

Florida Department of Environmental Protection

Southeast District Office 3301 Gun Club Road, MSC 7210-1 West Palm Beach, Florida 33406-3007 561-681-6600 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

Jonathan P. Steverson Secretary

March 10, 2016

NOTICE OF PERMIT

City of Miami Attn: Daniel J. Alfonso City Manager 444 SW 2nd Avenue Miami, Florida 33130 djalfonso@miamigov.com WACS Facility ID: 102720
County: Miami-Dade
Project: Curtis Park
Permit Number: 0340888 001 UC

Permit Number: 0340888-001-UC (Well DW-4)

Re: Permit to Construct one (1) Class V, Group 6 Stormwater Drainage Well for the use of stormwater drainage only

Dear Mr. Alfonso:

Enclosed is the permit cited above to construct one (1) Class V, Group 6 Stormwater Drainage Well, for the use of stormwater drainage only, issued pursuant to Chapter 403, Florida Statutes (F.S.).

The Southeast District of the Florida Department of Environmental Protection's (Department or FDEP) proposed action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant, any of the parties listed below or by any other person must be filed within fourteen days of receipt of this written notice. A petitioner other than the applicant 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 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 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it.

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Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.).

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

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department 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 on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

A party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the 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 must be filed within thirty days after this order is filed with the clerk of the Department.

For questions or further information, please contact Mark Silverman, P.G. at 561-681-6778 mark.silverman@dep.state.fl.us, of the UIC Program in West Palm Beach.

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Permit Number: 0340888-001-UC

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

John Kent Edwards

Date

3/10/16

Environmental Administrator

Southeast District

JKE/MS

EC: Joe Haberfeld, P.G., FDEP/TLH – joe.haberfeld@dep.state.fl.us
Kent Edwards, FDEP/WPB – kent.edwards@dep.state.fl.us
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Michelle Schuyler, Miami-Dade RER - schuym@miamidade.gov

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FILING AND ACKNOWLEDGMENT

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this		ERMIT ISSUANCE and all copies
were mailed before the close of business o	on <u>3/10/16</u>	to the listed persons.
were mailed before the close of business o	3/10/16	
	3/10/10	
Clerk	Date	

 $Oculus: UIC/Permitting\ Authorization/102720/Permit\ Final/Construction/Class\ V-non\ ASR/0340888-001/0340888-001-UC\ /Permit\ Stwtr\ Well\ DW-4$



Florida Department of Environmental Protection

Southeast District Office 3301 Gun Club Road, MSC 7210-1 West Palm Beach, Florida 33406-3007 561-681-6600 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

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March 10, 2016

PERMITTEE:

City of Miami Attn: Daniel J. Alfonso City Manager 444 SW 2nd Avenue Miami, Florida 33130 djalfonso@miamigov.com WACS Facility ID: 102720 County: Miami-Dade Project: Curtis Park

Permit Number: 0340888-001-UC (Well DW-4)

Date of Issue: March 10, 2016 **Expiration Date:** March 9, 2017

Re: Permit to Construct one (1) Class V, Group 6 Stormwater Drainage Well for the use of stormwater drainage only

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and Chapter 62-528, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT: One (1) Class V, Group 6 Stormwater Drainage Well for stormwater drainage only.

IN ACCORDANCE WITH: FDEP Application Form 62-528.900(3), F.A.C., received on January 14, 2016, including the Reasonable Assurance Report (RAR) titled "Gerry Curtis Park, 1901 NW 24th Avenue, Miami, Florida 33125"; supplementary information received on February 12, 2016; and the conditions set forth in this permit.

FACILITY ADDRESS – Location of Project: 1901 NW 24th Avenue, Miami, Florida 33125.

GEOGRAPHIC LOCATION OF WELL:

Well Name	Latitude	Longitude	WACS Well ID
DW-4	25° 47' 28.10" N	80° 14' 06.81" W	4DW-4

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DRAINAGE WELL DIMENSIONS: The proposed well shall be constructed with 24-inch diameter steel casing. The depth of casing for the well shall satisfy Specific Conditions 4 and 9 of this permit (**Reasonable Assurance regarding impacts to Underground Source of Drinking Water (USDW) and surface water bodies).** According to the Reasonable Assurance Report (RAR) submitted with the application, the proposed minimum final casing depth is approximately 85 feet bls (-80 feet NGVD). Substantial changes to the casing depth recommended in the RAR will be based on field conditions and are subject to Department review and approval.

WATER WELL CONTRACTOR: To Be Determined, Reference Specific Condition 2.

SUBJECT TO: General conditions, specific conditions, and special conditions of this permit.

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GENERAL CONDITIONS:

The following general conditions shall be applicable to this permit per the requirement of Rule 62-528.307, Florida Administrative Code (F.A.C.):

- 1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to section 403.141, F.S.
- 2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.
- 3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
- 4. This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- 5. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- 6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

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- 7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of this permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.

- 8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- 9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- 10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

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11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

- 12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
- 13. All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.
- 14. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.
- 15. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- 16. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 17. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
- 18. This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 19. All reports and other submittals required to comply with this permit shall be signed by a person authorized under rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in rule 62-528.340(4), F.A.C.
- 20. The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility.

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21. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity which may result in noncompliance with permit requirements.

- 22. The permittee shall report any noncompliance which may endanger health or the environment including:
 - a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or
 - b. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

23. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

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SPECIFIC CONDITIONS:

Part I: Requirements for Stormwater Drainage Well Construction and Submittals

- 1. Any construction, modification, repair, or abandonment of a well shall be performed by a Florida Licensed Water Well Contractor ("Contractor"), licensed in accordance with Chapter 62-531, Florida Administrative Code (F.A.C.), to engage in the business of construction, modification, repair or abandonment of a well. The stormwater drainage well shall be constructed in accordance with the plans and specifications submitted to the Department by the Contractor stated on Page 1 of this permit.
- 2. Before start of any stormwater drainage well construction, the permittee shall provide the Department with Page 1 of FDEP Form 62-528.900(3), completed and signed by the Contractor, as selected by the permittee; and shall provide the Department with a cover letter, with the following information concerning the Contractor: (a) name; (b) title; (c) direct E-mail address; (d) Florida State License number; (e) company name and mailing address; and (f) direct phone number.

If the owner/permittee wishes to *subsequently* utilize the services of another Florida Licensed Water Well Contractor, the owner/permittee shall submit, in writing, a letter requesting the change in Contractor. The request for the change of Contractor will constitute the issuance of a minor modification to the existing permit and shall be accompanied by the appropriate fee for the request. The following procedure should be followed when requesting a change in Contractor:

- a. The completed application, FDEP Form 62-528.900(3), F.A.C., shall be submitted prior to the commencement of any construction of the stormwater drainage well; or
- b. In all other cases, where the commencement of construction of the stormwater drainage well has started, but the owner/permittee decides to utilize the services of another Contractor, the completed application, FDEP Form 62-528.900(3), F.A.C., shall be submitted within three business days of the hiring of the new Contractor.
- 3. In accordance with Rule 62-528.635(3), F.A.C., upon completion of the construction of the well, the Contractor shall certify with the Department that the well has been completed in accordance with the approved construction plan. The Contractor shall develop the well and shall submit the following information within thirty (30) days after completion of the well to the FDEP West Palm Beach office before the well can be put into service:
 - a. A Certification of Class V Well Construction Completion, FDEP Form 62-528.900(4), F.A.C.;

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b. A copy of the South Florida Water Management District, Well Completion Report, Form Number 0124, Revised November 1990 or a copy of the State of Florida Completion Report, Form LEG-R.005.02 (June 2010);

- c. Additional submittals may be required for the individual County permitting authorities or the South Florida Water Management District;
- d. A water quality analysis report from a Florida Licensed Laboratory, see Specific Condition 6 below;
- e. A "Certificate" in accordance with Rule 62-528.340(4), F.A.C., to read as stated below:
 - "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including that possibility of fine and imprisonment for knowing violations."
- f. The above documents shall be sent to the Florida Department of Environmental Protection, Southeast District, Underground Injection Control Program, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406-3007.
- g. In accordance with Chapter 62-528.635(4), F.A.C., if the permittee/owner demonstrates that the operation of the well will not adversely impact an underground source of drinking water (USDW), the Department shall issue an Authorization to Use the Class V well, which is non-renewable and non-expiring. No injection test shall be performed prior to the Department approval. However, pump out tests can be performed to estimate the well capacity. The pumped out water can be disposed of in accordance with the requirements of the county in which the well is located.
- 4. The construction of the stormwater drainage well shall be such that the casing depth shall be as proposed in the Reasonable Assurance Report (RAR) and that:
 - a. The well casing shall penetrate a zone containing a minimum of 10,000 mg/L of Total Dissolved Solids (TDS);
 - b. The well casing shall be set deep into or below an aquitard (confining or semi-confining strata); and
 - c. In accordance with the Reasonable Assurance Report (RAR), and other submittals referenced on the first page of this permit, the stormwater drainage well shall be constructed as proposed and the RAR shall be satisfied.

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5. After construction of the well, a bar screen seal having a mesh openings no larger than 1.5-inches O.C. will be securely attached to the top of the well casing, to prevent the introduction of foreign material.

- 6. A water sample shall be collected from the stormwater drainage well after completion of construction. The water sample shall be properly collected and the analysis performed by a Florida Certified Laboratory. The water sample collected from the stormwater drainage well shall be analyzed for Total Dissolved Solids (TDS) and submitted to the Department within thirty (30) days with the well completion report.
- 7. In accordance with Rule 62-532.500(4)(a), F.A.C., whenever there is an interruption in work on the stormwater drainage well, such as overnight shutdown, the well opening shall be sealed with a tamper resistant cover. Any unused well shall be capped in a watertight manner with a threaded, welded, or bolted cover or valve.
- 8. In accordance with Rule 62-532.500(3)(i)4, F.A.C., for any part of a well casing with an outside diameter of four inches or larger intended to be installed in a borehole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two-inch thickness of neat cement grout. Grouting of the annular space shall be completed using the tremie pipe or other equivalent method approved by the permitting authority. The grouting method and the number of bags or volume of cement grout shall be recorded on the Well Completion Report for the well.
- 9. In accordance with the Reasonable Assurance Report (RAR), and other submittals referenced on the first page of this permit, the stormwater drainage well shall be constructed as proposed.

Part II: Requirements for Authorization To Use the Stormwater Drainage Well

No fluid shall be discharged into the stormwater drainage well without written Authorization to Use the well from the Department.

The Department will issue a letter, the "Authorization To Use" the stormwater drainage well, upon submittal and satisfactory review of the information required in Specific Conditions 1 through 9. In accordance with Rule 62-528.635(4), F.A.C., if the permittee/owner demonstrates that the operation of the well will not adversely impact an underground source of drinking water (USDW), the Department shall issue an Authorization to Use the well. This Authorization is non-renewable and non-expiring.

10. In accordance with Rule 62-528.635(4), F.A.C., the Department authorizes the use of the Class V, Group 6, Stormwater Well to be used to drain surface fluid, primarily stormwater run-off, into a subsurface formation.

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11. In accordance with Rule 62-528.110(2), F.A.C., it is the intent of this Chapter 62-528, F.A.C., that the injection of wastes underground shall not adversely interfere with any designated use of ground water as specified in Rule 62-520.410(1), F.A.C., or cause violations of water quality standards in underground sources of drinking water (USDW).

- 12. In accordance with Rule 62-528.307(1)(p), F.A.C., any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial for a permit renewal application.
- 13. The permittee/owner or designated operator of the Class V Stormwater Drainage Well shall properly operate and maintain the well, method of treatment and control in such a manner that the well operates efficiently at all times. The permittee/owner or designated operator shall make an inspection on a regular basis to ensure the well is operating properly. All debris from the well structure/settling tank (e.g. leaves, sand, branches and oil) should be removed and disposed of properly. The Department shall be notified of any modification or repair to any part of the stormwater drainage well.
- 14. In the event the owner/permittee is temporarily unable to comply with any of the conditions of a permit due to breakdown of equipment, power outages, destruction by hazard of fire, wind, or by other cause, the owner/permittee of the facility shall notify the Department. Notification shall be made in person, by telephone, or by electronic transmission within 24 hours of breakdown or malfunction to the office of the Department that issued the permit. A written report of any noncompliance shall be submitted to the appropriate district office within five days after its occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions.
- 15. In accordance with Rule 62-528.645, F.A.C., the owner/permittee or operator of any Class V well shall apply for a plugging and abandonment permit when the well is no longer used or usable for its intended purpose or other purpose as approved by the Department. The application, FDEP Form 62-528.900(6), F.A.C., shall include the proposed plugging plan and justification for abandonment. Plugging shall be performed by a Florida Licensed Water Well Contractor.

SPECIAL CONDITIONS:

1. The owner/permittee shall obtain all necessary permits or letters of exemption from the Florida Department of Environmental Protection (FDEP), South Florida Water Management District (SFWMD) or other County Permitting Authorities.

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- 2. The owner/permittee may contact the following individuals for more information:
 - a. Indarjit Jagnarine, of the Florida Department of Environmental Protection (FDEP), Environmental Resource Permitting Section, West Palm Beach, at (561) 681-6640, indarjit.jagnarine@dep.state.fl.us; or
 - b. Carlos DeRojas, of the South Florida Water Management District (SFWMD), West Palm Beach, at (561) 682-6505, cderojas@sfwmd.gov; or
 - c. Lee Hefty, of the Miami-Dade, Regulatory and Economic Resource Department (RER), Miami, at (305) 372-6754, heftyl@miamidade.gov; and
 - d. Ashley Resta, Broward County Environmental Protection and Growth Management Department, at (954) 519-1473, aresta@broward.org.
- 3. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorization prior to the start of any activity approved by this permit.
- 4. For any stormwater drainage well located seaside of the Coastal Construction Control Line (CCCL), the permittee shall obtain all necessary permits from the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, located at 3900 Commonwealth Boulevard, Mail Station Number 310, Tallahassee, Florida 32399-3000.

No construction of the stormwater drainage well shall begin until all necessary permits or letter of exemption have been obtained.

Issued this ______ day of ________, 2016

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

John Kent Edwards

Environmental Administrator

Southeast District

JKE/MS