

existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving waters and adjacent lands. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)1.

71. The greater weight of the competent substantial evidence establishes that the road repair work did not cause or contribute to a violation of state water quality standards, and that turbidity, sedimentation, and erosion were controlled during and after construction, and continue to be controlled, to prevent violations of state water quality standards. Erosion and sediment control BMPs were installed and maintained in accordance with applicable guidelines and specifications. Any issues with turbidity are not the result of the repairs to 101st Avenue, but are issues endemic to dirt and limerock roads that long pre-dated the repairs. The evidence establishes that the repairs reduced turbidity, sedimentation, and erosion from previous levels. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)5.

72. The evidence establishes that no excavated material related to the work under the Exemption was placed at or near Dr. Still's property or, for that matter, anywhere along 101st Avenue. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)6.

73. As established in the Findings of Fact, reasonable assurance was provided that the County complied with all applicable standards for the Exemption established by rule 62-330.051(4)(e) and rule 62-330.050(9)(b), and that the County is entitled to use the Exemption.

ATTORNEYS' FEES

74. The County has moved for an award of attorneys' fees, expenses, and costs pursuant to section 120.595.