



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

May 23, 2012

Eric P. Summa
Chief, Environmental Branch
Planning Division
U.S. Army Corps of Engineers, Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207-0019

Project: Water Conservation Area 3 (WCA-3) Decentralization and Sheetflow Enhancement (DECOMP) Physical Model (DPM)
Subject: Minor Modification
Modification No.: 0304879-003

Dear Mr. Summa,

The Florida Department of Environmental Protection (Department) has reviewed the U.S. Army Corps of Engineers (Corps) request to modify the Water Conservation Area 3 (WCA-3) Decentralization and Sheetflow Enhancement (DECOMP) Physical Model (DPM) field test (Permit No. 0304879-002) received May 03, 2012. The Corps requests changes to the water quality sampling types and frequencies noted in Table 1. In addition, the Department would like to take the opportunity to correct a clerical error.

Department staff has reviewed the Corps modification request and associated documentation, and hereby approves the requested minor modification to the referenced permit. The issued permit shall be modified as follows utilizing ~~striketroughs~~ for deletions and underlines for additions (sections of the CERPRA permit No. 0304879-002 not shown below remain the same):

Permit Number: 0304879-002	Date of Issue: January 09, 2014-2
Project: WCA 3 Decentralization and Sheetflow Enhancement Physical Model	Expiration Date: January 09, 2017
County: Miami-Dade	

DECLARATION OF REASONABLE ASSURANCES:

- 1) United States Army Corps of Engineers, Jacksonville District, Operations Water Quality Monitoring Plan (November 2011, Revised May 2012);

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Table 1. DPM Monitoring Program

LOCATIONS	PARAMETER	UNITS	TYPE	FREQUENCY
<i>BASELINE/TRIGGER (September - December)</i>				
S-151	Phosphorus, Total as P	mg/L	ACT	Bi-weekly Weekly
	Phosphorus, Total as P	mg/L	G	Weekly
EDEN 8	Stage	ft	Stage Recorder	Daily
<i>COMPLIANCE (November - December)</i>				
S-152s ¹	Phosphorus, Total as P	mg/L	ACF ACT	Collected weekly
	Flow	CFS	Calc ²	Daily DAV
	Stage	ft	Stage Recorder	Daily

¹S-152s includes 10 gated culverts.

²Flows at the S-152s will be calculated per the equation provided below based on the headwater/tailwater stages.

Key for Table 1

Units:	SU	Standard Units
	mg/L	Milligrams per Liter
	µg/L	Micrograms per Liter
	µS/cm	Micro-Siemens per Centimeter
	Deg C	Degrees Celsius
	CFS	Cubic feet per second
	ft	Feet, NVGD 29
Sample Type:	G	Grab sample
	INSITU	In-Situ field sample
	ACF	Auto-sampler Composite Flow Proportional
	ACT	Auto-sampler Composite Time Proportional
	PR	Pump Record
	Calc	Calculated flow from equation provided
Frequency:	DAV	Daily average of continuous sampling
	DAC	Daily accumulation of continuous sampling

NOTICE OF RIGHTS

The Department will issue this modification unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. The optional mediation proceedings described under section 120.573 will not be available.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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Petitions must be filed within twenty-one days of receipt of this written notice.

The petitioner shall mail a copy of the petition to the Permittee at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in the notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order if filed with the clerk of the Department.

The Department will not publish notice of this determination (Attachment 1). Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity

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before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required authorization.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment 1) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in Section 50.051, F.S. If you provide direct written notice to any person(s) as noted above, you must provide to the following addresses a copy of the direct written notice.

Florida Department of Environmental Protection
Program Coordination and Regulation Section
Office of Ecosystem Projects
3900 Commonwealth Boulevard, MS 24
Tallahassee, FL 32399-3000

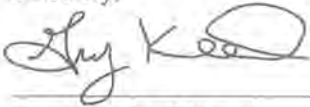
Electronic copies of reports and notices required by this permit shall be sent to RPPS_Comp@dep.state.fl.us

Please retain this letter for your files as it reflects final agency action barring any administrative hearings which rule otherwise. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapters 373, 403, 253, and 258, F.S., as applicable.

This letter of approval does not alter the original expiration date, the permittee's need to comply with the permit's general and specific conditions, or the monitoring requirements of this permit, except as stated herein. This modification letter must be attached to the original permit. By copy of this letter, we are notifying all necessary parties of the modifications.

If you have any questions regarding this modification, please contact Deinna Nicholson at (850) 245-3183, or electronically at Deinna.Nicholson@dep.state.fl.us or Stacey Feken at (850) 245-3176. When referring to this application, please use the permit number indicated above.

Sincerely,



Greg Knecht, Director
Office of Ecosystem Projects

GK/swt/dn

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FILING AND ACKNOWLEDGMENT

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


Clerk

5-25-12
Date

ELECTRONIC COPIES FURNISHED TO:

Eric Summa, USACE
Jim McAdams, USACE
Tamela Kinsey, USACE
Peter Rawlik, SFWMD
Colin Saunders, SFWMD
Fred Sklar, SFWMD
Ernie Marks, FDEP
Stacey Feken, FDEP
Paul Julian, FDEP
Deinna Nicholson, FDEP
Inger Hansen, FDEP
Marissa Krueger, FDEP

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Attachment 1

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF AGENCY ACTION

The Department of Environmental Protection (Department) gives notice that the following permit modification, requested by the U.S. Army Corps of Engineers (Corps), was approved pursuant to subsection 373.1502, Florida Statutes, on May 23, 2012. The permit (FDEP File Number 0304879-003) modifies the water quality sampling methods and frequencies at the S-151 and S-152 structures. The Water Conservation Area 3 (WCA-3) Decompartmentalization and Sheetflow Enhancement (DECOMP) Physical Model (DPM) field test project will be located in Miami-Dade County along the southern end of the L-67A and L-67C canals within WCA-3 in a region referred to as the "pocket". The pocket is bounded to the northwest and the southeast by the L-67A and L-67C levee and canal systems respectively in Sections 3, 10 and 15, Township 53 South and Range 37 East.

A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 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, Mail station 35, Tallahassee, Florida 32399-3000, within twenty-one days of publication of this notice. A petitioner must 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) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

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 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 of statutes petitioner contends require reversal or modification of the Department's action petitioner wants the Department to take with respect to the Department's action or proposed action.

The file containing the application for the above determination is available for public inspection during normal business hours, 8:00a.m. to 5:00p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 24.