



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

March 20, 2009

Ron Bearzotti
Senior Environmental Analyst
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Project: Stormwater Treatment Area 1 West (STA-1W) & Stormwater Treatment Area 1 East (STA-1E)
Subject: Minor Modification
Modification No: 0279449-006

Dear Mr. Bearzotti,

The Florida Department of Environmental Protection (Department) has reviewed the South Florida Water Management District's (District) February 20, 2009 request for a minor modification to the existing EFA permit No. 0279449-005. The District's request for a minor modification to the referenced permit is to change the number of a structure to reflect the recently assigned new District asset number of G-707.

Department staff have reviewed the District's modification request and recognizes that the structure and associated works authorized through the July 11, 2008 minor modification have not been modified, only the naming convention has been changed.

The Department hereby approves the following changes to the permit pursuant to your request. The permit will be modified as follows utilizing ~~strikethrough~~ for deletions and underlines for additions (sections of the referenced EFA permit not shown below remain the same):

I. STA-1E Inflow Distribution Cells

The ~~S-375A~~ G-707 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 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
- (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.

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 Kelli J. Edson (850) 245-8052.

Sincerely,

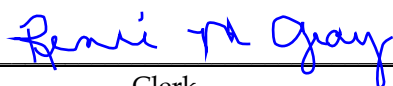
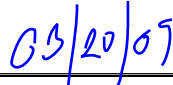


Ernie Marks
Environmental Administrator
Restoration Planning and Permitting Section

EM/swf/kje

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
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
Mary Ann Poole, FFWCC
Sylvia Pelizza, Loxahatchee National Wildlife Refuge
Rebecca Elliot, FDACS
Eric Hughes, EPA
Jim McAdams, USACE
Peter H. Besrutschko, USACE
Georgia Vince, SFWMD, West Palm Beach
Ron Bearzotti, SFWMD, West Palm Beach
Daryll Joyner, FDEP
John Outland, FDEP
Frank Nearhoof, FDEP
Kenneth Hayman, FDEP
Ernie Marks, FDEP
Stacey Feken, FDEP
Inger Hansen, FDEP
Dianne Hughes, FDEP
Tracy Robb, FDEP
Kelli Edson, FDEP