

GENERAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
28-Oct-2009
APPLICATION #: 114354-3

Applicant: Jim Stivender
Lake County Department of Public Works
123 N Sinclair Ave
Deer Island, FL 32778-3229
(352) 343-9655

Owner: Lake County Board of County Commissioners
315 W Main St
Tavares, FL 32778-3813
(352) 483-9005

Project Name: Hartwood Marsh Road-Phase I, Pond 2 Modification
Acres Owned: 10.75
Project Acreage: 10.75
County: Lake
STR:

Section(s):	Township(s):	Range(s):
9,10	23S	26E

Receiving Water Body:

Name	Class
Unnamed Wetlands	III Fresh

Authority: 40C-4.041(2)(b)4
Existing Land Use: Improved Pastures(2110)
Mitigation Drainage Basin: Southern Ocklawaha River
Special Regulatory Basin: Ocklawaha River
Final O&M Entity: Lake County
ERP Conservation Easements/Restrictions: No
Interested Parties: No
Objectors: No

Authorization Statement:

Modification and operation of a Surface Water Management System with stormwater treatment by retention for Hartwood Marsh Road-Phase I, Pond 2 Modification, a 10.75 - acre project to be constructed as per plans received by the District on August 24, 2009.

Recommendation: Approval

Reviewers: Ruth Grady; Steve Williams

Staff Comments

Project Location and Brief Description:

The proposed project is associated with the widening of Hartwood Marsh Road beginning from the intersection of US Highway 27 and extending east for a distance of 0.998 miles. It includes the modification of the originally proposed master dry retention system Pond 2 to reflect a smaller size and layout.

Permitting History:

Previous permits that have been issued for this project include the 40-069-114354-1 and the 40-069-114354-2 series.

Engineering

In the previously permitted condition, the basin areas contributing runoff to master Pond 2 consisted of a 957 linear foot section of the future South Hancock Road extension, as well as STA. 138 + 50.00 to STA. 152+ 39.00 of the Hartwood Marsh Road improvements and 0.52-acres of off-site basins directly adjacent to Hartwood Marsh Road. The previous permit provided for the construction of Pond 2 on the First Baptist Church of Clermont property and designed to include the water quality and quantity requirements from the Church property when it was fully developed, assuming a maximum imperviousness of 80% at build-out.

The applicant has now indicated that the scope of the originally proposed project has changed, thus necessitating the need for this application for modification. The First Baptist Church of Clermont wishes to provide for the water quality and quantity requirements from the future development of the 30.53-acre church property (assuming a maximum imperviousness of 80%) in a separate system and disassociate with the master joint use Pond 2 facility.

Because of the 30.53-acre reduction in basin area, the size and layout of the originally proposed Pond 2 will be modified to reflect a smaller size and layout. The modified Pond 2 will continue to accommodate the water quality and quantity requirements from a 957 linear foot section of the future South Hancock Road extension, as well as STA. 138 + 50.00 to STA. 152+ 39.00 of the proposed roadway and the 0.52 acres of adjacent off-site basins.

The project as modified will continue to meet all of the applicable conditions for issuance pursuant to 40C-4, 40C-41, and 40C-42 Florida Administrative Code.

This authorization to construct will expire on August 14, 2013.

Flood Protection:

According to the FEMA Flood Insurance Rate Map (FEMA FIRM), the proposed project does not encroach within the 100-year flood plain.

Special Basin Criteria:

The proposed project is located in the Ocklawaha River Hydrologic Basin. The applicant has provided calculations demonstrating that the post-development peak rate of discharge does not exceed the pre-development peak rate of discharge for the 10-year, 24-hour storm event.

Environmental

Site Description:

The pre-development site conditions of the 10.75-acre project include abandoned citrus groves that were converted to grazing pasture. The project area is entirely located in uplands. The surrounding land uses consist of residential and agricultural lands. There are no wetlands within or adjacent to the project area.

Impacts: *Subsection 12.2.2, ERP A.H., states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

The applicant is not proposing any wetland or other surface water impacts.

Secondary impacts: *Subsection 12.2.7, ERP A.H., contains a four part criterion which addresses additional impacts that may be caused by a project: (a) impacts to wetland functions that may result from the intended use of a project; (b) impacts to the upland nesting habitat of listed species that are aquatic or wetland dependent; (c) impacts to significant historical and archaeological resources that are closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) wetland impacts that may be caused by future phases of the project or activities that are closely linked and causally related to the project.*

The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in subsection 12.2.7, A.H. There are no wetlands or other surface waters within or adjacent to the project boundaries. The project is sufficiently distant from the offsite wetlands and other surface waters as to provide reasonable assurance that no secondary impacts will result from the proposed works. No evidence was observed that would indicate that the uplands on the site are being utilized by aquatic and wetland dependent species for nesting and denning. There are no known historical or archaeological resources of significance on, or adjacent to the site, that could be adversely affected by the proposed activities. No known future phases are anticipated. Therefore, it has been determined that the applicant has provided reasonable assurances that the proposed activities will not result in unacceptable secondary impacts, as defined in subsection 12.2.7, A.H.

Elimination/Reduction of Impacts: Pursuant to subsection 12.2.1, ERP A.H., the applicant must consider practicable design modifications, which would reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification which is not technically capable of being done, is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable".

The applicant is not proposing any adverse impacts; therefore, elimination or reduction of impacts is not applicable for this project.

Mitigation:

The applicant is not proposing any adverse impacts; therefore, mitigation of impacts is not applicable for this project.

Cumulative Impacts: Subsection 12.2.8, ERP A.H., requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Mitigation, which offsets a project's adverse impacts within the same basin as the project for which a permit is sought is presumed to not cause unacceptable cumulative impacts.

The applicant is not proposing any adverse impacts; therefore, a cumulative impacts analysis is not applicable for this project.

Special Basin Criteria

The project is located within the Southern Ocklawaha River Hydrologic Basin, which does not have any Riparian Habitat Protection Zones or other protection areas to affect this project.

Summary:

The proposed project is consistent with the wetland review criteria in sections 12.2 - 12.3.8, A.H. The applicant has provided reasonable assurance that the proposed project is consistent with the design criteria and objectives of the District as set forth in Chapters 40C-4, 40C-41, and 40C-42, F.A.C., and that the proposed project meets all applicable conditions for permit issuance pursuant to sections 40C-4.301, and 40C-4.302, F.A.C.

Conditions

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an

Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.

8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.
9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-

built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings: 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers; 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters; 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate; 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system; 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system; 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
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 specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
23. This authorization to construct will expire on August 14, 2013.

24. This permit does not authorize any work in, on, or over wetlands or other surface waters.
25. The proposed surface water management system must be constructed and operated as per plans received by the District on August 24, 2009.
26. The operation and maintenance entity shall inspect the surface water management system within one year after the completion of construction and every year thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.