



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

December 8, 2009

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

Project: Stormwater Treatment Area 2 (STA-2)
Subject: Minor Modification STA-2 G-434 and G-435 Project Component Changes
Modification No: 0126704-012

Dear Ms. Vince,

The Florida Department of Environmental Protection (Department) has received the South Florida Water Management District's (District) request to modify the existing Everglades Forever Act (EFA) Permit No. 0126704, which was received on November 20, 2009. The District requested that two concrete bridges replace the un-gated pre-cast box culverts originally planned to allow access over the intake canals near the inflow pump stations. The District has recently moved away from pre-cast box culverts for district-wide projects.

Department staff have reviewed the District's modification request and associated documentation justifying this project component change at the G-434 and G-435 pump stations, and have determined this permit modification will not have any adverse environmental impacts. The Department hereby approves the replacement of the un-gated pre-cast box culverts at the G-434 and G-435 pump station inflow canals with two single lane concrete bridges.

The permit shall be modified utilizing strikethrough for deletions and underlines for additions:

PROJECT COMPONENTS:

VI. STA-2 Inflow Works

For the SBO, inflows will be directed from the NNRC ~~through the G-439 structure and~~ into the SBO inflow canal using pump station G-435.

VII. G-434 Inflow Pump Station

Inflow Pump Station G-434 will draw water from the NNRC and discharge it into the northern inflow canal for delivery to Cells 5 and 6. This pump station will be located in the northwestern corner of Cell 5 and will serve the NBO treatment cells (Cells 4, 5 and 6). G-434 pump station includes two 460 cfs pumps and two 100 cfs pumps (1,120 cfs total inflow rate), three 100 cfs seepage pumps, a pump station enclosure and an intake canal. ~~Four 8 ft x 8 ft un-gated box culverts, G-437A-D~~ A single-lane concrete bridge approximately 190 ft. long will be constructed over ~~in~~ the intake canal to the G-434 pump station for continuation of levee access along the NNRC.

VIII. G-435 Inflow Pump Station

Inflow Pump Station G-435 will draw water from the NNRC and discharge it into the southern inflow canal for delivery to Cell 7. This pump station will be located in the northwestern corner of Cell 7 and will serve the SBO treatment cells (Cells 7 and 8). G-435 pump station includes three 160 cfs pumps (480 cfs total inflow rate), a pump station enclosure and an intake canal. ~~Three 8 ft x 8 ft un-gated box culverts, G-439A-C,~~ A single-lane concrete bridge approximately 210 ft. long will be constructed over ~~in~~ the intake canal to the G-435 pump station for continuation of levee access along the NNRC.

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.

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 or electronically at Kelli.Edson@dep.state.fl.us or Stacey Feken at (850) 245-8421.

Sincerely,

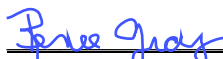


Ernie Marks
Environmental Administrator
Restoration Planning and Permitting Section

EM/swf/kje

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged


Clerk


Date

ELECTRONIC COPIES FURNISHED TO:

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
Jay Gelderman, 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

ADDITIONAL COPIES FURNISHED TO:

Ron Bearzotti, SFWMD
Holly Andreotta, SFWMD
Georgia Vince, SFWMD
Ernie Marks, FDEP
Kenny Hayman, FDEP
Stacey Feken, FDEP
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Damian Garramone, FDEP
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