

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

MIKE LAUDICINA, DON DEMARIA,

Petitioners,

vs.

OGC CASE NO.: 14-0418  
DOAH CASE NO.: 15-1233

FLORIDA KEYS AQUEDUCT AUTHORITY  
AND STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondents,

MONROE COUNTY,

Intervenor.

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**ORDER ON SECOND AMENDED PETITION OF  
MIKE LAUDICINA AND DON DEMARIA**

On February 14, 2015, the Florida Department of Environmental Protection (Department) received a Second Amended Petition from Petitioners Mike Laudicina and Don Demaria (the Individual Petitioners). The Second Amended Petition challenged (1) the Department's decision to issue a Domestic Wastewater Facility Permit for the Cudjoe Regional Wastewater Treatment Plant (the Plant) including underground injection wells, Permit No. FLA671932-001 and UIC Permits Nos. 295404-001, -002, -003 and -004 (collectively, the 2009 Permits) in Monroe County, and (2) a Notice of Intent to Issue Wastewater Treatment Permits for the Plant, proposed Permit No. FLA671932-003-DWIP and UIC Permits Nos. 295404-020, -021, -022, and -023 (collectively, the "2014 Permits"). The Department referred the Second Amended Petition to the

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<sup>1</sup> Settling parties only include the "Individual Petitioners."

Division of Administrative Hearings. That Second Amended Petition was consolidated with a separate petition which challenged only the 2014 Permits.

On October 6, 2015, the Department received an Order of Dismissal issued by the assigned administrative law judge (ALJ). The ALJ rescinded that order and issued an order on October 9, relinquishing jurisdiction of the Second Amended Petition to the Department (Exhibit A). The orders were issued in response to a motion styled "Individual Petitioners,' Respondents', and Intervener's Joint and Unopposed Motion to Relinquish Jurisdiction over Individual's Petition" (the Joint Motion, Exhibit B). The Joint Motion referred to a Stipulated Settlement Agreement (Settlement Agreement, Exhibit C). In the Settlement Agreement, the parties requested the following relief regarding the disposition of the 2009 Permits:

Within seven days after DOAH relinquishes jurisdiction over the Individual Petitioners' second amended petition, the Settling Parties other than DEP will jointly request that DEP enter a final order dismissing the Individual Petitioners' second amended petition, with prejudice and without leave to amend, but only insofar as the second amended petition directly challenges the 2009 Permits. The requested final order will confirm the issuance of the 2009 Permits, without revision, as final agency action, but will otherwise preserve jurisdiction over the Individual Petitioners' second amended petition, without prejudice to their right to demand referral back to DOAH pursuant to paragraph 17 below. The Individual Petitioners and their counsel waive and release any further administrative challenges and judicial appeals of the 2009 Permits.

The parties to the Settlement Agreement also requested that the Department hold the Second Amended Petition in abeyance in order to address the potential for additional proceedings in relation to the 2014 Permits. As provided more specifically in the Settlement Agreement, the parties requested "that DEP hold the second amended petition in abeyance until the deep well is completed and in operation, at which time the Settling Parties other than DEP will jointly request that DEP enter a final order dismissing the remainder of the Individual Petitioners' second amended petition, with prejudice and without leave to amend." On October

12, 2015, the Department received a joint motion for entry of an order consistent with the Settlement Agreement. There being no further matters to consider at the present time,

IT IS ORDERED:

The Settlement Agreement is approved and incorporated in this Order.

The Second Amended Petition is DISMISSED, with prejudice and without leave to amend, but only insofar as the Second Amended Petition directly challenges the 2009 Permits. Otherwise, the Second Amended Petition is ABATED consistent with the terms of the Settlement Agreement. The Department will retain jurisdiction over the remainder of the Second Amended Petition by the Individual Petitioners, without prejudice to their right to demand referral back to DOAH pursuant to the Settlement Agreement, for the limited purpose of challenging the 2014 Permits.

The 2009 Permits are confirmed as final agency action.

DONE AND ORDERED this 3<sup>rd</sup> <sup>ef</sup>  
day of October 2015, in  
Tallahassee, Florida.

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

  
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FILED ON THIS DATE PURSUANT TO § 120.52,  
FLORIDA STATUTES, WITH THE DESIGNATED  
DEPARTMENT CLERK, RECEIPT OF WHICH IS  
HEREBY ACKNOWLEDGED

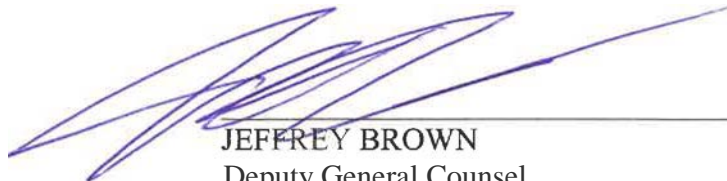
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**CERTIFICATE OF SERVICE**

I CERTIFY that a true copy of the foregoing was electronically mailed only to **Robert Feldman**, Esquire, Counsel for Florida Keys Aqueduct Authority, 1100 Kennedy Drive, Key

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