

BEFORE THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

RE: Suwannee River
Basin Management Action Plan

DEP OGC No. 17-1165

WWALS REQUEST FOR EXTENSION OF TIME

TO FILE PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Pursuant to Florida Administrative Code Rules 28-106.111(3) and/or 62-110.106(4), WWALS Watershed Coalition, Inc. (WWALS, **Petitioner**) hereby requests an extension of time to file a petition to initiate administrative proceedings regarding the Suwannee River Basin Management Action Plan, and states:

1. The Department of Environmental Protection (**Department**) e-mailed notice to Stakeholders and posted an online notice that, pursuant to Section 403.067, F.S., a Secretarial Order was entered on June 29, 2018 adopting the Suwannee River Basin Management Action Plan (**BMAP**).

2. According to the Notice, the Department adopted 13 BMAPs, "establishing a long-term roadmap to restoration for 24 Outstanding Florida Springs" on June 29, 2018. The Suwannee River BMAP identifies the projects and management actions necessary to achieve the nutrient (Nitrogen) Total Maximum Daily Load (**TMDL**) for [the subject] water bodies.

3. The Suwannee River BMAP was developed as part of the Department's TMDL Program as required by the Florida Watershed Restoration Act, Section 403.067, Florida Statutes. The Final Order has been assigned OGC Case No. 17-1165. The Final Order indicates "A person whose substantial interests are affected by the department's proposed agency action may petition for an administrative proceeding (hearing) under Section 120.569 and 120.57 of the Florida Statutes."

4. Petitioner WWALS Watershed Coalition Florida, Inc. (WWALS) is a Florida not-for-profit corporation whose principal address is 207 WEST PARK AVE SUITE A, Tallahassee, FL 32301. Petitioner's phone number is 850-290-2350.

5. Petitioner's mission is: **WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.** WWALS as Suwannee RIVERKEEPER® is the Member of the WATERKEEPER® Alliance for the Suwannee River Basin, the eyes, ears, and voice for this watershed, for swimmable, fishable, and drinkable water. Petitioner's members do use and enjoy the water resources of the Suwannee River Basin for recreational, educational, vocational and artistic purposes.

6. Florida Administrative Code Rule 28-106.111(3), provides that an agency may, for good cause shown, grant a request for an extension of time for filing an initial pleading.

7. Florida Administrative Code Rule 62-110.106(4) similarly authorizes enlargement of the time to file a petition "for good cause shown."

8. Petitioners have not had enough time to thoroughly evaluate the BMAP, complete related investigations, and necessary administrative processes to determine whether a challenge to the BMAP is indicated.

9. Petitioner WWALS filed comments and requests with Secretary Noah Valenstein and Suwannee River Basin Coordinator Terry Hansen, both of the Florida Department of Environmental Protection, on June 4, 2018, and Petitioner WWALS has received no response. Petitioners anticipated a Department response to comments, questions and suggestions submitted by Petitioners,

other stakeholders and others during the comment period. Petitioners would avail an opportunity to discuss the Department's plans. Without a Department explanation, Petitioners lack information regarding these matters and require additional time and information.

10. Petitioners also rely on the assistance of professionals who provide support to the efforts of the Florida Springs Council and other springs-related interest groups; and the Department's simultaneous adoption, only one day before the statutory deadline, of 13 BMAPs for Outstanding Florida Springs causes Petitioner's access to such assistance to be diminished; and Petitioner's inquiries and analysis to be slowed.

11. The Department informed Petitioner that Florida Home Builders Association (**FHBA**) has requested an extension of time to file a petition regarding all 13 OFS BMAPs. Petitioner understands the request is based on the incompleteness of rule-making regarding septic system upgrades. Petitioner should be given the opportunity to participate with FHBA in further proceedings related to the related rule-making. A concomitant extension would be appropriate.

12. Petitioners seek an extension until at least August 17, 2018 to submit a timely petition in this matter.

13. No person will be prejudiced by the granting of this request, but Petitioners may be severely prejudiced by denial of this request.

14. In the event the Department does not grant this request in whole or in part, Petitioner requests 10 business days from the date of such order to file a petition challenging the Suwannee River BMAP.

15. Petitioner, through counsel, communicated by e-mail with counsel for the Department regarding this request for extension of time. Counsel indicated the Department would consider the request and explanation of good cause and would

respond. Petitioner is not able to state further the Department's position regarding Petitioner's request for extension.

WHEREFORE, Petitioner requests the Department of Environmental Protection grant Petitioner's Request For Extension of Time to File Petition for Administrative Proceedings and allow Petitioner an extension of time to at least August 17, 2018 or to the date to which FHBA's filing date is extended, whichever is greater.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail to the parties below on this 23rd day of July, 2018.

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