



# Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE  
3301 GUN CLUB ROAD, MSC 7210-1  
WEST PALM BEACH, FL 33406  
561-681-6600

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

December 3, 2015

Kanter Real Estate, LLC c/o John Kanter  
2601 South Bayshore Drive, Suite 1450  
Miami, Florida 33133  
Sent via Email: [jemia@bellsouth.net](mailto:jemia@bellsouth.net)

File No.: 06-0336409-001  
Applicant: Kanter Real Estate, LLC

Dear Mr. Kanter:

This is to acknowledge receipt of your response on November 3, 2015, to the Department's request for additional information (RAI), dated August 7, 2015. In order to review your application, we need the additional information in the enclosed subsequent request for additional information (RAI) within 90 days of the date of this letter. If the information is not received within 90 days, your application may be denied without prejudice.

We appreciate your cooperation. If you have any questions, please contact me at 561-681-6698 or by email at [Monica.Sovacool@dep.state.fl.us](mailto:Monica.Sovacool@dep.state.fl.us).

Sincerely,

A handwritten signature in blue ink that reads "Monica Sovacool".

Monica Sovacool  
Environmental Manager  
Southeast District

**Enclosures:**

RAI, 5 Pages

**Copies furnished to:**

Joseph Barber, The Carol Group, Inc.; [jbarber@thecarolgroupinc.com](mailto:jbarber@thecarolgroupinc.com)  
Carol Howard, The Carol Group, Inc.; [choward@thecarolgroupinc.com](mailto:choward@thecarolgroupinc.com)  
Rosanne Clementi, Clementi Environmental Consulting, [rosanne@clementi-ce.com](mailto:rosanne@clementi-ce.com)  
USACOE- Palm Beach Gardens, [FDEP-SP@usace.army.mil](mailto:FDEP-SP@usace.army.mil)  
Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)  
Mindy Parrott, SFWMD [mparrott@sfwmd.gov](mailto:mparrott@sfwmd.gov)

Andrew Steiner, SFWMD; [asteiner@sfwmd.gov](mailto:asteiner@sfwmd.gov)  
Simon Sunderland, SFWMD; [ssunder@sfwmd.gov](mailto:ssunder@sfwmd.gov)  
Connie Bersok, DEP; [Connie.Bersok@dep.state.fl.us](mailto:Connie.Bersok@dep.state.fl.us)  
Cindy Mulkey, DEP; [Cindy.Mulkey@dep.state.fl.us](mailto:Cindy.Mulkey@dep.state.fl.us)  
Levi Sciara, DEP; [Levi.Sciara@dep.state.fl.us](mailto:Levi.Sciara@dep.state.fl.us)  
Indar Jagnarine, DEP; [Indarjit.Jagnarine@dep.state.fl.us](mailto:Indarjit.Jagnarine@dep.state.fl.us)  
Marissa Krueger, FFWCC; [Marissa.Kreuger@MyFWC.com](mailto:Marissa.Kreuger@MyFWC.com)

### REQUEST FOR ADDITIONAL INFORMATION

1. The applicant has not sufficiently demonstrated that the proposed impacts to wetlands and other surface waters has been reduced to the furthest extent practicable. Please provide details to support the well pad size and why it cannot be further reduced. Additionally, it appears that the impacts associated with the proposed spoil area could be further reduced by utilizing the spoil for the berm around the fill pad or eliminated entirely by hauling the spoil offsite. Staff acknowledges that the applicant may wish to use the spoil to restore the area at the end of the operation of the site; however, there is concern that the material may no longer possess the existing soil characteristics if it is stockpiled above the seasonal high water elevation for 10-30 years, a timeframe described in the submittal. Please describe the practicability of design modifications for the site that could eliminate or reduce adverse impacts to the wetlands associated with the well pad and spoil area. Additionally, please note that an ERP permit modification will be required for any future restoration activities. [62-330.301(1); 62-330.302(1), F.A.C., 10.2.7(a), A.H. Volume I]
2. Pursuant to 62-330.301(1)(h), F.A.C., the applicant must provide reasonable assurance that the project will not cause adverse impacts to a Work of the District established under Section 373.086, F.S. Water Conservation Area (WCA) 3B is listed as a Work of the District and subject to Right of Way (ROW) permitting. The South Florida Water Management District has indicated that a waiver of criteria, which requires District Governing Board approval, is required due to proposed fuel tanks, oil containers and other potentially toxic or hazardous materials stored on site. Please demonstrate that the proposed project will not cause adverse impacts to a Work of the District. Additionally, submit a copy of the ROW permit as evidence that the applicant has the legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, pursuant to 62-330.301(1)(j), F.A.C.
3. It appears that the proposed turbidity or silt fence proposed around the spoil area may not be sufficient to contain the spoil material during construction or in post-development. Staff is concerned that the silt material and nutrients could discharge into adjacent wetlands and create additional direct and secondary impacts to resources or water quality. Please discuss the practicability of constructing a berm with liner or other additional method of containment for the proposed spoil area. [10.2.4, A.H. Volume I]
4. The submittal indicates that the applicant will conduct water quality monitoring for the duration of the project. Please provide specifics for this monitoring including locations, frequency, acceptable limits for various water quality parameters and steps to be taken if the monitoring indicates that these limits are exceeded. [10.2.4, A.H. Volume I]
5. The submitted information indicates that the spoil area and well pad berm will be stabilized with native grasses. Please provide additional information regarding the species of native grasses to be planted so that the Department has assurance that inappropriate vegetation is not being introduced into this environmentally sensitive area. [10.2.4, A.H. Volume I]

6. Although dewatering is not anticipated, a potential dewatering plan was proposed in the event the proposed dredge and fill plan is not sufficient. The dewatering plan described as being in Attachment 1(l) appears to be missing. Please submit the details for this cofferdam dewatering plan. The details should include any temporary dikes, discharge locations, time periods, and methods for preventing turbid discharges. [10.2.4, A.H. Volume I]
7. The proposed vegetation monitoring described as a measure to address 62-330.302(1)(a)2, F.A.C. appears to be sufficient to address secondary impacts. The narrative describes quarterly vegetative monitoring and nuisance/exotic vegetation maintenance extending 50 feet into the adjacent wetlands around the entire perimeter of the project area. Please provide this narrative as an exhibit that can be referenced by permit condition so that the Department has assurance that no secondary impacts will occur to adjacent wetlands. [10.2.7, A.H. Volume I]
8. The submittal indicates that mitigation bank credits will be purchased from Hole-In-The-Donut Mitigation Bank; however, as previously discussed with Rosanne Clementi on November 20, 2015, the project is not located within the bank's service area. Please provide an alternate mitigation plan that adequately offsets the proposed adverse impacts to wetlands and other surface waters. If a Uniform Mitigation Assessment Method (UMAM) bank is proposed, then it is noted that staff agrees with the UMAM scores previously discussed onsite on October 11, 2015, and submitted with the latest RAI response. [10.3, A.H. Volume I]

## **STORMWATER**

9. Pursuant to Section 5.2 of Vol. II, gravity control devices shall incorporate dimensions no smaller than 6 square inches of cross sectional area, two inches minimum dimension, and 20 degrees for "V" notches. Systems which are limited by a discharge structure with an orifice no larger than the minimum dimensions described herein shall be presumed to meet the discharge quantity criteria.  
  
The minimum acceptable size bleeder per SFWMD is 3 inches. Please revise plans to reflect the minimum size.
10. Pursuant to Section 5.1 of Vol. II, please provide assurance that the proposed rip-rap protection will result in acceptable scour velocities.
11. The application indicates that the secondary containment areas will collect rainwater, oils, grease, and other fluids and direct them to a sump. Please indicate how the containment area is hydraulically separated from the proposed site's stormwater management system. Please provide the containment area storage volume and explain if it is part of the overall site's stormwater system volume.

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On the plans, please delineate impervious (lined) vs pervious (unlined) areas and provide transitional details. Provide details (size, cross-section) of the proposed sump and describe its operation.