



## Town of Medley

Office of Capital Projects & Development Services  
7777 NW 72 Avenue, Medley, Florida 33166

Date:	<b>December 6, 2016</b>
Subject:	<b>ITB 2017-002 NW 79 Ave from NW 77 Street to NW 79 Place Paving and Drainage Improvement</b>
Solicitation Number:	<b>ITB 2017-002</b>
OCPDS Number:	<b>SW-0115</b>
Opening Date / Time:	<b>January 5, 2017</b>
ADDENDUM Number:	<b>1</b>

### ***To all interested proposers:***

The Town of Medley defines a solicitation "Addendum" as an addition to or amendment of the original terms, conditions, specifications, or instructions of a procurement solicitation (e.g. Invitation for Bids, Request for Proposals or Request for Qualifications), including but not limited to questions and answers, which are considered a material part of the solicitation.

### **Please note the following updates:**

**Revisions to the Project Manual (Solicitation Documents) as follows (additions underlined, ~~deletions strikethrough~~):**

A Mandatory Pre-Bid Conference will be held on December 15<sup>th</sup>, 2016 at 11:00am in the Council Chambers at the Medley Municipal Services Facility, 7777 N.W. 72<sup>nd</sup> Avenue, Medley, Florida 33166. The purpose of the Pre-Bid Conference is to discuss the contents of this Invitation to Bid and Bidder's inquires.

Appendix A- Miami Dade County Permit No. 13-06304-P to complete construction of the Surface Water Management System as Authorized herein on accordance with rule 62-330.320 FAC

# Appendix A



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court, 6th Floor  
Miami, Florida 33136-3912  
T 305-372-6567 F 305-372-6407

miamidade.gov

November 18, 2016

Jorge Corzo, Town Engineer  
Town of Medley  
7777 NW 72<sup>nd</sup> Avenue  
Medley, FL 33166

**RE: SURFACE WATER MANAGEMENT STANDARD PERMIT NO. 13-06304-P**

**DATE ISSUED: NOVEMBER 3, 2016**

**PERMITTEE: TOWN OF MEDLEY.**

**PROJECT DESCRIPTION:** THE CONSTRUCTION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE 2.56 ACRES OF A ROADWAY KNOWN AS NW 79<sup>TH</sup> AVENUE ROADWAY DRAINAGE IMPROVEMENTS.

**PROJECT LOCATION:** NW 79<sup>TH</sup> AVE FROM NW 74<sup>TH</sup> STREET TO NW 79<sup>TH</sup> PLACE AVENUE IN MIAMI-DADE COUNTY, SECTION 10 / TWP 53 / RG 40E

**PERMIT DURATION:** FIVE YEARS FROM THE DATE ISSUED TO COMPLETE CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM AS AUTHORIZED HEREIN, IN ACCORDANCE WITH RULE 62-330.320 FAC.

Dear Mr. Corzo:

This is to notify you of the Department's action concerning Permit Application No. 160728-2 dated July 27, 2016. This action is taken pursuant to Rule 62-330.301 and 62-330.302, Florida Administrative Code (F.A.C.)

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

1. NOT RECEIVING A FILED REQUEST FOR A CHAPTER 120, FLORIDA STATUTES, ADMINISTRATIVE HEARING.
2. THE ATTACHED STANDARD LIMITING CONDITIONS,
3. THE ATTACHED SPECIAL CONDITIONS, AND
4. THE ATTACHED SET OF APPROVED PLANS.

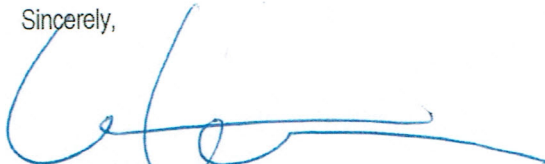
*Delivering Excellence Every Day*

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

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to this addressee no later than 5.00 p.m. on this **18th day of November, 2016** in accordance with Section 120.6(3), Florida Statutes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Molina', with a long horizontal flourish extending to the right.

Maria D. Molina, P.E.  
Senior Professional Engineer

Cc: Ricardo A. Castro, P.E.  
Atkins North America, Inc.  
2001 NW 107<sup>th</sup> Avenue  
Miami, FL 33172

REVIEWER: MAYRA DE TORRES  
FIELD INSPECTOR: ROY STRATTMAN

## SPECIAL CONDITIONS

THE PROJECT SHALL BE CONSTRUCTED SUBSTANTIALY IN ACCORDANCE WITH PLANS AND DESIGN SCHEMATICS PREPARED BY RICARDO A. CASTRO FROM ATKINS NORTH AMERICA, INC. THE PAVING, GRADING AND DRAINAGE PLANS ENTITLED "NORTHWEST 79<sup>TH</sup> AVENUE, MIAMI D-DADE COUNTY- FROM 77<sup>TH</sup> STREET TO 79<sup>TH</sup> PLACE." DATED OCTOBER 3, 2016.

1. MINIMUM INLET GRADE ON SITE SHALL BE AS PER APPROVED PAVING AND DRAINAGE PLANS OR +5.10 FEET N.G.V.D.
2. PROVIDE 1,284 L.F. OF FRENCH DRAIN TO CONTAIN THE 5-YEAR STORM EVENT ON SITE.
3. POLLUTION REMEDIATION SECTION APPROVAL DATED SEPTEMBER 19TH, 2015 IS MADE PART OF THIS PERMIT.
4. THE PERMITTEE SHALL BE RESPONSIBLE TO ESTABLISH ADEQUATE MEASURES AND CONTROL DURING CONSTRUCTION TO ENSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS DO NOT IMPACT ADJACENT FACILITIES. SAID MEASURES SHALL BE USED ALSO TO PREVENT SILTATION OF THE CONSTRUCTED DRAINAGE SYSTEM DURING SITE DEVELOPMENT.
5. SILT SCREEN, HAY BALES OR OTHER SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION.
6. IN ADDITION, THE PERMITTEE SHALL FACILITATE ACCESS TO THE SITE TO PERSONNEL OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, WHEN REQUESTED FOR INSPECTION, AT ANY TIME DURING AND AFTER CONSTRUCTION OF THE PERMITTED WORK.
7. IN ADDITION, THE PERMITTEE SHALL FACILITATE ACCESS TO THE SITE TO PERSONNEL OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, WHEN REQUESTED FOR INSPECTION, AT ANY TIME DURING AND AFTER CONSTRUCTION OF THE PERMITTED WORK.
8. THE OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF THE TOWN OF MEDLEY.
9. ANY FUTURE CHANGES IN LAND USE MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY WATER CONTROL STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE DERM OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
10. PRECONSTRUCTION MEETING WITH PERMITTEE, CONTRACTOR AND DERM REPRESENTATIVE IS REQUIRED AND MUST BE SCHEDULED 10 DAYS PRIOR TO START OF WORK. CONTACT ROY STRATTMAN AT (305) 372-6681 TO ARRANGE THIS MEETING.

SPECIAL CONDITIONS (CONTINUED)

11. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED SURFACE WATER MANAGEMENT PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO. 0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DERM THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS IS DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN, THE PLANS MUST BE CLEARLY LABELED "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
12. A NPDES STORMWATER PERMIT MAY BE REQUIRED AS PER RULE 62-621.300(4) F.A.C. FOR THE PROPOSED CONSTRUCTION ACTIVITY. PLEASE CONTACT THE FLA. DEPT. OF ENVIRONMENTAL PROTECTION. NPDES STORMWATER SECTION AT (805) 921-9904 OR [WWW.DEP.STATE.FL.US/WATER/STORMWATER/NPDES/](http://WWW.DEP.STATE.FL.US/WATER/STORMWATER/NPDES/).
13. THE PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. SHOULD ANY ADVERSE IMPACTS CAUSED BY THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM OCCUR, THE DERM WILL REQUIRE THE PERMITTEE TO PROVIDE APPROPRIATE MITIGATION TO THE DERM OR OTHER IMPACTED PARTY. THE DERM WILL REQUIRE THE PERMITTEE TO MODIFY THE SURFACE WATER MANAGEMENT SYSTEM, IF NECESSARY, TO ELIMINATE THE CAUSE OF THE ADVERSE IMPACTS.
14. IF PREHISTORIC OR HISTORIC ARTIFACTS, SUCH AS POTTERY OR CERAMICS, STONE TOOLS OR METAL IMPLEMENTS, DUGOUT CANOES, OR ANY OTHER PHYSICAL REMAINS THAT COULD BE ASSOCIATED WITH NATIVE AMERICAN CULTURES, OR EARLY COLONIAL OR AMERICAN SETTLEMENT ARE ENCOUNTERED AT ANY TIME WITHIN THE PROJECT SITE AREA, THE PERMITTED PROJECT SHOULD CEASE ALL ACTIVITIES INVOLVING SUBSURFACE DISTURBANCE IN THE IMMEDIATE VICINTY OF SUCH DISCOVERIES. THE PERMITTEE, OR OTHER DESIGNEE, SHOULD CONTACT THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, REVIEW AND COMPLIANCE SECTION AT (850) 245-6333 OR (800) 847-7278, AS WELL AS THE APPROPRIATE PERMITTING AGENCY OFFICE. PROJECT ACTIVITIES SHOULD NOT RESUME WITHOUT VERBAL AND/OR WRITTEN AUTHORIZATION FROM THE DIVISION OF HISTORICAL RESOURCES. IN THE EVENT THAT UNMARKED HUMAN REMAINS ARE ENCOUNTERED DURING PERMITTED ACTIVITIES, ALL WORK SHALL STOP IMMEDIATELY AND THE PROPER AUTHORITIES NOTIFIED IN ACCORDANCE WITH SECTION 872.05, FLORIDA STATUTES.

**PROJECT EVALUATION:**

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**A. Land Use:**

	Construction Total Project (acres)
Building Coverage	0.00
Pavement	2.16
Pervious	0.40
Dry Retention	0.00
Wetland area	0.00
<b>TOTAL ACREAGE</b>	<u>2.56</u>

**B. Water Quantity:**  
Finished Floors:

**Perimeter Grading (Off-site Discharge):**  
Off-site Storm Frequency: 25 YEAR, 3-DAY

Design Rainfall: N/A inches

Basin	Peak Stage (ft NGVD)	Proposed Perimeter Berm (ft NGVD)
Site	-	-

**Road and Parking Lot Grading:**

Road and Site Storm Frequency: 10 YEAR, 1-DAY

Design Rainfall: 8.50 inches

Basin	Peak Stage (ft NGVD)	Proposed Minimum Site Grade (ft NGVD)	Miami-Dade County Flood Criteria (ft NGVD)
Site	5.40	5.10	6.50

**Control Elevation:**

Basin	Area (Acres)	Control Elevation (ft NGVD)	WSWT Control Elevation (ft NGVD)	Method of Determination
Site	2.56	-	3.0	Wet Season Water Table Contour Map

**C. Water Quality:**

**Site Drainage:**

Drainage Storm Frequency: 5-year

Rainfall: 6.00 inches/hr

Basin	Treatment Method	Length or Retention area (Linear Feet)	Volume Required (Ac-ft)	Volume Provided (Ac-Ft.)
Site	Exfiltration trench	1,284	0.15	1.27

## GENERAL CONDITIONS

1. All activities authorized by this permit 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 and Part IV, Chapter 373, F.S.
2. 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 SFWMD staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the SFWMD an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the SFWMD on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the SFWMD that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification

## GENERAL CONDITIONS

process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the SFWMD determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the SFWMD in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall 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 SFWMD, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.
8. 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 the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the SFWMD along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the SFWMD when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the SFWMD in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.



## GENERAL CONDITIONS

11. 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 Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. 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.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the SFWMD in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, SFWMD authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate SFWMD service center.
19. The permittee shall immediately notify the SFWMD in writing of any previously submitted information that is later discovered to be inaccurate.



Form 0537 South Florida Water Management District  
3/96  
**GENERAL PERMIT  
NOTICE OF RIGHTS**

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If a substantially affected person believes a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition not later than:
  - a. IF NOTICE OF THE APPLICATION WAS PUBLISHED BY THE APPLICANT, within fourteen (14) days after mailing of the proposed agency action or
  - b. IF NOTICE OF THE APPLICATION WAS NOT PUBLISHED, within fourteen (14) days after receipt of actual notice.The request for a section 120.57(1), F.S., formal hearing must comply with the requirements of Rule 40E-1.521, Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of Rule 40E-1.521, Florida Administrative Code, shall constitute a waiver of the right to a 120.57(1) hearing. If a petition for administrative hearing is not timely filed, the staff's proposed agency will automatically mature into final agency action.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), F.S., by filing a petition for hearing not later than:
  - a. IF NOTICE OF THE APPLICATION WAS PUBLISHED BY THE APPLICANT, within fourteen (14) days after mailing of the proposed agency action or
  - b. IF NOTICE OF THE APPLICATION WAS NOT PUBLISHED, within fourteen (14) days after receipt of actual notice.A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1), F.S., hearing. A request for a section 120.57(1) F.S., formal hearing not in substantial compliance with the provisions of rule 40E-1.521, F.A.C., may be considered by the District as a request for informal hearing. If a petition for administrative hearing is not timely filed, the staff's proposed agency action will automatically mature into final agency action.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under Section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:

Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

## Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petition for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewith, which have been timely filed, which establish that the petitioner is a substantially affected party, and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presiding officer of the administrative hearing. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If a petition is filed that does not substantially comply with the requirement of subsection (2) of this section, the District shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within the time period designated in the order. If an amended petition complying with this rule is not filed with the District Clerk within the designated time period, the petitioner's right to a processing under Section 120.57, Florida Statutes, is waived.

(5) If a valid petition is filed, with the consent of all parties and upon a showing of good cause, Board action on the petition pursuant to Section 120.57(1)(b) shall be waived. "Good cause" shall mean a set of circumstances unforeseen and outside of the control of the person requesting the waiver.

(6) When a valid petition for administrative hearing has been filed, the Board action shall defer consideration of the matter pending the completion of the administrative hearing and the submittal of a recommended order, and any exceptions to that order.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 120.53, 373.044, 373.113 F.S. Law Implemented 120.53(1), 120.57, 373.113 F.S. History - new 9-3-81, formerly 16K-109.(1), 16K-1.112(1) - (3), 16K-1.12, Amended 5-11-93.

# South Florida Water Management District

## ENVIRONMENTAL RESOURCE / SURFACE WATER MANAGEMENT PERMIT SURFACE WATER MANAGEMENT SYSTEM CONSTRUCTION COMPLETION CERTIFICATION

### ENVIRONMENTAL RESOURCE COMPLIANCE DIVISION

Permit No. \_\_\_\_\_ Application No(s). \_\_\_\_\_  
Project Name \_\_\_\_\_ Phase \_\_\_\_\_

The subject surface water management system has been designed, constructed and completed as follows (check all that apply):

**DISCHARGE STRUCTURE(S)** Please provide the requested information for all permitted discharge structures. Attach additional sheets if needed.

Structure Identification Number: \_\_\_\_\_

- Weir: width \_\_\_\_\_ crest \_\_\_\_\_  
 Bleeder: type \_\_\_\_\_ dimensions \_\_\_\_\_ invert \_\_\_\_\_  
 Additional discharge structure information attached.

**RETENTION/DETENTION AREA(S):** Please provide the requested information for all permitted retention/detention areas. Attach additional sheets if needed.

Retention/Detention Area Identification Number: \_\_\_\_\_ Size (acres) \_\_\_\_\_  
Side Slope (h:v) \_\_\_\_\_

- Additional retention/detention area information attached.
- EXFILTRATION TRENCH** - Confirmation of cross-section with pipe size and invert, trench width, height and length is provided on the attached.
- CONVEYANCE SYSTEM ONLY** - The components of the permitted surface water management consist of inlets, pipes or other form of conveyance system. Confirmation of ditches, canals, and/or swales with cross-sections, pipe diameters, inverts, and lengths is provided on the attached.

Please indicate the location of the benchmark(s) used to determine the above information on the record drawings (40E-4.381(1)(f), F.A.C. Code). All elevations should be according to National Geodetic Vertical Datum (NGVD).

I HEREBY NOTIFY THE DISTRICT OF THE COMPLETION OF CONSTRUCTION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND CERTIFY THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE DISTRICT. [A COPY OF THE APPROVED PERMIT DRAWINGS IS ATTACHED WITH DEVIATIONS NOTED, IF APPLICABLE.]

Engineer's Signature, Seal and Date:

Please Print or Type

Engineer's Name \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Authorization No. of Engineering Business (if applicable) \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail \_\_\_\_\_

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction

Mail to: South Florida Water Management District  
Environmental Resource Compliance

PERMIT NO. \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_  
PROJECT NAME \_\_\_\_\_ PHASE \_\_\_\_\_

**Instructions:** If construction of the project referenced by the above Environmental Resource/Surface Water Management Permit and Application has extended beyond 1 year, submission of an annual status report is required by conditions of the Permit. A separate status report, prepared under the direction of, and signed and sealed by, a Florida licensed Professional Engineer, will be accepted as an equivalent to this form, if the report includes:

- 1) the estimated completion date for construction of the surface water management system; and
- 2) the percent of completion of construction of the surface water management system; and
- 3) a statement that the portion or phase of the surface water management system, completed to date, is sufficient to provide the required flood protection and water quality treatment for areas of the site infrastructure that are currently in use and are located within the area served by that portion or phase of the surface water management system.

Control Structure(s)	% Complete	Date of Anticipated Completion	Date of Completion
_____	_____	_____	_____
_____	_____	_____	_____

Benchmark Description (one per major control structure) \_\_\_\_\_  
\_\_\_\_\_

SWM Facilities	% Complete	Date of Anticipated Completion	Date of Completion
Lake(s)	_____	_____	_____
Ditch(es)/Swale(s)	_____	_____	_____
Exfiltration Trench	_____	_____	_____
Dry Area(s)	_____	_____	_____
Berm(s)	_____	_____	_____
Overall swm system	_____	_____	_____

\_\_\_\_\_  
Permittee's or Authorized Agent's Signature

\_\_\_\_\_  
Company

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Phone Number

# CONSTRUCTION COMMENCEMENT NOTICE

**Instructions:** In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. \_\_\_\_\_ Application No. \_\_\_\_\_  
Project Name \_\_\_\_\_ Phase \_\_\_\_\_

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on \_\_\_\_\_, 20\_\_\_\_  
and will have an estimated completion date of \_\_\_\_\_, 20\_\_\_\_

**PLEASE NOTE:** If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

Permittee's or Authorized Agent's Signature \_\_\_\_\_ Company \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

E-mail \_\_\_\_\_ Phone Number \_\_\_\_\_

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