

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
OFFICE OF THE COUNTY ATTORNEY

Timothy J. McFarland, General Counsel

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April 28, 2010

Jay B. Shapiro, Esq.
Counsel for the Class
Sterns Weaver Miller
Weissler Alhadef & Sitterson, P.A.
150 West Flagler Street, Suite 2200 - Museum Tower
Miami, FL 33130

RE: The County of Monroe, Florida vs Priceline.com, Inc., et al
Case No. 09-100004CIV-Moore/Simonton

Dear Ladies & Gentlemen:

Pursuant to a unanimous vote of the Gulf County Board of County Commissioners, Gulf County elected to opt out of the class of which Gulf County was apparently a member plaintiff. While we appreciate your diligent efforts on behalf of the counties to recover these funds, Gulf County is a very small rural area and according to our TDC information there are very few web bookings locally. Best of luck with your endeavors.

Sincerely,



Timothy J. McFarland

TJM/sjl

cc: Counsel for the Class

Tod Aronovitz
Aronovitz Law
777 Brickell Ave, Suite 850
Miami, FL 33131

INFORMATION PACKET

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2010 MAY -5 PM 1:59

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and

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News Release

News Release

News Release

NEWS RELEASE #1
Deepwater Horizon Oil Spill
4/30/10, 1:00 pm ET
Issued by: M. Nelson

Deepwater Horizon Incident Q&A

Is the oil spill going to affect Gulf County?

At this time, Gulf County is not in the threat zone and the oil spill is not expected to impact our area in the next 72 hours. However, shifting weather conditions may change that. Resources are currently staged in Pensacola in preparation for a response for our area.

Who are the lead responders in the Deepwater Horizon spill?

The lead response agencies are the U.S. Coast Guard, the Minerals Management Service and BP.

What is a Unified Command?

The Unified Command is a structure that brings together the "Incident Commanders" of all major organizations involved in the incident in order to coordinate an effective response while at the same time carrying out their own jurisdictional responsibilities. The UC links the organizations responding to the incident and provides a forum for these entities to make consensus decisions. Under the UC, the various jurisdictions and/or agencies and non-government responders may blend together throughout the operation to create an integrated response team.

The UC is responsible for overall management of the incident. The UC directs incident activities, including development and implementation of overall objectives and strategies, and approves ordering and releasing of resources. *Members of the UC work together to develop a common set of incident objectives and strategies, share information, maximize the use of available resources, and enhance the efficiency of the individual response organizations.*

The unified area command for this incident is located in Robert, Louisiana. The regional response is divided up into five response areas based on the U.S. Coast Guard's jurisdictional lines. Our regional command center is located in Mobile, Alabama and reports to the UC in Louisiana. This does not mean the response is focusing on Alabama; it is simply the physical location of the command center.

What role does Gulf County play in the response?

Our role is to support the unified command. As discussed earlier, the UC ensures that we are able to maximize the use of available resources and enhance the efficiency of the response locally and as a whole. That does not mean we are not an active participant in any response effort. We know our county, our strengths and weaknesses, and as a member of the UC we will be a part of the decision making process and response if the oil spill affects our area.

While it may seem like local counties are not reacting, that is far from the case. Unlike a hurricane where the county is the lead or first response organization, and calls on the state and then the federal government for any assistance with resources needed, this oil spill requires a large regional response and works in the reverse order with a private/federal, state, and local approach. BP and the federal government have the expertise and resources to lead this response which we may not have on the local level.

What is Gulf County doing to prepare?

We are very concerned about the affects of the spill to our area and the impact to our residents. Gulf County's official situational reports and incident actions plans are submitted to the Florida Division of Emergency Management.

In addition:

- We are researching the health, economic, safety issues that may arise if we are impacted so we are ready to act as part of the unified command.
- We will continue to issue public information about our response, potential affects to our residents, and actions our citizens should take.
- We are researching the U.S. Coast Guard's oil spill contingency plan which identifies response resources, cleanup strategies, areas at risks, and response techniques so we will know what to expect and the role we might play.
- We are playing an active role in the unified command's area command post located at the U.S. Coast Guard station in Mobile. We are ready to support any needed response including supplying local resources if called upon by the lead responding agency.
- We have identified local operational areas, staging areas and resources in the event we activate a spill response in Gulf County.
- We have reached out and are maintaining contact with the unified command and with state, local, and other county's agencies that may be a part of the response efforts.
- There is a possibility that the unified command will ask for manpower from our county.
- We will make local resources including manpower, available as requested from the unified command.

Booming is being placed in Alabama and in Escambia, why not in Gulf?

At this time, Gulf County is not located in a threat zone. Resources are prioritized and being placed in the high threat zones areas. As it moves, there is a priority list of environmentally sensitive areas that will be the first to receive booms. Estuaries and inlets are at the top of the list, not the beach areas. This is to protect sensitive habitat that support wildlife and fish. If the oil washes on the beach, we can clean the sand. If the oil reaches the estuaries and inlets, it could be devastating to our local wildlife and fish habitat, taking years to recover. Please note booms are not a failsafe solution. They can become ineffective in high seas, strong winds, or currents over one knot. Resources are currently staged Pensacola in preparation for a response for our area.

Who is paying for the current response efforts?

BP, the responsible party, is required to fund the cost of the response and cleanup operations. The Oil Spill Liability Trust Fund, established after the Exxon Valdez incident, is also available to fund cleanups, if needed.

How long will the spill threaten our area?

If, when and how long Gulf may be impacted is unknown due to the uncertainty of weather conditions, the total amount of oil released from the site, and when the spill is contained at the accident site.

Will evacuations be ordered?

At this time, we don't anticipate the affects of the oil spill necessitating the issue of any evacuation orders in Gulf County. We understand that evacuating for any reason is disruptive, inconvenient and greatly impacts of citizens. The decision to issue an evacuation order is not one that is taken light by county officials. However, as with any incident, the safety of our residents and visitors is our number one concern.

What actions do I need to take to keep my family safe?

At this time, no protective action is needed. We ask that you monitor our local media outlets daily for the latest information from county officials on any action you may or may not need to take.

What are potential health impacts residents might face?*Air Quality*

Some individuals are more susceptible to change in air quality due to medical conditions. Anyone who is concerned about change in air quality due to this event should contact their primary health care provider, as each of us has a unique health profile.

As with wildfires and other events that increases particulate matter in the air, consider staying inside, in an air-conditioned room and change the air-conditioner filter to ensure peak performance.

Avoid strenuous activities outside.

If you have difficulty breathing, shortness of breath or other serious symptoms, seek immediate medical attention

Individuals with an air quality question or concern should contact the Environmental Protection Agency Region 4 National Response Center at 1-800-424-8802.

Contact with Tarballs

For most people, an occasional brief contact with a small amount of oil, while not recommended, will do no harm. However, some people are especially sensitive to chemicals, including the hydrocarbons found in crude oil and petroleum products. They may have an allergic reaction or develop rashes even from brief contact with oil. In general, we recommend that contact with oil be avoided. If contact occurs, wash the area with soap and water, baby oil, or a widely used, safe cleaning compound such as cleaning paste sold at auto parts stores. Avoid using solvents, gasoline, kerosene, diesels fuel, or similar products on the skin. These products, when applied to the skin, present a greater health hazard than the smeared tarball itself.

What if I come in contact with injured wildlife?

To report oiled wildlife, please call 1-866-557-1401 and leave a message. Messages will be checked hourly. Individuals are urged not to attempt to help injured or oiled animals, but to report any sightings to the toll free number.

How do I report spill related damage?

To discuss spill related damage, please call 1-800-440-0858.

To report oiled shoreline, please call 1-866-448-5816.

My business has been affected by the spill, will I be reimbursed?

Reimbursement for losses is a possibility. We encourage business to keep detail records of any losses they may incurred. To discuss spill related damage, please call 1-800-440-0858.

How do I help?

For volunteer information, please call 1-866-448-5816.

For More Information

www.deepwaterhorizonresponse.com

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 10-99
(Emergency Management – Deepwater Horizon)

I am issuing an Executive Order to declare a state of emergency due to the threat that oil leaking from the Deepwater Horizon drilling platform and well poses to the State of Florida, to ensure timely precautions are taken to protect natural resources, beaches and other coastal ecosystems, communities and the general welfare of this state, and to initiate measures to provide assistance to other states in need.

On April 21, 2010, an explosion on the mobile drilling platform Deepwater Horizon occurred approximately 130 miles southeast of New Orleans, Louisiana. The resulting fire damaged the rig and it sank on April 22, 2010. The rig contained 700,000 gallons of petroleum products, and it is unclear how much of that fuel was consumed by the fire. Efforts to contain the crude oil leaking from the well have not been successful. On April 24, 2010, the United States Coast Guard (“USCG”) estimated that the well was releasing approximately 42,000 gallons of crude oil per day. On April 28, 2010, the USCG increased this estimate to 200,000 gallons per day. The resulting oil slick in the Gulf of Mexico is at least 600 square miles in areal extent and expanding. The oil slick is generally moving in a northerly direction and threatens Florida’s coast. Oil continues to spill from the well as all efforts to stop the discharge have failed and may not succeed for an extended period of time.

As Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency. Therefore, by virtue of the authority vested in me by Article IV, section 1(a) of the Florida Constitution, by the State Emergency Management Act (Chapter 252, Florida Statutes), by section 376.13 of the Pollutant Discharge Prevention and Control Act (sections 376.011-376.17 -376.19-376.21, Florida Statutes) and all other applicable laws, I promulgate the following Executive Order:

Section 1. Based on the foregoing conditions, I find that this event threatens the State of Florida with a major disaster and proclaim a state of emergency exists for the following counties: Escambia, Santa Rosa, Okaloosa, Walton, Bay and Gulf.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to activate the state's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

I hereby designate the Florida Department of Environmental Protection as lead state agency to coordinate emergency response activities among the various state and local governments responding to this emergency. The Department of Environmental Protection shall advise the State Coordination Officer on these emergency response activities. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Office shall confer with the

Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority, as necessary to best meet this emergency, to:

A. Invoke and administer the Emergency Management Assistance Compact, Part III, Chapter 252, Florida Statutes, and other compacts and agreements existing between Florida and other states and to coordinate the allocation of resources from other states that are made available to Florida under such compacts and agreements.

B. Seek direct assistance with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, county, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direction and coordination of the State Coordinating Officer.

D. Designate Deputy State Coordinating Officers.

E. Enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I place the National Guard under the coordination and direction of the State Coordinating Officer for the duration of this emergency.

Section 4. I also find that the special duties and responsibilities resting upon some state, county, regional and local governmental agencies in responding to the emergency may require them to deviate from the statutes, rules, ordinances and orders they administer, and I delegate to such agencies the authority to waive or deviate from such statutes, rules, ordinances or orders to the extent that such actions are needed to

cope with this emergency. Any waiver of statutes, rules, ordinances or order shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in thirty (30) days from the date of this Executive Order unless extended (in increments of no more than thirty days) by the agency.

Without limiting the generality of the foregoing, I order the following as needed to meet this emergency:

A. I authorize the Department of Transportation (Department) to suspend enforcement of the registration requirements pursuant to section(s) 316.545(4) and 320.0715, Florida Statutes for commercial motor vehicles that enter Florida to provide emergency services, supplies, or transport equipment, supplies or personnel and to waive the hours of service requirements for such vehicles.

The Department shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. In doing so, the Department shall issue permits and such vehicles shall be subject to such special conditions as the Department may endorse on any such permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order or other legal requirement not specifically waived herein or by supplemental order by the State Coordinating Officer.

B. I give all state agency heads responsible for the operation and public use of state facilities the authority to close such facilities in those portions of the state affected by this emergency.

C. I give all state, county, regional and local governmental agency heads the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules.

D. I authorize the suspension of the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency, as provided pursuant to section 252.36(5)(a), Florida Statutes.

Section 5. I find that the demands placed upon funds regularly appropriated to state, county, regional and local governmental agencies may be inadequate to pay the costs of this disaster. In accordance with section 252.37(2), Florida Statutes, I direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund.

Section 6. All state, county, regional and local governmental agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as is practicable.

Section 7. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is

declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 8. All actions taken by the Director of the Division of Emergency Management and the Secretary of the Department of Environmental Protection with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty (60) days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 20 day of April 2010.



Charlie Crist
CHARLIE CRIST

ATTEST:

[Signature]
DEPARTMENT OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2010 APR 20 10:11

FILED

PUBLIC NOTICE

A Public Hearing will be held at the Planning and Development Review Board (PDRB) meeting on Monday, May 17, 2010 at 8:30 a.m. EST, and at the Board of County Commissioners (BOCC) meeting on Tuesday, May 25, 2010 at 6:00 p.m. EST. Both public hearings will be held in the BOCC Meeting Room at the Robert M. Moore Administration Building, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, Florida. The public hearings will be to discuss and act on the following:

1. April 19, 2010 Minutes
2. Application for Non-Residential Development – Dollar General Retail Store – Parcel ID #03798-860R, 861R, 000R, and 673R in Section 31, Township 6 South, Range 11 West, Gulf County, Florida – Non-Residential Development intended for St. Joe Beach.
3. Variance – James R. Smith – Parcel ID #03975-000R in Section 5, Township 6 South, Range 11 West, Gulf County, Florida – Variance of development regulations. Located at St. Joe Beach. Requesting a 10 foot Variance on Road setbacks.
4. Variance – James and Deborah Grimes – Parcel ID #03806-065R in Section 31, Township 6 South, Range 11 West, Gulf County, Florida – Variance of development regulations. Located in Beacon Hill. Requesting a 30 inch Variance on setbacks.
5. Variance – McGill/Cannon – Parcel ID #06268-304R in Section 20, Township 9 South, Range 11 West, Gulf County, Florida – Variance of development regulations. Located on Cape San Blas. Requesting a Variance on setbacks.
6. County Development Regulations
7. Public at Large
8. Staff

The public is encouraged to attend and be heard on these matters. Information prior to the meeting can be viewed at the Planning and Building Department at 1000 Cecil G. Costin Sr. Blvd., Room 312.

Advertise It

Ad #2010-18

Date: May 6, 2010 and May 13, 2010

Invoice: Gulf County Planning Department, Account #4522644

Enclosure: Map

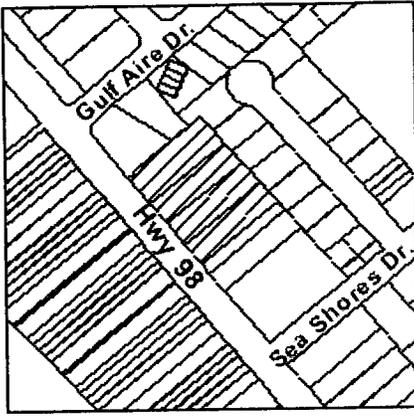
Size: **Headline no smaller than 18 point**

Must be at least 2 columns wide by 10 inches long

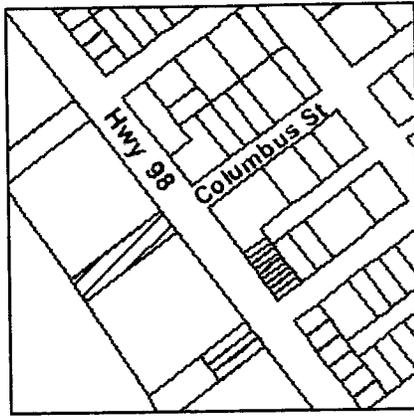
Must not appear in the newspaper portions where legal notices and classified advertisements appear

Proof of Publication required

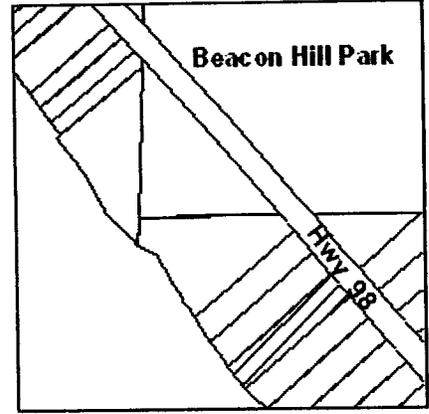
2. Non-Residential Development – Dollar General



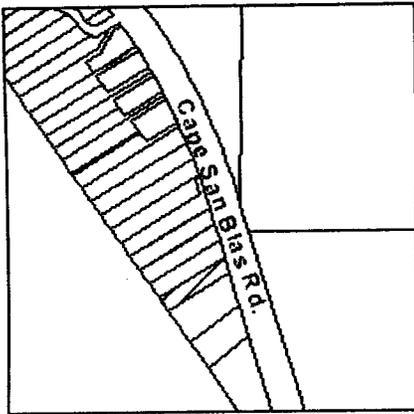
3. Variance – James Smith



4. Variance – James and Deborah Grimes **4**



5. Variance – McGill/Cannon



PUBLIC NOTICE

Notice is hereby given that the Gulf County Board of County Commissioners will hold a public hearing in the Commissioners' meeting room at the Courthouse Complex in Port St. Joe, Florida on May 11, 2010 at 5:01 p.m., E.T. for the purpose of hearing from the public in regard to the adoption of a Supplemental Budget for the fiscal year ending September 30, 2010.

A summary of receipts and expenditures proposed to be adopted by the Board of County Commissioners is hereby published as required by Law.

After said public hearing, the Gulf County Board of County Commissioners will make whatever revisions it deems necessary and shall thereupon adopt said budget.

SUPPLEMENTAL BUDGET 2009-2010

GENERAL FUND (Including Consolidated PW)

REVENUES:

| | |
|---|----------------------|
| Present Budget | \$ 18,717,787 |
| Transfer from County Road & Bridge Fund | 366,297 |
| Transfer from Fine & Forfeiture Fund | 537,210 |
| Transfer from Oak Grove Water System Fund | 29,591 |
| Transfer from Highland View Water System Fund | 33 |
| Additional Cash Brought Forward | <u>3,590,648</u> |
| TOTAL REVENUES: | \$ 23,241,566 |

EXPENDITURES:

| | |
|---|---------------|
| Present Budget | \$ 18,717,787 |
| Board of County Commissioners: 21111 | |
| Contractual Services | 16,776 |
| Rentals & Leases | 5,178 |
| Travel – Out of County | 10,000 |
| Board of County Commissioners: 21041 | |
| Improvements O/T Buildings | 29,591 |
| Clerk to Board: 21212 | |
| Budget Transfer | 7,299 |
| Risk Management/Human Resource Department 22513 | |
| Operating Supplies | 1,200 |
| Consolidated PW Administration Dept: 281513 | |
| Building | 71,446 |
| Consolidated PW: 42819 | |
| Improv Other than Bldgs | 61,675 |
| Facility Maintenance: 28151911 | |
| Equipment >\$5,000 | 21,388 |

| | |
|---|----------------------|
| County Courthouse: 26219 | |
| Other Contractual Services | 2,500 |
| Operating | 5,350 |
| Reserve for Cash Carry Forward: 99984-96000 | 3,688,820 |
| Reserve for Infrastructure: 99984-95002 | <u>602,556</u> |
| TOTAL EXPENDITURES: | \$ 23,241,566 |

FINE & FORFEITURE FUND

| | |
|---------------------------------|---------------------|
| REVENUES: | |
| Present Budget | \$ 3,941,167 |
| Additional Cash Brought Forward | <u>561,210</u> |
| TOTAL REVENUES: | \$ 4,502,377 |
| EXPENDITURES: | |
| Present Budget | \$ 3,941,167 |
| Jail: 31123 | |
| Equipment | 24,000 |
| Transfer to General Fund | <u>537,210</u> |
| TOTAL EXPENDITURES: | \$ 4,502,377 |

COUNTY ROAD & BRIDGE FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 82,892 |
| Additional Cash Brought Forward | <u>366,297</u> |
| TOTAL REVENUES: | \$ 449,189 |
| EXPENDITURES: | |
| Present Budget | \$ 82,892 |
| Transfer to General Fund: | <u>366,297</u> |
| TOTAL EXPENDITURES: | \$ 449,189 |

MOSQUITO CONTROL FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 88,202 |
| Additional Cash Brought Forward | <u>47,144</u> |
| TOTAL REVENUES: | \$ 135,346 |
| EXPENDITURES: | |
| Present Budget | \$ 88,202 |
| Buildings : | <u>47,144</u> |
| TOTAL EXPENDITURES: | \$ 135,346 |

ST. JOE FIRE CONTROL DISTRICT FUND

| | |
|---------------------------------|---------------------|
| REVENUES: | |
| Present Budget | \$ 2,009,582 |
| Additional Cash Brought Forward | <u>158,942</u> |
| TOTAL REVENUES: | \$ 2,168,524 |
| EXPENDITURES: | |
| Present Budget | \$ 2,009,582 |

| | |
|----------------------------------|---------------------|
| So. Gulf County Fire Department: | |
| Buildings | 5,467 |
| Reserve for CCF | <u>153,475</u> |
| TOTAL EXPENDITURES: | \$ 2,168,524 |

TUPELO FIRE CONTROL DISTRICT FUND

| | |
|---------------------------------|------------------|
| REVENUES: | |
| Present Budget | \$ 70,486 |
| Additional Cash Brought Forward | <u>17,060</u> |
| TOTAL REVENUES: | \$ 87,546 |
| EXPENDITURES: | |
| Present Budget | \$ 70,486 |
| Reserve for CCF | <u>17,060</u> |
| TOTAL EXPENDITURES: | \$ 87,546 |

HOWARD CREEK CONTROL DISTRICT FUND

| | |
|---------------------------------|------------------|
| REVENUES: | |
| Present Budget | \$ 16,007 |
| Additional Cash Brought Forward | <u>578</u> |
| TOTAL REVENUES: | \$ 16,585 |
| EXPENDITURES: | |
| Present Budget | \$ 16,007 |
| Reserve for CCF | <u>578</u> |
| TOTAL EXPENDITURES: | \$ 16,585 |

SHIP FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 350,000 |
| Additional Cash Brought Forward | <u>15,151</u> |
| TOTAL REVENUES: | \$ 365,151 |
| EXPENDITURES: | |
| Present Budget | \$ 350,000 |
| Revolving Loan Expenditure | <u>15,151</u> |
| TOTAL EXPENDITURES: | \$ 365,151 |

CDBG (RAFFIELD) FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 232,965 |
| Additional Cash Brought Forward | <u>5,799</u> |
| TOTAL REVENUES: | \$ 238,764 |
| EXPENDITURES: | |
| Present Budget | \$ 232,965 |
| Principal Repayment | <u>5,799</u> |
| TOTAL EXPENDITURES: | \$ 238,764 |

DRI EAR FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 107,101 |
| Additional Cash Brought Forward | <u>101,491</u> |
| TOTAL REVENUES: | \$ 208,592 |
| EXPENDITURES: | |
| Present Budget | \$ 107,101 |
| Reserve for CCF | <u>101,491</u> |
| TOTAL EXPENDITURES: | \$ 208,592 |

BEACH RENOURISHMENT PROJECT FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 500,000 |
| Additional Cash Brought Forward | <u>356,251</u> |
| TOTAL REVENUES: | \$ 856,251 |
| EXPENDITURES: | |
| Present Budget | \$ 500,000 |
| Reserve for CCF | <u>356,251</u> |
| TOTAL EXPENDITURES: | \$ 856,251 |

HOSPITAL FUND

| | |
|---------------------------------|---------------------|
| REVENUES: | |
| Present Budget | \$ 1,480,405 |
| Additional Cash Brought Forward | <u>445,958</u> |
| TOTAL REVENUES: | \$ 1,926,363 |
| EXPENDITURES: | |
| Present Budget | \$ 1,480,405 |
| Reserve for CCF | <u>445,958</u> |
| TOTAL EXPENDITURES: | \$ 1,926,363 |

E911 FUND

| | |
|---------------------------------|-------------------|
| REVENUES: | |
| Present Budget | \$ 179,797 |
| Additional Cash Brought Forward | <u>125,721</u> |
| TOTAL REVENUES: | \$ 305,518 |
| EXPENDITURES: | |
| Present Budget | \$ 179,797 |
| Reserve for CCF | <u>125,721</u> |
| TOTAL EXPENDITURES: | \$ 305,518 |

PARKS IMPACT FEE FUND

REVENUES:

| | |
|---------------------------------|------------------|
| Present Budget | \$ 35,000 |
| Additional Cash Brought Forward | <u>32,092</u> |
| TOTAL REVENUES: | \$ 67,092 |

EXPENDITURES:

| | |
|-------------------------------|------------------|
| Present Budget | \$ 35,000 |
| Improvements Other Than Bldgs | <u>32,092</u> |
| TOTAL EXPENDITURES: | \$ 67,092 |

EMS IMPACT FEE FUND

REVENUES:

| | |
|---------------------------------|------------------|
| Present Budget | \$ 40,000 |
| Additional Cash Brought Forward | <u>170</u> |
| TOTAL REVENUES: | \$ 40,170 |

EXPENDITURES:

| | |
|-------------------------------|------------------|
| Present Budget | \$ 40,000 |
| Improvements Other Than Bldgs | <u>170</u> |
| TOTAL EXPENDITURES: | \$ 40,170 |

ST JOE FIRE CONTROL DIST. IMPACT FEE FUND

REVENUES:

| | |
|---------------------------------|-----------------|
| Present Budget | \$ 5,420 |
| Additional Cash Brought Forward | <u>29</u> |
| TOTAL REVENUES: | \$ 5,449 |

EXPENDITURES:

| | |
|-------------------------------|-----------------|
| Present Budget | \$ 5,420 |
| Improvements Other Than Bldgs | <u>29</u> |
| TOTAL EXPENDITURES: | \$ 5,449 |

TUPELO FIRE CONTROL DIST. IMPACT FEE FUND

REVENUES:

| | |
|---------------------------------|-----------------|
| Present Budget | \$ 5,700 |
| Additional Cash Brought Forward | <u>36</u> |
| TOTAL REVENUES: | \$ 5,736 |

EXPENDITURES:

| | |
|-------------------------------|-----------------|
| Present Budget | \$ 5,700 |
| Improvements Other Than Bldgs | <u>36</u> |
| TOTAL EXPENDITURES: | \$ 5,736 |

OVERSTREET FIRE CONTROL DIST. IMPACT FEE FUND**REVENUES:**

| | |
|---------------------------------|-----------------|
| Present Budget | \$ 1,850 |
| Additional Cash Brought Forward | <u>14</u> |
| TOTAL REVENUES: | \$ 1,864 |

EXPENDITURES:

| | |
|-------------------------------|-----------------|
| Present Budget | \$ 1,850 |
| Improvements Other Than Bldgs | <u>14</u> |
| TOTAL EXPENDITURES: | \$ 1,864 |

HOWARD CREEK FIRE CONTROL DIST. IMPACT FEE FUND**REVENUES:**

| | |
|---------------------------------|---------------|
| Present Budget | \$ 550 |
| Additional Cash Brought Forward | <u>6</u> |
| TOTAL REVENUES: | \$ 556 |

EXPENDITURES:

| | |
|-------------------------------|---------------|
| Present Budget | \$ 550 |
| Improvements Other Than Bldgs | <u>6</u> |
| TOTAL EXPENDITURES: | \$ 556 |

PUBLIC IMPROVEMENT FUND**REVENUES:**

| | |
|---------------------------------|---------------------|
| Present Budget | \$ 1,983,546 |
| Additional Cash Brought Forward | <u>263,658</u> |
| TOTAL REVENUES: | \$ 2,247,204 |

EXPENDITURES:

| | |
|----------------------------|---------------------|
| Present Budget | \$ 1,983,546 |
| Reserve for CCF | <u>263,658</u> |
| TOTAL EXPENDITURES: | \$ 2,247,204 |

MUNICIPAL SERVICE TAXING UNIT DEBT SERVICE FUND**REVENUES:**

| | |
|---------------------------------|---------------------|
| Present Budget | \$ 2,468,005 |
| Additional Cash Brought Forward | <u>101,320</u> |
| TOTAL REVENUES: | \$ 2,569,325 |

EXPENDITURES:

| | |
|----------------------------|---------------------|
| Present Budget | \$ 2,468,005 |
| Reserve for CCF | <u>101,320</u> |
| TOTAL EXPENDITURES: | \$ 2,569,325 |

CONSTRUCTION & ACQUISITION FUND**REVENUES:**

| | |
|---------------------------------|-------------------|
| Present Budget | \$ 212,536 |
| Additional Cash Brought Forward | <u>213,152</u> |
| TOTAL REVENUES: | \$ 425,688 |

EXPENDITURES:

| | |
|----------------------------|-------------------|
| Present Budget | \$ 212,536 |
| Road Materials & Supplies | <u>213,152</u> |
| TOTAL EXPENDITURES: | \$ 425,688 |

OAK GROVE WATER SYSTEM FUND**REVENUES:**

| | |
|---------------------------------|------------------|
| Present Budget | \$ 55,570 |
| Additional Cash Brought Forward | <u>21</u> |
| TOTAL REVENUES: | \$ 55,591 |

EXPENDITURES:

| | |
|----------------------------|------------------|
| Present Budget | \$ 55,570 |
| Repair & Maintenance | <u>21</u> |
| TOTAL EXPENDITURES: | \$ 55,591 |

HIGHLAND VIEW WATER SYSTEM FUND**REVENUES:**

| | |
|---------------------------------|------------------|
| Present Budget | \$ 61,200 |
| Additional Cash Brought Forward | <u>33</u> |
| TOTAL REVENUES: | \$ 61,233 |

EXPENDITURES:

| | |
|------------------------------|------------------|
| Present Budget | \$ 61,200 |
| Transfer out to General Fund | <u>33</u> |
| TOTAL EXPENDITURES: | \$ 61,233 |

TOURIST DEVELOPMENT COUNCIL FUND**REVENUES:**

| | |
|---------------------------------|---------------------|
| Present Budget | \$ 886,514 |
| Additional Cash Brought Forward | <u>406,904</u> |
| TOTAL REVENUES: | \$ 1,293,418 |

EXPENDITURES:

| | |
|----------------------------|---------------------|
| Present Budget | \$ 886,514 |
| Reserve for Contingencies | <u>406,904</u> |
| TOTAL EXPENDITURES: | \$ 1,293,418 |

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA.

REBECCA L. NORRIS, CLERK

Advertise: May 6, 2010
Ad #2010-17

Publish as Display
Invoice: Gulf County BCC Account Number 4522382

**GULF COUNTY BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA**

**REQUEST FOR PROPOSAL
PROPOSAL NO. 0910-13**

Sealed proposals may be mailed or hand delivered to the Clerk's Office located at 1000 Cecil G. Costin, Sr. Blvd. Room 148, Port St. Joe, FL 32456. All proposals, **with original signature and three (3) additional copies**, must be received at the Office of the Clerk by **Thursday May 27, 2010 at 4:00 p.m. EDT**. Proposals received after the closing time will be returned unopened.

**GROUP HEALTH INSURANCE PROGRAM
GROUP LIFE INSURANCE PROGRAM
GROUP DENTAL INSURANCE PROGRAM
GROUP VISION INSURANCE PROGRAM**

All interested insurance companies are invited to respond. Companies may propose coverage for any product requested, or both products.

Each proposal document must be clearly marked "**Proposal for Group Benefits**"

Any questions concerning the proposal should be addressed and submitted to the County's Agent-of-Record and Employee Benefits Consultant, Todd Torgersen, at 850-433-9996, or FAX 850-432-5726, or E-mail (todd@ciscompanies.com). Combined Insurance Services' mailing address is: 2704 North 12th Avenue, Pensacola, FL 32503. **Proposals are not to be mailed to Combined Insurance Services. It is requested, however, that electronic copies be sent to his e-mail address (todd@ciscompanies.com) on Friday, May 28, 2010.**

Gulf County reserves the right to accept or reject any or all proposals, to award proposals by product, to waive any proposal informalities and to re-advertise for proposals when deemed in the best interest of the Gulf County Board of County Commissioners.

/s/ Carmen L. McLemore, Chairman

Attest: /s/ Rebecca L. Norris, Clerk

Publication Dates: May 6, 13, & 20, 2010

Ad # 2010-19

Invoice: Gulf County Board of County Commissioners Account #4522382

Ad Size: Legals

PUBLIC NOTICE

The Gulf County Board of County Commissioners will hold a special meeting on Tuesday, May 11, 2010 at 5:30 p.m., E.T. in their meeting room in the Robert M. Moore Administration Building at the Gulf County Courthouse Complex in Port St. Joe, Florida to discuss the following:

A) 2010 Legislative Update

(Williams * 04/27/10 * 6:30 p.m.)

**CARMEN MCLEMORE
CHAIRMAN**

F.S. 286.0105:

If a person decides to appeal any decision made by the board, agency or commission, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

April 26, 2010

The Honorable Carmen L. McLemore
Chairman, Gulf County Commission
Board of County Commissioners
1000 Cecil G. Costin Sr. Boulevard
Port St. Joe, Florida 32456

2010 APR 29 AM 10:24
GULF COUNTY
COMMISSIONERS

Dear Chairman McLemore:

On behalf of the Department of Community Affairs (Department), I would like to thank the Gulf County Board of County Commissioners and Mr. Don Butler, Chief Administrator, for your assistance in the selection of the Community Services Block Grant program provider for Gulf County.

On February 15, 2010, the Gulf County Board of County Commissioners held a public hearing to consider proposals from three entities that had expressed interest in administering the Community Services Block Grant in Gulf County. After the Department's review of the proposals, a decision was made to provide the funding to the Capital Area Community Action Agency, Inc. (CACAA) pending the completion of the appeal process. This agency also administers the Low Income Home Energy Assistance Program (LIHEAP) for Gulf County and has for many years.

The following is the agency contact information for the administrative office of CACAA in Tallahassee, Florida:

Capital Area Community Action Agency, Inc.
Ms. Dorothy Inman-Johnson, Executive Director
309 Plaza Drive
Tallahassee, Florida 32307
Telephone: (850) 224-0424
Fax: (850) 942-2090
Email Address: Dorothy.Inman-Johnson@cacaainc.org

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2010 MAY -5 PM 1:41

The letters notifying the other applicants of their rights to an administrative appeal proceeding in accordance with Chapter 120, Florida Statutes (enclosed) have been mailed. As stated in Chapter 120, they have 21 days from receipt of their notification to inform the Department of their intent to appeal this decision.

The Honorable Carmen L. McLemore
April 28, 2010
Page Two

Although we cannot execute a contract with CACAA until the appeal period has expired, we would like to move this process forward. The agency's current FY 2009-2010 CSBG contract will be modified to include additional funding to serve Gulf County on an interim basis until September 30, 2010. Pending the appeal outcome, Gulf County's CSBG funding will be included in CACAA's FY 2010-2011 contract, which begins October 1, 2010.

We appreciate the time and effort your staff put forth regarding this process and we look forward to working with you as we strive to meet the needs of the low-income citizens of Gulf County.

Sincerely,



Paula Lemmo
Community Program Manager
Community Assistance Section

PL/sl

cc: Mr. Donald H. Butler, Chief Administrator

INFORMATION
DATE: 5/11/10 25

NOTICE OF ADMINISTRATIVE RIGHTS

You have the opportunity for an administrative proceeding pursuant to Section 120.569, Florida Statutes, regarding the agency's action. Depending upon whether you allege any disputed issue of material fact in your petition requesting an administrative proceeding, you are entitled to either an informal proceeding or a formal hearing.

If your petition for hearing does not allege any disputed issue of material fact concerning the Department's action, then the administrative proceeding will be an informal one, conducted pursuant to Sections 120.569 and 120.57(2) Florida Statutes, and Chapter 28-106, Parts I and III, Florida Administrative Code. In an informal administrative proceeding, you may be represented by counsel or by a qualified representative, and you may present written or oral evidence in opposition to the Department's action or refusal to act; or you may exercise the option to present a written statement challenging the grounds upon which the Department has chosen to justify its action or inaction.

If you dispute any issue of material fact stated in the agency action, then you may file a petition requesting a formal administrative hearing before an administrative law judge of the Division of Administrative Hearings, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and Chapter 28-106, Parts I and II, Florida Administrative Code. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

Mediation is not available with respect to this action.

If you desire either an informal proceeding or a formal hearing, you must file with the Agency Clerk of the Department of Community Affairs a written pleading entitled, "Petition for Administrative Proceedings" within 21 calendar days of receipt of this notice. A petition is filed when it is received by the Agency Clerk, in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. You may also file the Petition by facsimile transmission to (850) 487-6769. If you choose to file by facsimile transmission, you are responsible for verifying that the complete document was received by the Office of the Agency Clerk prior to the deadline.

The petition must meet the filing requirements in Rule 28-106.104(2), Florida Administrative Code. If an informal proceeding is requested, then the petition shall be submitted in accordance with Rule 28-106.301, Florida Administrative Code. If a formal hearing is requested, then the petition shall be submitted in accordance with Rule 28-106.201(2), Florida Administrative Code.

The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the notice of agency action, and it must state any defenses upon which you rely.

Lynn Lanier

From: epost_nwdwf [epost.nwdwf@dep.state.fl.us]
Sent: Wednesday, April 28, 2010 9:48 AM
To: padkison@gwrr.com
Cc: gulfcoadm@gtcom.net; bocc@gulfcountry-fl.gov; 'Chair, Gulf County Board of County Commissioners'; 'Environmental Health Director, Gulf County'; 'Gulf County Health Department'; Edwards, Toni; Clanton, Corinna; Coeey, Sally; Penton, Josie
Subject: AN Railway - Notice of Permit issuance
Attachments: ANrailwayPermitFinal2010.pdf

Dear Sir/Madam:

The Northwest District of the Florida Department of Environmental Protection Water Facilities Program (NWDWF) issues electronic documents, in lieu of hard copies, via our Epost system.

We ask that you please:

1. Respond electronically to this cover page to acknowledge receipt. Do this by selecting "Reply" on the menu bar of your e-mail software and then select "Send". Please do not delete the subject line. We must receive verification that the document has been received to avoid repeated e-mail attempts to deliver.
- 2) Open the attached document which may require immediate action on your part within a specified time frame. Please open and review the document(s) as soon as possible.

(The attached document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:
<http://www.adobe.com/products/acrobat/readstep2.html>)

****Note****

When printing the attached document from Adobe Acrobat Reader, select "Document and Comments" from the "Print What:" menu item. If this is not done, the signature and or dates may not appear on the printed document.

Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. These changes or any other requests concerning e-mail management should be made by contacting Brandy Smith or Jennifer Stokes (850) 595-8300 ext 1155 or 1183.

Thank you,

DEP Electronic Postal System
 Water Facilities
 Northwest District Office
 Department of Environmental Protection
 E-Mail Address: epost_nwdwf@dep.state.fl.us

FILED FOR RECORD
 REBECCA L. MORRIS
 CLERK OF CIRCUIT COURT
 GULF COUNTY, FLORIDA
 2010 MAY -5 PM 1:41

Please be advised that if you have the Norton Anti-virus software, a warning may appear when you attempt to open our document. This is only a warning. We send our documents virus-free.

INFORMATION
 DATE: 5/11/10

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Scott

committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Copy the url below to a web browser to complete the DEP survey: <http://survey.dep.state.fl.us/?refemail=epost.nwdwf@dep.state.fl.us> Thank you in advance for completing the survey.



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Charlie Crist
Governor 29

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 28, 2010

BY ELECTRONIC MAIL
padkison@gwrr.com

In the Matter of an
Application for Permit by:

AN Railway, LLC
Perry Adkison
PO Box 250
Port Saint Joe, Florida 32457-250

Permit Number FLA010099
Gulf County

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FLA010099 to continue to operate the AN Railway LLC, treatment system issued under Chapter 403, Florida Statutes.

Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen 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 or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. 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, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (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 determination;
- (c) A statement of when and how the petitioner received notice of the Department's 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 the specific facts the petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

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 notice. Persons whose substantial interests will be affected by any such final decision of the Department 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, Florida Statutes, is not available for this proceeding. This permit action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when this permit action is filed with the Clerk of the Department.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



David Morres
Program Administrator

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business.



[Clerk]

April 28, 2010

[Date]

Attachments: Permit No. FLA010099
Statement of Basis PA File Number FLA010099-003-IW8B

Copies furnished to:

Don Butler, Gulf County Administrator (gulfcoadm@gtcom.net) (bocc@gulfcountry-fl.gov)
Chair, Gulf County Board of County Commissioners (commissioner4@gulfcountry-fl.gov)
Environmental Health Director, Gulf County (douglas_kent@doh.state.fl.us)
Gulf County Health Department (zachary_hodges@doh.state.fl.us)
Toni Edwards, FDEP Pensacola (toni.edwards@dep.state.fl.us)
DEP Panama City Branch Office



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Charlie Crist
Governor **32**

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:
AN Railway, LLC

RESPONSIBLE OFFICIAL:
Mr Perry Adkison
PO Box 250
Port Saint Joe, Florida 32457

FACILITY:
AN Railway LLC
301 E 1st St
Port St Joe, FL 32456
Gulf County
Latitude: 29°49' .33" N Longitude: 85°18' 4.37" W

PERMIT NUMBER: FLA010099
FILE NUMBER: FLA010099-003-IW8B
ISSUANCE DATE: April 23, 2010
EXPIRATION DATE: April 22, 2015

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.). This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

AN Railway LLC operates a locomotive maintenance yard that includes a locomotive wash unit, a refueling facility, a fuel storage area, a chemical storage building and an idling facility. The wastewater from each of the facilities excluding the chemical storage building, flows by gravity through a closed drain system to a grit chamber and an oil water separator. The waste stream includes wastewater from maintenance operations and stormwater runoff from the maintenance facility areas. The first 49,500 gallons of wastewater is transferred to the City of Port St. Joe Wastewater Treatment Plant (CPSJ WWTP); flow in excess of this volume is treated through a carbon adsorber and discharged to an on-site rapid-rate percolation pond. Grit, oil and grease and other residuals are collected and hauled off by licensed disposal services.

WASTEWATER TREATMENT:

The plant treats waste water and stormwater from a locomotive wash, locomotive refueling, locomotive idling pad, fuel storage and handling facilities and a concrete fuel delivery apron. The 0.49 MGD design flow industrial wastewater treatment and disposal system consists of a 67,320-gallon grit chamber, a 200 GPM (gallon per minute) grit dewatering unit, a 900 GPM oil water separator, two wet well pump stations, a 100,980-gallon concrete holding basin, a liquid phase carbon adsorber and an electronic control unit. Following the oil-water separator, wastewater is either transferred to the CPSJ WWTP for disposal or to a holding basin for further treatment. The first 49,500-gallons per 28-day period is transferred to the CPSJ WWTP for disposal; flow in excess of 49,500-gallons is transferred to the holding basin. Once a sufficient quantity is collected in the holding basin it is pumped to a liquid phase carbon adsorber and then to the on site rapid rate percolation pond. The rapid rate percolation pond is located approximately at latitude 29° 48' 59.96 N, longitude 85° 17' 45.27 W.

REUSE OR DISPOSAL:

Land Application G-001: An existing 0.49 MGD Daily Maximum Flow permitted capacity land application system consisting of a rapid-rate percolation pond located approximately at latitude 29°48' 59" N, longitude 85°17' 45" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part VIII on pages 1 through 11 of this permit.

PERMITTEE: AN Railway, LLC
Gulf County

PERMIT NUMBER: FLA010099

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Land Application Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge process wastewater and stormwater to Land Application System G-001. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.B.3.:

| Parameter | Units | Max/Min | Effluent Limitations | | | Monitoring Requirements | | | Notes |
|------------------------------|----------|---------|----------------------|-------------------|-----------------------|-------------------------------------|------------------------|--|-------|
| | | | Limit | Statistical Basis | Frequency of Analysis | Sample Type | Monitoring Site Number | | |
| Flow, Total Volume | Mgal/mth | Max | Report | Monthly Total | Continuous | Calculated | FLW-1 | | |
| Flow | gpd | Max | Report | Daily Maximum | Continuous | Calculated | FLW-1 | | |
| Flow | gpd | Max | Report | Monthly Average | Continuous | Recording Flow Meter with Totalizer | FLW-2 | | |
| Flow, Total Volume | Mgal/mth | Max | Report | Daily Maximum | Continuous | Meter | FLW-2 | | |
| pH | s.u. | Min | 6.0 | Daily Minimum | Monthly | Grab | EFF-1 | | |
| BOD, Carbonaceous 5 day, 20C | mg/L | Max | 8.5 | Daily Maximum | Monthly | Grab | EFF-1 | | |
| Solids, Total Suspended | mg/L | Max | 20 | Annual Average | Monthly | Grab | EFF-1 | | |
| Lead, Total Recoverable | ug/L | Max | 30 | Daily Maximum | Monthly | Grab | EFF-1 | | |
| Naphthalene | ug/L | Max | 15 | Daily Maximum | Monthly | Grab | EFF-1 | | |
| | | Max | 6.8 | Daily Maximum | Monthly | Grab | EFF-1 | | |

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.1. and as described below:

| Monitoring Site Number | Description of Monitoring Site |
|------------------------|---|
| FLW-1 | Flow to City WWTP |
| FLW-2 | Flow to Percolation Pond |
| EFF-1 | Flow meter following carbon absorption unit |

B. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
- The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical quantitation limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

- The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]
- Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

| REPORT Type on DMR | Monitoring Period | Due Date |
|---------------------|--|---|
| Monthly or Toxicity | first day of month - last day of month | 28 th day of following month |
| Quarterly | January 1 - March 31 | April 28 |
| | April 1 - June 30 | July 28 |
| | July 1 - September 30 | October 28 |
| | October 1 - December 31 | January 28 |
| Semiannual | January 1 - June 30 | July 28 |
| | July 1 - December 30 | January 28 |
| Annual | January 1 - December 31 | January 28 |

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

[62-620.610(18)]

- Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Northwest District Office at the address specified below:

Florida Department of Environmental Protection Northwest District
160 Governmental Center
Suite 308
Pensacola, Florida 32502-5794

Phone Number - (850) 595-8300
FAX Number - (850) 595-8393
(All FAX copies and e-mails shall be followed by original copies.)

Florida Department of Environmental Protection
Panama City Branch Office
2353 Jenks Avenue
Panama City, Florida 32405

Phone Number - (850) 872-4375
FAX Number - (850)872-7790
(All FAX copies and e-mails shall be followed by original copies.)

- All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
- If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]

II. SLUDGE MANAGEMENT REQUIREMENTS

1. The method of sludge use or disposal by this facility is Class I or II solid waste landfill.
2. The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its sludges. *[62-620.320(6)]*
3. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C. *[62-730]*
4. The permittee shall maintain records available for inspection by the Department at the permitted facility, as follows:
 - a. Quantity of sludge generated;
 - b. Quantity of sludge transported for treatment and/or disposal;
 - c. Name and location of the site(s) to which sludge is transported;
 - d. If a person other than the permittee is responsible for sludge transportation, treatment, and/or disposal, the permittee shall also keep records of the name and address of each transporter, and copies of all shipping manifests.*[62-620.320(6)]*

III. GROUND WATER REQUIREMENTS

1. This section is not applicable to this facility.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

1. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required. *[62-620.320(6)]*
2. Rapid infiltration basins shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids. Basin bottoms shall be maintained to be level. *[62-620.320(6)]*
3. Overflows from emergency discharge facilities on storage ponds or on infiltration ponds, basins, or trenches shall be reported as abnormal events in accordance with Permit Condition VIII.20. *[62-620.610(20)]*

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. *[62-620.320(6)]*
2. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;

- c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
- d. A copy of the current permit;
- e. A copy of any required record drawings; and
- f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

- 3. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.

VI. SCHEDULES

- 1. This section is not applicable to this facility.

VII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

- 1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.
- 2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
- 3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

- 1. This section is not applicable to this facility.

C. Duty to Reapply

- 1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
- 2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
- 3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
- 4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

- 1. This section is not applicable to this facility.

E. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1)]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]

7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7)]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8)]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9)]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10)]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11)]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12)]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13)]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14)]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*

16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16)]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.[62-620.610(18)]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]
20. The permittee shall report to the Department's Northwest District any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

PERMITTEE: AN Railway, LLC
Gulf County

PERMIT NUMBER: FLA010099

- a. The following shall be included as information which must be reported within 24 hours under this condition:
- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Northwest District within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Northwest District shall waive the written report.

[62-620.610(20)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions VIII. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition VIII.20 of this permit. [62-620.610(21)]

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Permit Condition VIII. 22. b. of this permit.
- c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20.

of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition VIII. 22. a. 1 through 3 of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition VIII. 22. a. through c. of this permit.

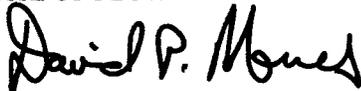
[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Permit Condition VIII.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition VIII. 5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



David Morres
Program Administrator

DATE: April 23, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

en Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: An Railway, LLC
MAILING ADDRESS: PO Box 250
 Port Saint Joe, Florida 32457-250

PERMIT NUMBER: FLA010099-003-1W8B
LIMIT: Final
CLASS SIZE: N/A
MONITORING GROUP NUMBER: G-001
MONITORING GROUP DESCRIPTION: Percolation pond
RE-SUBMITTED DMR:
NO DISCHARGE FROM SITE:
MONITORING PERIOD From: _____ To: _____

ACTIVITY: AN Railway LLC
LOCATION: 301 E 1st St
 Port St Joe, FL 32456-1872

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

COUNTY: Gulf

| Parameter | Quantity or Loading | Units | Quality or Concentration | Units | No. Ex. | Frequency of Analysis | Sample Type |
|--------------------|---------------------|----------|--------------------------|----------------|---------|-----------------------|----------------|
| w, Total Volume | | | | | | | |
| Sample Measurement | | | | | | | |
| RM Code 82220 1 | Report (Mo.Total) | Mgal/mth | | | | Continuous | Calculated |
| n. Site No. FLW-1 | | | | | | | |
| w | | | | | | | |
| Sample Measurement | | | | | | | |
| RM Code 50050 1 | Report (Mo.Avg.) | gpd | | | | Continuous | Calculated |
| n. Site No. FLW-1 | Report (Day.Max.) | | | | | | |
| w | | | | | | | |
| Sample Measurement | | | | | | | |
| RM Code 50050 Q | Report (Mo.Avg.) | gpd | | | | Continuous | Flow Totalizer |
| n. Site No. FLW-2 | Report (Day.Max.) | | | | | | |
| w, Total Volume | | | | | | | |
| Sample Measurement | | | | | | | |
| RM Code 82220 Q | Report (Mo.Total) | Mgal/mth | | | | Continuous | Meter |
| n. Site No. FLW-2 | | | | | | | |
| w | | | | | | | |
| Sample Measurement | | | | | | | |
| RM Code 00400 1 | | | 6.0 (Day.Min.) | 8.5 (Day.Max.) | s.u. | Monthly | Grab |
| n. Site No. EFF-1 | | | | | | | |

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

| | | | |
|---|--|--------------|-------------------|
| NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT | SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT | TELEPHONE NO | DATE (mm/dd/yyyy) |
| | | | |

STATEMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DAILY SAMPLE RESULTS - PART B

Permit Number:
Monitoring Period

FLA010099-003-IW8B
From: _____

To: _____

Facility: AN Railway LLC

| | BOD, Carbonaceous 5 day, 20C mg/L | Lead, Total Recoverable ug/L | Naphthalene ug/L | Solids, Total Suspended mg/L | pH s.u. | Flow To WWTP gpd | Flow To Perc Pond gpd | | | | |
|-----------|--|------------------------------------|---------------------|------------------------------------|------------|------------------------|-----------------------------|--|--|--|--|
| Code | 80082 | 01114 | 34696 | 00530 | 00400 | 50050 | 50050 | | | | |
| Mon. Site | EFF-1 | EFF-1 | EFF-1 | EFF-1 | EFF-1 | FLW-1 | FLW-2 | | | | |
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| 30 | | | | | | | | | | | |
| 31 | | | | | | | | | | | |
| Total | | | | | | | | | | | |
| Mo. Avg. | | | | | | | | | | | |

PLANT STAFFING:

Day Shift Operator Class: _____ Certificate No: _____ Name: _____
 Evening Shift Operator Class: _____ Certificate No: _____ Name: _____
 Night Shift Operator Class: _____ Certificate No: _____ Name: _____
 Lead Operator Class: _____ Certificate No: _____ Name: _____

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

d these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

Results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

| CODE | DESCRIPTION/INSTRUCTIONS | CODE | DESCRIPTION/INSTRUCTIONS |
|------|--------------------------------------|------|---|
| NC | Analysis not conducted. | NOD | No discharge from/to site. |
| RY | Dry Well | OPS | Operations were shutdown so no sample could be taken. |
| FD | Flood disaster. | OTH | Other. Please enter an explanation of why monitoring data were not available. |
| S | Insufficient flow for sampling. | SEF | Sampling equipment failure. |
| L | Lost sample. | | |
| NR | Monitoring not required this period. | | |

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

Results greater than or equal to the PQL shall be reported as the measured quantity.

Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.

Results less than the MDL shall be reported by entering a less than sign (" $<$ ") followed by the laboratory's MDL value, e.g. < 0.001 . A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

Part A - DISCHARGE MONITORING REPORT (DMR)

A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

unsubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. daily average, monthly average, single sample maximum, etc.) and units.

Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the area above the shaded area.

Signature: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Violation and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

RT B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-1, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

| ODE | DESCRIPTION/INSTRUCTIONS |
|-----|---|
| < | The compound was analyzed for but not detected. |
| A | Value reported is the mean (average) of two or more determinations. |
| J | Estimated value, value not accurate. |
| Q | Sample held beyond the actual holding time. |
| Y | Laboratory analysis was from an unpreserved or improperly preserved sample. |

Calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations. At Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

RT D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Sample Obtained: Enter the time the sample was taken.

Detection Limits: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Sampling Method: Record the detection limits of the analytical methods used.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Sample Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

L (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

U (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

AD (Actual Stream Dilution Ratio): To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.
AD (Days the SDF > Stream Dilution Ratio): For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

AD₂: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

N: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

R (Actual Rainfall): Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall to date for this calendar year. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

R (Annual Average Rainfall Year): On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the total amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

AD (Days LWWD Activated During Calendar Year): Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

AD (Reason for Discharge): Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

**STATEMENT OF BASIS
FOR
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMIT NUMBER: FLA010099 Date: April 2010
 PERMIT FILE NUMBER: FLA010099-003-IW8B
 FACILITY NAME: AN Railway LLC
 FACILITY LOCATION: 300 First Street
 Port St. Joe, Florida 32456
 Gulf County

NAME OF PERMITTEE: AN Railway LLC
 Perry Adkison, Manager
 Port St. Joe, Florida 32456

PERMIT WRITER: W. Armstrong, P.E.

SYNOPSIS OF PAST PERMITS AND CURRENT APPLICATION:

Prior permits/consent order:

| <u>Number</u> | <u>Issue Date</u> | <u>Expiration Date</u> |
|--------------------|-------------------|------------------------|
| IC23-217579 | November 9, 1992 | January 1, 1994 |
| IO23-254373 | November 16, 1994 | October 1, 1999 |
| FLA010099-001-IW8B | February 29, 2000 | February 28, 2005 |
| FLA010099-002-IW8B | November 10, 2004 | November 9, 2009 |

Current permit renewal application:

Application Received/Complete: October 21, 2009

TYPE OF FACILITY:

Locomotive maintenance yard.
 Standard Industrial Classification Code: 4011, 4741, 4013

DESCRIPTION OF FACILITY:

AN Railway LLC operates a locomotive maintenance yard that includes a locomotive wash unit, a refueling facility, a fuel storage area, a chemical storage building, and an idling facility. The wastewater from each of the facilities excluding the chemical storage building, flows by gravity through a closed drain system to a grit chamber and an oil-water separator. The waste stream includes wastewater from maintenance operations and stormwater runoff from the maintenance facility areas. The first 49,500 gallons of wastewater is transferred to the City of Port St. Joe Wastewater Treatment Plant (CPSJ WWTP); flow in excess of this volume is treated through a carbon adsorber and discharged to an on-site rapid-rate percolation pond. Grit, oil and grease, and other residuals are collected and hauled off by licensed disposal services.

EFFLUENT TREATMENT AND DISPOSAL:

The 0.49 MGD design flow industrial wastewater treatment and disposal system consists of a 67,320-gallon grit chamber, a 200-GPM (gallon per minute) grit dewatering unit, a 900-GPM oil-water separator, two wet-well pump stations, a 100,980-gallon concrete holding basin, a liquid phase carbon adsorber and an electronic control unit. Following the oil-water separator, wastewater is either transferred to the CPSJ WWTP for disposal or to a holding basin for further treatment. The first 49,500-gallons per 28-day period is transferred to the CPSJ WWTP for disposal; flow in excess of 49,500-gallons is transferred to the holding basin. Once a sufficient quantity is collected in the holding basin it is pumped to a liquid phase carbon adsorber and then to the on-site rapid-rate percolation pond. The rapid-rate percolation pond is located approximately at latitude 29° 48' 59.96" N, longitude 85° 17' 45.27" W.

BASIS FOR EFFLUENT LIMITS AND MONITORING REQUIREMENTS:

Previously Permitted/Proposed Effluent Limits:

Sampling is done at the discharge from the carbon adsorber unit prior to transfer to the percolation pond:

| <u>Parameter</u> | <u>Previous Limitation</u> | <u>Proposed Limitation</u> | <u>Proposed Frequency</u> | <u>Sample</u> | <u>Standard</u> |
|------------------|----------------------------|----------------------------|---------------------------|---------------|------------------|
| BOD ₅ | 20 mg/l Ann. Avg. | 20 mg/l Ann. Avg. | Monthly | Grab | 62-660.400 |
| | 30 mg/l Daily Max. | 30 mg/l Daily Max. | Monthly | Grab | 62-660.400 |
| TSS | 20 mg/l Ann. Avg. | 20 mg/l Ann. Avg. | Monthly | Grab | 62-660.400 |
| | 30 mg/l Daily Max. | 30 mg/l Daily Max. | Monthly | Grab | 62-660.400 |
| Lead | 15 µg/l | 15 µg/l | Monthly | Grab | 62-550.310 |
| pH | 6.0-8.5 s.u. | 6.0-8.5 s.u. | Monthly | Grab | 62-550.310 |
| Naphthalene | 6.8 µg/l | 6.8 µg/l | Monthly | Grab | gw guidance conc |

Changes to Effluent Limits:

The limits for BOD and TSS were previously set to be consistent with the current interpretation for minimum treatment system performance. The requirement to monitor for naphthalene was required since it is indicator parameter for the diesel fuel group. The limit is based on ground water guidance levels. The limit for lead is an indicator parameter for used oil. The standard for minimum pH is 6.5 s.u.; however, a minimum pH of 6.0 s.u. is permitted due to low background values.

Basis for a Zone of Discharge (ZOD):

The facility has not been granted a ZOD based on the requirement that the effluent meet ground water standards at the point of discharge from the treatment system.

Groundwater Monitoring Plan:

The permit does not include ground water monitoring since the effluent must meet ground water standards at the point of discharge from the treatment system.

PERMITTED DISCHARGES :

Ground Water Discharge:

The discharge of treated wastewater as specified above. The effluent shall meet ground water standards prior to transfer from the treatment system to the percolation pond. No surface water discharges are permitted.

SEDIMENT AND SLUDGE DISPOSAL:

Grit and sludges are contained and stored for disposal at approved Class I & II landfills or otherwise as approved by the Department. All waste oil from the oil and water separator will be disposed of by a licensed oil recycler per Rule 62-710.

PROPOSED SCHEDULE FOR PERMIT ISSUANCE:

Final Department Action

April 2010



April 14, 2010

Dear Government Official:

Mediacom would like to share the following channel line-up changes on the cable system. The effective date for these changes will be on or about May 19, 2010.

Add: Golf Channel HD— channel 826

If you have any questions, please do not hesitate to call me at 850-934-2572 or via e-mail bbonowicz@mediacomcc.com.

Thank you for allowing us to serve your community.

Sincerely,

Barbara S. Bonowicz

Barbara S. Bonowicz
Government Relations

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2010 MAY -5 PM 1:41

Wewahitchka headend/Gulf Breeze/Milton/ Brewton/E. Brewton/Atmore/Escambia County, AL

INFORMATION
DATE: 5-11-10 **50** LL



May 3, 2001

Good Morning,

I wanted to let you know about recent developments in our proposed Levy County nuclear project.

As a result of regulatory and licensing timelines, and in an effort to reduce near-term price impacts on customers during the current recession, Progress Energy Florida will postpone major construction activities on the proposed Levy nuclear project until after the combined operating license (COL) is issued. (If the licensing schedule remains on track, the company expects the Nuclear Regulatory Commission to issue the Levy COL in late 2012.)

In addition to reducing near-term price impacts to customers, the change in construction schedule will allow for greater clarity on federal and state energy policies and will allow the economy more time to recover before the company completes major construction work on the project. Our proposal, if approved by the Public Service Commission, will reduce your bill by approximately \$1.00 per 1,000 kWh.

This approach preserves the viability of the Levy project and advanced, carbon-free nuclear power for the future, in light of the current economic realities.

If you have any questions, please give me a call.

Gary L. Renfro
Sr. Account Executive
352-563-4423

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA

2010 MAY -5 PM 1:14

INFORMATION
DATE: 5/11/10 LL

Lynn Lanier

From: Commission Clerk [CommissionClerk@psc.state.fl.us]
Sent: Thursday, April 22, 2010 2:17 PM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 676055)
Attachments: 03111-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2010 MAY -5 PM 1:41

INFORMATION
DATE: 5/11/10

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of Progress Energy Florida, Inc. and Withlacoochee River Electric Cooperative, Inc. for approval of amendment to territorial agreement to modify territorial boundary line in four areas of Pasco and Hernando Counties.

DOCKET NO. 090428-EI
ORDER NO. PSC-10-0246-PAA-EI
ISSUED: April 22, 2010

The following Commissioners participated in the disposition of this matter:

- NANCY ARGENZIANO, Chairman
- LISA POLAK EDGAR
- NATHAN A. SKOP
- DAVID E. KLEMENT
- BEN A. "STEVE" STEVENS III

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2010 MAY -5 PM 1:41

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING AMENDMENT TO TERRITORIAL AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

On September 2, 2009, Progress Energy Florida, Inc. (PEF) and Withlacoochee River Electric Cooperative, Inc. (WREC) filed a joint petition for approval to amend the territorial agreement we approved in Order No. PSC-06-0202-PAA-EU.¹ That order dealt with the second phase of a settlement between PEF and WREC that involved the transfer of some 5,400 customers for both phases. According to the settlement, the transfer of the second phase of customers was to be completed within two years of issuance of our Order. With approximately 689 Phase II customers remaining to be transferred, we issued Order No. PSC-08-0502-PAA-

¹ See Order No. PSC-06-0202-PAA-EU, issued March 14, 2006, in Docket No. 040133-EU, In re: Petition of Withlacoochee River Electric Cooperative, Inc. to modify territorial agreement or, in the alternative, to resolve territorial dispute with Progress Energy Florida, Inc. in Hernando County.

DOCUMENT NUMBER-DATE

03111 APR 22 0

FPSC-COMMISSION CLERK

EU² allowing for a twelve month extension of time to complete the customer transfers. The time extension was necessary because the logistical and operational issues regarding the transfers were more complicated and time consuming than expected. The proposed amended territorial agreement before us now finalizes the transfers of customers, with the exception of 117 customers in Pasco County. The proposed amendment of the territorial agreement also includes a boundary modification in Hernando County that will transfer one customer from PEF to WREC. PEF and WREC have not proposed any other changes to the current territorial agreement.

As explained in more detail below, we grant the parties' joint petition for approval of the amended territorial agreement. We have jurisdiction over this matter pursuant to Section 366.04, Florida Statutes.

DECISION

In their joint petition, the parties explain that operational constraints and good engineering practices indicate that three areas in Pasco County once slated to become part of PEF's service territory should remain in WREC's service territory. This change affects 117 customers who will not be transferred from WREC to PEF. Additionally, the petition states that at the time of filing there were 33 customers in Pasco County to be transferred by September 10, 2009. As indicated in a November 2, 2009, correspondence to the Commission, the 33 customers have been transferred from PEF to WREC as anticipated.

The 33 customers who have recently been transferred, plus the 117 customers who were once slated to be transferred, are the only remaining customers to have a change in service providers under the current territorial agreement. WREC has provided notification letters to the 117 customers that they will not be transferred to PEF. No adverse customer inquiries have been received. In addition to those mentioned above, the amendment also identified a PEF customer in Hernando County who is to be transferred to WREC because of operational constraints and potential safety issues. The joint petition indicates that this customer has agreed to the transfer.

Pursuant to Section 366.04(2)(d), Florida Statutes, we have the jurisdiction to approve territorial agreements between and among rural electric cooperatives, municipal electric utilities, and other electric utilities. Rule 25-6.0440(2), Florida Administrative Code, provides that in approving territorial agreements, we may consider the reasonableness of the purchase price of any facilities being transferred, the likelihood that the agreement will not cause a decrease in the reliability of electric service to existing or future ratepayers, and the likelihood that the agreement will eliminate existing or potential uneconomic duplication of facilities. Unless we determine that the agreement will cause a detriment to the public interest, the agreement should be approved. See Utilities Commission of the City of New Smyrna v. Florida Public Service Commission, 469 So. 2d 731 (Fla. 1985).

² See Order No. PSC-08-0502-PAA-EU, issued August 8, 2008, in Docket No. 080206-EU, In re: Petition for approval to amend territorial agreement regarding extension of time to finalize Phase II of customer transfers, by Progress Energy Florida, Inc. and Withlacoochee River Electric Cooperative.

In this instance, the amended territorial agreement proposed by PEF and WREC eliminates existing or potential uneconomic duplication of facilities, and it does not cause a decrease in the reliability of electric service to existing or future ratepayers. Therefore, we find that the amended territorial agreement between PEF and WREC is in the public interest and we approve it.

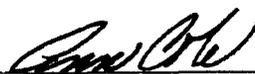
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint petition of Progress Energy Florida, Inc. and Withlacoochee River Electric Cooperative, Inc. for approval of amendment to territorial agreement to modify territorial boundary line in four areas of Pasco and Hernando Counties is approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of April, 2010.



ANN COLE
Commission Clerk

(SEAL)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 13, 2010.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.