollutant loadings discharged from the MS4 decreased? Why or why not?
- b) Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?
- 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?
- d) Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why?
- 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 following co-permittees did not provide an evaluation of the SWMP effectiveness.

Town of Lake Park

Village of Royal Palm Beach

Town of South Palm Beach

Florida Turnpike Enterprise – Section VIII of the Annual Report was submitted on an incorrect form.

Village of Tequesta – Section VIII of the Annual Report was submitted on an incorrect form.

Recommendation: Provide an evaluation of the SWMP's effectiveness specifically to answer the questions listed above; or provide the corrected Section VIII.

Street Sweeping Program for TN and TP Reduction

Part III.A.3. of the MS4 Permit requires co-permittees to use the Florida Stormwater Association (FSA) MS4 Load Reduction Tool to calculate the total nitrogen (TN) and total phosphorus (TP) load reductions of street sweeping. A permittee may also use results from a similar study if it is approved by the Department prior to doing the load calculations.

The following co-permittees did not use the Department-approved FSA Load Reduction Tool:

City of Atlantis

City of Delray Beach

City of Lake Worth

Town of Lantana
Village of North Palm Beach
Town of Ocean Ridge
Town of Palm Beach
City of Palm Beach Gardens
Town of Palm Beach Shores
Village of Royal Palm Beach
City of South Bay
Village of Tequesta
Village of Wellington
City of West Palm Beach
Palm Beach County

Recommendation: Calculate load reductions of Total Nitrogen and Total Phosphorus with the FSA Load Calculator, using pounds of dry solids or volume collected. The calculator may be found at the following link:

<http://www.florida-stormwater.org/assets/FSAEF/Research/MS4/final%20ms4%20load%20reduction%20tool%20version%201%202%20corrected.xlsx>

Certification and Signature

Part VI.C. of the MS4 permits requires that the Annual Report be signed and certified in accordance with Rule 62-620.305, F.A.C.

The following co-permittees' annual reports did not contain the signature of the Responsible Authority or Point of Contact.

Town of Palm Beach Shores
Florida Turnpike Enterprise

Recommendations: Provide a copy of the signed and dated signature page for the Year 2 Annual Report.

SWMP Inspection Schedule

All co-permittees shall meet the minimum inspection requirements detailed in Table II.A.1.a. of the MS4 permit. The following co-permittees did not meet the same:

<u>City of Atlantis</u>	Did not report Illicit Discharge inspection numbers.
<u>City of Belle Glade</u>	Did not perform proactive Illicit Discharge inspections.
<u>City of Boca Raton</u>	Did not report percentage of inspections.
<u>City of Boynton Beach</u>	Only inspected 11% of swales; did not inspect pollution control boxes.
<u>City of Delray Beach</u>	Did not inspect major stormwater outfalls. Did not report the percentage of exfiltration trench inspections.
<u>FDOT District 4</u>	Did not inspect ditches.
<u>Florida Turnpike Enterprise</u>	Did not report Illicit Discharge inspections.
<u>Town of Jupiter</u>	Did not inspect swales or pipes.
<u>City of Lake Worth</u>	The high risk facility total reported does not match the number of facilities reported.
<u>Town of Manalapan</u>	Did not report illicit discharge inspections.
<u>Town of Mangonia Park</u>	Did not inspect major stormwater outfalls. Did not report the

<u>Village of Tequesta</u>	percentage of inlet inspections. Did not report Illicit Discharge training or Spill Prevention and Response training.
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Recommendation: Complete all required inspection frequencies in the current and future reporting years.