

# APPENDIX 3

Alabama Department of Environmental Management WQC  
19 May 2016  
(Hillabee Expansion Project)



Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

May 19, 2016

TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC  
ATTN KAREN OLSEN  
2800 POST OAK BOULEVARD, LEVEL 17  
HOUSTON TX 77056

RE: Certification with Special Conditions  
Hillabee Expansion  
Clean Water Act (CWA) Section 401 Water Quality Certification Issued May 12, 2016  
Water Quality Certification Expires May 11, 2021  
Corps of Engineers (COE) JPN# SAM-2014-00238-JSC Issued September 11, 2015  
State-Wide County (999)  
Proposed wetland and waterbottom fill for the purpose of construction of a natural gas pipeline

Dear Ms. Olsen:

This office has completed a review of the above-referenced joint public notice and all associated materials submitted related to the proposed project. Any comments made during the public notice period have also been forwarded to us for review.

From our review, it is understood that the applicant proposes to construct pipeline loops and above ground facilities within or generally adjacent to Transco's existing natural gas transmission system. Specifically, the activity would involve constructing and operating about 43.5 miles of 48-inch-diameter pipeline loop and associated facilities in eight segments; one new natural gas-fired compressor station; and modifications at three existing compressor stations. The project will temporarily impact 83.44 acres of wetlands and 0.05 acres of waterbottom and will permanently impact 19.08 acres of wetlands and 939.86 linear feet of waterbottom.

Because action pertinent to water quality certification (WQC) is required by Section 401(a)(1) of the Clean Water Act (CWA), 33 U.S.C. Section 1251, et seq., we hereby issue certification, for a period **not to exceed five (5) years** from the date of issuance, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the CWA and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the CWA in regard to the activities specified.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Mobile District Corps of Engineers to incorporate the following as special conditions of the Corps Permit:

1. During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM. Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
2. Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity or the need for NPDES permit coverage, please contact ADEM's Water Division at [h2omail@adem.state.al.us](mailto:h2omail@adem.state.al.us) or 334-271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact ADEM's Air Division at [airmail@adem.state.al.us](mailto:airmail@adem.state.al.us) or 334-271-7861. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact ADEM's Land Division at [landmail@adem.state.al.us](mailto:landmail@adem.state.al.us) or 334-271-7730.



3. Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
4. The applicant shall retain records adequate to document activities authorized by this certification including but not limited to, inspection reports, monitoring information, copies of any reports and all data used to complete the above reports or the application for this certification, for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph. The applicant shall notify ADEM in writing upon completion of the proposed project that the pollution control measures specified in the Corps permit and any special conditions specified by ADEM have been properly implemented.
5. The applicant shall prepare a detailed Best Management Practices (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of nonpoint and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
6. The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify ADEM after becoming aware of a significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
7. The applicant shall conduct, at a minimum, weekly comprehensive site inspections to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional (QCP), qualified personnel under the direct supervision of a QCP, or an ADEM recognized qualified credentialed inspector (QCI), until completion of the proposed activity.
8. Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed and may include but are not limited to sediment retention basins, greater capacity in sediment retention structures, hydroseeding with application of non-toxic tackifiers, grass sodding, non-toxic chemical treatment, erosion control blankets, other effective innovative/alternative technologies, etc. to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.
9. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection

and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.

10. All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
11. The applicant shall implement appropriate measures to minimize the potential for a decrease of instream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for instream dissolved oxygen.
12. The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
13. To ensure the protection of water quality, the applicant shall evaluate, characterize, and as necessary, conduct regular analysis of any material dredged/removed/disturbed in order to ensure that potential pollutants are not present in concentrations that could cause or contribute to a violation of applicable water quality standards. Information regarding the evaluation, characterization, or detailed results of any analyses shall be made available to ADEM upon request.

In recognition that projects are site specific in nature and conditions can change during project implementation, ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case by case basis, in order to ensure the protection of water quality. Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification.

Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.

Should you have any questions on this or related matters, please do not hesitate to contact **Falon Hooks, Office of Field Services**, by email at [falon.hooks@adem.state.al.us](mailto:falon.hooks@adem.state.al.us) or by phone at (334) 394-4322.

Sincerely,



Anthony Scott Hughes, Chief  
Field Operations Division

File: WQ401/EFH

c: Montgomery Field Office, Mobile COE  
Wetlands Section, EPA Region IV

# APPENDIX 4

Alabama Department of Environmental Management WQC  
19 May 2016  
(Sabal Trail Project)



Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

May 19, 2016

GEORGE MCLACHLAN  
SABAL TRAIL TRANSMISSION  
400 COLONIAL CENTER PARKWAY  
SUITE 300  
LAKE MARY FL 32746

RE: Certification with Special Conditions  
Natural Gas Pipeline  
Clean Water Act (CWA) Section 401 Water Quality Certification Issued May 12, 2016  
Water Quality Certification Expires May 11, 2021  
Corps of Engineers (COE) JPN# SAM-2014-00655-JSC Issued September 11, 2015  
State-Wide (999)  
Proposed temporary wetland and waterbottom impacts in conjunction with installation of a natural gas pipeline

Dear Mr. McLachlan:

This office has completed a review of the above-referenced joint public notice and all associated materials submitted related to the proposed project. Any comments made during the public notice period have also been forwarded to us for review.

From our review, it is understood that the applicant proposes to temporarily impact a total of 24.73 acres of wetlands and 2,185 linear feet of waterbottom during construction. The project will convert 2.19 acres of forested wetlands to herbaceous wetlands and 4.12 acres of forested wetlands to scrub shrub wetlands for a total of 6.31 acres of conversion. The project will temporarily affect 18.42 acres of wetlands and these areas will be allowed to return to their pre-construction state. Approximately 3,838 feet of waterbodies will be crossed during construction. The horizontal directional drill method will be used to cross under 1,653 feet of waterbodies, avoiding direct surface impacts. The effects to the remaining 2,185 linear feet of waterbody crossings will be temporary.

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2. Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity or the need for NPDES permit coverage, please contact ADEM's Water Division at [h2omail@adem.state.al.us](mailto:h2omail@adem.state.al.us) or 334-271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact ADEM's Air Division at [airmail@adem.state.al.us](mailto:airmail@adem.state.al.us) or 334-271-7861. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact ADEM's Land Division at [landmail@adem.state.al.us](mailto:landmail@adem.state.al.us) or 334-271-7730.
3. Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
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8. Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this

certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed and may include but are not limited to sediment retention basins, greater capacity in sediment retention structures, hydroseeding with application of non-toxic tackifiers, grass sodding, non-toxic chemical treatment, erosion control blankets, other effective innovative/alternative technologies, etc. to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.

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Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the

Sabal Trail Transmission  
May 19, 2016  
Page 4 of 4

applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.

Should you have any questions on this or related matters, please do not hesitate to contact **Richard Hulcher, Office of Field Services**, by email at [rfh@adem.state.al.us](mailto:rfh@adem.state.al.us) or by phone at (334) 394-4311.

Sincerely,



Anthony Scott Hughes, Chief  
Field Operations Division

File: WQ401/0000046478/JRM

c: Montgomery Field Office, Mobile COE  
Wetlands Section, EPA Region IV

# APPENDIX 5

Georgia Department of Natural Resources,  
Environmental Protection Division WQC  
28 June 2016  
(Sabal Trail Project)

**Georgia Department of Natural Resources**  
**Environmental Protection Division**

2 Martin Luther King Jr., Dr., Suite 1152 Atlanta, Georgia 30334  
Richard E. Dunn, Director  
(404) 656-4713

JUN 28 2016

Mr. George McLachlan  
Sabal Trail Transmission, LLC  
400 Colonial Center Parkway, Suite 300  
Lake Mary, FL 32746

Re: Water Quality Certification  
Joint Public Notice SAS-2013-00942  
Sabal Trail Pipeline Project  
Chattahoochee, Flint, Ochlockonee  
and Suwanee River Basins  
Stewart, Webster, Terrell, Lee, Dougherty  
Mitchell, Colquitt, Brooks & Lowndes Counties

Dear Mr. McLachlan:

Pursuant to Section 401 of the Federal Clean Water Act, the State of Georgia issues this certification to Sabal Trail Transmission, LLC, an applicant for a federal permit or license to conduct an activity in, on or adjacent to the waters of the State of Georgia.

The State of Georgia certifies that there is no applicable provision of Section 301; no limitation under Section 302; no standard under Section 306; and no standard under Section 307, for the applicant's activity. The State of Georgia certifies that the applicant's activity will comply with all applicable provisions of Section 303.

This certification is contingent upon the following conditions:

1. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.
2. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.
3. The applicant must comply with the terms of the NPDES General Permit for Infrastructure Construction Projects (GAR100002).

4. The following conditions apply if the Georgia Environmental Protection Division (Georgia EPD) issues a letter of concurrence for transient uses of surface water from the Chattahoochee and Withlacoochee Rivers associated with horizontal directional drilling (HDD) and hydrostatic pipeline integrity testing.
  - a. Pumpage rates, whether from a single or multiple withdrawal points on either the Chattahoochee or Withlacoochee Rivers, must not exceed 1,500 gallons per minute (gpm).
  - b. The operational pumpage rate from the Chattahoochee River of 1,500 gpm is less than 1 percent of the historical low flow records for any given month at the Chattahoochee River.
  - c. To ensure sufficient river flow will be maintained at all times in the Withlacoochee River, the applicant will monitor the daily flow records at USGS Stream Gage 02318500 (Withlacoochee River at U.S. 84 near Quitman, GA). If the flows in the Withlacoochee River, as measured at the USGS gage, are 8,000 gpm or less, the applicant will postpone water withdrawals.
5. Only benign, non-contaminating drilling additives rated as suitable for potable water well use will be used during HDD processes.
6. The applicant plans to maintain daily, weekly, monthly and non-compliance reports on-site and submit them annually to the EPD Non-point Source Program, as cited in Section 2.1, Items 13 and 20 of the Sabal Trail Erosion and Sedimentation Control Plan (E&SCP) dated May 22, 2016. In addition, the applicant shall immediately notify Georgia EPD about any events that are reasonably expected to result in an exceedance of instream water quality standards during construction. Such notice will be made to:

Georgia EPD Southwest District Office  
Albany, GA  
Attn: Tom Fowler  
Phone: 229-430-4144

7. For all "minor waterbody" stream crossings (less than 10 feet wide) and for all "intermediate waterbody" stream crossings less than 30 feet wide, regardless of their State vs. Non-State Designated status (as cited on pages 5-4 and 5-5 of the Sabal Trail E&SCP, revised May 22, 2016), "dry" flumed or dam and pump crossing methods will be used. Any exception to this stipulation (i.e. using a "wet" stream crossing due to localized stream channel/drainageway conditions which would not allow for the successful application of "dry" crossing methods) will occur only with the documented approval of the Sabal Trail Environmental Inspector and the FERC 3<sup>rd</sup> Party Compliance Monitor.

8. The applicant plans to utilize temporary equipment bridges to cross streams. In order to minimize placement of crushed stone fill into stream beds, it is preferred that the applicant utilize equipment mats/pads and culverts (Figure #38 of E&SCP), Flexi-float or portable bridges (Figure #40 of E&SCP), free span equipment pads or railroad car bridges without culverts, as opposed to crushed stone and culverts (Figure #39 of E&SCP). Use of the crushed stone and culvert method for temporary bridging at specific stream crossings will occur only with the documented approval of the Sabal Trail Environmental Inspector and the FERC 3<sup>rd</sup> Party Compliance Monitor. Any crushed stone used in such allowed situations will be clean without excessive fine materials which would lead to erosion and sedimentation compromise to stream beds.
9. The applicant may not use synthetic monofilament mesh/netted erosion control materials.
10. Passage of construction equipment through wetlands or across streams/waterbodies for mainline clearing, trenching, pipe laying and backfilling must occur as a one-time event. This one-time event would be either over and back once or would occur as a single crossing with equipment proceeding down the project alignment without a return crossing. Any other passage of equipment across a stream/waterbody along the pipeline corridor must occur along temporary equipment bridges. General equipment or construction access roads will not be routed through wetlands; passage through wetlands will only occur as a one-time event for trenching and pipe laying. Temporary bridges are to be removed as soon as possible following pipeline construction, and shall not remain in place post-construction.
11. In addition to the NPDES general stormwater permit requirements for turbidity sampling, the Sabal Trail Environmental Inspector shall also conduct visual inspections during stream crossing activities. Any observation of a substantial visual contrast between the appearance of the stream immediately upstream of the activities and the appearance of the stream downstream from the activities must be addressed immediately through proper erosion and sedimentation control practices and consultation with the Environmental Inspector.
12. The applicant will comply with the measures and protocols outlined in the Karst Mitigation Plan, Appendix F of the Final EIS for the Sabal Trail project.
13. The applicant must notify the Wetlands Unit of any modifications to the proposed activity. Where modifications are identified through an NOI modification, the applicant will provide a copy of the NOI modification to the Wetlands Unit, Attn: Stephen Wiedl by email ([Stephen.Wiedl@dnr.ga.gov](mailto:Stephen.Wiedl@dnr.ga.gov)) or by mail to Georgia EPD, Watershed Protection Branch, Wetlands Unit, 7 Martin Luther King, Jr. Drive, Suite 450, Atlanta, GA 30334).

This certification does not relieve the applicant of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities.

It is your responsibility to submit this certification to the appropriate federal agency.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Dunn". The signature is written in a cursive style with a large, stylized "R" and "D".

Richard E. Dunn  
Director

cc: Mr. Brad Floyd, TRC  
Mr. Terry Kobs, USACE  
Mr. Eric Somerville, USEPA  
Ms. Sandy Abbott, USFWS

# APPENDIX 6

Florida Department of Environmental Protection WQC  
22 January 2016  
(Sabal Trail Project)



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Interim Secretary

## **Permittee:**

Sabal Trail Transmission, LLC  
Attn. Gus McLachlan  
400 Colonial Center Parkway, Suite 300  
Lake Mary, FL 32746  
[gamclachlan@spectraenergy.com](mailto:gamclachlan@spectraenergy.com)

## **Consultant:**

TRC  
Attn. Brad Floyd  
400 Colonial Center Parkway, Suite 300  
Lake Mary, FL 32746  
[bfloyd@trcsolutions.com](mailto:bfloyd@trcsolutions.com)

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permit No.: 0328333-001**

**Permit Issuance Date: January 22, 2016**

**Approval Expiration Date: January 21, 2021**



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Interim Secretary

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permittee /Grantee:** Sabal Trail Transmission LLC

**Permit No:** 0328333-001

### **PROJECT LOCATION**

The activities approved by this permit will commence at the Florida-Georgia line in Hamilton County and will traverse Suwanee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange and Osceola Counties, terminating at the interconnection with Florida Southeast Connection Pipeline at the Central Florida Hub in Osceola County, Florida.

### **PROJECT DESCRIPTION**

The Permittee is authorized to construct a new natural gas transmission pipeline that includes 232.75 miles of 36-inch diameter pipeline for the Mainline Route, approximately 13.1 miles of 36-inch diameter pipeline for the Hunters Creek Line, and approximately 21.5 miles of 24-inch diameter pipeline for the Citrus County Line, and the construction and operation of three compressor stations and three meter and regulation (M&R) stations. Other features of the project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas.

Stormwater management systems will be constructed at each of the compressor and M&R stations to provide treatment, attenuation, and volumetric retention of stormwater runoff in accordance with the presumptive criteria of the geographically applicable water management district. The authorized activities pertaining to these systems are depicted in Attachment D, Aboveground Facilities.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 45.4 UMAM credits from the mitigation banks noted in Attachment L, Summary of Compensatory Mitigation.

### **AUTHORIZATIONS**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires an easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at (321) 504-3771, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency, within the extent of detail provided, with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

### Water Quality Certification

This permit, within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Construction of the activities authorized by this permit shall not begin until the permittee provides the Department with proof of sufficient property ownership where the activities will occur per 4.2.3(d) of the Environmental Resource Permit Applicant's Handbook Volume I. The required submittal shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through file transfer site) when practicable. The mailing address for the appropriate Department office is 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and the electronic mail address is [DEP\\_CD@dep.state.fl.us](mailto:DEP_CD@dep.state.fl.us). All submittals shall include the project name and indicated permit number when referring to this project.
3. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
  - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)

- Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).
- Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256 (904) 256-1700.

#### **SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES**

4. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies and if nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
5. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
6. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
7. The Permittee shall install “wildlife ramps” within any trench open greater than 48 hours to allow uninjured wildlife to leave the trench on their own accord.

#### **SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES**

8. Best management practices 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 in areas where active construction is occurring and weekly in areas where active construction is not occurring 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.
9. The limits of construction within wetlands shall be delineated by silt fencing. The Permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The Permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.
10. Erosion and turbidity control devices shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.

## **SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS**

11. Construction of contractor yards, laydown areas, and access roads:
  - a. Shall be prepared using clearing and grubbing techniques with minimal regrading as required to create a safe work area;
  - b. Shall not impede or alter existing drainage patterns, or impound surface water; and
  - c. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
12. Limestone used for coarse aggregate to stabilize contractor yards, laydown areas, or access roads shall be FDOT approved natural stone No. 57. No asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
13. All material used to stabilize the contractor yards, laydown areas and temporary access roads constructed specifically for the project shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. Material used to maintain existing access roads does not need to be removed provided that the gravel is used to return the temporary access road to preconstruction conditions. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project.

## **SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION**

14. Within wetlands that are not inundated, the Permittee shall segregate the first 12” of topsoil from earth removed during the excavation necessary to bury the pipe. While work is in progress segregated topsoil shall be contained using any necessary performance based erosion control measure. The Permittee shall then replace the segregated material within the first top 12” of the restored soil elevation.
15. The Permittee shall provide reasonable assurance that pre-construction ground elevations are restored so that surface water flows are maintained to pre-construction conditions. Any changes to ground elevations must be surveyed, documented and submitted to the Department with a detailed explanation for deviations for review and approval, if appropriate, within 30 days from completion of the affected construction “spread”. Unapproved deviations shall be subject to restoration or additional mitigation as deemed appropriate by the Department. Restoration or mitigation for unapproved deviations shall be successfully implemented within 30 days of approval by the Department and may be required prior to undertaking subsequent construction “spreads”, if deemed appropriate by the Department.

## **SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING**

16. 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.

17. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40B-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or Suwanee River Water Management District (SRWMD) prior to beginning any dewatering.
18. A general plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

### **SPECIFIC CONDITIONS - TURBIDITY**

19. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions at the mixing zone boundary. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. 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. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.
20. 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 barriers shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapters 62-330 or 62-701, F.A.C., or cause violations of state water quality standards.
21. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 24 through 33 for these areas.
22. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the edge of construction right-of-way, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
23. 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](http://www.dep.state.fl.us/labs/qa/sops.htm) More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to 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.
24. 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 specified in Specific Condition 21.

25. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 22, and as allowed by landowner access permission. If access is permitted, the first site will be located at the mixing zone boundary (Compliance Sample (CS)); if the CS does not meet the standard, additional sampling will be required at the second site which will be located 25 meters downstream from the CS; and if the second site sample does not meet the standard, additional sampling will be required at the third site which shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
26. 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 the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
27. Background samples shall be collected at two sites upstream of the crossing, contingent upon access permission being provided by the landowner. These samples will be collected at surface, mid-depth, and one-foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
28. 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 19, the Permittee shall cease all work pursuant to Specific Condition 33.
29. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; 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 is being provided in partial fulfillment of the monitoring requirements in Permit No. 0328333-001" Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
30. 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 milepost, station number or 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;

31. 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. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
32. The compliance location specified in Specific Condition 25 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
33. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 19, 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 19. 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 been met.
  - d. The violation(s) shall be immediately reported to the Department. 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.

#### **SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL**

34. The Permittee shall comply with the procedures outlined in Attachment F “Best Drilling Practices for the Sabal Trail Project”.
35. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

## **SPECIFIC CONDITIONS – MITIGATION**

36. To offset wetland impacts, the Permittee has reserved 45.4 UMAM credits from the mitigation banks noted in Attachment L. Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation the credits have been deducted from the credit ledger the referenced mitigation bank.

## **SPECIFIC CONDITIONS – ABOVEGROUND FACILITIES**

37. The authorized stormwater management systems serving the aboveground compressor and M&R stations shall be constructed in accordance with the Specific and General Conditions of this permit and as depicted on Attachment D. The 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.
38. Before any offsite discharge from the stormwater management systems occurs, the retention and detention storage must be excavated to rough grade prior to construction or placement of impervious surface within the area served by those systems.
39. Adequate measures must be taken to prevent sedimentation to these treatment systems and control structures during construction. Sediment and debris must be removed prior to final grading and stabilization.
40. All material used as fill shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for road construction within waters of the State as so determined by the Department.
41. 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.
42. The following maintenance activities shall be performed as needed on
- A. All permitted stormwater management systems:
    - 1) Removal of trash and debris;
    - 2) Inspection of inlets and outlets;
    - 3) Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is less than the permitted design; and
    - 4) Stabilization and restoration of eroded areas.

- B. Retention, swale, and underdrain systems:
  - 1) Mowing and removal of grass clippings;
  - 2) Aeration, tilling, or replacement of topsoil; and
  - 3) Re-establishment of vegetation on disturbed surfaces.
- C. Wet detention systems:
  - 1) Replanting of natural vegetation within the littoral zone; and
  - 2) Control of nuisance and exotic vegetation.

- 43. If any of the stormwater management systems are not functioning as designed and permitted, operational maintenance must be performed as quickly as practical to restore the system. Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted electronically or in writing to the Department using the enclosed “Operation and Maintenance Inspection Certification” [Form 62-330.311(1)] describing the remedial actions taken to resolve the failure or deviation. 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 Rule 62-330.315, F.A.C.
- 44. All retention, underdrain, wet detention, swale, and wetland stormwater management systems shall be inspected for substantial conformance with the permitted design upon completion of construction and every two years thereafter. Within 30 days following completion of such an inspection, a report shall be provided to the Department on the enclosed “Operation and Maintenance Inspection Certification” form [DEP Form 62-330.311(1), F.A.C.].
- 45. The authorized stormwater management systems within the geographic limits of the Southwest Florida Water Management District shall be constructed in accordance with 5.11 Sensitive Karst Areas of that District’s Environmental Resource Permit Applicant’s Handbook Volume II. The systems shall be constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Systems also must be constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The systems shall also be constructed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters. If during construction or operation of the stormwater management systems, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridan Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the District for review and approval that provides reasonable assurance that the breach will be permanently corrected.
- 46. The authorized stormwater management systems within the geographic limits of the Suwannee River Water Management District shall be constructed in accordance with 5.9 Sensitive Karst Areas Design Criteria and Guidelines of that District’s Environmental Resource Permit Applicant’s Handbook Volume II. The systems shall be constructed to prevent direct discharge of untreated

stormwater into the Floridan Aquifer System. Systems also must be constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The systems shall also be constructed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters. If during construction or operation of the stormwater management systems, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridan Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the District for review and approval that provides reasonable assurance that the breach will be permanently corrected.

47. All post-issuance submittals required by Specific Conditions 37 through 47 of this permit shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through a file transfer site) when practicable. The mailing address for the appropriate Department office is 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and the electronic mail address is [DEP\\_CD@dep.state.fl.us](mailto:DEP_CD@dep.state.fl.us). All submittals shall include the project name and indicated permit number when referring to this project.

#### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

48. Progress reports for the project shall be submitted to the Department (3319 Maguire Boulevard, Suite 232, Orlando, FL 32803) beginning, when work commences and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name and the Permittee name. Progress reports shall be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a three month period covered by this report.”
- e. Progress of natural revegetation in right-of-way areas
- f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization.

49. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.
- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
  - b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
  - c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
  - d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
  - f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
  - g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The restoration area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the restoration area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

50. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency that is the result of project construction.
51. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
52. The Permittee shall submit, within six months of placing the pipeline in service, an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the restoration areas in compliance according to the Wetland Restoration Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the restoration areas in compliance with the Wetland Restoration Success Criteria Condition above.

53. Monitoring Data shall be collected annually.
54. The Permittee shall commence all wetland restoration within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January 31, restoration shall commence by March 1. In either case, construction of the mitigation areas shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the Department.
55. Following the Department's determination that the wetland restoration has been successfully completed, the Permittee shall operate and maintain the wetland restoration areas such that they remain in their current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland restoration areas where conditions no longer meet the criteria set forth in the Wetland Restoration Criteria Condition, provided that the change in conditions are the result of the project construction.

#### **SPECIFIC CONDITIONS – KARST FEATURES**

56. The Permittee shall comply with the procedures outlined in Attachment J "Karst Mitigation Plan".
57. The Permittee shall supply the Department with any geologic data related to karst features within the construction right-of-way.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any 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, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. 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 binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

#### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
Director, Central District

**Attachments:**

Attachment A Contractor Yards  
Attachment B Figures  
Attachment D Aboveground Facilities  
Attachment E Erosion and Sediment Control Plan  
Attachment F Best Drilling Practices Plan  
Attachment G Spill Prevention and Countermeasure Plan  
Attachment H HDD Plan and Profile  
Attachment I Wetland Detail Drawings  
Attachment J Karst Mitigation Plan  
Attachment K State Lands Easement Drawings  
Attachment L Summary of Compensatory Mitigation  
Construction Commencement Notice/Form 62-330.350(1)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)  
Operation and Maintenance Inspection Certification/Form 62-330.311(1)  
Request to Transfer Permit/Form 62-330.340(1)

**Oculus Links to Above referenced Attachments:**

All drawings (minus Attach B, part 1):

[http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&\[guid=23.277890.1\]&\[profile=Plans and Specifications\]](http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=23.277890.1]&[profile=Plans and Specifications])

Attachment B, part 1:

[http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&\[guid=23.277891.1\]&\[profile=Plans and Specifications\]](http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=23.277891.1]&[profile=Plans and Specifications])

**Copies furnished to:**

U.S. Army Corps of Engineers, [corpsjaxreg@usace.army.mil](mailto:corpsjaxreg@usace.army.mil)  
FERC, [John.Penconom@ferc.gov](mailto:John.Penconom@ferc.gov)  
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Tom Edwards, [tse@edwardsragatz.com](mailto:tse@edwardsragatz.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **January 22, 2016** to the above listed persons.

FILING AND ACKNOWLEDGMENT

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



\_\_\_\_\_  
Clerk

January 22, 2016

Date