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October 13, 2011

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REGULATION AGENDA ITEMS

PERMIT DENIAL: Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

Environmental Resource (ERP): Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

Surface Water Management: Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

Water Use: Permits for the use of ground and/or surface water from wells, canals, or lakes.

Lake Okeechobee Works of the District: Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

EAA Works of the District: Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

Wetland Resource: Permits for dredge and fill activities within Waters of the State and their associated wetlands.

ADMINISTRATIVE HEARING: A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

FINAL ORDER: The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

CONSENT ORDER: A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

CONSERVATION EASEMENT: A perpetual fee ownership in real property that retains such land or water area in its predominantly natural, scenic, open, or wooded condition. Conservation easements generally limit the use of the conservation area to passive, recreational activities such as hiking and bicycling. The District will consider as mitigation for the adverse impacts to wetlands or other surface waters functions caused by a proposed project, the preservation, by conservation easement, of wetland ecosystems.

TECHNICAL DENIAL: This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

EMERGENCY ORDER and AUTHORIZATION: An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

MEMORANDUM OF AGREEMENT/UNDERSTANDING: A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

PETITION: An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

SEMINOLE TRIBE WORK PLAN: The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

SITE CERTIFICATIONS: Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA: The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.

CONSENT ORDERS

1. RESPONDENT: STOCK DEVELOPMENT, LLC
PROJECT: PASEO

SEC 9,10 TWP 45S RGE 25E

LEE COUNTY

SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT
CONDITIONS AND OFF-SITE DISCHARGE OF DEWATERING EFFLUENT

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: AMERICANA OAK, LLC
PROJECT: AMERICANA OAK

SEC 21 TWP 49S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS

2. RESPONDENT: TAMERLANE HOMEOWNERS ASSOCIATION
PROJECT: TAMERLANE HOMEOWNERS ASSOCIATION

SEC 5 TWP 51S RGE 42E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING ON NON ASSIGNED DAYS

3. RESPONDENT: PLANTATION PRESERVE GOLF COURSE
PROJECT: PLANTATION PRESERVE GOLF COURSE

SEC 10 TWP 50S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR OVER PUMPAGE

4. RESPONDENT: BURGER KING
PROJECT: BURGER KING

SEC 6 TWP 44S RGE 43E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER RESTRICTION
ORDER NO 2011-039-DAO-WS FOR WATERING ON NON ASSIGNED DAYS

WATER SHORTAGE VARIANCE APPROVALS

FINAL ORDERS CONCURRING WITH THE GRANTING OF TEMPORARY VARIANCES FROM WATER SHORTAGE ORDER RESTRICTIONS IMPOSED.

As provided in Rule 40E-21.275, F.A.C., an applicant for a variance must provide reasonable assurances that the variance requested will not be harmful to the water resources of the District and demonstrate that specified circumstances exist.

1. PERMITTEE:	LOXAHATCHEE GROVES WATER CONTROL DISTRICT	PERMIT NO.	50-05285-W
		VARIANCE NO.	4774
PROJECT:	LOXAHATCHEE GROVES WATER CONTROL DISTRICT		

PALM BEACH COUNTY

WHEN INSUFFICIENT RAINFALL OCCURS THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT IS AUTHORIZED THE USE OF 155 MG FROM THE C-51 TO MAINTAIN CANAL STAGES FOR FIRE PROTECTION. THIS VARIANCE SHALL EXPIRE ON NOVEMBER 15, 2011, OR WHEN THE DISTRICT ISSUES A MORE STRINGENT WATER SHORTAGE ORDER, WHICHEVER OCCURS FIRST. THIS VARIANCE IS FURTHER SUBJECT TO SPECIFIED CONDITIONS.

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE FOURTH AMENDMENT TO THE TWENTY FOURTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE HOLLYWOOD RESERVATION INCLUDE PROPOSED UTILITY EXTENSIONS THAT INCLUDE A WATER MAIN, A FORCE MAIN, AND REUSE MAIN LINES THROUGH THE SEMINOLE CLASSIC PROPERTY TO SERVICE THE SEMINOLE HARD ROCK HOTEL AND CASINO.
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