



# Northwest Florida Water Management District

700 U.S. Highway 331 South, DeFuniak Springs, FL 32435

Lyle Seigler  
Executive Director

ERP: (850) 951-4660 • Fax: (850) 892-8007  
Wells: (850) 951-4661

May 14, 2024

Brad Bromlow  
Murphy Bromlow Rental, LLC  
2540 Jenks Ave  
Panama City, FL 32405-4310

RE: Notice of Final Agency Action - Approval  
Individual Environmental Resource Permit  
Permit Number: IND-005-315966-2  
Project Name: Embrie Townhomes

Dear Sir/Madam:

Enclosed is the approved modification to the Environmental Resource Permit (ERP) authorized on May 14, 2024 by the Northwest Florida Water Management District for the above referenced application.

Please be sure to read the enclosed permit and all exhibits in their entirety, paying close attention to the permit conditions in Exhibit A that require you to perform maintenance activities on your stormwater system and to have inspections performed by a Registered Professional at specified times throughout the life of the stormwater system.

Please be advised that you are required to fully execute and submit the following documents:

- "Construction Commencement Notice" [Form 62-330.350(1)] - Submitted to the District no later than 48 hours prior to commencement of any part of the activity authorized by the enclosed permit.
- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)] Submitted to the District no later than 30 days after the activity has been completed.

Copies of these and other ERP forms are available for download on the District website at <http://www.nwfwater.com/Permits/Environmental-Resource-Permits/Application-Forms>

Please be advised that the District **has not** published a notice in the newspaper of local circulation advising the public that a permit has been issued for this activity. Publication, using the District form, notifies the public of their rights to challenge the issuance of this permit. If proper notice is given by publication, third parties have a 21-day time limit to file a petition opposing the issuance of the permit. If you do not publish, a party's right to challenge the issuance of the permit may extend

GEORGE ROBERTS  
Chair  
Panama City

JERRY PATE  
Vice Chair  
Pensacola

NICK PATRONIS  
Secretary  
Panama City

JOHN W. ALTER  
Malone

GUS ANDREWS  
DeFuniak Springs

TED EVERETT  
Chipley

KELLIE RALSTON  
Tallahassee

ANNA UPTON  
Tallahassee

indefinitely. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your expense, such a notice in a newspaper of general circulation. A sample notice form is attached for your information. If you choose to publish such a notice, please submit a copy to the District for our records.

**The issuance of an Environmental Resource Permit for this activity does not eliminate the need to obtain all necessary permits or approvals from other agencies.**

Should you have any questions regarding your permit or its conditions, please contact your permit reviewer, Dana Palermo, P.E., at (850) 951-4660 or by e-mail: Dana.Palermo@nwfwater.com, Erica Roberts, at (850) 951-4660 or by e-mail: Erica.Roberts@nwfwater.com, Dylan Ryals-Hamilton, CWE, at (850) 539-5999 or by e-mail: dylan.ryals-hamilton@nwfwater.com and Megan Byers, at (850) 951-4660 or by e-mail: megan.byers@nwfwater.com

Sincerely,



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Dana Palermo, P.E.  
Chief, Bureau of Environmental Resource Permitting

cc:

**Consultant:**

Sean Mcneil  
McNeil Carroll Engineering, Inc.  
475 Harrison Ave  
Ste 200  
Panama City, FL 32401-2763

Brian J Rybicki  
Cypress Environmental  
Po Box 16062  
Panama City, FL 32406-6062

Bethany J Womack  
Cypress Environmental  
Po Box 16062  
Panama City, FL 32406-6062

Enc:

Environmental Resource Permit Number: IND-005-315966-2  
Sample Newspaper Notice  
Notice of Rights

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT****PERMIT NO:** IND-005-315966-2**DATE ISSUED:** May 14, 2024**PROJECT NAME:** Embrie Townhomes**CONSTRUCTION PHASE EXPIRATION DATE:** May 14, 2029**A PERMIT AUTHORIZING:**

A modification to IND-005-315966-1 to include additional onsite storage needs to offsite floodplain storage impacts. The stormwater modifications resulted in additional wetland buffer impacts associated with the construction of two new outfall pipes. The floodplain storage systems consist of an underground system located near the northeastern portion of the wet detention pond, and a storage pond with an equalizer pipe to the wetlands near the southeastern corner of the development. The floodplain storage systems will not serve the development for water quality or water quantity required under the rule. The previously authorized surface water management system will remain the same which has been designed to provide treatment and attenuation for a new development located near the southeastern corner of the intersection of West 31st Court and Airport Road, in Panama City, (Bay County). The development will consist of the construction of a new townhome development with associated roadways, residential driveways, and two driveway connections to West 31st Court. Stormwater runoff will sheetflow across the development toward drainage inlets before entering a wet detention pond located along the western boundary. The system will discharge toward adjacent to the onsite wetlands. The initial authorization included direct impacts to approximately 0.002 acres of surface waters, with approximately 0.05 acres of associated secondary impacts. The modification includes two additional outfall pipes to be located within wetland buffer zones. Mitigation is not required for minimal impacts or minor secondary impacts associated with drainage features. The project is in accordance with the approved plans prepared by McNeil Carroll Engineering, Inc.

**LOCATION:**

Section(s): 30, 19 Township(s): 3S Range(s): 14W

Bay County

**ISSUED TO:**Murphy Bromlow Rental, LLC  
2540 Jenks Ave  
Panama City, FL 32405-4310

Permittee agrees to hold and save the Northwest Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to any permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code, (F.A.C.), and may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S. Code 1341.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated May 14, 2024

**AUTHORIZED BY:** Northwest Florida Water Management District  
Division of Resource Regulation



By:

\_\_\_\_\_  
Dana Palermo, P.E.  
Chief, Bureau of Environmental Resource Permitting

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER IND-005-315966-2**  
**Embrie Townhomes**  
**DATED May 14, 2024**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex  "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  2. For all other activities  "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  2. Convey to the permittee or create in the permittee any interest in real property;
  3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
1. Immediately if any previously submitted information is discovered to be inaccurate; and
  2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the

Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. **Record-keeping.** The permittee shall be responsible for keeping records documenting that relevant permit conditions are met. This documentation shall include, at a minimum, the date of each inspection, the name and qualifications of the inspector, any maintenance actions taken, and a determination by the inspector as to whether the system is operating as intended. Inspection documentation must be readily available and shall be provided at the District's request. Submittal of inspection documentation to the District is not required.
20. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before the transfer to the Operation and Maintenance phase, all obsolete erosion control materials shall be removed.
21. The wet detention area shall be inspected periodically for debris and trash built up around the discharge structures. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
22. **Inspections by a Registered Professional.** The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. The Registered Professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however any report must be signed and sealed by the Registered Professional. The reports are to be kept on file and made available upon request. Inspections shall be made by the Registered Professional in accordance with this schedule:
  - On the first anniversary of the date of conversion to Operation and Maintenance Phase.
  - Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.

23. **Reporting by a Registered Professional.** Within 30 days of any failure of the stormwater management system or deviation from the permit, a report shall be submitted to the District on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation. This report shall be signed and sealed by a Registered Professional.
24. All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project. In addition, all equipment being utilized shall be limited to operation and storage in uplands or within the impact areas authorized by this permit.
25. Prior to construction, the limits of the proposed construction shall be demarcated (clearly flagged and/or staked): particularly in areas adjacent to remaining natural wetlands. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area so as to prevent encroachment from heavy equipment into these areas.
26. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).
27. Negative impacts to wetlands or other surface waters outside of the approved impact areas shall be reported immediately to the Northwest Florida Water Management District, 152 Water Management Drive, Havana, FL 32333-4712 Phone: (850) 539-5999. Corrective action shall be taken as soon as practicable to restore the impacted areas
28. Wetland buffers shall remain in an undisturbed condition except for the areas approved for installation of outfall structures. The wetland buffer boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities. The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.



## NOTICING PUBLICATION INFORMATION

The District's action regarding the issuance or denial of a permit, a petition or qualification for an exemption only becomes closed to future legal challenges from members of the public ("third parties"), if 1) "third parties" have been properly notified of the District's action regarding the permit or exemption, and 2) no "third party" objects to the District's action within a specific period of time following the notification.

Notification of "third parties" is provided through publication of certain information in a newspaper of general circulation in the county where the proposed activities are to occur. Publication of notice informs "third parties" of their right to have a 21-day time limit in which to file a petition opposing the District's action. However, if no notice to "third parties" is published, there is no time limit to a party's right to challenge the District's action. The District has not published a notice to "third parties" that it has taken final action on your application. If you want to ensure that the period of time in which a petition opposing the District's action regarding your application is limited to the time frame state above, you may publish, at your own expense, a notice in a newspaper of general circulation. A copy of the Notice of Agency Action the District uses for publication is attached. You may use this format or create your own, as long as the essential information is included.

If you do decide to publish a Notice of Final Agency Action, please provide the District a copy of the Proof of Publication when you receive it. That will provide us notice that action on this permit application is closed after the 21 days following publication.

**Notice of Final Agency Action Taken by the  
Northwest Florida Water Management District**

Notice is given that Environmental Resource permit number IND-005-315966-2 was issued on May 14, 2024 to Brad Bromlow Murphy Bromlow Rental, LLC for the construction of a new surface water management system designed to serve a new development located near the southeastern corner of the intersection of West 31st Court and Airport Road, in Panama City, (Bay County). This is a modification to include additional onsite storage needs to offsite floodplain storage impacts. The storage modifications resulted in additional wetland buffer impacts associated with the construction of two new outfall pipes. The development will still consist of the construction of a new townhome development with associated roadways, residential driveways, and two driveway connections to West 31st Court. Stormwater runoff will sheetflow across the development toward drainage inlets before entering a wet detention pond located along the western boundary. The wet detention system will discharge toward adjacent onsite wetlands. The floodplain storage systems consist of an underground system located near the northeastern portion of the wet detention pond, and a storage pond with an equalizer pipe to the wetlands near the southeastern corner of the development. The systems will discharge toward the west and into the onsite wetlands. The project includes previously-authorized direct impacts to approximately 0.002 acres of surface waters associated with Robinson Bayou, and approximately 0.050 acres of secondary impacts. Mitigation will not be required. The floodplain storage systems will not serve the development for water quality or water quantity required under the rule.

The application file is available online and can be accessed through the District's e-Permitting Portal at:

<https://permitting.sjrwmd.com/nwep Permitting/jsp/Search.do?theAction=PermitNumSearch>. If you have any questions or are experiencing difficulty viewing the electronic application, please contact us at (850) 951-4660.

A person whose substantial interests are affected by the District permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-404, Florida Administrative Code. Petitions must comply with the requirements of Florida Administrative Code, Chapter 28-106 and be filed with (received by) the District Clerk located at District Headquarters, 81 Water Management Drive, Havana, FL 32333-4712. Petitions for administrative hearing on the above application must be filed within twenty-one (21) days of publication of this notice or within twenty-six (26) days of the District depositing notice of this intent in the mail for those persons to whom the District mails actual notice. Failure to file a petition within this time period shall constitute a waiver of any right(s) such person(s) may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., concerning the subject permit. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District'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 District on the application have the right to petition to become a party to the proceedings, in accordance with the requirements set forth above.



# NOTICE OF RIGHTS



Northwest Florida Water Management District  
152 Water Management Drive, Havana, FL 32333-4712  
(850) 539-5999 Fax (850) 539-2693  
[www.nfwwater.com](http://www.nfwwater.com)

***The following information addresses procedures to be followed if you desire an administrative hearing or other review of agency action.***

## PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

## DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

## **SECTION 28-106.201, FLORIDA ADMINISTRATIVE CODE, INITIATION OF PROCEEDINGS**

- (1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency 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 agency's proposed action;
  - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
  - (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
- (3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

**CERTIFICATE OF SERVICE**

I hereby certify that on the below date, a true and correct copy of the foregoing document and all attachments were sent to the applicant and/or their representative(s), and any party having made a written request for notice of agency action, and that section 120.60(3), Florida Statutes has been satisfied.

Megan Byers

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Regulatory Support Specialist

May 14, 2024

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**Date**