

WACS 40593



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

ELECTRONIC CORRESPONDENCE

February 12, 2013

Patrick J. Lehman, P. E.
Peace River Manasota Regional Water Supply Authority
9415 Town Center Parkway
Lakewood Ranch, Florida 34202
PLehman@regionalwater.org

RE: Final Order Granting a Water Quality Criteria Exemption to the Peace River Manasota Regional Water Supply Authority, Peace River ASR Facility, DeSoto County, Florida

Dear Mr. Lehman:

Enclosed is a signed copy of the Department's Final Order granting a Water Quality Criteria Exemption from the groundwater standard for arsenic associated with Class V underground injection control operation Permit Number 0136595-014-UO pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.). The exemption is for the Peace River Manasota Regional Water Supply Authority's Peace River Aquifer Storage and Recovery facility, DeSoto County, Florida.

Please call me at 850/245-8655 or contact me at Joe.Haberfeld@dep.state.fl.us if you have any questions or need assistance.

Sincerely,

Joseph Haberkfeld, P.G.
Professional Geologist
Underground Injection Control Program

JH/

Enclosures

Patrick J. Lehman, P. E.

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February 12, 2013

cc: Mike Coates, P.G., Peace River Manasota Regional Water Supply Authority
Mark McNeal, P.G., ASR-US, LLC
Craig Varn, Manson Law Group
Maurn McDonald, DEP/Tampa
Rommy Lahera-Aument, DEP/Tampa
Betsy Hewitt, DEP/Tallahassee
Greg DeAngelo, DEP/Tallahassee
James Alexander, DEP/Tallahassee
Blake Guillory, Southwest Florida WMD
Ann Shortelle, Suwannee River WMD

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for Class G-II Ground Water
Quality Criteria Exemption
Peace River Manasota Regional
Water Supply Authority
Aquifer Storage and Recovery Facility

OGC File No. 12-1502
Desoto County

**FINAL ORDER
GRANTING A WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection hereby issues a Final Order granting a ground water quality criteria exemption for arsenic pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Peace River Manasota Regional Water Supply Authority (the "Authority"), 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, as set forth below.

BACKGROUND AND FINDING of FACTS

1. On August 20, 2012, the Department received a petition from the Authority for a water quality criteria exemption for an installation discharging into Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The installation is Authority's Aquifer Storage and Recovery (ASR) wellfields, designated as Wellfield 1 and Wellfield 2, located at 8998 SW County Road 769 in Desoto County, Florida.

2. The Authority is currently authorized to inject potable water which has received full treatment from the on-site drinking water treatment plant to ground water under Underground Injection Control (UIC) Operation Permit Number 0136595 -005-UO

(Wellfield 1) and UIC Construction Permit Number 0136595 -010-UC (Wellfield 2), and, if issued, under future UIC Operation Permit Number 0136595-014-UO for Wellfields 1 and 2.

3. The Authority's petition requested an exemption from the ground water standards contained in Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rules 62-550.310 and 62-550.320, F.A.C. Specifically, the petition requested an exemption from the primary drinking water standards for the arsenic standard of 0.010 mg/L. The petition requests that the ASR system be operated such that the arsenic concentration does not exceed 0.010 mg/L at the property boundary of land owned by the Authority or at the boundary of easements granted to the Authority by the Southwest Florida Water Management District.

4. The Department reviewed the Authority's petition for a water quality criteria exemption and determined that the petition meets the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1), F.A.C., as more fully described in the Intent to Grant.

5. On December 12, 2012, the Department signed an Intent to Grant the ground water quality criteria exemption for arsenic to the Authority under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I.

6. On December 14, 2012, the Department sent a cover letter and the executed Notice of Intent to Grant, notifying the Petitioner of the Department's proposed agency action and advising the Petitioner of the right to a hearing pursuant to sections 120.569 and 120.57, Florida Statutes (F.S.).

7. As required by the Intent to Grant, pursuant to section 403.815, F.S., and Rules 62-110.106(7) and 62-520.500(3), F.A.C., the Petitioner published notice on January 9, 2013, in the *Charlotte Sun*, a daily newspaper published in Charlotte County, Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication are attached as Exhibit II.

8. The Department published notice of the Intent to Grant on December 14, 2012, in the *Florida Administrative Register* informing the public of the Department's intended action and offering an opportunity for hearing pursuant to sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

9. The Petitioner and interested parties, having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a petition pursuant to sections 120.569 and 120.57 F.S., are hereby deemed to have waived those rights.

IT IS THEREFORE ORDERED that the Peace River Manasota Regional Water Supply Authority petition for an exemption from the drinking water standard for arsenic set forth in Rule 62-550.310, F.A.C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) The ground water quality exemption is being granted in part based on the Department's understanding that the Petitioner's ASR operation will not present a danger to the public health, safety, or welfare and will not result in any adverse environmental, social, or economic effects.

(b) The exemption is granted for the duration of the Authority's UIC Permit Number 0136595-014-UO for ASR Wellfields 1 and 2. Future exemptions must be petitioned for by the applicant in conjunction with a renewal of the operation permit or

another UIC permit for any other injection wells at the facility. The exemption extends only to ground water elements of the Authority's UIC permit. The exemption will not affect any discharge regulated under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface water.

(c) The exemption provides relief only from the arsenic standard contained in Rule 62-550.310, F.A.C., as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, including the minimum criteria contained in Rule 62-520.400, F.A.C., apply to this project.

(d) The permittee shall monitor water quality in accordance with the specific conditions of the Underground Injection Control Permit Number 0136595-014-UO, if issued.

A party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing 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, Mail 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 thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED this 12th day of February 2013, in Tallahassee,
Florida.

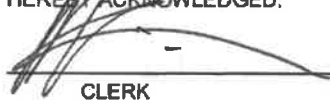
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mark P. Thomasson, P.E., Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

FILED ON THIS DATE, PURSUANT TO §120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.


CLERK

2/12/13
DATE

Copies furnished to:

Patrick J. Lehman, P.E., Peace River Manasota Regional Water Supply Authority
Mike Coates, P.G., Peace River Manasota Regional Water Supply Authority
Mark McNeal, P.G., ASR-US, LLC
Craig Varn, Manson Law Group
Mauryn McDonald, DEP/Tampa
Rommy Lahera-Aument, DEP/Tampa
Greg DeAngelo, DEP/APP
James Alexander, DEP/APP
Betsy Hewitt, DEP/OGC
Blake Guillory, Southwest Florida WMD
Ann Shortelle, Suwannee River WMD

Enclosures: (3)

EXHIBIT I

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for Class G-II Ground Water
Quality Criteria Exemption
Peace River Manasota Regional
Water Supply Authority
Aquifer Storage and Recovery Facility

OGC File No. 12-1502
Desoto County

INTENT TO GRANT GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant a ground water quality criteria exemption under Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Peace River Manasota Regional Water Supply Authority (the "Authority"), 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, as detailed in its petition, OGC file number 12-1502. The Department is issuing this intent for the reasons stated below.

BACKGROUND, FACTS, AND CIRCUMSTANCES

1. On August 20, 2012, the Department received a petition from the Authority's representative, the Manson Law Group, for a water quality criteria exemption for an installation discharging into Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The petition coincided with the Authority's application for an underground injection control (UIC) operation permit for its Aquifer Storage and Recovery (ASR) wellfields, designated as Wellfield 1 and Wellfield 2, located at 8998 SW County Road 769 in Desoto County, Florida. The Authority operates a total of twenty-two ASR wells. Twenty of these wells, which inject fluid into the Suwannee Limestone geologic formation, are included in the exemption request; eight ASR wells in Wellfield 1 and

twelve ASR wells in Wellfield 2. ASR well T-1 is completed in the Tampa Formation and ASR well AP-1 is completed in the Avon Park Formation and are not part of this exemption request. The ASR wells inject potable water, which has received full treatment at the Authority's on-site drinking water treatment plant, into underground geologic formations for storage and subsequent recovery. The Suwannee Limestone geologic formation is part of the Floridan aquifer system located at depths of 500 to 950 feet below land surface in the vicinity of the ASR wells. This formation is considered a Class G-II aquifer designated for potable water use pursuant to Rule 62-520.410, F.A.C.

2. The Authority withdraws water from the Peace River to produce potable water at its on-site water treatment plant. When this potable water is injected and stored within the Suwannee limestone formation it reacts with the native materials of the formation causing naturally occurring arsenic in the formation to go into solution. The levels of arsenic sometimes exceed the 0.010 mg/L ground water quality standard, but such exceedances are limited in areal extent to a radius of a few hundred feet around the ASR wells. The Authority's petition requests an exemption from the ground water standard for arsenic contained in Rule 62-520.420(1), F.A.C., which is the same as the drinking water standard for arsenic in Rule 62-550.310, F.A.C., having a maximum contaminant level of 0.010 mg/L. The petition requests that the ASR system be operated such that the arsenic concentration does not exceed 0.010 mg/L at the property boundary of land owned by the Authority or at the boundary of easements granted to the Authority by the Southwest Florida Water Management District (SWFWMD).

3. The Department has permitting jurisdiction for the ASR wellfields under Chapter 403 of the Florida Statutes. The project is not exempt from these permitting procedures. The Department has determined a UIC permit is required for operation of the ASR wellfields.

4. The Authority is currently authorized to inject potable water, which has received full treatment from the on-site treatment plant to ground water under UIC Operation Permit Number 0136595 -005-UO (Wellfield 1) and UIC Construction Permit Number 0136595 -010-UC (Wellfield 2). These permits expire on August 3, 2013, and December 10, 2016, respectively. The Authority has applied for a single UIC operation permit to cover injection and recovery operations at both wellfields, and if issued, will supersede the two permits listed above. The ground water quality criteria exemption, if granted, will be incorporated into the UIC operation permit and will be valid for the duration of said permit. Future exemptions must be petitioned for by the applicant in conjunction with a renewal of the operation permit or other UIC permits that may be issued for any other injection wells at the facility. The exemption extends only to ground water elements of the Authority's UIC permit. The exemption will not affect the Authority's required compliance with Rules 62-550, 62-555, and 62-560, F.A.C., related to operation of its public drinking water system.

5. The Department has reviewed the above petition for an exemption under the requirements of Rule 62-520.500, F.A.C., and intends to grant the exemption to the Authority based on the following findings:

(a) Rule 62-520.500(1), F.A.C.: Granting the exemption is clearly in the public interest.

The Authority provides the majority of drinking water to persons residing within its service area in Charlotte, Sarasota, and Desoto counties, as well as the City of North Port, totaling over 250,000 persons. Use of the ASR wellfields reduces demand on the fresh water resources in these areas. The Authority is obligated to provide up to 32.7 million gallons per day of drinking water to its service area. Storing excess water through the use of ASR wells allows the Authority to augment its potable water supplies without increasing the use of the limited supply provided by the Peace River. Granting the ground water quality criteria exemption for the Authority's ASR system will assist the Authority in meeting the demand for a reliable supply of drinking water at a reasonable cost, while not adversely affecting the environment.

(b) Rule 62-520.500(2), F.A.C.: Compliance with such criteria is unnecessary for the protection of present and future potable water supplies.

The injected potable water meets all ground and drinking water standards, including arsenic. Arsenic is a naturally occurring element in the minerals of the Suwannee Limestone. Injected potable water is high in dissolved oxygen, unlike the native ground water in the aquifer which is low in dissolved oxygen. Complex oxidation and reduction reactions between the high and low dissolved oxygen waters cause arsenic contained in the aquifer minerals to go into solution. Arsenic levels that exceed the 0.010 mg/L ground water and drinking water standard are often found in the water that is recovered from the ASR wells and occasionally in Suwannee Limestone monitoring wells. All water that is recovered from the ASR wells is returned to on-site reservoirs, which hold Peace River surface water. These reservoirs have a combined capacity of over six billion gallons and therefore any elevated arsenic concentrations in

the recovered water are reduced through blending with Peace River water contained in the reservoirs. Waters within the reservoirs are sent to the Authority's drinking water plant for treatment. After treatment the potable water meets all drinking water standards and is distributed to the Authority's customers. Levels of arsenic in water from the Authority's distribution system have always been less than the drinking water standard.

Wellfield 1 has been in operation for over 25 years, and Wellfield 2 has been in operation for over 10 years. Monitoring conducted since the wellfields have been in operation show the area within the Suwannee Limestone formation, which contains elevated arsenic concentration is limited to a few hundred feet around each ASR well. Monitoring wells located within the Suwannee Limestone at the property boundaries have never had levels of arsenic above 0.010 mg/L, demonstrating that elevated levels of arsenic remain within the Authority's property boundaries.

The SWFWMD granted the Authority two easements over SWFWMD-owned land to allow for water resource development. No other entity may construct a well or use any water resource within these easements areas. The easements add an additional property buffer to the Authority-owned land, providing further assurance that any arsenic mobilized will not impact other users of ground water in the area.

Based on water samples obtained during ASR well construction and testing, the Suwannee Limestone formation has a natural total dissolved solids (TDS) concentration of approximately 800 mg/L, which exceeds the secondary drinking water standard for TDS of 500 mg/L. Because of the depth to the injection zone and the natural TDS concentrations, domestic potable wells in the vicinity of the ASR wellfields do not use the Suwannee Limestone formation water for drinking water supply. The injected fluid

will have a lower TDS concentration than the ground water in the injection zone. This fluid meets all of the primary drinking water standards as well as all secondary drinking water standards. Injection does not adversely affect the receiving ground water or the environment because the stored fluid meets all of the federal primary and state secondary drinking water standards with the exception of elevated arsenic concentrations limited in areal extent and primarily occurring during ASR well recovery, when the stored water volume is decreasing.

(c) Rule 62-520.500(3), F.A.C.: Granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water.

A well and water use inventory of public records provided as part of the UIC operation permit application demonstrated limited ground water use in the Suwannee Limestone portion of the Floridan aquifer within one mile of the ASR site. The inventory verified there are ten water use permits utilizing Suwannee Limestone ground water within one mile of the ASR site. They are all irrigation, mining, and agricultural wells; none are used for drinking water. There were no water use permits that identified use of the Surficial aquifer.

The only confirmed public supply and domestic water use within a one-mile radius from the ASR facility are 33 wells permitted in the overlying Intermediate aquifer system. The deepest of these wells is 340 feet deep, with the Intermediate aquifer supply intervals separated from the Suwannee Limestone by over 150 feet of a confining unit consisting of low permeability rocks. All the monitoring wells located in the Intermediate aquifer have arsenic concentrations less than 0.010 mg/L. The proposed exemption for arsenic on the property owned by the Authority or controlled by

the easements will not impact the Intermediate aquifer water use near the injection well site. ASR operations conducted at the site for over 25 years have not interfered with ground water use in the area.

(d) Rule 62-520.500(4), F.A.C.: The economic, environmental, and social costs of compliance with the criteria outweigh the economic, environmental, and social benefits of compliance.

The economic, environmental, and social costs of preventing the release of arsenic within the Suwannee Limestone formation during ASR operations from exceeding the ground water and primary drinking water standard for arsenic outweigh the economic, environmental, and social benefits of preventing such release. Preliminary studies indicate use of a deoxygenation system could reduce dissolved oxygen levels in the injected water to a level where arsenic mobilization in the aquifer would likely not occur. An estimated twenty-six million dollars would be required for construction in addition to one million dollars of annual operation and maintenance costs for a system sized for the capacity of Authority's ASR wellfields. The feasibility of such a system for up to twenty-one million gallons of water per day is unknown because the few such systems tested have been operated at facilities with ASR wellfield capacities of about one million gallons per day. Also, these systems have short operational histories and not all have been successful in reducing arsenic mobilization. Use of the deoxygenation system by the Authority would result in significant costs with little derived benefit. As the ASR wells are currently operated the recovered water is blended with water in the reservoirs and subsequently treated at the Authority's drinking water plant to meet all primary and secondary drinking water standards prior to

distribution to its customers. Granting the water quality criteria exemption for arsenic therefore outweighs the environmental benefit of compliance as there are adequate safeguards to protect the environment and public health.

Background water quality of the Suwannee Limestone formation into which injection occurs exceeds the drinking water standard for TDS, and because of this it is not currently used as a source of drinking water. Granting the exemption from the arsenic standard within a limited portion of the Floridan aquifer within property owned or controlled by the Authority will not adversely impact the very limited use of ground water from this portion of the aquifer or the use of the overlying Intermediate aquifer system.

Social and environmental benefits are realized by storing surface water withdrawals underground during high river flow periods and recovery of the stored water for use during drier periods when river withdrawal is restricted or prohibited. Storing the water underground reduces the need to construct costly above ground reservoirs, which can impact wetlands, or to develop alternative water supplies such as reverse osmosis treatment facilities, that are not only costly, but require large amounts of electric power. During the drought of 2006-2009 the ASR Wellfield provided the majority of water supplied to the Authority's service area, thereby averting a water shortage.

(e) Rule 62-520.500(5), F.A.C.: An adequate monitoring program approved by the Department has been established to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect of underground geologic formations or waters.

Ground water quality and water level data are collected from twenty-four monitoring wells. Sixteen wells are within the Suwannee Limestone of the Floridan aquifer and eight are within the overlying Intermediate aquifer system. Nine monitoring wells are located in Wellfield 1 and fifteen wells are in Wellfield 2. Thus, both the ASR zone and the overlying Intermediate aquifer system are monitored to detect any adverse effects related to ASR activities at the site. In addition to arsenic, over 20 other parameters are analyzed and reported for the monitoring wells. The quality of the injected potable water and the water recovered from ASR wells is also monitored regularly to ensure compliance with the ground water standards and other monitoring requirements contained in the UIC permits. The monitoring program will be continued under the new UIC permit for operation of both the ASR wellfields.

This proposed exemption requires that monitoring wells continue to demonstrate that ground water with more than 0.010 mg/L of arsenic is not migrating in the ASR zone beyond land owned by the Authority or the easements granted by the SWFWMD.

(f) Rule 62-520.500(6), F.A.C.: The requested exemption will not present a danger to the public health, safety, or welfare.

The requested water quality criteria exemption for arsenic is not expected to present a danger to the public health, safety, or welfare if limited in extent to the ASR zone on property controlled by the Authority. Information provided in the petition indicates excess levels of arsenic in ground water will not migrate to the overlying Surficial aquifer or Intermediate aquifer systems, or migrate beyond the property owned or controlled by the Authority within the Suwannee Limestone formation of the Floridan

aquifer. The proposed exemption is for property owned or controlled by the Authority and at a sufficient depth to ensure that public access to the potentially affected ground water will not occur. The Authority's public water system will continue to meet all federal and state drinking water standards.

6. The Department intends to grant this exemption subject to the following conditions:

(a) The exemption is granted for the duration of the Authority's Class V well Operation Permit Number 0136595-014-UO for Wellfields 1 and 2. Future exemptions must be petitioned for by the applicant in conjunction with a renewal of the operation permit or another UIC permit for any other injection wells at the facility.

(b) The exemption provides relief only for the ground water arsenic standard of Rule 62-520.420, F.A.C., which adopts by reference the drinking water standards contained in Rule 62-550.310, F.A.C. Compliance with all other ground water quality standards, including the other primary drinking water standards contained in Rule 62-550.310, F.A.C., the secondary standards contained in Rule 62-550.320, F.A.C., and the minimum criteria contained in Rule 62-520.400, F.A.C., are not affected by this exemption.

(c) The permittee shall monitor water quality in accordance with the specific conditions of the Operation Permit Number 0136595-014-UO with the additional requirements:

1. Monitoring Wells – If the maximum contaminant level (MCL) for arsenic (0.010 mg/L) is exceeded at Suwannee Limestone monitoring wells M-2, M-15, M-18, M-19, or M-21, or at Intermediate aquifer system monitoring wells E, I-7, I-8, I-10, T-2,

T-7, T-8, or T-11, a confirmation sample shall be obtained and analyzed within three business days after receipt of the first sample result. If the arsenic concentration confirmation sample is greater than the MCL, the Authority shall investigate the MCL exceedance(s) and within 90 days provide to the Department a report that evaluates the potential causes of the exceedances and actions proposed by the Authority to abate or eliminate the exceedances. Potential actions shall include but not be limited to the cessation of injection into nearby ASR wells until the affected monitoring wells come into compliance.

2. Injected Fluid – All injected fluid shall receive full treatment at the Authority's water treatment plant and shall meet all primary drinking water standards contained in Rule 62-550.310, F.A.C., the secondary standards contained in Rule 62-550.320, F.A.C., and the minimum criteria contained in Rule 62-520.400, F.A.C.

(d) The permittee shall use the data obtained during operation under the term of Permit Number 0136595-014-UO and this exemption to reassess the adequacy of the monitoring program. The results of this reassessment shall be submitted with the application for renewal of the UIC permit and this exemption.

Pursuant to section 403.815, F.S., and Rule 62-110.106(7), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Grant a Water Quality Exemption. The notice shall be published one time only within 30 days from the date of issuance of this notice of intent in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of sections 50.011 and 50.031,

F.S., in the county where the activity is to take place. The applicant shall provide an original copy of the proof of publication to Mr. Joseph Haberfeld, P.G., Florida Department of Environmental Protection, Aquifer Protection Program, 2600 Blair Stone Road, Mail Station 3530, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in denial of the exemption.

The Department will issue the exemption with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the exemption applicant or any of the parties listed below must be filed within 21 days of receipt of this written notice.

Petitions filed by any other persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the public notice or receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 21 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, 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 only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(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, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires 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 wants the Department to take with respect to the agency's proposed action.

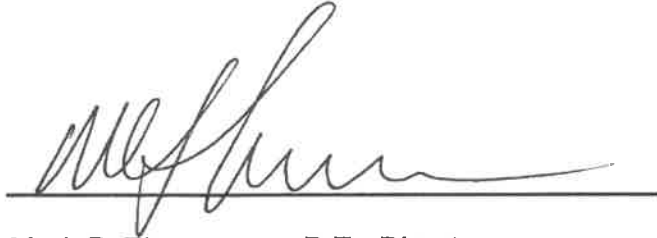
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department 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 on the petition 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, F.S., is not available for this proceeding.

A party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail 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 thirty days after this order is filed with the clerk of the Department.

DONE AND ENTERED this 12 day of December 2012 in Tallahassee, Florida.

A handwritten signature in black ink, appearing to read 'M. Thomasson', is written over a horizontal line.

Mark P. Thomasson, P.E., Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies furnished to:

Patrick J. Lehman, P.E., Peace River Manasota Regional Water Supply Authority
Mike Coates, P.G., Peace River Manasota Regional Water Supply Authority
Mark McNeal, P.G., ASR-US, LLC
Craig Varn, Manson Law Group
Mauryn McDonald, DEP/Tampa
Bill Kelsey, DEP/Tampa
Rommy Lahera-Aument, DEP/Tampa
Amanda Bush
Greg DeAngelo
James Alexander
Blake Guillory, Southwest Florida WMD
Ann Shortelle, Suwannee River WMD

Enclosure: Public Notice

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT A WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for arsenic pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of the operations of the Peace River Manasota Regional Water Supply Authority ("Authority") Aquifer Storage and Recovery (ASR) Well System Wellfield 1 and Wellfield 2 located at 8998 SW County Road 769 in DeSoto County, Florida. The wellfields inject potable water, which has received full treatment from the on-site water treatment plant, into Class G-II ground water for storage and subsequent recovery during dry periods. Injected water will meet all drinking water standards including arsenic. The exemption is necessary because arsenic above the ground water standard has been detected in recovered ground water from Authority-owned ASR wells. Ground water monitoring demonstrates that this is not occurring outside the boundaries of property owned or controlled by the Authority. All recovered water is blended or treated to ensure all drinking water standards are met prior to distribution. The exemption is granted for the duration of the Authority's Underground Injection Control Operation Permit Number 0136595-014-UO. The applicant must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the

Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must also mail a copy of the petition to the applicant, Mr. Patrick J. Lehman, P. E., Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, 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, 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 only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(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, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires 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 wants the Department to take with respect to the agency's proposed action.

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

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

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

32399-2400 (contact Joseph Haberfeld, P.G., at 850-245-8655), or at the Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926 (contact Rommy Lahera-Aument, P.G., at 813-632-7600).

EXHIBIT II

Peace River Manasota
Regional Water Supply Authority

JAN 15 2013

RECEIVED



PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Exemption, was published in said newspaper in the issues of:

January 9, 2013

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

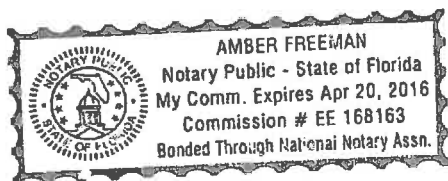
Diane Brinckman
(Signature of Affiant)

Sworn and subscribed before me this 9th day of January, 2013.

Amber Freeman
(Signature of Notary Public)
Amber Freeman
(Print Name)

Personally known *OR* Produced Identification

Type of Identification Produced _____



STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO GRANT A WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-I ground water standard for arsenic pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of the operations of the Peace River Manasota Regional Water Supply Authority ("Authority") Aquifer Storage and Recovery (ASR) Well System Wellfield 1 and Wellfield 2 located at 8998 SW County Road 769 in DeSoto County, Florida. The wellfields inject potable water, which has received full treatment from the on-site water treatment plant, into Class G-I ground water for storage and subsequent recovery during dry periods. Injected water will meet all drinking water standards including arsenic. The exemption is necessary because arsenic above the ground water standard has been detected in recovered ground water from Authority-owned ASR wells. Ground water monitoring demonstrates that this is not occurring outside the boundaries of property owned or controlled by the Authority. All recovered water is blended or treated to ensure all drinking water standards are met prior to distribution. The exemption is granted for the duration of the Authority's Underground Injection Control Operation Permit Number 0136595-014-UO. The applicant must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must also mail a copy of the petition to the applicant, Mr. Patrick J. Lehman, P.E., Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, 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, 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 only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

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JAN 21 2013

UIC PROGRAM

mation, as required by Rule 28-106.201, F.A.C.

(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, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires 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 wants the Department to take with respect to the agency's proposed action.

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

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

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 (contact Joseph Haberkfeld, P.G., at 850-245-8655), or at the Department of Environmental Protection, Southwest District office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926 (contact Rommy Lahera-Aument, P.G., at 813-632-7600).

Publish: January 9, 2013

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EXHIBIT II

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EXHIBIT III

Miscellaneous
Published December 14, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Resource Management

NOTICE OF INTENT TO GRANT A WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for arsenic pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of the operations of the Peace River Manasota Regional Water Supply Authority ("Authority") Aquifer Storage and Recovery (ASR) Well System Wellfield 1 and Wellfield 2 located at 8998 SW County Road 769 in DeSoto County, Florida. The wellfields inject potable water, which has received full treatment from the on-site water treatment plant, into Class G-II ground water for storage and subsequent recovery during dry periods. Injected water will meet all drinking water standards including arsenic. The exemption is necessary because arsenic above the ground water standard has been detected in recovered ground water from Authority-owned ASR wells. Ground water monitoring demonstrates that this is not occurring outside the boundaries of property owned or controlled by the Authority. All recovered water is blended or treated to ensure all drinking water standards are met prior to distribution. The exemption is granted for the duration of the Authority's Underground Injection Control Operation Permit Number 0136595-014-UO. The applicant must petition for any future exemptions.

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 - (f) A statement of the specific rules and statutes the petitioner contends requires 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

EXHIBIT III

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

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