



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FILED

2010 DEC 27 A 11:48

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

December 21, 2010

Claudia Llado, Clerk of the Division  
State of Florida, Division of  
Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Dear Ms. Llado:

**Subject: Palm City Civic Organization, Inc., v. Martin County and  
South Florida Water Management District, DOAH Case No.  
10-2394**

Pursuant to subsection 120.57(1)(m), Florida Statutes, enclosed is a copy of the South Florida Water Management District's Final Order in the above referenced matter. The exceptions to the recommended order and responses to those exceptions filed by the parties are also enclosed.

If you have any questions, please call me at 561.682.6259.

Sincerely,

A handwritten signature in black ink that reads "Joyce B. Rader".

Joyce B. Rader  
Paralegal Specialist

JBR  
Enclosures

**BEFORE THE SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**

Palm City Civic Organization, Inc.,

Petitioner,

vs.

SFWMD 2010-215-FOF-ERP  
DOAH Case No. 10-2394

Martin County and South Florida Water  
Management District,

Respondents.

---

**FINAL ORDER**

This matter came before the Executive Director of the South Florida Water Management District on December 21, 2010, for the purpose of issuing a Final Order in the above-styled proceeding and for the consideration of the Recommended Order issued by the duly-appointed Administrative Law Judge ("ALJ") with the Division of Administrative Hearings ("DOAH") J. Lawrence Johnston.

1. On November 15, 2010, the ALJ issued his Recommended Order in this matter, attached hereto and incorporated herein as Exhibit A.
2. Martin County timely filed exceptions and corrections to the Recommended Order on November 30, 2010.
3. The Executive Director has reviewed the Recommended Order, exceptions and corrections, and the record of the proceeding before DOAH.
4. Martin County's Exception 1 argues that paragraph 1 of the Recommended Order incorrectly states that ERP 43-02326-P is only for the West STA

FILED

2010 DEC 27 A 11:48

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

RECEIVED  
DISTRICT CLERK'S OFFICE  
DEC 21 2010 1:16 PM  
SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

of the Old Palm City Phase 3 STA. As clearly reflected in the parties' Prehearing Stipulation and the record of the hearing, ERP 43-02326-P is for both the East and West STAs, but the petition challenging the permit issuance only challenged the West STA portion of the permit (see e.g. Joint Prehearing Stipulation filed by all parties on August 30, 2010.) Therefore paragraph 1 of the Recommended Order should be amended to state:

ERP 43-02326-P is for a retrofit project to treat surface water runoff in unincorporated Old Palm City in Martin County before it flows into the South Fork of the St. Lucie River. The project includes an East STA and a West STA.

5. The Executive Director takes note of the corrections identified in Martin County's Exceptions and Corrections to Recommended Order. The corrections set forth in paragraphs A, B, C, D, E, and F are in the nature of scrivener's errors and shall therefore be incorporated into the Final Order as follows:

a. Under the heading "Appearances" on page 1 of the Recommended Order, the District's zip code is changed to read "33406-3007", and the last four digits of Martin County's zip code is changed to read "3322".

b. Under the heading "Statement of the Issue" on page 2 of the Recommended Order, the paragraph should read:

The issue in this case is whether the South Florida Water Management District (SFWMD) should issue Environmental Resource Permit (ERP) 43-02326-P to Martin County for construction and operation of a retrofit surface water management system known as the Old Palm City Phase 3 STA in Martin County.

c. Under the heading "Preliminary Statement" on pages 2 through 3 of the Recommended Order, witness Greg Nolte's description should read "Project Manager for the Old Palm City Phase 3 STA"; witness Gary Roderick's description should read

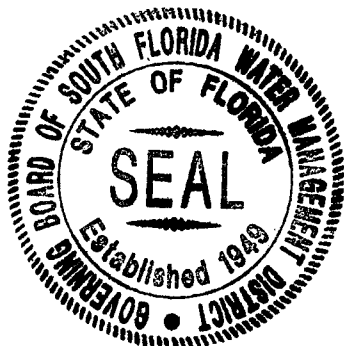
"Environmental Quality Division Manager"; and witness Jeff Anton's description should read "an engineering consultant for the Old Palm City Phase 3 STA."

6. The Recommended Order is hereby adopted and incorporated herein by reference, with the modifications as set forth in paragraphs 4 and 5, above.

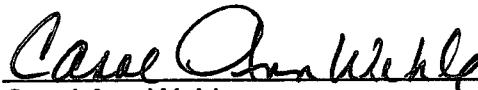
7. The District's Governing Board delegated the authority to the Executive Director to take final action on permit applications under part IV of Chapter 373, Florida Statutes. *District's Policies and Procedures, Subsection 101-41(a).*

8. A Notice of Rights is attached as Exhibit B.

DONE AND SO ORDERED, this 21st day of December, 2010 in West Palm Beach, Florida.

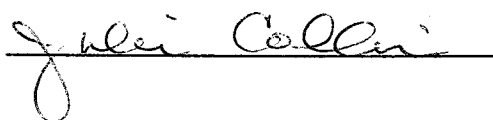



SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,  
BY ITS EXECUTIVE DIRECTOR

  
Carol Ann Wehle

ATTEST:

LEGAL FORM APPROVED:

BY: 

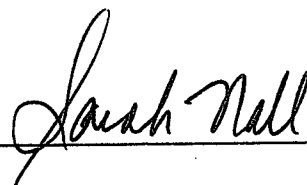
BY: 

DATE: 12/21/2010

DATE: 12/21/10

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Final Order has been furnished this 21st day of December, 2010, by U.S. Regular Mail to the following distribution list:

A handwritten signature in cursive script, reading "Sarah Nall", is written over a solid horizontal line.

Sarah Nall, Deputy General Counsel

Marcy I. LaHart, Esq.  
4804 S. W. 45<sup>th</sup> Street  
Gainesville, FL 32608

David A. Acton, Esq.  
Martin County Administrative Center  
2401 S. E. Monterey Road  
Stuart, FL 34996

Keith Williams, Esq.  
Office of Counsel  
So. Fla. Water Mgmt. District  
P. O. Box 24680  
West Palm Beach, FL 33416