



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 13, 2008

Georgia Vince
Section Leader
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Project: Stormwater Treatment Area 1 West & 1East (STA-1W 1E)
Subject: Minor Modification
Modification No.: 0279499-002-EM

Dear Ms. Vince,

The Florida Department of Environmental Protection (Department) has reviewed the South Florida Water Management District's (District) December 27, 2007 request to modify the S-376 Seepage Discharge Culvert for the Stormwater Treatment Area 1 West & Stormwater Treatment Area 1 East (STA-1W1E) EFA permit No. 0279499-001-EM. The District's request included activities to automate the manually operated S-376 Seepage Discharge Culvert associated with STA-1E facility. The S-376 Seepage Discharge Culvert functions to assist in maintaining seepage along the eastern perimeter of STA-1E and connects the STA-1E seepage canal to the Western C-51 canal. The attached Figure 1 contains the changes to the S-376 Seepage Discharge Culvert. Dewatering occurring at the site will be permitted through the Department's South East District Office and copies will be furnished to Department Headquarters for the administrative file. Department staff has thoroughly reviewed the District's request and determined that sufficient information was provided. Therefore, the Department hereby approves the requested minor modification.

The issued permit shall be modified as follows utilizing ~~striketroughs~~ for deletions and underlines for additions (sections of the permit not shown below remain the same).

IV. Inflow Pump Station S-361

Inflow Pump Station S-361 is a secondary inflow pump station that discharges directly into treatment Cell 4S of STA-1E. S-361 has three vertical electric pumps (approximately 75 cfs capacity) with diesel power back-up. S-361 is located on the southeastern perimeter of STA-1E. S-361 serves to preserve permitted drainage for the Rustic Ranches subdivision and agricultural lands located in Section 24, south and east of STA-1E In addition, S-361 also serves to return collected seepage into STA-1E, and to return seepage collected along the STA's eastern seepage canal directly into Treatment Cell 4S. S-376 is an automated gated structure which functions to assist S-361 in maintaining seepage control along the eastern perimeter of STA-1E. S-376 may also be operated to convey water supply from the C-51 canal to Rustic Ranches and the agricultural lands described above.

The Department will issue this modification unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. The optional mediation proceedings described under section 120.573 will not be available.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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Petitions must be filed within twenty-one days of receipt of this written notice.

The petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in the notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order if filed with the clerk of the Department.

The permittee, or any other party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. Requests for the review before the

Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department and on any person named in this order, as described in section 373.114(1)(a), within 20 days from the date when the final order is filed with the Clerk of the Department.

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This letter of approval does not alter the original expiration date, the permittee's need to comply with the permit's general and specific conditions, or the monitoring requirements of this permit, except as stated herein. This modification letter must be attached to the original permit. By copy of this letter, we are notifying all necessary parties of the modification.

If you have any questions regarding this Minor Modification to the issued permit, please contact Annet Forkink at (850) 245-8527 or Brandon Bottomley at (850) 245-8428. When referring to this application, please use the file number indicated above.

Sincerely,



Ernie Marks
Bureau of Standards & Special Projects
Division of Environmental Assessment and Restoration

Em/bb

Copies furnished to:

Miccosukee Tribe of Indians of Florida, c/o Dexter Lehtinen, Esq.
Miccosukee Tribe of Indians of Florida, c/o Kelly Brooks, Esq.
United States Sugar Corporation, c/o Bubba Wade
Seminole Tribe of Indians of Florida, c/o Stephen A. Walker, Esq.
Sugar Cane Growers Cooperative, Roth Farms, Inc., and Wedgeworth Farms, Inc.,
c/o William H. Green, Esq.
Keith Saxe, Esq., U. S. Department of Justice
Michael Stevens, U.S. Department of the Interior (fax)
Jeffrey J. Ward, Sugar Cane Growers Cooperative
Philip S. Parsons, Young van Assenderp
Helen Hickman, Brown & Caldwell
Tom MacVicar, MacVicar, Frederico, & Lamb
Charles Lee, Florida Audubon Society
Samuel B. Reiner, II, Esq., Lehtinen O' Donnell, Vargas & Reiner, P.A.
Michelle W. Smith, Esq., Earl, Blank, Cavanaugh & Stotts

Electronic copies furnished to:

Gregory Cantelo, SFWMD
Maria Formoso, SFWMD
Deb Drum, SFWMD
Ron Bearzotti, SFWMD
Tracey Piccone, SFWMD
Neil Larson, SFWMD

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Daryll Joyner, FDEP
Frank Nearhoof, FDEP
Ernie Marks, FDEP
Annet Forkink, FDEP
Inger Hansen, FDEP

Figure 1:

STA-1E Structures, Flow, & Long Term Enhancements*

