



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

VIA EMAIL
mperry@lcwa.org

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND CONSENT TO USE SOVEREIGNTY SUBMERGED LANDS

In the Matter of an
Application for Permit/Water Quality Certification
and Authorization to Use Sovereignty Submerged Lands by:

APPLICANT:
Lake County Water Authority (LCWA)

Attention: Michael J. Perry,
Executive Director

PROJECT NAME:
Lake Beauclair Restoration Project
FILE NO.: 35-0297532-001
COUNTY: Lake
PROJECT: Dredge Portion of Lake
Beauclair as Part of Restoration
Activities

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND CONSENT TO USE SOVEREIGNTY SUBMERGED LANDS

The Department of Environmental Protection gives notice of its intent to:

- (a) Issue an environmental resource permit under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the environmental resource permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341;
- (b) Grant a consent to use sovereign submerged lands for that portion of the proposed activity located within Lake Beauclair under Article X, Section 11 of the Florida Constitution, Chapter 253 and 258, F.S., and Title 18, F.A.C., as described below.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The project is to improve water quality, native vegetation and wildlife habitat in and around Lake Beauclair by dredging approximately 1.32 million cubic yards of sediment, approximately 255 acres, from the southwestern area of Lake Beauclair and

approximately 30,700 cubic yards, 6.3 acres, from within portions of four (4) adjacent residential canals.

Dredged material will be pumped to a disposal site through 8.3 miles of high density polyethylene (HDPE) pipe along the Apopka-Beauclair Canal. The disposal site, known as Cells F and G, is part of a former muck farm located on the west side of the Apopka-Beauclair Canal. It is currently owned and operated by the St. Johns River Water Management District (SJRWMD) as part of the Lake Apopka North Shore Restoration Area, West Marsh. Dredged material will be allowed to settle and supernatant water will be pumped from Cells F and G to a man-made polishing basin for treatment with alum. Polished supernatant will be pumped to the existing, permitted LCWA Nutrient Reduction Facility (NuRF). Discharge from the NuRF site is pumped into the Apopka-Beauclair Canal and ultimately discharges back into Lake Beauclair.

The project is located north of Lake Apopka and south of both CR 48 and Lake Beauclair on the west side of the Apopka-Beauclair canal adjacent to the locks on property owned by the SJRWMD, in Section 26, Township 20 South, Range 26 East in Lake County, Florida.

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Part IV of Chapter 373, F.S., and Chapters 62-330, 62-341 and 62-343, F.A.C. The activity is not exempt from the requirement to obtain an Individual Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

III. BACKGROUND/BASIS FOR ISSUANCE

An application for a 5-year Individual Permit to conduct restoration activities in Lake Beauclair was received on September 22, 2009. The activity should be performed as depicted on the attached drawings.

This permit was modified to eliminate any impacts to native vegetation adjacent to the dredge site within Lake Beauclair. This permit does not authorize the removal of native aquatic vegetation.

Through the above information, and based on the general/limiting and specific conditions to the permit, the applicant has provided reasonable assurance that the construction and operation of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance or Additional Conditions for Issuance of an Environmental Resource Permit, pursuant to Part IV of Chapter 373, F.S., Chapters 62-330, and Sections 40C-4.301 and 40C- 4.302, F.A.C. The construction and operation of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the activity, including a consideration of the direct, secondary, and cumulative impacts, is not contrary to the public interest, pursuant to paragraph 373.414(1)(a), F.S.

IV. RIGHTS OF AFFECTED PARTIES

Under this intent to issue, the permit is hereby granted subject to the applicant's compliance with any requirement in this intent to **publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes.** This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the permit has been executed and delivered.

A person whose substantial interests are affected by the Department's action 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 by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation may also be pursued as specified below.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted 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.

In accordance with rule 62-110.106(3) of the Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may

file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

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 are or 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 that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that 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 that the 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, Florida Administrative Code.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

In addition to petitioning for an administrative hearing, any person who has previously filed a petition for an administrative hearing may pursue mediation. If a written mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) is filed with the Department within 10 days after the deadline for filing a petition for an administrative hearing, the time limitations imposed by sections 120.569 and 120.57 shall be tolled to allow mediation to proceed. The agreement must contain all the information required by rule 28-106.404, Florida Administrative Code. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the deadline noted above. Pursuing mediation will not adversely affect the right


to a hearing if mediation does not result in a settlement.

Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. As noted above, persons seeking to protect their substantial interests that would be affected by such a final decision modified through mediation must file their petitions within 14 days of receipt or publication of this notice as provided above, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This intent to issue a permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of 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, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when the order is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for 
Vivian F. Garfein
Director, Central District

Date of Issue: June 18, 2010

VFG/dh/lp/dl/nm/dv

Enclosure: Draft Permit

Copies furnished to: Lake County Environmental Department
Tom Lubozynski, FDEP-Central District
Debra Laisure, FDEP-Central District
Lance Lumbard, LCWA, LanceL@lcwa.org
Karen Warner, BCI Engineers & Scientists, kwarnier@bcieng.com
Tamy Dabu, ACOE-Merritt Island, Tamy.S.Dabu@usace.army.mil
Joy Ann Griffin (certified mail)
Carl Salafrio, Environmental Consulting & Design, Inc., csalario@ecdflorida.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Dawn Fosta

Clerk

6/18/10

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this **CONSOLIDATED INTENT TO ISSUE** an
Environmental Resource Permit and consent to use sovereign submerged lands,
including all copies, were mailed before the close of business on June 18, 2010,
to the above listed persons by Dawn Fosta.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE**

The Department of Environmental Protection gives notice of its intent to issue a permit to the Lake County Water Authority (LCWA) for a project to improve water quality, native vegetation and wildlife habitat in and around Lake Beauclair. The project will dredge approximately 1.32 million cubic yards of sediment, approximately 255 acres, from the southwestern area of Lake Beauclair and approximately 30,700 cubic yards, 6.3 acres, from within portions of four (4) adjacent residential canals.

Dredged material will be pumped to a disposal site through 8.3 miles of high density polyethylene pipe (HDPE) along the Apopka-Beauclair Canal. The disposal site, known as Cells F and G, is part of a former muck farm located on the west side of the Apopka-Beauclair Canal. It is currently owned and operated by the St. Johns River Water Management District (SJRWMD) as part of the Lake Apopka North Shore Restoration Area, West Marsh. Dredged material will be allowed to settle and supernatant water will be pumped from Cells F and G to a man-made polishing basin for treatment with alum. Polished supernatant will be pumped to the existing, permitted LCWA Nutrient Reduction Facility (NuRF). Discharge from the NuRF site is pumped into the Apopka-Beauclair Canal and ultimately discharges back into Lake Beauclair.

The project is located north of Lake Apopka and south of both CR 48 and Lake Beauclair on the west side of the Apopka-Beauclair canal adjacent to the locks on property owned by the SJRWMD, in Section 26, Township 20 South, Range 26 East in Lake County, Florida. The Department has assigned File Number 35-0297532-001 to the project.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (F.S.).

The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing.

Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information;

- (a) the name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) a statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) a statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) a statement of the material facts disputed by petitioner, if any;
- (e) a statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) a statement of which rules or statutes petitioner contends require reversal or

modification of the Department's action or proposed action; and

- (g) a statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice.

Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this notice in the Office of General Counsel at the above address of the Department.

Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding.

Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays, at Department of Environmental Protection, Central District office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.



Florida Department of
Environmental Protection
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Secretary

VIA EMAIL

mperry@lcwa.org

**ENVIRONMENTAL RESOURCE PERMIT AND
SOVEREIGN SUBMERGED LANDS AUTHORIZATION**

PERMITTEE/AUTHORIZED ENTITY:

Lake County Water Authority (LCWA)
Attn: Michael Perry, Executive Director
107 North Lake Avenue
Tavares, FL 32778

Permit Number: 35-297532-001
Expiration Date: _____, 2015
County: Lake
Project: Lake Beauclair Restoration
Activities

This project requires an Individual Permit. Under the operating agreements between the Department and the water management districts, the Department has the authority to issue this permit.

References:

Part IV of Chapter 373, Florida Statutes (F.S.)
Title 62, Florida Administrative Code (F.A.C.)
Operating Agreements with the water management districts in Chapter 62-113, F.A.C.

ACTIVITY DESCRIPTION:

This permit authorizes a project to improve water quality, native vegetation and wildlife habitat in and around Lake Beauclair by dredging approximately 1.32 million cubic yards of sediment, approximately 255 acres, from the southwestern area of Lake Beauclair and approximately 30,700 cubic yards, 6.3 acres, from within portions of four (4) adjacent residential canals.

Dredged material will be pumped to a disposal site through 8.3 miles of high density polyethylene (HDPE) pipe along the Apopka-Beauclair Canal. The disposal site, known as Cells F and G, is part of a former muck farm located on the west side of the Apopka-Beauclair Canal. It is currently owned and operated by the St. Johns River Water Management District (SJRWMD) as part of the Lake Apopka North Shore Restoration Area, West Marsh. Dredged material will be allowed to settle and supernatant water will be pumped from Cells F and G to a man-made polishing basin for treatment with alum. Polished supernatant will be pumped to the existing, permitted LCWA Nutrient Reduction Facility (NuRF). Discharge from the NuRF site is pumped into the Apopka-Beauclair Canal and ultimately discharges back into Lake Beauclair.

The construction shall comply with the conditions herein and the attached figures.

ACTIVITY LOCATION:

The dredging activity will be located within the southwest portion of Lake Beauclair, south of Deer Island Road and immediately east of Beauclair Drive in Sections 1, 2, 11, & 12, Township 20 South, Range 26 East. The dredging activity within the canals will take place to the west of Beauclair Drive and south of Beauclair Court in Sections 2 & 11, Township 20 South, Range 26 East; east of Tammi Drive in Section 11, Township 20 South, Range 26 East; and south and east of Lois Drive in Sections 11, 14, & 15, Township 20 South, Range 26 East in Lake County, Florida.

The disposal site is located immediately south of the LCWA NuRF site on the west side of the Apopka-Beauclair Canal in Sections 26, 27, 34, & 35, Township 20 South, Range 26 East in Lake County, Florida.

This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

This activity also requires a proprietary authorization, as the activity below the ordinary high water level of Lake Beauclair is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 20 General Conditions and 44 Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

GENERAL CONDITIONS:

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. 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.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. 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.

5. 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 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. **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.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.
20. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

PERMIT ALTERATIONS

1. 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.
2. This permit is issued prior to the permittee obtaining contract bids for the authorized activities. Therefore, the permittee must provide specific details to the techniques, dredging equipment to be used, methods and timeframes. These details must be approved by the Department. The Department may require additional information based on the information submitted.

TURBIDITY CONTROL AND WATER QUALITY

3. A floating turbidity curtain / apron shall be installed around the **waterward** portion of the project site prior to construction and shall remain in place until construction is completed and turbidity within the work area has returned to background levels.
4. The project shall comply with applicable state water quality standards, including:
 - a. 62-302.500 - minimum criteria for all surface waters at all places and at all times;
 - b. 62-302.500 - Surface waters: general criteria;
 - c. 62-302.400 - Class III Waters - Recreation - Propagation and maintenance of a healthy, well-balanced population of Fish and Wildlife.
5. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302-530(69), Florida Administrative Code. Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. It is understood that "receiving waterbody" shall not be construed to mean the permittee's settling pond, dredge lake, or other parts of the permittee's closed water system. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.

6. **Turbidity/Water Quality Monitoring** (for in-water activities)

Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities. Samples shall be taken twice daily at least 4 hours apart during all construction operations.

A minimum of 4 compliance sampling sites shall be established. These sites shall be established on a transect extending down current from the turbidity source.

Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of turbidity barrier and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.

Background samples shall be collected at two sites locations a minimum of 150 meters up-current from the dredge site and clearly outside the influence of any turbidity generated by the project. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.

Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 5, the permittee shall cease all work pursuant to Specific Condition 11.

7. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: www.dep.state.fl.us/labs/qa/sops.htm More specifically, the instruments used to measure turbidity shall be fully calibrated within one month of the commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.

8. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement; reports shall include the permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 35-297532-001." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
9. Monitoring data shall contain the following information:
 - a. Permit number;
 - b. Dates of sampling and analysis;
 - c. A statement describing the methods used in collection and analysis of the samples;
 - d. A map showing the sampling locations, along with indicating the latitude and longitude;
 - e. Copies of the Quality Assurance/Quality Control log; and
 - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;
10. Monitoring reports shall also include the following information for each sample that is taken:
 - a. Time of day samples taken;
 - b. Depth of water body;
 - c. Depth of sample;
 - d. Direction of flow; and
 - e. Antecedent weather conditions, including wind direction and velocity.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.

11. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 5, the permittee shall take the following measures:
 - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
 - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
 - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 5. Interim samples collected

following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has returned to 29 Nephelometric Turbidity Units above natural background conditions.

- d. The violation(s) shall be immediately reported to the Department (Central District Office). The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.

12. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
13. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the permittee will be responsible for the removal of the barriers. All turbidity control devices shall be disposed of in an upland disposal area (such as a landfill).

EROSION CONTROL MEASURES

14. 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.

15. 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.

16. If construction fill or dredged material escapes from the project and encroaches into waters of the state, the impacted areas shall be restored to their original contours, elevations, and conditions. If the impacted areas were vegetated, they shall be replanted, after re-contouring, with vegetation of the size, densities and species as is present in the adjacent areas. Restoration shall be completed within 30 days of completion of the construction/dredging operation to the satisfaction of the Department and the Department shall be so notified within the same 30-day period. Appropriate turbidity/erosion control measures shall be followed during the restoration work.

MAINTENANCE ACTIVITIES

17. The following maintenance activities shall be performed as needed on all permitted systems:
 - a. Removal of trash and debris;
 - b. Inspection of inlets and outlets;
 - c. Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is below design levels; and
 - d. Stabilization and restoration of eroded areas.
18. 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.

DEWATERING

19. 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.
20. 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 million gallons of water per day (MGD) or more, a consumptive use permit in accordance with Rule 40C-2.041, F.A.C., may be required from the St. Johns River Water Management District (SJRWMD) prior to beginning any dewatering.
21. A plan for routing of discharge water must be submitted to the DEP Central district Office for approval prior to commencement of dewatering.

EARTH WORK

22. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures are encountered at any time within the project site area, work should cease 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.

23. 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.

WETLAND & SURFACE WATER CONSTRUCTION

24. There shall be no storage or stockpiling of tools or materials within the adjacent wetlands or surface waters.
25. If during the dredging operation, transportation of spoil material or if the spoil material escapes from the spoil site and encroaches into wetland/ waters of the state, the permittee must immediately contact the Department of Environmental Protection (Department), Central District Environmental Resource Program (ERP) immediately. The permittee shall be required to restore the wetland area by regrading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas. The permittee must provide the Department, ERP Central District Office, written notification with associated photographs of the impacted area and the restoration methods to be used. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.

If after the one year anniversary date of the completion of the restored area, the Department determines that the restoration efforts are not effective, the permittee will be required to obtain a modification to the subject permit in order to provide appropriate mitigation to offset the wetland impacts.

26. This permit authorizes a project to improve water quality, native vegetation and wildlife habitat in and around Lake Beauclair by dredging approximately 1.32 million cubic yards of sediment, approximately 255 acres, from the southwestern area of Lake Beauclair and approximately 30,700 cubic yards, 6.3 acres, from within portions of four (4) adjacent residential canals.
27. The authorized activities above shall comply with the figures attached to this permit.
28. Construction access to/from the Apopka-Beauclair Canal will be from the Nutrient Reduction Facility (NuRF) operated by the applicant and access to/from Lake Beauclair will be from the Orange County public boat ramp at Trimble Park.
29. The dredging activity within Lake Beauclair must avoid all wetland and aquatic vegetation. The following best management practices must be implemented avoid the existing vegetation:

30. Prior to the start of all open-water dredging activities, the limits of work (the limits of work refers only to the specific dimensions, location and configuration of the area authorized by this permit) which shall be clearly marked/indicated by the permittee and/or contractor with the appropriate turbidity/erosion control devices.
31. All construction personnel shall be shown the locations of all adjacent wetland and aquatic vegetation areas. Turbidity curtains, turbidity screens, and/or floating turbidity barriers shall then be installed prior to construction in order to prevent turbidity violations, sedimentation, or other impacts to these areas.
32. All waterbodies and wetland and aquatic vegetation areas which are adjacent to the specific limits of construction authorized by this permit shall be protected from prop-scarring, scouring, erosion, sedimentation, siltation, excess turbidity, or dewatering.
33. The permittee shall be responsible for ensuring that turbidity/erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit.
34. Barge mounted pump stations will be employed within the Apopka-Beauclair Canal when upland parcels not owned/controlled by the applicant or St. Johns River Water Management District (SJRWMD) are not available. If the barge mounted pump stations are to be relocated to an area other than what is authorized on the attached figures to prevent navigational hazards, the permittee must submit written notification, including a revised figure with the new location, to the Department, ERP-Central District.
35. The excavation within the four (4) residential canals shall not expand or alter the footprint of the existing canals and shall not occur above the toe of slope of the canals.
36. The Lake Apopka Restoration Area (LARA) Land Management Plan ([http://www.sjrwmd.com/landmanagementplans/pdfs/2006 Lake Apopka RA.pdf](http://www.sjrwmd.com/landmanagementplans/pdfs/2006%20Lake%20Apopka%20RA.pdf)), managed by SJRWMD, encompasses the disposal sites, Cells F & G. The permittee, LCWA, and SJRWMD have entered into an Intergovernment Agreement for the applicant's use of LARA.
37. Exhibit "C" of the Intergovernment Agreement includes the Florida Fish and Wildlife Conservation Commission's (FFWCC) Standard Protection Measures for the Eastern Indigo Snake (Attachment C). The permittee shall provide the Department a copy of the required plan and monitoring reports sent to FFWCC.
38. MONITORING REPORTS REQUIRED:

The permittee shall furnish to the Central District weekly status reports of the birds and fish within the disposal sites, Cells F & G, during the entire construction phase of the project and for an additional 5 years after construction is completed. The reports shall adhere to the monitoring report outlined in Attachment A of this permit. In addition, these reports shall include the following:

- a) status of construction (with a description of the extent of work completed since previous report or since permit was issued);

- b) problems encountered and solutions undertaken;
- c) anticipated work for the following year;
- d) panoramic photographs taken from the same permanent stations (at least 10 stations to be approved by the Department);
- e) herbicide listing and date of application;
- f) inundation of water by ground water and surface water and the percentage cover.

The first monitoring report shall be submitted on the day the work authorized in this permit commences. The remaining monitoring reports shall be submitted on a weekly basis during the construction phase and monthly thereafter and shall include a daily log of the species name, number found within the project site, condition of each species observed (alive, deceased, sick), species activity at time of observation. The permittee is obligated to submit these monitoring for the duration of the construction phase of the project.

The monitoring reports should include a cover page with the following information:

- a) permittee name;
- b) permit number;
- c) who performed the assessment;
- d) signed and attested: "To the best of the undersign's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

Other information may be included by the permittee at their discretion.

- 39. Fish in open water areas of Cells F & G shall be sampled prior to construction commencement, during the construction of the project, and in the event of a fish kill. Fish samples shall be collected and analyzed according to standard methodology. Fish tissue will be analyzed for lipid, 4,4'-DDD, 4,4'-DDE, 4,4'-DDT, *alpha*-chlordane, *cis*-nonachlor, dieldrin, *gamma*-Chlordane, heptachlor, heptachlor epoxide, oxychlordane, *trans*-nonachlor and toxaphene content.
- 40. Pumping and depositing of material in Cells F and G shall not occur within the following timeframes: June 15th to September 15th.
- 41. If found that the activity in Cells F & G are significantly impacting fish and wildlife, the activity will cease immediately and the permittee must contact the FDEP Central District, the St. Johns River Water Management District and FFWCC immediately. The permittee will be responsible for implementing a response plan and mitigating for any significant loss of fish and wildlife.
- 42. The permittee shall implement a rapid response plan to collect and dispose of any dead fish. Dead fish found shall be collected on the same day using a shad scoop net or other similar equipment attached to a boat. More than one boat shall be used if necessary.

The collection effort shall continue until all visible fish are collected. Collected fish will be transported off site and disposed of in a landfill.

- 43. This permit includes temporary activity within an eagle protection zone. All construction activities within this zone shall comply with the FWC Eagle Management Guidelines.

OTHER

- 44. The issuance of this permit does not infer, nor guarantee nor imply that future permits, or modifications will be granted by the Department. This permit does not infer authorization from any other agency.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

David Herbster
Program Administrator
Submerged Lands & Environmental
Resource Program

Date of Issue: _____

DH/lp/nm/df

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