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ERIC T. OLSEN

ORIGINAL

May 3, 2000

Blanca Bayó
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Dana Utility Corporation
Docket No. 991632-WS

RECEIVED-FPSC
00 MAY -3 PM 4:42
RECORDS AND REPORTING

Dear Ms. Bayó:

At its Agenda Conference on March 28, 2000, the Commission discussed a request by Dana Utility Corporation ("Dana") for an extension of time until August 20, 2000 to file its application for initial rates and charges.

During the discussion, the Commissioners asked a number of questions regarding the need for service in the territory and the status of service to a school site within the territory. The Commission directed the staff to explore these issues further, and to file a more detailed recommendation for a future Agenda Conference.

On April 3, 2000, representatives of Dana met with the staff to provide updated information on the status of the utility. At the end of that meeting, Dana agreed to provide the updated information in writing, along with its response to several of the concerns raised by the Commissioners. This letter constitutes that response.

Status of Utility and Land Development Project

As stated in its application for a certificate, Dana was formed to provide service to a 2,100 acre mixed-use development located in the Sand Hills area of Bay County. The Lake Merial

- AFA
- APP
- CAF
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- CTR
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- LEG
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- OPC
- RRR
- SEC
- WAW
- OTH

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R.V.N.
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
05540 MAY-38
FPSC-RECORDS/REPORTING

development is being undertaken by Lake Merial Development Company, Inc., which is the sole stockholder of Dana.

All of the property within the Lake Merial development is owned by Lake Merial Development Company ("Developer"), with the exception of a school site which was dedicated to the Bay County School Board by the Developer in October 1998 and a utility plant site which was conveyed to Dana on February 28, 2000. (Copies of the deeds are attached as Exhibits A and B.)

The development of a major project requires numerous permits and authorizations from a variety of state and local agencies. The critical step in this permitting process culminated on February 2, 1999, with the entry of a Development Agreement between the Developer and Bay County, Florida. (A copy of this agreement was attached as Exhibit B-1 to Dana's original certificate application.) That agreement became effective in mid-March, 1999, thirty days after its receipt by the Department of Community Affairs. (Agreement ¶18.b) Bay County reaffirmed its approval of the project by issuing a Final Development Order that became effective on January 31, 2000.

Under the Development Agreement, the Developer is required to provide a potable water system and a sanitary sewer system to serve the property. (Agreement ¶7) In addition, the Developer dedicated approximately 30 acres of land to the Bay County School Board for the construction of a public school to serve the area. (Agreement ¶11) The school site was to revert to the Developer if the School Board failed to construct a school on the site within 5 years. After the property was dedicated, the School Board moved quickly to begin construction, and the school is scheduled to open in August 2000.

After receiving development approval, the Developer began the process of design and permitting for the utility systems. The current status of these permitting efforts is as follows:

- DEP Water Distribution System Dry Line Permit: Issued August 12, 1999
- DEP Sanitary Collection System Dry Line Permit: Issued October 25, 1999

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- PSC Certificates: Issued 2/3/00
- DEP Well & WTP
Construction Permit: Issued 3/21/00
- DEP WWTP Construction Permit:
 - o Notice of Intent 4/5/00
 - o Applicant Protest period ends 4/12/00
 - o Planned publication date 4/28/00
 - o Protest period ends 5/12/00
- WMD Consumptive Use Permit: Protest period ended 4/25/00
Board approved 4/27/00

Copies of these permits are attached for your reference as Exhibits C through G.

Under Section 367.031, Florida Statutes, the issuance of the PSC certificates is a prerequisite to the issuance of both the DEP and Water Management District permits. In order to expedite the PSC permitting process, and hence the issuance of the necessary DEP and WMD permits, Dana requested and received a temporary waiver of the requirement to file the information necessary to establish initial rates and charges for the utility. Without the waiver, the PSC certificate filing would have been delayed, and the final issuance of the necessary environmental permits would likewise have been delayed.

In addition to (or as part of) filing for the necessary permits, the following utility-related activities have been completed:

1. Organization of Dana
2. Hiring of engineering, management and legal consultants
3. Conveyance of utility plant site to Dana
4. Design of wastewater treatment plant and water treatment plant
5. Bidding and entry of construction contract for wastewater treatment plant and water treatment plant
6. Bidding for construction of lines between plant site and school site

7. Bidding for construction of percolation ponds
8. Construction of road to utility plant site
9. Construction of roads in vicinity of school site

Recently, the principal stockholder of the Developer entered into negotiations for the sale of the Lake Merial Development, including the utility. Those negotiations are proceeding in good faith and are currently expected to result in a sale of the project in May 2000. After a contract is finalized, an application will be filed with the Commission for approval of the transfer (or change in control) of Dana.

The expected sale of the development has not impacted the permitting processes for the utility facilities. The well and water treatment plant construction permit was issued on March 21, 2000. The required consumptive use permit just became final on April 27, 2000 and the wastewater treatment plant construction permit is expected to become final by May 15, 2000. Even without the sale of the development, the construction of the WWTP would not have begun before the DEP construction permit becomes final.

Because a new owner of the project may wish to propose changes to the project phasing, the expected transfer also impacts the calculation of initial rates, which under the PSC's rules should be designed to recover costs when the Phase I utility facilities have reached 80% of design capacity. For this reason, Dana requested a six month extension of time, until August 20, 2000, to file its application for initial rates and charges.

Due to the possibility that Dana's facilities will not be completed in time to support the opening of the school in August, 2000, the School Board is proceeding with permitting for package plants to provide initial service to the school. The School Board and Lake Merial are expected to execute a Roadway and Easement Agreement within the next several weeks. (A copy of draft of this agreement is attached as Exhibit H.) Dana understands that the School Board does not desire to operate the package plants for the long term, and that the school will ultimately connect to Dana's central utility systems.

Need For Service

During the Agenda Conference, one of the Commissioners asked whether there has been a change in the need for service in the certificated territory since Dana's application was filed in October 1999.

There has not. Regardless of the ownership of the project, the Lake Merial development has now acquired, or is in the final stages of acquiring, all permits and authorizations necessary to proceed with the development and construction of the utility. While a change in ownership may result in some delay in the beginning of residential development, this is no different than the delays that are experienced with any large scale land development project.

What is unusual about this case is that the start of development has been on a fast track that already compressed the time between the obtaining of PSC, DEP and WMD authorizations and the initial need for utility service. In the typical case of a new utility, utility service is not needed for 12-24 months after all certificates are in hand. Because PSC certification is a prerequisite to issuance of the environmental permits, this means that PSC certification is typically obtained at least 12 months, and frequently more, before retail service commences.

In this case, the initial need for service to the school site comes only four months after Dana's permitting is completed.

Importantly, Section 367.111, Florida Statutes, recognizes that development within a certificated territory does not occur overnight. Under subsection (1), the Commission may review a certificate, and amend or revoke it, "if utility service has not been provided to any part of the area which a utility is authorized to serve. . .within 5 years after the date of authorization for service to such part."

In this case, even with the potential change in ownership, service is still expected to begin within 12 months after the PSC certificate was issued in February, 2000. This is well within the parameters that the Legislature established in Section 367.111.

Possible Certificate Revocation or Cancellation

During the Agenda Conference, Commissioner Jaber asked why the Commission should not simply cancel Dana's certificate and entertain a new certificate application from the new owner once the sale of the project has been completed.

There are several reasons. First, the Commission must review and approve any transfer of ownership (or majority control) under Section 367.071(1), Florida Statutes. This proceeding provides the proper forum for the Commission to inquire into the technical and financial capability of the new owner and to consider any questions raised by the transfer.

Second, the utility has a substantial investment of time, effort and money in engineering and design work, in permitting activities, and in the utility plant site. Because the existence of a PSC certificate is a prerequisite to the DEP and WMD permits, cancellation of the PSC certificate would create a cloud over the status of the recently obtained permits. At a minimum, this would delay ultimate start of construction until after a new PSC certificate was issued; it could potentially require the environmental permitting process to be started anew. In either event, the process of reapplying to the Commission and taking whatever action is required to obtain or reaffirm the environmental permits would impose unnecessary costs on the utility. If Dana's certificate was cancelled now and a new certificate process begun in June, it could easily result in service not being available for approximately 12 months.

Third, revocation of a certificate is not a simple process, nor one to be undertaken lightly. Under Section 367.045(6), the revocation of a certificate is subject to the same process that governs the initial issuance of certificates. This includes a minimum of 30 days' notice prior to the initiation of a revocation proceeding, and an opportunity for a hearing. Revocation proceedings are serious matters, and should only be undertaken when the Commission believes that revocation is required by the public interest. As the Commission noted just two months ago in Order No. PSC-00-0259-PAA-WS:

Revocation of certificate proceedings are reserved for cases of severe violations of

Commission rules. . .It is only after we determine that the problem cannot be corrected, or that the utility is unwilling to cooperate with us to bring the utility into compliance, that we will pursue revocation of a utility's certificates.

Order No. PSC-00-00259-PAA-WS at 7.

Fourth, it simply is not in the public interest to initiate revocation proceedings in this case. All the Commission is faced with is a requested six month delay in setting initial rates for the utility. With the exception of the school site, there is no current demand for service in the territory. That demand will come into existence in the near future, but only after the ownership of the project has been transferred. With utility certificates in hand, the new owner will be positioned to take steps to provide such service as quickly as possible. If the certificates are revoked, further development will be delayed during the time required for the new owner to obtain new PSC certificates, and to obtain or reinstate the required environmental permits. This additional cost and delay does not serve the public interest in any way.

Possible Show Cause Proceeding

During the Agenda Conference, Commissioner Deason asked whether the Commission should consider show causing the utility for failure to provide service to the school site in a timely manner. While Dana recognizes that the Commission has the legal authority to institute such a proceeding, Dana believes that such action is not warranted on the facts of this case.

Section 367.111(1) provides that a utility "shall provide service to the area described in its certificate of authorization *within a reasonable time.*" (Emphasis added.) As noted above, the PSC certificates for Dana were issued on February 2, 2000, and the environmental permits which must follow that authorization are only now becoming final. Allowing for a reasonable construction period, it is questionable whether central utility service could be provided to the school site by August 2000 even in the best of circumstances.

While it is regrettable that service is not expected to be available to the school site by August 2000, service ultimately will be available within a reasonable time after Dana's certificates were granted. As noted above, the School Board is in a position to provide package treatment facilities to support the timely opening of the school. While this is not the most desirable method of meeting the school's needs, those needs will be met.

Dana recognizes that further negotiations with the School Board will be required to determine the terms and conditions on which the school site will transition to central utility service. If for any reason those negotiations are ultimately unsuccessful, and the School Board decides to remain on its package treatment systems for the long term, it would be appropriate at that point to delete the school site from Dana's territory. At this time, however, any such deletion or other show cause action would simply be premature.

Length of Extension

During the Agenda Conference, Commissioner Deason asked why Dana had requested an extension until August, rather than some shorter extension, to make its filing for initial rates and charges.

Quite simply, if the rate development is to properly take into account the timetable for providing utility service, the utility needs to know whether the new owner of the land development proposes to make any changes in the development timetable and/or densities. Dana expects that this information should be available in time to support an August filing; it almost certainly would not be available to support a filing immediately after the sale.

The Commission should also note that once the sale has been completed, construction of the utility facilities can begin even absent the setting of initial rates. The requested extension of time for this aspect of the filing thus should have no impact on the date that utility service will be available to the development.

Difficulty of Revoking Certificates

During the Agenda Conference, Commissioner Jaber asked why the revocation of water and wastewater certificates is so complicated, and whether the Commission should consider pursuing legislative changes to make the process simpler.

While this is ultimately a policy issue for the Legislature and the Commission, Dana offers the following observations.

Utility planning, construction and operation is not a simple process. In the current case, Dana has not yet started construction of utility facilities, yet it has a substantial investment of time, effort and money in permitting and other pre-construction activities. A utility that is in operation clearly will have even more significant investments. In each case, these investments are made with the expectation that the utility will have a protected right to serve the territory granted to it by the Commission. Thus the utility reasonably expects that its investment in planning to serve its territory in an efficient manner -- perhaps by putting in oversized facilities needed to meet future growth -- will be protected.

The existing statutory scheme in Chapter 367 gives the Commission adequate tools to revoke or amend certificates in appropriate cases, which should be few and far between. As noted earlier, the Commission can amend or revoke a certificate if utility service is not provided to any part of the certificated territory within five years, or if the utility fails to meet reasonable demands for service.

The procedural provisions regarding certificate revocations are not unusual. Any time that government takes an action that affects private rights, it should provide adequate notice, offer an opportunity for a hearing, and make a reasoned decision based on the public interest. This is all that Chapter 367 requires. Dana sees no reason -- and certainly none suggested by the facts of its case -- that any more streamlined revocation process is needed to protect the public interest.

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May 3, 2000
Page 10

Conclusion

Based on the updated status information provided above, Dana hopes that the staff will continue to support Dana's request for an extension of time to file its initial rate application. The granting of that extension will not impact the schedule for construction of utility facilities.

Dana also believes that it has provided adequate explanation to support a staff recommendation that the utility should not be show caused, and that the Commission should not seek to revoke its certificate. The type of delay that Dana is encountering is not unusual and in most cases would not even be noticed by the Commission. What is unusual is that due to the accelerated schedule for development of the school site, this delay jeopardizes the ability to provide central utility service as soon as desired. This results in the undesirable situation in which package plants will be installed to meet the immediate need, and future negotiations will determine when and how central utility service will be provided. Nothing in this situation, however, rises to a level that warrants enforcement action by the Commission.

If you have any further questions, or would like to discuss the contents of this letter, please call.

Very truly yours,



Richard D. Melson
Attorney for Dana Utility Company

RDM/mee

cc: Patricia Christensen
Martin Goldstein
Charles Fancher

FILE# 98-053359
BAY COUNTY, FLORIDA
** OFFICIAL RECORDS **
BOOK: 1823 PAGE: 1401

PARCEL IDENTIFICATION NO.
GRANTEE'S FEDERAL I.D. NO. 58-2194344

DEED DOC STAMPS 2100.00
10/08/98 aw Deputy Ck

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 7 day of October, 1998, between LAKE MERIAL DEVELOPMENT COMPANY, INC. ("Grantor")*, and THE SCHOOL BOARD OF BAY COUNTY, FLORIDA ("Grantee")*:

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the described lands, situate, lying and being in Bay County, Florida, more particularly described on Exhibit A attached hereto (the "Land").

If construction of an elementary school or a middle school or an elementary/middle school does not begin within five (5) years from the date of this Special Warranty Deed, then the property described in Exhibit A shall revert to the Grantor.

SUBJECT to the Permitted Exceptions attached hereto as Exhibit B.

TO HAVE AND TO HOLD, the same unto the Grantee in fee simple.

And said Grantor does hereby covenant with the Grantee that, except as above noted, at the time of delivery of this Special Warranty Deed, the Land was free from all encumbrances made by the Grantor.

And said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither the Grantor or any members of the household of Grantor resides thereon.

AND THAT except as otherwise provided in Exhibit B, Grantor warrants title to the Land, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

•• OFFICIAL RECORDS ••
BOOK: 1823 PAGE: 1402

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's
hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

LAKE MERIAL DEVELOPMENT COMPANY,
INC., a Florida corporation

[Signature]
LES W. BURKE

By: *[Signature]*
Martin J. Goldstein
As its President

Name of Witness
[Signature]
Name of Witness
[Signature]

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 7th
day of October, 1998, by Martin J. Goldstein as President of Lake
Merial Development Company, Inc., on behalf of the corporation. He
(Notary must check applicable box)

is personally known to me.
produced a current _____ driver's license as
identification.
produced _____ as identification.

(SEAL)

[Signature]



(Print Name)
Notary Public
Serial # _____
My Commission Expires: _____

This Document Prepared By:
Les W. Burke, Esq.
BURKE & BLUE, P.A.
P.O. Box 70
Panama City, Florida 32402

** OFFICIAL RECORDS **
BOOK: 1823 PAGE: 1403

EXHIBIT A

LEGAL DESCRIPTION

Begin at the intersection of the North line of Section 19, Township 1 South, Range 14 West and the East right-of-way line of State Road No. 77; thence South 89° 57' 32" East along the North line of Section 19 for 2142.00 feet; thence South 00° 36' 38" West for 271.00 feet; thence South 64° 04' 23" West for 1180.00 feet; thence South 76° 06' 16" West for 865.00 feet to a point on the curving East right-of-way line of State Road No. 77; Thence Northwesterly along said curving right-of-way line having a delta of 20° 36' 33", radius of 2814.79 feet for an arc distance of 1012.48 feet (chord bearing North 13° 37' 32" West for 1007.03 feet) to the p.t. of said curve; Thence North 03° 08' 01" West along said right-of-way line 17.52 feet to the point of beginning. Said parcel containing 33.557 acres more or less and lying in Bay County, Florida.

EXHIBIT BPERMITTED EXCEPTIONS** OFFICIAL RECORDS **
BOOK: 1823 PAGE: 1404

1. Taxes for the year 1998.
2. Oil, Gas, and Mineral Rights (or whatever is reserved) as set forth in deed recorded in Official Records Book 1304, Page 1788, of the Public Records of Bay County, Florida, and Official Records Book 1304, Page 1800, of the Public Records of Bay County, Florida, and Official Records Book 1304, Page 1812, of the Public Records of Bay County, Florida.
3. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded under Deed Book 86, Page 462, of the Public Records of Bay County, Florida; however, the right of entry and exploration associated with the oil and mineral reservation has been released pursuant to Chapter 86-205, Laws of Florida.
4. Oil, Gas, and Mineral Rights (or whatever is reserved) as set forth in deed recorded in Official Records Book 879, Page 42, of the Public Records of Bay County, Florida, and Official Records Book 1304, Page 1800, of the Public Records of Bay County, Florida, and Official Records Book 1304, Page 1812, of the Public Records of Bay County, Florida. No determination has been made as to the current record owner of the interest excepted herein.
5. Oil, Gas, and Mineral Rights (or whatever is reserved) as set forth in deed recorded in Official Records Book 944, Page 945, of the Public Records of Bay County, Florida, as assigned in Official Records Book 1214, Page 389, of the Public Records of Bay County, Florida, and Official Records Book 1288, Page 348, of the Public Records of Bay County, Florida. No determination has been made as to the current record owner of the interest excepted herein.
6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands. Riparian rights, rights of accretion, littoral rights, relictions, submerged lands or any other water rights of any nature are neither guaranteed nor insured under the terms hereof and are subject to the interest of the public, state, and federal government. Subject to the rights of the United States Government and/or of the State of Florida arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce and the inalienable rights of the State of Florida in the lands and/or water of such character, should it be determined that any portion of subject lands are artificially filled land in what was formerly navigable waters. This policy does not insure any portion of the insured parcel lying waterward of the mean-high water line of any body of water situated upon the insured parcel.

FILE# 2000-009540
BAY COUNTY, FLORIDA** OFFICIAL RECORDS **
BOOK: 1929 PAGE: 1685

PARCEL I.D. NO. 07495000000

DEED DOC STAMPS 518.00
02/28/00 *DW* Deputy Clk

WARRANTY DEED

This INDENTURE, made this 24th of February, 2000, between LAKE MERIAL DEVELOPMENT COMPANY, INC., a Florida corporation, whose address is 13100 S.R. 77, Southport, FL 32409 ("Grantor")*, and DANA UTILITY CORPORATION, a Florida corporation, whose address is 13100 S.R. 77, Southport, FL 32409 ("Grantee")*:

WITNESSETH: That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Bay County, Florida, to-wit:

PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA; THENCE SOUTH 89°46'13" EAST, ALONG THE NORTH LINE OF SAID SECTION 17, 1321.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE SOUTH 89°46'13" EAST, 660.92 FEET; THENCE SOUTH 00°50'22" WEST, 1318.75 FEET; THENCE NORTH 89°51'47" WEST, 305.98 FEET; THENCE SOUTH 00°48'04" WEST, 319.64 FEET; THENCE NORTH 89°51'47" WEST, 354.07 FEET; THENCE NORTH 00°48'04" EAST 1639.48 FEET TO THE POINT OF BEGINNING.

PARCEL 2

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA; THENCE SOUTH 89°46'13" EAST, ALONG THE NORTH LINE OF SAID SECTION 17, 1982.70 FEET; THENCE SOUTH 00°50'22" WEST, 1317.75 FEET, THENCE SOUTH 89°51'47" EAST 242.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°51'47" EAST, 50.00 FEET; THENCE SOUTH 00°18'13" WEST, 459.94 FEET; THENCE NORTH

lm-dana.wd

Exhibit B

89°51'47" WEST, 50.00 FEET; THENCE NORTH 00°08'13" EAST, 459.94 FEET TO THE POINT OF BEGINNING.

** OFFICIAL RECORDS **
BOOK: 1929 PAGE: 1686

PARCEL 3

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA; THENCE SOUTH 89°46'13" EAST, ALONG THE NORTH LINE OF SAID SECTION 17, 1982.70 FEET; THENCE SOUTH 00°50'22" WEST, 1317.75 FEET, THENCE SOUTH 89°51'47" EAST 706.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°51'47" EAST, 50.00 FEET; THENCE SOUTH 00°18'13" WEST, 224.94 FEET; THENCE NORTH 89°51'47" WEST, 50.00 FEET; THENCE NORTH 00°08'13" EAST, 224.94 FEET TO THE POINT OF BEGINNING.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day

and year first above written.

Signed, sealed and delivered
in the presence of:

LAKE MERIAL DEVELOPMENT
COMPANY, INC., a Florida corporation

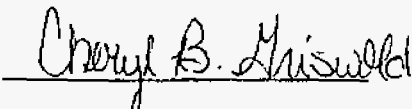


MICHAEL S. BURKE

Printed Name of Witness

By: 
Martin J. Goldstein
As Its President

(Corporate Seal)



CHERYL B. GRISWOLD

Printed Name of Witness

OFFICIAL RECORDS
BOOK: 1929 PAGE: 1687

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 24th day of February, 2000, by Martin J. Goldstein as President of Lake Merial Development Company, Inc., on behalf of the corporation. He (notary must check applicable box)

- is personally known to me.
- produced a current _____ driver's license as identification.
- produced _____ as identification.

(SEAL)



CHERYL B. GRISWOLD
My Comm Exp. 6/2/2001
No. CC 651879
(Personally Known) (Other I.D.)

Cheryl B. Griswold
CHERYL B. GRISWOLD

(Print Name)
Notary Public
Serial # _____
My Commission Expires: _____

THIS DOCUMENT PREPARED BY:
BURKE & BLUE, P.A.
Les W. Burke, Esq.
P.O. Box 70
Panama City, FL 32402

RCD 02M 28 2000 09:54am
HAROLD BAZZEL, CLERK



Department of Environmental Protection

Job Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Strubs
Secretary

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue: AUG 12 1999

Expiration Date: September 1, 2001

County: Bay

Latitude/Longitude: N/A

Section/Township/Range: 19/18/14W

Project: New Potable Water Distribution System

This permit is issued under the provisions of Section 403.861, Florida Statutes, and Florida Administrative Code Rules 62-4, 62-550, 62-558, 62-560 and 62-602. The above named applicant, hereinafter called 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 a DRY LINE potable water distribution system to serve the Lake Marial residential development, elementary school, golf course and commercial establishments in Bay County.

All construction shall be in accordance with the plans and specifications prepared and submitted by James H. Slonica, P.E. dated June 4, 1999 and additional information submitted on July 2, 1999.

Exhibit C

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

P.02
P.02

Apr-25-00 11:01P Pancher Management Group, 305 461-5616
Apr-25-00 12:57P Panhandle Engineering Inc 904-769-0730

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DE/C

Date of Issue:

AUG 1 2 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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 by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute 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 the permit.
4. This permit conveys no title to land or 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 or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; 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 or used by the permittee to achieve compliance with the conditions of this permit, as 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.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of this permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and,
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may 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 exact 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 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 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 403.73 and 403.112, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0145980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

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.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.12 and 62-30.30, as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rules.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurement;
- the person responsible for performing the sampling or measurement;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

15. Water supply facilities, including mains, shall be installed, cleaned, disinfected, and bacteriologically cleared for service in accordance with the latest applicable ANWA standards and Department rules and regulations.

16. A request to clear the system for operation shall be submitted to the Department for approval within 30 days of completion of construction, testing and disinfection.

This approval will be granted upon:

- a. Receipt of certification by a licensed professional engineer registered in Florida as to construction in accordance with the approved plans and specifications and compliance with Part V of Chapter 62-555, Florida Administrative Code. The certification of completion shall be made on DEP Form 62-555.910(9) -Certification of Construction Completion and Request for Letter of Clearance to Place Public Drinking Water Facility into Service. (NOTE: In order to expedite issuing a letter of clearance for the project, the engineering consultant should always attach copies of the required bacteriological analyses even though the analyses may have been submitted earlier to the Department for review.)
- b. Receipt of two satisfactory bacteriological analyses, and compliance with distribution system bacteriological sampling on the main system.
- c. Receipt of the analysis required in Specific Condition 15. Note: The project shall not be placed into continuous operation beyond the time frame allowed in Specific Condition No. 27.
- d. Certification that the requirements of Specific Conditions 17, 18 & 19 have been accomplished.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-001-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

SPECIFIC CONDITIONS:

17. The approval is only for **INSTALLATION** of a **DRY LINE** extension to the water distribution system. At the end of construction, but prior to use, a request to connect to the Dana Utility Company must be submitted to this Department.
18. This permit does not authorize the connection of this water distribution system to the Dana Utility Company. Separate authorization for the actual connection of this distribution system to the Dana Utility Company is required from this Department. Authorization to connect will be considered after the Dana Utility Company has been constructed. Such authorization shall be applied for by separate letter to the Department.
19. This permit shall not be construed to infer any assurance that the necessary authorization for connection shall be granted. Any such authorization shall be granted only when Certification of Completion of Construction of the Dana Utility Company potable water supply wells is received.
20. Permitted construction or alteration of public water supply systems must be supervised during construction by a professional engineer registered in the state of Florida. The permittee must retain the service of a professional engineer registered in the State to observe that construction of the project is in accordance with the engineering plans and specifications as submitted in support of the application for this permit.
21. All P.V.C. pipe used in the distribution system shall bear the N.E.F. logo and shall meet all ANSI/AWWA C900-89 (or latest edition) standards for 4"-12" diameter pipe or otherwise approved.
22. The Department shall be notified and prior approval shall be obtained of any changes or revisions made during construction.
23. Permittee shall ensure that engineer provides contractor with instructions and field sketches detailing locations where concrete encased potable water pipe is required.
24. Permittee shall ensure that engineer provides location and detail of thrust and anchor blocks on potable water distribution system.
25. Permittee shall use necessary erosion control measures during and after construction and shall remove all construction debris prior to project completion. In addition, all surfaces disturbed by construction shall be recontoured to final grades prior to project completion. It is noted that the permit does not constitute the Department's review or approval of the stormwater aspects of the project.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0149990-003-DS/C

Date of Issue:

'AUG 12 1999'

Expiration Date: September 1, 2001

SPECIFIC CONDITIONS:

26. Permittee will instruct the contractor to remove all surplus material and completely restore to good conditions, all surfaces disturbed, destroyed or removed by the contractor, or his agent, on account of construction. Before final inspection is made, all surfaces disturbed on account of this construction shall be leveled up and all surplus material and rubbish incident to the construction must be removed and disposed of and streets, ditches, sidewalks, crossings, railroad, grass plots and other property affected by the construction shall be left in good and acceptable condition.

27. Permittee shall instruct the engineer of record to submit request for system clearance to the Department within 30 days of completion of construction and testing and disinfection of the system covered by this permit.

28. Permittee shall ensure that coatings and the chemicals that are contained in coatings which are applied after January 1, 1993, to a surface in contact with drinking water, or are otherwise on equipment surfaces that come into contact with the water shall be certified as being in conformance with American National Standards Institute (ANSI) and NSF International (previously known as the National Sanitation Foundation) Standard 60-1988 by an entity certified by ANSI.

29. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is 850/595-8300, day or night, and for emergencies involving a significant threat to human health or the environment is 850/413-9911. For routine business, telephone 850/595-8300 during normal working hours.

Issued this 12th day of
August, 1999.

State of Florida Department
of Environmental Protection



WILLIAM E. SCHAAF
PROGRAM ADMINISTRATOR
WATER FACILITIES



Department of Environmental Protection

Job Bush
Governor

Panama City Branch Office
2363 Janks Avenue
Panama City, FL 32408
(850) 872-4375

David B. Scrubs
Secretary

PERMITTEE:

Mr. Martin J. Goldstein, President
Lake Merial Development Company, Inc.
11515 Old Bicycle Road
Panama City, Florida 32404

I.D. Number: N/A
Permit Number: CS03-148980-005
Date of Issue: October 25, 1999
Expiration Date: October 24, 2001
County: Bay County (03)
Latitude/Longitude: N/A
Section/Township/Range: N/A
Project: Lake Merial Subdivision

This permit is issued under the provisions of Section 403.087, Florida Statutes, and Florida Administrative Code Rule 62-4 & 62-604. The above named applicant, hereinafter called 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:

The sanitary collection system for the Lake Merial Subdivision shall be constructed as a dry-line. No connections shall be made without written approval from the Florida Department of Environmental Protection. The Department will only approve the connection of 0.98 MGD to the Lake Merial wastewater treatment facility until such time the facility can provide additional treatment and disposal. In addition, the facility must demonstrate reasonable assurance that it will continue to operate in accordance with Chapter 62-600, Florida Administrative Code. The proposed domestic collection system will provide sanitary sewer service for 640 single-family homes, a 20,000 square foot commercial unit, the Deane Bozeman School and a 6,550 sqd country club. The collection/transmission system shall be constructed accordance with the plan sheets entitled "Lake Merial Florida" as certified by James H. Stanina, P.E. dated 07/28/99 and the associated documents submitted to the Department on July 28, 1999.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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 by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute 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 the permit.
4. This permit conveys no title to land or 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 or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted project, or from penalties therefore; 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.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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Exhibit D

P.09
P.09

Apr-25-00 11:03P Fancher Management Group, 305 461-5616
Apr-25-00 12:58P Panhandle Engineering Inc 904-769-0730

PERMITTEE:

Lake Marial Development Company, Inc.
c/o Mr. Martin J. Goldstein, President

Permit Number: CS03-148989-003
Date of Issue: October 25, 1977
Expiration Date: October 24, 2001

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, as 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.
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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
- Having access to and copying any records that must be kept under the conditions of this permit;
 - Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and,
 - Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may 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 description of and cause of noncompliance; and
 - 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 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 403.73 and 403.111, Florida Statutes. 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.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.12 and 62-730.300, as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).
14. The Permittee shall comply with the following:
- Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.
 - The Permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

PERMITTEE:

Lake Merial Development Company, Inc.
c/o Mr. Martin J. Goldstein, President

Permit Number: CS03-148980-003
Date of Issue: October 23, 1999
Expiration Date: October 24, 2001

- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurement;
 - the person responsible for performing the sampling or measurement;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

16. The approval is only for installation of a wastewater collection/transmission system and does not relate to any water supply aspects. At the end of construction, DEP Form 62-604.900(2) must be completed and submitted to the Department. The system shall not be put to service until receipt of a letter of approval from the Department.
17. The construction shall not be started at any area affected by dredge/fill requirements until required permit(s) are obtained.
18. This permit does not authorize the connection of this collection system to the Lake Merial wastewater treatment facility. Separate authorization for actual connection of this collection system to the Lake Merial wastewater treatment facility is required from this Department. Such authorization shall be applied for by separate letter to this Department.
19. This permit shall not be construed to infer any assurance that the necessary authorization for connection shall be granted. Any such authorization shall be granted only when adequate treatment and disposal in accordance with rules, regulations, and issued permits of the Department is available for any flows transported by the collection system.
20. The system shall be inspected for any sediment debris and flushed prior to connection to the Lake Merial wastewater treatment facility.
21. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 872-4375, day or night, and for emergencies involving a significant threat to human health or the environment is (850) 413-9911. For routine business, contact Steven Kelly at (850) 872-4375 during normal working hours.

Expiration date:
October 24, 2001

Issued this 25th day of October 1999

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Gary Shaffer
Branch Manager



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A
Permit/Certification Number: 0148980-004-WC/18
Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001
County: Bay
Latitude/Longitude: N/A
Section/Township/Range: 19/1S/14W
Project: New Potable Water Supply Wells and
System

This permit is issued under the provisions of Section 403.861, Florida Statutes, and Florida Administrative Code Rules 62-4, 62-550, 62-555, 62-560, and 62-602. The above named applicant, hereinafter called 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 new potable water supply wells to be owned and operated by The Lake Merial Development Company. Also included are treatment facilities and other necessary valves, fittings, appurtenances, and all associated controls. The system is located about 3 miles south of State Road 20 and east of State Road 77 in the vicinity of Lake Merial.

The new wells are to be equipped with vertical turbine pumps that can deliver 208 gallons per minute. The new wells shall be cased with approximately 150 feet of 18-inch diameter outer casing into the Floridan Aquifer. Casing material shall be steel. Total depth of the wells is approximately 250 feet.

All construction shall be in accordance with the plans and specifications prepared and submitted by Richard F. Griswold, P.E. dated June 17, 1999 and additional information submitted by Mark E. Shaeffer, P.E. on February 23 and March 1, 2000.

Exhibit E

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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 by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute 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 the permit.
4. This permit conveys no title to land or 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 or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; 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 or used by the permittee to achieve compliance with the conditions of this permit, as 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.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

GENERAL CONDITIONS:

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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of this permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and,
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may 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 exact 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 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 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 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

GENERAL CONDITIONS:

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.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.12 and 62-30.30, as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurement;
 - the person responsible for performing the sampling or measurement;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.
14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

SPECIFIC CONDITIONS:

15. Water supply facilities shall be installed, cleaned, disinfected and bacteriologically cleared for service in accordance with the latest applicable AWWA standards and Department rules and regulations.

An initial analysis of finished water as required by Florida Administrative Code Rule 62-550.500, for inorganic, pesticides and PCB's, radionuclides (including Gross Alpha, Radium 226, and Radium 228), volatile organic contaminants (VOCs), and secondary contaminants shall be obtained and submitted to the District Office in Pensacola prior to clearance of the system.

Four consecutive quarters are due for the pesticides and PCB's, VOC's, and radionuclides (including Gross Alpha, Radium 226 and Radium 228). All other contaminant groups need initially to be analyzed once, not quarterly. These four quarters may begin now, thus allowing this initial sample to be the system's first quarter. Alternatively, the permittee may do a one time initial sampling for all contaminant groups (including the quarterly ones) now, and then postpone the system's four consecutive quarters until their sampling year as indicated in FAC 62-550.500.

Since your system does not have asbestos containing components, you need to fill out and return the enclosed asbestos-free waiver DEP Form 62-555.900(10).

Sampling for the unregulated organic contaminants have been temporarily suspended. Upon reinstatement of this requirement, this system will be notified of the appropriate sampling schedule/criteria for this group of contaminants.

16. This source shall not be placed into operation until Department approval is issued. This approval will be granted upon receipt of:

a. Certification by a registered professional engineer as to construction in accordance with the approved plans and specifications and compliance with Florida Administrative Code Rules 62-550, 62-555 and 62-560. The certification of completion of construction shall be made by completing DEP Form 62-555.910(9) - Certification of Construction Completion and Request for Letter of Clearance to Place Public Drinking Water Facility into Service. (Note: In order to expedite issuing a letter of clearance for the project, the engineering consultant should always attach copies of the required bacteriological analyses even though the analyses may have been submitted earlier to the Department for review.)

PERMITTER:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

SPECIFIC CONDITIONS:

- b. Twenty (20) satisfactory bacteriological analyses and the required chemical analysis.
- c. Receipt of satisfactory bacteriological analyses (A.K.A. Main Clearance), taken within 30 days of completion of construction, from locations within the distribution system or water main extension to be cleared, in accordance with Rules 62-555.540(2)(b), 62-555.345 and 62-555.330, FAC and American Water Works Association (AWWA) Standard C 651-92 as follows:
- Connection point to an existing system and the endpoint of the proposed addition;
 - Any water lines branching off a main extension;
 - Every 1,200 feet on straight run of pipe.
 - Each location shall be sampled on two consecutive days with sample points and chlorine residual reading clearly indicated on the report.
- d. A copy of the well construction permit from the Northwest Florida Water Management District (NWFWMD). Also please provide a copy of the Site Evaluation for Proposed Water Treatment Plant or Public Supply Water Wells done by the Water Management District.
- e. A copy of the appropriate consumptive use permit from the Northwest Florida Water Management District (NWFWMD).
- f. A copy of the driller's geologic log obtained during drilling of the well(s).
- g. Pump test data obtained from the well(s).
- h. Submission of the data to complete the New Well Information sheet.
- i. The analysis required in Specific Condition 15. NOTE: The well shall not be placed into continuous operation beyond the time frame allowed in Specific Condition No. 25.
17. Permitted construction or alteration of public water supply systems must be supervised during construction by a professional engineer registered in the state of Florida. The construction of the project is in accordance with the engineering plans and specifications as submitted in support of the application for this permit.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

SPECIFIC CONDITIONS:

18. The personnel in charge of the operation, supervision or maintenance of the treatment facilities shall meet the requirements of Florida Administrative Code Chapter 62-699. The certified operator must be Class C or higher, and the minimum on-site time for certified operator shall be 5 visits per week and one weekend visit.
19. All PVC pipe used in the distribution system shall bear the NSF logo, and shall meet all ANSI/AWWA C900-89 (or latest edition) standards for 4"-12" diameter pipe or otherwise approved.
20. The Department shall be notified and prior approval shall be obtained if any changes or revisions are made during construction, or if there are any changes to proposed location of the well made after the well drilling tests have been completed.
21. Permittee shall ensure that the engineer provides the location and detail of thrust and anchor blocks on the potable water distribution system.
22. Permittee shall ensure that the engineer provides the contractor with instructions and field sketches detailing locations where concrete encased potable water pipe is required.
23. Permittee shall use necessary erosion control measures during and after construction and shall remove all construction debris prior to project completion. In addition, all surfaces disturbed by construction shall be recontoured to final grades prior to project completion. It is noted that the permit does not constitute the Department's review or approval of the stormwater aspects of the project.
24. Permittee will instruct the contractor to remove all surplus material and completely restore to good conditions, all surfaces disturbed, destroyed or removed by the contractor, or his agent, on account of construction. Before final inspection is made, all surfaces disturbed on account of this construction shall be leveled up and all surplus material and rubbish incident to the construction must be removed and disposed of and streets, ditches, sidewalks, crossings, railroad, grass plots and other property affected by the construction shall be left in a good and acceptable condition.
25. Permittee shall instruct the engineer of record to request system clearance from the Department using DEP FORM 62-555.900(9) - REQUEST to PLACE WATER SUPPLY SYSTEM into SERVICE within 30 days of completion of construction, testing and disinfection of the system covered by this permit.
26. Permittee shall ensure that all well pumps meet the standards of ANSI/AWWA E101-88 (revision of ANSI/AWWA E101-77 [R82])

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

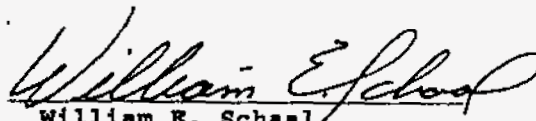
27. Permittee shall ensure that paints and protective coatings to be used on this project which will come into contact with potable water as outlined in Florida Administrative Code Rule 62-555.320(3)(a) on treatment states - "Coatings and the chemicals that are contained in coatings which are applied after January 1, 1993, to a surface in contact with drinking water, or are otherwise on equipment surfaces that come into contact with the water shall be certified as being in conformance with American National Standards Institute (ANSI) and NSF International (previously known as the National Sanitation Foundation) Standard 60-1988 by an entity certified by ANSI."

28. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300, day or night, and for emergencies involving a significant threat to human health or the environment is (800) 320-0519. For routine business, telephone (850) 595-8300 during normal working hours.

Issued this 21st day of

March, 2000

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


William E. Schaal
Program Administrator
Water Facilities



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

April 5, 2000

Martin J. Goldsmith, President
Lake Merial Development
11515 Old Bicycle Road
Panama City, Florida 32404

Dear Mr. Goldsmith:

Subject: Permit Application Number FL0184136-001-DW3R, Lake Merial Development
Wastewater Treatment Facility

Enclosed are copies of the preliminary draft of the proposed wastewater permit for Lake Merial Development Wastewater Treatment Facility, and other associated documents. The preliminary draft is subject to change pending an internal review by the Department and an external review by other interested agencies, public comment, and your comments. Please submit any comments in writing by April 12, 2000

If you have any questions, please contact me by telephone at (850) 595-8300, extension 1170.

Sincerely,

Tariq R. Mian
Permitting Engineer
Domestic Wastewater Section

/trm

cc enc.: Mark Shaeffer, P.E.
Gary Shaffer

RECEIVED
APR 06 2000

Exhibit F

SMITH AND GILLESPIE
ENGINEERS, INC.

"More Protection, Less Process"

Printed on recycled paper.



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Mr. Martin J. Goldsmith
President
Lake Merial Development
11515 Old Bicycle Road
Panama City, FL 32404

PA File No. FLA184136-001-DW3R
Bay County

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Mr. Martin J Goldsmith, President, Lake Merial Development, applied on August 18, 1999, to the Department of Environmental Protection for a permit to construct and operate a 0.098 MGD secondary treatment process wastewater treatment plant with single stage nitrification, denitrification process. The components consists of a single influent box with dual cleaned bar screen, an anoxic tank within cast in place concrete basin and a surface mixer, an aeration basin fitted with a high speed surface aerator, a mixed liquor recycle pumping station with four submersible pumps, two rectangular secondary clarifiers, a return sludge pumping system, a dual circular chlorine contact basins with chlorination system, a v-notch effluent measurement device, four rapid infiltration basins, single aerobic digester with mechanical aeration and a supernatant decanter with dual transfer pump connections. A power generator capable of operating all equipment with automatic transfer switch shall also be provided. The reclaimed water will be discharged to four rapid rate infiltration basins measuring approximately 3.76 acres. The facility will be located approximately 1.25 miles east of State Road 77 and one mile south of State Road 20, at latitude 30°24'25" N, longitude 85°24'25" W, Lake Merial, Florida in Bay County.

The Department has permitting jurisdiction under Sections 403.087 and 403.088, Florida Statutes, and Chapters 62-4, 62-600, 62-601, 62-610, 62-620, 62-640, 62-699, Florida Administrative Code. The project is not exempt from permitting procedures. The Department has determined that a wastewater permit is required for the proposed work.

"More Protection, Less Process" **PRELIMINARY DRAFT**

Printed on recycled paper.

Under section 403.815 of the Florida Statutes and rule 62-103.150 of the Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to the Department, at Northwest District, Florida Dept. of Environmental Protection, 160 Governmental Center, Pensacola, FL 32501-5794 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes, or all parties reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with 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 Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) 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. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

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

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 of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which includes the Department and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Department action or proposed action. The agreement must be filed in (received by) the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement;
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by section 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under section 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

WILLIAM E. SCHAAL
PROGRAM ADMINISTRATOR
WATER FACILITIES
NORTHWEST DISTRICT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on _____ to the listed persons:

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

PRELIMINARY DRAFT

Clerk

Date

Copies furnished to:

Mark Shaeffer, P.E.
Gary Shaffer, DEP, Panama City
Duncan Cairns, NFWMD
Carol Atkinson, Chair, Bay County Commission
Michael Guyne, Bay County Health Unit

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit to Martin J. Goldsmith, President, Lake Merial Development, 11515 Old Bicycle Road, Panama City, Florida 32404 to construct and operate a 0.098 MGD secondary treatment process wastewater treatment plant with single stage nitrification denitrification process. The components consists of a single influent box with dual cleaned bar screen, an anoxic tank within cast in place concrete basin and a surface mixer, an aeration basin with a high speed surface aerator, a mixed liquor recycle pumping station with four submersible pumps, two rectangular secondary clarifiers, a return sludge pumping system, a dual circular chlorine contact basins with chlorination system, a v-notch effluent measurement device, four rapid infiltration basins, single aerobic digester with mechanical aeration and a supernatant decanter with dual transfer pump connections. A power generator capable of operating all equipment with automatic transfer switch shall also be provided. The facility will be located at latitude 30°24'25" N, longitude 85°24'25" W on N 1/2 of NW 1/4 - S17, T1S, R14W, Lake Merial, FL 32404 in Bay County.

The Department will issue the permit unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes, or all parties reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with 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 Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions must be filed within fourteen days of publication of this public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) 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. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which includes the Department and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the action or proposed action of the Department. The agreement must be filed in (received by) the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by section 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under section 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Northwest District, Florida Dept. of Environmental Protection, 160 Governmental Center, Pensacola, FL 32501-5794.

**STATEMENT OF BASIS
 FOR
 STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DOMESTIC WASTEWATER FACILITY PERMIT**

PERMIT NUMBER: FLA184136
 FACILITY NAME: Lake Merial Development WWTF
 FACILITY LOCATION: Lake Merial, Bay County
 NAME OF PERMITTEE: Martin J. Goldsmith
 PERMIT WRITER: Tariq Mian

**BASIS FOR EFFLUENT AND RECLAIMED WATER LIMITS AND MONITORING REQUIREMENTS
 (INCLUDING EFFLUENT MONITORING REQUIREMENTS)**

The following table provides the basis for Part I. A. provisions for Land Application System R-01

Parameter	Limit	Basis	Rationale
Flow (MGD)	0.098	Annual Average	62-600.400(3)(b) FAC
BOD, Carbonaceous 5 day, 20C (mg/L)	20.0	Annual Average	62-610.510 & 62-600.740(1)(b)1.a. FAC
	30.0	Monthly Average	62-600.740(1)(b)1.b. FAC
	45.0	Weekly Average	62-600.740(1)(b)1.c. FAC
	60.0	Single Sample Max.	62-600.740(1)(b)1.d. FAC
Solids, Total Suspended (mg/L)	20.0	Annual Average	62-610.510 & 62-600.740(1)(b)1.a. FAC
	30.0	Monthly Average	62-600.740(1)(b)1.b. FAC
	45.0	Weekly Average	62-600.740(1)(b)1.c. FAC
	60.0	Single Sample Max.	62-600.740(1)(b)1.d. FAC
pH (s.u.)	6.0 to 8.5	Minimum and Maximum	62-600.445 FAC
Coliform, Fecal (#/100ml)	200	Annual Average	62-610.510 & 62-600.440(4)(c)1. FAC
	200	Monthly Geo. Mean	62-600.440(4)(c)2. FAC
	400	90th Percentile	62-600.440(4)(c)3. FAC
	800	Single Sample Max.	62-600.440(4)(c)4. FAC
Total Residual Chlorine (For Disinfection) (mg/L)	0.5	Minimum	62-610.510 & 62-600.440(4)(b) FAC
Nitrogen, Nitrate, Total (as N) (mg/L)	12.0	Single Sample Max.	62-610.510(1) FAC
Monitoring Frequency and Sample Type	-	All Parameters	62-601 FAC & 62-699 FAC and/or BPJ of permit writer
Sampling Location	-	All Parameters	62-610.513 FAC

The following table provides the basis for Part I. B. provisions.

Other Limitations and Monitoring Requirements:

Parameter	Limit	Basis	Rationale
Flow (mgd)	0.098	Annual Average	62-600.400(3)(b)FAC
BOD, Carbonaceous 5 day, 20C (mg/l)	Report	Monthly Average	62-601.300(1)FAC
Solids, Total Suspended (mg/l)	Report	Monthly Average	62-601.300(1)FAC

RESIDUALS MANAGEMENT

The applicant intends to land apply its residuals but at the time of application did not have an arrangement with any residuals haulers and agreed to provide that information prior to completion of construction. The permit requires that an application for minor modification with acceptable Agricultural Use plan be submitted at least 30 days prior to completion of construction.

INDUSTRIAL PRETREATMENT REQUIREMENTS

At this time, the facility is not required to develop an approved industrial pretreatment program. However, the Department reserves the right to require an approved program if future conditions warrant.

INSPECTION REPORT

Attached

CONSTRUCTION SCHEDULE

Notice of Intent to Issue	April 14, 2000
Notice of Permit	May 15, 2000
Commence Construction	May 20, 2000
Submittal of the Agricultural Use Plan	July 10, 2000
Completion of Construction	August 10, 2000
Begin Reuse or Disposal ✓	August 20, 2000
Operational Level Attained	August 20, 2000

APPLICABLE RULES

The following were used as the basis of the permit limitations/conditions:

- a. FAC refers to various portions of the Florida Administrative Code.

The effective dates of FAC Rule Chapters cited in the table are as follows:

<u>Chapter</u>	<u>Effective Date</u>
62-4	10-16-95
62-302	12-26-96
62-520	12-09-96
62-550	12-09-96
62-600	12-24-96
62-601	12-24-96
62-610	08-08-99
62-620	12-24-96
62-640	03-30-98
62-650	12-24-96
62-699	05-20-92

- b. FS refers to various portions of the Florida Statutes
- c. CFR refers to various portions of the Code of Federal Regulations, Title 40
- d. BPJ refers to Best Professional Judgment

P.E. CERTIFICATION

Application No. FLA184136-001-DW3R
Applicant: Lake Merial Development WWTF

I HEREBY CERTIFY that the engineering features described in the referenced application (provide/do not provide) reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Title 62. However, I have not evaluated and I do not certify aspects of the proposal outside of my areas of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geologic features).

Neal A. Rogers, Jr., P.E.
Fla. P.E. Reg. No. 43666
Domestic Wastewater Permitting
Section supervisor
Northwest District Office

Date



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Scruhs
Secretary

PERMITTEE:

Lake Merial Development

RESPONSIBLE AUTHORITY:

Mr. Martin J Goldsmith, President
Lake Merial Development
11515 Old Bicycle Road
Panama City, FL 32404

(850) 763-5200

PERMIT NUMBER: FLA184136 (Minor)
PA FILE NUMBER: FLA184136-001-DW3R
ISSUANCE DATE:
EXPIRATION DATE: March 1, 2005

FACILITY:

Lake Merial Development WWTF
N 1/2 of NW 1/4 - S17, T1S, R14W
Lake Merial, FL 32404
Bay County
Latitude: 30° 24' 25" N Longitude: 85° 24' 25" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code. The above named permittee is hereby authorized to construct and operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

A new 0.098 MGD secondary treatment process wastewater treatment plant with single stage nitrification denitrification process. The components consists of a single influent box fitted with dual cleaned bar screen, an anoxic tank within cast in place concrete basin and a surface mixer, an aeration basin fitted with a high speed surface aerator, a mixed liquor recycle pumping station with four submersible pumps, two rectangular secondary clarifiers, a return sludge pumping system, dual circular chlorine contact basins with chlorination system, a v-notch effluent measurement device, four rapid infiltration basins, a single aerobic digester with mechanical aeration and a supernatant decanter with dual transfer pump connections, and a standby power generator capable of operating all equipment with automatic transfer switch.

REUSE:

Land Application: A new 0.098 MGD average annual daily flow permitted capacity rapid infiltration basin land application system (R-001). R-001 consists of four infiltration basins totaling 3.67 acres. The site is located approximately at latitude 30° 24' 25" N, longitude 85° 40' 2" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Pages 1 through 15 of this permit.

PRELIMINARY DRAFT

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE: Lake Merial Development
 Mr. Martin J Goldsmith, President
 11515 Old Bicycle Road
 Panama City, FL 32404

PERMIT NUMBER: FLA184136
 EXPIRATION DATE: March 1, 2005

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Reuse and Land Application Systems

1. During the period beginning upon placing the new facilities into operation and lasting through the expiration date of this permit, the permittee is authorized to direct reclaimed water to Reuse System R-001. Such reclaimed water shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Reclaimed Water Limitations				Monitoring Requirements			
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow	MGD	Maximum	0.098	-	-	-	5 Days/Week	Flow-meter	FLW-01	See Cond.I.A.3
BOD, Carbonaceous 5 day, 20C	mg/L	Maximum	20.0	30.0	45.0	60.0	Monthly	Grab	EFA-01	
Solids, Total Suspended	mg/L	Maximum	20.0	30.0	45.0	60.0	Monthly	Grab	EFA-01	
pH	s.u.	Range	-	-	-	6.0 to 8.5	5 Days/Week	Grab	EFA-01	
Coliform, Fecal	See Permit Condition I.A.4.						Monthly	Grab	EFA-01	
Total Residual Chlorine (For Disinfection)	mg/L	Minimum	-	-	-	0.5	5 Days/Week	Grab	EFA-01	See Cond.I.A.5
Nitrogen, Nitrate, Total (as N)	mg/L	Maximum	-	-	-	12.0	Monthly	Grab	EFA-01	

PERMITTEE: Lake Merial Development
Mr. Martin J Goldsmith, President
11515 Old Bicycle Road
Panama City, FL 32404

PERMIT NUMBER: FLA184136
EXPIRATION DATE: March 1, 2005

2. Reclaimed water samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and as described below:

Monitoring Location Site Number	Description of Monitoring Location
FLW-01	Ultrasonic flow meter in conjunction with v-notch weir
EFA-01	At the v-notch weir.

3. Ultrasonic flow meter in conjunction of a v-notch weir shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(6), 12-24-96]
4. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-610.510, 1-9-96 and 62-600.440(4)(c), 12-24-96]
5. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-610.510, 1-9-96 and 62-600.440(4)(b), 12-24-96]

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2. Reclaimed water samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and as described below:

Monitoring Location Site Number	Description of Monitoring Location
FLW-01 EFA-01	Ultrasonic flow meter in conjunction with v-notch weir At the v-notch weir.

3. Ultrasonic flow meter in conjunction of a v-notch weir shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(6), 12-24-96]
4. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-610.510, 1-9-96 and 62-600.440(4)(c), 12-24-96]
5. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-610.510, 1-9-96 and 62-600.440(4)(b), 12-24-96]

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B. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning upon placing the new facilities into operation and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Limitations				Monitoring Requirements				Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number		
BOD, Carbonaceous 5 day, 20C	mg/l	Maximum	-	Report	-	-	Every Two Weeks	8-hour flow proportioned composite	INF-01		
Solids, Total Suspended	mg/l	Maximum	-	Report	-	-	Every Two Weeks	8-hour flow proportioned composite	INF-01		

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2. Samples shall be taken at the monitoring site locations listed in Permit Condition I. B. 1 and as described below:

Monitoring Location Site Number	Description of Monitoring Location
INF-01	At the end of the influent line prior to the treatment train.

3. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. *[62-601.500(4), 12-24-96]*
4. Ultrasonic flow meter in conjunction of a v-notch weir shall be utilized to measure flow and calibrated at least annually. *[62-601.200(17), 12-24-96]*
5. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. *[62-620.610(18), 12-24-96]*
6. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. *[62-601.500(5), 12-24-96]*
7. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified on the DMR forms attached to this permit. DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department's Northwest District Office at the address specified in Permit Condition I.B.8. by the twenty-eighth (28th) of the month following the month of operation.
[62-620.610(18), 12-24-96][62-601.300(1), (2), and (3), 12-24-96]
8. Unless specified otherwise in this permit, all reports and notifications required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Northwest District Office at the address specified below:

Florida Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32501-5794

Phone Number - (850) 595-8300
FAX Number - (850) 595-8417
All FAX copies shall be followed by original copies.

II. RESIDUALS MANAGEMENT REQUIREMENTS

The permittee shall apply for minor revision to the permit and provide an acceptable Agricultural Use Plan at least 30 days before completion of construction of the project. *[62-640.100, 03-30-98]*

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GROUND WATER MONITORING REQUIREMENTS

1. Within 90 days of placing the new reuse facilities in operation, the permittee shall begin sampling ground water in accordance with this permit and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. [62-522.600(5), 12-9-96].
2. All new ground water monitoring wells identified in Permit Condition(s) III.4 below, shall be installed within 90 days of issuance of this permit. Within 30 days of installation of a new monitoring well, the permittee shall submit to the Department's Northwest District Office detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report. [62-522.600, 12-9-96]
3. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to properly size the well depth and screen interval. [62-522.900(3), 12-9-96]
4. The following monitoring wells shall be sampled semiannually for Reuse System R-001:

Monitoring Location Site Number	Depth (Feet)	Aquifer Monitored	Well Type	New or Existing
MWB-1	new	Surficial	Background	new
MWC-2	new	Surficial	Compliance	new
MWC-3	new	Surficial	Compliance	new

[62-522.600, 12-9-96][62-610.513, 1-9-96]

5. The following parameters shall be analyzed for each of the monitoring well(s) identified in Permit Condition(s) III.4:

Water Level Relative to MSL
 Nitrogen, Nitrate, Total (as N)
 Solids, Total Dissolved(TDS)
 Arsenic, Total Recoverable
 Chloride (as Cl)
 Cadmium, Total Recoverable
 Chromium, Total Recoverable
 Lead, Total Recoverable
 Coliform, Fecal
 pH
 Sulfate, Total ✓

[62-522.600(11)(b), 12-9-96] [62-601.300(3), 62-601.700, and Figure 3 of 62-601, 12-24-96][62-601.300(6), 12-24-96] [62-601.300(7), 12-24-96]

6. Ground water monitoring parameters shall be analyzed in accordance with Chapter 62-601, F.A.C. [62-620.610(18), 12-24-96]

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7. Ground water monitoring test results shall be submitted on Part D of Form 62-620.910(10). Results shall be submitted with the DMR for each year during the period of operation allowed by this permit in accordance with Permit Condition I. B.7. *[62-522.600(10) and (11)(b), 12-9-96] [62-601.300(3), 62-601.700, and Figure 3 of 62-601, 12-24-96] [62-620.610(18), 12-24-96]*
8. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples. *[62-601.700(5), 12-24-96]*
9. In accordance with Part D of Form 62-620.910(10), water levels shall be recorded before evacuating wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 foot. *[62-610.513(2), 1-9-96]*
10. Three existing piezometers will be considered part of the groundwater monitoring plan for measuring groundwater levels only, but may be used for sampling if needed. *[62-522.300(5)), 12-9-96]*

IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

Part IV Rapid Infiltration Basins

1. All ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally 100 feet from the application site or to the facility's property line, whichever is less, and vertically to the base of the surficial aquifer. *[62-520.200(23), 12-9-96] [62-522.400 and 62-522.410, 12-9-96]*
2. Advisory signs shall be posted around the site boundaries to designate the nature of the project area. *[62-610.518, 8-8-99]*
3. The annual average hydraulic loading rate to the infiltration basins shall be limited to a maximum of 3 inches per day (as applied to the entire bottom area). *[62-610.523(3), 8-8-99]*
4. The infiltration basins normally shall be loaded for 1-7 days and shall be rested for 5-14 days. Infiltration ponds, basins, or trenches shall be allowed to dry during the resting portion of the cycle. *[62-610.523(4), 8-8-99]*
5. Rapid infiltration basins shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids. Basin bottoms shall be maintained to be level. *[62-610.523(6) and (7), 8-8-99]*
6. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required. *[62-610.514 and 62-610.414, 8-8-99]*
7. Overflows from emergency discharge facilities on storage ponds or on infiltration ponds, basins, or trenches shall be reported as an abnormal event to the Department's Northwest District Office within 24 hours of an occurrence. The provisions of Rule 62-610.800(9), F.A.C., shall be met. *[62-610.800(9), 8-8-99]*

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V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category II, Class C facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class C or higher operator 1/2 hour/day for 5 days/week and one weekend visit. The lead operator must be a Class C operator, or higher.

[62-620.630(3), 12-24-96] [62-699.310, 5-20-92] [62-610.462, 8-8-99]

2. A certified operator shall be on call during periods the plant is unattended. *[62-699.311(1), 5-20-92]*
3. When the three-month average daily flow for the most recent three consecutive months exceeds 50 percent of the permitted capacity of the treatment plant or reuse and disposal systems, the permittee shall submit to the Department a capacity analysis report. This initial capacity analysis report shall be submitted within 180 days after the last day of the last month of the three-month period referenced above. The capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. *[62-600.405(4), 12-24-96]*
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. *[62-600.735(1), 12-24-96]*
5. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
 - e. A copy of the current permit;
 - f. Copies of the licenses of the current certified operators; and
 - g. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The log shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection protected from weather damage, and current to the last operation and maintenance performed. *[62-620.350, 12-24-96][62-602]*

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VI. SCHEDULES

1. The following construction schedule for the new wastewater treatment facility shall be followed, unless notification of a schedule revision is provided and acceptable to the Department:

Commence Construction	May 20, 2000
Submittal of the Agricultural Use Plan	July 10, 2000
Completion of Construction	August 10, 2000
Begin Reuse or Disposal	August 20, 2000
Operational Level Attained	August 20, 2000

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

This facility is not required to have a pretreatment program at this time. *[62-625.500, 1-8-97]*

VIII. OTHER SPECIFIC CONDITIONS

1. Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Domestic Wastewater Facilities. *[62-620.630(2), 12-24-96]*
2. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-600, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. *[62-620.630(7), 12-24-96]*
3. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal, using Department Forms 62-620.910(1) and (2), no later than one-hundred and eighty days (180) prior to the expiration date of this permit. *[62-620.410(5), 12-24-96]*
4. Florida water quality criteria and standards shall not be violated as a result of any discharge or land application of reclaimed water or residuals from this facility. *[62-610.850(1)(a) and (2)(a), 1-9-96]*
5. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C. *[62-600.410(8), 12-24-96 and 62-640.400(6), 3-30-98]*

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6. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited. *[62-604.130(3), 12-26-96]*
7. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. *[62-604.550, 12-26-96] [62-620.610(20), 12-24-96]*
8. The operating authority of a collection/transmission system and the permittee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in treatment plant discharges having temperatures above 40°C.*[62-604.130(4), 12-26-96]*
9. The treatment facility, storage ponds, rapid infiltration basins, and/or infiltration trenches shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-610.518(1), 1-9-96] [and 62-600.400(2)(b), 12-24-96]*
10. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit. *[62-701.300(1)(a), 4-23-97]*
11. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

[62-620.625(2), 12-24-96]

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IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), 12-24-96]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), 12-24-96]*
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), 12-24-96]*
4. This permit conveys no title to land or 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. *[62-620.610(4), 12-24-96]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; 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. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. 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. *[62-620.610(5), 12-24-96]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), 12-24-96]*
7. The permittee shall at all times 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. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), 12-24-96]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), 12-24-96]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:

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- a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
- b. Have access to and copy any records that shall be kept under the conditions of this permit;
- c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
- d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9), 12-24-96]

10. 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 as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), 12-24-96]*.
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), 12-24-96]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, 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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), 12-24-96]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), 12-24-96]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14), 12-24-96]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), 12-24-96]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, 62-620.420 or 62-620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), 12-24-96]*

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17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
- A description of the anticipated noncompliance;
 - The period of the anticipated noncompliance, including dates and times; and
 - Steps being taken to prevent future occurrence of the noncompliance.

[62-620.610(17), 12-24-96]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
- Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E1, F.A.C., to perform the test. On-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
 - Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

[62-620.610(18), 12-24-96]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), 12-24-96]*
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. 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 five 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 time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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EXPIRATION DATE: March 1, 2005

- a. The following shall be included as information which must be reported within 24 hours under this condition:
 1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
- b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[62-620.610(20), 12-24-96]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX. 20 of this permit. *[62-620.610(21), 12-24-96]*

22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1. through 3. of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit. *[62-620.610(22), 12-24-96]*

PERMITTEE: Lake Merial Development
Mr. Martin J Goldsmith, President
11515 Old Bicycle Road
Panama City, FL 32404

PERMIT NUMBER: FLA184136
EXPIRATION DATE: March 1, 2005

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Permit Condition IX. 20. of this permit; and
 4. The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23), 12-24-96]

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION

P R E L I M I N A R Y D R A F T

WILLIAM E. SCHAAL
PROGRAM ADMINISTRATOR
WATER FACILITIES
NORTHWEST DISTRICT

DATE: _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Facilities Management Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Lake Merial Development
 MAILING ADDRESS: Lake Merial Development
 11515 Old Bicycle Road
 Panama City, FL 32404

PERMIT NUMBER: FLA184136
 LIMIT: Final
 CLASS SIZE: Minor
 GMS ID NO.: _____

REPORT: Monthly
 GROUP: Domestic
 GMS TEST SITE: _____
 NO.: _____

FACILITY: Lake Merial Development WWTF
 LOCATION: N 1/2 of NW 1/4 - S17, T1S, R14W
 Lake Merial, FL 32404

MONITORING GROUP NUMBER: R-001
 PLANT SIZE/TREATMENT TYPE: IIC
 NO DISCHARGE FROM SITE:

COUNTY: Bay

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement							
PARM 686-00050 Miles Site No. 01-W-0	Sample Measurement	0.098	MGD				Continuous	Flow meter and totalizer
BOD, Carbonaceous 5 day, 20C	Sample Measurement							
PARM 686-00057 Miles Site No. 01-W-0	Sample Measurement						Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement							
PARM 686-00058 Miles Site No. 01-W-0	Sample Measurement						Monthly	Grab
Solids, Total Suspended	Sample Measurement							
PARM 686-00059 Miles Site No. 01-W-0	Sample Measurement						Monthly	Grab

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Lake Meriel Development WWTF

PERMIT NUMBER: FLA184136

MONITORING GROUP NUMBER: R-001

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement							
PARM 008-00580 Mon Site No. 25A-01	Permit Requirement			Report (Mo. Ave)	600 (Max)		Monthly	Grab
pH	Sample Measurement							
PARM 008-00400 Mon Site No. 25A-01	Permit Requirement			6.0 (Min)	8.5 (Max)		5 Days/Week	Grab
Coliform, Fecal	Sample Measurement							
PARM 008-24055 Mon Site No. 25A-01	Permit Requirement			200 (Ar. Ave)			Monthly	Grab
Coliform, Fecal	Sample Measurement							
PARM 008-24055 Mon Site No. 25A-01	Permit Requirement			Report (Mo. Geo. Mean)	800 (Max)		Monthly	Grab
Total Residual Chlorine (For Disinfection)	Sample Measurement							
PARM 008-30060 Mon Site No. 25A-01	Permit Requirement			0.5 (Min)			5 Days/Week	Grab
Nitrogen, Nitrate, Total (as N)	Sample Measurement							
PARM 008-70620 Mon Site No. 25A-01	Permit Requirement				120 (Max)		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement							
PARM 008-30082 Mon Site No. 25A-01	Permit Requirement			Report (Mo. Ave)			Every 7 Days/Week	24 Hour SPC
Solids, Total Suspended	Sample Measurement							
PARM 008-00580 Mon Site No. 25A-01	Permit Requirement			Report (Mo. Ave)			Every 7 Days/Week	24 Hour SPC

DAILY SAMPLE RESULTS - PART B

Permit Number: **FLA0184136-001-DW3R**
 Month/Year:

Average Annual Daily Flow:
 (AADF/Permitted Capacity)x100:

	Nitrogen, Nitrate, Total (as N) (mg/L)	TRC (For Disinfect.) (mg/L)	pH (s.u.)	Fecal Coliform Bacteria (#/100ml)	TSS (mg/L)	CBOD5 (mg/L)	Flow (MGD)	TSS (mg/L) (Influent)	CBOD5 (mg/L) (Influent)			
Code	00620	50060	00400	74055	00530	80082	50050	00530	80082			
Mon. Site	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	FLW-01	INF-01	INF-01			
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PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
Evening Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

Type of Effluent Disposal or Reclaimed Water Reuse:

Limited Wet Weather Discharge Activated: Yes: No: Not Applicable: If yes, cumulative days of wet weather discharge: _____

*Attach additional sheets if necessary to list all certified operators.

GROUNDWATER MONITORING REPORT - PART D

Permit Number: FLA184136
 Monitoring Period From: _____ To: _____
 Date Sample Obtained: _____
 Was the well pumped before sampling? Yes No

Monitoring Location Site Number: MWB-1
 Well Type: Background
 Ground Water Class: G-II

Parameter	PARM Code	Sampling Methods	Samples Filtered(Y/N)	Preservatives Added	Analysis Method	Analysis Result/Units	Detection Limits/Units
Water Level Relative to MSL	82545						
Nitrogen, Nitrate, Total (as N)	00620						
Solids, Total Dissolved(TDS)	70295						
Arsenic, Total Recoverable	00978						
Chloride (as Cl)	00940						
Cadmium, Total Recoverable	01113						
Chromium, Total Recoverable	01118						
Lead, Total Recoverable	01114						
Coliform, Fecal	74055						
pH	00400						
Sulfate, Total	00945						

Comments and Explanation:

GROUNDWATER MONITORING REPORT - PART D

Permit Number: FLA184136
 Monitoring Period From: _____ To: _____
 Date Sample Obtained: _____
 Was the well pumped before sampling? Yes No

Monitoring Location Site Number: MWC-2
 Well Type: Compliance
 Ground Water Class: G-II

Parameter	PARM Code	Sampling Methods	Samples Filtered(Y/N)	Preservatives Added	Analysis Method	Analysis Result/Units	Detection Limits/Units
Water Level Relative to MSL	82545						
Nitrogen, Nitrate, Total (as N)	00620						
Solids, Total Dissolved(TDS)	70295						
Arsenic, Total Recoverable	00978						
Chloride (as Cl)	00940						
Cadmium, Total Recoverable	01113						
Chromium, Total Recoverable	01118						
Lead, Total Recoverable	01114						
Coliform, Fecal	74055						
pH	00400						
Sulfate, Total	00945						

Comments and Explanation:

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

The DMR consists of four parts—A, B, C, and D—all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part C is only applicable for domestic wastewater facilities with limited wet weather discharges permitted under Chapter 62-610.860, F.A.C. Part D is used for reporting ground water monitoring well data.

Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be typed or printed in ink.

In addition to filling in numerical results on various parts of the DMR, the following codes should be used and an explanation provided where appropriate. Note: Codes used by the lab for raw data may be different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period since limit is conditional.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.
TNTC	Too numerous to count (for fecal coliform bacteria only).

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions and code should be used:

CODE	DESCRIPTION/INSTRUCTIONS
<	If the sampled value is less than the method detection limit (MDL), enter a less than sign followed by the laboratory's MDL value, e.g. < 0.001. In cases where a laboratory reports a value which is less than the parameter's practical quantification limit (PQL), but, not less than the MDL, the value should be reported as the laboratory's MDL value. For example, where the MDL = 0.001, the PQL = 0.005 and the laboratory reports <0.005 (the PQL), the value of 0.001 should be reported on the DMR.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.) Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following blanks in the header should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number. If there was no discharge of effluent for a particular outfall, reuse, or land application system and the DMR monitoring group includes other monitoring locations (e.g., influent sampling); the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.).

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Month/Year: Enter the month and year during which the data on this report were collected and analyzed.

Three-month Average Daily Flow: Calculate and enter the three-month average daily flow to the treatment facility.

(TMADF/Permitted Capacity) x 100: Divide the three-month average daily flow by the permitted capacity of the treatment facility, multiply by 100, and enter this value.

Daily Monitoring Results: Record the results of daily monitoring for the parameters required to be sampled by your permit. Record the data in the units indicated.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

Type of Effluent Disposal or Reclaimed Water Reuse: Enter the type of effluent disposal or reclaimed water reuse (e.g. surface water discharge, ocean outfall, slow rate land application-public access, slow rate land application-restricted public access, rapid rate land application, absorption field, underground injection).

Limited Wet Weather Discharge Activated: If this plant does not have a limited wet weather discharge permitted under the provision of Rule 62-610.860, F.A.C., check 'Not Applicable.' If the plant activated the wet weather discharge during the reporting month, check 'Yes' and attach PART C - LIMITED WET WEATHER DISCHARGE.

PART C - LIMITED WET WEATHER DISCHARGE

This part is to be completed and submitted each month reclaimed water or effluent is discharged by a limited wet weather discharge permitted under Rule 62-610.860, F.A.C. For months with no discharge, Part C need not be submitted. All information is to be provided for each day on which the limited wet weather discharge was activated.

Month/Year: Enter the month and year during which the data on this report were collected and analyzed.

Rainfall Information: Enter the name and location of the rainfall gauging station, the source of climatological (normal rainfall) data, the cumulative rainfall for the average rainfall year, and the cumulative rainfall to date for calendar year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which falls during an average rainfall year from January through the month for which this part contains data. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Date: Enter the date on which the discharge occurred.

Duration of Discharge: Enter the number of hours, to the nearest 0.1 of an hour (0.1 hr. = 6 min.) during each day of discharge that reclaimed water was actually discharged to surface waters.

Gallons Discharged: Enter the quantity in millions of gallons of reclaimed water discharged during the period shown in duration of discharge. Show the units as millions of gallons (mg), accurate to the nearest 0.01.

Average Discharge Flow Rate: Divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Average Upstream Flow Rate: Enter the average flow rate in the receiving stream upstream from the point of discharge for the period shown in duration of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Stream Dilution Factor: Enter the actual stream dilution ratio accurate to the nearest 0.1. To calculate the factor, divide the average upstream flow rate by the average discharge flow rate.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Total P: Enter the cumulative number of days since January 1 of the current year during which the limited wet weather discharge was activated divided by the total number of days since January 1 of the current year multiplied by 100%.

Reason for Discharge: Provide a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Sampling Methods: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

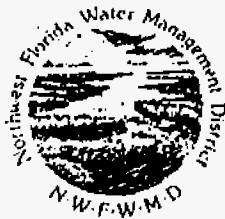
Preservatives Added: State what preservatives were added to the sample.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Analysis Result/Units: Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Enter the units associated with the results of the analysis.

Detection Limits/Units: Record the detection limits of the analytical methods used and the units associated with them.

Comments and Explanations: Use this space to make any comments on or explanations of results which are unexpected. If more space is needed, reference all attachments in this area.



Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333
(U.S. Highway 90, 10 miles west of Tallahassee)

(850) 539-5999 • (Suncom) 771-2080 • (Fax) 539-4380

March 31, 2000

Douglas E. Barr
Executive Director

Martin J. Goldstein
11515 Old Bicycle Road
Panama City, FL 32404

RECEIVED
APR 03 2000

SMITH AND GILLESPIE
ENGINEERS, INC.

NOTICE OF PROPOSED AGENCY ACTION Individual Water Use Permit Application No. J 05714

Dear Applicant:

At a public hearing to be held on the date and at the location shown below, District staff intends to recommend to the Governing Board the approval, with conditions, of the referenced consumptive use permit request. Enclosed is a copy of the staff report and the proposed permit document; please read these documents thoroughly to understand their contents.

If you have concerns about the issuance of the permit as proposed, and desire an opportunity to discuss them, we urge you to contact the District immediately. If your concerns cannot be addressed to your satisfaction, you may file a written petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Mediation of an administrative dispute is also available and choosing mediation does not affect the right to an administrative hearing.

The procedures for filing a petition for an administrative hearing are contained in the enclosed "Notice of Rights". The petition must comply with section 28-106.201, Florida Administrative Code, and be received by the District's Agency Clerk no later than the petition deadline shown below. A copy of section 28-106.201, F.A.C., is enclosed. If we do not hear from you prior to the petition deadline, we will assume that the recommendations in the staff report and permit are acceptable to you.

Meeting Date/Time.... Thursday, April 27, 2000 1:15 PM, ET
Meeting Location..... District Headquarters, US Highway 90 in Midway, Florida
Petition Deadline..... Tuesday, April 25, 2000

You also have a right of judicial review of the District's final agency action pursuant to section 120.68, F.S. Notice of appeal pursuant to the Florida Rules of Appellate Procedure must be filed within 30 days of the rendering of the final agency action.

Sincerely,

W. G. Gowens, Chief
Bureau of Ground Water Regulation
Division of Resource Regulation

Enclosures: Proposed Permit Document
Staff Report
Notice of Rights

cc: Richard F. Griswold

Exhibit G

CHARLES W. ROBERTS
Chair - Tallahassee

JOYCE ESTES
Vice Chair - Eastpoint

JUDY BYRNE RILEY
Secretary/Treasurer
Fort Walton Beach

WAYNE BODIE
DeFunak Springs

SHARON T. GASKIN
Wewahitchka

L. E. MCMULLIAN, JR.
Sneads

JOHN R. MIDDLEMAS, JR.
Panama City

J. RUSSELL PRICE
Tallahassee

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
INDIVIDUAL WATER USE PERMIT**
(NWFWM Form No. A2-E)

DRAFT - SUBJECT TO BOARD APPROVAL

Permit granted to:	Permit No.: <u>2000-0040</u>
<u>Martin J. Goldstein</u> Lake Merial Development Company <u>11515 Old Bicycle Road</u>	Date Permit Granted: <u>April 27, 2000</u>
<u>Panama City, Florida 32404</u> (Legal Name and Address)	Permit Expires On: <u>April 28, 2005</u>
County: <u>Bay</u> Area: <u>C</u>	Source Classification: <u>Floridan Aquifer</u>
Application No.: <u>105714</u>	Use Classification: <u>Public Supply</u>
	Location: Section <u>30</u> 1/4 Section _____
	Township <u>1 South</u> Range <u>14 West</u>

Terms and standard conditions of this Permit are as follows:

1. That all statements in the application and in supporting data are true and accurate and based upon the best information available, and that all conditions set forth herein will be complied with. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the conditions set forth herein, then this Permit shall be revoked as provided by Chapter 373.243, Florida Statutes.
2. This Permit is predicated upon the assertion by the Permittee that the use of water applied for and granted is and continues to be a reasonable and beneficial use as defined in Section 373.019(4), Florida Statutes, is and continues to be consistent with the public interest, and will not interfere with any legal use of water existing on the date this Permit is granted.
3. This Permit is conditioned on the Permittee having obtained or obtaining all other necessary permit(s) to construct, operate and certify withdrawal facilities and the operation of water system.
4. This Permit is issued to the Permittee contingent upon continued ownership, lease or other present control of property rights in underlying, overlying, or adjacent lands. This Permit may be assigned to a subsequent owner as provided by Chapter 40A-2.351, Florida Administrative Code, and the acceptance by the transferee of all terms and conditions of the Permit.

DRAFT - SUBJECT TO BOARD APPROVAL

5. This Permit authorizes the Permittee to make a combined average annual withdrawal of **300,000** gallons of water per day, a maximum combined withdrawal of **540,000** gallons during a single day, and a combined monthly withdrawal of **11,250,000** gallons. Withdrawals for the individual facilities are authorized as shown in the table below in paragraph six. However, the total combined amount of water withdrawn by all facilities listed in paragraph six shall not exceed the amounts identified above.

6. Individual Withdrawal Facility Authorization

WITHDRAWAL POINT ID NO.	LOCATION SEC,TWN,RNG	GALLONS/DAY AVERAGE	GALLONS/DAY MAXIMUM
LMD #1	Sec. 30, T1S, R14W		299,520
LMD #2	Sec. 30, T1S, R14W		299,520
DRAFT - SUBJECT TO BOARD APPROVAL			

7. The use of the permitted water withdrawal is restricted to the use classification set forth by the Permit. Any change in the use of said water shall require a modification of this Permit.
8. The District's staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this Permit.
9. The District's staff, upon providing prior notice and proper identification, may request permission to collect water samples for analysis, measure static and/or pumping water levels and collect any other information deemed necessary to protect the water resources of the area.
10. The District reserves the right, at a future date, to require the Permittee to submit pumpage records for any or all withdrawal point(s) covered by this Permit.
11. Permittee shall mitigate any significant adverse impact caused by withdrawals permitted herein on the resource and legal water withdrawals and uses, and on adjacent land use, which existed at the time of permit application. The District reserves the right to curtail permitted withdrawal rates if the withdrawal causes significant adverse impact on the resource and legal uses of water, or adjacent land use, which existed at the time of permit application.
12. Permittee shall not cause significant saline water intrusion or increased chloride levels. The District reserves the right to curtail permitted withdrawal rates if withdrawals cause significant saline water intrusion or increased chloride levels.

13. The District, pursuant to Section 373.042, Florida Statutes, at a future date, may establish minimum and/or management water levels in the aquifer, aquifers, or surface water hydrologically associated with the permitted withdrawals; these water levels may require the Permittee to limit withdrawal from these water sources at times when water levels are below established levels.
14. Nothing in this Permit should be construed to limit the authority of the Northwest Florida Water Management District to declare water shortages and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate and implement a plan during periods of water shortage pursuant to Section 373.246, Florida Statutes, or to declare Water Resource Caution Areas pursuant to Chapters 40A-2.801, and 62-40.41, Florida Administrative Code.
 - (a) In the event of a declared water shortage, water withdrawal reductions shall be made as ordered by the District.
 - (b) In the event of a declared water shortage or an area as a Water Resource Caution Area, the District may alter, modify or inactivate all or parts of this permit.
15. The Permittee shall properly plug and abandon any well determined unsuitable for its intended use, not properly operated and maintained, or removed from service. The well(s) shall be plugged and abandoned to District Standards in accordance with Section 40A-3.531, Florida Administrative Code.
16. Any Specific Permit Condition(s) enumerated in Attachment A are herein made a part of this Permit.

DRAFT - SUBJECT TO BOARD APPROVAL

Authorized Signature
Northwest Florida Water Management District

DRAFT - SUBJECT TO BOARD APPROVAL

ATTACHMENT A
Martin J. Goldstein
Lake Merial Development Company

Individual Water Use Permit No. 2000-0040
Individual Water Use Application No. 105714

1. The Permittee shall install and maintain in-line totaling flow meters on the wellheads of LMD #1 and LMD #2.
2. The Permittee, by January 31 of each year, shall report its water use to the District on Water Use Summary Reporting Form NFWWMD A2-I. The Permittee, along with the water use reports, shall provide an itemized estimate of the water system's unaccounted for water by suspected cause (e.g., leaks, breaks, line flushing, etc.).
3. The Permittee, prior to operation of the water system, shall develop and implement a water use accounting system that provides for an accurate determination of the amounts of water withdrawn, the amounts of water billed to customers, and the amounts unaccounted for due to leaks, line breaks, inaccurate meters, unmetered users, line flushing, etc.
4. The Permittee shall not use water from the Floridan Aquifer for irrigation of parks, golf courses, sports parks or other public landscaped areas.
5. The Permittee, by December 31, 2000, shall submit to the District a Water Resource Master Plan that comprehensively promotes water use efficiency and conservation. The Plan shall include such actions as a customer water conservation educational program, promotion of Xeriscape techniques, the phasing in of the use of reclaimed water for non-potable purposes, etc.
6. The Permittee shall consider adopting a water conservation oriented rate structure. The rate structure should promote water use efficiency and conservation; while providing for a "life-line" initial rate. A copy of the rate structure shall be submitted to the District by December 31, 2000.

DRAFT - SUBJECT TO BOARD APPROVAL

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

STAFF REPORT

TO: Governing Board
FROM: Regulatory Division
DATE: March 9, 2000

DRAFT - SUBJECT TO BOARD APPROVAL

SUBJECT: Individual Water Use Permit Application No. 105714

Applicant: Lake Merial Development Company

Location: Lake Merial off State Highway 77, Bay County, Permit Area C
Section 30; Township 1 South; Range 14 West

Use: Public Supply

Water Source: Floridan Aquifer

Facility: Proposed: LMD #1 - 8-inch diameter, 250 foot total depth well cased to 100 feet.
LMD #2 - 8-inch diameter, 250 foot total depth well cased to 100 feet.

Capacity: Proposed: 400 Gallons per Minute; 576,000 Gallons per Day

Withdrawal Information:

Water Use Totals	Requested	Recommended
Average Day (GPD)	300,000	300,000
Maximum Day (GPD)	540,000	540,000
Maximum Month (GAL)	11,250,000	11,250,000

STAFF EVALUATION:

Lake Merial Development, Inc., (LMD) proposes to construct and operate a public water supply system in northern Bay County. The applicant is requesting authorization to construct two Floridan Aquifer wells and withdraw average daily, maximum daily and maximum monthly amounts of 300,000 gallons, 540,000 gallons, and 11,250,000 gallons, respectively.

Project Description

LMD is planning to develop a 2000-acre parcel of land adjacent to State Road 77 in northern Bay County. The subject property, currently vacant timber land with two lakes, is located in the Sand Hills Lakes region of the county, an area noted for its karst topography and scenic lakes. The development is to include residential, commercial and school uses. LMD will operate the water and wastewater services to supply the demands of 650 residential lots, a hotel, a shopping center, a school, several gas stations, a golf course and a sports complex. This application is for potable water use only.

LMD has also submitted a separate application for irrigation uses (105755). The application is on hold pending completion of a plan to address the possible use of reclaimed water to meet the irrigation needs of the golf course and other public areas. This application will be completed in the near future.

LMD's potable water supply plan is to withdraw water from two Floridan Aquifer wells. Each well will pump at an average rate of approximately 150,000 gallons per day (gpd). Based on data collected by the applicant, each well will be constructed to a depth of approximately 250 feet and cased at a depth of approximately 100 feet. A wastewater treatment plant will be constructed for handling up to 300,000 gallons per day and is expected to be completed within three years.

DRAFT - SUBJECT TO BOARD APPROVAL

The Florida Department of Environmental Protection is currently reviewing the Public Supply Systems (PSS) and Wastewater Treatment Plant (WWTP) permit applications. On February 3, 2000, Dana Utility Corporation, a wholly owned subsidiary of LMD, was issued Certificates Nos. 614-W and 529-S from the Public Service Commission to operate the public water supply and wastewater systems, respectively.

Calculation of Potable Water Supply Demands

To estimate the Lake Merial development's water use needs, LMD projected future residential populations, provided commercial facility sizes and descriptions and compared the demands with similar developments in northwest Florida. All projections are based on build-out within three to five years. Based on 650 residential connections, an estimated 3 persons per unit and a per capita demand of 100 gallons, LMD estimates the residential population average daily demand to be 195,000 gallons. Based on the sizes of the proposed shopping center, hotel, country club, gas stations and school, LMD estimates an additional average daily demand of 105,000 gallons. The applicant estimates the maximum daily and maximum monthly demands of the development will be 540,000 gallons and 11,250,000 gallons, respectively. Staff has reviewed these demand projections and considers them reasonable. However, this is a major development in an essentially rural area. The applicant's estimated build-out within three years may be optimistic.

GROUND WATER IMPACTS:

Lake Merial Development is located in the Sand Hill Lakes area of Bay County. This area is characterized by karst topography, closed surface-water drainage basins and high ground water recharge. According to the District's Water Resources Special Report 97-2 "*Delineation of the Floridan Aquifer Zone of Contribution for Econfina Creek and Deer Point Lake, Bay and Washington Counties, Florida*", transmissivities of the Floridan Aquifer in the area range between 600,000 ft²/day and 1,000,000 ft²/day, but can be even higher. These are some of the highest transmissivities in the District. Due to these high transmissivities, the aquifer is more easily recharged by rainfall. Recharge to the Floridan Aquifer in this area ranges between 30 to 40 inches per year. This recharge adds to the ground water which provides up to 40% of the total water flow into Deer Point Lake, the primary source of drinking water for southern Bay County.

Because of the very high transmissivities characteristic of the Floridan Aquifer in the applicant's service area, no harm to the resource is anticipated from the approval of the recommended amounts. However, in its effort to provide for the efficient and non-wasteful use of the Floridan Aquifer, the District will require the applicant to investigate alternative sources for its non-potable water use needs (e.g., irrigation) and to implement other water conservation measures.

CONCLUSIONS AND RECOMMENDATIONS:

It is the determination of the staff that the water use amounts recommended, as conditioned, are reasonable-beneficial, consistent with the public's interest, and will not harm the water resources of the area or interfere with existing legal users. This determination has been made according to provisions of Chapter 373, Florida Statutes, and Chapter 40A-2, Florida Administrative Code.

The staff recommends that the applicant be granted an Individual Water Use Permit for an annual average daily withdrawal of 300,000 gallons, a maximum daily withdrawal of 540,000 gallons, and a maximum monthly withdrawal of 11,250,00 gallons. The staff also recommends that the permit's expiration date be April 28, 2005 and that the permit be conditioned as per the terms and Standard Conditions of the permit document (NWFWMD Form No. A2-E), and the following Specific Conditions:

1. The Permittee shall install and maintain in-line totaling flow meters on the wellheads of LMD #1 and LMD #2.
2. The Permittee, by January 31 of each year, shall report its water use to the District on Water Use Summary Reporting Form NWFWMD A2-I. The Permittee, along with the water use

- reports, shall provide an itemized estimate of the water system's unaccounted for water by suspected cause (e.g., leaks, breaks, line flushing, etc.).
3. The Permittee, prior to operation of the water system, shall develop and implement a water use accounting system that provides for an accurate determination of the amounts of water withdrawn, the amounts of water billed to customers, and the amounts unaccounted for due to leaks, line breaks, inaccurate meters, unmetered users, line flushing, etc.
 4. The Permittee shall not use water from the Floridan Aquifer for irrigation of parks, golf courses, sports parks or other public landscaped areas.
 5. The Permittee, by December 31, 2000, shall submit to the District a Water Resource Master Plan that comprehensively promotes water use efficiency and conservation. The Plan shall include such actions as a customer water conservation educational program, promotion of Xeriscape techniques, the phasing in of the use of reclaimed water for non-potable purposes, etc.
 6. The Permittee shall consider adopting a water conservation oriented rate structure. The rate structure should promote water use efficiency and conservation; while providing for a "life-line" initial rate. A copy of the rate structure shall be submitted to the District by December 31, 2000.



Notice of Rights

The following information addresses the procedures to be followed if you desire an administrative hearing or other review of the agency action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under sections 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, Route 1, Box 3100, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

SECTION 28-106.201, FLORIDA ADMINISTRATIVE CODE, INITIATION OF PROCEEDINGS

- (1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
 - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
 - (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
- (3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.
- (4) A petition may be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.
- (5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), (5), FS.

Law Implemented 120.54(5), 120.569, 120.57, FS.

History - New 4-1-97, Amended 9-17-98.

**ROADWAY AND EASEMENT AGREEMENT
DEANE BOZEMAN LEARNING CENTER**

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THIS AGREEMENT (the "Agreement") is made and dated this _____ day of February, 2000, by and between the Lake Merial Development Company, Inc., a duly organized corporation under the laws of the State of Florida, ("Developer") the School Board of Bay County, Florida ("Board"); AND Peoples First Community Bank ("Lender").

WHEREAS, the Board is constructing an educational facility known as the Deane Bozeman Learning Center;

WHEREAS, Developer is a land development company and is currently developing the real property adjacent to the Deane Bozeman Learning Center;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the mutual covenants and conditions hereafter expressed, and reliance upon these presents, the parties hereto agree as follows:

1. DEFINITIONS

A. Learning Center means the improvements and real property associated with the Deane Bozeman Learning Center.

B. Roadway Facility (connection to Highway 77) - means that area described in Exhibit "_____" attached, known as the Roadway Facility.

C. Roadway Easement means that real property described in Exhibit "_____" attached, for which the Board shall receive a non-exclusive perpetual easement for ingress and egress.

D. Bus Loop Easement means that real property described in Exhibit "_____" attached, for which the Board shall receive an exclusive perpetual easement for ingress and egress, landscaping, maintenance and use.

2. ROADWAY FACILITY. The Roadway Facility shall be constructed by the Board in a manner that is compatible with plans and specifications of the Roadway Facility. The construction shall not include landscaping. At a minimum, the Roadway Facility shall be constructed in compliance with all County and FDOT requirements. During the period of construction, the Board shall have an easement over the Roadway Facility for construction in accordance with the plans and specifications. Upon completion, the sixty foot roadway

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which is a part of the Roadway Facility shall be publicly dedicated by the Developer. The Lender agrees to join in the Easements given to the Board. The Board agrees to join in the public dedication of the sixty foot roadway. If the Developer fails to execute and record (within one year of the date of this Agreement) a public dedication of the sixty-foot roadway which is a part of the Roadway Facility, the Board shall have a perpetual non-exclusive easement for ingress and egress, landscaping, maintenance and use over the Roadway Facility. The Board shall have the responsibility to construct any roadway improvements required by FDOT or the County that are located at the intersection of the Roadway Facility and Highway 77.

3. **ROADWAY EASEMENTS.** Upon the execution of this Agreement by all parties, the Developer shall immediately execute and deliver to the Board the Roadway Easement attached as Exhibit "_____".

4. **BUS LOOP EASEMENT.** Additionally, the Developer, upon the execution of this Agreement by all parties, executed and delivered to the Board, an exclusive perpetual easements for ingress and egress, landscaping, maintenance and use to the Board over the Roadway Easement attached as Exhibit "_____".

5. **ASSIGNMENT AND RELEASE.** The Developer authorizes its agents and assigns, including, but not limited to, Panhandle Engineering, Inc. and County Wide Surveying, Inc., to release to the Board or its agents or employees all drawings, specifications, permits, surveys, legal descriptions and other documents relating to the Roadway Facility, Roadway Easement and Bus Loop Easement. Developer shall assign, where allowed by law, all permits it has or obtains in the future relating to the construction of the Roadway Facility to the Board.

6. **ATTORNEY'S FEES AND COSTS.** Notwithstanding any provision contained in this agreement to the contrary, in connection with any litigation, including appellate proceedings, arising out of this contract, the prevailing party shall be entitled to a reasonable attorney's fees and costs.

7. **SUCCESSION, ENTIRE AGREEMENT, WAIVER.** This Agreement shall be binding upon and shall inure to the benefit of Board and Developer and their respective successors or assigns. This Agreement sets forth the entire agreement between the parties and all prior negotiations are merged herein and there are no covenants, promises, agreements, undertakings, either written or oral, between them, nor any warranties or representations except as herein set forth. No waiver or delay in the enforcement of any right or remedy contained herein shall be construed as a waiver or agreement to forbear the same or any other right or remedy in the future.

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8. **NOTICES.** Any notices or correspondence pertaining to this agreement shall be sent to the following:

BOARD:

Bay County School Board
Board Chairman
Superintendent
1311 Balboa Avenue
Panama City, Florida 32401

With a copy to BOARD'S ATTORNEY:

Franklin R. Harrison, Esq.
Harrison, Sale, McCloy, Thompson & Harrison
P.O. Drawer 1579
Panama City, Florida 32402

DEVELOPER:

Lake Merial Development Company, Inc.
C/O Martin J. Goldstein, President
13100 S.R. 77
Southport, Florida 32409

With a copy to:

Auberlac Trading Limited
C/O Avram Simon
11 Cenacle Close
London, England NW3 7UE
FAX # 011-44-171-435-1381

and to DEVELOPER'S ATTORNEY:

Les W. Burke, Esq.
Burke & Blue, P.A.
P.O. Box 70
Panama City, Florida 32402

LENDER:

Peoples First Community Bank
2305 Highway 77
Panama City, Florida 32405

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IN WITNESS WHEREOF, the parties hereunto have set their hands and seals the day and year indicated below.

BAY COUNTY SCHOOL BOARD

Witness

By _____
Its Chairman
Date Approved _____

LAKE MERIAL DEVELOPMENT COMPANY, INC.

Witness

By _____
Its President
Date Approved _____

PEOPLES FIRST COMMUNITY BANK

Witness

By _____
Its _____
Date Approved _____