

State of Florida
Department of Environmental Protection

Notice of Intent

The Department of Environmental Protection hereby provides Notice of Intent to Issue a permit for the proposed project, subject to the conditions specified in the draft permit and summarized below. The applicant, Manatee County Utilities, Evan Pilachowski, Director, 4410 66th Street West, Bradenton, Florida 34210 applied on November 9, 2021 for a permit to operate a Class V Aquifer Storage and Recharge (ASR) injection well. The project is located at the Lake Manatee ASR, 17915 Waterline Road, Bradenton, Florida 34212, in Manatee County (File No. 136590-011-016-UO/5SR, WACS ID No. 94443).

The facility will operate six non-hazardous Class V ASR injection wells B-1, B-2, B-3, B-4, B-5, B-6, and associated monitor wells C-1, D, SZMW-1, and SZMW-2 for the storage, acquisition, and emergency supply of potable water from the Manatee County Utilities Department Water Treatment Plant. The maximum injection rate for each injection well B-1, B-2, B-3, B-4, B-5, and B-6, shall be 1,400 gallons per minute and the maximum injection volume for each well B-1, B-2, B-3, B-4, B-5, and B-6, shall be 2 million gallons per day (mgd). Injection wells B-1 and B-2 are constructed with 16-inch diameter steel casings set to 399 feet below land surface (bls) and total depth of 700 feet bls. Injection wells B-3, B-4, B-5, and B-6 are constructed with a 17.4-inch diameter PVC casing set to 399 feet bls and total depths of 650, 663, 650, and 705 feet bls, respectively. Monitor wells SZMW-1 and SZMW-2 are completed in the Upper Floridan aquifer from 400 feet to 712 feet bls and from 400 feet to 452 feet bls respectively. Monitoring well C-1 is completed within the Upper Floridan aquifer from 662 feet to 672 feet bls. Monitoring well D is completed in the Intermediate Confining Unit from 115 feet to 120 feet bls. The system is designed to provide a 180-day, 10 mgd emergency water supply and a 120-day, 10 mgd operational supply. The injected water will meet all primary and secondary drinking water standards.

The Department has permitting jurisdiction under Chapter 403 of the Florida Statutes (F.S.) and the rules adopted thereunder. The project is not exempt from permitting procedures. The Department has determined that an Underground Injection Control permit is required for the proposed work.

The Department will issue the permit 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 further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

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, Florida Administrative Code (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. 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. 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.

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.

The files associated with this order are available for public inspection during normal business hours, 8 a.m. to 5 p.m., Monday through Friday, except state holidays, at the Department of Environmental Protection, Southwest District, 13051 N. Telecom Parkway, Suite 101 Temple Terrace, Florida 33637-0926, and at the Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Date Published May 2, 2023