



# 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 email to the NPDES Stormwater Program Administrator or to the MS4 coordinator. Their names and email addresses are available at: <http://www.dep.state.fl.us/water/stormwater/npdes/contacts.htm>. If files are larger than 10mb, materials may be placed on the NPDES Stormwater ftp site at: [ftp://ftp.dep.state.fl.us/pub/NPDES\\_Stormwater/](ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/). After uploading the ANNUAL REPORT files, an email must be sent to the MS4 coordinator or the NPDES program administrator notifying them the report is ready for downloading
- Refer to the Form Instructions for guidance on completing each section.
- Please print or type information in the appropriate areas below

SECTION I. BACKGROUND INFORMATION	
<b>A.</b>	Permittee Name: Palm Beach County
<b>B.</b>	Permit Name: Palm Beach County Municipal Separate Storm Sewer System
<b>C.</b>	Permit Number: FLS000018-003 (Cycle 3)
<b>D.</b>	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:
<b>E.</b>	Reporting Time Period (month/year): October / 2011 through September / 2012
<b>F.</b>	Name of the Responsible Authority: Robert Weisman
	Title: County Administrator
	Mailing Address: 301 N. Olive Avenue
	City: West Palm Beach      Zip Code: 33401      County: Palm Beach County
	Telephone Number: (561) 355-2030      Fax Number: (561) 355-3982
	E-mail Address: rweisman@pbcgov.org
<b>G.</b>	Name of the Designated Stormwater Management Program Contact (if different from Section I.F above): Bonnie Finneran
	Title: Environmental Manager
	Department: Environmental Resources Management
	Mailing Address: 2300 North Jog Road, 4th Floor
	City: West Palm Beach      Zip Code: 33411      County: Palm Beach County
	Telephone Number: (561) 233-2400      Fax Number: (561) 233-2414
	E-mail Address: bfinnera@pbcgov.org

SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)	
<b>A.</b>	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>B.</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)
<b>C.</b>	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**

<b>A.</b>	Provide a brief statement as to the status of monitoring plan implementation:  Please see the Palm Beach County Joint Annual Report for the monitoring information.
<b>B.</b>	Provide a brief discussion of the monitoring results to date:  Please see the Palm Beach County Joint Annual Report for the monitoring information.
<b>C.</b>	Attach a monitoring data summary, as required by the permit.  Please see the Palm Beach County Joint Annual Report

**SECTION IV. FISCAL ANALYSIS**

<b>A.</b>	Total expenditures for the NPDES stormwater management program for the current reporting year: \$4,665,503 <i>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.</i>
<b>B.</b>	Total budget for the NPDES stormwater management program for the subsequent reporting year: \$4,700,000

**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	<i>***DEP Note: Please complete Checklists A &amp; B at the end of the tailored form.***</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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): Robert Weisman

Title: County Administrator

Signature:  Date: 3/25/13

**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	<b>Structural Controls and Stormwater Collection Systems Operation</b>								
	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.								
	Provide an inventory of all known major outfalls covered by the permit and a map depicting the location of the major outfalls (hard copy or CD-ROM). Provide the outfall inventory and map with the Year 1 Annual Report.								
	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.								
	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	0						All dry ponds are detention systems. The previous annual report was mistaken.	
	Exfiltration trench / French drains (linear feet)	162,535	78	120.3%	10	.05%	Job Perf. Report	Road & Bridge	
	Grass treatment swales (miles)	1224.48	1921	>100%	12	.06%	Job Perf. Report	Road & Bridge	
	Dry detention systems	28	112	>100%	112	>100%	Dredge Job Cost	Road & Bridge	
	Wet detention systems	24	96	>100%	96	>100%	Dredge Job Cost	Road & Bridge	
	Pollution control boxes	0						PBC does not own/operate pollution control boxes.	
	Stormwater pump stations	0						Pumps under PBC ownership are serving either agricultural	

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									(exempt) or the Airport (which is subject to a separate NPDES permit)	
	Major stormwater outfalls	156	0		0				See attached explanation.	
	Weirs or other control structures	34	91	267%	0	0			Inspections done the previous year	
	MS4 pipes / culverts (miles)	5.86	42	>100%	22	52%	Job Perf. Report	Road & Bridge		
	Inlets / catch basins / grates	20,152	22,134	109%	6121	30.37%	Job Perf. Report	Road & Bridge		
	Ditches / conveyance swales (miles)	21.64	67	104%	341	104%	Job Perf. Report	Road & Bridge		
	ATTACH explanation if any of the minimum inspection frequencies in Table II.A.1.a were <u>not</u> met							Road & Bridge	See attached additional information.	
	Year 1 ONLY: Attach a map of all known major outfalls									
Part III.A.2	Areas of New Development and Significant Redevelopment									
	Report the number of significant redevelopment projects reviewed by the permittee for post-development stormwater considerations. Report the number of new development projects reviewed under Part III.A.9.a.									
	Number of significant redevelopment projects reviewed				54		Land Development Division Drainage	Land Development Div.	54	
	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.									
	Year 2 ONLY: Attach the summary report of the review activity								See attached additional information.	
	Year 4 ONLY: Attach the follow-up report on plan implementation									
Part III.A.3	Roadways									
	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.									
	CONTRACTOR Litter Control Program: Frequency of litter collection				16 per year		Vendor Reports and Department records	Streetscape Section's Contracted		

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	CONTRACTOR Litter Control Program: Estimated amount of area maintained (linear feet)	126	Engineering Department records	Service Vendor Streetscape Section's Contracted Service Vendor	
	CONTRACTOR Litter Control Program: Estimated amount of litter collected (cubic yards)	27.67	Vendor Reports and Department records	Streetscape Section's Contracted Service Vendor	
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.					
	Keep PBC Beautiful Trash Pick-up Events: Total miles cleaned	102.6	Event Site Reports	KPBC Beautiful Volunteers	
	Keep PBC Beautiful Trash Pick-up Events: Estimated amount of litter collected (cubic yards)	15.69	Event Site Reports	KPBC Beautiful Volunteers	
	Adopt-A-Road Program: Total miles cleaned	56	Engineering Dept. records	Engineering Dept	
	Adopt-A-Road Program: Estimated amount of litter collected (cubic yards)	168	Engineering Dept. records	Engineering Dept	Estimated amount
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.					
	Frequency of street sweeping	3 times a year	Job Perf. Report	Road & Bridge	
	Total miles swept (per year)	3141.84	Job Perf. Report	Road & Bridge	
	Estimated quantity of sweeping material collected (cubic yards)	1305	Road Material cost report	Road & Bridge	
	Total nitrogen loadings removed (pounds)	550.7	DEP conversion factor	Eng./Roads	Calculated value.
	Total phosphorus loadings removed (pounds)	353.7	DEP conversion factor	Eng./Roads	Calculated value.
	Year 1 ONLY: If have curbs and gutters, attach explanation of why no street sweeping program and the alternate BMPs used or planned				
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.					
		Number of Inspections			
	Name of facility: PBC Vista Fleet Maintenance	2	Municipal Maintenance Yard Inspection Checklist	PBC Facilities Development and Operations Dept.	

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Part III.A.4	<b>Flood Control Projects</b>				
	<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: A "stormwater retrofit project" is one implemented primarily to provide stormwater treatment for areas currently without treatment.</i></p>				
	Flood control projects completed during the reporting period	3	Roadway Production Division Projects	Roadway Production Division	
	Flood control projects completed during the reporting period that did <u>not</u> include stormwater treatment	0		Engineering Services Division	
	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		N/A		
	Stormwater retrofit projects planned	0			
	Stormwater retrofit projects under construction during the reporting period	0			
	Stormwater retrofit projects completed during the reporting period	0			
Part III.A.5	<b>Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit</b>				
	<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"> <li>• Operating municipal landfills;</li> <li>• Municipal waste transfer stations;</li> <li>• Municipal waste fleet maintenance facilities; and</li> <li>• Any other municipal waste treatment, waste storage, and waste disposal facilities.</li> </ul> <p>Report the number of applicable facilities and the number of the inspections conducted for each facility.</p>				
		<b>Number of Inspections</b>			
	Name of facility #1: South County Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
	Name of facility #2: Central County Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
	Name of facility #3: Glades Regional Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	14

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	Name of facility #4: West Central Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
	Name of facility #5: North County Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
	Name of facility #6: South West County Transfer Station	14	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
	Name of facility #7: Solid Waste Authority Fleet Maintenance Facility	12	Pollution Prevention Plans Inspection records	SWA Env. Prgms.	
Part III.A.6	<b>Pesticides, Herbicides, and Fertilizer Application</b>				
	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.				
	<b>PERSONNEL: Florida Department of Agriculture and Consumer Services (FDACS) certified applicators of pesticides and herbicides</b>	1	FDACS Certification	Facilities Development and Operations	
	<b>CONTRACTORS: FDACS certified / licensed applicators of pesticides and herbicides</b>	32	IFAS Monthly Reports	PBC Extension	Restricted use pesticide training by PBC Cooperative Extension Service
	<b>CONTRACTORS: FDACS certified / licensed applicators of fertilizer</b>	118	IFAS Monthly Reports	PBC Extension	GI-BMP
	<b>PERSONNEL: Green Industry BMP Program training completed</b>	0	IFAS Monthly Reports	PBC Extension	18 Palm Beach County Staff have previously received GI-BMP certification, 12 certifications occurring the previous reporting year.
	<b>CONTRACTORS: Green Industry BMP Program training completed</b>	1360	IFAS Monthly Reports	PBC Extension	GI-BMP

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	<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 <u>all local governments within the watershed of a nutrient-impaired water body</u> 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. <u>The ordinance shall be adopted within 24 months of the date of permit issuance.</u> Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 Annual Report.</p>				
	<p><b>Year 1 or Year 2 ONLY: Attach copy of adopted Florida-friendly ordinance</b></p>		<p>Palm Beach County Ordinance No. 2012-039</p>	<p>PBC Cooperative Extension</p>	<p>*See Attached Ordinance</p>
	<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 style="text-align: right;"><b>FYN PROGRAM FUNDING: Permittee Provides Funding? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount of Funding = \$25,002</b></p>				
	<p><b>Public education and outreach program</b></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><b>Estimated percentage of the population reached by the activities in total Brochures/Flyers/Fact sheets distributed</b></p>	<p>2%</p>		<p>PBC-UF/IFAS</p>	
	<p>27,073</p>		<p>IFAS Monthly Reports</p>	<p>PBC-UF/IFAS</p>	
	<p><b>FYN: Brochure/Flyers/Fact sheets distributed</b></p>	<p>13,440</p>	<p>IFAS Monthly Reports</p>	<p>FYN</p>	
	<p><b>Neighborhood presentations: Number conducted</b></p>	<p>10</p>	<p>IFAS Monthly Reports</p>	<p>PBC-UF/IFAS</p>	
	<p><b>FYN: Neighborhood presentations: Number of participants</b></p>	<p>903</p>	<p>IFAS Monthly Reports</p>	<p>FYN</p>	
	<p><b>FYN: Neighborhood presentations: Number conducted</b></p>	<p>20</p>	<p>IFAS Monthly Reports</p>	<p>FYN</p>	
	<p><b>Neighborhood presentations: Number of participants</b></p>	<p>518</p>	<p>IFAS Monthly Reports</p>	<p>PBC-UF/IFAS</p>	
	<p><b>Newspapers &amp; newsletters: Number of articles/notices published</b></p>	<p>82</p>	<p>Newsletters</p>	<p>FYN</p>	
	<p><b>Newsletters: Number of newsletters distributed</b></p>	<p>12</p>	<p>IFAS Monthly Reports</p>	<p>FYN</p>	
	<p><b>Public displays (e.g., kiosks, storyboards, posters, etc.)</b></p>	<p>18</p>	<p>IFAS Monthly Reports</p>	<p>PBC-UF/IFAS</p>	
	<p><b>FYN: Public displays (e.g., kiosks, storyboards, posters, etc.)</b></p>	<p>10</p>	<p>IFAS Monthly Reports</p>	<p>FYN</p>	
	<p><b>Radio or television Public Service Announcements (PSAs)</b></p>	<p>2</p>	<p>IFAS Monthly Reports</p>	<p>PBC-UF/IFAS</p>	



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	<b>FYN: Radio or television Public Service Announcements (PSAs)</b>	5	IFAS Monthly Reports	FYN	
	<b>School presentations: Number conducted</b>	13	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>School presentations: Number of participants</b>	450	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>FYN: School presentations: Number conducted</b>	2	IFAS Monthly Reports	FYN	
	<b>FYN: School presentations: Number of participants</b>	76	IFAS Monthly Reports	FYN	
	<b>Seminars/Workshops: Number conducted</b>	67	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>Seminars/Workshops: Number of participants</b>	1510	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>FYN: Seminars/Workshops: Number conducted</b>	6	IFAS Monthly Reports	FYN	
	<b>FYN: Seminars/Workshops: Number of participants</b>	200	IFAS Monthly Reports	FYN	
	<b>Special events: Number conducted</b>	2	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>Special events: Number of participants</b>	73	IFAS Monthly Reports	PBC-UF/IFAS	
	<b>FYN: Special events: Number conducted</b>	2	IFAS Monthly Reports	FYN	
	<b>FYN: Special events: Number of participants</b>	310	IFAS Monthly Reports	FYN	
	<b>Web Site: Number of hits / visitors to the stormwater-related pages</b>	N.A.			Unknown
<b>Part III.A.7.a</b>	<b>Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures</b>				
	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.				
	<b>ATTACH a report on any amendments to the applicable legal authority</b>				None
<b>Part III.A.7.c</b>	<b>Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal</b>				
	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.				
	<b>Proactive inspections for suspected illicit discharges / connections / dumping</b>	18	ERM NPDES Inspection Files	PBC ERM	

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	Illicit discharges / connections / dumping found during a proactive inspection		0			None Identified
	Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a proactive inspection		0			N.A.
	Fines issued for illicit discharges / connections / dumping found during a proactive inspection		0			N.A.
	Year 1 ONLY: Attach the written proactive inspection program plan					
	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.					
	Reports of suspected illicit connections / discharges / dumping received		17	Complaint Log	PBC ERM	
	Reactive investigations of reports of suspected illicit discharges/connections / dumping		17	Complaint Log	PBC ERM	
	Illicit discharges / connections / dumping found during a reactive investigation		2	Complaint Log	PBC ERM	
	Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a reactive investigation		1	ERM Compliance and Enforcement files	PBC ERM	
	Fines issued for illicit discharges / connections / dumping found during a reactive investigation		0		PBC ERM	Corrective action included on-site SWP3 and BMPs.
	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) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Refresher 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).					
		Initial Training	Refresher Training			
	Personnel trained	0	1		Sign-in sheet	PBC NPDES Group Permittees
	Contractors trained	0	0			Contractors not utilized in field activities which may lead to discovery of an illicit discharge.
Part III.A.7.d	<b>Illicit Discharges and Improper Disposal — Spill Prevention and Response</b>					
	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.					

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	Hazardous and non-hazardous material spills responded to		233	Haz-Mat calls situation found database	PBC Fire – Rescue Department	233
	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) <u>and contractors</u> on proper spill prevention, containment, and response techniques and procedures. Refresher 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).					
		Initial Training	Refresher Training			
	Personnel trained	0	1,582		PBC Fire – Rescue Training & Safety Division	All refresher training due to no new hires in several years.
	Contractors trained	0	0			PBC Fire – Rescue Department Haz-Mat training is limited to PBC staff.
Part III.A.7.e	<b>Illicit Discharges and Improper Disposal — Public Reporting</b>					
	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).					
	<b>Public education and outreach program</b>		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.			
Part III.A.7.f	<b>Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control</b>					
	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).					
	<b>Public education and outreach program</b>		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.			

**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
	Estimated percentage of the population reached by the activities in total	80%			
	Brochures/Flyers/Fact sheets distributed	95,500	Brochures	Recycling & HHW Services	
	Household Hazardous Waste (HHW) Collection Day: Events	1866	Disposal Records	HHW Services	
	HHW Collection Day: Amount of waste collected/recycled/properly disposed (tons)	1,282	Disposal Records	HHW Services	
	Neighborhood presentations: Number conducted	117		Recycling / Community Service	
	Neighborhood presentations: Number of participants	3222		Recycling / Community Service	
	Public displays (e.g., kiosks, storyboards, posters, etc.)	25		Recycling / Community Service	
	Radio or television Public Service Announcements (PSAs)	6		Media Arts	
	School presentations: Number conducted	341	Outlook	Recycling / Community Service	
	School presentations: Number of participants	15,368			
	Seminars/Workshops: Number conducted	12	Outlook	Recycling / Community Service	
	Seminars/Workshops: Number of participants	1690			
	Special events: Number conducted	41	Outlook	Recycling / Community Service	
	Special events: Number of participants	158,140			
	Storm sewer inlets newly marked/replaced	N/A			
	Web Site: Number of visitors to the stormwater-related pages	N/A			
Part III.A.7.g	<b>Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage</b>				
	Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate <u>sanitary wastewater contamination into the MS4</u> , 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.				
	<b>Activity to reduce/eliminate SSOs and inflow / infiltration: Repair / lining of sanitary sewer system</b>	15,561	I & I Monthly Activity Report	WUD I & I Division	

**SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE**

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
	Activity to reduce/eliminate SSOs and inflow / infiltration: Septic systems removed	0			None occurred during this reporting period.
	Activity to reduce/eliminate SSOs and inflow / infiltration: Emergency generator added	0			None occurred during this reporting period.  However, WUD has previously purchased many generators serving individual PUDs to operate lift stations following the hurricane years of 2004 and 2005.
	SSO incidents discovered	21	Wastewater Spillage Report	Water Utilities Department	
	SSO incidents resolved	21	Wastewater Spillage Report	Water Utilities Department	
	Inflow / infiltration incidents discovered	70	I & I Monthly Activity Report	Water Utilities Department	
	Inflow / infiltration incidents resolved	70	I & I Monthly Activity Report	Water Utilities Department	
	Name of owner of the sanitary sewer system	Palm Beach County Water Utilities Department			
<b>Part III.A.8.a</b>	<b>Industrial and High-Risk Runoff — Identification of Priorities and Procedures for Inspections</b>				
	<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"> <li>• Operating municipal landfills;</li> <li>• Hazardous waste treatment, storage, disposal and recovery facilities;</li> <li>• 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</li> <li>• 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.</li> </ul> <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>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</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	
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.									
			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			5	5	0	0	EPA TRI Explorer Report (COFA) Releases: Facility Report	PBC-ERM	Only 5 of the 19 facilities listed in the TRI report discharge to or are adjacent to the PBC MS4.
New high risk facilities added to the inventory during the current reporting period			2						
Operating municipal landfills			N.A	N.A					The only operating landfills are under NPDES Permits and do not discharge to an MS4.
Hazardous waste treatment, storage, disposal and recovery (HWTSDR) facilities			0	0					None in Palm Beach County
EPCRA Title III, Section 313 facilities (that are not landfills or HWTSDR facilities)			5	5			EPA TRI Explorer Report (COFA) Releases: Facility Report		Only 5 of the 19 facilities listed in the TRI report discharge to or are adjacent to the PBC MS4.
Facilities determined as high risk by the permittee through the proactive inspections as per Part III.A.7.c			0	0					None have been identified to date.
Other facilities determined as high risk by the permittee (that are <u>not</u> facilities identified through the proactive inspections)			0	0					None have been identified to date.

**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.8.b	<b>Industrial and High-Risk Runoff — Monitoring for High Risk Industries</b>				
	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			Inspections conducted did not support a need for monitoring.
Part III.A.9.a	<b>Construction Site Runoff — Site Planning and Non-Structural and Structural Best Management Practices</b>				
	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 reviewed for stormwater, erosion, and sedimentation controls, and the number approved.				
	PERMITTEE SITES: Construction site plans reviewed	25	PBC Engineering Coordination Records	PBC Engineering Coordination	
	PERMITTEE SITES: Construction site plans approved	25	PBC Engineering Coordination Records	PBC Engineering Coordination	
	PRIVATE SITES: Construction site plans reviewed	40	ERM Erosion & Sediment control Inspection Database	PBC ERM	
	PRIVATE SITES: Construction site plans approved	40	ERM Erosion & Sediment control Inspection Database	PBC ERM	
	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.				
	Notified of ERP stormwater permit requirements	54	Land Development Division Drainage reviews.	Land Development Division	
	Notified of CGP stormwater permit requirements	77	Development Review Office Records & Plat Review Database	PBC ERM	
	Confirmed CGP coverage		ERM Erosion &		

**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
		40	Sediment control Inspection Database	PBC ERM	
Part III.A.9.b	<b>Construction Site Runoff — Inspection and Enforcement</b>				
	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.				
	<b>PERMITTEE SITES: Active construction sites</b>	25	PBC Engineering Coordination Records	PBC Engineering Coordination	
	<b>PERMITTEE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs</b>	673	PBC Engineering Coordination Records	PBC Engineering Coordination	
	<b>PERMITTEE SITES: Percentage of active construction sites inspected</b>	100%			
	<b>PRIVATE SITES: Active construction sites</b>	40	ERM Erosion & Sediment control Inspection Database	PBC ERM	
	<b>PRIVATE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs</b>	78	ERM Erosion & Sediment control Inspection Database	PBC ERM	
	<b>PRIVATE SITES: Percentage of active construction sites inspected</b>	100%			
	<b>Notices of Violation (NOVs) / warning letters / citations issued</b>	2	ERM NPDES Compliance & Enforcement files	PBC ERM	
	<b>Stop Work Orders issued</b>	0			
	<b>Fines issued</b>	0			Corrective measures required by the NOV included required documentation of the cleaning of on-site storm drainage system by a commercial vacuum truck.
	<b>Year 1 ONLY: Attach the written construction site inspection program plan</b>				



**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	<b>Construction Site Runoff — Site Operator Training</b>							
	<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 <u>or under contract with</u> 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. Refresher 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>							
		Certification Training	Initial Training (non-certification)	Refresher Training				
	Permittee construction site inspectors	6		0		Training Program Sign in Sheet	Training Consultant using FDEP Materials.	Many Palm Beach County staff has received the FDEP Erosion and Sedimentation Control Certification during the last decade.
	Permittee construction site plan reviewers		0					PBC Site inspectors also serve as site plan reviewers.
	Permittee construction site operators	2	0			Training Program Sign in Sheet	Training Consultant using FDEP Materials.	
	Private persons	28				Training Program Sign in Sheet	Training Consultant using FDEP Materials.	28 non-governmental persons received training through this group sponsored event.

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

<b>A.</b>	<b>Permit Citation/ SWMP Element</b>	<p><b>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.</b></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>
		N.A.
<b>B.</b>	<b>Permit Citation/ SWMP Element</b>	<p><b>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)</b></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>
		N.A.

## 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	<b>EACH ANNUAL REPORT:</b> If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.1	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT:</b> A report on amendments / changes to the legal authority to control illicit discharges, connections, dumping, and spills, if applicable.		
<input type="checkbox"/>	<input type="checkbox"/>	Part V.B.9	<b>EACH ANNUAL REPORT:</b> Reporting and assessment of monitoring results. <b>[Also addressed in Section III of the Annual Report Form]</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part VI.B.2	<b>EACH ANNUAL REPORT:</b> 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.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.e	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT after approval of the BPCP:</b> The status of the implementation of the Bacterial Pollution Control Plan (BPCP).		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rule 62-624.600(2)(a), F.A.C.	<b>YEAR 1:</b> 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	<b>YEAR 1:</b> 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	<b>YEAR 1 or YEAR 2:</b> A copy of the adopted Florida-friendly Ordinance, if applicable.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.c	<b>YEAR 1:</b> A proactive illicit discharge / connection / dumping inspection program plan.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.9.b	<b>YEAR 1:</b> A construction site inspection program plan. <b>[For approval by DEP]</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.2	<b>YEAR 2:</b> A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.A.2	<b>YEAR 3:</b> 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	<b>YEAR 4:</b> 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	<b>YEAR 4:</b> 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	<b>YEAR 4:</b> The monitoring plan (with revisions, if applicable).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VII.C	<b>YEAR 4:</b> An application to renew the permit.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.d	<b>YEAR 4:</b> A TMDL Implementation Plan / Supplemental SWMP.		

## 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	<b>EACH ANNUAL REPORT:</b> If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.1	<b>EACH ANNUAL REPORT:</b> An explanation of why the minimum inspection frequency in Table II.A.1.a was not met, if applicable.	1	Stormwater Management Program
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.4	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT:</b> Reporting and assessment of monitoring results. <b>[Also addressed in Section III of the Annual Report Form]</b>		See Joint Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part VI.B.2	<b>EACH ANNUAL REPORT:</b> 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	Stormwater Management Program
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.e	<b>EACH ANNUAL REPORT:</b> 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	<b>EACH ANNUAL REPORT after approval of the BPCP:</b> The status of the implementation of the Bacterial Pollution Control Plan (BPCP).		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rule 62-624.600(2)(a), FAC	<b>YEAR 1:</b> An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM).	1	Stormwater Management Program
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part III.A.3	<b>YEAR 1:</b> 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	<b>YEAR 1 or YEAR 2:</b> A copy of the adopted Florida-friendly Ordinance, if	1	Stormwater Management Program
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.7.c	<b>YEAR 1:</b> A proactive illicit discharge / connection / dumping inspection program		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.9.b	<b>YEAR 1:</b> A construction site inspection program plan. <b>[For approval by DEP]</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part II.A	<b>YEAR 2:</b> Stormwater Management Program (SWMP)	2	Standard Operating Procedures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part III.A.2	<b>YEAR 2:</b> A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment.	1	Stormwater Management Program
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.A.2	<b>YEAR 3:</b> 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	<b>YEAR 4:</b> A follow-up report on plan implementation of changes to codes and regulations to reduce the stormwater impact from new development /		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part V.A.3	<b>YEAR 4:</b> 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	<b>YEAR 4:</b> The monitoring plan (with revisions, if applicable).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VII.C	<b>YEAR 4:</b> An application to renew the permit.		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Part VIII.B.3.d	<b>YEAR 4:</b> A TMDL Implementation Plan / Supplemental SWMP.		

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

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



## **Palm Beach County**

### **Stormwater Management Program (SWMP) additional information for NPDES MS4 Annual Report (Oct. 1, 2011 to Sept. 30, 2012).**

#### Table of Contents

- Part III.A.1 Structural Controls and Stormwater Collection System Operations.  
Required explanation if any of the minimum inspection frequencies in Table IIA.1.a. were not met.
- Part III.A.2. Areas of New Development and Significant Redevelopment  
Summary report of the Land Development Code review.
- Palm Beach County SWMP Effectiveness Evaluation.
- Palm Beach County MS4 Outfall map (Major and minor outfalls.)
- NPDES Third Term Permit Interlocal Agreement
- Palm Beach County Stormwater Pollution Prevention Ordinance (Legal authority for prohibition of illicit discharges and illicit connections.)
- Palm Beach County Florida Friendly Fertilizer Use Ordinance.

## **NPDES OUTFALL STRUCTURE INSPECTION/MAINTENANCE PROCEDURE**

During the past reporting period the Road Section was not able to complete the first phase of our inspection procedures for the major outfalls. The primary reason for not completing this phase is shortage of manpower, inordinate infrastructure failures that required our maintenance crews to attend to due to the hazardous condition to motorists, and pedestrians that use the roads and sidewalks. The road section also has severe budget reductions and increased workloads over the past decade which has created a lack of resources to be able to implement this new program. The workforce is primarily reactionary at this time. The Superintendent has decided to make a commitment and dedicate staff to this initial phase for 2013 to ensure compliance in all phases of the NPDES requirements.

We are going to initiate the process in 2013 and will have phase one of major outfall inspections completed by the end of the reporting period. The plan is to dedicate staff to this phase to ensure completion, and consistency. During this phase the dedicated staff will conduct the initial inspection using the following criteria:

- Check the structure infrastructure for damage, and ensure the structure is functioning, record and report the condition to the area supervisor.
- Check the structure for sediment, and debris record and report the condition to the area supervisor.
  - The area supervisor will record the issue and schedule maintenance and repairs
- Record the location to be inventoried and stored in the computer, create a location map using in house software such as Geo Nav, Google earth to store on the computer.
  - Note: if available utilize geographic recording apparatus to record GIS Data to create a geo database of the structures for historical review, and storage.
- Once all are identified, recorded each area supervisor will be required to submit a minimum of an annual inspection report to the Asst. Road Superintendent for storage and in order to comply with the NPDES permit.



**Department of Engineering  
and Public Works**

PO Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

FAX (561) 684-4050

www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

**County Administrator**

Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"

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**INTEROFFICE MEMORANDUM**

**DATE:** March 25, 2013  
**TO:** Rob Robbins, Director  
Environmental Resources Management  
**FROM:** Joanne M. Keller, PE, Director *JMK*  
Land Development Division  
**RE:** NPDES Permit Requirements

---

We have reviewed the County's Land Development Regulations in relation to potential impediments to low impact design practices for stormwater runoff and find that no changes to the current regulations are necessary or desirable at this time.

Stormwater discharge limits and water quality treatment requirements consistent with State standards are already applied to all new projects by SFWMD regulations and no more stringent standards are imposed by the County. Incorporation of low impact design practices by the developer is possible and not precluded by current County standards.

However, since there minimum standards of SFWMD must still be met, there is no justification for the County to mandate inclusion of these additional onsite measures in site development.

JMK: TWM

cc: Tanya N. McConnell, PE, Deputy County Engineer  
Steve Carrier, PE, Assistant County Engineer  
Kenneth Todd, PE, Water Resource Manager  
Brian Gentry, Environmental Program Supervisor



## Palm Beach County Stormwater Management Program Effectiveness Evaluation

- a. *Have stormwater pollutant loading discharged from the MS4 decreased? Why or why not?*

This is undetermined. Monitoring is conducted in stream within primary and secondary receiving water bodies. Since unincorporated Palm Beach County possesses 769 MS4 outfalls, end of pipe monitoring is impractical, and a direct determination of MS4 pollutant loading is not possible. However, end of pipe monitoring may be implemented meet pending NPDES TMDL requirements. These monitored water bodies are subject to multiple sources of discharges and factors affecting water quality, which include; non-point source discharges, agricultural land use discharges, hydraulic modifications, climatic influences (ie; drought years), off-site regional discharges (ie; Lake Okeechobee), in addition to discharges from the MS4. Within Palm Beach County, MS4 discharges account for only modest influence to regional water quality.

- b. *Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?*

Roadways. The Streetscape litter control program removed approximately 11.1 tons of trash from Palm Beach County road right of way. The street sweeping program removed approximately 551 lbs of nitrogen and 354 lbs of phosphorus from the roadways and eventually deposition into the MS4.

Flood Control Projects. The County's MSTU program retrofits the drainage infrastructure of older subdivisions and provides stormwater treatment, where previously not provided.

Pesticides, Herbicides, and Fertilizer Application. The PBC Cooperative Extension Service provides extensive training and public education in the Florida Yards and Neighborhoods and Master Gardener programs. These programs increase public awareness of proper pesticide and fertilizer application and avoidance of entry into MS4 and receiving water bodies.

Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control. The Household Hazardous Waste Program conducted by the PBC Solid Waste Authority is highly utilized and successful. Entry of household hazardous wastes does not appear to be a problem in the PBC MS4 or non-point source discharges to our receiving water bodies.

Construction Site Runoff — Inspection and Enforcement. PBC Engineering Coordination Division has a policy of a weekly erosion and sediment control BMP inspection, conducted jointly between a County DEP Certified Inspector and the NPDES representative of the General Contractor. This policy provides an intensive inspection frequency and construction BMP oversight by County staff.

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

It is unclear as to whether any SWMP components are not working well. For the SWMP components discussed above, the relationship between the components and reducing stormwater pollutant loading is relatively clear. For SWMP components not listed above, the direct relationship between the components and reducing stormwater pollutant loadings is less apparent.

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

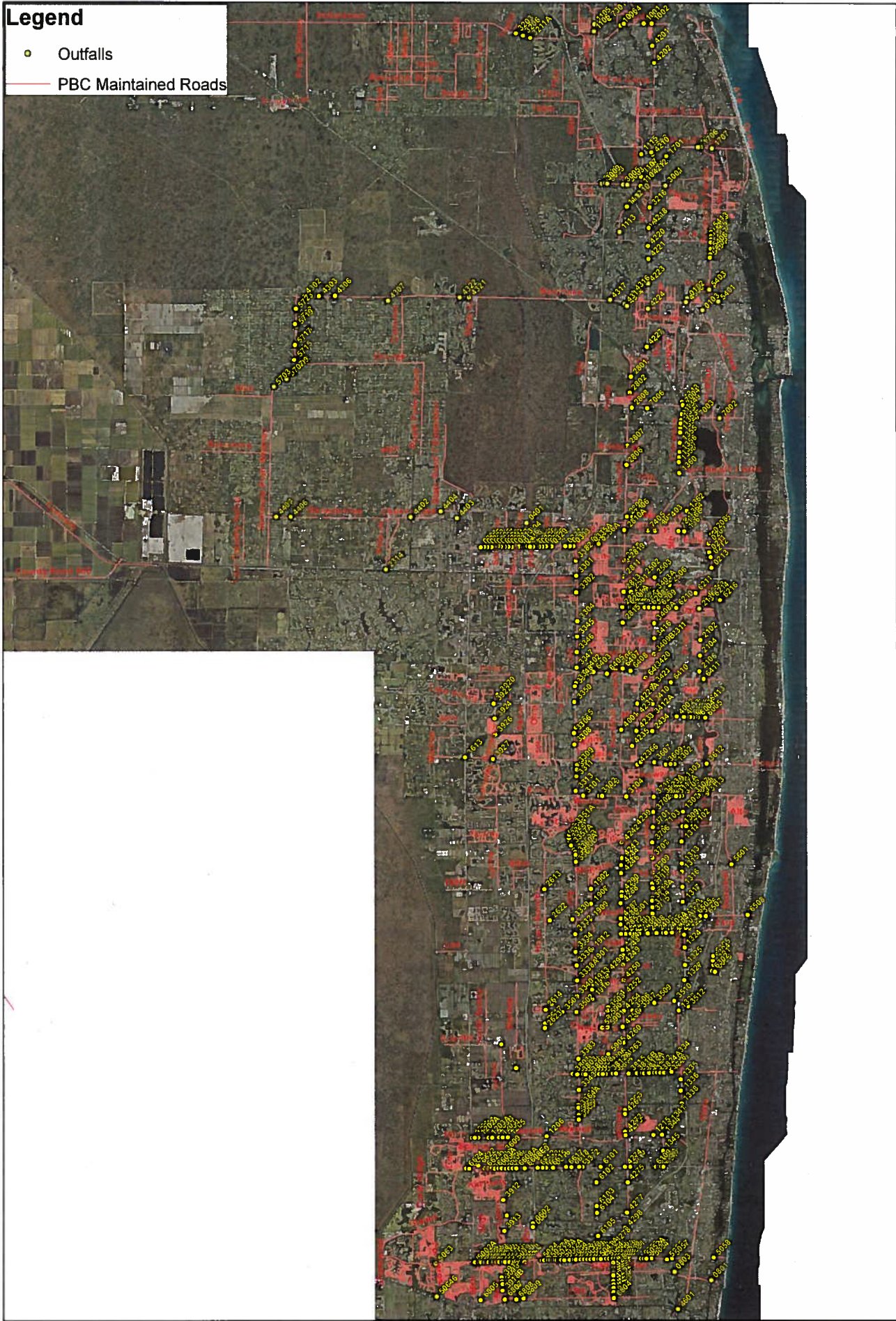
Due to the lack of applicable facilities discharging to the Palm Beach County MS4, the High Risk Facility inspections do not appear to contribute to reducing stormwater pollutant loads.

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.*

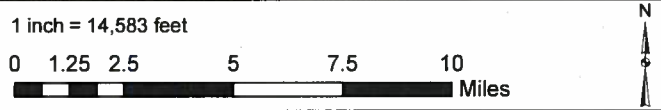
Please see the response to question a. and the Joint Annual Report for monitoring program discussion, for the response to the first part of the three part question. The response to the second part question (*assess the effectiveness of specific BMPs*), is negative. The response to the third part of the question is also negative. Areas that appear to be “water quality hot spots” do not appear to be significantly influenced by MS4 discharges.

# Legend

- Outfalls
- PBC Maintained Roads



**PBC Maintained Roads and Outfalls**  
**Attachment #2**  
Created: 3/8/2012  
Note: This map is not official and is intended for presentation purposes only.



R 2011-16 93  
NPDES THIRD TERM PERMIT  
INTERLOCAL AGREEMENT

RECEIVED  
NOV 29 2011

This Agreement shall be effective as of the day of **NOV 01 2011**, 2011 (the "Effective Date"), and 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 PALM BEACH COUNTY, a political subdivision of the State of Florida, 301 N. Olive Avenue, West Palm Beach, Florida 33401 (hereinafter referred to as "the Co-Permittee") hereinafter referred to collectively as "the parties").

WITNESSETH:

WHEREAS, on December 9, 1996, the United States Environmental Protection Agency (hereinafter referred to as "EPA") 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 regulated parties; and

WHEREAS, the Permittees timely filed a re-application to FDEP to be granted a renewal for the third term of the MS4 NPDES Permit (hereinafter referred to as (the "NPDES Third Term Permit")); and

WHEREAS, on March 2, 2011, FDEP granted a Third Term to the NPDES MS4 Permit with certain conditions enumerated therein; and

WHEREAS, the NPDES Third Term Permit granted by FDEP to the Permittees contains 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; and

WHEREAS, on September 24, 2003, the parties entered into Interlocal Agreement (R2003-1369) allocating duties, responsibilities and costs associated with the previous MS4 NPDES Permit and the parties wish to ratify all actions taken by each party pursuant to said Interlocal Agreement which took place after said agreement expired.

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. Palm Beach County 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 shall be from the Agreement's Effective Date, and shall continue for one additional year after the fourth five-year term permit is issued, 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.

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. The Director of Environmental Resources Management is hereby authorized to execute any amendments to Exhibit "A" required under this Section 4.01(i) on behalf of the Board of County Commissioners. The County contribution increase for any given Funding Year is not to exceed \$25,000 without Board of County Commissioner approval.

(ii) The Co-Permittee shall be responsible for such duties and obligations specifically identified and delineated in Exhibit "B" which is attached hereto and incorporated herein (the "Co-Permittee Services"). The Co-Permittee's 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 Lead Permittee and incorporated into Exhibit "B" and made a part of this Agreement. All revisions to Exhibit "B" shall be attached sequentially to this Agreement so that all modifications to the Co-Permittee's Services that occur over time may be determined. The Director of Environmental Resources Management is hereby authorized to execute any amendments to Exhibit "B" required under this Section 4.01(ii) on behalf of the Board of County Commissioners.

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 Total Maximum Daily Loads ("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 Resolution 2011-04 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", along with Corrective Resolution 2011-05, (the "Resolution"), which was adopted by the

Lead Permittee, a copy of which is attached hereto as Exhibit "C."

Section 2 of the Resolution incorporates by reference the "NDPES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds" (the "Procedures") which are incorporated into this Agreement and, where applicable, 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. The Director of Environmental Resources Management is hereby authorized to execute any amendments to the Resolution or the Procedures required under this Section 5.01 on behalf of the Board of County Commissioners.

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. First Funding Year Payment. The parties agree that for the upcoming 2011/2012 Funding Year, the Co-Permittee will pay the Lead Permittee up to the sum of \$81,450.00, which sum represents payment of the Lead Permittee's Services for the upcoming Funding Year of this Agreement.

5.04. Current Funding. The parties believe that the funding specified above 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 herein are incurred.

5.05. 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 to the Steering Committee on or before January 31<sup>st</sup> of each following year. The Lead Permittee and Co-Permittee shall have until June 15<sup>th</sup> 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. The Director of Environmental Resources Management is hereby authorized to terminate this Agreement as required under this Section 5.05 on behalf of the Board of County Commissioners.

5.06. 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.

5.07. 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 5.05, 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.

5.08. Co-Permittee Costs. The Co-Permittee will provide the Lead Permittee with an estimate of all costs incurred by the County to perform water quality and sediment monitoring in December of each year during the term of this Agreement and shall provide timely revised cost estimates to the Lead Permittee should water quality monitoring requirements become subject to revision.

## SECTION SIX PAYMENT PROCEDURE

The parties agree to pay each of its Funding Year payments as follows:

6.01. Funding Year Payments. Upon completion of the Funding Year, a party shall submit an itemized invoice to the other party (and subsequent invoices thereafter shall normally be on a quarterly basis or an agreed upon period) for carrying out its respective services as identified and delineated herein.

6.02 Lead Permittee Invoices. Invoices issued by the Lead Permittee pursuant to this Agreement shall be promptly reviewed by the Co-Permittee and, if approved, the Co-Permittee shall promptly process said invoices for payments, it being agreed that invoices will normally be paid within 30 days of Co-Permittee's approval of same or approved portion thereof.

6.03 Co-Permittee Invoices. The Co-Permittee shall invoice the Lead Permittee quarterly for goods and service provided in accordance with (ii) and (iii) of Exhibit B, for which Lead Permittee shall then have thirty (30) days from receipt of the invoice to make payment.

6.04. Unexpected Additional Costs and Expenses. If Lead Permittee determines that unexpected additional costs and expenses must be incurred in order for it to provide its Lead Permittee services, Lead Permittee shall follow the procedures set forth in Exhibit C to request additional funds.

6.05. 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 5.05, 6.02.

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 that are designated therein as the individual responsibility of said Co-Permittee. After such termination, the Lead Permittee and other Permittees shall not be responsible for the 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. 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. The Director of Environmental Resource Management is hereby authorized to provide notice of any dispute or conflict to the Lead Permittee required under this Section 8.03 on behalf of the Board of County Commissioners.

**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:           Palm Beach County  
Director, Department of Environmental Resources Management  
2300 North Jog Road, 4<sup>th</sup> Floor  
West Palm Beach, FL 33411  
Phone: (561) 233-2400  
Fax: (561) 233-2414

As to Co-Permittee:           ERM Attorney,  
Palm Beach County Attorney's Office  
301 N. Olive Avenue  
West Palm Beach, Florida 33401  
Phone: (561) 355-2225  
Fax: (561) 355-6461

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, age, national origin, disability, religion, ancestry, marital status, familial status, sexual orientation, gender identity or expression 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. The Director of Environmental Resource Management is hereby authorized to provide written approval required under this Section 9.06 on behalf of the Board of County Commissioners.

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.

9.16. Access and Audit. Each party shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the work for at least three (3) years after completion or termination of this Agreement. Each party shall have access to such books, records and documents as required in this section for the purpose of inspection or audit during normal business hours.

9.17. Inspector General. Palm Beach County has established the Office of the Inspector General in Palm Beach County *Code, Section 2-421 - 2-440*, as may be amended. The Inspector General's authority includes but is not limited to the power to review the Co-Permittees' past, present and proposed contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Lead Permittee, its officers, agents, employees and lobbyists as pertain to this Agreement in order to ensure compliance with contract requirements and detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

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## EXHIBIT "A"

### LEAD PERMITTEE SERVICES

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 MS4 NPDES Permit.
- II. The timely preparation, coordination, and submittal to FDEP each year during the term of this Agreement, an annual report describing the activities carried out jointly to fulfill requirements in the MS4 NPDES 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. of the MS4 NPDES Permit 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, and coordination 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.

EXHIBIT "B"  
TO  
NPDES INTERLOCAL AGREEMENT REGARDING  
THIRD TERM PERMIT  
PALM BEACH COUNTY RESPONSIBILITIES

CO-PERMITTEE SERVICES

Palm Beach County (the "County") shall be responsible for the implementation, provision and execution of the NPDES Third Term Permit 1) Required water quality and sediment monitoring as required per Part V.B, of the Permit, and 2) Countywide program to collect Household Waste as required per Part III A.7.f. of the Permit, and 3) Countywide Florida Yards and Neighborhood program as required per Part III A.6 of the Permit in accordance with and subject to the following:

(i) Any and all water quality and sediment monitoring program provisions that require the use and operation of a multi-parameter water quality instrument and sample collection device shall be subject to the County's receiving said instrument and sample collection device, which instrument and device are to be purchased and owned by the Permittees.

It being understood and agreed that upon the termination of the Agreement, the County shall return the multi-parameter water quality instrument and sample collection device to the Permittee(s) from which the instrument was obtained.

(ii) The provision and payment of all costs, including labor, equipment (except as described in (i) above), equipment maintenance and repair, analytical costs (ambient water quality and sediment analysis), water quality data validation, water quality data entry into STORET (or successor), instrument calibration solutions, quality assurance plan for sampling and testing, and those associated with laboratory analysis and coordination for laboratory services, as are required for the water quality and sediment monitoring program.

(iii) The use and payment of costs associated with the operation of the multi-parameter water quality instrument or any equipment owned by the County that is available for carrying out the water quality and sediment monitoring program.

(iv) The County will provide the Lead Permittee a with an estimate of all costs incurred by the County to perform water quality and sediment monitoring in December of each year during the term of this Agreement, and shall provide timely revised cost estimates should water quality monitoring requirements become subject to revision. The County shall invoice the Lead Permittee quarterly for the goods and services provided in accordance with provisions (ii) and (iii) herein, for which the Lead Permittee shall then have thirty (30) days from the date of receipt of the invoice to make payment.

(v) The County will provide all data entry/verification of the results to support an annual report to the FDEP on the activities and results of the water quality and sediment monitoring program. The water quality data shall be delivered to the Lead Permittee on or before January 2, 2012 and on or before January 2 of each subsequent year during the term of this Agreement. The annual water quality and sediment monitoring data will adhere to the monitoring program as provided to the FDEP in the annual report as required by the MS4 NPDES Permit.

(vi) The Solid Waste Authority of Palm Beach County (SWA), a Dependent Special District, on behalf of the Permittees, shall provide a countywide program to collect Household Hazardous Waste (HHW) at multiple locations throughout the County. The SWA shall also publicize the locations of the SWA operated collection sites for these materials and inform the public on the proper disposal of used oil, household hazardous products, and lead acid batteries. In the event the SWA discontinues this program, the County shall immediately notify the Lead Permittee and the County shall be under no obligation to provide this program on behalf of the Permittees.

(vii) The Palm Beach County Cooperative Extension Service on behalf of the Permittees shall provide the Florida Yards and Neighborhoods program countywide to promote sound landscape practices which reduce adverse impacts from stormwater runoff. In the event that the Palm Beach County Cooperative Extension Service discontinues this program, the County shall immediately notify the Lead Permittee and the County shall be under no obligation to provide this program on behalf of the Permittees.



EXHIBIT "C"

**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 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 March 1<sup>st</sup> 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 19<sup>TH</sup> DAY OF JANUARY, 2011.**

**ATTACHMENT "A"**

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

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

**CORRECTIVE RESOLUTION NO. 2011-05**

**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 attached NPDES Steering Committee Administrative Procedures of January 19, 2011.
2. That Northern Palm Beach County Improvement District does hereby incorporate by reference said attached January 19, 2011 NPDES Steering Committee Administrative Procedures into each NPDES Interlocal and/or Joint Participation Agreement that it enters into with a Co-Permittee.
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 27TH DAY OF APRIL, 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 31<sup>st</sup> 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 19<sup>th</sup> DAY OF JANUARY, 2011.

**ATTACHMENT "A"**

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

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

ORDINANCE NO. 2004-050

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2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO  
5 BE KNOWN AS THE PALM BEACH COUNTY STORMWATER  
6 POLLUTION PREVENTION ORDINANCE: PROVIDING FOR  
7 SHORT TITLE, APPLICABILITY AND AUTHORITY; PROVIDING  
8 FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING  
9 FOR EXEMPTIONS; PROVIDING FOR REQUIREMENTS;  
10 PROVIDING FOR PROHIBITIONS; PROVIDING FOR  
11 MATERIALS MANAGEMENT PRACTICES; PROVIDING FOR  
12 MONITORING; PROVIDING FOR VIOLATIONS, ENFORCEMENT  
13 AND PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE  
14 NO. 93-15; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;  
15 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
16 INCLUSION IN THE CODE OF LAWS AND ORDINANCES;  
17 PROVIDING FOR AN EFFECTIVE DATE.  
18

19 WHEREAS, there is a need to protect Palm Beach County's surface water resources;  
20 and

21 WHEREAS, stormwater runoff and non-stormwater discharges from the stormwater  
22 system are major contributors of pollution to Palm Beach County's canals, lakes, and  
23 estuaries; and

24 WHEREAS, the stormwater pollutant load must be reduced to maintain or restore  
25 beneficial uses of our water bodies; and

26 WHEREAS, non-stormwater discharges to the stormwater system represent a  
27 significant source of pollution in waters receiving such discharges; and

28 WHEREAS, materials that may contribute to contamination of stormwater runoff are  
29 often stored exposed to precipitation; and

30 WHEREAS, there are management practices available to reduce the potential for  
31 surface water quality degradation resulting from stormwater runoff; and

32 WHEREAS, the United States Environmental Protection Agency (EPA), empowered  
33 by the 1987 revision of the Clean Water Act, requires, through the National Pollutant  
34 Discharge Elimination System (NPDES) Permit Regulations for Stormwater Discharges, that  
35 Palm Beach County effectively prohibit non-stormwater discharges into the stormwater  
36 system; and

37 WHEREAS, the Florida Department of Environmental Protection was delegated the  
38 responsibility for the administration of the NPDES Program in 2000; and

39 WHEREAS, NPDES Permit FLS000018 for Palm Beach County, as amended,  
40 necessitates the revision of the County's Stormwater Pollution Prevention Ordinance.

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**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY FLORIDA, THAT:**

**Section 1. SHORT TITLE; APPLICABILITY; AUTHORITY**

1.01 This Ordinance shall be known as the "Palm Beach County Stormwater Pollution Prevention Ordinance."

1.02 Applicability. The provisions of this Ordinance shall apply to the following stormwater systems:

(a) All stormwater systems owned and operated by Palm Beach County, except for stormwater systems in municipalities with legal authority specifically providing enforcement of County stormwater systems.

(b) All stormwater systems owned and operated by the Florida Department of Transportation in Palm Beach County pursuant to the provisions of any valid joint participation agreement entered into between the Florida Department of Transportation and Palm Beach County.

(c) All stormwater systems within unincorporated areas of Palm Beach County

1.03 This Ordinance is adopted under the authority of Article VII, Section 1 of the Florida Constitution, Chapter 125, Florida Statutes (F.S.), and the Palm Beach County Charter.

**Section 2. PURPOSE**

The purpose of this Ordinance is to improve the quality of stormwater discharges to the stormwater system; to promote the use of pollution prevention practices by commercial and industrial facilities; to provide an educational tool and increase public awareness of all stormwater discharges; and to address the causes of non-point source pollution, which degrade the quality of Palm Beach County's surface water resources on a source control basis. The purpose of this ordinance is not to regulate discharge from one "Waters of the State" into another "Waters of the State".

**Section 3. DEFINITIONS.**

3.01 The following definitions apply within this ordinance:

(a) Agriculture, bonafide means any plot of land where the principal use consists of raising of crops or raising animals, inclusive of aviculture and aquaculture; the production of animal products, such as eggs, honey or dairy products, or the raising of plant material inclusive of a

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retail or a wholesale nursery.

- (b) Authorized Official means any authorized agent or employee of the County whose duty is to ensure compliance with the provisions of this Ordinance, including, but not limited to, the Department of Environmental Resources Management (ERM), Department of Engineering and Public Works, Department of Planning, Zoning & Building and the Palm Beach County Public Health Unit (PBCPHU).
- (c) Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (d) Discharge means the direct or indirect release of any solid or liquid material.
- (e) Facility means the main structures and accessory structures which store, handle, use or produce stormwater contaminants listed in Section 5. of this Ordinance.
- (f) Groundwater and Natural Resources Protection Board means the Board designated by the Board of County Commissioners of Palm Beach County, to hear alleged violations of this Ordinance and other State and Local laws protecting the groundwater and natural resources of Palm Beach County.
- (g) Illicit connection means any connection to the stormwater system that allows any discharge that is not composed entirely of stormwater.
- (h) Illicit discharge means any discharge to the stormwater system that is not composed entirely of stormwater.
- (i) Non-stormwater discharge means any release of solid or liquid material that is not composed entirely of stormwater.
- (j) Person means any individual, corporation, firm, association, joint venture, partnership, municipality, government agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.
- (k) Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents,

1                   nematodes, fungi, weeds, or other forms of plant or animal life, except  
2                   viruses, bacteria, or fungi on or living in man or other animals, which the  
3                   Florida Department of Agriculture and Consumer Services declares to  
4                   be a pest, and any substance or mixture of substances intended for use  
5                   as a plant regulator, defoliant, or desiccant. This includes fungicides,  
6                   herbicides, insecticides, nematocides and rodenticides.

7                   (l) Responsible parties means the parcel owner, the parcel manager, or  
8                   the discharger.

9                   (m) Stormwater means the flow of water which results from, and which  
10                  occurs immediately following, a rain event.

11                  (n) Stormwater Pollution means the presence in stormwater of any one or  
12                  more substances or contaminants in quantities which are or may be  
13                  potentially harmful or injurious to human health or welfare, animal or  
14                  plant life, or property, or unreasonably interfere with the enjoyment of  
15                  life or property.

16                  (o) Stormwater Pollution Prevention Plan for Construction Activities means  
17                  a plan prepared in accordance with good engineering practices, which  
18                  identifies potential sources of pollution that may reasonably be  
19                  expected to affect the quality of stormwater discharge associated with  
20                  construction activity. In addition, the plan shall describe and insure the  
21                  implementation of Best Management Practices (BMPs) that will be used  
22                  to reduce the pollutants in stormwater discharge associated with  
23                  construction activity.

24                  (p) Stormwater System means the system of conveyances used for  
25                  collecting, storing, and transporting stormwater.

26                  (q) Wastewater means the combination of liquid and water-carried  
27                  pollutants from residences, commercial buildings, industrial plants, and  
28                  institutions together with any ground water, surface runoff or leachate  
29                  that may be present.

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31                  **Section 4. EXEMPTIONS**

32                         4.01 Exempted Activities. The following discharges are exempt from the  
33                         prohibitions and requirements of this Ordinance:

34                                 (a) Discharges permitted pursuant to Chapter 403, F.S., provided that a  
35                                 Water Pollution Operating Permit or Temporary Permit issued by the



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- Florida Department of Environmental Protection (DEP) is in effect.
- (b) Wastewater discharges permitted by the DEP pursuant to State administration of the NPDES Program shall also be exempted provided that the permit issued by DEP remains in effect.
  - (c) Emergency discharges related to a wastewater utility sanitary sewer conveyance system failure.
  - (d) The direct or indirect discharge as a result of the application of pesticides, including maintenance herbicide application within designated water management facilities or insecticide application related to mosquito control activities, provided that the application is performed in accordance with registered label instructions using only chemicals approved for the particular use by the EPA or by the State of Florida Department of Agriculture and Consumer Services, and in accordance with all applicable state and federal rules and regulations.
  - (e) Discharges from on-site sewage disposal systems which are permitted or approved by the PBCPHU, pursuant to the Unified Land Development Code, Article 15.A.
  - (f) Discharges associated with dewatering operations which are permitted by the South Florida Water Management District (SFWMD), provided that the permit issued by SFWMD remains in effect, or the dewatering operation is in compliance with the conditions of FAC 40E-20.302(3).
  - (g) Discharges from stormwater retention or detention facilities in compliance with the conditions of all required Surface Water Management Permits issued under the authority of SFWMD.
  - (h) Discharges from facilities with valid NPDES Permits for Discharges Associated with Industrial Activities issued under the authority of EPA.
  - (i) Discharges from bonafide agricultural use activities.
  - (j) Miscellaneous discharges from the following sources: Flows from fire fighting, water line flushing and other contributions; from potable water sources; rising groundwaters; direct infiltration to the storm water system; uncontaminated pumped groundwater; foundation and footing drains; air conditioning condensation; individual residential car washing; flows from riparian habitats and wetlands; and dechlorinated swimming pool contributions.

1           **Section 5.    REQUIREMENTS**

2                    5.01    Discharge Limitations. Discharge of substances or contaminants that  
3                    contribute to stormwater pollution in the stormwater system shall be reduced by responsible  
4                    parties to the maximum extent practical. Examples of such substances or contaminants  
5                    include, but is not limited to the following:

- 6                    (a) Acids and Alkalis;
- 7                    (b) Animal carcasses;
- 8                    (c) Animal and pet waste;
- 9                    (d) Antifreeze or other automotive products;
- 10                   (e) Chemicals and Heavy metals;
- 11                   (f) Chemically treated cooling water;
- 12                   (g) Chlorinated water or chlorine;
- 13                   (h) Construction materials;
- 14                   (i) Degreasers, Solvents;
- 15                   (j) Drainage or leachate from solid waste containers
- 16                   (k) Flammable liquids;
- 17                   (l) Heated water;
- 18                   (m) Laundry waste;
- 19                   (n) Lawn clippings, leaves or branches;
- 20                   (o) Paints;
- 21                   (p) Pesticides and Fertilizers;
- 22                   (q) Petroleum products, including but not limited to oil, diesel, gasoline and  
23                    grease;
- 24                   (r) Recreational vehicle waste;
- 25                   (s) Sanitary sewage;
- 26                   (t) Silt;
- 27                   (u) Soaps;
- 28                   (v) Solid Waste;
- 29                   (w) Solids in quantities or of such size capable of causing interference or  
30                    obstruction to the flow in storm water management systems.
- 31                   (x) Steam cleaning waste;
- 32                   (y) Toxic, hazardous, biomedical, or poisonous solids or liquids.

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34                    5.02    NPDES Construction Activities Permit Requirements.

- 35                   (a)    Construction site operators for construction projects within  
36                    unincorporated Palm Beach County, which require NPDES  
37                    Construction Activities permit coverage, shall submit a Notice of Intent  
38                    (NOI) to the Florida Department of Environmental Protection, prior to  
39                    construction activities.
- 40                   (b)    Construction site operators for construction projects, which require  
41                    NPDES Construction Activities permit coverage and discharge to the  
42                    Palm Beach County MS4, shall provide a copy of the Stormwater  
43                    Pollution Prevention Plan to ERM, prior to construction activities.
- 44                   (c)    Construction site operators for construction projects within  
45                    unincorporated Palm Beach County, or discharge to the Palm Beach  
46                    County MS4 which obtain NPDES Construction Activities permit  
47                    coverage, shall maintain compliance with the erosion and sediment  
48                    control Best Management Practices (BMPs) required by the permit as  
49                    well as other permit conditions.

1           5.03 Stormwater Pollution Prevention Plan Requirements. Construction Site  
2 Operators shall retain on-site the required Stormwater Pollution Prevention Plan, from the  
3 time construction creates 1 acre or greater of disturbed soils until final site stabilization.  
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5           **Section 6. PROHIBITIONS**

6           6.01 Illicit Discharges, Spills and Dumping.

7           (a) General Prohibitions. Except as set forth under Section 4.01(h) of this  
8 Ordinance or in accordance with a valid NPDES permit, any non-  
9 stormwater discharge to the stormwater system is prohibited.

10          (b) Specific Prohibitions. Except as set forth under Section 4.01(h) of this  
11 Ordinance, any discharge to the stormwater system containing any  
12 sewage, industrial waste or other waste materials, including those  
13 listed in Section 5.01 of this Ordinance, or containing any materials in  
14 violation of federal, state, county or other laws, rules, regulations is  
15 prohibited.

16          6.02 Illicit Connections. No person may maintain, use or establish any direct or  
17 indirect physical connection to the stormwater system that results in any discharge in  
18 violation of this Ordinance. This prohibition is retroactive and applies to connections made in  
19 the past, regardless of whether made under a permit, or other authorization, or whether  
20 permissible under laws or practices applicable or prevailing at the time the connection was  
21 made.

22  
23           **Section 7. MATERIALS MANAGEMENT PRACTICES**

24           Non-residential facilities constructed after the effective date of this Ordinance in  
25 unincorporated Palm Beach County shall be required to implement structural or non-  
26 structural measures to prevent exposure of substances or contaminants, which cause or  
27 contribute to stormwater pollution, to precipitation and subsequent entry into the stormwater  
28 system. The required measures include, but are not limited to, covered storage, containment  
29 or materials management practices.

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31           **Section 8. MONITORING**

32           Authority For Monitoring and Sampling. Upon reasonable belief that a violation  
33 exists, any Authorized Official may establish, on any parcel, such devices as are necessary  
34 to conduct sampling or metering of discharges to the stormwater system. During

1 any inspections made to enforce the provisions of this ordinance, any Authorized Official may  
2 take any samples deemed necessary. Within municipalities, sampling shall not proceed  
3 without notification of that municipality.  
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5 **Section 9. VIOLATIONS, ENFORCEMENT, PENALTIES**

6 9.01 Failure to comply with the requirements of this Ordinance shall constitute a  
7 violation of this Ordinance, and may be punished as provided in Section 125.69 F.S. as may  
8 be amended.

9 9.02 Violations of the provisions of this Ordinance may also be punished, pursuant  
10 to Section 162.09 F.S., as may be amended.

11 9.03 In addition to the sanctions contained herein, the County may take any other  
12 appropriate legal action, including but not limited to, emergency injunctive action, to enforce  
13 the provisions of this Ordinance.

14 9.04 If the owner(s) of property which is subject to a violation of this Ordinance  
15 transfers the ownership of such property between the time the notice of violation was served  
16 and the time of a hearing and the alleged violator fails to make disclosure of said violation,  
17 the transfer creates a rebuttable presumption of fraud.

18 9.05 Violations of this Ordinance will be referred by ERM to the Groundwater and  
19 Natural Resources Protection Board (GNRPB) for enforcement through corrective actions  
20 and civil penalties. Any person who is a party to the proceeding before the GNRPB may  
21 appeal to the Circuit Court of Palm Beach County in accordance with applicable Florida  
22 Appellate Rules. Funds collected pursuant to administrative penalties levied by the GNRPB  
23 for violations of this Ordinance shall be deposited in the Palm Beach County Pollution  
24 Recovery Trust Fund, or such other place as may be designated by Resolution of the Board  
25 of County Commissioners.

26 9.06 Consent Agreements.

27 (a) In order to provide an expeditious settlement that would be beneficial  
28 to the enforcement of this Ordinance and be in the best interest of the  
29 citizens of Palm Beach County, the Director of ERM is authorized to  
30 enter into voluntary consent (settlement) agreements with alleged  
31 violators. Any such agreement shall be a formal written consent  
32 agreement between ERM on behalf of Palm Beach County, by and  
33 through its Director, and any such alleged violators, and shall be  
34 approved as to form and legal sufficiency by the County Attorney's  
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Office. The agreement can be entered into at any time prior to the hearing by the GNRPB.

(b) Consent agreements may be issued by ERM with conditions that the alleged violator promises to:

1. Bring the parcel into compliance with this ordinance and maintain it in that condition;
2. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set in this Ordinance;
3. Remit payment for costs and expenses of the County for investigation and enforcement; and
4. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Ordinance.

(c) The consent agreement shall not serve as evidence of a violation of this Ordinance and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such agreement, each alleged violator shall be apprised of the right to have the matter heard by the GNRPD in accordance with provisions of this Ordinance, and that execution of the agreement is not required.

(d) The consent agreement shall be valid and enforceable in a court of competent jurisdiction in Palm Beach County and shall abate any enforcement available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:

1. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of the Ordinance; or
2. Initiate legal proceedings for specific performance of the consent agreement.

9.07 Funds collected pursuant to a consent agreement shall be deposited in the Palm Beach County Pollution Recovery Trust Fund.

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**Section 10. REPEAL OF LAWS IN CONFLICT**

Ordinance No. 93-15 is hereby repealed in its entirety. All local laws and ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 11. 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.

**Section 12. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, 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.

**Section 13. EFFECTIVE DATE**

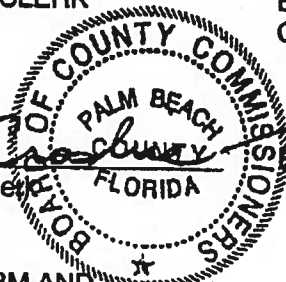
The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 16th day of November, 2004.

ATTEST:  
DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: Judith Crossway Deputy Clerk  
By: Tony Macilotta Chair



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Maria J. Wall  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.



1           **WHEREAS**, surface water runoff and baseflow runoff leaves residential  
2 neighborhoods, commercial centers, industrial areas, and other lands of Palm Beach  
3 County and enters into natural and artificial stormwater and drainage conveyances and  
4 natural water bodies in Palm Beach County; and

5           **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the  
6 degradation of groundwater and surface water, are commonly the primary components  
7 of fertilizer for turf and landscape application; and

8           **WHEREAS**, the quality of streams, lakes, and wetlands is critical to  
9 environmental, economic, and recreational prosperity and to the health, safety, and  
10 welfare of the residents of Palm Beach County; and

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

14           **WHEREAS**, it is generally recognized that Palm Beach County soils naturally  
15 have adequate phosphorus content for most vegetative needs and that additional  
16 phosphorus is therefore only occasionally needed to create or maintain a vibrant  
17 landscape; and

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

20           **WHEREAS**, this Ordinance is part of a comprehensive plan to address nonpoint  
21 sources of nutrient pollution which is scientifically based, and economically and  
22 technically feasible; and

23           **WHEREAS**, in the process of adoption of this Ordinance, the Board of County  
24 Commissioners has considered all relevant scientific information, including input from  
25 the Department of Environmental Protection, the Department of Agriculture and  
26 Consumer Services, and the University of Florida Institute of Food and Agricultural  
27 Sciences.

28           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
29 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

30 **SECTION I. TITLE:**

31           This Ordinance shall be known as the Florida Friendly Fertilizer Use Ordinance.



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, including but not limited to, residential  
7 homeowners, commercial and institutional applicators who apply fertilizer on turf and/or  
8 landscape plants in unincorporated Palm Beach County.

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

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

17           5.        "Code Enforcement Officer", "Official", or "Inspector" means any  
18 designated employee or agent of Palm Beach County whose duty it is to enforce codes  
19 and ordinances enacted by Palm Beach County.

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

24           7.        "Fertilizing", or "Fertilization" means the act of applying fertilizer to turf,  
25 specialized turf, or landscape plants.

26           8.        "Fertilizer" means any substance or mixture of substances that contains  
27 one or more recognized plant nutrients and promotes plant growth, or controls soil  
28 acidity or alkalinity, or provides other soil enrichment, or provides other corrective  
29 measures to the soil.

30           9.        "Institutional Applicator" means any person, other than a private, non-  
31 commercial or a Commercial Fertilizer Applicator (unless such definitions also apply

1 under the circumstances), that applies fertilizer for the purpose of maintaining turf  
2 and/or landscape plants. Institutional Applicators shall include, but shall not be limited  
3 to, owners, managers, or employees of public lands, schools, parks, religious  
4 institutions, utilities, industrial or business sites and any residential properties  
5 maintained in condominium and/or common ownership.

6 10. "Landscape Plant" means any native or non-native tree, shrub, or  
7 groundcover (excluding turf).

8 11. "Pasture" means land managed for livestock grazing.

9 12. "Person" means any natural person, business, corporation, limited liability  
10 company, partnership, limited partnership, association, club, organization, and/or any  
11 group of people acting as an organized entity.

12 13. "Prohibited Application Period" means the time period during which a  
13 Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or  
14 Warning is in effect for any portion of Palm Beach County, issued by the National  
15 Weather Service, or if heavy rain (2 inches or more within a twenty-four (24) hour  
16 period) is likely.

17 14. "Saturated Soil" means a soil in which the voids are filled with water.  
18 Saturation does not require flow. For the purposes of this Ordinance, soils shall be  
19 considered saturated if standing water is present or the pressure of a person standing  
20 on the soil causes the release of free water.

21 15. "Slow-Release", "Controlled Release", "Timed Release", "Slowly-  
22 Available", or "Water Insoluble Nitrogen" means nitrogen in a form which delays its  
23 availability for plant uptake and use after application, or which extends its availability to  
24 the plant longer than a reference rapid or quick release product.

25 16. "Turf", "Sod", or "Lawn" means an area of grass-covered soil held together  
26 by the roots of the grass.

27 17. "Urban Landscape" means pervious areas on residential, commercial,  
28 industrial, institutional, highway rights-of-way, or other nonagricultural lands that are  
29 planted with turf or horticultural plants. For the purposes of this section, agriculture has  
30 the same meaning as provided in section 570.02, Florida Statutes.

1       **SECTION III. FINDINGS:**

2               As a result of the Florida Department of Environmental Protection’s determination  
3       that certain water bodies within Palm Beach County are impaired for excessive nutrient  
4       levels, the Board of County Commissioners of Palm Beach County finds that the best  
5       management practices contained in the most recent edition of the *“Florida-Friendly Best  
6       Management Practices for Protection of Water Resources by the Green Industries”*, are  
7       required in this Ordinance.

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

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

24       **SECTION V. APPLICABILITY:**

25               This Ordinance shall be applicable to and shall regulate any and all applicators of  
26       fertilizer and areas of application of fertilizer to urban landscapes within the area of  
27       unincorporated Palm Beach County, unless such application is specifically exempted by  
28       Section XI of this Ordinance. This Ordinance shall be prospective only, and shall not  
29       impair any existing contracts.

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

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

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

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

11           Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector  
12        shield or drop spreader is used, of any pond, stream, water body, lake, canal, or  
13        wetland as defined by the Florida Department of Environmental Protection (Chapter 62-  
14        340), Florida Administrative Code) or from the top of a seawall or lake bulkhead. Newly  
15        planted turf or landscape plants may be fertilized in this zone only for a sixty (60) day  
16        period beginning no sooner than thirty (30) days after planting if needed to allow the  
17        plants to become well established. Caution shall be used to prevent direct deposition of  
18        nutrients into the water.

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

20           1.        Fertilizers applied to turf within unincorporated Palm Beach County shall  
21        be applied in accordance with requirements and directions provided by Rule 5E-  
22        1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf*  
23        *Fertilizers*. Under Rule 5E-1.003(2), Florida Administrative Code, required application  
24        rate and frequency maximums, which vary by plant and turf types, are found on the  
25        labeled fertilizer bag or container.

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

30           3.        Fertilizer used for sports turf at golf courses shall be applied in accordance  
31        with the recommendations in "Best Management Practices for the Enhancement of

1 Environmental Quality on Florida Golf Courses”, published by the Florida Department of  
2 Environmental Protection, dated January 2007, as may be amended. Fertilizer used at  
3 park or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida  
4 Administrative Code.

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

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

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

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

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

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

21 In no case shall grass clippings, vegetative material, and/or vegetative debris  
22 intentionally be washed, swept, or blown on to or into stormwater drains, ditches,  
23 conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is  
24 accidently so deposited shall be immediately removed to the maximum extent  
25 practicable.

26 **SECTION XI. EXEMPTIONS:**

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

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

30 (b) other properties not subject to or covered under the Florida Right-to-Farm  
31 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  
23 proof of completion of the program to the Palm Beach County Tax Collector's Office. It  
24 is the responsibility of the business owner to maintain the "*Florida-Friendly Best*  
25 *Management Practices for Protection of Water Resources by the Green Industries*"  
26 certificate to receive their Business Tax Receipt annually.

27 2. After December 31, 2013, all commercial applicators of fertilizer within  
28 Palm Beach County, shall have and carry in their possession at all times when applying  
29 fertilizer, evidence of certification by the Florida Department of Agriculture and  
30 Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18),  
31 Florida Administrative Code.

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

8           **SECTION XIV. ENFORCEMENT:**

9           The provisions of this Ordinance shall be enforced by the Palm Beach County  
10 Code Enforcement Special Master pursuant to the authority granted by Section 162.01  
11 et. seq., Florida Statutes, as may be amended and Article 10 of the Unified Land  
12 Development Code, as may be amended. The County may also pursue these or any  
13 other enforcement remedies available to and applicable to Palm Beach County.

14           **SECTION XV. PENALTIES:**

15           1. Failure to comply with the requirements of this Ordinance shall constitute  
16 a violation of this Ordinance and shall be punishable by a fine not to exceed \$1,000 per  
17 day for the violation or a fine not exceed \$5,000 per day for a repeat violation, and, in  
18 addition, may include all costs of repairs including, but not limited to, administrative,  
19 enforcement and Special Master Procedure costs. If the Special Master finds the  
20 violation is irreparable or irreversible in nature, a fine not to exceed \$15,000 per  
21 violation may be imposed.

22           2. In determining the amount of fines that should be imposed, the Special  
23 Master shall consider the following factors: (1) the gravity of the violation; (2) any  
24 actions taken by the violator to correct the violation; and (3) any previous violations  
25 committed by the violator.

26           3. Funds generated by penalties imposed under this Ordinance shall be  
27 divided between Palm Beach County Cooperative Extension Service and the Code  
28 Enforcement Division, at a rate of 25% for the Cooperative Extension Service and 75%  
29 for the Code Enforcement Division, for the administration and enforcement of this  
30 Ordinance, and to further water conservation and nonpoint pollution prevention  
31 activities.






1 APPROVED and ADOPTED by the Board of County Commissioners of Palm  
2 Beach County, Florida, on this the 30th day of October, 2012.

3  
4 SHARON R. BOCK, CLERK &  
5 COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

6  
7  
8  
9 By:   
10 Deputy Clerk

By:   
Shelley Vana, Chair

11  
12  
13 APPROVED AS TO FORM AND  
14 LEGAL SUFFICIENCY

15  
16  
17 By:   
18 County Attorney

19 EFFECTIVE DATE: Filed with the Department of State on the 2nd day of  
November, 2012.



## Palm Beach County

# Stormwater Management Program (SWMP) Standard Operating Procedures/Plans (SOPs) for compliance with MS4 NPDES Permit Required Programs/Activities

### Table of Contents

- SOP of inspections and maintenance activities of the structural controls and roadway stormwater collection system.
- SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant redevelopment.
- SOP for the litter control program.
- SOP for the street sweeping program.
- SOP for inspections of equipment yards and maintenance shops that support road maintenance activities.
- SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit.
- SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products.
- Plan for proactive illicit discharge / connections / dumping inspections.
- SOP for reactive illicit discharge / connections / dumping investigations.
- SOP for spill prevention and response efforts.
- Plan for spill prevention and response training.
- Plan for public education and outreach on the proper use and disposal of oils, toxics and household hazardous waste.
- SOP to reduce / eliminate sanitary wastewater contamination of the MS4.
- SOP for inspections of high risk industrial facilities.
- SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage.
- Plan for inspections of construction sites.

The following SOPs / Plans are conducted as a joint effort by the Palm Beach County Co-permittees. See the Joint Annual Report for these SOPs / Plans

- Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer.
- Plan for illicit discharge training.
- Plan for public education and outreach on how to identify and report the illicit discharges and improper disposal to the MS4.

## **NPDES STANDARD OPERATING PROCEDURES FOR PALM BEACH COUNTY ROAD AND BRIDGE/ROAD SECTION**

All maintenance supervisors in the Road Section will be responsible to comply with the requirements of maintenance, inspection and recording information related to NPDES requirements.

- All Storm water related items are to be inspected, and maintained in compliance with NPDES requirements.
- All inspections will be recorded on the appropriate inspection report and routed to the Asst. Road Superintendent for review and subsequent retrieval for the annual report.
  - The reports are to be prepared on the computer by each supervisor or designee and stored on the common drive for future retrieval needs.
- All inspections are to be recorded on daily cost records for input into the cost allocation database.
- Inspections of ponds are as follows:
  - Thorough inspection of all perimeters of the pond to identify debris, evasive plants, infrastructure discrepancies, and security for the wet ponds.
  - District Supervisors are to report infrastructure maintenance needs to the Asst. Road Superintendent and recommend corrective action. This information is to be recorded on the inspection report.
  - Bi – Monthly inspections are to be conducted and recorded to ensure the contractors are complying with maintenance requirements in the contract. The results are to be reported to the Asst. Road Superintendent
    - Payments are to be withheld for non compliance with proper maintenance such as evasive species, thorough mowing, litter removal etc.
    - Contractors are to be contacted by the District Supervisor and informed of the discrepancies.
- Ditch Inspection as follows:
  - Each visit by the excavating machine will include maintenance and inspection of the ditch.
    - Inspections to include proper flow line, culverts clear, identifying debris, encroaching vegetations and recording on an inspection report to be created.
    - All deficiencies to be reported to the district supervisor so repair or maintenance schedules to correct the problems can be created.
    - All activities to be recorded in the cost allocation database.
    - All activities to be reported to the Asst. Road Superintendent
- Ex-filtration Inspection as follows:
  - District Supervisors to conduct inspections as indicated by NPDES requirements.
    - Upon completion of the initial inspection the data is to be stored on the common drive and include the specific location and the details of the system.
      - Inspections to include notes on sediment and debris, any infrastructure damages etc.

- all information is to be recorded on an inspection report and relayed to the Asst. Road Superintendent
  - Maintenance needs are to be scheduled with the appropriate maintenance crew and reported to the Asst. Road Superintendent
- Debris removal from storm drains and streets:
  - The routine street sweeping is to be recorded on the cost record for input into the cost allocation database.
    - to include the amount of debris removed from the street, and miles of sweeping completed.
  - Routine inlet and culvert cleaning to be recorded in the cost allocation database, and includes the amount of feet cleaned and the amount of debris removed.
- Inlet and culvert inspection:
  - The District supervisor and the Storm system cleaning supervisor are responsible to ensure inspections are conducted and recorded on cost records for entry to the cost allocation database.
  - Inspections of inlets include a visual inspection of the surface to ascertain if any debris is blocking entry into the inlet.
    - The district supervisor and maintenance crews will be responsible to clear the surface debris and remove it from the site.
  - Culvert inspections are to be conducted by the storm system cleaning crew when cleaning culverts.
    - All cleaning activities are to include creating an inventory of culverts.
      - Culvert inventory to include type of culvert, size, length location.
      - the culvert inventory is to be recorded on the common drive on a spreadsheet that was designed to record all the infrastructure.
        - the culvert inventory is also to be recorded on the cost record to be entered into the cost allocation database and to be recorded and linked to the road inventory to store the inventory related to the road segment the culvert resides on.
      - All sediment removed is to be recorded and disposed of at the appropriate site.
      - All failures are to be reported to the Asst. Road Superintendent so repairs can be scheduled.
      - Formal inspection report forms are to be created.
- Outfall Structure Inspection:
  - The Road Superintendent to assign dedicated staff to locate, and record all outfalls.
    - all data to be stored on the common drive on a spreadsheet specifically designed to store this data.
    - As each site is located and inventoried inspections will be conducted and recorded on a formal inspection form to be created.

- inspections will include identifying and reporting sediment , debris, infrastructure malfunctions, and overall condition and functional report.
  - all data to be recorded on the cost record for input into the cost allocation database.
  - All maintenance needs to be reported to the District Supervisor so maintenance and repairs can be scheduled.
  - All activities to be reported to the Asst. Road Superintendent.
- Swale Inspections:
  - Inspections are conducted by District Supervisors, Crew Chiefs, and maintenance staff.
    - The inspections are recorded on cost records for entry in the cost allocation database.
    - Maintenance needs are recorded and work scheduled as needed.
- Staff /Equipment
  - The Assistant Road Superintendent will oversee all operations to ensure compliance with the NPDES criteria. All reports to be prepared by the Asst. Road Superintendent and reviewed by the Road Superintendent for presentation to the Division Director of Road and Bridge and submittal to administration as required.
  - District Supervisors- each is a Public Works Supervisor with resposonsibility for maintenance inside a pre-determined area of Palm Beach County and they oversee all road maintenance activities.
  - Storm Drain Supervisor- is a Public Works Supervisor that also is responsible for teh mining operation. This supervisor oversees street sweeping and storm drain cleaning activities in all districts of Palm Beach County.
  - Maintenance crews- crews of equipment operators and laborors that maintain the roads and are the only resource we have to conduct repairs and inspections of NPDES criteria.
  - Ditch maintenance is mostly performed using walker excavators due to the limited accessibility of our drainage ditches. we have 3 of these, and use Gradalls as well when possible.
  - Street sweeping is performed using two street sweepers on a routine route sweeping curbs, intersections and medians.
  - Storm drain cleaning- surface debris is cleared by maintenance crews with hand tools and loaded on trucks for disposal. internal system cleaning is performed using a jet rod combination vacuum machine, sediment is stored in the machine and recorded and disposed of at specific facility designed for this type sediment.

## Land Development Review SOP

- The Unified Land Development Code, specifically Article 5.E.3, requires that "...all development in all districts, drainage shall be designed and constructed in accordance with the drainage and storm water management standards of Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Platting and Required Improvements..."
- Code compliance is ensured through the Land Development Division's Drainage Review process
- Applicant submits drainage application which is review by a Project Coordinator for minimum compliance with the code as well as the Land Development Design Standards Manual and water management district criteria where appropriate.
- Once application meets the minimum standards, the Project Coordinator forwards the application for review to the Professional Engineer and once acceptable, the application is forwarded to the Division's Director who is also a Professional Engineer for review and approval

## **Litter Control Program SOP**

The Litter Control Program for Palm Beach County consists of the Streetscape and the Adopt-a-Road programs:

126 miles of litter collection is conducted along Palm Beach County public streets and road rights-of-way areas in conjunction with landscape maintenance by contractors under the Palm Beach County Streetscape Section, within the Engineering and Public Works Department. The frequency of litter collection is 16 times a year. Documentation of volume of litter collected is kept in Vendor Reports and is summarized for reporting each year.

56 miles of roadways are in the "Adopt-a-Road" program for litter collection. The program synopsis is below;

### **PALM BEACH COUNTY ADOPT -A-ROAD PROGRAM SYNOPSIS**

Various persons, groups and municipalities throughout the County have expressed an interest in beautification through litter removal from certain sites within Palm Beach County rights-of-way. By direction of the Palm Beach County Board of County Commissioners, the focus on such an effort is an Adopt-A-Road program coordinated and directed by the Department of Engineering and Public Works.

The basics of the Palm Beach County Adopt-A-Road program are:

- A. A community group adopts a minimum of a one mile segment of a County road which the group agrees to pick up litter at least four times a year for a two year period.
- B. The County in return provides the group with safety training, safety equipment and trash bags for the litter.
- C. The County erects recognition signs on each end of the group's length of County road. The signs identify the group doing the litter pick-up.
- D. The County collects the litter bags for disposal at the end of each clean-up exercise. The benefits to both the County and the groups involved are a litter free, attractive County and recognition for the group through the signs and attendant publicity.

Included in this booklet for your information and review are:

- A. Adopt-A-Road procedures for the adopting GROUP and the DEPARTMENT.
- B. Sample agreement that will be sent to the adopting group at a later date.
- C. An application form that can be downloaded and sent to the DEPARTMENT if the GROUP is interested in adopting a County road.

If you or your group has any further questions, contact the Special Projects Coordinator at (561) 684-4018.

## **Street Sweeping Program**

### **Standard Operational/Maintenance/Documentation Protocol**

There are 3292 lane miles of county maintained roads in Palm Beach County that are part of our MS4; These roads are located throughout the county, some of which are main thoroughfares and some being residential. In addition we also sweep Bike lanes and respond to emergency clean up after storm events and traffic accidents.

#### **Inspections:**

Street Sweeping is done by utilizing a route and by supervisor's inspections and citizen complaints.

#### **Frequency:**

Street Sweeping is completed 3 times per calendar year.

Chronic problem areas are completed on a more frequent basis as needed

#### **Equipment :**

We currently use two 17 yard Vacall Street Sweepers to maintain all county roads.

#### **Dump Site**

We currently utilize West Palm Beach Water Treatment Plant located on Earnest Street in West Palm Beach Florida.

#### **Documentation:**

The Job Performance Report documents the specific roads and lengths swept.



## **Maintenance/Equipment Yard Practices And Inspections SOP**

The Fleet Maintenance Facility in the Vista Complex is Palm Beach County's maintenance and equipment yard to support road maintenance activities. Below are the standard practices in place at those facilities.

### **Fleet Maintenance:**

Maintenance and repair of County vehicles and equipment are conducted within the Maintenance buildings and not exposed to precipitation.

The facility has one emergency generator UST-12,000 gallons that is double walled and equipped with overfill/overspill and release detection devices. UST monitored by Veeder Root TLS-350. The tank is double walled and has a high and low level alarms and is equipped with rupture basin alarm with remote annunciator inside the building.

### **Fueling Island:**

The fuel island is covered and designed to prevent exposure to precipitation.

The fuel-dispensing areas is equipped with dry cleanup methods such as sweeping for removal of litter and debris, or use of rags and absorbents for leaks and spills.

There are two underground storage tanks electronically monitored by Veeder Root TLS 350. The Veeder Root also reports to the Fleet Maintenance Building via computer connection.

### **Vehicle/Equipment Washing:**

The equipment wash area is in the northeast corner of the property and is equipped with a water recycling system. Washing is limited to equipment that cannot go to off-site washing facility (eg: lawn equipment/large vehicles). All passenger cars/trucks/SUVs go to off-site non-County owned car washing facility.

### **Storage:**

The fenced storage areas are roofed.

### **Inspections:**

Inspections are conducted by Facilities Development and Operations Department staff. The attached form and write up are used for the inspection of the facility twice annually.

PERMITTEE NAME

MUNICIP. MAINTENANCE YARD INSPECTION CHECKLIST

Date: 7/12/12 Time: 11:00 am

Site Name and Location: Vista OSC

Description of Activities: Vista Office/Fleet Management/Traffic/Road and Bridge/ Fueling

Receiving Water Body:

Comments:

Fueling Areas

X	Proper use of spill overflow protection	Tank equipped w/ overflow spill devices Double wall UST W/ Veedor Root TLS 350 No discharge to date
X	Roof on fueling area	
X	Dry cleanup methods implemented for fuels spills	
X	Tank certified by PBCDERM	
X	Leak detection system for fuel tanks	
X	Fueling pad graded for minimum runoff of storm water	
N/A	Fueling pad discharges into a storage sump, not into a storm system	

Vehicle and Equipment Maintenance

X	Proper storage & disposal of greasy rags, oil filters, air filters, batteries, spent coolant, etc.	Fleet Management and Fire Rescue Vehicle Shops maintain disposal records(manifest) as well as inventory MSDS)
X	Labeling and tracking the recycling of hazardous waste materials	
X	Hazardous materials stored properly w/o evidence of spills	
X	Inventory of materials maintained onsite with labels and Material Safety Data Sheets	
N/A	Wrecked vehicles and "part vehicles" drained of all fluids	
X	Stored liquids and batteries have secondary containment	
X	Liquid waste disposed of properly and not being poured into storm system or sinks	
X	Empty dip pans are cleaned and stored properly	
X	Floor drains discharge into a storage sump with oil/water separator	

Outdoor vehicle and equipment storage

X	Ground free of visual stains from oil or other vehicle fluids	No outdoor vehicle maintenance is performed There are just typical parking lots stains.
N/A	Dip pans used during maintenance of vehicles	
NA	Dip pans cleaned and stored properly	
N/A	Storage area covered and maintained properly	

Painting Areas

N/A	Paint and paint thinner stored and labeled properly	Painting No painting performed on site
N/A	Spray paint booths operating properly with a OSHA approved hood	
N/A	Personal protection cleaned and stored properly	
N/A	Proper painting equipment used and are cleaned and stored properly	
N/A	Recycling of used paints, paint thinner and solvents	
N/A	Employees trained on proper painting and cleaning procedures	

Vehicle and equipment washing areas

X	Area designated for cleaning activities	The vehicle wash area is in good condition with a berm and a recycling system to reuse water.
X	Wash waters are contained and recycled, sumps clean and used properly	
X	Proper grading for wash water pad	
X	Parts and equipment washed within proper cleaning area	
X	Employees trained on proper washing procedures	

Liquid Storage in above ground storage

X	Installed per design with no leaks (pipes, pumps, valves, hoses, flanges, etc.)	AST Area, place full tanks on secondary containment to prevent any spills to the storm system.
X	Storage containers maintained in good condition	
X	Safeguards installed, such as secondary containment	
X	System inspected regularly	
X	Employees trained on proper filling and transfer procedures	

Improper connections to storm sewer

X	Floor drains connected to collection system, not to storm sewer	Floo drains go to an oil and water sparator before being disposed. No storm drain connection
X	Runoff from wash, maintenance, storage and fueling areas not directed to storm drains	
X	Facility has updated plumbing schematics to reflect accurate discharges	
X	All underground storage tanks are maintained with proper safeguards	
X	Employees are trained on proper disposal of all materials used on site	

General Site

X	Emergency Response Plan on site	Fleet Management and Fire Rescue handle and maintain their records
X	Employees trained for emergency procedures	
X	Material Safety Data Sheets maintained in a location for emergency response	
X	Stock piles maintained properly to prevent runoff	
X	Litter control	

X	Inspected for indication of illicit discharges
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## **July 12, 2012 – Vista Center Inspection – Additional Notes/ Information**

FD&O bldg – one AST associated with emergency generator – sub-base tank is DW and is checked on a daily basis on open business days per Wellfield protection regulations. Annunciator panel inside the lobby area. No problems associated with this tank.

Fleet Maintenance – facility has one emergency generator UST – 12,000 gallons that is DW and equipped with overflow/overspill and release detection devices. UST monitored by Veeder Root TLS-350. This tank feeds an aboveground AST (day tank) which is emergency generator sub base tank. The tank is DW and has high and low level alarms and is equipped with rupture basin alarm with remote annunciator inside the building. No issues with this tank – sensor operation checked and Veeder Root panel alarms properly when sensors are tripped.

Fleet Maintenance – fenced storage area is roofed. Small vehicles such as ATVs are stored in this area. Area is in good condition with no indications of any releases.

AST area for vehicle fluids – roofed area adjacent to the building with 10 ASTs. All ASTs are DW and are monitored by Fleet Management. Tanks are monitored by Fleet Management on a daily basis on open business days per well field regulations.

Equipment wash area – northeast corner of the property. Area in good condition and is equipped with water recycling system. Washing is limited to equipment that cannot go to offsite washing facility (e.g. lawn equipment/large vehicles. All passenger cars/trucks/SUVs go to offsite car wash facility (non-County owned facility). Concrete berm has some minor chipping at entrance but generally appears to be in good condition.

Fire Rescue AST/Drum area for vehicle fluids – this area is portion of building with three walls and roof, only open on one side. Tanks and drums appear to be in good condition with limited staining evident on concrete floor of the area – no indications of any fluids exiting the area into the paved parking areas where storm drains are located; however, we advise to place the full tanks on a secondary containment to prevent any spills into the storm drains.

Solid waste dumpster for cardboard only – one cover panel missing damaged and removed. Will need replacement cover panel.

Road & Bridge/Traffic – emergency generator AST – sub-base tank is DW and is checked on a daily basis per Wellfield protection regulations. Tank has high/low and rupture basin alarms – annunciator panel in building.

New storage building, three walled with roof open on side adjacent to interior access road. Good conditions, no indication of any problems associated with this area – no staining noted, storm drains in good condition.

Warehouse building – No issues noted with this facility. Paved parking areas all clean and no stains of any significance identified as yet. This building has a concrete walled area with emergency generator and associated 1,200 gallon belly tank. Tank is double wall steel construction and is in good condition (new) tank has high and low level alarms along with interstitial monitoring with a remote annunciator in the reception area of the building.

Fueling Island – Minor staining noted on concrete surface adjacent to the fueling dispensers. Four storm drains located in corner quadrants of the area in good condition, no staining identified and no sheen on water in drains. There are two underground storage tanks at this area that are electronically monitored by Veeder Root TLS 350. The Veeder Root also reports to the Fleet Maintenance Building via computer connection. No sheen identified in drains located in the drainage swales that are located on the west and south side of the facility.

General parking and storage areas – minor staining typical of automotive use evident within the paved parking/storage areas.

Drainage swales and lake area – inspect drains/catch basins in these areas – no indications of any problems noted. No indication of a sheen at the drain/catch basin locations. Areas are currently very dry with very limited amounts of water.

## Municipal Waste TSD Facility Procedures

The Solid Waste Authority (SWA) of Palm Beach County has six strategically located transfer facilities throughout Palm Beach County. These facilities serve as centralized locations for the efficient transfer of waste and recyclables from small collection vehicles to larger SWA transfer vehicles. The facilities are listed below;

### **Delray Beach - West**

*Household Hazardous Waste Collection Facility - South*

#### **Southwest County Transfer Station**

*13400 South State Rd 7*

*Delray Beach, FL 33446*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



### **Delray Beach - East**

#### **South County Transfer Station**

*1901 SW 4th Avenue*

*Delray Beach, FL 33444*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



### **Jupiter**

*North County Transfer Station*

*14185 Military Trail (SWA Road)*

*Jupiter, FL 33458*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



### **Royal Palm Beach**

*West Central Transfer Station*

*9743 Process Drive (previously Fairgrounds Road)*

*Royal Palm Beach 33441*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



### **Lantana**

*Central County Transfer Station*

*1810 Lantana Rd.*

*Lantana, 33462-2604*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 12:00 Noon



**Belle Glade**

*Glades Regional Transfer Station*

*1701 State Road 15*

*Belle Glade 33430*

Monday - Friday: 7:30 AM - 4:00 PM

Saturday: 7:00 AM - 12:00 Noon



The transfer stations reduce overall collection costs by decreasing the distance from the collection route to the disposal facilities. They also dramatically reduce the total number of miles driven on Palm Beach County's roads, decrease fuel consumption, decrease vehicle emissions, and reduce congestion around the Authority's disposal facilities.

Transfer stations provide more than just a location for the County's haulers to dispose of garbage, trash, vegetation, and recyclables. All of the transfer stations have "Citizens Convenience Areas" where residents can drop-off recyclables and household hazardous waste.

The transfer facilities surface water management systems are designed to retain all stormwater up to the 25 year, 3 day storm event. Monthly Inspections are conducted in accordance with the specific Stormwater Pollution Prevention Plan for each facility. An example inspection forms are attached.

SWA implements the following BMPs at the transfer stations:

- Spill kits
- Containers properly labeled
- HHWF collection area is covered and materials are temporarily stored on enclosed pallets
- Tunnels are swept/cleaned on a daily basis
- Windblown litter picked up on a daily basis
- Litter fences
- Preventative maintenance on equipment
- Employee training
- Equipment & vehicle washing conducted indoors on tipping floor

SWA conducts monthly inspections at the SWA Vehicle/Equipment Maintenance Facility in accordance with the SWP3. BMPs at this facility also include:

- Double-walled UST & piping with continuous electronic interstitial
- Spill kits
- Containers properly labeled
- Employee training



**ENVIRONMENTAL PROGRAMS  
TRANSFER STATION  
INSPECTION REPORT**

Date: 11/5/12  
 Time: 10:00  
 Weather: Cloudy  
 Surface Water Discharge: Y N/A

- |   |  |
|---|--|
| <input type="checkbox"/> Central County Transfer Station          | <input type="checkbox"/> Glades Regional Transfer Station  |
| <input checked="" type="checkbox"/> North County Transfer Station | <input type="checkbox"/> South County Transfer Station     |
| <input type="checkbox"/> West Central Transfer Station            | <input type="checkbox"/> Southwest County Transfer Station |

Y N N/A

**Entrance & Roadways**

1. Are signs (hours of operation, speed limit) in good condition?.....
2. Are site access controls in place & working (gates, fences, signs)?.....
3. Is litter being controlled along access routes and site entrance?.....
4. Is tracking of sediment/trash/garbage off-site being managed?.....
5. Is tracking of material from tipping floor entrance/exit ramps & tunnel areas being managed?.....
6. Are roadways being maintained?.....

**Environmental Controls**

7. Are dust control measures being applied for tipping floor & outdoor areas?
8. Is blowing litter being controlled onsite? ..
9. Are litter control measures in place & working?.....
10. Are odor control measures in place & working?.....
11. Are vector control measures in place & working?.....
12. Are tipping floor and tunnel drains clean & draining?.....
13. Is the tipping floor, tunnel(s) or other work areas free of ponding?.....
14. Is required fire equipment easily available & being maintained?.....
15. Is oil/water separator working & being maintained?.....

**Storm Water System**

16. Is storm water system clear of excess sediment/erosion/vegetation?.....
17. Are storm water drains/culverts/swales working & being maintained?.....
18. Is discharge structure clear of excess vegetation/litter?.....
19. Is landscaping/vegetation being maintained?.....
20. Is the storm water system clear of exotic plant species?.....

Y N N/A

General Housekeeping (cont'd)

- 21. Are scales/compactors clear of accumulated litter & debris?.....
- 22. Are chemical storage areas neat & orderly?.....
- 23. Are petroleum storage containment areas clean?.....
- 24. Are chemicals and materials properly labeled & stored?.....
- 25. Are incidental spills in the work areas being cleaned up?.....
- 26. Other \_\_\_\_\_

Household Hazardous Waste Collection Area

- 27. Are containers/tanks/bins for HHW neat & orderly?.....
- 28. Are containers/tanks/bins properly labeled/signed?.....
- 29. Other \_\_\_\_\_

Recordkeeping

- 29. Are daily inspections of regulated substance storage area for wellfield protection permit being conducted?.....
- 30. Containment areas & emergency equipment (Jan, Apr, Jul, Oct) -CCTS.
- 31. Are tank placard(s) & operating license properly displayed (Jan/Jul)?.....
- 32. Are Plans up to date (P3, CERP, Emergency Management, etc) Jan/Jul?..

Legend: Y = Yes

N = No (CPAR is issued unless comment is made that demonstrates conformance)

N/A = Not applicable

**INSPECTOR COMMENTS:**

ITEM#

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SITE SUPERVISOR COMMENTS:**

ITEM#

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signed: David B. ... 11/15/12 Received: Fred ... 11-15-12  
 Inspector Date Site Supervisor Date



## **Pesticide, Herbicide & Fertilizer Minimization SOP**

In accordance with MS4 permit FLS000018-003, Palm Beach County 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 County 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 on County property.

The Palm Beach County Cooperative Extension Service, funded in part by the County, conducts pesticide training including restricted use pesticide training for commercial applicators.

### **Fertilizers**

The Palm Beach County Cooperative Extension Service conducts training for the proper application of fertilizers through the Florida Yards and Neighborhoods Program.

Palm Beach County adopted the Florida Friendly Fertilizer Use Ordinance on October 30, 2012.

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 training on the proper application practices for fertilizers in accordance with the County Policy and Procedures Memorandum.

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.

## Proactive Inspection Program

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

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

- You must inspect portions of your MS4 that have a reasonable potential of containing illicit discharges/connections/dumping. The FDEP has indicated that this should be considered to be the commercial and industrial zoned areas/properties within your MS4 contributing area.
- FDEP allows these inspections to be combined with other inspection programs, but the inspections must include specific inspection for potential stormwater contamination.

### **Proactive Inspections Written Program Components**

1. Procedure and Criteria for identifying priority areas/facilities
2. List of identified priority areas/facilities
3. Annual schedule for inspections
4. Procedure for conducting site inspections (include checking for MSGP)
5. Procedure for tracing source of discovered or suspected illicit discharge
6. Procedure for eliminating the discharge
7. Procedure for documenting the inspections and enforcement activities  
(See form)
8. Procedures for enforcement actions (or referrals to appropriate jurisdictional authority)
9. Identification of staff /department/outside entity responsible for inspections and for enforcement
10. Description of resources allocated to implement this permit element

### **Proactive Inspection Program SOP**

#### **1. Procedure and Criteria for identifying priority areas/facilities**

In accordance with the MS4 NPDES permit, priority areas for inspection should include:

- o 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

## **2. List of identified priority areas/facilities**

A list of the priority proactive inspection area/facilities for annual inspections are as follows;

- Gardens Avenue Commercial/Industrial Park
- Dyer Blvd. Industrial Area
- Church St. & Old Okeechobee Industrial Area
- PBC Fairgrounds Industrial Area
- Boca Rio Road Commercial/Industrial Area

Priority facilities are checked against the list of facility types associated with the FDEP MSGP Sectors to determine their need to be covered by a MSGP. PBC ERM staff shall research the DEP NPDES databases and alert DEP NPDES staff of facilities that do not appear to be covered under the MSGPs.

## **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. The schedule for inspecting the priority areas/facilities is:

## **4. Procedure for conducting site inspections**

Priority Facility inspections: For proactive facility inspections, the trained inspector conducts an unannounced visit to the facility. A standardized inspection form is used (see attached).

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**

Visual tracing from culvert to inlet to inlet (or manhole) to the source is utilized. In certain cases, tracing dye can confirm the route of the illicit discharge to the MS4

or receiving water body. If applicable, the illicit connection is identified. The nature or composition of the illicit discharge is confirmed.

**6. Procedure for eliminating the discharge**

Immediately inform the facility manager/site operator of the illicit discharge and request immediate cessation of the discharge. The mandated prohibition of illicit discharges and adopted legal authority is discussed with the facility manager/site operator.

**7. Procedure for documenting the inspections and enforcement activities**

Inspection forms and a database are used for the documentation of inspections, compliance and enforcement actions. (See Inspection Form)

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

Instances of non-compliance will be handled on a case by case nature with successively more rigorous enforcement measures depending on how egregious in nature the non-compliance or violation/violations are;

1. Notice of Non-Compliance

2. Notice of Violation

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

PBC Environmental Resource Management Department Surface Water Protection Section staff will conduct the Illicit Discharge Proactive Inspections and Compliance and Enforcement actions. (Note: PBC Engineering and Public Works staff conducting routine maintenance of structural controls has been trained on identifying illicit discharges. However, their referrals of potential illicit discharges are deemed reactive illicit discharge inspections, compliance and enforcement.)

**10. Description of resources allocated to implement this permit element**

ERM currently has 3 staff members trained in illicit discharge investigations.

**PALM BEACH COUNTY  
ENVIRONMENTAL RESOURCES MANAGEMENT DEPARTMENT**

PROACTIVE ILLICIT DISCHARGE INSPECTION

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Site Name and Location: \_\_\_\_\_

Property Control Number: \_\_\_\_\_

Description of Activities: \_\_\_\_\_

Receiving Water Body: \_\_\_\_\_

**General Site and Stormwater Management System Conditions**

**Comments:**

Stock piles maintained properly to prevent runoff	
Ground free of visual stains from any type of leakage	
Liquid waste disposed of properly (not poured into storm or sewer system)	
Illicit connection to storm sewer	
No leaks evident from pipes, pumps, valves, hoses, flanges, etc.	
Inspected for indication of illicit discharges	
Hazardous materials stored exposed to precipitation	
Proper storage & disposal of all other materials (i.e. rags, filters, batteries, etc.)	
Other	

Additional Comments

Inspector: \_\_\_\_\_

## **Illicit Discharge Reactive Inspection SOP**

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

This permit element requires a written reactive investigation program for suspected illicit discharges that are reported by others.

Investigations of reported illicit discharges into the Palm Beach County MS4 or any surface water or drainage facility in unincorporated Palm Beach County are conducted primarily by the Environmental Resources Management Department (ERM). ERM maintains a complaint log for all reported complaints from the public or other governmental agencies, for which ERM may have a roll. (See complaint log form.)

The ERM policy for handling complaints is to resolve the complaint, if possible, or provide an appropriate referral with one week of receiving a complaint. Typically complaints are resolved/referred with one or two business days.

Complaints of illicit discharges are conducted by trained staff within the Surface Water Protection Section of the Resources Protection Division of ERM. For potential MS4 illicit discharges, a determination of ownership/operation of the MS4 is often necessary since many MS4s are operated by municipalities. If the potential illicit discharge is to a municipal MS4 the MS4 operator is promptly contacted. In unincorporated Palm Beach County, legal authority to prohibit illicit discharges extends beyond the MS4 to include private storm sewers, public or private water bodies.

To assist in site investigations and prepare for unique site circumstances the following items are typically taken into the field; camera, manhole hook, fluorescein tracing dye, ice cooler, gloves and sample bottles.

If the illicit discharge report is confirmed, an immediate attempt to eliminate the source is made. Depending on the nature and severity of the illicit discharge compliance and enforcement action may be taken. (See Notice of Violation example). For illicit discharges unresolved by ERM staff, the alleged violation and respondent(s) may be brought before the Palm Beach County Groundwater and Natural Resource Protection Board (similar to a Code Enforcement Board.) The board may levy fines of up to \$5,000 per day and impose liens.

**PALM BEACH COUNTY**  
**DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT**

DEPARTMENT COMPLAINT FORM

Complaint # \_\_\_\_\_

Date Rec'd: 04/30/12 Time: 10:42am Rec'd by: Brian Gentry  
Name of Complainant: Roy Debski Complainant's Telephone Number: 252-1139  
Complainant's Address: 1176 West Shore Drive, WPB

Groundwater Resources

Natural Resources

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Discharge (to water, ground) | <input type="checkbox"/> Artificial Reefs         | <input type="checkbox"/> Sea Lice                 |
| <input type="checkbox"/> Illegal Dumping                         | <input type="checkbox"/> Beaches, Coastal         | <input checked="" type="checkbox"/> Surface Water |
| <input type="checkbox"/> Fish kill                               | <input type="checkbox"/> Dredge and Fill          | <input type="checkbox"/> Turtles                  |
| <input type="checkbox"/> Petroleum Storage Tank                  | <input type="checkbox"/> ICW Signage/Speeds       | <input type="checkbox"/> Wilderness               |
| <input type="checkbox"/> Spill (gas, oil, chemicals)             | <input type="checkbox"/> Littoral Zones           | <input type="checkbox"/> Islands                  |
| <input type="checkbox"/> Water and Irrigation                    | <input type="checkbox"/> Non-Stormwater Discharge |   |

Other: \_\_\_\_\_

**Nature/ Location of Complaint:**

Water quality problems in private subdivided lake due to neighbor dumping fill, including construction debris/ Lawn Lake Subdivision.

---

Property Owner: Unknown Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Investigation Facts Disclosed (indicate dates as required:)**

The lake and residential subdivision was platted in 1955. Lot lines extend into the lake. A neighbor across the lake has been extending his shoreline with fill, including some construction debris. The Health Dept investigated the dumping of the material according to the complainant. The Lake has a distinctive medium brown color throughout the lake. Dissolved oxygen was supersaturated at 135% and pH was 8.3, an indication of an algae bloom.

**Recommendations and/or Actions Taken (indicate dates as required:)**

The complainant was contacted to discuss the perspective that the color was related to a microbial bloom and not related to the limited exposed soil on the lake bank across the lake. No further action.

Final Disposition: Closed Date Resolved: 05/02/12 Investigated by: Brian Gentry



Department of Environmental  
Resources Management  
2300 North Jog Road, 4<sup>th</sup> Floor  
West Palm Beach, FL 33411-2743  
(561) 233-2400  
FAX: (561) 233-2414  
www.phcgov.org/erm



Palm Beach County  
Board of County  
Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santanaria

County Administrator

Robert Weisman

*"An Equal Opportunity  
Affirmative Action Employer"*

February 12, 2013

CERTIFIED MAIL

Mr. Rios Elio  
6578 146<sup>th</sup> Rd. North  
Palm Beach Gardens, FL 33418-1969

Dear Mr. Elio :

SUBJECT: NOTICE OF VIOLATION OF THE PALM BEACH COUNTY  
STORMWATER POLLUTION PREVENTION ORDINANCE  
NO. 2004-050, ERM FILE WQ-13-02

This letter is written to inform you that the Department of Environmental Resources Management (ERM) has determined the above referenced party may have violated the following provision of the Palm Beach County Stormwater Pollution Prevention Ordinance No. 2005-050.

1. Failure to prevent non-stormwater discharge to the Stormwater System. (Section 6.01 Illicit Discharges, Spills and Dumping.) Except as set forth under Section 4.01(h) of this Ordinance or in accordance with a valid NPDES permit, any non-stormwater discharge to the stormwater system is prohibited.
2. Use of an Illicit Connection to the Stormwater System (Section 6.02 Illicit Connections.) No person may maintain, use or establish any direct or indirect physical connection to the stormwater system that results in any discharge in violation of this ordinance.

On February 11, 2013, ERM staff investigated a complaint of a non-stormwater discharge and discovered an illicit connection (PVC pipe) from 2920 Oswego Avenue. conveying raw sewage into an adjacent water management area under construction. (See attached photograph.) A review of the Palm Beach County Property Appraiser records revealed that you are the owner of 2920 Oswego Avenue.

In order to correct the violation as stated above, you are required to remove the PVC pipe running from the septic tank to the northwest area of the lot, within 1 week days of receipt of this notice.



Mr. Rios Elio  
February 12, 2013  
Page 2 of 2

If additional non-stormwater discharges are documented, or if the required corrective actions are not completed within the above referenced time frames you may be ordered to appear before the Palm Beach County Groundwater and Natural Resource Protection Board.

The Board may seek to establish liability, impose civil penalties, and/or obtain injunctive relief. In addition, the County may seek other remedies available by law. Violations are punishable by not to exceed \$5,000 per day per violation.

Property which changes ownership after receipt of this Notice of Violation is subject to disclosure laws notifying new property owners of outstanding code enforcement issues. Results of code enforcement violations will be assumed by the owners of property on which violations occur. Failure to disclose in writing the existence and nature of this proceeding to the prospective transferee creates a rebuttable presumption of fraud.

Should you have any questions concerning this matter contact Eddie Gibson at (561) 681-3859.

Sincerely,



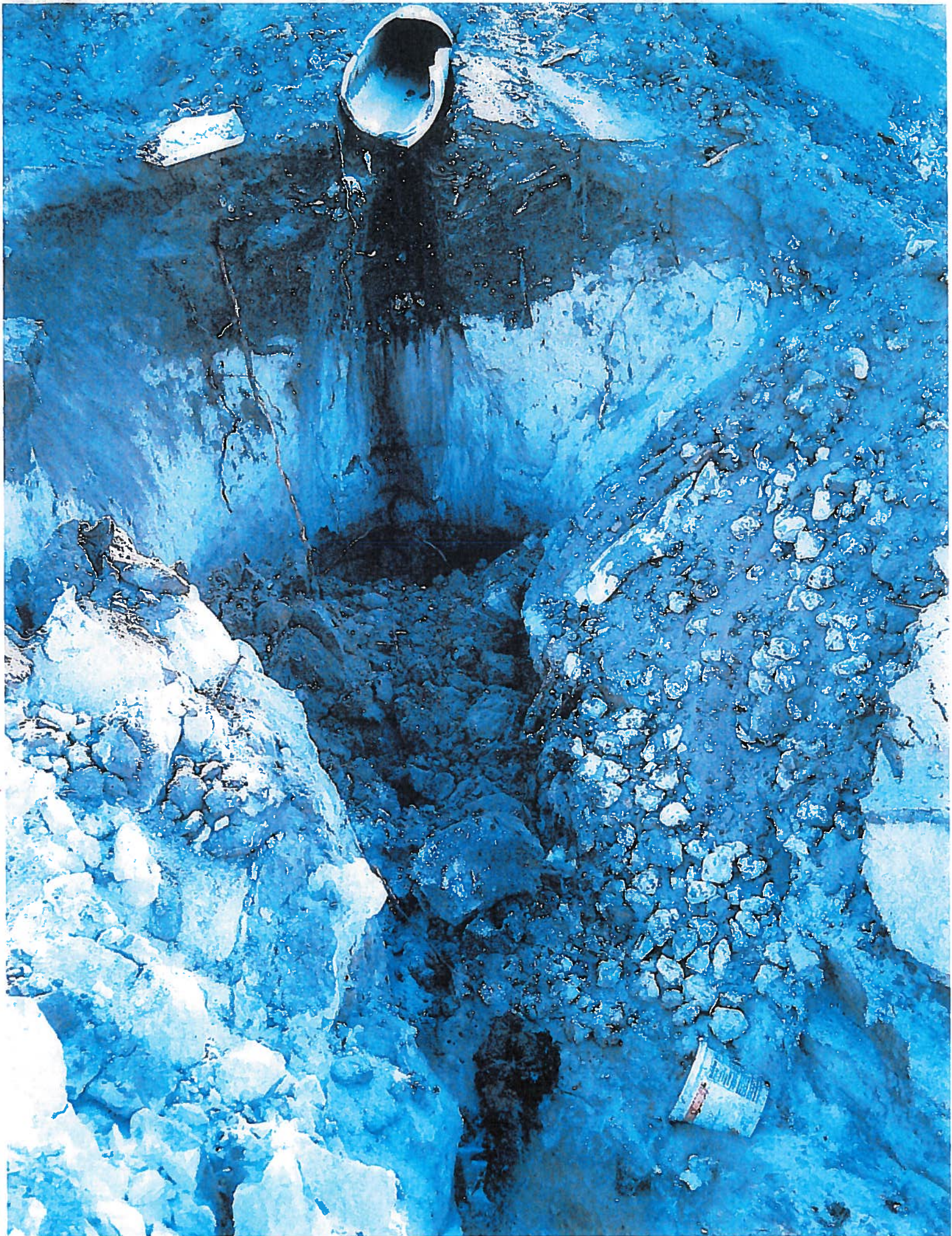
Bonnie Finneran, Environmental Director  
Resources Protection

BF:EG

Enclosures

cc: Shannon Fox, Assistant County Attorney  
Palm Beach County Attorney's Office  
Mark Tomlinson, Director  
Engineering Coordination Division  
Daniel Witt, Environmental Specialist II  
Palm Beach County Health Dept.







## Spill Prevention & Response SOP

### Palm Beach County Operations

Spill prevention and response procedures are in accordance with PPM (Policies and Procedures Memorandum) CW-O-006 HAZARDOUS WASTE MANAGEMENT AND SPILL CLEANUP ON COUNTY OWNED ROADS AND PROPERTIES.

In the event of a spill, contain the flow of hazardous waste to the extent possible as long as it can be done safely. If there is a question whether the spill can be controlled safely contact the EOC (Emergency Operations Center) and evacuate the area.

For proper disposal of absorbent materials from clean up operations, the Palm Beach County Risk Management Department maintains on contract a Environmental Emergency Response Contractor (EERC).

Palm Beach County facilities storing or dispensing regulated substances, for example fleet maintenance and satellite fueling facilities, all have spill kits available. All applicable spill prevention, control and counter measures (SPCC) rules (40 CFR Parts 110-112) are followed.

- For non emergency incidents, the spill shall be cleaned up as soon as practicable.
- For spills that have potentially contaminated soils, contact EOC. Additional testing and cleanup procedures may be needed to determine the level of cleanup necessary.
- For other County properties (undeveloped), FD&O (Palm Beach County Facilities Development and will respond to petroleum waste spills and to suspect containers found on undeveloped County property. They will assess the situation and contact the approved vendor for cleanup.

For County Road Spills:

Risk Management and the Road and Bridge Division will cooperatively respond to spills on PBC roads to assess and determine cleanup and remedial action. For spills of hazardous material on County owned property, if a responsible party (RP) is not responsive or can be identified the EERC conducts cleanup and disposal to all applicable regulations.

Road and Bridge Division support will be provided if;

- The RP cannot/will not conduct the work in a timely manner or is unknown.
- The spill impacts road surfaces
- It is estimated to be less than 25 gallons

- It is restricted to vehicle fluids (e.g. fuels, oils, hydraulics, etc.)
- It can be cleaned up safely without special respiratory equipment and personal protective equipment (PPE).
- Feasibility for spills exceeding 25 gallons on County road surfaces. The feasibility cleanup by Road and Bridge will be determined on a case by case basis. If Road and Bridge is unable to conduct the cleanup an EERC will be contracted for the work.

## **Spill Prevention & Response Training Plan**

### Waste Generators:

Employees working in areas that generate Hazardous Waste (including Biohazardous Waste), universal waste or used oils must be trained by supervision / Waste coordinator. Employee / Loss Control and Facilities Development and Operations (FDO) will assist supervision as required. All employees must know:

- How to properly dispose of or recycle hazardous waste, universal waste and used oils.
- Proper procedures and use of PPE and when to request help / advise
- How to respond / report emergencies appropriately
- How to conduct cleanup activities when materials are spilled/broken
  - Small scale accomplished by employees
  - Larger scale or spills possibly contaminated soil / water which will require coordination with Risk Management / FDO

### Road Cleanup Spills:

Employee Safety / Loss Control will assist in training Road and Bridge employees in proper procedures, materials and personal protective equipment (PPE) to be used during small scale cleanup activities.

### Additional Training:

The Palm Beach County NPDES Group annually has training opportunities, including spill prevention and response for County and municipal staffs.

## Plan for Household Hazardous Waste Management and Public Outreach

The Palm Beach County Solid Waste Authority manages the Household Hazardous Waste (HHW) collection and proper disposal program.

HHW can be dropped off by Palm Beach County residents at 7 locations; the main HHW location at the North County Renewable Energy Facility and the 6 regional municipal waste transfer stations. Addresses listed below;

### **West Palm Beach**

*Household Hazardous Waste Collection Facility*

*6161 North Jog Road*

*West Palm Beach 33412*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM

**(Saturday is self-serve drop-off containers only)**



### **Delray Beach - West**

*Household Hazardous Waste Collection Facility - South*

**Southwest County Transfer Station**

*13400 South State Rd 7*

*Delray Beach, FL 33446*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM

**(Saturday is self-serve drop-off containers only)**



### **Delray Beach - East**

**(unattended)**

**South County Transfer Station**

*1901 SW 4th Avenue*

*Delray Beach, FL 33444*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



### **Jupiter**

**(unattended)**

*North County Transfer Station*

*14185 Military Trail (SWA Road)*

*Jupiter, FL 33458*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



**Royal Palm Beach**

**(unattended)**

*West Central Transfer Station  
9743 Process Drive (previously Fairgrounds Road)  
Royal Palm Beach 33441*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 3:00 PM



**Lantana**

**(unattended)**

*Central County Transfer Station  
1810 Lantana Rd.  
Lantana, 33462-2604*

Monday – Friday: 7:00 AM – 5:00 PM

Saturday: 7:00 AM – 12:00 Noon



**Belle Glade**

**(unattended)**

*Glades Regional Transfer Station  
1701 State Road 15  
Belle Glade 33430*

Monday - Friday: 7:30 AM - 4:00 PM

Saturday: 7:00 AM - 12:00 Noon



HHW Facility collection area is covered and materials are temporarily stored on enclosed pallets.

In addition to HHW, e-Waste is also accepted. E-Waste includes computers, printers, monitors, televisions, audio equipment, cell phones and any other similar type of item with electronic circuit boards, which can be recycled.

Public outreach is accomplished through many avenues; Television PSAs, brochures, school presentations, special events, the PBC Group Permittees NPDES Public Outreach program and the following website;

[http://www.swa.org/site/hhw/haz\\_waste\\_home/hazardous\\_waste\\_portal.htm](http://www.swa.org/site/hhw/haz_waste_home/hazardous_waste_portal.htm)

## **Reduction/Elimination of Wastewater Contamination in Stormwater Standard Operating Procedure**

Palm Beach County Water Utilities Department operates and maintains sanitary sewer collection systems within portions of the defined service area. (See service area map.)

Sanitary sewer overflow response is handled by Line Operations and Maintenance Staff of the PBC Water Utilities Dept. The incident and staff response are recorded in the Wastewater Discharge Report Form. (See attached form.) The form records the following information;

- Start date & time of spill
- End date & time of spill
- Discharge location
- Lift Station (if applicable)
- Description /cause of discharge
- Equipment failure
- Type of equipment/reason of failure
- Pipe failure (yes/no)
- Size and type of pipe
- Calculation of Quantity
- Size and type of pipe
- Calculation of Quantity
- Size of hole or rupture
- Pressure in PSI
- Gallons /Minutes
- Duration of discharge
- Total gallons of discharge
- Water body affected (yes/no)
- Gallons of wastewater entering water body
- Sample requested (yes/no)
- Site clean-up (yes/no),
- Description of work performed
- Type of equipment and chemicals used
- Number/Capacity of Vac Truck
- Number of trips
- Gallons removed by Vac Truck
- Follow-up actions

The information recorded by the Wastewater Discharge Report Form is entered into the Wastewater Spillage Report database. (See attached database printout.)

Palm Beach County Water Utilities Department conducts an I & I (inflow and infiltration) to maintain the integrity of the sanitary sewer collection system.





**Palm Beach County Water Utilities Department  
Lines Operations and Maintenance  
Wastewater Discharge Report Form**



Date of this Report: 3/6/2012

Start Date & Time of Spill: 3/5/2012 9:50AM

End Date & Time of Spill: 3/5/2012 10:35AM

Contact: Darren Prainito

Contact Phone Number: 561-301-7483

Discharge Location:\* Lift Station 1076, Boca Falls Drive  
Boca Raton

Lift Station( if Applicable): LS 1076

Description/Cause of Discharge: Spill caused by abroken discharge hose.

Equipment Failure: Yes  Check No  Check

Type of Equipment/Reason of Failure: \_\_\_\_\_

Pipe Failure: Yes  Check No  Check

Size and Type of Pipe: 4" hard hose

Calculation of Quantity: 4"

Size of Hole or Rupture in Inches: N/A

Pressure in PSI: \_\_\_\_\_

Gallon/Minutes:\*\* 15

Duration of Discharge( Minutes) 500

Total Gallons of Discharge \_\_\_\_\_

(Gallons/Minutes X Minutes): 180

90000

\* Provide a map showing the location of the discharge

\*\* Use the "Flow Calculations to Estimate Wastewater Spillage" Chart to determine Quantity



Palm Beach County Water Utilities Department  
 Lines Operations and Maintenance  
 Wastewater Discharge Report Form



Water Body Affected: Yes  
 Gallons of Wastewater Entering Water Body: 90,000

Sample Requested: Yes

Site Clean-up: Yes  
 Description of Work Performed: Catch basis was vacuumed out.  
HTH spread, pressure washed grassed areas and sidewalks and set up an aerator in the lake.

Type of Equipment and Chemical Used: Lime

Number/Capacity of Vac Trucks: 2  
 Number of Trips: \_\_\_\_\_  
 Gallons Removed By Vac Truck: 80,000

Follow-up Actions: Lab to provide clearance for bacteriological.

Jim Nelson, South County O&M Lines & Lift Stations  
 Superintendent

Mark DuBois 3/13/2012  
 Mark DuBois, Director, O&M Lines and Lift Stations

# High Risk Facilities Inventory & Inspection SOP

## Section III.A.8.a – Industrial and high Risk Runoff – Identification of Priorities and Procedures for Inspection

As it relates to NPDES MS4 Permits, High Risk facilities have been defined as:

- Operating municipal landfills that discharge to the MS4.
- Hazardous waste treatment, storage, disposal and recovery facilities
- Facilities that are subject to EPCRS Title III, Section 313 (Toxics Release Inventory), that discharges to the MS4.
- 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.

### 1. Inventory

The inventory is as follows:

- Municipal landfills are operated by the Palm Beach County Solid Waste Authority under applicable NPDES Permits. No landfills discharge to the Palm Beach County MS4.
  - The EPA's Envirofacts website ([www.epa.gov/enviro/](http://www.epa.gov/enviro/)) was reviewed and no Hazardous Waste TSDR facilities were identified that discharge to the Palm Beach County MS4.
  - EPA's Toxic Release Inventory ([www.epa.gov/tri](http://www.epa.gov/tri)) which lists facilities subject to EPCRA Title III, Section 313 was reviewed and 5 facilities which discharge or may discharge to the Palm Beach County MS4 were identified. The facilities are listed below;
1. Classic Cultured Marble Inc., 8300 Currency Dr. Riviera Beach
  2. Continental Florida Materials, 21151 Boca Rio Rd, Boca Raton
  3. Oldcastle Coastal, 7167 Interpace Rd, West Palm Beach
  4. Port Consolidated Inc., 1782 Skees Rd., West Palm Beach
  5. Sugar Cane Growers Coop. of Florida, 1500 W. Sugarhouse Rd, Belle Glade

- Additional facilities are added as deemed appropriate during the proactive

This inventory is updated annually to include facilities based on updated EPA TRI Facility listings, proactive illicit discharge investigations, or removal of facility based on field investigations of no connection to the Palm Beach County MS4.

## **2. Procedure for conducting site inspections (include checking for MSGP)**

All High Risk facilities are inspected annually. If annual inspection reveals a less frequent inspections frequency is warranted, then the facilities will be inspected at least once within the Permit Term. At this time the facilities to be inspected are compared to the list of business types that require an MSGP. If a facility appears to be required to have coverage under an MSGP, it is noted on the inspection form.

The inspector conducts an unannounced visit to the facility. A standardized inspection form is used to determine any stormwater non-compliance issue. The inspection form is attached.

## **3. Identification of staff /department/outside entity responsible for inspections and for enforcement**

Palm Beach County Environmental Resources Management Department, Surface Water Protection staff conducts the high risk inspections, reactive and proactive illicit discharge investigation, and compliance and enforcement activities.

## **4. Schedule for the training of inspectors**

Following initial training, periodic additional training is conducted during subsequent inspections.

## **5. Description of resources allocated to implement this permit element**

Three staff members of the Surface Water Protection Section.

**PALM BEACH COUNTY  
ENVIRONMENTAL RESOURCES MANAGEMENT DEPARTMENT**

HIGH RISK ILLICIT DISCHARGE INSPECTION

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Site Name and Location: \_\_\_\_\_

Property Control Number: \_\_\_\_\_

Description of Activities: \_\_\_\_\_

Receiving Water Body: \_\_\_\_\_

**General Site and Stormwater Management System Conditions**

**Comments:**

Stock piles maintained properly to prevent runoff	
Ground free of visual stains from any type of leakage	
Liquid waste disposed of properly (not poured into storm or sewer system)	
Illicit connection to storm sewer	
No leaks evident from pipes, pumps, valves, hoses, flanges, etc.	
Inspected for indication of illicit discharges	
Hazardous materials stored exposed to precipitation	
Proper storage & disposal of all other materials (i.e. rags, filters, batteries, etc.)	
Other	

Additional Comments

Inspector: \_\_\_\_\_

## **Stormwater Pollution Prevention Plan Notification and Review SOP**

The Palm Beach County Development Review Office (DRO) reviews all applicable proposed developments within unincorporated Palm Beach County. During the DRO process, Palm Beach County Environmental Resource Management (ERM) Department provides comment to applicants to ensure compliance with applicable County codes. The applicants are notified of their obligation to obtain NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) coverage and the requirement to prepare and implement a stormwater pollution prevention plan.

The subdivision of land for proposed developments requires Platting. The platting process provides ERM the opportunity to notify, through the Engineering Land Development Division, the applicants of their obligation to obtain CGP coverage (NOI and NOT forms are included.), and the requirement to prepare a stormwater pollution prevention plan.

Palm Beach County construction projects consist of primarily roadway improvement projects. The roadway improvements projects are constructed by private contractors require NPDES CGP compliance through contract provisions. The stormwater pollution prevention plans are incorporated into the Engineering Paving Grading and Drainage Plans. During preconstruction meetings the stormwater pollution prevention plans are reviewed by Engineering Coordination Division staff and the general contractor. During construction, weekly joint inspections are conducted by the Engineering Coordination site manager and a representative of the general contractor.

For private construction projects, prior to site inspections, ERM Surface Water Protection staff review the stormwater pollution prevention plans which are included in the Environmental Resource Permit (ERP) issued by the South Florida Water Management District, which is obtained by ERM staff.

During Erosion and Sedimentation Control site inspections by ERM Surface Water Protection staff, upon initial contact with the general contractor's representative and prior to BMP inspections, the first inspection item is reviewing the documentation of CGP coverage and the stormwater pollution prevention plan.

## **Construction Site Inspection Plan SOP**

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 if possible, when initial BMPs are established prior to clearing and grubbing.
- During construction (periodic inspections, based on the project's potential for discharge to our MS4, sensitive receiving water bodies, or water bodies listed as impaired by the FDEP.)

### **Site Priority**

All construction sites are considered priority sites if they have the potential to discharge into the unincorporated Palm Beach County MS4, sensitive receiving water bodies within unincorporated Palm Beach County, or water bodies within unincorporated Palm Beach County listed as impaired by the FDEP. Sites will be inspected with a frequency deemed appropriate during the site plan review process, initial inspection and with consideration to rainfall events. In addition, any sites where compliance is a concern will be inspected more frequently.

### **Inspection Procedure**

For private construction projects inspections are the responsibility of Palm Beach County ERM's Surface Water Protection section. For Palm Beach County roadway construction projects joint inspections are conducted by PBC Engineering Coordination Division's project manager and the erosion and sediment control representative of the General Contractor. The intent of the inspection is to verify that all BMPs are performing properly and to ensure that the required documentation is being kept on-site.

### **Enforcement**

Instances of non-compliance will be handled on a case by case nature with successively more rigorous enforcement measures depending on how egregious in nature the non-compliance or violation/violations are.

1. Notice of Non-Compliance
2. Notice of Violation

## **Site Inspection**

### **Inspection Protocol:**

1. The DEP Certified Erosion and Sedimentation Inspector shall familiarize himself/herself with the site Stormwater Pollution Prevention Plans (SWPPP) and identify all BMPs prior to the initial site inspection.
2. At the time of inspection, the inspector shall introduce himself/herself to the site superintendent and review the plans on site. Items to ask to see during the initial meeting with superintendent include:
  - a. State of Florida Notice of Intent (NOI) that should be posted/maintained on site.
  - b. Copy of Stormwater Pollution Prevention Plan (SWPPP) that should be maintained on site.
3. During the site inspection, it is the Inspectors responsibility to insure that all structural site erosion controls (BMPs) have been installed according to the approved plans and are working accordingly.
4. Photos shall be taken of current site conditions if necessary for documentation/enforcement. The inspector shall have capability to monitor turbidity and/or collect samples if the receiving water body is affected by the construction activities.

### **Method of Documentation**

1. Upon returning to the office, site inspections shall be recorded in the appropriate computer database and inspection forms shall be completed and saved electronically and hard copies created and filed in the appropriate file folder. (See Construction Inspection Form and example Notice of Violation.)
2. Photos and turbidity data, if deemed necessary to obtain, shall be imported and saved into the appropriate database for future compliance and enforcement actions and reports.
3. The Erosion and Sedimentation Inspector shall maintain all documentation.





**Palm Beach County Department of Environmental Resources Management  
NPDES COMPLIANCE INSPECTION REPORT**

Inspection # CI	CI200821			
Inspection Date	2/7/2013	Site Location	Lantana Farms MUPD	
Inspection Time	1400	E of FL turnpike, S of Lantana		
Inspection Type	Initial <b>Re-Inspection</b>	On-Site Manager		
Inspector (s)	EFG	Phone Numbers		
Weather Conditions	clear	Engineer/Consultant		
WellField/Zone		Phone Numbers		
Natural Area:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Receiving Body:	LWDD L-16 Canal	
PCN:	00424440000400045	Disturbed Area	>1 acres	>5 acres
Areas Evaluated During Inspection				
Documents	Yes	No	Comments	
Permits	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
SWPPP Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Records/Reports	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Facility Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Copy of NOI	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Management Practices				
Erosion Controls	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Sediment Controls	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Turbidity Controls	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Dewatering	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Wellpoint	<input type="checkbox"/> Sump <input type="checkbox"/>
Inlet Protection	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Chemical Storage	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Stabilization	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Exfiltration Trench	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Wet Detention Pond	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Dry Detention Pond	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Temp. Sediment Basin	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Waste Disposal	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Revisit when construction starts. Still agr. Land				



COPY

August 18, 2010

CERTIFIED MAIL

Department of Environmental  
Resources Management  
2300 North Jog Road, 4<sup>th</sup> Floor  
West Palm Beach, FL 33411-2743  
(561) 233-2400  
FAX: (561) 233-2414  
www.pbcgov.org/erm

■  
Palm Beach County  
Board of County  
Commissioners

Burt Aaronson, Chair  
Karen T. Marcus, Vice Chair  
Shelley Vana  
Steven L. Abrams  
Jess R. Santamaria  
Priscilla A. Taylor

County Administrator  
Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"

Mr. John A. Defrehen, Registered Agent  
Ranger Construction Industries, INC.  
101 Sansbury Way  
West Palm Beach, FL 33411

Dear Mr. Defrehen:

SUBJECT: NOTICE OF VIOLATION OF THE PALM BEACH COUNTY  
STORMWATER POLLUTION PREVENTION ORDINANCE  
NO. 2004-50; OKEECHOBEE ROAD IMPROVEMENTS  
(WEST OF SR. 7 TO WEST OF THE TURNPIKE); ERM FILE  
WQ-10-25

This letter serves as formal Notice of Violation that the Palm Beach County Department of Environmental Resources Management (ERM) has determined the above referenced party may be in violation with the following provisions of the Palm Beach County Stormwater Pollution Prevention Ordinance No. 2004-050.

1. Failure to prevent non-stormwater discharge to the stormwater system. Section 6.01 Illicit Discharges, Spills and Dumping.  
(a) General Prohibitions. Except as set forth under Section 4.01(h) of this Ordinance or in accordance with a valid NPDES permit, any non-stormwater discharge to the stormwater system is prohibited
2. Failure to follow Stormwater Pollution Prevention Plan BMP's. Section 5.02 NPDES Construction Activities Permit Requirements.  
(c) Construction site operators for construction projects within unincorporated Palm Beach County, or discharge to the PBC MS4 which obtain NPDES Construction Activities permit coverage, shall maintain compliance with the erosion and sediment control Best Management Practices (BMP's) required by the permit as well as other permit conditions.

On August 11, 2010 ERM staff visited the Okeechobee Road improvement (west of SR. 7 to west of the Turnpike) site located on the south side of Okeechobee Road, and west of the LWDD E-2W Canal and north of the LWDD L-1 Canal. During the inspection it was observed that Ranger was the site contractor for earth work. The lack of construction site perimeter controls or stabilization facilitated offsite deposition of exposed soils into the stormwater system resulting in non-stormwater discharges (see enclosed photographs 1, 2, 3 and 4).

Mr. John A. Defrehen  
August 18, 2010  
Page 2 of 2

In order to correct the deficiencies noted above, you are required to complete the following within 15 days of receipt of this letter:

1. Install or repair perimeter controls for all exposed soils.
2. Provide ERM with your Stormwater Pollution Prevention Plan (SWPPP) and your Notice of Intent (NOI) acknowledgment letter from the Department of Environmental Protection (DEP).

If these matters are not resolved administratively, you may be ordered to appear before the Palm Beach County Groundwater and Natural Resource Protection Board. The Board may seek to establish liability, impose civil penalties, and/or obtain injunctive relief. In addition, the County may seek other remedies available by law. Violations are punishable by not to exceed \$5,000 per day per violation.

Property which changes ownership after receipt of this Notice of Violation is subject to disclosure laws notifying new property owners of outstanding code enforcement issues. Results of code enforcement violations will be assumed by the owners of property on which violations occur. Failure to disclose in writing the existence and nature of this proceeding to the prospective transferee creates a rebuttable presumption of fraud.

Should you have any questions concerning this matter, or wish to request an informal conference within 10 days of this letter, please contact Brian Gentry at (561) 233-2515.

Sincerely,



Bonnie Finneran, Environmental Director  
Resources Protection

BF:BG:EG  
Enclosures

cc: Shannon Fox, Assistant County Attorney  
Palm Beach County Attorney's Office  
Patrick Martin, PE, District Engineer  
Lake Worth Drainage District  
Robert Gunnell, Construction Coordinator  
Construction Coordination Division





Photograph 1. Lack of perimeter stabilization, missing BMP's, facilitated offsite deposition of exposed soils into county MS4 (LWDD L-1 Canal) on Okeechobee Road. Photo was taken on 08/11/2010 at 1600.





Photograph 2. Palm Beach County staff taking a turbidity reading behind a failing BMP (silt fence) in the LWDD L-1 Canal. Turbidity value was 185 NTU. Photo was taken 08/11/2010 at 1610.





Photograph 3. Turbidity deposition into county MS4 LWDD E-2W from the LWDD L-1 canal. Background turbidity value, taken upstream of deposition in the LWDD E-2W Canal, was 1.87 NTU. Photo was taken 08/11/2010 at 1620.





Photograph 4. This photo was taken at the southwest corner of Okeechobee Road and the Florida turnpike. The photo is facing WNW showing the egregious nature of the construction site operations lack of BMP's leading to offsite deposition of exposed soils into a county MS4. Photo was taken 08/11/2010 at 1630.