



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

In the Matter of an
Application for Permit by:

Lee County Dept. of Solid Waste
Douglas Whitehead, Director
10500 Buckingham Rd.
Fort Myers, FL 33905
dwhitehead@leegov.com

Project: SR 82 Recovered Materials Processing Facility
Permit No.: 47312-665-DWC
Connected To: FL0021270
Lee County

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 47312-665-DWC to construct a sewage collection/transmission system pursuant to Chapter 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4 and 62-604.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing 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 that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that 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 that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure 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, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (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 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Ryan Snyder
Permitting Program Administrator

Attachment:

Permit No. 47312-665-DWC

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Jason Sciandra, P.E., City of Fort Myers, jsciandra@cityfortmyers.com
David Trouteaud, P.E., Johnson Engineering, LLC, dbt@johnsoneng.com

FILING AND ACKNOWLEDGMENT

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



Clerk

March 18, 2025

Date



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Douglas Whitehead, Director
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Fort Myers, FL 33905
dwhitehead@leegov.com

Project:
Permit Number: 47312-665-DWC
Connected to: FL0021270
County: Lee
Issued: March 18, 2025
Expires: March 17, 2030

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4 and 62-604, Florida Administrative Code (F.A.C.). The above-named permittee is hereby authorized to construct the facilities shown on the application and other documents on file with the Department and made a part hereof and specifically described as follows:

DESCRIPTION OF PROJECT: The project includes the installation of 2,652 LF of 4-inch PVC DR1 force main per application materials received on January 23, 2025.

LOCATION OF PROJECT: Section 36, Township 44S, Range 25E, in Fort Myers, Lee County, Florida.

OWNERSHIP: The City of Fort Myers will own and operate this collection system after the system is cleared for use.

IN ACCORDANCE WITH: The limitations, requirements and other conditions set forth in this permit.

GENERAL CONDITIONS:

1. This permit is subject to the general conditions of Rule 62-4.160, F.A.C., as applicable. This rule is available at the Florida Department of State's internet site:
<https://www.flrules.org/gateway/RuleNo.asp?title=PERMITS&ID=62-4.160>.
[62-4.160, F.A.C.]
2. Permit revisions shall only be made in accordance with [Rule 62-4.050\(4\)\(s\), F.A.C.](#) Request for revisions shall be made to the Department in writing and shall include the appropriate fee. Revisions not covered under Rule 62-4.050(4)(s), F.A.C., shall require a new permit.
[62-604.600(8), F.A.C.]

CONSTRUCTION CONDITIONS:

3. When any existing asbestos cement (AC) pipes are replaced under this permit, the permittee shall do so in accordance with the applicable rules of Federal Asbestos Regulation and Florida DEP requirements. For specific requirements applicable to AC pipes, the permittee should contact the Department prior to commencing any such activities at (239) 344-5600. Please be aware that a notification is required to be submitted to the Department for a regulated project.
[62-257.301, F.A.C.]
4. All new wastewater collection/transmission systems and modifications of existing systems shall be located at least 100 feet from a public drinking water supply well or 75 feet from a private drinking water supply well.
[62-604.400(1)(c), F.A.C.]
5. Except as provided in Section 62-604.400(2)(h), F.A.C., force mains shall cross under water mains.

[62-604.400(2)(h), F.A.C.]

6. For sewer crossings, all crossings shall be arranged so that the sewer pipe joints are equidistant as far as possible from the water main joints. All wastewater force main joints shall maintain a minimum distance of 6 feet from water main joints. *[62-604.400(2)(h), F.A.C.]*
7. Except as provided under 62-604.400(2)(g), F.A.C., all force mains shall be laid at least 10 feet horizontally (outside to outside) from a water main and 3 feet minimum (outside to outside) from a reclaimed water pipe permitted under Part III of Chapter 62-610, F.A.C.
[62-604.400(2)(g), F.A.C.]
8. Except as provided by Rule 62-604.400(2)(h), F.A.C., a vertical separation of 12 inches must be maintained for pressure type sewer systems when a sewer pipe crosses a water main.
[62-604.400(2)(g), F.A.C.]

CLEARANCE CONDITIONS:

9. Upon completion of construction of the collection/transmission system project, and before placing the facilities into operation for any purpose other than testing for leaks or testing equipment operation, the permittee shall submit [Form 62-604.300\(3\)\(b\), Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System](#). The form shall be submitted electronically by using the Department's Business Portal at <https://www.fldepportal.com/go/> (via "Submit" then "Registration/Notification" and "Submit Notifications to DEP." The submission is "Division of Water Resource Management Domestic/Industrial Wastewater", and the submittal type is "Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System."). This form is available at the Department's Internet site at: <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-forms>.
[62-604.700(2), F.A.C.]

OPERATION CONDITIONS:

Once a collection/transmission system is cleared for operation, the provisions below shall be met by the owner/operator of the system in accordance with [Rule 62-604.500, F.A.C.](#)

10. All collection/transmission systems shall be operated and maintained to provide uninterrupted service. All equipment, pipes, manholes, pump stations, and other appurtenances necessary for the collection/transmission system, shall be maintained to function as needed. In the event odor, noise, or lighting adversely affect neighboring developed areas, the permittee shall take corrective actions.
[62-604.500(2) & (3), F.A.C.]
11. All pump stations shall be operated and maintained to provide emergency pumping capabilities, lighting and transient voltage surge protection, and adequate features and signage that discourage the entry of unauthorized persons and animals.
[62-604.400(2), F.A.C.] [62-604.500(2), F.A.C.]
12. Record drawings and the operation and maintenance manual shall be available for use by operation and maintenance personnel and inspection by the Department within the Department's South District.
 - a. The operation and maintenance manual shall provide reliable and efficient operation and maintenance of the collection/transmission system.
 - b. The manual shall be consistent with the complexity of the system and shall provide the operator with adequate information regarding the design, operation and maintenance of the facility involved, and the facility's emergency response plan.
 - c. The manual shall be revised periodically to reflect any alterations. The emergency response plan shall be evaluated and updated annually.

- d. A new manual is not required for projects that have an existing manual that is applicable to the system being constructed.
[62-604.500(4), F.A.C.]
13. The owner/operator of a collection/transmission system shall evaluate and update the emergency response plan portion of the operation and maintenance manual annually. The emergency response plan shall assess system security including cybersecurity; water quality monitoring for sanitary sewer overflows affecting surface waters; and hurricane and severe storm preparedness and response.
[62-604.500(4), F.A.C.]
14. Collection/transmission systems shall be maintained to minimize excessive infiltration or inflow into the system and leakage from the system. Corrective action shall be taken in the event of excessive infiltration, inflow, or leakage. Infiltration and inflow are considered excessive if one or both cause or contribute to sanitary sewer overflows.
[62-604.500(5), F.A.C.]
15. All collection/transmission systems shall be operated and maintained to prevent sanitary sewer overflows. Owners/operators of systems that experience an overflow shall evaluate the cause and potential corrective actions to avoid future occurrences. The owner/operator of a satellite collection system shall take corrective actions for a sanitary sewer overflow in the receiving collection system caused by excessive inflow and infiltration in the satellite collection system
[62-604.500(6), F.A.C.]
16. Abnormal events shall be reported to the Department in accordance with Rule 62-604.550, F.A.C.
 - a. For unauthorized releases or spills in excess of 1,000 gallons per incident, or other abnormal events where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WATCH OFFICE TOLL FREE NUMBER (800) 320-0519 as soon as practicable, but no later than 24 hours from the time that the owner/operator becomes aware of the discharge. The owner or operator shall provide the information listed in 62-604.550(20)(a), F.A.C. to the State Watch Office and the Department's South District Office.
 - b. Unauthorized releases or spills less than 1,000 gallons per incident are to be orally reported to the Department's South District within 24 hours of becoming aware of the circumstance.
 - c. Following an oral notification, a written submission shall be made within 5 days of becoming aware of the unauthorized release of spill. The written submission shall include the information listed in 62-604.550(2)(c), F.A.C. and shall be submitted through the Departments Business Portal at <https://www.fldepportal.com/DepPortal/go/home> (via "Submit" followed by "Report" or "Registration/Notification"). In the event that an oral report was received within 24 hours of becoming aware of the circumstances and the release, spill, or abnormal event has been corrected and did not endanger health or the environment, the Department shall waive the requirement to submit a written report.
 - d. A public notice of pollution report is required for all unauthorized releases and spills reported to the State Watch Office. The report shall be provided no later than 24 hours from the time of discovery of the unauthorized release or spill. Public notice's of pollution can be submitted electronically in conjunction with a spill report to the Department using the Department's Business Portal at <https://www.fldepportal.com/DepPortal/go/home> (via "Submit" followed by "Report" or "Registration/Notification") and by selecting the option to submit the public notice of pollution report. A public notice of pollution report may also be submitted through the Department's Public Notice of Pollution web page at <https://floridadep.gov/pollutionnotice>. If after submitting the initial notice the permittee

Lee County Dept. Of Solid Waste
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determines that the unauthorized release or spill did not occur or that an amendment to the notice is necessary, the permittee may submit a letter addressing the determination to the Department at Pollution.Notice@FloridaDEP.gov. In the event the permittee determines that the unauthorized release or spill has migrated outside the property boundaries, the permittee must provide an additional notice the the Department within 24 hours of discovering the migration.

[62-604.550, F.A.C.]

Executed in Lee County, Florida
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OF ENVIRONMENTAL PROTECTION



Ryan Snyder
Permitting Program Administrator