



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 18, 2008

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

Project: Stormwater Treatment Area 1 East & 1 West (STA-1E 1W)
Subject: Minor Modification: Culvert S-377 Replacement in STA 1 E
Modification No.: 0279449-005-EM

Dear Ms. Vince,

The Florida Department of Environmental Protection (Department) has reviewed the South Florida Water Management District's (District) October 20, 2008 request to construct improvements to the existing S-377 Seepage Divide Structure (a.k.a. Seepage Canal Culvert 3) for the Stormwater Treatment Area 1 West & Stormwater Treatment Area 1 East (STA-1W1E) Everglades Forever Act (EFA) permit No. 0279449-001-EM. The District's request includes the replacement of existing culverts, constructed along with the STA-1E Periphyton-Based Stormwater Treatment facility, with a structure that shall add remote operations capability and dual slide gates. The project will result in having better control over water elevations in the seepage canal and a reduction in the pumping required by Pump Station S-361. The attached Figure 1 outlines the components associated with the S-377 Seepage Divide Structure.

On-site dewatering proposed to occur during the replacement of S-377 is authorized pursuant to Chapter 40E-20.302(3), Florida Administrative Code (F.A.C), since the dewatering operation will not exceed a maximum of five (5) million gallons per day, with a maximum of one hundred (100) million gallons of total pumpage. Dewatering water will be discharged into STA-1E downstream of Cell 2. Should the duration of the proposed dewatering exceed a total of 90 days for the entire project, however, the applicant shall apply for a dewatering permit from the Department or request authorization for general use dewatering through the EFA STA master dewatering permit (File # 0289306) currently being processed by the Department.

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 ~~strikethroughs~~ for deletions and underlines for additions (sections of the permit not shown below remain the same).

PROJECT COMPONENTS

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-and to return seepage collected along the STA's eastern seepage canal directly into Treatment Cell 4S. S-376 and S-377 are automated gated structures which functions to assist S-361 in maintaining seepage control along the eastern perimeter of STA-1E. S-376 and S-377 may also be operated to convey

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water supply from the C-51 canal to Rustic Ranches and the agricultural lands described above. [The S-377 Seepage Divide Structure is located near the southeast corner of STA-1E, Cell 2.](#)

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.

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.

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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.

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 Doreen Irwin at (850) 245-8348 or Stacey Feken at (850) 245-8421. When referring to this application, please use the file number indicated above.

Sincerely,

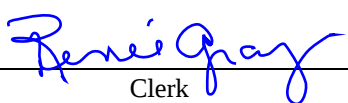
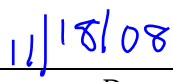


Ernest Marks
Environmental Administrator
Restoration Planning and Permitting Section
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 3560
Tallahassee, FL 32399-2400

EM/swf/di

FILING AND ACKNOWLEDGMENT

FILED, on this date, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk Date

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PARTIES REQUESTING NOTICE:

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, Landers & Parsons
Helen Hickman, Brown & Caldwell
Tom MacVicar, MacVicar, Frederico, & Lamb
Charles Lee, Florida Audubon Society
Leslie Feliciano, Katz Barron

ELECTRONIC COPIES FURNISHED TO:

Pam Repp, USFWS
Sharon Kocis, USFWS
Mark Musaus, Loxahatchee National Wildlife Refuge
Ron Bearzotti, SFWMD, West Palm Beach
Deb Drum, SFWMD, West Palm Beach
Tom Kosier, SFWMD, West Palm Beach
Georgia Vince, SFWMD, West Palm Beach
Tracey Piccone, SFWMD, West Palm Beach
Rich Virgil, SFWMD, West Palm Beach
Jim McAdams, USACE
Peter Bestrutschko, USACE
Daryll Joyner, FDEP
John Outland, FDEP
Frank Nearhoof, FDEP
Kenneth Hayman, FDEP
Ernie Marks, FDEP
Stacey Feken, FDEP
Inger Hansen, FDEP
Holly Andreotta, FDEP
Tracy Robb, FDEP
Kelli Edson, FDEP

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Figure 1: