



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

**Project Name:** Ft. Lauderdale – New River

**Permittee/Authorized Entity:**

City of Fort Lauderdale  
c/o Omar Castellon  
100 N. Andrews Ave.  
Fort Lauderdale, FL. 33301

**Authorized Agent:**

The Chappell Group  
c/o Tyler Chappell  
Email: [Tyler@thechappellgroup.com](mailto:Tyler@thechappellgroup.com)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization  
Required**

**Permit No.:** 06-0384624-001-EI

**Permit Issuance Date:** February 26, 2020

**Permit Construction Phase Expiration Date:** February 25, 2025

# **Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization**

**Permit No.:** 06-0384624-001-EI

## **PROJECT LOCATION**

The activities authorized by this Permit and state-owned submerged lands authorization are located under the New River, approximately 150 ln. ft. south of the intersection of SE 4<sup>th</sup> St. and SE 9<sup>th</sup> Ave., Fort Lauderdale, Class III Waters, (Section 11, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 7' 3.73", Longitude W 80° 8' 2.42").

## **PROJECT DESCRIPTION**

This permit authorizes horizontal directional drilling with entry and exist points in uplands, to install approximately 1,531 linear feet of 48-inch diameter Force Main, along SE 9<sup>th</sup> Ave, between SE 6<sup>th</sup> St. and SE 2<sup>nd</sup> Ct., within a 54-inch outer diameter H.D.P.E. IPS. The force main entry pit will be located 855 ln. ft. south of the New River and the exit pit is proposed 676 ln. ft. north of the New River. The borings for the force main will be approximately 19 ft. below the existing bottom elevation of the New River.

This permit does not authorize impacts to wetlands or other surface waters, therefore, mitigation is not required.

## **AUTHORIZATIONS**

### Environmental Resource Permit

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

### Sovereignty Submerged Lands Authorization

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

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that due to the time-sensitive nature of the project, the activity qualifies for and requires a Letter of Consent pursuant to subsection 18-21.005(1)(c)15, F.A.C., as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Within one year of the date of issuance of this Letter of Consent, the permittee shall obtain a public easement from the Department's Division of State Lands.

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### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

### Coastal Zone Management

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

### Water Quality Certification

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

### Other Authorizations

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

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

### **PERMIT and SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and

understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

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

#### **SPECIFIC CONDITIONS – EXECUTION OF PROPRIETARY DOCUMENTS**

(1) The permittee shall execute a public easement for the utility conduit within one year from the date of issuance of this permit. **If the applicant fails to execute the required public easement within one year from the date of issuance of this permit, the permittee may be subject to penalties pursuant to Chapter 253, F.S. and Rule 18-14, F.A.C.** In order to process your application to obtain a public easement, we need within 90 calendar days from the issuance date of this permit, the information listed in Section 18-21.009, F.A.C.

#### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

(2) The attached project drawings (sheets 1 through 4); the attached #-page “Proposed Methods for Protection of Water Quality for Directional Bored Water Crossings”(Exhibit B); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

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

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department’s Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

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

(4) Return water shall not be discharged into adjacent surface waters and/or wetlands, and all severed materials shall be temporarily placed in the self-contained upland containment pits, as shown on the attached drawings. The spoil containment pits shall be constructed to contain all severed materials and prevent the escape of severed materials and associated effluent into adjacent storm drains, surface waters, and/or wetlands. All containment pits and staging areas shall be located on uplands. Construction personnel shall maintain daily logs (including a depiction of the area inspected) outlining all bore route inspections conducted during construction.

(5) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state.

(6) The entry and exit points of the directional drill shall be located on uplands and contained with silt fences/staked hay bales to contain any material from traveling into surrounding areas.



(7) Best management practices for erosion control within the staging area shall be implemented and maintained at all times during construction of the entry pits and drilling operations to prevent siltation and turbid discharges in excess of State water quality standards. Methods shall include, but are not limited to the immediate fence, hay bales to contain the drilling mud. Hay bales shall be utilized, however they shall not impact wetlands or surface waters. Dewatering will require a permit from the South Florida Water Management District.

(8) To provide an additional level of resource protection, the volume of bentonite in the drill string shall be monitored at all times during directional drilling operation. Should a drop in volume of bentonite occur, the following measures will be taken:

1. Immediately conduct a visual inspection of both terrestrial and subaqueous portions of the HDD corridor. If a frac-out is detected, notify Southeast District Compliance staff at [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov) or (561)681-6600, within 2 hours of detection.
2. Should the release of drilling materials occur, the appropriate actions shall take place in strict accordance with the attached "Frac-Out Contingency Plan."

(9) In order to minimize the possibility of a bentonite release during punch out, the site project manager shall consider the use of water in place of bentonite during the last 30 to 50 feet of the directional bore. The HDD operator shall stop the flow of recirculated bentonite and the borehole shall be flushed with water to remove the bentonite. Once the drill string is clear of bentonite, drilling will continue using only water as the boring medium.

(10) Additives to the bentonite drilling muds shall not be used without the Department's prior approval. If additives are needed, a permit modification will be required. Toxicity evaluations using marine organisms with concentrations of additives representative of those proposed for HDD boring will be required to evaluate the permit modification request.

(11) A fully enclosed truck shall remain onsite for frac-out assistance as well as to remove all drilling fluids prior to backfilling the containment pits. If night time drilling and/or boring activities are performed beneath wetlands or surface waters, the permittee and/or contractor shall provide evidence to the Department that the contracted construction personnel is equipped with the best available lighting to detect a frac-out during low light conditions, which shall be utilized when tracing the HDD at night. Prior to night time drilling and/or boring activities, the permittee and/or contractor shall contact the Department at the address in Specific Condition No. 8, a minimum of 48 hours prior to commencement of drilling, etc.

(12) Within 14 days of the pipe installation, the permittee shall fully restore the staging area to its original condition. Paved surfaces shall be repaired and unpaved surface areas shall be replanted with native vegetation.

#### **SPECIFIC CONDITIONS – LISTED SPECIES**

(13) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with

this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

## **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), “Construction Commencement Notice,” [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

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- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and

- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **SPECIAL CONSENT CONDITIONS**

1) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are

associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

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

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

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**



This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition 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, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and



120.57, F.S., or to intervene in this proceeding and participate as a party to it. 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, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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John Kent Edwards  
Program Administrator – Permitting and Waste Cleanup  
Southeast District

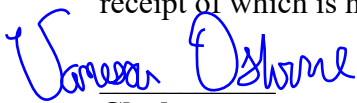
## CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Kent Edwards, Jeffrey Meyer, Kaitlyn Mallett, David Petti  
Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)  
Kathryn Bongarzone, Senior Project Biologist, The Chappell Group Inc.,  
[kathryn@thechappellgroup.com](mailto:kathryn@thechappellgroup.com)

## FILING AND ACKNOWLEDGMENT

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



2/26/2020

Clerk

Date

### Attachments:

Project Drawings and Design Specs., 4 pages

Exhibit B, Proposed Methods for Protection of Water Quality for Directional Bored Water Crossings, 7 pages

Florida EPPC's 2015 Invasive Plant Species List, 6 pages, can be downloaded at  
<http://www.fleppc.org/list/2015FLEPPCLIST-LARGEFORMAT-FINAL.pdf>

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)\*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)\*

Request to Transfer Permit Form 62-330.340(1)\*

Commencement Notice Form 62-330.350(1)\*

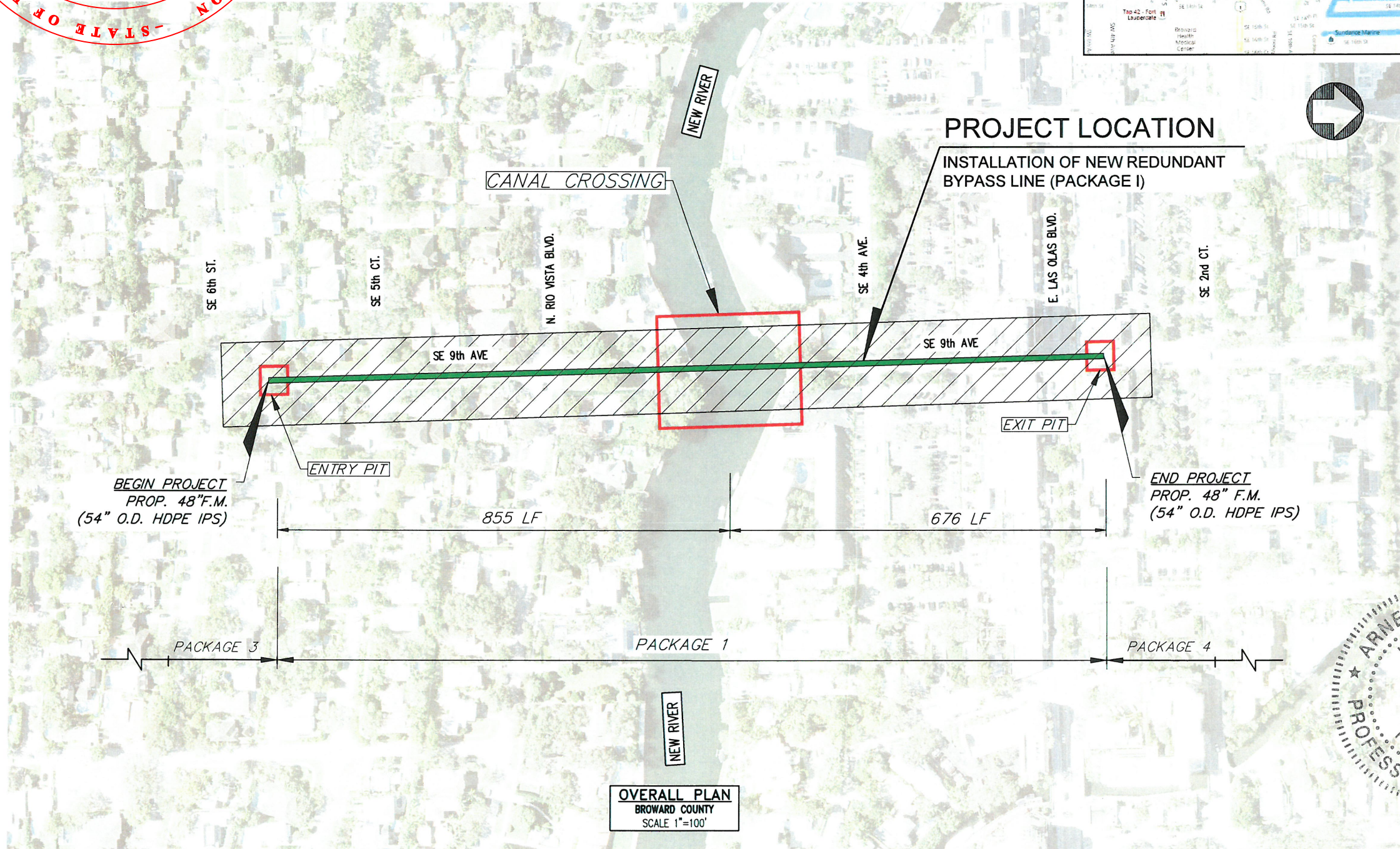
\*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>



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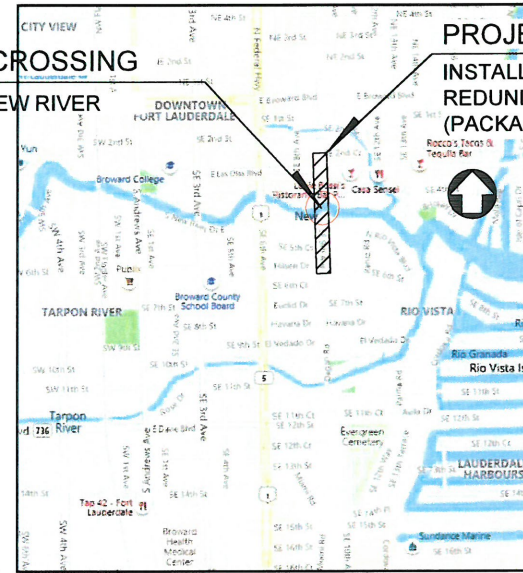


Permit Number  
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Southeast District

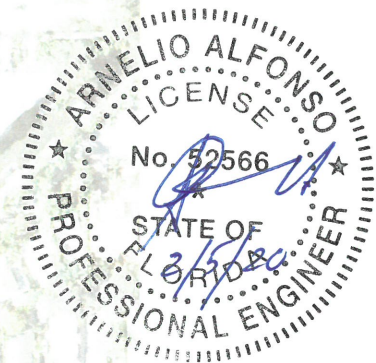


CANAL CROSSING  
UNDER THE NEW RIVER

PROJECT LOCATION  
INSTALLATION OF NEW  
REDUNDANT BYPASS LINE  
(PACKAGE I)



PROJECT LOCATION  
INSTALLATION OF NEW REDUNDANT  
BYPASS LINE (PACKAGE I)



FOR PERMIT ONLY

ENGINEER: ARNELIO ALFONSO REG. NO. 52566 DATE 02/05/2020	DATE: 02/05/2020	DESIGNED BY: R.L.	CHECKED BY: R.L.	SCALE: H: 1"=20' V: 1"=5'	FIELD BOOK: A.A.
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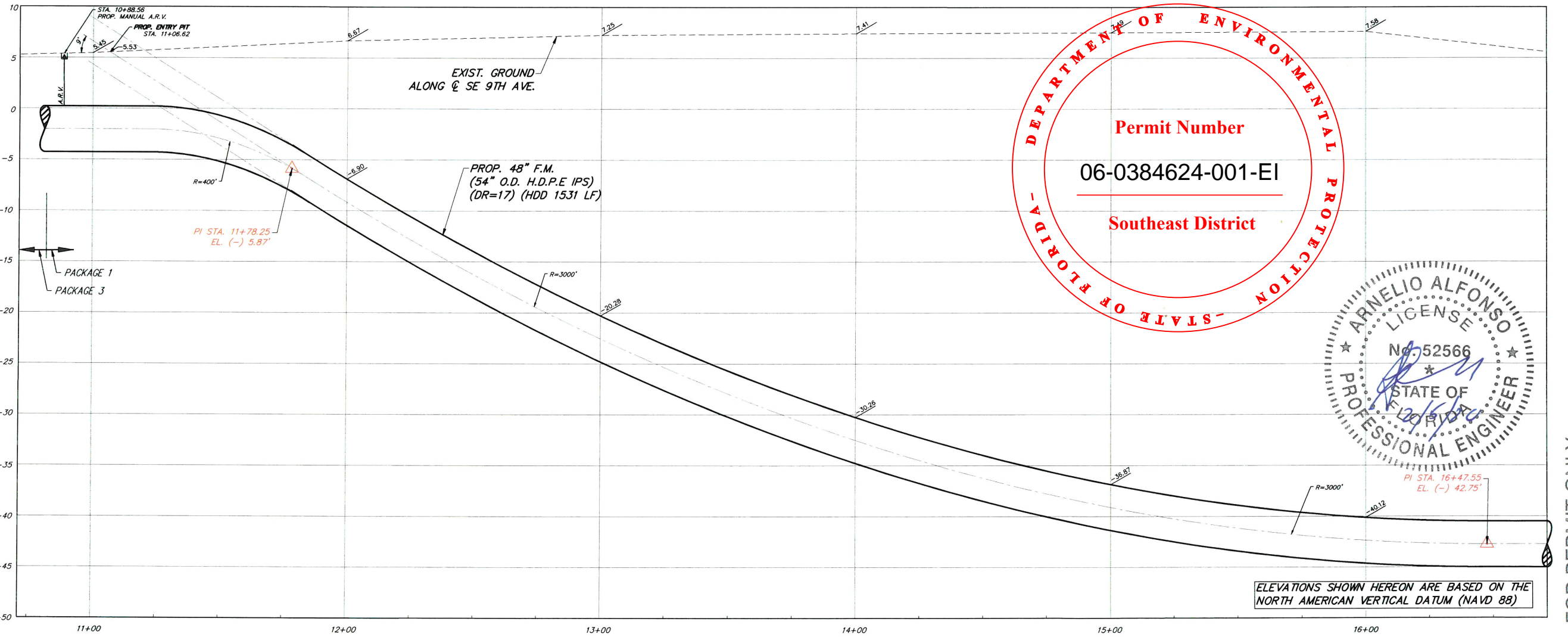
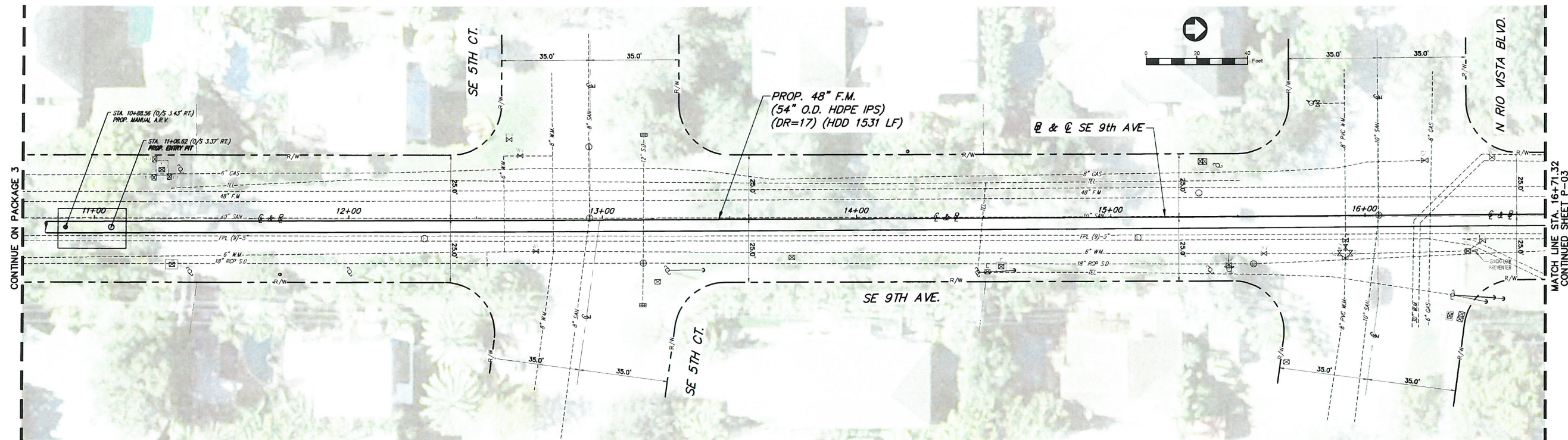
CITY OF FORT LAUDERDALE  
PUBLIC WORKS DEPARTMENT  
ENGINEERING & ARCHITECTURE  
100 North Andrews Avenue, Fort Lauderdale, Florida 33301

NO.	DATE	BY	CHKD	DESCRIPTION

PROJECT # 12567 INSTALLATION OF NEW REDUNDANT BYPASS LINE (PACKAGE I) PERMIT PLANS	SHEET NO. <b>P-01</b>	OF <b>4</b>
TOTAL: 4	CAD FILE: 12567-001-OVRL	DRAWING FILE NO.
CAM 21 0000	Exhibit 2	Page 14 of 24



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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Permit Number  
06-0384624-001-EI  
Southeast District

ARNELIO ALFONSO  
LICENSE  
No. 52566  
STATE OF FLORIDA  
PROFESSIONAL ENGINEER

FOR PERMIT ONLY

PROJECT # 12567  
INSTALLATION OF NEW REDUNDANT  
BYPASS LINE (PACKAGE I)  
PERMIT PLANS

SHEET NO. OF  
P-02 4  
TOTAL: 4  
CAD FILE:  
12567-002-PLAN  
DRAWING FILE NO.  
AM 21-0999

ENGINEER:  
ARNELIO ALFONSO  
REG. No. 52566  
DATE: 02/05/2020  
TEL: 305-588-7283  
FAX:

DRAWN BY: DATE: 02/05/2020  
R.L.  
DESIGNED BY: SCALE: H: 1"=20'  
R.L.  
CHECKED BY: V: 1"=5'  
A.A.  
FIELD BOOK:

CITY OF FORT LAUDERDALE  
PUBLIC WORKS DEPARTMENT  
ENGINEERING & ARCHITECTURE  
100 North Andrews Avenue, Fort Lauderdale, Florida 33301

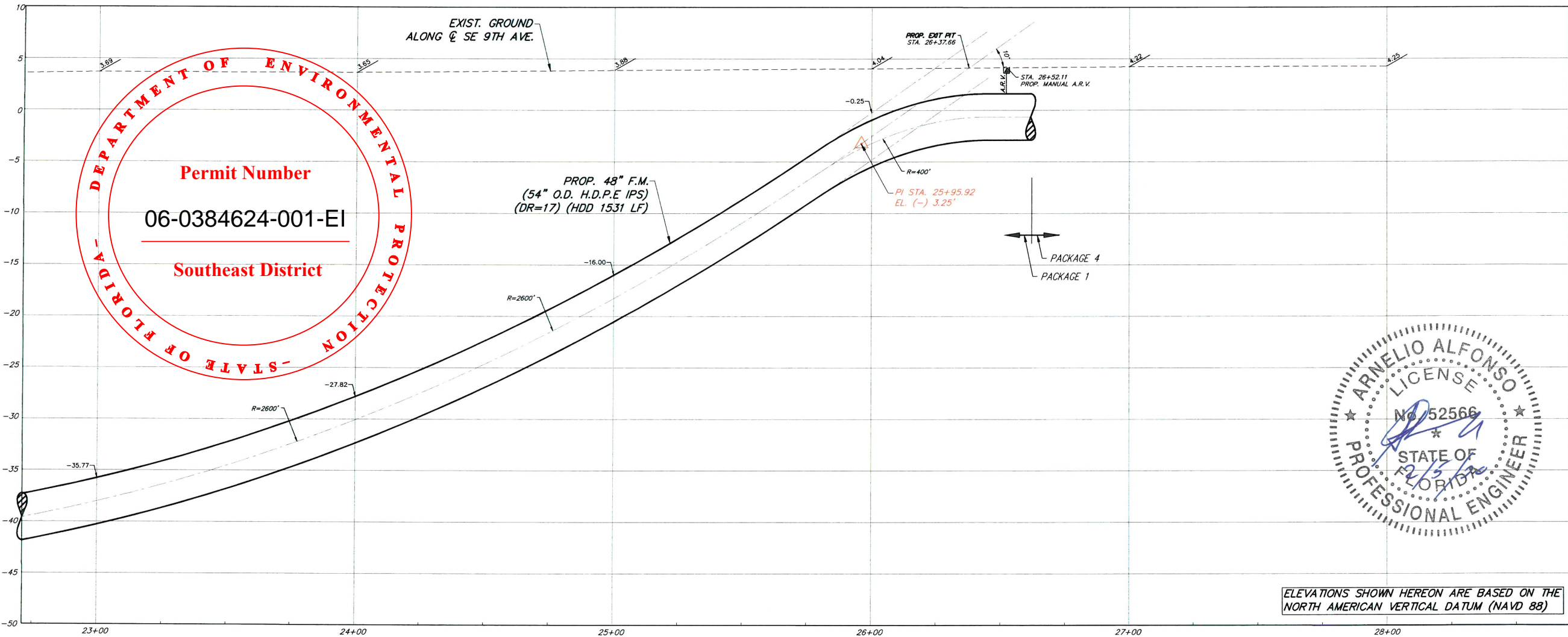
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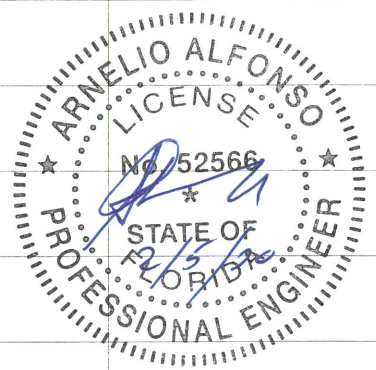




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- STATE OF FLORIDA -  
Permit Number  
06-0384624-001-EI  
Southeast District

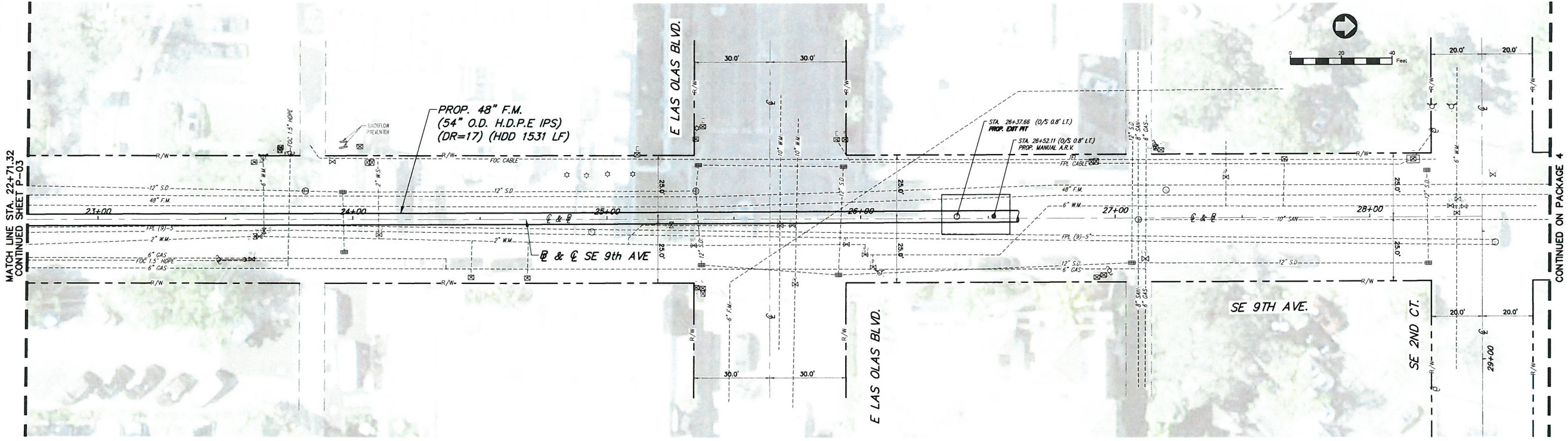


ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVD 88)

FOR PERMIT ONLY

PROJECT # 12567  
INSTALLATION OF NEW REDUNDANT  
BYPASS LINE (PACKAGE I)  
PERMIT PLANS

SHEET NO. 4  
TOTAL 4  
CAD FILE: 12567-004-PLAN  
DRAWING FILE NO. CAM 21 0990



CITY OF FORT LAUDERDALE  
PUBLIC WORKS DEPARTMENT  
ENGINEERING & ARCHITECTURE  
100 North Andrews Avenue, Fort Lauderdale, Florida 33301

REVISIONS		DESCRIPTION	
NO.	DATE	BY	CHKD

ENGINEER: ARNELIO ALFONSO  
REG. NO. 52566  
DATE: 02/05/2020  
DRAWN BY: R.L.  
DESIGNED BY: R.L.  
CHECKED BY: A.A.  
FIELD BOOK: 33301  
TEL: 305-582-7253  
FAX:



# Centerline Directional Drilling

## Frac-Out Contingency Plan



**Centerline Directional Drilling Service, Inc.**

P. O. Box 2705 ~ La Belle, FL 33975 ~ Office: 863-674-0913 ~ Fax: 863-674-0912

License#

CUC1225062

Email: [cdirectionaldrilling@hotmail.com](mailto:cdirectionaldrilling@hotmail.com)



## **1.0 Inadvertent Returns and Surface Spill Contingency Plan**

### **1.1 Drilling Fluid Releases**

Frac-out, or inadvertent release (or return) of drilling fluid, is a potential concern when horizontal directional drilling (HDD) is used under environmentally sensitive areas, including wetlands, streams and cultural areas. A frac-out occurs when the bore fluid seeps to the surface through cracks or voids in the soil. Drilling fluid and cuttings can migrate from the drilled hole to the surface, along a joint, fracture, or other paths of least resistance. Additional releases may also occur with the use of HDD equipment. The intent of the Frac-Out Contingency Plan (Plan) is to establish best practices and procedures for addressing the impacts associated with a frac-out. If executed correctly, the Plan will enable the following:

1. Minimize the potential for a frac-out;
2. Provide for the timely detection of frac-out events;
3. Protect areas that are considered environmentally sensitive;
4. Ensure an organized, timely, and "minimum-impact" response in the event a frac-out and release of drilling fluid.

Ensure that all appropriate notifications are made and to appropriate regulatory agencies in 24 hours and that documentation is completed.

Preventive measures are in place to ensure proper fluid selection for the geology encountered at the project site. During the drilling process, the drilling fluid pressure in the borehole shall also be closely monitored by trained and experienced technicians to ensure pressures remain within safe and effective limits.

The drilling contractor shall identify a qualified competent person to serve as a single point of contact onsite for implementing the frac-out plan. This person will be responsible for monitoring, documenting and reporting frac-outs to the project team and carrying out response actions as outlined in the frac-out plan.

### **1.2 Operational Contingency**

*The drill operators will perform the following contingency measures as necessary to stop discharges of drilling fluids:*

1. Decrease the drilling fluid circulation pressures when pressure increase on and off face. Any change in differential pressure will be expressly monitored.
2. Size the drill hole to remove blockages (i.e. cleaning the drill hole to remove potential blockages, thereby allowing the fluid to flow within the drill hole and not into the geologic formation)
3. Thicken the drilling fluid properties by adding bentonite pellets; and LCM (Loss Circulation Material)
4. If needed, restructure return line and establish flow from area by blocking and barricading the area. Returns when then either be pumped or vacuumed up by trucks and returned to site.

### **1.3 Regulatory Agencies:**

*Any presumed contamination observed, Centerline will contact appropriate regulatory agencies in the area.*

### **1.4 Frac-Out Overview**

#### **In the event of a surface fracture:**

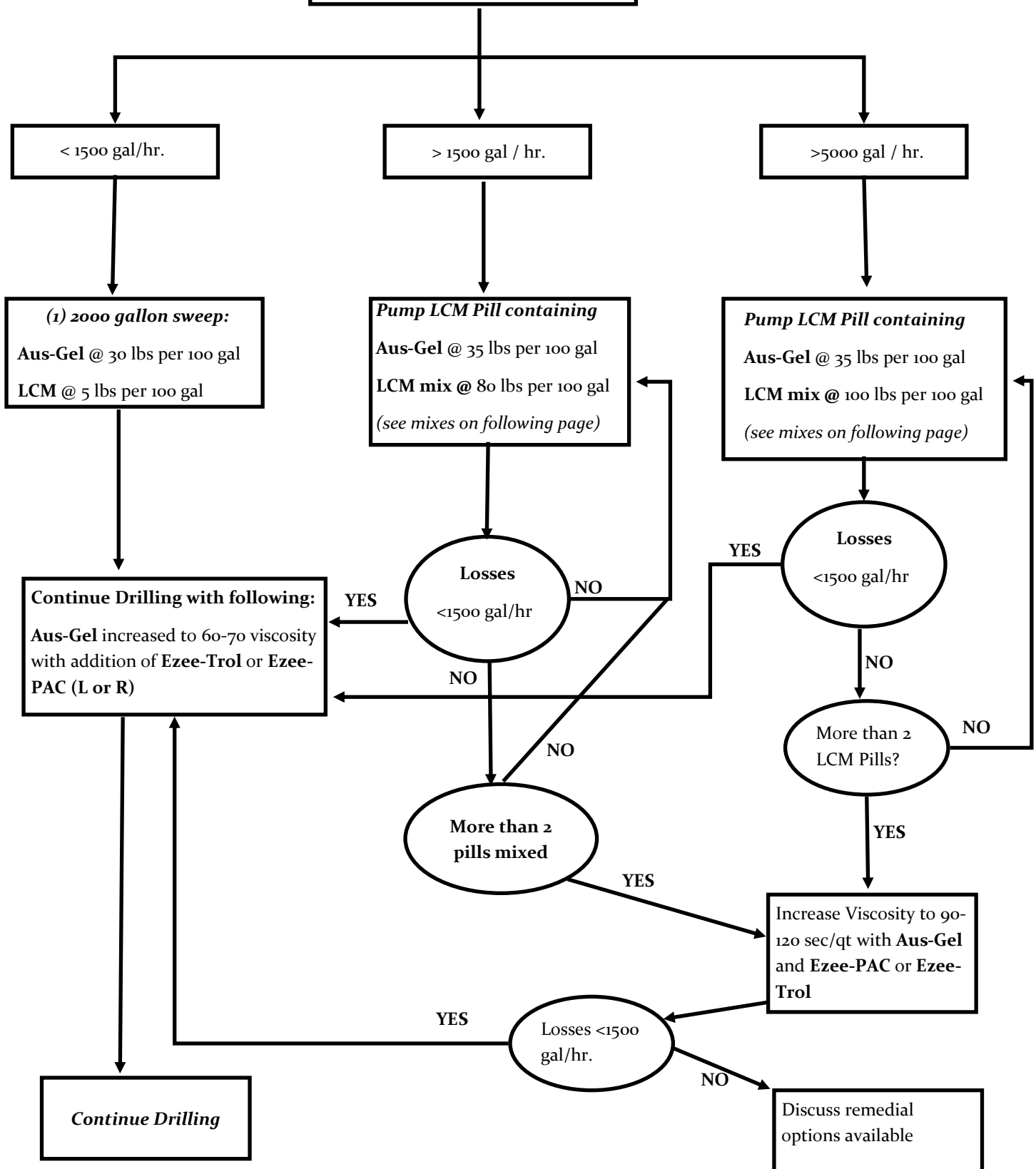
1. All drilling operations will stop
2. Appropriate personnel will be notified
3. Frac-out will be contained following particular site and contract specifications
4. Fluid will be vacuumed up
5. Drilling fluid and cutting will be removed and hauled off to disposal locations
6. Drill will be tripped out a minimum of two rods
7. Drill progression will stop until surface fractured is healed or sealed with plug

### ***1.5 Inadvertent Returns Management and Plan-of-Action***

1. Personnel will be designated for frac-out watch and will report back to site-supervisor and driller every half hour. Personnel will watch flow patterns of returns and communicate findings to supervisor. If returns are lost, driller will stop and trip rods to establish flow. If no flow established, follow flow-chart on Lost-Circulation discussion (Next page).
2. ***In the even of a bentonite spill or frac***, the job will be stopped and discharge contained utilising silt fences, hay bales, floating turbidity curtains, or temporary pits and berms with the mud relocated to safe zone via vacuum trucks; regulatory agencies notified per site specifications.
3. A vacuum truck shall be stationed on site to immediately assist in the clean-up.
4. Construction activities that would potentially contribute to the further discharge of Bentonite shall not resume until the cause of the discharge has been identified and addressed. Volume will be assessed and rods will be tripped out initially to help seal the fracture.
5. Follow Seepage/Inadvertent Returns Plan (listed below) if fracture cannot be managed
6. Monitor Area for further returns; continue drilling
7. Construction activities that would potentially contribute to the further discharge of Bentonite shall not resume until the cause of the discharge has been identified and addressed.
8. Disposal of wasted fluids, cuttings, and other waste ancillary to the HDD operations shall be done in accordance with regulatory jurisdictional requirements

## 2.0 Lost Circulation Discussion: Prevent and Manage Lost Returns

### Mud Losses/Seepage



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CAM 21-0999

Exhibit 2

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# LOST CIRCULATION DISCUSSION

## Lost Circulation / Seepage Action plan: (Surface/Intermediate)

Maintain the viscosity with **Aus-Gel** in the range of 50 – 60 sec/qt while drilling the porous sand formations.

- If coarse sand/gravel/broken rock is encountered, increase the viscosity of the circulating system to 90 – 120 sec. /qt. adding a fine LCM @ 1-2 lb/bbl until the gravel has been drilled allowing a wall cake to form. This will aid in sealing off the gravel and reduce losses to the formation. **Past experience has proven that establishing wall cake with bentonite is best practice and the most economical means of seal off the formation.**
- Mud weights at the flow line should be monitored closely. If the mud weight reaches 10.5 ppg or 10% with the sand content tube, circulate the hole clean or until the mud weight or sand content drops significantly. Monitor the ROP to insure the annulus does not pack off and cause lost returns or stuck pipe.
- Set up a pump in the shale and reserve pits to reuse mud that is lost over the shakers and hydro-cyclones. This will reduce the dilution rate and surface waste generated while drilling the surface hole section. Circulate the mud from the shale pit over a shaker and monitor the recycled mud's weight and LGS closely.
- Maintain sufficient LCM material on location if formation losses become a problem.
- If partial returns are lost, recommend pumping a viscosified LCM sweep. For losses < 100 bph, consider the following product mix and concentrations for the sweep:

PRODUCT	CONCENTRATION (ppb)
Aus GEL	12 ppb
COTTONSEED HULLS	5 ppb
Magma Fiber	10 ppb
SAW DUST	5 ppb
Drilling Paper	5 ppb

- If complete returns are lost, recommend spotting a more aggressive pill. It has been proven the waiting time has a direct effect on healing lost returns. For losses > 150 bph, consider the following product mix and concentrations for the pills.

PRODUCT	CONCENTRATION (ppb)
Aus GEL	15 ppb
COTTONSEED HULLS	5-10 ppb
Aus-Plug	10 ppb
MAGMA FIBER F	5 ppb
Saw Dust	10 ppb

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### 3.0 Employee Experience

Lauro Acevedo	16 Years Directional Drilling	Owner/Operator
Ferman Lopez	8 years	Forman/Pipe Fuser
Tolentino Martinez	9 Years	Operator
Nathan Trejo	8 years	Mud man, CDL Driver
Alberto Errequin	7 Years	Frac-out Monitor, Locator; CDL Driver
Luis brown	3 Years	Labourer/Rig Hand

#### CENTERLINE DIRECTIONAL DRILLING SKILLS & AREAS OF EXPIERENCE:

- o Over 18 years' experience in underground drilling
- o CDL Drivers with 18 years' experience
- o Machine Operators:
- o Forklift
- o Backhoe
- o Vermeer Machines (underground directional drilling)
- o Experienced Foreman with 10 years plus experience
- o Supervisors with over 8 years experiences
- o Job Coordinator
- o Project Managers and Drilling Fluid Consultants
- o Locator for underground utility tickets

#### COURSES & TRAINING:

*\*all above employees possess these training courses\**

- o ITE Training with Sunshine State One Call of Florida
- o Intermediate Maintenance of Traffic (MOT)
- o HDPE Pipe Fusion Training
- o First-aid & CPR
- o Job safety Training
- o Weather
- o (PPE) Personal Protection Equipment
- o Fire
- o Driving
- o Excavation

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#### 4.0 Policy Statement

It is Centerline Directional Drilling Services, Inc. belief that our people are our most important asset and the preservation of employee Safety and Health must remain a constant consideration in every phase of our business. We will provide the resources necessary to manage, control, or eliminate all safety and health hazards.

All employees are responsible for working safely and productively, as well as recognition and awareness of hazards in their work areas. Employees are also responsible for following safe work practices, including the use of Personal Protective Equipment (PPE) where necessary.

It is our belief that any safety and health program must have total employee involvement. Therefore, this program has management's highest priority, support, and participation.

PRODUCTION IS NOT SO URGENT THAT WE CANNOT TAKE TIME TO DO OUR WORK SAFELY.