SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SURFACE WATER MANAGEMENT
GENERAL PERMIT NO. 49-00477-S-03
DATE ISSUED: January 27, 2004

Form #0942
08/95

PERMITTEE: DEERFIELD LAND CORPORATION
14901 SOUTH ORANGE BLOSSOM TRAIL
ORLANDO, FL 32837

PROJECT DESCRIPTION: Modification of a surface water management system serving a 12.78-acre commercial development known as Cornerstone Office Complex at Osceola Corporate Center

PROJECT LOCATION: OSCEOLA COUNTY, SEC 4 TWP 25S RGE 29E


This is to notify you of the District's agency action concerning Permit Application No. 030902-5, dated September 2, 2003. This action is taken pursuant to Rule 40E-1.606 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and a Surface Water Management General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 12 Standard Limiting Conditions (See Pages: 2-3 of 5).
3. the attached 16 Special Conditions (See Pages: 4-5 of 5) and
4. the attached 4 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 27th day of January, 2004, in accordance with Section 120.59(3), Florida Statutes.

BY: Thomas P. Genovese
Service Center Director
Orlando Service Center

Certified mail number 7002 2410 0005 5452 8725
40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified pursuant to Rules 40E-4.331 and 40E-4.441, F.A.C., the duration of a surface water management permit issued under this chapter is as follows:

(a) Two years from the date of issuance for Conceptual Approval, unless within that period an application for a construction and operation permit is filed for any portion of the project. If an application for a construction and operation permit is filed, the Conceptual Approval remains valid until final action is taken on the application. If the application is granted, then the Conceptual Approval is valid for an additional two years from the date of issuance of the construction and operation permit. Conceptual Approvals which have no applications for construction and operation filed for a period of two years will expire automatically.

(b) Five years from the date of issuance for a construction permit.

(c) Perpetual for an operation permit.

(2) The Governing Board shall issue permit extensions provided that a permittee files a written request with the District showing good cause. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(3) For a Conceptual Approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive amendment, the duration of the Conceptual Approval shall be two years from whichever one of the following occurs a the latest date:

(a) the effective date of the local government’s comprehensive plan amendment;

(b) the effective date of the local government development order;

(c) the date on which the District issues the Conceptual Approval;

(d) the latest date of the resolution of any Chapter 120 or other legal appeals.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term “substantial modification” shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Modifications to construction permits issued pursuant to a formal permit application extend the duration of the permit for three years from the date of issuance of the modification. Construction permit modifications do not extend the duration of a Conceptual Approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416(1) F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94.
STANDARD LIMITING CONDITIONS

1. The permittee shall implement the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. Water quality data for the water discharged from the permittee’s property or into surface waters of the State will be submitted to the District as required by Section 5.9, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District". Parameters to be monitored may include those listed in Chapter 62-302, F.A.C.. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the State.

3. This permit shall not relieve the permittee of any obligation to obtain necessary federal, State, local or special district approvals.

4. The operation phase of this permit will not become effective until the District’s acceptance of certification of the completed surface water management system. The permittee shall request transfer of the permit to the responsible operation entity accepted by the District, if different from the permittee. The transfer request can be submitted concurrently with the construction completion certification.

5. All road elevations shall be set in accordance with the criteria set forth in Section 6.5, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".

6. All building floor elevations shall be set in accordance with the criteria set forth in Section 6.4, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".

7. Off-site discharges during construction and development will be made only through the facilities authorized by this permit.

8. A permit transfer to the operation phase shall not occur until a responsible entity meeting the requirement in Section 9.0, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District" has been established to operate and maintain the system. The entity must be provided with sufficient ownership or legal interest so that it has control over all water management facilities authorized herein.

9. The permit does not convey to the permittee any property rights or privileges other than those specified in the permit and Chapter 40E-4, F.A.C..

10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.

11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

12. Within 30 days of issuance of this permit, the permittee or authorized agent shall notify the District (via the supplied construction commencement notice or equivalent) of the actual or anticipated construction start date and the expected completion date.

13. When the duration of construction exceeds one year, the permittee or authorized agent shall submit
STANDARD LIMITING CONDITIONS

construction status reports on an annual basis (via the supplied annual status report or equivalent) beginning one year after the initial commencement of construction.

14. Within 30 days after completion of construction of the surface water management system, the permittee or authorized agent shall file a written statement of completion and certification by a Florida registered professional engineer. These statements must specify the actual date of construction completion and must certify that all facilities have been constructed in substantial conformance with the plans and specifications approved by the District (via the supplied construction completion/certification or equivalent). The construction completion certification must include, at a minimum, existing elevations, locations and dimensions of the components of the water management facilities. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0483, Request for Permit Transfer; or Form 0920, Request for Transfer of Surface Water Management Construction Phase to Operation Phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 AND 40E-4.351, F.A.C..

16. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

17. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.

19. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C..
SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on January 27, 2009.

2. Operation of the surface water management system shall be the responsibility of Deerfield Land Corporation. Prior to transfer of title for any portion of the project to a third party, modification of the permit will be required to verify continued compliance with Limiting Condition No. 8.

3. Discharge Facilities:

   1·16" W X 2.4" H RECTANGULAR NOTCH with invert at elev. 87.8' NGVD.
   55 LF of 24" dia. CORRUGATED METAL PIPE culvert.
   1·12" W X 22" L drop inlet with crest at elev. 88' NGVD.
   (restrictor plate on Type C inlet)

   Receiving body: Lake Tohopekaliga via master system
   Control elev: 87.8 feet NGVD.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

7. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

8. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

9. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

10. Minimum building floor elevation: BASIN: Basin 300 - 92.15 feet NGVD.

11. Minimum parking lot elevation: Basin: Basin 300 - 90.50 feet NGVD.

12. All special conditions and exhibits previously stipulated by Permit Number 49-00477-S remain in effect unless otherwise revised and shall apply to this modification.

13. Prior to commencement of dewatering activities, a Water Use Permit shall be obtained from the District.

14. Prior to any future alterations to the control structure, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system.

15. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measure shall be installed landward of the upland buffer zones around all protected wetlands and shall be properly installed. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and upland buffer zones.

16. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation
areas or buffers, or other surface waters have occurred due to project related activities.
Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWM) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into the administrative proceedings is governed by Rules 28-106.111 and 40E1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109). as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWM Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWM decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat., for mediation pursuant to Section 120.573, Fla. Stat., within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWM has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there is no issue of material fact in dispute, the affected person seeking an informal hearing on a SFWM decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat., or for mediation pursuant to Section 120.573, Fla. Stat., within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWM has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of which is attached to this Notice of Rights.

c. Administrative Complaint and Order: Respondent objects to a SFWM Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no more than 14 days after the date such order is served. Petitions must substantially comply with the requirements of this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWM's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), a petition objecting to the SFWM's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWM Emergency Authorization and Order, has a right to file a petition pursuant to Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWM Order for Emergency Action has the right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension Revocation, Annulment and Withdrawal: If the SFWM issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWM has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 23-107.004(3), Fla. Admin. Code, a copy of which is attached to this Notice of Rights.

Revised August, 2000
3. Pursuant to Rule 40E.1(2)(c), Fla. Admin. Code, a substantially affected person entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SWFMD a request for extension of time for filing a petition. The SWFMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner as consulted with all other parties, if any, concerning the extension and that the SWFMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SWFMD relating to permit decisions constituted an unconstitutional taking of property without compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 3 days of the rendering of the SWFMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SWFMD to compel the SWFMD to comply with the requirements of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SWFMD a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SWFMD does not take prompt action upon the complaint within 30 days of the receipt of the complaint, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the alleged action took place.

7. Pursuant to Section 373.433, Fla. Stat., a person may file suit in circuit court to enjoin the abatement of any stormwater management practice, dam, impoundment, reservoir, appurtenant work or act that violates the provisions of Chapter 373, Fla. Stat.
VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD’s action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) The caption shall read: Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and facsimile number of the petitioner;

(c) The name, address, telephone number and facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate a substantial hardship or violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) The reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) A statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant timeframes prescribed above will constitute a waiver of such right.

28-106.201 INITIATION OF PROCEEDINGS

(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; 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, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.
28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

(3) Requests for hearing filed in accordance with this rule shall include:
   (a) The name and address of the party making the request, for purposes of service;
   (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
   (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

2.013 REQUEST FOR REVIEW Pursuant to section 373.114 or 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

2) The request for review shall identify the rule or order sought to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:
   (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;
   (b) How the rule or order sought to be reviewed affects the interest of the party seeking review;
   (c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;
   (d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and
   (e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) The 14-day notice requirement of Section 120.569(2)(b), F.S., does not apply and shall not be construed to prevent a hearing at the earliest practicable time upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.565, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety, or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.
Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District’s (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

   a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2). Fla. Admin. Code. a copy of the petition is attached to this Notice of Rights.

   b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2). Fla. Admin. Code. a copy of the petition is attached to this Notice of Rights.

   c. Administrative Complaint and Order: A Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. L. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no more than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

   d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD’s agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

   e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions, shall take whatever action is necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

   f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

   g. Permit Suspension Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code. a copy of the petition is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD’s final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

Revised August, 2000
Last Date For Agency Action: 13-FEB-2004

**GENERAL SURFACE WATER MANAGEMENT STAFF REPORT**

**Project Name:** Cornerstone Office Complex At Occ

**Permit No.:** 49-00477-S-03

**Application No.:** 030902-5

**Application Type:** Surface Water Management (General Permit Modification)

**Location:** Osceola County, S4/T25S/R29E

**Permittee:** Deerfield Land Corporation

**Operating Entity:** Deerfield Land Corporation

**Project Area:** 12.78 acres

**Project Land Use:** Commercial

**Drainage Basin:** LAKE TOHOPEKALIGA

**Receiving Body:** Existing master system

**Special Drainage District:** NA

**Conservation Easement To District:** No

**Sovereign Submerged Lands:** No

**PROJECT PURPOSE:**

This application is a request to modify a surface water management system serving a 12.78-acre commercial development known as Cornerstone Office Complex at Osceola Corporate Center. Staff recommends approval subject to conditions.
PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The 12.78 acres associated with this application are located at the southwest intersection of Osceola Parkway and John Young Parkway within the Osceola Corporate Center development (please refer to Exhibit 1 - Location Map). This parcel has been previously permitted for construction under Application #021218-15.

The project site consists of previously cleared and graded uplands. There are no wetlands located within the project boundaries, but Wetland W-7 is adjacent to the western property boundary. The proposed activities do not extend into or otherwise affect the established upland buffers zones or wetlands. Best management practices for erosion control will be implemented during construction activities.

PROPOSED PROJECT:

Authorization has been requested to modify a surface water management system serving a 12.78-acre commercial development known as Cornerstone Office Complex at Osceola Corporate Center. Proposed construction includes revisions to the previously permitted control structures, as well as the construction of office buildings with associated paving and drainage structures (please refer to Exhibit 3 - Paving, Grading, and Drainage Plan and Detail Sheets).

The required water quality treatment (1" over the site area) and stormwater attenuation volumes will be provided within Pond 300 (Wetland W-7) prior to discharge into the master surface water management system. Please note that restrictor plates are proposed for the drop inlets to limit discharge and allow for downstream modifications to the surface water management system serving the proposed Loop development (please refer to Application #030711-1).

Prior to any future alterations to the control structure, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system (please refer to Special Conditions).

The modifications to Ponds 303 and 304 previously permitted under Application #021218-15 are no longer proposed. All changes to these ponds will be addressed under Application #030711-1 for the Loop at Osceola Corporate Center, which is currently being reviewed by the District.

LAND USE:

The land use figures shown below represent an acreage breakdown for this phase of development only. Please note that the 6.43-acre pond was mislabeled as 4.35 acres in Application #021218-15, which originally permitted construction within this area.

<table>
<thead>
<tr>
<th>Construction: Project:</th>
<th>This Phase</th>
<th>Total Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Coverage</td>
<td>.72</td>
<td>.72 acres</td>
</tr>
<tr>
<td>Pavement</td>
<td>3.79</td>
<td>3.79 acres</td>
</tr>
<tr>
<td>Pervious</td>
<td>1.84</td>
<td>1.84 acres</td>
</tr>
<tr>
<td>Water Mgmt Acreage</td>
<td>6.43</td>
<td>6.43 acres</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>12.78</strong></td>
<td><strong>12.78</strong></td>
</tr>
</tbody>
</table>

App.no.: 030902-5  Page 2 of 5  EXHIBIT 2B
WATER QUANTITY:

Discharge Rate:
The proposed discharge rates shown below represent the outflow through the inlet restrictor plates, which will reduce flows for downstream construction. A modification in the future will allow for removal of the restrictor plates and utilization of the full allowable peak discharge rate.

Discharge Storm Frequency: 25 YEAR-3 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Allow Disch (cfs)</th>
<th>Method Of Determination</th>
<th>Peak Disch (cfs)</th>
<th>Peak Stage (ft, NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>31.3</td>
<td>Previously Permitted</td>
<td>4.2</td>
<td>88.99</td>
</tr>
</tbody>
</table>

Finished Floors:

Building Storm Frequency: 100 YEAR-3 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Peak Stage (ft, NGVD)</th>
<th>Proposed Min. Finished Floors (ft, NGVD)</th>
<th>FEMA Elevation (ft, NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>89.28</td>
<td>92.15</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Parking Lot Design:

Parking Lot Storm Frequency: 10 YEAR-1 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Peak Stage (ft, NGVD)</th>
<th>Proposed Min. Parking Elev. (ft, NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>88.59</td>
<td>90.5</td>
</tr>
</tbody>
</table>

Control Elevation:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Area (Acres)</th>
<th>Ctrl Elev (ft, NGVD)</th>
<th>WSWT Ctrl Elev (ft, NGVD)</th>
<th>Method Of Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>12.78</td>
<td>87.8</td>
<td>87.80</td>
<td>Master System</td>
</tr>
</tbody>
</table>

Receiving Body:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str.#</th>
<th>Receiving Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>1</td>
<td>Lake Tohopekaliga via master system</td>
</tr>
</tbody>
</table>

Discharge Structures:

Note: The units for all the elevation values of structures are (ft, NGVD)

Bleeders:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str#</th>
<th>Count</th>
<th>Type</th>
<th>Width</th>
<th>Height</th>
<th>Length Dia.</th>
<th>Invert Angle</th>
<th>Invert Elev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>1</td>
<td>1</td>
<td>Rectangular Notch</td>
<td>16&quot;</td>
<td>2.4&quot;</td>
<td></td>
<td></td>
<td>87.8</td>
</tr>
</tbody>
</table>

Culverts:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str#</th>
<th>Count</th>
<th>Type</th>
<th>Width</th>
<th>Length</th>
<th>Dia.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 300</td>
<td>1</td>
<td>1</td>
<td>Corrugated Metal Pipe</td>
<td>55'</td>
<td>24&quot;</td>
<td></td>
</tr>
</tbody>
</table>

Inlets:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str#</th>
<th>Count</th>
<th>Type</th>
<th>Width</th>
<th>Length</th>
<th>Dia.</th>
<th>Crest Elev.</th>
</tr>
</thead>
</table>

App no.: 030502-5
Discharge Structures:

Inlets:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Treatment Method</th>
<th>Vol Req'd (ac-ft)</th>
<th>Vol Prov'd (ac-ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>Treatment</td>
<td>6.43</td>
<td>1.08</td>
</tr>
</tbody>
</table>

WATER QUALITY:

The required water quality treatment (1" over the site area) will be provided within Pond 300 prior to discharge into the master system.

No adverse water quality impacts are anticipated as a result of the proposed project.

Endangered Species:

The project site does not contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.32(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.
RELATED CONCERNS:

Water Use Permit Status:

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which would require such authorization.

Prior to commencement of dewatering activities, a Water Use Permit shall be obtained from the District. Irrigation will be through reuse water provided by the City of Kissimmee.

Potable Water Supplier:
City of Kissimmee

Waste Water System/Supplier:
City of Kissimmee

Historical/Archeological Resources:

No information has been received that indicates the presence of archaeological or historical resources or that the proposed activities could cause adverse impacts to archaeological or historical resources.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Community Affairs or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

SURFACE WATER MANAGEMENT:

DATE: 11/21/04

Edward W. Yaun, P.E.

NATURAL RESOURCE MANAGEMENT:

DATE: 11/21/04

Marc S. Ady
CORNERSTONE OFFICE COMPLEX AT OCC

Application No: 030902-5
Permit No: 49-00477-S-03

INTERNAL DISTRIBUTION

X Andrea R. Brown - 6850
X Shannon Carter - 6850
X Edward W. Yaun, P.E. - 6850
X Marc S. Ady - 6850
X A. Lee - 6850
X ERC Engineering - 6850
X ERC Environmental - 6850
X Permit File

EXTERNAL DISTRIBUTION

X Permittee - Deerfield Land Corporation
X Applicant - Cornerstone Property At Osceola Corporate Center, Llc.
X Engr Consultant - Ivey, Harris & Walls, Inc.

GOVERNMENT AGENCIES

X Div of Recreation and Park - District 6 - FDEP
X Florida Fish & Wildlife Conservation Commission - Bureau of Protected Species Mgmt
X Osceola County Engineer
X US Army Corps of Engineers - Merritt Island Reg Office - CESAJ-RD-AM

OTHER INTERESTED PARTIES

X Sierra Club - Central Florida Group
X Water Management Institute - Michael N. Vanatta