

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re: OGC Case No. 18-1057  
DELEON SPRING  
BASIN MANAGEMENT ACTION PLAN

FINAL ORDER ESTABLISHING THE DELEON SPRING  
BASIN MANAGEMENT ACTION PLAN

Pursuant to Sections 403.067(7) and 373.807, Florida Statutes, this Final Order adopts the attached Basin Management Action Plan ("BMAP") for certain Class III surface waterbodies within the Middle St. Johns River Basin. The adopted BMAP, entitled "DeLeon Spring Basin Management Action Plan" and dated June 2018, is attached hereto and incorporated herein as Exhibit 1.

The DeLeon Spring BMAP has been developed as part of the Florida Department of Environmental Protection's ("department") Total Maximum Daily Load ("TMDL") Program, as authorized under the Florida Watershed Restoration Act (Section 403.067, Florida Statutes) and the Florida Springs and Aquifer Protection Act (Sections 373.801-.813, Florida Statutes). Surface waters covered in the DeLeon Spring BMAP are designated as Class III waters in accordance with Chapter 62-302, Florida Administrative Code ("F.A.C."). Water quality for Class III waters is meant to be suitable for recreational use and for the propagation and

maintenance of a healthy, well-balanced population of fish and wildlife.

The DeLeon Spring Basin is located in Volusia County. In October 2017, the department established a nutrient TMDL in Rule 62-304.505, F.A.C., for various impaired waters that are addressed in this BMAP. Table 1 in the attached Exhibit 1 identifies the applicable TMDLs. Excessive nitrate is the primary pollutant contributing to the impairments addressed by this BMAP.

The department worked closely with the affected stakeholders, including local and state agencies, in developing the DeLeon Spring BMAP to achieve the associated TMDLs. Beyond direct work with the affected stakeholders, the department encouraged public participation to the greatest practicable extent by providing routine updates in technical meetings and requests for comment at technical meetings on the DeLeon Spring BMAP. The department held a noticed public meeting in the basin on May 22, 2018, to discuss the BMAP and receive comments.

The DeLeon Spring BMAP represents the collaborative effort of stakeholders to identify current and planned projects and management actions to achieve the identified pollutant load reductions required by the TMDLs. The adopted BMAP documents the projects and management actions

that have been, or will be, undertaken by stakeholders to reduce discharge of pollutants in the watershed. The projects and management actions (completed, ongoing, and planned) identified in the BMAP address known sources of pollutants, facilitate investigation of unknown sources, prevent new sources, and address future loads associated with growth and land use changes in the basin.

The specific pollutant reduction projects and management actions required of individual entities are set forth in Chapter 2 and Appendices B, D, F and G of the BMAP. Unless otherwise noted in the BMAP, all requirements of this BMAP are enforceable upon the effective date of this Order.

This Final Order and incorporated BMAP are enforceable pursuant to sections 403.067, 403.121, 403.141, 403.161, 373.119 and 373.129, Florida Statutes.

THEREFORE, IT IS ORDERED that the attached Exhibit 1 is hereby adopted as the DeLeon Spring Basin Management Action Plan.

#### NOTICE OF RIGHTS

The DeLeon Spring BMAP shall become final unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57

of the Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the department's proposed agency action 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 in the department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within 21 days of publication of the public notice or within 21 days of receipt of this order, whichever occurs first. Under Section 120.60(3), Florida Statutes, 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 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, 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.

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

(a) The name, addresses, and telephone number of each petitioner; the department case 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 disputes 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, F.A.C.

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 order. 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.

A party who is adversely affected by this order has the right to seek judicial review under Section 120.68 of the Florida Statutes, 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 the 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 of appeal must be filed within thirty days after  
this order is filed with the clerk of the department.

DONE AND ORDERED this 29 day of June, 2018, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
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Noah Valenstein  
Secretary

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

  
\_\_\_\_\_  
CLERK

06/29/2018  
\_\_\_\_\_  
DATE