

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
13-Dec-2017
APPLICATION #: 41378-3

Applicant: William Geiler
Andoc, LLC
731 E Highway 50
Clermont, FL 34711-3109
(352) 394-6624

Owner: William Geiler
Andoc, LLC
731 E Highway 50
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(352) 394-6624

Consultant: Christopher Germana
Germana Engineering and Associates
1120 W Minneola Ave
Clermont, FL 34711-2054
(352) 242-9329

Project Name: Eastside Veterinary Hospital
Acres Owned: 1.92
Project Acreage: 1.92
County: Lake
STR:

Section(s):	Township(s):	Range(s):
27	22S	26E

Receiving Water Body:

Name	Class
Unnamed borrow pit to the east	III Fresh

Authority: 62-330.020 (2)(c) , 62-330.020 (2)(b), 62-330.020 (2)(d)
Existing Land Use: Commercial and Services(1400)
Mitigation Drainage Basin: Southern Ocklawaha River
Special Regulatory Basin: Ocklawaha River , Lake Apopka Basin
Final O&M Entity: Andoc, LLC
ERP Conservation Easements/Restrictions: No
Interested Parties: No
Objectors: No

Authorization Statement:

Authorization of a Stormwater Management System for Eastside Veterinary Hospital, a 1.92 - acre project to be constructed and operated as per plans received by the District on December 11, 2017, as amended by Sheet C-5 of the plans received by the District on December 12, 2017.

Recommendation: Approval

Reviewers: Allyson Burke; Carmen Cadenas

Staff Comments

Project Applicant and Sufficient Real Property Interest: *Under rule 62-330.060, Florida Administrative Code (F.A.C.), and subsection 4.2.3(d), Environmental Resource Permit Applicant's Handbook Volume I (ERP A.H. Volume I), a permit applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted.*

The permit applicant is the record title holder over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The proposed project is located at 15016 Pine Valley Boulevard within unincorporated Lake County, Florida. The project site is bordered by a 2 lane road to the north and west, developed industrial property to the east, and vacant property to the south.

The applicant proposes to construct a new 8,519 SF building, asphalt parking area and a dry retention stormwater pond on Lots 8 and 9.

Permitting History:

Permit 42-069-41378-1, issued on May 2, 1988, authorized the construction of the Pine Valley Industrial Park development, which included roadway infrastructure for adjacent lots (Tracts A and B), and a drainage system consisting of swales and dry retention ponds. The drainage system was not designed to account for runoff for the post-development condition for the lots.

Permit 42-069-89927-1, issued on August 21, 2003, authorized the construction of two buildings with parking and one dry retention pond on Lots 8 and 9. This project was never built.

The proposed activity as outlined on your ERP application and attached drawings does not qualify for federal authorization pursuant to the State Programmatic General Permit V (SPGP V) or SAJ-111 Coordination Agreements, therefore a SEPARATE permit or authorization may be required from the Corps. You may need to apply separately to the Corps using the appropriate federal application form. More information about Corps permitting may be found online in the *Jacksonville District Regulatory Sourcebook*. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

Engineering

Description of Project (Surface Water Management System):

The applicant proposes the construction of a 8,519 SF building, asphalt parking area and a stormwater management system. The dry retention pond will be located in the south section of the project area. Stormwater runoff from the site and contributing area will be conveyed to the proposed stormwater management system via stormwater inlets and pipes for water quality treatment. Discharge from the system is to the north as in the pre-development condition.

Water Quality:

The dry retention pond is designed to provide water quality treatment in accordance with the design criteria in Section 5.0, ERP A.H. Vol II for discharge to Class III waters.

Flood Protection:

The proposed project does not exceed any of the thresholds listed in Section 3.1 ERP A.H. Vol II and is a new construction project with less than 50% impervious area (excluding waterbodies). Therefore, flood protection requirements are not applicable.

Special Basin Criteria:

The project is located within the Ocklawaha River Hydrologic Basin. However, the project does not exceed any of the thresholds listed in Section 3.1 ERP A.H. Vol II. Therefore, the specific flood protection requirements for the Ocklawaha River Hydrologic Basin are not applicable.

The project is also located in the Lake Apopka Hydrologic Basin within a land-locked basin. The applicant has demonstrated that the post-development volume of direct runoff does not exceed the pre-development volume of direct runoff for the 25-year frequency, 96-hour duration storm; thus, meets the criteria in Section 13.7(a)(1)iii, ERP A.H., Vol II for phosphorous loading.

Operation and Maintenance:

The applicant will operate and maintain the system in accordance with Sections 12.3.1 and 12.4 ERP A.H. Vol I.

Environmental

Site Description:

The site consists of an upland parcel within a highly urbanized region of Clermont. No wetlands or other surface waters occur within the project boundaries or adjacent to the site, and no adverse impacts will occur pursuant to subsections 10.2.1 and 10.2.8, ERP A.H., Volume I.

The project meets the secondary impact criteria of subsection 10.2.7, ERP A.H., Volume I, as follows:

- the project is sufficiently distant from offsite wetlands and other surface waters to ensure that the project will not cause unacceptable adverse secondary impacts to their functions;

- no evidence was observed that the upland portions of the site are being utilized by bald eagles, and aquatic and wetland dependent listed species for nesting and denning;
- no adverse impacts to cultural resources are anticipated; and
- there are no known future phases or expansion, or very closely linked and causally related on-site or off-site activities that would result in adverse impacts.

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

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 District 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 District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, a

District 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:
 - 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 District in writing of changes required by any other regulatory District 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 District 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 District 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, District 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 District 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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. 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.
21. 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.
22. In accordance with the monitoring requirements of Section 13.7(b)(2) of the ERP Applicant's Handbook, SJRWMD Volume II (October 1, 2013), the permittee shall

monitor water elevations in the stormwater management system for ten years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that the system is not recovering storage in accordance with the permitted design or causes water to be discharged to Lake Apopka or its tributaries for events less than the 100-year 24-hour storm event, then the permittee shall either perform maintenance that brings the system into compliance or obtain a modification to the permit and implement measures to bring the system into compliance, and in either event the monitoring shall continue for three years after the date the system is brought into compliance.

23. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years 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 and contact information 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 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

24. The proposed project shall be constructed and operated as per plans received by the District on December 11, 2017, as amended by Sheet C-5 of the plans received by the District on December 12, 2017.