



# 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

July 10, 2008

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

**Project:** STA-1E Structure 375A  
**Subject:** Minor Modification  
**EFA Modification No.:** 0279499-003-EM

Dear Ms. Vince,

The Florida Department of Environmental Protection (Department) has reviewed the South Florida Water Management District's (District) July 3, 2008 request for a minor modification to the existing Everglades Forever Act permit No. 0279449-001 for the installation and operation of a Supplemental Emergency Structure (S-375A) in Stormwater Treatment Area-1 East (STA-1E). This structure, as shown in the attached Figure 1, will temporarily replace the operational function of the disabled S-375 structure until such time as it is fully rehabilitated and functioning. The Department has determined that the District provided sufficient information and hereby approves the following changes:

- Installation of the Supplemental Emergency S-375A structure, three 72" culverts with risers, and a 1,000 by 100' flow channel in the west cell.
- Removal of a 12' by 20' section of an old roadbed from the east cell to facilitate flow to the proposed culverts.
- Temporary installation and operation of four (4) 100 cfs pumps (400 cfs total).

The combined discharge of the proposed S-375A (600 cfs) and 4 existing temporary pumps (400 cfs total) is 1,000 cfs. The original design discharge for S-375 is 1500 cfs. It is the Department's understanding that the Supplemental Emergency S-375A structure, and the associated culverts and channel, will remain in place once the disabled S-375 structure is fully rehabilitated and functioning. Therefore, the District shall notify the Department if these supplemental features will continue to be utilized in addition to the rehabilitated S-375 structure. The District shall determine, in consultation with the Department, whether modifications to the STA-1E operations plan may be warranted at that time.

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The rehabilitation of the existing S-375 structure is not authorized as part of this modification. It is expected that the District will present the Department with any additional information associated with the rehabilitation of this structure at a later time for a determination as to what authorizations may be needed.

The Department has determined that the STA-1E Supplemental Emergency Structure (S-375A) installation and operation is a minor modification and the activities of said project to be ancillary. Therefore, pursuant to 62-620.325 (2)(e) of the Florida Administrative Code (F.A.C.), no NPDES permit revision is required.

The Department has determined that these modifications will not have any adverse environmental impacts. In addition, Department staff have determined that the activities described in the documentation submitted to the Department would not cause any adverse impacts to threatened or endangered species and will not have any wetland impacts.

The permit will be modified utilizing ~~strikethrough~~ for deletions and underlines for additions.

## **PROJECT COMPONENTS**

### **VII. STA-1E Inflow Distribution Cells**

Stormwater from the S-319 Pump Station is directed into the Eastern Distribution Cell, located at the northern-most part of STA-1E. Stormwater may also enter the Western Distribution Cell from STA-1 Inflow Basin via the G-311 Gated Spillway. The Eastern and Western Distribution Cells are divided by a center levee. Inflow water is routed between the Eastern and Western Distribution Cells by the operation of the S-375 gated box culverts located in the center levee. After inflow water is directed into the Eastern or Western Distribution Cell, it is then routed to one or more of the three separate and independently operable treatment paths or flow-ways.

The S-375A supplemental emergency structure includes three 72" culverts with risers and a 1,000' long by 100' wide flow channel. The structure serves to direct water away from the existing S-375 structure for anticipated maintenance activities and to provide operational flexibility for distribution of water within the facility.

## **NOTICE OF RIGHTS**

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

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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.

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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.

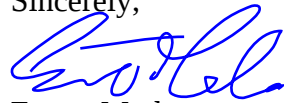
The permittee, or any other party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. Requests for the review before the

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.

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 concerning this minor modification to the issued permit, please contact Doreen Irwin at (850) 245-8348.

Sincerely,



Ernest Marks

Acting Environmental Administrator  
Bureau of Standards & Special Projects  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 3560  
Tallahassee, FL 32399-2400

EM/swf/di

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### FILING AND ACKNOWLEDGMENT

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

Palma Waters                      7/11/08  
Clerk                                      Date

#### **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:**

Sharon Kocis, USFWS

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Holly Andreotta, FDEP

Tracy Robb, FDEP