

Memorandum **Florida Department of
Environmental Protection**

CENTRAL DISTRICT

TO: Michael Halpin, P.E.
Siting Program Administrator

Ann Seiler
Siting Specialist

FROM: Caroline Shine
Siting Liaison, Central District

DATE: July 9, 2009

SUBJECT: FPL Cape Canaveral Energy Project Agency Report

Attached is a Central District Agency Report for this Project

FPL Cape Canaveral Energy Project
Site Certification Application Review

Agency Report
July 9, 2009

Florida Department of Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida

Program Section: **Water Program**

Submitted by: **Industrial Wastewater Program in Central District (Ali Kazi)**

All agency reports shall contain the following, pursuant to Rule **62-17.133** ;

(1) An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.

I believe that there are no applicable nonprocedural requirements related to the industrial program. However, in my opinion the certification needs to have a reopener clause since the permit is tied to the NPDES permit. See below.

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.

TMDL, Bioessey and bioassessment and other surface water discharge aspects may need a reopener clause in the NPDES permit.

NPDES permitting issues are to be addressed under a separate NPDES permitting. The review and processing is done by Industrial Wastewater Program in Tallahassee (Marc Harris). Ground water discharge aspects are also reviewed by Tallahassee. However, Ground Water Monitoring aspects are reviewed by the Ground Water Program in the Central District Office.

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the

agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.

No comment.

(4) **Conclusions and recommendations regarding certification.** If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

No comments

(5) Proposed conditions of certification on matters within the agency's jurisdiction, including:

- (a) Any post certification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and
- (b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.

(a) *See Item # 2 above*

(b) *Land Application requirements (Ground water Discharge and effluent monitoring and ground water monitoring – if any) needs to be included from the existing Industrial Wastewater permit- duly modified – issued by Tallahassee Industrial Wastewater Program*

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification.

No comments

Program Section: Water Program

Submitted by: Anil Desai

Program: Groundwater

All agency reports shall contain the following, pursuant to Rule **62-17.133** ;

(1) An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.

Not Applicable

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.

Not Applicable

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.

Not Applicable

(4) **Conclusions and recommendations regarding certification.** If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

No objection regarding issuing the certification.

(5) Proposed conditions of certification on matters within the agency's jurisdiction, including:

- (a) Any post certification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and
 - (b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.
- A) Quarterly Groundwater monitoring shall be continued in all monitor wells until all groundwater discharges cease.
- B) The existing Sodium exemption in groundwater is valid until August 9, 2010 and it will have to be renewed in time as there are several monitor wells currently having sodium exceedances in groundwater.
- C) The facility had been granted the Secondary Parameters' exemption in groundwater by virtue of being classified as an existing installation. There are several Secondary Parameters which have exceedances in groundwater at this time and it has been agreed upon with the facility to perform an annual groundwater monitoring for such parameters in pertinent monitor wells. The facility will develop a proposal for Department's approval in this regard prior to conducting the annual groundwater monitoring.
- D) Primary Drinking Water Standard Antimony continues to be violated in groundwater at only one monitor well OB-5. This has been verified by the results of preliminary contamination assessment activities as submitted to the

Department in the report, dated June 29, 2009. The Department accepts the recommendations of this report to continue quarterly groundwater monitoring in monitor wells OB-5, EPB-NE, EPB-E, and EPB-SE. The Department also accepts the recommendation that after removal of evaporation/percolation pond and the solids settling basin, the groundwater monitoring in subject wells can be continued on a semi-annual basis until two consecutive sampling events indicate compliance with antimony groundwater standard. The vertical extent of antimony contamination has not been assessed per this report and this endeavor shall be undertaken within 30 days of issuance of the final certification. Any such contamination assessment activities for complete delineation of groundwater plume in the future must be proposed to the Department's Central District office for review and approval. All activities related to the contamination assessment and remediation of groundwater shall be closely coordinated with the Department until a closure order is issued by the Department certifying that antimony contamination is successfully addressed.

- E) No monitor wells shall be abandoned without Department's prior approval. If any of the existing monitor wells are to be abandoned due to the proposed construction activities, a written proposal shall be submitted to the Groundwater Section of Central District for approval for abandoning the wells as well as replacement with new monitor wells at suitable location(s).

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification.

Please refer to the aforementioned specific conditions.

Program Section: **Waste Program**

Submitted by: **Tom Lubozynski, Waste Program Administrator**

All agency reports shall contain the following, pursuant to Rule **62-17.133** ;

(1) An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.

There are no applicable nonprocedural requirements related to the waste program.

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.

No waste program issues.

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.

No Waste Program issues.

(4) **Conclusions and recommendations regarding certification.** If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

CD Waste Program does not have an opinion regarding certification of this site.

(5) Proposed conditions of certification on matters within the agency's jurisdiction, including:

- (a) Any post certification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and
- (b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.

CD Waste Program does not have any conditions of certification.

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification.

CD Waste Program does not have any conditions of certification.

Program Section: **SLERP Program**

Submitted by: Lisa, Prather, Kim Eisele and Debra Laisure

All agency reports shall contain the following, pursuant to Rule **62-17.133** ;

(1) An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.

There are no applicable non-procedural requirements related to the SLERP program.

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.

This project will require post-certification of any proposed dredging, at which time the projected dredging project will be assessed within the agency's jurisdiction.

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.

Within 60 days of certification, Florida Power and Light should submit the required information, listed in the conditions below, in order to obtain a public easement for the existing spit of land extending east into the Indian River.

Any proposed dredging within Sovereign Submerged Lands will require post-certification approval as detailed below.

(4) **Conclusions and recommendations regarding certification.** If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

Florida Power and Light has acknowledged that a definitive response from the CD SLERP program is not possible until a final decision by FP&L concerning possible dredging of Sovereign Submerged Lands adjacent to the Cape Canaveral Plant is reached and a public easement is obtained for the upland peninsula, and has agreed to conditions of certification that would require post-certification submittal of all information requested by the Central District. The Central District accepts this agreement, and recommends certification, with the understanding that the required post-certification submittal would include, at a minimum, the following Conditions of Certification listed in number five (5) below.

(5) Proposed conditions of certification on matters within the agency's jurisdiction, including:

- (a) Any post certification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and
- (b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.

DREDGING:

Please note that the dredging project will require a post-siting certification, at which time the project details will be evaluated and specific conditions applicable to the project will be provided.

If dredging is proposed, the following will be required to be submitted to the Department prior to the commencement of any dredge activities:

1. Provide all information necessary for a complete Environmental Resource Permit application including drawings and supporting documentation necessary to demonstrate the scope of work, including:
 - Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302 .530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted

activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above.

- Provide a spoil disposal detail, including, discharge details, locations retention plans, volumes, and data used to size the disposal cell(s). Include a description on the type of equipment that will be used to do the dredging (i.e. clamshell dredge or hydraulic dredge), and all (temporary and permanent) spoil disposal sites. Based upon the locations proposed for spoil disposal additional testing may be required.

If testing is required, the following will be required:

Sediments

Dredged sediments have the potential for elevated levels of the following elements. At certain levels these parameters can cause adverse effects to humans and wildlife.

Collect triplicate sediment samples from 4 stations within the area to be dredged (submit locations for approval prior to sampling). Please analyze two of the sediment samples for the following parameters using the specified detection limit and archive the third for analysis at the Department's request, if the results from the first two samples conflict.

<u>Parameter</u> (mg/kg)	<u>Sample</u>	<u>Detection Limits</u>
Aluminum	top 2 cm.	10.0
Copper	top 2 cm.	1.0
Lead	top 2 cm.	1.0
Zinc	top 2 cm.	1.0
Arsenic	top 2 cm.	1.0
Cadmium	top 2 cm.	0.05
Mercury	top 2 cm.	0.01
Polycyclic Aromatic Hydrocarbons, (mg/l)	top 2 cm.	0.5

All sediment data should be collected and analyzed using the procedures in the **Deepwater Ports Maintenance Dredging and Disposal Manual**, DEP, 1984.

Reporting

All data shall be submitted with the documents containing the following information: (1) permit application number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data; (6) documentation that the laboratory performing the sampling and analyses has an approved quality assurance plan on file with DEP; and (7) the MDL and PQL for each analytical method.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) water temperature (/C);
- (c) salinity (ppt);
- (d) depth of water body;
- (e) depth of sample;
- (f) antecedent weather conditions;
- (g) tidal stage and direction of flow;
- (h) wind direction and velocity;
- (i) identification of the sample location which corresponds to the number shown on the sampling location map;
- (j) the appropriate Rule 62-302, F.A.C., standard for the parameter being measured; and
- (k) the detection limit for the parameter being measured.

All data shall be reported in a table (or tables) which clearly list(s) the results of parameters measured at each location, and the information described in (j) and (k), above. In addition to the above, we may find it necessary to review raw analytical data from the lab which did the analyses. The following information should be retained and readily available in case a question arises: 1) preparation logs including history of preparation, spike level, and the time the sample was spiked relative to digestion; 2) absorbencies or responses for calibration curves, analytical samples, and quality control samples; and, 3) quality control samples should include preparation blanks, calibration blanks, field blanks, and independent reference samples. Having this information readily available may eliminate the need for additional sampling.

2. Pursuant to 18-21.011(3)(a) and 18-21.011(3)(c)1., F.A.C., payment for the removal of sovereign submerged land will be required at \$2.25 per cubic yard, prior to issuance of the authorization. Do not provide payment until requested by department staff.

Please note that a waiver of the severed dredge material payment may be requested and approved when: (a) the materials are being placed on public property and used for public purposes; or (b) it is affirmatively demonstrated that the severed dredge material has no economic value. If you choose to pursue a waiver using option (b) above, provide a certified engineer's report regarding the economic value. If you choose to pursue a waiver using option (b) above, provide a certified engineer's report regarding the economic value of the material to be dredged. The report must contain a sieve analysis indicating the percentage of material by grain size passing through a No. 200 sieve and must reflect that several samples were taken throughout the proposed dredge area. Refer to the enclosed package for specific requirements and information.

3. Prior to the commencement of dredging activities, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.

PUBLIC EASEMENT

Within 60 days of certification, Florida Power and Light should submit the required information, listed below, in order to obtain a public easement for the existing spit of land extending east into the Indian River.

1. Provide a \$555.00 processing fee payable to the Department of Environmental Protection.
2. Provide evidence of title to the subject riparian upland property in the form of a recorded deed, title insurance, legal opinion of title, or a long-term lease which includes riparian rights. Evidence submitted must demonstrate that the applicant has sufficient title interest in the riparian upland property. An Affidavit of Ownership or Control may suffice as satisfactory evidence of title for federal, state and local government entities and those that qualify as Public Utilities.
3. Provide a scaled and fully dimensioned drawing showing:
 - ___ all proposed and existing structures/activities (the peninsula)
 - ___ cross-sectional views of all structures (the peninsula)

4. A certified, sealed survey of the easement area will be required. Refer to the package (SLER 0950) for specific survey requirements and information.
5. Provide either a copy of your local government permit, a copy of an intent to issue a permit from your local government, or a statement from local government which explicitly indicates that the proposed project is consistent with the local government's comprehensive plan.

PERMIT ALTERATIONS

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
3. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Department of the changes prior to implementation so that a determination can be made whether a permit modification is required.
4. Permittee must obtain a permit from the Department prior to beginning construction of subsequent phases or any other work associated with this project not specifically authorized by this permit.

SITE INSPECTION BY DEP STAFF

5. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

WATER QUALITY

6. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards.
7. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to

retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

8. The following measures shall be taken to minimize erosion:
 - a. Swales and dry ponds: sodding of all side slopes; seeding and mulching of flat-lying bottom areas;
 - b. Berms and other disturbed flat-lying areas: seed and mulch.

Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.

9. All wetland areas or water bodies, which are outside of the specific limits of construction authorized by this permit, must be protected from erosion, siltation, scouring or excess turbidity and dewatering.

REPORTING

10. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). These forms shall be submitted during June of each year.
11. Inspection reports for retention, underdrain, wet detention, swales, and wetland stormwater management systems shall be submitted to the Department two years after completion of construction and every two years thereafter on the enclosed form.

12. Copies of all turbidity monitoring reports taken during construction shall be provided to the Department on a monthly basis. Reports shall be submitted to the Central District office at 3319 Maguire Boulevard, Suite 232, Orlando, 32833.

CONSTRUCTION DETAILS

13. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
14. Before any offsite discharge from the stormwater management system occurs, the retention and detention storage must be excavated to rough grade prior to building construction or placement of impervious surface within the area served by those systems.
15. Adequate measures must be taken to prevent siltation of these treatment systems and control structures during construction or siltation must be removed prior to final grading and stabilization.

SUBMITTAL OF AS-BUILT PLANS

16. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the Department. Submittal of the completed form shall serve to notify the Department that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
- b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
- c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
- d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
- e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
- f. Existing water elevation(s) and the date determined; and
- g. Elevation and location of benchmark(s) for the survey.

OPERATION AND MAINTENANCE

17. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the Department for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.
18. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that

portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

19. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraphs (9 and 10) above, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, and Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
20. The following maintenance activities shall be performed as needed on
 - a. All permitted systems:
 1. Removal of trash and debris;
 2. Inspection of inlets and outlets;
 3. Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is below design levels; and
 4. Stabilization and restoration of eroded areas.
 - b. Retention, swale, and underdrain systems:
 1. Mowing and removal of grass clippings;
 2. Aeration, tilling, or replacement of topsoil; and
 3. Re-establishment of vegetation on disturbed surfaces.
 - c. Wet detention systems:
 1. Replanting of natural vegetation within the littoral zone; and
 2. Control of nuisance and exotic vegetation.
21. If the system is not functioning as designed and permitted, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design and

performance standards of this chapter, the permittee must either replace the system or construct an alternative design. A permit modification must be obtained from the Department prior to constructing such an alternate design pursuant to section 40C-4.331, F.A.C.

PERMIT TRANSFERS

22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

DEWATERING

23. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.
24. If dewatering is to occur during any phase of construction or thereafter and the surface water pump(s), wells or facilities are capable of withdrawing 1,000,000 gallons of water per day or more, or an average of 100,000 gallons per day for more than a year and discharge is to be off-site, a consumptive use permit in accordance with Rule 40C-2, F.A.C., will be required prior to any dewatering.
25. A plan for routing of discharge water must be submitted to the DEP Central district Office for approval prior to commencement of dewatering.

EARTHWORK

26. The permittee is hereby advised that section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
27. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native

American cultures, or early colonial or American settlements are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at 850/245-6333, or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources.

28. In the event that any unmarked human remains are encountered anywhere on the subject property, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. The permittee, or other designee, should contact the authority cited in this Section. Thereafter, project activities should not resume without verbal and/or written authorization from the designated official.

OTHER

29. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
30. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
31. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
32. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification.

Please refer to the conditions above.