



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Permitting Policy

December 6, 2022

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I. INTRODUCTION

- 1) The purpose of this manual is to set forth the policies, procedures, and technical requirements associated with connecting to, placing structures in or across or otherwise making use of, the lands and/or facilities of the Melbourne-Tillman Water Control District (herein collectively referred to as the “District”).
- 2) Any and all work involving the lands and/or drainage/water management facilities of the District shall not commence until prior approval of the District Board of Directors and/or the District Manager is received. The approval process consists of submitting an Application for Permit, (along with other requirements listed in the application) to the District. The District Manager and District Engineer shall review the application for conformance with the established policies and technical requirements contained in this manual.
- 3) The District’s Water Management Facilities include, but are not limited to: drainage and associated water management facilities, weirs, canals, lakes, structures, or any such works. Hereafter, “works” is defined to include (but not limited to) all water management facilities, lakes, canals, outfall structures, culverts and District rights-of-way.
- 4) Issuance of a permit does not convey any property rights or privileges other than those specified in the permit. It does not authorize any injury to private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the assent of the District insofar as concerns the public’s interest and protection under the District’s enabling legislation to authorize the drainage, and reclamation of the lands in said District.

II. DEFINITIONS

- 1) “Applicant” means an individual, company, organization, agency or governmental entity that submits a permit application to the District.
- 2) “Board of Directors” or “Board” means the seven (7) member board comprising three (3) members appointed by the Brevard County Commission, three (3) members appointed by the City of Palm Bay City Council, and one (1) member appointed by the City of West Melbourne City Council.
- 3) “Bridge” means and structure installed within the Surface Water Management System which has an open horizontal width of twenty feet (20’) or greater.
- 4) “Cofferdam” means an enclosure constructed within a body of water to allow the enclosed area to be pumped out creating a dry working environment. Upon completion of work, cofferdam is removed.
- 5) “Culvert(s)” means any structure not classified as a bridge that provides an opening for conveyance of groundwater and surface water.
- 6) “Dewatering” means the removal and disposal of ground water and/or surface water into the Surface Water Management System.
- 7) “District” means the Melbourne-Tillman Water Control District, a special district
- 8) “Diversion” means the temporary pumping or piping for continued flows of the Surface Water Management System.
- 9) “Fence” means a structure that encloses an area constructed of posts and connected by boards, wire, rails, or netting.

- 10) "Gate" means a hinged barrier used to secure an opening.
- 11) "Maintenance Berm" means the area within the Surface Water Management System required and located adjacent to the channel of the canal utilized for maintenance vehicles to travel and operate safely in the require maintenance of the Surface Water Management System. The original "Maintenance Berm" constructed to prevented and controlled runoff from adjacent lands into the Surface Water Management System.
- 12) "Modification(s)" means any changes to the original design previously issued authorized by the District for adjacent lands and/or improvements within the Surface Water Management System. Modification permit must meet all current permit application requirements, including fees.
- 13) "Outfall(s)" means any structure used in the conveyance of stormwater runoff to the Surface Water Management System.
- 14) "Owner" means the owner of the fee simple estate, as appears by the deed of record.
- 15) "Permit" means a written document which shows that the District has authorized the construction, installation or use of the Surface Water Management System as referenced in the permit document. A permit will typically include conditions that must be satisfied by the appropriate party.
- 16) "Primary" means all existing numbered canals within District rights-of-way, to include facilities such as dams, weirs, control structures, culverts, pipes, and any future works so designated by the Board.
- 17) "Record Drawings" means final, record drawings and specifications of the project showing the "as-built" conditions of the completed Project. A Professional Engineer licensed in the State of Florida prepares the Record Drawings and are signed and sealed. The drawing indicates any on-site changes that the contractor makes. The Record Drawing strikes through the proposed dimension and/or elevation if different from the approved plans and includes details of retention/detention dimension as well as control structure details, i.e. widths, depths, weirs, etc.
- 18) "Revision" means any changes to a previously issued permit not constructed and approved for completion of work that changes the original scope of the issued permit.
- 19) "Roadway" means any surface improvements affiliated with vehicle use.
- 20) "Secondary" means all drainage facilities that convey surface water to primary system by crossing District rights-of-way.
- 21) "Structure" means any action of constructing an object or objects for an intended use.
- 22) "Surface Water Management System" means all drainage facilities whereby surface waters are collected, controlled, conveyed, channeled, diverted, impounded, obstructed, stored, detained, or retained, or other surface water management capabilities or combination of capabilities. The term "facilities" includes all necessary devices, improvements, natural systems, rights-of-way, appurtenant works, and works required to accomplish the above. "Facilities" also includes all dams, levees, berms, weirs, control structures, impoundments, ponds, lakes, streams, canals, ditches, swales, culverts, pipes, surface system of pipes, inlets, and culverts, erosion control, floodways, greenbelts, access and maintenance ways, or similar items to accomplish the above.
- 23) "Tertiary" means all drainage facilities associated with and located within rights-of-way of public roadways, driveways, parking lots, etc. that convey surface water to secondary systems.

III. AUTHORITY

- 1) A copy of all laws relating to the operating of the District is available for public inspection at the District's office located at 5990 Minton Road, Palm Bay, Florida and on its website at the following link: <http://www.melbournetillman.org/special-district-information/>.
- 2) The Board of Directors of the Melbourne-Tillman Water Control District is authorized under Chapter 2001-336 House Bill No. 1115, Laws of Florida, and amended as listed below:
Chapter 2003-334, Laws of Florida,
Chapter 2010-153, Laws of Florida,
Chapter 2019-175, Laws of Florida.

The District shall possess the full power and authority to implement, finance, and operate existing Surface Water Management System, facilities and those to be constructed within the jurisdiction of the District, subject to being granted all permits required by the laws, rules, and regulations of federal, state, and regional regulatory agencies.

- 3) The District shall have the right to authorize any development within the District boundaries to meet established requirements for discharges to primary, secondary, and tertiary drainage facilities that collect and convey surface water to the Surface Water Management System. All non-single family residential lands proposed for improvement shall submit an application, plan, and stormwater management report for review, in accordance with fee schedule for determination for discharge requirements.

IV. POLICY STATEMENT CONCERNING THE DISTRICT'S PERMITTING CRITERIA

- 1) No permits will be issued for any use that adversely affects, interferes with, or imposes hardship upon the District's Surface Water Management System to included its operations, maintenance or construction activities; or degrades the quality and quantity of the District waters, or is inconsistent with the water control plan of the District.
- 2) The District requires individuals or entities' wishing to utilize the District's Surface Water Management System to obtain approval before any activity begins. Construction on, modifications, and/or use of the rights-of-way without obtaining prior District approval is unauthorized and in violation of Sections 22 and 23 of Chapter 2001-336, Laws of Florida. The District reserves the right to remedy violations to the full extent of the law. The Manager will report the scope of all unauthorized activity to the District's Board of Directors at the next scheduled meeting for consideration of remedial action necessary by the District to recover losses associated with any unauthorized activity.
- 3) The owner of an issued MTWCD permit must submit approved stamped plans from the jurisdictional entity prior to commencement of construction improvements within the District's Surface Water Management System.
- 4) The District reserves the right to change, regulate and limit discharges into or withdrawals from the District's Surface Water Management System, amend or change any of its policies, practices, procedures, or regulations. Such action shall not constitute any claim for damages nor become the basis for legal suit by any Permittee.

- 5) All permits involving parallel use or temporary access of the District rights-of-way, and all other proposed uses that the District Manager determines require approval from the Board of Directors shall only be issued following the approval of the application; and by the Board of Directors with appropriate limiting conditions and/or formal Agreements.
- 6) Use of Right-of-Way as Temporary Access – MTWCD does not permit right-of-way use not listed in the fee schedule shown in this Permit Policy manual. All requests for a variance to use MTWCD's right-of-way as temporary vehicular access will be considered on an individual basis. Board of Directors approval is required for uses of right-of-way.
 - a) Prior to using District's Surface Water Management System as temporary access, the property owner must submit an application with applicable fee (non-refundable), for staff review and consideration by the Board of Directors.
 - b) Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that infrastructure and maintenance functions will not be harmed.
 - c) If approved by the Board of Directors, applicable permit and right-of-way use fees will be applied and must be submitted prior to permit issuance.
 - d) The District's fee of \$30.00 per linear foot applies and upon completion of use and satisfactory restoration of right-of-way \$15.00 per linear foot will be returned to the applicant.
 - e) The applicant will indemnify and hold harmless MTWCD from any damages resulting from the use of the right-of-way. Proof of minimum of \$1,000,000.00 liability must be furnished with the District listed as an additional interest.
 - f) During the permit duration for temporary use of right-of-way, the permit may be terminated immediately at the sole discretion of the MTWCD District Manager or Board of Directors.
 - g) Right-of-Way Temporary Access permits shall not exceed 6 months duration from date of issuance. Extensions must be requested in writing, with submission of a \$250.00 Administrative Review Fee.
 - h) Temporary Access for the design purposes of subsurface investigation to include geotechnical data collection and utility depth identification, e.g. hydro-excavation (potholing), must require authorization from the District Manager or designee prior to entering the lands of the District.

V. GENERAL INFORMATION

- 1) All properties, within the District Boundary, which propose development of a commercial, subdivision, multi-family, multi-use or other improvement other than single family residential must submit an application with applicable fee, plan, and stormwater management report for compliance with the stormwater discharge rate identified in Section VIII(1). A permit must be obtained by any person, company, corporation, association or governmental agency desiring to connect to, cross (under/over), place or replace structures upon/within, or otherwise make use of the Surface Water Management System of the District.

Permit Fees shall be doubled if work is started without a permit.

- 2) A permit must be obtained for any new or improved (1) commercial (2) industrial (3) multi-family projects and any new or improved (4) single-family parcels that require any use within District rights-of-way. Permit applications may be obtained at the District office or on the District's website: www.melbournetillman.org
- 3) Issuance of a permit by the District is simply an acknowledgment that the specific use of Surface Water Management System, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit.
- 4) Ownership of any structure permitted by the District is conveyed to the current property owner and must follow original permit requirements, including proper transfer of a permit due to change of ownership. Application for Transfer of Permit can be obtained by contacting the District office.
- 5) Requests for Additional Information (RAI)/Expiration of Application: After the District submits a Request for Additional Information (RAI) to the Applicant or his Agent, the Applicant or Agent will have six (6) months from the date of the RAI to respond. In the event the Applicant or Agent does not submit a response that specifically addresses each concern expressed in the RAI, or in the case of a negative response citing specific Policies or portions of the District's Enabling Legislation that are in conflict with the RAI, the Permit Application will be considered null and void and all fees will be forfeited. The Applicant would then need to provide all new fees in order to reactivate the Application Process for that Project.
- 6) All properties proposing development adjacent to the District rights-of-way shall provide a ten-foot (10') easement for drainage access and maintenance in addition to future expansion of utilities along the corridor.

VI. OBLIGATIONS OF PERMITTEE

With the acceptance of an issued permit, the Permittee agrees to the following:

- 1) To abide by the terms and conditions of the issued permit and these policies.
- 2) To maintain any works or structures (which remains with the Permittee until transfer is executed and approved) located on Surface Water Management System, in a good and safe condition.
- 3) To hold and save the District, its officials, employees, contract agents and its successors, harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance, or use of the permitted work or structure.
- 4) To allow inspection, at any time by the District, of any works or structures authorized by the permit. Failure to make any immediate changes, or repairs, as requested by the District to ensure the safe operation of the District's Surface Water Management System, could result in the District completing such repairs at Permittee's expense. *In order to insure that the works are being Operated and Maintained correctly, it may be necessary for the Permittee to have the works reviewed by a Professional Engineer on a periodic basis.*

- 5) To prevent the discharge of debris, sediment, and/or nuisance noxious aquatic plants harmful to drainage, water control, conservation, or navigation into any Surface Water Management System.
- 6) To maintain the water quality of all waters discharging into Surface Water Management System.
- 7) To conform to any changes in the administrative or technical requirements upon which the original permit was issued as deemed necessary by the District.
- 8) To allow the District unimpeded access to construct, operate and maintain its Surface Water Management System.
- 9) To ensure water quality standards, Permittee will be responsible to follow all “Best Management Practices” (BMP’s) during construction. These include silt fences, filter fabric or any other apparatus needed to stabilize the District’s right-of-way. Reference materials include *Florida Stormwater Erosion and Sedimentation Inspector’s Manual* (2003), and *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (2013).
- 10) Upon completion of the construction specified in the PERMIT, the District requires the signed [Notice of Completion](#), a set of “Record Drawings”, boring logs (if applicable), and electronic media for the project be submitted for final approval of the structure. Failure to submit Notice of Completion with applicable documents shall affect approval of future applications for permit issuance.
- 11) Permit transfers are the obligation of the original Permittee and MUST be transferred when the property ownership changes by following District policy for Transfer found herein this document (Section XIII).
- 12) Remove all existing infrastructure within half of that portion of the canal rights-of-way that is within ten feet (10’) of proposed improvements by the applicant as identified in the application statement, to include but not limited to fencing, outfalls, concrete, trees and shrubs, conduits, wires, etc.

VII. THE PERMITTING PROCESS—APPLICATION FOR PERMIT

- 1) The permitting process begins with the submittal of an Application for Permit. Required application forms can be obtained in person at the District office located at 5990 Minton Road, Palm Bay, Florida, 32907 or on the District’s website, [Permitting Process](#), or by telephone (321) 723-7233. A nominal fee may be charged for postage and handling if permit application materials must be mailed.
- 2) All sections of the Application for Permit must be completed, signed and notarized by the owner. In order for the owner to have a designated representative/agent, a notarized letter of authorization stating such is required. A corporation identified as owner shall provide documentation that the signatory is an officer, i.e Sunbiz, notarized letter.
- 3) All Applications for Permit shall be appropriately checked for type of work and accompanied by payment of the appropriate fee in accordance with the fee schedule. Also, the District requires two sets of plans, 11” x 17” sheets preferred, two

sets of calculations signed and sealed by a Florida registered engineer, electronic files on one (1) compact disc or memory drive of plans and calculations, and copies of all other Government Agency Permits necessary to construct all of the proposed drainage facilities shown in the plans, such as SJRWMD, FDEP, USCOE, FDOT, or Brevard County be included in the original submittal. The District cannot review any set of plans without these outside Agency Permits having been issued prior to submittal to the District. However, historically, all culverts, which include all structural conveyance systems that are installed within the canal i.e. crossings, parallel to the direction of flow, or a bridge, which spans the canal ROW perpendicular to the direction of flow, are exceptions to obtaining approval from other Government Agencies first. Since these structures have a direct impact on the potential maximum capacity of the MTWCD canal system, MTWCD must review and approve these structures prior to any other Agency review or approval.

VIII. CONDITIONS APPLICABLE TO ALL PERMITS:

- 1) A forty-eight (48) hour notice shall be given prior to commencement of work and required inspections.
- 2) Improvements installed within the Surface Water Management System shall not be backfilled prior to inspection or the work will have to be excavated for inspection.
- 3) The use of canal water for installing underground borings or any other construction activity is prohibited.
- 4) Government Agencies are required to submit an application, along with payment according to the fee schedule, for all new construction within the Surface Water Management System. Replacement or repair of existing structures, (i.e. linings, barrier walls, etc.) require an application for compliance and are exempt from permit fees.
- 5) Modifications to existing permits, to include but limited to expansions, additions, replacements, etc. shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit application.

IX. CONDITIONS APPLICABLE TO ALL OUTFALL PERMITS:

- 1) Stormwater outflows are restricted to 0.08 cfs/acre for the 25yr-24hr storm event and 0.05 cfs/acre for the Mean Annual storm event. These rates are consistent with the average flow rates used in the original design for the Surface Water Management System.
- 2) The following pipe size chart must be adhered to for all projects submitting for an outfall or a drainage pipe connection to the MTWCD ROW:

Note: The slope is determined by the type of pipe material being used * Plastic or ** CMP

<u>Project Size (Acres)</u>	<u>Pipe Size/ Material</u>	<u>Maximum Pipe Slope</u>	
.100 - 35.0	12" Plastic* OR 15" CMP**	*= .5%	**= .5%
35.1 - 55.0	14" Plastic* OR 18" CMP**	*= .4%	**= .6%
55.1 - 65.0	16" Plastic* OR 24" CMP**	*= .3%	**= .2%
65.1 - 110.0	18" Plastic* OR 30" CMP**	*= .4%	**= .15%
110.1 - 250.0	24" Plastic* OR 36" CMP**	*= .5%	**= .35%

- 3) Sites above 250 acres will be sized by District Staff on a case by case basis. Please contact our Office (321-723-7233) for assistance prior to designing outfalls for projects that have a single outfall for drainage areas larger than 250 acres. Large sites exceeding 250 acres, which will have multiple outfalls, where each sub-drainage area is 250 acres or smaller, will use the above chart for each sub-drainage area's outfall.
- 4) All outfalls, new or replaced, at the Manager's discretion, must have an inlet structure installed at the edge of the canal right-of-way for collection of runoff from adjacent properties discharging onto the canal right-of-way. The inlet structure will act as a junction between the culvert from the properties to be drained to the canal and the last section of culvert under the maintenance road.

X. CONDITIONS APPLICABLE TO ALL CULVERT/BRIDGE CROSSING PERMITS:

- 1) The District will allow only single barrel culverts, box culverts, or bridges for all new and replacement culvert installations running parallel with the District Canal Rights-of-Way. Multiple barrel culverts have historically clogged with excessive debris during rain events, and as these culverts deteriorate and need to be replaced, they are to be changed to single barrel installations. For all proposed structures, applicants shall have a pre-design meeting with the District before formally submitting any plans to other regulatory agencies, in order to receive design criteria with regards to flow capacity, elevations, and headwall design/materials from the most current ICPR model data for collector and lateral canals and the SWMM model for the C-1 Basin, survey data, and FDOT design standards, as updated or amended from time to time. All design criteria for flow capacity shall be based on the peak 25 year 24 hour storm event provided by the District for the location of the proposed structure as identified from the most current ICPR model results.
- 2) New structures, not a replacement, shall be capable of providing for the peak 25 year 24 hour storm event's flow capacity, based upon respective model data, identified above, with an upstream water elevation no greater than 0.10 ft. higher than the downstream water elevation. The applicant shall provide survey data to include the next immediate upstream and downstream culvert crossings, invert elevations, size of structures, and distance to proposed structure as well as a canal cross-section at the location of the new structure.
- 3) Replacement structures shall be capable of conveying a peak flow rate of the 25 year 24 hour storm event, as provided by the District, utilizing model data identified above. The applicant shall provide survey data to include the obsolete structure's invert elevations and size of structure, if still in place. The District shall determine the minimum size opening needed to address the peak 25 year 24 hour storm event's flow rate, from model data identified above, and compare that to the opening of the obsolete structure. The replacement structure's peak flow area minimum size will be the average of the obsolete structure peak flow area and the minimum design peak flow area for the 25 year 24 hour storm event. The applicant may install a larger structure flow area than the determined

average at their discretion.

- 4) New crossings, culverts and bridges, must include gates and fencing for preventing motorized vehicles from accessing the canal right-of-way (at the Manager's discretion). Gate widths will be a minimum of twelve feet (12') in width with sixteen feet (16') to include double gates of eight feet (8') in width. Location of gates and fencing must be placed in order to prevent by-passing by motor vehicles.
- 5) Bridges must meet the following requirements:
 - a) Identify the deck and low member elevations, and length and number of spacing of spans. The minimum vertical clearance between the maintenance berm elevation and the low member of the bridge shall be no less than eighteen feet (18'), unless other design and access considerations are agreed to by the Board of Directors.
 - b) Center span over water must cover from edge of water to edge of water at normal water level.
 - c) No piling shall be allowed in the center of the channel
 - d) Slope pavement/stabilization shall protect the bank slope from erosion and scour to be installed for a distance to be determined by authorized District personnel. Acceptable stabilization material includes but not limited to interlocking concrete block revetment and rubble (rock) rip-rap revetment, underlain by woven monofilament fabric.

XI. PERMIT FEES

Review for compliance

Fee Amount

Commercial/subdivisions/multi-family/multi-use/roadways

\$ 250.00

Culverts, Bridges, Roadways:(minimum 60” diameter)

Fee Amount

Culvert Installations 0- 50 L.F.

\$ 750.00

Culvert Installations 51-120 L.F.

\$1,500.00

Culvert Installations Over 120 L.F.

\$2,000.00

Bridge new, re-designs or Box
culverts

0-50 L.F.

\$1500.00

Bridge new, re-designs or Box
culverts

51-120 L.F.

\$2,500.00

Bridge new, re-designs or Box
Culverts

Over 120 L.F.

\$5,000.00

Utility Lines:

Fee Amount

(Water, Sewer, Re-use, Phone, Electric, Cable, Gas, etc.):

Utility Crossings under/over
existing culverts or attached
to bridges.

\$ 750.00 + \$18.00/LF
(LF of crossing in Rights-of-way)

For Sub Aqueous and Aerial
Utility Crossing Canal

\$ 750.00 + \$18.00/LF
(LF of crossing in Rights-of-way)

Parallel Installations

\$ 750.00 + \$24.00/LF
(LF in Rights-of-way)

Stormwater Outfalls or Drainage Pipes:**Fee Amount***Piped outfalls within:*

Single Family Residential

Pipe diameter < 12" \$ 500.00 each

Pipe diameter 12" – <24" \$ 750.00 each

Pipe diameter >24" \$1,000.00 each

Commercial/Subdivisions/Multi-Family/
Multi-Use/Roadways

Less than 2 acres \$ 750.00 each

2 acres to less than 5 acres \$1,250.00 each

5 acres to less than 20 acres \$1,750.00 each

20 acres to less than 100 acres \$3,500.00 each

Over 100 acres \$5,000.00 each

Agricultural

Less than 40 acres \$ 100.00 each

Over 40 acres \$ 225.00 each

Miscellaneous Fees:**Fee Amount**

Excavation within Rights-of-way \$ 355.00 each

Required for any of the above permitted structures and to
include the removal of each existing/obsolete structures.

Temporary Access Usage (Non-refundable Administrative Review) \$ 250.00

Linear usage (additional) \$ 30.00/LF
(\$1,500 minimum)

Satisfactory right-of-way restoration \$ 15.00/LF refund

Permit Inspection and Administrative Fees for:**Transfer of Permit:****Fee Amount**

Transfer fee \$ 100.00

Inspection by District Engineer to determine
reliability of structure.

XII. DURATION OF PERMITS

1. A permit may be issued for the life of the approved improvements. However, limiting conditions and/or special situations permit may restrict its useful life span. **Construction shall commence within two (2) year of issuance of permit or permit expires. Temporary Access Usage permits shall be s i x (6) months from the time of issuance.** The District reserves the right to rescind any permit at any time.

XIII. MODIFICATIONS TO AN EXISTING PERMIT

1. Any modifications to a previously permitted and currently existing use of District lands or drainage/water management facilities will not require a new permit, existing permit will be modified. Permits and fees shall be required.
2. The Permittee must submit a written request to the District to amend the permit. Such request shall include sufficient information detailing the modification desired and the reasons for the modification.
3. Requests to modify an existing permit shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit applications.
4. The Permittee will be notified in writing by the District as to the status of the request to modify an existing permit.

XIV. TRANSFER OF EXISTING PERMIT

1. The holder of a valid permit issued by the District may allow a third party the use of his/her permitted structure, provided that the Permittee notifies the District in writing of such intended changes. Permits are not assignable without the express written consent of the District. A valid permit **MUST** be transferred to a new Permittee only upon written request to the District, with the consent of the original Permittee as well as the new owner clearly indicated.
2. All permits that involve a transfer in ownership and have no other modifications associated with them, will be processed as a permit transfer.

XV. ILLICIT DISCHARGES

1. The National Pollutant Discharge Elimination System (NPDES) permitting process has determined Melbourne Tillman Water Control District (MTWCD) canals are waters of the State. Under Chapter 62-302 of Florida Administrative Code (FAC), most of the MTWCD canals are designated as Class III waters (Chapter 62-302.400(14)) with secondary and tertiary canals completely within agricultural areas classified as Class IV waters (Chapter 62-302.400(16) (a)). The Florida Department of Environmental Protection (FDEP) is charged with overseeing the “Surface Water Quality Standards” of Chapter 62-302 (FAC). Any flow(s) found to be in violation of the “Surface Water Quality Standards” of Chapter 62-302 (FAC) is deemed an illicit discharge. All alleged illicit discharges discovered by MTWCD will be referred to FDEP for further action afforded under Chapter 62-302 (FAC).
2. All applicants for a stormwater outfall connection into a MTWCD canal must provide documentation the stormwater discharge facility complies with or is exempt from “Regulation of Stormwater Discharge” (Chapter 62-25, FAC). The St. John’s River Water Management District (SJRWMD) is the local Agency responsible for ensuring compliance therefore applicants must present a SJRWMD Environmental Resource Permit or provide documentation for exemption from SJRWMD permitting before MTWCD will issue a permit. Violations of “Regulation of Stormwater Discharge” (Chapter 62-25, FAC) will be referred to SJRWMD for further action. Concurrently, MTWCD will implement actions in accordance with “MTWCD Illicit Discharges Remedial Procedures” (Section XV).
3. The use of reclaimed water is encouraged for irrigation provided such water does not compromise the water quality of the canals and adheres to the “Reuse of Reclaimed Water and Land Application” (Chapter 62-610, FAC). The setback distances between the wetted site area subject to land application and surface waters must be maintained. All land application systems must be designed to minimize adverse effects of aerosol drift and ground water flow into surface waters in accordance with Section 62-610.421 (1) (7) (8) FAC. The hydraulic loading rates for all slow rate application systems, which include individual residential sites, shall be consistent with the requirements of Section 62-610.423, FAC. The hydraulic loading rate shall not produce surface runoff or ponding of the applied reclaimed water. Violations of any portion of Chapter 62-610, FAC will be referred to the FDEP for further action and MTWCD will implement actions in accordance with “Illicit Discharges Remedial Procedures” Policy.
4. All discharges in the MTWCD Canal System are governed by “Surface Water Quality Standards” Chapter 62-302, FAC. “Surface Water Quality Standards” outlines standards expected for all MTWCD Canals, regardless of classification. Violations of Chapter 62-302, FAC will be referred to FDEP for further action and MTWCD will also implement

action in accordance with “Illicit Discharges Remedial Procedures” Policy.

5. *The following are Exceptions to Illicit Discharges:*

1. Flushing of potable waterlines, excluding discharges of hyper-chlorinated water with chlorine residual of 10 ppm or greater unless the hyper-chlorinated water is first de-chlorinated. The de-chlorination process cannot produce side-effects that adversely impact aquatic plants and wildlife.
2. Runoff from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, uncontaminated ground water, or other uncontaminated water sources such as surface water or stored rain water.
3. Diverted stream flows
4. Rising groundwater and springs
5. Foundation and footing drains
6. Uncontaminated, visibly clear, pumped ground water
7. Air conditioning condensation
8. Water from crawl space pumps
9. Individual residential vehicle washing
10. Flows from wetlands and riparian habitats
11. De-chlorinated swimming pool discharges
12. Discharges or flows from fire-fighting activities not including washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities.

XVI. MTWCD ILLICIT DISCHARGE REMEDIAL PROCEDURES

1. Illicit Discharge from existing works:

- a. Any violations that occur in residential, multi-family, commercial, industrial and all other non- residential uses (Community) which are subject to regulation under Chapter 718 F.S. (Condominiums), Chapter 719 F.S. (Cooperatives), Chapter 720 F.S. (Homeowners' Associations), Chapter 721 F.S. (Vacation and Timeshare Plans), and Chapter 723 F.S. (Mobile Home Park Lot Tenancies), will be addressed to the Governing Association of the Community and also, whenever possible, to the individual entity/entities within the Community responsible for the Illicit Discharge.
- b. The first offense by any individual entity/entities within the Community will result in the MTWCD providing written notification, with documentation, to both the entity/entities and the Governing Association of the offense(s). They will be given sixty (60) days to rectify the mechanical functioning of the system (s) and to provide the MTWCD with documentation that their Association Documents contain language that requires all systems using reuse water for irrigation to comply with Chapter 62-610 F.A.C. and the penalties associated with violations.
 - i) Failure to comply with the remedial actions, within the sixty (60) day time frame, will result in all previously issued MTWCD permits being revoked. Additionally, the Governing Association must obtain a MTWCD Corrective Action Permit; pay all fees associated with the Corrective Action Permit in accordance with the fee schedule established for the Corrective Action Permit. The Governing Association will be given sixty (60) days to provide the Corrective Action permit and fees to MTWCD and thirty (30) additional days to implement and complete the Corrective Action Plan.
 - ii) Failure to comply with the Corrective Action Permit procedures will result in MTWCD removing the Community's connections to the MTWCD system, at the Community's expense, until the Community complies with the Corrective Action Permit requirements.
 - iii) Additionally, the Community will be responsible for acquiring a Temporary Dewatering Permit from the MTWCD that would allow a maximum pumped discharge of .05cfs (22.4 gpm) per acre based on the size of the Community. The discharge will only be allowed through a filtered discharge system that limits particles to 5 microns or less. The Community will be responsible for procuring, operating, and maintaining all equipment needed to pump and filter the discharge. The Temporary Dewatering Permit will expire after thirty (30) days and will be renewable at the discretion of the District Manager. The fee for the original Temporary Dewatering Permit, and each

subsequent renewal, will be based on the Fee Schedule established for Construction Dewatering Permits.

- iv) The District Manager has the authority to temporarily open the connections between the Community and the MTWCD canal system in preparation for Tropical Storm/Hurricane type events.
- v) The procedures outlined above will also apply to all properties and Communities that do not have associations established in accordance with the Florida Statutes and the Owner of the Property will be the entity responsible for conforming to requirements.

2. Illicit Discharges Occurring During Construction Process:

- a. Due to the fact that Construction Projects are transient in nature, all projects one (1) acre or larger must acquire an NPDES Construction Generic Permit (CGP) from the Florida Department of Environmental Protection that requires the use of Best Management Practices. MTWCD issues De-watering Permits that require specific procedures for de-watering and erosion control. The Contractor licensed to perform the site work in accordance with the use of Best Management Practices is in charge of the overall site work. The Permittee is responsible for scheduling the required pre-construction meeting with MTWCD staff to be held on the project site. During the pre-construction meeting, prohibition of illicit discharges and alternate solutions to protect the integrity of the MTWCD Canal will be discussed for the site specifically.
 - i. The construction site will be subject to inspection by MTWCD staff to ensure all construction activities in MTWCD Rights of Way comply with the terms of the issued permit, and to verify illicit discharges into MTWCD Canals are not occurring. Should an illicit discharge occur either by error or will, all construction activities within MTWCD rights of way, including de-watering must immediately cease.
 - ii. Any construction related illicit discharges will result in MTWCD revoking all permits issued for the project. The owner must obtain new permits for all works and pay all permit fees associated with such works, provide plans and calculations as necessary, and obtain a MTWCD Corrective Action Permit, including the required permit fees for the Corrective Action Permit. No further construction or use of MTWCD rights of way will be allowed until all new permits and a Corrective Action Permit are obtained. Illicit discharges that involve de-watering violations will be processed in accordance with the MTWCD De-watering Policies.
- b. It is acknowledged that mechanical and human errors can happen. Consequently, the District Manager, at his discretion, can waive the requirement for a Corrective

Action Permit on the first illicit discharge violation that occurred during construction, provided:

- i. The Permittee immediately self corrects the issue(s) that caused the violation.
- ii. The Permittee self-reports the violation to MTWCD.
- iii. Further, within 24 hours of the initial illicit discharge violation, the Permittee must provide the District Manager a written report, certified to be true and accurate by the Project Engineer detailing what occurred, how it occurred and corrective actions taken to prevent any further violations, what corrective actions will be taken to correct any damage to MTWCD works. Permittee must include pictures, documentation, and construction records.
- iv. Regardless of the circumstances of the illicit discharge, all MTWCD site permits issued to the Project will be rescinded and all activity must immediately cease as stated in the special conditions of the permit. Before any construction activities can resume, the permittee will be required to submit a new permit application, new plans to include all the corrective actions described in the Certified Written Report prepared by the Permittee and remit new permit fees, in accordance the MTWCD fee schedule.
- v. Until the new MTWCD Permits is issued, there will be no use of the MTWCD ROW allowed.

FEES FOR CORRECTIVE ACTION PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

FEES FOR TEMPORARY PUMPING PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 250/month
Above ten (10) acres and less than forty (40) acres	\$ 500/month
Above forty (40) acres	\$1,000/month

XVII. DE-WATERING POLICY

1. General Conditions:

- a. MTWCD's Right of Ways shall not be obstructed and shall be returned to the original condition or better at the termination of the de-watering operation. At no time during the de-watering operation shall MTWCD canal slopes be compromised.
 - i. All de-watering operations that require a direct discharge point into an MTWCD canal will require a Standard De-Watering Permit from MTWCD prior to being placed into service. This permit and fee are on a monthly basis to discourage prolonged dewatering operations and staff manpower to inspect and monitor the operation.
 - ii. In the event de-watering operations are commenced without a validly issued MTWCD Standard De-Watering Permit:
 1. MTWCD will require immediate cessation of all discharges into the MTWCD canal and the immediate removal of the source of the discharge from the MTWCD rights of way.
 2. The property owner will be required to obtain a Corrective Action De-Watering Permit and all work in the MTWCD, permitted or not, will not be allowed until the Corrective Action De-watering Permit is issued.
 - iii. All discharges into MTWCD facilities, whether direct or indirect, shall be visibly clear at all times and shall not disturb the bottom of the receiving body or cause shoaling, turbidity or erosion. Sedimentation basins, siltation basins, dewatering tanks, weir tanks and similar methods of sediment removal are considered inadequate for pre-treating discharge from standard de-watering operations and are not allowed to directly discharge into any MTWCD canal or facility.
 - iv. Gravity bag filters must be constructed on a hay bale base extending a minimum of five (5) feet beyond the gravity bag filter and:
 1. The hay bale base must have a hay bale barrier constructed around its perimeter. The hay bale barrier must have a silt fence constructed five (5) feet from the hay bale barrier around the perimeter of the hay bale barrier.
 2. Gravity bag filters and sock covered perforated pipe suction discharges can only be used as the final filter at sites that have a minimum grain size of fifty (50) microns (.05 mm) or greater.
 3. For all sites that have any soils with a grain size of forty-nine (49) microns or less, the final discharge into MTWCD canal or facility must be filtered through a sand media particulate

filter, a pressurized bag filter, a cartridge filter, or equal.

4. The use of de-silting trains, using several sediment removal methods in series is encouraged to insure that the discharge is visibly clear at all times.
 - v. Well point systems are generally acceptable for direct discharge into MTWCD canals or facilities. However, it is the applicant/owner's responsibility to insure that all de-watering discharges comply with this section
 - vi. MTWCD will require proof of a permit or written approval from St. John's River Water Management District and other all applicable government agencies to be furnished prior to commencement of the de-watering operations.
 - vii. Prior to starting any de-watering operation, the applicant/owner shall provide documentation stating their site complies with the parameters outlined in the Florida Department of Environmental Protection (FDEP) document number 62-621.300(2), "Generic Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity."
 - viii. MTWCD retains the right to stop all operations if warranted by adverse weather conditions.
2. By-pass or diversion
 - a. Any operation requiring the installation of a permitted structure within the Surface Water Management System and impedes the flow of surface water via cofferdam shall provide an application and fee along with a plan for by-pass pumping or diversion acceptable by the District Engineer and District Manager.

FEES FOR STANDARD DE-WATERING PERMIT:

Fee Amount

Ten (10) acres or less	\$ 625.00/month
Above ten (10) acres and less than forty (40) acres	\$ 1,250.00/month
Above forty (40) acres	\$ 2,500.00/month

FEES FOR CORRECTIVE ACTION DE-WATERING PERMIT:

Fee Amount

Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

XVIII. PROCEDURES FOR UTILITY LINES

MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the use of the MTWCD Right of Way for any other use is considered the option of last resort.

1. All Applicants for a MTWCD Permit must provide documentation that ALL other avenues have been exhausted. Copies of formal signed denials from all of the entities that control the other possible routes must be provided with the MTWCD Utility Permit Application. MTWCD will not process any application that does not contain this information.
 - a) All proposed water mains and services; sanitary sewer force mains, sanitary sewer gravity mains, sanitary sewer laterals, and all sanitary sewer service lines; re-use mains, laterals and services, must apply for a MTWCD Permit.
 - b) The MTWCD permit fee will be waived if the applicant listed on the Florida Department of Environmental Protection (FDEP) permit application is a government agency that has a reciprocal "No Fee" agreement with MTWCD. In addition to this, the utility project must be funded entirely with public funds and have been implemented in accordance with the standard procedures that the government agency follows in issuing contracts for all of its Capital Improvements Projects. Utilities such as gas, fiber optics, electric, cable, etc. are not eligible for a waiver of the fees.
 - c) In the event the FDEP Permit Applicant or Permittee is a Non-Government entity, the Non- Governmental entity will be required to pay all appropriate fees necessary to obtain a MTWCD Permit even if the project will eventually be turned over to a Government Agency with a reciprocal "No Fee" Agreement with MTWCD.
 - d) All proposed phone, electric, cable; gas, fiber optic and similar types of utilities must apply for and pay all appropriate fees prior to receiving a permit from MTWCD.
 - e) The lineal foot portion of the MTWCD Permit fee applies to all utility lines of any size or orientation (diagonal, perpendicular, parallel, meandering, etc.) placed within the MTWCD Right of Way. Only those Government Agencies that have a properly executed 'No-Fee' Agreement with MTWCD are exempt from the above criteria.
 - f) Orientation:
 - i) MTWCD reserves the right to direct the location and orientation of all proposed utility lines so that they conform to the needs of the MTWCD.
 - ii) All proposed utility lines that will run parallel to the MTWCD Right of Way must be:
 - (1) Situated within the maintenance road of the canal right of way.
 - (2) Located no more than 3 feet from the canal right of way line.
 - (3) Have no above ground appurtenances.
 - (4) Have boxes with reinforced covers at appropriate intervals.
 - iii) Proposed utility lines that will run perpendicular to the MTWCD Right of Way must be intersecting the canal right of way lines and running its entire length at a 90 degree angle with the canal right of way.

- iv) In the case of all existing or proposed cable/wire type aerial crossings, the minimum vertical clearance between the top of bank and the lowest portion of the aerial crossing must be:
 - Collector Canals 45 feet
 - Crossings Over All other Canals 25 feet
- g) The District Manager has the authority to reduce the vertical clearance requirements to a minimum of 18 feet at aerial crossings that are situated 50 feet or less from a roadway canal crossing. MTWCD will systematically notify the appropriate utilities in regards to adjusting existing aerial crossings that do not comply with the preceding criteria. The utility will have 60 days from the date of the notification in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing from the MTWCD ROW.
- h) Guy anchors are not allowed within the MTWCD ROW. MTWCD will systematically notify the appropriate utilities in regards to removing existing guy anchors from the MTWCD ROW. The utility will have 60 days, from the date of the notification, in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing, which is supported by the guy anchor, from the MTWCD ROW.
- i) In the event it is necessary to alter the direction of a utility that is perpendicular to the canal right of way, then the change in direction must occur:
 - (1) Within the maintenance road portion of the canal right of way.
 - (2) Must be no further than 3ft. from the canal right of way line.
 - (3) Must be made using an appropriate 90 degree bend fitting appropriate restraining joints, tie rods, or other acceptable mechanical restraint methods must be used, thrust blocks and similar non-mechanical methods are not allowed.
- 2. In general, meandering runs will not be permitted without proper justification. All meandering utilities must be presented to the Melbourne Tillman Water Control District Board of Directors for Board approval before a permit can be issued.
- 3. Permits issued to the applicant are specifically for the use of the applicant and any additional users of the permitted structure(s) are required to submit application and appropriate fee for use of such structure.

XIX. SUBAQUEOUS UTILITY AND TRANSMISSION LINES

1. MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the placement of subaqueous utility and transmission lines should not only be the option of last resort, but these subaqueous installations need to be constructed in such a manner that their placement under the canals does not impede MTWCD's ability to excavate or dredge the canal banks and/or bottoms.
2. Any utility line proposed for subaqueous crossing to convey wastewater, hazardous, or flammable material is required to be encased in steel reinforced concrete, and/or a steel sleeve structurally designed to withstand excavations of the canal to protect the crossings with the limits of the channel bottom. Force main line may be one continuous fused high-

density polyethylene (HDPE) pipe or fusible polyvinyl chloride (FPVC) pipe, with approval of the District Manager.

3. Clearances under the Maintenance Road area will need to comply with the Federal, State, or Local Government standards that apply to the utility being constructed, but in no case less than 3' below the surface.
4. Clearances in this policy will apply whether standard open cut construction, jack & bore, or directional bore methods are used. In the event there are existing features within a canal that prevent strict adherence to the clearances specified, the District Manager has the authority to modify the clearances, so long as a minimum clearance of three (3) feet is maintained between the surface elevation and the top of the conduit. In all cases where an open cut construction crossing is approved the applicant must provide, at a minimum, a ten (10') foot wide, six (6") inch thick concrete pad, centered over the conduit. The following is a table of the required clearances for subaqueous utility and transmission lines:

<u>Canal Number</u>	<u>Clearance from Slope of Bank (min.)</u>	<u>Clearance from bottom of canal (min.)</u>
C-1	6 ft.	14 ft.
C-2R	6 ft.	14 ft.
C-9R	6 ft.	14 ft.
C-10	6 ft.	14 ft.
C-37	6 ft.	14 ft.
C-61	6 ft.	14 ft.
ALL OTHER CANALS	6 ft.	6 ft.

EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at regular meeting of June 28, 2016. Amended December 6, 2016 regular meeting, Amended March 6, 2018, Amended June 26, 2018, Amended June 25, 2019, Amended August 27, 2019, Amended August 26, 2020, Amended February 23, 2021, Amended October 25, 2022, Amended December 6, 2022.