



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

May 28, 2020

Mr. Brian Gaines, E.I.  
Staff Engineer  
JEA  
21 West Church Street  
Jacksonville, Florida 32202  
SENT VIA EMAIL: [gainba@jea.com](mailto:gainba@jea.com)

**Boulevard Street FM and WM  
Boulevard Street (7<sup>th</sup> Street to 16<sup>th</sup> Street)  
Jacksonville, Florida 32206**

**Discharges from Contaminated Site  
Duval County – Industrial Wastewater  
Facility Site ID#: FLAB07129-001-IW  
Permit Determination – Exemption Letter (Revised)**

Dear Mr. Gaines:

Reference is made to the February 26, 2020, request for an industrial wastewater discharge permit determination for the subject site, with follow up responses received on March 10, 2020, March 27, 2020 and April 01, 2020. The proposed operation is an activity as described in Rule 62-620.200(1), Florida Administrative Code (FAC), and will generate industrial wastewater as described in Rule 62-620.200(22), FAC.

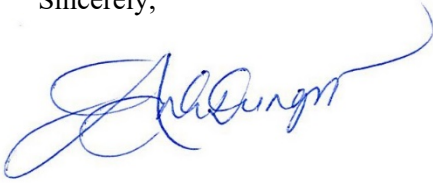
In accordance with Rules 62-4.040 and 62-620.300, FAC, the Department has evaluated the request and determined the proposed activity and discharge of industrial wastewater is exempt from industrial wastewater permitting requirements. The granting of this exemption is based upon your adhering to the surface water quality standards found in Rule 62-302.530, FAC. The discharge is proposed to be directed to the storm water drainage systems along Boulevard Street and the south stormwater ditch adjacent to the CSX rail line and is within the Hogan Creek watershed (WBID# 2252).

This exemption shall be terminated and the discharge re-evaluated under the applicable portions of Chapters 62-4, 62-620, 62-520, 62-522, and 62-660, FAC, if the facility or activity is substantially modified, or should the discharge be subsequently found to be materially incorrect or pose a threat to the environment or public health. Please note that the failure to conduct your activity as described in your Dewatering and Stormwater Pollution Prevention Plan submitted on the above dates may result in enforcement action and civil penalties.

This determination relates only to industrial wastewater permitting requirements of the Department and does not relieve you from the responsibility of obtaining any required permits from other program areas within the Department, or required permits from other state, federal, or local agencies.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Please see Attachment 1, "Notice of Rights" for additional information. If you have any questions regarding this matter, please contact Jay Patel at 904-256-1664, or by e-mail at [Jay.Patel@floridadep.gov](mailto:Jay.Patel@floridadep.gov).

Sincerely,



D. Anh Vo, P.E.  
Wastewater Permitting Coordinator

Enclosures: Notice of Rights

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Jay Patel, NED-FDEP

## NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's proposed permitting 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 by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen 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 of the Florida Statutes. 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 of the Florida Administrative Code.

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

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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 shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's 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 have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of 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, 3900 Commonwealth Boulevard, Mail Station 35, 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 of Appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.