



# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

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Bartow, Florida 33830-7700  
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6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

December 19, 2014

City of Plant City  
Attn: Brett Gocka  
302 West Reynolds Street  
Plant City, FL 33564

Subject: **Notice of Intended Agency Action - Approval  
ERP Conceptual Major Modification**

Project Name: City of Plant City - Midtown Stormwater Master Plan  
App ID/Permit No: 701103 / 49020053.006  
County: HILLSBOROUGH  
Sec/Twp/Rge: S33/T28S/R22E, S28/T28S/R22E, S32/T28S/R22E,  
S29/T28S/R22E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit modification. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

cc: Derek L. Doughty, P.E., Applied Sciences Consulting, Inc.



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S29/T28S/R22E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit modification. Based upon a review of the information you submitted, the application is approved. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

Approved conceptual plans are part of the permit, and further applications for construction permitting must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at [www.WaterMatters.org/permits](http://www.WaterMatters.org/permits).

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at [www.WaterMatters.org/permits/noticing](http://www.WaterMatters.org/permits/noticing). If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

Enclosures: Approved Permit w/Conditions Attached  
Notice of Rights

cc: Derek L. Doughty, P.E., Applied Sciences Consulting, Inc.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
CONCEPTUAL MAJOR MODIFICATION  
PERMIT NO. 49020053.006**

**EXPIRATION DATE:** December 19, 2019

**PERMIT ISSUE DATE:** December 19, 2014

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to use the information outlined herein and shown by the application, approved drawings, plans, specifications and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District), to proceed with further applications for construction permitting.

**PROJECT NAME:** City of Plant City - Midtown Stormwater Master Plan

**GRANTED TO:** City of Plant City  
Attn: Brett Gocka  
302 West Reynolds Street  
Plant City, FL 33564

**OTHER PERMITTEES:** N/A

**ABSTRACT:** This permit modifies previous conceptual and construction permits to provide updated conceptual approval pursuant to Rule 62-330.055, F.A.C. for the City of Plant City – Midtown Master Plan. Rule 62-330.055, F.A.C. (adopted in 2013) provides for Environmental Resource Permit conceptual approval for urban infill or redevelopment projects. The Midtown Redevelopment Area, which was established under Chapter 163, F.S., is generally located in the southwest quadrant of the intersection of West Ingram Street and the north-south railroad track east of Collins Street. This conceptual permit re-establishes the “banked credit” system for phosphorus removal that was previously established under Conceptual Permit No. 49020053.002 and Construction Permit No. 44020053.004. To demonstrate net improvement of water quality, this permit provides a ledger for tracking of pre- and post-development loadings and pollution removal efficiencies. The previously authorized Hunter/Grant Pond modifications (Construction Permit No. 44020053.004) and Pond A (Construction Permit No. 44034914.000) are designed to provide phosphorus removal in the watershed of Mill Creek (WBID 1542A), which is verified as impaired for total phosphorus. No modifications to the referenced ponds are proposed under this permit. Future construction of the redevelopment projects that were contemplated by this conceptual permit may commence construction after obtaining a General Permit under Rule 62-330.450, F.A.C.

**OP. & MAIN. ENTITY:** City of Plant City

**OTHER OP. & MAIN. ENTITY:** N/A

**COUNTY:** HILLSBOROUGH

**SEC/TWP/RGE:** S33/T28S/R22E, S28/T28S/R22E, S32/T28S/R22E, S29/T28S/R22E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:**

83.00

**PROJECT SIZE:** 83.00 Acres

**LAND USE:** Government

**DATE APPLICATION FILED:** August 26, 2014

**AMENDED DATE:** N/A

## I. Water Quantity/Quality

Comments: No new ponds are proposed under this conceptual permit. The Hunter/Grant Pond and Pond A are both existing ponds that discharge to the watershed of Mill Creek (WBID 1542A), which is verified as impaired for total phosphorus. The ponds are designed to provide phosphorus removal by wet detention. Calculations were previously provided for Construction Permit No. 44020053.004 demonstrating that the previously permitted Hunter/Grant Pond modifications will provide an additional 84.5 pounds per year of total phosphorus removal. The Pond A design is permitted to provide 46.4 pounds per year of total phosphorus removal.

Future projects depending on the phosphorus removal of these 2 ponds will be required to obtain a General Permit under Rule 62-330.450, F.A.C. As part of these General Permits, the applicant shall be required to document that the project will be consistent with the design parameters of this permit and the referenced permits for the Hunter/Grant Pond and Pond A. As part of the General Permit application, the applicant shall also be responsible for documenting the change in impervious area and updating the remaining amount of phosphorus removal credit on a spreadsheet as shown in Appendix E (pages 627-629) of the calculations submitted January 30, 2012 in support of Permit No. 44020053.004.

The Event Mean Concentration (EMC) values for various land uses used in the debit/credit system are to be consistent with the EMC's used in the design of the Hunter/Grant Pond and Pond A. They are as follows:

<u>Land Use</u>	<u>EMC (milligrams per liter)</u>
Single-family residential	0.327
Multi-family residential	0.520
Light-intensity commercial	0.179
High-intensity commercial	0.345
Industrial	0.260

In the conditions prior to the construction of Pond A and the Hunter/Grant pond improvements, the peak discharge rate for the 25-year 24-hour storm (7.5 inches of rainfall) was calculated to be 85.6 cubic feet per second into Node 6170 of the previously submitted model (Construction Permit No. 44020053.004). If a future development parcel requires attenuation facilities to avoid exceeding the 25-year 24-hour peak discharge rate, an Individual Construction Permit will be required.

A mixing zone is not required.

A variance is not required.

## II. 100-Year Floodplain

<b>Encroachment (Acre-Feet of fill)</b>	<b>Compensation (Acre-Feet of excavation)</b>	<b>Compensation Type</b>	<b>Encroachment Result* (feet)</b>
0.00	0.00	No Encroachment	N/A

\*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

## III. Environmental Considerations

No wetlands or other surface waters exist within the project area.

## Specific Conditions

1. This Conceptual Permit No. 49020053.006, amends the previously issued Construction Permit No. 44020053.004, and replaces Specific Conditions No. 15 and No. 16 with Specific Conditions No. 4 through No. 12, and adds conditions. All other original permit conditions remain in effect.

This Conceptual Permit No. 49020053.006, amends the previously issued Conceptual Approval Permit No. 49020053.002, and adds conditions. All original permit conditions remain in effect.

2. Certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341 is waived.
3. The Permitted Plan Set for this project includes:  
**the plan received by the District on August 26, 2014.**
4. This permit is issued pursuant to Rule 62-330.055, F.A.C. as a conceptual approval permit for a specified community redevelopment area created under Chapter 163, Florida Statutes (F.S.). Issuance of this permit also constitutes approval of a stormwater management master plan for the specified community redevelopment area.
5. This conceptual approval permit must not conflict with the requirements of a federally approved program pursuant to Section 403.0885, F.S., or with the implementation of Section 403.067(7), F.S. regarding total maximum daily loads and basin management action plans. In the event of a conflict arising between this permit and the requirements of Section 403.0885, F.S., or Section 403.067(7), F.S., the statutory provisions shall control.
6. This conceptual approval permit is issued for a term of 20 years from the date of permit issuance or shorter duration as requested by the permit applicant and shown on this permit as the approved expiration date. The permittee may renew this conceptual approval permit for an additional term of up to 10 years, provided the activities being undertaken within the community redevelopment area and the activities proposed for construction or operation during such additional term remain in compliance with Rule 62-330.056, F.A.C., and the terms and conditions of this permit.
7. All stormwater management systems constructed or altered within the community redevelopment area for which this conceptual approval permit is authorized shall be operated and maintained in compliance with Section 373.416, F.S., and the applicable provisions of Chapter 62-330, F.A.C.
8. Any construction, alteration, operation, maintenance or removal of a stormwater system serving any portion of the community redevelopment area for which this conceptual approval permit is issued may be authorized under a notice of intent to use the general permit set forth in Section 62-330.450, F.A.C., provided the activity is consistent with the requirements of that general permit. If any such activities proposed within the redevelopment area for which this conceptual approval permit is issued are not consistent with the general permit set forth in Section 62-330.450, F.A.C., an application for a permit shall be required to authorize such activity.
9. Where substantive changes in the design are proposed or are required to address the factors in subsections 62-330.056(7)(b) through (d), F.A.C., a modification of this conceptual approval permit must be obtained prior to Agency issuance of any permit to authorize construction, alteration, modification or abandonment of permitted activities within the redevelopment area for which this permit is issued.

10. For any approvals or authorizations granted for development activities within the designated community redevelopment area for which this conceptual permit is issued, the permittee shall require as part of its approvals or authorizations that the activities to be undertaken within the redevelopment area will use stormwater best management practices (BMPs) to the maximum extent practicable.
11. Any individual or regional stormwater management system serving the community redevelopment area for which this conceptual approval permit is issued shall be operated and maintained in perpetuity, consistent with the terms and conditions of this permit.
12. If changes are proposed to the design of existing or future phases of this conceptual approval permit, or where there have been changes to state water quality standards, special basins, or site characteristics during the duration of this conceptual approval permit, this conceptual approval permit must be modified in order to continue to rely on this permit as a basis for establishing reasonable assurance for the Agency to issue future construction or operation permits for activities within the community redevelopment area. If a modification of this permit is not obtained, this conceptual approval permit can no longer be relied upon as a basis, in whole or in part, under which permits to construct, alter or operate future activities or phases of development within the community redevelopment area will be issued. The Agency will reevaluate the terms and conditions of this conceptual approval permit at the time a permit application is received to construct activities within the original conceptual approval permit area, or at the next requested extension or renewal of the conceptual approval permit duration in accordance with Section 62-330.056(11), F.A.C.

**GENERAL CONDITIONS**

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

**Michelle K. Hopkins, P.E.**

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Authorized Signature

## EXHIBIT A

### GENERAL CONDITIONS:

1. This conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment of a stormwater management system, or the establishment or operation of a mitigation bank. Issuance of a conceptual approval permit does not relieve the permittee of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Chapter 62-330, F.A.C., Section 403.414(12), F. S., or a permit to establish and operate a mitigation bank pursuant to Chapters 62-330 and 62-342, F.A.C.
2. This conceptual approval permit does not imply approval of any construction activities on the property covered by this permit. Issuance of this permit is a determination that the conceptual plans are, within the extent of detail provided in the conceptual approval permit application, consistent with applicable rules at the time of permit issuance. This conceptual approval permit provides the permittee with a rebuttable presumption, during the duration of the conceptual approval permit, that the engineering design and environmental concepts upon which the designs of this permit are based (within the extent of detail provided in the conceptual approval permit) are likely to meet applicable rule criteria for issuance of permits for subsequent construction phases of the project, provided in the provisions of Rule 62-330.056(7), F.A.C., are met at the time of receipt of a complete application to construct or operate future phases.
3. Approved conceptual plans are part of the permit, and any further applications for construction permitting for any part of the project area covered by this conceptual approval permit must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at [www.WaterMatters.org/permits](http://www.WaterMatters.org/permits).
4. If an application for construction of any portion of the project area for this conceptual approval permit is based upon designs that are inconsistent with the design concepts approved in this permit, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this conceptual approval permit. If the inconsistency will materially affect those designs and conditions, then the applicant of the construction permit must demonstrate that the conceptual approval permittee(s) agree to that inconsistency, as provided in Rule 62-330.056, F.A.C.
5. The duration of this conceptual approval permit is 20 years, provided a permit under Chapter 62-330, F.A.C. [or Section 403.814(12), F.S.] is obtained for the initial phase of construction or alteration, the authorized construction or alteration has been begun within five years of the date of this conceptual approval permit is issued, and the work remains in compliance with the terms and conditions of both this conceptual approval permit and all permits authorizing construction or alteration.
6. If a permit for construction or alteration of any phase of the conceptually approved project is not obtained and construction is not commenced within five years of issuance of this conceptual approval permit, this permit will expire five years from its date of issuance.
7. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards special basins, or site characteristics during the duration of this conceptual approval permit, a modification to this permit must be applied for if the permittee wishes to continue to rely on this permit as a basis for reasonable assurance that the conditions for issuance of any future construction or operation permits for the project area have been met.
8. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations, including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

9. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in Chapter 62-330, F.A.C.
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the issuance of this conceptual approval permit or any use of the property for which this permit is issued.
11. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
12. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property for which conceptual approval is authorized. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 62-330.340, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance, or other transfer.
13. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter the property covered under this conceptual approval permit and to inspect or conduct sampling or testing as appropriate with respect to the location and condition of hydrologic, geographic or other features and design parameters covered by this conceptual approval permit, to insure conformity with District rules, regulations and the conditions of this permit.
14. If historical or archaeological artifacts are discovered at any time on the property covered by this conceptual approval permit, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
15. The boundaries of wetlands, other surface waters, flood plains, and other existing and proposed site conditions and design parameters for which conceptual approval is authorized based upon the information for which the applicant has certified as based upon true and accurate representations of the actual existing site conditions and design parameters at the time of permit application. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. Should any other regulatory agency require changes to the design of the project for which this conceptual approval permit is issued, the District shall be notified of the changes prior to or during application for any construction or other permitting of the project area covered by this permit so that a determination can be made as to whether modification of this conceptual approval permit is required.

## Notice of Rights

### ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at [www.flrules.org](http://www.flrules.org) or at the District's website at [www.WaterMatters.org/permits/rules](http://www.WaterMatters.org/permits/rules).
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-3054. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at [www.WaterMatters.org/about](http://www.WaterMatters.org/about).

## **JUDICIAL REVIEW**

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

