

SECTION 11
PERMITS AND RE-CERTIFICATIONS

11.1 GENERAL

The District Board of Commissioners has the authority to establish a code of general specifications for obtaining permits and for hearings in connection therewith before the Board for approval of plans and plats for any construction of work that comes into, over, onto or through any of the waterways, easements or rights-of-way of the District.

All work shall be constructed in accordance with the terms and conditions of the permit. The permittee shall hold the District harmless and indemnify the District and its successors from any and all damages, claims or liabilities which may arise by reason of construction, operation, maintenance and use of the District's facilities by virtue of the permit.

11.2 POLICY OF THE DISTRICT IN ISSUING PERMITS

No permit will be granted for the use of any of the District's facilities that will adversely affect such works or interfere with or impose hardships upon the District's operation, maintenance or construction activities.

No permit will be granted for any use of the District's facilities when granting such use would be inconsistent with the District Public Facilities Report.

The District reserves the right to change, regulate and limit discharges into or withdrawals from facilities of the District. The permittee shall allow the District, at any time, to inspect the work accomplished under the permit. The District may require that water quality monitoring be accomplished for all discharges into facilities of the District. The water quality monitoring, if required, shall be performed by the applicant in accordance with specific procedures. The permittee shall assure that discharges of water are of such quality that the discharge will not degrade the quality

of the receiving water body or the standards of any agency or NPDES authority. Also, the permittee shall be responsible for any erosion, discharge or degradation to any of the District's facilities during the construction of the permitted project.

The District may require that a property owner enter into a hold harmless and indemnification agreement with the District concurrent with the issuance of a permit. The agreement shall indemnify and hold harmless the District from any and all claims that may result in the District permitting the use of its facilities. All expenses incurred by the District in preparing agreements shall be paid by the applicant.

Issuance of a permit by the District shall not relieve the applicant from obtaining any other local, state or federal permits. The permittee shall agree to cease all work upon notification by the District that the work covered by the permit is not in conformance with the conditions of the permit or is causing damage to the District's works.

11.3 APPLICATIONS

The applicant may obtain a permit application form/package from District headquarters and may meet with District staff to gain assistance in the preparation of the application.

11.4 CONSTRUCTION PERMITS

The applicant will be issued a construction permit upon satisfying all applicable criteria. All permits for lake excavation and/or paving and drainage improvements shall be valid for a period of eighteen (18) months.

11.5 EMERGENCY PERMITS

If delay associated with the issuance of a construction permit will cause extreme hardship or endanger lives or property, the District Director may issue an emergency permit.

11.6 EARLY WORK PERMITS

The applicant may request an early work permit for clearing, grubbing or filling of a project site while the approval of a construction permit is in process.

11.7 TEMPORARY PERMITS

A temporary permit for a period of time of less than ninety (90) days may be issued by the District for such items as temporary water withdrawal for irrigation systems, temporary power, temporary road crossings, temporary de-watering or other such projects.

11.8 SURFACE WATER MANAGEMENT OPERATION AND MAINTENANCE PERMIT

Upon satisfactory completion of the permitted construction and acceptance of the engineer certification letter, a 5-year surface water management operation and maintenance permit will be issued. This permit must be renewed at the end of every five (5) years by the permittee and will require validation through the District's 5-year re-certification program.

11.9 RE-CERTIFICATION OF SURFACE WATER MANAGEMENT SYSTEM

The operation and maintenance permit for the surface water management system shall be renewed every five (5) years. Application for the re-certification of the operation and maintenance permit shall be received by the District forty-five (45) days prior to expiration.

Each re-certification application shall be accompanied by the certification form and appropriate fees.

Contact the District administration office for fee schedule. **Refer to Exhibit 6, 5-year Operation and Maintenance Permit, Application and Certification.** The certification form for any projects

with more than 5 structures or an outfall to a lake, canal or other off-site drainage system, shall be certified by a professional engineer. Projects that do not require an engineer's certification shall be certified by the owner.

11.10 TRANSFER OF PERMITS

A permit issued by the District may be transferred to a third party by the execution of an agreement between the District, the original permittee and the third party. The agreement shall transfer to the third party all the requirements and obligations of the original permittee.