

Form #0942 08/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT SURFACE WATER MANAGEMENT GENERAL PERMIT NO. 36-00142-S DATE ISSUED:July 20, 2010

PERMITTEE: EAST COUNTY WATER CONTROL DISTRICT

601 EAST COUNTY LANE LEHIGH ACRES, FL 33936

PROJECT DESCRIPTION: This application is a request for a General Permit Modification authorizing

construction and operation of a surface water management system serving 4 acres of government project known as East County Water Control District (ECWCD) SW

Recharge Project with discharge into the ECWCD canal system..

PROJECT LOCATION:

LEE COUNTY,

SEC 1,2,3,4,10,11,12 TWP 45S RGE 26E

SEC 33,34,35,36 TWP 44S RGE 26E

PERMIT DURATION:

See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative

Code

This is to notify you of the District's agency action concerning Permit Application No. 100325-12, dated March 25, 2010. This action is taken pursuant to Rule 40E-1.606 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and a Surface Water Management General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.

2. the attached 19 Standard Limiting Conditions (See Pages: 2 - 3 of 9),

3. the attached 16 Special Conditions (See Pages: 4 - 9 of 9) and

4. the attached 2 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 20th day of July, 2010, in accordance with Section 120.60(3), Florida Statutes.

BY:

Ricardo A. Valera, P.E.

Director, LWC Regulatory Division

Lower West Coast Service Center

Certified mail number

7009 1410 0001 8012 2783

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NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does <u>not</u> constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

- 1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
- 2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
- 3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
- 4. A statement of when and how the petitioner received notice of the SFWMD's decision.
- 5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
- 6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
- 7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
- 8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
- 9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

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STANDARD LIMITING CONDITIONS

- 1. The permittee shall implement the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
- Water quality data for the water discharged from the permittee's property or into surface waters of the State will be submitted to the District as required by Section 5.9, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District". Parameters to be monitored may include those listed in Chapter 62-302, F.A.C.. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the State.
- 3. This permit shall not relieve the permittee of any obligation to obtain necessary federal, State, local or special district approvals.
- 4. The operation phase of this permit will not become effective until the District's acceptance of certification of the completed surface water management system. The permittee shall request transfer of the permit to the responsible operation entity accepted by the District, if different from the permittee. The transfer request can be submitted concurrently with the construction completion certification.
- 5. All road elevations shall be set in accordance with the criteria set forth in Section 6.5, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
- 6. All building floor elevations shall be set in accordance with the criteria set forth in Section 6.4, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
- 7. Off-site discharges during construction and development will be made only through the facilities authorized by this permit.
- 8. A permit transfer to the operation phase shall not occur until a responsible entity meeting the requirement in Section 9.0, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District" has been established to operate and maintain the system. The entity must be provided with sufficient ownership or legal interest so that it has control over all water management facilities authorized herein.
- 9. The permit does not convey to the permittee any property rights or privileges other than those specified in the permit and Chapter 40E-4, F.A.C..
- 10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.
- 11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
- 12. Within 30 days of issuance of this permit, the permittee or authorized agent shall notify the District (via the supplied construction commencement notice or equivalent) of the actual or anticipated construction start date and the expected completion date.

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STANDARD LIMITING CONDITIONS

13. When the duration of construction exceeds one year, the permittee or authorized agent shall submit construction status reports on an annual basis (via the supplied annual status report or equivalent) beginning one year after the initial commencement of construction.

- 14. Within 30 days after completion of construction of the surface water management system, the permittee or authorized agent shall file a written statement of completion and certification by a Florida registered professional engineer. These statements must specify the actual date of construction completion and must certify that all facilities have been constructed in substantial conformance with the plans and specifications approved by the District (via the supplied construction completion/certification or equivalent). The construction completion certification must include, at a minimum, existing elevations, locations and dimensions of the components of the water management facilities. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
- 15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0483, Request for Permit Transfer; or Form 0920, Request for Transfer of Surface Water Managment Construction Phase to Operation Phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 AND 40E-4.351, F.A.C..
- 16. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.
- 17. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
- 18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.
- 19. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C..

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SPECIAL CONDITIONS

- 1. The construction phase of this permit shall expire on July 20, 2015.
- 2. Operation of the surface water management system shall be the responsibility of the permittee.
- 3. Discharge Facilities:

Basin: 2

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 22' NGVD 29. 60 LF of 48" dia. REINFORCED CONCRETE PIPE culvert. 1-2' wide X 3' high slide gate with invert at elev. 19.5' NGVD 29.

Receiving body: Gernard Canal

Control elev: 23 FEET NGVD 29 DRY SEASON.

Basin: 3

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 22' NGVD 29. 50 LF of 48" dia. REINFORCED CONCRETE PIPE culvert. 1-2' wide X 3' high slide gate with invert at elev. 19.5' NGVD 29. Receiving body: Lampry Canal Control elev: 22.5 FEET NGVD 29 DRY SEASON.

Basin: 4/11, Structure: #11

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 23' NGVD 29. 50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert. 1-2' wide X 2' high slide gate with invert at elev. 17' NGVD 29. Receiving body: Butterfly Canal

Control elev: 23 FEET NGVD 29 DRY SEASON.

Basin: 4/11, Structure: #14A

120 LF of 48" dia. REINFORCED CONCRETE PIPE culvert.

Receiving body: Butterfly Canal

Control elev: 23 FEET NGVD 29 DRY SEASON.

Basin: 4/11, Structure: #4

3-5' W X ' H RECTANGULAR ORIFICEs with invert at elev. 20' NGVD 29. 2-60" dia. REINFORCED CONCRETE PIPE culverts each 50' long. 4-2' wide X 3' high slide gateS with invert at elev. 17' NGVD 29. Receiving body: Ladyfish Canal Control elev: 23 FEET NGVD 29 DRY SEASON.

2-60" dia. REINFORCED CONCRETE PIPE culverts each 147' long. 2-4' wide X 5' high slide gateS with invert at elev. 17' NGVD 29.

Receiving body: Blowfish Canal

Control elev: 20.5 FEET NGVD 29 DRY SEASON.

Basin: 5, Structure: #5

Basin: 5, Structure: #1

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SPECIAL CONDITIONS

1-40' W X 6.5' H RECTANGULAR weir with crest at elev. 20.5' NGVD 29. 1-21.5' W X 1.5' H RECTANGULAR NOTCH with invert at elev. 19' NGVD 29.

Receiving body: Blowfish Canal

Control elev: 20.5 FEET NGVD 29 DRY SEASON.

Basin: 6

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 21' NGVD 29.
65 LF of 48' dia. REINFORCED CONCRETE PIPE culvert.
1-3' wide X 1' high slide gate with invert at elev. 21' NGVD 29.
Receiving body: Porkfish Canal

Control elev: 22 FEET NGVD 29 DRY SEASON.

Basin: 7

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 23.5' NGVD 29.
50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.
2-2' wide X 2' high slide gateS with invert at elev. 21'NGVD 29.
Receiving body: Sardine Canal

Control elev: 24.5 FEET NGVD 29 DRY SEASON.

Basin: 8

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 23.5' NGVD 29.
50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.
2-2' wide X 2' high slide gateS with invert at elev. 22' NGVD 29.
Receiving body: Warmouth Canal
Control elev: 24 FEET NGVD 29 DRY SEASON.

Basin: 10, Structure: #10

2-4' W X ' H RECTANGULAR ORIFICEs with invert at elev. 19.5' NGVD 29. 2-36" dia. REINFORCED CONCRETE PIPE culverts each 100' long. 2-2' wide X 3' high slide gateS with invert at elev. 18' NGVD 29. Receiving body: Flounder Canal Control elev: 19 FEET NGVD 29 DRY SEASON.

Basin: 10, Structure: #18

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 22.5' NGVD 29. 50 LF of 54" dia. REINFORCED CONCRETE PIPE culvert. 2-2' wide X 2' high slide gateS with invert at elev. 18' NGVD 29. Receiving body: Flounder Canal Control elev: 19 FEET NGVD 29 DRY SEASON.

Basin: 10, Structure: #9

4-10' wide X 9' high REINFORCED CONCRETE PIPE culverts each ' long. 4-4' wide X 5' high slide gateS with invert at elev. 16' NGVD 29. Receiving body: Butterfly Canal

Control elev: 19 FEET NGVD 29 DRY SEASON.

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SPECIAL CONDITIONS

Basin: 12

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 24' NGVD 29.

50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.

1-2' wide X 3' high slide gate with invert at elev. 21' NGVD 29.

Receiving body: Herring Canal

Control elev: 25 FEET NGVD 29 DRY SEASON.

Basin: 13

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 24' NGVD 29.

50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert. 1-2' wide X 2' high slide gate with invert at elev. 22' NGVD 29.

Receiving body: Pompano Canal

Control elev: 25.5 FEET NGVD 29 DRY SEASON.

Basin: 15

1-5' W X ' H RECTANGULAR ORIFICE with invert at elev. 25' NGVD 29.

50 LF of 48" dia. REINFORCED CONCRETE PIPE culvert. 1-2' wide X 3' high slide gate with invert at elev. 21' NGVD 29.

Receiving body: Octopus Canal

Control elev: 26 FEET NGVD 29 DRY SEASON.

Basin: 16, Structure: #14B

50 LF of 60" dia. REINFORCED CONCRETE PIPE culvert. 1-4' wide X 5' high slide gate with invert at elev. 17.5' NGVD 29.

Receiving body: Ladyfish Canal

Control elev: 25.75 FEET NGVD 29 DRY SEASON.

Basin: 16, Structure: #16

2-5' W X ' H RECTANGULAR ORIFICEs with invert at elev. 24.5' NGVD 29.

2-72" dia. REINFORCED CONCRETE PIPE culverts each 135' long.

2-2' wide X 2' high slide gateS with invert at elev. 20' NGVD 29.

Receiving body: Butterfly Canal

Control elev: 25.75 FEET NGVD 29 DRY SEASON.

Basin: 17

2-4' W X ' H RECTANGULAR ORIFICEs with invert at elev. 22' NGVD 29.

2-48" dia. REINFORCED CONCRETE PIPE culverts each 50' long.

2-2' wide X 2' high slide gateS with invert at elev. 18' NGVD 29.

Receiving body: Butterfly Canal

Control elev: 23.5 FEET NGVD 29 DRY SEASON.

Basin: 19

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 24' NGVD 29.

50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.

1-2' wide X 2' high slide gate with invert at elev. 21.5' NGVD 29.

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SPECIAL CONDITIONS

Receiving body: Haddock Canal

Control elev: 25.5 FEET NGVD 29 DRY SEASON.

Basin: 20

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 23.75' NGVD 29.
50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.
1-2' wide X 2' high slide gate with invert at elev. 22' NGVD 29.

Receiving body: Jewel Canal

Control elev: 25.25 FEET NGVD 29 DRY SEASON.

Basin: 21

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 24.25' NGVD 29.
50 LF of 42" dia. REINFORCED CONCRETE PIPE culvert.
2-2' wide X 3' high slide gateS with invert at elev. 21' NGVD 29.
Receiving body: Clam Canal

Control elev: 25.25 FEET NGVD 29 DRY SEASON.

Basin: 23

2-4' W X ' H RECTANGULAR ORIFICEs with invert at elev. 22' NGVD 29. 2-48" dia. REINFORCED CONCRETE PIPE culverts each 75' long. 2-2' wide X 2' high slide gateS with invert at elev. 20' NGVD 29. Receiving body: Blackdrum Canal

Control elev: 24 FEET NGVD 29 DRY SEASON.

Basin: 24

2-6' W X ' H RECTANGULAR ORIFICEs with invert at elev. 20.5' NGVD 29. 2-54" dia. REINFORCED CONCRETE PIPE culverts each 140' long. 3-2' wide X 3' high slide gateS with invert at elev. 18' NGVD 29. Receiving body: Sailfish Canal

Control elev: 24.5 FEET NGVD 29 DRY SEASON.

Basin: 25

1-4' W X ' H RECTANGULAR ORIFICE with invert at elev. 25' NGVD 29.
50 LF of 48" dia. REINFORCED CONCRETE PIPE culvert.
1-3' wide X 1.25' high slide gate with invert at elev. 24.5' NGVD 29.
Receiving body: Trippletail Canal
Control elev: 25.75 FEET NGVD 29 DRY SEASON.

Basin: 26

1-5' W X ' H RECTANGULAR ORIFICE with invert at elev. 25.5' NGVD 29. 75 LF of 48" dia. REINFORCED CONCRETE PIPE culvert. 1-3' wide X 1' high slide gate with invert at elev. 25.5' NGVD 29. Receiving body: Wahoo #2 Canal Control elev: 26.5 FEET NGVD 29 DRY SEASON.

Basin: 18/22

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SPECIAL CONDITIONS

2-5' W X ' H RECTANGULAR ORIFICEs with invert at elev. 20' NGVD 29.

175 LF of 54" dia. REINFORCED CONCRETE PIPE culvert.

2-2' wide X 2' high slide gateS with invert at elev. 18' NGVD 29.

Receiving body: Sailfish Canal

Control elev: 23.5 FEET NGVD 29 DRY SEASON.

- 4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
- 5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
- 6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
- 7. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
- 8. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
- 9. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
- 10. If 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
- 11. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
- 12. The Permittee shall utilize the gate operation schedule attached as Exhibit 2.1.
- 13. The Stomwater Pollution Prevention Plan shall be implemented in accordance with Exhibit No. 2.2.
- 14. The authorization of the surface water management system is issued pursuant to the water quality net improvement provisions referenced in Rule 40E-4.303(1); therefore, the water quality certification is waived.
- 15. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application number.

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SPECIAL CONDITIONS

Exhibit No. 2.3: Aerial, Plan View, and Cross Section of Stormwater Structures

16. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-00142-S unless otherwise specified herein.

Last Date For Agency Action: July 21, 2010

GENERAL SURFACE WATER MANAGEMENT STAFF REPORT

Project Name: East County Water Control District S W Recharge Project

Permit No.: 36-00142-S **Application No.:** 100325-12

Application Type: Surface Water Management (General Permit Modification)

Location: Lee County, S33,34,35,36/T44S/R26E

S1,2,3,4,10,11,12/T45S/R26E

Permittee: East County Water Control District

Operating Entity: East County Water Control District

Project Area: 4.00 acres

Project Land Use: Government

Drainage Basin: TIDAL CALOOSAHATCHEE Sub Basin: ORANGE RIVER, C-43

Receiving Body: ECWCD canal system Class: CLASS III

Special Drainage District: NA

Conservation Easement To District: No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for a General Permit Modification authorizing construction and operation of a surface water management system serving 4 acres of government project known as East County Water Control District (ECWCD) SW Recharge Project with discharge into the ECWCD canal system.

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PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The project site is located in the southwest portion of East County Water Control District (ECWCD) with an overall basin area of approximately 5,425 acres. It is bounded by Lee Boulevard on the north, S.R. 82 on the south, Gunnery Road on the west, and Yellowtail Canal on the east. A location map is attached as Exhibit 1.0.

Surface water discharge in this area is controlled by the Sailfish 1 and 2 structures at elevations 17.5 ft. NGVD and 18.8-ft NGVD respectively. These elevations result in a high percentage of the ECWCD canals in this area staying dry the majority of the year. Based on this information, structures Sailfish 1 and 2 may be influencing water levels within upstream canals. The current wet season water table (WSWT) contour map by Lee County shows that the area has WSWT elevations ranging from approximately 22-ft to 27-ft NGVD based on approximately 20 years of data.

The project area affected by the proposed project is comprised of ¼-acre platted residential lots. Some of the single family residential lots may contain wetlands as defined by Rule 62-340 Florida Administrative Code. The wetlands located within the platted residential lots are subject to single family development that is zoned for the area. The hydroperiod of wetlands within the area have been altered as a result of the construction of canals and development. The proposed project is anticipated to improve the hydroperiods of the wetlands by installing water control structures to retain water in the canal system longer in an effort to recharge the aquifers. No adverse environmental conditions are anticipated as a result of project construction.

PROJECT BACKGROUND:

The East County Water Control District (ECWCD) was established in 1958 to serve lands within its boundaries. It is bounded by State Road (S.R.) 80 on the north, S.R. 82 to the south, by a line located approximately $\frac{3}{4}$ mile east of the Hendry County line on the east, and by the Buckingham Community on the west. The ECWCD owns, operates and maintains approximately 311 miles of drainage canals across 63,000 acres of Lehigh Acres, including control structures and stormwater retention areas.

The original canal system was constructed in the 1960's to provide the primary backbone surface water management system (SWMS) for the service area. In the 1990s ECWCD began a program of retrofitting the system to improve water retention within the ECWCD canal system, improve the recharge characteristics for the upper aquifer, and improve wetland hydroperiods that are closer to the historic pre-existing conditions of the area. Through the program several structures have been replaced with positive results. In addition, in 2008, Permit No. 36-00142-S/Application No. 080219-34 authorized improvements to the stormwater retention areas known as Harns Marsh, South (120 acres) and North (342 acres), to increase storage capacity of this system during storm conditions.

PROPOSED PROJECT:

The applicant proposes to enhance the aquifer recharge characteristics of approximately 5,425 acres of the southwest ECWCD by installing 25 water control structures and one culvert within the 31 miles of canal located in this part of Lehigh Acres. The proposed improvements will occur in the canals and canal right-of-ways, which have been designed to maximize the water holding capacity of the canal system, allow the water to percolate into the upper aquifer, and to reduce the annual volume of discharge into the Orange River.

The proposed improvements consist of constructing overflow weirs with top down gates to be used as bleeders during the wet season as shown on Exhibit No. 2.0 with an operation schedule shown on Exhibit No. 2.1. The gates will be opened during the wet season and during the dry season the gates will be raised to the top of the structure. The emergency gates will be opened 24 hours prior to an anticipated

App.no.: 100325-12 Page 2 of 9

rain event exceeding the 25 year 1 day event.

LAND USE:

Construction:

Project:

Total Project

Total 4.00 acres

Total: 4.00

WATER QUANTITY:

Discharge Rate:

No discharge will occur outside the ECWCD boundaries during the dry season, and the gates will be opened during the wet season. Twenty-four (24) hours prior to an anticipated rain event exceeding the 25 year 1 day storm event, the emergency gates will be opened and allow discharge into the Orange River via the ECWCD canal system. No adverse discharge impacts are anticipated as a result of the proposed project.

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Control Elevation:

Basin	Area (Acres)	Ctrl Elev (ft, NGVD 29)	WSWT Ctrl Ele (ft, NGVD 29	
2	122.60	/23	22.00	Adjacent Canal Control Elevation
3	116.20	/22.5	22.00	Adjacent Canal Control Elevation
4/11	528.40	/23	20.00	Adjacent Canal Control Elevation
5	422.50	/20.5	19.00	Adjacent Canal Control Elevation
6	135.50	/22	21.00	Adjacent Canal Control Elevation
7	108.90	/24.5	23.50	Adjacent Canal Control Elevation
8	109.30	/24	23.50	Adjacent Canal Control Elevation
10	362.50	/19	23.50	Adjacent Canal Control Elevation
12	146.50	/25	24.00	Adjacent Canal Control Elevation
13	107.70	/25.5	24.00	Adjacent Canal Control Elevation
15	186.20	/26	25.00	Adjacent Canal Control Elevation
16	195.70	/25.75	24.50	Adjacent Canal Control Elevation
17	386.00	/23.5	22.00	Adjacent Canal Control Elevation
19	81.90	/25.5	24.00	Adjacent Canal Control Elevation
20	81.20	/25.25	23.75	Adjacent Canal Control Elevation
21	104.50	/25.25	24.25	Adjacent Canal Control Elevation
23	443.90	/24	22.00	Adjacent Canal Control Elevation
24	526.00	/24.5	20.50	Adjacent Canal Control Elevation
25	120.00	/25.75	25.00	Adjacent Canal Control Elevation
26	168.70	/26.5	25.50	Adjacent Canal Control Elevation
18/22	970.90	/23.5	20.00	Adjacent Canal Control Elevation

Receiving Body:

Basin	Str.#	Receiving Body
2	#2	Gernard Canal
3	#3	Lampry Canal
4/11	#11	Butterfly Canal
4/11	#14A	Butterfly Canal
4/11	#4	Ladyfish Canal
5	#1	Blowfish Canal
5	#5	Blowfish Canal
6	#6	Porkfish Canal
7	#7	Sardine Canal
8	#8	Warmouth Canal
10	#10	Flounder Canal
10	#18	Flounder Canal
10	#9	Butterfly Canal
12	#12	Herring Canal
13	#13	Pompano Canal
15	#15	Octopus Canal
16	#14B	Ladyfish Canal
16	#16	Butterfly Canal

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Receiving Body:

Basin	S	tr.#	Receiving Body
17		#17	Butterfly Canal
19		#19	Haddock Canal
20		#20	Jewel Canal
21		#21	Clam Canal
23		#23	Blackdrum Canal
24		#24	Sailfish Canal
25		#25	Trippletail Canal
26		#26	Wahoo #2 Canal
18/22		#22	Sailfish Canal

Emergency Structures: Note: The units for all the elevation values of structures are (ft, NGVD 29)

В	eeders:
	ccucis.

Basin	Str#	Count	Type	Width	Height	Length Dia.	Invert Angle	Invert Elev.
10	#10	2	Rectangular Orifice	4'				19.5
10	#18	1	Rectangular Orifice	4'				22.5
12	#12	1	Rectangular Orifice	4'				24
13	#13	1	Rectangular Orifice	4'				24
15	#15	1	Rectangular Orifice	5'				25
16	#16	2	Rectangular Orifice	5'				24.5
17	#17	2	Rectangular Orifice	4'				22
18/22	#22	2	Rectangular Orifice	5'				20
19	#19	1	Rectangular Orifice	4'				24
2	#2	1	Rectangular Orifice	4'				22
20	#20	1	Rectangular Orifice	4'				23.75
21	#21	1	Rectangular Orifice	4'				24.25
23	#23	2	Rectangular Orifice	4'				22
24	#24	2	Rectangular Orifice	6'				20.5
25	#25	1	Rectangular Orifice	4'				25
26	#26	1	Rectangular Orifice	5'				25.5
3	#3	1	Rectangular Orifice	4'				22
4/11	#11	1	Rectangular Orifice	4'				23
4/11	#4	3	Rectangular Orifice	5'				20
5	#5	1	Rectangular Notch	21.5'	1.5'			19
6	#6	1	Rectangular Orifice	4'				21
7	#7	1	Rectangular Orifice	4'				23.5
8	#8	1	Rectangular Orifice	4'				23.5

Culverts:

Ourverts.							
Basin	Str#	Count	Type	Width		Length	Dia.
10	#10	2	Reinforced Concrete Pipe			100'	36"
10	#18	1	Reinforced Concrete Pipe			50'	54"
10	#9	4	Reinforced Concrete Pipe	10'	9'		
12	#12	1	Reinforced Concrete Pipe			50'	42"
13	#13	1	Reinforced Concrete Pipe			50'	42"
15	#15	1	Reinforced Concrete Pipe			50'	48"
16	#14B	1	Reinforced Concrete Pipe			50'	60"
16	#16	2	Reinforced Concrete Pipe			135'	72"
17	#17	2	Reinforced Concrete Pipe			50'	48"
18/22	#22	1	Reinforced Concrete Pipe			175'	54"
19	#19	1	Reinforced Concrete Pipe			50'	42"
2	#2	1	Reinforced Concrete Pipe			60'	48"

App.no.: 100325-12

	#5	1		Rectangular	40' 6.5'		20.5 (0	
Veirs: Basin	Str#	Count		Туре	Width Height	Length	Dia. Ele	
	#	8	2	Slide Gate	2'	2'	22	
	#		2	Slide Gate	2'	2'	21	
	#		1	Slide Gate	3'	1'	21	
	#		2	Slide Gate	4'	5'	17	
11	#		4					
'11 '11			1.50	Slide Gate	2'	3'	17	
/11	#1		1	Slide Gate	2'	2'	17	
-	#2		1	Slide Gate	2'	3'	19.5	
6	#2		1	Slide Gate	3'	1'	25.5	
5	#2		1	Slide Gate	3'	1.25'	24.5	
4	#2	24	3	Slide Gate	2'	3'	18	
3	#2	23	2	Slide Gate	2'	2'	20	
1	#2	21	2	Slide Gate	2'	3'	21	
0	#2	20	1	Slide Gate	2'	2'	22	
!	#		1	Slide Gate	2'	3'	19.5	
9	#		1	Slide Gate	2'	2'	21.5	
8/22	#2		2	Slide Gate	2'	2'	18	
7		17	2	Slide Gate	2'	2'	18	
6		16	2	Slide Gate	2'	2'	20	
6		4B	1	Slide Gate	4'	5'	17.5	
5	#		1	Slide Gate	2'	3'	21	
3		13	1	Slide Gate	2'	2'	22	
2		12	1	Slide Gate	2'	3'	21	
0		9	4	Slide Gate	4'	5'	16	
10	#	18	2	Slide Gate	2'	2'	18	
10	#	10	2	Slide Gate	2'	3'	18	
Basin	Si	tr# (Count	Туре	Width	Height	Invert Ele	v.
Sates:								
3		#8	1	Reinforced Co	ncrete Pipe		50'	42"
7		#7	1	Reinforced Co			50'	42"
5		#6	1	Reinforced Co			65'	48'
5		#1	2	Reinforced Co			147'	60"
4/11		#4	2	Reinforced Co			50'	60'
1/11		#11	1	Reinforced Co			50'	42'
3		#3	i	Reinforced Co			50'	48'
26		#26	1	Reinforced Co			75'	48'
24 25		#25	1	Reinforced Co			50'	48"
24		#24	2	Reinforced Co			140'	54'
23		#23	1 2	Reinforced Co Reinforced Co			75'	48'
20 21		#20 #21	1	Reinforced Co			50' 50'	42' 42'
		1100						401

Str#

Count

Basin

Type

Width

Length

Dia.

SWM(Internal) Structures:

Culverts:

4/11 #14A 1 Reinforced Concrete Pipe 120' 48"

WATER QUALITY:

The authorization of the surface water management system is issued pursuant to the water quality net improvement provisions referenced in Rule 40E-4.303(1); therefore, the water quality certification is waived.

The revised system will increase the canal storage volume from 79.9 ac-ft that is currently available to 395.9 ac-ft during the dry season and 214.0 ac-ft during the rainy season which will improve water quality in the area. Stormwater Pollution Prevention Plan specifications and guidelines are part of the required water quality. Construction and daily operation of the project shall be conducted in accordance with Special Conditions No. 13.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

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RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that dewatering or irrigation water for the project is not required for this project. However, if it is determined during construction that dewatering is necessary, a dewatering permit will be required. No construction dewatering is authorized under this permit.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Not applicable.

Waste Water System/Supplier:

Not applicable.

Right-Of-Way Permit Status:

A Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

On May 20, 2010, the District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

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DIVISION APPROVAL:

SURFACE WATER MANAGEMENT:

William Foley, P.E.

DATE: 7/19/10

DATE: 7/20/10

NATURAL RESOURCE MANAGEMENT:

App.no.: 100325-12

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Page 1 of 3

Exhibit 1.0

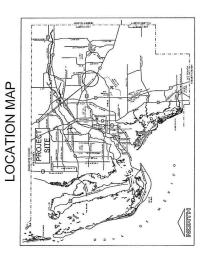
ECWCD SW BASIN STRUCTURES

LEHIGH ACRES, FLORIDA

SHEET INDEX

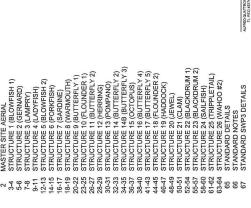
OWNER / DEVELOPER:

EAST COUNTY
WATER CONTROL DISTRICT
OWNER ADDRESS



LEE COUNTY, FLORIDA

TOWNSHIP 44S-45S, RANGE 26E



QUATTRONE & ASSOCIATES, INC. 4301 VERONICA SHOEMAKER BLVD FORT MYERS, FLORIDA 33916 (239) 936-5222 (p) / (239) 936-7228(f) WWW.QAINC.NET COA#9465

Exhibit 1.0 Application No. 100325-12 Page 2 of 3

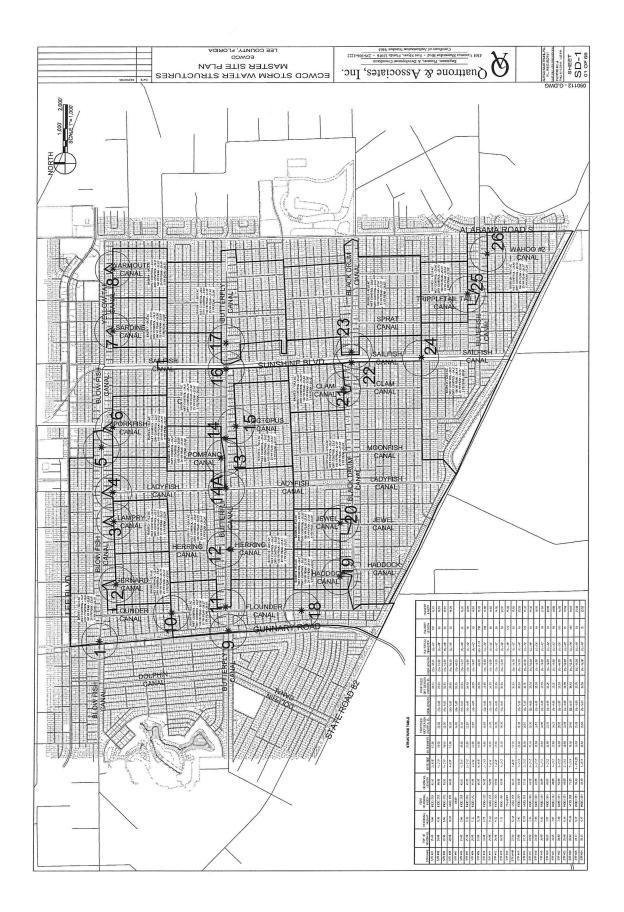
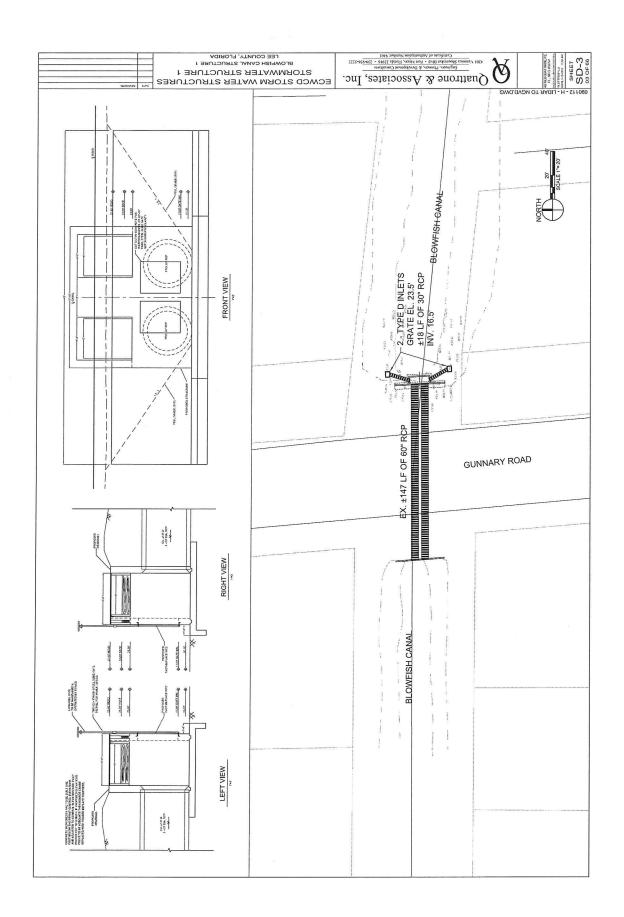




Exhibit 2.0 Application No. 100325-12 Page 1 of 16



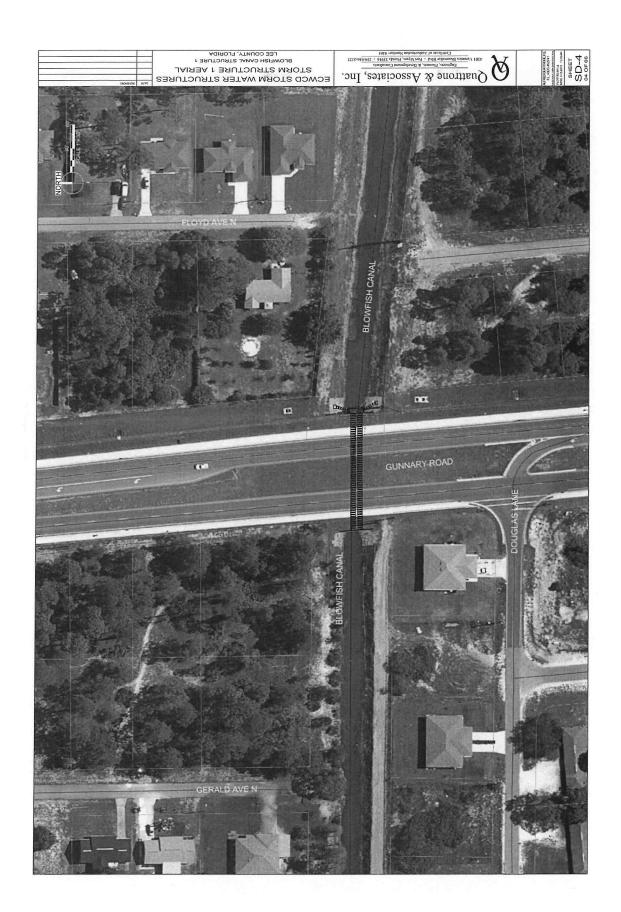


Exhibit 2.0 Application No. 100325-12 Page 3 of 16

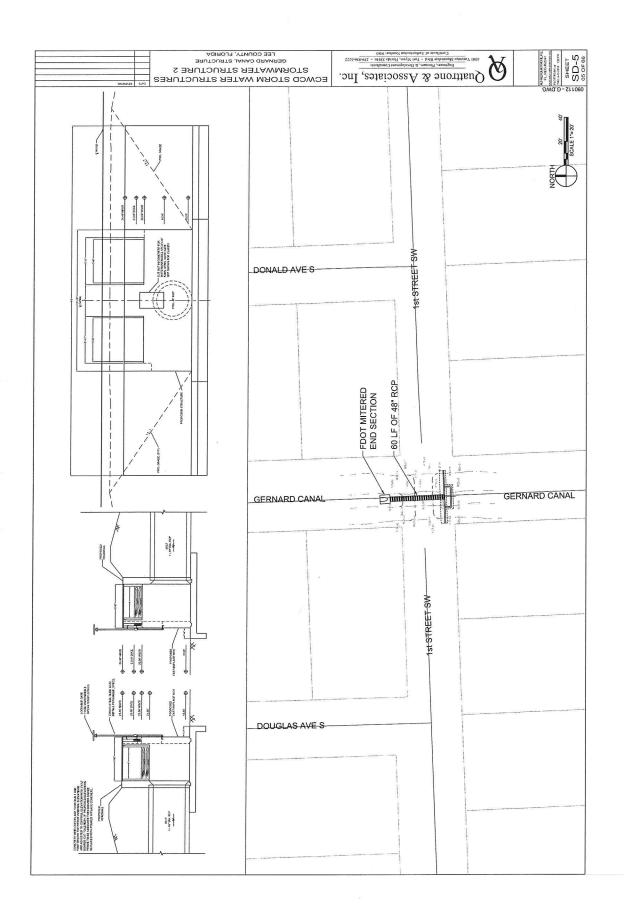




Exhibit 2.0 Application No. 100325-12 Page 5 of 16

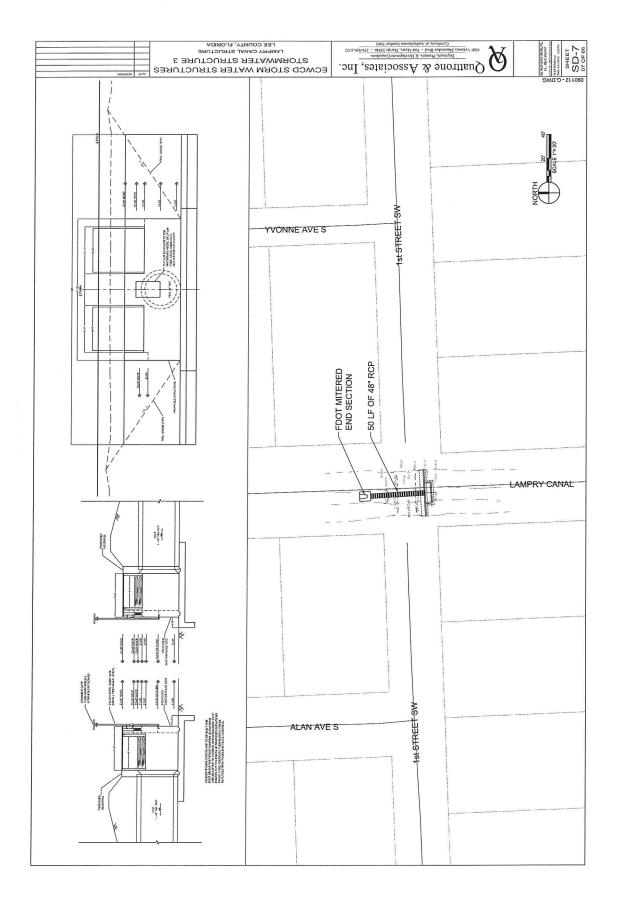
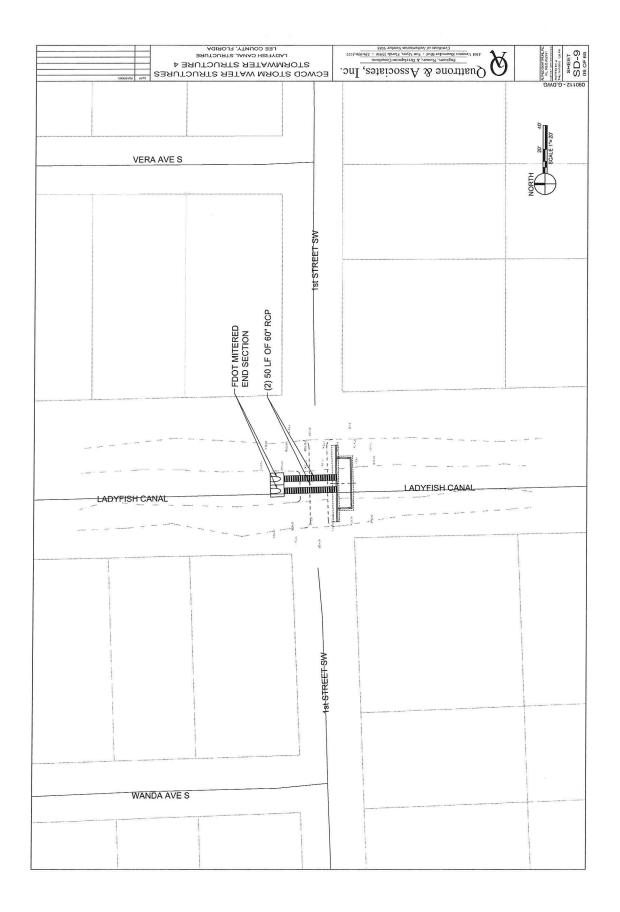




Exhibit 2.0 Application No. 100325-12 Page 7 of 16



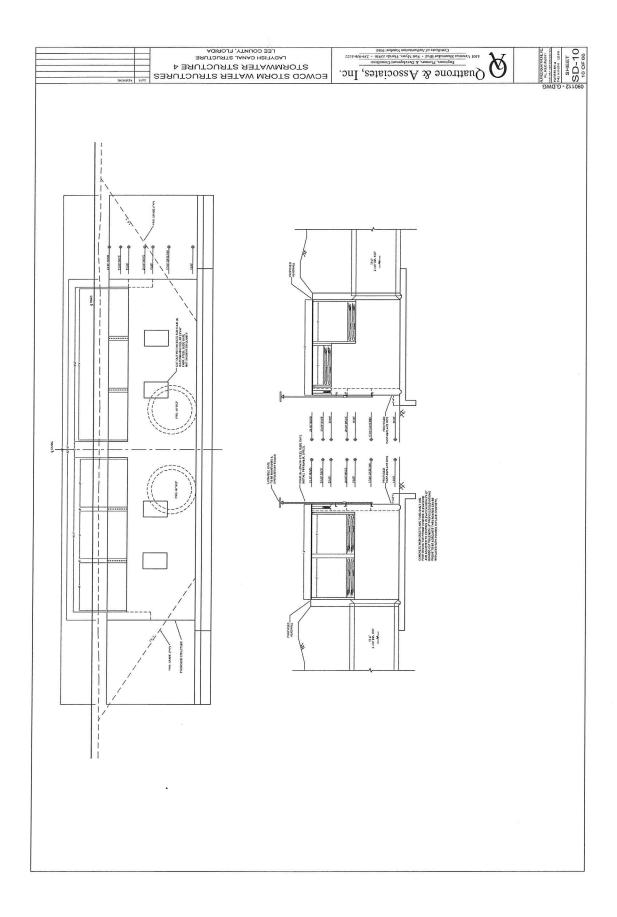




Exhibit 2.0 Application No. 100325-12 Page 10 of 16

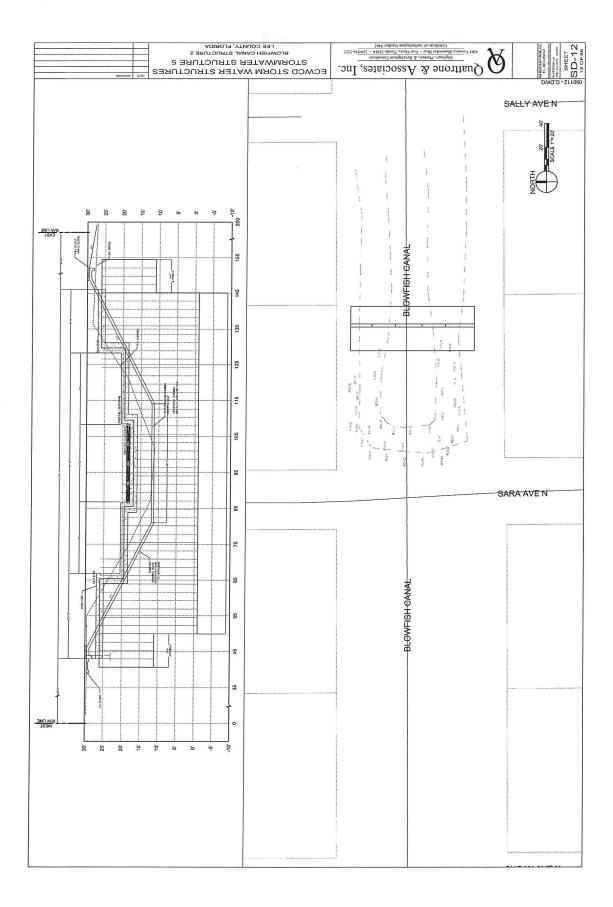




Exhibit 2.0 Application No. 100325-12 Page 12 of 16

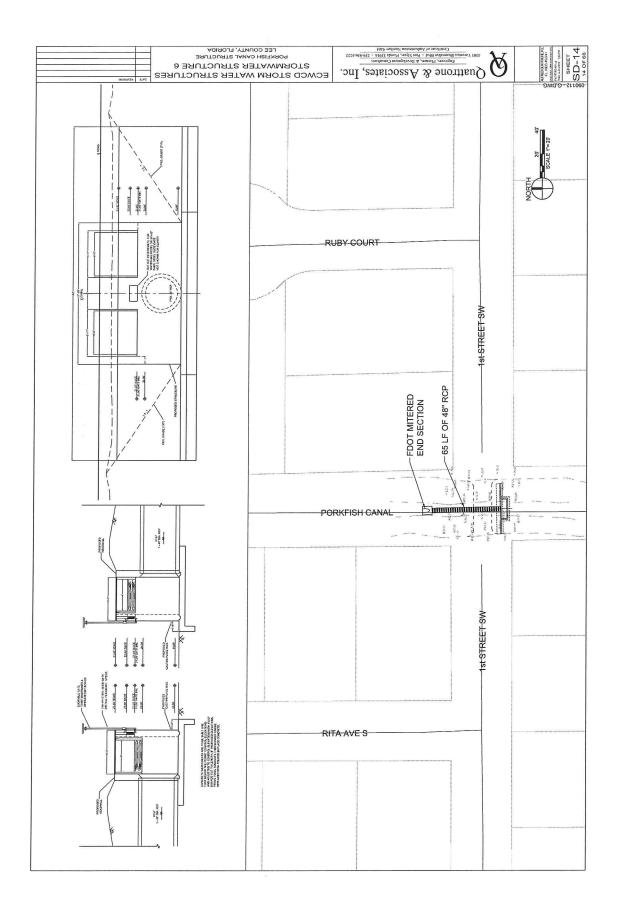
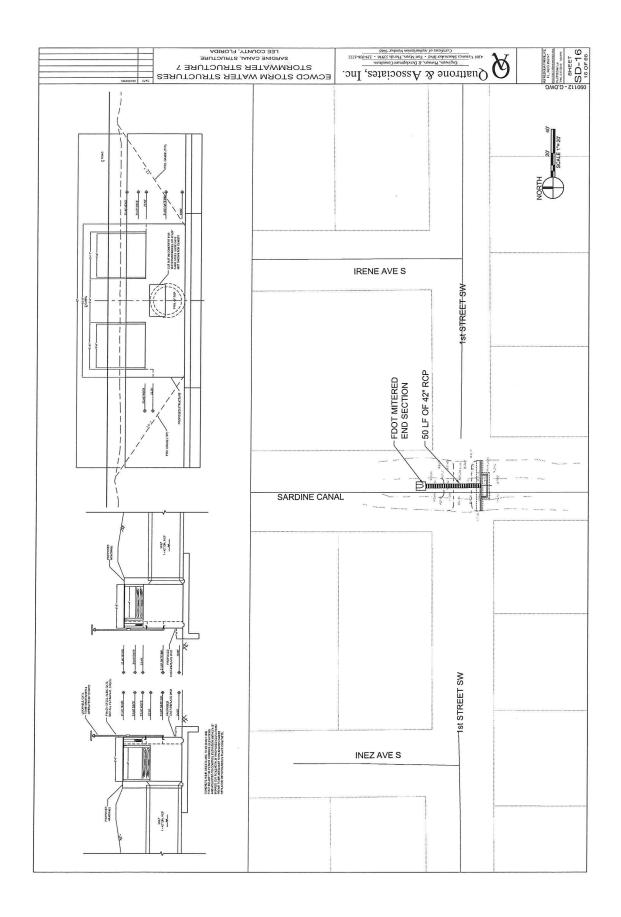




Exhibit 2.0 Application No. 100325-12 Page 14 of 16



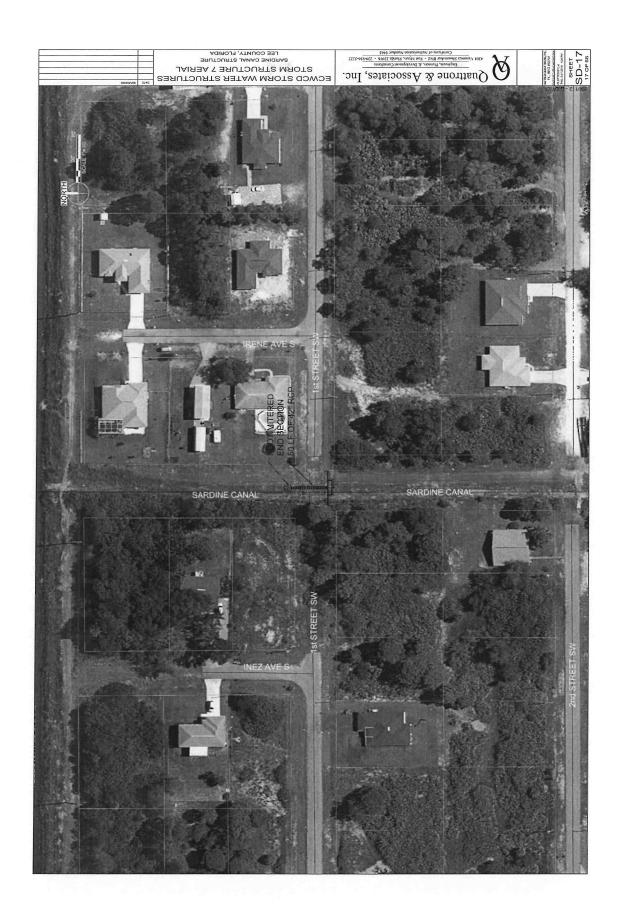
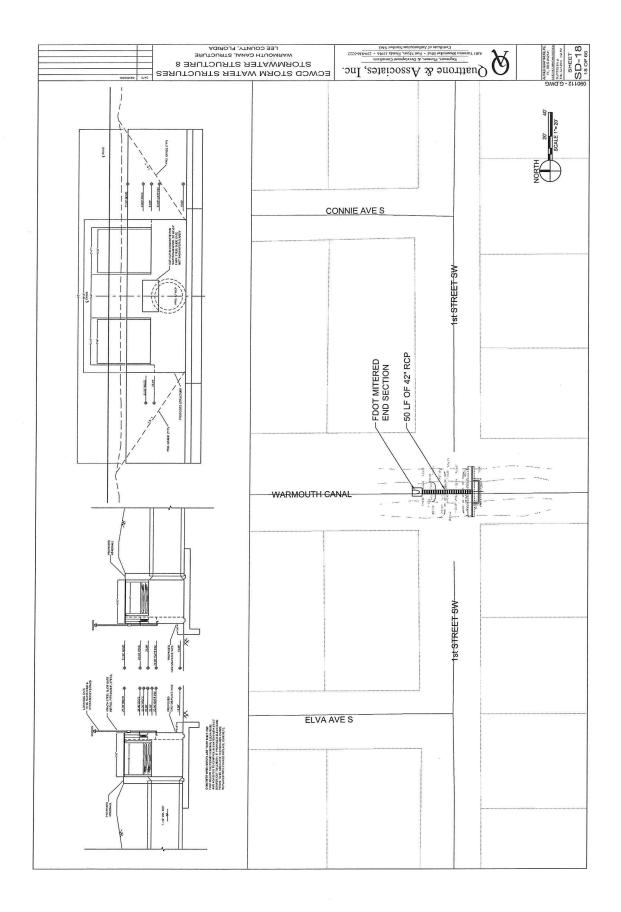


Exhibit 2.0 Application No. 100325-12 Page 16 of 16



OPERATIONAL SCHEDULE FOR EAST COUNTY WATER CONTROL DISTRICT

NORMAL WET SEASON

Bleeder gates opened to elevations indicated on the plans.

Emergency gates closed.

NORMAL DRY SEASON

Bleeder gates closed to Overflow elevations indicated on the plans.

Emergency gates closed.

MAJOR STORM EVENT*

Bleeder gates opened to elevations indicated on the plans 24 hours prior

to anticipated storm event.

Emergency gates opened 24 hours prior to anticipated storm event.

*A Major Storm Event is defined as an event greater than 6.5" which corresponds to the 25 year one day event. The actions described here will take effect in both wet and dry seasons.

STORMWATER POLLUTION PREVENTION PLAN FOR EAST COUNTY WATER CONTROL DISTRICT

INTRODUCTION

This document provides details of the Stormwater Pollution Prevention Plan for the East County Water Control District in Lee County, Florida. East County Water Control District encompasses over 63,000 acres of land and approximately 311 miles of canals. The District does not have the authority to dictate pollution control measures to the general populace of the District, but has some control over the development of new projects. This plan discusses non-structural controls, intended to improve the quality of storm water runoff by the respective sources for each constituent, along with significant structural components of the primary Stormwater treatment system, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of the East County Water Control District and the surrounding drainage features.

Pollution prevention guidelines are provided for the areas of: (1) nutrient management; (2) pesticide management; and (2) Storm water system operation and maintenance. A discussion of each of these activities is given in the following sections.

NUTRIENT MANAGEMENT

Annual fertilization of the canal ROW shall not be done. The canals and banks are typically not fertilized. The exception to this policy is a starter fertilization at the time of planting of a grass or vegetation for the purposes of erosion control. The rate and analysis of the starter fertilization is determined by a soil analysis, time of year and requirements of plant.

PESTICIDE MANAGEMENT

Pesticides, fungicides, and herbicides are used only in response to a specific problem and in that manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides, and herbicides as a preventative measure is not done.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria:

- A. Must be consistent with the USDA-NRCS Soil Rating for Selecting Pesticides
- B. Must have a minimum potential for leaching into groundwater or loss from runoff
- C. Products must be EPA-approved

All chemical application is done by licensed applicators. All chemical products are used in accordance with the manufacturer's recommendations.

STORM WATER SYSTEM & OPERATION

The storm water management system for ECWCD is a continuously upgrading system of canals, structures and detention facilities. The system was originally constructed as a drainage system with minimal concern for water quality and recharge of the groundwater. Over time the system has been revised to increase the storage capabilities of the system; increase the water quality and attenuation of the storm water discharges and provide additional recharge to the groundwater. The District is continually working to improve all aspects of the system to better serve the area and downstream properties.

STORMWATER POLLUTION PREVENTION PLAN Page 1 of 2 Maintenance of the system consists of an ongoing inspection by the district engineer and staff. During the inspections, the following items will be reviewed and corrected as necessary:

- A. Inspect the structures and components to ensure free-flowing conditions and overall engineering stability of the outfall system.
- B. Review the banks of the canals to ensure proper side slope stabilization and inspect for signs of excessive seepage which may indicate areas of excessive groundwater flow and possible subsurface channeling.
- C. Physically evaluate the system for evidence of excessive sediment accumulation or erosion.
- D. Inspect each canal crossing and rate each culvert and bridge to determine the life expectancy of the structure for future replacement.

At the completion of the inspection, a written inspection report is prepared, listing any deficiencies which need to be addressed or corrected by the District.

Maintenance activities are done in compliance with all aspects of the NPDES program.

New developments within the District are required to comply with criteria and Rules of the SFWMD.

STORMWATER POLLUTION PREVENTION PLAN Page 2of 2

APPLICATION #100325-12 PERMIT NO. 36-00142-S East County Water Control District

EXHIBIT 2.3
Pages 1-49 of 49
Aerial, Plan View and Cross Section of Stormwater Structures

INCORPORATED BY REFERENCE

STAFF REPORT DISTRIBUTION LIST

EAST COUNTY WATER CONTROL DISTRICT S W RECHARGE PROJECT

Application No: 100325-12

Permit No:

36-00142-S

INTERNAL DISTRIBUTION

- X Carmen Quan, P.E.
- X Jewelene S. Harris
- X William Foley, P.E.
- X Laura Layman
- X ERC Engineering
- X ERC Environmental
- X Fort Myers Backup File
- X Permit File

EXTERNAL DISTRIBUTION

- X Permittee East County Water Control District
- X Agent R H T Engineering Inc

GOVERNMENT AGENCIES

- X Lee County Dept of Environmental Protection
- X Lee County Development & Review

OTHER INTERESTED PARTIES

- X Audubon of Florida Charles Lee
- X League of Women Voters of Lee County Clara Anne Graham.Elliott

STAFF REPORT DISTRIBUTION LIST

ADDRESSES

R H T Engineering Inc 704 Leeland Heights Blvd W Ste A Lehigh Acres FL 33936

Lee County - Dept of Environmental Protection P.O. Box 398
Fort Myers FL 33902-0398

Audubon of Florida - Charles Lee 1101 Audubon Way Maitland FL 32751 East County Water Control District 601 East County Lane Lehigh Acres FL 33936

Lee County - Development & Review Po Box 398 Ft Myers FL 33902-0398

League of Women Voters of Lee County - Clara Anne Graham.Elliott 25201 Divot Drive Bonita Springs FL 333923

Application No: 100325-12

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