



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

### COMPREHENSIVE EVERGLADES RESTORATION PLAN REGULATION ACT (CERPRA) PERMIT CONSTRUCTION AUTHORIZATION

**PERMITTEE:**

U.S. Army Corps of Engineers,  
Jacksonville District  
701 San Marco Boulevard  
Jacksonville, Florida 32207

**ATTENTION:**

Eric P. Summa  
Chief, Environmental Branch  
Planning Division

**Permit Number:** 0246512-010

**Project:** Modified Water Deliveries to the  
Everglades National Park

**Phase:** 8.5 Square Mile Area

**County:** Miami-Dade

**Date of Issue:** September 07, 2005

**Date of Major Modification:** July 15, 2013

**Expiration Date:** August 9, 2017

This permit is issued by the State of Florida Department of Environmental Protection (Department) under the authority of the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA), Chapter 373.1502, Florida Statutes (F.S.); Title 62, Florida Administrative Code (F.A.C.); and pursuant to the Department's authority under Chapters 373 and 403, F.S. The activity is not exempt from the requirement to obtain a CERPRA permit.

The above named Permittee is hereby authorized to initiate the activities described on the application, associated drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. The activities authorized by this permit must be conducted in conformance with all the provisions of this permit. Failure to comply with all permits conditions and documents referenced herein shall constitute grounds for revocation of the permit and appropriate enforcement action.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456, and constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. § 1341 authorization pursuant to Chapter 373, F.S. The Department's 1) finding of consistency with Florida's Coastal Zone Management Program and 2) certification of compliance with water quality standards, are both conditioned upon the U.S. Army Corps of Engineers (Corps/Permittee) compliance with all the general and specific permit conditions herein.

#### PROJECT DESCRIPTION:

The Modified Waters Delivery (MWD) to the Everglades National Park (ENP) project is authorized by the Everglades National Park Protection and Expansion Act, enacted by Congress in 1989, which authorized the Secretary of the Army, upon completion of a General Design Memorandum (GDM), to modify the Central and Southern Florida (C&SF) Project. The Department originally authorized the MWD Project in Wetland Resource Permit number S-06, 132604959, which expired on October 23, 2005. The purpose of the MWD Project is to enhance the hydrologic regime in the East Everglades, Northeast Shark River Slough, and ENP. The 8.5 Square Mile Area phase (8.5 SMA) is a component of the MWD Project that is specifically designed to provide flood mitigation to an existing residential area in the East Everglades called the 8.5 SMA. The 8.5 SMA phase is designed to mitigate for the increase in water deliveries to the ENP resulting from the MWD project for the area within the interior of the outer levee. The final U.S. Army Corps of Engineers (Corps) General Re-evaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS), 2000 for 8.5 SMA presents information on the new federally selected flood mitigation plan for the area. Construction of the 8.5 SMA phase features authorized by the 2000 GRR/SEIS were completed in 2008 (Department File Nos. 0246512-001 and 0246512-002), and

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operational testing of the S-355, S-356, and S-357 have been authorized under separate letter authorizations. From the operational testing, monitoring, and subsequent analyses, it has been determined that additional project refinements are required to meet the authorized level of flood mitigation intended by the original MWD, 8.5 SMA phase. These project refinements include providing additional seepage control for the southwest corner of the 8.5 SMA. The proposed project refinements include the construction of an east-west channel (canal segment C-358) located approximately 200 feet south of Richmond Drive connected to the S-357 intake pool by a water control structure (S-357N).

#### PROJECT COMPONENTS:

The MWD project, 8.5 SMA phase components include control structures, overflow weirs, pump stations, roadway modifications, levees, seepage canal, and a detention area. The following features have been constructed under Department issued File No. 0246512-001 and subsequent modifications:

- **Perimeter Levee (L-357W)** is an approximately 7 mile long levee constructed along the west and north boundary of the 8.5 SMA to protect the residential area from increased stages in ENP.
- **Seepage Management Collection Canal (C-357)** was constructed to intercept groundwater seepage.
- **Levee Embankment L-357** was constructed to deter surface water runoff from the 8.5 SMA entering the C-357 canal.
- **The S-357 Pump Station** is a 500 cfs pump station constructed to pump seepage from the C-357 Canal into a flowway and detention area located southwest of the pump station.
- **The L-359 Levee Embankment** surrounds the flowway and detention area, allowing for water to be impounded up to 3 feet above ground in this area.
- **The S-360E and S-360W Overflow Weirs** were constructed along the south levee of the detention area to allow for discharge once the C-111 North Detention Area is built.
- **A standby well located near Pump Station S-357** supplies potable water for a restroom and shower to allow for continuous manning of the pump station during emergency conditions. The well was constructed and has been in operation since 2008.
- **Access Control Features** consist of trenches and guardrails that were constructed along the existing roadways within the 8.5 SMA project areas to limit illegal access and dumping.
- **Seepage Management Collection Canal Extension (C-358)** will consist of an east-west channel (canal segment C-358) located approximately 200 feet south of Richmond Drive and will connect to the S-357 intake pool by a water control structure (S-357N). The new canal section will have a -6.5 foot NAVD bottom elevation and a bottom width of ten feet for 1,700 feet from C-357. The canal will transition to a seven foot bottom width and -5.0 ft NAVD bottom elevation for the remaining 2,400 feet to the L-357W. The canal bottom will be approximately 11 and 12 feet below the adjacent ground surface. The side slopes of the canal would be 1:1 (vertical: horizontal). The top layer of loose soils will be removed from the canal footprint, and a portion of the excavated lime rock will be stockpiled next to the north and south side of the canal approximately 12 inches above existing ground elevation and graded into a 14 foot wide berm, adjacent to the entire length of this new canal section. The purpose of the berm is to restrict surface water runoff from entering this new seepage canal section.
- **Water Control Structure S-357N** consists of three culverts with aluminum double leaf slide gates and will connect the new channel section (C-358), to the existing 8.5 SMA seepage collection canal (C-357). The culverts are 84 inches in diameter, consist of high-density polyethylene (HDPE), and are fitted with aluminum double leaf slide gates. The invert elevation of these culvert pipes is -6.5 feet NAVD. The top of the slide gate is at 5.0 feet NAVD 88 (approximately 6.5 ft NGVD 29). However when the culverts are fully closed (slide gate at top elevation), water will not pass over the structure until the canal stage reaches 5.83 feet NAVD 88 (approximately 7.33 NGVD 29). This permit does not authorize operations of this structure, and therefore slide gates shall remain closed.
- **The S-355 A and B structures** allow hydrologic connection and routing of water more closely matching historic flow patterns. The S-355 structure discharges into the L-29 canal and is combined with the L67-A/C modification. Both of these features combined would allow Water Conservation Area 3B (WCA 3B)

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to become part of the historic sheetflow path. WCA 3B is currently impounded by levees. Some limited testing of these structures has occurred since completion of construction in 2002.

**Pump Station Testing:** In accordance with Specific Condition No. 18, pump station testing for the S-356 and S-357 structure may be authorized under a separate authorization.

- **The S-356 Pump Station** recycles additional seepage water from the ENP caused by the MWD Project implementation which will result in higher stages in the ENP. Construction of the pump station was completed in 2002 and was operated in a testing mode for approximately two weeks in 2006.

#### PROJECT LOCATION:

The Modified Waters Project, 8.5 SMA phase is located approximately 6.6 miles south of Tamiami Trail (U.S. 41), bounded on the west by the Park, and separated from the east by the L-31N flood protection levee and borrow canal. The 8.5 SMA is located in Sections 2, 3, 9-11, 14-17, 20-23, 26-29, and 32-34, Township 55 South, Range 38 East, Miami-Dade County.

#### DECLARATION OF REASONABLE ASSURANCES:

In issuing this permit, the Department finds that the Corps has provided reasonable assurances sufficient to satisfy the requirements of Section 373.1502, F.S. The Department bases these findings on the following documents:

1. U.S. Army Corps of Engineers, Jacksonville District, Modified Waters, Phase: 8.5 Square Mile Area Construction Project Water Quality Certification / Permit Application and associated materials (March 10, 2005);
2. U.S. Army Corps of Engineers, Jacksonville District, Final General Reevaluation Report, 8.5 Square Mile Area (July 2000);
3. U.S. Army Corps of Engineers, Jacksonville District, Final Supplemental Environmental Impact Statement (July 2000);
4. U.S. Army Corps of Engineers, Jacksonville District, Supplement 54 – General Design Memorandum, Modified Water Deliveries to Everglades National Park (June 1992);
5. Florida Division of State Lands, Title & Lands Record Section, Title Determination in Response to Request for Title Review, DEP File No. 0246512-001, Folder 3 (April 21, 2005);
6. U.S. Army Corps of Engineers, Jacksonville District, Application for Modification of the Modified Water Deliveries: Phase 1- 8.5 Square Mile Area Project, FDEP File No. 0246512-002 (September 19, 2006);
7. South Florida Water Management, West Palm Beach, Water Use Permit Application No. 071221-16 and Electronic Correspondence from the U.S. Army Corps of Engineers, Jacksonville District (February 6, 2008);
8. U.S. Army Corps of Engineers, Jacksonville District, Application to extend the Modified Water Deliveries: Phase 1- 8.5 Square Mile Area Project Permit, FDEP File No. 0246512-006 (August 26, 2010);
9. U.S. Army Corps of Engineers, Jacksonville District, Application for Access Control Features and Weir Removal, FDEP File No. 0246512-007 and associated materials (January 5, 2011);
10. U.S. Army Corps of Engineers, Jacksonville District, Application to extend the Modified Water Deliveries: Phase 1- 8.5 Square Mile Area Project Permit, FDEP File No. 0246512-009 (July 12, 2012);
11. U.S. Army Corps of Engineers, Jacksonville District, Environmental Assessment for Proposed Interim Operation Criteria for the 8.5 Square Mile Area project, Miami-Dade County (June 2011);
12. U.S. Army Corps of Engineers, Jacksonville District, 8.5 Square Mile Area Pump Station S-357 MODBRANCH Modeling Results, Draft Report (November 30, 2011);
13. U.S. Army Corps of Engineers, Jacksonville District, Environmental Assessment and Proposed Findings of No Significant Impact. Design refinements for the 8.5 Square Mile Area, Miami Dade County (March 2012); and

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14. U.S. Army Corps of Engineers, Jacksonville District, Modified Waters, Phase: 8.5 Square Mile Area Construction Project Seepage Collection Canal Extension Features and associated materials (March 13, 2013).

Specifically, there are reasonable assurances, pursuant to section 373.1502, F.S., that

- “The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application.” This finding is based on documents on file with the Department document 1, 14, and document 11 in its entirety, document 4 with emphasis on section 7.0, and document 5 with emphasis on sections 4.11.
- “State water quality standards, including water quality criteria and moderating provisions, will be met. Under no circumstances shall the project component cause or contribute to violation of state water quality standards.” This finding is based on document 1, 11, and document 14 in its entirety with emphasis on the Construction Solicitation Specifications; document 4; document 5 with emphasis on section 4.11; and document 6.
- “Discharges from the project component will not pose a serious danger to public health, safety, or welfare.” This finding is based on document 1; document 2; document 3; and document 4; document 11; and document 14.
- “Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated, as appropriate.” This finding is based on document 1 and 14.

The Corps agrees to construct and maintain the project in accordance with the provisions of this permit and associated documentation. To the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t), the Corps’ agreement to construct the project in accordance with the provisions of this permit and supporting documentation is an enforceable condition of this permit.

The Corps is the federal sponsor of this project. The Corps and its designees are responsible for activities performed during the period of construction and interim operations. If interim operations or additional activities authorized by this permit are performed by any non federal sponsors, then the permit may be transferred in advance of such activities, or an additional authorization may be required. All conditions found herein apply to the Corps.

#### **GENERAL CONDITIONS:**

1. This permit, including its general and specific conditions, shall be construed in light of the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
  - A. operational plans;
  - B. project dimensions, size or location;
  - C. ability to adhere to permit conditions;
  - D. project description included in the permit, and;
  - E. monitoring plans.

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If the Department determines that a modification to the permit is required then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:
  - A. a description of and cause of noncompliance;
  - B. the period of noncompliance, including dates and times;
  - C. impacts resulting or likely to result from the non-compliance;
  - D. steps being taken to correct the non-compliance, and;
  - E. the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance

4. The Corps shall obtain any applicable licenses, permits, or other authorizations, which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.
5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.
6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property, which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities which disturb the soil and notify the Department and the State Historic Preservation Officer.



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12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided a copy of any as-built drawings required of the contractor or survey performed by the Corps.

#### **SPECIFIC CONDITIONS:**

1. **Addresses.** Reports and notices submitted to the Department in accordance with this permit, unless otherwise specified, shall be submitted to the Department's Office of Ecosystem Projects, 3900 Commonwealth Blvd., MS 24, Tallahassee, Florida 32399-3000, telephone number (850) 245-3166. Electronic copies and notices required by this permit shall also be sent to [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us).
2. **Threatened and Endangered Species.** The Permittee shall coordinate with both the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS) for appropriate guidance, recommendations, and/or necessary authorizations to avoid, minimize, or mitigate impacts to listed species. The Corps shall comply with applicable federal and state law with regard to protected species and agree to consider input from and to comply with any applicable requirements of the FWC to the extent that to do so would not create an irreconcilable conflict with the Corps' federal responsibilities. Should a potential conflict between FWC's requirements and the Corps' federal responsibilities be identified, the Corps shall coordinate with all involved federal and state agencies to determine and implement reasonable alternatives, to the maximum extent practicable, in order to avoid such a conflict. The Corps shall adhere to all the "Terms and Conditions" contained within the Biological Opinion (BO) and any subsequent consultation so as to avoid and mitigate any impacts to the species identified within. In addition, the Permittee shall submit an Environmental Protection Plan to the Department, which addresses compliance with the requirements of the BO, prior to commencement of construction activities in accordance with Specific Condition No. 10.
3. **Wetland Impact and Restoration.** The construction of the seepage collection canal extension feature (S-357N) is expected to result in approximately 0.25 acres of permanent impacts to low quality wetlands within the construction limits. The seepage canal will result in conversion of the former agricultural uplands to open water habitat within the canal footprint of the 8.5 SMA phase. Therefore, mitigation for the construction of the seepage collection canal extension feature will not be required to offset the minimal impacts. If routine operations do not move forward as planned in order to meet the goals and objectives of the project, then the Corps shall coordinate with the Department to determine whether or not restoration or additional activities necessary to offset the functional loss of any impacted wetlands is required.
4. **Board of Trustees Lands.** In implementing the 8.5 SMA, the Corps shall obtain proprietary authorization from the Board of Trustees, as required by Chapter 18-2, F.A.C., prior to conducting any activities on or otherwise impacting any Board of Trustees' owned upland parcels.
5. **Real Estate.** Copies of all real estate authorizations (i.e., right-of-way(s), leases, easements, land certifications by the local sponsor, or other legal agreements that authorize the applicant to perform the activities described herein) shall be provided to the Department, at the address listed in Specific Condition No. 1, prior to initiation of construction or operational activities. All real estate information should include the tract numbers, folio numbers, section/township/range, and the status of the tracts. Construction activities shall not be permitted to commence on properties beyond public rights-of-way where real estate authorizations have not been received.

#### **CONSTRUCTION:**

6. **Authorized Construction:** This permit allows for the construction and maintenance of the control structures, overflow weirs, pump stations, levees, roadway modifications, seepage canals, and a detention area, and other activities outlined in the "Project Component" section of this permit. The Permittee shall submit final plans and

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technical specifications, signed and may be sealed, to the Department for all authorized components for consistency review at least 60 days prior to initiating construction activities. Upon review of the submitted plans and specifications, the Department will determine whether a permit modification will be required.

7. **Instructions to Construction Personnel and/or Contractors.** The Permittee shall ensure that all construction personnel working on the project are briefed on the permit conditions and shall give a copy of this permit to each contractor and subcontractor before the authorized work begins. Prior to construction, the Permittee shall schedule a pre-construction meeting and invite the contractor(s), the Department, the South Florida Water Management District, and other environmental regulatory agencies. The Department shall receive at least two weeks' prior notice of the meeting (email is the preferred method of notification). Within 30 days from the Notice-to-Proceed to the contractor or upon Permittee's approval of a proposed construction schedule, whichever occurs first, the Permittee shall provide the proposed construction schedule to the Department at the address identified in Specific Condition No. 1.
8. **Future Phases.** This permit does not authorize any construction activities associated with future portions of the Modified Waters Project. Future phases will require separate review and approval by the Department.
9. **Construction Best Management Practices (BMPs).** At all times during the construction, the Permittee shall use best management techniques for erosion and sedimentation control. All graded areas shall be stabilized and vegetated immediately after construction to prevent erosion. The Permittee shall take all reasonable precautions to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site. Prior to commencement of construction activities for each project phase, the Permittee shall submit a plan to the Department, which details the use of sediment controls to minimize the suspension and transport of soils, levee materials, and roadway materials into water adjacent to or downstream of the construction site, for review for consistency with Department statutes and rules. This plan is usually included as part of the Environmental Protection Plan mentioned in Specific Condition No. 10. Once installation of the erosion controls identified in the submitted plan has been completed, the Permittee shall notify the Department at the address listed in Specific Condition No. 1. The barriers shall remain in place until all adjacent construction activities are complete.
10. **Environmental Protection Plan.** The Permittee and/or the contractor shall develop an Environmental Protection Plan and the Permittee shall submit the plan to the Department to the addresses listed in Specific Condition No. 1, within 30 days prior to commencement of any construction activities. The Department will review and provide a determination of whether or not the plan is consistent with Department statutes and rules. In accordance with Specific Condition No. 2, the plan shall describe the methods used to protect environmental resources, including fish and wildlife, to ensure that there shall be no unauthorized impacts to listed species as a direct result of construction activities. In accordance with Specific Condition No. 3, the plan should also describe how impacts to wetland resources will be avoided and minimized, including limiting temporary wetland impacts to the extent practicable.
11. **Water Quality Standards.** Under no circumstances shall the construction or interim operations of the Modified Waters Project or a project component cause or contribute to violation of state water quality standards. The Permittee shall comply with all applicable state water quality standards described in Chapter 62-302, F.A.C.
12. **Turbidity Monitoring.** Although turbidity is not expected to be a problem during the 8.5 SMA project, effective means of turbidity control, such as, but not limited to, turbidity curtains, shall be employed during all construction or maintenance activities that may create turbidity so that it shall not exceed 29 NTU's above background in any waters of the state. In the event that turbid water will be discharged to surface waters, the Permittee shall develop, seek Department approval of and implement a turbidity control and monitoring plan. In the event that project-generated turbidity levels beyond the work areas exceed the standard (29 NTU's above background), project activities contributing to elevated turbidity levels shall immediately cease, and the

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Department shall be notified immediately by phone and at [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us) within 24 hours. Work shall not resume until the work can be conducted in compliance with the aforementioned turbidity standard.

13. **Adjacent and Interior Wetlands.** Prior to the commencement of construction, the perimeter of the protected wetlands adjacent to the construction area shall be staked and fenced off with construction fencing or other effective physical barriers to prevent encroachment into the wetlands. The Permittee shall notify the Department's environmental compliance staff in writing upon completion of installation the barriers and schedule an inspection of this work. The barriers shall remain in place until all adjacent construction activities are complete. Where appropriate, interior wetland areas may also be fenced off to prevent encroachment and disturbance during construction.
14. **NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities.** The issuance of this Permit does not constitute coverage under the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharges from Large and Small Construction Activities (CGP) pursuant to Rule 62-621.300(4)(a), F.A.C. Permittee is advised to contact the Department's NPDES Stormwater Program at (850) 245-7522 or toll free at (866) 336-6312 or to download application information at <http://www.dep.state.fl.us/water/stormwater/npdes/construction3.htm#permit> prior to the commencement of any construction.
15. **NPDES General Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity.** The issuance of this Permit does not constitute coverage under the NPDES General Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity pursuant to 62-621.300(2), F.A.C. If any offsite discharges will occur due to construction dewatering activities, then coverage under the aforementioned General Permit may be required and the Permittee is advised to review Rule 62-621.300(2), F.A.C. Before discharge of produced ground water can occur, analytical tests on samples of the proposed discharge water shall be performed to determine if contamination exists. If the analytical results comply with applicable criteria for use of the General Permit, then a short summary of the proposed activity and copy of the analytical tests shall be sent to the addresses in Specific Condition No. 1 within one week after discharge begins, and the Permittee may proceed with the project component while abiding by all conditions of the General Permit.
16. **Water Use Permits.** For activities that require a water use permit from the State, such as, but not limited to, construction dewatering, industrial use of surface or ground water, and public water supply wells, the Corps will require that their contractor(s) submit the required application, fees and applicable site-specific information to the District for authorization in accordance with the requirements of Rules 40E-2 and 40E-20, F.A.C., and as follows:
  - A. **Water Supply Wells.** For activities that require temporary use of a water supply well during construction (e.g. construction trailers), the Corps will require that their contractor(s) obtain all required permits. If the water supply well will serve permanent facilities (e.g., pump station), the Corps will direct the contractor to also submit site-specific information to FDEP OEP. Prior to transfer of the facility to the local sponsor for permanent operations, it is the local sponsor's responsibility to furnish to FDEP OEP a permit request and copies of the well permit for review and authorization by the Department under a separate action.
  - B. **Industrial Use of Surface or Ground Water.** For activities that require industrial use of surface or ground water within or adjacent to the project (e.g. soil-cement mixtures or equipment wash down), the Corps will require that their contractor(s) obtain all required permits. For larger or more complex facilities, the Corps will require the contractor, upon submission to District, a copy of the application and site-specific information is also provided to FDEP OEP.
  - C. **Construction Dewatering.** For activities that require removal of surface or ground water as part of construction, the Corps will require that their contractor(s) will obtain all required permits. If the contractor intends to commence dewatering activities under the conditions of the "No Notice" until a



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permit is issued, the contractor shall submit a notification to District and FDEP OEP accordingly. The Corps will require the contractor, upon submission to District, to also provide a copy of the application and site-specific information to FDEP OEP. In accordance with General Condition No. 2, the Corps shall also ensure that all proposed modifications to permitted activities proposed by their contractor(s) are submitted to District and FDEP OEP through the same process. All dewatering authorizations or modifications to existing authorizations that may be issued by the District for projects also permitted by FDEP OEP are subject to review for determination of consistency with Department rules and statutes prior to the issuance of authorization from the District.

17. **Operational Readiness and Maintenance.** In order to ensure operational readiness, limited pumping and gate operation activities may be needed by the construction contractor or Permittee for the S-355A, S-355B, S-356, S-357 pump stations and the S-357N Water Control Structure gates prior to turnover of these pump stations or structures to the South Florida Water Management District (District) for operations. Maintenance requirements for the S-355 A, S-355B, S-356, and S-357 pump stations include operation of the gates for the S-357N Water Control Structure and operations of the pumps for approximately two to four hours per month, as necessary, to maintain their mechanical integrity. The slide gates for the S-357N Water Control Structure may be operated for maintenance purposes only if the S-357 pump station is not in use.
18. **Pump Station Testing.** Additional information may be needed to determine the appropriate operating plan for the S-356 and S-357 structures. Pump station testing may be required to provide water quality characterization, examine flow patterns, drawdown flow rates, seepage rates, etc. At least 90 days prior to any pump station testing, the Permittee must submit a detailed plan, which will describe the purpose of the test, how the structure(s) will be operated during the test, and a monitoring plan to assess water quality. Upon receipt of this additional information the Department will determine if a modification to the permit is required to authorize pump station testing. The Department shall review the proposed testing, operations and monitoring plan(s) and indicate approval, denial, request information, or require modifications within 30 days of the Department's receipt of the monitoring plan. Department authorization of the plan(s) must be obtained prior to the initiation of any pump station testing.

#### **OPERATIONS:**

19. **Operational Authorization.** This permit does not constitute operational authorization for any features of the MDW Project. Once the S-357N structure has been installed, the gated culverts shall remain closed to prevent drawdown of the new seepage canal. Prior to initiating operations, operational authorization shall be obtained from the Department in the form of a modification to this permit or separate operational permit.

#### **REPORTS AND NOTICES:**

20. **Construction Status Reports.** Construction Status Reports or Construction Meeting Minutes for the project shall be provided to the Department upon request and such reports shall continue to be available throughout the construction activities until all disturbed areas are successfully stabilized. These Reports may be requested through the Project Manager, Construction Manager, or obtained at the construction meetings.
21. **Construction Completion, As-Built Certification, and Record Drawings.** In accordance with General Condition No. 12 and the ICA, the Permittee shall submit a written statement of construction completion signed by a Professional Engineer, and as-built drawings or equivalent construction documentation to the Department. The statement of completion shall be based on on-site observation of construction and review of the as-built construction drawings for the purpose of determining whether or not the work was completed in compliance with permitted plans and specifications. If there is a deviation from the permitted plans, the construction completion statement shall note these deviations and may require inclusion of revised plan sheets and specifications identifying the changes. Note that major deviations may require a modification to this permit. Plans submitted to the Department shall be clearly labeled as "as-built" or "record" drawings with one electronic copy provided in PDF format and one hard copy. The Permittee shall furnish the construction

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statement and record drawing information to the Department within a reasonable timeframe from substantial completion of construction.

22. **Pump Test Reports.** The Corps shall submit a final comprehensive monitoring report for any future pump testing conducted by the Corps and authorized under separate modifications. A hard and electronic copy of the final test operation report shall be submitted to the Department within 90 days following the conclusion of the pump testing period. The final test report shall include, at a minimum: the data collected, a summary of the results of operations and recommendation on how the results should be used in the following phases of operations, hydrologic monitoring results, water quality monitoring results, impacts (beneficial or adverse) to wetlands and threatened and endangered species, impacts to public health, safety and welfare.
23. **Annual Reports.** The Corps shall submit an annual report to the Department detailing the construction of new features and interim operations activities of the components authorized herein. These reports shall be submitted to the Department no later than March 1<sup>st</sup> of each year. The Corps may request a modification to the annual report submission date, and upon approval by the Department, the Corps may modify the submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

At a minimum, the following information should be included in the annual reports:

- a. **General Information.**
  - i. Permit number;
  - ii. Permit name;
  - iii. Permit administrator;
  - iv. Summary of monitoring results
  - v. Evaluation of project success in achieving its objectives;
- b. **Construction/Interim Operations.** A construction summary shall include, at a minimum:
  - i. Construction/Inspections/Maintenance Progress Report;
  - ii. Problems encountered during period covered;
  - iii. Actions taken to address problems encountered; and,
  - iv. Any additional information specifically required by the conditions of this permit or separate authorization.
- c. **Implementation Schedules.** When appropriate, the Permittee shall include information on:
  - i. Program/Project level adaptive management;
  - ii. Project design modifications; and,
  - iii. Implementation of remedial measures in the event of noncompliance with permit conditions.

#### RENEWALS AND MODIFICATIONS:

24. **Permit Modifications.** The Permittee shall submit proposed modifications of the 8.5 SMA Project to the Department, prior to implementation of the modification, for review and approval by the Department.
25. **Permit Renewal.** At least 60 days prior to the expiration of this permit, the Permittee shall apply for renewal of this permit if construction activities for all phases of the MDW project are not likely to be completed by the permit expiration date. Renewal may be for a period of up to five years in accordance with Subsection (3)(g) of the CERPRA.
26. **Department Review and Approval.** Where conditions in this permit require Department review of remedial actions or plan modifications to be implemented pursuant to this permit, the Department will consult with the Permittee to ascertain whether mutual agreement can be reached. If mutual agreement on the remedial actions or plan modifications cannot be reached, the action of the Department will be deemed final agency action and will be subject to judicial or administrative review, as appropriate.

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**CONSUMPTIVE USE LIMITING CONDITIONS:**

1. Applications:

Application # 07122-16; Permit # 13-04053-W;  
Standby well to supply a restroom and shower

2. Water Use Classification:

Public water supply

3. Source Classification:

Groundwater from Biscayne Aquifer

4. Annual Allocation/Maximum Monthly Allocation

Annual allocation shall not exceed 0.4015 MG. Maximum monthly allocation shall not exceed 0.0401 MG.

5. Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the Permittee must notify the Department, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the Department, the Permittee shall be liable for compliance with the permit. The Permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit, which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the Department may suspend or revoke the permit.

7. Withdrawal Facilities:

Ground Water – Proposed:

1-6" x 45' x 40 GMP Well Cased to 35 feet.

8. The Permittee shall mitigate interference with existing legal uses that were caused in whole or in part by the Permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

- A. Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or
  - B. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.
9. The Permittee shall mitigate harm to existing off-site land uses caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the Department will require the Permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:
- A. Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental

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authorization issued for the construction of the water body. In case where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

- B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive uses; or
  - C. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.
10. The Permittee shall mitigate harm to the natural resources caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the Department will require the Permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:
- A. Reduction in ground or surface water levels that result in the harmful lateral movement of the fresh water/salt water interface;
  - B. Reduction in water levels that harm the hydroperiod of wetlands;
  - C. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
  - D. Harmful movement of contaminants in violation of state water quality standards; or
  - E. Harm to the natural system including damage to habitat for rare and endangered species.
11. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in this Permit and Chapter 40E-2, Florida Administrative Code.
12. In the event of a declared water shortage, water withdrawal reductions will be ordered by the Department in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.

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Executed in Tallahassee, Florida.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Ernie Marks, Director  
Office of Ecosystem Projects

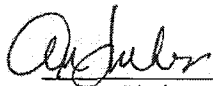
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**Attachments:**

Figure 1: MWD, 8.5 Square Mile Area Map  
Figure 2: MWD, 8.5 SMA Seepage Collection Canal Extension Features Location

**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.

 July 15, 2013  
Clerk Date

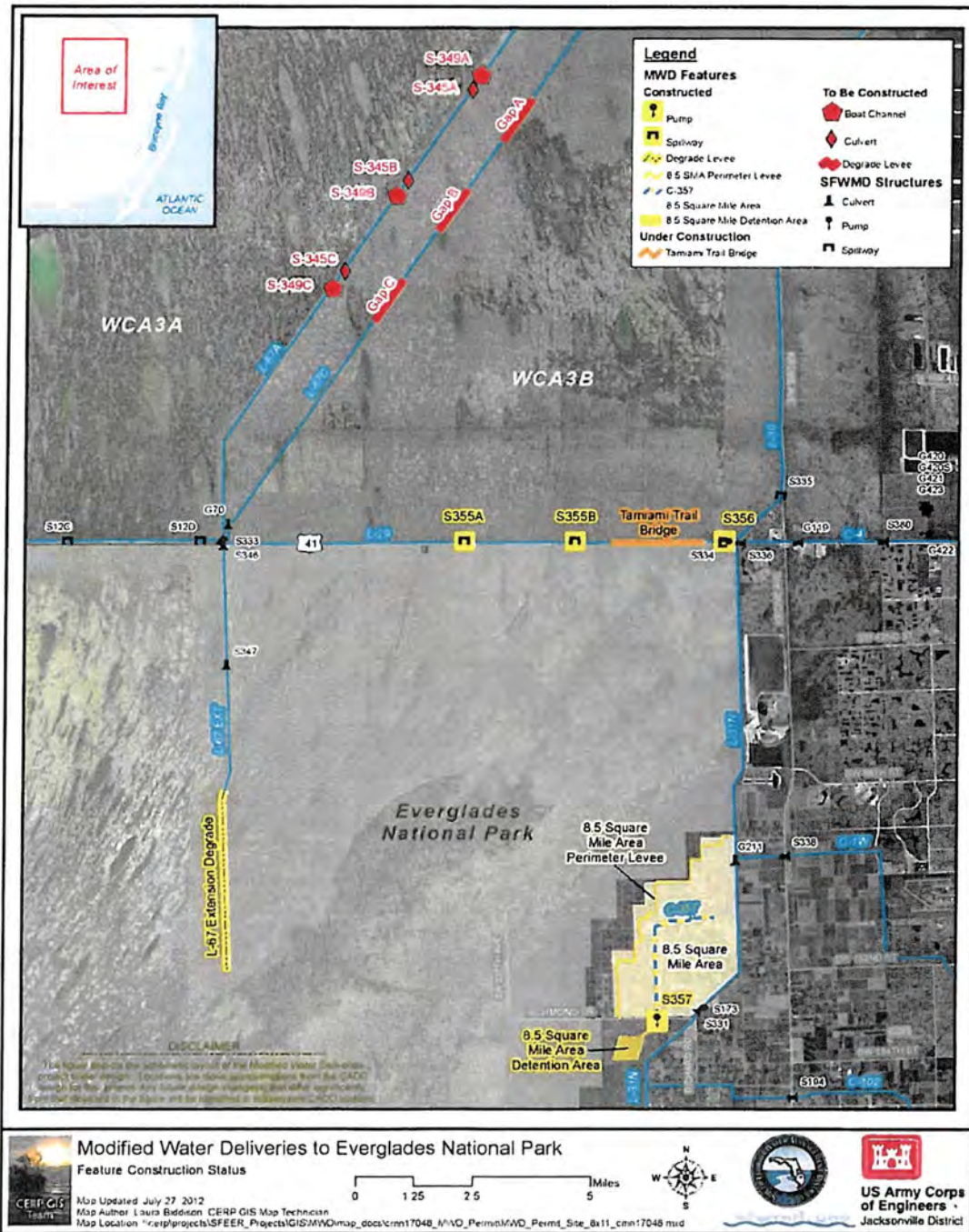
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Ernest Marks, FDEP  
Frank Powell, FDEP  
Deinna Nicholson, FDEP  
Paul Julian, FDEP  
Tanja Hinton, FDEP  
Inger Hansen, FDEP  
Jerilyn Ashworth, FDEP  
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Judy Warrick, FDEP  
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William Rueckert, FDEP

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**Figure 1. MWD to the ENP, 8.5 SMA Project Map**





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**Figure 2. MWD to ENP, 8.5 SMA Seepage Collection Canal Extension Features Location**

