



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

March 9, 2020

Timothy Pinter  
Public Works Director  
City of Marco Island  
50 Bald Eagle Drive  
Marco Island, FL 34145  
[tpinter@cityofmarcoisland.com](mailto:tpinter@cityofmarcoisland.com)

Re: **Compliance Assistance Offer**  
**City of Marco Island MS4/Phase II**  
**Permit No. FLR04E151-001**  
**Marco Island, FL**

Dear Timothy Pinter:

A NPDES Stormwater Phase II Municipal Separate Storm Sewer System (MS4) audit was conducted for Marco Island on October 09, 2019. During this file review, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with requirements of Chapter 403, Florida Statutes, Chapter 62-624 and Chapter 62-621, Florida Administrative Code (F.A.C.), and Title 40 Code of Federal Regulations 122.26 were observed. Department records indicate your facility did not implement or satisfy several Best Management Practices (BMPs) required in per Rule 62-621.300(7)(a), F.A.C. and according to your permit/Appendix A.

We request you review the item(s) of concern noted and respond in writing **within 30 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed (**see the Required Improvements of the attached Cycle 1 Year 4 Audit Report**).

2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid.

It is the Department's desire that you are able adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Hector Rivera of the NPDES Stormwater Program at (850) 245-8667 or via email at [hector.rivera@floridadep.gov](mailto:hector.rivera@floridadep.gov) or Borja Crane-Amores at (850) 245-7520, [borja.craneamores@floridadep.gov](mailto:borja.craneamores@floridadep.gov). We look forward to your cooperation with this matter.

Sincerely,



Jennifer Carpenter, Assistant District Director  
South District

Enclosures:

City of Marco Island Cycle 1 Year 4 Audit Report

cc:

Dr. James Riviere, City of Marco Island  
Timothy Pinter, City of Marco Island  
Jason Tomassetti, City of Marco Island  
Borja Crane -Amores, FDEP

**Phase II Municipal Separate Storm Sewer System (MS4)  
 NPDES Stormwater Audit Report**

**I. BACKGROUND INFORMATION**

**MS4 Permittee:** City of Marco Island  
**Permit Number:** FLR04E151  
**Audit Year:** Cycle 1 Year 4  
**Audit Date/Time:** October 9, 2019 / 9:00am  
**Audit Notification:** September 6, 2019

**Inspector(s):**

Name	Title	Email / Phone:
Hector Rivera	MS4 Phase II Coordinator	<a href="mailto:Hector.Rivera@floridadep.gov">Hector.Rivera@floridadep.gov</a> 850-245-8667
Jason Maron	MS4 Phase II Coordinator	<a href="mailto:Jason.Maron@floridadep.gov">Jason.Maron@floridadep.gov</a> 850-245-7568

**Permittee Representative(s):**

Name	Title	Email / Phone:
Timothy E. Pinter	Public Works Director	<a href="mailto:TPinter@cityofmarcoisland.com">TPinter@cityofmarcoisland.com</a> / 239-300-1462
Jason Tomassetti	City Engineer	<a href="mailto:jtomassetti@cityofmarcoisland.com">jtomassetti@cityofmarcoisland.com</a> 239-300-1462

**II. SITE VISITS**

Satisfactory                       Unsatisfactory                       Not Applicable

BMPs	Department Comments, Recommendation, and Required Improvements
<b>Element 1</b>	<b>Public Education and Outreach Minimum Control Measure</b>
1a-01	The City of Marco island website contains good information available to the public, including stormwater program maintenance, drainage facilities, illegal discharges, alterations/obstruction to MS4, swales, litter, erosion control, general overview of NPDES and nonpoint source pollution. The city has an overview of the entire Phase II MS4 Program identifying each BMP description. In addition, the city is considering including the Waterway's committee meeting monthly reports on its website. (Waterway's is a

	<p>volunteer group selected by the city council which meets once a month to discuss waterway issues). The city’s website was redesign in Fall 2018 making it a more friendly user.</p> <p><b>Recommendation:</b>          During the audit it was recommended that the city upload Spanish information to the website.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
1a-02	<p>The permittee has a booth at the Farmers Market Place where educational brochures are distributed from November to April when the market is open.</p> <p>The permittee also takes active participation in other local events; however, they could not provide the proper documentation to validate or support it.</p> <p><b>Required improvement:</b>          The city needs to develop and implement a tracking mechanism for educational material (e.g. brochures for all events attended).</p>
1a-03	<p>The permittee provides a Homeowner package to every “new homeowner”. This package includes a letter and a brochure regarding stormwater management and prevention. The city utility company oversees tracking this BMP.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
1a-04	<p>The permittee sends its residents every quarter an informational brochure in the utility bill. The brochure covers different stormwater topics. The city has distributed approximately 6,000 brochures during the auditing year.</p> <p><b>Required improvement:</b>          The city was unable to validate the number of brochures distributed during the reporting year. Please develop a tracking mechanism that will ensure the number utility bills inserts are sent.</p>
1a-05	<p>The permittee Public Works staff has placed markers in the city MS4 inlets. These markers are checked and replaced if necessary, during the year as the staff goes out for schedule maintenance. No volunteers have signed up to help with this BMP as stated in the approved NOI permit.</p>

	<p><b>Recommendation:</b>                  If the city does not have a volunteer program to assist with this BMP, the city should propose to the department a revision to the BMP description to reflect that <u>only</u> Public Works staff is stenciling the stormwater inlets.</p>
<b>Element 2</b>	<b>Public Involvement/Participation Minimum Control Measure</b>
2a-01	<p>The city council meetings are held twice a month. These meetings are advertised on the website and the City Hall bulletin board. All meetings are televised. These meetings provide an opportunity for the residents to discuss any concerns and to take part in the city decisions.                  The meeting agendas and minutes are posted and can be accessed on the website.</p> <p><b>Required improvement:</b>                  Create a mechanism or procedure to track the number of meetings and attendees (e.g. sign-in sheets).</p>
2a-02	<p>The city’s Beach and Coastal Advisory Committee coordinates and leads the clean-up events. These events are held every month. The permittee keeps track of the dates, when the events occurred and the number of volunteers participating. The city also keeps records of the amount of trash collected during each event. A designated staff member takes pictures during these events.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
<b>Element 3</b>	<b>Illicit Discharge Detection and Elimination Minimum Control Measure</b>
3a-01	<p>The permittee has mapped all their outfalls in GIS. The map includes the location of all outfalls, the location of all state surface waters that receive a discharge, and other MS4 components. The city is also developing a new tool that will include reporting feature for structures and the maintenance being done. The city’s MS4 Engineer section is the entity that maintains the updates on the map.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
3b-01	<p>The city Ordinance # sect 18-212 prohibits the IDDE and connections and section 18-07 established the enforcement procedures to any violations including penalties. It was noted during the audit that the permittee is not keeping proper track of the violations.</p>

	<p><b>Required improvement:</b>          The city must develop a tracking mechanism for any violations or citations issued including follow-ups.</p>
3c-01	<p>The city staff conducts proactive weekly drive-by inspections of industrial areas. All discharge identified are reported utilizing a checklist and the ordinance as a SOP. The city is currently using a checklist that is more specific to erosion and sediment controls. The staff only fills out a report if an illicit discharge is found.</p> <p><b>Required improvement:</b>          The city must develop a specific illicit discharge inspection checklist that includes a tracking mechanism and violation follow-ups.</p>
3d-01	<p>The permittee relies on the booth and brochures distributed at the farmers market to comply with the public, business, and employees’ illicit discharge educational program. However, the permittee was unable to provide copies of these educational material for the department’s review.</p> <p><b>Required improvement:</b>          The city must develop specific material to educate the public, business, and its employees of the hazards associated with illicit discharges/illegal dumping into Storm Sewer.</p>
<b>Element 4</b>	<b>Construction Site Stormwater Runoff Minimum Control Measure</b>
4a-01	<p>City ordinance section 18-212 (approved on March 5, 2018) provides the erosion and sediment control requirements and definitions and requires all construction applications to meet these requirements prior to construction. The ordinance also defines the penalties to violators.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
4b-01	<p>The city ordinance section 18-212 requires erosion and sediment controls to be implemented, installed, and maintained by the operator. The city building department keeps track of the active site permits. They utilize a program called InterGov.</p> <p><b>The minimum requirement for this BMP is being satisfied.</b></p>
4c-01	<p>The construction site waste disposal ordinance was not available for review during the audit.</p>

	<p><b>Required Improvement:</b>          Please submit the construction site waste control ordinance for review.</p>
4d-01	<p>The city MS4 engineer section does the site plan reviews for erosion and sediment control inspections. The engineer(s) also reviews the construction plans for all commercial and industrial sites. The city holds a pre-construction meeting to go over the city constructions requirements, once the pre-construction meeting is done the plans are referred to the water management district for its review. The permittee tracks the site plan review using a program called InterGov. The permittee does not utilize an SOP or checklist for the reviews.</p> <p><b>Recommendation:</b>          The department recommends the standardization of the plan review process by utilizing a checklist or SOP.</p>
4e-01	<p>The city has a phone number (hotline) where the citizens can submit construction site questions or concerns. That number goes to the Public Works Department front desk where is directed to the appropriate section or department. The permittee does not have a tracking mechanism for this BMP.</p> <p><b>Required Improvement:</b>          Please submit a tracking mechanism or procedure to document all phone calls and emails related to stormwater issues and/or construction site concerns.</p>
4f-01	<p>The city did not have any construction sites greater than an acre during the audited year, therefore, they were not required to conducted inspections. However, it was discussed during the audit the importance of this BMP and having a checklist or SOP.</p> <p><b>Recommendation:</b>          The department recommends the creation of a construction site checklist or SOP.</p>

<b>Element 5</b>	<b>Stormwater Management in New Development and Redevelopment Minimum Control Measure</b>
5a-c	<p>The city relies on the South Water Management District for Post Construction Stormwater Management.</p> <p><b>Recommendation:</b>          Consider amending Ordinance 18-07 to include Sec. 18-214 – Stormwater Construction Standards for stormwater design criteria for any new development and redevelopment projects.</p>
<b>Element 6</b>	<b>Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure</b>
6a-01	<p>The permittee provides pet owners with plastic bags to control the pet waste. These bags are placed in a Pet Waste Station located in different areas of the city. The city has distributed approximately 100,000 bags during the reporting year. Parks and Recreation is the entity that oversees the program.</p> <p><b>The requirement of this BMP is being satisfied.</b></p>
6a-02	<p>Every year before the wet season (April) a VacTruck is sent to clean all 1,864 inlets in the city for a total of 18 cubic yards of debris removed. To do this task the city had marked the location of the inlets with a GPS, they also take before and after pictures of the inlets. A program called CrisisTrack is utilized to track this BMP. The permittee was not able to provide the proper documentation to validate the number of inlets/basins cleaned.</p> <p><b>Required improvement:</b>          Please submit the proper documentation that validates the number of cleaned inlets/basins and the amount of debris removed.</p>
6a-03	<p>Once a year before the wet season (April) the city has their storm sewer system (pipes, inlets etc.) inspected to ensure proper function and cleaned from debris. The permittee was not able to provide the proper documentation to validate the number of storm systems inspected and cleaned.</p> <p><b>Required improvement:</b>          Please submit the proper documentation that validates the number of storm systems cleaned and maintained.</p>
6a-04	<p>Collier County, where Marco Island is located, has a recycling program that is provided by a private entity called Waste Management Company. This recycling service includes the City of Marco Island and thus the resident’s benefits from the recycling program. The permittee was not able to provide the proper documentation to validate the amount of waste “recyclables” as required by the approved NOI permit.</p>

	<p><b>Required improvement:</b>          Please submit the proper documentation that validates the amount of waste “recyclables” being dropped off. Collier County is listed as a Responsible Entity that should provide the City with this information.</p>
6a-05	<p>Once a year before the wet season (April) the city has the inlets skimmer boxes inspected and cleaned from debris. The permittee was not able to provide the proper documentation to validate the number of inlets cleaned.</p> <p><b>Required improvement:</b>          Please submit the proper documentation that validates the number of filters cleaned and the amount of debris removed.</p>
6a-06	<p>The permittee conducts monthly inspections at the Public Works and Water and Sewer facilities for any illicit discharge or misplaced hazardous materials. However, these inspections are done without following a formal procedure, i.e. a checklist or SOP.</p> <p><b>Recommendation:</b>          The department recommends the development of a facility inspection checklist or SOP.</p>
6a-07	<p>The permittee contracts with a company that swept Collier Boulevard and all the bike lanes. However, street sweeping must be conducted throughout the urbanized area that has curve and gutters. The proper documentation to validate the number of miles swept and debris removed could not be provided.</p> <p><b>Required improvement:</b>          Please submit the proper documentation that validates the number of miles swept and the amount of debris removed.</p>
6b-01	<p>The permittee conducts once a year a spill prevention / hazardous material training to the Public Works staff. However, the proper documentation to validate the number of employees trained, training method, location, and date could not be provided.</p> <p><b>Required Improvement:</b>          Please submit the proper documentation that validates the number of employees trained including, training method, location and date. Create a tracking mechanism for all employees (e.g. a sign-up sheet that describes the type of training, date(s) and location of the event).</p>

6a-02	<p>The permittee provides its staff with an 8 hours course on proper vehicle and equipment maintenance. However, the proper documentation to validate the number of employees trained and the number of vehicles maintained could not be provided.</p> <p><b>Required Improvement:</b> Please submit the proper documentation that validates the number of employees trained including the exact number of vehicles/equipment maintained. Create a tracking mechanism for all employees (e.g. a sign-up sheet).</p>
6b-03	<p>The permittee's MS4 engineer and the engineering assistant indicated that they were trained as Erosion and Sediment Control inspectors. However, the proper documentation to validate these two employees training could not be provided during the audit.</p> <p><b>Required Improvement:</b> Please submit the Erosion and Sediment Control certificates as required by the approved Cycle 1 NOI permit. In future reports, please maintain copies of all trained employees (e.g. a copy of the certificate).</p>