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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

May 14, 2014

Dept. of Environmental Protection
Office of General Counsel

DUMP THE PUMPS, INC. and
BANKS PREVATT, and
MARGARET VOGELSANG,

Petitioners,

v.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,
and FLORIDA KEYS AQUEDUCT AUTHORITY,

FDEP Permit No. 295404-026-DWC/CM

Respondents.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Petitioners, DUMP THE PUMPS, INC. (“DTP”), BANKS PREVATT (“Prevatt”), MARGARET VOGELSANG (“Vogelsang”), by and through undersigned counsel, and pursuant to Sections 120.569 and 120.57, Fla. Stat., and Rule 28-106.201, F.A.C., hereby file this First Amended Petition for Formal Administrative Proceedings (“Petition”), to challenge the issuance of FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (“FDEP”) permit 295404-026-DWC/CM, which permits “dry line” sewage collection/transmission system construction for Big Pine Key to Ramrod Key, Monroe County, Florida., and state:

I. PARTIES AND NOTICE

1. Petitioner, Dump the Pumps, Inc. (DTP) is a not-for-profit corporation incorporated under the laws of the state of Florida. DTP’s mailing address is P.O. Box 1956, Big Pine Key, Monroe County, Florida 33043. Its President is Mr. Banks Prevatt who maintains the telephone number of (305) 872-5264. DTP’s representative is their undersigned counsels, Robert N.

Hartsell, P.A., Federal Tower Building, 1600 South Federal Highway, Suite 921, Pompano Beach, Florida 33062 who maintains the telephone number of (954) 778-1052 and Lee Robert Rohe, Esq. P.A., P.O. Box 420259, Summerland Key, FL 33042 who maintains the telephone number of (305) 745-2254.

2. Petitioner Prevatt's address is 141 Pirates Road, Little Torch key, Florida, 33043.

3. Prevatt is a member of Dump the Pumps, Inc.

4. Petitioner Vogelsang's address is Pirates Road, Little Torch key, Florida, 33043.

5. Vogelsang is a member of Dump the Pumps, Inc.

6. The agency's name, address and agency identification number are Respondent, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and the FDEP File Number is 295404-026-DWC/CM. The FDEP is a state agency established under Section 20.255, Fla. Stat. In part, the FDEP is charged with the responsibility of enforcing various state laws, including Chapter 403, Fla. Stats., enacted to protect Florida's environment and with issuing permits for the design, construction and operation of sewage collection/transmission system construction.

7. The address of Respondent, FLORIDA KEYS AQUEDUCT AUTHORITY ("FKAA"), is 1100 Kennedy Drive, Key West, Florida 33041. FKAA maintains the telephone number of (305) 296-2454. The FKAA is a political subdivision of the State of Florida, established by Special Act, Ch. 76-441, as amend, for purposes of supplying fresh water to the Florida Keys and for constructing a centralized sewer system for the Lower Keys.

8. DTP received actual notice from FDEP of intent to issue Permit No. 295404-026-DWC/CM by email on April 30, 2014 *via* Mr. Banks Prevatt.

9. This Petition is filed within fourteen (14) days of actual notice of the agency action, and is therefore timely.

II. FACTUAL BACKGROUND

10. Monroe County is designated as an area of critical state concern under Sections 380.05 and 380.0551, Fla. Stat., and entitled to heightened environmental and development safeguards.

11. In 2000, Monroe County adopted a “Monroe County Sanitary Wastewater Plan” for the purpose of designing a central wastewater collection system and treatment facility for incorporated and unincorporated areas of Monroe County.

12. On July 15, 2013, Monroe County adopted Ordinance No. 027-2003 (the Wastewater Assessment Ordinance) which provides for imposition and collection of wastewater assessments against properties in Monroe County.

13. On or about October 5, 2005, Monroe County and FKAA entered into a lease agreement, whereby Monroe County, as lessee, leased to FKAA certain lands on Big Pine Key, Little Torch Key and Ramrod Key for the construction, equipping and operation of a wastewater and sewer system.

14. Pursuant to the Section 2.8(v) of the October 5, 2005 lease agreement, FKAA was required to “establish rates, fees, and System Development Charges for the System which would be sufficient to provide funds adequate to fully fund the Operations and Maintenance Expenses of the System.”

15. FKAA has, on several occasions, held public meetings that concealed plans to use vast numbers of grinder pump stations, even to the extreme of using the residential pumps in gravity area lift stations. The widespread use of grinder pump based LPS (low pressure sewer) was also

concealed on the FKAA website. Both gravity and LPS areas were identified collectively as “centralized sewer” which was understood to be conventional gravity sewer collection.

16. On April 2, 2014 FKAA applied for a construction only permit to install a dryline sewage collection/transmission system from Big Pine Key to Ramrod Key pursuant to Chapter 403 Florida Statutes and Florida Administrative Code Rules 62-4 and 62-604. FDEP received the application on April 8, 2014 and received additional information on April 28, 2014. The FKAA designated certain properties and subdivision lots and homes with in the Lower Keys for either gravity sewers or for low pressure sewers (“LPS”). The LPS system will require a grinder pump while the gravity system will not. Some grinder pumps will connect directly to or via manifold branch forcemains to the Big Pine to Ramrod transmission main. Many more will connect via forcemains to the two Big Pine Key master pump stations included in the subject permit.

17. A substantial number of members of DTP, including Vogelsang, received notice that they were designated for LPS systems under the permit at issue and would need to designate a portion or his/her property for grinder pump installation.

18. The grinder pump specified by FKAA to be installed on each designated LPS property is referred to as the “E-One grinder pump.”

19. On April 30, 2014, the FDEP issued Permit number 295404-026-DWC/CM, which permits the “construction of 8,870 LF 8” PVC force main, on Key Dee Boulevard from Watson Boulevard to US 1, 1,645 LF of 8” DIP force main, 15,385 LF of 10” PVC force main, 1,535 LF of 10” DIP force main, 237 LF of 12” HDPE HDD force main from MM 27.0 to MM 34.04, and 2 submersible pump stations, per application materials received April 8, 2014, with the last additional information received April 28, 2014.”

20. A true and correct copy of Permit number 295404-026-DWC/CM is attached as Exhibit A.

21. FDEP did not issue a permit for “wet” connection to any treatment plant or originator of waste.

III. DISPUTED ISSUES OF MATERIAL FACT

22. Petitioners dispute that the proposed design meets the minimum requirements of design as set forth in the Florida Administrative Code, and is therefore ineligible for a permit.

23. Petitioners dispute that the design adequately protects groundwater and offshore surface water, the environment or even improves upon the existing on-site treatment systems.

24. Petitioners dispute that FCAA has provided reasonable assurance that the design will meet FDEP criteria.

IV. FACTS THAT WARRANT REVERSAL OF THE FDEP PERMIT ISSUANCE

25. FCAA’s forcemain and pump stations (“design”) violates FDEP minimum design requirements.

26. Operation of the system as designed will result in loss of sewer service, raw sewage spills into residential yards, streets, harm to the environment and/or backups into homes.

27. Critical aspects of the design were manipulated to accommodate the use of the slow-pumping E-One grinder pump and to make the transmission force main design appear more robust than it is. The design and construction plans pose substantial risk of groundwater and surface water contamination and harm to public health and safety.

28. The E-One grinder pumps specified for use on the Cudjoe Regional Wastewater System are not approved or rated for use in a lift station; violate FDEP Rules, 10 States Standards, the

National Electric Code and National Fire Protection Association standards. See "Recommended Standards for Wastewater Facilities" (1997), also known as the "Ten States Standards" incorporated by reference by Rule 62-604.300(g), F.A.C. While not specifically permitted under this permit, many are connected directly to this forcemain and will be subject to back pressure from this forcemain which may force dangerous gasses into the grinder pump stations directly piped to this forcemain, creating the potential of explosion even in unclassified residential grinder pump stations.

29. A pump wet well handling primarily residential sewage is a Classified Hazardous Area "Class 1, Division 2, Group D" by NFPA 820. NEC Article 501.125(B) states "In Class 1, Division 2 locations, motors, generators, and other rotating machinery in which are employed sliding contacts, centrifugal or other types of switching mechanism (including motor overcurrent, overloading, and over temperature devices), or integral resistance devices, either while starting or running, shall be identified for Class 1 Division 1 locations....", or in other words fully explosion proof. The E-One grinder pump employs an integral over-temperature switch with automatic reset in the motor, as well as level switches and contactor in the motor, and therefore it is not allowed in a Class 1 Division 2 location. E-One specifically warns in its Installation Guide for the specified E-One Extreme Upgrade grinder pump that "This pump is not to be installed in a location classified as hazardous in accordance with National Electric ANSI/NFPA 70." The E-One pump pit's 2-inch passive vent intended for air displacement and entry during pump cycles does not qualify as "mechanical ventilation" and therefore does not declassify the environment as hazardous. The Recommended Standards for Wastewater Facilities (Ten States Standards), incorporated by reference in Rule 62-604.300(g) specifically states in Chapter 42.35

that motors in raw wastewater wetwells “shall comply with National Electric Code requirements for Class 1 Group D Division 1 locations.” In other words, they shall be listed for explosion-proof duty and the E-One pump motor is not. The permitted design allows for neighborhood lift stations collecting from far more than 5 homes using multiple E-One residential pumps that are only UL listed for unclassified non-hazardous service. This is in clear violation of NEC public safety requirements and Florida law.

30. In unique locations such as the Lower Florida Keys, where homes are vacant for weeks or months at a time, there is a distinct risk of not just gasses being generated in the pit, but of gasses generated in the force mains being forced under significant pressure past the simplex station check valves and thence into the pit where they will accumulate. Hydrogen sulfide, being heavier than air, will not likely rise through the vent until the pit is full to the top with the explosive gas. Use of the specified E-One grinder pump was never envisioned in such an application when they were allowed sewage pumping use limited to a residential application. The unusual conditions of operation of residential grinder pumps in this design poses a safety risk of serious and potentially deadly explosion.

31. The design also has inadequate provisions for air release. See "Design and Specification Guidelines for Low Pressure Sewer Systems" incorporated by reference by Rule 62-604.300(j), F.A.C. Thousands of feet of force main are designed with dives, including but not limited to those under water mains, without air releases to release trapped gasses generated by decomposing waste. This inability to release air poses significant risk of air-locking that would interrupt service, creates significant risk of gas pockets in the forcemain that create a restriction

to the flow of wastewater and thus creates additional unanticipated head loss. If they leak into an E-1 grinder pit, they might create an explosion risk that would endanger public health and safety.

32. The design fails to provide an allowance in the flow calculations for the significant variance between high seasonal and low off-season part time occupancy in the Keys. In Big Pine Key, the 2010 U.S. Census reports a seasonal occupancy rate of 33.1%. Based on a 6 month season, the high season flow would be 20% above average annual flow. This high season flow variation was not considered in sizing the forcemains, pump stations or in calculating head loss.

33. The design fails to ensure adequate capacity for periods where the Florida Keys are inundated with tourists during special events. Many visitors descend on residences as well as lodging and campgrounds during certain long weekends such as Fantasy Fest and Lobster Mini-season. Brown and Caldwell Engineering performed a study for the basis of design for the receiving wastewater treatment plant (WWTP) in Cudjoe Key. The study examined actual inflows to existing treatment plants and concluded that a tourism peaking factor of 2.5 times the average flow is necessary to calculate the peak flow day and that a peaking factor of 4.5 is necessary for the peak hour. There is no reserve capacity in an LPS system. The pump stations and force mains are designed using a 3.44 peaking factor above average gallons per minute, which is below the 4.0 minimum criteria of the Ten States Standards and even further below the peaking factor determined to be realistic by the Brown and Caldwell study.

34. The plans and calculations submitted and approved by the FDEP are unreliable for the system intended to be built because many homes were converted from LPS to gravity. The head pressures, flows and velocity computer modeling of the forcemain network was based on a significantly larger number of individual grinder pumps and upon a “probability chart”

developed by the E-1 manufacturer that predicts what percentage of pumps will run simultaneously. When the number of E-1 grinder pumps in a system is reduced, then the probability chart states that a higher percentage of pumps will run simultaneously. The conditions are different and the system must be remodeled and new connection heads determined. That voids the flow and head loss calculations submitted in the Permit Application Package.

35. The calculations for flow and head loss in the PAP are erroneously based on a "Probability Chart" purported to predict the maximum number of grinder pump stations that will run simultaneously. After a power outage of only a couple of hours, it is reasonable to assume that 100% of pumps at occupied homes and 100% of all neighborhood lift stations will attempt to pump at once. The force mains are not sized for such an occurrence. They are sized not for 100%, but for only a small percentage of the grinder pumps and a percentage of the lift stations simultaneously pumping. In the 100% scenario, the head pressure will be excessive and the pumps will run to their maximum pressures to try to overcome the resistance before cutting out on thermal overload, bursting pipes or fittings, or destroying the rubber stator sleeve surrounding the rotor.

36. The E-One grinder pump Design Guide indicates that the pump is capable of generating 120 psi (pounds per square inch) for up to 5 minutes before overheating. The manufacturer predicts that their pump will operate for about a half minute at 175 psi before cutting out on thermal overload for about a half minute at which time it would automatically reset and again try to pump. The maximum pressure achievable has been reported to be 180 psi. The force main pipes on this project are pressure tested to between 75 and 150 psi. The E-One grinder pump is

capable of exceeding the static test pressure of the newly installed force main pipe. Notwithstanding, this is a static test pressure and that surge pressures as would occur from sudden loss or application of power can easily exceed double the normal operating pressure. The specified force main pipe is only rated for a working pressure of 160 psi. The E-One grinder pump has no pressure relief valve, thus there is a significant risk of bursting pipes or breaking connections. With the geological conditions in the Lower Keys and the pea rock bedding around these pipes, a burst pipe could allow the injection of raw sewage into the tidal water table for many years without detection. This is much more of a hazard to the environment than the septic tank effluent that the system was intended to eliminate.

37. The project was designed based upon erroneous data that predicts a smaller number of people to a residence than indicated in the last two Census Bureau reports. For example, the design calculations used on the 6 neighborhood lift stations serving 446 homes on the north end of Little Torch Key varied from using an average of 0.927 to 1.37 persons per residence with an average of 1.2 persons per residence. This is instead of the much more realistic 2.17 persons per home that the Census Bureau found on neighboring and very similar Big Pine Key. The average flow from this one subdivision on Little Torch Key can be expected to be 181% of design as a result of just this error. This neighborhood pumps through approximately one a mile of forcemain that feeds into the forcemain of this permit. Head loss will be three times anticipated in this branch line with this correction to flow calculations, and it will not have enough pressure to connect. If it could, the forcemain of this permit is not designed to carry the additional flow.

38. The pump stations were sized for an inadequate flow and will be connecting to higher than expected head.

39. The peak flow used in calculations is inadequate according to actual flow studies previously approved by FDEP.

40. For this project the friction coefficient used in calculations of head loss was 140 for HDPE force mains. The FDEP requires a friction coefficient of 120 be used for design purposes. See "Recommended Standards for Wastewater Facilities" (1997), also known as the "Ten States Standards" incorporated by reference by Rule 62-604.300(g), F.A.C. This means that head loss may be underestimated in practice and has certainly been underestimated for permitting approval purposes. The pipes using 140 instead of 120 have head loss underestimated by approximately 33%.

41. The wastewater generation quantity is not based on the EDU value homes and businesses were assessed, but upon a more "convenient" and erroneous assumed value that is significantly lower, and validated by making assumptions about irrigation percentages based on satellite imagery. However, many, if not most, homeowners on the islands from Big Pine Key to Ramrod Key do not irrigate at all, and those that do typically irrigate only very sparingly. Flows may therefore be expected to be significantly higher than designed. See "Recommended Standards for Wastewater Facilities" (1997), also known as the "Ten States Standards" incorporated by reference by Rule 62-604.300(g), F.A.C.

42. The calculation of wastewater flow per residential EDU was not based on Census information from 2000 or 2010. The head-counts per home in 2000 and 2010 are higher than the head-count used in the calculations of the Permit Application. Based on the 2010 Census, there were an average 2.17 persons per occupied home on Big Pine Key rather than 1.29 as used in the PAPs, therefore flow per residential EDU should be 68% higher. The system is not designed

to accommodate that 68% required to meet the minimum Ten States Standards. See "Recommended Standards for Wastewater Facilities" (1997), also known as the "Ten States Standards" incorporated by reference by Rule 62-604.300(g), F.A.C.

43. The design did not sufficiently account for commercial connections, Some of these are underestimated. For example, in Exhibit A of the PAP, Little Palm Island was shown as contributing 91 commercial EDUs with a stated average daily flow of 15,120 gpd (gallons per day) and a 10.5 gpm (gallons per minute) flow. A peaking factor of 3.44 was used in Part II of the permit application to determine peak daily flow, which would be 36 gpm. However, Little Palm Island was estimated to have a peak flow of 54 gpm in contractor Layne's hydraulic model by their engineer. Designing for only two thirds of actual high flows could have serious consequences, as in raw sewage overflows into the environment and backups into homes.

44. The transmission wastewater force main pipe between pump stations on Big Pine, and from Big Pine to the Ramrod pump station violates FDEP Rules. Furthermore, the force main is not designed to carry the anticipated peak day's flow, as determined by the Technical Memorandums of the consulting engineers involved in permitting of the receiving Wastewater treatment plant, and therefore is inadequate to transport the actual volume of waste. The peak hour flow anticipated is expected to be 4.5 times the annual average yet 3.44 was used in flow calculations, which equates to a flow 131% of anticipated. Compounding the problem is the head loss from using a C factor of 140 where 120 is required for design of all plastic pipe per FDEP rules.

V. PETITIONERS SUBSTANTIAL INTERESTS WILL BE AFFECTED

45. DTP is a not-for-profit organization incorporated under the laws of Florida. DTP's corporate purpose is to "dump the pumps" in the Lower the Keys by eliminating the grinder pump systems and their concomitant negative impacts to the water quality and public health and welfare. In its corporate capacity, DTP's substantial interests will be adversely affected by the issuance of the Permit. DTP has approximately 72 official members, a substantial number of which interests' will be substantially and adversely affected by the issuance of the permit. DTP files this Petition on behalf of itself and on behalf of its approximately 72 official members.

46. DTP members, Prevatt and Vogelsang will be served by the Cudjoe Regional Wastewater System (CRWS), of which this forcemain is an integral part. Both Prevatt and Vogelsang as well as other members of DTP are slated for residential grinder pumps that will connect to the forcemain described in this permit. DTP's substantial interests, the substantial interests of its members and Prevatt and Vogelsang's substantial interests will be adversely affected and harmed when permits are issued with only cursory review of designs, designs which fail to utilize the minimum standards required by FDEP Rules and Ten States Standards in an area where every precaution should be taken.

47. The system as designed and proposed to be permitted will not function as intended and will result in raw sewage releases into a the yards of DTP members, Prevatt, and Vogelsang and will have adverse impacts upon Outstanding Florida Waters of a National Marine Sanctuary creating significant health hazard and diminishing the very qualities that make the area a desirable place to reside and visit.

48. The design parameters are much too conservative, especially for the atypical conditions of the region. If all the wastewater cannot flow through the pipes at the specified velocities, the wastewater will be discharged to the ground, the groundwater and to the surrounding surface waters, creating hazardous unsanitary conditions for a substantial number of members of DTP.

49. Prevatt and Vogelsang are residents of and property owners on Little Torch Key which is traversed by the permitted forcemain and will be required to be serviced by an E-One grinder pump located on their property. Prevatt and Vogelsang will suffer from the aforementioned substantial adverse impacts associated with the installation of a grinder pump system including but not limited to overflow during power outages, explosion risk, odor, loss of property rights, undetectable raw sewage leaks, health and personal safety risks.

50. Prevatt, Vogelsang, and the members of Dump the Pumps, Inc. recreate in the nearshore waters of the Lower Keys. Raw sewage leaks caused by the system failure will adversely affect members of DTP who recreate in the nearshore waters of Cudjoe.

51. The wastewater collection system, as designed and proposed to be permitted, incorporates a significant number of E-One grinder pump stations that are intended by FKAA to be installed on private property including the property of a number of DTP members, including Prevatt and Vogelsang. The grinder pump stations occupy a portion of the yard and present a risk of explosion, odor, release of pollutants and unsanitary conditions. The easement allows strangers to legally enter the property at will, while exposing the homeowner to liability if they are injured by, for instance, a dog bite.

52. DTP members regularly fish and lobster in the nearshore waters of the lower Keys. A raw sewage discharge will adversely affect their ability to safely consume the fish and lobster they catch.

VI. ULTIMATE FACTS AND LAW

53. The wastewater collection system currently designed and approved for permit is inappropriate for the geographic area; is inadequately designed to function as intended; poses a serious risk of raw sewage release; poses an established risk of explosion; fails to provide reasonable assurance that the project will not degrade the environment; fails to provide reasonable assurance that the project will not harm the public; and is not designed in accordance with minimum FDEP standards. Relief is authorized by and sought under Chapter 120, Sections 403.87, 403.412, Fla. Stat., Rules 62-4.160 and 62-4.100 F.A.C., and others. The Permit violates FDEP Rules 62-604.100, 62-604.130, 62-604.300, 62-604.400, 62-604.500, 62-604.600, F.A.C.

WHEREFORE Petitioners respectfully demand:

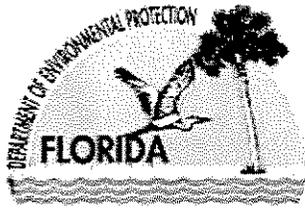
- A) The Petition be forwarded to the Division of Administrative Hearings for appointment of an administrative law judge,
- B) That this Petition be consolidated with OGC Case Nos. 14-0228, 14-0243, 14-0246, and 14-0263, and
- C) An Order be issued denying the subject permit.

Respectfully submitted on this 14th day of May, 2014.

BY: 
Robert N. Hartsell, Esq.
Florida Bar No. 636207
Sarah M. Hayter, Esq.

Florida Bar No. 83823
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EXHIBIT A



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

VIA ELECTRONIC MAIL

In the Matter of an
Application for Permit by:

Permittee:

Florida Keys Aqueduct Authority
Thomas G. Walker, P.E., Manager of Engineering
1100 Kennedy Drive
Key West, Florida 33041
twalker@fkaa.com

Permit Number: 295404-026-DWC/CM

Issued: April 30, 2014

Expires: April 29, 2019

Project: Cudjoe Regional Wastewater Collection System -
Big Pine Key to Ramrod Key (Dryline)

Connected to: Cudjoe Key WWTP

County: Monroe

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 295404-026-DWC/CM to construct a **dryline** sewage collection/transmission system pursuant to Chapter 403, Florida Statutes (FS) and Florida Administrative Code (F.A.C.) Rules 62-4 and 62-604. Although the Department intends to issue a construction permit for the project, the Department has the authority to require it to be a **dryline** until the serving domestic wastewater treatment plant is constructed and certified complete. The wastewater facility serving this project must provide reasonable assurance that adequate treatment and disposal is available.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the persons listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within 14 days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests is affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

PERMITTEE: Florida Keys Aqueduct Authority

PERMIT NUMBER: 295404-026-DWC/CM

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

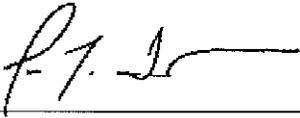
Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This permit action is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this permit action is filed with the clerk of the Department.

Executed in Fort Myers, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on **April 30, 2014**, to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

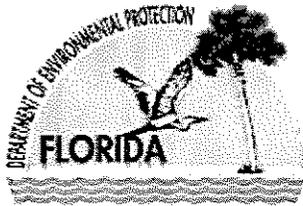
April 30, 2014

Date

JMI/OJO/MAC/se

Copies furnished to:

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**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

South District Office
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RICK SCOTT
GOVERNOR

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VIA ELECTRONIC MAIL

In the Matter of an
Application for Permit by:

Permittee:

Florida Keys Aqueduct Authority
Thomas G. Walker, P.E., Manager of Engineering
1100 Kennedy Drive
Key West, Florida 33041
twalker@fkaa.com

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Connected to: Cudjoe Key WWTP

County: Monroe

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4 and 62-604, Florida Administrative Code (F.A.C).

The above named permittee is hereby authorized to construct the facilities shown on the application and other documents on file with the Department and made a part hereof and specifically described as follows:

DESCRIPTION OF PROJECT: The construction of 8,870 LF of 8" PVC force main, on Key Deer Boulevard from Watson Boulevard to US 1, 1,645 LF of 8" DIP force main, 15, 385 LF of 10" PVC force main, 1,535 LF of 10" DIP force main, 237 LF of 12" HDPE HDD force main from MM 27.0 to MM 34.04, and 2 submersible pump stations, per application materials received April 8, 2014, with the last additional information received April 28, 2014. See permit condition number 6.

LOCATION OF PROJECT: Sections 26 Township 66, Range 29 in Big Pine Key in Monroe County, Florida.

IN ACCORDANCE WITH: The limitations, requirements and other conditions set forth in this permit.

PERMIT CONDITIONS:

1. This permit is subject to the general conditions of Rule 62-4.160, F.A.C., as applicable. This rule is available at the Department's Internet site at: <http://www.dep.state.fl.us/water/wastewater/rules.htm#domestic> [62-4.160, 5-1-03].
2. Upon completion of construction of the collection/transmission system project, and before placing the facilities into operation for any purpose other than testing for leaks or testing equipment operation, the permittee shall submit to the Department's South District Office at P.O. Box 2549, Fort Myers, FL 33902-2549 (by mail) or 2295 Victoria Avenue, Suite 364, Fort Myers, FL 33901 (by other delivery service) Form 62-604.300(8)(b), Request for Approval to Place a Domestic Wastewater Collection/Transmission System into Operation. This form is available at the Department's Internet site at: <http://www.dep.state.fl.us/water/wastewater/forms.htm> [62-604.700(2), 11-6-03].
3. The new or modified collection/transmission facilities shall not be placed into service until the Department clears the project for use [62-604.700(3), 11-6-03].
4. Permit revisions shall only be made in accordance with Rule 62-4.050(4)(s), F.A.C. Request for revisions shall be made to the Department in writing and shall include the appropriate fee. Revisions not covered under Rule 62-4.050(4)(s), F.A.C., shall require a new permit [62-604.600(8), 11-6-03].
5. Abnormal events shall be reported to the Department's South District Office in accordance with Rule 62-604.550, F.A.C. For unauthorized spills of wastewater in excess of 1000 gallons per incident, or where information indicates that public health or the environment may be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519 as soon as practical, but no later than 24 hours from the time the permittee or other designee becomes aware of the circumstances. Unauthorized releases or spills less than 1000 gallons per incident are to be reported orally to the Department's South District Office at phone number (239)344-5600 within 24 hours from the time the permittee, or other designee becomes aware of the circumstances [62-604.550, 11-6-03].

PERMITTEE: Florida Keys Aqueduct Authority

PERMIT NUMBER: 295404-026-DWC/CM

6. The design and construction of the wastewater collection/transmission system shall be in accordance with provisions of Florida Administrative Code (F.A.C.) Rule 62-604.300.
7. This permit is for CONSTRUCTION ONLY of the collection/transmission system project. This permit does not authorize the connection of this collection/transmission system project to the designated wastewater treatment plant. This permit shall not be construed to infer that the clearance necessary for connection shall be granted. Any such clearance shall be granted only when reasonable assurance is given that adequate treatment and disposal is available.
8. The design and construction of the wastewater collection/transmission system shall be in accordance with provisions of F.A.C. Rule 62-604.400.

SPECIFIC PERMIT CONDITIONS:

1. All new wastewater collection/transmission systems and modifications of existing systems shall be located at least 100 feet from a public drinking water supply well.
2. Except as provided in Section 62-604.400(3), F.A.C., sewer pipes/force mains should cross under water mains.
3. For sewer crossings, all crossings shall be arranged so that the sewer pipe joints are equidistant as far as possible from the water main joints. At crossings, all vacuum sewer joints must maintain a minimum distance of 3 feet from water main joints. All gravity or pressure type sanitary sewers and wastewater force main joints shall maintain a minimum distance of 6 feet from water main joints.
4. Except as provided under 62-604.400(3), F.A.C., all sewers and force mains shall be laid at least 10 feet horizontally (outside to outside) from a water main and 3 feet minimum (outside to outside) from a reclaimed water pipe permitted under Part III of Chapter 62-610, F.A.C.
5. A vertical separation of at least 18 inches must be maintained when a sewer pipe crosses a water main, except as provided under Section 62-604.400(3), F.A.C.
6. When any existing asbestos cement (AC) pipes are replaced under this permit, the permittee shall do so in accordance with the applicable rules of Federal Asbestos Regulation and Florida DEP requirements. For specific requirements applicable to AC pipes, the permittee should contact the Air and Waste Management section managers prior to commencing any such activities at (239) 344-5600. Please be aware that a notification is required to be submitted to the Department for a regulated project.
7. The Operation and maintenance of the collection system shall be in accordance with the requirements of section 62-604.500 F.A.C.

Executed in Fort Myers, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of District Management

Date Signed: April 30, 2014