

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for Class G-II Ground Water
Quality Criteria Exemption
City of Marco Island
Aquifer Storage and Recovery Facility
Wells ASR-1, 2, 3, 5, 6, 8, and 9

OGC No. 15-0444
File 141218-044-UO-V1
WACS 74184

**FINAL ORDER
GRANTING A WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection hereby issues a Final Order granting a ground water quality criteria exemption for color pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the City of Marco Island (the "City"), Mr. Jeffery Poteet, General Manager Water and Sewer Department, 50 Bald Eagle Drive, Marco Island, Florida 34145, as set forth below.

BACKGROUND AND FINDING of FACTS

1. On May 8, 2015, the Department received a petition from the applicant's representative, KLJ, for a water quality criteria exemption for an installation discharging into Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The installation is the Marco Lakes Source Water Aquifer Storage and Recovery (ASR) well, located northeast of the intersection of CR 951 and US 41, and west of Henderson Creek, Collier County, Florida.

2. The City is currently authorized to inject water from the Marco Lakes which has received disinfection for injection into ground water under UIC Operation

permit number 141218-034-040-UO/5X for wells ASR-1, 2, 3, 5, 6, 8, and 9. A permit renewal (application file no. 141218-045-051-UO/5SR), if granted, will use this water quality criteria exemption for the duration of the renewed permit.

3. The City's petition requested an exemption from the ground water standards contained in Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rules 62-550.310 and 62-550.320, F.A.C. Specifically, the petition requested an exemption from the ground water standard for color contained in Rule 62-520.420(1), F.A.C., which is a maximum of 15 color units.

4. The Department reviewed the City's petition for a water quality criteria exemption and determined that the petition meets the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1), F.A.C., as more fully described in the Intent to Grant.

5. On July 14, 2015, the Department signed an Intent to Grant the ground water quality criteria exemption for color to the City under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I.

6. On July 14, 2015, the Department sent a cover letter and the executed Notice of Intent to Grant, notifying the Petitioner of the Department's proposed agency action and advising the Petitioner of the right to a hearing pursuant to sections 120.569 and 120.57, Florida Statutes (F.S.).

7. As required by the Intent to Grant, pursuant to section 403.815, F.S., and Rules 62-110.106(7) and 62-520.500(3), F.A.C., the Petitioner published notice on July 17, 2015, in the *Naples Daily News*, a daily newspaper published in Collier County,

Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication are attached as Exhibit II.

8. The Department published notice of the Intent to Grant on July 23, 2015, in the *Florida Administrative Register* informing the public of the Department's intended action and offering an opportunity for hearing pursuant to sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

9. The Petitioner and interested parties, having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a petition pursuant to sections 120.569 and 120.57 F.S., are hereby deemed to have waived those rights.

IT IS THEREFORE ORDERED that the City of Marco Island petition for an exemption from the drinking water standard for color set forth in Rules 62-550.310 and 62-550.320, F.A.C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) The ground water quality criteria exemption is being granted in part based on the Department's understanding that the Petitioner's injection operation will not present a danger to the public health, safety, or welfare and will not result in any adverse environmental, social, or economic effects.

(b) The exemption is granted for the duration of the City of Marco Island's UIC current permit number 141218-034-040-UO/5X for wells ASR-1, 2, 3, 5, 6, 8, and 9, and permit renewal (application file no. 141218-045-051-UO/5SR), if granted, for the duration of the renewed permit. Future exemptions must be petitioned for by the applicant in conjunction with a renewal of the operation permit or another UIC permit for any other injection wells at the facility. The exemption extends only to ground water

elements of the City's UIC permit. The exemption will not affect any discharge regulated under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface water.

(c) The exemption provides relief only from the color standard contained in Rules 62-550.310 and 62-550.320, F.A.C., as referenced in Rule 62-520.420(1), F.A.C. All other ground water quality standards, including the minimum criteria contained in Rule 62-520.400, F.A.C., apply to this project.

(d) The permittee shall monitor water quality in accordance with the specific conditions of UIC permit numbers 141218-034-040-UO/5X and 141218-045-051-UO/5SR.

A party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED this 21st day of August, 2015, in Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jane Herndon, Esq.
Deputy Director
Division of Water Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station 3500
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

FILED ON THIS DATE, PURSUANT TO §120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

 8/21/15
CLERK DATE

Copies furnished to:

David Rhodes, DEP/Ft Myers
Joe Haberfeld, DEP/TAL
Will Evans, DEP/TAL
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Attachments: (3)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for Class G-II Ground Water
Quality Criteria Exemption,
City of Marco Island
Marco Lakes Aquifer Storage and Recovery
Wells ASR-1, 2, 3, 5, 6, 8, and 9

File 141218-044-UO-V1
WACS 74184

INTENT TO GRANT GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant a renewal of a ground water quality criteria exemption for color under Rule 62-520.500, Florida Administrative Code (F.A.C.), to the City of Marco Island (the City), Mr. Jeffery Poteet, General Manager Water and Sewer Department, 50 Bald Eagle Drive, Marco Island, Florida 34145, as detailed in its petition. The Department is issuing this intent for the reasons stated below.

BACKGROUND AND FACTS AND CIRCUMSTANCES

1. On May 8, 2015, the Department received a petition from the applicant's representative, KLJ, for renewal of a water quality criteria exemption for an installation discharging into Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The installation is the Marco Lakes Source Water aquifer storage and recovery (ASR) facility, ASR-1, 2, 3, 5, 6, 8, and 9, which is located northeast of the intersection of CR 951 and US 41, and west of Henderson Creek, Collier County, Florida. The water to be used for this ASR project is

disinfected water from the Marco Lakes, to be withdrawn for later use to supplement the City's potable water system.

2. The City's petition requested an exemption from the ground water standards contained in Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rules 62-550.310 and 62-550.320, F.A.C. Specifically, the petition requested an exemption from the secondary drinking water standard for the color standard of 15 color units. The exemption requested an alternative injection zone ground water concentration of 100 color units for color. Secondary drinking water standards are aesthetically based and do not pose a health threat at the requested levels.

3. The City wants to store excess water from the Marco Lakes to supplement the City's potable water system. Disinfected water from the lakes will be stored underground in the basal Hawthorn/upper Suwannee aquifer during times of excess supply, and withdrawn when potable water demand is high. Recovered water will be treated at the City's water treatment plant to augment potable water supply, and will be treated to meet primary and secondary drinking water standards prior to distribution.

4. The Department has permitting jurisdiction under Chapter 403 of the Florida Statutes. The project is not exempt from these permitting procedures. The Department has determined that in addition to the exemption, an underground injection control (UIC) permit is required for operation of the injection wells.

5. The Marco Lakes ASR facility is authorized to inject water from the Marco Lakes to ground water under Underground Injection Control Permit Number 141218-034-040-UO/5X, which is administratively continued with the renewal application submitted May 8, 2015 (file no. 141218-045-051-UO/5SR). Renewal of the ground water quality criteria exemption, if granted by the Department, will be incorporated into the Marco Lakes ASR permit noted above for its seven injection wells, ASR-1, 2, 3, 5, 6, 8, and 9, and is valid for the duration of said permits. Future exemptions must be petitioned for by the applicant in conjunction with an underground injection control permit for the facility. The exemption extends only to ground water elements of the City's underground injection control permit. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface water.

6. The Department has reviewed the above petition for an exemption under the requirements of rule 62-520.500, F.A.C., and intends to grant the exemption to the City of Marco Island based on the following findings:

(a) Rule 62-520.500(1), F.A.C.: Granting the exemption is clearly in the public interest.

The City's petition for an exemption is in the public interest as it provides supplemental water supply to the City's potable water program without additional demand on the City's fresh water resources. Storing excess water of good quality in the basal Hawthorn/upper Suwannee aquifer through the use of ASR wells helps the City meet the public demand for a reliable supply of drinking water at a reasonable cost, while not adversely affecting the environment. Granting the ground water quality criteria exemption for the Marco Lakes ASR

system will allow the City to augment its potable water supplies and reduce its dependence on the limited regional freshwater supply of the surficial aquifer.

(b) Rule 62-520.500(2), F.A.C.: Compliance with such criteria is unnecessary for the protection of present and future potable water supplies.

Compliance with the secondary drinking water standard for color is not necessary for the protection of potable water supplies. Ground water quality within the injection storage zone is generally poor, with a total dissolved solids (TDS) concentration of approximately 6,000 mg/L. Therefore, ground water in the storage zone in this area of the project is not used as a potable water source and if used would require treatment, which would also treat color.

(c) Rule 62-520.500(3), F.A.C.: Granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water.

Granting a water quality criteria exemption for color will not interfere with existing uses or designated use of the waters or of contiguous water. The Marco Lakes water to be injected is currently used as a source of drinking water for the City. Existing ground water use is limited in the basal Hawthorn/upper Suwannee aquifer in this area and there are no wells which penetrate the storage zone within one mile of the project except the existing ASR wells and ASR monitoring wells. There is confinement between the storage zone and the overlying surficial aquifer, which is the local source of drinking water. Confinement within the Hawthorn Group serves to separate the storage zone from overlying aquifers within the Hawthorn, and serves to separate the

Hawthorn aquifers from the surficial aquifer. Secondary drinking water standards are aesthetically based and granting the exemption for color at the requested level will not pose a health threat. Exceedance of the requested ground water standard will have no adverse effects upon the health, safety, or welfare of persons, or on the ground water or any surface water surrounding the facility. Therefore, granting the exemption will not interfere with the existing uses and the designated use of the ground water.

(d) Rule 62-520.500(4), F.A.C.: The economic, environmental, and social costs of compliance with the criteria outweigh the economic, environmental, and social benefits of compliance.

The economic, environmental, and social costs of compliance with the secondary drinking water standard for color odor outweigh the economic, environmental, and social benefits of compliance. Compliance with the standards for color for the ASR system will require significant costs to upgrade the treatment facilities. There would be substantial costs for additional equipment, chemical storage, and a more expensive treatment. Capital costs to construct the treatment facilities are estimated at 15 million dollars, and operation and maintenance costs are estimated at 1 to 2 million dollars per year. These additional treatment costs to the ASR system make the project costs significant and with little derived benefit. After recovery from the ASR wells, the water will be treated to meet primary and secondary drinking water standards at the Marco Island water treatment plant prior to distribution to its customers. Granting the water quality criteria exemption for color therefore outweighs the environmental

benefit of compliance, as color is an aesthetic property with no known threat to the environment or public health.

(e) Rule 62-520.500(5), F.A.C.: An adequate monitoring program approved by the Department has been established to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect of underground geologic formations or waters.

An adequate proposed monitoring program has been approved by the Department and is designed to monitor the ASR system's response to ground water recharge and recovery while complying with the requirements of the water quality criteria exemption. The quality of the injected water will be monitored regularly to ensure compliance with the ground water standards and monitoring requirements contained in the injection well permit. The ASR system is monitored by two storage zone monitoring wells and one monitoring well in the mid-Hawthorn Zone II aquifer overlying the ASR storage zone. The storage zone monitoring wells are located 1200 feet north of the center of the ASR wellfield and 300 feet southeast of ASR-1. The mid-Hawthorn Zone II monitoring well is located in the center of the ASR wellfield. Monitoring will include recharge water quality, recovered water quality, quality of water in the overlying mid-Hawthorn aquifer system, and effects of the storage plume on the ambient water quality and geologic formation within the storage zone aquifer. These monitoring data will be reported on a monthly basis.

(f) Rule 62-520.500(6), F.A.C.: The requested exemption will not present a danger to the public health, safety, or welfare.

The petition for an exemption from the secondary drinking water standard for color is not expected to present a danger to the public health, safety, or welfare. Secondary drinking water standards are aesthetically based and do not pose a health threat at the requested level. Further, ground water use is limited in the basal Hawthorn/upper Suwannee aquifer in this area and there are no wells which penetrate the storage zone within one mile of the project except those used for this ASR operation. Use of basal Hawthorn/upper Suwannee aquifer ground water as a potable water source would require treatment prior to use. Exceedance of the requested ground water standard will have no adverse effects upon the health, safety, or welfare of persons, or on the ground water or any surface water surrounding the facility. No effect on the overlying aquifer system or nearby surface waters is expected. Further treatment of basal Hawthorn/upper Suwannee aquifer ground water, such as reverse osmosis, would be required to attain potable standards.

7. The Department intends to grant the exemption subject to the following conditions:

(a) The ground water quality criteria exemption is being granted in part based on the Department's understanding that the permittee's underground injection control facility will not present a danger to the public health, safety, or welfare and will not result in any discernable environmental, social, or economic effects.

(b) The exemption is granted for the duration of the City of Marco Island's Class V well operation permit number 141218-034-040-UO/5X and future permit renewal 141218-045-051-UO/5SR. Future exemptions must be petitioned for by the applicant in conjunction with the renewal of an operation permit, or a construction permit for any injection well at this site.

(c) The exemption provides relief only for the color standard contained in Rule 62-550.320, F.A.C., as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, including the primary drinking water standards contained in Rule 62-550.310, F.A.C., the secondary standards contained in Rule 62-550.320, F.A.C., except for color, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to this project.

(d) The permittee shall monitor water quality in accordance with the specific conditions of operation permit number 141218-034-040-UO/5X and future permit renewal 141218-045-051-UO/5SR.

(e) If the sampling required under the permit indicates the existence of conditions 1. or 2. below, the City shall conduct a second round of sampling within 30 days; if the second round sample(s) confirms the presence of those conditions, the City shall promptly investigate the potential issue and within 90 days provide to the Department a report that satisfactorily addresses this issue. If the report does not satisfactorily address the issue, the City shall, within 90 days of Department notification, submit a petition for a modification to this water quality criteria exemption; a proposed compliance schedule for improving the quality of its injectate; or cease injection.

1. Mid-Hawthorn Zone II Monitor Well - The MCL or natural background level (whichever is poorer) is exceeded because of injection for any parameter contained in the secondary drinking water standards.
 2. Basal Hawthorn/upper Suwannee Aquifer Monitor Wells
 - a. The MCL or natural background level (whichever is poorer) is exceeded because of injection for any parameter contained in the secondary drinking water standards except color; or
 - b. Color exceeds the approved alternative levels of this water quality criteria exemption.
- (f) The permittee shall use the data obtained during operation under the term of this Exemption to reassess the distance from the wells that the color standard would be exceeded. Based on the reassessment, the permittee shall determine if additional monitoring is necessary to protect underground sources of drinking water prior to renewing an operation permit.

Pursuant to section 403.815 of the Florida Statutes, and DEP rule 62-110.106(7) of the F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Grant a Water Quality Exemption. The notice shall 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, Florida Statutes, in the county where the activity is to take place. The applicant shall provide an original copy of the proof of publication to the Aquifer Protection Program of the Department, at 2600 Blair Stone Road, Mail Station 3530, Tallahassee, Florida 32399-2400, 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 exemption.

The Department will issue the exemption with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency_clerk@dep.state.fl.us. Petitions filed by the exemption applicant or any of the parties listed below must be filed within 21 days of receipt of this written notice.

Petitions filed by any other persons other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the public notice or receipt of the written notice, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within 21 days of receipt of such

notice, regardless of the date of publication. The petitioner shall 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 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, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

This intent to grant constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7), F.S., which may require remand for an administrative hearing, the applicant has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, agency_clerk@dep.state.fl.us, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ENTERED this Tuesday, July 14, 2015 in Leon County, Florida.



Christine M. Klena
Deputy Director
Division of Water Resource Management
Florida Department of Environmental
Protection
2600 Blair Stone Road, Mail Station 3500
Tallahassee, Florida 32399-2400

Copies furnished to:

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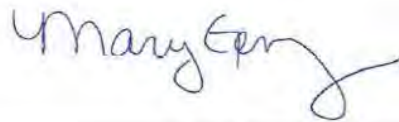
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CERTIFICATE OF SERVICE

The undersigned designated clerk hereby certifies that this **INTENT TO GRANT** and all copies were mailed before the close of business on Tuesday, July 14, 2015 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

July 14, 2015

Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for color pursuant to rule 62-520.500, Florida Administrative Code, as part of the Class V underground injection control operation permit number 141218-034-040-UO/5X and proposed permit renewal 141218-045-051-UO/5SR for the City of Marco Island, 50 Bald Eagle Drive, Marco Island, Florida 34145. The exemption is for permitted injection of treated surface water to Class G-II ground water at the City's Marco Lakes aquifer storage and recovery facility, located northeast of the intersection of CR 951 and US 41 in Collier County. The exemption will be granted for the referenced permits and is made a part of the permits. The applicant, in conjunction with said permits, must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under 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 Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency_clerk@dep.state.fl.us, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Jeffery Poteet, General Manager Water and Sewer Department, 50 Bald Eagle Drive, Marco Island, Florida 34145, at the time of filing. The failure of any person to file a petition 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 (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

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 the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or the Florida Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902. Telephone Joseph Habermeld, Program Administrator, at 850-245-8655, for more information.

Naples Daily News
Naples, FL 34110

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
FINANCE DEPARTMENT
50 BALD EAGLE DR
MARCO ISLAND FL 34145-3528

REFERENCE: 054361
59775221 STATE OF FLORIDA DEP

State of Florida
Counties of Collier and Lee

Before the undersigned authority, person appeared Dan McDermott, says that he serves as Inside Sales Supervisor, of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, Collier County, Florida, and that the said newspaper has heretofore been continuously published day and has been entered as second class matter at the post office in Naples, in Collier County, Florida, for a period of next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation a discount, rebate, commission or refund for purpose of securing this advertisement for publication in the said newspaper.

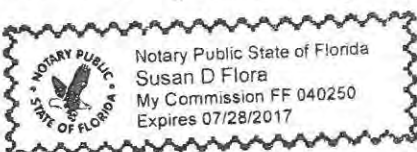
PUBLISHED ON: 07/17

AD SPACE: 142 LINE
FILED ON: 07/17/15

Signature of Affiant

Sworn to and Subscribed before me this 21 day of July 2015

Personally known by me



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for color pursuant to rule 62-520.500, Florida Administrative Code, as part of the Class V underground injection control operation permit number 141218-034-040-UO/5X and proposed permit renewal 141218-045-051-UO/55R for the City of Marco Island, 50 Bald Eagle Drive, Marco Island, Florida 34145. The exemption is for permitted injection of treated surface water to Class G II ground water at the City's Marco Lakes aquifer storage and recovery facility, located northeast of the intersection of CR 951 and US 41 in Collier County. The exemption will be granted for the referenced permits and is made a part of the permits. The applicant, in conjunction with said permits, must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under 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 Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency.clerk@dep.state.fl.us, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Jeffery Poteet, General Manager Water and Sewer Department, 50 Bald Eagle Drive, Marco Island, Florida 34145, at the time of filing. The failure of any person to file a petition 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 (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

a. The name and address of each agency affected and each agency's file or identification number, if known;

b. The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

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 the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or the Florida Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902. Telephone Joseph Haberfeld, Program Administrator, at 850-245-8655, for more information.
July 17, 2015 No. 2051853

Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Resource Management Notice of Intent to Grant Water Quality Criteria Exemption

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for color pursuant to Rule 62-520.500, Florida Administrative Code, as part of the Class V underground injection control operation permit number 141218-034-040-UO/5X and proposed permit renewal 141218-045-051-UO/5SR for the City of Marco Island, 50 Bald Eagle Drive, Marco Island, Florida 34145. The exemption is for permitted injection of treated surface water to Class G-II ground water at the City's Marco Lakes aquifer storage and recovery facility, located northeast of the intersection of CR 951 and US 41 in Collier County. The exemption will be granted for the referenced permits and is made a part of the permits. The applicant, in conjunction with said permits, must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under 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 Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency_clerk@dep.state.fl.us, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Jeffery Poteet, General Manager Water and Sewer Department, 50 Bald Eagle Drive, Marco Island, Florida 34145, at the time of filing. The failure of any person to file a petition 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 (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, any email address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

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Avenue, Suite 364, Fort Myers, Florida 33902. Telephone Joseph Haberkfeld, Program Administrator, at (850)245-8655, for more information.