

MEMORANDUM

TO: Governing Board  
FROM: Jon Dinges, Director, Resource Management <sup>JWD</sup>  
THRU: David Still, Executive Director <sup>DS</sup>  
DATE: June 26, 2009  
RE: Approval of Water Use Permit Application Number 86-0072R

RECOMMENDATION

Staff recommends the Governing Board approve Individual Water Use Permit application number WUP86-0072R, with three standard conditions and ten special limiting conditions to Straughn Farms, LLC, in Alachua County.

BACKGROUND

The application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

JD/lgw



# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 1, 2009

Mr. Alto Straughn  
Straughn Farms, LLC  
11325 NE US HWY 301  
Waldo, FL 32694

DON QUINCEY, JR.  
Chairman  
Chiefland, Florida

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Vice Chairman  
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Cedar Key, Florida

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Lake City, Florida

J.P. MAULTSBY  
Madison, Florida

LOUIS SHIVER  
Mayo, Florida

DAVID STILL  
Executive Director  
Lake City, Florida

Subject: Water Use Permit Application Number  
WUP86-0072R, Alachua County

Dear Mr. Straughn:

The Suwannee River Water Management District (District) proposes to issue water use permit number 86-0072R, for Straughn Farms-Waldo Location, located in Alachua County, in Township 8 South, Range 22 East, Sections 17 and 18. This proposed agency action is subject to final Governing Board approval at the July 14, 2009, meeting.

Persons considered to be potentially affected by this proposed agency action may request an administrative hearing. The request must be in writing and must adhere to the guidelines set forth in Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings are required to be sent to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Questions regarding the proposed action should be directed to the Department of Resource Management, 386.362.1001.

Sincerely,

A handwritten signature in black ink, appearing to read "JD", is written over the name "Jon Dinges, P.E.".

Jon Dinges, P.E.  
Director, Resource Management

JD/lgw

Enclosure

Certified Return Receipt #: 7007 1490 0002 7883 6101

Water for Nature, Water for People

RM 2.

## NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
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4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy to the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

**Mr. Alto Straughn  
Straughn Farms, LLC  
11325 NE US HWY 301  
Waldo, FL 32694**

At 4:00 p.m. this 1<sup>st</sup> day of July, 2009

  
\_\_\_\_\_  
Jon Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: WUP86-0072R

# STAFF REPORT

## WATER USE PERMIT APPLICATION

**DATE:** June 26, 2009

**PROJECT:** Straughn Farms – Waldo Farm Location

**APPLICANT:**

Straughn Farms, LLC  
11325 NE US HWY 301  
Waldo, FL 32694

**PERMIT APPLICATION NO.:** WUP86-0072R

**DATE OF APPLICATION:** March 24, 2009

**APPLICATION COMPLETE:** April 9, 2009

**DEFAULT DATE:** July 15, 2009

### **Corporate Officers of Straughn Farms, LLC**

Registered Agent	Alto Straughn
Manager	Alto Straughn
Manager	Patrecia Straughn

### **Recommended Agency Action**

Staff recommends issuance of the permit renewal for a duration of 20 years with three standard conditions and ten special limiting conditions. The permit requires certain special limiting conditions because the water use is located within the upper Santa Fe River basin, which is under a regional water supply planning process.

### **Project Review Staff**

John Kruse, Kevin Wright, and Tim Sagul, P.E., have reviewed the application.

### **Project Location**

The project is located in Township 8 South, Range 22 East, Sections 17 and 18, Alachua County. The project is located within the upper Santa Fe River basin.

### **Project Description**

The District received a water use permit renewal application from Straughn Farms on March 24, 2009. The current permit expires on March 12, 2010. The applicant requests a water use permit renewal with an increase in the average daily rate (ADR) of withdrawal and the maximum daily rate (MDR) of withdrawal for a 20-year duration. The current operation has 12 existing wells.

District staff and the applicant met on site March 24, 2009, to discuss the agricultural operation. During the visit, staff confirmed the current best management practices (BMPs) for the blueberry operation that are in place on the existing farm and proposed for the expansion area. The applicant provided detailed site-specific data on April 9, 2009, indicating the irrigation usage over the past three years. The current permitted ADR is 0.2906 million gallons per day (mgd). The requested amount is for 0.5887 mgd. This is an increase of 0.2981 mgd.

The data provided by the applicant indicates that there are currently 230 acres for blueberry production. The applicant proposes to add another 150 acres for production. The proposed increase consists of 130 irrigated acres west of the current operation and 20 acres at the current site. The applicant proposes to install six 12-inch wells with a pumping capacity of 3,000 gallons per minute. The pumping capacity is needed for freeze protection.

### **Demonstration of Need**

The applicant demonstrated a need for 0.5887 mgd average daily rate for 380 acres of blueberries based on historical pumping and site-specific data. The applicant used 130 million gallons in 2008 for irrigating 230 acres of blueberries. Staff calculated the average daily irrigation water need for 380 acres based on the actual water use.

The applicant demonstrated a need for 77.9040 million gallons per day for freeze protection based on the existing and proposed wells pumping at their design capacity. The allocation for freeze protection is not included in the calculation of average daily use.

### **Water Conservation**

The applicant has installed numerous best management practices (BMPs) to conserve water at the site. These include adding soil amendments (bark), installing a more efficient pulsating drip irrigation system, and planting the blueberries in a Spanish high tunnel (see attached pictures). The applicant has indicated that he will continue to install these BMPs.

### **Flow Metering**

The applicant has installed in-line flow meters at all withdrawal points. The applicant records data on water usage, both used for crop production and freeze

protection. This data will be submitted to the District on an annual basis, as required in the special limiting conditions.

### **Minimum Flows and Levels Compliance**

Staff determined that the proposed water use will not violate minimum flows for the upper Santa Fe River. This determination was made using the District regional groundwater model. Staff modeled the proposed incremental increase in average daily withdrawal and found that there was no impact to the upper Santa Fe River at the Graham and Worthington Springs river gages.

### **Permit Limiting Conditions**

Staff recommends the following special limiting conditions be included with the permit:

1. A water conservation plan, prepared by the Permittee, shall be submitted to the District for review by March 15, 2010. The water conservation plan shall include detailed conservation techniques and practices that are site-specific for the operation.
2. An annual report, due no later than March 15th of each year, shall be submitted to the District for review. The annual report shall include the total volume of water used for irrigation purposes and the acreage irrigated, total volume of water used for freeze protection, any newly installed or changed Best Management Practices (BMPs), and any implementation of water conservation devices/practices.
3. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
4. Daily withdrawals for purposes of protection from frost/freeze damage shall not exceed 77.9040 mgd and shall be allocated separately from the permitted annual allocation of 214.8755 mgy based on irrigation demand. Record keeping of water withdrawn for freeze protection shall be done for each freeze event and the yearly total shall be reported to the District annually.
5. Permittee shall correct any unforeseen adverse impact on existing legal uses, existing off-site land uses, and to the natural systems as a consequence of withdrawals permitted herein. If adverse impacts occur, or are imminent, the District reserves the right to curtail future withdrawal rates or otherwise modify the permit. Adverse impacts include:

- a. Cumulative reduction in well water levels that impairs the ability of the well to produce water;
  - b. Cumulative reduction in levels in an adjacent water body such as a lake, pond, or retention/detention area that impairs the designated function of the water body or the ability for a permitted withdrawal facility to produce water;
  - c. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in harm due to a reduction in water quality;
  - d. Land collapse or subsidence caused by reduction in water levels;
  - e. Damage to crops and other types of vegetation;
  - f. Harm to a naturally occurring water body such as lake, pond, or wetland by reducing water levels or changing the hydroperiod; and,
  - g. Harm to the natural system including damage to habitat for endangered or threatened species, or species of special concern.
6. The Permittee shall maintain an accurate, non-resettable, totalizing flow meter(s) at the intake of each water withdrawal point.
  7. This permit supersedes WUP 2-86-00072M3.
  8. Existing withdrawal facilities are:
    - Well # 1: 16-inch diameter well at 2100 gpm
    - Well # 2: 16-inch diameter well at 4000 gpm
    - Well # 3: 12-inch diameter well at 3000 gpm
    - Well # 4: 12-inch diameter well at 3000 gpm
    - Well # 5: 12-inch diameter well at 3000 gpm
    - Well # 6: 12-inch diameter well at 3000 gpm
    - Well # 7: 12-inch diameter well at 3000 gpm
    - Well # 8: 12-inch diameter well at 3000 gpm
    - Well # 9: 12-inch diameter well at 3000 gpm
    - Well #10: 12-inch diameter well at 3000 gpm
    - Well #11: 12-inch diameter well at 3000 gpm
    - Well #12: 12-inch diameter well at 3000 gpm
  9. Proposed withdrawal facilities are six new 12-inch diameter wells at 3,000 gpm each.
  10. Pursuant to subsection 373.219, F.S., the permittee shall submit to the District a compliance report 5, 10, and 15 years after permit issuance. Specifically, the permittee shall submit the report by July 31 of years 2014, 2019 and 2024. The report must contain sufficient information to maintain reasonable assurances that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance

set forth in the rules that existed at the time this permit was issued. Specifically, the compliance report must include, at a minimum:

- a. information documenting that allocations from all sources in the permit will continue to be needed for the remainder of the permit duration;
- b. documentation verifying that the sources are capable of supplying the needs authorized by this permit without causing harm to water and water-related resources;
- c. documentation verifying that use of water is efficient and that the permittee is implementing all feasible water conservation measures; and
- d. documentation of changes to withdrawal facilities.

Following review of the compliance report, the District may modify the permit, following notice to the permittee, to maintain assurance that the water use will satisfy the conditions for issuance in effect at the time the permit was issued.

## **Conclusions**

After verification of all current and proposed water use activities, District staff was able to determine the following:

1. Water use will occur 365 days each year.
2. The requested ADR of 0.5887 mgd includes water for agricultural irrigation use. This volume does not include freeze protection usage.
3. The proposed use meets the requirements outlined in Chapter 373.223, F.S. It is a reasonable and beneficial use, does not impact other existing legal uses, and is in the public interest.



**Soil Amendment/Bark**



**Drip Irrigation**



**Spanish High Tunnel**



**In-line Flow Meter**



**SUWANNEE  
RIVER  
WATER  
MANAGEMENT  
DISTRICT**

9225 GR 49  
LIVE OAK, FLORIDA 32060  
TELEPHONE: (386) 362-1001  
TELEPHONE: 800-226-1066  
FAX (386) 362-1056

**WATER USE PERMIT  
NO. WUP86-0072R**

**ISSUED TO:**

STRAUGHN FARMS, LLC  
11325 NE US HIGHWAY 301  
WALDO, FL 32694

DATE RENEWED: 07/14/2009

DATE EXPIRES: 07/14/2014

**DRAFT**

**PROJECT: STRAUGHN FARMS-WALDO**

**AUTHORIZING:** The average daily withdrawal and use of 0.5887 million gallons per day or a maximum daily withdrawal and use of 77.9040 million gallons per day for a total annual allocation not to exceed 214.8755 million gallons per calendar year.

**LOCATED IN:** Alachua County, Township 8 South, Range 22 East, Section 17, Township 8 South, Range 22 East, Section 18

This Permit is issued pursuant to Application WUP86-0072R, dated March 24, 2009, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof. If there is any conflict between the Application and the conditions of this Permit, the Permit shall supersede.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes and applicable rules and regulations of the Suwannee River Water Management District.

In compliance with Florida Statutes, the District is establishing Minimum Flows & Levels (MFLs) for priority water bodies within the Suwannee River Water Management District. In some cases, these MFLS may indicate that there is insufficient water available to protect the water resources from significant harm as defined by the District Governing Board. In such cases, it may be necessary for the District to modify existing water use permits in order to provide protection from significant harm to the water resources.

Therefore, upon written notice to the permittee, this permit may be modified in accordance with provisions of Ch. 373, Fla. Statutes, and applicable rules and regulations of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

**STANDARD CONDITIONS ARE AS FOLLOWS:**

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.

2. This permit is classified as confined floridan aquifer for overhead irrigation.

**DRAFT**

3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.

**Special limiting conditions made part of this permit are as follows:**

4. A water conservation plan, prepared by the Permittee, shall be submitted to the District for review by March 15, 2010. The water conservation plan shall include detailed conservation techniques and practices that are site-specific for the operation.

5. An annual report, due no later than March 15th of each year, shall be submitted to the District for review. The annual report shall include the total volume of water used for irrigation purposes and the acreage irrigated, total volume of water used for freeze protection, any newly installed or changed Best Management Practices (BMPs), and any implementation of water conservation devices/practices.

6. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.

7. Daily withdrawals for purposes of protection from frost/freeze damage shall not exceed 77.9040 mgd and shall be allocated separately from the permitted annual allocation of 214.8755 mgd based on irrigation demand. Record keeping of water withdrawn for freeze protection shall be done for each freeze event and the yearly total shall be reported to the District annually.

8. Existing withdrawal facilities are:

Well # 1: 16-inch diameter well at 2100 gpm

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**DRAFT**

9. Permittee shall correct any unforeseen adverse impact on existing legal uses, existing off-site land uses, and to the natural systems as a consequence of withdrawals permitted herein. If adverse impacts occur, or are imminent, the District reserves the right to curtail future withdrawal rates or otherwise modify the permit. Adverse impacts include:

- a. Cumulative reduction in well water levels that impairs the ability of the well to produce water;
- b. Cumulative reduction in levels in an adjacent water body such as a lake, pond, or retention/detention area that impairs the designated function of the water body or the ability for a permitted withdrawal facility to produce water;
- c. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in harm due to a reduction in water quality;
- d. Land collapse or subsidence caused by reduction in water levels;
- e. Damage to crops and other types of vegetation;
- f. Harm to a naturally occurring water body such as lake, pond, or wetland by reducing water levels or changing the hydroperiod; and,
- g. Harm to the natural system including damage to habitat for endangered or threatened species, or species of special concern.

10. Proposed withdrawal facilities are six new 12-inch diameter wells at 3,000 gpm each.

11. Pursuant to subsection 373.219, F.S., the permittee shall submit to the District a compliance report 5, 10, and 15 years after permit issuance. Specifically, the permittee shall submit the report by July 31 of years 2014, 2019 and 2024. The report must contain sufficient information to maintain reasonable assurances that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the rules that existed at the time this permit was issued. Specifically, the compliance report must include, at a minimum:

- a. information documenting that allocations from all sources in the permit will continue to be needed for the remainder of the permit duration;
- b. documentation verifying that the sources are capable of supplying the needs authorized by this permit without causing harm to water and water-related resources;
- c. documentation verifying that use of water is efficient and that the permittee is implementing all

feasible water conservation measures; and  
d. documentation of changes to withdrawal facilities.

Following review of the compliance report, the District may modify the permit, following notice to the permittee, to maintain assurance that the water use will satisfy the conditions for issuance in effect at the time the permit was issued.

12. The Permittee shall maintain an accurate, non-resettable, totalizing flow meter(s) at the intake of each water withdrawal point.

13. This permit supersedes WUP 2-86-00072M3.

SUWANNEE RIVER WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

By \_\_\_\_\_  
SECRETARY

**DRAFT**

\_\_\_\_\_  
DISTRICT RULES CLERK

SEAL

\_\_\_\_\_  
DATE

**DRAFT**

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NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
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11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

STRAUGHN FARMS, LLC  
11325 NE US HIGHWAY 301  
WALDO, FL 32694

At 4:00 p.m. this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**DRAFT**

\_\_\_\_\_  
Jon M. Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49

Permit No.: WUP86-0072R

Project: STRAUGHN FARMS-WALDO

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Live Oak, Florida 32060

386.362.1001 or 800.226.1066 (Florida only)

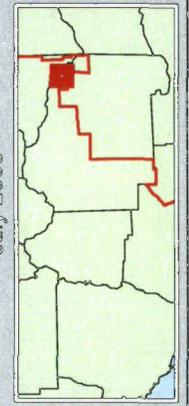
cc: File Number: WUP86-0072R

**DRAFT**

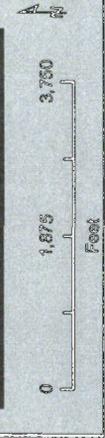


Alto Straughn - Waldo Farm  
 WUP86-0072R  
 July 2009

Note: This map was created by the Sweenisse River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 366-362-1001.



- Existing Wells
- Proposed Blueberry Well Sites
- WUP86-0072
- New Expansion Area
- 130 Acres of Blueberries
- 100-Year Floodplain
- 10-Year Floodplain
- Santa Fe River Floodway



MEMORANDUM

TO: Governing Board  
FROM: Jon Dinges, Director, Resource Management <sup>JMD</sup>  
THRU: David Still, Executive Director <sup>DS</sup>  
DATE: July 1, 2009  
RE: Denial of Environmental Resource Permit Application ERP04-0117M

RECOMMENDATION

Staff recommends the Governing Board deny, without prejudice, General Environmental Resource Permit application number 04-0114M, Countryside Estates Subdivision in Columbia County.

BACKGROUND

On March 15, 2006, District staff caused a letter to be sent to Frank Soucinek, requesting as-built certification for Countryside Estates. Subsequently on January 30, 2007, District caused an additional letter requesting said as-built certifications. The matter was referred to legal counsel, at which time a letter was sent to Mr. Soucinek, requesting as-built certifications along with penalty, administrative costs, and attorneys fees. On September 5, 2007, staff confirmed receipt of Section C of the as-builts and conducted a site inspection of the property. Staff determined several items that needed correction, including improperly constructed pond, non-functioning pond, and necessary maintenance of said pond was not occurring.

On June 4, 2008, Mr. Soucinek submitted an application for permit modification. A Request for Additional Information (RAI) was mailed on June 17, 2008. Staff inspected the site on September 25, 2008 and November 4, 2008, and there has been no action to correct the problem. In addition, there has been no response to the RAI mailed on June 17, 2008. The applicant failed to supply information necessary to complete the application.

JD/lgw

cc: CE07-0050



# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 1, 2009

Frank Soucinek  
PO Box 1867  
Lake City, FL 32056

Subject Denial of Environmental Resource Permit Application Number  
04-0117M, Countryside Estates Modification, Columbia County

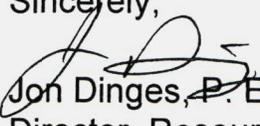
Dear Mr. Soucinek:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project located in Township 4 North, Range 17 East, Section 15, in Columbia County, be denied, without prejudice. Staff intends to recommend denial of this permit application because the applicant failed to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on July 14, 2009, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call the Resource Management Department at 386.362.1001 if you have any questions.

Sincerely,

  
Jon Dinges, P.E.

Director, Resource Management

JD/rl

Enclosure

cc: Arthur Bedenbaugh, P.E.

Columbia County Board of County Commissioners

Certified Mail Receipt Number: 7007 1490 0002 7883 3377

Water for Nature, Water for People

RM 21.

## NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

## NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

**Frank Soucinek**  
**PO Box 1867**  
**Lake City, FL 32056**

At 4:00 p.m. this 2<sup>nd</sup> day of July, 2009

  
\_\_\_\_\_  
Jon Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP04-0117M

**STAFF REPORT**  
**ENVIRONMENTAL RESOURCE PERMIT APPLICATION**

**DATE:** June 25, 2009

**PROJECT:** Countryside Estates Modification

**APPLICANT:**

Frank Soucinek  
PO Box 1867  
Lake City, FL 32056

**PERMIT APPLICATION NO.:** ERP04-0117M  
**DATE OF APPLICATION:** 06/04/08  
**APPLICATION COMPLETE:** N/A  
**DEFAULT DATE:** N/A

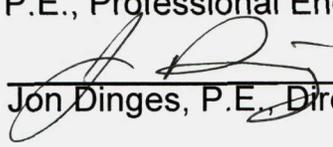
**Recommended Agency Action**

Staff recommends the denial of the General Environmental Resource Permit, without prejudice, because of failure to supply information necessary to complete the application.

**SRWMD Project Review Staff**

Leroy Marshall, II, P.E., Professional Engineer, reviewed the project application.

**Approved By:**

  
\_\_\_\_\_  
Jon Dinges, P.E., Director, Resource Management

**Project Location**

The project is located in Township 4 South, Range 17 East, Section 15, in Columbia County.

**Project Description**

On June 4, 2008, Mr. Soucinek submitted an application for permit modification. A Request for Additional Information (RAI) was mailed on June 17, 2008. Staff inspected the site on September 25, 2008 and November 4, 2008, and the problem has not been corrected. In addition, there has been no response to the RAI mailed on June 17, 2008. The applicant failed to supply information necessary to complete the application.



# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

June 17, 2008

Mr. Frank Soucinek  
PO Box 1867  
Lake City, FL 32056

LOUIS SHIVER  
Chairman  
Mayo, Florida

J.P. MAULTSBY  
Vice Chairman  
Madison, Florida

GEORGIA JONES  
Secretary/Treasurer  
Lake City, Florida

DON CURTIS  
Lake Bird, Florida

C. LINDEN DAVIDSON  
Lamont, Florida

HEATH DAVIS  
Cedar Key, Florida

N. DAVID FLAGG  
Gainesville, Florida

OLIVER J. LAKE  
Lake City, Florida

DON QUINCEY, JR.  
Chieftand, Florida

DAVID STILL  
Executive Director  
Lake City, Florida

**Subject: Request for Additional Information, ERP04-0117M, Countryside Estates Modification, Columbia County**

**Dear Mr. Soucinek:**

The item(s) discussed below must be provided before project review can be completed as per Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.). Please submit the following items to the Suwannee River Water Management District (District) by **July 17, 2008**.

- 1) The conversion of the Pond 1 to a wet detention pond cannot be permitted. Pond 1 must meet pre-post discharge rates and volumes. The pond must also recover the water quantity and quality volumes according to District rule.
- 2) Provide 3 copies of plans signed and sealed by a Florida Licensed Engineer.

This letter constitutes a request for additional information pursuant to Chapters 28 and 40B-4, Florida Administrative Code, and Chapters 120 and 373, Florida Statutes. It is a violation of District rules to begin any work on the project before a permit is issued.

If we do not receive the requested information within 90 days from the date of this letter, a recommendation to deny the application will be submitted to our Governing Board.

If you have any further questions, please contact me at 386.362.1001, or toll free at 800.226.1066.

Sincerely,

*Clay Coarsey /rl*  
Clay Coarsey  
Resource Management Staff

CC/rl

cc: Tom Brown (District Legal Counsel)  
CE07-0050

Water for Nature, Water for People

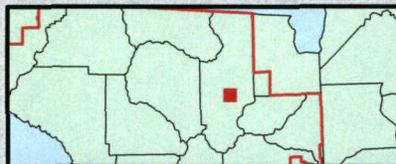
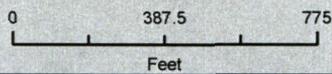


 Project Boundary

### Country Side Estates Modification

ERP04-0117M/CE07-0050

July 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

## MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management 

THRU: David Still, Executive Director 

DATE: June 26, 2009

RE: Entry of Final Order Revoking Water Use Permit Number 2-05-00078  
in Whole

### RECOMMENDATION

Staff recommends the Governing Board accept the Stipulation and Settlement Agreement executed June 29, 2009, and enter Final Order number 2009-0009 revoking Water Use Permit number 2-05-00078, issued to Willie P. Agner and Aqua Blue Springs Water, Incorporated, a/k/a Aqua Blue Spring Water, Inc., (Permittee).

### BACKGROUND

The District filed an Administrative Complaint and Notice of Rights on Permittee on May 22, 2009. On June 1, 2009, the District received a response from the Permittee stating that the Permittee would like to cancel Water Use Permit 2-05-00078 (see attached letter). The District and the Permittee executed a Stipulation and Settlement Agreement, in which consent was given by the Permittee to the entry of a Final Order revoking Water Use Permit number 2-05-00078, permanently and in whole.

Entry of the Final Order will serve as final agency action in this matter.

cc: 2-05-00078



Filed with the Clerk of the Suwannee  
River Water Management District on  
this \_\_\_\_\_ day of \_\_\_\_\_.

---

Jon Dinges  
Deputy Clerk

Copies furnished to: Tom Brown  
Willie P. Agner

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

<b>SUWANNEE RIVER WATER MANAGEMENT DISTRICT,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>FILE NO. 2-05-0078</b>
<b>vs.</b>	)	
	)	
<b>WILLIE P. AGNER, and AQUA BLUE SPRING WATER, INC. a/k/a AQUA BLUE SPRINGS WATER, INCORPORATED</b>	)	
	)	
<b>Respondents.</b>	)	
_____	)	

**STIPULATION AND SETTLEMENT AGREEMENT**

Respondents, WILLIE P. AGNER and AQUA BLUE SPRING WATER, INC. a/k/a AQUA BLUE SPRINGS WATER, INCORPORATED and Petitioner, SUWANNEE RIVER WATER MANAGEMENT DISTRICT ("DISTRICT"), by and through the respective undersigned parties, hereby voluntarily agree and stipulate to settle the dispute at issue based on the following Stipulated Facts, Stipulated Conclusions of Law, and Final Action Stipulations:

**STIPULATED FACTS**

1. District issued Water Use Permit No. 2-05-00078, a copy of which is attached hereto as Exhibit "A," to Respondents, Willie P. Agner and Aqua Blue Springs Water, Incorporated on April 10, 2007, for bottled water use with an average daily withdrawal of .6500 million gallons per day and a maximum daily withdrawal of .6500 million gallons per day.
2. Aqua Blue Spring Water, Inc. and Aqua Blue Springs Water, Incorporated, are one and the same entity.
3. Respondents did not use the water supply for a period of two (2) years or more.
4. Condition No. 22 of Water Use Permit No. 2-05-00078, states that "an approved water bottling facility must commence construction on the parcel of the withdrawal

point within two (2) years of issuance of this permit. Withdrawal of water for bottling purposes may not begin until the facility receives a Certificate of Occupancy for the facility. Failure to commence construction of the water bottling facility within the two (2) year time period will constitute a violation of this permit and is grounds for revocation.”

5. Respondents did not commence construction within the two (2) year time period as specified in the permit.
6. The District filed an Administrative Complaint and Notice of Intent to Revoke Water Use Permit on May 22, 2009, a copy of which is attached hereto as Exhibit “B”. The District served the Administrative Complaint and Notice of Rights on Willie P. Agner, individually and as the registered agent for Aqua Blue Spring Water, Inc. on or about May 28, 2009, via certified mail.
7. Respondents filed a response, a copy of which is attached hereto as Exhibit “C,” with the District on June 1, 2009 which response requested that Water Use Permit No. 2-05-00078 be cancelled and deleted from the active list of water use permits currently administered by the District. (Response
8. Respondents consent and agree to the entry of a Final Order by the Suwannee River Water Management District revoking Water Use Permit No. 2-05-00078 permanently and in whole.

#### **STIPULATED CONCLUSIONS OF LAW**

9. Rule 40B-2.341 of the Florida Administrative Code provides that the Governing Board of the District may, at any time after notice and hearing, revoke a permit, in whole or in part, temporarily or permanently pursuant to the provisions of Sections 373.243 and 120.60(7), Florida Statutes.
10. Section 373.243(4), Florida Statutes provides that the Governing Board may revoke a permit as follows:

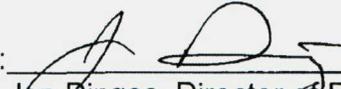
For the non-use of the water supply allowed by the permit for a period of two (2) years or more, the Governing Board or the Department may revoke the permit permanently and in whole unless the user can provide that his or her non-use was due to extreme hardship caused by factors beyond the users control.
11. Section 373.243(5), Florida Statutes provides that the Governing Board or the

Department may revoke a permit, permanently and in whole, with the written consent of the permittee.

**FINAL ACTION STIPULATIONS**

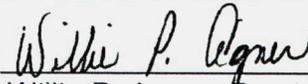
12. By entering into this Stipulation and Settlement Agreement, Respondents hereby provide their written consent to the revocation of Water Use Permit No. 2-05-00078.
13. By entering into this Stipulation and Settlement Agreement, Respondents concede that there was non-use of the water supply allowed by the Water Use Permit for a period of two (2) years or more.
14. By entering into this Stipulation and Settlement Agreement, Respondents stipulate and consent to the entry of a Final Order by the Suwannee River Water Management District adopting the Stipulated Facts, Stipulated Conclusions of Law, and Final Action Stipulations set forth in this Stipulation and Settlement Agreement.
15. By entering into this Stipulation and Settlement Agreement, Respondents stipulate and consent to the entry of a Final Order by the Suwannee River Water Management District revoking Water Use Permit No. 2-05-00078, permanently and in whole.
16. By entering into this Stipulation and Settlement Agreement, Respondents hereby waive any right to an administrative hearing or judicial review of the terms of this Stipulation and Agreement.
17. By entering into this Stipulation and Settlement Agreement, Respondents hereby waive their rights to any future notice in this matter and to any Notice of Rights related to this proceeding.

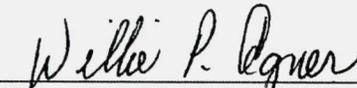
**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

By:   
Jon Dinges, Director of Resource  
Management

Date: 6/29/2009

**AQUA BLUE SPRING WATER, INC.**

By:   
Willie P. Agner, President

By:   
Willie P. Agner, Individually

Date: 6-24-09



**SUWANNEE  
RIVER  
WATER  
MANAGEMENT  
DISTRICT**

9225 CR 49  
LIVE OAK, FLORIDA 32060  
TELEPHONE: (386) 362-1001  
TELEPHONE: 800-226-1066  
FAX (386) 362-1056

**WATER USE PERMIT  
NO. 2-05-00078**

**ISSUED TO:**  
WILLIE P. AGNER  
AQUA BLUE SPRINGS WATER, INCORPORATED  
4572 NORTHEAST COUNTY ROAD 225  
LEE, FL 32059

DATE ISSUED: 04/10/2007  
DATE EXPIRES: 04/10/2027

**PROJECT: AQUA BLUE SPRINGS WATER, INCORPORATED**

**AUTHORIZING:** The average daily withdrawal and use of 0.6500 million gallons per day or a maximum daily withdrawal and use of 0.6500 million gallons per day for a total annual allocation not to exceed 237.250 million gallons per calendar year.

**LOCATED IN:** Madison County, Township 1 North, Range 11 East, Section 19

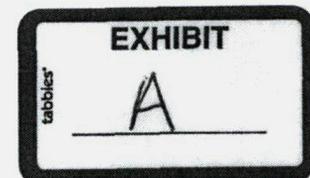
This Permit is issued pursuant to Application 2-05-00078, dated September 15, 2005, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof. If there is any conflict between the Application and the conditions of this Permit, the Permit shall supersede.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes, 1973 and applicable rules and regulations of the Suwannee River Water Management District.

In compliance with Florida Statutes, the District is establishing Minimum Flows & Levels (MFLs) for priority water bodies within the Suwannee River Water Management District. In some cases, these MFLs may indicate that there is insufficient water available to protect the water resources from significant harm as defined by the District Governing Board. In such cases, it may be necessary for the District to modify existing water use permits in order to provide protection from significant harm to the water resources.

Therefore, upon written notice to the permittee, this permit may be modified in accordance with provisions of Ch. 373, Fla. Statutes, and applicable rules and regulations of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.



Permit No.: 2-05-00078

Project. AQUA BLUE SPRINGS WATER, INCORPORATED

Page 2 of 9

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This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

**STANDARD CONDITIONS ARE AS FOLLOWS:**

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as confined floridan aquifer for privately owned bottled water plant
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.

**Special limiting conditions made part of this permit are as follows:**

4. In the event the Suwannee River Water Management District (District) declares that a water shortage exists pursuant to its rules, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.
5. If any of the statements in the application or in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373 F.S., Chapter 40B, F.A.C., or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40B-2.341, F.A.C., following notice and hearing.
6. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.
7. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
8. The District may collect water samples from any withdrawal point listed in the permit or may require the Permittee to submit water samples when the District determines there is a potential for adverse impacts on water quality.

**EXHIBIT A**

Permit No.: 2-05-00078

Project: AQUA BLUE SPRINGS WATER, INCORPORATED

Page 3 of 9

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9. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below any minimum levels, as established by the Governing Board
10. The Permittee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities or withdrawal points are located.
11. All permits issued pursuant to District rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.
12. Any wells not in use and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)4., F.A.C.
13. Source classification is ground water from the confined Floridan aquifer system.
14. Use classification is bottled water production.
15. Permittee shall mitigate, to the satisfaction of the District, any unforeseen adverse impact on existing legal uses, existing off-site land uses, and to the natural systems as a consequence of withdrawals permitted herein. If adverse impacts occur, or are imminent, the District reserves the right to curtail future withdrawal rates or otherwise modify the permit. Adverse impacts include:
  - a) Cumulative reduction in well water levels that impairs the ability of the well to produce water by a rate of ten percent or greater;
  - b) Cumulative reduction in levels in an adjacent water body such as a lake, pond, or retention/detention area that impairs the designated function of the water body or the ability for a permitted withdrawal facility to produce water by a rate of ten percent or greater;
  - c) Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in harm due to a reduction in water quality;
  - d) Land collapse or subsidence caused by reduction in water levels;
  - e) Damage to crops and other types of vegetation;
  - f) Harm to a naturally occurring water body such as lake, pond, or wetland by reducing water levels or hydroperiod; and
  - g) Harm to the natural system including damage to habitat for endangered or threatened species, or species of special concern.
16. The Permittee shall submit a detailed biological and environmental monitoring program (BEMP) for District approval no later than 90 days after permit issuance. The BEMP shall be ongoing for the duration of the permit and shall be implemented at the sole expense of the Permittee. The District and Permittee shall agree to the details of the BEMP within 90 days of

EXHIBIT A

Permit No.: 2-05-00078

Project: AQUA BLUE SPRINGS WATER, INCORPORATED

Page 4 of 9

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submittal. Failure to reach an agreement on the details of the BEMP shall constitute a violation of this permit and is grounds for permit revocation. The BEMP shall include, but not be limited to, the following elements:

Surfacewater levels, flow rates, groundwater levels, biological conditions, and environmental conditions in the vicinity of the Madison Blue Spring and Withlacoochee River, as well as groundwater levels and quality at the pumping site.

In lieu of the BEMP, the Permittee may provide evidence of joint participation on a BEMP proposed by another entity approved by the District.

17 The Permittee shall provide access to an authorized District representative to enter the property during normal business hours to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany the District staff onto the property or make provisions for access onto the property. Further, the Permittee shall provide the authorized District representative access to records maintained regarding the use of groundwater by the facility. The Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes as authorized by this permit.

18 Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.

19. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

20. Application for a permit modification may be made at any time.

21. Water withdrawals authorized by this permit shall be used only for bottling on the Permittee's property as identified in the permit application.

22. An approved water bottling facility must commence construction on the parcel of the withdrawal points within 2 years of issuance of this permit. Withdrawal of water for bottling purposes may not begin until the facility receives a certificate of occupancy for the facility. Failure to commence construction of the water bottling facility within the 2 year time period will constitute a violation of this permit and is grounds for permit revocation

23. Withdrawal points are proposed as two 12-inch diameter production wells with a capacity up to 600 gallons per minute each

**EXHIBIT A**

Permit No.: 2-05-00078

Project: AQUA BLUE SPRINGS WATER, INCORPORATED

Page 5 of 9

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- 24 This permit shall expire on April 10, 2027
- 25 Annual allocation shall not exceed 237.2500 million gallons
26. Maximum daily allocation shall not exceed 0.65 million gallons.
27. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local, and any other District permitting requirements.
28. This permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and in Chapter 40B-2, F.A.C
29. Prior to the operation of the production wells, they shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the District. Such devices shall have and maintain an accuracy within five percent (5%) of the actual flow as installed. Once the meters are installed, daily readings shall be taken and reported on a monthly basis to the District on or before the 15th day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the District indicating a zero gallon usage.
30. An annual report showing the monthly total and average daily rate of withdrawal shall be submitted to the District on or before March 1st of every year for the previous calendar year.
31. The Permittee shall maintain all flow meters. In case of failure or breakdown of any meter, the District shall be notified in writing within five days of its discovery. A defective meter shall be repaired or replaced within 30 days of its discovery.
32. The Permittee shall have all flow meters checked for accuracy once every three years within 30 days of the anniversary date of the issuance of the revised permit. The meter accuracy report shall be included in the annual report with any corrections or repairs noted. The meters must be recalibrated if the difference between the actual flow and the meter reading is greater than five percent.
33. In order to maintain reasonable assurances that the conditions for issuance of this permit can continue to be met, a compliance report shall be submitted by the Permittee every 5 years during the term of this permit, beginning five years from the issue date of this permit. This report shall contain sufficient information to demonstrate that the Permittee's use of water will continue to meet the conditions for permit issuance set forth in District rules that existed at the time that the permit was issued. The Governing Board may modify the permit if it determines modification is necessary to ensure that the water use authorized by this permit will continue to meet the conditions for permit issuance set forth in District rules that existed at the time that the permit was issued.

EXHIBIT A

Permit No. 2-05-00078

Project: AQUA BLUE SPRINGS WATER, INCORPORATED

Page 6 of 9

34. The Governing Board may modify this permit based on a minimum flow or level adopted by the Governing Board pursuant to section 373.042, F.S

35. The District, pursuant to Chapter 373, F.S., and its rule authority may modify, reduce or declare inactive all or a portion of this permit to address water shortage conditions.

36. The Permittee shall cease withdrawals if the outflow from Madison Blue Springs falls below 33 million gallons per day.

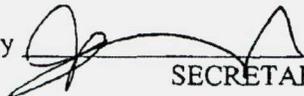
37. The permitted maximum daily withdrawal rate (MDR) is dependant on river flow rate during low flow events as stated below:

Withlacoochee River flow at the Pinetta, FL gage, in cubic feet per second (cfs)

- a. Greater than or equal to 138 cfs, 0.65 MDR for the duration of the permit;
- b. Less than 138 cfs (2-year recurrence), 0.4875 MDR for 1 day or until flow exceeds 138 cfs,
- c. Less than 94 cfs (10-year recurrence), 0.325 MDR for 1 day or until flow exceeds 94 cfs;
- d. Less than 85 cfs (20-year recurrence), 0.1625 MDR until flow exceeds 85 cfs;
- e. Less than 77 cfs (50-year recurrence), no withdrawal until flow exceeds 77 cfs

SUWANNEE RIVER WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

By

  
SECRETARY

  
DISTRICT RULES CLERK

April 10, 2007

SEAL

DATE

EXHIBIT A

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NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and ~~the party regarding an issue of material fact. A petition for formal hearing must comply with the~~ requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

EXHIBIT A

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

**Petitioner,**

**vs.**

**WILLIE P. AGNER, and**

**AQUA BLUE SPRING WATER, INC.  
a/k/a AQUA BLUE SPRINGS WATER, INCORPORATED,**

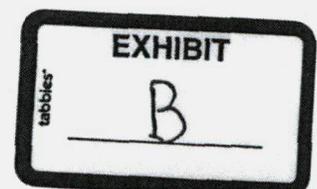
**Respondents.**

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**ADMINISTRATIVE COMPLAINT AND NOTICE OF  
INTENT TO REVOKE WATER USE PERMIT**

The SUWANNEE RIVER WATER MANAGEMENT DISTRICT, hereinafter referred to as "District", files this Administrative Complaint pursuant to Florida Statutes ("Fla. Stat.") § 120.60, Fla. Stat. § 373.243, and Florida Administrative Code ("Fla. Admin. Code") Rule 40B-2.341, to revoke Water Use Permit No. 2-05-00078, hereinafter interchangeably referred to as "Permit", "Water Use Permit No. 2-05-00078", or "Water Use Permit."

1. District seeks to revoke said Permit for non-use of the water supply allowed by the Permit for a period of two (2) years or more pursuant to Fla. Admin. Code Rule 40B-2.341, Fla. Stat. § 120.60, and Fla. Stat. § 373.243.
2. Aqua Blue Spring Water, Inc. and Aqua Blue Springs Water, Incorporated, are one and the same entity, and any reference herein to one shall be deemed to include the other.
3. District issued Water Use Permit No. 2-05-00078, a copy of which is attached hereto as Exhibit "A", to Respondents, WILLIE P. AGNER and AQUA BLUE



SPRINGS WATER, INCORPORATED, on April 10, 2007, for bottled water use with an average daily withdrawal of 0.6500 million gallons per day and a maximum daily withdrawal of 0.6500 million gallons per day. Respondents did not use the water supply for a period of two (2) years or more.

4. Condition No. 22 of Water Use Permit No. 2-05-00078, states that "An approved water bottling facility must commence construction on the parcel of the withdrawal points within 2 years of issuance of this permit. Withdrawal of water for bottling purposes may not begin until the facility receives a certificate of occupancy for the facility. Failure to commence construction of the water bottling facility within the 2-year time period will constitute a violation of this permit and is grounds for revocation." Respondents did not commence construction within the 2-year time period as specified in the Permit.
5. Respondents, WILLIE P. AGNER and AQUA BLUE SPRINGS WATER, INCORPORATED, have the right to request a hearing to be conducted in accordance with Fla. Stat. § 120.569 and 120.57, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on his or her behalf if requested.
6. Said request for hearing, if desired, must be made within fourteen (14) days of receipt of this Administrative Complaint at 9225 C.R. 49, Live Oak, Florida 32060.

7. Request for Administrative Hearing must be in writing and must adhere to all of the guidelines and requirements set forth in Chapter 28 of the Florida Administrative Code.

**8. FINDINGS OF FACT:**

- a. District issued Water Use Permit No. 2-05-00078, a copy of which is attached hereto as Exhibit "A", to Respondents, WILLIE P. AGNER and AQUA BLUE SPRINGS WATER, INCORPORATED, on April 10, 2007.
- b. There was non-use of the water supply allowed by the permit for a period of two (2) years or more.
- c. Construction of a water bottling facility did not commence within the two-year time period as required in the Permit.

**9. CONCLUSIONS OF LAW:**

- a. Rule 40B-2.341 of the Florida Administrative Code provides that the Board may, at any time after notice and hearing, revoke a permit, in whole or in part, temporarily or permanently pursuant to the provisions of Fla. Stat §§ 373.243 and 120.60(7).
- b. Permit is within the definition of license set forth in Fla. Stat. § 120.52(9).
- c. Florida Statute § 373.243(4) provides that the Governing Board or the Department may revoke a permit as follows:

For the non-use of the water supply allowed by the permit for a period of two (2) years or more, the governing board or the department may revoke the permit permanently and in whole unless the user can prove that his or her non-use was due to extreme hardship caused by factors beyond the user's control.

10. It is the intent of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT to

revoke permanently and in whole Water Use Permit No. 2-05-00078.

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

*David Still*  
for

**DAVID STILL**  
Executive Director  
9225 County Road 49  
Live Oak, FL 32060  
Telephone: 386/362-1001

**BRANNON, BROWN, HALEY  
& BULLOCK, P.A.**

*Tom W. Brown*

**Tom W. Brown**  
Florida Bar No.: 0091332  
Post Office Box 1029  
Lake City, FL 32056-1029  
Telephone: 386/752-3213  
Facsimile: 386/755-4524  
Attorneys for Petitioner

Dated 5-22-09

May 28, 2009

Suwannee River Water Management District  
Attn: Mr. Jon Dinges  
9225 CR 49  
Live Oak FL 32060

Re: Request for Withdrawal of Aqua Blue Springs WUP -2-05-00078

Dear Mr. Dinges:

It is with deepest regret that at this time I must submit a formal request in the form of this correspondence to withdrawal WUP 2-05-00078 from the active list of water use permits (WUP's) currently administrated by the Suwannee River Water Management District.

As a result of the economic downturn I have been unsuccessful in the past two years to secure the funding necessary to build a bottling facility on the property I own in Madison County, Florida. It is my desire to construct a facility that not only would provide revenue for me and my family but also provide economic benefit for the residents and government infrastructure of Madison County and the North Florida/South Georgia region.

It is my intent to resubmit another WUP application in the near future as soon as economic conditions improve and I secure the financial backing to fund the construction of the infrastructure necessary to satisfy the WUP conditions determined by the Suwannee River Water Management District.

I would like to personally thank you and all of your staff that provided guidance and assistance when I submitted my WUP application and supporting documents over two years ago. I very much appreciate the professionalism and courtesy of you and your staff and I look forward to working with each one of you again in the near future.

Thank you,

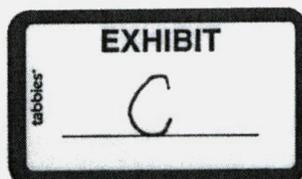


Willie P. Agner  
President, Aqua Blue Springs, Inc.

RECEIVED  
MAY 28 2009

JUN 01 2009

2-05-00078  
JD, TS, JK, LW



RM 44

## MEMORANDUM

TO: Governing Board  
FROM: Jon Dinges, <sup>JMD</sup> Director, Resource Management  
THRU: David Still, Executive Director <sup>DS</sup>  
DATE: June 26, 2009  
RE: Authorization to Publish Notice of Proposed Rule and File Amendments to 40B-400, Florida Administrative Code

### RECOMMENDATION

Staff recommends that the Governing Board authorize publication of Notice of Proposed Rule for section 40B-400.051, Florida Administrative Code. In addition, staff recommends that the Governing Board authorize filing the rule with the Department of State if no comments or objections are received.

### BACKGROUND

The Governing Board authorized rule development at the May 14, 2009, meeting. Staff published a Notice of Rule Development on May 29, 2009.

If no objections or requests for workshop are filed within 21 days after publication, the District will file the proposed rules with the Joint Administrative Procedures Committee (JAPC) for review.

Governing Board authorization is now required by 120.54(3), Florida Statutes, for filing of the rules for adoption. Filing with the Department of State will occur following JAPC review. The rules will become effective 20 days after filing with the Department of State.

A copy of the Notice of Proposed Rule is included with this memorandum.

/lgw

**NOTICE OF PROPOSED RULE**

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource Permits

RULE CHAPTER NUMBER:

40B-400

RULE TITLES:

Exemptions

RULE NOS.:

40B-400.051

PURPOSE AND EFFECT:

The purpose of the proposed rule is to update this section of Chapter 40B-400, Florida Administrative Code (F.A.C.), to maintain consistency with 403.813(1)(i), Florida Statutes. The effect of the proposed rule will be to include additional criteria for exemptions under this section.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will maintain consistency with 403.813(1)(i), Florida Statutes, regarding the exemption for construction of private docks that are 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost is not being prepared based on the District's determination that the proposed rule amendment will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment, or productivity. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:

Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-400 ENVIRONMENTAL RESOURCE PERMITS

40B-400.051 Exemptions.

(1) through (2)(g) No change.

(h) Construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways where construction will not violate water quality standards, impede navigation, or adversely affect flood control.

(2)(i) Through (5) No change.

*Specific Rulemaking Authority 373.044, 373.113, 373.118 FS.*

*Law Implemented 373.118, 373.413, 373.416, 373.426 FS.*

*History—New 10-3-95, Amended 3-7-02, 5-15-02, DATE.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director,  
Resource Management, Suwannee River Water Management District, 9225  
County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED  
RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: July 14, 2009.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:  
May 29, 2009.

## MEMORANDUM

TO: Governing Board  
FROM: Jon Dinges, Director, Resource Management <sup>JMD</sup>  
THRU: David Still, Executive Director <sup>DS</sup>  
DATE: June 26, 2009  
RE: Ratification of Agreement No. 05/06-303

### RECOMMENDATION

Staff recommends the Governing Board ratify the executed amendment with Department of Environmental Protection (DEP). The agreement provides \$40,000 annually to administer the delineated areas water well permitting program for the period beginning July 1, 2009, and ending June 30, 2010, contingent upon annual funding.

### BACKGROUND

The District has administered the delineated areas water well permitting program for DEP for several years. The program provides for a review of water well permit applications in areas delineated by DEP as having groundwater contamination. District administration of the program is efficient because staff incorporates the delineated areas information into the existing water well permitting process.

District staff received the agreement for signature on June 25, 2009, and DEP requested that the agreement be returned to DEP by June 30, 2009. Therefore, staff has executed the agreement prior to Governing Board authorization.

A copy of the agreement follows this memorandum.

JD/lgw

DEP AGREEMENT NO S0276  
AMENDMENT NO. 3

THIS AGREEMENT as entered into on the 15<sup>th</sup> day of June, 2006, amended on the 21<sup>st</sup> day of June, 2007, and on the 15<sup>th</sup> day of July, 2008, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, Paragraph 3.A. of the Agreement provides for the inclusion of additional periods of service as funding becomes available; and,

WHEREAS, additional funding in the amount of \$40,000 has been made available to the Department for the continuation of services through June 30, 2010; and,

WHEREAS, the Agreement needs to be revised to include the additional funding for the fourth period of service; and,

WHEREAS, additional changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

DEP AGREEMENT NO. S0276

STATE OF FLORIDA  
GRANT ASSISTANCE

PURSUANT TO LINE ITEM 1801 OF THE 2006-2007 GENERAL APPROPRIATIONS ACT,  
PURSUANT TO LINE ITEM 1839 OF THE 2007-2008 GENERAL APPROPRIATIONS ACT,  
PURSUANT TO LINE ITEM 1753 OF THE 2008-2009 GENERAL APPROPRIATIONS ACT AND  
PURSUANT TO LINE ITEM 1700 OF THE 2009-2010 GENERAL APPROPRIATIONS ACT

-- Paragraph 3.A. is hereby deleted in its entirety and replaced with the following:

3. A. As consideration for the services rendered by the Grantee under the terms of this Agreement, the Department shall pay the Grantee on a combination cost reimbursement and fixed price basis. For the first period of service beginning July 1, 2006 and ending June 30, 2007 the Department shall pay the Grantee \$40,000 for satisfactory completion of the work described in **Attachment A, Grant Work Plan**. For the second period of service beginning July 1, 2007 and ending June 30, 2008, the Department shall pay the Grantee \$40,000 for satisfactory completion of the work described in **Attachment A, Grant Work Plan**. For the third period of service beginning July 1, 2008 and ending June 30, 2009, the Department shall pay the Grantee \$40,000 for satisfactory completion of the work described in **Attachment A, Grant Work Plan**. For the fourth period of service beginning July 1, 2009 and ending June 30, 2010, the Department shall pay the Grantee \$40,000 for satisfactory completion of the work described in **Attachment A, Grant Work Plan**. The Grantee shall be compensated on a cost reimbursement basis for any future equipment purchases which are authorized and funded by amendment to this Agreement. Funding for additional service periods must be provided by amendment prior to the Grantee providing any services. The parties hereto understand that said increase is contingent upon continued appropriation from the Legislature.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

-- Paragraph 5. is hereby deleted in its entirety and replaced with the following:

5. In conjunction with invoices, the Grantee shall submit quarterly progress reports describing the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. For the fixed price services during the first service period commencing July 1, 2006 and ending June 30, 2007, the Grantee shall submit four (4) invoices, in the amount of \$10,000 for each quarter. For the fixed price services during the second service period commencing July 1, 2007 and ending June 30, 2008, the Grantee shall submit four (4) invoices, in the amount of \$10,000 for each quarter. For the fixed price services during the third service period commencing July 1, 2008 and ending June 30, 2009, the Grantee shall submit four (4) invoices, in the amount of \$10,000 for each quarter. For the fixed price services during the fourth service period commencing July 1, 2009 and ending June 30, 2010, the Grantee shall submit four (4) invoices, in the amount of \$10,000 for each quarter. For the reimbursement of equipment, the Grantee shall also submit a Payment Request Summary Form. Quarterly reports shall be submitted to the Department's Grant Manager no later than thirty (30) days following the completion of the quarterly reporting period. It is hereby understood and agreed by the parties that the term "quarterly" shall reflect the calendar quarters ending September 30, December 31, March 31 and June 30. The Department's Grant Manager shall have ten (10) calendar days to review deliverables submitted by the Grantee. The final payment request shall be submitted not later than seven (7) days following the last day of the service period to assure the availability of funding for final payment.

-- Paragraph 10. is hereby revised to add subparagraph C. to the Agreement:

- C. In addition, the Grantee agrees to complete and submit the **Certification of Applicability to Single Audit Act Reporting, Attachment D**, attached hereto and made a part hereof, within four (4) months following the end of the Grantee's fiscal year. Attachment D should be submitted to the Department's Grants Development and Review Manager at 3900 Commonwealth Boulevard, Mail Station 93, Tallahassee, Florida 32399-3000. The Grants Development and Review Manager is available to answer any questions at (850) 245-2361.

-- Paragraph 11.B. the last sentence is hereby revised to the following:

A list of minority owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.

-- Paragraph 14. Suncom number and Suncom Fax number are hereby deleted from the Agreement.

-- Paragraph 20. is hereby deleted in its entirety and replaced with the following:

The Department may at any time, by written order designated to be a change order, make any change in the Grant Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement.

-- The language included in the Agreement as Paragraph 22. shall hereinafter be referenced as Paragraph 23. The following language is hereby added to the Agreement as Paragraph 22:

22. Upon satisfactory completion of this Agreement, the Grantee may retain ownership of the non-expendable personal property or equipment purchased under this Agreement. However, the Grantee shall complete and sign **Attachment E, Property Reporting Form**, DEP 55-212, and forward it along with the appropriate invoice to the Department's Grant Manager. The following terms shall apply:

- A. The Grantee shall have use of the non-expendable personal property or equipment for the authorized purposes of the contractual arrangement as long as the required work is being performed.
- B. The Grantee is responsible for the implementation of adequate maintenance procedures to keep the non-expendable personal property or equipment in good operating condition.
- C. The Grantee is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, non-expendable personal property or equipment purchased with state funds and held in his possession for use in a contractual arrangement with the Department.

-- Attachment C-1, Revised Special Audit Requirements, is hereby deleted in its entirety and replaced with **Attachment C-2, Second Revised Special Audit Requirements**, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment C-1 shall hereinafter refer to **Attachment C-2, Second Revised Special Audit Requirements**.

-- **Attachment D, Certification of Applicability to Single Audit Act Reporting**, attached hereto is hereby added to the Agreement.

-- **Attachment E, Property Reporting Form**, attached hereto is hereby added to the Agreement.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHERE OF, the parties have caused this Amendment to be duly executed, the day and year last written below.

SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: David A Still  
David A Still  
Title. Executive Director

By: Janet H. Hewell  
Secretary or designee

Date: 7-6-09

Date: 6/18/09

Approved as to conformance to District  
Budgetary and administrative procedures:

David James  
David James, DEP Grant Manager

Jon Dinges  
Jon Dinges  
Director, Resource Management

S. Debbie Skelton  
DEP Contracts Administrator

Approved as to form and legality:

Approved as to form and legality:

Tom W. Brown  
Tom W. Brown  
Legal Counsel

Mark A. ...  
DEP Attorney

\*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Agreement on behalf of the Grantee must accompany the Agreement.

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/Number	Description (include number of pages)
Attachment	C-2	Second Revised Special Audit Requirements (5 Pages)
Attachment	D	Certification of Applicability to Single Audit Act Reporting (1 Page)
Attachment	E	Property Reporting Form (1 Page)

## ATTACHMENT C-2

### SECOND REVISED SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

## PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General EXHIBIT 1 to this Agreement indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.state.fl.us/audgen>.

## PART III: OTHER AUDIT REQUIREMENTS

*(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)*

## PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10th Street  
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/fac/>

- C Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

- B. The Auditor General's Office at the following address:

State of Florida Auditor General  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

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4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

#### **PART V: RECORD RETENTION**

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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**EXHIBIT – 1**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

<b>Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:</b>					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:</b>					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:</b>						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Permit Fee Trust Fund – Line Item 1801	2006-2007	37.030	Water Management District Permitting Assistance	\$40,000.00	050251
Amendment No. 1	Permit Fee Trust Fund – Line Item 1839	2007-2008	37.030	Water Management District Permitting Assistance	\$40,000.00	050251
Amendment No. 2	Permit Fee Trust Fund – Line Item 1753	2008-2009	37.030	Water Management District Permitting Assistance	\$40,000.00	050251
Amendment No. 3	Permit Fee Trust Fund – Line Item 1700	2009-2010	37.030	Water Management District Permitting Assistance	\$40,000.00	050251

<b>Total Award</b>					<b>\$160,000.00</b>	
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

**ATTACHMENT D**

**CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING**

Grantee's Name:

Grantee's Fiscal Year Period: FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Total State Financial Assistance Expended during Grantee's most recently completed Fiscal Year: \$ \_\_\_\_\_

Total Federal Financial Assistance Expended during Grantee's most recently completed Fiscal Year: \$ \_\_\_\_\_

Please identify grants to be included in the Single Audit that are provided by the Department of Environmental Protection

CSFA#      CFDA#      DEP GRANT AGREEMENT NUMBER

**CERTIFICATION STATEMENT:**

**I hereby certify that the above information is correct:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

ATTACHMENT E  
**PROPERTY REPORTING FORM FOR DEP AGREEMENT NO. S0276**  
**(For Property With Grantee/Contractor Assigned Property Control Numbers)**

**GRANTEE/CONTRACTOR:** List non-expendable equipment/personal property\* costing \$1,000 or more purchased under the above Contract. Also list all upgrades\* under this contract, costing \$1,000 or more, of property previously purchased under a DEP contract (identify the property upgraded and the applicable DEP contract on a separate sheet). Complete the serial no./cost, location/address and property control number columns of this form. The Grantee/Contractor shall establish a unique identifier for tracking all personal property/equipment purchased under this Contract and shall report the inventory of said property, on an annual basis, to the Department's Project Manager, by DEP Contract number, no later than January 31<sup>st</sup> for each year this Contract is in effect.

DESCRIPTION	SERIAL NO./COST**	LOCATION/ADDRESS	GRANTEE/CONTRACTOR ASSIGNED PROPERTY CONTROL NUMBER

\*Not including software. \*\*Attach copy of invoice, bill of sale, or other documentation to support purchase.

GRANTEE/CONTRACTOR:	Grantee's/Contractor's Project Manager:	Date:
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**BELOW FOR DEP USE ONLY**

**DEP CONTRACT MANAGER: MAINTAIN THIS DOCUMENT WITH A COPY OF THE INVOICES SUPPORTING THE COST OF EACH ITEM IDENTIFIED ABOVE IN YOUR CONTRACT FILE. IF THE CONTRACT IS A COST REIMBURSEMENT CONTRACT, MAKE SURE TO SEND INVOICES SUPPORTING THE COST OF THE ITEMS TO FINANCE AND ACCOUNTING FOR THE PROCESSING OF THE GRANTEE'S/CONTRACTOR'S INVOICE FOR PAYMENT. REFER TO DEP DIRECTIVE 320 FOR PROPERTY GUIDELINES.**

DEP Contract Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DEP FINANCE AND ACCOUNTING: No processing required by Finance & Accounting as the Grantee/Contractor is responsible for retaining ownership of the equipment/property upon satisfactory completion of the Contract.

DEP PROPERTY MANAGEMENT: No processing required by the Property Management section as the Grantee/Contractor will retain ownership of the equipment/property upon satisfactory completion of the Contract.

## MEMORANDUM

TO: Governing Board  
FROM: Jon Dinges, <sup>JMD</sup> Director, Resource Management  
THRU: David Still, Executive Director <sup>DS</sup>  
DATE: June 25, 2009  
RE: Activity Report, Quality Communities, Informational Item

Edwards Bottomland Wetlands Restoration Project, Bradford County: The Fish and Wildlife Conservation Commission (FWC) has authorized funding for the project for the next funding cycle. The engineering firm, BCI, has provided a proposal for survey and engineering services for the project which is being reviewed by staff. The District has received the \$25,000 payment from the City of Starke for their contribution to the project. FWC has contracted directly with BCI to get the survey done. The survey was completed. The District is waiting for a draft agreement from FWC.

Cedar Key Reuse: Both storage tanks have been installed along with the piping for the reclaimed water force main at 3<sup>rd</sup> and A streets. Also, Cedar Key Water and Sewer District has contacted staff about a change in the scope of work with no cost increase. The change would involve eliminating a pump and work at the Water Tower site and instead provide a reuse system at the City Hall Complex, Fire Station, Library, and Water and Sewer District office for flushing toilets and irrigation.

Columbia County Stormwater: The County is in the planning stages with several projects. There will be no construction of projects in fiscal year 2008/2009, because the County and the District mutually agreed to suspend construction due to budget constraints.

FEMA Map Modernization: A resolution document has been provided to the District and Counties concerning appeals and protests for Hamilton and Madison County. Once the resolutions are final, a date will be set to initiate FEMA's final review of the maps before they become effective. The District has submitted the signed Mapping Activity Statement to FEMA which will fund the first year of FEMA's Risk MAP program in the District.

Jasper Stormwater: The permit has been issued by staff. District staff has told the City of Jasper that they will be responsible for obtaining all necessary drainage and construction easements for this project. The easements would appear to be the delay in getting this project into the construction phase. The

Governing Board has authorized the Executive Director to amend the contract with Bailey Bishop & Lane for construction phase services. The contract has been executed. Staff and the City have also requested funds from the Florida Department of Transportation for two other priority projects within the FDOT right-of-way. Responses from FDOT were favorable about being able to fund these two other priority projects, but funding may not be available for several years.

Lake City Reuse Project: Construction is ongoing at the reservoir site.

Live Oak Stormwater: The City is constructing the Sherwood Forest project, which was the top-ranked priority project under the stormwater utility program. Engineering design has commenced on a new alternative to handle the flooding associated with US 90 and Houston Street. This project was originally going to drain north to an existing FDOT detention pond, but due to historical resource issues the new design will pipe the stormwater south to existing ponds owned by the City and County. Survey and design is moving forward with this new alternative. The District is in the process of reviewing the permit application for this project.

Monticello Reuse Project: The City is coordinating with FDEP to obtain a NPDES permit for the existing nursery ponds for use as reclaimed water storage.

Thank you for your attention to this summary of current activities associated with Quality Communities projects. Please feel free to contact staff prior to the July 14, 2009, Governing Board meeting if you would like further information.

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management <sup>JMD</sup>

THRU: David Still, Executive Director <sup>DS</sup>

DATE: June 26, 2009

RE: *Nestlé Waters North America vs. SRWMD*, Informational Item

District staff referred Petition for Formal Administrative Hearing to the Division of Administrative Hearings (DOAH) on May 26, 2009 for the above-styled case regarding ERP09-0042, issued to Aqua Blue Springs Water Inc on April 17, 2009. On June 9, 2009, the District received a letter from Mr. Willie P. Agner of Aqua Blue Spring, Inc., requesting that ERP09-0042 be withdrawn and voided. Subsequently on June 16, 2009, a Joint Motion to Relinquish Jurisdiction was filed with DOAH by Nestlé Waters North America and the District. In response, the Order Closing File was issued on June 17, 2009, relinquishing jurisdiction to the District for final action.

As a result of said Order Closing File and the letter received June 9, 2009, from Mr. Agner, District staff has changed the application status to "WITHDRAWN BY APPLICANT" and the permit status to "NO CONSTRUCTION" in the database. No further action is necessary.

DOAHs Order Closing File follows this memorandum.

JD/lgw

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

NESTLE WATERS NORTH AMERICA, )  
INC., )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 09-2863  
 )  
SUWANNEE RIVER WATER MANAGEMENT )  
DISTRICT, )  
 )  
Respondent. )  
\_\_\_\_\_ )

ORDER CLOSING FILE

This cause came before the Administrative Law Judge on the Joint Motion to Relinquish Jurisdiction, in which it is represented that Petitioner withdrew its application for the subject permit. Accordingly, it is

ORDERED that the file of the Division of Administrative Hearings in this case is CLOSED and jurisdiction is relinquished to the Suwannee River Water Management District for final action.

DONE AND ORDERED this 17th day of June, 2009, in Tallahassee, Leon County, Florida.



\_\_\_\_\_  
BRAM D. E. CANTER  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 17th day of June, 2009.

COPIES FURNISHED:

Jon Dinges, P.E.  
Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060

Douglas P. Manson, Esquire  
Manson Law Group, P.A.  
1101 West Swann Avenue  
Tampa, Florida 33606-2637

MEMORANDUM

TO: Governing Board  
 FROM: Jon Dinges, <sup>JMD</sup>Director, Resource Management  
 THRU: David Still, Executive Director <sup>DS</sup>  
 DATE: June 26, 2009  
 RE: Regulatory Activity Report, Informational Item

Staff has updated 40B-3.101 and 40B-3.411, Florida Administrative Code, to require parcel identification and proof of property ownership with the water well construction permit application and latitude and longitude to the nearest second on well completion reports. These rules will be effective on July 1, 2009. Staff is preparing a memorandum to all District-licensed water well contractors to apprise them of the new rules.

The following table summarizes permitting activities during the month of May.

May 2009	Issued	Received
Environmental Resource Permits	40	33
Water Use Permits	9	11
Water Well Permits	151	151
Water well permits issued and received according to well use:		
Abandoned/destroyed: 4		Livestock: 1
Agricultural Irrigation: 3		Monitor: 25
Commercial/Industrial: 2	Self-supplied Residential: 109	
Landscape Irrigation: 6		Test: 1

Staff has implemented an environmental resource permit inspection program for construction and as-built certification. Staff inspected 36 projects under construction and 27 projects for as-built compliance. Please see the attached charts for a summary of construction and as-built inspections.

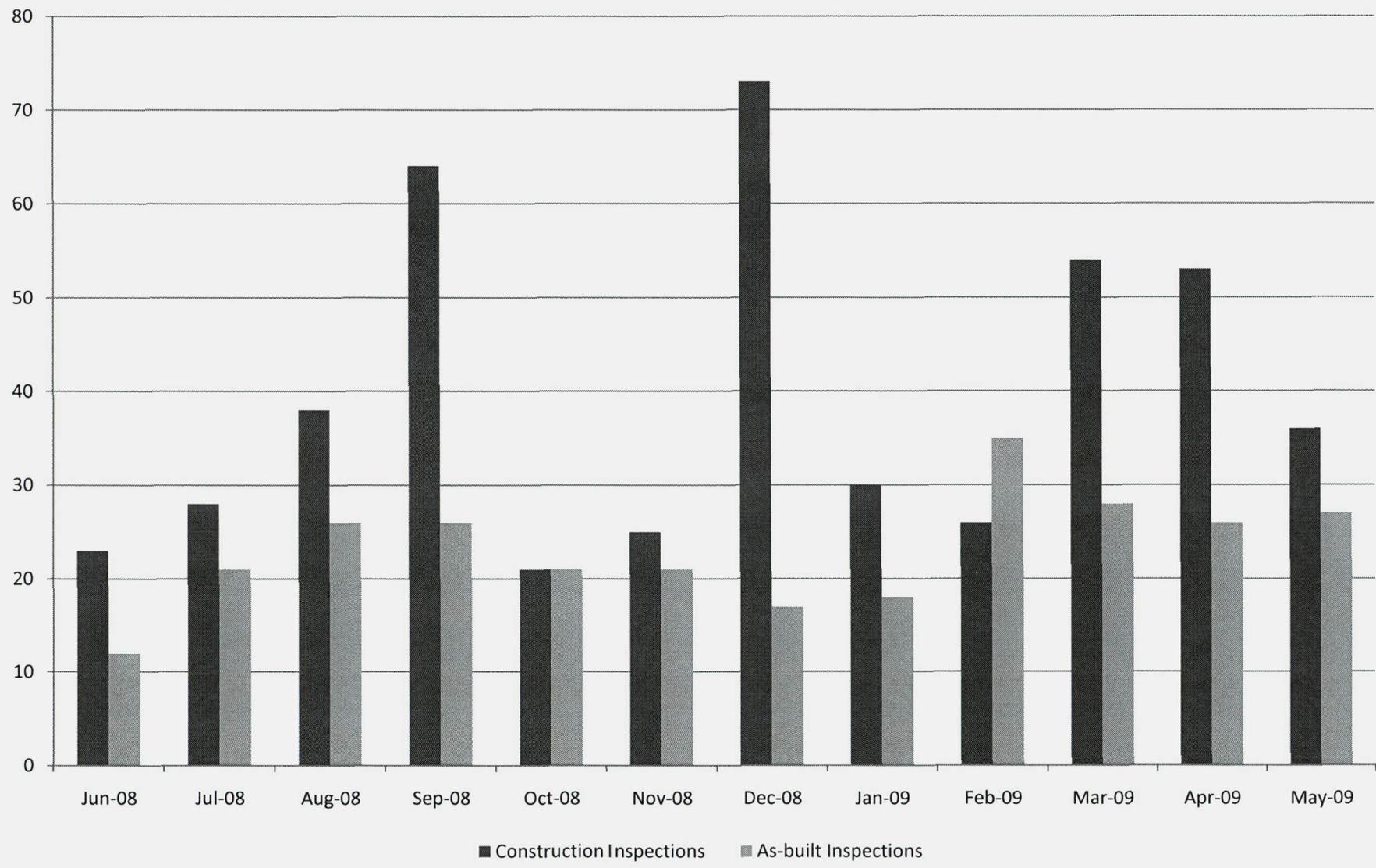
The Rulemaking Schedule, Compliance and Enforcement Report, and the Complaints Report follow this memorandum.

JD/lgw

**Upcoming Rulemaking  
2009**

<b>Rule &amp; Description</b>	<b>Request Bd. Auth. for RD</b>	<b>Notice of Rule Dev.</b>	<b>Request Bd. Auth. for PR</b>	<b>Notice of Proposed Rule</b>	<b>Send to JAPC</b>	<b>Mail to DOS (tentative)</b>	<b>Effective Date (tentative)</b>
<b>40B-1.703, .709, .901</b>	4/8/08	5/9/08	7/14/09	<b>7/24/09</b>			
Changes Relating to 40B-2 Major Revisions							
<b>40B-1.704</b>	6/9/09	6/19/09					
As-built bonding							
<b>40B-2</b>	2/12/08	2/22/08	6/9/09				
Major changes to WUP process							
<b>WUP Guide</b>	2/12/08	2/22/08	6/9/09				
Adoption of Water Use Permitting Guide							
<b>40B-2.041</b>	5/8/08	5/17/08					
Landscape Irrigation Conservation							
<b>40B-3.101</b>	11/13/08	11/26/08	3/10/09	3/19/09	3/16/09	<b>June 2009</b>	<b>July 2009</b>
Content of Application-Proof of Ownership & Tax Parcel ID							
<b>40B-3.411</b>	12/9/08	12/19/08	3/10/09	3/19/09	3/16/09	<b>June 2009</b>	<b>July 2009</b>
Completion Reports-Latitude & Longitude							
<b>40B-3.902</b>	2/10/09	2/27/09					
Water Well Construction Application							
<b>40B-4.1090</b>	6/9/09	6/19/09	6/9/09	<b>6/26/09</b>			
Taylor County FEMA Flood Studies							
<b>40B-4.2010</b>	5/14/09	5/29/09					
Noticed General Permit Application (This was going to be incorporated into 40B-1.901-see above.)							
<b>40B-400.046</b>	5/14/09	5/29/09					
Petition for Formal Wetland Determination (This was going to be incorporated into 40B-1.901-see above.)							
<b>40B-400.051</b>	5/14/09	5/29/09	7/14/09	<b>7/24/09</b>			
Exemptions							
<b>40B-400.091</b>	12/9/08	12/19/08					
ERP Handbook-Bald Eagle De-listing							
<b>40B-400.115(1)(s)</b>	12/9/08	12/19/08	3/10/09	3/19/09	3/16/09	<b>May 2009</b>	<b>June 2009</b>
Historical Artifacts Notification; FSE&SC Manual Correction, and FSE&SC Incorporation by Reference							

# Construction & As-built Inspections



# Compliance and Enforcement

updated 7/6/2009 7:42:18 AM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE04-0025	COLUMBIA	10/8/2004		Stormwater system not constructed as permitted.	Jeffrey Hill/Smithfield Estates	Enforcement documentation sent to attorney 9/22/05 and 12/9/2005. Governing Board denied application on 12/13/05. Staff met with Mr. Hill 3/1/06 to discuss violations and solutions. Site inspection 10/30/06. No additional work except for a home on Phase 1. Site inspection 5/16/07. No change. Administrative complaint served 8/13/07. 30 days to correct violation. Hill filed with the District a Request for Hearing on 8/27/07. The District issued an Order Denying Hearing, served 9/22/07. Petition to enforce agency final order pending with Circuit Court. Hearing scheduled with Judge Leandra Johnson on 9/8/08; Judge granted Mr. Hill additional time to resolve violations. Hearing 11/17/08 with Judge Johnson. Motion to rehear filed 11/26/08. Judge had ordered mediation with Mr. Hill. Court-ordered mediation held on June 30, 2009. A tentative partial settlement was reached requiring Hill to file an application to modify the permit and then build the modified stormwater system.	Dinges, Jon
CE05-0017	COLUMBIA	4/14/2005		Alteration of dam without a permit.	Jeffery Hill	Staff met with Respondant & Tom Brown 1/11/06 to discuss violations. Staff met with Mr. Hill 3/1/06 and discussed violations and solutions. Jennifer Springfield prepared Circuit Court Complaint. Received copy via mail 5/26/06. Hearing date for temporary injunction 7/11/06. Hearing rescheduled for District motion for temporary injunction set to 11/7/2006. Hearing conducted on 2/7/07. Waiting on verdict. Received order denying motion for dismissal 7/12/07. Hill has appealed to Court, case pending. Hearing held on 4/16/08 regarding civil penalties. Penalty of \$100,000 awarded. Periodic inspections will be made by staff to determine compliance with Circuit Court Order. Staff took control of dam in September (Emergency Court Order) and drained the dam. Received notice of Bankruptcy 11/21/08. Retained bankruptcy attorney for hearing 1/9/09. First District Court of Appeals 2/12/09. Inspected dam on 4/4/09; dam is filling up again. Spillway seems to be closed. Memo & pictures to Tom Brown on 2/4/09. Staff to attend bankruptcy hearing for El Rancho No Tingo, Inc., on 3/25/09.	Dinges, Jon
CE05-0031	COLUMBIA	6/13/2005	8/8/2008	Failure to maintain stormwater system as permitted.	Ray Sessions/Commander Row & Cannon Creek North	Draft Notice of Violation received from Jennifer Springfield on April 20, 2006. Staff will review the Notice and return it to Ms. Springfield no later than 4/25/06. Response received 5/16/06, indicating Mr. Sessions was not responsible. Ms. Springfield sent letter to Mr. Sessions' attorney on 5/24/06. Received Construction Remediation Schedule from Bill Freeman 5/30/06. Work to be complete by 9/15/06. Southern Approaches complete. Staff to inspect. Staff inspected. S. Approaches complete. Others under review. Letter from B. Freeman 12/12/06. Work to be completed by 12/15/06. Applications received. RAI mailed 11/6/06. See Board memo for updates. Letter to Mr. Freeman mailed 4/16/07. 18 days to install culverts (SWM4-91-00187). File sent to J. Springfield 9/6/07. Letter sent from J. Springfield to Mr. Sauriol, HOA President on 12/20/07; 60 days to correct violations. Letter from J. Springfield mailed on 1/18/08; 30 day extension granted. 30 days to submit application. Received letter from Cannon Creek HOA 2/8/08; 180 day extension requested. Received letter from attorneys regarding resolution on 9/22/08. Legal comments: District staff met with Greg Bailey of Bailey, Bishop & Lane who stated that he is working on the flooding problem as part of a master plan for the entire basin. In the event Mr. Bailey's plan is approved and constructed, it will also address the compliance issue under this permit.	Sagul, Tim

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE06-0014	COLUMBIA	8/31/2005		Operation & Maintenance issues.	Dale Williams/Columbia County	Four projects remain outstanding as of 6/21/06: Peacock Road, Brown Road, Hunter Panels and Emerald Forest. Received Brown Road ERP application 11/6/06. Staff to prepare Peacock Road, Hunter Panels & Emerald Forest for legal. Received application for Emerald Forest Street Culvert 7/26/07. Staff to prepare letter to Columbia County by 8/31/07. Staff (Louis Mantini) to meet on 9/21/07 to discuss Hunter Panels mitigation with Dennis Price, consultant (SE Environmental Geology) representing Columbia County. Staff to follow-up on mitigation for Hunter Panels. Letter sent 1/5/09 regarding Hunter Panels conservation easement requirements. Letter sent 1/21/09 regarding Brown Road; 30 days to submit RAI material or deny at February Board and refer to legal. Letter to Mr Williams sent 3/11/09 regarding Hunter Panel mitigation and WSMDD Land Trust. Staff issued a permit for Peacock Road in March 2009. Brown Road for denial at May 2009 Board. Brown Road denied at May 2009 Board. Staff to prepare for legal.	Dinges, Jon
CE05-0046	COLUMBIA	12/5/2005	10/10/2008	Failure to maintain stormwater system.	Justin Fitzhugh	Waiting on .as-builts. New owners. Engineer to submit application for modification. Application received 8/11/06. Redesign to be submitted by 12/01/06 by Arnold Terry. Reviewing design submitted 11/29/06. RAI mailed 11/29/06. Extension letter mailed 3/22/07. Engineer working on project. Denied at October Board. Site inspection 3/20/08. Sent NOV 3/26/08; 60 days to submit as-builts and pay penalties and fees. Sent 18 day letter 6/25/08. Staff met with Mr. Fitzhugh on 7/7/08. A follow-up letter was sent 7/8/08 giving him until 9/7/08 to provide a solution. No solution as of 9/24/08. Staff has giving Mr. Fitzhugh until 10/10/08 to provide solution. Received email 10/2/08. Mr. Fitzhugh working with surveyor. Staff to follow up by 5/29/09.	Marshall, Leroy
CE09-0006	DIXIE	9/26/2008	8/3/2009	Unpermitted dock on the river.	Michael Manion	14 days to contact District. Scheduled a meeting with Mrs. Manion on 2/2/09. Met with Mrs. Manion on 2/17/09 at her property. Received WOD application 2/25/09;no fee. Sent RAI letter 3/19/09. Information due 6/19/09. Sent RAI letter 5/4/09 info due 8/3/09.	Robinson, Vince
CE09-0014	COLUMBIA			Permit violations.	Ray Sessions/Faye Carroll (Country Landings)	Administrative Order and Complaint prepared by J. Springfield and sent certified 2/4/09 to Ray Sessions, Faye Carroll, K&M Development & Austin Sessions. Administrative complaint filed by Mr. Sessions. Letter sent from J. Springfield to Mr. Sessions attorney 3/19/09; verbal 60 day extension to complete work give to Mr. Sessions from DAS. Mr. Sessions to withdraw Petition for Administrative Hearing. Construction complete & as-builts complete. Legal working on HOA documents. Letter sent by legal counsel on 6/24/09 to Vicki Berman, Esq., stating that District will not accept HOA has O & M entity until developer amends articles & by-laws to allow residents to control HOA. Letter also agrees that based on Third Amendment to Declaration, a separate drainage easement from lot 12 owner is no longer needed.	Marshall, Leroy
CE09-0028	COLUMBIA		4/25/2009	No as-builts.	Tom Kesling / Lake City Home Depot	45 days to submit as-builts & pay costs. Staff to follow up. Call from Mr. Kesling and Engineer. Working on as-builts and required forms. Granted extension until 5/25/09. Received all sections of as-builts 5/28/09. Several Calls and e-mails to Home Depot in Atlanta including Attorney and Store District Manager. All as builts have been received but fine has not been paid. Staff to prepare for legal by 6/19/09. File sent to legal 6/18/09.	Bowden, Jerry
CE09-0027	LEVY	3/1/2009	4/19/2009	Unpermitted development.	Marvin Franks / Cedars Airfield, Inc.	14 days to contact District. Spoke with Mr. Franks on 3/10/09. He will call me to set up a meeting when he returns to town in two weeks. Met with Mr. Franks on 3/19/09. He has 30 days to hire an engineer. Engineer has been hired (Mills). Staff to follow up. Staff to write letter by 6/30/09.	Webster, Patrick
CE09-0031	DIXIE	3/26/2009	4/30/2006	Unpermitted structure & fill in floodway.	Dale Herring	30 days to submit WOD application. Waiting on WOD application.	Hastings, John
CE09-0033	DIXIE	3/27/2009	4/15/2009	Clearing with the setback of the river.	Ronald E. Clark / Peanut on the Suwannee, LLC	14 days to contact District. Staff to reinspect by 5/30/09. Property flooded. Staff to reinspect by 6/30/09.	Mantini, Louis

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE09-0036	TAYLOR	3/10/2009	5/7/2009	Unpermitted borrow pit.	Leroy Padgett	30 days to submit ERP application. Reminder letter sent 5/18/09. Received call 5/20/09 says property is not his.	Hastings, John
CE09-0039	DIXIE	3/25/2009	4/23/2009	Fill in floodway	Benje Thomas / Forestview Joint Venture, LLC	14 days to contact District. Spoke with Mr. Thomas by phone on 4/13/09 about setting up a meeting. Waiting for river level to fall before scheduling meeting. Set up meeting with Mr. Thomas on 5/14/09. Staff to reinspect by 6/30/09. Spoke to Mr. Thomas on 5/28/09. He will remove the fill as soon as his property is dry.	Robinson, Vince
CE09-0040	COLUMBIA	3/19/2009	8/21/2009	Unpermitted structure in floodway.	John Gartner, Jr.	14 days to contact District.Mr. Gartner calledl on 4/10/09 about setting up a meeting. Waiting for river level to fall to set up meeting. Left Mr.Gartner a message by phone on 5/4/09. Scheduled meeting with Mr. Gartner on 5/11/09. Met with Mr. Gartner on 5/11/09. Received WOD application 5/12/09. Sent RAI 5/22/09.	Robinson, Vince
CE09-0042	BRADFORD	4/20/2009	6/30/2009	Wetland impacts & unpermitted fill.	Tabatha Morris	14 days to contact District.Site visit 5/30/09; 30 days to restore property. Follow-up letter mailed 5/22/09. Fax received 5/26/09 requesting 30 day extension. Mailed extension letter on 05/27/09 - Compliance deadline is extended to 06/30/09. Meeting scheduled for 6/17/09.	Mantini, Louis
CE09-0034	DIXIE	3/31/2009	4/14/2009	Unpermitted construction in wetlands & floodway.	Terrie G. Patterson	SWO & NOV mailed; 14 days to contact District. Received phone call on 4/3/2009. Respondent will schedule a meeting to discuss permitting issues. Respondent agreed to stop work. Staff waiting on flood waters to schedule meeting by 6/30/09. Called 6/18/09 and left message for Mr. Patterson to call me back.	Spencer, William
CE09-0037	COLUMBIA	3/19/2009	4/21/2009	Unpermitted structure in floodway.	Alex & Joyce Carswell	14 days to contact District. Spoke with Mrs. Carswell by phone on 4/7/09 about setting up a meeting. Waiting for river levels to go down to schedule meeting. Staff to schedule meeting by 5/30/09. Called the Carswells on 5/18/09 but made no contact. Spoke with Mrs. Carswell on 5/28/09. Site visit next week. Spoke with Mrs.Carswell by phone on 6/8/09. She agreed to remove stuctures within a couple of weeks. Staff to inspect by 6/30/09.	Robinson, Vince
CE09-0038	COLUMBIA	3/25/2009	8/21/2009	Unpermitted structure in floodway.	Larry & Cindy Fulford	14 days to contact District. Mr. Fulford called District on 4/9/09 and talked to Bill Spencer. He was asked to halt construction and that an appointment would be scheduled for a site visit. Waiting for river level to go down to set up meeting. Set up meeting with Mr. Fulford on 5/11/09. Met with Mr. Fulford on 5/11/09. Received WOD application and fee 5/18/09. RAI sent 5/21/09.	Robinson, Vince
CE09-0044	BRADFORD	5/15/2009	6/2/2009	Dredge & fill impacts in wetlands.	Jon E. Hartman	14 days to contact District. On-site meeting held on 05/29/09. Certified letter to be mailed on 6/8/09 requesting NG permit application submission, \$125 late fee, and buffer restoration. Staff to follow-up by 6/30/09.	Mantini, Louis
CE09-0047	BRADFORD	5/29/2009	6/17/2009	Deviation from permitted plans. NOV and SWO hand-delivered on 6/4/09. Work continued.	Mark McGuigan	14 days to contact District. Meeting 6/17/09. Revised plans for ERP09-0029M were received by the District on Jubne 18, 2009.	Mantini, Louis
CE09-0049	MADISON	5/21/2009	6/24/2009	Unpermitted road construction & dredge/fill in wetlands.	Jimmy Augustine	14 days to contact District. Mr. Augustine called the District on 6/16/09. Mr. Augustine purchased the property 7/17/09. He asked if we could postpone the investigation until the end of July because of travel associated with his business. I agreed to contact him again by 7/27/09.	Spencer, William
CE09-0050	JEFFERSON	5/21/2009	6/24/2009	Unpermitted road construction & dredge/fill in wetlands.	Jefferey Marion	14 days to contact District. Ms. Carla Roberts contacted the District on 6/17/09 by phone.	Spencer, William

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CE09-0051	COLUMBIA	6/1/2009	7/7/2009	Stormwater discharge violations.	Palmer Daughtry / Emerald Cove	21 days to contact District.	Bowden, Jerry
CE09-0053	ALACHUA	6/15/2009	7/15/2006	Stormwater discharge causing property damage.	Robert Lash (Ridgmont Subdivision)	14 days to contact District.	Bowden, Jerry
CE06-0049	GILCHRIST	3/29/2006	6/30/2009	Construction of elevated walkway, deck and dock.	Kevin Bedenbaugh	30 days to submit permit application. Due 7/28/06. Staff to contact. Application due by 9/1/06. Mailed second NOV. 18 days to submit application. Field review scheduled 10/20/06. Received WOD application 11/2/06. Mailed RAI on 11/28/06. 30 days to respond. Mailed 18 day letter 3/15/07. Information due on 4/3/07. Permit application submitted on 4/3/07. RAI mailed 4/30/07. 90 days to respond. Deadline to respond 7/30/07. Extension requested by phone on 8/15/07. Said he was waiting on engineer to finish zero rise. Responses received 10/16/07. Sent out RAI on 11/6/07. Sent final 18 day letter 2/22/08. Received responses on 3/10/08. Sent 30 day letter 4/2/08. 18 day letter sent out 5/22/08. Mr. Bedenbaugh sent an e-mail asking for more time. Staff to prepare a final 18 day letter by 9/26/08. Received RAI material 9/30/08. Staff reviewing materials. Permit issued with conditions. Reduce size of deck to 200 SF or less within 45 days. Staff to inspect by 12/19/08. Staff to send letter. Letter sent 1/8/09 to reduce deck & provide as-built by 2/9/09. As of 2/19/09, no as-built received. Conducted field review on 2/20/09. Portion of deck has been removed. Floor joists need to be removed. Staff inspected 5/15/09. Most work completed. 30 days to complete.	Webster, Patrick
CE06-0058	LEVY	8/2/2006	1/30/2009	Unpermitted construction.	Douglas McKoy	45 days to submit application package. Due 9/14/06. Received permit application 9/15/06. Permit application received on 9/18/06. RAI mailed on 10/4/06. Deadline 1/2/06. 12/18/06 received request for time extension. Left a message to Donnie Ellington to get back to me on the status on 4/11/07. Letter from Mr. Ellington 4/12/07 requesting extension. He called and said he would be sending in an application soon. Meeting scheduled with Donnie Ellington on 7/23/07 to discuss project. Meeting to be rescheduled. McCoy called on 9/18/07 requesting an extension due to Ellington's issues. Received letter on 9/21/07. Extension until 12/10/07. In the process of selling this parcel. Received ERP fee 12/5/07. RAI letter mailed 1/3/08; 60 days to respond. Met with Mr. McCoy on 2/13/08. Wetland jurisdictional conducted at the site on 3/11/08. Waiting on determination to arrive from Mr. McKoy. Should arrive by 4/18/08. Received determination 4/28/08. Staff to review. Bill Spencer visited site on 5/1/08 to inspect wetland delineation. Recommend that wetland line be placed on site plan survey. RAI sent out on 5/12/08 with a 60 day response deadline. RAI sent 7/25/08; 45 days to respond. Received letter from Mr. McKoy on 8/28/08. He is working on the survey. On 10/30/08 prepared ERP permit for denial, and prepared legal fact sheet to give to Tom Brown. File sent to legal 11/4/08. Met with Mr. McCoy on 11/13/08 to go over a plan to permit the subdivision. Must have a site layout and an engineer hired by 1/7/09. Had a discussion with Mr. McCoy and he has hired Donnie Ellington as his engineer and the wetland jurisdictional plans should be submitted to the District in few weeks. Per email date 3/12/09, he has hired an engineer and they are working on submittal. Staff to follow up by 6/30/09. Left message for owner on 6/15/09.	Webster, Patrick

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CE06-0063	LEVY	8/8/2006	5/2/2009	Fill in wetlands.	Ron Woods	Mailed NOV 8/11/06. Submit application package by 9/25/2006. He has called several times to keep me updated. Received ERP application 11/30/06. Sent out RAI on 12/19/06. Deadline for responses 3/19/07. Conducted a field review with applicant on 1/30/07. Sent out an email to his consultant to find out the status on 4/11/07. Mailed RAI 5/7/07. Response due 8/7/07. Sent out 18 day letter on 8/21/07. Received RAI responses on 9/10/07. Extension request letter received 10/3/07. Waived the 90 day time clock, permit know pending. Owner wants to try to repair damage. Conducted another field review 11/2/07. Consent Agreement being finalized by staff for signatures. Signed Consent Agreements mailed to respondents for signature 1/31/08. Received letter from Mr. Woods on 2/28/08 requesting aerial & time for his attorney to review the agreement. Provided aerial. As of 4/10/08, still waiting on Consent Agreement to be returned to District. Consultant is preparing restoration plan. Once plan is accepted, Mr. Woods will execute the the agreement. According to Tom Brown that was acceptable. Sent email to Tom Brown concerning status on 7/11/08. Sent letter requesting signed Consent Agreement or Restoration Plan by 8/12/08. Letter received 8/6/08; wetland plan to be submitted withn 30 days. Received wetland restoration plan on 9/2/08 from Tom Brown. Staff needs to review it. Restoration plan unacceptable. Mailed RAI 9/22/08; 30 days to submit corrected plan. 10/21/08; extension request and records request received. Reveiced update ERP application 11/7/08.We had a meeting with them on 11/25/08. Compliance Agreement sent out 11/25/08. RAI sent out on 12/2/08. Received signed Compliance Agreement 12/12/08. Currently removing fill from the wetlands. Mailed copy of executed Consent Agreement 12/16/08. Staff to inspect 1/12/09. Final inspection was conducted by staff and it appears the fill has been removed from the wetlands. RAI letter sent 2/2/09; revisions to be made on UMAM analysis. Received update UMAM analysis 3/18/09. ERP permit issued 4/8/09. Staff to reinspect when mitigation is complete. Staff to send letter by 6/19/09.	Webster, Patrick
CE06-0073	GILCHRIST	9/5/2006	6/30/2009	Unpermitted constuction in floodway.	Lex & Deborah Walker	30 days to remove structure or submit application. Received copy of permit and additional information on 9/12/06. Application to be submibted by 10/31/06. Received application 10/27/06. RAI sent 11/21/06. Deadline for response 2/20/07. Received a call from owner saying that the engineering firm is working on the responses. Met with engineer on 3/26/07. Extension requested to 5/25/07. Sent 18 day letter 6/28/07. 30 day extension requested on 7/16/07. Received RAI material 8/16/07. Sent RAI letter 9/10/07. Extension request granted until 1/11/08. RAI inforamtion received 1/23/08. Sent additional RAI 2/13/08; 90 days to provide information. Received RAI material 4/15/08. Staff to review. Sent RAI 5/9/08. Received response from applicant on 5/29/08. Conducted final field review on 5/6/08. Sent RAI 6/13/08; 30 days to respond. Extension request received 9/4/08. Sent out RAI on 9/10/08. Received RAI response on 9/25/08. Sent another RAI out on 10/17/08; 30 days to respond. Staff to contact Mr. Walker on 12/2/08. Received RAI response on 12/3/08. After the fact Permit issued on 12/22/08. Inspection required on 2/22/09 to see if plantings installed and unauthorized structures are removed. Per staff inspection the deck and walkway have been removed according to the permit conditions. Will recheck to see if plantings and floats have been installed after the flood recedes. Staff inspected 5/18/09; 30 days to install floats. Letter sent 5/17/09: 18 days to contact District regarding removal plans.	Webster, Patrick

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CE06-0086	COLUMBIA		9/1/2008	No as-builts.	Richard Cole / Grandview Village	30 days to submit as-builts. File to legal 11/14/06. Received Sections A,B,& C on December 1, 2006. Sent second NOV 2/9/07. Extension letter mailed 3/13/07. Clay & Leroy to revise NOV with additional violations. Met on site with Engineer and contractor 3/21/07 and the ditch will be constructed in correct place. Re-inspect by 4/30/07 to ensure project is in compliance. Site Visit conducted 5/2/07 and 5/10/07 and no work had been performed. Extension until 5/20/07 to complete work. 5/25/07 Mike Renfro called and they are supposed to be installing 2-18" pipes in the backyards along with yard drains. There are numerous problems that still need to be addressed in this subdivision ie: fill in pond from power poles, size of rear lot bypass swale system, maintenance of pond, stabilization of site. File to legal 7/24/07. Letter from contractor 8/1/07. Told by property owners to stop work. Legal returned file due to conflict of interest. File forwarded to J. Springfield 9/11/07 for review. Letter sent from J. Springfield; 15 days to submit fines & work. Site visit conducted on 10/31/07 and the sub-contractor is working on installing the pipes on the east side of the by-pass ditch. Site visit conducted 11/16/07 and the pipes are installed on the eastside. No stabilization measures have been implemented. Inspection 1/2/08 and no changes from previous inspection. 1/25/08 site inspection shows no changes from previous inspection. Home construction has constricted conveyance of by-pass swale. Other than that no changes since 11/16/07 inspection. On 3/11/08, the Board authorized staff to proceed with an Administrative Complaint, which has been drafted and sent to J. Springfield on 3/31/08. Received property ID information for property owners from J. Springfield on 4/9/08. Meeting 5/16/08 with legal to discuss alternative solutions. District to meet with City on constructing by-pass swale on City property. Administrative complaint & Order mailed certified 8/1/08; 30 days to complete work necessary to bring property into compliance & 60 days to submit as-builts. Received request for Administrative Hearing 8/25/08. Request for Admin Hearing denied at September 2008 Board Meeting due to untimely filing of motion. Mailed denial 9/10/08. 10 days to respond. File with J. Springfield. J. Springfield sent letter 3/20/09 proposing a settlement.	Dinges, Jon
CE06-0107	LAFAYETTE	12/12/2006	4/28/2009	Construction without a permit.	Linda Fennell	90 days to remove structure from 75 foot setback & submit WOD application. Received WOD application 12/15/06. Sent RAI. Information due 3/14/07. Sent 18 day or deny letter 4/13/07. June 2007 Board for denial. File to legal 9/11/07. Legal sent NOV 9/14/07, requesting penalties, costs & fees or application & fee submittal by 10/5/07. Memos & pictures from site visit sent to legal 10/5/07. Received variance request & \$250 application fee (no application was included) on 1/23/08. RAI mailed 1/25/08. Variance faxed to legal 4/10/08; waiting on comments. 4/28/08; 18 days to submit RAI information. June Board for denial and Final Order. Denial of variance request and Final Order executed at June 2008 Board meeting. Meeting with Mr. Buckels scheduled for 8/8/08. Letter mailed 8/12/08; 30 days to remove structure, provide written proof the structure was in place prior to 1985 or provide WOD application. WOD application received 8/14/08 for dock; no agent letter received. Sent RAI 8/22/08; has until 9/12/08 to resolve issues. Application denial to November Governing Board with approval to initiate enforcement action. Received letter from Mr. Buckels 11/10/08. Denied at November Board Meeting without pred. Staff to investigate property ownership. Quit Claim deed and property information to legal 11/24/08 to verify ownership. Memo to Governing Board 12/4/08 updating status of project. Legal reviewing ownership of property. Legal verified ownership to Linda Fennell. County to provide documentation of construction by 1/13/09. Sent NOV to Ms. Fennell via Process Server on 1/28/09; 90 days to comply and submit a WOD application. NOV served on 2/9/09. Received letter from Ms. Fennell on 4/27/09 stating she did not recognize any violations on her property. Staff prepared memo to Governing Board for May, requesting authorization to file complaint in Circuit Court. Staff preparing for Circuit Court complaint as per approval at May 2009 Board meeting. Circuit Court complaint being prepared by staff and legal. Site visit by boat 6/26/09; GPS location.	Marshall, Leroy

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CE07-0065	GILCHRIST	5/16/2007	9/5/2008	Unpermitted construction within the floodway.	Steven A. Midyette	14 days to contact District. Respondent contacted staff on 9/7/07. Staff will follow-up with a site visit on 9/19/07. Consent Agreement being finalized by staff for signatures. Signed Consent Agreements mailed to respondents for signature 1/31/08. As of 8/18/08, waiting on Consent Agreements to be returned to District. Staff will send notice that the District will allow a deadline of 9/5/08, for signed Consent Agreement. If a response is not received, then the case will be forwarded to legal counsel. Staff preparing to resend to legal. Received Administrative Complaint & Order filed by legal 12/9/08. Returned signed Administrative Order to legal 1/6/09. Order in the process of being served by legal as of 1/28/09. Letter from T. Brown received 2/24/09; Administrative Complaint to be served by Duval County Sheriff Office. Complaint served by Duval County Sheriff Office on 3/2/09. Received request for Administrative hearing on 3/30/09. Denial of hearing issued at April 2009 Board. Second request for hearing received May 4, 2009; GB authorized referral to DOAH at May 14, 2009 meeting. File sent to DOAH on 5/18/09.	Mantini, Louis
CE07-0069	GILCHRIST	8/1/2007	10/1/2008	Fill in wetlands & unpermitted construction.	David Meehan Suwannee Lake Plantation	Site visit on 8/17/2007. Under investigation. Owners met with District staff on 9/27/07. Owner will submit site plan with existing and planned construction along with the wetland line established by owner's consultant. No submission date given. No response as of 11/7/07. No response as of 11/30/07. ERP application received 2/14/08. Sent RAI letter 3/6/08. Received letter from WRA 3/31/08. Applicant's environmental consultant called today (3/31/08) and stated that the owner will remove the pad out of the wetlands, restore the site, and redesign the project. Sent RAI 5/23/08; 90 days to respond. Received letter from David Mehan and Robert Menke on July 2, 2008 detailing the notes of a meeting re: closure of the violation. Responded to 7/2/08 letter with conceptual terms of Consent Agreement. Extension request granted 8/25/08. Received letter 9/12/08. Sent letter 10/16/08; staff preparing Consent Agreement. Draft Consent Agreement sent 12/5/08. Waiting on response as of 1/13/09. Responded to Mr. Brubaker's question re: delineation of conservation area by a phone message left on 2/18/09. Asked that he call or email me with his questions/concerns. Mr. Brubaker returned call on 2/20/09 and left message indicating he will call first of next week. Mr. Brubaker sent (3/9/09) a revised Consent Agreement to Resource Management for review. Staff preparing response. Staff preparing revised Consent Agreement (5/6/09). Consent Agreement sent to legal for review 5/7/09. Consent Agreement mailed 6/10/09 for signatures.	Spencer, William
CE07-0087	MADISON	9/26/2007	3/2/2009	Unpermitted structure within the floodway.	Charley Hicks Jr	30 days to contact staff. Certified letter returned 10/30/07 unclaimed. As of 12/17/07, Mr. Hicks has made no contact with staff. Sent letter via process server 1/8/08; 30 days to contact staff. Return of service received on 1/28/08 from process server. Contacted the District on 2/20/08. Staff informed Mr. Hicks of his options. Staff expects extension letter. Staff conducted site visit on 5/8/08. Structures are still on site. Staff conducted site visit on 8/14/08, structure still in place. Called Mr. Hicks on 8/19/08, he plans to write an extension letter and apply for a variance shortly. Call today. Tried to reach Mr. Hicks by phone on 10/16/08 and 10/22/08. Contacted Mr. Hicks on 10/28/08. Mr. Hicks explained his view using profanity and threatened to sue. File to legal 10/30/08. Letter from legal sent 2/2/09; 30 days to pay fines and correct violations. No response has been received. Staff prepared memo to Governing Board for May, requesting authorization to file complaint in circuit court. Approved for circuit court. Staff preparing for circuit court. Counsel filed complaint with Madison County Clerk of Court. Awaiting return of summons (6/4/09). Return of Service received from legal 6/30/09.	Robinson, Vince

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CE07-0100	BRADFORD	10/23/2007	9/16/2009	Adverse off-site impacts.	Breck Sloan	File to legal 10/23/07. Letter from legal mailed 10/29/07; 14 days to pay penalty & fines. 11/14/07 inspected site and no work has been done to bring project into compliance. Letter from legal mailed to Mr. Sloan stating he has until 4/11/08 to correct violation & submit penalties. 6/5/08; file resent to legal. Letter from legal to Mr. Sloan 7/30/08. Sloan indicated that he thought work was done and would take immediate action. 8/26/08 - staff received a call from Rudd Jones who indicated he was a new engineer to the project and would be working on the corrective actions. Tim spoke with Rudd Jones 10/2/08. Jones does not have a contract yet with Mr. Sloan. Tim told Jones that if District doesn't have an application for modification in by Oct 15, 2008, staff would turn it back over to legal. Jones indicated that Tim should speak to Mr. Sloan since Jones is not on contract. Jones would however send an email to Mr. Sloan's previous engineer (Brad Purcell) and let him know of the impending enforcement. Tim left a message on Mr. Sloan's answer machine asking him to return call regarding this project. Julie of Mr. Sloan's office returned call on Oct. 7, 2008. She stated that they just hired an engineer. I told her that we needed a letter indicating what their schedule was to resolve as this was going back to the attorney for final resolution. She indicated that she would get the information to the District asap. Received extension request 11/3/08. Faxed request letter to T. Brown 11/3/08. Sent letter to Mr. Sloan 11/4/08; pay attorney's fees and penalties by 11/18/08. Staff to contact legal. File back with legal. Received ERP application and fee 5/18/09. Tim Sagul to contact legal. Letter sent from legal 6/1/09 requesting \$8,000 in fees. By 6/12/09. Meeting 6/10/09 with Todd Gipe & Mr. Sloan via phone; resolution has been reached and penalty has been waived. Sent letter 6/17/09: 14 days to submit administrative costs and attorney feens; 90 days to construct system once permitted.	Sagul, Tim
CE08-0014	GILCHRIST	1/9/2008	4/14/2008	Improperly abandoned wells.	Mac Johnson	Respondent must contact staff by 2/1/08 to make arrangements to pay fine and have violations corrected by 2/22/08. File to legal 2/28/08. Letter sent from legal 4/1/08; 13 days to contact legal to resolve violation. Mr. Johnson met with District staff on 4/14/08. He plans to have the work completed within two weeks. Would like staff to reconsider the penalty. Staff to monitor progress and then discuss penalty reduction. Notice of Filings and Administrative Complaint and Order received from legal on 6/26/08; however, changes need to be made. Emailed legal on 6/26/08 requesting changes. Received updated information from legal on 6/27/08. One original executed document to file and one returned to legal for service on 6/30/08. Final order returned by legal on 10/1/08; preparing for Governing Board on 10/14/08 with Final Order number 08-0013. On 10/7/08 Mr. Kim Cullen (employee of Mac Johnson) called and wanted the location of the wells so he could dig them up. Sagul indicated that a Final Order was going to Bd next week. Cullen should call Tom Brown or have a licensed well driller contact the District for locations. Cullen indicated that he would relay the information to Mac Johnson. Final Order executed on 10/14/08; a copy of the Final Order was mailed to Mr. Johnson and legal counsel on 10/16/08. File with legal. A complaint was filed in circuit court on 1/9/09. Permits for well abandonment issued on 4/1/09. Wells are to be abandoned within 3 weeks of 4/14/09, and Respondent is to pay \$10,000 in penalty and attorneys fees and costs. Abandonment complete. Final administrative costs sent to legal 5/20/09.	Sagul, Tim

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CE08-0015		1/17/2008	4/11/2009	Wetland excavation.	L. E. Crawford	14 days to contact staff. Mr. Crawford contacted staff as required, and an appointment was made for an on-site meeting to occur on 2/14/08 to determine a strategy for stabilization. Met on 03/06/08 to discuss design modifications to address offsite water quality. A letter was sent regarding this subject on 03/18/08. LE Crawford will contact District for on-site meeting with site contractor. Staff to contact owner by 5/13/08 if LE Crawford does not contact District. Clay talked with LE Crawford on 5/13/08 and he has a man hired to do the work. His excavator is in Jacksonville for about 4 more weeks. Mr. Crawford will contact the District when the excavator is on site to meet and go over restoration plan. As of 08/18/08, staff has been unable to contact Mr. Crawford by telephone. Mailed letter 8/18/08, to both Mr. Rentz (property owner) and Mr. Crawford (resident) to inform that the District is repairing a Consent Agreement to guarantee resolution of this violation. Site inspection 8/26/08. On 8/29/08, District staff conducted a site visit with a prospective contractor to assess implementation of Consent Agreement drafted on 9/5/08. Updated NOV sent to Mr. Rentz 10/15/08; 21 days to contact staff. NOV mailed 10/21/08 with correct name and address to Larry T. Rentz. Staff to follow up. Larry Rentz contacted the District on 11-24-08 and stated that the property is now officially in Mr. L.E. Crawford's ownership. Mr. Rentz will follow-up with record of this transaction that evidently occurred prior to 10/21/08 NOV mailing. Record of settlement statement (transactions without sellers) received on 11/25/08. Staff preparing for legal (Mr. Crawford). File to legal 1/14/09. Letter from legal; 30 days to pay fines & correct violation. Legal served Mr. Crawford 3/11/09; 30 days to pay fines and resolve violation. Work to begin 4/27/09. I spoke with Mr. Crawford on 04/20/09, and he will meet with Louis Mantini and his contractor on 04/27/09. Mr. Crawford was also informed on 04/20/09 that the 04/27/09 meeting will not substitute for his responsibility to contact District legal staff. Staff to reinspect by 5/30/09. Staff inspected site on 5/20/09 and determined that measures were conducted to level the berm on Mr. Crawford's southern property, west of the ditch entering his pond from the south. Hydrologic connections were maintained in both inflow from the south and outfall to the west. In addition, a berm was constructed to split the original pond into two halves, with the eastern half of the pond isolated from inflow from the south. Mr. Crawford and I discussed this plan prior to his mobilization of equipment. Equipment mobilization and earthwork occurred prior to a formal consent agreement was be formulated, but Mr. Crawford was not required to stop work. Mr. Crawford has completed the earthwork to the District's satisfaction, although there remain issues regarding fees and penalties. Referred back to Tom Brown on 5/21/09 to pursue fees and penalties.	Mantini, Louis
CE08-0016	HAMILTON	1/8/2008	6/1/2009	Unpermitted clearing.	Jerry Harris	Mr. Harris disturbed <1000 sq ft of riverbank by cutting an earthen ramp down to the river on his property near Cone Bridge. The spoils remain on-site in a small slough area located landward of top-of-bank. Mr. Harris is in a nursing home and no longer able to comply with District rules. His son will come down to Florida in the spring to restore the riverbank on his father's property. Mr. Harris' son's contact information is as follows: Keith Harris, 3493 Shores Road, Murphreesboro, Tennessee 37128; (615) 642-3893. Staff to inspect by 5/30/09. Inspected the site on 5/18/09 and found no remedial measures have been attempted. Staff will remind property owner's son. Staff to reinspect by 6/30/09.	Mantini, Louis
CE07-0005	ALACHUA	1/10/2007	6/10/2007	Unpermitted construction.	Patricia Rhinesmith / Turkey Creek	30 days to provide permit modification. File to legal for review pertaining to ownership. Engineering firm to develop alternative. Staff to contact engineering firm by 4/18/08. Respondent to set up meeting.	Wright, Kevin

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE07-0049	UNION	3/18/2004	7/15/2009	No as-builts.	James Cason / Town of Worthington Springs	File to legal 7/18/07. Letter from legal 8/3/07 requesting all costs & as-builts by 8/17/07. CHC talked with Bill Whitley on 8/16/07 and he is working with John Rimes III to get Section C completed. As of 3/18/08 still missing Section C. Report to Tom Brown if as-builts are not received by 4/16/08. Met on site with Mayor Cason and came to decision to place small berm around spring to divert runoff from parking lot away from spring. They will be submitting application for a permit modification and include this on the application. ERP application received 9/9/08. Kristin, Bill, & Jon working on letter to town in response to permit submittable, variance request and possible non-permitted structures. Permit issued for pier. Staff to contact by 12/1/08. Letter sent 11/24/08, for site plan. Staff to review by 5/30/09. Contacted Mr. Rimes 5/26/09 and requested a copy of the site plan. Will submit by 6/15/09. Extension request for site plan received 6/22/09; water levels high. Letter sent 6/24/09; site plan due by 7/15/09.	Spencer, William
CE07-0050	COLUMBIA	3/25/2006	7/17/2008	No as-builts.	Frank Soucinek / Countryside Estates	File to legal 7/18/07. Letter from legal sent 8/3/07 requesting all fees & as-builts by 8/17/07. Received a phone call from Nelson Bedenbaugh on 8/15/07 and he said they were working on finishing up some survey work to complete as-builts. 8/29/07 District received a copy of Section C of the as-built. Inspection was conducted on 9/5/07 and the pond on Country Club Road is not in compliance. Staff emailed legal to make them aware of this. Susan from the office called on 9/19/07 and staff emailed her a copy of the Section C and explained what needed to be done to bring the project into compliance. 12/7/07 inspection conducted and no work has been done to bring the project into compliance. Received call from Tom Brown regarding this project at the beginning of February and received a message to call Frank Soucinek. Called Frank Soucinek and left a message for him to call me back. As of 2/20/08 have received no return phone call. 2/20/08 inspection conducted and no work has been done to bring the project into compliance. 3/18/08 Site inspection revealed no work has been done to bring the project into compliance. 4/2/08 let Nelson know that he would need to apply for a permit modification in order to change the pond to a wet pond. 5/6/08 Tom Brown called and Frank Soucinek says that Nelson will be dropping of new plans by Friday 5/9/08. Calculations received 5/9/08. Received call from Marinda Kane 6/3/08 and she will be hand deliver application tomorrow. 6/4/08; application and fee received. 6/17/08 RAI sent with a deadline for submittal of 7/17/08. Received call from Nelson Bedenbaugh on 6/25/08 and they will be doing soil borings to determine how to construct a properly function dry pond. 8/28/08 received email from Nelson Bedenbaugh stating that they planned on cleaning the pond and possibly overexcavating and backfilling. No confining layer was found in the borings. 9/24/08 Leroy will go by and look a this one for me to see if any remediation work has been done to bring the project into compliance. Leroy visited site on 9/25/08 and took photos. No work has been done to bring the project into compliance. Emailed Tim and Tom pictures of site. Staff inspected site 11/4/08. Vegetation cut and cleared. Copy of inspection report & pictures sent to legal 11/7/08. See legal enforcement report. CHC received a phone call from Susan asking for a copy of permitted plans and permit so they could fix the pond. I let her know the District would get back with her since the permitted plans may not fix the problem. Met with respondent 11/21/08; seeking different engineering services. Site visit 1/13/09. No contact from Soucinek regarding engineer. Staff to refer back to legal by 5/22/09. To July Governing Board for denial of ERP application and authorization to initiate Circuit Court complaint.	Dinges, Jon
CE04-0003				Unpermitted construction.	Jeff Hill / Haight Ashbury	Administrative complaint served 8/13/07 by process server. 30 days to complete construction of SW system. Hill filed with the District a Request for Hearing on 8/27/07. The District issued an Order Denying Hearing, served 9/22/07. Petition to enforce agency final order pending with Circuit Court. Hearing scheduled with Judge Leandra Johnson on 9/8/08. Hearing 11/17/08 before Judge Johnson. Motion to re-hear filed 12/1/08. Court-ordered mediation held on June 30. A tentative partial settlement was reached requiring Hill to correct problems with retention pond within 90 days.	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE07-0053	GILCHRIST	8/2/2007	6/30/2009	Unpermitted construction in the 75-foot setback.	Kathleen Harrell Allred	14 days to contact District & schedule site visit. Talked with Jeff Allred on 8/23/07. Will call me to set up a field review by 9/30/07. Conducted field review on 9/21/07. Sent out compliance letter on 10/12/07. Resent compliance letter to another address on 12/10/07. Called and left a message on 1/14/08. File to legal 1/25/08. Letter sent from legal 2/8/08;has until 2/26/08 to bring property into compliance and pay all costs. Spoke with Mr. Allred on 2/11/08 and he said he would remove all structures within two weeks. Letter received from complainant 2/20/08; extension request . Granted extension until 8/1/08. Conducted field review on 8/15/08. Sheds were removed but the deck and dock is still there. They either need to get a permit or remove them. Another letter to be sent out by 9/1/08. Received letter from Ms. Allred's mother 9/10/08. Kathleen Allred has been redeployed and her mother has not had a chance to talk with her yet. They will most likely want to permit the remaining structures but can't do this until she returns. Granted extension until 12/31/08. Meeting onsite with Mother and brother on 12/19/08. Received letter requesting another extension on 12/31/08. Sent letter 1/8/09; 45 days to submit application, 30 days to submit zero-rise & 30 days to remove structure. Conducted field review on 2/20/09. The deck and dock have been removed, but the stairs have not been removed. The wood still needs to be removed from the site. 90% removed. Staff to send letter by 3/30/09. Staff to reinspect by 5/30/09. Site inspection 5/15/09; some work complete. Reinspect 6/30/09.	Webster, Patrick
CE07-0054	LAFAYETTE	1/6/2007	6/21/2009	Clearing within the 75-foot setback.	Jerry C. Wilks & David Strickland	Owners called to stated planting completed. Bill Spencer to schedule inspection by 10/30/07. Met with Mr. Wilks and Mr. Strickland on 12/11/07. Corrections to be completed by 4/30/08. Site inspection 5/23/08. Staff to inspect by 8/31/08. Fill sent to legal 9/25/08. Letter sent from legal 10/6/08; 30 days to submit fees and restore site. District staff performed a site visit on 11/13/08, no changes. Sent inspection report & pictures to legal 11/19/08. Legal sent letter 12/11/08 to PO Box 1152, Trenton, FL address. Site visit 1/16/09; site has been replanted. Will conduct follow-up visit Spring 2009 to check status of plant survival. Staff to inspect by 5/1/09. Inspected by W. Spencer and L. Marshall on 3/24/09. Survival and recruitment of native trees acceptable. Recommend closing file. Staff to send letter by 6/1/09. Sent letter 5/21/09: 30 days to pay administrative costs of \$1,287.55.	Marshall, Leroy
CE08-0057	TAYLOR	9/12/2008	7/20/2009	Unpermitted fill in wetlands.	Wade & Leslie Lorang	14 days to contact District. Mr. Lorang contacted District by phone message on 10/27/08. Mr. Dale Rowell (Delta Surveying) will be his agent. District contacted Mr. Rowell 10/28/08 and discussed the violation. Mr. Rowell requested that District draft a compliance agreement for review. Compliance Agreement being finalized by staff as of 11/17/08. Met with Respondent on Dec. 5, 2008 and discussed resolution. I will meet with surveyor onsite to estimate impact acreage. Waiting for surveyor to call. Meeting scheduled 1/8/09. Did soils study with Louis Mantini on 1/21/09. Found hydric soils. Estimate 0.65 acre wetland impact. Waiting to discuss issues with respondent's agent. NRCS soil scientist from Palatka visited the site with W. Spencer on 2/10/09 to review the hydric soils. He agreed that the line was correct but should have been extended to include additional acreage. Respondent's agent requested a meeting during the week of 2/16/09. Met with NRCS soil scientist onsite 2/10/09 who commented that the flagged area was too small and that the hydric soils indicated that the wetland area should be larger. I commented that I wanted to be conservative and he said that he could support the existing wetland line. Meeting scheduled with Mr. Rowell (agent) on Monday 2/23/09. Met with Mr. Rowell (2/23/09) and Tim Sagul. Mr. Rowell agreed to contact owner to determine his plans for restoration/mitigation. Mr. Rowell sent email (3/17/09) requesting District prepare plans for restoration. Staff responded by asking whether Mr. Lorang intends to restore 100% or partially mitigate. Staff also suggested that it would be best to meet with Mr. Lorang's restoration consultant. Letter sent 6/8/09 requesting restoration plan by 7/20/09.	Spencer, William
CE08-0053	SUWANNEE	10/1/2008	10/16/2008	Clearing in setback.	Marian Harris	14 days to contact District. No contact has been made as of 10/16/08. Certified letter returned 10/27/08 unclaimed after 3 attempts. File to legal 11/7/08.	Robinson, Vince
CE08-0043	LAFAYETTE	6/26/2008	6/30/2009	Unpermitted construction.	Derrick Freeman	90 to days to remove structure. Staff to follow up by 4/15/09. Site visit 3/26/09. Sent reminder letter 3/30/09. Staff to inspect by 6/30/09.	Marshall, Leroy

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE08-0044	MADISON	8/11/2008	8/13/2009	Wetland impacts & construction without a permit.	Marrone Investments, Inc.	Staff preparing Compliance Agreement. Mr. Marrone is reviewing agreement. Staff to follow up & prepare for legal. Received penalty of \$918 & ERP application fee 12/1/08. Signed & executed agreement sent to Mr. Marrone 12/9/08. Compliance Agreement approval letter mailed 12/29/08. Extension request granted until 8/13/09.	Wright, Kevin
CE08-0035	COLUMBIA	4/15/2008	9/30/2008	Non-conformance with Erosion Control Plan.	Robert F. Jordan / Turkey Creek Subdivision	3 days to correct violation. Email received 4/16/08. Staff to re-inspect by 4/25/08. Received email 4/23/08 regarding status of partial completion & discussion with engineer. 4/24/08: Rick Johnston, Kevin Wright, & Chad McCormick, BB&L teleconference to discuss changes to Erosion Control Plan. Chad will draft & send to Kevin. Sent letter 4/29/08; \$5,000 per day penalty until site is in compliance. 4/29 & 4/30/08 work with Engineer to update erosion control plan for silt fence requirements. 5/2/08 inspected site and all silt fence has been installed per plan. 05/07/08 Temporary Gravel Entrance Installed. 5/16/08 SWMF 5, 6 finished and seeded and mulched. Working on SWMF 4 and will seed & mulch when complete. Mr. Jordan told me he will not temporary stabilize any of the exposed (bare) areas until he completes them. He does seed and mulch the pond banks when complete and has bought a water truck for this job and is watering the seed to get it established. 5/29/08; Mr Jordan email asks for Jon Dinges to send letter "withdrawing the daily fine letter." 5/30/08; SWMF 2 is complete and the banks have been seeded and mulched. No temporary stabilization observed in exposed areas where no work is ongoing. 6/2/08 Rick Johnston sent email to Mr. Jordan requesting him to send a letter to Jon Dinges explaining how he brought the works permitted by ERP07-0081 into conformance. 6/2/08; Mr. Jordan responded that he would get us a letter by the weekend. 6/5/08; Mr. Jordan responded that "I will be in Tampa for a deposition tomorrow. I will get the letter to Jon by early next week." 06/17/08; NOV mailed 8/1/08; 5 days to reinstall or repair silt fence, clean sediment, & stabilize site. Staff to continue to monitor during construction.	Johnston, Rick
CE08-0036	COLUMBIA	4/19/2008	7/19/2009	Construction without a permit	Joanie LeRoy(Secretary/Treasurer)LC Airpark	Stop work and 30 days to submit application. Mr. Gjoen called the District on 4/22 to ask about the stop work order and the enforcement process. Staff informed Mr. Gjoen that if he ignored that stop work order he could face penalties. Staff visited the site on 4/23 and work was continuing. Staff informed Mr. Gjoen about the ERP process and that the project would require an engineer. Per phone conversation with Ms. LaRoy on 5/22/08, the Lake City Air Park LOA have signed a contract with GTC Design Group for engineering services. Received letter LOA 5/28/08. Site visit 6/6/08 with Tim & Kevin. Received letter from GTC 7/16/08. Received ERP application on 8/19/08. RAI mailed 9/18/08. Received RAI extension request on 11/10/08. Sent extension request approval 11/26/08. Property owner dispute. Update was given on 5/18/2009 - mediation between the two parties is being scheduled. Once date is decided upon, the District will be notified.	Wright, Kevin
CE08-0037	BRADFORD	8/2/2006	9/15/2008	Non-functioning pond.	Bill McCans	30 days to repair erosion problems and provide as-builts. 6/4/08 talked with Sam Smith and they will be submitting as-builts and requesting extension to stabilize pond. Chad Williams is working on a plan to get the ponds in compliance. Staff to follow up. Respondent working on resolution. Staff to schedule site inspection by 1/20/09. Staff to reinspect 3/26/09. Waiting to hear from engineer on as-builts. Staff to write letter by 6/30/09. Sent out email on 6/15/09 to Chad Williams, engineer, with photos of the ponds leaking.	Webster, Patrick
CE08-0040	DIXIE	6/2/2008	6/24/2009	Unpermitted construction.	Ryan Bell	30 days to submit WOD application. Resend with updated address 6/13/08. No response as of 6/30/08. Received WOD application 7/8/08. RAI sent 8/7/08. 18 day letter mailed 10/27/08. Vince Robinson received phone calls from neighbors who want to know status and voicing concerns that if he is able to keep his construction they want to build the same thing. Mr. Bell called Bill Spencer Nov. 2, 2008 and said that he is having his plans drawn and will submit before the deadline. I informed him that he will need to make modifications to the construction in order to meet District requirements. RAI material received 11/7/08. Third RAI sent 11/18/08. Received RAI material 2/18/09. Staff reviewing material received. Zero-rise analysis received 3/6/09. Sent letter 3/11/09; 30 days to submit demolition plan. Received inadequate variance request 3/19/09. Sent letter informing Mr. Bell of proper procedure for requesting variance on 3/25/09.	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE08-0029	SUWANNEE	3/26/2008	9/15/2008	Erosion & sediment control problems during construction.	Fred Treadway / Pennington Trails	30 days to pay penalty & remove, repair, install, maintain and/or correct all violation. Site visit with D. Price 4/10/08; problems still present. Staff inspected site 5/15/08; project site is in partial compliance. Staff to re-inspect 5/23/08. Staff inspected the site on 6/16/08. The site is still having problems with sedimentation. Staff to meet with Respondent by 9/15/08. Meeting with Dennis Price to be scheduled. Staff inspection 11/4/08. File to J. Springfield 11/5/08. Administrative Complaint forwarded to J. Springfield 3/30/09 with updated costs.	Marshall, Leroy
CE08-0020	BRADFORD	10/11/2007	2/6/2009	Failure to maintain system according to permitted plans & SWQ standards.	Shaun & Christine Ritch & Roy Baker	File to legal 2/20/08. Letter sent from legal 6/6/08; 18 days to pay penalties and bring project into compliance. Jon D. to contact Ms. Ritch. Staff to re-inspect by 12/31/08. Sent letter 11/24/08; site visit scheduled for 1/6/09. Meeting 1/6/09; Mr. Ritch to remove berm within next 3-4 weeks. Response letter mailed 2/18/09 regarding emails sent by Mr. Ritch. Certified letter returned unclaimed 3/16/09. Staff to inspect site on 3/25/09.	Dinges, Jon
CE08-0022	SUWANNEE	3/3/2008	8/1/2009	Construction without a permit.	Donald Edwards	90 days to submit application package & pay penalties. Sent letter 6/6/08; 18 days to submit application package and pay \$8,000 penalty. Sent letter 7/2/08; 90 days to submit application & pay penalty. Extension request received 10/1/08. Extension granted 10/1/08. Items to be submitted on or before 10/20/08. Extension granted until 10/20/08. Received ERP application 10/20/08. RAI sent 11/6/08. Extension granted 2/18/09. Additional extension request granted.	Marshall, Leroy
CE08-0072	COLUMBIA	12/16/2008	5/18/2009	Dredging and filling of an approximate 13 acre cypress pond.	Larry R. and Eva Joyce Sigers	Discovered by investigation of aerial photographs. 14 days to contact District. Met w/ Mr. Sigers and Tim Sagul 1/6/2008. Called 1/22/09 to schedule meeting for 1/28/2009 but got no answer and no answering machine. Met onsite on Feb. 11, 2009 with Mr. Sigers, Jon Dinges, Tim Sagul and Bill Spencer. Verified presence of hydric soils and hydrophytic vegetation. Discussed the need to either restore or permit after the fact with mitigation. We were asked to leave his property. Staff preparing letter to Mr. Sigers. Letter sent 2/18/09 requiring restoration plan and penalty by 3/18/09. Received letter from Mr. Sigers attorney requesting a 60 extension. Letter sent 3/19/09; 60 day extension granted. Meeting 5/12/09; consultant working on plan. Working on impact estimate; should have material in by 6/19/09.	Spencer, William
CE09-0011	DIXIE	7/30/2008	3/11/2009	Construction not in accordance with permitted plans.	Fred Shore	File to legal 1/15/09. NOV from legal sent 2/9/09; permit modification and all penalties due by 3/11/09. 30 day extension request letter received from legal 2/18/09. Received revised stormwater report & plans 3/27/09. Permit issued 4/16/09. Legal to collect costs (see email 5/20/09).	Hastings, John

## Complaint Database Inquiry List

<b>Complaint Number</b>	<b>Complainant / Property Owner</b>	<b>Complaint Description</b>	<b>Date Opened</b>	<b>Initial Response Date</b>	<b>Staff</b>	<b>Date Closed</b>	<b>County</b>
CMP09-0052	T. McCarley / Glenn Magyari	Flooding Concerns	5/4/2009	5/5/2009	Spencer, William	5/5/2009	BRADFORD
CMP09-0053	Anonymous / Luther Charles	Well concerns	5/7/2009	5/11/2009	Kruse, John	5/21/2009	COLUMBIA
CMP09-0054	Tony (Madison County Building Dept.) / Teresa Beaver	River Construction Concerns	5/12/2009	5/12/2009	Robinson, Vince		MADISON
CMP09-0055	SRWMD / DLC Investments (D. Larry Carter)	Dike Concerns	5/12/2009	5/27/2009	Spencer, William	6/18/2009	MADISON
CMP09-0056	Anonymous / Harry Guerry	Pond Concerns	5/13/2009	5/13/2009	Spencer, William	5/13/2009	COLUMBIA
CMP09-0057	Bradford County-Mr. Funderburk / David & Debra Barr	Fill Concerns	5/15/2009	5/29/2009	Mantini, Louis	6/5/2009	BRADFORD
CMP09-0058	Howard Rice / Terry Libbert	Flooding Concerns	5/18/2009	5/18/2009	Bowden, Jerry	5/19/2009	COLUMBIA
CMP09-0059	Ms. Cartwright / Catherine Strickland	Flood & Road Concerns	5/21/2009	5/22/2009	Spencer, William		SUWANNEE
CMP09-0060	SRWMD / Matthew Davis	Wetland Concerns	5/21/2009	5/21/2009	Spencer, William		JEFFERSON
CMP09-0061	FDEP(Don Jensen) / Howard Kinsey	Wetland Concerns	5/21/2009	6/10/2009	Spencer, William	6/18/2009	JEFFERSON
CMP09-0062	Anonymous / Rex & Lisa Collins	Pond Concerns	5/22/2009	5/26/2009	Mantini, Louis		BRADFORD
CMP09-0063	Ed Pointevint / Giclhrst County - Billy Cannon	Floodway Concerns	5/26/2009	5/26/2009	Webster, Patrick		GILCHRIST
CMP09-0064	John Jarmon / Unknown	Flooding Concerns	5/26/2009	5/26/2009	Webster, Patrick		BRADFORD

<b>Complaint Number</b>	<b>Complainant / Property Owner</b>	<b>Complaint Description</b>	<b>Date Opened</b>	<b>Initial Response Date</b>	<b>Staff</b>	<b>Date Closed</b>	<b>County</b>
CMP09-0065	Anonymous / Suwannee County (Nobles Ferry)	Road & Culvert Concerns	5/26/2009	6/9/2009	Johnston, Rick	6/10/2009	SUWANNEE
CMP09-0066	Robert Morris for Robert Perry / Billy Simmons	Drainage Concerns	5/27/2009	5/28/2009	Mantini, Louis		MADISON
CMP09-0067	Chet Collins / Robert Hawkins (Bob's Waterpark)	River Concerns	5/27/2009	5/27/2009	Spencer, William		DIXIE
CMP09-0068	Anonymous / Dale Herring (Herring Properties)	Floodplain Concerns	5/27/2009	5/27/2009	Robinson, Vince	5/27/2009	DIXIE
CMP09-0069	Mr. Funderburk (Bradford County) / Rayonier (Kyle Wehner)	Dewatering Concerns	5/27/2009	5/27/2009	Mantini, Louis	6/5/2009	BRADFORD
CMP09-0070	Suwannee County Code Enforcement (Sandra Grinnell) / Gerald Scott	Fill Concerns	5/28/2009	5/28/2009	Robinson, Vince	6/1/2009	SUWANNEE
CMP09-0071	Randy Welsh / The Plantations	Flooding Concerns	5/29/2009	6/2/2009	Bowden, Jerry		COLUMBIA

MEMORANDUM

TO: Governing Board

FROM: Jerry Bowden, Water Resources Engineer *JB/REL*

THRU: David Still, Executive Director *DS*  
Jon Dinges, Director, Resource Management *JMD*

DATE: June 25, 2009

RE: As-built Compliance Summary

**As-Built Summary March 2003-May 2009**

Permits Expired	1017
Projects Constructed	775
Projects in Compliance	674
Projects not in Compliance	101
Percentage of Projects in Compliance	87%
<u>For permits expired but not constructed:</u>	
Project Modifications	82
Project Extensions	38
Projects not Constructed	72
<b>Projects in Compliance &amp; Enforcement</b>	<b>6</b>
Projects not Requiring As-Built Certification	27

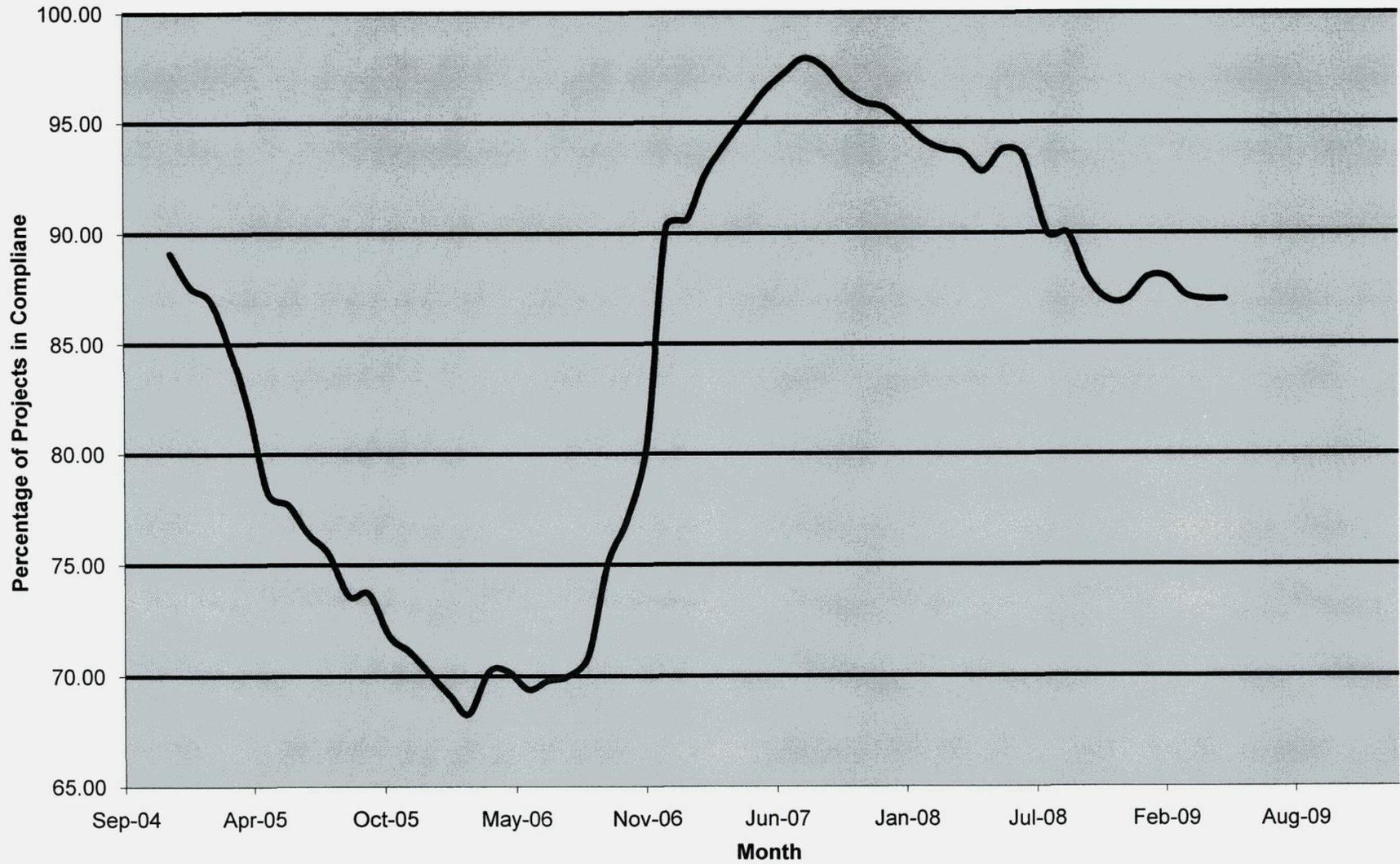
**As-Built Summary June 1998-February 2003**

Projects Constructed	660
Projects in Compliance	567
Percentage of Projects in Compliance	86%

Please see the attached report for a detailed list of as-builts from March 2003 to present. Section A is filled out by the applicant and states the project is complete, section B by the accepted operation and maintenance entity, section C (As-built certification) by a registered professional engineer, and section D (Transfer to Operation and Maintenance Entity) by District staff.

JB/rl

### As-Built Compliance Trend



COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
ALACHUA	GREENS AT WESTEND, PHASE III	ERP00-0070M	8/29/2005	INCOMPLETE	ABC
	ALACHUA GATEWAY CENTER	ERP01-0042	6/8/2003	INCOMPLETE	ABC
	ALACHUA GATEWAY CENTER/HERITAGE OAKS	ERP01-0042M2	1/27/2009	INCOMPLETE	ABC
	UTOPIA/DALTON PINES/WELCH/WYNDSONG SUBDIVISIONS MOD.	ERP01-0283M	1/13/2009	INCOMPLETE	ABC
	SUN STATE FEDERAL CREDIT UNION	ERP01-0470	10/11/2003	INCOMPLETE	ABC
	BRIGHTON BEACH CAR WASH MODIFICATION	ERP02-0243M	1/30/2005	INCOMPLETE	ABC
	NEWBERRY ELEMENTARY SCHOOL ADDITION	ERP02-0555	2/23/2005	INCOMPLETE	ABC
	PINERIDGE PLACE	ERP03-0026	2/3/2006	INCOMPLETE	ABC
	PINE ISLES VILLAS	ERP03-0026M	3/21/2009	INCOMPLETE	ABC
	SPANISH GATES UNIT 2 & 3 MODIFICATION	ERP03-0049M	2/10/2009	INCOMPLETE	ABC
	SAINT FRANCIS HIGH SCHOOL MODIFICATION	ERP03-0083M	9/18/2005	INCOMPLETE	ABC
	ST. FRANCIS HIGH SCHOOL MODIFICATION #2	ERP03-0083M2	2/14/2009	INCOMPLETE	ABC
	COX LUMBER COMPANY	ERP03-0233	7/9/2005	INCOMPLETE	ABC
	OLD OAK ESTATES SUBDIVISION	ERP04-0378	3/2/2008	INCOMPLETE	ABC
	FLETCHER PARK SUBDIVISION	ERP04-0535	1/24/2008	INCOMPLETE	ABC
	MAUPIN HOUSE PUBLISHERS	ERP05-0229	5/25/2008	INCOMPLETE	ABC
	BARTLEY LANE SUBDIVISION	ERP05-0243	10/27/2008	INCOMPLETE	ABC
	ASHTON RIDGE SUBDIVISION	ERP05-0383	1/25/2009	INCOMPLETE	ABC
	441 MINI WAREHOUSES	ERP05-0384	11/18/2008	INCOMPLETE	ABC
	JONESVILLE PARK SOCCER FACILITY	ERP05-0461	10/31/2008	INCOMPLETE	ABC
	LTD MOTORS PARKING LOT	ERP05-0476	10/20/2008	INCOMPLETE	ABC
	FARNSWORTH PUD OFFICE BUILDING	ERP05-0522	12/7/2008	INCOMPLETE	ABC
	MORTON BUILDINGS	ERP05-0532	2/9/2009	INCOMPLETE	ABC
	ACE HARDWARE OF HIGH SPRINGS	ERP05-0565	1/9/2009	INCOMPLETE	ABC
	WALDO 301 TRAVEL CENTER	ERP05-0578	1/25/2009	INCOMPLETE	ABC
	SCHERER CONSTRUCTION SPEC BUILDING	ERP06-0008	2/23/2009	INCOMPLETE	ABC
	MEL'S TACK ROOM AT MARLBORO FARMS	ERP06-0061	3/22/2009	INCOMPLETE	ABC
	SAVANNAH STATION PHASE I	ERP06-0064	3/20/2009	INCOMPLETE	ABC
	OAK RIDGE SUBDIVISION	ERP06-0094	3/13/2009	INCOMPLETE	ABC
	CPC INDUSTRIAL PARK	ERP06-0102	3/10/2009	INCOMPLETE	ABC
	HIGH SPRINGS ANTIQUE STORE MODIFICATION	ERP94-0152M	11/18/2007	INCOMPLETE	ABC
	TOWN OF TIOGA-PHASES 8 & 9	ERP95-0126M5	3/9/2009	INCOMPLETE	ABC
	THE TRAILS-UNITS 3 & 4	ERP96-0298M2	3/9/2004	INCOMPLETE	ABC
	FAMILY CHURCH MODIFICATION	ERP96-0303M	1/31/2004	INCOMPLETE	ABC
	ST. ALBANS WOOD/MACDOUGALL CONDO MOD	ERP99-0424M	5/31/2008	INCOMPLETE	ABC
	NEWBERRY GARDENS	ERP99-0525	1/11/2005	INCOMPLETE	ABC
	SANDY PINES ESTATES	ERP03-0033	8/12/2008	INCOMPLETE	AC
	COUNTRY WAY SUBDIVISION MODIFICATION #3	ERP01-0043M3	2/22/2008	INCOMPLETE	C
	SHOWTIME MOTORSPORTS PARK	ERP02-0045	2/20/2004	INCOMPLETE	C
	CHAMBERS INDUSTRIAL SUBDIVISION	ERP04-0495	3/10/2008	INCOMPLETE	C
	ATM ALACHUA OFFICE PARK	ERP05-0542	11/17/2008	INCOMPLETE	C
	WESTON OAKS SUBDIVISION	ERP05-0559	4/5/2009	INCOMPLETE	ABC
	HILLTOP ANIMAL HOSPITAL MODIFICATION	ERP01-0471M	4/19/2009	INCOMPLETE	ABC
BRADFORD	MADISON STREET BAPTIST CHURCH MULTI-PURPOSE BUILDING	ERP86-0057M4	10/19/2008	INCOMPLETE	ABC
	STARKE SONIC DRIVE-IN	ERP04-0364	10/4/2007	INCOMPLETE	C
COLUMBIA	LAKE CITY MUNICIPAL AIRPORT CONTROL TOWER	ERP00-0290	5/8/2005	INCOMPLETE	ABC
	RED BUD ENTERPRISES SHOP & OFFICE	ERP01-0003	7/23/2004	INCOMPLETE	ABC
	WINDSWEPT INDUSTRIAL S/D, PHASE I	ERP01-0407	12/26/2003	INCOMPLETE	ABC
	RECORD STORAGE OF LAKE CITY MODIFICATION	ERP02-0091M	8/17/2008	INCOMPLETE	ABC
	MAGNOLIA PLACE	ERP02-0109	10/24/2004	INCOMPLETE	ABC
	COBBLESTONE SUBDIVISION	ERP02-0437	10/14/2008	INCOMPLETE	ABC
	C.R. 231 FROM S.R. 100 TO BAKER COUNTY LINE	ERP02-0497	3/11/2008	INCOMPLETE	ABC
	U.S. 90 WEST CAR WASH	ERP02-0510	2/19/2005	INCOMPLETE	ABC
	S.R. 47 FROM I-75 TO S.R. 25	ERP03-0103	3/9/2009	INCOMPLETE	ABC
	GERALD RIGGLE DEVELOPMENT	ERP03-0144M	6/29/2008	INCOMPLETE	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
COLUMBIA	ELLISVILLE SUBDIVISION/MAGNOLIA PLACE	ERP03-0197	10/14/2008	INCOMPLETE	ABC
	CARDINAL FARMS SUBDIVISION	ERP03-0484	3/9/2009	INCOMPLETE	ABC
	BROOK LOOP DRAINAGE	ERP04-0024	2/2/2006	INCOMPLETE	ABC
	M&M FITNESS	ERP04-0161	8/25/2007	INCOMPLETE	ABC
	DEER HAMMOCK SUBDIVISION	ERP05-0025	2/29/2008	INCOMPLETE	ABC
	BULLARD COMMERCIAL BUILDING	ERP05-0159	1/25/2009	INCOMPLETE	ABC
	BRANFORD CROSSING	ERP05-0400	11/4/2008	INCOMPLETE	ABC
	CHEEK & SCOTT DRUGS-LAKE CITY	ERP05-0439	3/14/2009	INCOMPLETE	ABC
	HAVEN HOSPICE OF THE SUWANNEE VALLEY	ERP05-0528	1/3/2009	INCOMPLETE	ABC
	ROYAL OAKS SUBDIVISION	ERP05-0572	3/2/2009	INCOMPLETE	ABC
	LAKE CITY AIR AND REFRIGERATION	ERP06-0023	3/10/2009	INCOMPLETE	ABC
	WINGATE ESTATES	ERP06-0050	2/15/2009	INCOMPLETE	C
	HOME TOWN TITLE	ERP86-0003M	3/3/2008	INCOMPLETE	ABC
	WESTFIELD SQUARE ADDITION	ERP86-0062M	3/15/2009	INCOMPLETE	ABC
	MORRELL'S INC. MODIFICATION	ERP89-0162M2	10/24/2008	INCOMPLETE	ABC
	L & L COMMERCIAL CENTER MODIFICATION	ERP92-0122M	8/18/2008	INCOMPLETE	ABC
	EMERALD LAKES SUBDIVISION, UNIT 6	ERP93-0177M2	4/8/2008	INCOMPLETE	ABC
	MINI STORAGE OF LAKE CITY MODIFICATION	ERP96-0357M	3/7/2008	INCOMPLETE	ABC
	GENESIS MODEL HOME CENTER	ERP97-0044M	12/11/2003	INCOMPLETE	ABC
	DEER CREEK/LAUREL LAKE SUBDIVISION UNITS 2 & 3	ERP97-0308M2	11/17/2007	INCOMPLETE	ABC
	ACTION SIGNS & GRAPHICS	ERP98-0021M	3/3/2009	INCOMPLETE	ABC
	HUNNINGTON PLACE SUBDIVISION-PHASE 1	ERP03-0390	9/26/2008	INCOMPLETE	BC
	FLORIDA GATEWAY CENTER SOUTH-LOTS 7 & 8 (HAMPTON INN)	ERP97-0044M3	3/21/2008	INCOMPLETE	AC
	EPIPHANY CHURCH MULTIPURPOSE COURT	ERP94-0204M3	10/4/2008	INCOMPLETE	C
	COUNTRY SIDE ESTATES	ERP04-0117	4/23/2006	INCOMPLETE	C
	NEXTRAN SHED ADDITION	ERP98-0083M3	9/30/2004	INCOMPLETE	C
	PETE RICHARDSON PROJECT MODIFICATION	ERP02-0011M	8/10/2008	INCOMPLETE	C
	NEXTRAN TRUCK CENTER	ERP98-0083M2	3/30/2003	INCOMPLETE	C
	FIVE POINTS ELEMENTARY MODIFICATION	ERP91-0120M	9/11/2003	INCOMPLETE	C
	HAIGHT-ASHBURY SUBDIVISION	ERP02-0021	3/16/2006	INCOMPLETE	AC
	SUNSET MEADOWS SUBDIVISION	ERP05-0520	4/12/2009	INCOMPLETE	ABC
	HUNTER CREEK SUBDIVISION	ERP05-0401	4/13/2009	INCOMPLETE	ABC
	HIDDEN LAKE	ERP05-0319	4/19/2009	INCOMPLETE	ABC
	ISLAMIC CENTER OF LAKE CITY	ERP06-0002	4/25/2009	INCOMPLETE	ABC
DIXIE	ROYAL COAST CONDOMINIUMS	ERP05-0538	11/28/2008	INCOMPLETE	ABC
	SUWANNEE PLACE RESORT, INC.	ERP05-0540	1/30/2009	INCOMPLETE	ABC
	HUDSON FOOD STORE MODIFICATION 3	ERP92-0138M3	11/14/2004	INCOMPLETE	ABC
	STEINHATCHEE STORAGE-PHASE 1 MODIFICATION	ERP99-0590M	8/15/2008	INCOMPLETE	ABC
GILCHRIST	TROFFER ADDITION	ERP02-0227M	7/2/2004	INCOMPLETE	ABC
	STARETT BUILDING MODIFICATION	ERP03-0464M	4/6/2007	INCOMPLETE	C
	WACASASSA PLANTATION	ERP05-0188M	11/9/2008	INCOMPLETE	ABC
	FORT FANNING HISTORICAL PARK IMPROVEMENTS	ERP05-0447	10/26/2008	INCOMPLETE	ABC
	FORT FANNING HISTORICAL PARK TRAILHEAD-PHASE 2	ERP05-0447M	12/15/2008	INCOMPLETE	ABC
	HIDDEN OAKS SUBDIVISION-FIRST ADDITION	ERP06-0041	3/1/2009	INCOMPLETE	ABC
	QUAIL RUN SUBDIVISION (10/15/21)	ERP04-0257	10/28/2007	INCOMPLETE	C
	FOOTHILL FARMS-PHASES I AND II	ERP99-0190	6/8/2004	INCOMPLETE	C
HAMILTON	OAK RIDGE ESTATES-HAMILTON COUNTY	ERP00-0377	6/4/2004	INCOMPLETE	ABC
	THUMPER'S RIVER RUN	ERP03-0277	7/21/2005	INCOMPLETE	ABC
	ADAMS PEANUT DRYING PLANT MODIFICATION	ERP04-0323M	10/29/2008	INCOMPLETE	ABC
	HAMILTON 48 SUBDIVISION	ERP05-0287	7/7/2008	INCOMPLETE	ABC
	TIMBERLAND OAKS SUBDIVISION	ERP05-0288	7/7/2008	INCOMPLETE	ABC
	PCS INDUSTRIAL PARK-HAMILTON COUNTY	ERP00-0440	4/23/2003	INCOMPLETE	C
LAFAYETTE	JOSEPH HART PROJECT	ERP03-0093	3/18/2005	INCOMPLETE	ABC
	THE STORAGE PLACE-MAYO	ERP05-0412	9/2/2008	INCOMPLETE	ABC
	ALTON CHURCH OF GOD MODIFICATION	ERP01-0383M	11/27/2004	INCOMPLETE	C

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
LAFAYETTE	AIRLINE BAPTIST CHURCH	ERP06-0119	4/5/2009	INCOMPLETE	BC
LEVY	WHITE CONSTRUCTION	ERP01-0367	9/11/2006	INCOMPLETE	ABC
	NELSON OFFICE BUILDING MODIFICATION	ERP04-0407M	10/21/2007	INCOMPLETE	C
	E & D FARMS SUBDIVISION	ERP04-0529	3/2/2008	INCOMPLETE	ABC
	DOLLAR GENERAL-CEDAR KEY	ERP05-0094	3/28/2008	INCOMPLETE	ABC
	ARROWHEAD MEADOWS SUBDIVISION	ERP05-0101	3/3/2008	INCOMPLETE	ABC
	SOUTHERN RANCH ESTATES	ERP05-0301	7/5/2008	INCOMPLETE	ABC
	BEASLEY ACRES	ERP05-0500	11/23/2008	INCOMPLETE	ABC
	MEADOW WOOD SUBDIVISION	ERP05-0593	3/17/2009	INCOMPLETE	ABC
	CHIEFLAND MIDDLE SCHOOL GYM	ERP06-0039	2/10/2009	INCOMPLETE	ABC
	LEVY COUNTY JAIL MODIFICATION	ERP86-0202M2	8/29/2004	INCOMPLETE	ABC
	WALGREEN'S PHARMACY-CHIEFLAND	ERP95-0109M	5/2/2008	INCOMPLETE	ABC
	ROSEWOOD PARK MODIFICATION	ERP97-0113M	2/23/2009	INCOMPLETE	ABC
	WELLINGTON SUBDIVISION	ERP05-0460	1/10/2009	INCOMPLETE	C
	CEDAR KEY PLANTATION MODIFICATION	ERP97-0217M	9/9/2008	INCOMPLETE	C
MADISON	ZEPHYRHILLS WATER STATION	ERP02-0138	6/11/2004	INCOMPLETE	ABC
	MADISON LIMEROCK STABILIZATION PROJECT	ERP04-0059	3/29/2006	INCOMPLETE	ABC
	NFCC SCIENCE BUILDING	ERP89-0190M2	2/10/2009	INCOMPLETE	ABC
	ARBOURS AT MADISON	ERP06-0112	4/3/2009	INCOMPLETE	ABC
SUWANNEE	PARKER PAVILION	ERP01-0369	8/1/2003	INCOMPLETE	ABC
	POUCHER TRACT WETLANDS	ERP01-0439M	4/9/2004	INCOMPLETE	ABC
	SPEARS RIVER LOT RESTORATION	ERP02-0279	6/17/2004	INCOMPLETE	ABC
	SUWANNEE BELL ESTATE LOT 98	ERP02-0325	7/25/2004	INCOMPLETE	ABC
	BEACHVILLE MALL	ERP03-0461	12/4/2006	INCOMPLETE	ABC
	OBRIEN ESTATES	ERP05-0275	8/24/2008	INCOMPLETE	C
	EAGLE'S POINTE SUBDIVISION	ERP05-0313	8/9/2008	INCOMPLETE	ABC
	TAYLORVILLE RESIDENTIAL SUBDIVISION	ERP05-0395	9/14/2008	INCOMPLETE	ABC
	WADE'S BAILED PINE STRAW	ERP07-0406	7/23/2008	INCOMPLETE	ABC
	BULLDOG STORAGE MODIFICATION	ERP87-0316M	3/19/2006	INCOMPLETE	ABC
	SUWANNEE COUNTY AIRPORT MODIFICATION	ERP90-0035M2	10/17/2003	INCOMPLETE	ABC
	CAMP WEED YOUTH CABIN	ERP90-0072M3	5/23/2004	INCOMPLETE	ABC
	GOLD KIST/TRAY PLANT EXPANSION	ERP91-0008M3	3/29/2008	INCOMPLETE	ABC
	GOLD KIST/TRAY PLANT EXPANSION-PHASE 2	ERP91-0008M4	8/23/2008	INCOMPLETE	ABC
	K-MART/WALGREENS	ERP92-0182M	10/5/2008	INCOMPLETE	ABC
	SPIRIT OF THE SUWANNEE MODULAR BUILDING	ERP94-0123M5	1/27/2009	INCOMPLETE	ABC
	DDJ DEVELOPMENT WEST	ERP00-0353M	7/3/2004	INCOMPLETE	C
	SUWANNEE RIVER WILDERNESS TRAIL-WOODS	ERP04-0099	4/13/2009	INCOMPLETE	ABC
	TIMBERWOOD ESTATES	ERP06-0060	4/25/2009	INCOMPLETE	ABC
TAYLOR	KEATON BEACH LANDINGS	ERP03-0502	2/12/2006	INCOMPLETE	ABC
	KEATON BEACH LANDINGS MODIFICATION	ERP03-0502M	3/9/2009	INCOMPLETE	ABC
	PREMIER MEDICAL CLINIC ADDITIONS	ERP04-0190	5/7/2006	INCOMPLETE	ABC
	BUCCANEER TRACE SUBDIVISION	ERP04-0311	6/17/2008	INCOMPLETE	ABC
	MARK SCHUMAKER FILL PROJECT	ERP05-0008	3/1/2008	INCOMPLETE	ABC
	CARROLL WETLAND PROJECT	ERP05-0145M	10/21/2008	INCOMPLETE	ABC
	BIRD SONG SUBDIVISION-FIRST ADDITION	ERP05-0173M	5/19/2008	INCOMPLETE	ABC
	WALGREEN'S-PERRY	ERP05-0494	3/30/2009	INCOMPLETE	ABC
	SMUGGLER'S TOWNHOMES	ERP05-0502	11/4/2008	INCOMPLETE	ABC
	TRADEWINDS SUBDIVISION	ERP05-0562	2/27/2009	INCOMPLETE	ABC
	GULF BREEZE CONDOMINIUMS	ERP05-0616	2/23/2009	INCOMPLETE	ABC
	STEINHATCHEE HIGH POINT SUBDIVISION	ERP06-0053	3/9/2009	INCOMPLETE	ABC
	MARTIN MARIETTA MOD	ERP99-0481M	7/10/2006	INCOMPLETE	ABC
	GULF COAST ESTATES	ERP04-0153	10/27/2007	INCOMPLETE	C
	STEINHATCHEE GYM	ERP04-0526	11/3/2007	INCOMPLETE	C
	SUMMER POINTE SUBDIVISION	ERP04-0128	6/28/2006	INCOMPLETE	C
	ECONFINA RESORT INCORPORATED MODIFICATION	ERP04-0494M	5/5/2008	INCOMPLETE	C
	SEVEN OAKS SUBDIVISION	ERP06-0085	3/13/2009	INCOMPLETE	C
UNION	CHASTAIN-SEAY PARK MODIFICATION	ERP00-0409M	1/9/2006	INCOMPLETE	ABC
	HOWARD BROTHERS FARM	ERP01-0623	12/18/2004	INCOMPLETE	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
UNION	OAK RIDGE ESTATES	ERP05-0302	10/12/2008	INCOMPLETE	ABC
	BUTLER TOWNHOMES,LLC.	ERP05-0389	10/17/2008	INCOMPLETE	ABC
	C. R. 241 BRIDGE REPLACEMENT OVER SWIFT CREEK	ERP05-0409	2/28/2009	INCOMPLETE	ABC
	FELLOWSHIP BAPTIST CHURCH MODIFICATION- RAIFORD	ERP93-0004M	8/5/2008	INCOMPLETE	ABC
	PRITCHETT TRUCKING OFFICE AND PARKING ADDITION	ERP93-0180M	12/12/2008	INCOMPLETE	ABC

MEMORANDUM

TO: Governing Board

FROM: Robin Lamm, Administrative Assistant *RLA*

THRU: *JMD* Jon Dinges, Director, Resource Management  
David Still, Executive Director *DS*

DATE: June 25, 2009

RE: Individual Environmental Resource Permit Issued by Staff

The following Individual Environmental Resource Permit was issued by staff, pursuant to 40B-1.703(2)(c), Florida Administrative Code.

ERP Number	Project Name	County
ERP02-0539M3	Nestle Waters North America Madison Plant Re-Use Project	Madison

Enclosed is a copy of the staff report and permit.

/rl

**STAFF REPORT**  
**INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION ISSUED BY**  
**STAFF**

**DATE:** June 17, 2009

**PROJECT:** Nwana Madison Plant Re-Use Project

**APPLICANT**

**Rob Fisher, Plant Manager**  
**Nestle' Waters North America,**  
**Inc.**

**690 NE Hawthorn Rd.**  
**Lee, FL 32059**

**PERMIT APPLICATION NO.:** ERP02-0539M3

**DATE OF APPLICATION:** 04/20/09

**APPLICATION COMPLETE:** 06/10/09

**DEFAULT DATE:** 09/08/09

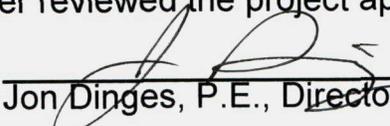
**Agency Action**

Staff issued an individual permit for the project with thirty-one standard conditions. The ERP is attached to this staff report.

**SRWMD Project Review Staff**

Tim Sagul, P.E., Assistant Division Director, and Leroy Marshall, P.E., Water Resources Engineer reviewed the project application.

**Approved By:**

  
\_\_\_\_\_  
Jon Dinges, P.E., Director, Resource Management

**Project Location**

The project is located on NE Hawthorn Road in Township 1 North, Range 11 East, Section 19 and Township 1 North, Range 11 East, Section 20 in Madison County.

**Project Description**

The project consists of the construction of a lined holding pond for handling re-use water (approximately 150,000 gallons per day) from the plant. The re-use water will be transferred to a farm (Ginny Paarlberg) located southeast of the plant.

The pond's storage capacity (13.7-acre feet of water) was sized to handle the re-use water from the plant, field down time for cropping, excess storage for breakdown maintenance as well as the 100-year 24-hour storm event with a free-board of 2 feet.

The water will be used to irrigate approximately 83 acres of land currently not being irrigated. Irrigation from the re-use pond is expected to be 26 inches per year applied at a rate of 0.5-inch per week.

**Interagency Coordination**

Madison County, the Florida Fish and Wildlife Conservation Commission, and the United States Army Corps of Engineers are aware of the proposed project.

**Who is the authorized Operation and Maintenance Entity?**

Nestle' Waters North America, Inc. is the authorized operation and maintenance entity.



**SUWANNEE  
RIVER  
WATER  
MANAGEMENT  
DISTRICT**

9225 CR 49  
LIVE OAK, FLORIDA 32060  
TELEPHONE: (386) 362-1001  
TELEPHONE: 800-226-1066  
FAX (386) 362-1056

**INDIVIDUAL PERMIT**

**PERMITTEE:**

NESTLE WATERS NORTH AMERICA, INC.  
690 NORTHEAST HAWTHORN ROAD  
LEE, FL 32059

**PERMIT NUMBER:** ERP02-0539M3

**DATE ISSUED:** 06/17/2009

**DATE EXPIRES:** 06/17/2014

**COUNTY:** MADISON

**TRS:** S19/T1N/R11E, S20/T1N/R11E

**PROJECT:** NWNA MADISON PLANT RE-USE PROJECT (NESTLE)

Approved entity to whom operation and maintenance may be transferred pursuant to rule 40B-4.1130, Florida Administrative Code (F.A.C.):

ROB FISHER  
NESTLE WATERS NORTH AMERICA, INC.  
690 NORTHEAST HAWTHORN ROAD  
LEE, FL 32059

Based on information provided, the Suwannee River Water Management District's (District) rules have been adhered to and an environmental resource individual permit is in effect for the permitted activity description below:

**Previous permit issued for 39.68 acres of impervious surface on 202.50 acres. Modification consists of construction and operation of a surfacewater management system serving 2.00 acres of impervious surface on a total project area of 202.5 acres in a manner consistent with the application package submitted by The Haskell Company certified by Michael H. Wheeler, PE on April 17, 2009.**

It is your responsibility to ensure that adverse off-site impacts do not occur either during or after construction. Any additional construction or alterations not authorized by this permit may result in flood control or water quality problems both on and off site and will be a violation of District rule.

You or any other substantially affected persons are entitled to request an administrative hearing or mediation. Please refer to enclosed notice of rights.

This permit is issued under the provisions of chapter 373, F.S., chapter 40B-4, and chapter 40B-400, F.A.C. A general permit authorizes the construction, operation, maintenance, alteration, abandonment, or removal of certain minor surface water management systems. This permit authorizes the permittee to perform the work necessary to construct, operate, and maintain the surface water management system shown on the application and other documents included in the application. This is to notify you of District's agency action concerning Notice Of Intent. This action is taken pursuant to rule 40B-4 and 40B-400, F.A.C.

Standard Conditions for All Individual Permits:

1. The permittee shall perform all construction authorized in a manner so as to minimize adverse impacts to fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during construction including riprap, reinforcement, or compaction of any fill materials placed around newly installed structures, to minimize erosion, turbidity, nutrient loading, and sedimentation in the receiving waters.
2. Water quality data representative of the water discharged from the permitted system, including, but not limited to, the parameters in chapter 62-302, F.A.C., shall be submitted to the District as required. If water quality data are required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association or "Methods for Chemical Analysis of Water and Wastes" by the U.S. Environmental Protection Agency.
3. The operational and maintenance phase of an environmental resource permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the District. If required by the District, such as-built certification shall be made by an engineer or surveyor. Within 30 days after the completion of construction of the system, the permittee shall notify the District that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the District for operation and maintenance. The District may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.
4. Off-site discharges during and after construction shall be made only through the facilities authorized by the permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the District. Such discharges may be subject to operating schedules established by the District.

5. The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and chapter 40B-1, F.A.C.

6. 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, alteration, abandonment, or development in a Works of the District which is authorized by the permit.

7. The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.

8. It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.

9. The surfacewater management system shall be constructed prior to or concurrent with the development that the system is intended to serve and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve.

10. Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the District within 30 days of the inspection date. If required by chapter 471, F.S., such inspection and report shall be made by an engineer.

11. The permittee shall allow reasonable access to District personnel or agents for the purpose of inspecting the system to insure compliance with the permit. The permittee shall allow the District, at its expense, to install equipment or devices to monitor performance of the system authorized by their permit.

12. The surfacewater management system shall be operated and maintained in a manner which is consistent with the conditions of the permit and chapter 40B-4.2040, F.A.C.

13. The permittee is responsible for the perpetual operation and maintenance of the system unless the operation and maintenance is transferred pursuant to chapter 40B-4.1130, F.A.C., or the permit is modified to authorize a new operation and maintenance entity pursuant to chapter 40B-4.1110, F.A.C.

14. All activities shall be implemented as set forth in the plans, specifications and performance

criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

15. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

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

17. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

18. 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 days after the construction activity in that portion of the site has temporarily or permanently ceased.

19. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40B-1.901(14) indicating the actual start date and the expected completion date.

20. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40B-1.901(15). These forms shall be submitted during June of each following year.

21. For those systems which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance

documents as are required by Paragraph 40B-4.2030(2)(g), F.A.C., and Rule 40B-4.2035, F.A.C., must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

22. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

23. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, using the supplied As-Built Certification Form No. 40B-1.901(16) incorporated by reference in Subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
- b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including

cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;

c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;

d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;

e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;

f. Existing water elevation(s) and the date determined; and

g. Elevation and location of benchmark(s) for the survey.

24. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraph 23 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with Rule 40B-4.2035, F.A.C., accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the approved responsible operation and maintenance operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40B-4.1130, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

25. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior to implementation so that a determination can be made whether a permit modification is required.

26. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in this chapter and Chapter 40B-4, F.A.C.

27. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other

lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

28. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under 40B-400.046, F.A.C., provides otherwise.

29. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40B-4.1130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

30. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.

31. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

WITHIN 30 DAYS AFTER COMPLETION OF THE PROJECT, THE PERMITTEE SHALL NOTIFY THE DISTRICT, IN WRITING, THAT THE FACILITIES ARE COMPLETE.

Approved by *Frankly [Signature]* Date Approved *June 17, 2009*  
District Staff

*[Signature]* Clerk *David Still* Executive Director



### NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.

8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.

10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.

11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

NESTLE WATERS NORTH AMERICA, INC.  
690 NORTHEAST HAWTHORN ROAD  
LEE, FL 32059

At 4:00 p.m. this 17 day of June, 2009.



Jon M. Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060

Permit No.: ERP02-0539M3

Project: Nwana Madison Plant Re-use Project (Nestle)

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386.362.1001 or 800.226.1066 (Florida only)

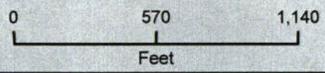
cc: File Number: ERP02-0539M3



 Project Boundary

### NWNA Madison Plant Re-Use Project (Nestle)

ERP02-0539M3  
June 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.