

## **ENVIRONMENTAL RESOURCE PERMITTING/MSSW/STORMWATER SPECIAL CONDITIONS**

### Duration and Completion

1. This permit for construction will expire five years from the date of issuance.

### Conceptual

2. Pursuant to Section 3.4.2(s) of the MSSW Applicant's Handbook, this permit does not authorize any construction, operation, or alteration of the proposed system.
3. This Conceptual Approval permit is valid for twenty years from the date of issuance, provided that construction of the initial phase of the system is permitted and construction undertaken within two years of the issuance of this conceptual approval permit, and provided that all phases of the system are designed and built in accordance with the terms of the conceptual approval permit and that all required permits for subsequent phases are obtained.

### High Maintenance Systems

4. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

### Wet Detention

5. The littoral zone of the wet detention system, as shown on the approved plans, must be vegetated with a mixture of native herbaceous vegetation, achieving an 80% cover within 18 months of completion of the system. At least an 80% cover must be maintained in perpetuity.
6. All activities necessary to establish the vegetated littoral zone as required by permitted plans and other conditions of this permit, must be completed prior to any of the following events (whichever occurs first): issuance of the first certificate of occupancy; the use of infrastructure for its intended use; or transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.

### Karst Sensitive Areas

7. If limestone bedrock is encountered during construction of the retention basins or a sinkhole or solution cavity forms during construction, construction of the basin must be halted immediately and the District must be notified. Remedial action will be required.

8. The permittee must visually inspect all permitted surface water management basins monthly for the occurrence of sinkholes and document these inspections on District Condition Compliance Form Number EN-33. Two copies of the completed forms must be sent to the District annually by May 31st of each year.
9. The permittee must report any sinkhole that develops within the surface water management system. Permittee must notify the District of any sinkhole development in the surface water management system within 48 hours of its discovery and complete sinkhole repair within 10 days of such discovery using a District approved methodology.

#### Wetland Preservation/Creation

10. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
11. The permittee must submit two copies of an as-built survey of the wetland mitigation areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. The as-built must be submitted with the first monitoring report.
12. Within the wetland mitigation areas, non-native vegetation, cattails (*Typha* spp.) and primrose willow (*Ludwigia peruviana*), must be controlled by hand clearing or other methods approved by the District so that they constitute no more than 10% of the areal cover in each stratum.
13. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The wetland mitigation areas must be planted prior to any of the following events (whichever occurs first): issuance of the first certificate of occupancy; use of the infrastructure for its intended use; or transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.
15. The Permittee must furnish the District with two copies of an annual monitoring report in the month of August on District form EN-55 for the time period stated in this permit's success criteria condition..
16. Successful establishment of the wetland mitigation area will have occurred when:
  - A. At least 80 percent of the planted individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - B. At least 80 percent cover by appropriate wetland herbaceous species has been obtained; and,
  - C. Hydrologic conditions generally conform to those specified in the mitigation plan; and,
  - D. The above criteria has been achieved by the end of a 3 year period following Initial planting.

17. Successful establishment of the wetland mitigation area will have occurred when:
- A. At least 80 percent of the planted individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - B. At least 80 percent cover by appropriate wetland herbaceous species has been obtained; and,
  - C. Hydrologic conditions generally conform to those specified in the mitigation plan; and,
  - D. The above criteria have been achieved by the end of a 5 year period following initial planting.
18. If successful establishment has not occurred as stated above, the permittee must apply to the District for a permit modification no later than 30 days following the termination of the monitoring period. The application must include a narrative describing the type and causes of failure and contain a complete set of plans for the redesign and/or replacement planting of the wetland mitigation area so that the success criteria will be achieved. Within 30 days of District approval and issuance of the permit modification, the permittee must implement the redesign and/or replacement planting. Following completion of such work, success criteria as stated above or modified by subsequent permit must again be achieved. In addition, the monitoring required by these conditions must be conducted.
19. In the event that 50% or greater mortality of planted wetland species in any Stratum within the mitigation area occurs, the Permittee must undertake a remediation program approved by District staff.

Conservation Easements - (To be used when the conservation area is an unsubdivided parcel of property)

20. This permit requires the recording of a conservation easement.

**Description of Conservation Easement Area**

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the

District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

### **Recording of Conservation Easement**

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

### **Additional Documents Required**

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

### **Demarcation of Conservation Easement Area**

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

Covenants and Restrictions - (To be used when the conservation area is subdivided such as residential developments where the lot lines extend into the conservation area)

21. This permit requires the recording of a Declaration of Covenants and Restrictions that includes restrictions on certain real property.

**Description of Restricted Area**

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the restrictions, or (b) a surveyor's sketch and legal description of the area to be restricted, per the approved mitigation plan, at least 45 days prior to: (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be restricted in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be restricted during each phase must be submitted in accordance with the previous paragraph.

**Recording of Declaration of Covenants and Restrictions**

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a Declaration of Covenants and Restrictions which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The Declaration shall be in the form approved in writing by the District and, if no plat has been submitted, the Declaration shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the Declaration with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the Declaration, including the preliminary plat or legal description and surveyor's sketch, and record the Declaration.

Pursuant to section 704.06, Florida Statutes, the Declaration shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The Declaration must contain the provisions set forth in paragraphs 1(a)–(h) of section 704.06, Florida Statutes, as well as provisions indicating that the restrictions may be enforced by the District, and may not be amended without written District approval.

## **Additional Documents Required**

The permittee shall ensure that the Declaration identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the restrictions. If the Declaration's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the Declaration has the legal authority to restrict partnership land or convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the Declaration. The consent and joinder of mortgagee shall be recorded simultaneously with the Declaration in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the District with: (a) a certified copy of the Declaration (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the restricted area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder of mortgagee documents (if applicable).

## **Demarcation of Restricted Area**

Prior to lot or parcel sales, all changes in direction of the restricted area boundaries must be permanently monumented above ground on the project site.

22. Within 90 days of permit issuance, the Permittee must obtain District approval of a site specific, integrated Pesticide Management Plan. The management plan must specify the usage of non-chemical or cultural means as the primary defense against nuisance and/or destructive pests. These non-chemical measures should include practices such as: the planting and maintenance of native vegetation where possible; the use of pest and/or disease tolerant vegetation; the proper selection and application of fertilizer; proper supplemental watering; the use of mulch for weed control, and proper maintenance practices including mowing frequency, mowing height, mechanical dethatching, removal of dying or dead vegetation, etc.

The plan must also include information on the following:

- A. Insecticides, nematicides, fungicides or herbicides to be used;
- B. Method(s) of application;
- C. Time frames for use and application; and
- D. For the pesticides that will be used, specification of:
  - Half-lives
  - N-Octanol/water partition coefficient (Kow)
  - Lethal dose coefficient (LD50)
  - Solubility

Any pesticides selected must exhibit a short half-life (<10 weeks), a low n-octanol/water coefficient (<5.0), and be suitable for use with local soils and groundwater pH conditions. The use of organochlorides and other pesticides either listed by EPA as canceled or suspended, or otherwise prohibited by state or federal law is not allowed.

23. The permittee must adhere to the fertilizer recommendations set forth in the manual for commercial turf grass management by the University of Florida compiled by the Florida Turf-Grass Association. The nutrient loading attributable to the application of effluent shall be considered a source of fertilizer for the golf course and additional non-effluent fertilizer sources shall be utilized only as a supplement.

#### Water Quality Sampling

24. All water quality data must be submitted to the District within 14 days of receipt of the analytical laboratory report using the appropriate District form (EN-16 - EN-20) or an equivalent format approved by District staff.
25. The data collected for the water quality monitoring program must be submitted to the District annually by December 31 of each year using the appropriate District form (EN-16 - EN-20) or an equivalent format approved by District staff.
26. After 5 years of monitoring, the Permittee may request a modification of the parameters and frequency of the monitoring program by demonstrating that the collected data represents steady state conditions, is sufficient to establish baseline ranges for indicator parameters and provides an adequate basis for evaluating the project's compliance with state water quality standards.
27. Within 30 days of the issuance of this permit, the Permittee must submit a site specific quality assurance plan for approval by District staff. The quality assurance plan must conform with FDER Guidelines for Preparing Quality Assurance Plans (DER-QA-001/85, dated January 30, 1986).

#### Inspection Reports - (Retention, Underdrain, Wet Detention, Swales, and Wetland Systems - designed by a Registered Professional)

28. The operation and maintenance entity shall submit inspection reports to the District two years after the operation phase permit becomes effective and every two years thereafter on District form EN-46. The inspection form must be signed and sealed by an appropriate registered professional.

#### Inspection Reports - (Not designed by a Registered Professional)

29. The operation and maintenance entity shall submit inspection reports to the District two years after the operation phase permit becomes effective and every two years thereafter on District form EN-47.

#### Inspection Reports - (Filtration, Exfiltration, and Pump Systems)

30. The operation and maintenance entity shall submit inspection reports to the District one year after the operation phase permit becomes effective and every two years thereafter on District form EN-46. The inspection form must be signed and sealed by an appropriate registered professional.

#### Agricultural 40C-44

31. The permittee must maintain hour meters, in operating order, on each drainage pump. If the hour meters are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Reports of pump operating hours for each pump must be submitted to the District quarterly, using forms provided by the District.
32. The permittee must maintain a staff gauge, referenced to NGVD, in each detention

pond. If the staff gauges are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Water levels must be recorded a minimum of 3 nonconsecutive days per week, or as an alternative, once a week and daily during pump operation. Reports of water levels for each pond must be submitted quarterly to the District using forms provided by the District.

33. The permittee must monitor the water quality on a quarterly basis at each discharge point from pumps or pond outfalls to waters of the state. If no discharge has occurred during a particular quarter, no sampling is required. Water samples must be analyzed for the parameters listed in Table 1. Samples must be analyzed by a laboratory certified by the Florida Department of Health and Rehabilitative Services.
34. If, after five years of water quality monitoring, the permittee demonstrates that the data collected represents steady state conditions and is adequate to project future compliance with state water quality standards, the District shall amend the monitoring conditions by reducing the frequency of monitoring or the number of parameters monitored, or elimination such requirements.
35. If, after five years of water quality monitoring, the District notifies the permittee in writing that discharges from the surface water management system have not complied with the performance standards described in subsection 40C-44.065 (1) and (2), F.A.C., then the permittee must apply for an individual permit.
36. If, after one year of water quality monitoring, the District notifies the permittee in writing that discharges from the surface water management system have not complied with the performance standards described in subsections 40C-44.065 (1) and (2), F.A.C., then the permittee must apply for an individual permit.