DOCKET 950495-WS
EXHIBIT NO. 67
CASE NO. 96-04227

ORIGINAL
FILE COPY

SSU
Southern States Utilities

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950495 - WS

APPLICATION FOR A GENERAL RATE INCREASE

VOLUME XI
BOOK 16 OF 17

ADDITIONAL ENGINEERING INFORMATION

Containing

REGULATORY AGENCY ORDERS AND NOTICES
25-30.440 (7)

Only 4 (

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 950495 WS EXHIBIT NO 67
COMPANY/
WITNESS: SSU / Rudsen
DATE: 5/10/96

DOCUMENT NUMBER-DATE
06067 JUN 28 96
FPSC-RECORDS/REPORTING

SOUTHERN STATES UTILITIES, INC.
DOCKET NO. 950495-WS
VOLUME XI, BOOK 16 OF 17
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REGULATORY AGENCY ORDERS AND NOTICES

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Amelia Island	Groundwater Monitoring Noncompliance Letter	N/A	FDEP	10/12/93	4
Amelia Island	Groundwater Monitoring Noncompliance Letter	N/A	FDER	06/15/92	5
Apache Shores	Warning Letter	WL94-0031DW09SWD	FDEP	04/20/94	15
Apple Valley	None				N/A
Bay Lake Estates	None				N/A
Beacon Hills	Administrative Order	94-071	USEPA	08/08/94	19
Beacon Hills	Request for Information	N/A	USEPA	07/28/94	26
Beacon Hills	Notice of Noncompliance	N/A	RESD (Jacksonville)	06/14/94	29
Beacon Hills	Notice of Noncompliance	N/A	Duval County PHU	05/31/94	30
Beacon Hills	Notice to Correct Source of Pollution/Violation	7353	BES (Jacksonville)	02/14/94	32
Beacon Hills	Notice of Violation	N/A	USEPA	02/11/94	33
Beacon Hills	Warning Notice	N/A	RESD (Jacksonville)	11/03/93	35
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Beacon Hills	Notice of Violation	N/A	USEPA	02/05/93	38
Beacon Hills	Notice of Violation	N/A	USEPA	09/29/92	39
Beacon Hills	Notice to Correct Source of Pollution/Violation	0151	BES (Jacksonville)	09/18/92	40
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Beacon Hills	Notice of Violation	N/A	USEPA	08/06/92	42
Beecher's Point	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	45
Beecher's Point	MCL Violation Letter	N/A	FDER	04/23/93	46
Beecher's Point	Warning Letter	WL92-0071-PW-54-NED	FDER	12/23/92	49
Beecher's Point	Notice - Permit Non-Compliance	N/A	FDER	12/07/92	51
Beecher's Point	MCL Violation Letter	N/A	FDER	12/01/92	55
Beecher's Point	Letter Rescinding notice dated 07/06/92		FDER	07/17/92	58
Beecher's Point	Noncompliance Letter	N/A	FDER	07/06/92	59
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Buenaventura Lakes	Notice of Violation (Correspondence)	N/A	USEPA	08/04/94	65
Buenaventura Lakes	Notice of Violation	N/A	USEPA	07/21/94	66
Buenaventura Lakes	Noncompliance Letter	N/A	FDER	01/10/92	68
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Carlton Village	Consent Order	92-1997	FDER	07/21/93	98
Carlton Village	Notice of Violation	OCD-PW-CE-92-1641	FDER	09/02/92	101
Carlton Village	Warning Letter	OWL-PW-92-0002	FDER	05/15/92	102
Chuluota	Notice of Violation	N/A	USEPA	12/15/92	105
Citrus Park	None				N/A
Citrus Springs	Noncompliance Letter	N/A	FDER	03/30/93	107
Crystal River Highlands	None				N/A
Daetwyler Shores	None				N/A
Deep Creek	Warning Notice	N/A	FDER	10/26/92	109
Deltona	Warning Letter	OWL-DW-94-0014	FDEP	09/01/94	111
Deltona	Notice of Violation	N/A	USEPA	04/23/93	114
Dol Ray Manor	None				N/A
Druid Hills	None				N/A
East Lake Harris Estates	None				N/A
Enterprise (Stone Island)	Warning Letter	OWL-DW-94-0013	FDEP	12/06/94	117
Enterprise (Stone Island)	Warning Letter	OWL-DW-94-0013	FDEP	08/18/94	121
Fern Park	None				N/A
Fern Terrace	Letter Rescinding Consent Order	93-2337	FDEP	12/10/93	125
Fern Terrace	Draft Consent Order Response	93-2337	FDEP	11/04/93	126
Fern Terrace	Draft Consent Order	93-2337	FDEP	10/01/93	129
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Fern Terrace	Warning Letter	OWL-PW-92-0011	FDER	06/15/92	139
Fisherman's Haven	Notice of Noncompliance	N/A	FDEP	11/14/94	141
Fisherman's Haven	Notice of Noncompliance	N/A	FDEP	07/16/93	142
Fisherman's Haven	Correspondence Re: Notice of Noncompliance		FDER	04/01/93	143
Fisherman's Haven	Notice of Noncompliance	N/A	FDER	10/02/92	145
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Florida Central Commerce Park	None				N/A
Fountains	None				N/A
Fox Run	Notice of Noncompliance	N/A	FDEP	11/14/94	149
Fox Run	Notice of Noncompliance	N/A	FDEP	09/16/94	150
Fox Run	Consent Order Correspondence	88-0722	FDEP	03/02/94	151
Fox Run	Notice of Noncompliance	N/A	FDEP	02/01/94	155
Fox Run	Permit Noncompliance	N/A	SFWMD	09/02/93	157
Fox Run	Notice of Noncompliance	N/A	FDER	04/08/93	159
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Geneva Lake Estates	None				N/A
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Golden Terrace	Draft Consent Order	92-2012	FDER	03/15/93	173
Golden Terrace	Notice of Violation	92-2012	FDER	12/31/92	183
Golden Terrace	Noncompliance Letter	N/A	FDER	10/23/92	191
Golden Terrace	Noncompliance Letter	N/A	FDER	02/19/92	192
Gospel Island Estates	Warning Notice Closure	91-211PW09-SWD	FDER	04/15/92	193
Grand Terrace	None				N/A
Harmony Homes	None				N/A
Hermits Cove	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	195
Hermits Cove	Noncompliance Letter	N/A	FDER	06/25/92	196
Hermits Cove	Noncompliance Letter	N/A	FDER	06/17/92	197
Hobby Hills	None				N/A
Holiday Haven	Notice of Code Violation	N/A	Lake Co. Env. Svc.	10/14/93	199
Holiday Haven	Notice of Violation	N/A	Lake Co. Env. Svc.	06/22/92	200
Holiday Heights	None				N/A
Imperial Mobile Terrace	None				N/A
Intercession City	None				N/A
Interlachen Lakes/Park Manor	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	203
Interlachen Lakes/Park Manor	Notice - Permit Non-Compliance	N/A	FDER	12/07/92	205
Jungle Den	None				N/A
Keystone Club Estates	Sampling Deficiency Letter	N/A	FDER	10/22/92	209
Keystone Heights	None				N/A
Kingswood	None				N/A
Lake Ajay Estates	None				N/A
Lake Brantley	None				N/A
Lake Conway Park	None				N/A
Lake Harriet Estates	Ordinance Violation	N/A	Seminole County	02/07/94	211
Lakeside	Sampling Violation	N/A	FDER	02/25/92	215
Lakeview Villas	None				N/A
Lehigh	Clearance of C.O.	90-1858	FDER	09/09/92	217
Lehigh	Noncompliance Letter	N/A	FDER	06/15/92	218
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Leisure Lakes (Covered Bridge)	None				N/A
Marco Island	Closure of Consent Order	93-3673	FDEP	06/24/94	239
Marco Island	Correspondence Regarding MCL	N/A	FDEP	03/23/94	240
Marco Island	Closure of Consent Order	94-0424	FDEP	03/18/94	241
Marco Island	Consent Order	94-0424	FDEP	02/28/94	242
Marco Island	Warning Letter	N/A	FDEP	01/24/94	246
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Marco Island	Notice of Ordinance Violation	N/A	Collier County	05/11/93	260
Marco Island	Violation Notification	N/A	FDNR	03/01/93	265
Marco Island	Non-Compliance Notification	N/A	FDER	11/18/92	266
Marco Island	Violation Notification	N/A	FDNR	10/26/92	270
Marco Island	MCL Violation	N/A	FDER	06/03/92	277
Marco Shores	Warning Letter	N/A	FDEP	01/24/94	279
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Marion Oaks	Warning Letter	93-0033DW42SWD	FDEP	11/05/93	288
Marion Oaks	Warning Letter	93-0033DW42SWD	FDEP	09/14/93	289
Marion Oaks	Noncompliance Letter	N/A	FDER	07/28/92	292
Meredith Manor	None				N/A
Morningview	None				N/A
Oak Forest	None				N/A
Oakwood	None				N/A
Palisades Country Club	None				N/A
Palm Port	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	295
Palm Port	Notice - Permit Non-Compliance	N/A	FDER	12/07/92	296
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Palm Valley	Consent Order	92-1400	FDER	10/14/92	325
Palm Valley	Warning Letter	WL920043PW55NED	FDER	07/14/92	340
Palm Valley	Noncompliance Letter	N/A	FDER	06/19/92	342
Palms Mobile Home Park	None				N/A
Picciola Island	None				N/A
Pine Ridge	None				N/A
Pine Ridge Estates	None				N/A
Piney Woods	None				N/A
Point O' Woods	Closure of Consent Order	92-1843	FDER	06/29/93	345
Point O' Woods	Closure of Consent Order	92-1613	FDER	02/03/93	346
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Point O' Woods	Consent Order Letter	92-1843	FDER	10/21/92	349
Point O' Woods	Consent Order	92-1613	FDER	09/28/92	353
Point O' Woods	Warning Notice	92-069PW09-SWD	FDER	09/28/92	363
Point O' Woods	Noncompliance Letter	N/A	FDER	06/29/92	365
Pomona Park	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	367
Pomona Park	Warning Letter	WL92-0072-PW-54-NED	FDER	12/28/92	369
Pomona Park	Letter Rescinding Noncompliance Letter	N/A	FDER	07/17/92	370
Pomona Park	Noncompliance Letter	N/A	FDER	07/06/92	371
Pomona Park	Noncompliance Letter	N/A	FDER	05/28/92	374
Postmaster Village	None				N/A
Putnam County	Consent Order Update	93-0332	FDEP	02/21/94	377
Putnam County	Consent Order	93-0332	FDER	04/30/93	379
Quail Ridge	None				N/A
Remington Forest	Bac't Violation	N/A	FDER	03/02/93	391
River Grove	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	395
River Park	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	397
River Park	Noncompliance Letter	N/A	FDER	05/28/92	398
River Park	Notice of Violation	N/A	USEPA	01/28/92	401
Rosemont/ Rolling Green	None				N/A
Rosemont/ Rolling Green	None				N/A
Salt Springs	None				N/A
Samira Villas	None				N/A
Saratoga Harbour	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	405
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Silver Lake Estates/W. Shores	Consent Order	92-1996	FDER	06/09/93	413
Silver Lake Estates/W. Shores	Consent Order	93-0241	FDER	02/05/93	418
Silver Lake Estates/W. Shores	Notice of Violation	OCD-PW-CE-92-1640	FDER	09/02/92	420
Silver Lake Estates/W. Shores	Warning Notice	OWL-PW-92-0012	FDER	06/15/92	421
Silver Lake Oaks	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	425
Silver Lake Oaks	Notice - Permit Non-Compliance	N/A	FDER	12/07/92	426
Skycrest	None				N/A
South Forty	None				N/A
Spring Gardens	Building Moratorium	N/A	Citrus County	09/17/93	431
Spring Gardens	Building Moratorium	N/A	FDEP	09/09/93	432
Spring Gardens	Warning Letter	WL93-0026DW09SWD	FDEP	07/30/93	433
St. Johns Highlands	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	435
St. Johns Highlands	Warning Letter	92-0016PW54NED	FDER	03/17/92	436
Stone Mountain	None				N/A
Sugar Mill	None				N/A
Sugarmill Woods	MCL Violation	N/A	FDER	12/18/92	439
Sugarmill Woods	Noncompliance Letter	N/A	FDER	10/29/92	441
Sunny Hills	None				N/A
Sunshine Parkway	Notice of Code Violation	N/A	Lake County	10/12/94	443
Sunshine Parkway	Consent Order Closure	93-1462	FDEP	07/28/93	444
Sunshine Parkway	Executed Consent Order	93-1462	FDER	06/01/93	445
Sunshine Parkway	Proposed Consent Order	93-1462	FDER	04/29/93	448
Sunshine Parkway	Warning Letter Correspondence	OWL-DW-93-0001	FDER	03/12/93	450
Sunshine Parkway	Warning Letter	OWL-DW-93-0001	FDER	01/08/93	453
Tropical Isles	Notice of Noncompliance	N/A	FDEP	10/21/94	455
Tropical Isles	Notice of Noncompliance	N/A	FDEP	05/02/94	457
Tropical Isles	Notice of Noncompliance	N/A	FDEP	07/16/93	459
Tropical Isles	Notice of Noncompliance	N/A	FDER	08/28/92	460
Tropical Isles	Notice of Noncompliance	N/A	FDER	08/19/92	461
Tropical Park	Letter of Noncompliance	N/A	FDER	11/04/92	463
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University Shores	Request for Information	N/A	USEPA	08/08/94	469
University Shores	Non Compliance Letter	N/A	Orange County EPD	01/03/94	472
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University Shores	MOR Violation	N/A	FDER	02/03/93	492
University Shores	Warning Notice	OWL-DW-92-0020	FDER	01/20/93	493
University Shores	Notice of Violation	N/A	USEPA	12/15/92	496
University Shores	Warning Letter	OWL-DW-92-0020	FDER	11/13/92	498
University Shores	Noncompliance Letter	N/A	FDER	04/13/92	501
Valencia Terrace	Warning Letter	OWL-DW-93-0026	FDEP	09/30/93	503
Venetian Village	Notice of Code Violation	1861-94	Lake County	12/14/94	505
Venetian Village	Building Code Violation	N/A	Lake County	06/23/93	506
Venetian Village	Notice of Code Violation	142-93	Lake County	02/01/93	507
Welaka	See: Putnam Cnty Consent Order	93-0332	FDER	04/30/93	509
Welaka	MCL Violation	N/A	FDER	12/01/92	510
Westmont	Letter of Noncompliance	N/A	FDER	11/16/92	513
Windsong	None				N/A
Woodmere	Administrative Order	93-078	USEPA	08/08/94	515
Woodmere	Request For Information	N/A	USEPA	07/28/94	516
Woodmere	Notice to Correct Source of Pollution/Violation	N/A	BES (Jacksonville)	03/15/94	519
Woodmere	Administrative Order	93-078	USEPA	09/14/93	520
Woodmere	Notice of Violation	N/A	USEPA	07/27/93	527
Woodmere	Notice of Violation	N/A	USEPA	04/30/93	529
Woodmere	Notice of Violation	N/A	USEPA	09/29-92	532
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Wootens	Noncompliance Letter	N/A	FDER	05-28-92	540
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Zephyr Shores	Final Consent Order	93-0862	FDEP	08/19/93	552
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Zephyr Shores	Noncompliance Letter	N/A	FDER	05-27-92	573

MEL FISHER

Florida Department of
Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

November 30, 1993

CERTIFIED MAIL - RETURN RECEIPT

RECEIVED
DEC 0 6 '93
ENVIRONMENTAL SERVICES

Mr. Rafael A. Terrero, P.E.
Chief Engineer
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Dear Mr. Terrero:

St. Johns County - Domestic Waste Enforcement
Warning Letter No. WL93-0024DW45NED
Amelia Island WWTP Lift Station and Manhole

Chapter 403, Florida Statutes, authorizes and directs the Department of Environmental Protection to control and prohibit pollution of air and water.

A field inspection conducted November 19, 1993 of the Amelia Island lift station and manhole located on Julia Street indicates that a violation of Chapter 403 (and/or Chapter 376), Florida Statutes, and the rules promulgated thereunder may exist at the above described lift station:

1. The Amelia Island lift station and manhole located on Julia Street overflowed on the morning of November 18, 1993. Approximately 50,000 gallons of raw sewage overflowed from the downstream manhole and lift station. The downstream manhole overflowed to a stormdrain and ditch connected to the Amelia River. The lift station overflowed to an adjacent swamp area which apparently drains to a ditch connected to the Amelia River.

2. A piece of fiberglass from the upstream rehabilitation of a manhole clogged the lead pump in the lift station. The lag and backup pump failed to activate. The lift station high level audible and visual alarm activated, but because of the remote location, was not detected until sometime after the overflow event occurred.

Portions of the Florida Statutes and Rules which the Department believes you may have violated are identified below.

Section 376.302, Florida Statutes, states it is a violation to discharge pollutants into or upon any waters of the state or lands, which discharge violates any departmental "standard".

Section 403.088, Florida Statutes, states it is a violation to discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them, without written authorization of the Department.

Section 403.161(1)(a), Florida Statutes, states it is a violation to cause pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.

Rule 17-604.130(1), Florida Administrative Code states it is a violation to release excreta, sewage, or other wastewaters without providing proper treatment approved by the Department or otherwise violating provisions of this rule or other rules of the Florida Administrative Code.

Rule 17-604.130(5), Florida Administrative Code, states it is a violation to fail to maintain equipment in a condition which will enable the intended function.

Rule 17-604.400(2)(a) requires pump stations discharging through pipes greater than 6 inches in diameter to have suitable design features to provide reasonable assurances of uninterrupted flow.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to respond in writing to each numbered item listed above within 15 days of receipt of this Warning Letter. Any questions or requests for a meeting with Department personnel to discuss the issues raised in this Warning Letter should be directed to Teresa Frame of this office at (904)448-4330, extension 339. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120-57(4) Florida Statutes. The purpose of this letter is to advise you of the potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by using a Notice of Violation or by

filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice if Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF:KK/jf

cc: Bert Phillips
Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Catherine Walker
Mary Glennon
Joe Roberts
Jerry Wright
Frank Sanderson
Chuck Wood
Robert Regalado

MEL FISHER

Florida Department of
Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

October 12, 1993

RECEIVED
OCT 18 '93
ENVIRONMENTAL SERVICES

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Charles Sweat
Vice President of Operations
SSU Services, Inc.
100 Color Place
Apopka, Florida 32703

Dear Mr. Sweat:

Amelia Island Sewage Treatment Plant
Non-Compliance in Ground Water Monitoring
Nassau County - Permit No. DO45-180686 & DC45-184910

Analytical monitoring of compliance well MW-1 reveals a marked increase in nitrate concentrations, with the last two quarters having exceeded the established ground water standard of 10 mg/L. Results from the last five quarters are tabulated below:

Sample Date	Nitrate (mg/L)
July 22, 1993	13.10
May 11, 1993	14.73
February 23, 1993	9.41
November 17, 1992	7.00
August 17, 1992	3.78

Please provide a written response to address this matter by November 1, 1993. Should concentrations remain above their established standard, then further assessment and/or enforcement action may be required.

Should you have any immediate question or concern pertaining to this matter, please contact me at (904) 448-4330, extension 344.

Sincerely,

Robert Martin
Environmental Specialist II
Ground Water Section

RM:rm
cc: Jerry Wright, SSU

cc: Joe Roberts
Chuck Wood
Robert Regalado
Frank Sanderson
Karla Teasley
Ralph Terrero
Mary Glennon
Caryn Kowalsky
Catherine Walker

RECEIVED
OCT 18 1993

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor — Carol M. Browner, Secretary

June 15, 1992

CERTIFIED - RETURN RECEIPT

cc: Bert Phillips
Joe Roberts
Karla Olson Teasley
Ralph Terrero
Jerry Wright
Chuck Wood
Robert Regalado
Frank Sanderson
Chris Arcand

Mr. Charles Sweat
Vice President of Operations
SSU Services, Inc.
100 Color Place
Apopka, Florida 32703

Dear Mr. Sweat:

Amelia Island Sewage Treatment Plant
Compliance Evaluation of Ground Water Monitoring
Nassau County - Permit No. DC45-184910

Thank you for the time and consideration shown Mr. Martin during the Compliance Evaluation Inspection conducted March 12, 1992.

The Department has completed its evaluation of ground water monitoring at the referenced facility and, upon the correction of some minor deficiencies, deem the requirements of the permit to be satisfactorily met.

The specific deficiencies revealed by the evaluation are set forth in the enclosed Compliance Inspection Report and restated below with the Department's recommendations and timeframes for corrective action:

Deficiencies:

1) The monitoring results are formatted incorrectly.

2) The initial analysis conducted on August 29, 1991 for monitor well No. MW-1 is missing the following parameters: total organic carbon, total Kjeldahl nitrogen, total phosphorous, ortho phosphorous and all secondary standards.

3) Analytical results for the first quarter of 1992 are overdue.

Corrective Action and Time Frames:

1) All future monitoring results must be submitted on the enclosed DER Form 17-601.900(3). The enclosed ground water monitoring report guidelines should be reviewed for additional requirements.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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2) During the next quarterly sampling event, monitor well No. MW-1 shall be analyzed for the following parameters in addition to those normally required: color, copper, corrosivity, foaming agents (MBAs), iron, manganese, odor, zinc and ortho phosphorous. The analytical results must be submitted within ten (10) days of receipt.

3) Analytical results from the first quarter of 1992 must be submitted by June 30, 1992. Future analyses must be performed and reported at the frequency and within the time frames specified by permit.

Please provide a written response to this office by June 30, addressing each of the previously cited deficiencies. Should you have any immediate question or concern pertaining to this matter, you may contact Robert Martin at (904) 448-4330, extension 384, or myself at extension 310.

Sincerely,

John J. Davis
Environmental Specialist III
Ground Water Section

JJD:RM/jf
Enclosure

cc: Jerry Wright, SSU

Florida Department of Environmental Regulation

COMPLIANCE INSPECTION REPORT
(Ground Water Monitoring)

3-12-92 / 10:00AM
Entry Date and Time

AMELIA ISLAND STP
Facility Name

3145P04522
GMS No.

12:45 / 3-12-92
Exit Date and Time

PHYSICAL: 5390 FIRST COAST HWY
MAILING: P.O. BOX 907, FERNANDINA BEACH FL 32034
Facility Street Address / City / ZIP

NASSAU
County

(904) 261-9452
Telephone Number

cc LEAVE MESSAGE AT 243-1888 OR FAX.
EMERGENCY #: 1-800-432-4501

CHARLES SWEAT
Permittee or Designated Representative

OPERATIONS VICE PRESIDENT
Title

(407) 880-0058 x 171
Telephone Number

SSU SERVICES, INC.
Corporate Name

100 COLOR PLACE, APOPKA, FL 32703
Corporate Street Address / City / State / ZIP

Facility Field Representative(s):	Title:	Telephone Number:
JERRY WRIGHT (NOT PRESENT DURING INSPECTION)	AREA SUPERVISOR	(904) 261-9452
JOSEPH ROBERTS (NOT PRESENT DURING INSPECTION)	NORTH REGIONAL MANAGER	(407) 574-6691
DANNY WHITE	LEAD OPERATOR	(904) 261-9452

Inspection Type: ⋈ CEI [ ] CSI [ ] Other _____ Were photographs taken at facility? [ ] Yes ⋈ No

PERMIT REVIEW

Current permit(s) which include ground water monitoring:
Permit No. DC45-184910 Issue Date: 11-1-90 Modification Date: — Expiration Date: 6-21-95
Permit No. DO45-180686 Issue Date: 6-21-90 Modification Date: — Expiration Date: 6-21-95

When was the first discharge to ground water? ≈1974

Facility classification per 17-28.700(1)(c):
⋈ New [ ] Existing

Does an exemption from secondary drinking water standards apply, pursuant to 17-28.700(8)(a)? [ ] Yes ⋈ No

Is a Zone of Discharge allowed?
⋈ Yes [ ] No

If yes, define it's extent: HORIZONTALLY, 100 FEET BEYOND MARGIN OF ALL SPRAY IRRIGATION SITES AND WASTEWATER PONDS, OR TO PROPERTY BOUNDARY, WHICHEVER COMES FIRST.

Facility Type: ⋈ Domestic [ ] Industrial If industrial, what type of industry: —

Discharge To Ground Water Through:
(1 - UNLINED POND AT STP. 1 - LINED EMERGENCY HOLDING POND AT STP. 2 - LINED + 1 - UNLINED)

- ⋈ Surface impoundment — Total number: 5 No. lined: 3 — Liner Composition: [ ] Clay [ ] Synthetic
- ⋈ Land application — Total area of application: 3 GOLF COURSES — Cover Crop(s): TURF GRASSES
- [ ] Disposal well — Number of wells: ____ — Class: ____ Group: ____
- [ ] Other — Describe: _____

ENFORCEMENT REVIEW

Last Ground Water Related Enforcement:

	[ ] Non-compliance letter		Date of letter: _____
[ ] N/A	[ ] Warning Notice (WN)	Reference No. _____	Date of Notice: _____
	⋈ Consent Order (CO)	Case (OGC) No. 90-0388	Effective Date: 10-12-90
	[ ] Notice of Violation (NOV)	Case (OGC) No. _____	Issuance Date: _____
	[ ] Case Report (CR)	Case (OGC) No. _____	Date to OGC: _____

What were/are the reasons for the enforcement action: THE GROUND WATER MONITORING PLAN REQUIRED IN PERMIT NO. DO45-124913 WAS NEVER IMPLEMENTED.

Have the cited violations been resolved? ⋈ Yes [ ] No If yes, date closed: 11-12-91

Is CETS current for all enforcement action and permit requirements? ⋈ Yes [ ] No CETS Case No.: _____

MONITOR WELL CONSTRUCTION REVIEW (continued)

	11	12	13	14	15	16	17	18	19	20
Monitor well name										
Well type (Bkgd/Int/Cmpl)										
Construction date										
Reported well depth (ft)										
Field verifyed depth (ft)										
Top of casing elevation (ft)										
Water depth (BTOC) (ft)										
Casing material										
Casing diameter (in)										
Monitoring interval (ft)										
Completion report on file										
Location as approved										
Concrete apron										
Protective casing										
Lock present and used										
Casing capped										
General well condition										

BTOC = Below Top of Casing OH = Open Hole Unk = Unknown ND = Not Determined Inc = Incomplete

GMS Testsite IDs:

#11:_____ #12:_____ #13:_____ #14:_____ #15:_____ #16:_____ #17:_____ #18:_____ #19:_____ #20:_____

Approximate Well Locations (as observed in field):

#1: MW-1; 70'SE OF NEAREST SPRAYHEAD AT SUMMER BEACH,
#2: MW-2; 35'S OF PERC POND,
#3: MW-3; 40'S OF SE CORNER OF PERC POND,
#4: MW-4; 25'NW OF NW CORNER OF PERC POND,
#5: MW-5; 72'E OF NEAREST SPRAYHEAD AT PLANTATION,
#6: MW-6; 200'W OF PLANTATION C.L NEAREST BEACH,
#7: " 250'N OF SEA DUNES HOTEL, &
#8: " 500'E OF PLANTATION C.L ON OPPOSITE SIDE OF ROADWAY
#9: MW-7; 55'E OF NEAREST SPRAYHEAD AT LOW POINT,
#10:_____
#11:_____
#12:_____
#13:_____
#14:_____
#15:_____
#16:_____
#17:_____
#18:_____
#19:_____
#20:_____

COMPLIANCE SAMPLING INSPECTIONS (CSI)

What wells or other locations were sampled? NONE

What Parameters Or Parameter Groups Were Selected For Analysis?

[ ] Acid Extractables	[ ] Total Nitrogen (as N)	[ ] Arsenic	[ ] Mercury	[ ] pH
[ ] Base/Neutral Extractables	[ ] Nitrite/Nitrate (as N)	[ ] Barium	[ ] Sodium	[ ] Turbidity
[ ] Fecal Coliform	[ ] Total Kjeldahl Nitrogen	[ ] Cadmium	[ ] Chloride	
[ ] Total Coliform	[ ] Total Phosphorous (as P)	[ ] Chromium	[ ] _____	
[ ] Total Dissolved Solids	[ ] Ortho Phosphorous (as P)	[ ] Lead	[ ] _____	

Samples collected by: [ ] FDER [ ] USEPA [ ] Permittee [ ] Other _____

Was Chain-of-Custody completed? [ ] Yes [ ] No Were samples preserved? [ ] Yes [ ] No

Were field notes made of purge volumes, equipment calibration, field personnel, etc.? [ ] Yes [ ] No

Were split samples accepted by facility? [ ] Yes [ ] No Accepted by:_____

Receipt for samples given facility? [ ] Yes [ ] No Received by:_____

Ground Water Monitoring Report Guidelines

This information sheet has been prepared to help you in completing the attached ground water monitoring report form. Timely credit for your monitoring results will require that the report form be completed in full. A copy of the laboratory analytical report should always be submitted, even when the analytical results have all been transcribed to the reporting form.

1) Your current facility permit requires routine ground water monitoring for the parameters marked below:

Analytical Group		STORET Code	Parameter	Unit of Measure
Field Measurements:	⋈	082545	Water Elevation (above MSL)	feet
	⋈	000403	pH	S.U.
	⋈	000094	Specific Conductance	umhos
	[ ]	000010	Water Temperature	°C
Inorganics:	[ ]	900208	Arsenic	mg/L
	[ ]	900209	Barium	mg/L
	[ ]	900210	Cadmium	mg/L
	[ ]	900211	Chromium (total)	mg/L
	[ ]	900212	Lead	mg/L
	[ ]	900213	Mercury	mg/L
	[ ]	900214	Selenium	mg/L
	[ ]	900215	Silver	mg/L
	⋈	000929	Sodium	mg/L
	[ ]	900219	Iron	mg/L
	[ ]	900221	Zinc	mg/L
	⋈	000945	Sulfate	mg/L
	⋈	000940	Chloride	mg/L
	[ ]	070300	Total Dissolved Solids (TDS)	mg/L
	[ ]	082078	Turbidity	N.T.U.
	[ ]	_____	_____	_____
	[ ]	_____	_____	_____
	[ ]	_____	_____	_____
Nutrients:	⋈	071850	Nitrate (as N)	mg/L
	[ ]	000600	Total Nitrogen (as N)	mg/L
	⋈	000625	Total Kjeldahl Nitrogen (TKN)	mg/L
	⋈	000665	Total Phosphorous (as P)	mg/L
	[ ]	000660	Ortho Phosphorous (as P)	mg/L
	[ ]	_____	_____	_____
	[ ]	_____	_____	_____
Microbiologicals:	⋈	031616	Fecal Coliform	#/100mL
	[ ]	031504	Total Coliform	#/100mL
Radionuclides:	[ ]	001515	Gross Alpha	pCi/L
	[ ]	011503	Radium 226/ Radium 228	pCi/L
Miscellaneous:	⋈	000680	Total Organic Carbon (TOC)	mg/L
	[ ]	_____	_____	_____
	[ ]	_____	_____	_____
	[ ]	_____	_____	_____

2) For organic scans (i.e., EPA Methods 601, 602, 624, 625, etc.), only the specific parameters which exceed the detection limit are to be listed on the reporting form. No STORET code need be given for these organic compounds.

Florida Department of Environmental Regulation
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form # 17-601.900(3)
Form Title Domestic Wastewater Ground Water Monitoring Report
Effective Date July 1, 1991
DER Application No. _____ (Filled in by DER)

Domestic Wastewater Ground Water Monitoring Report

Part I - Instructions

(1) All applicable items must be completed in full. Note that if parts of this application do not apply, those parts of the form need not be executed.

(2) All information is to be typed or printed in ink.

(3) This form shall be submitted to the appropriate District Office in accordance with the schedule in the permit.

(4) Attach a copy of Part III of this form for each well being sampled.

(5) Analyses shall be performed using appropriate methods and shall be capable of achieving minimum detection limits less than the ground water standards.

(6) The following instructions apply to Question (8) in Part III of this form.

(7) Column (a) - Record the parameter that was analyzed. If the DER permit requires that parameters in addition to those listed in Question (6) be analyzed, enter results on the blank lines provided (complete all blanks in the row). If the DER permit specifically excludes any of the listed parameters from your monitoring requirements enter NR in the blank on the line.

(8) Column (b) - Enter the STORET Code associated with the parameter.

(9) Column (c) - Describe the sampling method.

(10) Column (d) - Indicate whether the sample obtained was filtered (Y) or unfiltered (N).

Column (e) - State what preservatives were added to the sample.

Column (f) - Indicate the analytical method used. Record the number from Figure 1 in Chapter 17-601, F.A.C., or from other sources.

(13) Column (g) - Record the results of the analysis. If the result was below the minimum detection limit, indicate by showing a less than sign preceding the detection limit for the analytical method used (i.e. < 0.01).

(14) Column (h) - Enter the units associated with the results of the analysis in Column (f).

(15) Record all results for nitrogen forms as elemental nitrogen. Record all results for phosphorous forms as elemental phosphorous.

Part II - General Information

(1) Facility Name _____

Address _____

City _____ Zip _____

Telephone Number (_____) _____

(2) The facility's DER identification number (also known as the GMS identification number) _____

(3) DER Permit No. _____

(4) Authorized Representative

Name _____

Title _____

Address _____

City _____ State _____ Zip _____

Telephone (_____) _____

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Northeast District
7825 Baymeadows, Suite B200
Jacksonville, Florida 32256-7577

Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Southwest District
4520 Oak Fair Blvd.
Tampa, Florida 33610-7347

South District
2295 Victoria Ave., Suite 364
Fort Myers, Florida 33901-2549

Southeast District
1900 S. Congress Ave., Suite A
West Palm Beach, Florida 33406

(5) Method of Discharge _____

_____

_____

(6) Report Period: ___/___/___ (Beginning Date) To ___/___/___ (End Date)

Part III - Parameter Monitoring Report

(1) Monitoring Well Name: _____

(2) DER Test Site Identification Number: _____

(3) Well Type: ☐ Background ☐ Intermediate ☐ Site Boundary ☐ Compliance ☐ Other, Specify _____

(4) Classification of Ground Water ☐ G-I ☐ G-II ☐ G-III ☐ G-IV

(5) Date Sample obtained ___/___/___

(5) Was the well developed (pumped before sampling in order to obtain a representative water sample)? ☐ Yes ☐ No

Name of laboratory conducting the analysis: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: (_____) _____

(6) Analytical Results:

(a) Parameter	(b) STORET Code	(c) Sampling Method	(d) Sample Filtered (Y/N)	(e) Preservatives Added	(f) Analysis Method	(g) Analysis Result	(h) Units
Water level	082545						ft. MSL
Nitrate	071850						mg/L (as N)
TDS	070300						mg/L
Arsenic	900208						mg/L
Cadmium	900210						mg/L
Chloride	000940						mg/L
Chromium	900211						mg/L
Lead	900212						mg/L
Fecal Coliform	[ ] MF 031616 [ ] MPN 031615						#/100mL
pH	000403						std units
Sulfate	000945						mg/L

Florida Department of Environmental Regulation
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form # 17-601.900(3)
Form Title: Domestic Wastewater Ground Water Monitoring Report
Effective Date: July 1, 1991
DER Application No. _____ (Filled in by DER)

Domestic Wastewater Ground Water Monitoring Report

Part I - Instructions

(1) All applicable items must be completed in full. Note that if parts of this application do not apply, those parts of the form need not be executed.

(2) All information is to be typed or printed in ink.

(3) This form shall be submitted to the appropriate District Office in accordance with the schedule in the permit.

(4) Attach a copy of Part III of this form for each well being sampled.

(5) Analyses shall be performed using appropriate methods and shall be capable of achieving minimum detection limits less than the ground water standards.

(6) The following instructions apply to Question (8) in Part III of this form.

(7) Column (a) - Record the parameter that was analyzed. If the DER permit requires that parameters in addition to those listed in Question (8) be analyzed, enter results on the blank lines provided (complete all blanks in the row). If the DER permit specifically excludes any of the listed parameters from your monitoring requirements enter NR in the blank on the line.

(8) Column (b) - Enter the STORET Code associated with the parameter.

(9) Column (c) - Describe the sampling method.

(10) Column (d) - Indicate whether the sample obtained was filtered (Y) or unfiltered (N).

Column (e) - State what preservatives were added to the sample.

Column (f) - Indicate the analytical method used. Record the number from Figure 1 in Chapter 17-601, F.A.C., or from other sources.

(13) Column (g) - Record the results of the analysis. If the result was below the minimum detection limit, indicate by showing a less than sign preceding the detection limit for the analytical method used (i.e. < 0.01).

(14) Column (h) - Enter the units associated with the results of the analysis in Column (f).

(15) Record all results for nitrogen forms as elemental nitrogen. Record all results for phosphorous forms as elemental phosphorous.

Part II - General Information

(1) Facility Name _____

Address _____

City _____ Zip _____

Telephone Number (_____) _____

(2) The facility's DER identification number (also known as the GMS identification number) _____

(3) DER Permit No. _____

(4) Authorized Representative

Name _____

Title _____

Address _____

City _____ State _____ Zip _____

Telephone (_____) _____

Northwest District
NW Governmental Center
Pensacola, Florida 32501-5794

Northeast District
7825 Baymeadows, Suite B200
Jacksonville, Florida 32256-7577

Central District
3319 Maguire Blvd. Suite 232
Orlando, Florida 32803-3767

Southwest District
4520 Oak Fair Blvd.
Tampa, Florida 33610-7347

South District
2769 Bay S.
Fort Myers, Florida 33901-2844

Southeast District
1900 S. Congress Ave., Suite A
West Palm Beach, Florida 33406

(5) Method of Discharge _____

(6) Report Period: ___/___/___ (Beginning Date) To ___/___/___ (End Date)

Part III - Parameter Monitoring Report

(1) Monitoring Well Name: _____

(2) DER Test Site Identification Number: _____

(3) Well Type: ☐ Background ☐ Intermediate ☐ Site Boundary ☐ Compliance ☐ Other, Specify _____

(4) Classification of Ground Water ☐ G-I ☐ G-II ☐ G-III ☐ G-IV

(5) Date Sample obtained ___/___/___

(6) Was the well developed (pumped before sampling in order to obtain a representative water sample)? ☐ Yes ☐ No

Name of laboratory conducting the analysis: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: (_____) _____

(8) Analytical Results:

(a) Parameter	(b) STORET Code	(c) Sampling Method	(d) Sample Filtered (Y/N)	(e) Preservatives Added	(f) Analysis Method	(g) Analysis Result	(h) Units
Water level	082545						ft. MSL
Nitrate	071850						mg/L (as N)
TDS	070300						mg/L
Arsenic	900208						mg/L
Cadmium	900210						mg/L
Chloride	000940						mg/L
Chromium	900211						mg/L
Lead	900212						mg/L
Fecal Coliform	[ ] MF 031616 [ ]MPN 031615						#/100mL
pH	000403						std units
Sulfate	000945						mg/L

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Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

April 20, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citrus County DW

Received
APR 22 1994
Environmental Services

Mr. Rafael A. Terrero, P.E.
Chief Engineer
Southern States Utilities
1000 Color Place
Apopka, FL 32703

WARNING LETTER No. 94-0031DW09SWD
Subject: Apache Shores STP

Dear Mr. Terrero:

A field inspection conducted on 4/19/93, 6/10/93, and 3/23/94 and a review of the file of the above referenced facility indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel observed the following.

1. A sample of the effluent was taken during the 3/23/94 inspection and analyzed at the Department's laboratory. The result was 355 mg/L for TSS which exceeds the permitted maximum limitation of 60 mg/L.

2. A sample of the effluent was taken during the 4/19/93 inspection and analyzed at the Department's laboratory. The results were 2483 mg/L for TSS, and 271 mg/L for $CBOD_5$.

3. A review of the file show no record of the Capacity Analysis Report. The three month average daily flow reported on the Monthly Operating Reports exceeded 50 percent of the 0.017 MGD permitted capacity on the months below in 1993 and 1994 to date.

C: MARY GLENNON
SANDY JOINER
CARLYN KOWALSKY
JOE MACK
FRANK SAUDERSON
KARLA O. TEASLEY
RALPH TERRERO
BILL WILLIAMS
BOB WILLIAMS
CHUCK WOOD

Month	Three Month Average
February 1994	0.011 MGD
January 1994	0.010 MGD
April 1993	0.009 MGD
March 1993	0.009 MGD
February 1993	0.010 MGD
January 1993	0.010 MGD

4. The file shows the previous sludge analysis was performed on 2/4/93.

5. The Department has no record of flow calibration.

6. A review of the operator's calibration records indicated that the pH meter and colorimeter for chlorine residual measurements were last calibrated on 12/20/93.

7. A review of the on-site operator log indicated that on 11/26/93 the blower was tripping out, and on 12/10/93 the blower was not working. The Department was not notified of these abnormal events.

8. An excessive amount of wet and dried sludge was observed on the bottom of the percolation pond, which indicated frequent plant upsets. The Department was not notified of these plant upsets.

9. The effluent distribution system for the percolation was predominantly plugged with solids. The threaded plugs at the ends of the distribution pipe were removed to allow the effluent to flow into the pond.

It is a violation of Rule 17-600.740(1)(b)1.d., Florida Administrative Code (F.A.C.), to exceed 60 mg/L of $CBOD_5$, and TSS on any one sample of effluent.

It is a violation of Rule 17-600.405(3), F.A.C., to fail to submit to the Department a capacity analysis report when the most recent three-month average daily flow exceed 50 percent of the permitted capacity of the treatment plant.

It is a violation of Rule 17-640.700(1), F.A.C., to fail to perform domestic wastewater residuals analysis every 12 months for a Type III facility.

It is a violation of Rule 17-601.200(17)(b), F.A.C., to fail to calibrate a flow metering device at least annually.

It is a violation of Rule 17-601.400, F.A.C., to fail to use approved test procedures and established quality control procedures for field testing and laboratory testing.

It is a violation of Rule 17-600.750(1), F.A.C., to fail to notify the department within 24 hours of events which result in the violation of any condition of a permit.

It is a violation of Rule 17-600.410(a), F.A.C., to fail to maintain facilities and equipment in a condition which enable the intended function.

Also, a facility that causes or allows the disposal of pollutant materials onto the ground may be in violation of Sections 376.302, and 403.088, Florida Statutes, and Rule 17-3.404, Florida Administrative Code, if the disposal results in a discharge to groundwater.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is the Department's policy to seek civil penalties for the above described violations in the amount of $11,246.00.

YOU ARE REQUESTED TO CONTACT Mr. Norman C. Hill, Environmental Specialist at (813) 744-6100, Extension 308 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made

by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Richard D. Garrity,Ph.D.
Director of District Management
Southwest District

cc: Dawn Shaw, Citrus County PHU

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET N.E.
ATLANTA, GEORGIA 30365

AUG 8 1994

CERTIFIED MAIL P 014861810
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles M. Sweat
Vice President of Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Received
AUG 11 1994
Environmental Services

RE: Beacon Hills WWTP
NPDES Permit No. FL0026778
Administrative Order No. 94-071

Dear Mr. Sweat:

Pursuant to Section 309(a) of the Clean Water Act (the Act), as amended, 33 U.S.C. §1319 (a), the Director, Water Management Division, Region IV, United States Environmental Protection Agency (EPA), has determined that the above named facility is in violation of Section 301 of the Act, 33 U.S.C. §1311. As a result, the Director has issued the enclosed Section 309(a) Order.

This Order is issued to enforce existing requirements under the Act and, therefore, does not replace, modify, or eliminate any other requirement of the Act. Notwithstanding the issuance of this Section 309(a) Order, EPA retains the right to bring further enforcement action under Sections 309(d) or 309(g) of the Act, 33 U.S.C. §1319(d) or §1319(g) respectively, for the violations cited in this Order and for any other violation of the Act. Violations of the Act, including requirements contained in a National Pollutant Discharge Elimination System (NPDES) permit or a Section 309(a) Order, remain subject to a civil penalty of up to $25,000 per day for each violation, pursuant to Section 309(d) of the Act, 33 U.S.C. §1319(d).

Under Executive Order 11738 and EPA regulations issued thereunder (40 Code of Federal Regulations, Part 15), facilities to be utilized in contracts, grants, or loans must be in full compliance with all standards established pursuant to the Clean Water Act and the Clean Air Act. A violation of this Administrative Order may result in the subject facility becoming ineligible for participation in any work associated with a federal contract, grant, or loan.

Should you have any questions concerning the enclosed Order, please contact Ms. Emily Price at (404)347-7428, ext. 2039.

Sincerely yours,

James H. Scarbrough

James H. Scarbrough, P.E., Chief
Water Permits and Enforcement Branch
Water Management Division

Enclosure

cc: Florida Department of Environmental Protection,
Northeast District

cc: Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Mary Glennon
Catherine Walker
Chuck Wood
Dennis Westrick
Robert Regalado
Ray Gagnon
Joe Roberts
Gene Manning
Glen Whitcomb

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

IN THE MATTER OF	)	
	)	
Southern States Utilities	)	ADMINISTRATIVE ORDER
1000 Color Place	)	NO. 94-071
Apopka, Florida	)	
NPDES PERMIT NO. FL0026778	)	

ORDER PURSUANT TO SECTION 309(a)
CLEAN WATER ACT

Pursuant to the authority of Section 309(a) of the Clean Water Act (hereinafter, the Act), 33 U.S.C. §1319(a), which has been delegated to the Regional Administrator of the Environmental Protection Agency (EPA), Region IV, and redelegated to the Director, Water Management Division, Region IV, I hereby make the following findings of fact and violation and hereby order:

FINDINGS OF FACT

1. Southern States Utilities (hereinafter, the Respondent) is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. §1562.

2. The Respondent operates a wastewater treatment facility (hereinafter, the Facility), located at Beacon Hills WWTP, 4680 Fulton Drive, Jacksonville, Duval County, Florida which discharges "pollutants" into the St. Johns River, "navigable waters" of the United States; these terms are defined in Section

502 of the Act, 33 U.S.C. §1562.

3. Section 301(a) of the Act, 33 U.S.C. §1311(a), prohibits the discharge of pollutants into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System (hereinafter, NPDES) permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342.

4. The EPA issued NPDES Permit No. FL0026778 (hereinafter, the Permit), effective on September 1, 1990, with an expiration date of July 31, 1995, authorizing the above discharge from the Facility.

5. The Permit includes whole effluent toxicity limits and requires the Respondent to conduct toxicity tests to determine compliance with those limitations.

6. Toxicity tests conducted on November 11, 1993, December 1, 1993 and May 5, 1993 revealed the effluent to be toxic to Menidia beryllina and Mysidopsis bahia.

VIOLATION

The Respondent has violated Section 301(a) of the Act, 33 U.S.C. §1311(a), and the Permit, issued pursuant to Section 402 of the Act, 33 U.S.C. §1342, in that the Respondent failed to comply with the whole effluent toxicity limits of the Permit.

ORDER

Based upon the foregoing findings of fact and violation, and pursuant to the provisions of Section 309(a)(5) of the Act, as amended, 33 U.S.C. §1319(a)(5), it is hereby ordered that:

1. Respondent shall initiate a series of whole effluent toxicity tests beginning in September 1994. One test shall be conducted every month, for a period not to exceed one year, using Menidia beryllina and Mysidopsis bahia. Tests shall be conducted in accordance with Part IV, Whole Effluent Toxicity Testing Program, of the Permit. The results of each test shall be submitted to the addressees below within forty five (45) days of test completion.

2. If, at any time during the accelerated testing period, the effluent from the facility is determined by EPA to be in violation of whole effluent toxicity limits, the Respondent shall conduct a Toxicity Reduction Evaluation (TRE). Within thirty (30) days of notification by EPA, the Respondent shall submit a TRE plan. This TRE plan shall be consistent with the procedures and protocols in "Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (TREs)" (EPA/600/2-88/070). The TRE plan shall include a schedule of activities necessary to attain compliance with whole effluent toxicity limits.

3. Ninety (90) days after submittal of the TRE plan and schedule required above, and each 90 days thereafter until the compliance date, the Respondent shall submit a report on progress made toward attainment of compliance.

4. Respondent shall continue toxicity testing as required by the Permit for the duration of this Order; i.e., performing additional testing in the event of a "routine" test failure. However, if the Respondent is required to initiate a TRE, no additional testing will be required for any "routine" test failure which occurs while the TRE is underway.

5. The TRE shall be completed and compliance with whole effluent toxicity limits attained not later than March 31, 1997.

6. To ensure compliance with toxicity limits after the completion of the TRE, the Respondent shall conduct a series of six MULTI-CONCENTRATION tests, using M. beryllina and M. bahia, to be performed on a monthly basis. The tests shall be conducted as required by the Permit and shall consist of a control and the following dilutions of the Receiving Water Concentration (RWC=100%): 6.25%, 12.5%, 25%, 50%, and 100%.

7. Information required to be submitted by this Order shall be sent by registered mail, or its equivalent, to the following addressees:

James H. Scarbrough, P.E., Chief
Water Permits and Enforcement Branch
Water Management Division
U.S. EPA, Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365
ATTN: Florida/North Carolina Unit

Mr. Ernest E. Frey
Deputy Assistant Secretary
Florida Department of Environmental
Protection, Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7577

8. Failure to comply with the requirements of this Order shall constitute a violation of this Order and may subject the Respondent to penalties as provided in Section 309 of the Act, 33 U.S.C. §1319.

9. This Order does not operate as an NPDES permit and does not replace, modify, or eliminate any requirement of the Act. Nothing contained herein shall be construed as prohibiting prosecution for the violations cited in this Order, for violations of the Order itself, for violations of the Permit, or for any other violations of the Act.

This Order is effective upon receipt.

AUG 8 1994
Date

for James H Scarbrough
Robert F. McGhee, Acting Director
Water Management Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUL 28 1994

CERTIFIED MAIL P014861800
RETURN RECEIPT REQUESTED

REF: 4WP-WPEB

Mr. Charles M. Sweat
Vice President of Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Received
AUG 1 1994
Environmental Services

RE: Request for Information
Beacon Hills WWTP NPDES Permit No. FL0026778
Woodmere WWTP NPDES Permit No. FL0026786

Dear Mr. Sweat:

We have received reports from you indicating discharges from the sewage collection systems of the above mentioned wastewater treatment facilities, which may be in violation of the Clean Water Act (the Act).

In order for this agency to fulfill its responsibilities under the Act, the following information is required to be submitted within thirty (30) days of receipt of this letter:

1) Please submit the following information about the discharges/overflows listed below:

BEACON HILL WWTP	WOODMERE WWTP
May 4, 1993	March 31, 1992
May 16, 1993	July 6, 1993
August 18, 1993	August 20, 1993
February 26, 1994	
approx. May 10, 1994	

a) the cause of the discharge;
b) duration and volume (estimate if unknown);
c) description of the source, e.g., manhole cover, pump station;
d) type of collection system that overflowed, i.e., combined or separate;
e) location by street address, or any other appropriate method;
f) date of event;
g) the ultimate destination of the flow, e.g., surface waterbody, land use location, via municipal separate storm sewer system to a surface waterbody (show location on a USGS map or copy thereof);

h) corrective actions or plans to eliminate future discharges; and
i) sampling results of discharge (if any)

2) If there have been any other discharges since January 1990, which are not included in the list, please submit the same information requested above for each discharge event.

3) Please provide copies of any correspondence with any state or local regulatory agencies regarding the above discharges. Also, provide EPA with any information regarding penalties or enforcement actions taken by state or local agencies regarding the discharges.

These requirements are imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply by you, or your company with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

If you or your company believe that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim are found in Enclosure A.

Please direct your response to this inquiry to Ms. Emily Price in the Florida/North Carolina Unit, Enforcement Section, Water Permits and Enforcement Branch, using the above address. If you have any questions, you may contact Ms. Price at (404) 347-7428, ext. 2039.

Sincerely yours,

for James H. Scarbrough

Robert F. McGhee, Acting Director
Water Management Division

Enclosure

cc: Florida Department of Environmental Protection, Northeast District

cc: Bert Phillips
Karla Teasley
Charlyn Kowalsky
Catherine Walker
Mary Glennon
Joe Roberts
Ray Gagnon
Gene Manning
Glen Whitcomb
Chuck Wood
Dennis Westlock
Robert Regalbuto

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

CONSOLIDATED CITY OF JACKSONVILLE
STATE OF FLORIDA

REGULATORY & ENVIRONMENTAL SERVICES DEPARTMENT

WATER QUALITY DIVISION

TowneCentre - Suite 412
Jacksonville, Florida 32202

421 West Church Street
Telephone: 630-3666

NOTICE OF NON-COMPLIANCE

ISSUED TO:

Person/Facility Name

Date JUNE 14, 1994

S. Seeman / ENGINEERING TECH II
Name/Title RESD Representative

PLEASE TAKE NOTICE that the above referenced Wastewater Facility (WWF) was previously issued a Notice to Correct (NTC) and is currently in non-compliance for the items indicated below. This notice is being forwarded to you so that you will be aware of the status of your WWF facility and can take appropriate action. This notice does not initiate enforcement action nor does it negate an existing enforcement action nor does it preclude future enforcement action.

SAMPLE DATE JUNE 2, 1994

___ Five day Biochemical oxygen demand (BOD_5)	___ Monthly operating reports
___ Total suspended solids (TSS)	___ Monitoring with required frequency
___ Total Kjeldahl nitrogen (TKN)	___ Ultimate oxygen demand
___ Nitrate (NO_3)	___ Expired operating permit
___ Ammonia Nitrogen (NH_3)	___ Certified operator attendance
✓ Fecal Coliform = 3,000/100 ml	___ Dechlorination
___ Access	___ _____
___ _____	___ _____
___ _____	___ _____
___ _____	___ _____
___ _____	___ _____

Received
JUN 17 1994
Environmental Services

PS-3836

File Beacon Hill Mel Fisher / Gene Manning

HRS Duval County Public Health Unit
515 West Sixth Street
Jacksonville, Florida 32206

STATE OF FLORIDA
DEPARTMENT OF HEALTH AND
REHABILITATIVE SERVICES
District Four

LAWTON CHILES, GOVERNOR

ED AUSTIN, MAYOR

May 31, ~~1993~~ 94

CERTIFIED RETURN RECEIPT #p411733713

Southern States Utility
C/O Gene Manning
3303-12 Monument Road,
Jacksonville, Fl 32223

NOTICE OF NON-COMPLIANCE
RE: BEACON HILLS W. T. P.
11478 SWEET CHERRY LANE

Dear Mr. Manning:

On May 26, 1994 and inspection was conducted at the Beacon Hill Water Treatment Plant. The following deficiencies with the Florida Administrative Code (F.A.C.), were noted.

17-555.350 (1) Failure to maintain the required chlorine residual of 0.2 mg/l.

17-555.350 Failure to maintain facilities: The concrete ground storage tank has weeds growing on the top surface; there are multiple cracks seeping water at sides; the steel ground storage tank contains vermin inside the aeration housing. There is a leaking valve at the # 2 high service pump, and the # 1 well pump has a blocked drain line.

17-555.315 (f) Failure to provide a down opening smooth nose raw sampling tap at the # 2 well.

17-555.315.5 Failure to provide a 6' X 6' concrete apron at the # 2 well.

A written response, within 15 days from receipt of this letter shall be submitted to the Department. The response should include a proposal of realistic completion dates for the referenced deficiencies.

You should direct any questions concerning this letter to the undersigned of the Environmental Health/Engineering Division at 630-3272.

Sincerely,

Ron Roy,
Environmental Specialist I

ENVIRONMENTAL HEALTH/ENGINEERING DIVISION

Received
JUN 10 1994
Environmental Services

RR/JES/blb

cc: Joe Roberts
Ralph Terrero
Karla Teasley
Carlyn Kowalsky
Chuck Wood
Robert Regalado

Thomas R. Hamilton, P. E., Supervisor II
Chris C. Carter, Environmental Specialist III
James E. Salzer, Environmental Supervisor I

Florida Department of
Environmental Protection

HRS, Duval County Public Health Unit
Environmental Engineering Section
515 W. Sixth Street
Jacksonville, Florida 32206

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

PUBLIC WATER PLANT INSPECTION REPORT

Type: Compliance [✓] Follow-Up [ ] Complaint [ ] Inspt Date 5/26/94
Name of System BEACON HILLS Id No 2160064
System Owner Southern STATE UTILITY Phone No
Address 3303 MONUMENT RD. Zip 32225
Operator DONNIE Holcomb Cert level & No

Community [✓] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS
Selections marked with an X are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

X	Aeration	555.350	VERMIN IN AERATOR
	Auxiliary Power	555.320(6)	
	Bacteriological Monitoring	550.518	
	Bacteriological Well Clearance	555.315(3)c	
	Certified Operator	555.350(2)	
	Check Valve	555.330	
	Chemical Monitoring	550.510-521	
	Cross-Connection	555.360	
	Disinfection	555.350(1)	
	Plant 1.0 mg/l Remote 0.0 mg/l		LACKS RESIDUAL - DRAKE & BENNET ST
	DPD Chlorine Test Kit	555.330	
	Flow Meter	555.320(8)	
	Gas Chlorination	555.320(5)	
X	Maintenance of Facilities	555.350	GST LEAKING
	Monthly Operational Reports	550.730(1)d	
	Number of Wells	555.315(1)	
	On Site Logs	555.350(4)	
	Plant Design	555.330	
X	Raw Sample Tap	555.315(2)f	2nd WELL NEEDS DOWN OPENING TAP
X	6'x6'x4" Concrete Well Apron	555.315(2)(b)5	APRON IS NOT PROPER SIZE
	System Pressure	555.320(7)	
	Well Set Backs	555.312	

Comments: Deficiencies denoted by * will have to be corrected if at any time that aspect of the system is altered.
GROUND STORAGE TANK HAS SEVERAL AREAS LEAKING, CLEAN DRAIN LINE ON #1 WELL PUMP

It is required that a written response be provided to this office within 10 days regarding any unsatisfactory results listed above.

Inspector Ron Roy Date 5/26/94

WHITE - Owner's Copy
BLUE - Office File Copy
PINK - Operator's Copy
GREEN - Inspector's Copy

Environmental Engineering 630-3272
FAX 630-3285

FILE
1) VIOLATIONS NOTEBOOK
2) BEACON HILLS

7353
I/U
FEC

CONSOLIDATED CITY OF JACKSONVILLE
STATE OF FLORIDA
BIO-ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
WATER RESOURCES DIVISION

RECEIVED
FEB 16 '94

TownCentre - Suite 412
Jacksonville, Florida 32202

421 West Church Street
Telephone: 630-3666

NOTICE TO CORRECT SOURCE OF POLLUTION/VIOLATION

TO: RAFAEL A. HERRERO / BEACON HILLS
100 COLOR PLACE
APOPKA FLORIDA 32703

This Notice Is To Inform You That On Or About The 1 of DECEMBER, 1993

An Inspection Was Made By This Department And A Violation of

ENVIRONMENTAL PROTECTION BOARD RULE 3.401 WASTEWATER FACILITY

OF CHAPTER 360.108 CITY ORDINANCE CODE

Was Found to be in Existence At BEACON HILLS WASTEWATER FACILITY For The Following Reason(s)

RECENT FILE REVIEW REVEALED ON THE DECEMBER 1993 MONTHLY OPERATING REPORT (DOR) FECAL COLIFORM (FEC) = 900/100 ml IN VIOLATION OF THE ONE TIME GRAB MAXIMUM OF 800/100 ml FOR THIS FACILITY

You Are Hereby Notified To Correct This Violation No Later Than The 28 day of FEBRUARY, 19 94. Legal Action May Be Instituted Against You For Failure To Comply.

Correction of This Source Of Pollution/Violation And Compliance With the Terms of This Notice Does Not Relieve You Of Any Liability To Civil Or Criminal Actions That May Accrue Or Have Accrued Against You For The Alleged Acts Sought To Be Corrected By This Notice.

☐ Respond In Writing On or Before _____ As To The Cause Of The Violation And Corrective Action Taken.

☒ No Written Response Required.

FOR THE CITY OF JACKSONVILLE, FLORIDA
BIO-ENVIRONMENTAL SERVICES

Received _____ By: _____
(Date)

STEPHEN R. SALOMON
Name

_____
(Print Name)

ENGINEERING TECH II
Title

_____
Signature

FEBRUARY 14, 1994
Date

FILE

VIOLATIONS NOTEBOOK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

cc: BERT PHILLIPS
CARL TEASLEY
CHARLYN KOWALSKY
RALPH TERRERO
JOE ROBERTS
GENE MANNING
FRANK SANDERSON
MARY GLENNON
CHUCK WOOD
ROBERT REGALADO
CATHERINE WALKER

FEB 11 1994

CERTIFIED MAIL P124 046 397
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles L. Sweat, Vice President
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Notice of Violation
Beacon Hills WWTP
NPDES Permit No. FL0026778

Dear Mr. Sweat:

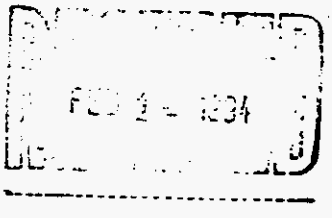
This is to advise you that your facility is in violation of the above referenced National Pollutant Discharge Elimination System (NPDES) permit as follows:

The whole effluent toxicity permit limitations were exceeded for Mysidopsis bahia and Menidia beryllina during November and December 1993.

Also, the contract laboratory performing the analyses must denote in the "LAB DECHLORINATION" section of the toxicity report the total amount of sodium thiosulfate added to the sample when they are dechlorinating. The laboratory must also run a control sample to which sodium thiosulfate has been added, to insure that toxicity is not caused by the added chemicals.

You are required to notify this Agency within fifteen (15) days of receipt of this letter of the causes of the violations and actions you have taken or will take to ensure that future violations of the Clean Water Act will not occur.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.



If you have specific questions as to the requirements of your permit, please contact Ms. Emily Price at (404) 347-7428.

Sincerely yours,

Mr. Michael Hom, Chief
North Carolina/Florida Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Protection,
Northeast District Office

REGULATORY AND ENVIRONMENTAL SERVICES DEPARTMENT
AIR/WATER QUALITY DIVISION

FILE
1) INSP NOTEBOOK
2) BEACON HILLS

WARNING NOTICE

ISSUED TO:

RAFAEL A. TERRAZA VARGAS INC

PERSON/COMPANY NAME RECEIVING NTC(S)

11/2/93

DATE ISSUED

PLEASE TAKE NOTICE that you have been served with a Notice to Correct Source of Pollution/Violation (NTC) instead of a ticket which would have required the payment of a $50 fine. This information will be retained on file by the Regulatory and Environmental Services Department (RESD). If violation(s) of any of the 41 rules listed below occur in the future, you will be issued a ticket for each violation.

S. GRAMZA ENVIRONMENTAL TECH. I

NAME/TITLE - RESD REPRESENTATIVE

360.701 Environmental Protection Board ticketing authority-minor violations-penalties. Notwithstanding the enforcement provisions of Part 4, the Board, by and through its staff the Regulatory and Environmental Services Department is authorized to issue citations or tickets for minor violations of ordinances and Board rules as follows:

(a) For purposes of this part, a minor violation shall be one of the following offenses:

1. Open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad crossties, other creosoted lumber, plastics, garbage, trash, yard trash, household paper products and waste pesticide containers in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
2. Open burning within 1000 feet of an active runway at a Florida Department of Transportation approved public airport, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
3. Open burning of land clearing debris, as defined by the Board's rules, within minimum setback distances for occupied buildings, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
4. Open burning of land clearing debris, as defined by the Board's rules, within 100 feet of any public highway or road, or prevailing winds direct smoke toward public highway or road, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
5. Open burning of land clearing debris, as defined by the Board's rules, prior to 9:00 a.m. or after one hour before sunset, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
6. Open burning of land clearing debris, as defined by the Board's rules, without attendant present, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
7. Open burning of land clearing debris, as defined by the Board's rules, causing excessive visible emissions equal to or greater than 40 percent opacity, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
8. Operation of an air curtain incinerator, as defined by the Board's rules, with pit width greater than twelve feet, or without maintaining vertical sidewalls, in violation of the Board's rules with respect to air pollution control (EPB Rule 2, Part V).
9. Operation of air curtain incinerator, as defined by the Board's rules, with waste materials to be burned positioned above the level of the air curtain in the incinerator pit, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
10. Operation of an air curtain incinerator, as defined BY THE Board's rules, causing excessive visible emissions equal to or greater than 40 percent opacity, except for a period of 30 minutes during startups, shutdowns, or temporary malfunctions, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part V).
11. Open burning conducted without the permission of the Fire Marshal, in violation of 8.447.106(a) *Ordinance Code*.
12. Failure to conduct required air pollution emissions compliance test, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part X).
13. Conducting a required air pollution emissions compliance test without proper prior notification, in violation of the Board's rules with respect to air pollution control (EPB Rule 2, Part X).
14. Submittal of required air pollution emission compliance test report later than 45 days following completion of the final sampling run of the test in violation of the Board's rules with respect to air pollution control. (EPB Rule 2, Part X).
15. Loading of gasoline at a bulk gasoline plant or terminal into a petroleum tank truck or trailer not displaying a currently valid Florida Department of Environmental Regulation (FDER) pressure/vacuum test certification sticker, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2.401).
16. Loading of gasoline at a bulk gasoline terminal into a petroleum tank truck or trailer without all loading and vapor lines being equipped with fittings that are vapor tight, and with displaced vapors and gases vented only to the vapor control system in violation of the Board's rules with respect to air pollution control. (EPB Rule 2.401).
17. Transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline service station equipped with Stage I vapor control hardware, without connecting all vapor and gas lines to the Stage I vapor control system, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2.401).
18. Failure to install and maintain Stage I vapor control equipment at a gasoline service station requiring Stage I control equipment, in violation of the Board's rules with respect to air pollution control. (EPB Rule 2.401).
19. Failure to apply for a renewal of a Department permit at least 90 days prior to a permit expiration, in violation of the Board's rules with respect to air and water pollution control. (EPB Rule 3.301).
20. Sewage treatment plant equipment out of service (for period less than 7 days; due to mechanical/electrical failure, in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.401 and/or 3.103(c)).
21. Failure to notify Department of sewage treatment plant equipment breakdown, in violation of the Board's rules with respect to water pollution control (EPB Rule 3.40 and/or 103(d)).
22. Failure to provide disinfection, for sewage treatment plants, in violation of the Board's rules with respect to water pollution control (EPB Rule 3.401).
23. Failure to maintain an onsite log, at sewage treatment plants, in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.401).
24. Failure to provide safe, dry access for inspection/sample, in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.404).
25. For up to 6 months, failure to submit accurate timely monthly operating reports in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.404).
26. For up to 90 days, failure to provide certified operator attendance as required in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.402).
27. Failure to monitor with required frequency (flow, pH, chlorine, biochemical oxygen demand (BOD), total suspended solids, nutrients), in violation of the Board's rules with respect to water pollution control. (EPB Rule 3.404).
28. Sound emitted to Land Classes A, B, or C from radio, stereo, television, public address systems, amplifiers, live entertainment, swimming pool pumps, sewage treatment plants, home use electric generators, as defined by Board rules (Broad band frequency or octave band frequency), in violation of the Board rules with respect to noise pollution control. (EPB Rule 4.202-4.207).
29. Allowing or performing construction between 10:00 p.m. and 7:00 a.m., excluding generators, mudhogs, and well point pumps, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.208(a)).
30. Permitting the operation of or operating generators, mudhogs, and well point pumps in violation of Board rules with respect to noise pollution control. (EPB Rule 4.208(a)&208(d)).
31. Exhaust systems on construction equipment, not installed, not properly installed, or not in good repair, in violation of the Board rules with respect to noise pollution control. (EPB Rule 4.208(a)).
32. Intentionally operating or permitting the operation of any fire alarm, burglar alarm, civil defense alarm, siren, whistle, or similar stationary signaling device in violation of the Board rules with respect to noise pollution control. (EPB Rule 4.209(a)).
33. Use of any sound amplifying system (broadcasting/PA system) attached to a vehicle in Class A or Class B land, as defined by the Board's rules, in violation of the Board's rules with respect to noise poollution control. (EPB Rule 4.209(c)).
34. Operating a powered mode vehicle within 100 meters of Class A or Class B land, as defined by the Board's rules, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.209(e)).
35. Operating or testing any motorized unit Class A or Class B land, as defined by the Board's rules, between 9:00 p.m. and 7:00 a.m., in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.209(f)).
36. Trash or refuse service, i.e. dumpster, between 10:00 p.m. and 7:00 a.m. within 300 meters of Class A or Class B land, as defined by the Board's rules, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.209(g)).
37. HVAC units exceeding stated sound levels to Class A or Class B land, as defined by the Board's rules, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.212).
38. Sound exceeding set dBA levels produced by work on motor vehicles in Class A or Class B lands, as defined by the Board's rules, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.213).
39. Improper exhaust systems on motor vehicles, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.301(a)).
40. Refrigerated trucks near a Class A or Class B land, as defined by the Board's rules, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.301(d)).
41. Excessive use of horns and other warning devices, in violation of the Board's rules with respect to noise pollution control. (EPB Rule 4.306).

FILE

N.O.V. NOTEBOOK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

RECEIVED
ENV. SERVICES
3/26/93

MAR 2 3 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Notice of Violation
Beacon Hill WWTP
NPDES Permit No. FL0026778

Dear Mr. Fisher:

This is to advise you that your facility is in violation of the above referenced NPDES permit as follows:

The Daily Maximum permit limit for Fecal Coliform (FC) was exceeded during October 1992.

You are required to notify this Agency within fifteen (15) days of receipt of this letter of the causes of the violations and actions you have taken or will take to ensure that future violations of the Clean Water Act will not occur.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

cc: BERT PHILLIPS
KARLA TEASLEY
RALPH TERRERO
JOE ROBERTS (FAXED)
GENE MANNING
CHUCK WOOD
ROBERT REGALADO
FRANK SANDERSON
CATHERINE WALKER
MARY GLENNON

Printed on Recycled Paper

If you have specific questions as to the requirements of your permit, please contact Ms. Emily Price at (404) 347-7428.

Sincerely yours,

Michael Hom, Chief
Florida/North Carolina Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: FDER Northeast District

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET N.E.
ATLANTA, GEORGIA 30365

FEB 05 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

cc: Joe Roberts
Gene Mannion (FDER)
Frank Sanderson
Chuck West
Robert Regalado
Ralph Terrell
Karla Teasley
Mary Glenn

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President of Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Notice of Violation
Beacon Hills WWTP
NPDES Permit No. FL0026778

Dear Mr. Sweat:

This is to advise you that your facility is in violation of the above referenced NPDES permit as follows:

Failure to submit semi-annual Toxicity Report, which was due January 28, 1993.

You are required to notify this Agency within fifteen (15) days of receipt of this letter of the causes of the violations and actions you have taken or will take to ensure that future violations of the Clean Water Act will not occur.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

If you have specific questions as to the requirements of your permit, please contact Ms. Emily Price at (404) 347-7428.

Sincerely yours,

Michael Hom

Michael Hom, Chief
Florida/North Carolina Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Regulation, Northeast

RECEIVED
FEB 8 - 1993

c: R. A. Terrero / R. Regalado
Joe Roberts / Mel Fisher

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 29 1992

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President of Operations
Southern States Utility Co.
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
NPDES Permit No. FL0026778 Beacon Hill WWTP
NPDES Permit No. FL0026786 Woodmere WWTP

Dear Mr. Sweat:

This is to advise you that the above mentioned facilities are is in violation of their NPDES Permits as follows:

Failure to report sludge production volume and sludge disposal practice information within 30 days of the effective date of the permit.

Failure to submit a sludge report containing the quantitative data for the 125 priority pollutants within 1 year of the effective date of the permit.

Please notify this agency within ten (10) days of the receipt of this letter of the action you have taken or are taking to correct the above violation(s).

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to the Clean Water Act, 33 U.S.C. Section 1319.

If you have specific questions as to the requirements of your permit please contact me at (404)347-7428.

Sincerely yours,

Emily G. Price

Emily G. Price, Enforcement Officer
FL/NC Unit, Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Regulation,
Northeast District

cc: Joe Roberts (Fax) Frank Sandersel
Gene Manning (Fax) Karla Teasley
Chuck [illegible] Ralph Terrero

Printed on Recycled Paper

0151

CONSOLIDATED CITY OF JACKSONVILLE
STATE OF FLORIDA
BIO-ENVIRONMENTAL SERVICES DIVISION
AIR, WATER, NOISE POLLUTION CONTROL, WATER CONSERVATION AND HAZARDOUS MATERIALS

TownCentre - Suite 412
Jacksonville, Florida 32202

421 West Church Street
Telephone: 630-3666

NOTICE TO CORRECT SOURCE OF POLLUTION/VIOLATION

TO: Cutler States Utilities
716 Edgewood Ave.
Jacksonville FL.

This Notice Is To Inform You That On Or About The 18 of Sept, 19 92

An Inspection Was Made By This Department And A Violation of

Chapter 3 Section 103
(a) (1) (a) (i) (ii)

OF Chapter 3 CITY ORDINANCE CODE

Was Found to be in Existence At Ba Harbor Dr. For The Following Reason(s)

Overall Sewer main for repairs
impact of IT Intic To Sewer
infiltration causing no sewage to overflow

You Are Hereby Notified To Correct This Violation No Later Than The 18th day of Sept, 19 92. Legal Action May Be Instituted Against You For Failure To Comply.

Correction of This Source Of Pollution/Violation And Compliance With the Terms of This Notice Does Not Relieve You Of Any Liability To Civil Or Criminal Actions That May Accrue Or Have Accrued Against You For The Alleged Acts Sought To Be Corrected By This Notice.

☑ Respond In Writing On or Before 9-25-92 As To The Cause Of The Violation And Corrective Action Taken.

☐ No Written Response Required.

Received _____ By: _____
(Date)

_____
(Print Name)

_____
Signature

FOR THE CITY OF JACKSONVILLE, FLORIDA - BIO-ENVIRONMENTAL SERVICES DIVISION. AIR, WATER, NOISE POLLUTION CONTROL, WATER CONSERVATION AND HAZARDOUS MATERIALS

Name

Title

9-18-92
Date

PSR-0296

0152

CONSOLIDATED CITY OF JACKSONVILLE
STATE OF FLORIDA
BIO-ENVIRONMENTAL SERVICES DIVISION
AIR, WATER, NOISE POLLUTION CONTROL, WATER CONSERVATION AND HAZARDOUS MATERIALS

TownCentre - Suite 412
Jacksonville, Florida 32202

421 West Church Street
Telephone: 630-3666

NOTICE TO CORRECT SOURCE OF POLLUTION/VIOLATION

TO: So. Fla. Fuels Utilities
[illegible] (of F.L.
Jacksonville, Fl.

This Notice Is To Inform You That On Or About The 12 of Sept. , 19 92

An Inspection Was Made By This Department And A Violation of

F. A. C. 17-2

OF [illegible] 3 CITY ORDINANCE CODE

Was Found to be in Existence At [illegible] For The Following Reason(s)

[illegible] observed

You Are Hereby Notified To Correct This Violation No Later Than The 25th day of Sept. , 19 92. Legal Action May Be Instituted Against You For Failure To

Correction of This Source Of Pollution/Violation And Compliance With the Terms of This Notice Does Not Relieve You Of Any Liability To Civil Or Criminal Actions That May Accrue Or Have Accrued Against You For The Alleged Acts Sought To Be Corrected By This Notice.

☐ Respond In Writing On or Before 9-25-92 As To The Cause Of The Violation And Corrective Action Taken.

☐ No Written Response Required.

Received _____ By: _____
(Date)

_____
(Print Name)

_____
Signature

FOR THE CITY OF JACKSONVILLE, FLORIDA - BIO-ENVIRONMENTAL SERVICES DIVISION, AIR, WATER, NOISE POLLUTION CONTROL, WATER CONSERVATION AND HAZARDOUS MATERIALS

Thomas O. Herndon
Name

Eng. Tech III
Title

9-18-92
Date

PSR-0296

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AUG 06 1992

Mike Fisher

MCT
FILE
1) BEACON HILL
2) CONSENT ORDER NOTEBOOK

CC: JOE ROBERTS
GENE MANNING
FRANK SANDERSON
KARLA OLSON TEASLEY
RALPH TERRERO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President of Operations
Southern States Utility Co.
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
NPDES Permit Number FL0026778
Beacon Hill WWTP

Dear Mr. Sweat:

This is to advise you that your facility is in violation of NPDES Permit Number FL0026778 as follows:

Failure to report the Monthly Averages for Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) during the months of January - June 1992.

The Annual Average, Monthly Average, and Daily Maximum for Flow must be reported each month. Only one value was reported during the months of January - March 1992, and two values were reported during the months of April - June 1992.

Please notify this agency within ten (10) days of the receipt of this letter of the action you have taken or are taking to correct the above violation(s). Resubmit the corrected Discharge Monitoring Reports referenced above.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to the Clean Water Act, 33 U.S.C. Section 1319.

Printed on Recycled Paper

If you have specific questions as to the requirements of your permit please contact Ms. Amy Johnson at (404)347-7428.

Sincerely yours,

Michael Hom, Chief
Florida/North Carolina Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Regulation,
Northeast District

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

Mel Fisher

Rec'd SSU
APR 2 8 1993

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-757
Lawton Chiles, Governor
Virginia B. Wetherell, Secretary

April 23, 1993

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

Putnam County - PW
Beecher's Point S/D
PWS ID: 2540070

A review of the bacteriological records for the month of March 1993 has indicated that the above named water system has exceeded the Maximum Contaminant Level (MCL). The specific MCL violation which has occurred is noted below:

✓ Monthly Maximum Contaminant Level Violation

✓ More than one (1) total coliform positive sample, for a system taking less than 40 samples per period.

_____ Five percent of the sample total coliform positive, for system taking more than 40 samples per period.

_____ A Fecal Coliform positive or E. coli positive sample followed by satisfactory repeat samples.

_____ Acute Maximum Contaminant Level Violation
Any Fecal Coliform positive or E. coli positive sample following a Total Coliform positive sample.

As a result of these violations, it is required that this water system issue public notice to the consumers or it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb
cc: Putnam County Health Department

cc: Ralph Terrero
Frank Sanderson
Joe Roberts
Paul Thompson
Mary Glennon

BACTERIOLOGICAL PUBLIC NOTICE

NON-ACUTE

The water system serving Beecher's Point S/D is in violation of public drinking water standards for the following reason:

Samples from this system have exceeded the Maximum Contaminant Level, (MCL), for Total Coliform Bacteria during the month of March 1993.

The United States Environmental Protection Agency (EPA) sets drinking water standards and had determined that the presence of total coliforms is a possible health concern. Total Coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water, and that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possible jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples per month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

The supplier of water is required to conduct additional sampling in order to insure that either the number of total coliform positive samples does not exceed the standard or that the number of total coliform positive samples does not continue to exceed the standard.

For more information please contact _____

at this telephone number _____.

or contact the Department of Environmental Regulation, Potable Water Section, at (904) 448-4330.

PUBLIC NOTICE REQUIREMENTS

Approved Methods of Giving Public Notice

One of the following shall be used to issue public notice to the consumer:

1. Publication in a newspaper of general circulation in the effected area. A copy of the published notice will serve as proof of distribution.

2. Radio or television broadcast. A statement from the station will serve as proof of distribution.

3. Hand Delivery. Collect signatures from each resident upon receipt of the notice to serve as proof of distribution.

4. U.S. Mail. Certified mail receipts shall serve as proof of distribution.

5. Posting the notice in a conspicuous place, non-community only. A copy of the actual notice posted shall be submitted as proof of distribution.

Initial notice shall be by newspaper, unless it is unlikely to reach the water consumers, then it shall be posted. Permission must be obtained from the Department for systems other than non-community to post this notice.

Notice shall continue by mail delivery or hand delivery every 90 days until the failure is corrected. Unless the system is posting the notice in which case it shall remain posted until the violation is corrected, but not less than 48 hours for MCL violations and 30 days for monitoring violation.

Information to be Included in the Public Notice

1. A clear and readily understandable explanation of the violation.
2. Notification of any potential adverse health effects.
3. An identification of (or information on) the population at risk.
4. The steps the supplier of water is taking to correct the violation.
5. The preventive measures the consumer should take until the failure is corrected.
6. The necessity to seek alternative water supplies, if necessary.
7. The telephone number of the supplier of water or his designee as a source of additional information concerning the notice.

Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems which would frustrate the purpose of the notice.

Compliance with Department Requirements

Once the notice has been issued, you must submit a copy of the notice along with proof of distribution (as explained above) and a notarized statement explaining how the notice was issued to the consumers to this office.

JAN 04 1993
EX OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

CERTIFIED RETURN RECEIPT

December 23, 1992

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, FL 32703

Putnam County - Potable Water
Beechers Point
Warning Letter No. WL-92-0071-PW-54-NED

Dear Mr. Phillips:

Chapter 403, Florida Statutes (FS), authorizes and directs the Department of Environmental Regulation to promulgate and enforce rules relating to public water supplies.

Previously you were notified your treated water exceeded MCL's for Sodium, Chloride and TDS in analyses submitted.

A field inspection of your facility indicates that you may be in violation of Chapter 403, FS, and the Florida Administrative Code (FAC) rules promulgated thereunder. Department personnel observed the following at your facility:

No auxiliary power, no free chlorine at a remote tap in the distribution system, rust in ground storage tank.

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below. Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.320	Provide adequate treatment or a satisfactory water source needed to supply drinking water which meets the State's requirements for Secondary Standards. Your plant shows a history of Sodium, chloride and TDS exceeding the maximum contamination level.

17-555.320(6)	Provide auxiliary power capable of serving half of the maximum daily demand if you serve a population of 350 or more.
17-555.350	Maintain equipment in good working condition. The GST is rusting.
17-555.350(1)	Maintain a free chlorine residual of 0.2 mg/l throughout the distribution system at all times.
17-560.410	Provide a public notice when the maximum contaminant level for a Primary Standard has been exceeded, and/or when required monitoring was not performed.

Accordingly, you are requested to contact James Maher of this office at (904) 448-4330, extension 305 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/JRM/lgb
cc: Paul Thompson
Putnam County Health Department

FILE 1) BEECHERS POINT 4) SILVER LAKE OAKS
2) PALM PORT
3) PARK MANOR

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

RECEIVED
DEC 0 9 1992
ENVIRONMENTAL SERVICES

C: C. Walker
M. Fisher
C. Arcand
H. Glennon

December 7, 1992

Mr. Charles Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

CC: KARLA TEASLEY, RALPH TERRERO, JOE ROBERTS, BILL CROSS (FAX), PAUL THOMPSON, CHUCK WOOD, ROBERT REGAN, FRANK SANDERS

Dear Mr. Sweat:

Putnam County - Domestic Waste
SSU Wastewater Treatment Plants, Putnam County
Notices of Permit Non-Compliance

A review of files for the referenced facilities revealed the following deficiencies and discrepancies:

Beecher's Point
- Following a reduction of nitrate-nitrogen levels earlier this year, the permitted limit was exceeded in April, June and July.
- February 1992 laboratory documents for Beecher's and Park Manor each indicate fecal coliform samples were collected February 20 at 8:00 a.m. by Mr. Roy White.
- A residuals analysis submitted indicates a single sample collection date of April 14, 1992. Chapter 17-7.540(2)(e), FAC, outlines a multiple sample period. Additionally, due to the copper content of 2230 mg/kg, residuals must be disposed of in accordance with Grade II restrictions outlined in Chapter 17-7.
- Influent and effluent samples collected June 26, 1992 were received by the laboratory July 1 according to submitted laboratory documents. The acceptable holding time for BOD analysis was exceeded, and depending upon the method utilized, possibly that of nitrate.
- The operation log for July 1992 indicates samples were collected July 10, yet results for BOD, TSS and nitrate-nitrogen are not provided.
- Laboratory documentation for the July 10 fecal coliform sample indicates the sample was collected by Mr. Roy White at 11 a.m., yet the operation log indicates samples were collected while he was on-site 8-8:30 a.m.
- Please be advised permit DO54-147243 expires June 22, 1993 and as such an application for permit is due at least sixty days prior.

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Palm Port
- As with Beecher's Point, a residuals analysis was apparently performed on a single day. Copper for the Palm Port sample was 2630 mg/kg, also a Grade II residual.
- With regard to June 1992:
    - the time of collection of the June 12 sample is not recorded on the operation log.
    - the operation report and log indicate samples were collected June 26, yet Flowers Laboratories analyses statements indicate effluent samples were collected June 5 and influent samples were collected June 26. Each were reported received by Flowers on June 29. Submit copies of applicable chain(s) of custody.
- Flow was estimated June 23 - July 14. Describe how and why flow was estimated - a constant flow was reported. If a fairly accurate flow estimation method is not available, inaccurate flow data should not be provided on the operation report.
- A note is made on the operation log for July 30 that the lift station was found full and was subsequently pumped out. The Department should be notified in accordance with Chapter 17-600, FAC, of any abnormal event (e.g., lift station or flow meter outages) upon discovery.
- With regard to July 1992:
    - the operation log indicates samples were collected for analysis of BOD, TSS, nitrate-nitrogen and fecal coliform on July 10. While the Flowers Laboratories document for fecal coliform indicates analysis of this sample July 10, the BOD, TSS and nitrate-nitrogen samples were reported as received by Flowers on July 13. Explain the difference in delivery dates and submit applicable chains of custody.
    - for the July 10 sample, the holding times for BOD and nitrate-nitrogen were possibly exceeded.
    - the July 10 fecal coliform laboratory document from Flowers indicates the sample was collected by Mr. Roy White at 12:00 p.m., yet the operation log indicates samples were collected by Mr. White during his 9-9:30 a.m. operation visit. The time of laboratory receipt was not provided.
    - the operation log indicates samples were collected July 29, yet results of analyses were not provided.

Park Manor
- With regard to the fecal coliform sample collected February 1992:
    - the sample date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document indicates the sample was received at 1:30 p.m., yet Mr. White was on-site according to the operation log.
    - the holding time was exceeded.

Park Manor, continued
- Laboratory documents indicate that samples collected June 26 were received June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10. Results of analyses are not provided.
    - the Flowers document for the fecal coliform sample indicates collection by Mr. White at 1:00 p.m., yet the samples were collected between 10:30-11:00 a.m., according to the operation log. A time of receipt by Flowers is not provided.
    - the Flowers document indicates fecal coliform was confirmed present in the sample, yet an actual count was not provided.

Silver Lake Oaks
- With regard to February 1992:
    - the date and time of fecal coliform sample collection was not recorded on the operation log.
    - the Flowers laboratory document concerning the fecal sample indicates collection was by Mr. White on February 20 at 7:45 a.m., yet according to the operation log, he was on-site 12:00-12:30 p.m.
    - the operation log makes note that a portion of the drainfield was not functioning. The Department was apparently not notified as required.
- With regard to June 1992:
    - the fecal coliform date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document for the fecal coliform sample does not provide the collector's name, the date and time of sample, nor the date and time of receipt.
    - the fecal coliform laboratory receipt from Flowers indicates "confluent growth", yet an actual count was not determined.
    - the operation log and Flowers document indicates samples were collected June 26 and received by Flowers June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10 for BOD, TSS and nitrate-nitrogen analysis, yet results were not provided.
    - the Flowers laboratory document for the July 10 fecal coliform sample does not provide the date and time of sample, nor the date and time of receipt.
    - the Tri-Tech Laboratories, Inc. document for the July 29 samples indicate collection was at 7:00 a.m., yet the operation log indicates samples were collected between 7:45 and 8:15 a.m.

A response is requested within ten (10) days of receipt of this letter. In your response, you should address the above noted deficiencies and provide an explanation as to why permit conditions were not met. Until such time as compliance with permit conditions is achieved, you may be in violation of Florida Statutes and subject to enforcement and/or legal action if necessary.

Should you have any questions, please contact the undersigned at 448-4330, extension 308.

Sincerely,

Deryle Calhoun, E.I.
Environmental Engineer

File
C.O., N.O.V. Notebook

Mel Fisher

SSU
DEC 3 1992
OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor

December 1, 1992 Carol M. Browner, Secretary

Mr. Bert Phillips
SSU Services
1000 Color Place
Apopka, FL 32703

cc Karla Teasley
Ralph Terrero
Frank Sanderson
Mary Glennon
Joe Roberts
Bill Cross
Paul Thompson

Dear Mr. Phillips:

Putnam County - PW
Beecher's Point
PWS ID: 2540070

A review of the bacteriological records for the month of October 1992 has indicated that the above named water system has exceeded the Maximum Contaminant Level (MCL). The specific MCL violation which as occurred is noted below:

✓ Monthly Maximum Contaminant Level Violation

✓ More than one (1) total coliform positive sample, for a system taking less than 40 samples per period.

____ Five percent of the sample total coliform positive, for system taking more than 40 samples per period.

____ A Fecal Coliform positive or E. coli positive sample followed by satisfactory repeat samples.

____ Acute Maximum Contaminant Level Violation
Any Fecal Coliform positive or E. coli positive sample following a Total Coliform positive sample.

As a result of these violations, it is required that this water system issue public notice to the consumers or it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb
cc: Putnam County Health Department

BACTERIOLOGICAL PUBLIC NOTICE

NON-ACUTE

The water system serving Beecher's Point is in violation of public drinking water standards for the following reason:

Samples from this system have exceeded the Maximum Contaminant Level, (MCL), for Total Coliform bacteria during the month of October 1992.

The United States Environmental Protection Agency (EPA) sets drinking water standards and had determined that the presence of total coliforms is a possible health concern. Total Coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water, and that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possible jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples per month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

The supplier of water is required to conduct additional sampling in order to insure that either the number of total coliform positive samples does not exceed the standard or that the number of total coliform positive samples does not continue to exceed the standard.

For more information please contact _____

at this telephone number _____.

or contact the Department of Environmental Regulation, Potable Water Section, at (904) 448-4330.

3

CERTIFIED LABORATORIES

The following is a partial list of laboratories certified by the Department of Health and Rehabilitative Services to perform drinking water chemical analyses.

The Department of Environmental Regulation does not endorse any of the companies listed below, and a company's absence from this list does not imply prejudice or impropriety. A complete list of certified laboratories will be sent to you upon request.

1.	ABC Research Corporation Post Office Box 1557 Gainesville, FL 32601	(904) 372-0436
2.	Enviropact of Jacksonville 1627 East 8th Street Jacksonville, FL 32206	(904) 354-6755
4.	Flowers Chemical Lab P.O. Box 597 Altamonte Springs, FL 32701	(407) 339-5984
5.	National Testing Laboratories	(813) 962-7587 (800) 458-3330
6.	Orlando Laboratories, INC. P.O. Box 149127 Orlando, FL 33801	(407) 896-6645
7.	Savannah Labs & Env. Services	(904) 878-3994 (912) 354-7858
8.	Southeastern Environmental ABC Industrial Park, 80 Industrial Loop North, Bldg 5 Orange Park, FL 32073	(904) 269-6176
9.	Technical Services, Inc. P.O. Box 52329 Jacksonville, FL 32201	(904) 353-5761 358-2908

The following is a list of laboratories certified to perform Radionuclides:

1.	HRS-Office of Radiation Control Attn: Safe Drinking Water Lab Post Office Box 15490 Orlando, FL 32858-5490	(407) 297-2095
2.	Orlando Laboratories, INC. 820 Humphries Avenue Orlando, FL 33801	(407) 896-6645
3.	Thorton Laboratories, Inc. Post Office Box 2880 Tampa, FL 33601	(813) 223-9702

Rec'd SSU
JUL 20 1992
OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

cc: Joe Roberts
Chris Cross
Ralph Cook Thomas
Ken Terrell
Mac Flucker-DCA-Tal
Fernan Saunders

July 17, 1992

SSU Services
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

Putnam County - PW	
Beechers Point	2540070
Pomona Park	2540905
Wootens MHP	2541280

A letter dated July 6, 1992 was sent to your office requesting Public Notice for bacteriological monitoring to be issued to the above listed water systems. I have since received additional information which makes it unnecessary to publish these notices.

On July 10, 1992, Mr. Paul Thompson telephoned me in regard to these public notices. After discussing the violations with him, we discovered that the situation had resulted from a misunderstanding. Mr. Thompson had sent the repeat samples to Flowers Laboratory for analysis and was under the impression that they would forward copies of the results directly to this office. Since they did not, there was no record of the repeats having been taken, therefore, Public Notice was requested.

Mr. Thompson faxed copies of the results to me that day and all violations have been cleared. It is no longer requested that you publish Public Notice for these systems.

Thank you for your cooperation.

Sincerely,

V. M. Singer
Potable Water Section

VMS/lgb

cc: Mr. Paul Thompson

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

July 6, 1992

Mr. Bert Phillips
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

Putnam County - PW
Beecher's Point
PWS ID: 2540070

A review of the bacteriological records for the month of May 1992 has indicated the following violation(s):

_____ Failure to submit a minimum of 2 distribution samples for bacteriological analysis.

__X__ Failure to submit additional samples (from the same location as the original sample) to replace invalidated samples (TNTC or C).

_____ Failure to submit sufficient repeat samples following a total coliform positive result.

As a result of these violations, it is required that the water system named above issue public notice to the consumers of it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb

cc: Putnam County Health Department

d SSU
9 1992
OFFICE

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BACTERIOLOGICAL PUBLIC NOTICE

MONITORING AND REPORTING VIOLATIONS

The water system serving Beecher's Point is in violation of public drinking water standards for the following reasons:

Failure to submit additional samples (from the same location as the original sample) to replace invalidated samples (TNTC or C) during the month of May 1992.

The United States Environmental Protection Agency (EPA) sets drinking water standards and requires public water systems to monitor for coliform bacteria. The EPA has determined that the presence of coliform bacteria is a possible health concern and may indicate the presence of other potentially harmful bacteria. This facility has failed to provide the minimum number of bacteriological samples for this period. Therefore, the quality and safety of your water is unknown. Further the EPA requires the public be notified that the water quality is unknown.

For more information please contact _____

at this telephone number _____.

Or contact the Department of Environmental Regulation, Potable Water Section at (904) 448-4330.

PUBLIC NOTICE REQUIREMENTS

Approved Methods of Giving Public Notice

One of the following shall be used to issue public notice to the consumers:

1. Publication in a newspaper of general circulation in the effected area. A copy of the published notice will serve as proof of distribution..

2. Radio or television broadcast. A statement from the station will serve a proof of distribution.

3. Hand delivery. Collect signatures from each resident upon receipt of the notice to serve as proof of distribution.

4. U. S. Mail. Certified mail receipts shall serve as proof of distribution

5. Posting the notice in a conspicuous place. (Non-community only)

Initial notice shall be by newspaper, unless it is unlikely to reach the wate consumers, then it shall be posted.

Notice shall continue by mail delivery or hand delivery every 90 days until the failure is corrected. Unless the system is posting the notice, in which case it shall remain posted until the violation is corrected.

Information to be Included in the Public Notice

1. A clear and readily understandable explanation of the violation.

2. Notification of any potential adverse health effects.

3. An identification of (or information on) the population at risk.

4. The steps the supplier of water is taking to correct the violation.

5. The preventive measures the consumer should take until the failure is corrected.

6. The necessity to seek alternative water supplies, if necessary.

7. The telephone number of the supplier of water or his designee as a sourc of additional information concerning the notice.

Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems which would frustrate the purpose of the notice.

Compliance with Department Requirements

Once the notice has been issued, you must submit a copy of the notice along with proof of distribution (as explained above) and a notarized statement explaining how the notice was issued to the consumers to this office. Failu to provide this office with this information may result in enforcement actic against your water system.

Rec'd
JUN 12
EX OF

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

cc: Karen Olson Tessler
Ralph Terrero
Joe Roberts
Bill Cross
Chuck Wood
Charles Sweat

June 9, 1992

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, Florida 32703

Dear Mr. Phillips:

Putnam County - PW
Beecher's Point WTP
PWS ID # 2540070

On May 26, 1992, I did an inspection of the referenced community public water system. The following items remain out of compliance with Florida Administrative Code (FAC):

1. Failure to meet quality standards for sodium, chloride and TDS. FAC Rules 17-550.510 and .520. The following original and recheck chemical analysis results were submitted:

Date	Parameter	Reported Value	MCL (units)
9/25/91	Sodium	170 mg/l	160 mg/l
1/08/92	Sodium	150 mg/l	160 mg/l
1/30/92	Sodium (condos)	251 mg/l	160 mg/l
1/30/92	Sodium (sunset)	189 mg/l	160 mg/l
Average	**Sodium**	**190 mg/l**	**160 mg/l**
9/25/91	Chloride	307 mg/l	250 mg/l
1/08/92	Chloride	348 mg/l	250 mg/l
1/09/92	Chloride	351 mg/l	250 mg/l
1/10/92	Chloride	351 mg/l	250 mg/l
1/30/92	Chloride (condos)	384 mg/l	250 mg/l
1/30/92	Chloride (sunset)	373 mg/l	250 mg/l
Average	**Chloride**	**352 mg/l**	**250 mg/l**
9/25/91	TDS	918 mg/l	500 mg/l
1/08/92	TDS	856 mg/l	500 mg/l
1/09/92	TDS	840 mg/l	500 mg/l
1/10/92	TDS	844 mg/l	500 mg/l
1/30/92	TDS (condos)	908 mg/l	500 mg/l
1/30/92	TDS (sunset)	1060 mg/l	500 mg/l
Average	**TDS**	**904 mg/l**	**500 mg/l**

Florida Department of Environmental Regulatio

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-75

Lawton Chiles, Governor — Carol M. Browner, Secret

PUBLIC WATER PLANT INSPECTION

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp Date 5/26/92
Name of System Beeline Point ID No. 2540070
System Owner SSO Services, Inc. Phone No. 649-8673
Address 1000 Cedar Place City Apopka Zip 32703
Operator Thompson Cert. level & No. C7251

Community [ ] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

X	Aeration	555.350	Bacteria growth.
X	Auxiliary Power	555.320(6)	
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
X	Chemical Monitoring	550.510 & 520	MCLs, see letter.
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
X	Disinfection	555.350(1)	
	Plant .8 mg/l; Remote .1 mg/l		
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
___	Maintenance of Facilities	555.350	GST still rusty under dome
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow ____MGD; Max ____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
___	System Pressure	555.320(7)	

It is required that a written response be provided to this office within ten (10) days regar any unsatisfactory results listed above.

Inspector James R. Maher Date 6/9/92
James R. Maher 448-4330 ext. 305

cc: County Health Unit

The average of the rechecks and the original results confirm that the Maximum Contaminant Level (MCL) has been exceeded for these parameters. Accordingly, you must install additional treatment or provide an alternative source. Either option must be properly permitted.

2. The ground storage tank remains rusty under the aerator, and there was sulfur bacteria growth ont he aerator deck.

3. After much flushing at Wolfe's Camp a chlorine residual of 0.1 mg/l was measured. It was requested that the chlorine level be increased slightly.

Enclosed is a copy of the inspection sheet. Please provide a written response as to your plans to correct these remaining deficiencies and within what time frame. If you have any questions I can be reached at (904) 448-4330 extension 305. Your past and continued cooperation with Florida's Safe Drinking Water Program is appreciated.

Sincerely,

James R. Maher

James R. Maher
Engineer IV

JRM:jm
enclosure

cc: Mr. Paul Thompson
Mr. Robert Regalado
Putnam County Health Department

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AUG 04 1994

RECEIVED
AUG - 8 1994
Orange/Osceola Utilities, Inc.

CERTIFIED MAIL P335256931
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Mike Johnson
General Manager
Orange Osceola Utilities, Inc.
2507 D Boggy Creek Road
Kissimmee, Florida 34744

RE: Notice of Violation
Buenaventura Lakes Wastewater Treatment Facility
NPDES Permit No. FL0039446

Dear Mr. Johnson:

We have received your response, dated July 27, 1994, to the July 21, 1994, Notice of Violation (NOV), issued by the Environmental Protection Agency (EPA). Based on your response, EPA has determined that nothing else regarding the July 21, 1994, NOV is required at this time.

If you have any questions regarding this matter, please contact Ms. Jane Spann at (404) 347-3555, extension 2003.

Sincerely yours,

J. Yvonne Martin

J. Yvonne Martin, Chief
Florida/Alabama/Mississippi Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Protection,
Central District Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUL 21 1994

CERTIFIED MAIL P335256924
RETURN RECEIPT REQUESTED

RECEIVED

JUL 25 1994

Orange/Osceola Utilities, Inc.

REF: 4WM-WPEB

Mr. Mike Johnson
General Manager
Orange Osceola Utilities, Inc.
2507 D Boggy Creek Road
Kissimmee, Florida 34744

RE: Notice of Violation
Buenaventura Lakes Wastewater Treatment Facility
NPDES Permit No. FL0039446

Dear Mr. Johnson:

This is to advise you that the above referenced facility is in violation of its National Pollutant Discharge Elimination System (NPDES) permit and the Clean Water Act as follows:

Failure to submit a sludge analysis report for the 125 priority pollutants as required in Part I, Section C, paragraph 1, of the NPDES permit. The report was required to be submitted within 1 year of the effective date of the permit. A sludge analysis report was not submitted to the Environmental Protection Agency (EPA) until June 6, 1994, two years following the effective date of the permit.

You are requested to notify this Agency, within fifteen (15) days of receipt of this letter, of the causes of the violation and actions you have taken or will take to ensure that future violations of the Clean Water Act do not occur.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

If you have specific questions as to these requirements or the provisions of your permit, please contact Jane Spann at (404) 347-3555, extension 2003.

Sincerely yours,

J. Yvonne Martin, Chief
Florida/Alabama/Mississippi Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Protection,
Central District Office

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

January 10, 1992

ORANGE OSCEOLA UTILITIES INC
2515 BOGGY CREEK RD
KISSIMMEE, FL 34744

RE: NONCOMPLIANCE LETTER
PWS ID: 3490184 [C]
BUENAVENTURA LAKES

Our records indicate that the above referenced potable water system is overdue for the chemical monitoring item(s) listed below.

Parameter:	Sample Due:		Where to Sample:
ACID EXTRACTABLES	11/01/91	Each well	DISTRIBUTION TAP
BASE NEUTRALS	11/01/91	"	DISTRIBUTION TAP
PURGEABLES	11/01/91	"	DISTRIBUTION TAP
PESTICIDES	11/01/91	"	DISTRIBUTION TAP

Samples shall be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services (for the referenced parameters). This department must be notified **IN WRITING** no later than fourteen (14) days from the date of this letter by sending a copy of the laboratory "Chain of Custody" which must include the date of sample submittal, laboratory name and parameters to be tested, **OR THIS MATTER WILL BE REFERRED FOR APPROPRIATE ENFORCEMENT ACTION.**

YOU MUST SUBMIT A COPY OF THE LABORATORY RESULTS to this office upon your receipt of such from the laboratory.

Sincerely,

W. E. Darling, Section Supervisor
Drinking Water Compliance/Enforcement

WED:mc

cc: County Health Department

FILE

BURNT STORE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
2379 BROAD STREET
BROOKSVILLE, FLORIDA 34609-6899
(904) 796-7211

NOVEMBER 30, 1993

CERTIFIED NO.

PDS-9048

RECEIVED

DEC 13 '93

ENVIRONMENTAL SERVICES

BURNT STORE UTILITIES
1000 COLOR PLACE
APOPKA, FL 32703

SUBJECT: DELINQUENT REPORTING OF CONDITIONS FOR WATER USE PERMIT NO. 20 3522.02

DEAR PERMITTEE:

THE ABOVE REFERENCED WATER USE PERMIT REQUIRES THE REPORTING OF SPECIFIC DATA IN A TIMELY MANNER. AS OF THIS DATE THE ATTACHED LISTING REPRESENTS DATA NOT YET RECEIVED BY THIS OFFICE.

IT IS REQUESTED THAT THIS LIST BE REVIEWED AND COMPLETED AS IT IS PART OF THE CONDITION REQUIREMENTS OF YOUR WATER USE PERMIT. IF A PERMITTED WITHDRAWAL OR MONITORING POINT HAS NOT YET BEEN CONSTRUCTED, PLEASE INDICATE UNDER THE COMMENTS AN APPROXIMATE DATE THE CONSTRUCTION WILL BE COMPLETED AND ON LINE. THIS WILL ENABLE OUR OFFICE TO SUSPEND THIS REPORTING REQUIREMENT UNTIL THAT DATE.

SHOULD YOU NEED FORMS FOR REPORTING ANY REQUIRED DATA OR HAVE ANY QUESTIONS REGARDING YOUR REPORTING REQUIREMENTS, PLEASE CONTACT THIS OFFICE AT 1-800-423-1476, EXTENSION 4312.

SINCERELY,

(SIGNED)
DEANNA L. NAUGLER
SUPERVISOR, PERMITS DATA SECTION
RESOURCE REGULATION

CC: FILE OF RECORD
WATER USE PERMITTING SUPERVISOR, VENICE PERMITTING DEPT.

CC: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
DAVE DENNY
WAYNE VOWELL
CATHERINE WALKER
CHRIS ARCAND
FRANK SANDERSON

WUP NO.: 20 3522.02

DIST ID	USER ID	DUE DATE	DATA REQUIRED	COMMENT
5	B	10/93	PUMPAGE (REPORT)	_____
		10/93	CHLORIDE REPORT	_____
		10/93	SOLIDS-DISSOLVED REPORT	_____
		10/93	SULFATE ANALYSIS REPORT	_____
6	BA	10/93	PUMPAGE (REPORT)	_____
		10/93	CHLORIDE REPORT	_____
		10/93	SOLIDS-DISSOLVED REPORT	_____
		10/93	SULFATE ANALYSIS REPORT	_____
8	4	10/93	PUMPAGE (REPORT)	_____
		10/93	CHLORIDE REPORT	_____
		10/93	SOLIDS-DISSOLVED REPORT	_____
		10/93	SULFATE ANALYSIS REPORT	_____

FILE
VIOLATIONS NOTEBOOK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET N.E.
ATLANTA, GEORGIA 30365

AUG 26 1993

CERTIFIED MAIL P 254 844 632
RETURN RECEIPT REQUESTED

RECEIVED
AUG 30 '93
ENVIRONMENTAL SERVICES

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Notice of Violation
NPDES Permit No. FL0034967
Burnt Store Reverse Osmosis Plant

Dear Mr. Fisher:

The above referenced National Pollutant Discharge Elimination System (NPDES) permit became effective on November 1, 1988, with an expiration date of October 31, 1993. In accordance with Part II, Section D, paragraph 11, of that NPDES permit, an application for renewal of the permit should have been submitted at least one hundred and eighty (180) days prior to the expiration date of the current permit, unless the Permit Issuing Authority has granted permission to submit a late application. Since such permission has not been granted, your facility may be in violation of your permit and the Clean Water Act (CWA).

If you intend to continue your permitted operation, please complete the enclosed application forms and return them to the attention of Ms. Bridget Crawford, Permits Section, Water Permits and Enforcement Branch, Water Management Division, at the above address within thirty (30) days of receipt of this letter. If you have ceased or plan to cease your wastewater discharge, please provide a written description and schedule of how you will accomplish cessation of the discharge, including any provisions for an emergency discharge.

Failure to submit a complete renewal application within 30 days may subject you to the administrative imposition of civil penalties of up to $10,000 per day per violation or the judicial imposition of civil penalties of up to $25,000 per day for each violation, in accordance with Section 309 of the CWA, 33 U.S.C. §1319.

NPDES permits that expire before receipt of a complete NPDES permit application will not be administratively continued. If your NPDES permit expires before receipt of a complete NPDES permit application, you may be subject to administrative, civil, and/or criminal penalties under Section 309 of the CWA, 33 U.S.C. §1319, for discharging without a valid NPDES permit.

If you have specific questions regarding your responsibilities or the consequences as to these requirements, please contact Ms. Karen Buerki at (404) 347-3973.

Sincerely yours,

J. Yvonne Martin

J. Yvonne Martin, Chief
Florida/Alabama/Mississippi Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

Enclosures

cc: Philip Edwards, FDEP, South District Office

cc: KARLA TEMSLEY
CHARLES KOLASKY
RALPH TERRERO
CATHERINE WALKER
CHRIS ARCAND
DAVE DENNY
WAYNE VOWELL
CHUCK WOOD
JOHN LOSCH
FRANK SANDERSON
MARY GLENNON

FILE VIOLATIONS NOTEBOOK

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619
Lawton Chiles, Governor 813-744-6100 Carol M. Browner, Secretary

RECEIVED
MAY 3 1993
ENVIRONMENTAL SERVICES

April 29, 1993

Mr. Melvin Fisher
Environmental Compliance Admin.
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Southern States Utilities
17430 Burnt Store Road
Consent Order No. 92-0446

Dear Mr. Fisher:

Enclosed within please find the executed Consent Order OGC# 92-0446 regarding the above-referenced facility. The effective date of the Consent Order is April 28, 1993. Please be aware of the conditions of this Order per paragraphs 17 through 31.

If you have any questions, please contact me at (813)744-6100, extension 391 or Mr. Gary Millington at (813)332-6975.

Sincerely,

Paula Noblitt

Paula Noblitt
Environmental Specialist
Industrial Wastewater C/E

PN

Enclosure

cc: Gary Millington, DER-SD

Copy: Chris Arcand, Mel Fisher, Bert Phillips, Karla Teasley, Dave Denny, Carlyn Kowalsky, Frank Sanderson, Wayne Vowell, Rick Foster, John Losch, Charles Sweat, Catherine Walker, Mary Glennon, Gary Morse, Ralph Terrero, Chuck Wood

Recycled Paper

MEL FISHER

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor | 813-744-6100 | Carol M. Browner, Secretary

RECEIVED

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Sincerely,

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Industrial Wastewater C/E

PN

Enclosure

cc: Gary Millington, DER-SD

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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION,	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT
Complainant,	:	
vs.	:	OGC CASE NO. 92-0446
SOUTHERN STATES UTILITIES, INC.,	:	
Respondent.	:	

CONSENT ORDER

Pursuant to the provisions of Sections 403.121(2) and 120.57(3), Florida Statutes, and Florida Administrative Code (F.A.C.) Rule 17-103.110, this Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent"), to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the responsibility to protect Florida's air and water resources and to administer the Florida Air and Water Pollution Control Act, Chapter 403, Florida Statutes, and the rules promulgated thereunder in F.A.C. Chapter 17. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a Florida corporation and is a person within the meaning of Section 403.031(5), Florida Statutes.

3. In 1977, the Burnt Store water and wastewater system began service to customers in Charlotte and Lee Counties. The system obtains raw water from deep supply wells and treats that water to Department potable water standards at a water treatment plant using the reverse osmosis ("RO") process. The location of the RO plant is 17430 Burnt Store Road, Punta Gorda, and the geographical coordinates are Latitude 24° 46′ 18" Longitude 82° 09′ 15". The Department classifies the concentrate produced by the RO water treatment process as an industrial wastewater. The Respondent has always been permitted by the Department to operate a drinking water system and to discharge the concentrate from the water treatment plant.

4. The most recent Burnt Store industrial wastewater operation permit was issued in 1986 and expired on January 16, 1991. Permit No. IO08-110090 authorized the Burnt Store Water Treatment Plant to produce 180,000 gallons per day ("gpd") of potable water and to discharge an average of 31,000 gpd of concentrate and a maximum of 60,000 gpd to a brackish water ditch which is a tributary to the Charlotte Harbor estuary, a Class II water body. This permit was modified by DER construction permit IC08-148713 issued on August 9, 1988, which increased the volume of concentrate discharged to an average of 39,000 gpd and a maximum of 80,000 gpd.

5. On December 1, 1988, Southern States Utilities purchased the Burnt Store utility system from a developer, Punta Gorda Isles, Inc. Burnt Store presently provides water and wastewater service to approximately 350 customers in Charlotte and Lee Counties. The territory where the Florida Public Services Commission (FPSC) has

authorized the Burnt Store utility system to provide service has been approved by local government for development of approximately 7,200 customer connections.

6. The Burnt Store drinking water system's wells obtain raw water from groundwater having a background concentration of radium of approximately 18 pCi per liter. The concentrate produced by the Burnt Store plant has a combined radium concentration of 73.1 pCi/L, gross alpha at 146 pCi/L, fluoride at 4.28 mg/L, hydrogen sulfide at 1.71 mg/L and total dissolved solids at 8,600 mg/L. DER's surface water quality standards applicable to Charlotte Harbor impose a maximum concentration of combined radium of 5.0 pCi per liter on discharges to that water body. Additionally, the fluoride concentration in the concentrate exceeds the applicable DER criteria of 1.5 mg per liter.

7. In 1990, the Respondent timely applied to the Department to renew the Burnt Store Water Treatment Plant operation permit and for an expansion of that facility from 230,000 gpd of potable water to 470,000 gpd. Approval of this expansion would increase the volume of concentrate discharged to Charlotte Harbor from an annual average of 39,000 gpd to an average of 56,000 gpd. Maximum daily flows would be increased from 80,000 gpd to 160,000 gpd. The Department assigned application number IC08-180221 to the proposed increase in the volume of concentrate and assigned application number WC08-180225 to the proposed increase in the capacity of the drinking water plant. On January 14, 1991, the Department issued the Respondent permit WC08-180225 but that permit does not become effective until the Respondent obtains a permit for the increased

volume of concentrate to be discharged to Charlotte Harbor.

8. On June 7, 1990, and July 30, 1990, the Department informed Respondent of the incompleteness of the permit application and requested additional information. Respondent subsequently submitted a modification of the construction permit application to include on-site percolation ponds for concentrate disposal.

9. After a series of meetings between the Department and Respondent, the Department agreed to review the Respondent's expansion proposal under a temporary operation permit application (TOP). Respondent subsequently applied for the TOP in March of 1991.

10. A notice of Permit Denial for the construction permit application was issued on April 5, 1991. The permit was denied because the concentrate water quality was in contravention of the Minimum Criteria for Surface Waters, Section 17-302.500, F.A.C., and Surface Water Quality Criteria, Section 17-302.510(n), F.A.C. The Department also found that the additional discharge would reduce the quality of the receiving waters and therefore contribute to additional violations of the water quality standards and the Antidegradation Policy for Surface Waters, Sections 17-302.300(5) and (6), F.A.C. Although land application via the percolation ponds was initially considered, subsequent investigations by Respondent indicated that this alternative could not be approved since the disposal area would not meet the criteria established by F.A.C. Rule 17-28.700(2)(c)3. Additionally, Respondent's investigation indicated that land application via percolation ponds would not, in any case, be a desirable long-term solution.

11. A Notice of Permit Denial for the T.O.P. was issued on May 1, 1991, for the same reasons outlined in Paragraph 10 above.

12. Pursuant to F.A.C. Rule 17-103.070, Respondent has sought extensions of time to file petitions on both permit denial notices and has received the extensions requested.

13. Permit No. IO08-110090, which expired on January 16, 1991, authorized the discharge of the concentrate and established effluent monitoring requirements. Reports of these analyses results were to be submitted to the Department each month. The Department has not received the required reports for the period from February 1989 through February 1991.

14. Specific Condition 4 states that the pH-value of the discharge shall be within the range of 6.5 to 8.5 standard units. The following monitoring reports revealed pH values below 6.5: January 1989, March 1991, April 1991, June 1991, July 1991 and September through November of 1991.

15. Respondent's activities have resulted in violation of Section 403.161(1)(b), Florida Statutes, which makes it a violation to fail to obtain any required permit or to violate or fail to comply with any rule, regulation, order, permit or certification adopted or issued by the Department pursuant to its lawful authority.

Respondent's activities have resulted in violation of Section 403.088, Florida Statutes, which prohibits any person from discharging any waste into the waters of the State that will reduce the quality of the receiving waters below the classification established for them.

Respondent's activities have resulted in a violation of Subparagraph 403.161(1)(a), Florida Statutes, which makes it a violation of Chapter 403 to cause pollution

The parties have met and discussed this matter and, as a result of these discussions, the issues raised herein have been resolved.

THEREFORE, having reached resolution of the matter pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is,

ORDERED:

16. Pursuant to Section 403.088, Florida Statutes, this Consent Order shall serve as temporary authorization for Respondent to operate the stationary installation described herein in accordance with Permit No. IO08-110090, except for the monitoring requirements provided in Paragraph 19 below, until such time as an operation permit is issued by the Department for the concentrate discharge or until three years after the effective date of this Consent Order, whichever first occurs.

17. Within 20 days of the effective date of this Consent Order, Respondent shall withdraw applications number IC08-180221 and IT08-191565 as well as any requests for administrative hearings on the notices of permit denial.

18. Within 45 days of the effective date of this Consent Order, Respondent shall submit analyses results for the concentrations of the below-listed constituents in each concentrate discharge from the facility. The samples shall be taken by the performing laboratory and the results shall be submitted as

tabulated and signed by the laboratory and in the indicated units.

Dissolved oxygen (mg/l)

Arsenic (mg/l)

Chromium (mg/l)

Chloride (mg/l)

Copper (mg/l)

Fluorides (mg/l)

Lead (mg/l)

Zinc (mg/l)

Aluminum (mg/l)

Antimony (mg/l)

Beryllium (mg/l)

Cadmium (ug/l)

Iron (mg/l)

Manganese (mg/l)

Mercury (ug/l)

Nickel (mg/l)

Selenium (mg/l)

Silver (ug/l)

Sulfate (mg/l)

Sulfide ion (mg/l)

Undissociated hydrogen sulfide (mg/l)

pH (standard units)

Specific conductance (umhos/cm)

Total residual chlorine (mg/l)

Gross alpha particle activity (including radium-226 but excluding radon and uranium) (pCi/l)

Radium 226 and 228 (pCi/l)

19. Respondent shall monitor the effluent as specified below and submit monthly reports to the Department; if there is no discharge, the sample shall be collected on the day of next discharge. The sample shall be taken at the point nearest the discharge prior to mixing with the receiving water body.

EFFLUENT CHARACTERISTIC	DAILY MIN	DAILY MAX	30-DAY AVG	SAMPLING FREQUENCY	SAMPLE TYPE
Flow (MGD)	N/A	Report	Report	Daily	Metering
Chlorides (mg/l)	N/A	Report	Report	1/week	Grab
Fluoride (mg/l)	N/A	Report	Report	1/week	Grab
Hydrogen Sulfide (mg/l)	N/A	Report	Report	1/week	Grab
Oxygen, Dissolved (mg/l)	Report	N/A	Report	1/week	Grab
pH (standard units)	Report	Report	Report	1/week	Grab
Total Phosphorus (mg/l)	N/A	N/A	N/A	1/4 months	Grab
Total Suspended Solids (mg/l)	N/A	N/A	N/A	1/4 months	Grab
Copper (mg/l)	N/A	Report	N/A	1/4 months	Grab
Iron (mg/l)	N/A	Report	N/A	1/4 months	Grab
Combined Radium 226 & 228 (pCi/l)	N/A	Report	N/A	1/4 months	Grab
Gross Alpha (pCi/l)	N/A	Report	N/A	1/4 months	Grab
Specific Conductance (umhos/cm)	N/A	Report	N/A	1/month	Grab

The above monitoring requirements are subject to modification based on the results of the initial analyses required in Paragraph 18 of this Consent Order.

20. Within 4 months of the effective date of this Consent Order, Respondent shall submit a complete application to the Southwest Florida Water Management District ("SWFWMD") for issuance of a Consumptive Use Permit for a new "horizontal" well or wells to serve as a new source of raw water supply for the water treatment plant.

21. Within 2 months of the issuance of the Consumptive Use Permit by the SWFWMD, Respondent shall cause a licensed well contractor to apply to the SWFWMD for and obtain the necessary permit for well construction. The horizontal well or wells shall not be connected to the water treatment plant, nor shall any lines be constructed for the connection of the well(s) to the treatment plant without having received a construction permit from the Department's Potable Water Section.

22. Within 6 months of the issuance of the well construction permit by the SWFWMD, Respondent shall conduct and complete the pilot study of the operation of the "horizontal" well (or wells), to include, but not be limited to, full-scale pump tests and water quality studies. Respondent shall prepare a report indicating the results of the pilot study and demonstrating that an adequate quantity and quality of potable water is available using this aquifer to supply its service area. These results will be incorporated into the design and permitting for the full scale solution.

23. Based on the pilot study report establishing that the quantity and quality of water produced by the "horizontal" well(s) is adequate for the 7-year projected demands of the Burnt Store service area, the Respondent shall conduct a treatability study to determine the best available technology to produce potable water in accordance with all applicable Department rules. Respondent shall submit the report of the treatability study to the Department within 4 months after completion of the pilot study.

24. Within 3 months after submission of the treatability study

report to the Department, Respondent shall complete the design of any additional treatment facility components and submit the necessary permit applications to the Department for the construction.

25. Within 3 months after issuance of the last Department permit required for construction of any additional treatment facilities or treatment facility components which may be required to produce potable water, as determined by the pilot study and treatability study required herein, Respondent shall obtain all necessary permits from Charlotte County to construct any necessary additional water treatment facilities.

26. Within 36 months of the effective date of this Consent Order, Respondent shall complete construction of any new water supply and/or treatment facilities at the water treatment plant and any other additional facilities necessary to cease surface water discharges into waters of the State that violate Department standards.

27. The compliance schedule set forth above contemplates that Respondent will achieve compliance with Department requirements with respect to its existing discharge of concentrate by means of constructing a substitute raw water supply which will allow use of a treatment technology which produces a waste product that does not cause a surface water discharge in violation of Department rules. Notwithstanding the above compliance schedule, Respondent shall have the option of seeking to implement different alternatives including either sending industrial wastewater from the existing RO plant to the deep injection disposal well at the Charlotte County landfill or

obtaining a mixing zone and any other necessary Department approvals or consents in order to obtain approval of an industrial waste discharge permit for its existing discharge from the Burnt Store Water Treatment Plant. The Department agrees that, should Respondent seek the mixing zone, it shall have 36 months from the effective date of this Order to obtain the mixing zone, any other necessary Department approvals or consents, and implement any necessary facility improvements which may be a condition of the mixing zone or other approval or consent in order to achieve compliance with this Consent Order. Nothing contained in this Consent Order shall require the Department to grant the mixing zone or any other consent or approval necessary to permit the existing discharge to obtain an operation permit. If it seeks such approval or consent, Respondent must comply with all applicable statutory and regulatory requirements in obtaining any such approval or consent. Nothing contained in this Consent Order concerning the fact that the proposed discharge does not meet DER standards for fluoride and combined radium shall be construed to prohibit such discharge if Respondent is successful in obtaining the mixing zone and any other necessary approval or consent in accordance with Florida law and Department rules.

28. Within 30 days of the effective date of this Consent Order, Respondent shall make payment to the Department the sum of $4,800.00 in fulfillment of the fee requirement of Paragraph 17-4.050(4), Florida Administrative Code. The payment shall be submitted to the address given in Paragraph 29 below.

29. Within 30 days of the effective date of this Consent

Order, Respondent shall make payment to the Department of $3,198.00 in civil penalties for the matters raised in this Consent Order. The amount shall be made payable by cashier's check or money order and sent to the Department of Environmental Regulation's "Pollution Recovery Fund", Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

30. Respondent shall make payment to the Department of $278.45 as restitution for the expenses incurred in investigating and resolving the matters raised in this Consent Order. The amount shall be made payable by cashier's check or money order and sent to the Department of Environmental Regulation, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

31. Respondent shall publish the following notice in the legal ad section of a newspaper of general circulation in Charlotte County, Florida. The notice shall be published one time only within 21 days after execution of this Consent Order by the Department. The Respondent shall also submit a notarized affidavit of publication from the publisher to the Department of Environmental Regulation at the address shown below within 7 days of publication.

State of Florida Department of Environmental Regulation
Notice of Proposed Agency Action

The Department of Environmental Regulation gives notice of agency action of entering into a Consent Order with Southern States Utilities, Inc., pursuant to Florida Administrative Code Rule 17-103.110(3). The mailing address of Southern States Utilities, Inc., is 1000 Color Place; Apopka, Florida 32703. The Consent Order imposes a schedule for compliance with State

water quality standards and temporarily authorizes the discharge of Reverse Osmosis concentrate to Charlotte Harbor from the water treatment plant located at 17430 Burnt Store Road, Punta Gorda, pursuant to Chapter 403.088, F.S.

The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Regulation, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

Persons whose substantial interests are affected by the Consent Order have a right to petition for an administrative hearing on the Consent Order. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address and telephone number of each petitioner; the Department's identification number and the County in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at

the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

A party who is adversely affected by this Consent Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District court of Appeal, First district, or with the District Court of Appeal in the Appellate District where the party resides. The notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

32. Respondent shall make payment to the Department of $100.00 in stipulated penalties for each and every day Respondent fails to comply with Paragraphs 20 through 27 of this Consent Order. Payment shall be made within 30 days of written demand from the Department and made in the manner specified in Paragraph 28, above.

33. Respondent shall allow authorized representatives of the Department access to the property and plant at reasonable times for purposes of determining compliance with this Order and the rules and regulations of the Department.

34. The Department hereby expressly reserves the right to initiate appropriate legal actin to prevent or prohibit the future violation of applicable statutes or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

35. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages, or civil

penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing pursuant to Section 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

36. If any event (including events defined as "force majeure" below) occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, the Respondent shall have the burden of proving that the delay was, or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been, or cannot be, overcome by due diligence. Changed economic circumstances shall not be considered circumstances beyond the control of the Respondent. "Force majeure" shall mean acts of God, acts of public enemies, wars, blockades, riots; acts of armed forces; epidemics; breakdown of or damage to machinery because of earthquakes, fires which were not caused by, or could not have been prevented by the Respondent through the exercise of reasonable care; storms, floods, or washouts; arrests; or the inability to obtain necessary materials, supplies, or labor, inability to implement the program due to technical reasons identified in either the pilot study or the treatability study, or a cause not within control of the Respondent and which with the exercise of due diligence, the Respondent is unable to overcome. Upon occurrence of an

event causing a delay or upon becoming aware of a potential for delay, the Respondent shall promptly notify the Department orally and shall, within seven (7) days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which the Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Respondent, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of the Respondent to timely comply with the notice requirements of this paragraph shall constitute a waiver of the Respondent's right to request an extension of time for compliance with the requirements of this Consent Order. The Department may, at its sole discretion, waive any of the penalties provided for in this Consent Order if it determines that the Respondent has made a good faith effort to comply with the provisions of this Consent Order and Department rules. Notwithstanding delays authorized under this proviso, Respondent shall be in compliance with all applicable Department regulations no later than one year after the final compliance date imposed under proviso 26 of this Order; otherwise further enforcement action will be taken.

37. By entering into this Consent Order or complying with its terms, the Respondent does not admit any of the findings of fact or conclusions of law contained herein, nor does the Respondent admit in any way any liability whatsoever for any claims of any third parties arising out of any activities or conditions. This Consent Order is admissible only in an action brought to enforce its terms and conditions. Otherwise, this Consent Order shall not be admissible evidence against the Respondent over the Respondent's objection in any administrative or judicial proceeding arising out of or relating to any of the facts or circumstances referred to in this Consent Order.

38. Nothing herein shall be construed to limit the authority of the Department to undertake any action against any Respondent in response to or to recover the costs of responding to conditions at or from the site that require Department action to abate an imminent hazard to the public health, welfare or the environment.

39. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, State or local laws, regulations or ordinances.

40. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

41. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of

damages, civil penalties of up to $10,000 per offense and criminal penalties.

42. With regard to any final agency action made by the Department regarding Respondent's responses to the actions made pursuant to this Consent Order, Respondent may file a petition for Formal or Informal Administrative Proceedings, if Respondent objects to the Department's action, pursuant to Section 120.57, Florida Statutes, and Chapters 17-103 and 28-5, F.A.C. Respondent shall have the burden to establish the inappropriateness of the Department's final agency action. The petition must conform with the requirements of Florida Administrative Code Rule 28-5.201, and must be received by the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days after receipt of notice from the Department of any final agency action Respondent wishes to challenge. Failure to file a petition within this time period shall constitute a waiver by Respondent of its right to request an administrative proceeding under Section 120.57, Florida Statutes. The Department's final agency action, upon expiration of the 21-day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Consent Order and made part of it. All other aspects of this Consent Order shall remain in full force and effect at all times. If Respondent seeks an administrative proceeding pursuant to this paragraph, the Department may file suit against Respondent in lieu of or in addition to holding the administrative proceeding to obtain judicial

resolution of all the issues unresolved at the time of the request for an administrative proceeding.

43. No modification of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

44. Upon execution of a Consent Order, the Department shall transfer all responsibility for the Burnt Store water treatment plant, including enforcement of the Consent Order, from the Southwest District office in Tampa to the South District office in Fort Myers.

45. Three copies of all reports, plans, data and applications required by this Consent Order to be submitted to the Department shall be sent to the Water Facilities Administrator, South District, Department of Environmental Regulation, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901-2896.

46. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed as required by Chapter 120, Florida Statutes. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

4/14/93
DATE

Mr. Bert T. Phillips
President
SOUTHERN STATES UTILITIES, INC.
1000 Color Place
Apopka, Florida 32703

DONE AND ORDERED THIS 28th day of April, 1993, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

C. Robinson Hall
Law Offices of Charles G. Stevens
Enterprise Plaza - Suite 1516
201 East Kennedy Boulevard
Tampa, Florida 33602

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk 4-29-93 Date

Florida Departm

South District • 2295 V
Lawton Chiles, Governor

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To Mel Fisher	From P. Deasey
Co.	Co.
Dept.	Phone #
Fax #	Fax #

CERTIFIED MAIL #P 635 468 289
RETURN RECEIPT REQUESTED

Mr. Mel Fisher
Southern States Utilities, Inc.
P.O. Box 197
Maroo Island, Florida 33937

Re: Charlotte County - PW
SSU Burnt Store and
SSU Deep Creek
PWS I.D. Numbers 5080318
and 5080072

Dear Mr. Fisher:

A recent review of our files indicates that your drinking water facility may be in violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder. The proof of public notice in the water bills, appears to be overdue for the above referenced drinking water systems.

It is a violation of Florida Administrative Code Rule 17-550 and Section 403.853, Florida Statutes, for any public drinking water system to operate without conducting the appropriate chemical and bacteriological monitoring as specified.

You are advised that any activities or deficiencies at your facility that may be contributing to the violations of the above described statutes and rules should be ceased or corrected immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and the judicial imposition of civil penalties up to $5,000 per violation per day, pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mark Charneski of this office at (813) 332-6975 within 15 days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

Continued . . .

PLEASE BE ADVISED that this Warning Notice is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any violations for which you might be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/MAC/ish

cc: Potable Water Enforcement
HRS Charlotte County Public Health Unit
Mr. Dave Denny

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Chuck Wood
John Losch
Frank Sanderson
Mary Glennon

File
1) Violations Notebook
2) Carlton Village

Mel Fidler

Florida Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED
P 123 358 691

OCD-PW-CE-93-1404

Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Lake County - PW
Southern States Utilities
d/b/a Carlton Village
Consent Order OGC Case No. 92-1997

Dear Mr. Phillips:

Department records indicate the above-referenced Consent Order requirements have been completed. Therefore, this enforcement case was closed by this office on September 28, 1993.

Thank you for your cooperation. If you have any questions, please contact Bob Ansag at (407) 894-7555.

Sincerely,

W. Alexander, P.E.
District Director

SEP 29 1993
Date

AA:ra/tw

c: Pam Price, DEP-Office of General Counsel

cc: Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Mary Glennon
Jim Ragsdale
Don Corder
Brian Heath
Chuck Wood
Bruce Pastek
Frank Shrader

Printed on recycled paper.

Rec'd SSU
JUN 28 1993
EX. OFFICE

MEL FISHER

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

RECEIVED
JUN 28 '93
ENVIRONMENTAL SERVICES

CERTIFIED
~~P 232 485 955~~
P 076 900 650

OCD-PW-CE-93-0853

Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Re: Proposed Settlement by Short Form Consent Order in the Case of Southern States Utilities, Inc., d/b/a Carlton Village, Lake County, OGC File No.: 92-1997

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-PW-92-0002 dated May 15, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $1,170.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $100.00 to reimburse the DER's costs, for a total of $1,270.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within thirty (30) days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights.

C. C. Kreard
B. Corder
M. Clennon
C. Kowalsky
B. Paster
B. Phillips
J. Rajsdale
F. Sanderson
K. Teasley
R. Terrero
S. Wise

Recycled Paper

If you do not sign and return this letter to the Department at the Central District address given above by twenty (20) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,

6-25-93
Date

W.A. Alexander, P.E.
District Director

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.
d/b/a Carlton Village

By: _____
Bert Phillips, President

Date: 7/13/93

For the DER:

W.A. Alexander, P.E.
District Director
State of Florida Department
of Environmental Regulation

ENTERED this 21 day of July, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

7/21/93
Date

AA:ra/tw

Attachments

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * *

A party who is adversely affected by this Consent Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

File 2) Consent Order Notebook

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

cc Bert Phillips
Karla O. Teasley
Mach Tearere
Jim Ragsdale
Don Corder
Brian Heath
Chuck Wood
OCD-PW-CE-92-1641
Phil Story
Frank Sanderson
Chris Arcand
Mary Glennon

CERTIFIED
P 402 736 893

Sept.
August 2, 1992

Southern States Utilities Incorporated
1000 Color Place
Apopka, Florida 32703

Attention: Melvin E. Fisher

Lake County - PW
Carlton Village
PWS ID Number 3350152

Dear Mr. Fisher:

Based on the information furnished to us on August 7, 1992 for hydrogen sulfide and odor, the Department has determined that no further action is required at this time. However, if we receive complaints or get subsequent chemical analyses that indicate changes, we will readdress the issue of installing an aerator.

We will not take any further action on replacement of a 7.5 h.p. submersible pump for well No. 1 with an identical pump of the same capacity. However, we have determined that the replacement of a 30 h.p. vertical turbine pump for well No. 2 with a 20 h.p. submersible pump without a permit is a violation of Chapter 403, Florida Statutes and enforcement will be taken.

This matter shall be resolved through a Consent Order and the Department is proceeding to draft such and upon the review and approval of the Office of General Counsel, we will forward a copy to your office for your review and signature.

If you have any questions concerning this letter, please contact Mr. Nick Kadivar at 407/894-7555.

RECEIVED

SEP 04 1992

ENVIRONMENTAL SERVICES

Sincerely,

Joseph M. McNamara, P.E.
Program Manager
Drinking Water

JMMc:nk/mg
cc: Lake County Health Department
Frank Huttner
Paul Morrison
Nick Kadivar

Recycled Paper

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

May 15, 1992

CERTIFIED
P 744 727 594

Southern States Utilities Incorporated
1000 Color Place
Apopka, Florida 32703

WARNING LETTER
OWL-PW-92-0002

Attention: Melvin E. Fisher

Lake County - PW
Carlton Village
PWS ID Number 3350152

Dear Mr. Fisher:

A review of Department records and a site visit on October 23, 1991, indicate that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel observed the following at the above described facility:

1. Construction involving modifications of well pumping equipment on both wells was completed without a permit from this Department. Department records indicate failure to obtain a Department permit and failure to construct a suitable treatment facility for hydrogen sulfide removal prior to any further growth of this water system as required in the Florida State Board of Health letter dated July 24, 1959.

2. The modified water system was placed into service without first acquiring the clearance from the Department.

3. The water system was operating without auxiliary power with automatic start up capability which is required for all community systems serving 350 or more persons.

It is a violation for any supplier of water to fail to comply with the following statutes and rules:

Section 403.0877(4), Florida Statutes - No permitted or licensed activity which is required to be so certified upon completion of the activity shall be placed into use or operation until the professional's certificate is filed with the Department or board.

Section 403.161(1)(b), Florida Statutes - It is a violation and is prohibited to fail to obtain any permit required or to fail to comply with any permit issued by the Department.

cc: Bert Phillips
Karla Olson Teasley
Chuck Wood
Charles Sweat
Jim Ragsdale
Ralph Terrero
Jim Murray
Frank Sanderson
Brian Heath
Dan Cooper

Recycled Paper

WARNING LETTER
OWL-PW-92-0002
May 15, 1992

Rule 17-555.520(1)(2), Florida Administrative Code - Construction permit.

Rule 17-555.345, Florida Administrative Code - Certification letter and clearance.

Rule 17-555.320(6), Florida Administrative Code - Auxiliary power requirements.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mr. Nick Kadivar of this office at 407/894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

A. Alexander, P.E.
District Director

AA:nk/mg

cc: Lake County Health Department
Nick Kadivar
Frank Huttner
Paul Morrison

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET N.E.
ATLANTA GEORGIA 30365

DEC 15 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
DEC 17 1992
ENVIRONMENTAL SERVICES

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Administrator, Environmental Compliance
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
Compliance Evaluation Inspections
NPDES Permit No. FL0024856, University Shores
NPDES Permit No. FL0036943, Chuluota

Dear Mr. Fisher:

I wish to convey my thanks to Messrs. Toen Tran and Kevin Burgess for their assistance during the Compliance Evaluation Inspections of your facilities on November 24, 1992, by Mr. Jek Jimenez of EPA and Keyla Bermudez of FDER Central District office.

As you will note, Mr. Jimenez has listed your University Shores #1 facility as not in compliance. Specifically, an unsatisfactory rating has been given in the area of Self-Monitoring Program. The deficiencies he found are as follows:

1) When monitoring more frequently than required by the permit for Dissolved Oxygen, or for any parameter, all samples should be considered for reporting maximum and average values, and the frequency of monitoring noted on the "Frequency of Analysis" column on the Discharge Monitoring Report (DMR) form.

2) The results reported for Total Residual Chlorine should be only those obtained by an approved EPA analytical testing procedures. Refer to page I-2 of your NPDES permit for approved EPA procedures.

3) When manually compositing samples, the flow to be used should be an instantaneous flow reading and not a total flow reading. Enclosed is a document entitled NPDES Self-Monitoring System User Guide for your use in understanding how to properly fill out DMR's. Also, refer to Part II of your current NPDES permit for proper reporting of flow values. Please note that the flow to be used for calculating the compositing ratio should be the instantaneous flow going through the treatment plant at the time of sample collection.

Printed on Recycled Paper

4) The reports from the contract laboratory should include the time of sampling, the time the sample was delivered to the lab, and the temperature of sample on arrival.

5) The Chain-of-Custody form for the contract laboratory is not filled properly to specify:

a) which sample bottle is a grab sample (for fecal coliform) or a manual composite (for nutrients),
b) the time and initials of the person doing the sample collection,
c) and the time when a sample is relinquished.

6) The temperature log book for the total suspended solids analysis oven shows temperatures as high as 170°F.

Please reply within fifteen (15) days of receipt of this letter with what you intend to do to correct these deficiencies. Until such time as you achieve compliance with all conditions of your permit you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

If you have any questions concerning this matter, please contact Jek Jimenez at (404) 347-3973.

Sincerely yours,

Albert B. Herndon

Albert B. Herndon, P.E.
Chief, FL/AL/MS Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

Enclosures (2)

cc: FDER South District

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Frank Sanderson
Jose de Pedro
Chuck Wood
Bruce Paster
Jim Ragsdale
Mary Glennon
Sam Sparks
Rick Eck

FILE

VIOLATIONS NOTEBOOK

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Virginia B. Wetherell, Secretary

RECEIVED APR 02 1993

MAR 30, 1993

SOUTHERN STATES UTILITIES
1000 COLOR PLACE
APOPKA FL 32703

RE: NONCOMPLIANCE LETTER
PWS ID: 6090312 [C]
CITRUS SPRINGS

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
BACTERIOLOGICAL	02/01/93

If you have any questions or need assistance call the Drinking Water Office at EXT. 318 .

SINCERELY,

BRENDA BALL
ENVIRONMENTAL SPECIALIST I

cc: HRS CITRUS COUNTY PUBLIC HEALTH UNIT

cc: BILL WILLIAMS
BOB WILLIAMS (FAX)
FRANK SANDERSON
RALPH TERRERO
KARLA TEASLEY
MARY GLENNON

Recycled Paper
Printed with Soy Based Ink

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MEG
File

1) Burnt Store
2) Deep Creek
3) Consent Order Notebook

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To Mel Fisher	From P. Dassay
Co.	Co.
Dept.	Phone #
Fax #	Fax #

Florida Departm
South District • 2295 V
Lawton Chiles, Governor

CERTIFIED MAIL #P 635 468 289
RETURN RECEIPT REQUESTED

Mr. Mel Fisher
Southern States Utilities, Inc.
P.O. Box 197
Marco Island, Florida 33937

Re: Charlotte County - PW
SSU Burnt Store and
SSU Deep Creek
PWS I.D. Numbers 5080318
and 5080072

Dear Mr. Fisher:

A recent review of our files indicates that your drinking water facility may be in violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder. The proof of public notice in the water bills, appears to be overdue for the above referenced drinking water systems.

It is a violation of Florida Administrative Code Rule 17-550 and Section 403.853, Florida Statutes, for any public drinking water system to operate without conducting the appropriate chemical and bacteriological monitoring as specified.

You are advised that any activities or deficiencies at your facility that may be contributing to the violations of the above described statutes and rules should be ceased or corrected immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and the judicial imposition of civil penalties up to $5,000 per violation per day, pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mark Charneski of this office at (813) 332-6975 within 15 days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

Continued . . .

PLEASE BE ADVISED that this Warning Notice is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any violations for which you might be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/MAC/ish

cc: Potable Water Enforcement
HRS Charlotte County Public Health Unit
Mr. Dave Danny

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Chuck Wood
John Losch
Frank Sanderson
Mary Glennon

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED
Z 184 856 984

SOUTHERN STATES UTILITY SERVICES
1000 COLOR PLACE
APOPKA FL 32703

WARNING LETTER No. OWL-DW-94-0014

Received
SEP 6 1994
Environmental Services

Attention: Rafael A. Terrero, P.E.
Manager Environmental Services

Volusia County - DW
Deltona Lakes, W.W.T.P. and Reuse Service Area

Dear Mr. Terrero:

A field inspection conducted on August 22, 1994 of the Deltona Lakes, W.W.T.P. and Reuse Service Area, in response to a malfunction report, indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel noted the following about the above described facility:

1. An unauthorized discharge of reclaimed water to Lake Fisher. Permit No. DO64-196923 stipulates in the operate description that there will be "no discharge to surface waters".

2. An unauthorized discharge of reclaimed water to Lake Monroe. The pumping station at the holding pond at the plant was in operation and was pumping reclaimed water from the holding pond to Lake Monroe. In accordance with the referenced permit, this activity is not permitted by the Department.

3. The Department is very concerned about existing wet weather storage capacity in the Reuse Service Area.

It is a violation for a facility to fail to comply with the following:

A. Florida Statutes, Chapter 403.161 Prohibitions, violations, intent. (1) It shall be a violation of this chapter, and it shall be prohibited for any person: (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority.

B. Florida Statutes, Chapter 403.088 Water pollution operation permits; temporary permits; conditions. (1) No person, without written authorization of the Department, shall discharge into waters within the State any waste which, by itself or in combination with the wastes of other sources, reduce the quality of the receiving waters below the classification established for them.

C. Florida Administrative Code Rule 62-650.100[1] Scope/Intent/Purpose (1) Section 403.021(2), Florida Statutes, as amended, the Florida Air and Water Pollution Control Act, established that no wastes are to be discharged to any waters of the State without first being given the degree of treatment necessary to protect the beneficial uses of such water.

D. Florida Administrative Code Rule 62-600.740[1] Reporting, Compliance, and Enforcement. (2) Violations The following acts and the causing thereof are prohibited. (a) The release or disposal of excreta, sewage, or other wastewaters or domestic wastewater residuals without providing proper treatment approved by the Department or otherwise violating provisions of this rule or other rules of the Florida Administrative Code.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of State statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Al Castro, P.E. or Clarence Anderson of this office at (407) 894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the

[1] (Former Rules 17-650.100 and 17-600.740)

Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

SUBMITTED BY:

Carlos Rivero-deAguilar, P.E.
Program Administrator
Water Facilities

Sincerely,

A. Alexander, P.E.
District Director

Date: 5-1-94

AA/ac/jb

CC: BERT PHILLIPS
KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
MARY GLENNON
CATHERINE WALKER
CHUCK WOOD
DENNIS WESTRICK
ROBERT REGALADO
JOE ROBERTS
DOUG LOVELL
KAY GAGNON
DAN DEBACA

FILE
DELTONA (WW)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

APR 23 1993

RECEIVED

MAY 3 1993

ENVIRONMENTAL SERVICES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Rafael Terrero, Chief
Utilities Engineering
Deltona Lakes Utilities
3250 S.W., Third Ave.
Deltona, Florida 33129

Re: NPDES Permit No. FL0001007
Notice of Violation

Dear Mr. Terrero:

On September 29, 1988, the above referenced National Pollutant Discharge Elimination System (NPDES) permit was issued to your facility with an expiration date of September 30, 1993. In accordance with the Clean Water Act (the Act) and Part II of your NPDES permit, an application for reissuance was required at least 180 days before permit expiration. Our records indicate that a renewal permit has not been received by this office.

If you intend to continue your permitted operation, please complete the enclosed application forms and return them to the attention of Mr. Trent Rainey, Enforcement Section, Water Permits and Enforcement Branch, Water Management Division. If you plan to cease your discharge please provide a written description and schedule of how you will accomplish cessation. If the discharge has already been eliminated, please complete the enclosed No Discharge Certification form and return it to this office.

Failure to submit proper documentation could result in enforcement action under Section 309 of the Act. NPDES permits that expire before receipt of a complete NPDES permit application will not be continued in force.

Fold at line over top of envelope to the right of the return address

CERTIFIED

P 124 046 703

MAIL

CC: C. Acuna
C. Walker
A. Terrero
A. Regalado
M. Fisher

Should you have any questions regarding this matter, please contact Mr. Rainey at (404)347-7428.

Sincerely yours,

Michael Hom, Chief
Florida/North Carolina Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

Enclosures

cc: Florida Department of Environmental
Regulation, Central District Office

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FILE
1) STONE ISLAND
2) VIOLATIONS NOTEBOOK

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
Z 184 848 399

SOUTHERN STATES UTILITIES INC
1000 COLOR PLACE
APOPKA FL 32703

OCD-CE-DW-94-0652

ATTENTION CARLYN H KOWALSKY ESQUIRE

Volusia County - DW
Stone Island S.T.P. and Collection/Transmission System
WARNING LETTER No. OWL-DW-94-0013

Dear Ms. Kowalsky:

This office has reviewed your November 23, 1994 letter responding to the proposed civil penalties for the violations addressed in the above referenced Warning Letter. After carefully considering the information presented in your letter, the Department tenders the enclosed revised Penalty Computation Worksheet as its final position relative to civil penalties. The revised civil penalties were derived in conformance with prescribed Department rules and guidelines.

Before this office can begin drafting the Consent Order to be utilized in ultimately resolving this case, Southern States Utilities, Inc. (SSU) is requested to submit a written response as to what measures have been or will be taken to correct the pond maintenance deficiency noted in the referenced Warning Letter. The response should include time frames for implementing corrective measures.

The written response also needs to provide SSU's decision regarding the revised civil penalties and entering into a Consent Order to resolve this matter. The Consent Order will provide instructions for proper payment of the revised civil penalties and costs. Submittal of an engineering evaluation report of the wastewater treatment plant, the disposal capacity, the collection/transmission system and subsequent proposed corrective measures will also be addressed in the Consent Order.

If this office does not receive an appropriate response within fourteen (14) days of receipt of this letter, it will be assumed that SSU is not interested

Received
DEC 8 1994
Environmental Services

in settling this matter as described above. In that event, this office would be left with no other recourse but to refer the matter to the Department's Office of General Counsel for formal enforcement action.

Sincerely,

William M. Bostwick, Jr., P.E.
Acting District Director

DATE 12/6/94

WMB/ca/jb

Enclosure

cc: Rafael A. Terrero, P.E., SSU

cc: Mel Fisher

PENALTY COMPUTATION WORKSHEET

Southern States Utilities, Inc.
Stone Island STP & Collection/Transmission System
"FAILURE TO MAINTAIN DISPOSAL AREAS"

Part III - Multi-day Penalties and Adjustments

ADJUSTMENTS — Dollar Amount

Good faith/Lack of good faith prior to discovery: _____

Justification: _____

Good faith after discovery: _____ - $ 480.00

Justification: Utility mowed sprayfield immediately after receiving Department notification of the problem.

History of non-compliance: _____

Justification: _____

Economic benefit of non-compliance: _____

Justification: _____

Ability to pay: _____

Justification: _____

Total Adjustments: _____ - $ 480.00

MULTI-DAY PENALTIES — Dollar Amount

Number of days adjustment factor(s) to be applied: _____

Justification: _____

_____

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

Rev. 5/91

PENALTY COMPUTATION WORKSHEET

PENALTY COMPUTATION WORKSHEET

Violator's Name: Southern States Utilities, Inc.

Identify Violator's Facility: Stone Island STP & Collection/Transmission System

Name of Department Staff Responsible for the Penalty Computations:

Clarence Anderson and Al CAstro, P.E.

Date: December 6, 1994

PART I - Class B (no penalty) Determination

Rationale for Class B determination: N/A

PART II - Class A Penalty Determinations

	Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1.	Failure to notify.	MAJOR	MAJOR	$ 8,000	----	----	$ 8,000
2.	Failure to maintain disposal areas.	MODERATE	MINOR	$ 1,200	----	- $ 480	$ 720
	Total Penalties for all Violations:						$ 8,720
	Total Costs and Expenses Incurred by the Department						350
							$ 9,070

(Attach Part III for each violation for which an adjustment or multi-day penalty is determined.)

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

William M. Bostwick, Jr., P.E.
Acting District Director

Date 12/6/94

Rev. 5/91

MEL FISHER

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED
Z 184 856 969

SOUTHERN STATES UTILITIES INC
1000 COLOR PLACE
APOPKA FL 32703

WARNING LETTER No. OWL-DW-94-0013

Attention: Rafael A. Terrero, P.E.
Manager Environmental Services

Volusia County - DW
Stone Island S.T.P. and Collection/Transmission System

Dear Mr. Terrero:

A field inspection conducted on August 3, 1994 of the Stone Island S.T.P. and Collection/Transmission System, in response to a complaint, indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel noted the following about the above described facility:

1. Failure to notify the Department regarding collection/transmission system operational difficulties that resulted in an overflow to a private residence.

   Also, the Department was not notified, that during heavy rains, the sewage treatment plant experienced operational difficulties that resulted in the unauthorized hauling of wastewater to the Deltona Lakes S.T.P.

2. Modification of the subject collection/transmission system without approval from the Department. An overflow pipe was installed for the purpose of diverting flow from the subject system.

3. Failure to maintain the Stone Island sprayfield and percolation ponds as required by Specific Conditions Nos. 11 and 12 of Operating Permit No. DO64-221990 and Department rules.

It is a violation for a facility to fail to comply with the following:

A. **Florida Administrative Code Rule 17-604.550 Abnormal Events.** (1) In the event of equipment breakdown, power outages, destruction by hazard of fire, wind, or by other cause, the permittee shall notify the Department and the local program (where existing) when the above described abnormal events result in the disposal of inadequately treated waste in violation of Rule 17-604.130(1), F.A.C. Notification

Received
AUG 22 1994
Environmental Services

shall be made in person, by telephone, or by telegraph to the nearest office of the Department and the local program within 24 hours of breakdown or malfunction.

B. **Florida Administrative Code Rule 17-600.740 *Reporting, Compliance, and* Enforcement.** (2) Violations The following acts and the causing thereof are prohibited. (a) The release or disposal of excreta, sewage, or other wastewaters or domestic wastewater residuals without providing proper treatment approved by the Department or otherwise violating provisions of this rule or other rules of the Florida Administrative Code.

C. **Florida Administrative Code Rule 17-4.030 General Prohibition.** Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule.

D. **Florida Statutes, Chapter 403.161 Prohibitions, violations, intent.** (1) It shall be a violation of this chapter, and it shall be prohibited for any person: (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority.

E. **Florida Administrative Code Rule 17-600.410 Operation and Maintenance Requirements.** (2) All reuse and land application systems shall be operated and maintained in accordance with the applicable provisions of this chapter and the provisions of Chapter 17-610, F.A.C.

F. **Florida Administrative Code Rule 17-610.523 Hydraulic Loading Rates and Cycles** (6) Rapid rate systems shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Al Castro, P.E. or Clarence Anderson of this office at (407) 894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the

Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

SUBMITTED BY:

Carlos Rivero-deAguilar, P.E.
Program Administrator
Water Facilities

Sincerely,

A. Alexander, P.E.
District Director

Date: 8/18/94

AA/ac/jb

cc: Bert Phillips
Chuck Wood
Dennis Westrick
Robert Regalado
Joe Roberts
Doug Lovell
Dan DeBaca
Ray Gagnon
Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Cathgrine Walker

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MEL FISHER

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

December 9, 1993

CERTIFIED
P 365 369 767

Southern States Utilities, Incorporated
1000 Color Place
Apopka, FL 32703

OCD-PW-CE-93-1776

RECEIVED
DEC 14 1993
LEGAL DEPT.

Attention: Ms. Carlyn H. Kowalsky, Attorney

Lake County - PW
Southern States Utilities, Incorporated
d/b/a Fern Terrace
Consent Agreement OGC File No. 93-2337

Dear Ms. Kowalsky:

The Department received your letter dated November 24, 1993 (with enclosures) in response to the above-referenced Consent Agreement which the Department sent to Mr. Bert Phillips, President, on October 1, 1993 for his review and signature and in response to the Department's November 4, 1993 letter.

Based on the report submitted in your letter which identified the amount of unaccounted for water at the Fern Terrace facility, the Department will not require that a second well be provided and agrees with your figure of 313 people served by this facility. Therefore, it will not be necessary to sign the above-referenced Consent Agreement and the Department is dropping any further enforcement action for this case.

However, the Department will require that the data in the report submitted in your letter be updated and provided to this office on a **yearly basis on or before November 30 of each year**. In addition, the number of service connections must always be no more than 150 connections and the system must always serve less than 350 persons so that a second well will not be required.

If you have any questions concerning this letter, please contact Paul Morrison at (407) 894-7555 or at the above address.

Sincerely,

A. Alexander, P.E.
District Director

12-10-93
Date

AA:pjm/tw

cc: Heidi Davis, DEP-Office of General Counsel
Ted Davis, Public Service Commission
Paul Morrison, DEP-Compliance/Enforcement

FRANK SANDERSON

cc: KARLA TEASLEY
RALPH TERRERO
MEL FISHER
SANDY JOINER
MARY GLENNON
CHUCK WOOD
BRUCE PASTER
JIM RAGSDALE
DON CORDER
BRIAN HEATH

Printed on recycled paper.

Florida Department of
Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

RECEIVED
NOV 0 9 1993
LEGAL DEPT.

CERTIFIED
P 123 359 1591

Southern States Utilities, Incorporated
1000 Color Place
Apopka, FL 32703

OCD-PW-CE-93-1591

Attention: Ms. Carlyn H. Kowalsky, Attorney

Lake County - PW
Southern States Utilities, Incorporated
d/b/a Fern Terrace
Consent Agreement OGC File No. 93-2337

Dear Ms. Kowalsky:

The Department received your letter dated October 20, 1993 (with enclosures) on October 22 in response to the above-referenced Consent Agreement which the Department sent to Mr. Bert Phillips, President, on October 1, 1993 for his review and signature. The Department was somewhat surprised at your response that SSU's Fern Terrace system serves fewer than 350 persons and is therefore not subject to the requirement of having two wells.

The enclosures dated January 30, June 29, and July 15, 1992 in your letter include no new information and had already been submitted to this office. After review of these enclosures, this office sent a letter to SSU on September 2, 1992 (copy enclosed) stating that "The Department has made a determination that information furnished to us in reference to the number of residents in this community is incomplete. Therefore, we are requiring the second source of water to be provided."

Cont'd...

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The Department has not received any additional information to change its position. In fact, the information received from the monthly operating reports (MORs) submitted since the September 2, 1992 letter, which would be for the last twelve months (October 1992 through September 1993), indicates that this system serves 400 persons. This is based on the following:

MOR Month	Average Daily Total Water Treated in Gallons
10/92	34,500
11/92	32,000
12/92	32,400
01/93	33,000
02/93	32,500
03/93	36,100
04/93	43,000
05/93	65,500
06/93	52,300
07/93	37,000
08/93	47,600
09/93	34,600
Total:	480,500 Gallons

Therefore, the average daily total water treated in gallons for the last twelve months is 40,042 gallons ($\frac{480,500}{12}$ = 40,042).

SSU stated on page 2 of the January 30, 1992 letter which was enclosed in your October 20, 1993 letter, and the Department agrees, that it is assumed that 100 gallons of water is used per day per person. Therefore, the number of persons served water by this system based on the MORs for the last twelve months and based on 100 gallons of water used per day per person is calculated to be 400 persons ($\frac{40,042}{100}$ = 400).

A copy of the Department's form referenced in Rule 17-555.910(7), Florida Administrative Code (F.A.C.) titled "Notice of Intent to Use General Permit for Wastewater Collection System/Drinking Water Distribution System" is enclosed. On this form an Equivalent Residential Connection (ERC) equals 3.5 persons. The August and September 1993 MORs indicated there were 125 service connections. If 3.5 persons per service connection is used to determine the number of persons served, the number of persons served would be 438 (3.5 x 125 = 438).

Because the Department has determined that the actual population served information submitted to date was incomplete, and because of the above calculations in this letter, it is required that a second well be provided.

Please have Mr. Bert Phillips sign and date the appropriate spaces on the Consent Agreement which the Department sent to him on October 1, 1993. If the signed Consent Agreement is not returned to the Department within fifteen (15) days of receipt of this letter, the case will be referred to the Department's Office of General Counsel with a recommendation that formal enforcement action be taken.

If you have any questions concerning the terms of the Consent Agreement, please contact Paul Morrison at (407) 894-7555 or at the above address.

Sincerely,

H. W. Alexander, P.E.
District Director

NOVEMBER 4, 1993
Date

AA:pjm/tw

Enclosures

MEL FISHER

Rec'd SSU
OCT 04 1993
EX OFFICE

Florida Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED
P 123 358 697

Southern States Utilities, Incorporated
1000 Color Place
Apopka, FL 32703

OCD-PW-CE-93-1414

Attention: Mr. Bert Phillips
President

Lake County - PW
Southern States Utilities, Incorporated
d/b/a Fern Terrace
Consent Agreement OGC File No. 93-2337

Dear Mr. Phillips:

Enclosed is a Consent Agreement prepared by this Department. Please review this document, and if satisfactory, sign and date the appropriate spaces and return it to this office within twenty (20) days of receipt. A copy of the completed document will be forwarded to you upon entry by the District Director.

Should the Consent Agreement be unacceptable, please provide this office with written notification within twenty (20) days.

If you have any questions concerning the terms of this Consent Agreement, please contact Paul Morrison at (407) 894-7555 or at the above address.

Sincerely,

J. W. Alexander, P.E.
District Director

OCTOBER 1, 1993
Date

AA:pjm/tw

Enclosure

cc: KARLA TEASLEY
RALPH TERRERO
CARLYN KOWALSKY
CHUCK WOOD
BRUCE PASTER
JIM RAGSDALE
DON CORDER
BRIAN HEATH
FRANK SANDERSON
MARY GLENNON

Printed on recycled paper.

DER CERTIFIED MAIL NO.: _____

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION Complainant, vs. **SOUTHERN STATES UTILITIES, INCORPORATED, d/b/a FERN TERRACE,** Respondent.	IN THE OFFICE OF THE CENTRAL DISTRICT **OGC FILE NO. 93-2337**

CONSENT AGREEMENT

This Consent Agreement is made and entered into between the State of Florida Department of Environmental Protection ("Department") and Southern States Utilities, Incorporated, d/b/a Fern Terrace ("Respondent"), to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent agrees to the following:

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in this Consent Agreement.

2. Respondent is a Florida corporation doing business at 1000 Color Place, Apopka, Florida 32703, and is a person as defined in Sections 403.031(5) and 403.852(5), Florida Statutes.

3. Respondent is the owner and operator of a community public drinking water system ("system") serving piped potable water to at least 350 persons at Fern Terrace, a residential community. The system is located on Fern Drive, east of the City of Leesburg, Florida, at Latitude 28° 48' 50" North, Longitude 81° 50' 50" West, Lake County, Florida.

4. On June 15, 1992, the Department issued a Warning Letter OWL-PW-92-0011 to the Respondent. The Warning Letter informed the Respondent of alleged violations of Florida Administrative Code Chapter 17-555 and Chapter 403, Florida Statutes. The Warning Letter is attached hereto as Exhibit A.

5. Respondent violated Florida Administrative Code Rule 17-555.315(1) by failing to provide a second well as required for all community public drinking water systems serving 350 or more persons.

6. The Department informed Respondent of the foregoing violation of Chapter 403, Florida Statutes and applicable Department rules during a meeting in the Department's District office in Orlando on June 30, 1992. All disputed issues were discussed.

THEREFORE, having reached a resolution of the matter, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is,

ORDERED:

7. Within 30 days of execution of this Consent Agreement, Respondent shall pay the Department $1,748.00 in settlement of the matters addressed in this Consent Agreement. This amount includes a civil penalty of $1,498.00 for alleged violations of Section 403.161 and 403.859, F.S, and of the Department's rules, and $250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Agreement. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection

and shall include thereon the OGC number assigned to this Consent Agreement and the notation "Pollution Recovery Fund." The payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

8. Within 20 days from the effective date of this Consent Agreement, Respondent shall make an application to the St. Johns River Water Management District to construct a new public water supply well. Respondent shall have obtained this well construction permit within 120 days from entry of this Consent Agreement. Within five days following completion of the well drilling operation for the new well referenced above, which shall be completed within 30 days of the receipt of a permit, Respondent shall notify the Department in writing that the well drilling operation has been completed.

9. Within 45 days following completion of the well drilling operation for the new well referenced in paragraph 8 above, Respondent shall submit to the Department, through a professional engineer registered in the State of Florida, the well contractor's well completion report, one (1) copy of engineering plans, construction permit application, appropriate construction permit application fee, specifications and related documents covering this well, pump and piping installation for equipping and connecting this new well to the existing system. The related documents shall include acceptable results of a chemical analysis of a sample of water from the well performed by a laboratory certified by the State of Florida, Department of Health and Rehabilitative Services, for the parameters of primary inorganic standards, primary organic standards, volatile organic contaminant standards, unregulated organic contaminant standards, gross alpha radioactivity, secondary standards and hydrogen sulfide. The construction permit application shall be processed by the Department in accordance with Chapter 120, Florida Statutes. Within 120 days of the construction permit application submittal, Respondent shall submit all required information and

shall obtain the construction permit to complete the modifications.

10. Respondent shall obtain the appropriate construction permit from the Department prior to beginning the construction referenced in paragraph 9 above. Respondent shall complete the construction of the new well and equip and connect the new well to the existing water system and obtain a clearance letter from the Department no later than the expiration date of any construction permit issued to Respondent by the Department to make such modifications.

11. Respondent shall not place the new well, pump and piping installation referenced in paragraph 9 above into service until the Department has issued a clearance letter to place such into service.

12. Respondent shall comply with the conditions of any approval, acceptance, clearance or permit issued by the Department for the Respondent's water system.

13. Respondent agrees to pay the Department stipulated penalties in the amount of $200.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 7 through 12 of this Consent Agreement. A separate stipulated penalty shall be assessed for each violation of this Consent Agreement. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Agreement and the notation "Pollution Recovery Fund." Payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Agreement.

14. Persons who are not parties to this Consent Agreement but whose substantial interests are affected by this Consent Agreement have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Agreement identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Agreement; (c) A statement of how each petitioner's substantial interests are affected by the Consent Agreement; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Agreement; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Agreement; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Agreement.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Agreement have the right to petition to become a party to the proceeding. The petition must conform to the requirements

specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, F.A.C.

15. Entry of this Consent Agreement does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

16. The terms and conditions set forth in this Consent Agreement may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Agreement shall constitute a violation of Section 403.859, Florida Statutes.

17. Respondent is fully aware that a violation of the terms of this Consent Agreement may subject Respondent to judicial imposition of damages, civil penalties up to $5,000.00 per offense, and criminal penalties.

18. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purpose of determining compliance with the terms of this Consent Agreement and the rules of the Department.

19. All plans, applications and information required by this Consent Agreement to be submitted to the Department shall be either hand delivered or sent via certified U.S. mail to:

Environmental Manager
Drinking Water Compliance/Enforcement
Central District
State of Florida Department
of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

20. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Agreement.

21. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Agreement, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Agreement. Respondent waives its right to an administrative hearing pursuant to Section 120.57, Florida Statutes, on the terms of this Consent Agreement. Respondent acknowledges its right to appeal the terms of this Consent Agreement pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Agreement.

22. The provisions of this Consent Agreement shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

23. If all of the requirements of this Consent Agreement have not been fully satisfied, Respondent shall, at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Agreement with all attachments to the new owner.

24. No modifications of the terms of this Consent Agreement shall be effective until reduced to writing and executed by both Respondent and the Department.

25. This Consent Agreement is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Agreement will not be effective until further order of the Department.

FOR THE RESPONDENT:

_____
Date

_____
Bert Phillips, President
Southern States Utilities, Incorporated
1000 Color Place
Apopka, Florida 32703

DONE AND ORDERED this _____ day of _____, 1993, at Orlando, Orange County, Florida.

_____
A. ALEXANDER, P.E.
District Director
Central District
State of Florida Department
of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
CLERK Date

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

CERTIFIED
P 402 736 893

September 2, 1992

OCD-PW-CE-92-1642

Southern States Utilities Incorporated
1000 Color Place
Apopka, Florida 32703

Attention: Melvin E. Fisher

Lake County - PW
Fern Terrace
PWS ID Number 3350370

Dear Mr. Fisher:

The Department has made a determination that information furnished to us in reference to the number of residents in this community is incomplete. Therefore, we are requiring the second source of water to be provided.

This matter shall be resolved through a Consent Order and the Department is proceeding to draft such and upon the review and approval of the Office of General Counsel, we will forward a copy to your office for your review and signature.

If you have any questions concerning this letter, please contact Mr. Nick Kadivar at 407/894-7555.

Sincerely,

Joseph M. McNamara, P.E.
Program Manager
Drinking Water

JMMc:nk/mg

cc: Lake County Health Department
Frank Huttner
Paul Morrison
Nick Kadivar

SEP 04 1992
ENVIRONMENTAL SERVICES

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

1115 ET
FILE
1) FERN TERRACE
2) CONSENT ORDER NOTEBOOK

CERTIFIED MAIL
P 037 849 821

Southern States Utilities Incorporated
1000 Color Place
Apopka, Florida 32703

WARNING LETTER
OWL-PW-92-0011

Attention: Melvin E. Fisher

Lake County - PW
Fern Terrace
PWS ID Number 3350370

Dear Mr. Fisher:

A review of Department records and a site visit on October 23, 1991, indicate that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel observed the following at the above described facility:

1. A second well has not been provided as required for all community systems serving 350 or more persons.

It is a violation for any supplier of water to fail to comply with the following statutes and rules:

Section 403.161(1)(b), Florida Statutes - Failure to comply with any rule or regulation adopted or issued by the Department.

Rule 17-555.315(1), Florida Administrative Code - Second well requirements.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

cc: BEN PHILLIPS
JIM RAGSDALE
KARLA OLSON TEASLEY
KEITH TERRERO
JIM QUARRY
CHUCK NEED
DON CORDER
BRIAN HEATH
PHIL STORY
FRANK ANDERSON

WARNING LETTER
OWL-PW-92-0011

You are requested to contact Mr. Nick Kadivar of this office at 407/894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

A. Alexander, P.E.
District Director

6-15-92
Date

AA:nk/mg

cc: Lake County Health Department
Nick Kadivar
Frank Huttner
Paul Morrison

Department of Environmental Protection

FILE
VIOLATION NOTEBOOK

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

NOV 14 1994

NOTICE OF NONCOMPLIANCE

Bruce Paster, P.E., Senior Engineer
Southern States Utilities, Inc.
1000 Color Place.
Apopka, FL 32703

PWSID #4430442
Fisherman's Haven
Martin County
Correspondence

Re: 1994 Chemical Monitoring

Dear Mr. Paster:

Owners of community public water systems are responsible for minimum monitoring and reporting requirements in accordance with Chapter 62-550, Florida Administrative Code (F.A.C.). According to Department records, you were informed of the chemical monitoring requirements for 1994 on March 15, 1994. This notification required quarterly monitoring in 1994 for the following contaminants:

1. Volatile Organic contaminants in accordance with Chapter 62-550.515(1)(a), F.A.C., and

2. Group I Unregulated Organic Contaminants in accordance with Chapter 62-550.521, F.A.C. From the referenced list, only Carbaryl, Methomyl, 3-hydroxycarbofuran, Propachlor, and Metribuzin need to be analyzed for.

The Department cannot verify that the referenced water system has completed four consecutive quarters to achieve compliance. If sampling for Volatile Organic and the specified Group I Unregulated Organic Contaminants has not been initiated or sampling for four consecutive quarters has not been completed, please contact a certified laboratory to arrange to have the required analyses performed.

Begin sampling every three months over twelve consecutive months to achieve compliance with Chapter 62-550, F.A.C. Submit the results to the Department within 14 days of receipt of the results.

If compliance for the referenced contaminants has been achieved, please submit copies of the chemical analysis results to the Department immediately.

Should you have any questions, please contact **Deborah Oblaczynski** of this office at 407/433-2650, ext. 234.

Sincerely,

Pamela Smith
For

Michael G. Zetts, P.E.
Water Facilities Administrator

MGZ:dot

Enclosures

cc: Martin County Public Health Unite
Tim Varnsdale, Certified Operator

RECEIVED
NOV 16 1994

Florida Department of
Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

Port St. Lucie Office
1801 S.E. Hillmoor Drive, Suite C-204
Port St. Lucie, Florida 34952

Rec'd SSU
JUL 19 1993
OFFICE

JUL 16 1993

NOTICE OF NONCOMPLIANCE
DW - Martin County

Mr. Bert Phillips, President
Southern States Utilities, Inc.
(Fishermans Haven)
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

A review of the Department's records on your wastewater plant revealed the following noncompliance item:

> According to a Specific Condition of your permit, flow measurement devices are required to be calibrated annually with the certification of calibration submitted to the Department the following January. We have not received the certification of calibration for 1992 which was to have been submitted in January of 1993. If the calibration was performed in 1992, please submit the certification.

You may wish to consult with your operator and/or engineer to address the above item.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

If you have any questions, please contact William Thiel at (407) 878-3890 or (407) 335-4310.

Sincerely,

Larry O'Donnell
Environmental Manager

LO/wts

cc: Domestic Waste Permitting, DEP, West Palm Beach

Karla Tepley — Jim Ragsdale
Faith Terrero — Sam Sparks — Tom Vanasdale
Carol Kenwisky — Connie Wise
Mary Glennon — Bruce Thiele
Catherine Walker — Frank [illegible]

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FILE
FISH. HAVEN

Florida Department of Environmental Regulation

Southeast District • P.O. Box 15425 • West Palm Beach, Florida 33416

Lawton Chiles, Governor

1900 S. Congress Ave., Suite A
Telephone: 407/433-2650
Fax: 407/433-2666

Virginia B. Wetherell, Secretary

APR 1 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce Paster, P.E., Sr. Project Engineer
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, FL 32703

PWSID #4430442
Fisherman's Haven
Martin County
Public Water System

Re: Notice of Noncompliance

Dear Mr. Paster:

This letter is in response to your letter to the Department dated October 20, 1992, regarding the referenced system. The Department's response to each item is as follows:

1. Well not constructed to exclude intrusion of surface water.

   The 6'x6'x4" concrete pad will be checked on a future inspection date.

2. Lack of appropriate pump/pipe appurtenances.

   The pressure gauge will be checked on a future inspection date.

3. Check valve on the pump discharge pipe is leaking.

   The repair will be checked on a future inspection date.

4. Inadequate disinfection time.

   Please submit to the Department the engineering calculations used to determine the disinfection contact time.

5. Lack of meter bypass.

   The Department acknowledges your response as acceptable.

6. Lack of adequate auxiliary power.

   Based on your system serving less than 350 persons or having fewer than 150 service connections, auxiliary power will not be required.

7. Well construction unknown.

   The Department will continue to monitor the monthly bacteriological quality of the well. If results warrant, future actions may be necessary.

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SSU ENGINEERING

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8. Inadequate number of wells.

   Based on your system serving less than 350 persons or having fewer than 150 service connections, two wells will not be required.

9. No permit on file for the water plant.

   No additional response is necessary.

10. No permit for loss of chlorine alarm.

    No additional response is necessary.

11. Lack of metering device.

    No additional response is necessary.

Please submit the requested information within 60 days of receipt of this letter. Contact Deborah Oblaczynski of this office for a follow-up inspection when the required tasks are completed or if you have any questions.

Sincerely,

Donald B. White
Water Facilities Administrator

DBW:dot TJC RS

cc: Martin County Public Health Unit
Mel Fisher, SSU
Tim Ragsdale, SSU
Rafael Terrero, SSU
Lowell Polk, Certified Operator

bc: Mel Fisher
Ralph Terrero
Sam Sparko
Jim Ragsdale
File

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APR 0 8 1993

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor

Carol M. Browner, Secretary

OCT 0 2 1992

NOTICE OF NONCOMPLIANCE

Mr. Raphael Terrero, Manager
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

DW - Martin County
Fishermans Haven WWTP
Permit No.: DC-43-150277

Dear Mr. Terrero:

A review of the July, 1992, monthly operating report submitted for your wastewater treatment facility revealed the following noncompliance items:

The chlorine residual of the effluent was below the minimum 1.0 mg/L required for proper disinfection at this facility on four days during the month.

Wasted sludge volume records were not submitted as part of the reports as required by the specific conditions of your permit.

You may wish to consult with your operator and/or engineer to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

Your anticipated cooperation in correcting the above deficiencies is appreciated. If you have any questions, please contact William Thiel at (407) 878-3890 or (407) 335-4310. In the event of continued non-compliance the Department may take enforcement action.

Sincerely,

John A. Meyer
Port St. Lucie Branch Manager

JAM/wts

cc: Domestic Wastewater Permitting, DER/WPB

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MCV
FILE
1) FISH. HAVEN
2) INSP. NOTEBOOK
3) CONSENT ORDER NOTEBOOK

Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

Telephone: 407/433-2650
Fax: 407/433-2666

Carol M. Browner, Secretary

SEP 2 1 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

Mr. Rafael A. Terrero, P.E.
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, FL 32703

PWSID #4430442
Fisherman's Haven
Martin County
Public Water System

SEP 2 1 1992

ENVIRONMENTAL SERVICES

Dear Terrero:

The quality of drinking water when it ultimately reaches the consumer depends on the construction, operation and maintenance of a public water system. Public water systems in Florida are regulated by the Department under the Florida Safe Drinking Water Act as promulgated by Chapters 17-550, 555 and 560 of the Florida Administrative Code (F.A.C.).

A sanitary survey, which includes an on-site inspection and a review of system records, is performed to evaluate the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

On June 4, 1992, Department personnel conducted a sanitary survey of the referenced system to determine continued compliance with these regulations. Following are recommended remedial actions for the noted deficiencies:

1. Well is not constructed to exclude intrusion of surface water.

   A concrete pad with minimum dimensions of 6'x 6'x 4" must be centered around the well. For level areas, well tamped or puddled earth shall be placed around the well to elevate the pad.

2. Lack of appropriate pump/pipe appurtenances.

   The pump discharge pipe shall be equipped with a pressure gauge.

3. Check valve on the pump discharge pipe is leaking.

   Replace check valve.

4. Inadequate disinfectant time.

   *Free residual chlorination requires a minimum contact time of 30 minutes. The existing tank does not appear to be of adequate volume to meet minimum requirements. Additional time must be provided unless engineering calculations can justify otherwise.

5. Lack of meter bypass.

   Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

6. Lack of adequate auxiliary power.

   *All community systems that serve 350 or more persons shall be equipped with sufficient finished water storage in combination with standby pumping capability to provide one-half maximum daily system demand and with a source of adequate auxiliary power (equipped with an automatic start-up device) to allow operation of the water treatment units and provide pumping capability of approximately one-half maximum daily system demand.

7. Well construction unknown.

   Provide any available background information on the existing well(s) to ensure construction in accordance with minimum standards for public supply wells; well casing size and material, casing depth, grouting thickness and depth, date installed, integrity based on logging or air pressure test and well yield in gal/min. A well driller's completion report or any permits that may exist would be helpful.

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8. *Inadequate number of wells.

   A minimum of two drinking water supply wells shall be provided for all community water systems that will serve 350 or more persons.

9. No permit on file for the water plant.

   Please provide any background information, including permits, for the water plant.

10. No permit on file for addition of the chlorine alarm.

    *Modification of a public water system without Department approval is a violation of 17-555 F.A.C. Violations of this type may result in civil penalties of up to $5,000 per day per violation. Please submit a permit application for this plant modification, with the appropriate application fee, unless prior approval can be documented.

11. Lack of metering device.

    All public water systems shall be equipped with a metering device that accurately indicates pumpage of finished water Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

    Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

An evaluation of the listed items indicates that significant modifications of the system are required. Those items marked by an '*' require the services of a Florida-registered Professional Engineer. Therefore, within thirty (30) days of receipt of this letter, obtain the services of a Florida-registered Professional Engineer to evaluate the system and submit an application to construct the necessary modifications in accordance with the provisions of Chapter 17-555, F.A.C.

This notice does not necessarily provide a complete list of deficiencies for the referenced system. A more detailed review will be done by our engineering staff during the permit application review process. If further deficiencies are discovered based on the information provided, you will be notified at that time.

Should you have any questions regarding this inspection, please contact Deborah Oblaczynski of this office.

Sincerely,

Donald B. White
Water Facilities Administrator

Enclosure

DBW:dot/62

cc: Martin County Public Health Unit
Lowell Polk, Certified Operator
Public Service Commission

cc: KARLA TEASLEY
RALPH TERRERO
CHUCK WOOD
BRUCE PASTER
JIM RAGSDALE
SAM SPARKS
TIM VANASDALE
FRANK SANDERSON
MARY GLENNON

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Department of Environmental Protection

VIOLATION NOTEBOOK

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

NOV 14 1994

NOTICE OF NONCOMPLIANCE

Bruce Paster, P.E., Senior Engineer
Southern States Utilities, Inc.
1000 Color Place.
Apopka, FL 32703

PWSID #4431700
Fox Run
Martin County
Correspondence

Re: 1994 Chemical Monitoring

Dear Mr. Paster:

Owners of community public water systems are responsible for minimum monitoring and reporting requirements in accordance with Chapter 62-550, Florida Administrative Code (F.A.C.). According to Department records, you were informed of the chemical monitoring requirements for 1994 on March 15, 1994. This notification required quarterly monitoring in 1994 for the following contaminants:

1. Volatile Organic contaminants in accordance with Chapter 62-550.515(1)(a), F.A.C., and

2. Group I Unregulated Organic Contaminants in accordance with Chapter 62-550.521, F.A.C. From the referenced list, only Carbaryl, Methomyl, 3-hydroxycarbofuran, Propachlor, and Metribuzin need to be analyzed for.

The Department cannot verify that the referenced water system has completed four consecutive quarters to achieve compliance. If sampling for Volatile Organic and the specified Group I Unregulated Organic Contaminants has not been initiated or sampling for four consecutive quarters has not been completed, please contact a certified laboratory to arrange to have the required analyses performed.

Begin sampling every three months over twelve consecutive months to achieve compliance with Chapter 62-550, F.A.C. Submit the results to the Department within 14 days of receipt of the results.

If compliance for the referenced contaminants has been achieved, please submit copies of the chemical analysis results to the Department immediately.

Should you have any questions, please contact **Deborah Oblaczynski** of this office at 407/433-2650, ext. 234.

Sincerely,

Michael G. Zetts, P.E.
Water Facilities Administrator

MGZ:dot

Enclosures

cc: Martin County Public Health Unite
Tim Varnsdale, Certified Operator

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NOV 16 1994

Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

SEP 16 1994

NOTICE OF NONCOMPLIANCE

Bruce Paster, P.E., Senior Engineer
Southern States Utilities
1000 Color Place
Apopka, FL 32703

PWSID #4431700
Martin County
Fox Run
Correspondence

Re: July, 1994, Bacteriological Monitoring

Dear Mr. Paster:

Department records indicate that you failed to sample for coliform bacteria during the month of July, 1994, for the referenced public water supply.

Be reminded that a minimum number of raw and treated water samples must be analyzed monthly to assess the sanitary quality of your drinking water. Copies of the reports must be received by this office no later than the 10th of the following month. Should a pattern of non-compliance be evident, appropriate enforcement action may be initiated.

If you have any questions, please contact Deborah Oblaczynski of this office.

Sincerely,

Pamela W. Smith

for Michael G. Zetts, P.E.
Acting Water Facilities Administrator

DBW:dot

Enclosures

cc: Martin County Public Health Unit
Tim Varnsdale, Certified Operator

Received
SEP 20 1994
Environmental Services

cc: Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Mary Glennon
Rick Eck

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SEP 19 1994

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

MAR 2 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles L. Sweat
Vice President of Operations
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32701

RE: Water System Serving Fox Run
Certifications for Clearance
for Permits #WC-43-187328 and #WC-43-188475
Consent Order in OGC Case #88-0722

Dear Mr. Sweat:

A review of Department files indicates that a request for information was issued to you on August 25, 1993 (copy attached). The information is necessary to complete the certification of the referenced permits. To date, we have not received the requested information.

Please be reminded that pursuant to the Department's September 26, 1990, letter (copy attached), the construction schedule approved as part of the referenced Consent Order was modified so that the certification of completion of construction was due within 75 days from your receipt of the permits. **Be advised that failure to submit the requested information within 30 days of your receipt of this letter will be considered noncompliance with the approved construction schedule and may result in the assessment of stipulated penalties at the rate of $100 per day pursuant to paragraph 16 of the Consent Order for each day that the system fails to comply.**

Thank you for your attention to this matter. If you have any questions, please contact Michele Owens of this office at 407/433-2650.

Sincerely,

Mary E.S. Williams
Director of District Management

MESW:mo
Enclosures

cc: Office of General Counsel, DEP, Tallahassee
Drinking Water Permitting Section, DEP, WPB
Richard L. Johnson, P.E. - Russell & Axxon, Inc.
Hutcheon Engineers

CC: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
CHUCK WOOD
BRUCE PASTER
SANDY JOINER
MARY GLENNON
JIM RAGSDALE
SAM SPARKS
FRANK SANDERSON

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Florida Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

AUG 2 5 1993

Charles L. Sweat
Vice President of Operations
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Martin County
PW-Fox Run Utilities

Re: Certifications for Clearance
Permit Numbers WC-43-176328 & WC-43-188475
Fox Run Utilities
Filtration System Rated for 120,000 gpd

Dear Mr. Sweat:

On July 22, 1993, Department personnel performed an as-built inspection on the upgrades of the referenced utility. In order to complete your certification, submittal of the following items is necessary:

1. DER Form 17-555.910(9) for final certification must be submitted for each referenced permit number.

2. Two sets of record drawings depicting the two completed projects as-built with any deviations from the original permitted drawings highlighted and/or noted. It was noted during the inspection that there were differences between actual piping and that shown on permitted drawings.

3. Specific conditions 7 and 20 of permits WC-43-176328 and WC-43-188475, respectively, limit the rate of filtration for each filter to 3 gpm/sf. Prior to final release of the facility for service, the engineer-of-record must certify that some means is provided to control the rate of flow onto each filter.

4. Pursuant to specific condition 19 of permit WC-43-176328, the well discharge pipe for each well shall be equipped with a check valve downstream of the raw water sample tap. It also requires the gate valve be located on the well discharge pipe such that the raw water meter and well can be isolated for maintenance. The engineer-of-record must certify that these conditions are met.

5. The drain on the retaining wall surrounding the generator and fuel tank for spill containment was found to be open during the July 22 inspection. Please verify this has been corrected.

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Charles L. Sweat
V.P. of Operations
Southern States Utilities, Inc.
AUG 2 5 1993

6. All public supply wells must be protected from tampering and vandalism with, at minimum, a 6-foot high fence with locked gate. Please provide a locking gate to the fence at well #2.

7. Each well must be provided with a means for pumping to waste at the pump's rated capacity. Please describe or note on the drawings how each well can pump to waste.

8. An irrigation line has been added to the system. This must be reflected on the record drawings with an acceptable backflow prevention device shown.

9. The air release valve on well #2 must be properly protected with a screen.

10. Pursuant to specific conditions 4 and 5 of permit WC-43-188475, in the event that iron levels in the finished water are found to be greater than the maximum contaminant level, corrective actions must be taken to bring it into compliance prior to release for use.

The final engineering report prepared by Hutcheon Engineers on the iron treatment evaluation has been reviewed. The two primary problems were found to be improperly operating automatic backwash valves causing flow to bypass the filters and water quality of well #1. It was noted that the backwashing problem was corrected in July and that the system was "achieving low levels of iron". It was also noted that well #2 has significantly lower levels of iron than well #1 so from December 1, 1992, only well #2 was used resulting in "acceptable iron treatment". Apparently, even with the correction of the backwash problem, table 1 on page 8 of the report indicates that the MCL for iron was exceeded (9/24/92, 10/21/92, 11/11/92 and 11/20/92). It was not until well #1 was removed from service in December, 1992, that acceptable levels of iron were maintained. Because this system serves more than 150 service connections (or more than 350 people), it is required to have a minimum of two water supply wells which must meet water quality standards with either or both wells in service. It should be noted that the table is labeled "Finish Water Iron Concentration (mg/l") yet two columns are labeled "Well No. 1" and "Well No. 2". In reviewing the data, it was assumed that from July 27 to November 20, 1992, the data represented iron in finished water with well #1 operating and from December 3, 1992, to January 28, 1993, the data represented iron in finished water with well #2 operating. If this assumption is incorrect, please clarify table 1 of the report. Otherwise, please comment on how the problem with iron levels will be resolved. It should be pointed out that as of January 1, 1993, the new FAC Rule 17-550 allows sequestering agents to be used in lieu of meeting the maximum contaminate level for iron when the maximum iron concentration does not exceed 1.0 mg/l.

Charles L. Sweat
V.P. of Operations
Southern States Utilities

AUG 2 5 1993

If you have questions regarding the above items, please call Pam Smith of this office at 407/433-2650.

Sincerely,

Donald B. White
Water Facilities Administrator

DBW:pst

cc: Tim Vanasdale, SSU
Fox Run Enforcement File
Richard L. Johnson, P.E. - Russell & Axxon, Inc.
Hutcheon Engineers

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

FEB 1 1994

NOTICE OF NONCOMPLIANCE

Charles L. Sweat
Vice President of Operations
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

PWSID #4431700
Fox Run
Martin County
Public Water System

Dear Mr. Sweat:

The quality of drinking water when it ultimately reaches the consumer depends on the construction, operation and maintenance of a public water system. Public water systems i Florida are regulated by the Department under the Florida Safe Drinking Water Act as promulgated by Chapters 17-550, 555 and 560 of the Florida Administrative Code (F.A.C.).

A sanitary survey, which includes an on-site inspection and a review of system records, i performed to evaluate the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

On July 22, 1993, Department personnel conducted a sanitary survey of the referenced system to determine continued compliance with these regulations. Following are recommended remedial actions for the noted deficiencies:

1. Inadequate raw water sample tap on well #1.

   The raw water sample tap must be located so that the sample drawn is representative o the well. A check valve must be located between the raw water sample tap and any treatment, such as chlorine injection, and any storage, such as a bladder tank where water may have settled.

2. Lack of appropriate pump/pipe appurtenances on well #1.

   The pump discharge pipe shall be equipped with a shutoff valve.

3. Lack of pressure gauges.

   Each pump discharge pipe must be provided with a pressure gauge.

4. Inadequate well blowoff on well #2.

   The well blowoff shall terminate in a downturned position at or above the top of the casing and be protected by a corrosion resistant screen.

5. Inadequate protection of well #2 from tampering, vandalism or weather.

   Add a lockable gate to the enclosure around well #2.

6. Well construction unknown.

   The well completion report is not on file with the Department. Please submit a copy of the well completion report for well #2.

7. Inability to pump wells to waste.

   Each well must be provided with a means for pumping to waste at the pump's rated capacity. Provide, in writing, to the Department how each well can pump to waste.

8. Inadequate cross-connection protection is provided.

   The line from the plant to the irrigation system is not equipped with a backflow prevention (BPP) device. Provide the appropriate BPP device on this line.

9. Lack of rate of flow controllers on each filter.

   Provide the appropriate rate of flow controllers on each filter.

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10. The maximum contaminant level for iron has been exceeded.

    This issue was addressed in a Department letter of August 25, 1993 which was never responded to. Submit the information required by this letter (copy enclosed).

11. Deficiency in fuel containment area.

    Drain on the retaining wall for the auxiliary power generator and fuel storage tank was open. Verify, in writing, that this has been corrected.

12. Auxiliary power/generator testing.

    According to Department policy, the generator may be exercised as follows:

    1. Under half load for four continuous hours once per month or,

    2. Under full load conditions for one hour per week, the system may use a "dummy" load for this purpose.

13. Exceedance of a maximum contaminant level.

    Sample results from February 7, 1991, indicate an exceedance of the maximum contaminant level for lead. No follow-up action for this violation is noted in Department records. Re-sample the point of entry to the distribution system for lead analysis by March 1, 1994 and submit the results to the Department for further evaluation.

An evaluation of the listed items indicates that modifications to the system are required. Therefore, by March 1, 1994, submit the requested information and make the necessary modifications as described. Once the modifications are complete, contact the Department for a follow-up inspection.

Whenever possible, all customers shall be notified prior to any plant modification or planned outage. No plant, pump, tank, pipe or other structure shall be placed back in service without having been effectively disinfected and bacteriologically cleared (absence of total coliforms in two consecutive daily water samples). To avoid consumption of water during this period, all water fountains and ice machines shall be turned off and a boil water notice shall be issued to all customers. Once satisfactory bacteriological clearance is achieved, the boil water notice may be lifted. Copies of lab results shall be provided to the Department.

Should you have any questions regarding this inspection, please contact Deborah Oblaczynski of this office at 407/433-2650.

Sincerely,

Donald B. White
Acting Water Facilities Administrator

DBW:dot 10/28

cc: Martin County Public Health Unit
Lowell Polk & Tim Varnsdale, Certified Operators

CC: KARLA TEASLEY
RALPH TERRERO
SANDY JOINER
CARLYN KOWALSKY
MARY GLENNON
JIM RAGSDALE
SAM SPARKS
FRANK SANDERSON
CHUCK WOOD
BRUCE PASTER

South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

CERTIFIED MAIL NO. P 253 288 698
RETURN RECEIPT REQUESTED

CON 24-06

RECEIVED
SEP 07 '93

September 02,1993

Southern States Utilities Services
1000 Color Place
Apopka, Florida 3270

Subject: Fox Run Plant - Permit Compliance
Permit Number: 43-00602-W
County: Martin

Dear Sir or Madam,

The purpose of this letter is to inform you of non-compliance issues with your Water Use Permit from the South Florida Water Management District. According to our records the District has not received information on or about the following limiting condition(s);

1. Permit Condition # 14

"THE PERMITTEE SHALL SUBMIT TO THE DISTRICT COPIES OF THE MONTHLY DER WATER TREATMENT PLANT REPORT. THE REPORT SHALL BE SUBMITTED MONTHLY IN THE MONTHS FOLLOWING EITHER THE FIRST MONTH OF PUMPAGE OR PERMIT ISSUANCE."

To date the District Water Use Division has not received any copies of the D.E.R. reports. Please compile and submit the required information beginning in September of 1990.

1. Permit Condition # 22

WITHIN SIX MONTHS OF PERMIT ISSUANCE, PERMITTEE SHALL IMPLEMENT A SALINE INTRUSION MONITORING PROGRAM (SALT). A PRELIMINARY PROPOSAL SHALL BE SUBMITTED TO STAFF FOR APPROVAL WITHIN THREE MONTHS OF PERMIT ISSUANCE. THE PURPOSE OF THIS PROGRAM SHALL BE TO CONSTRUCT A POTENTIOMETRIC HEAD AND CHLORIDE MONITORING NETWORK. IN DEVELOPING THE PROGRAM THE PERMITTEE SHALL CONSIDER WELL LOCALITIES, DEPTH AND METHOD OF WELL CONSTRUCTION, TYPES OF SCREEN, METHOD OF CHLORIDE ANALYSIS AND FREQUENCY OF DATA COLLECTION.

To date the District Water Use Division has not received a Saline Intrusion Monitoring Plan.

Governing Board
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt
William Hammond
Betsy Krant
Allan Milledge
Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad
Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director

If you have any questions regarding these violations, please contact me at (407) 686-8800. Your attention to this matter is appreciated.

Sincerely,

Steven D. Anderson, P.G.
Supervising Professional
Water Use Division
Regulation Department

SDA/mp
43-00602.ppc

cc: KARLA TERSIGNI
CARLYN KOWALSKY
RALPH TERRY
CATHERINE
JIM KAUFMAN
SAM
FRANK

C: BPhillips - JRagsdale - Mel Fisher - BPaster

4/13/93 - CLS

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C204 • Port St. Lucie, FL 34952
Lawton Chiles, Governor — Carol M. Browner, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

APR 0 8 1993

Mr. Charles Sweat, Vice President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

DW - Martin County
Fox Run Wastewater
Treatment Facility

Mel ?

Dear Mr. Sweat:

An inspection conducted on March 25, 1993 by the Department revealed possible discharge of effluent to the southern stormwater grate adjacent to the drainfield and subsequently to Bessey Creek. Events of possible contamination of public access areas and discharge to Bessey Creek by the effluent disposal system for the Fox Run Wastewater Treatment Facility were first brought to the attention of Mel Fisher, Southern States Utilities, on February 18, 1993. Inspections by the Department on February 16 and 18, observed a failing drainfield and contact of effluent with public access area. The confirmation of the discharge receiving southern stormwater grate to Bessey Creek was substantiated during an inspection by the Department on February 19, 1993. Discharges to the stormwater grate and public access area were also observed by the Department on February 26, 1993. J & J Baker Enterprises confirmed initiation of effluent hauling February 27, 1993. Mel Fisher and Tim Vansdale of Southern State Utilities were notified of pooling effluent on the drainfield on March 12, 1993. Southern States Utilities responded that hauling of effluent was still being performed.

Despite the efforts made to remove effluent rrom the plant, observations of surfacing and discharging effluent are continuing. You may wish to consult with your operator and engineer to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

RECEIVED
APR 13 1993

cc: Karla Teasley
Ralph Terrero
Chuck Wood
Frank Sanderson
Sam Sparks
Tim Vansdale

Recycled Paper

The Department requests that you respond within fifteen (15) days of receipt of this notice with a plan for achieving compliance. If the problems are not resolved in a timely manner, the Department may take enforcement action. If you have any questions, please contact Jamie Caston at (407) 878-3890 or (407) 335-4310.

Sincerely,

Larry O'Donnell
Environmental Manager

LO/jcs

cc: Ed Decker, Environmental Protection Agency
Public Services Commission
Domestic Wastewater Permitting, DER, West Palm Beach

Mail - Need to file this card
Chris 12/10/92

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C204 • Port St. Lucie, FL 34952
Lawton Chiles, Governor
Carol M. Browner, Secretary

FILE
Fox Run

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

DEC 03 1992

Mr. Raphael Terrero, Manager
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

DW - Martin County
Fox Run WWTP
Permit No.: DT-43-193523

Dear Mr. Terrero:

A review of your Temporary Operating Permit reveals that you are not in compliance with Condition 1, V. According to the permit modification approved on May 14, 1992, an application for a transmission/collection system should have been received by the Department prior to August 3, 1992. This compliance date was not met. No applications have been received to date.

You may wish to consult with your engineer to address the above item.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

The Department requests that you respond within fifteen (15) days of receipt of this notice with a plan for achieving compliance. Failure to perform these corrective actions required by a temporary operating permit may constitute a violation of state statutes and result in imposition of civil penalties up to $10,000 per day per violation pursuant to Sections 403.141 and 403.161, Florida Statutes. If you have any questions, please contact Jamie Caston at (407) 878-3890 or (407) 335-4310.

RECEIVED
DEC 07 1992

Sincerely,

John A. Meyer
Port St. Lucie Branch Manager

JAM/jcs

cc: Domestic Wastewater Permitting, DER, West Palm Beach

Recycled Paper

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor

Carol M. Browner, Secretary

RECEIVED

NOV 16 1992

ENVIRONMENTAL SERVICES

NOV 13 1992

cc KARLA TOOLEY
RALPH TERRERO
CHUCK [illegible]
BRUCE FOSTER
JIM RAUSDALE
SAM SPAINS
TIM VANDYDALE
FRANK SANCHEZ
[redacted]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

Mr. Raphael Terrero, Manager
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

DW - Martin County
Fox Run WWTP
Permit No.: DT-43-193523

Dear Mr. Terrero:

An inspection of your wastewater facility on October 20, 1992, revealed the following noncompliance items:

Seepage onto the ground from a crack in the sidewall of the chlorine contact chamber was noted by the inspectors. Repairs are required to restore the tank's integrity.

The total suspended solids in an effluent sample taken during the inspection was 26.6 mg/L. The temporary operating permit limits TSS to a maximum of 10 mg/l in any single grab sample.

You may wish to consult with your operator and/or engineer to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

The Department requests that you respond **within fifteen (15) days** of receipt of this notice with a plan for achieving compliance. If the problems are not resolved in a timely manner, the Department may take enforcement action. If you have any questions, please contact William Thiel at (407) 878-3890 or (407) 335-4310.

Sincerely,

John A. Meyer
Port St. Lucie Branch Manager

JAM/wts

cc: Domestic Wastewater Permitting, DER, West Palm Beach

Recycled Paper
Printed with Soy Based Inks

NEL FISHER

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619
Lawton Chiles, Governor 813-744-6100 Virginia B. Wetherell, Secretary

April 2, 1993

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Consent Order # 92-2012
Golden Terrace

Dear Mr. Phillips:

Please find attached, an executed copy of Consent Order # 92-2012.

If you have any questions regarding this matter, please contact Brenda Ball at 813/744-6100 Ext. 318.

Sincerely,

Pedro L. Rivera, P.E.
Section Manager
Drinking Water Section

PLR/bbm

Attachment:

cc: Larry Morgan, OGC
Dawn Durham, Citrus CPHU

CC: KARLA TEASLEY
RALPH TERRERO
CHUCK WOOD
JOE MACK
MARY GLENNON
FRANK SANDERSON
CHARLES SWEAT
BILL WILLIAMS
BOB WILLIAMS

Recycled Paper
Printed with Soy Based Ink

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, Complainant, vs. SOUTHERN STATES UTILITIES, INC. 1000 COLOR PLACE APOPKA, FLORIDA 32703, Respondent.	IN THE OFFICE OF THE SOUTHWEST DISTRICT OGC CASE NO. 92-2012

D.E.R.

MAR 3 0 1993

SOUTHWEST DISTRICT
TAMPA

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in the Consent Order.

2. Respondent is a person within the meaning of Section 403.852(3), Florida Statutes.

3. Respondent is the owner and operator of a community water system located at Golden Terrace Estates, PWS-ID # 6090674 located at 28° 50′ 42" N and 82° 22′ 17" W.

4. Respondent's water system has exceeded the maximum contaminant level for iron in the water samples submitted on the following dates: August 6, 1991, October 2, 1991, January 7, 1992, March 23, 1992 and July 10, 1992.

Having reached a resolution of the matter, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

5. Within 30 days of execution of this Consent Order, Respondent shall pay the Department $500.00 in settlement of the matters addressed in this Consent Order. This amount is for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Regulation and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund".

6. By April 1, 1993, Respondent shall submit an application for a construction permit to the Department to interconnect Golden Terrace public water system with the City of Inverness water treatment plant. This connection will correct the MCL violations for iron. The application shall be prepared and sealed by a professional engineer registered in the State of Florida. If the Department finds that the application is incomplete, the Department will notify Respondent of the discrepancies and Respondent shall submit all requested information within 15 days of the request.

7. Within 90 days of the issuance of a construction permit by the Department, Respondent shall complete all construction on the interconnect.

8. Within 10 days after completion of the interconnect, a Certificate of Completion letter shall be submitted to the Department by the engineer of record as provided in Florida Administrative Code Rule 17-555.345.

9. Within 5 days after the Department issues a letter of clearance, Respondent shall place the interconnect in service. If the modification in the permit is insufficient to correct the violation, the Department reserves the right to take further enforcement action.

10. Respondent agrees to pay the Department stipulated penalties in the amount $100 per day for each and every day Respondent fails to timely comply with any of the requirements specified in paragraph(s) 6, 7, 8, and 9 of this Consent Order. A separate stipulated penalty shall apply to each deadline that is missed. Within 30 days of written demand from the Department, Respondent shall make payment of appropriate stipulated penalties to the "The Department of Environmental Regulation" by cashier's check, or money order and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund." The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in

paragraph 5 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

11. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by next working day and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable

control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

12. Respondent shall allow all authorized representatives of the Department access to the drinking water system at reasonable times for the purposes of determining compliance with this Consent Order and the rules of the Department.

13. Entry of this Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

14. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

15. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000.00 per offense, and criminal penalties.

16. Persons not parties to this Consent Order whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition

for an administrative hearing on it. The petition must contain the information set forth below, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

18. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, Florida Statutes of the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

19. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

20. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

21. All plans, reports, penalties, stipulated penalties, costs and expenses, or other documents required by this Consent Order to be submitted to the Department shall be sent to Brenda Ball, Potable Water, Department of Environmental Regulation, Southwest District, 4520 Oak Fair Boulevard, Tampa, FL 33610-7347.

22. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.

23. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing

of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

3-26-93
DATE

Bert Phillips, President
Southern States Utilities, Inc.

DONE AND ORDERED THIS 1 day of April, 1993, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sandy Mulka 4-2-93
Clerk Date

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-3400

Citrus CPHU

7

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619
Lawton Chiles, Governor 813-744-6100 Carol M. Browner, Secretary

Virginia B. Wetherell, Secretary

NEL FISHER
FRANK SAUDERSON
JOE MACK
BILLY WILLIAMS
CATHERINE WALKER
CHRIS ARCADI
RALPH TERRELL
MARY GLENN-WOOD
KARLA O. TEASLEY
CHUCK WOOD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 15, 1993

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Golden Terrace Consent Order
OGC Case # 92-2012

Dear Mr. Phillips:

Enclosed within, please find the proposed Consent Order regarding the above referenced facility. Please review, sign and return it within fifteen (15) days from receipt of this letter if in agreement.

Upon return, the Consent Order will be executed by the Director of District Management, and a final copy will be sent to you.

Should you have any questions, contact Brenda Ball at (813) 744-6100 ext. 318.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/bbm

Enclosure:

cc: Dawn Durham, Citrus CPHU

Recycled Paper
Printed with Soy Based Ink

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, Complainant, vs. SOUTHERN STATES UTILITIES, INC. 1000 COLOR PLACE APOPKA, FLORIDA 32703, Respondent.	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT OGC CASE NO. 92-2012

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in the Consent Order.

2. Respondent is a person within the meaning of Section 403.852(3), Florida Statutes.

3. Respondent is the owner and operator of a community water system located at Golden Terrace Estates, PWS-ID # 6090674 located at 28° 50′ 42" N and 82° 22′ 17" W.

4. Respondent's water system has exceeded the maximum contaminant level for iron in the water samples submitted on the following dates: August 6, 1991, October 2, 1991, January 7, 1992, March 23, 1992 and July 10, 1992.

Having reached a resolution of the matter, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

5. Within 30 days of execution of this Consent Order, Respondent shall pay the Department $500.00 in settlement of the matters addressed in this Consent Order. This amount is for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Regulation and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund".

6. By April 1, 1993, Respondent shall submit an application for a construction permit to the Department to interconnect Golden Terrace public water system with the City of Inverness water treatment plant. This connection will correct the MCL violations for iron. The application shall be prepared and sealed by a professional engineer registered in the State of Florida. If the Department finds that the application is incomplete, the Department will notify Respondent of the discrepancies and Respondent shall submit all requested information within 15 days of the request.

7. Within 90 days of the issuance of a construction permit by the Department, Respondent shall complete all construction on the interconnect.

8. Within 10 days after completion of the interconnect, a Certificate of Completion letter shall be submitted to the Department by the engineer of record as provided in Florida Administrative Code Rule 17-555.345.

9. Within 5 days after the Department issues a letter of clearance, Respondent shall place the interconnect in service. If the modification in the permit is insufficient to correct the violation, the Department reserves the right to take further enforcement action.

10. Respondent agrees to pay the Department stipulated penalties in the amount $100 per day for each and every day Respondent fails to timely comply with any of the requirements specified in paragraph(s) 6, 7, 8, and 9 of this Consent Order. A separate stipulated penalty shall apply to each deadline that is missed. Within 30 days of written demand from the Department, Respondent shall make payment of appropriate stipulated penalties to the "The Department of Environmental Regulation" by cashier's check, or money order and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund." The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in

paragraph 5 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

11. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by next working day and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable

control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

12. Respondent shall allow all authorized representatives of the Department access to the drinking water system at reasonable times for the purposes of determining compliance with this Consent Order and the rules of the Department.

13. Entry of this Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

14. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

15. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000.00 per offense, and criminal penalties.

16. Persons not parties to this Consent Order whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition

for an administrative hearing on it. The petition must contain the information set forth below, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

18. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, Florida Statutes of the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

19. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

20. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

21. All plans, reports, penalties, stipulated penalties, costs and expenses, or other documents required by this Consent Order to be submitted to the Department shall be sent to Brenda Ball, Potable Water, Department of Environmental Regulation, Southwest District, 4520 Oak Fair Boulevard, Tampa, FL 33610-7347.

22. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.

23. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing

of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

DATE

Bert Phillips, President
Southern States Utilities, Inc.

DONE AND ORDERED THIS _____ day of _____, 1993, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-3400

Citrus CPHU

File

Violations Notebook

Rec'd SSU
JAN 04 1993
EXECUTIVE OFFICE

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION,	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT
Complainant,	:	
vs.	:	OGC CASE NO. 92-2012
SOUTHERN STATES UTILITY, INC.,	:	
Respondent.	:	

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

TO: Bert Phillips
Southern States Utilities, Inc.
Golden Terrace Facility
1000 Color Place
Apopka, Florida 32703

Certified Mail # P-079-943-316

Pursuant to the authority of Section 403.121(2), Florida Statutes, and Florida Administrative Code Rule 17-103.110, the State of Florida Department of Environmental Regulation ("Department") gives notice to Southern States Utilities, Inc. ("Respondent") of the following findings of fact and conclusions of law with respect to violations of Chapter 403, Florida Statutes and Florida Administrative Code Chapters 17-550 through 17-560.

FINDINGS OF FACT

Paragraphs Applicable To All Counts

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, Florida Statutes, and the rules

promulgated thereunder, Florida Administrative Code Title 17-550 through 17-560.

2. Respondent owns and operates a public water supply system which serves at least 15 service connections regularly serving at least 25 year round residents, and the water system is located at 28° 50' 42" N and 82° 22' 17" W.

3. The Department informed Respondent on November 19, 1991 that he is in violations of Section 403.850 - 403.864, Florida Statutes, and applicable rules promulgated thereunder in Title 17, F.A.C. by sending Warning Notice # 91-210PW09-SWD.

COUNT I

4. The maximum contaminant level for iron has been exceeded in Respondent's public water system. Water sample results submitted on August 6, 1991, October 2, 1991, January 7, 1992, March 23, 1992 and July 10, 1992 for sampling of the public supply revealed this exceedence.

COUNT II

5. The Department has incurred expenses to date while investigating this matter in the amount of not less than $500.00.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to requirements of Chapter 403, Florida Statutes and Department rules and has made the following Conclusions of Law:

6. Respondent is a person pursuant to Section 403.031(5).

7. System is a public water system pursuant to Section 17-550.200(42) Florida Administrative Code.

8. The facts related in Count I constitute a violation of Florida Administrative Code Rule 17-550.320 which provides that the maximum contaminant level shall not be exceeded in community water systems for secondary contaminants (iron). Therefore, the facts constitute a violation of Section 403.859(2), Florida Statutes, which makes it a violation of the Florida Safe Drinking Water Act to fail to comply with any rule adopted by the Department pursuant to the Act.

9. The costs and expenses related in Count II are reasonable costs and expenses incurred by the State while investigating this matter, which are recoverable pursuant to Section 403.141(1) F.S.

ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The Orders for Corrective Action state what you, Respondent, must do to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondent files a timely petition for a formal hearing or informal proceeding, pursuant to Section 403.121, F.A., and F.A.C. Rule 17-103.110. (See Notice of Rights.) If Respondent fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's order pursuant to Section 120.69 and 403.131, F.S.

Pursuant to the authority of Sections 403.061(8) and 403.121, Florida Statutes, and Florida Administrative Code Rule

17-103.110(1), the Department proposes to adopt in its Final Order in this case the following specific corrective actions which will redress the alleged violations:

10. Within 45 days of the effective date of these Orders, Respondent shall submit a plan to DER for changing or modifying the operation or equipment of the drinking water system which will correct the violations of the MCL for iron. The plan shall be prepared and sealed by a professional engineer registered in the State of Florida. If the Department finds that the plan is incomplete, the Department will notify Respondent of the discrepancies and Respondent shall submit all requested information within 15 days of the request.

11. Within 60 days of the approval by the Department, Respondent shall complete all of the changes or modifications required in the approved plan. If a particular modification requires a permit, Respondent shall apply for and obtain the permit prior to constructing the modification. If the changes in the plan are insufficient to correct the violation, the Department reserves the right to take further enforcement action.

12. Within 30 days, Respondent shall make payment to the Department for costs and expenses in the amount of $500.00. Payment shall be made by cashier's check or money order payable to the "State of Florida Department of Environmental Regulation" "Pollution Recovery Fund" notation on check or money order and shall be sent to 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

NOTICE OF RIGHTS

1. Respondent has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, if Respondent disputes issues of material fact raised by this Notice of Violation and Orders for Corrective Action ("Notice"). At a formal hearing, Respondent will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

2. Respondent has the right to an informal administrative proceeding pursuant to Section 120.57(2), Florida Statutes, if Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's proposed action or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

3. Respondent may request an informal conference with the Department pursuant to Florida Administrative Code Rule 17-103.090 in order to resolve this matter promptly and amicably. Respondent's rights will not be adjudicated at an informal conference, and the right to a formal hearing or informal proceeding will not be affected by requesting or participating in an informal conference.

4. If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written responsive pleading entitled "Petition for Administrative Proceeding" within twenty days of receipt of this Notice or within ten days of any timely requested informal conference held pursuant to paragraph 5 below. The petition must be in the form required by Florida Administrative Code Chapter 17-103 and by Florida Administrative Code Rule 28-5.201. A petition is filed when it is received by the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A petition must specifically request a formal hearing or an informal proceeding, it must admit or deny each Finding of Fact of this Notice, and it must state any defenses upon which Respondent relies. If Respondent lacks knowledge of a particular allegation, Respondent must so state, and that statement will operate as a denial.

5. If Respondent desires an informal conference, Respondent must file a written "Request for Informal Conference" within ten days of receipt of this Notice. The request must be made to the person indicated on the last page of this Notice. The request is filed when it is received by the office of the person indicated on the last page of this Notice. If no resolution of this matter results from the informal conference, Respondent has the right to file a petition for a formal hearing or informal proceeding within ten days of the date the conference was held.

6. Respondent will waive the right to a formal hearing or an informal proceeding if a petition is not filed with the Department within twenty-one days of receipt of this Notice or within ten days of the date of an informal conference if one is held. These time limits may be varied only by written consent of the Department.

7. The allegations of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if Respondent fails to timely file a petition for a formal hearing or informal proceeding, pursuant to Section 403.860, Florida Statutes, and Florida Administrative Code Rule 17-103.110. A Final Order will constitute a full and final adjudication of the matters alleged in the Notice of Violation and Orders for Corrective Action.

8. If Respondent fails to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Sections 120.69 and 403.131, and 403.727, Florida Statutes. The Department may also seek to recover all costs of litigation including reasonable attorney's fees, expert witness fees, and civil penalties of not more than $5,000 per day for each day that Respondent has failed to comply with the Final Order.

9. This matter may be resolved if the Department and Respondent enter into a Consent Order, in accordance with Florida Administrative Code Rule 17-103.110(3), upon such terms and conditions as may be mutually agreeable.

10. The Department is not barred by the issuance of this Notice from maintaining an independent action in circuit court with respect to the alleged violations. If such action is warranted, the Department may seek injunctive relief, and civil penalties of not more than $5,000 per day, and all costs of litigation.

11. Copies of Department rules referenced in this Notice may be examined at any Department office or may be obtained by written request to the person listed on the last page of this Notice.

DATED THIS 30 day of December, 1992.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

FILING AND ACKNOWLEDGEMENT

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sandy Mulke 12-31-92
Clerk Date

For Richard D. Garrity, Ph.D
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Kenna Study, DER-Tallahassee

Dawn Durham, Citrus CPHU

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Charles Sweat
Chuck Wood
Joe Mack
Bill Williams
Bob Williams
Mary Glennon
Frank Sanderson

Rec'd SSU
OCT 2 6 1992
EXECUTIVE OFFICE

Florida Department of Environmental Regulation
Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

October 23, 1992

RALPH T. PLEASE HANDLE

RECEIVED
OCT 2 6 1992

Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

RE: Golden Terrace
PWS-ID # 6090674

Dear Mr. Phillips:

This letter is to inform you that a Notice of Violation (NOV) is being drafted due to the ongoing iron problem at Golden Terrace, PWS-ID # 6090674. You received a copy of the proposed Consent Order for resolution of this problem in July of this year and have yet to sign it. Your company requested an interpretation of the draft F.A.C. 17-555 regarding the use of iron sequestering agents on certain water systems. This office has verbally relayed Tallahassee DER's interpretation that Golden Terrace would not be eligible to use this rule even if it is adopted. This office has requested a written policy (per Mel Fisher's request) regarding the draft rule and have yet to receive a final draft. Should you seek to further pursue this avenue, you may contact Greg Parker or Van Hoofnagle, of Tallahassee DER directly at (904) 487-1762.

A Notice of Violation requires both correction of the violations cited and payment for costs and expenses incurred by the Department during the enforcement case. We would appreciate your cooperation in this matter to quickly resolve this problem.

Sincerely,

Brenda Ball

Brenda Ball
Environmental Specialist I
Drinking Water Section

BB/sem

cc: Dawn Durham, Citrus CPHU
Joe Mack
Charles Sweat
Mel Fisher
Bob Williams
Bill Williams

CC: KARLA TEASLEY
RALPH TERRERO
FRANK SANDERSON
MARY GLENNON
CHUCK WOOD
CHRIS ARCAND

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cc: KARLA OLSON TEASLEY
BERT PHILLIPS

R.A. Terrero
~~Mel Fisher~~
Joe Mack

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-623-5561 Carol M. Browner, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 19, 1992

RECEIVED
FEB 24 1992

Mr. Bob Williams
Southern States Utilities
9840 N. Citrus Springs Blvd.
Citrus Springs, FL 32630

RE: Golden Terrace
PWS-ID # 6090674

Dear Mr. Williams:

This letter is to acknowledge receipt of your iron analysis for Golden Terrace. The data we have is summarized below:

Date	Iron
09-30-91	1.01
10-01-91	.96
10-02-91	.95
12-18-91	.75

MCL - .3
Average - .92

These results exceed the maximum contaminant level for iron. We would suggest, a meeting between Southern States Utilities and the Department to discuss a Consent Order agreement to help resolve this problem. Please contact me at 813-620-6100 ext. 318, within 10 days of the receipt of this letter.

Sincerely,

Brenda Ball

Brenda Ball
Environmental Specialist I
Drinking Water Section

BB/aem

cc: Dawn Durham, Citrus CPHU

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

MC
FILE
Gospel Island

April 15, 1992

Southern States Utilities
Bob Williams
9840 N. Citrus Springs Blvd.
Citrus Springs, FL 32630

RE: Warning Notice # 91-211PW09-SWD
Gospel Island Estates

Dear Mr. Williams:

The Department has received results for manganese analysis. The average of the last four analyses do not exceed the MCL for manganese.

This corrects violations as stated in the referenced Warning Notice.

This letter officially closes Warning Notice # 91-211PW09-SWD and the Department's enforcement action.

Thank you for your cooperation in this matter, and please continue your efforts to remain in compliance.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/bbm

cc: Dawn Durham, Citrus CPHU
[redacted]

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

RECD 630
JUN 2 9 1992
EX OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

June 25, 1992

cc: KARLA OLSON TEASLEY
RALPH TERRERO
JOE ROBERTS
BILL CROSS
PAUL THOMPSON
ROBERT REGALADO
FRANK SANDERSON

Mr. Bert Phillips
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

Putnam County-Potable Water
Hermits Cove
PWS ID: 2540482

Department personnel have reviewed the chemical analyses submitted in compliance with Chapter 17-550 of the Florida Administrative Code (FAC).

The review indicated that the following, Secondary Standards, parameter(s) have exceeded the Maximum Contaminant Level (MCL):

Parameter	Reported Value	MCL
Color	15 c.u.	15 c.u.
TDS	620 mg/l	500 mg/l
Manganese	.149 mg/l	.05 mg/l

NOTE: Color has equaled the MCL, but does require resampling.

Three consecutive days of samples, collected at the same sampling point, shall be submitted to a certified laboratory within thirty days to be analyzed for Color, TDS and Manganese.

Results shall be submitted to this office upon completion.

Please contact the Potable Water Section, in writing, as to the status of these analyses.

If you have any questions regarding this matter, please contact this office at (904) 448-4330. Thank you for your cooperation.

Sincerely,

Vincent A. Seibold
Vincent A. Seibold
Engineer III

VAS/lgb
cc: Putnam County Health Department

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Rec'd SSU
JUN 2 2 199

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

June 17, 1992

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, FL 32703

Mel F. Please Waive
cc Bill Cross
F. Sanderson

Dear Mr. Phillips:

Putnam County - PW
Hermits Cove WTP
PWS ID: 2540482

On May 27, 1992, a reinspection was done of the referenced community public water system. Many of the deficiencies listed in the last sanitary survey have been corrected, however, the following items remain out of compliance.

1. There was no auxiliary power capability as the natural gas hookup for the generator was still pending.

2. The ground storage tank hatch needs to be sealed better, and the electrical connection for the float valve should be properly enclosed in the connection box.

3. The recent chemical analysis had MCL violation for Manganese and TDS. Three days rechecks within 30 days are required for these parameters.

Please provide a written response within 15 days to your plans to correct the remaining deficiencies and within what time frame. If you have any question, please contact me at (904) 448-4330, 305. Your continued cooperation with Florida's Safe Drinking Water Program is appreciated.

Sincerely,

James R Maher

James R. Maher
Engineer IV

C Kark Olson Tarskey
Rafael Terrero
Bill Cross
Frank Sanderson
C.E. Wood
Chris Arcand

JRM/lgb
cc: Paul Thompson
Joe Roberts
Robert Regalado
Putnam County Health Department

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-75

Lawton Chiles, Governor — Carol M. Browner, Secretary

PUBLIC WATER PLANT INSPECTION

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp Date 5/27/92
Name of System HERMITS COVE ID No. 2550482
System Owner SSU SERVICES INC. Phone No. 649-5673
Address 1000 COLOR PLACE City APOPKA Zip 32703
Operator PAUL THOMPSON Cert. level & No. C 7251

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
X	Auxiliary Power	555.320(6)	AUXILIARY GAS HOOK UP.
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
X	Chemical Monitoring	550.510 & 520	AUXILIARY MAGTOS NEEDED
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection Plant 1.0 mg/l; Remote ____ mg/l	555.350(1)	
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
X	Maintenance of Facilities	555.350	(ST could be sealed better.
___	Monthly Operational Reports Av. Flow ____MGD; Max ____MGD	550.730(1)d	
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
___	System Pressure	555.320(7)	

It is required that a written response be provided to this office within ten (10) days regar any unsatisfactory results listed above.

Inspector James R Maher Date 6/17/92
James R. Maher 446-4130 ext. 305

cc: County Health Unit

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: Holiday Haven
Pearl St.
Astor, FL.

In accordance with Lake County Code you are hereby notified that the above described property is in violation of Section 6.11.00D.2.a.

DESCRIPTION OF VIOLATION:
Erosion of pond berm into pond
Excessive vegetation in pond itself, and residual (sludge) build up
Spray field overgrown, needs mowing.

In order to prevent any further legal action, the following corrective measures must be taken by _____: 12/14/93- Stabilize pond berm so erosion is deterred, with vegetative growth
12/14/93- Remove excess vegetation & sludge (residuals) from pond, dispose of residuals at an FDEP approved site. #3 11/14/93- Mow spray field.

If you desire any further information, please contact:

Hand Del. to
Bill Yocum

CODE ENFORCEMENT DEPARTMENT
OLD LAKE COUNTY COURTHOUSE
315 WEST MAIN STREET
TAVARES, FLORIDA 32778
PHONE 904/343-9639

Date 10/14/93
CEB No: _____

Kathy Logan
Inspector

DEPARTMENT OF
ENVIRONMENTAL SERVICES
315 WEST MAIN STREET
TAVARES, FLORIDA 32778

ADMINISTRATION
PHONE 904-343-9739
POLLUTION CONTROL
PHONE 904-343-9738
SUNCOM 659-1738
SOLID AND HAZARDOUS WASTE MANAGEMENT
PHONE 904-343-9819
SUNCOM: 659-1819
MOSQUITO/AQUATIC PLANT MANAGEMENT
PHONE: 904-343-2011
SUNCOM: 659-1682
LAKE SOIL & WATER CONSERVATION
PHONE 904-343-2481
AGRICULTURAL CENTER
PHONE 904-343-4101

CERTIFIED MAIL
P 725 308 692

cc: Bert Phillips
Karla Olson Teasley
Ralph Terrero
Bill Williams
Bill Yocum
Frank Sanderson
Chuck Wood
Joe Mack
Chris Arcand

NOTICE OF VIOLATION

June 22, 1992

Mr. Charles Sweat, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Re: Holiday Haven, Sewage Treatment Plant.

Dear Mr. Sweat:

Pursuant to Chapter 13.02.00 of the Lake County Land Development Regulations, the Pollution Control Director hereby gives notice of violations of Chapter 6.11.00 D, Lake County Land Development Regulations, as more particularly described herein.

1. **Violation of Lake County Land Development Regulations**: 6.11.00 D.2.a.,d.,f., and 6.11.00 E.2.

2. **Location/address where violation exists**: Holiday Haven Mobile Home Subdivision, Pearl Street, Astor.

3. **Name and address of owner/person in charge of location where violation exists**: Mr. Charles Sweet, President, Southern States Utilities, 1000 Color Place, Apopka FL 32703.

4. **Description of violation**: During a routine inspection conducted by Division personnel on June 17, 1992, the following violations were noted:

   a. 6.11.00 D.2.a. The plant is not being maintained as to allow for maximum operating efficiency at all times

   b. 6.11.00 D.2.d. Knowingly or willingly permitting the bypassing, overloading of circumvention of any device so as to allow a discharge of improperly treated effluent.

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DISTRICT ONE C.A. "CHICK" GREGG | DISTRICT TWO DON BAILEY | DISTRICT THREE RICHARD SWARTZ | DISTRICT FOUR CATHERINE C. HANSON | DISTRICT FIVE MICHAEL J. RAICH

c. 6.11.00 D.2.f. Failure to maintain a valid F.D.E.R. Operating permit and violation of DT35-148316 condition B.1-3.

d. 6.11.00 E.2. Allowing the discharge of improperly treated effluent from the facility owners land.

5. **Date violations first observed:** These violations were noted during the inspection on June 17, 1992. Violation first cited in 1985.

6. **Date owner/person in charge given notice of violation:** June 17, 1992.

7. **Date on/by which violator is to respond:** July 1, 1992.

8. **Date on/by which violation is to be corrected:** July 1, 1992.

The respondent shall contact the Lake County Pollution Control Division, in writing, within five (5) days after receipt of this notice. The letter should contain information addressing the violation and plans to bring the facility in compliance, or contain statements that would demonstrate that the facility is in compliance with the Lake County Pollution Control Board Rules.

Failure to respond in writing, or otherwise demonstrate to the satisfaction of the Lake County Pollution Control staff that you are in compliance with the Lake County Pollution Control Board Rules, shall result in further enforcement action by the Lake County Pollution Control Board.

James E. Barker, Jr., R.E.M., Director
Lake County Pollution Control

JEB/rjg

cc: Annette Lustgarten, County Attorney
Leo Vaughn, Code Enforcement

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S --	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

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FILE 1) BEECHERS POINT 4) SILVER LAKE OAKS
2) PALM PORT
3) PARK MANOR

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

RECEIVED

DEC 0 9 1992

ENVIRONMENTAL SERVICES

C: C. Walker
H. Fisher
C. Arcand
H. Glennon

December 7, 1992

Mr. Charles Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

CC: KARLA TEASLEY, CHUCK WOOD, RALPH TERRERO, ROBERT REGA, JOE ROBERTS, FRANK SANDER, BILL CRUSS (FAX), PAUL THOMPSON

Dear Mr. Sweat:

Putnam County - Domestic Waste
SSU Wastewater Treatment Plants, Putnam County
Notices of Permit Non-Compliance

A review of files for the referenced facilities revealed the following deficiencies and discrepancies:

Beecher's Point
- Following a reduction of nitrate-nitrogen levels earlier this year, the permitted limit was exceeded in April, June and July.
- February 1992 laboratory documents for Beecher's and Park Manor each indicate fecal coliform samples were collected February 20 at 8:00 a.m. by Mr. Roy White.
- A residuals analysis submitted indicates a single sample collection date of April 14, 1992. Chapter 17-7.540(2)(e), FAC, outlines a multiple sample period. Additionally, due to the copper content of 2230 mg/kg, residuals must be disposed of in accordance with Grade II restrictions outlined in Chapter 17-7.
- Influent and effluent samples collected June 26, 1992 were received by the laboratory July 1 according to submitted laboratory documents. The acceptable holding time for BOD analysis was exceeded, and depending upon the method utilized, possibly that of nitrate.
- The operation log for July 1992 indicates samples were collected July 10, yet results for BOD, TSS and nitrate-nitrogen are not provided.
- Laboratory documentation for the July 10 fecal coliform sample indicates the sample was collected by Mr. Roy White at 11 a.m., yet the operation log indicates samples were collected while he was on-site 8-8:30 a.m.
- Please be advised permit DO54-147243 expires June 22, 1993 and as such an application for permit is due at least sixty days prior.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Palm Port
- As with Beecher's Point, a residuals analysis was apparently performed on a single day. Copper for the Palm Port sample was 2630 mg/kg, also a Grade II residual.
- With regard to June 1992:
  - the time of collection of the June 12 sample is not recorded on the operation log.
  - the operation report and log indicate samples were collected June 26, yet Flowers Laboratories analyses statements indicate effluent samples were collected June 5 and influent samples were collected June 26. Each were reported received by Flowers on June 29. Submit copies of applicable chain(s) of custody.
- Flow was estimated June 23 - July 14. Describe how and why flow was estimated - a constant flow was reported. If a fairly accurate flow estimation method is not available, inaccurate flow data should not be provided on the operation report.
- A note is made on the operation log for July 30 that the lift station was found full and was subsequently pumped out. The Department should be notified in accordance with Chapter 17-600, FAC, of any abnormal event (e.g., lift station or flow meter outages) upon discovery.
- With regard to July 1992:
  - the operation log indicates samples were collected for analysis of BOD, TSS, nitrate-nitrogen and fecal coliform on July 10. While the Flowers Laboratories document for fecal coliform indicates analysis of this sample July 10, the BOD, TSS and nitrate-nitrogen samples were reported as received by Flowers on July 13. Explain the difference in delivery dates and submit applicable chains of custody.
  - for the July 10 sample, the holding times for BOD and nitrate-nitrogen were possibly exceeded.
  - the July 10 fecal coliform laboratory document from Flowers indicates the sample was collected by Mr. Roy White at 12:00 p.m., yet the operation log indicates samples were collected by Mr. White during his 9-9:30 a.m. operation visit. The time of laboratory receipt was not provided.
  - the operation log indicates samples were collected July 29, yet results of analyses were not provided.

Park Manor
- With regard to the fecal coliform sample collected February 1992:
  - the sample date and time of collection was not recorded on the operation log.
  - the Flowers laboratory document indicates the sample was received at 1:30 p.m., yet Mr. White was on-site according to the operation log.
  - the holding time was exceeded.

Park Manor, continued
- Laboratory documents indicate that samples collected June 26 were received June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10. Results of analyses are not provided.
    - the Flowers document for the fecal coliform sample indicates collection by Mr. White at 1:00 p.m., yet the samples were collected between 10:30-11:00 a.m., according to the operation log. A time of receipt by Flowers is not provided.
    - the Flowers document indicates fecal coliform was confirmed present in the sample, yet an actual count was not provided.

Silver Lake Oaks
- With regard to February 1992:
    - the date and time of fecal coliform sample collection was not recorded on the operation log.
    - the Flowers laboratory document concerning the fecal sample indicates collection was by Mr. White on February 20 at 7:45 a.m., yet according to the operation log, he was on-site 12:00-12:30 p.m.
    - the operation log makes note that a portion of the drainfield was not functioning. The Department was apparently not notified as required.
- With regard to June 1992:
    - the fecal coliform date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document for the fecal coliform sample does not provide the collector's name, the date and time of sample, nor the date and time of receipt.
    - the fecal coliform laboratory receipt from Flowers indicates "confluent growth", yet an actual count was not determined.
    - the operation log and Flowers document indicates samples were collected June 26 and received by Flowers June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10 for BOD, TSS and nitrate-nitrogen analysis, yet results were not provided.
    - the Flowers laboratory document for the July 10 fecal coliform sample does not provide the date and time of sample, nor the date and time of receipt.
    - the Tri-Tech Laboratories, Inc. document for the July 29 samples indicate collection was at 7:00 a.m., yet the operation log indicates samples were collected between 7:45 and 8:15 a.m.

A response is requested within ten (10) days of receipt of this letter. In your response, you should address the above noted deficiencies and provide an explanation as to why permit conditions were not met. Until such time as compliance with permit conditions is achieved, you may be in violation of Florida Statutes and subject to enforcement and/or legal action if necessary.

Should you have any questions, please contact the undersigned at 448-4330, extension 308.

Sincerely,

Deryle Calhoun, E.I.
Environmental Engineer

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor — Carol M. Browner, Secretary

REC. / N. REGION

October 22, 1992

NOV 1 2 1992

REC. / N. REGION

NOV 1 2 1992

SSU SERVICES

Mr. Joe Roberts
SSU Services
255 Enterprise Road
Deltona, FL 32725

SSU SERVICES

Bradford County - PW
Keystone Club Estates
PWS ID: 2040412

Dear Mr. Roberts:

The following deficiency with Florida Administrative Code (F.A.C.), was noted with recommended action:

1. Failure to submit water samples to be analyzed by a certified laboratory for chemical parameters. Submit a water sample to a certified laboratory to be analyzed for Radionuclides and submit a copy of the results to our Department. Enclosed is a list of certified laboratories. Let the laboratory know that you are a community system. Chapter 17-550.510(1), (2), (5), 17-550.520, (4), (8), (3), (7), F.A.C.

If you have already completed analyses, please submit copies to our Department. A written response, within 15 days from receipt of this letter, shall be submitted to the Department. The response should include a proposal of realistic completion dates for the referenced deficiencies.

If you have any questions, feel free to call me at (904) 448-4330, extension 333. Thank you for your cooperation.

Sincerely,

Michael T. Dunbar
Engineer I

cc: KARLA TEASLEY
RALPH TERRERO
MARY GLENNON
BILL CROSS

MTD/lgb
Enclosure
cc: Bradford County Health Department
Ed Hernandez

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

CERTIFIED LABORATORIES

The following is a partial list of laboratories certified by the Department of Health and Rehabilitative Services to perform drinking water chemical analyses.

The Department of Environmental Regulation does not endorse any of the companies listed below, and a company's absence from this list does not imply prejudice or impropriety. A complete list of certified laboratories will be sent to you upon request.

1.	ABC Research Corporation Post Office Box 1557 Gainesville, FL 32601	(904) 372-0436
2.	Enviropact of Jacksonville 1627 East 8th Street Jacksonville, FL 32206	(904) 354-6755
4.	Flowers Chemical Lab P.O. Box 597 Altamonte Springs, FL 32701	(407) 339-5984
5.	National Testing Laboratories	(813) 962-7587 (800) 458-3330
6.	Orlando Laboratories, INC. P.O. Box 149127 Orlando, FL 33801	(407) 896-6645
7.	Savannah Labs & Env. Services	(904) 878-3994 (912) 354-7858
8.	Southeastern Environmental ABC Industrial Park, 80 Industrial Loop North, Bldg 5 Orange Park, FL 32073	(904) 269-6176
9.	Technical Services, Inc. P.O. Box 52329 Jacksonville, FL 32201	(904) 353-5761 358-2908

The following is a list of laboratories certified to perform Radionuclides:

1.	HRS-Office of Radiation Control Attn: Safe Drinking Water Lab Post Office Box 15490 Orlando, FL 32858-5490	(407) 297-2095
2.	Orlando Laboratories, INC. 820 Humphries Avenue Orlando, FL 33801	(407) 896-6645
3.	Thorton Laboratories, Inc. Post Office Box 2880 Tampa, FL 33601	(813) 223-9702

Copy 1/2/

COUNTY OF SEMINOLE

RECEIVED
FEB 10 '94

FLORIDA

CURRENT PLANNING OFFICE
PHONE (407) 321-1130 EXT 7441

COUNTY SERVICES BUILDING
1101 E 1st STREET
SANFORD FLORIDA 32771

February 7, 1994

Southern State Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: SEC 09 TWP 21 RGE 29
DAHLIA DR/BEG NE COR LOT 63 RUN SE ON NELY LINE 199.63 FT S 147.8 FT N 76 DEG 38 MIN 41 SEC W 154.62 FT N 16 MIN 01 SEC E 225.48 FT NELY 23.74 FT ON N LINE TO BEG PB 12 PG 15 LAKE HARRIET ESTATES

File #: Z94-02-006

Dear Property Owner:

You are hereby notified that the above described property is in violation of Ordinance 93-25, Chapter 95, Section 95.3.

DESCRIPTION OF VIOLATION:
1. Placement of unusable or abandoned appliances/furniture located on the subject property.
2. The accumulation of trash and debris on the subject property is defined as a nuisance in the Seminole County Code.

In order to prevent this matter from being turned over to the Code Enforcement Board, the following corrective measures must be taken by **FEBRUARY 25, 1994.**

1. Remove unusable or abandoned appliances/furniture from the subject property.
2. Remove accumulation of trash and debris from above described property.

The Seminole County Code Enforcement Board has the power to levy fines up to $250.00 per day for every day that the violation exists. Please contact this office when the violation has been corrected, and if this office can be of any assistance to you, please call 321-1130, extension 7441/7442. Due to the Code Inspectors schedules, the most appropriate time for telephone contact is between the hours of 8:00-9:00 A.M. and 4:00-5:00 P.M.

Sincerely,

Jerry Robertson
Inspector

cc: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
SANDY JOINER
MARY GLENNON
JIM RAGSDALE
CHUCK WOOD
BRUCE PASTER
DON CORDER
FRANK SANDERSON

JR/c:\FTAPPLTR.ASH
Enclosure

ORDINANCE 93-25
CHAPTER 95
SEMINOLE COUNTY CODE

Section 95.3 NUISANCES DECLARED

It is hereby declared and determined by the Board of County Commissioners of Seminole County that the following shall each individually, or in any combination thereof, be considered nuisances when existing upon lands or premises in the unincorporated area of Seminole County:

a) Objectionable, unsightly or unsanitary accumulations of garbage, refuse, rubbish, junk or debris.

b) Refuse.

c) Rubbish.

d) Junk.

e) Unusable or abandoned furniture.

f) Unusable or abandoned stoves and appliances or other white goods.

g) Trash and debris.

h) Uncultivated vegetation.

i) The remains or rubble of structures which have been burned, stricken by other casualty, or demolished.

j) Used or scrap building materials.

k) Volatile, corrosive, poisonous, or noxious chemicals, liquids, or substances.

l) Junked or abandoned vehicles; provided, however, that a junked vehicle kept within an enclosed garage or attached carport, or on the premises of a legally operating business enterprise when necessary to the functioning of such business operated in a lawful place and manner, or in a permitted or lawful storage area or depository maintained in lawful place and manner shall not be deemed a violation.

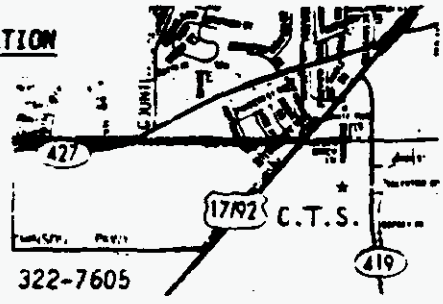
m) Any other objectionable, unsightly, or unsanitary matter, substance, or material tending by its existence and/or accumulation to endanger or adversely affect the health, safety, lives, and/or welfare of the citizens of the County.

Section 95.4 CREATION OR MAINTENANCE OF NUISANCES PROHIBITED.

a) It shall be unlawful for any person to accumulate, dump or cause or allow to be accumulated or dumped, or place or cause or allow to be placed, or to otherwise cause or allow to exist on any lands or premises any nuisance as defined in Section 95.3.

b) It is unlawful for any person, after notice as provided in Section 95.12 that a nuisance to the public health, safety or welfare exist on property, lands or premises which are owned by the person, to maintain, allow to remain or fail to remove such nuisance to the public health, safety or welfare.

SEMINOLE COUNTY WASTE DISPOSAL INFORMATION



Central Transfer Station - 1634 S.R. 419, Longwood 322-7605

Accepts commercial and homeowners' municipal solid waste

Accepts from homeowners:

Up to four tires at $1.00 each

Household hazardous waste - no charge - paint; motor oil; batteries; (pesticides, and anti-freeze in small quantities and leave container)

Homeowners $5 - $7 per truckload, covered (double if not covered)
$4 - 4 bags or cans for trash and yard waste

Restrictions: No appliances and no construction materials accepted

Osceola Landfill - 1930 E. Osceola Road, 7 miles north of Hwy 46

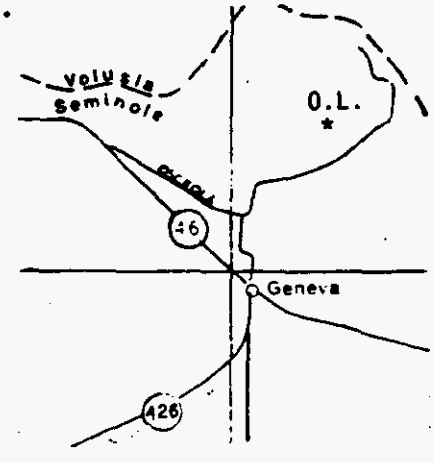
Accepts commercial and homeowners' municipal solid waste

Homeowners $4 for trash and yard waste per truckload, covered (double if not covered)
$ .85 per tire/$85.00 ton - over 24 tires need certificate from FDER proving commercial tire hauler

Household hazardous waste from homeowners, small quantities, no charge (same as C.T.S.)

Hours at both facilities - 7:30 a.m. to 5:30 p.m. seven days a week, except some holidays.

Commercial rates for large trucks is $31 per ton at the landfill and transfer station.



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Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

February 25, 1992

Lakeside Golf & Country Club
4555 East Windmill Drive
Inverness, Florida 32651

RE: Lakeside Golf & Country Club
PWS-ID # 6092197

Dear Owner:

This is to inform you that according to the Department's records, the above referenced public water system has failed to sample as required for Volatile Organic Contaminants (VOC's). Florida Administrative Code 17-550 requires 4 consecutive quarters of sampling for all contaminants listed as VOC's. The data the Department has is summarized below:

Quarter 1	2/91	
Quarter 2	1/92	EDB only
Quarter 3	None	
Quarter 4	None	

Please resubmit any samples labeled "EDB only"; as well as, completing any quarterly samples which have not been submitted. If more than one quarter is required to complete the sampling, wait 3 months between each quarter of samples.

If our records are in error, please forward copies of sample analysis to this office immediately. If you have any questions, please call me at 813-620-6100 ext. 318.

Sincerely,

Brenda Ball

Brenda Ball
Environmental Specialist I
Drinking Water Section

BB/sem

cc: Dawn Durham, Citrus CPHU

Recycled Paper
Printed with Soy Based Ink

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Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue, Suite 364 • Fort Myers, Florida 33901

Lawton Chiles, Governor — Carol M. Browner, Secretary

September 9, 1992

RECEIVED

SEP 11 1992

ENVIRONMENTAL SERVICES

Mr. Rafael A. Terrero, P.E.
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Re: Lee County - DW
Lehigh Utilities
OGC Case No. 90-1858

Dear Mr. Terrero:

The Department has reviewed the above referenced OGC case and has determined that all conditions of the Consent Order have been satisfactorily completed.

We will close this case and place it in the inactive file.

Your cooperation in resolving this case is appreciated.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/JVG/dd

cc: David Schwartz, OGC
Mel Fisher

MES
File
1) Lehigh (WW)
2) Consent Order Notebook

Recycled Paper

LEHIGH (W.W)

Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue, Suite 364 • Fort Myers, Florida 33901

Lawton Chiles, Governor Carol M Browner, Secretary

June 15, 1992

cc: Bert Phillips
Dave Denny
Tom Pound
Beverly Bumpous
Karla Olson Teasley
Ralph Terrero
Chuck Wood
John Losch, Chris Arcani
Frank Sanderson

Mel Fisher
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Lee County - DW
Lehigh WWTP

Dear Mr. Fisher:

Thank you for meeting with the Department staff on June 15, 1992. the following items were discussed.

1. The problems with continuous monitoring equipment at this facility will be corrected in the next week. Until these problems are fixed samples for chlorine residual and turbidity will be taken every 15 minutes while going to the reuse system and hourly when discharging to the percolation ponds.

2. The time of grab sample tests will be noted on the Monthly Operating Report (MOR).

3. This facility will be in compliance with all permits, F.A.C. Rules and Florida Statutes regulating wastewater treatment facilities no later than July 31, 1992.

4. Discharge to the reuse system is based on the 1.88 mgd permitted disposal and compliance with F.A.C. Rule 17-600 and 17-610.

Thank you for your cooperation. **If you have any questions please call Andy Barienbrock of this office at (813) 332-6975.**

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/AB/klm

Recycled Paper



Florida Department

South District

Lawton Chiles, Governor

"Quick" brand fax transmittal memo 7671 | # of pages ▸ 2
Mel Fisher | Charles Wood
Co. | Co.
Phone # | Phone #
Fax # | Fax #

May 27, 1993

FAX to MEL Fisher

Charles E. Wood, Vice President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Re: Lee County - DW
Lehigh Utilities
DC36-168319

Dear Mr. Wood:

A field inspection of your facility on May 19, 1993 indicates that you may be in violation of Chapter 403, Florida Statutes and the rules promulgated thereunder. The resulting observation is listed below:

> A review of the chlorine chart records, lab results, and operator log book indicates the chlorine residual dropped below 0.5 mg/l on May 9, May 10, May 11, May 12 and May 18, 1993. Florida Administrative Code (F.A.C.) Rule 17-600.440(4)(b) requires a total chlorine residual of at least 0.5 mg/l to be maintained after at least 15 minutes contact time at the peak hourly flow.

You are advised that any activity that may contribute to violations of the above described statutes and rules should cease immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Andy Barienbrock of this office at 2295 Victoria Avenue, Fort Myers, Florida 33901 within 15 days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

CONTINUED . . .

...ou Services Engineering, [illegible]

...E. Wood, Vice President
..., 1992
...2

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve violations through entry into a Consent Order.

If you have any questions, please contact Andy Barienbrock at (813) 332-6975.

Sincerely,

Philip R. Edvards
Director of
District Management

PRE/AB/dd

Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue, Suite 364 • Fort Myers, Florida 33901

Lawton Chiles, Governor ... Secretary

April 24, 1992

Charles E. Wood, Vice President
Southern States Utilities Service
1000 Color Place
Apopka, FL 32703

Re: Lee County - DW
Lehigh Utilities

Dear Mr. Wood:

A field inspection of your facility on April 16, 1992 indicates that you may be in violation of Chapter 403, Florida Statutes and the rules promulgated therunder. The resulting observation is listed below:

> The continuous chlorine monitor is not functioning properly and the continuous turbidity meter has been removed. Florida Administrative Code (F.A.C.) Rule 17-601.500(1), Figure 2, and Specific Condition number 8 of your construction permit, number DC36-168319, requires that chlorine be monitored continuously. In the place of continuous monitoring equipment, chlorine residual may be sampled by grab samples every fifteen minutes when discharging reclaimed water to the reuse system.

You are advised that any activity at your facility that may contribute to violations of the above described statutes and rules should cease immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties of up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Andy Barienbrock of this office at 813/332-6975 or at the letterhead address within fifteen (15) days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in the Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

Continued . . .

Rec'd
APR 28, 1992

Recycled Paper

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

If you have any questions, please contact Andy Barienbrock of this office at (813) 332-6975. Your cooperation in this matter is appreciated.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/AB/mk

cc: Bobby Middleton, EOS

Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue • Fort Myers, Florida 33901

Lawton Chiles, Governor — Carol M. Browner, Secretary

February 24, 1992

~~Enforcement~~ Notice

cc: Bert Phillips
Dave Denny
Tom Pound
Frank Sharrick
Ralph Terrero
John Losch
Karla Olson Teasley
Charles Sweat

Charles E. Wood, Vice Pres. Eng.
Southern States Utilities Service
1000 Color Place
Apopka, FL 32703

Re: Lee County - DW
Lehigh Utilities

Dear Mr. Wood:

A field inspection of your facility on February 4, 1992 indicates that you may be in violation of Chapter 403, Florida Statutes and the rules promulgated thereunder. The resulting observations and sample results are listed below:

1. The sample result of the total suspended solids concentration was 1340 mg/l. F.A.C. 17-600.740(1)(b)1.d. requires any reclaimed water or effluent grab sample to not exceed 60 mg/l.

2. The sample result of the biochemical oxygen demand concentration was 294 mg/l. F.A.C. 17-600.740(1)(b)1.d. requires any reclaimed water or effluent grab sample to not exceed 60 mg/l.

3. During the inspection a chlorine residual reading was determined at the point of discharge in the chlorine contact chamber. The reading indicated a chlorine residual of .1 ppm. F.A.C. 17-600.440(4)b requires a total chlorine residual of at least 0.5 milligrams per liter to be maintained after at least 15 minutes contact time at maximum daily flow.

4. The sample result of the fecal coliform concentration was 550,000 fecal coliforms per 100 ml. F.A.C. 17-600.440(2)(b)4 requires any one sample to not exceed 800 fecal coliform values per 100 ml of sample.

5. A lift station had recently overflowed. F.A.C. Rule 17-600.740(2)(a) prohibits the release or disposal of excreta, sewage, or other wastewaters without providing proper treatment. F.A.C. Rule 17-600.750(1) requires: In the event the permittee of any treatment plant, reuse, or disposal system is temporarily unable to comply with any of the conditions of a permit due to breakdown of equipment, power outages, destruction by hazard of fire,

CONTINUED...

Recycled Paper

wind, or by other cause, the permittee shall notify the Department and the local program (where existing). Notification shall be made in person, by telephone, or by telegraph to the nearest office of the Department and the local program within 24 hours of breakdown or malfunction.

You are advised that any activity that may contribute to violations of the above described statutes and rules should cease immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact **Andy Barienbrock** of this office at 2295 Victoria Avenue, Fort Myers, Florida 33901 with 15 days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve violations through entry into a Consent Order.

If you have any questions, please contact Andy Barienbrock at (813) 332-6975.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/AB/rja

Department of Environmental Protection

VIOLATION NOTEBOOK

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

NOTICE OF NONCOMPLIANCE

NOV 1 4 1994

Bruce Paster, P.E., Senior Engineer
Southern States Utilities, Inc.
1000 Color Place.
Apopka, FL 32703

PWSID #4430790
Leilani Heights
Martin County
Correspondence

Re: 1994 Chemical Monitoring

Dear Mr. Paster:

Owners of community public water systems are responsible for minimum monitoring and reporting requirements in accordance with Chapter 62-550, Florida Administrative Code (F.A.C.). According to Department records, you were informed of the chemical monitoring requirements for 1994 on March 15, 1994. This notification required quarterly monitoring in 1994 for Volatile Organic contaminants in accordance with Chapter 62-550.515(1)(a), F.A.C.

The Department cannot verify that the referenced water system has completed four consecutive quarters to achieve compliance. If sampling for Volatile Organic Contaminants has not been initiated or sampling for four consecutive quarters has not been completed, please contact a certified laboratory to arrange to have the required analyses performed.

Begin sampling every three months over twelve consecutive months to achieve compliance with Chapter 62-550, F.A.C. Submit the results to the Department within 14 days of receipt of the results.

If compliance for the referenced contaminants has been achieved, please submit copies of the chemical analysis results to the Department immediately.

Should you have any questions, please contact **Deborah Oblaczynski** of this office at 407/433-2650, ext. 234.

Sincerely,

Michael G. Zetts, P.E.
Water Facilities Administrator

MGZ:dot

Enclosures

cc: Martin County Public Health Unite
Tim Varnsdale, Certified Operator

Received
NOV 2 1 1994
Environmental Services

FECO
07/01/93
ENV. SVC.

South Florida Water Management District

Fort Myers Service Center:
1342 Colonial Blvd., Suite 81 • Fort Myers, FL 33907 • (813) 278-SFWM • 1-800-248-1201 • FAX (813) 278-7310

CON 24-06

June 29, 1993

Mr. Tim Vanasdale
Southern States Utilities, Inc.
Leilani Heights
1000 Color Place
Apopka, FL 32703

Subject: Permit Compliance
Permit Number: 43-00070-W

Dear Mr. Vanasdale:

The purpose of this letter is to inform you of non-compliance issues with the South Florida Water Management District's water use permit (43-00070-W).

Upon field inspection it was observed that you have not met #4, #5, #17 and #18 of your limiting conditions of your Water Use Permit. I have attached a copy of your permit's limiting conditions for your reference.

You are requested to review this matter and advise this office, in writing, no later than thirty days of your plans to correct the above deficiencies.

If you have any questions regarding this violation, please contact me at (813) 278-7396. Your attention in this matter is most appreciated.

Sincerely,

Lee E. Werst Jr.
Field Operations Supervisor
Water Use Division

LEW/bc

CERTIFIED MAIL NO. P 259 695 897

COPY:
- RALPH TERRERO
- MEL FISHER
- JIM RAGSDALE
- SAM SPARICS
- FRANK SANDERSON
- BRUCE PASTOR
- TIM VANASDALE

MARY GLENNON
CATHERINE WALKER
CAITLYN KOWALSKY

Governing Board
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt
William Hammond
Betsy Krant
Allan Milledge
Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad
Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director

District Headquarters, P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • 407/686-8800 • Florida WATS 1-800-432-2045

WU PERMIT 2-9-89 - 2-9-99

South Florida
Water Management District RE-ISSUE
WATER USE PERMIT NO. 43-00070-W
(NON-ASSIGNABLE)

DATE ISSUED: February 9, 1989 EXPIRATION DATE February 9, 1999

AUTHORIZING: THE USE OF GROUND WATER FROM SURFICIAL AQUIFER FOR PUBLIC WATER SUPPLY WITH AN ANNUAL ALLOCATION OF 65.9 MILLION GALLONS.

LOCATED IN: MARTIN COUNTY, SECTION 27 TWP. 37S RGE. 41E

ISSUED TO: Southern States Utilities, Inc.
(Leilani Heights)
1000 Color Place
Apopka, FL 32703

SPECIAL CONDITIONS ARE AS FOLLOWS:
SEE SHEETS 2,3 OF 3 - 18 LIMITING CONDITIONS.

SHEET 1 OF 3

LIMITING CONDITIONS

1. IN THE EVENT OF A DECLARED WATER SHORTAGE, WATER WITHDRAWAL REDUCTIONS WILL BE ORDERED BY THE DISTRICT IN ACCORDANCE WITH THE WATER SHORTAGE PLAN, CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE.

2. ANNUAL WITHDRAWAL SHALL NOT EXCEED 65.9 MG (180,000 GPD).

3. MAXIMUM DAILY WITHDRAWAL SHALL NOT EXCEED 441,000 GALLONS.

5. PERMITTEE SHALL SUBMIT TO THE DISTRICT COPIES OF THE MONTHLY DER WATER TREATMENT PLANT REPORTS SHOWING WELLFIELD PUMPAGE. REPORTS SHALL BE SUBMITTED MONTHLY IN THE MONTH FOLLOWING EITHER THE FIRST MONTH OF PUMPAGE OR PERMIT ISSUANCE.

6. SOURCE CLASSIFICATION IS GROUNDWATER FROM THE SURFICIAL AQUIFER.

7. PERMITTEE SHALL MITIGATE TO THE SATISFACTION OF THE DISTRICT ANY ADVERSE IMPACT ON EXISTING LEGAL USES CAUSED BY WITHDRAWALS. WHEN ADVERSE IMPACTS OCCUR, OR ARE IMMINENT, DISTRICT RESERVES THE RIGHT TO CURTAIL WITHDRAWAL RATES. ADVERSE IMPACTS ARE: A) REDUCTION IN WELL WATER LEVELS THAT IMPAIRS THE ABILITY OF AN ADJACENT WELL TO PRODUCE WATER (AN ADJACENT WELL MAY BE DOMESTIC WELL, LAWN IRRIGATION WELL, PUBLIC WATER SUPPLY WELL, ETC.), B) SIGNIFICANT REDUCTION IN LEVELS IN AN ADJACENT WATER BODY SUCH AS A LAKE, POND, WETLAND OR A CANAL SYSTEM, C) SALINE WATER INTRUSION OR INDUCTION OF POLLUTANTS INTO THE WATER SUPPLY OF AN ADJACENT WATER USE, RESULTING IN A SIGNIFICANT REDUCTION IN WATER QUALITY, AND D) CHANGE IN WATER QUALITY THAT CAUSES IMPAIRMENT OR LOSS OF USE OF A WELL OR WATER BODY.

8. PERMITTEE SHALL MITIGATE TO THE SATISFACTION OF THE DISTRICT ANY ADVERSE IMPACT ON EXISTING OFF-SITE LAND USE AS A CONSEQUENCE OF WITHDRAWALS PERMITTED HEREIN. IF INCREASED WITHDRAWALS CAUSE AN ADVERSE IMPACT ON EXISTING LAND USE THE DISTRICT RESERVES THE RIGHT TO CURTAIL FUTURE WITHDRAWAL RATES. ADVERSE IMPACTS ARE: A) SIGNIFICANT REDUCTION IN WATER LEVELS IN AN ADJACENT WATER BODY (SUCH AS A LAKE, POND, WETLAND, OR CANAL SYSTEM), B) LAND COLLAPSE OR SUBSIDENCE CAUSED BY

REDUCTION IN WATER LEVELS, C) DAMAGE TO CROPS AND OTHER VEGETATION, CAUSING FINANCIAL HARM TO THE LANDOWNER, D) DAMAGE TO HABITAT OF RARE, ENDANGERED OR THREATENED SPECIES.

9. PERMITTEE SHALL NOT REFUSE IMMEDIATE ENTRY OR ACCESS TO ANY AUTHORIZED REPRESENTATIVE OF THE DISTRICT WHO REQUESTS ENTRY FOR PURPOSES OF INSPECTION AND PRESENTS APPROPRIATE CREDENTIALS.

10. IF ANY CONDITIONS OF THE PERMIT ARE VIOLATED, THE PERMIT SHALL BE SUBJECT TO REVIEW AND POSSIBLE MODIFICATION, ENFORCEMENT ACTION, OR REVOCATION.

11. APPLICATION FOR A PERMIT MODIFICATION MAY BE MADE AT ANY TIME.

12. WITHDRAWAL FACILITIES ARE:
1 - 6" X 115' X 370 GPM WELL CASED TO 100'.
1 - 6" X 90' X 125 GPM WELL CASED TO 80'.

13. THIS PERMIT SHALL EXPIRE 10 YEARS FROM THE DATE OF ISSUANCE.

14. USE CLASSIFICATION IS PUBLIC WATER SUPPLY.

15. THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE USE OR WITHDRAWAL OF WATER.

16. THE PERMIT DOES NOT CONVEY ANY PROPERTY RIGHT TO THE PERMITTEE, NOR ANY RIGHTS AND PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-2 (FAC).

17. WITHIN TWO YEARS OF PERMIT ISSUANCE, THE PERMITTEE SHALL DEVELOP AND SUBMIT TO THE DISTRICT A PLAN FOR WATER CONSERVATION WITHIN THE PERMITTEE'S SERVICE AREA. THE PLAN SHALL DETAIL SPECIFIC STEPS AND TIME FRAMES FOR IMPLEMENTATION. THE PLAN SHALL BE IMPLEMENTED IMMEDIATELY UPON APPROVAL BY THE DISTRICT. IN ORDER TO ASSIST THE PERMITTEE IN DEVELOPING A WATER CONSERVATION PLAN, THE DISTRICT HAS PREPARED A CONSERVATION CHECKLIST (EXHIBITS 9 THROUGH 12) WHICH PROVIDES AN OUTLINE OF PERTINENT INFORMATIONAL REQUIREMENTS. COMPLETION OF PARTS A AND B OF THE CHECKLIST WILL ENABLE THE PERMITTEE TO COMPLY WITH THIS LIMITING CONDITION. THE DISTRICT HAS ALSO DEVELOPED A WATER CONSERVATION COST EFFECTIVENESS COMPUTER PROGRAM, WHICH, IF REQUESTED BY THE PERMITTEE, CAN BE USED TO EVALUATE THE DEVELOPED WATER CONSERVATION PLAN. THE INFORMATION NEEDED FOR THIS IS DETAILED IN PART C OF THE ENCLOSED CHECKLIST. IN ADDITION, PRIOR TO PERMIT EXPIRATION THE PERMITTEE SHALL EVALUATE THE POTENTIAL FOR SUPPLYING TREATED EFFLUENT FOR IRRIGATION USE WITHIN IT'S SERVICE AREA.

18. PERMITTEE SHALL DETERMINE "UNACCOUNTED FOR" DISTRIBUTION SYSTEM LOSSES IF THE PERMITTEE DISTRIBUTES WATER WITHIN ONE MILE OF SURFACE SALINE WATER. LOSSES SHALL BE DETERMINED FOR THE ENTIRE DISTRIBUTION SYSTEM ON A MONTHLY BASIS. PERMITTEE SHALL DEFINE THE MANNER IN WHICH "UNACCOUNTED FOR" LOSSES ARE CALCULATED. DATA COLLECTION SHALL BEGIN WITHIN SIX MONTHS OF PERMIT ISSUANCE. LOSS REPORTING SHALL BE SUBMITTED TO THE DISTRICT ON A YEARLY BASIS FROM THE DATE OF PERMIT ISSUANCE. PERMITTEE SHALL QUANTIFY THESE LOSSES AND IMPLEMENT STEPS TO REDUCE THESE LOSSES WITHIN TWO YEARS OF PERMIT ISSUANCE, IN CONJUNCTION WITH THE DEVELOPMENT OF THE WATER CONSERVATION PROGRAM REQUIRED BY LIMITING CONDITION #17.

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor — Carol M. Browner, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT 0 2 1992

Mr. Raphael Terrero, Manager
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

NOTICE OF NONCOMPLIANCE

DW - Martin County
Leilani Heights WWTP
Permit No.: DO-43-194646

Dear Mr. Terrero:

An inspection of your wastewater facility on August 26, 1992, revealed the following noncompliance items:

The chlorine residual in the effluent was measured by the Department as 0.2 mg/L. This is below the minimum 0.5 required by your permit.

Fecal coliform results were greater than 800 colonies/100 mL. The value was reported in this fashion due to excessive growth on the culture plates. At no time is a single sample to exceed 800 colonies/100 mL.

The total suspended solids were 173 mg/L. This also is in excess of the permit limitation of 60 mg/L for any single grab sample. The inspector observed heavy carry-over from the clarifier.

Treatment problems regarding total suspended solids were brought to the attention of Southern States Utilities in a notice issued by the Department on June 15, 1992. At that time, there were heavy accumulations of sludge in one of the ponds and the filters were out of service. These problems were to have been corrected as indicated by reply from Southern States.

You may wish to consult with your operator and/or engineer to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

The Department requests that you respond within fifteen (15) days of receipt of this notice with a plan for achieving compliance. If the problems are not resolved in a timely manner, the Department may take enforcement action. If you have any questions, please contact William Thiel at (407) 878-3890 or (407) 335-4310.

cc: [illegible]

Sincerely,

JAM/wts

John A. Meyer
Port St. Lucie Branch Manager

cc: Domestic Wastewater Permitting, DER, West Palm Beach

Recycled Paper

MEF
ELLE
1) LEILANI HTS
2) INSP. NOTEBOOK
3) CONSENT ORDER NOTEBOOK

Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

Telephone: 407/433-2650
Fax: 407/433-2666

Carol M. Browner, Secretary

SEP 17 1992

RECEIVED

SEP 20 1992

ENVIRONMENTAL SERVICES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

Mr. Rafael A. Terrero, P.E.
Southern States Utilities
Environmental Services Department
1000 Color Place
Apopka, FL 32703

PWSID #4430790-01
Lelani Heights Plant #1
Martin County
Public Water System

Dear Mr. Terrero:

The quality of drinking water when it ultimately reaches the consumer depends on the construction, operation and maintenance of a public water system. Public water systems in Florida are regulated by the Department under the Florida Safe Drinking Water Act as promulgated by Chapters 17-550, 555 and 560 of the Florida Administrative Code (F.A.C.).

A sanitary survey, which includes an on-site inspection and a review of system records, is performed to evaluate the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

On June 4, 1992, Department personnel conducted a sanitary survey of the referenced system to determine continued compliance with these regulations. Following are recommended remedial actions for the noted deficiencies:

1. Lack of pressure gauge(s).

   Each pump discharge pipe must be provided with a pressure gauge.

2. Inadequate disinfectant time.

   *Free residual chlorination requires a minimum contact time of 30 minutes. The existing tank does not appear to be of adequate volume to meet minimum requirements. Additional time must be provided unless engineering calculations can justify otherwise.

3. Lack of adequate auxiliary power.

   *All community systems that serve 350 or more persons shall be equipped with sufficient finished water storage in combination with standby pumping capability to provide one-half maximum daily system demand and with a source of adequate auxiliary power (equipped with an automatic start-up device) to allow operation of the water treatment units and provide pumping capability of approximately one-half maximum daily system demand.

4. Well construction unknown.

   Provide any available background information on the existing well(s) to ensure construction in accordance with minimum standards for public supply wells; well casing size and material, casing depth, grouting thickness and depth, date installed, integrity based on logging or air pressure test and well yield in gal/min. A well driller's completion report or any permits that may exist would be helpful.

5. No permit on file for loss of chlorination alarm addition.

   *Submit a permit application for this plant modification.

6. Lack of metering device.

   All public water systems shall be equipped with a metering device that accurately indicates pumpage of finished water. Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

   Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

An evaluation of the listed items indicates that significant modifications of the system are required. Those items marked by an '*' require the services of a Florida-registered Professional Engineer. Therefore, within thirty (30) days of receipt of this letter, obtain the services of a Florida-registered Professional Engineer to evaluate the system and submit an application to construct the necessary modifications in accordance with the provisions of Chapter 17-555, F.A.C.

This notice does not necessarily provide a complete list of deficiencies for the referenced system. A more detailed review will be done by our engineering staff during the permit application review process. If further deficiencies are discovered based on the information provided, you will be notified at that time.

Should you have any questions regarding this inspection, please contact Deborah Oblaczynski of this office.

Sincerely,

Donald B. White
Water Facilities Administrator

Enclosure

DBW:dot/62

cc: Martin County Public Health Unit
Lowell Polk, Certified Operator
Public Service Commission

KARLA TERRERO
RALPH TERRERO

MK-1
FILE
1) LEILANI HTS.
2) INSP. NOTEBOOK
3) CONSENT ORDER NOTEBOOK

Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

Telephone: 407/433-2650
Fax: 407/433-2666

Carol M. Browner, Secretary

SEP 17 1992

RECEIVED

SEP 20 1992

ENVIRONMENTAL SERVICES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE

Mr. Rafael A. Terrero, P.E.
Southern States Utilities
Environmental Services Department
1000 Color Place
Apopka, FL 32703

PWSID #4430790-02
Lelani Heights Plant #2
Martin County
Public Water System

Dear Mr. Terrero:

The quality of drinking water when it ultimately reaches the consumer depends on the construction, operation and maintenance of a public water system. Public water systems in Florida are regulated by the Department under the Florida Safe Drinking Water Act as promulgated by Chapters 17-550, 555 and 560 of the Florida Administrative Code (F.A.C.).

A sanitary survey, which includes an on-site inspection and a review of system records, is performed to evaluate the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

On June 4, 1992, Department personnel conducted a sanitary survey of the referenced system to determine continued compliance with these regulations. Following are recommended remedial actions for the noted deficiencies:

1. Lack of pressure gauge(s).

   Each pump discharge pipe must be provided with a pressure gauge.

2. Inadequate disinfectant time.

   *Free residual chlorination requires a minimum contact time of 30 minutes. The existing tank does not appear to be of adequate volume to meet minimum requirements. Additional time must be provided unless engineering calculations can justify otherwise. Chlorine injected into the hydropneumatic tank does not provide adequate mixing for disinfection.

3. Lack of adequate auxiliary power.

   *All community systems that serve 350 or more persons shall be equipped with sufficient finished water storage in combination with standby pumping capability to provide one-half maximum daily system demand and with a source of adequate auxiliary power (equipped with an automatic start-up device) to allow operation of the water treatment units and provide pumping capability of approximately one-half maximum daily system demand.

4. Well construction unknown.

   Provide any available background information on the existing well(s) to ensure construction in accordance with minimum standards for public supply wells; well casing size and material, casing depth, grouting thickness and depth, date installed, integrity based on logging or air pressure test and well yield in gal/min. A well driller's completion report or any permits that may exist would be helpful.

5. No permit on file for loss of chlorination alarm addition.

   *Submit a permit application for this plant modification.

6. Lack of metering device.

   All public water systems shall be equipped with a metering device that accurately indicates pumpage of finished water. Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

   Bypass piping and valving shall be provided to allow for maintenance/replacement of the meter without loss of pressure.

Recycled Paper

An evaluation of the listed items indicates that significant modifications of the system are required. Those items marked by an '*' require the services of a Florida-registered Professional Engineer. Therefore, within thirty (30) days of receipt of this letter, obtain the services of a Florida-registered Professional Engineer to evaluate the system and submit an application to construct the necessary modifications in accordance with the provisions of Chapter 17-555, F.A.C.

This notice does not necessarily provide a complete list of deficiencies for the referenced system. A more detailed review will be done by our engineering staff during the permit application review process. If further deficiencies are discovered based on the information provided, you will be notified at that time.

Should you have any questions regarding this inspection, please contact Deborah Oblaczynski of this office.

Sincerely,

Donald B. White

Donald B. White
Water Facilities Administrator

Enclosure

DBW:dot/62

cc: Martin County Public Health Unit
Lowell Polk, Certified Operator
Public Service Commission

cc: Karla Tchelly
Ralph Terrero
Chuck Ward
Bruce Fraser
Jim Rinehart
Sam Simon
Chris Arlow
Mary Brennan
Frank Sanderson

MLG

MTS FILE LEILANI HTS.

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor

Carol M. Browner, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
JUN 1 5 1992

Mr. Charles Sweat, Vice President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

NOTICE OF NONCOMPLIANCE

DW - Martin County
Leilani Heights WWTP
Permit No.: DO-43-194646

cc: RALPH TERRERO
BERT PHILLIPS
JIM RAGSDALE
KARLA OLSON TEASLE
CHUCK WOOD
JIM MURRAY
FRANK SANDERSON
CHRIS ARCAND
SAM SPARKS
TIM VANASDALE

Dear Mr. Sweat:

An inspection of your wastewater facility on June 2, 1992, revealed the following noncompliance items:

The tertiary filters were not in service. Further, large amounts of sludge observed in the pond indicate that the filters have not been effectively removing solids for an extended period of time.

There was an accumulation of sludge floating in the flow meter stilling well. This sludge rising from the weir box indicates recent loss of solids from the plant and may effect the accuracy of the flow data collected.

The standby blower for the aeration and digester basins was inoperative. The operator stated that servicing and reinstallation was to be completed by June 5.

No handrails or grates over the tank openings were present to afford protection of the operating and maintenance personnel.

Specific Condition 5 of the above referenced operation permit requires the maintenance of all equipment of the facility so as to consistently function as designed.

You may wish to consult with your operator and/or engineer to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

The Department requests that you respond within fifteen (15) days of receipt of this notice with a plan for achieving compliance. If the problems are not resolved in a timely manner, the Department may take enforcement action. If you have any questions, please contact William Thiel at (407) 878-3890 or (407) 335-4310.

Sincerely,

John A. Meyer

JAM/wts

John A. Meyer
Port St. Lucie Branch Manager

cc: Domestic Wastewater Permitting, DER, West Palm Beach

Recycled Paper
Printed with Soy Based Inks

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Florida Department of
Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

June 24, 1994

Rafael A. Terrero, P.E.
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Re: Collier County - PW
Marco Island WTP
PWS I.D. Number: 5110183
OGC Case Number: 93-3673

Dear Mr. Terrero:

The Department has reviewed the referenced OGC Case and has determined that all conditions of the Consent Order have been satisfactorily completed. This case is hereby closed and placed in our inactive file.

As discussed with Department personnel on June 23, 1994, please submit the following items to ensure continuing compliance with Florida Administrative Code Rule 17-555.620.

1. Please submit a written plan of implementation for the daily monitoring of the minimum total chlorine residual, temperature and CT values specified in #3 below, within 90 days of the date of this letter.

2. Please submit raw water analysis results for the presence of Giardia lamblia cysts within 90 days of the date of this letter. If the raw water analysis results indicate the presence of Giardia lamblia cysts, treated water shall be collected and analyzed for the presence of Giardia lamblia cysts. If required, the treated water analysis results shall be submitted to the Department within 180 days of the date of this letter.

3. The daily minimum total chlorine residual, temperature and CT values shall be recorded daily and submitted to the Department in conjunction with the Monthly Operating Report for Surface Water Systems. This additional information shall be collected and submitted to the Department through January 1995.

Your cooperation in resolving this case is appreciated. If you have any questions, please contact Mark Charneski at the letterhead address or at 813-332-6975.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

Received
JUN 27 1994
Environmental Services

RDB/MAC/frh

FILE
CONSENT ORDER
NOTEBOOK

Florida Department of Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

March 23, 1994

Melvin Fisher, Environmental Compliance Administrator
Southern States Utilities
100 Color Place
Apopka, Florida 32703

Re: Collier County - PW
SSU / Marco Island Utilities
PWS I.D. Number: 5110183
Public Notice by Mail

Dear Mr. Fisher:

This is in response to your letter of March 21, requesting that the referenced public drinking water system be allowed to omit the mail and hand delivery of public notice for the bacteriological maximum contaminant level (MCL) violation.

Following a review of your request and the facility's bacteriological history, the Department has determined that your system meets the criteria specified in Florida Administrative Code (F.A.C.) Rule 17-560.410(1)(a)2 and has approved your request. The utility will not be required to provide public notice by direct mail.

If you have any questions, please contact Mark Charneski at 813-332-6975.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

RDB/MAC/klm

cc: DHRS Collier County Public Health Unit
Dave Denny, Utilities Director

RECEIVED
MAR 25 '94
ENVIRONMENTAL SERVICES

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CONSENT ORDER NOTEBOOK

Florida Department of Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

March 18, 1994

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Re: Collier County - PW
SSU / Marco Island Utilities &
SSU / Marco Shores
PWS I.D. Numbers: 5110183 &
5110182
OGC Case Number: 94-0424

Dear Mr. Phillips:

The Department has reviewed the referenced OGC Case and has determined that all conditions of the Consent Order have been satisfactorily completed. This case is hereby closed and placed in our inactive file.

Your cooperation in resolving this case is appreciated. If you have any questions, please contact Mark Charneski at the letterhead address or at 813-332-6975.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

CC: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
CATHERINE WALK
MARY GLENNON
DAVE DENNY
MIKE QUIGLEY
FRANK SANDERSON

RDB/MAC/klm

cc: Melvin Fisher, Environmental Compliance Administrator
Dave Denny, Utilities Director

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CONSENT ORDER

Florida Department of
Environmental Protection

Rec'd SSU
MAR 0 3 1994
OFFICE

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

March 1, 1994

CERTIFIED MAIL NO. P 405 493 823
RETURN RECEIPT REQUESTED

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Re: Collier County - PW
SSU / Marco Island Utilities &
SSU / Marco Shores
PWS I.D. Numbers: 5110183 &
5110182
OGC Case Number: 94-0424

Dear Mr. Phillips:

Enclosed is a copy of the signed and entered Consent Order for the referenced Case. This copy is for your records.

Please note that all compliance dates begin from the date of entry of this Order which is February 28, 1994. Upon satisfactory completion of all the conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions, please contact Mark Charneski at the letterhead address or at 813-332-6975. Your cooperation is appreciated.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

RDB/MAC/klm

Enclosure

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Florida Department of
Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

February 8, 1994

CERTIFIED MAIL # P 287 357 891
RETURN RECEIPT REQUESTED

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Re: Collier County - PW
SSU / Marco Island Utilities &
SSU / Marco Shores
Proposed Settlement by
Short Form Consent Order
OGC File Number: 94-0424

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violations previously identified by the Department of Environmental Protection ("DEP") in the Warning Letter dated January 24, 1994 which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $ 3,900.00 in civil penalties to complete settlement of the violations described in the Warning Letter, along with $ 100.00 to reimburse DEP's costs, for a total of $ 4,000.00. This payment must be made to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund." The payment shall be sent to the Department of Environmental Protection, South Florida District, 2295 Victoria Avenue, Fort Myers, Florida, 33901, within 30 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DEP Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

Continued . . .

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By countersigning this settlement offer, DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this settlement offer, you waive your right to an administrative hearing to contest this settlement pursuant to §120.57, Florida Statutes, and your right to appeal this settlement pursuant to §120.69, Florida Statutes. This offer to settle is open until February 27, 1994 or until DEP otherwise withdraws the offer. If you do not sign and return this letter to the Department at the District address given above by this date, the case will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Southern States Utilities, Inc.:

by: Bert Phillips 2/29/93
Bert Phillips, President Date
Southern States Utilities, Inc.
Marco Island Utilities & Marco Shores

Please do not write below this line. For DEP use only.

ENTERED this 28th day of February, 1994 in Fort Myers, Florida.

For the DEP

Ronald D. Blackburn
Acting Director of
District Management
State of Florida Department
of Environmental Protection

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S 120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Anessa D. Rivero 2-28-94
CLERK DATE

RDB/MAC/klm
Attachments

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

WARNING LETTER

Florida Department of Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

January 24, 1994

CERTIFIED MAIL # P 287 405 719
RETURN RECEIPT REQUESTED

Dave Denny, Utidities Director
Southern States Utilities, Inc.
Post Office Box 197
Marco Island, Florida 33937

Re: Collier County - PW
SSU - Marco Shores &
Marco Island Utilities
PWS I.D. Numbers: 5110182 &
5110183

Dear Mr. Denny:

A review of our files indicates that the referenced public drinking water facilities may be operating in violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder. The following items have not been submitted to the Department as required:

1. Nitrate & Nitrite Analysis Report
2. Radiological Analysis Report

It is a violation of Section 403.859, Florida Statutes, for any public drinking water facility to operate without conducting the appropriate chemical monitoring as specified in Florida Administrative Code Rule 17-550.

You are advised that any activities or deficiencies at the referenced facility that may be contributing to violations of the above described statute and rule should be ceased or corrected immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

Continued . . .

Printed on recycled paper.

You are requested to attend a meeting with the Drinking Water Staff at the Department's South District Office located at 2295 Victoria Avenue, Fort Myers, Florida 33901 on February 2, 1994 at 3:00 PM to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

If you have any questions or need to schedule the meeting for another date or time, please contact Mark Charneski of this office at the letterhead address or at 813-332-6975.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

RDB/MAC/klm

cc: Mr. Ralph Terrero

FILE
1/ MARCO (W.W.) ISLAND
2) VICCARIS NOTEBOOK

Florida Department of Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

December 28, 1993

RECEIVED
JAN 05 '94
ENVIRONMENTAL SERVICES

Melvin E. Fisher
SSU Services
1000 Color Place
Apopka, FL 32703

Re: Collier County - DW
OGC Case No. 91-1537
Marco Island WWTP

Dear Mr. Fisher:

The Department has reviewed the above referenced OGC case and has determined that all conditions of the Consent Order have been satisfactorily completed.

We will close this case and place it in the inactive file.

Your cooperation in resolving this case is appreciated.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/JVG/dd

cc: Pam Price, OGC Tallahassee

cc: Bert Phillips
Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Mary Glennon
Catherine Walker
Dave Denny
Mike Quigley
Gerry Boyce
Frank Sanderson
Chuck Wood
John Losch

Printed on recycled paper.

Mel Fisher

File
1) Violations Notebook
2) Marco Isl. (water)

Florida Department of Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

October 26, 1993

RECEIVED
OCT 28 '93
ENVIRONMENTAL SERVICES

CERTIFIED MAIL NO. P 098 029 107
RETURN RECEIPT REQUESTED

Rafael A. Terrero, P.E.
Environmental Services Department
Southern States Utilities, Inc.
100 Color Place
Apopka, Florida 32703

Re: Collier County - PW
SSU/Marco Island Utilities
PWS I.D. Number: 5110183
OGC Case Number: 93-3673

Dear Mr. Terrero:

Enclosed is a copy of the signed and entered Consent Order for the referenced Case. This copy is for your records.

Please note that all compliance dates begin from the date of entry of this Order which is October 26, 1993. Upon satisfactory completion of all the conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions, please contact Robert Glenn at the letterhead address or at 813-332-6975. Your cooperation is appreciated.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/RDG/ish

Enclosure

cc: Bert Phillif
Karla Teasley
Carlyn Kowalsk
Ralph Terrer
Mary Glennon
Catherine Walke
Chuck Weed
John Losch
Frank Sargeson Eric Denny
Mike Quigley

Printed on recycled paper.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, Complainant, vs. Southern States Utilities, Inc., Respondent.	IN THE OFFICE OF THE SOUTH DISTRICT OGC FILE NO. 93-3673

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department"), and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a person within the meaning of Section 403.852(5), Florida Statutes.

3. Respondent is the owner and operator of a community public water system, PWS #5110183, Plant #1 (Lime Softening Plant) located at 100 Windward Drive, Marco Island, Collier County, Florida ("DRINKING WATER SYSTEM" OR "SYSTEM").

4. Respondent failed to provide filtration and disinfection treatment which complies with the requirements of Florida Administrative Code Rules 17-555.620 and 17-555.630, by the stipulated deadline of June 29, 1993.

Having reached a resolution of the matter, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

5. Respondent shall comply with the following actions within the stated time periods.

6. Within ~~30~~ 60 days of the effective date of this Consent Order, Respondent shall submit an application for a permit to construct the necessary modifications to the system's storage tank piping to increase the finished water detention time. The application shall be prepared and certified by a professional engineer registered in the State of Florida. If the Department finds that the application is incomplete, Respondent shall submit all requested information within 15 days of any such request. Within 120 days of the issuance of the permit by the Department, Respondent shall complete construction and obtain clearance from the Department to place the modifications in service.

7. If upon review of the record drawings, engineer's certification of completion of construction, and other submitted information for the system, the Department determines that a clearance letter cannot be issued because the system was not properly constructed, the Department will notify the Respondent of the deficiencies which prevent the Department from issuing a clearance letter. Respondent shall correct the deficiencies noted

by the Department within 30 days of receipt of notice from the Department that modifications are required.

8. Respondent shall complete modifications to the system no later than the expiration date of any construction permit issued to the Respondent by the Department to make such modifications.

9. Respondent shall not place any modifications to the system into service until the Department has issued a clearance letter for the modifications.

10. Respondent shall demonstrate full compliance with surface water filtration and surface water disinfection requirements of Florida Administrative Code Rules 17-555.620 and 17-555.630 respectively, or shall obtain all raw water from an approved ground water source, not later than July 31, 1995.

11. Within 30 days of execution of this Consent Order, Respondent shall pay the Department $1,550.00 in settlement of the matters addressed in this Consent Order. This amount includes $1,300.00 in civil penalties for alleged violations of Section 403.859, F.S., and of the Department's rules and $250.00 for costs and expenses incurred by the Department during the investigation of this mater and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund". The payment shall be sent to the State of Florida Department of Environmental Protection, 2295 Victoria Avenue, Fort Myers, Florida 33901.

12. Respondent agrees to pay the Department stipulated penalties in the amount of $100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of this Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund." Payment shall be sent to the State of Florida Department of Environmental Protection, 2295 Victoria Avenue, Fort Myers, Florida 33901. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 11 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

13. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements or deadlines of this Consent Order, Respondent shall have the burden of proving that the delay was or will be caused by the circumstances beyond the reasonable control of the Respondent and

could not have been or cannot be overcome by the Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of the Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractual imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of the Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements or deadlines of this Consent Order.

14. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

15. Entry of this Order does not relieve the Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

16. The terms and conditions as set forth in the Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.859, Florida Statutes.

17. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000 per offense, and criminal penalties.

18. Respondent shall allow authorized representatives of the Department access to the property and drinking water system at reasonable times for purposes of determining compliance with this Consent Order and the rules of the Department.

19. All plans, applications, reports, penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, Fort Myers Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida 33901.

20. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any future violation of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

21. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent acknowledges but waives its right to an administrative hearing pursuant to Section 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

22. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all

persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

23. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

24. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.

25. This Consent Order is a settlement of the Department's civil and administrative authority arising from Chapters 403 and 376, Florida Statutes, to pursue the allegations addressed herein. This Consent Order does not address settlement of any criminal liabilities which may arise from Sections 403.161(3) through (5),403.413(5), 403.727(3)(b), 376.302(3) and (4), or 376.3071(10),Florida Statutes, nor does it address settlement of any violation which may be prosecuted criminally or civilly under Federal law.

26. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

10/22/93
Date

Rafael A. Terrero, P.E.
Manager, Environmental Services
Southern States Utilities, Inc.

DONE AND ORDERED this 26Th day of October, 1993, in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Philip R. Edwards
Director of District Management
South Florida District
2295 Victoria Avenue
Fort Myers, Florida 33901
Telephone: (813) 332-6975

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S 120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Irene S. Hengkor-Harris 10/26/93
CLERK DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the following was furnished by U.S. Mail to Rafael A. Terrero, P.E. this 26D day of October, 1993.

Ronald D. Blackburn
Environmental Administrator

VIOLATION NOTEBOOK CEB #_____

COLLIER COUNTY, FLORIDA
NOTICE OF ORDINANCE VIOLATION
AND
ORDER TO CORRECT VIOLATION

TO: Burt T. Phillips President (Property Owner of Record)
Southern States Utilities, Inc.
1000 Color Pl
Apopka, FL. 32703

RECEIVED
MAY 13 1993
ENVIRONMENTAL SERVICES

ADDRESS OF VIOLATION (Street address and/or legal description): _____
100 Winward Dr. Marco Island, FL. 33937

NOTICE OF VIOLATION

Pursuant to Collier County Land Development Code No. 91-102, as amended by Ordinance 92-73, you are notified that a violation of the following Collier County ordinance(s) exists on the above-described real property:

ORDINANCE NO: 91-102 SECTION(S): 2.4.3.7 attached

ORDINANCE NO: _____ SECTION(S): _____ _____ _____

Description of conditions constituting the violations: _____
Failure to plant the Spanish Stopper Buffer as required by SDP 91-50 (attached) and
Failure to maintain the wax myrtle hedge

ORDER TO CORRECT VIOLATION

YOU ARE DIRECTED by this notice to make the following corrective Action: Plant the Spanish Stopper Buffer and
Replant the damaged or missing wax myrtles

on or before: ~~5-14-93~~ 6/16/93 MET

PENALTIES MAY BE IMPOSED: FAILURE TO CORRECT THE DEFICIENCIES on the date specified above will result in the filing of an Affidavit of Violation with the Code Enforcement Board, charging you with the violation set out above, you will receive notification that a hearing will be held which you may attend. If the Code Enforcement Board finds a violation exists, penalties in the amount of $500.00 per day for each day the violation exists, beyond the date set for corrective action in this Notice, may be imposed. The County Managers order may be appealed to the County Manager rather than his designee.

SERVED BY: ✓ CERTIFIED MAIL _____ PERSONAL SERVICE
_____ SHERIFF'S DEPARTMENT

O.K. T.B.

DATED this 11th day of May, 1993

For further information, contact me at (813)643-8458.

INVESTIGATORS SIGNATURE

Mike Kirby 5-11-93
(Print) INVESTIGATOR NAME DATE
COLLIER COUNTY
CODE ENFORCEMENT OFFICIAL

ORIGINATING AGENCY - Code Compliance
FILE NUMBER 30469-20

Witness Signature Karla Olson Teasley
Karla Olson Teasley

Respondent Signature _____
Bert T. Phillips

COLLIER COUNTY, FLORIDA
CODE ENFORCEMENT BOARD

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Petitioner,

vs: CEB NO._____

Burt T. Phillips President Southern States Utilities, Inc.
Respondent.

STIPULATION

The Board of County Commissioners of Collier County, Florida and the Respondent(s), Burt T. Phillips President Southern States Utilities, Inc., hereby stipulate and agree to the following matters:

1. That the persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.

2. That the Respondent(s) is/are granted a period of ~~8~~ MET days/months, or until the ~~16TH~~ ~~19th~~ day of ~~May~~ JUNE, 1993, to take necessary remedial action to correct the violation(s) and bring the property into compliance with Ordinance(s) 91-102 Section(s) 2.4.3.7 of the Collier County code, more specifically to perform the following: Plant the Spanish Stopper Buffer and Replant the damaged or missing wax Myrtles

3. That Respondent admits the violation(s) as recited in Paragraph 2, above, exist at the property located at 100 Winward Dr. Marco Island, FL 33937

4. That if the Respondent(s) do(es) not correct the violation(s) and bring the property into compliance with the Code Section(s) cited within the above-specified time, this case will be transferred to the County Code Enforcement Board for a public hearing.

ORIGINATING AGENCY - Code Compliance

FILE NUMBER 36469-20

Witness Karla Olson Teasley
Signature Karla Olson Teasley

Respondent Southern States Utilities, Inc.
Signature
Bert T. Phillips

5. That the Respondent(s) bear(s) the burden of contacting the Collier County Environmental Investigator Mike Kirby (813)643-8458 to arrange for a re-inspection of the property in order to verify that the violation(s) has/have been corrected and the property has been brought into compliance with the Code Section(s) cited.

6. That the following additional condition(s)/exception(s) shall apply to the property:

Within 48 hours of receipt of this notice, sign and have have notarized and return to this office.

WITNESSED BY:

Karla Olson Teasley

Karla Olson Teasley
Signature

Vice President and Secretary
Title

May 17, 1993
Date

SOUTHERN STATES UTILITIES, INC.

X
Respondent(s) Signature

Bert T. Phillips
Print Name
Phone # 407/880-0058
Title: President

Date: May 17, 1993

Sworn to and subscribed before me by Respondent(s) this 17 day of May, 1993, who is personally known to me.

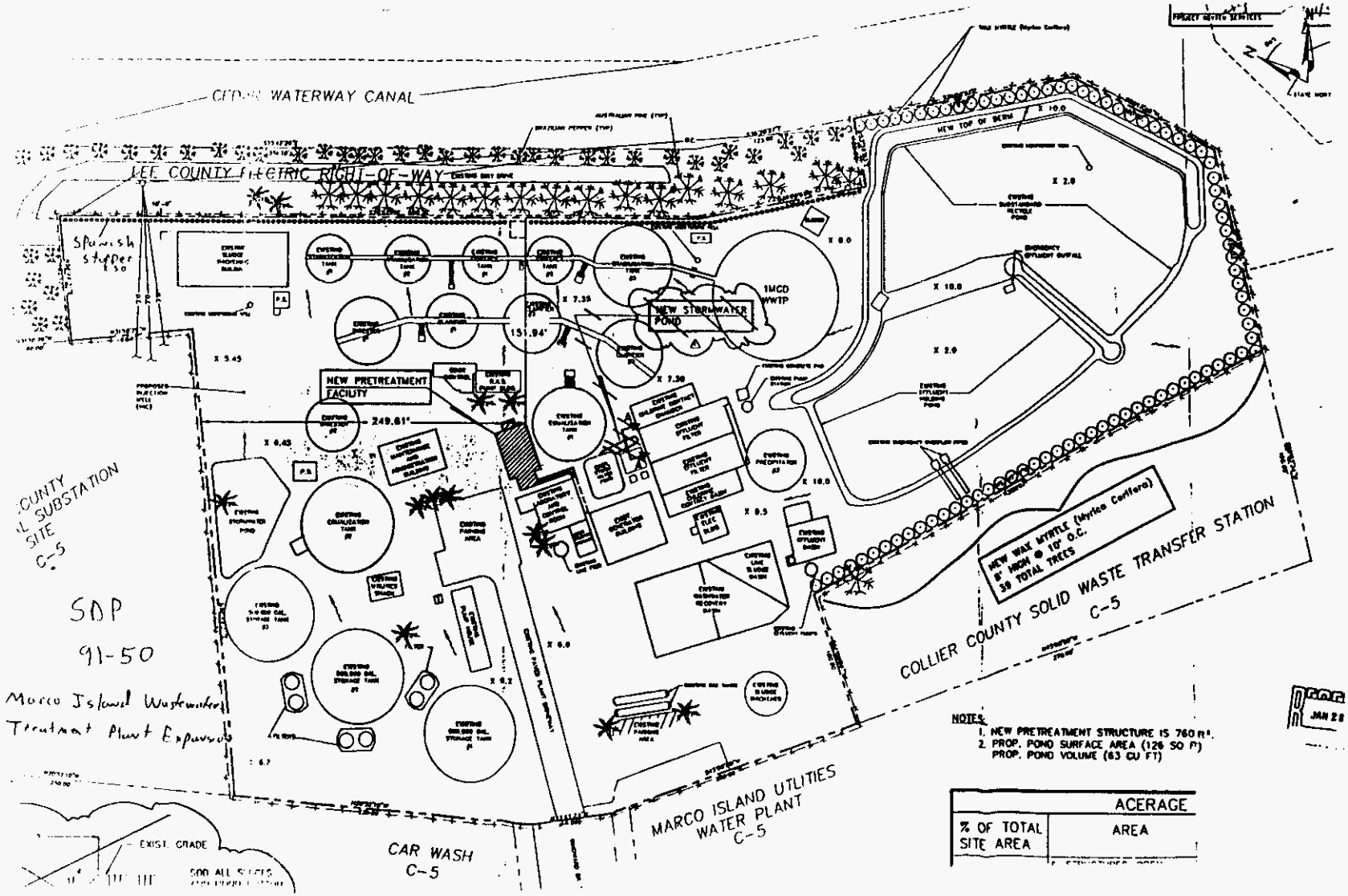
Notary Public

AA 756417
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
ARLENE S. GETTELMAN
My Comm. Exp. 3-8-94
Bonded Thru Service Ins. Co.

Please return to: Mike Kirby
Environmental Investigator
Compliance Services
2800 N. Horseshoe Dr.
Naples, FL 33942-6917

FILE NUMBER 30409-20


WATERWAY CANAL
LEE COUNTY ELECTRIC RIGHT-OF-WAY
Spanish stopper
1MGD WWTP
NEW STORMWATER POND
NEW PRETREATMENT FACILITY
151.94'
249.61'
NEW TOP OF BERM
EMERGENCY EFFLUENT OUTFALL
NEW WAX MYRTLE (Myrica Cerifera) 8' HIGH @ 10' O.C. 39 TOTAL TREES
COLLIER COUNTY SOLID WASTE TRANSFER STATION
C-5
COUNTY SUBSTATION SITE
C-5
SDP
91-50
Marco Island Wastewater Treatment Plant Expansion
MARCO ISLAND UTILITIES WATER PLANT
C-5
CAR WASH
C-5
EXIST. GRADE
NOTES:
1. NEW PRETREATMENT STRUCTURE IS 760 ft².
2. PROP. POND SURFACE AREA (126 SQ FT)
PROP. POND VOLUME (63 CU FT)
ACERAGE
% OF TOTAL SITE AREA
AREA
JAN 28

2.4.3.6 Pruning. Vegetation required by this code shall only be pruned to promote healthy, uniform, natural growth of the vegetation except where necessary to promote health, safety, and welfare and shall be in accordance with "Pruning Standards" of the National Arborist Association. Trees and shrubs shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Pruning shall not interfere with the design intent of the original installation. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead powerlines, lighting, circulation, etc.)

[redacted]e. The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated to maintain plants in a healthy condition. Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within thirty (30) days of their demise and/or removal. Compliance Services will inspect areas affected by this code and issue citations for violations. If the required corrective action is not taken within the time allowed, the County may use any available means of enforcement to secure compliance. These shall include, but not be limited to the following:

1. Prosecution before the Collier County Code Enforcement Board;
2. Prosecution by the State Attorney's Office as provided by Florida Statutes;
3. Withholding of any Permit, Construction Plan Approval, Certificate of Occupancy, or inspection by the County;
4. Placing a lien on the property, to include all administrative, legal, material and installation costs.

SEC. 2.4.4 PLANT MATERIAL STANDARDS AND INSTALLATION STANDARDS.

2.4.4.1 Quality. Plant materials used to meet the requirements of this Section shall meet the Standards for Florida No. 1 or better, as set out in "Grades and Standards for Nursery Plants", Part I, and Part II, Department of Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet State standards.

At least seventy-five (75) percent of the trees and fifty (50) percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least thirty-five percent (35%) of the shrubs used to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. In addition, for all sites, at least seventy-five percent (75%) of the trees and shrubs used to fulfill these requirements shall be drought tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees for South Florida (IFAS). References to be used in the native determination may include, but not be limited to:

Long, R.W. and O. Lakela, 1976. A Flora of Tropical Florida.

Small, J.K. 1933. A Manual of the Southeastern Flora.

Wunderlin, R.P. 1982. Guide to the Vascular Plants of Central Florida.

FILE
VIOLATION NOTEBOOK

FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Lawton Chiles
Governor
Jim Smith
Secretary of State
Bob Butterworth
Attorney General
Gerald Lewis
State Comptroller
Tom Gallagher
State Treasurer
Bob Crawford
Commissioner of Agriculture
Betty Castor
Commissioner of Education

Virginia B. Wetherell
Executive Director

PLEASE ADDRESS REPLY TO:
DIVISION OF STATE LANDS
BUREAU OF SUBMERGED LANDS & PRESERVES
SOUTHWEST FLORIDA FIELD OFFICE
2295 VICTORIA AVE. - SUITE 166
FT. MYERS, FL 33901

March 1, 1993

Ms. Catherine A. Walker, P.E.
Southern States Utilities
1000 Color Place
Apopka, FL 32703

DNR File No: 110189625
Applicant: Southern States Utilities

Dear Ms. Walker:

We have not received sufficient response to our previous requests for information. Therefore, your application is being forwarded to our investigations staff for the appropriate action allowed by law. We are also notifying the Department of Environmental Regulation of our action.

No authorization has been given for the existing activities. Any use of sovereignty submerged lands without specific prior written authorization from the Board of Trustees is considered to be willful violation of Chapter 253, Florida Statutes. Enclosed for your information is a copy of Chapter 18-14, Florida Administrative Code, detailing the consequences of violating Chapter 253, F.S.

Should you have any questions regarding this matter, please contact Mrs. Judy Wysocki, Investigations Section, Division of State Lands, at 10474 Riverside Road, Port Charlotte, Florida 33981 (telephone 813/697-5489).

Sincerely,

Mark R. Miller
Planning Manager
Bureau of Submerged Lands and Preserves
Division of State Lands

MRM/

Enclosure

cc: Judy Wysocki

CERTIFIED MAIN
RETURN RECEIPT REQUESTED

[redacted]

RECEIVED
MAR - 4 1993
ENVIRONMENTAL SERVICES

Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue, Suite 364 • Fort Myers, Florida 33901
Lawton Chiles, Governor
Carol M. Browner, Secretary

November 18, 1992

RECEIVED
NOV 20 1992
ENVIRONMENTAL SERVICES

Mr. Rafael Terrero, P. E.
SSU Services/Marco Island Utilities
1787 South Orange Blossom Trail
Apopka, Florida 32703

Re: Collier Co. - UIC
Marco Island Utilities

Dear Mr. Terrero:

On August 10, 1992 the Department sent you a letter listing corrective actions needed at the Marco Island Utilities injection well system based upon findings of the July 23 site inspection. We have monitored reports sent for July, August and September to see if the necessary actions have been taken to achieve full compliance with the letter of authorization to inject effluent issued April 29. In addition, a follow-up inspection was conducted on October 22 (see enclosure).

While substantial improvement has been made, full compliance has not been achieved. The following items still have not been satisfactorily addressed (item numbers correspond to item numbers in the August 10 letter):

Item 5 - Daily and monthly monitor well pressures or water levels are not being provided. Three values per day are required (maximum, average and minimum), not just average values. The only data received so far were average values for the shallow monitor well for September. The October 22 inspection found that the pressure recorders and gauges were recently either repaired or replaced. Thus, future reports should include the required pressure data.

Item 7 - Specific injectivity is to be calculated using the injection pressure, not the annulus pressure. This mistake was repeated in the September 6 test.

Item 8 - Turnaround time for the laboratory used for sample analysis is still unsatisfactory. For instance, on the September report the first three weeks of effluent data (minus the radionuclides and fluoride) and shallow monitor

cc: Dave Denny (Fax)

cc: Kalla Tenley
Ralph Terrero
Dave Denny
Mike Quigley
Frank Sanderson
Chuck Weed
John Losch
Mary Glennon

Recycled 20% Paper

well data were included, none of the analyses for the deep monitor well were included. Not having at least three out of four analyses back for each well is not acceptable.

The following analyses have still not been submitted to the Department:

June 11 (approximate date) - effluent, shallow and deep monitor wells

June 19 - shallow monitor well

July 2 (approximate date) - effluent, shallow and deep monitor wells

July - radionuclides and fluoride, effluent and deep monitor well

August 28 - shallow and deep monitor wells

September - radionucluides and fluoride, effluent and deep monitor well

September 4, 10 and 17 - deep monitor well

An additional problem with the chemical analyses appears to be the exceedence of recommended holding times for some parameters on occasion. For instance, the September 4 samples were not received by the laboratory until September 9. This resulted in exceedence of recommended holding times for at least nitrate (48 hours), nitrite (48 hours), CBOD (48 hours), fecal coliform (6 hours) and possibly TDS (7 days) depending on the actual date of analysis. These times are from 40 CFR, Part 136, Table II of the federal regulations. The August 28 sample was not received by the lab until September 1; the June 19 sample was not received until June 22; and the June 26 sample was not received until June 29. Holding time for fecal coliform is nearly always exceeded. Most of the other parameters have recommended holding times of 28 days, but for reports issued more than four weeks after the sample date these other parameters also become questionable.

You are requested to submit a written response to address how each incompleteness item will be corrected, and how each technical concern will be addressed. Include the missing analyses from item 8 or provide an explanation as to why these results can not be

submitted. Also address the exceedence of holding time. The Department requests your response within fifteen (15) days of receipt of this letter.

If you have any questions, please call Vince Mele at (813) 332-6975.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/vm/vc

Enclosure

cc: Joe Haberfeld

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

UNDERGROUND INJECTION CONTROL
COMPLIANCE INSPECTION REPORT - CLASS I WELLS

Facility Name: Marco Island Utilities/SSU Services

Facility Location: Marco Island; Collier County

Site Representatives/Titles: Gerry Boyce - Chief Operator
Ron Weis - Water Superintendent

Permit(s): # UC11-179323 Expires: 12/5/95
Expires:

Is there an existing State and/or Federal compliance schedule for this facility? No

Is this facilty in conformance with the above schedule (if applicable)? NA

Number of injection wells: 1

Number of monitor wells: 2

Permitted Flow Rate(s):		Flow(s) during inspection:	
Well # 1 ,	4000 GPM	Well # 1 ,	834 GPM
# ,	GPM		

Permitted Wellhead Pressure(s):		Pressures during inspection:	
Well # 1 ,	127 PSI	Well # 1 ,	14 PSI
# ,	PSI	# ,	PSI

Annular Pressure(s) during inspection:

Well # 1 ,	45 PSI	chart and gauge
# ,	PSI	

Monitor Well Measurement(s):

Well # shallow ,	3.6 PSI	Sampling Frequency: weekly
# deep ,	2.1 PSI	Sampling Frequency: "

Values the same on charts and gauges

Laboratory responsible for water quality analyses: Flowers Lab.
Gauges - General Condition: Good Calibration Schedule: Semi-annually

Were all general permit conditions being met: Yes

Were all specific permit conditions being met: No

File
Marco Island (Water) Mike Fisher

FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Lawton Chiles
Governor
Jim Smith
Secretary of State
Bob Butterworth
Attorney General
Gerald Lewis
State Comptroller
Tom Gallagher
State Treasurer
Bob Crawford
Commissioner of Agriculture
Betty Castor
Commissioner of Education

Virginia B. Wetherell
Executive Director

PLEASE ADDRESS REPLY TO:
DIVISION OF STATE LANDS
BUREAU OF SUBMERGED LANDS & PRESERVES
SOUTHWEST FLORIDA FIELD OFFICE
2295 VICTORIA AVE. - SUITE 166
FT. MYERS, FL 33901

October 26, 1992

cc: Karla Teasley
Ralph Terrero
Chuck Wood
John Losch
Dave Denny
Frank Sanderson

Mr. Ralph Terrero
Southern States Utilities
1000 Color Place
Apopka, FL 32702

DNR File No: 110189625
Applicant: Southern States Utilities

Dear Mr. Terrero:

A recent inspection of your existing subaqueous utility line and recently installed riprap, located at the southeast foot of the S.R. 951 bridge on the north end of Marco Island, Section 4, Township 52 South, Range 26 East, Collier County, reveals that these structures are located on state-owned lands within the jurisdiction of the Board of Trustees of the Internal Improvement Trust Fund as landowner. Your activity is not authorized and is in violation of Sections 253.04 and 253.77, Florida Statutes.

Therefore, you are hereby notified that corrective measures must be taken within 30 days of receipt of this letter to rectify this violation of applicable Florida Statutes and Florida Administrative Codes.

In the event that corrective action is not taken and the cited activity is found to continue, removal of all structures could result. In order to have this facility authorized, it will be necessary for you to take the following steps:

1. submission of all items indicated on the enclosed completeness summary;
2. compliance with staff recommendations; and
3. full payment of applicable fees and administrative fines.

Your immediate attention to this matter is warranted. Should you have any questions, please contact me at the Southwest Florida Field Office, 2295 Victoria Avenue, Suite 166, Ft. Myers, Florida 33907 [(813) 332-6996].

Sincerely,

Mark R. Miller
Planning Manager
Bureau of Submerged Lands and Preserves
Division of State Lands

MRM/
Enclosure
cc: Judy Wysocki
CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND SURVEY REQUIREMENTS/WAIVER OF SURVEY REQUIREMENTS FOR DEPARTMENT OF TRANSPORTATION OR LOCAL GOVERNMENTS PUBLIC TRANSPORTATION PROJECTS

When a local government or the Florida Department of Transportation (DOT) public transportation project crosses sovereignty submerged lands, an application (DER/DNR/U.S. ARMY CORPS OF ENGINEERS Joint Application) for a Board of Trustees of the Internal Improvement Trust Fund (BOT) easement must be filed (submit application directly to DER, the lead agency; upon receipt, the DER will provide copies to the DNR and the Corps) and processed by the appropriate Bureau of Submerged Lands and Preserves' field office (see attached location listing).

Clarification as to whether or not the BOT assets title to a specific body of water can be requested from the:

Department of Natural Resources
Bureau of Survey and Mapping
Title and Land Records Section
Marjorie Stoneman Douglas Building
3900 Commonwealth Boulevard
Mail Station No. 108
Tallahassee, Florida 32399

If the determination is obtained prior to filing the Joint Application, a copy must be attached to the application at the time of filing. If the determination is not obtained prior to filing the Joint Application, the appropriate field office will obtain the determination subsequent to processing the easement application. A copy of a U.S. Geological Quad Map indicating the site of the affected waterbody must be submitted with the request for clarification or with the Joint Application.

Chapter 18-21, Florida Administrative Code, requires that a land survey be provided for a public easement. However, on May 14, 1991, the Board of Trustees authorized a waiver of the survey requirement in the following situations:

1. When local governments or the DOT request a public easement for public transportation purposes for existing bridges constructed prior to March 27, 1982 (the date the rule requiring public easements for bridges was adopted); and

2. When local governments or the DOT request a public easement for public transportation purposes for bridges built after March 27, 1982, provided the existing bridge is being repaired or replaced or expanded within the existing right-of-way.

10/28/91

A. When a land survey is NOT required, an easement application must be accompanied by information prepared from the most recent records (i.e., existing rights-of-way maps). At the minimum, the following will be required:

SKETCH OF DESCRIPTION

1. Three (3) 8 1/2" x 14" prints of the sketch of description. If the prints are reduced from a larger drawing, a copy of the original drawing must also be submitted for clarity purposes.

2. The sketch must be clearly labeled "NOT A FIELD SURVEY."

3. All copies must be dated, signed (original signatures) and sealed by a person registered with the Florida Board of Professional Land Surveyors stating that the sketch of description is in compliance with the Minimum Technical Standards pursuant to Chapter 21.HH, Florida Administrative Code.

4. The size and dimensions of all proposed and existing structures within the right-of-way must be shown on the sketch; or engineer drawings (8 1/2" x 14" prints) including this information must be provided.

5. An approximate mean high water line (MHWL) in tidally influenced waters or an approximate ordinary high water line (OHWL) in non-tidally influenced waters must be shown on the sketch with a note clearly stating that the approximate line is not intended to be the legal boundary between private and state ownership.

6. A scaled or surveyed NAD 1927 or 1983 coordinate of the point of beginning (POB) of the easement area must be shown on the sketch. The coordinates may be scaled from a USGS quad sheet or other suitable maps. The method used to determine the coordinate must be noted on the drawing.

DESCRIPTION OF EASEMENT AREA

A metes and bounds description of the perimeter of the easement sought must be provided on a separate 8 1/2" x 14" sheet and must include the county, section, township and range, the name of the affected waterbody and the approximate acreage of the easement. The easement description must call for a MHWL or OHWL. A call for the approximate MHWL or OHWL will not be accepted. A centerline description will not be accepted.

LOCATION SKETCH/VICINITY MAP

A location sketch (vicinity map) must be provided. For clarity purposes, the location sketch must be provided on a separate 8 1/2" x 14" sheet.

B. When a land survey IS required, an easement application must be prepared from a field survey. At the minimum, the following will be required:

SURVEY DRAWING

1. Three (3) 8 1/2" x 14" prints of the sketch of description. If the prints are reduced from a larger drawing, a copy of the original drawing must also be submitted for clarity purposes.

2. All copies must be dated, signed (original signatures) and sealed by a person registered with the Florida Board of Professional Land Surveyors stating that the easement survey is in compliance with the Minimum Technical Standards pursuant to Chapter 21.HH, Florida Administrative Code.

3. The size and dimensions of all proposed and existing structures within the right-of-way must be shown on the sketch or engineer drawings (8 1/2" x 14" prints) including this information must be provided.

4. A mean high water line (MHWL) in tidally influenced waters, an ordinary high water line (OHWL) in non-tidally influenced waters or a safe upland elevation line (SUEL) in tidal or non-tidal waters must be shown on the survey sketch.

5. A scaled or surveyed NAD 1927 or 1983 coordinate of the point of beginning (POB) of the easement area must be shown on the survey sketch. The coordinates may be scaled from a USGS quad sheet or other suitable maps. The method used to determine the coordinate must be noted on the drawing;

LEGAL DESCRIPTION OF EASEMENT AREA

A metes and bounds description of the perimeter of the easement sought must be provided and must include the county, section, township and range, the name of the affected waterbody, and the approximate acreage of the easement. A centerline description will not be accepted. For clarity purposes, the legal description of the easement area must be provided on a separate 8 1/2" x 14" sheet.

LOCATION SKETCH/VICINITY

A location sketch must be provided. For clarity purposes, the location sketch must be provided on a separate 8 1/2" x 14" sheet.

BOUNDARY LINES OF SOVEREIGNTY SUBMERGED LANDS

There are two types of sovereign submerged lands, tidally influenced waters or Mean High Water (MHW) bodies and non-tidally influenced waters or Ordinary High Water (OHW) bodies.

(a) Mean High Water Bodies - The boundary line to be located will be one of the following:

1. A MHW Line (MHWL) based on an actual MHW study or an NGVD elevation provided by DNR and surveyed as a contour line.

2. A Safe Upland Elevation Line (SUEL) based on an NGVD elevation provided by DNR as being an elevation safely above the approximate actual elevation of MHW and surveyed as a contour line. The legal land description for a parcel bounded by this line must be preceded by a leader containing "That part of the sovereign lands of the State of Florida that lie within the following described area:"

(b) Ordinary High Water Bodies - The boundary line to be located will be one of the following:

1. An OHW Line (OHWL) based on an actual OHW study or an NGVD elevation provided by DNR and surveyed as a contour line.

2. Lower Edge Upland Mature Vegetation Line (LEUMVL) based on identification determined by direction from DNR and surveyed as the contour line. The legal land description for a parcel bounded by this line must be preceded by a leader containing "That part of the sovereign lands of the State of Florida that lie within the following described area:"

3. An SUEL based on an NGVD elevation provided by DNR as being an elevation safely above the approximate actual elevation of OHW and surveyed as a contour line. The legal description of a parcel bounded by this line must be preceded by a leader containing "That part of the sovereign lands of the State of Florida that lie within the following described area:"

4. A Safe Upland Line (SUL) based on the location of mature oak trees and surveyed as an intersection of the locale of the trees and the existing right of way lines. This line must be identified as being at or above the SUEL. The legal land description for a parcel bounded by this line must be preceded by a leader containing "That part of the sovereign lands of the State of Florida that lie within the following described area:"

Lessee/Grantee (Upland Riparian Property Owner)	Acceptable Executing Authority
1. Individual(s)	As shown on the deed
2. Corporation	President or Vice President
3. Partnership	General Partner
4. General Partnership	General Partner
5. Limited Partnership	General Partner (can be corporation, general partnership, individual)
6. Yacht Club	This particular entity usually consists of a Commodore or Vice Commodore. If so, a copy of the By-Laws or particular provision of the By-Laws which authorizes the particular office (Commodore, Vice Commodore) to enter into the lease on behalf of the Yacht Club must be provided.

If an entity, other than those listed above, states that they are authorized to execute, a copy of the document which authorizes or empowers them to execute must be provided. That document will be required to be included as part of the sovereignty submerged land lease which will then be recorded in the official records of the county in which the leased area is located.

04/28/92

TO: Bureau of Submerged Lands and Preserves
Department of Natural Resources
Mail Station No. 125
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

CERTIFICATION

Complete this certification if Lessee/Grantee (Upland Owner) is a CORPORATION, JOINT VENTURE, TRUST, ESTATE, ASSOCIATION, CLUB, or combination.

I hereby certify under penalty of perjury that the information contained herein is true and correct and that I, _____ (Full Name), as _____ (Title: President, Trustee, Etc.), am authorized to sign for the entity below, that I have personal knowledge of all the requirements associated with use of subject state lands, and that the address below shall be used for conducting official business with subject state lands account.

Lessee/Grantee is a/an: _____

Name of Entity: _____

Street Address: _____ (Required even though a P.O. Box is used.)

Post Office Box: _____

City: _____

State: _____ Zip Code

Phone Number: ( ) _____
Area Code

Signed _____
(Original signature required)

STATE OF _____

COUNTY OF _____

WITNESS my hand and official seal this _____ day of _____, A.D., 19____.

_____
Notary Public (SEAL)

My Commission Expires: _____

*Note: If entity is a Florida Corporation, a copy of the current Corporate Certificate as registered with the Florida Secretary of State's Office that shows Corporate Officers' names and addresses must also be provided; if an out-of-state Corporation, a copy of the Charter No. issued by the Florida Secretary of State's Office authorizing you to do business in the State of Florida must be provided. If an Estate, a copy of the appropriate legal documents authorizing you to act on behalf of the Estate must be provided.

****

Lease/Easement/Use Agreement No. _____
62-033A(16)
03/16/92

Florida Department of Environmental Regulation

South District • 2295 Victoria Avenue, Suite 364 • Fort Myers, Florida 33901

Lawton Chiles, Governor — Carol M. Browner, Secretary

June 3, 1992

JUN 4 1992

SOUTHERN STATES UTILITIES
MARCO PLANT

Mr. Ron Weis
Southern States Utilities
P. O. Box 197
Marco Island, Florida 33937

Re: Collier County - PW
Marco Island Utilities
PWS I.D. Number 5110183
Chemical MCL Violation

Dear Mr. Weis:

This letter acknowledges receipt of the results for the three drinking water recheck samples collected on May 11th, May 12th, and 13th, 1992. These results indicate that the Maximum Contaminant Level (MCL) for manganese specified in Florida Administrative Code Rule (F.A.C.) 17-550.320 has been exceeded.

Please submit a plan for corrective actions within 45 days of the date of this letter. If modification or replacement of your treatment plant or source is necessary, a permit must be obtained from this agency prior to making any changes. Any required permit applications and fees must also be submitted to the Department within 45 days of the date of this letter.

If you have any questions, please contact Robert Glenn at (813) 332-6975.

Sincerely,

Philip R. Edwards
Director of
District Management

PRE/MAC/dd

cc: HRS Collier County Public Health Unit

cc: Mel Fisher
Dave Denny
Chuck Wood
John Losch
Frank Sanderson
Ralph Terrero
Karla Olson Teasley

Recycled Paper

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WARNING LETTER

Florida Department of
Environmental Protection

Lawton Chiles
Governor

South District
2295 Victoria Avenue
Fort Myers, Florida 33901

Virginia B. Wetherell
Secretary

January 24, 1994

CERTIFIED MAIL # P 287 405 719
RETURN RECEIPT REQUESTED

Dave Denny, Utilities Director
Southern States Utilities, Inc.
Post Office Box 197
Marco Island, Florida 33937

Re: Collier County - PW
SSU - Marco Shores &
Marco Island Utilities
PWS I.D. Numbers: 5110182 &
5110183

Dear Mr. Denny:

A review of our files indicates that the referenced public drinking water facilities may be operating in violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder. The following items have not been submitted to the Department as required:

1. Nitrate & Nitrite Analysis Report
2. Radiological Analysis Report

It is a violation of Section 403.859, Florida Statutes, for any public drinking water facility to operate without conducting the appropriate chemical monitoring as specified in Florida Administrative Code Rule 17-550.

You are advised that any activities or deficiencies at the referenced facility that may be contributing to violations of the above described statute and rule should be ceased or corrected immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

Continued . . .

Printed on recycled paper.

You are requested to attend a meeting with the Drinking Water Staff at the Department's South District Office located at 2295 Victoria Avenue, Fort Myers, Florida 33901 on February 2, 1994 at 3:00 PM to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

If you have any questions or need to schedule the meeting for another date or time, please contact Mark Charneski of this office at the letterhead address or at 813-332-6975.

Sincerely,

Ronald D. Blackburn
Acting Director of
District Management

RDB/MAC/klm

cc: Mr. Ralph Terrero

MEL FISHER FILE

Florida Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

June 22, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Southern States Utilities, Inc. (Marion Oaks S/D WWTP)
OGC Case No. 94-4503
93

Dear Mr. Phillips:

Enclosed is your copy of the Consent Order which was executed and effective on June 21, 1994. The Department acknowledges the receipt of $15,000.00 on June 21, 1994. This effectively resolves the Department's concerns in this matter and this enforcement case is now closed.

Sincerely

Thomas Gucciardo
Environmental Manager
Compliance/Enforcement
Domestic Wastewater Section

cc: Marion County PHU

CC: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
BILL WILLIAMS
BILL YOCUM
FRANK SANDERSON
SANDY JOINER
CHUCK WOOD
JOE MACK
MARY GLENNON

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

RECEIVED
JUN 21 1994
SOUTHWEST DISTRICT

June 17, 1994

Mr. Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Re: Proposed Settlement by Short Form Consent Order in Case of Southern States Utilities, Inc. (Marion Oaks Subdivision WWTP), OGC File No. 93-4503

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the alleged violation(s) previously identified by the Department of Environmental Protection ("DEP") in Warning Letter No. WL93-0033DW42SWD dated September 14, 1993, which is attached, as well as any other domestic wastewater violations alleged to have occurred up to the date of June 14, 1994, excluding any alleged violations unknown by DEP. No corrective actions are required to bring your facility into compliance. However, you must pay to the Department the amount of $14,500.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $500.00 to reimburse DEP's costs, for a total of $15,000.00. This payment must be made to "The Department of Environmental Protection" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within ten days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DEP Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above.

By accepting this settlement offer, you waive your right to an administrative hearing to contest this settlement pursuant to Section 120.57, Florida Statutes, and your right to appeal this settlement pursuant to Section 120.69, Florida Statutes. This offer to settle is open until June 21, 1994 or until DEP otherwise withdraws the offer. If you do not sign and return this letter to the Department at the Southwest District address given above by this date, the case will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Southern States Utilities, Inc.:

By: Karla Clem Teasley for Bert Phillips, Vice President
President,
Southern States
Utilities, Inc.

For the DEP:

Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department
of Environmental Protection

ENTERED this 21 day of June, 1994 in Tampa, Florida.

Attachments

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Barbara C. Virgus 06-21-94
Clerk Date

MEL FISHER

Florida Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

December 3, 1993
Marion County-DW

RECEIVED
DEC 06 '93
ENVIRONMENTAL SERVICES

Mr. Raphael A. Terrero,
Manager Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Terrero:

Please find enclosed this corrected version of the Short Form Consent Order which the Department wishes to replace the draft issued yesterday. As you will note, the changes are in the style of the case and in the signature line. Should your company wish to settle these violations through entry into this agreement, please have the appropriate officer sign this replacement document.

Should you have any comments feel free to contact Mr. Neal Schobert at (813)744-6100, extension 313.

Sincerely,

Michael S. Rickey, P.E.
Water Facilities Administrator
Southwest District

MSH/ns

CC: BERT PHILLIPS
KARLA TEASLEY
RALPH TERRERO
CARLYN KOWALSKY
SANDY JOINER
MARY GLENNON
BILL WILLIAMS
BILL YOCUM
FRANK SANDERSON
CHUCK WOOD
JOE MACK

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

Mr. Raphael A. Terrero,
Manager Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Re: Proposed Settlement by Short Form Consent Order in Case of Southern States Utilities, Inc. (Marion Oaks S/D WWTP), OGC File No. 93-4503

Dear Mr. Terrero:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Protection ("DEP") in Warning Letter No. WL93-0033DW42SWD dated September 14, 1993, which is attached. No corrective actions are required to bring your facility into compliance. However, you must pay to the Department the amount of $14,300.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $750.00 to reimburse DEP's costs, for a total of $15,050.00. This payment must be made to "The Department of Environmental Protection" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within ten days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DEP Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described

above. By accepting this settlement offer, you waive your right to an administrative hearing to contest this settlement pursuant to Section 120.57, Florida Statutes, and your right to appeal this settlement pursuant to Section 120.69, Florida Statutes. This offer to settle is open until December 13, 1993 or until DEP otherwise withdraws the offer. If you do not sign and return this letter to the Department at the Southwest District address given above by this date, the case will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Southern States Utilities, Inc.:

By: _____

Southern States Utilities, Inc.

For the DEP:

_____
Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department of Environmental Protection

ENTERED this _____day of December ___, 1993 in Tampa, Florida.

Attachments

FILE
MARION OAKS

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

RECEIVED
NOV 16 '93
ENVIRONMENTAL SERVICES

November 10, 1993
Marion County-DW

Mr. Jose F. de Pedro,
Technical Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Subject: Marion Oaks Utilities Sewage Treatment Plant

Dear Mr. de Pedro:

The Department received your submittal on October 25, 1993. Please review the Department's letter of November 5, 1993 regarding this facility.

The Department has sought to obtain results from the on-site lab which could provide reliability since July 1992. Questions still remain. The Department had sought resolution of monitoring and analytical deficiencies concurrent with the resolution of the outstanding Warning Letter. With the preparation of a Case Report to the Secretary, the Department will seek resolution of the Warning Letter including also the laboratory deficiencies.

Should you have any questions, contact me at (813)744-6100, extension 313.

Sincerely,

Neal R. Schobert

Neal R. Schobert
Environmental Specialist
Domestic Wastewater Section

cc:Marion Co. PHU
P.Daniel, PSC

lc. Frank Sanderson
Ralph Terrero
Phil Fisher
Bill Williams
Bill Young
Tony Bevivino

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

NEAL FISHER

11-05-93

RECEIVED
NOV 0 8 '93
ENVIRONMENTAL SERVICES

Mr. Raphael A. Terrero,
Manager Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

WARNING LETTER #WL93-0033DW42SWD

Subject: Marion Oaks Utilities Sewage Treatment Plant

Dear Mr. Terrero:

In order to settle the issues of the referenced Warning Letter a meeting was held at the District office on October 22, 1993. The Department attempted to resolve the issues through entry into an administrative Consent Order.

Be aware that the Department intends to pursue enforcement of the rules and regulations for which you as the permittee are responsible. In view of the failed negotiations, this Office is preparing a case report to be submitted to the Secretary requesting she approve filing a civil suit seeking judicial remedy.

Please direct any questions to Mr. Neal Schobert at (813)744-6100, extension 313.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

RDG/ns
cc: Marion County PHU
P. Daniel, FPSC

CC: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
SANDY JOINER
MARY GLENNON
BERT PHILLIPS
CHUCK WOOD
JOE MACK
FRANK SANDERSON
BILL WILLIAMS
BILL YOCUM

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

September 14, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion County

RECEIVED
SEP 17 '93
ENVIRONMENTAL SERVICES

Mr. Raphael A. Terrero,
Manager Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

WARNING LETTER #WL93-0033DW42SWD

Subject: Marion Oaks Utilities Sewage Treatment Plant

Dear Mr. Terrero:

A review of the file for Marion Oaks Utilities sewage treatment plant indicates violations of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel observed the following:

Nitrate concentrations have exceeded permit limitation in February, June and July 1993.

Nitrate results were not reported as required in the permit for May 1992 and March 1992.

The facility has failed to plan and construct plant expansion based upon flow data from November 1991 to February 1992.

Numerous spills or discharges to the ground of inadequately treated effluent have occurred: seven incidents reported for 1992, eight incidents reported through August 1993.

It is a violation of Section 403.161(1)(b), Florida Statutes, for any facility, as a pollution source, to fail to operate in a manner consistent with the permit issued by the Department or in compliance with the Department rules and regulations. It is a violation of Rule 17-610.510, Florida Administrative Code (F.A.C.) for effluent nitrate concentration to exceed 12 mg/l.
It is a violation of Rule 17-600.740(2)(a), F.A.C., to release wastewater effluent or residuals without proper treatment. It is a violation of Rule 17-600.405(4)(b)2., F.A.C., for a facility with three-month average daily flows in excess of 75% of permitted capacity to fail to submit an initial capacity analysis report no later than July 1, 1992.

Also, a facility that causes or allows the disposal of pollutant materials onto the ground may be in violation of Sections 376.302, and 403.088, Florida Statutes, and Rule 17-3.404, Florida Administrative Code, if the disposal results in a discharge to groundwater.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is the Department's policy to seek civil penalties for the above described violations.

YOU ARE REQUESTED TO CONTACT MR. NEAL SCHOBERT of this office at (813) 744-6100, Extension 313 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

cc: Marion County PHU
Al McLaurin, FDEP

cc: Bert Phillips
Karla Teasley
Ralph Terrell
Carlyn Kowalsky
Mary Glennon
Catherine Walker
Chuck Wood
Joe Mack
Bill Williams
Bill Yocum
Frank Sanderson

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

NON COMPLIANCE LETTER

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

July 28, 1992
Marion County

RECEIVED

AUG 0 3 1992

ENVIRONMENTAL SERVICES

Mr. Raphael Terrero, P.E.
Southern States Utilities Services, Inc.
1000 Color Place
Apopka, FL 32703

Re: Marion Oaks STP
Permit No: DO42-178431
Compliance Evaluation Inspection

Dear Mr. Terrero:

C.
BERT Phillips
Karla O. TEASEY
Charles E. WOOD
MEL Fisher
Bill WILLIAMS
Bill Yocom
FRANK Sanders
Joe Mack
Chris ARCAND

The sewage treatment plant at the above-referenced location was inspected on July 9 and July 16, 1992. Based on these inspections and a review of the information on file with the Department, the following items under the various categories are being brought to your attention:

LABORATORY:

Review of laboratory procedures and records indicates results are unreliable to provide reasonable assurance for accuracy of results required pursuant to Rule 17-601.400(1) F.A.C. Therefore, the Department cannot accept results from this laboratory for purposes of self-monitoring. Please schedule a re-evaluation by the Department when reasonable assurance can be established.

FACILITY SITE REVIEW:

A Reduced Pressure Zone (RPZ) backflow preventer is required on the potable water supply line to the laboratory.

CLARIFIER:

1. The clarifier had an excessive layer of scum and plastics on the surface. A covered trash can should be kept available at all times for skimmings.

2. Several parts of the weir were obstructed with excessive algal growth.

DISPOSAL METHOD:

1. Accumulated sludge must be removed from the bottom of the percolation pond.

2. Only a limited area of the large pond was used for effluent disposal. The effluent must be dispersed to utilize the existing system.

The type inspection conducted was a compliance evaluation inspection and the overall rating of the facility was unsatisfactory.

The Department requests a written response within 20 days of receipt of this letter outlining action taken and plans made, including a schedule, to come into compliance. Be aware that due to the nature and extent of deviation from Department rules, enforcement action may be initiated to compel compliance.

If you have any questions please give me a call at (813)620-6100, extension 313.

Sincerely,

Neal Schobert

Neal Schobert
Environmental Specialist
Domestic Wastewater Section
Compliance/Enforcement

NS/cw
cc: Bill Yocum, SSU
MCPHU

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

FILE 1) BEECHERS POINT 4) SILVER LAKE OAKS
2) PALM PORT
3) PARK MANOR

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

RECEIVED
DEC 0 9 1992
ENVIRONMENTAL SERVICES

C: C. Walker
M. Fisher
C. Arcand
H. Glennon

December 7, 1992

Mr. Charles Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

CC: KARLA TEASLEY, RALPH TERRERO, JOE ROBERTS, BILL CROSS (FAX), PAUL THOMPSON, CHUCK WEST, ROBERT REGI, FRANK SANDE

Dear Mr. Sweat:

Putnam County - Domestic Waste
SSU Wastewater Treatment Plants, Putnam County
Notices of Permit Non-Compliance

A review of files for the referenced facilities revealed the following deficiencies and discrepancies:

Beecher's Point
- Following a reduction of nitrate-nitrogen levels earlier this year, the permitted limit was exceeded in April, June and July.
- February 1992 laboratory documents for Beecher's and Park Manor each indicate fecal coliform samples were collected February 20 at 8:00 a.m. by Mr. Roy White.
- A residuals analysis submitted indicates a single sample collection date of April 14, 1992. Chapter 17-7.540(2)(e), FAC, outlines a multiple sample period. Additionally, due to the copper content of 2230 mg/kg, residuals must be disposed of in accordance with Grade II restrictions outlined in Chapter 17-7.
- Influent and effluent samples collected June 26, 1992 were received by the laboratory July 1 according to submitted laboratory documents. The acceptable holding time for BOD analysis was exceeded, and depending upon the method utilized, possibly that of nitrate.
- The operation log for July 1992 indicates samples were collected July 10, yet results for BOD, TSS and nitrate-nitrogen are not provided.
- Laboratory documentation for the July 10 fecal coliform sample indicates the sample was collected by Mr. Roy White at 11 a.m., yet the operation log indicates samples were collected while he was on-site 8-8:30 a.m.
- Please be advised permit DO54-147243 expires June 22, 1993 and as such an application for permit is due at least sixty days prior.

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Palm Port
- As with Beecher's Point, a residuals analysis was apparently performed on a single day. Copper for the Palm Port sample was 2630 mg/kg, also a Grade II residual.
- With regard to June 1992:
    - the time of collection of the June 12 sample is not recorded on the operation log.
    - the operation report and log indicate samples were collected June 26, yet Flowers Laboratories analyses statements indicate effluent samples were collected June 5 and influent samples were collected June 26. Each were reported received by Flowers on June 29. Submit copies of applicable chain(s) of custody.
- Flow was estimated June 23 - July 14. Describe how and why flow was estimated - a constant flow was reported. If a fairly accurate flow estimation method is not available, inaccurate flow data should not be provided on the operation report.
- A note is made on the operation log for July 30 that the lift station was found full and was subsequently pumped out. The Department should be notified in accordance with Chapter 17-600, FAC, of any abnormal event (e.g., lift station or flow meter outages) upon discovery.
- With regard to July 1992:
    - the operation log indicates samples were collected for analysis of BOD, TSS, nitrate-nitrogen and fecal coliform on July 10. While the Flowers Laboratories document for fecal coliform indicates analysis of this sample July 10, the BOD, TSS and nitrate-nitrogen samples were reported as received by Flowers on July 13. Explain the difference in delivery dates and submit applicable chains of custody.
    - for the July 10 sample, the holding times for BOD and nitrate-nitrogen were possibly exceeded.
    - the July 10 fecal coliform laboratory document from Flowers indicates the sample was collected by Mr. Roy White at 12:00 p.m., yet the operation log indicates samples were collected by Mr. White during his 9-9:30 a.m. operation visit. The time of laboratory receipt was not provided.
    - the operation log indicates samples were collected July 29, yet results of analyses were not provided.

Park Manor
- With regard to the fecal coliform sample collected February 1992:
    - the sample date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document indicates the sample was received at 1:30 p.m., yet Mr. White was on-site according to the operation log.
    - the holding time was exceeded.

Park Manor, continued
- Laboratory documents indicate that samples collected June 26 were received June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10. Results of analyses are not provided.
    - the Flowers document for the fecal coliform sample indicates collection by Mr. White at 1:00 p.m., yet the samples were collected between 10:30-11:00 a.m., according to the operation log. A time of receipt by Flowers is not provided.
    - the Flowers document indicates fecal coliform was confirmed present in the sample, yet an actual count was not provided.

Silver Lake Oaks
- With regard to February 1992:
    - the date and time of fecal coliform sample collection was not recorded on the operation log.
    - the Flowers laboratory document concerning the fecal sample indicates collection was by Mr. White on February 20 at 7:45 a.m., yet according to the operation log, he was on-site 12:00-12:30 p.m.
    - the operation log makes note that a portion of the drainfield was not functioning. The Department was apparently not notified as required.
- With regard to June 1992:
    - the fecal coliform date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document for the fecal coliform sample does not provide the collector's name, the date and time of sample, nor the date and time of receipt.
    - the fecal coliform laboratory receipt from Flowers indicates "confluent growth", yet an actual count was not determined.
    - the operation log and Flowers document indicates samples were collected June 26 and received by Flowers June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10 for BOD, TSS and nitrate-nitrogen analysis, yet results were not provided.
    - the Flowers laboratory document for the July 10 fecal coliform sample does not provide the date and time of sample, nor the date and time of receipt.
    - the Tri-Tech Laboratories, Inc. document for the July 29 samples indicate collection was at 7:00 a.m., yet the operation log indicates samples were collected between 7:45 and 8:15 a.m.

A response is requested within ten (10) days of receipt of this letter. In your response, you should address the above noted deficiencies and provide an explanation as to why permit conditions were not met. Until such time as compliance with permit conditions is achieved, you may be in violation of Florida Statutes and subject to enforcement and/or legal action if necessary.

Should you have any questions, please contact the undersigned at 448-4330, extension 308.

Sincerely,

Deryle Calhoun, E.I.
Environmental Engineer

DC

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MEL FISHER

FILE
NON COMPLIANCE NOTEBOOK

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor | 813-620-6100 | Carol M. Browner, Secretary

JAN 26, 1993

SOUTHERN STATES UT.
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED
FEB 01 1993
ENVIRONMENTAL SERVICES

RE: NONCOMPLIANCE LETTER
PWS ID: 6511330 [C]
C.L. SMITH ELL NAR

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
TURBIDITY	12/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT. 453 .

SINCERELY,

Robert P. Barker

ROBERT P. BARKER
ENVIRONMENTAL SPECIALIST II

cc: HRS PASCO COUNTY PUBLIC HEALTH UNIT

Recheck due for C.L. SMITH well sample collected on 10/15/92. Result was 1.8 N.T.U. Maximum Contaminant Level is 1 N.T.U. Recheck sampling is required.

CC: RALPH TERRELL
CHUCK WOOS
JEE MACK
FRANK SANDERSON
BILL WILLIAMS
JOHN LEVESQUE
MIKE GLENN

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Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-734

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

January 12, 1993

Melvin E. Fisher, Environmental
Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, FL 32703

C.L. Smith (Ell Nar)
PWS-ID # 6511330
Community Water System
Pasco County

RECEIVED

JAN 14 1993

ENVIRONMENTAL SERVICES

RE: Turbidity sampling and analysis (maximum contaminant level was exceeded for turbidity).

Dear Mr. Fisher:

This is to acknowledge receipt of chemical analysis results for the potable water sample collected on October 15, 1992.

Upon review of these results, it was noted that the maximum contaminant level (MCL) was exceeded for turbidity. Chapter 17-550.510(5)(d) Florida Administrative Code, states that if an MCL is exceeded, the supplier of water shall re-sample for the suspect contaminant at the same sampling point.

Sample results were 1.8 N.T.U. The maximum contaminant level is 1.0 N.T.U. Attached, please find copy of your lab sheet with turbidity sample results highlighted in blue.

Please collect, and submit another sample to a certified laboratory within 10 days, and forward the results to the Department.

If you have any questions, please contact me at telephone (813) 744-6100 Ext. 453.

Sincerely,

Robert P. Barker
Environmental Specialist II
Drinking Water Section

RPB/sem

Attachment:
cc: Pasco CPHU

cc: Karla Teasley
Ralph Terrero
Chuck Weed Frank Sansone
Joe Mack
Bill Williams
John Levesque (Fax)
Mary Glenn

Recycled Paper

REPORT NO. 83783
[illegible]: SOUTHERN STATE UTILITIES

C.L. Smith
PWS 6511330
LAB# 83139

INORGANIC ANALYSIS
17-550.310(1)
(PWS030)

Enter on PWS 030
Sample date → 10/15/92

PARAMETER ID	NAME	SAMPLE #	LOCATION CODE	ANALYSIS RESULT (mg/liter)	ANALYTICAL METHOD	DET.LIMIT USED	ANALYS. DATE
9005	ARSENIC	83783		<0.002	206.3	0.002	10/29/92
1010	BARIUM	"		0.014	208.1	0.002	10/29/92
1015	CADMIUM	"		<0.001	213.1	0.001	10/27/92
1020	CHROMIUM	"		<0.002	218.1	0.002	10/28/92
1025	FLUORIDE	"		0.18	340.2	0.02	10/29/92
1030	LEAD	"		<0.002	239.1	0.002	10/16/92
1035	MERCURY	"		<0.0002	245.1	0.0002	10/15/92
1040	NITRATE (as N)	"		0.35	352.1	0.01	10/16/92
1045	SELENIUM	"		<0.002	270.3	0.002	10/26/92
1050	SILVER	"		<0.001	272.1	0.001	10/28/92
1052	SODIUM	"		27	273.1	0.1	10/22/92

DEC 21 1992

ORGANIC CHEMICAL ANALYSIS
17-550.310(2)(a),(b)
~~(PWS026)~~

Enter on PWS 029

PARAMETER ID	NAME	SAMPLE #	LOCATION CODE	ANALYSIS RESULT (mg/liter	ANALYTICAL METHOD	DET.LIMIT USED	ANALYSI DATE
2005	ENDRIN	83783		BDL	608	0.0002	10/19/92
[illegible]	LINDANE	"		BDL	608	0.0001	10/19/92
[illegible]	METHOXYCHLOR	"		BDL	608	0.001	10/19/92
2020	TOXAPHENE	"		BDL	608	0.001	10/19/92
2105	2,4-D	"		BDL	509B/615	0.001	10/20/92
2110	2,4,5-TP (Silvex)	"		BDL	509B/615	0.001	10/20/92

TURBIDITY ANALYSIS
17-550./310(3)
(PWS026)

Enter on PWS 026

PARAMETER ID	NAME	SAMPLE #	LOCATION CODE	ANALYSIS RESULT (NTU)	ANALYTICAL METHOD	DET.LIMIT USED	ANALYS DATE
0100	TURBIDITY	83783		1.8	180.1	0.1	10/15/92

TRIHALOMETHANE ANALYSIS
17-550.310(2)(c)
(PWS027)

PARAMETER ID	NAME	SAMPLE #	LOCATION CODE	ANALYSIS RESULT (mg/liter)	ANALYTICAL METHOD	DET.LIMIT USED	ANALYSI DATE
Potential THM					510.1		
2950	THM				501.2	0.001	

D. E. R.

DEC 18 [illegible]

SOUTHWEST DISTRICT
TAMPA

-2-

bam

MEL FINK

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

NOV 30, 1992

SOUTHERN STATES UT.
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED
DEC 07 1992
ENVIRONMENTAL SERVICES

RE: NONCOMPLIANCE LETTER
PWS ID: 6511330 [C]
C.L. SMITH ELL NAR

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
PRIMARY ORGANICS	10/01/92
INORGANICS	10/01/92
TURBIDITY	10/01/92
SECONDARIES	10/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT. 453 .

SINCERELY,

Robert P. Barker

ROBERT P. BARKER
ENVIRONMENTAL SPECIALIST II

cc: HRS PASCO COUNTY PUBLIC HEALTH UNIT

CC: KARLA TEASLEY
RALPH TERRERO
BILL WILLIAMS
JOHN LEGESQUE
FRANK SANDERSON
CHUCK WOOD
JOE MACK
MARY GLENNON

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Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

November 3, 1992
Pasco County

RECEIVED
NOV 06 1992
ENVIRONMENTAL SERVICES

Mr. Rafael A. Terrero, P.E.
Manager Environmental Services
1000 Color Place
Apoka, FL 32703

Re: Palm Terrace STP
Permit: DO51-150578

Dear Mr. Terrero:

The Department is in receipt of 3rd Quarter Ground Water Monitoring Reports from the above facility dated September 17, 1992. It was noted that the following items were in exceedence of State Standards on the forms submitted.

Monitor Well	Iron	Turbidity	Sodium	Fecal
EN7WA	1.4 mg/L	-----	-----	200 #/100
EN1WS	3.8 mg/L	550 NTU	-----	2100 #/100
EN2WS	16 mg/L	500 NTU	360 mg/L	24 #/100
EN6WA	9.8 mg/L	-----	-----	69 #/100
EN4WS	1.7 mg/L	170 NTU	612 mg/L	TNTC
EN3WS	36 mg/L	1780 NTU	-----	-----
MCL	**0.3 mg/L**	**100 NTU**	**160 mg/L**	**1 #/100**

The Department recomends thorough well development and resampling for Sodium and Fecal Coliform. Please submit resample data and an explanation for the high sodium levels to the Department.

Thank you for your cooperation in this matter. If you have any questions please call, (813) 744-6100 extension 436.

Sincerely,

David B. Rhodes

David B. Rhodes
Environmental Specialist
Technical Support Section

cc: Mark Kynning (Hartman & Assoc.
Karla Teasley
Ralph Terrero
Dave Denny
Wayne Vewell
Frank Sanderson
Chuck Wood
~~John Leach~~ Joe Mack
Mary Glennon

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MRC FILE PALM TERRACE

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

OCT 29, 1992

SOUTHERN STATES UT.
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED

NOV 02 1992

ENVIRONMENTAL SERVICES

RE: NONCOMPLIANCE LETTER
PWS ID: 6511330 [C]
C.L. SMITH ELL NAR

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
PRIMARY ORGANICS	09/01/92
INORGANICS	09/01/92
TURBIDITY	09/01/92
SECONDARIES	09/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT. 453 .

SINCERELY,

Robert P. Barker

ROBERT P. BARKER
ENVIRONMENTAL SPECIALSIT II

cc: HRS PASCO COUNTY PUBLIC HEALTH UNIT

cc: KARLA TEASLEY
RALPH TERRERO
FRANK SANDERSON
BILL WILLIAMS
JOHN LEVESQUE
MARY GLENNON

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1) PALM TERRACE
2) CONSENT ORDER NOTEBOOK

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

SEP 29, 1992

SOUTHERN STATES UT.
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED

RE: NONCOMPLIANCE LETTER
PWS ID: 6511330 [C]
C.L. SMITH ELL NAR

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
INORGANICS	08/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT. 453 .

SINCERELY,

Robert P. Barker

ROBERT P. BARKER
ENVIRONMENTAL SPECIALIST II

cc: HRS PASCO COUNTY PUBLIC HEALTH UNIT

Cc: KARLA TEASLEY
RALPH TERRERO
BILL WILLIAMS
JOHN LEVESQUE
FRANK SANDERSON
MARY GLENNON
CHRIS ARCAND

Recycled Paper
Printed with Soy Based Ink

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MEL FISHER

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

CERTIFIED MAIL - RETURN RECEIPT

March 10, 1993

Mr. Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

RE: DER v. RESPONDENT
OGC Consent Order No. 92-1400

Dear Mr. Phillips:

Enclosed is an executed copy of the Modification to Consent Order to resolve Case No. 92-1400. March 10, 1993 is the effective date of this Order, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties in order to resolve existing violations.

Should you have any questions concerning these Consent Orders, please feel free to contact James Maher at (904) 448-4330, extension 305. Your continued cooperation is appreciated.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management

EEF/JRM/lgb

Enclosure

cc: Office of General Counsel
Putnam County Health Department

cc: KARLA TEASLEY
RALPH TERRERO
MARY GLENNON
CATHERINE WALKER
JOE ROBERTS
GENE MANNING
CHUCK WOOD
ROBERT REGALADO
FRANK SANDERSON

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION Petitioner, vs. SOUTHERN STATES UTILITIES, INC. Respondent.	IN THE OFFICE OF THE NORTHEAST DISTRICT OGC CASE NO.: 92-1400

MODIFICATION TO CONSENT ORDER

Pursuant to the provision of Sections 403.121(2) and 120.57(3), Florida Statutes and Florida Administrative Code Rule 17-103.110, this Modification to Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to modify the Consent Order entered into between the Department and Respondent on October 14, 1992.

The Department and Respondent mutually agree, and it is hereby ORDERED:

1. Paragraph 21 of the Consent Order is hereby modified to read as follows:

21. Immediately upon the execution of this modification and henceforth, By May 15, 1993, Respondent shall have completed all construction permitted under Permit B, or shall have completed a properly permitted interconnect with Intercoastal Utilities pursuant to receiving water from them. By this same date Respondent shall have submitted a "Request for Letter of Release" form for the entire project to the Department in accordance with FAC Rule 17-555.345.

This "Request" shall be made for either the plant upgrades or the interconnect. If the second option is exercised, the existing wells at each of the three plants shall be properly abandoned within 30 days of clearance of the interconnect.

2. If the second option of paragraph 21 is exercised, paragraphs 30 and 31 shall be void.

3. As to its remaining terms and provisions, the Consent Order remains in full force and effect.

4. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order;

(c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57,

F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

FOR RESPONDENT

Date

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703
(407) 880-0057

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Ernest E. Frey, P.E.
Director of District Management
Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7577
Telephone (904) 448-4330

DONE AND ORDERED this 15 of MARCH 1993, in Jacksonville, Florida.

Copies furnished to:
Kathleen Toolan, OGC

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Virginia B. Wetherell, Secretary

March 1, 1993

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, FL 32703

RECEIVED
MAR 05 1993
ENVIRONMENTAL SERVICES

Dear Mr. Fisher:

St. Johns County - Potable Water
Palm Valley Water System
Consent Order 92-1400

Reference is made to your letter dated February 10, 1993, regarding the Consent Order No. 92-1400 and the requested stipulated penalties of $1700 by the Department.

Mr. Kristen Smeltzer issued a letter to Mr. Bert Phillips, SSU, requesting the amount of $1700 as stipulated penalties due to a failure to meet the time frame of paragraph 19 of the Consent Order. This paragraph says that "By November 1, 1992, Respondent shall begin construction of the system".

On December 18, 1992, Ms. Smeltzer noticed that the upgrading of the distribution system was under construction but the upgrading of the water plant had not begun yet. She interprets the "system" in Paragraph 19 as the water plant and the distribution system. Based on this, she felt that SSU delayed the upgrading of the water plant for 17 days.

You are requesting that the Department consider the waiver of this penalty due to the fact that SSU did not understand that the plant upgrades were required to being by December 1, 1992. You are indicating that SSU understood that paragraph 19 was applicable only to the construction of the distribution system and that the plant upgrading must be completed by May 15, 1993.

Your letter was discussed with our OGC attorney. After review of the Consent Order, previous letters on file and your letter, it appears that there was some confusion regarding the starting date for the upgrading of the water plant.

Due to this situation, the Department is waiving the penalty of $1700 requested previously. As agreed with SSU in the meeting on February 1, 1993, an amended Consent Order is being prepared to guarantee that SSU upgrade the Palm Valley water plants or connect to Intercoastal Utilities by May 15, 1993. Jim Maher will mail this amended CO to SSU in the next few days.

Water Facilities 448-4330
Water Management 448-4342
FAX 448-4300

Please call me if you have any questions regarding the letter of need additional information.

Sincerely,

Blanca R. Rodriguez
Environmental Administrator
Potable Water Section

BRR/lgb

cc: Peter Fodor, OGC - Tallahassee

cc: [illegible]
Carla Tearley
Kelly Terrero
Chuck Wood
Robert Keeplace
Joe Roberts
Gene Manning
Mary Glennon
Catherine Walker
Frank Sanderson

MEL FISHER

FEB 2 2 1993

EX OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

CERTIFIED MAIL - RETURN RECEIPT

February 9, 1993

Mr. Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

C: R.A.Terrero
M.E.Fisher
J.W.Roberts
W.F.Sanderson

RE: DER v. RESPONDENT
OGC Consent Order No. 92-1900

Dear Mr. Phillips:

Enclosed is the Modification to Consent Order necessary to resolve the above-referenced case. Please review the document and, if acceptable, have the appropriate individual sign and return the original document along with the exhibits to this office within fourteen (14) days of receipt for my execution.

If you wish to suggest any modifications to this Consent Order, please send me a proposed draft with the language you wish to delete struck through, e.g. required, and the language you wish to add underscored, e.g. required.

Should you have any questions concerning this Consent Order, please contact James Maher of this office. Your cooperation is appreciated.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management

EEF/JRM/lgb

Enclosures

CC: KARLA TEASLEY
CHUCK [illegible]
ROBERT REGALADO
MARY [illegible]
CHARLES SWEAT
GENE [illegible]

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION Petitioner, vs. SOUTHERN STATES UTILITIES, INC. Respondent.	IN THE OFFICE OF THE NORTHEAST DISTRICT OGC CASE NO.: 92-1900 1400

MODIFICATION TO CONSENT ORDER

Pursuant to the provision of Sections 403.121(2) and 120.57(3), Florida Statutes and Florida Administrative Code Rule 17-103.110, this Modification to Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to modify the Consent Order entered into between the Department and Respondent on October 14, 1992.

The Department and Respondent mutually agree, and it is hereby ORDERED:

1. Paragraph 21 of the Consent Order is hereby modified to read as follows:

21. Immediately upon the execution of this modification and henceforth, By May 15, 1993, Respondent shall have completed all construction permitted under Permit B, or shall have completed a properly permitted interconnect with Intercoastal Utilities pursuant to receiving water from them. By this same date Respondent shall have submitted a "Request for Letter of Relese" form for the entire project to the Department in accordance with FAC Rule 17-555.345.

This "Request" shall be made for either the plant upgrades or the interconnect. If the second option is exercised, the existing wells at each of the three plants shall be properly abandoned within 30 days of clearance of the interconnect.

2. If the second option of paragraph 21 is exercised, paragraphs 30 and 31 shall be void.

3. As to its remaining terms and provisions, the Consent Order remains in full force and effect.

4. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order;

(c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57,

F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

FOR RESPONDENT

_____
Date

_____
Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703
(407) 880-0057

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

_____
Ernest E. Frey, P.E.
Director of District Management
Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7577
Telephone (904) 448-4330

DONE AND ORDERED this _____ of _____ 1993, in Jacksonville, Florida.

Copies furnished to:
Kathleen Toolan, OGC

MEL FISHER

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor Carol M. Browner, Secretary

CERTIFIED - RETURN RECEIPT

January 25, 1993

Southern States Utilities
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

St. Johns County - PW
Palm Valley Water System

Dear Mr. Phillips:

On December 9, 1992 an inpsection was conducted by Kristen Smeltzer and Scott Trigg on all three water plants which make up the Palm Valley Water System. We noted that consturction had not begun on any of the 3 water plants. In addition, I conducted an inspection on November 17, 1992 and noted that distribution piping has been installed from the Middle Plant to 197 South Roscoe Road.

Paragraph 19 of Consent Order OGC No. 92-1400 states that by December 1, 1992, Respondent shall begin constuction on the system. Paragraph 3 defines "system" as 3 separate treatment plants and a common distribution system. Paragraph 22 requires the Respondent to notify our Depoartment of any delay regarding construction and to submit a timetable by which the event being delayed will be implemented.

On December 18, 1992, I received a fax regarding the possibility of an interconnection with Intercoastal Utilities by May 14, 1992. However, Paragraph 39 requires a stipulated penalty of $100 per violation for each and every day Respondent fails to meet a time frame of the Consent Order. Since our Department was not notified of the delay until the 18th of December, the Respondent was not in compliance with the Order for 17 days. It is hereby ordered that the Respondent submit $1700 within 30 days of receipt of this letter.

Please continue to update our Department with any new information on interconnecting with another utility.

cc: KARLA TEASLEY
CHUCK WOOD (FAXED)
RALPH TERRERO
ROBERT REGALADO
MARY GLENNON
FRANK SANDERSON
FORREST FIELDS (GRAY, HARRIS & ROBINSON) - (FAXED)
JOE ROBERTS
CATHERINE WALKER
GENE MANNING (FAXED)

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Our Department has issued a clearance for Phase 1 of the new mainline with extends from the Middle Plant to Palm Valley Woods Drive along Roscoe Blvd. Therefore, this portion of the distribution system along with the portion which extends from the North Plant north along Roscoe Blvd. will no longer be under the boil water notice. These 2 portions are also hereby relieved of conforming to paragraphs 24, and 26 of the Consent Order. This also means that the Jiffy Store permitted under DS55-216649 issued August 19, 1992 may now connect to the system.

We have not received a "Request for Letter of Release" form for the mainline which continues south along Roscoe Blvd. from Palm Valley Woods Drive. This portion has not been cleared for service by our Department and should not be in service. When a clearance is issued for this portion of the mainline, we will relieve you of the boil water notice and paragraphs 24 and 26 of the Consent Order. For the homes between the North Plant and the Middle Plant, as soon as the portion of the main which is in the open storm water ditch is replaced, and a clearance has been issued, this last portion will also be relieved of the boil water notice and paragraphs 24 and 26 of the Consent Order.

Finally, it has come to my attention that Big Cypress Fish Camp has been connected to Palm Valley without an engineer's certification or clearance from the Department. The connection was permitted under DS55-206704 issued March 10, 1992. Please provide our Department with a means to clear this project.

Sincerely,

Kristen Smeltzer

Kristen Smeltzer
Engineer III

cc: St. Johns County Health Department
SSU - Jacksonville Office

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor — Carol M. Browner, Secretary

PUBLIC WATER PLANT INSPECTION REPORT

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp. Date 11-17-92
Name of System Palm Valley WTP ID No. 2550646
System Owner Southern States Utilities, Inc. Phone No. 407-880-0058
Address 1000 Cedar Place City Apopka Zip 32703
Operator Dennis Hellmuth Cert. level & No. A-5091

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
___	Auxiliary Power	555.320(6)	
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
___	Chemical Monitoring	550.510 & 520	
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection	555.350(1)	middle = Chlorine >= 5 mg/l
	Plant ____mg/l: Remote ____mg/l		
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
___	Maintenance of Facilities	555.350	
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow ____MGD: Max ____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
X	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
X	System Pressure	555.320(7)	

Comments: Piping has been installed from the middle plant to 137 South Rescue.

It is required that a written response be provided to this office within ten (10) days regarding any unsatisfactory results listed above.

Inspector Kristen Smeltzer Date 12-29-92
Kristen Smeltzer 448-4330 ext. 306

cc: County Health Unit

Administration	448-4300
Air	448-4310
Waste Management	448-4320
Water Facilities	448-4330
Water Management	448-4340
FAX	448-4366

Recycled Paper

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor — Carol M. Browner, Secretary

PUBLIC WATER PLANT INSPECTION REPORT

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp. Date 12-9-92
Name of System Palm Valley WTP ID No. 2550806
System Owner Southern Water Utilities, Inc. Phone No. 407-862-1658
Address [illegible] Color Place City Apopka Zip 32703
Operator Donnie Malcomb Cert. level & No. A-5091

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
___	Auxiliary Power	555.320(6)	
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
___	Chemical Monitoring	550.510 & 520	
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection	555.350(1)	Water Plant - Cl2 = 1.2 mg/l
	Plant _____mg/l; Remote _____mg/l		
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
___	Maintenance of Facilities	555.350	
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow _____MGD; Max _____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
X	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
X	System Pressure	555.320(7)	

Comments: Failure to comply with an order issued by the Department Chapter 17-560.310(2) F.A.C. Paragraph 1E requires that the Respondent begin construction on the system by Dec. 1, 1992.

It is required that a written response be provided to this office within ten (10) days regarding any unsatisfactory results listed above.

Inspector Kristen Smeltzer Date 12-29-92
Kristen Smeltzer 448-4330 ext. 306

c: County Health Unit

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Recycled Paper

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Misc. File
1) [redacted] CONSENT ORDER NOTEBOOK
2) PALM VALLEY

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

CERTIFIED - RETURN RECEIPT

October 14, 1992

RECEIVED
OCT 21 1992
ENVIRONMENTAL SERVICES

Southern States Utilities, Inc.
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

OGC Consent Order No. 92-1400
DER vs Southern States Utilities, Inc.

Enclosed is an executed copy of the Consent Order to resolve Case No. 92-1400. October 14, 1992 is the effective date of this Order, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties in order to resolve existing violations.

Should you have any questions concerning these Consent Orders, please feel free to contact me at (904) 448-4330, extension 306. Your continued cooperation is appreciated.

Sincerely,

Kristen Smeltzer

Kristen Smeltzer
Engineer III

KAS/lgb

Enclosure

cc: 5/11/66 OGC - Tallahassee
St. Johns County Health Department

cc: Karla Teasley
Ralph Terrero
Chuck Wood
Robert Regalado
Joe Roberts
Gene Manning
Frank Sanderson
Mary Glennon
Forrest Fields (Gray, Harris)

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, Complainant, vs. SOUTHERN STATES UTILITIES, INC. Respondent.	IN THE OFFICE OF THE NORTHEAST DISTRICT OGC File No.: 92-1400

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent").

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, Florida Statutes (FS), and the rules promulgated thereunder, Florida Administrative Code (FAC) Chapters 17-4, 17-550, 17-555 and 17-560. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a corporation authorized to do business in Florida and is a person within the meaning of Section 403.852(5), Florida Statutes and FAC Rule 17-550.200(39).

3. Respondent is the owner of the Palm Valley Water System ("System") which consists of three separate treatment plants (North, Middle, South) which are interconnected to a common distribution system ("Distribution"). Each treatment plant consists of a public supply well and treatment facilities and are all located in St. Johns County, Florida. The North Plant is located at 255 North Roscoe Blvd. or more specifically Latitude 30°12'31" North and Longitude 81°24'20" West. The Middle Plant is located at the intersection of Roscoe Blvd. and Canal Street or more specifically Latitude 30°11'11" North and Longitude 81°23'52" West. The South Plant is located at 168 South Roscoe Blvd. or more specifically Latitude 30°09'08" North and Longitude 81°23'26" West.

4. Respondent's System serves a suburb and is a community public supply water system, pursuant to Section 403.852(3), FS, and FAC Rule 17-550.200(8) in that it supplies drinking water for human consumption to at least 15 service connections used by year-round residents or regularly serves at least 25 residents year-round ("Customers").

5. Respondent is a supplier of water within the meaning of Section 403.852(8), Florida Statutes and FAC Rule 17-550.200(51).

6. On March 31, 1989, the Department and Respondent entered into a Consent Order, OGC Case Number 88-1293 (Order A), to resolve potable water violations at its Palm Valley Water System. In pertinent part, paragraph 13 of Order A required that the Respondent maintain a minimum pressure of 20

pounds per square inch (psi) throughout the Distribution.

7. The Department subsequently installed a pressure recorder in the Distribution which measures pressure and translates the reading to a chart. On August 7, 1992, July 23, 1992 and May 15, 1992, the charts taken from the pressure recorder showed that the Respondent had failed to comply with paragraph 13 of Order A, in violation of Sections 403.161(1)(b) and 403.859(3).

8. On May 4, 1989, the Department issued construction permit number WC55-161715 (Permit A) to upgrade the System. In pertinent part, specific condition number 12 of Permit A required that the Respondent submit another permit application to the Department to increase the size of the ground storage tanks by May 5, 1990.

9. A Department file review on October 3, 1990 disclosed Respondent's failure to comply with specific condition number 12 of Permit A, in violation of Section 403.161(1)(b), FS, and FAC Rule 17-560.310(1)(f).

10. A meeting was held on December 12, 1990 with the Respondent and the Department to discuss the Respondent's failure to comply with specific condition number 12 of Permit A. The Department extended Permit A deadlines which changed this construction permit application due date to December 30, 1991 and the storage tanks installation date to June 30, 1992. This was outlined in a letter dated January 23, 1991 from the Department to the Respondent.

11. The Respondent's Professional Engineer submitted a copy of the preliminary drawing and calculations for the replacement of the ground storage tanks on August 29, 1991. The Department sent comments to the Respondent in a letter dated September 10, 1991.

12. The Respondent submitted a construction permit application to increase the capacity of all 3 of the System's plants on January 28, 1992.

13. The Department issued permit number WC55-207633 ("Permit B") on February 21, 1992 to increase the capacity of all 3 of the System's plants.

14. The Department conducted an inspection on May 8, 1992 and noticed that construction for Permit B had not begun. The Respondent did not meet the second set of deadlines set for construction of Permit B.

15. The Department issued permit number WC55-217002 ("Permit C") on August 18, 1992 to replace the existing mainline with 4 and 6 inch PVC piping on Roscoe Blvd.

16. The Plant's design does not meet Standard Engineering Practices in that the System's storage capacity is insufficient to provide four hour retention for hydrogen sulfide removal and the distribution piping size is insufficient to maintain a minimum pressure of 20 pounds per square inch (psi) throughout the Distribution in violation of FAC Rule 17-555.350(1) and Sections 403.859(2), 403.161(1)(b) FS.

17. The Respondent was notified of these violations in a Warning Letter dated July 14, 1992.

18. The Department and Respondent's representative discussed this matter on August 14, 1992, and resolved all issues regarding the above described violations.

THEREFORE, having reached a resolution of the matter pursuant to FAC Rule 17-103.110(3), Respondent and the Department mutually agree and it is

ORDERED:

19. By December 1, 1992, Respondent shall begin construction on the System.

20. By January 1, 1993, Respondent shall have completed installation of the 6 inch PVC pipe from the Central Plant south to Station 91 + 00 of the plans permitted under Permit C and shall have submitted a partial "Request for Letter of Release" form for the entire project to the Department, in accordance with FAC Rule 17-555.345.

21. By May 15, 1993, Respondent shall have completed all construction permitted under Permit B and shall have submitted a "Request for Letter of Release" form for the entire project to the Department, in accordance with FAC Rule 17-555.345.

22. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of paragraphs 19, 20, 21 and 23, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome. Increased costs of performance of any of the activities set forth in this Consent Order or changed economic circumstances

shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractual imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall within 1 business day promptly notify the Department orally and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. The Respondent shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

23. By June 11, 1993, Respondent shall have completed all construction permitted under Permit C and shall have submitted a "Request for Letter of Release" form for the entire project to the Department, in accordance with FAC Rule 17-555.345.

24. Beginning on March 1, 1992 and until Permit B and Permit C have been cleared for service by the Department, Respondent shall not connect any structures or set any meters to the Distribution unless the Department has granted written permission to the Respondent to connect a structure or set a meter.

25. The Department will allow a structure to be connected or a meter to be set to the Distribution only after 2 weeks of pressure recordings have been taken and evaluated at the site wishing to make the connection or at an adjacent site. If the pressure recordings taken as per paragraph 24 show that the pressure drops below 30 psi, the new service may not be connected.

26. Respondent shall make available a bottled water service upon the Customer's request and the Respondent shall provide 2 gallons of water per day/per household during any outage which lasts longer than 4 hours.

27. Immediately upon the effective date of this Consent Order and until all construction for Permit B and C is completed, Respondent shall submit a written report along with Monthly Operation Reports to the Department summarizing the problems which occurred during the previous month throughout the entire System.

28. Immediately upon the effective date of this Consent Order, and until construction permitted under Permit B is complete, Respondent shall submit 3 raw water samples and 9 distribution water samples, 3 representative of each plant, monthly to a certified laboratory to be analyzed for coliform bacteria, in accordance with FAC Rule 17-550.510(6)(b) and a copy of each laboratory analysis shall be submitted to the Department in accordance with FAC Rule 17-550.730.

29. Within 200 days from the effective date of the Consent Order, Respondent shall abandon the 2 extra wells located at 101 North Roscoe Blvd. and 105 South Roscoe Blvd. in accordance with FAC Rule 17-555.315(5).

30. Within 240 days from the effective date of this Consent Order, Respondent shall submit a permit application to the Department to install auxiliary power with an automatic switch over on device capable of operating the System at one half the maximum daily flow demand, in accordance with FAC Rule 17-555.320(6).

31. Within 330 days from the effective date of this Consent Order, Respondent shall have the auxiliary power installed and shall submit to the Department a "Request for Letter of Release" form for the permit required in paragraph 28 of this Order, in accordance with FAC Rule 17-555.345.

32. Prior to a planned interruption of service, the Customers and the Department must be notified with an explanation and an expected length of interruption of service. Upon restoration of services, the Respondent shall follow the

procedures as outlined:

a. Submit two consecutive days of bacteriological samples to a certified laboratory to be analyzed for coliform until satisfactory results are received.

b. Remind customers of the precautionary boil water notice already issued.

33. Neither this signed Consent Order nor the activities reflected therein shall constitute an admission by the Respondent of liability for any wrong doing regarding the events leading up to and the signing of this Consent Order.

34. Within 30 days from the effective date of this Consent Order, Respondent shall make payments to the Department in the amount of $5,900 in settlement of matters raised in this Consent Order. This amount includes a civil penalty of $5,600 for alleged violations of the Department's rules and regulations, and $300 as payment for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. Payment shall be made by cashier's check or money order, payable to the Department of Environmental Regulation, Northeast District, 7825 Baymeadows Way, Suite 200-B, Jacksonville, Florida 32256-7577.

35. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes or the rules promulgated thereunder which are not covered by the terms of this Consent Order.

36. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages, or civil penalties for violations outlined in this Consent Order.

37. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances. The entry of this Consent Order does not abrogate the rights of substantially affected persons who are not parties to this Consent Order, pursuant to Chapter 120, FS.

38. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.860, FS. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b) and 403.859(3), FS.

39. Respondent and the Department agree that the requirements and time frames of the Consent Order shall be strictly adhered to. In the event of any failure on the part of Respondent to comply with the terms thereof, it is agreed that the Respondent shall pay to the Department, within 30 days from receipt of written demand by the Department, a penalty of $100 per violation for each and every day Respondent fails to meet each requirement or time frame of this order.

40. Respondent is fully aware a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5000 per day,

per offense, and criminal penalties.

41. Respondent shall publish the following notice in a newspaper of general circulation in St. Johns County, Florida. The notice shall be published one time only within 21 days after execution of the Consent Order by the Department.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

NOTICE OF CONSENT ORDER

The Department of Environmental Regulation gives notice of agency action of entering into a Consent Order with Southern States Utilities, Inc. pursuant to Rule 17-103.110(3), Florida Administrative Code. The Consent Order addresses the Palm Valley Water System in the vicinity of Ponte Vedra . The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Regulation, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256.

Persons whose substantial interests are affected by this Consent Order have a right to petition for an administrative hearing on the Consent Order. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an

administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame

constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

42. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

43. Respondent waives the right to an administrative hearing on the terms of this Consent Order under Section 120.57, FS, and the right to appeal this Consent Order pursuant to Section 120.68, F.S.

44. This Consent Order constitutes final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT

10/2/92
DATE

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703
Telephone: (407) 880-0058

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Ernest E. Frey, P.E.
Director of District Management
7825 Baymeadows Way
Suite B200
Jacksonville, FL 32256-7577
Telephone: (904) 448-4330

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
Section 120.52(7), Florida Statutes,
with the designated Agency Clerk.

Linda Bratton 10/14/92
Clerk Date

DONE AND ORDERED this 13 day of OCT, 1992, in JACKSONVILLE, Florida.

Copies furnished to:
DER - Office of General Counsel

Rec'd SSU
JUL 10 1992
FAX OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

CC : [illegible]

CERTIFIED RETURN RECEIPT

July 14, 1992

SSU Services, Inc.
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

St. Johns County - Potable Water
Palm Valley
Warning Letter No. WL-92-0043-PW-55-NED

Dear Mr. Phillips:

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below. Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.320(7)	High service pumping and distribution facilities shall be designed to provide maximum hourly system demand without either development of a distribution pressure lower than 20 psi or other health hazards.
17-555.330	Provide a plant design which meets Standard Engineering Practices.

Accordingly, you are requested to contact Kristen Smeltzer of this office at (904) 448-4330, extension 306 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter and in previous letters. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/KAS/lgb

cc: St. Johns County Health Department
Michael Breit
SSU Services, Jacksonville Office

Rec'd SSU
JUN 24 1992

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

June 19, 1992

cc: Joe Roberts *(Fax)
Karen Olson Tersley
Ralph Terreko
Chuck Wood *(Fax)
Robert Regalado
Frank Shnierson
Gene Manning

SSU Services
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

St. Johns County - PW
Palm Valley WTP
PWS ID: 2550866

Dear Mr. Phillips:

On May 8, 1992, an inspection was conducted with Don Holcomb on the Palm Valley water plants. There were problems with each plant. The North plant's ground storage tank (GST) and pressure tank were leaking. The coating inside the GST appears to have failed in several places. There had also been a recent starter failure. At the middle plant, the aerator and GST were being bypassed because the valve which controls the filling of the GST was broken. Near the South plant there are many leaks occuring in the distribution.

Permit WC55-207633 was issued February 21, 1992 to upgrade the plant. In a letter dated January 23, 1991 the Department granted an extension to an original deadline of May 5, 1990 to increase the storage capacity. The extension was until June 20, 1992. After several telephone conversations with your staff, it is clear that this deadline can not be met. Apparently there were some difficulties with the engineering company which was originally contracted for the job.

The main which extends South from the middle plant is 2 inches with some 3 and 4 inch sections. This is the same portion where numerous line leaks are occurring. As Mr. Ward demonstrates in his letter dated June 1, 1992, leaks are being repaired every week. My letter dated February 25, 1992, notes that the leaks may also effect the average and maximum daily flows which effects the plant's capacity rating.

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

After the inspection I hooked up a pressure recorder for one week in the Hanover Forest area. The recorder was hooked up at the front of a house and no one from SSU had knowledge of the recorder. A copy of the result is attached. Please note that the readings are skewed about 2 hours. The recorder was hooked up at approximately 2:00 p.m. but on the chart it appears to have been between 4:00 and 6:00 p.m. I picked the recorder up on May 15 at 12:00 noon, but on the chart it appears to have been at 2:00 p.m. As you can see, the pressure dropped below 20 psi every day.

A written schedule as to when the upgrades are to be completed must be submitted within 10 days. In addition, prior to when the upgrades are complete, the operator must submit a written report at the end of the month summarizing the problems which occurred during the month with the entire system. Finally, a permit application shall be submitted by September 1, 1992 to upgrade the mainline so that a minimum pressure of 20 psi is maintained throughout the system.

Sincerely,

Kristen Smeltzer

Kristen Smeltzer
Engineer III

KAS/lgb

cc: St. Johns County Health Department
SSU - Jacksonville Office

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor Carol M. Browner, Secretary

PUBLIC WATER PLANT INSPECTION REPORT

Type: Compliance [X] Follow-Up [ ] Complaint [ ] Insp. Date 5-8-92

Name of System Palm Valley Plants ID No. 2550816

System Owner SSU Services, President: Bert Phillips Phone No. 880-0058

Address 1000 Color Place City Apopka Zip 32703

Operator Don Holcomb, Brandon Ward Cert. level & No. A-5091, B-6915

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
___	Auxiliary Power	555.320(6)	
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
___	Chemical Monitoring	550.510 & 520	
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection Plant ____mg/l: Remote ____mg/l	555.350(1)	North - >3.0 mg/l, middle - 2.0 mg South - >3.0 mg/l
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
X	Maintenance of Facilities	555.350	North: GST is leaking - the
___	Monthly Operational Reports Av. Flow ____MGD; Max ____MGD	550.730(1)d	coating peeled off in spots, Pressure tank has pin holes,
___	Number of Wells	555.315(1)	these will be welded. Starter
___	On Site Logs	602.360(1)e	had to be replaced (cont. below
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
X	System Pressure	555.320(7)	See results from pressure recorder hooked up in Hanover Forest

Comments: maintenance cont. - Middle: GST and aerator bypassed, valve to control level to fill GST broke, will be replaced. South - Line breaks.

It is required that a written response be provided to this office within ten (10) days regarding any unsatisfactory results listed above.

Inspector Kristen Smeltzer Date June 16, 1992

Kristen Smeltzer 448-4330 ext. 306

cc: County Health Unit

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

FILE
POINT O' WOODS

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm Dr. • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Virginia Wetherell, Secretary

RECEIVED
JUL 01 '93
ENVIRONMENTAL SERVICES

June 29, 1993

Melvin E. Fisher, Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Citrus County
Point O' Woods, Parcel "F" - Water Distribution System
PATS # 179362
PWS-ID # 6091422

Dear Mr. Fisher:

This acknowledges receipt of check # 2494192, in the amount of $1,600.00 on June 23, 1993. This was the penalty assessment stipulated in Department Consent Order # 92-1843, executed December 3, 1992, for violation of Rule 17-555.345 Florida Administrative Code. Your payment allows for closure of this enforcement case for alleged violations of Sections 403.161 and 403.859 Florida Statutes, and Department Rules.

The subject water distribution system was issued a letter of release on February 3, 1993 in association with the applicant's resolution of Department Consent Order # 92-1842 for a similar violation.

Should you have any questions, please contact Joseph R. Hillring at (813) 744-6100 Ext. 314.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/jrh/m

Enclosure:

cc: Citrus CPHU
Rafael Terrero, P.E. - SSU

cc: Joe Mack
Chuck Wood
Bill Williams
Bob Williams
Frank Sanderson
Carlyn Kowalsky
Karla Teasley

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Carol M. Browner, Secretary

February 3, 1993

Timothy B. Walsh, P.E.
Glace & Radcliffe, Inc.
800 South Orlando Avenue
Maitland, Florida 32751

Citrus County
Point O'Woods Parcel F
PATS # 179362
PWS-ID # 6091422

Dear Mr. Walsh:

This represents clearance to place into service the water distribution system for the subject facility. This project was placed into service prior to receiving a letter of clearance from the Department. This violation of Rule 17-555.345, Florida Administrative Code, has been resolved through Consent Order No. 92-1822.

The engineer has certified that these facilities have been completed to the full extent of the approved plans and specifications. These facilities have been cleared bacteriologically in accordance with Rule 17-555.345, Florida Administrative Code with the receipt of additional water sample results collected on January 20 and 21, 1993.

If you have any questions please call me or Joseph R. Hillring at (813) 744-6100.

Sincerely,

Pedro L. Rivera, P.E.
Section Manager
Drinking Water Section

PLR/jhh/dmp

cc: Citrus CPHU
Richard S. Infantino, Pres., The Moorings at Point O'Woods
Rafael A. Terrero, SSU

Recycled Paper

File

Point O' Woods (Fe MCL) - Consent Order Notebook

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Carol M. Browner, Secretary

RECEIVED

FEB 08 1993

ENVIRONMENTAL SERVICES

February 3, 1993

Southern States Utilities
Mel Fisher
1000 Color Place
Apopka, FL 32703

RE: Consent Order # 92-1613

Dear Mr. Fisher:

Terms of referenced Consent Order have been satisfied. This letter officially closes Consent Order # 92-1613 and the Department's enforcement action.

Thank you for your cooperation in this matter.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/bbm

cc: Dawn Durham, Citrus CPHU
Bert Phillips, SSU
Dr. Shakra Junejo, Citrus CPHU

CC: Bert Phillips
Karla Teasley
Ralph Terreeo
Chuck Wood
Joe Mack
Bill Williams
Bob Williams
Frank Sanderson
Catherine Walker

Recycled Paper
Printed with Soy Based Inks

MIE 1 file
1) Point O' Woods
2) Consent Order Notebook

Rec'd SSU
NOV 0 9 1992
LEGAL OFFICE

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

NOVEMBER 5, 1992

Bert Phillips
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Point O' Woods
Consent Agreement # 92-1613

Dear Mr. Phillips:

Paragraph (7) of the Consent Agreement is extended to allow until November 30, 1992 to complete construction of modifications involving iron filters.

This letter is to be attached and made part of the referenced Consent Agreement.

Very truly yours,

Richard D. Carrity, Ph.D.
Director of District Management
Southwest District

RDG/bbm BB

cc: KARLA TEASLEY
RALPH TERRERO
MARY GLENNON
CHUCK WOOD
JOE MACK
FRANK SANDERSON
BILL (WILLIAM)
BOB (WILLIAM)

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Printed with Soy Based Inks

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

RECEIVED

OCT 23 1992

ENVIRONMENTAL SERVICES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 21, 1992

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Proposed Final Agency Action (Consent Order) in Case of Point O' Woods Parcel F, OGC File No.: 92-1843.

Dear Mr. Terrero:

The purpose of this letter is to complete the resolution of the violations previously identified by the Department of Environmental Regulation ("DER") in the Warning Notice # 92-069PW09-SWD dated September 28, 1992. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $1600 to complete settlement of the violations described in the attached Warning Notice. This payment must be made to "The Department of Environmental Regulation" by cashiers check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within 10 days of your signing this letter.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the DER and filed with the Clerk of the DER, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

The DER by countersigning this letter, waives its right to seek judicial imposition of damages, or civil penalties for the violations described above. By signing this letter, you waive

cc: Bert Phillips, Chuck Woods, Bob Williams, Chris Arcand, Karla Teasley, Joe Mack, Frank Sanderson, Ralph Terrero, Bill Williams, Mary Glennon

your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Southwest District, address given above by October 30, 1992, it will be assumed that you are not interested in settling this according to the terms described herein, and this matter will be referred to the Department's Office of General Counsel with a recommendation that formal enforcement action be taken against you.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

For Rafael A. Terrero
Southern States
Utilities, Inc.

For the DER:

By: _____

Date _____

_____
Director of District Management
State of Florida Department
of Environmental Regulation

ENTERED this _____ day of _____, 19___ in Tampa, Florida.

Attachments:

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * *

A party who is adversely affected by this Final Order is

entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347

Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

RECEIVED

OCT 02 1992

ENVIRONMENTAL SERVICES

MST

FILE

1) Point O' Woods

2) Consent Order Notebook

September 28, 1992

Bert Phillips
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

RE: Consent Order # 92-1613
Point O' Woods

Dear Mr. Phillips:

Please find attached, an executed copy of Consent Order # 92-1613.

If you have any questions regarding this matter, please contact Brenda Ball at 813/744-6100 Ext. 318.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/bbm

Attachment:

cc: Larry Morgan, OGC
Kenna Study-DER Tallahassee
Dawn Durham, Citrus CPHU

Recycled Paper
Printed with Soy Based Inks

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION,	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT
Complainant,	:	
vs.	:	OGC CASE NO. 92-1613
SOUTHERN STATES UTILITIES, INC. 1000 COLOR PLACE APOPKA, FL 32703	:	
Respondent.	:	

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a person within the meaning of Section 403.852(5), Florida Statutes.

3. Respondent is the owner and operator of a community

water system Point O' Woods, PWS-ID # 6091422 located at 9699 E. Gospel Island Road, Inverness, Florida.

4. Respondent has failed to maintain iron at or below maximum contaminant levels since February 27, 1991.

Having reached a resolution of the matter, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

5. Within 30 days of execution of this Consent Order, Respondent shall pay the Department $950.00 in settlement of the matters addressed in this Consent Order. This amount includes a civil penalty of $600.00 for alleged violations of Sections 403.860, F.S., and of the Department's rules and $350.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Regulation and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund".

6. Within 30 days of the effective date of this Consent Order, Respondent shall submit all requested information to complete the construction permit application for construction of the necessary modifications to the drinking water system to correct the violations of the MCL for iron.

7. Within 60 days of the issuance of the permit by the

Department, Respondent shall completely construct the modification involving "Iron Filters".

8. Within 20 days after completion of the modification involving Iron Filters, a Certificate of Partial Completion letter shall be submitted to the Department by the engineer of record as provided in Florida Administrative Code Rule 17-555.345.

9. Within 5 days after Department approval of the modification involving Iron Filters, Respondent shall place the modification in service. If the modification in the permit is insufficient to correct the violation, the Department reserves the right to take further enforcement action.

10. Respondent shall continue monthly sampling for iron until 2 consecutive months of satisfactory samples are received by the Department, and receives written notification from the Department that Respondent monthly sampling may cease.

11. Respondent agrees to pay the Department stipulated penalties in the amount of $100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 6, 7, 8, and 9 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Regulation" by cashier's check or money order and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund." The Department may make demands for payment at any time after violations occur. Nothing in this

paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 5 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

12. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Changed economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractual imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall promptly notify the Department orally and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and

cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

13. Respondent shall allow all authorized representatives of the Department access to the drinking water system at reasonable times for the purposes of determining compliance with this Consent Order and the rules and regulations of the Department.

14. Entry of this Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

15. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

16. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000.00 per offense, and criminal penalties.

17. Persons not parties to this Consent Order whose interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The petition must contain the information set forth below, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or

modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

18. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes, or the rules promulgated thereunder.

19. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing pursuant to Section 120.57, Florida Statutes of the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

20. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

21. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

22. All plans, reports, penalties, stipulated penalties, costs and expenses, or other documents required by this Consent Order to be submitted to the Department shall be sent to Brenda Ball, Potable Water, Department of Environmental Regulation, Southwest District, 4520 Oak Fair Boulevard, Tampa, FL 33610-7347.

23. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall not sell or convey

the above-described drinking water system without, at least 14 days prior to such sale or conveyance, (1) notifying the Department of such sale or conveyance, and (2) providing a copy of this Consent Order with all attachments to the new owner.

24. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

DONE AND ORDERED THIS 24 day of Sept., 1992, in Tampa, Florida.

FOR THE RESPONDENT:

Bert Phillips
Southern States Utilities, Inc.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.
Director of District Management

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sandra Mueke 09-28-92
Clerk Date

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-3400

Kenna Study, DER-Tallahassee

Citrus CPHU

Florida Department of Environmental Regulation
Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

Reply to: BOX: PWP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 28, 1992

RECEIVED
SEP 1992
ENVIRONMENTAL SERVICES

Rafael A. Terrero
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

WARNING NOTICE # 92-069PW09-SWD

RE: Point O' Woods Parcel F

Dear Mr. Terrero:

Our records indicate you may not be in compliance with Chapter 403, Florida Statutes and the regulations promulgated thereunder in the following areas for the above-referenced drinking water system.:

A water distribution system at the referenced location was placed into service without having obtained a clearance letter from the Department.

You are hereby requested to contact Roger Evans of this office within 10 days of receipt of this Warning Notice to discuss the issues raised in this Warning Notice.

PLEASE BE ADVISED that this Warning Notice is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this Notice is to advise you of potential violations and to set up a meeting, or to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Please direct your response and/or questions to Roger Evans of the Drinking Water Section at (813) 744-6100, Extension 314.

Sincerely,

Michael S. Hickey, P.E.
Water Facilities Administrator
Southwest District

MSH/rem

cc: Citrus CPHU
Richard D. Garrity, Ph.D.

CC: KARLA TEASLEY
RALPH TERRERO
CHUCK WOOD
JOE MACK
FRANK SANDERSON
BILL WILLIAMS
BOB WILLIAMS
CHRIS ARCAND
MARY GLENNON
CHARLES SWEAT

File
Violation Notebook

Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-623-5561 Carol M. Browner, Secretary

JUN 29, 1992

SOUTHERN STATES UTILITIES
1000 COLOR PLACE
APOPKA FL 32703

RE: NONCOMPLIANCE LETTER
PWS ID: 6091422 [C]
POINT O'WOODS

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
SECONDARIES	05/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT. 318 .

SINCERELY,

W C Dr, E.S II
FT

BRENDA BALL
ENVIRONMENTAL SPECIALIST I

cc: HRS CITRUS COUNTY PUBLIC HEALTH UNIT

Rec'd SSU
JUL 06 1992
EX OFFICE

Recycled Paper

Bob Williams contacted
Linda Bell, DER, and they
both agreed that no error
was made in the DER records.
Samples were not due 5/1/92.

Mike Finkbeiner

PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

JAN 04 1993
FIELD OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

CERTIFIED RETURN RECEIPT

December 28, 1992

Mr. Bert Phillips
SSu Services, Inc.
1000 Color Place
Apopka, FL 32703

Putnam County - Potable Water
Pomona Park
Warning Letter No. WL-92-0072-PW-54-NED

Dear Mr. Phillips:

Chapter 403, Florida Statutes (FS), authorizes and directs the Department of Environmental Regulation to promulgate and enforce rules relating to public water supplies.

A field inspection of your facility indicates that you may be in violation of Chapter 403, FS, and the Florida Administrative Code (FAC) rules promulgated thereunder. Department personnel observed the following at your facility.

There was no auxiliary power at your facility.

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below. Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.320(6)	Provide auxiliary power capable of serving half of the maximum daily demand if you serve a population of 350 or more.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Accordingly, you are requested to contact James Maher of this office at (904) 448-4330, extension 305 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/JRM/lgb

cc: Putnam County Health Department
Paul Thompson

Rec'd SSU
JUL 20 1992
OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

July 17, 1992

SSU Services
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

-0016-

Putnam County -	PW
Beechers Point	2540070
Pomona Park	2540905
Wootens MHP	2541280

A letter dated July 6, 1992 was sent to your office requesting Public Notice for bacteriological monitoring to be issued to the above listed water systems. I have since received additional information which makes it unnecessary to publish these notices.

On July 10, 1992, Mr. Paul Thompson telephoned me in regard to these public notices. After discussing the violations with him, we discovered that the situation had resulted from a misunderstanding. Mr. Thompson had sent the repeat samples to Flowers Laboratory for analysis and was under the impression that they would forward copies of the results directly to this office. Since they did not, there was no record of the repeats having been taken, therefore, Public Notice was requested.

Mr. Thompson faxed copies of the results to me that day and all violations have been cleared. It is no longer requested that you publish Public Notice for these systems.

Thank you for your cooperation.

Sincerely,

V. M. Singer
Potable Water Section

VMS/lgb

cc: Mr. Paul Thompson

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor Carol M. Browner, Secretary

July 6, 1992

Mr. Bert Phillips
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

Putnam County - PW
Pomona Park WTP
PWS ID: 2540905

A review of the bacteriological records for the month of May 1992 has indicated the following violation(s):

_____ Failure to submit a minimum of 2 distribution samples for bacteriological analysis.

_____ Failure to submit additional samples (from the same location as the original sample) to replace invalidated samples (TNTC or C).

__Y__ Failure to submit sufficient repeat samples following a total coliform positive result.

As a result of these violations, it is required that the water system named above issue public notice to the consumers of it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb

cc: Putnam County Health Department

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BACTERIOLOGICAL PUBLIC NOTICE

MONITORING AND REPORTING VIOLATIONS

The water system serving Pomona Park WTP is in violation of public drinking water standards for the following reasons:

Failure to submit sufficient repeat samples following a total coliform positive result during the month of May 1992.

The United States Environmental Protection Agency (EPA) sets drinking water standards and requires public water systems to monitor for coliform bacteria. The EPA has determined that the presence of coliform bacteria is a possible health concern and may indicate the presence of other potentially harmful bacteria. This facility has failed to provide the minimum number of bacteriological samples for this period. Therefore, the quality and safety of your water is unknown. Further the EPA requires the public be notified that the water quality is unknown.

For more information please contact _____

at this telephone number _____.

Or contact the Department of Environmental Regulation, Potable Water Section at (904) 448-4330.

Approved Methods of Giving Public Notice

One of the following shall be used to issue public notice to the consumers:

1. Publication in a newspaper of general circulation in the effected area. A copy of the published notice will serve as proof of distribution..

2. Radio or television broadcast. A statement from the station will serve a proof of distribution.

3. Hand delivery. Collect signatures from each resident upon receipt of the notice to serve as proof of distribution.

4. U. S. Mail. Certified mail receipts shall serve as proof of distributio

5. Posting the notice in a conspicuous place. (Non-community only)

Initial notice shall be by newspaper, unless it is unlikely to reach the wat consumers, then it shall be posted.

Notice shall continue by mail delivery or hand delivery every 90 days until the failure is corrected. Unless the system is posting the notice, in which case it shall remain posted until the violation is corrected.

Information to be Included in the Public Notice

1. A clear and readily understandable explanation of the violation.

2. Notification of any potential adverse health effects.

3. An identification of (or information on) the population at risk.

4. The steps the supplier of water is taking to correct the violation.

5. The preventive measures the consumer should take until the failure is corrected.

6. The necessity to seek alternative water supplies, if necessary.

7. The telephone number of the supplier of water or his designee as a sourc of additional information concerning the notice.

Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems which would frustrate the purpose of the notice.

Compliance with Department Requirements

Once the notice has been issued, you must submit a copy of the notice along with proof of distribution (as explained above) and a notarized statement explaining how the notice was issued to the consumers to this office. Failu to provide this office with this information may result in enforcement actio against your water system.

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

May 28, 1992

JUN 0 2 1992

EX OFFICE

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, Florida 32703

cc: Joe Kovach
BTP Bill Cross
Paul Thomison
Robert Reglando
Frank Shaverson
Ralph Jenkins
Kristen Olson Tenney

Dear Mr. Phillips:

Putnam County - PW
Pomona Park WTP
PWS ID # 2540905

On May 26, 1992, I did an inspection of the referenced community public water system. The operation and maintenance deficiencies listed on my last sanitary survey report have been corrected. However, the following items remain out of compliance with Florida Administrative Code (FAC):

1. Failure to meet quality standards for manganese. FAC Rule 17-550.520. The following original and recheck chemical analysis results were submitted:

Date	Parameter	Reported Value (mg/l)	MCL (mg/l)
1/22/92	Manganese	0.096	0.050
3/16/92	Manganese	<0.005	0.050
3/17/92	Manganese	0.0062	0.050
3/18/92	Manganese	0.136	0.050
Average	Manganese	0.060	0.050

The average of the rechecks and the original result confirm that the Maximum Contaminant Level (MCL) has been exceeded. Accordingly, you must install additional treatment or provide an alternative source. Either option must be properly permitted.

2. Failure to provide auxilliary power. Florida Administrative Code (FAC) Rule 17-555.320(6). This deficiency was included in my last survey report dated January 6, 1992. On January 22, 1992 Mel Fisher, SSU's Environmental Compliance Coordinator, wrote that an Emergency Capital Authorization Request for funds was being prepared. During my field inspection, I was told that a permit application for the generator had been applied for. This office has received no permit application for auxilliary power for Pomona Park. In order to avoid enforcement, steps must be taken to address this violations soon.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

3. The loss of chlorination alarm is still pending approval of the permit. The permit cannot be approved until your engineers sign and seal the design. The application is being held in abeyance until such certification is received.

Enclosed is a copy of the inspection sheet. Please provide a written response as to your plans to correct these remaining deficiencies and within what time frame. If you have any questions I can be reached at (904) 448-4330 extension 305. Your past nad continued cooperation with Florida's Safe Drinking Water Program is appreciated.

Sincerely,

James R. Maher

James R. Maher
Engineer IV

JRM:jm
enclosure

cc: Mr. Paul Thompson
Mr. Robert Regalado
Putnam County Health Department

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-75

Lawton Chiles, Governor — Carol M. Browner, Secret.

PUBLIC WATER PLANT INSPECTION

Type: Compliance [X] Follow-Up [ ] Complaint [ ] Insp Date 5/26/92
Name of System Pomona Park WTP ID No. 2540905
System Owner SSU Services Inc. Bret Priccles, Pres. Phone No. 649-8673
Address 1000 Cove Place City Deland Zip 32203
Operator Hurl Thompson Cert. level & No. C 7251

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
X	Auxiliary Power	555.320(6)	no aux power, no permit yet
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
X	Chemical Monitoring	550.510 & 520	Mn MCL exceeded
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection	555.350(1)	
	Plant _____mg/l; Remote _____mg/l		
___	Flow Meter	555.320(8)	
X	Gas Chlorination	555.320(5)	need loss cir. alarm
___	Maintenance of Facilities	555.350	
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow _____MGD; Max _____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
___	System Pressure	555.320(7)	

It is required that a written response be provided to this office within ten (10) days regard any unsatisfactory results listed above.

Inspector James R. Maher Date 5/28/92
James R. Maher 448-4330 ext. 305

cc: County Health Unit

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Virginia B. Wetherell
Secretary

February 21, 1994

RECEIVED
FEB 24 '94
ENVIRONMENTAL SERVICES

Mr. Melvin E. Fisher
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Putnam County - Potable Water
Consent Order No. 93-0332

Dear Mr. Fisher:

The Department requests information concerning the status of the S.S.U. water improvements in Putnam County as required by the referenced Consent Order. The following items must be addressed:

1. An interconnection between Beechers Point WTP and the Town of Welaka was required prior to January 28, 1994. Our records indicate that this project has yet to be cleared.

2. The Water Quality problems at Wootens WTP must still be corrected. On January 19, 1994, zoning adjustments were to be heard by the Putnam County Zoning Board concerning a location for the new WTP. What were the results of this meeting? In your letter of January 6, 1994, you stated that a revised schedule would be forwarded to this office by January 24, 1994. No schedule has been received.

3. The improvements to the River Park water system have not yet been cleared due to stabilization problems with the sequestering agent. Please provide us with information concerning the status of this project and of the meeting with Aqua-Mag representatives on January 17, 1994.

Southern States Utilities has failed to comply with the referenced time intervals created by the Consent Order and is therefore subject to stipulated penalties as required by the Consent Order. Because of extenuating circumstances which have surfaced and caused delay the Department is not requesting that penalties be paid at this time. However, please be aware that further delays may result in a demand of stipulated penalties as required by Paragraph #20 of the Consent Order.

cc: Bert Phillips
Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Mary Glennon
Chuck Wood
Charles Sweat
Catherine Walker
Robert Regalado
Joe Roberts
Frank Sanderson
Paul Thompson

Printed on recycled paper.

It is required that a written response be submitted to this office within fourteen days concerning the items referenced in this letter. If you have any questions please contact Jim Maher at (904) 448-4330, extension 305, or myself at extension 321. Your attention to this matter is appreciated.

Sincerely,

Ed M. Hernandez
Engineer II

EMH/emh
cc: Putnam County Health Department

MEL FISHER

MAY 0 3 1993

EXECUTIVE OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

CERTIFIED - RETURN RECEIPT

April 30, 1993

Mr. Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Dear Mr. Bert Phillips:

Putnam County - Potable Water
OGC Consent Order No. 93-0332
DER vs Southern State Utilities, Inc.

Enclosed is an executed copy of the Consent Order to resolve Case No. 93-0332. April 22, 1993 is the effective date of this Order, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties in order to resolve existing violations.

Should you have any questions concerning the Consent Order, please feel free to contact Jim Maher at (904) 448-4330, extension 305. Your continued cooperation is appreciated.

Sincerely,

Blanca R. Rodriguez

Blanca R. Rodriguez
Environmental Administrator
Potable Water Section

BRR/JM/trl

Enclosure

cc: Office of General Counsel
Putnam County Health Department

cc: CHUCK WOOD
ROBERT REGALADO
JOE ROBERTS
PAUL THOMPSON
KARLA TEASLEY
RALPH TERRERO
CARLYN KOWALSKY
FRANK SANDERSON
MARY GLENNON

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION Complainant, vs. SOUTHERN STATES UTILITIES, INC. Respondent.	)	IN THE OFFICE OF THE NORTHEAST DISTRICT OGC FILE NO. 93-0332

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department"), and Southern States Utilities, Inc ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a person within the meaning of Section 403.852(5), Florida Statutes.

3. Respondent is the owner and operator of the following community public water systems located in Putnam County, Florida.

Beechers's Point	2540070	lat: 29°28'05"	long: 81°40'30"
Hermits Cove	2540482	lat: 29°34'30"	long: 81°40'30"
Interlachen Lk. Est.	2540545	lat: 29°37'40"	long: 81°50'30"
Palm Port	2540865	lat: 29°39'20"	long: 81°36'00"
Pomona Park	2540905	lat: 29°29'40"	long: 81°35'40"
River Park I	2540962	lat: 29°25'00"	long: 81°38'50"
River Park III	2540964	lat: 29°24'40"	long: 81°38'30"
River Grove	2540959	lat: 29°35'50"	long: 81°43'40"
Saratoga Harbor	2541008	lat: 29°31'50"	long: 81°40'55"
Silver Lake Oaks	2541077	lat: 29°29'12"	long: 81°40'37"
St. Johns Highlands	2540489	lat: 29°34'20"	long: 81°40'30"
Welaka MHP	2541242	lat: 29°31'50"	long: 81°40'20"
Wootens	2541280	lat: 29°23'45"	long: 81°39'05"

4. The Beechers Point Water Treatment Plant (WTP) produces finished water with confirmed Maximum Contaminant Level (MCL) violations for Sodium, Chloride and Total Dissolved Solids (TDS). A Warning Letter was issued December 23, 1992 concerning this MCL violation. The Pomona Park WTP has not provided auxiliary power as required and as documented in a Warning Letter dated December 23, 1992. The Saratoga Harbor WTP has been supplying water to the distribution system of both Saratoga Harbor and Welaka MHP, which causes the Saratoga Harbor WTP to serve more than an estimated 350 people without providing auxiliary power. A Warning Letter was issued concerning this on December 28, 1992. The Silver Lake Oaks WTP had a history of intermittent iron MCL violations so a June 18, 1992 letter requested quarterly iron samples. These have not been received. The Wootens WTP produces water with confirmed Color and

Turbidity MCL violations. A Warning Letter concerning this was issued December 21, 1992. The River Park #3 WTP has produced water with confirmed Iron MCL violations. This was discussed in non-compliance letters dated May 28, 1992 and December 23, 1992. Chlorine alarms for both high and low vacuum modes were permitted to be installed at Hermits Cove, River Park #3, Palm Port, Interlachen Lake Estates, Beechers Point, River Grove, Saratoga Harbor, St. Johns Highlands and Pomona Park WTPs. December 1992 inspections showed these alarms did not work in the high vacuum mode. These issues were discussed and negotiated at a District Office meeting on February 1, 1993.

Having reached a resolution of these matters, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

6. On or before March 1, 1993, a properly completed permit application and accompanying engineering plans shall be received by the District Office to permit the installation of auxiliary power at the Pomona Park WTP.

7. On or before July 31, 1993, installation and testing of the auxiliary power shall be complete and all documentation required to clear the project shall be received by the District Office.

8. Within 3 months of the effective date of this Order, one of the following three options shall be provided by Respondent:

A. An agreement with Town of Welaka shall be provided to the District Office committing the Town to supply water to the Beechers Point Distribution System;

B. A properly completed permit application and accompanying engineering plans shall be received to permit additional treatment to the Beechers Point WTP; OR

C. A permit from the St. Johns River Water Management District to remediate the existing wells at Beechers Point WTP to a more shallow depth pursuant to drawing better quality water.

9. If Option A of Paragraph 8 is exercised, an interconnect with Town of Welaka shall be completed and cleared for usage within 9 months of the effective date of this Order.

10. If Option B of Paragraph 8 is exercised, additional treatment shall be installed as permitted within 1 year of a permit issued by the Department. If the Department requests additional information/clarification pursuant to the permitting process, the requested information/clarification shall be provided by the Respondent or Respondent's engineer within 30 days of the Department's request.

11. If Option C of Paragraph 8 is exercised, the remediated wells shall be cleared bacteriologically and all chemical analysis required for community public water systems shall be received by the Department within 6 months of the effective date of this Order.

12. The interconnect between Saratoga Harbor and Welaka MHP shall remain closed except for emergency conditions. Saratoga Harbor WTP and Welaka MHP shall serve their own respective distribution system.

13. Quarterly iron samples shall be taken from the distribution system at Silver Lake Oaks for the next 8 calendar quarters.

14. Within 30 days from the effective date of this Order, 3 consecutive days samples' analyses shall be submitted for Color, Turbidity, Odor and Iron from both raw and treated samples taken at Wootens WTS.

15. Within 6 months from the effective date of this Order the existing Maximum Contaminant Level (MCL) violations for Color and Turbidity shall be corrected.

16. Within 2 months from the effective date of this Order, Respondent shall submit a properly completed permit application to permit feeding a sequestering agent for iron at the River Park #3 WTP.

17. Within 4 months from the effective date of this Order, a sequestering agent for iron shall be completely installed at the River Park #3 WTP and all documentation required to clear the project shall be submitted to the Department.

18. Within 3 months of the effective date of this Order, loss of chlorine alarms shall be properly working for both high and low vacuum modes at Hermits Cove, River Park #3, Palm Port, Interlachen Lake Estates, Beecher's Point, River Grove, Saratoga Harbor, St. Johns Highlands and Pomona Park WTPs.

19. All WTPs covered in this Order shall maintain a minimum of 0.2 mg/l free chlorine residual throughout this distribution at all times. Respondent shall not accomplish this by overfeeding chlorine to unreasonably high levels such as 3.0 mg/l or above causing taste and odor complaints as well as physical discomfort.

20. Respondent agrees to pay the Department stipulated penalties in the amount of $250.00 per month for each and every month or part of a month Respondent fails to timely comply with any

of the requirements of paragraphs 6 through 18 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Regulation" by cashier's check or money order and shall include thereon the OGC number assigned to this Order and the notation "Pollution Recovery Fund." The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

21. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Changed economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractual imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event

causing delay, or upon becoming aware of a potential for delay, Respondent shall promptly notify the Department orally and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures, If the parties can agree that the delay or anticipated has been, or will be, caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

22. Respondent shall allow authorized representatives of the Department access to the drinking water system at reasonable times for purposes of determining compliance with this Order and the rules and regulations of the Department.

23. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

24. The terms and conditions as set forth in the Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

25. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000 per offense, and criminal penalties.

26. Persons who are not parties to this Consent Order but whose interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent

Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

27. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes, or the rules promulgated thereunder.

28. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing pursuant to Section 120.57, Florida Statutes

of the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

29. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

30. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

31. All plans, reports, penalties, stipulated penalties, costs and expenses, or other documents required by this Consent Order to be submitted to the Department shall be sent to the Department of Environmental Regulation, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7577.

32. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall not sell or convey the above-described drinking water system without, at least 14 days prior to such sale or conveyance, (1) notifying the Department of such sale or conveyance, and (2) providing a copy of this Consent Order with all attachments to the new owner.

33. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

Mr. Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Ernest E. Frey, P.E.
Director of District Management
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32256-7577
(904) 448-4300

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Anthonia R. Lorner 4/30/93
Clerk Date

DONE AND ORDERED this 28 day of APRIL, 1993, in Jacksonville, Florida.

3 EK

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

March 2, 1993

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, FL 32703

Orig: Mel Fisher
c: Frank Sanderson
Joe Roberts
Gene Manning

NOTE TO JOE: WHY DID THIS HAPPEN?
PLS RESPOND TO BTP

Dear Mr. Phillips:

St. Johns County - PW
Remington Forest WTP
PWS ID: 2554361

A review of the bacteriological records for the month of January 1993 has indicated the following violation(s):

____ Failure to submit a minimum of 5 distribution samples for bacteriological analysis.

____ Failure to submit additional samples (from the same location as the original sample) to replace invalidated samples (TNTC or C).

__X__ Failure to submit sufficient repeat samples following a total coliform positive result.

As a result of these violations, it is required that the water system named above issue public notice to the consumers of it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb

cc: St. Johns County Health Department

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BACTERIOLOGICAL PUBLIC NOTICE

MONITORING AND REPORTING VIOLATIONS

The water system serving Remington Forest is in violation of public drinking water standards for the following reasons:

Failure to submit sufficient repeat samples following a total coliform positive result for the month of January 1993.

The United States Environmental Protection Agency (EPA) sets drinking water standards and requires public water systems to monitor for coliform bacteria. The EPA has determined that the presence of coliform bacteria is a possible health concern and may indicate the presence of other potentially harmful bacteria. This facility has failed to provide the minimum number of bacteriological samples for this period. Therefore, the quality and safety of your water is unknown. Further the EPA requires the public be notified that the water quality is unknown.

For more information please contact _____

at this telephone number _____.

Or contact the Department of Environmental Regulation, Potable Water Section at (904) 448-4330.

PUBLIC NOTICE REQUIREMENTS

Approved Methods of Giving Public Notice

One of the following shall be used to issue public notice to the consumer:

1. Publication in a newspaper of general circulation in the effected area. A copy of the published notice will serve as proof of distribution.

2. Radio or television broadcast. A statement from the station will serve as proof of distribution.

3. Hand Delivery. Collect signatures from each resident upon receipt of the notice to serve as proof of distribution.

4. U.S. Mail. Certified mail receipts shall serve as proof of distribution.

5. Posting the notice in a conspicuous place, non-community only. A copy of the actual notice posted shall be submitted as proof of distribution.

Initial notice shall be by newspaper, unless it is unlikely to reach the water consumers, then it shall be posted. Permission must be obtained from the Department for systems other than non-community to post this notice.

Notice shall continue by mail delivery or hand delivery every 90 days until the failure is corrected. Unless the system is posting the notice in which case it shall remain posted until the violation is corrected, but not less than 48 hours for MCL violations and 30 days for monitoring violation.

Information to be Included in the Public Notice

1. A clear and readily understandable explanation of the violation.
2. Notification of any potential adverse health effects.
3. An identification of (or information on) the population at risk.
4. The steps the supplier of water is taking to correct the violation.
5. The preventive measures the consumer should take until the failure is corrected.
6. The necessity to seek alternative water supplies, if necessary.
7. The telephone number of the supplier of water or his designee as a source of additional information concerning the notice.

Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems which would frustrate the purpose of the notice.

Compliance with Department Requirements

Once the notice has been issued, you must submit a copy of the notice along with proof of distribution (as explained above) and a notarized statement explaining how the notice was issued to the consumers to this office.

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary
Virginia B. Wetherell, Secretary

Orig: W.F.Sanderson
C: M.E.Fisher - J.W.Roberts
R.A.Terreo

February 18, 1993

RECEIVED
FEB 22 1993
ENVIRONMENTAL SERVICES

Mr. Bert Phillips
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

St.Johns County - PW
Remington Forest
PWS ID: 2554361

Chapter 17-550 of the Florida Administrative Code, (FAC), requires that any public water system which has positive results for coliform bacteria during a sample period shall submit additional samples the following month.

It is therefore required of the above named water system to submit a minimum of five (5) distribution samples during the month of February.

If you do not have five (5) separate locations in your distribution system, you will have to take the samples on different days. Just be sure that the total number of distribution samples at the end of the month is equal to five (5).

If you have any questions regarding these samples, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer
Potable Water Section

VMS/lgb

cc: St. Johns County Health Department
SSU - Jacksonville Office

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
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INTERLACHEN LAKE EST. - W	470
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POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

Rec'd SSU
JUN 0 4 1992
EX OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

May 28, 1992

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, Florida 32703

BTP cc: Joe Roberts, Bill Cross, Paul Thomson, Ralph Terrero, Frank Sanderson, Chuck Jost

Dear Mr. Phillips:

Putnam County - PW
River Park # 3
PWS ID # 2540964

On May 26, 1992, I did an inspection of the referenced community public water system. Many of the deficiencies listed on my last sanitary survey report have been corrected. However, the following items remain out of compliance with Florida Administrative Code (FAC):

1. Failure to meet quality standards for iron. FAC Rule 17-550.520. The following original and recheck chemical analysis results were submitted:

Date	Parameter	Reported Value (mg/l)	MCL (mg/l)
8/29/91	Iron	0.54	0.30
1/08/92	Iron	0.57	0.30
1/09/92	Iron	0.52	0.30
1/10/92	Iron	0.67	0.30
Average	Iron	0.575	0.30

The average of the rechecks and the original result confirm that the Maximum Contaminant Level (MCL) has been exceeded. Accordingly, you must install additional treatment or provide an alternative source. Either option must be properly permitted.

2. Failure to provide auxiliary power. Florida Administrative Code (FAC) Rule 17-555.320(6). The permit for this was issued 5/14/92.

3. There were minor leaks at the piping manifold, particularly noticed where PVC and brass fittings met.

4. The aerator looked better but should be blown down for accumulated iron settlement on a regular basis.

5. The loss of chlorination alarm is still pending approval of the permit. The permit cannot be approved until your engineers sign and seal the design. The application is being held in abeyance until such certification is received.

Enclosed is a copy of the inspection sheet. Please provide a written response as to your plans to correct these remaining deficiencies and within what time frame. If you have any questions I can be reached at (904) 448-4330 extension 305. Your past and continued cooperation with Florida's Safe Drinking Water Program is appreciated.

Sincerely,

James R. Maher

James R. Maher
Engineer IV

JRM:jm
enclosure

cc: Mr. Paul Thompson
Mr. Robert Regalado
Putnam County Health Department

Florida Department of Environmental Regulatic

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7

Lawton Chiles, Governor — Carol M. Browner, Secre

PUBLIC WATER PLANT INSPECTION

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp Date 5/26/92
Name of System Little Park # 3 ID No. 2540964
System Owner SSU Services, Inc Phone No. 644-8673
Address 1000 Collier Place City Hoboken Zip 32703
Operator Paul Thompson Cert. level & No. C 7251

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

OK	Aeration	555.350	need to bottom blow
X	Auxiliary Power	555.320(6)	has permit.
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
X	Chemical Monitoring	550.510 & 520	Fe + Odor MCLs
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection	555.350(1)	
	Plant 6 mg/l; Remote ____ mg/l		
___	Flow Meter	555.320(8)	
X	Gas Chlorination	555.320(5)	ailing leak clean
X	Maintenance of Facilities	555.350	minor manifold leaks
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow ____MGD; Max ____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
___	System Pressure	555.320(7)	

It is required that a written response be provided to this office within ten (10) days rega: any unsatisfactory results listed above.

Inspector _____ Date _____
James R. Maher 448-4330 ext. 305

cc: County Health Unit

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WP-EB

Mr. Charles Sweat, President
Southern States Utilities
1000 Color Street
Apopka, Florida 32709

RE: Notice of Violation - Compliance Evaluation Inspection
NPDES Permit No. FL0041777

Dear Mr. Sweat:

The Environmental Protection Agency and Florida Department of Environmental Regulation performed a routine compliance evaluation inspection of your treatment facility. A copy of the inspection report is enclosed for your files. The major deficiencies include:

1. The Permittee is not keeping the following monitoring records on site as required by the NPDES permit in Part II(C)(6):

   a. The date, exact place, and time of sampling or measurement;
   b. The individual(s) who performed the sampling or measurement;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses (lab sheets, including EPA Discharge Monitoring Reports).

2. The Permittee is not performing the Total Residual Chlorine (TRC) monitoring in accordance with NPDES permit Part I(A)(2):

   a. an unapproved analysis method is being used,
   b. undetected TRC should not be reported as zero or BDL, but as less than the value of the method detection level,
   c. the test method should be reported on the DMR form.

3. Additional findings/comments are listed in Section D of the enclosed inspection report.

FAX TO: 2/4/?.
JOE ROBERTS
MEL FISHER

Printed on Recycled Paper

Please provide this office with corrective actions you or your Agent has taken or plans to take to ensure that future violations of the permit will not occur. The information must be submitted within fifteen (15) days of receipt of this letter.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to section 309 of the Clean Water Act, 33 U.S.C. Section 1319.

If you have specific questions as to these requirements, please contact Mr. Tom Plouff at (404)347-7428.

Sincerely yours,

Michael Hom, Chief
KY/NC/FL Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

Enclosure

cc: Ernest E. Frey, District Manager, Jacksonville

United States Environmental Protection Agency
Washington, D. C. 20460

EPA NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N	2 5 3 FL0041717 11	12 91/12/10 17	18 C	19 J	20 2

Remarks

21 66

Reserved	Facility Evaluation Rating	BI	QA	Reserved
67 69	70	71	72	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time ☐ AM ☐ PM	Permit Effective Date
River Park MHP SR 309 1/2 mi South of SR 305 Fruitland, FL	1345	9/1/90
	Exit Time/Date 1505	Permit Expiration Date 7/31/95

Name(s) of On-Site Representative(s)	Title(s)	Phone No(s)
Mark Walker Jarry Boyd	worker Operator, Southern States Util	904/649-4143

Name, Address of Responsible Official	Title	Contacted
Charles Swoat 1000 Color Str Apopka, FL. 32709	President, Southern States Utilities Phone No. 904/649-4143	☐ Yes ☐ No

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	S	Flow Measurement	N/A	Pretreatment	M	Operations & Maintenance
M	Records/Reports	N	Laboratory	N/A	Compliance Schedules	S	Sludge Disposal
U	Facility Site Review	S	Effluent/Receiving Waters	M	Self-Monitoring Program	M	Other: Sampling

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

Should sample at outfall pipe in ditch, ie. effluent samples.
Unkept site, debris on plant site, broken concrete slab.
Leaking air supply lines.
Unapproved pH and TRC analysis methods (color wheel).
Permit at Pomona Park office.
No sampling records on site
Holding time on fecal coliform samples is 6 hours.
TRC sample collected at outfall (ditch) exceeded interim limitation, TRC = 1.3 mg/L
Treatment plant should have a higher fence for security and safety.
Facility did not have a chlorine cylinder scale, no SCBA was available.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone	Date
Thomas E. Plouff Thomas E. Plouff	USEPA, Atl. Ga, 404/347-7428	12/10/91
Ken Kohn, Eng'r Rita Felton, Eng'r	FL DER Jacksonville	

Signature of Reviewer	Agency/Office	Date
Michael Bonn	USEPA	12/30/91

Regulatory Office Use Only

Action Taken	Date	Compliance Status
		☐ Noncompliance ☐ Compliance

EPA Form 3560-3 (Rev. 3-85) Previous editions are obsolete.

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S --	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

JAN 04 1993
EX OFFICE

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

Copies: Joe Roberts - via FAX ✓
[redacted] Fisher
Robert Regalado
Chuck Wood
Frank Sanderson

CERTIFIED RETURN RECEIPT

Decemk RE: Putnam County -DER Ltrs.
4 Warning Ltrs.-attached
12 Inspection Ltrs. "

FROM: B. T. Phillips 1/4/93

Mr. Bert Phillips
SSu Services, Inc.
1000 Color Place
Apopka, FL 32703

Putnam County - Potable Water
Saratoga Harbor
Warning Letter No. WL-92-0073-PW-54-NED

Dear Mr. Phillips:

Chapter 403, Florida Statutes (FS), authorizes and directs the Department of Environmental Regulation to promulgate and enforce rules relating to public water supplies.

A field inspection of your facility indicates that you may be in violation of Chapter 403, FS, and the Florida Administrative Code (FAC) rules promulgated thereunder. Department personnel observed the following at your facility.

There was no auxiliary power at your facility. Also the storage tanks were rusty.

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below. Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.320(6)	Provide auxiliary power capable of serving half of the maximum daily demand if you serve a population of 350 or more.
17-555.350	Maintain equipment in good working condition.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Accordingly, you are requested to contact James Maher of this office at (904) 448-4330, extension 305 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/JRM/lgb

cc: Putnam County Health Department
Paul Thompson

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Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

[illegible], Secretary
VIRGINIA B. WETH

February 5, 1993

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

OCD-PW-CE-93-0186

Re: Proposed Settlement by Short Form Consent Order in Case of Southern States Utilities, Inc. d/b/a Western Shores/Silver Lake Estates Interconnect, OGC File No.: 93-0241.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-PW-92-0052 dated December 11, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $4,800.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $100.00 to reimburse the DER's costs, for a total of $4,900.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within thirty (30) days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Central

District address given above by twenty (20) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,

A. Alexander, P.E.
District Director

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.
d/b/a Western Shores/Silver Lake
Estates Interconnect

By: _____
Bert Phillips, President

Date: 3/2/93

For the DER:

_____
A. Alexander, P.E.
District Director
State of Florida Department
of Environmental Regulation

ENTERED this _____ day of _____, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
CLERK Date

AA:ra/mg
Attachments

Mel Fisher

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

RECEIVED

DEC 15 1992

ENVIRONMENTAL SERVICES

CERTIFIED
P 402 737 724

ENVIRONMENTAL SERVICES

WARNING LETTER
OWL-PW-92-0052

Charles Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Lake County - PW
Western Shores/Silver Lake Estates
Interconnect
Water Distribution Extension (Western Shores)

Dear Mr. Sweat:

A review of Department records for the Western Shores drinking water distribution system extension project indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist. Department records indicate the following:

1. The water distribution system extension project constructed under the Permit Number WD35-2077A was placed into service without first acquiring the proper clearance from the Department.

It is a violation for any person to fail to comply with the following statutes and rules:

Section 403.161(1)(b), Florida Statutes - It is a violation and is prohibited to fail to obtain any permit required or to fail to comply with any permit issued by the Department.

Rule 17-555.345, Florida Administrative Code - Certification letter and clearance.

You are advised that any activity at your facilities that may be contributing to violations of the above described statutes and rule should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mr. Roberto Ansag of this office at 407/894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Jim Ragsdale
Don Corder
Bruce Paster
Chuck Wood
Frank Sanderson
[redacted]

Recycled Paper

WARNING LETTER
OWL-PW-92-0052

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

A. Alexander, P.E.
District Director

12-11-92
Date

AA:pa/mg

cc: Lake County Health Department

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

SSU
1 1993
OFFICE

CERTIFIED
P 232 485 902

OCD-PW-CE-93-0796

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Re: Proposed Settlement by Short Form Consent Order in the Case of Southern States Utilities, Inc., d/b/a Ocklawaha Drive Extension, OGC File No.: 92-1996.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-PW-92-0012 dated June 15, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $1,950.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $100.00 to reimburse the DER's costs, for a total of $2,050.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within thirty (30) days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights.

cc: Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Jim Ragsdale
Don Corder
Chuck Wood
Bruce Paster
Frank Sanderson
Mary Glennon

Recycled Paper

If you do not sign and return this letter to the Department at the Central District address given above by ten (10) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

6-8-93
Date

Sincerely,

A. Alexander, P.E.
District Director

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.
d/b/a Ocklawaha Drive Extension

By: _____
Bert Phillips, President

Date: _____

For the DER:

A. Alexander, P.E.
District Director
State of Florida Department
of Environmental Regulation

ENTERED this _____ day of _____, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
Clerk Date

AA:tw

Attachments

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * * *

A party who is adversely affected by this Consent Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

PENALTY COMPUTATION WORKSHEET

Violator's Name: Southern States Utilities, Inc., d/b/a

Identify Violator's Facility: Ocklawaha Drive Extension (The Cove M.H.P.)

Name of Department Staff Responsible for the Penalty Computations:

Roberto Ansag

Date: June 8, 1993

PART I - Class B (no penalty) Determination

Rationale for Class B determination: N/A

PART II - Class A Penalty Determinations

	Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjust-ments	Total
1.	Placing Water Main into service without clearance.	Moderate	Major	$1,950	---	---	$1,950
2.							
3.							
4.							

Total Penalties for all Violations: $1,950.00

Cost and Expenses Incurred by the Department: 100.00

TOTAL: $2,050.00

(Attach Part III for each violation for which an adjustment or multi-day penalty is determined.)

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

*Moderate potential for harm was chosen because satisfactory bacteriologicals were taken prior to placing the project into service.

Date

A. Alexander, P.E.
District Director

PENALTY COMPUTATION WORKSHEET

Part IV - Other Adjustments Made After Meeting with the Responsible Party

ADJUSTMENTS	Dollar Amount
Relative merits of the case	
Resource considerations:	
Other justification: Based on the information provided by the violator, the construction without a permit was dropped. However, enforcement action is necessary for the placement of the project into service without clearance, and the civil penalty is lowered to $1,950 because satisfactory bacteriologicals were collected prior to placing the project into service.	

Date

Alexander, P.E.
District Director

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

VIRGINIA B. WETHE

February 5, 1993

Bert Phillips, President
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

OCD-PW-CE-93-0186

Re: Proposed Settlement by Short Form Consent Order in Case of Southern States Utilities, Inc. d/b/a Western Shores/Silver Lake Estates Interconnect, OGC File No.: 93-0241.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-PW-92-0052 dated December 11, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $4,800.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $100.00 to reimburse the DER's costs, for a total of $4,900.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within thirty (30) days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Central

District address given above by twenty (20) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,

A. Alexander, P.E.
District Director

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.
d/b/a Western Shores/Silver Lake
Estates Interconnect

By: _____
Bert Phillips, President

Date: 3/2/93

For the DER:

_____
A. Alexander, P.E.
District Director
State of Florida Department
of Environmental Regulation

ENTERED this _____ day of _____, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
CLERK Date

AA:ra/mg
Attachments

FILE
1) WESTERN SHORES
2) OKLAWAHA DRIVE
3) CONSENT ORDER NOTEBOOK

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

RECEIVED
SEP 04 1992
ENVIRONMENTAL SERVICES

CERTIFIED
P 402 736 893

September 2, 1992

Southern States Utilities
1000 Color Place
Apopka, Florida 32703

OCD-PW-CE-92-1640

Attention: Melvin E. Fisher

Lake County - PW
Ocklawaha Drive Extension (The Cove MHP)

Dear Mr. Fisher:

Based on the information furnished to us, we have determined that no further action is required for paragraph one of the June 15, 1992 Warning Letter (General Permit Application). However, enforcement action is necessary for the placement of the water distribution extension into service without first acquiring the clearance from the Department.

This matter shall be resolved through a Consent Order and the Department is proceeding to draft such and upon the review and approval of the Office of General Counsel, we will forward a copy to your office for your review and signature.

If you have any questions concerning this letter, please contact Mr. Nick Kadivar at 407/894-7555

Sincerely,

Joseph M. McNamara, P.E.
Program Manager
Drinking Water

JMMc:nk/mg

cc: Lake County Health Department
Frank Huttner
Paul Morrison
Nick Kadivar

CC: BERT PHILLIPS
KARLA O. TEASLEY
RALPH TERRERO
JIM RAGSDALE
DON CORDER
BRIAN HEATH
CHUCK WOOD
PHIL STORY
FRANK SANDERSON
MARY GLENNEN
CHRIS ARCAND

Recycled Paper

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

CERTIFIED
P 037 849 830

Southern States Utilities Incorporated
1000 Color Place
Apopka, Florida 32703

WARNING LETTER
OWL-PW-92-0012

Attention: Melvin E. Fisher

Lake County - PW
Ocklawaha Drive Extension (The Cove M.H.P.)

Dear Mr. Fisher:

A review of Department records indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department records indicate the following at the above described facility:

1. Water main extension was constructed under General Permit Number WD35-206683 to serve the Cove Mobile Home Park. However, our records indicate that the "Notice of Intent to Use General Permit for Drinking Water Distribution System" (copy enclosed) had a false statement concerning the number of service connections (ERC's) and estimated increase in flow demand (GPD). The application indicates one family home (1 ERC/350 GPD), however, the Cove has 13 mobile homes.

2. The water distribution extension was placed into service without first acquiring the clearance from the Department.

It is a violation for any supplier of water to fail to comply with the following statutes and rules:

Section 403.161(1)(b), Florida Statutes - It is a violation and is prohibited to fail to obtain any permit required or to fail to comply with any permit issued by the Department.

Section 403.859(5), Florida Statutes - Submission by any person of any false statement or representation in any application or document filed or required to be filed by this act or rules adopted by the Department pursuant to its lawful authority.

Recycled Paper

WARNING LETTER
OWL-PW-92-0012

Rule 17-555.520(1)(2), Florida Administrative Code - Construction permit.

Rule 17-555.345, Florida Administrative Code - Certification letter and clearance.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mr. Nick Kadivar of this office at 407/894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

A. Alexander, P.E.
District Director

6-15-92
Date

AA:nk/mlk
Enclosure

cc: Lake County Health Department
Nick Kadivar
Frank Huttner
Paul Morrison

State of Florida
Department of Environmental Regulation

JAN 06 1992

CENTRAL FLORIDA DISTRICT

Notice of Intent to Use General Permit for Wastewater Collection System/Drinking Water Distribution System

Instructions: This form is to be completed and submitted to the Department along with one set of engineering plans and specifications, AT LEAST 30 DAYS PRIOR TO INITIATING CONSTRUCTION. All blanks must be filled.

I. General Description

1. Person(s) or entity that will own the CS/DS

Name and Title Southern States Utilities Inc.

Address 1000 Color Place, Apopka, FL 32703

Phone (407) 884-8777 Latitude ____° ____' ____"N Longitude ____° ____' ____"N

Section 12 Township 19S Range 25E

2. Estimated cost of project $4690.00

3. CS/DS Description. This system will be known as: Ocklawaha Drive Extension

This system will serve 1 family homes, _____ commercial facilities and _____ multifamily units.

Other: _____

Estimated Increase in Flow/Demand (MGD) 0.000350

Estimated increase in Equivalent Residential Connections (ERC's) (An ERC = 3.5 persons) 1

The wastewater treatment plant/drinking water plant serving this system will be N/A

_____ County _____

II. Statement by Applicant

The undersigned owner or authorized representative of Southern States Utilities, Inc. is fully aware that the statements made in this notice are true and complete to the best of his knowledge. The undersigned is fully aware that it is his responsibility to operate and maintain this facility in such a manner as to function as it was designed. Responsibility may be transferred to another entity upon written notice to the Department from the entity assuming responsibility. The undersigned also accepts responsibility for retaining the project engineer as indicated on this notice to observe that construction of the project is in accordance with engineering plans as submitted.

*Attach a letter of authorization

WD48-206683
WATER DIST. ONLY
1-15-92 JA

Signature of the Owner or Authorized Representative

Rafael A. Terrero, P.E., Chief Engineer
Name and Title (Please Type)

Southern States Utilities
1000 Color Place, Apopka, FL 32703
Address

Telephone No. (407)884-8777 Date 12/24/91

DER Form 17-555.900(7)
Effective 11/1/88

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

FILE 1) BEECHERS POINT
2) PALM PORT
3) PARK MANOR
4) SILVER LAKE OAKS

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

RECEIVED
DEC 0 9 1992
ENVIRONMENTAL SERVICES

C: C. Walker
M. Fisher
C. Arcand
H. Glennon

December 7, 1992

Mr. Charles Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

CC: KARLA TEASLEY, RALPH TERRERO, JOE ROBERTS, BILL CRUSS (FAX), PAUL THOMPSON, CHUCK WEED, ROBERT REGA, FRANK SANDER

Dear Mr. Sweat:

Putnam County - Domestic Waste
SSU Wastewater Treatment Plants, Putnam County
Notices of Permit Non-Compliance

A review of files for the referenced facilities revealed the following deficiencies and discrepancies:

Beecher's Point
- Following a reduction of nitrate-nitrogen levels earlier this year, the permitted limit was exceeded in April, June and July.
- February 1992 laboratory documents for Beecher's and Park Manor each indicate fecal coliform samples were collected February 20 at 8:00 a.m. by Mr. Roy White.
- A residuals analysis submitted indicates a single sample collection date of April 14, 1992. Chapter 17-7.540(2)(e), FAC, outlines a multiple sample period. Additionally, due to the copper content of 2230 mg/kg, residuals must be disposed of in accordance with Grade II restrictions outlined in Chapter 17-7.
- Influent and effluent samples collected June 26, 1992 were received by the laboratory July 1 according to submitted laboratory documents. The acceptable holding time for BOD analysis was exceeded, and depending upon the method utilized, possibly that of nitrate.
- The operation log for July 1992 indicates samples were collected July 10, yet results for BOD, TSS and nitrate-nitrogen are not provided.
- Laboratory documentation for the July 10 fecal coliform sample indicates the sample was collected by Mr. Roy White at 11 a.m., yet the operation log indicates samples were collected while he was on-site 8-8:30 a.m.
- Please be advised permit DO54-147243 expires June 22, 1993 and as such an application for permit is due at least sixty days prior.

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Palm Port
- As with Beecher's Point, a residuals analysis was apparently performed on a single day. Copper for the Palm Port sample was 2630 mg/kg, also a Grade II residual.
- With regard to June 1992:
    - the time of collection of the June 12 sample is not recorded on the operation log.
    - the operation report and log indicate samples were collected June 26, yet Flowers Laboratories analyses statements indicate effluent samples were collected June 5 and influent samples were collected June 26. Each were reported received by Flowers on June 29. Submit copies of applicable chain(s) of custody.
- Flow was estimated June 23 - July 14. Describe how and why flow was estimated - a constant flow was reported. If a fairly accurate flow estimation method is not available, inaccurate flow data should not be provided on the operation report.
- A note is made on the operation log for July 30 that the lift station was found full and was subsequently pumped out. The Department should be notified in accordance with Chapter 17-600, FAC, of any abnormal event (e.g., lift station or flow meter outages) upon discovery.
- With regard to July 1992:
    - the operation log indicates samples were collected for analysis of BOD, TSS, nitrate-nitrogen and fecal coliform on July 10. While the Flowers Laboratories document for fecal coliform indicates analysis of this sample July 10, the BOD, TSS and nitrate-nitrogen samples were reported as received by Flowers on July 13. Explain the difference in delivery dates and submit applicable chains of custody.
    - for the July 10 sample, the holding times for BOD and nitrate-nitrogen were possibly exceeded.
    - the July 10 fecal coliform laboratory document from Flowers indicates the sample was collected by Mr. Roy White at 12:00 p.m., yet the operation log indicates samples were collected by Mr. White during his 9-9:30 a.m. operation visit. The time of laboratory receipt was not provided.
    - the operation log indicates samples were collected July 29, yet results of analyses were not provided.

Park Manor
- With regard to the fecal coliform sample collected February 1992:
    - the sample date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document indicates the sample was received at 1:30 p.m., yet Mr. White was on-site according to the operation log.
    - the holding time was exceeded.

Park Manor, continued
- Laboratory documents indicate that samples collected June 26 were received June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10. Results of analyses are not provided.
    - the Flowers document for the fecal coliform sample indicates collection by Mr. White at 1:00 p.m., yet the samples were collected between 10:30-11:00 a.m., according to the operation log. A time of receipt by Flowers is not provided.
    - the Flowers document indicates fecal coliform was confirmed present in the sample, yet an actual count was not provided.

Silver Lake Oaks
- With regard to February 1992:
    - the date and time of fecal coliform sample collection was not recorded on the operation log.
    - the Flowers laboratory document concerning the fecal sample indicates collection was by Mr. White on February 20 at 7:45 a.m., yet according to the operation log, he was on-site 12:00-12:30 p.m.
    - the operation log makes note that a portion of the drainfield was not functioning. The Department was apparently not notified as required.
- With regard to June 1992:
    - the fecal coliform date and time of collection was not recorded on the operation log.
    - the Flowers laboratory document for the fecal coliform sample does not provide the collector's name, the date and time of sample, nor the date and time of receipt.
    - the fecal coliform laboratory receipt from Flowers indicates "confluent growth", yet an actual count was not determined.
    - the operation log and Flowers document indicates samples were collected June 26 and received by Flowers June 29. The holding time for BOD, and possibly that of nitrate-nitrogen, was exceeded.
- With regard to July 1992:
    - the operation log indicates samples were collected July 10 for BOD, TSS and nitrate-nitrogen analysis, yet results were not provided.
    - the Flowers laboratory document for the July 10 fecal coliform sample does not provide the date and time of sample, nor the date and time of receipt.
    - the Tri-Tech Laboratories, Inc. document for the July 29 samples indicate collection was at 7:00 a.m., yet the operation log indicates samples were collected between 7:45 and 8:15 a.m.

A response is requested within ten (10) days of receipt of this letter. In your response, you should address the above noted deficiencies and provide an explanation as to why permit conditions were not met. Until such time as compliance with permit conditions is achieved, you may be in violation of Florida Statutes and subject to enforcement and/or legal action if necessary.

Should you have any questions, please contact the undersigned at 448-4330, extension 308.

Sincerely,

Deryle Calhoun, E.I.
Environmental Engineer

OK

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OFFICE OF THE COUNTY ATTORNEY
CITRUS COUNTY

107 N. PARK AVENUE, Suite 8 • INVERNESS, FL 34450
(904) 637-9970
Fax 637-9975

LARRY M. HAAG
County Attorney

RICHARD Wm. WESCH
Assistant County Attorney

RECEIVED
SEP 22 1993
Department of Environmental Protection
SOUTHWEST DISTRICT
BY

9/28
Mike Dees
FYI + handling
RP

September 17, 1993

D 1015
ADM

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
Florida Department of
Environment Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

Re: Springs Gardens Sewage Treatment Plant
Permit No.: DO09-204362
Building Moratorium

Dear Dr. Garrity:

Be advised that pursuant to your letter of September 9, 1993, and Section 7 of Citrus County Ordinance No. 91-05, the Board of County Commissioners directed the County Administrator to cease issuing building permits for any development which would connect to the Spring Gardens Sewage Treatment Plant owned by Lake Utilities, Inc.

If our offices may be of further assistance, please advise.

Cordially,

Larry M. Haag
County Attorney

LMH:cac

cc: Anthony L. Shoemaker, County Administrator
Barbara J. Zimmerman, Director, Division of Planning
Gary W. Maidhof, Environmental Planner
Dennis MacNeil, Director, Building Division
Dawn Shaw, Citrus County PHU
Bob Stetler, FDEP
Joe Squitieri, FDEP
Albert McLaurin, FDEP

File

Florida Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
813-744-6100

Virginia B. Wetherell
Secretary

CERTIFIED MAIL

September 9, 1993

Citrus County DW

Mr. Anthony L. Shoemaker
County Administrator
110 North Apopka Avenue
Inverness, FL. 34450

Re: Spring Gardens Sewage Treatment Plant
Permit No. DO09-204362
Building Moratorium

Dear Mr. Shoemaker:

This is in reference to the memorandum of August 17, 1993, from Mr. Gary W. Maidhof to Mr. Larry M. Haag, which addresses Spring Gardens sewage treatment plant.

The Department initiated enforcement action against Lake Utilities, Inc., the permittee of Spring Gardens sewage treatment plant on November 5, 1992 by issuance of Warning Letter No. 92-0048DW09SWD. The Warning Letter alleged violations for inadequate effluent disposal and operation/maintenance deficiencies. Subsequently, a second Warning Letter, No. W93-0026DW09SWD, was issued on July 30, 1993, which alleged that the influent flows exceed the plant's permitted capacity.

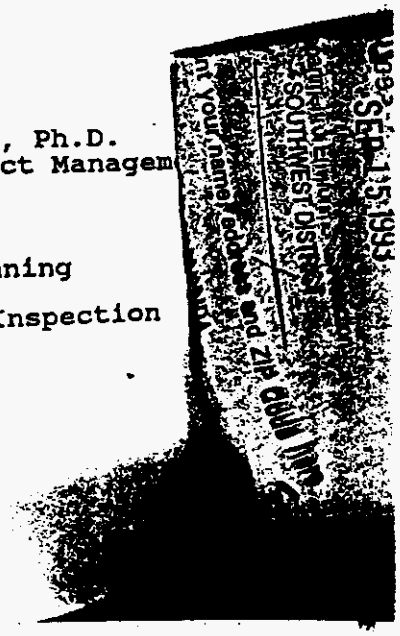
The Department is requesting the implementation of Section 7 of County Ordinance 91-05 by not issuing building permits for properties which are served by the Spring Gardens sewage treatment plant until further written notice from the Department.

The department appreciates your cooperation and prompt assistance in this matter.

Very truly yours,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

cc: Larry M. Haag, County Attorney
Barbara J. Zimmerman, Director, Division of Planning
Gary W. Maidhof, Environmental Planner
Dennis MacNeil, Director, Division of Building Inspection
Dawn Shaw, Citrus County PHU
Joe Guttieri, FDEP



Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

July 30, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citrus County DW

Mr. Raymond Moats
Lake Utilities, Ltd.
P.O. Box 5252
Lakeland, FL 33807

WARNING LETTER #WL 93-0026DW09SWD

Subject: Spring Gardens Sewage Treatment Plant
Department Permit No. DO09-204362A

Dear: Mr. Moats:

A review of the Monthly Operating Reports for the referenced facility indicates that a violation of Chapter 403 [and/or Chapter 376], Florida Statutes, and the rules promulgated thereunder may exist at the above described facility.

The table below lists the monthly average daily flow reported for the previous twelve months. The flow reported for October of 1992, May of 1993, and June of 1993 exceed the permitted capacity of 0.020 MGD.

MONTH	MONTHLY AVERAGE	PERCENT OF CAPACITY
July, 1992	0.020	100
August, 1992	0.020	100
September, 1992	0.020	100
October, 1992	0.024	120
November, 1992	0.020	100
December, 1992	0.019	95
January, 1993	0.018	90
February, 1993	0.019	95
March, 1993	0.018	90
April, 1993	0.020	100
May, 1993	0.022	110
June, 1993	0.032	160

It is a violation of Section 403.161(1)(b), Florida Statutes, to fail to comply with the conditions of a Department permit.

Printed on recycled paper.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is the Department's policy to seek civil penalties for the above described violations in the amount of $7,800.00.

YOU ARE REQUESTED TO CONTACT Mr. Norman C. Hill, Environmental Specialist at (813) 744-6100, Extension 308 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

cc: Dawn Shaw, Citrus County PHU
Ivan King, King Engineering Service
Michael T. Putch, Gulf Coast W/WW
Joe Squitieri, FDEP
Albert McLaurin, FDEP

PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor Carol M. Browner, Secretary

March 17, 1992

CERTIFIED RETURN RECEIPT

Mr. David C. McFadden, President
Trout Creek Hammock
Route 1, Box 754
Satsuma, FL 32187

Mr. Bert Phillips, President
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Mr. Jerry Boyd
Post Office Box 624
Pomona Park, FL 32181

Putnam County - PW County - Potable Water
Trout Creek Hammock
St. Johns Highlands WTP
Warning Letter No. WL-92-0016-PW-54-NED

Dear Mssrs. McFadden, Phillips & Boyd:

Chapter 403, Florida Statutes (FS), authorizes and directs the Department of Environmental Regulation to promulgate and enforce rules relating to public water supplies.

On November 6, ~~1992,~~ 1991 the Department issued a permit to construct a drinking water distribution system extension to serve Trout Creek Hammock from St. John Highland water treatment plant. Sometime prior to March 6, 1992, the distribution extension was placed into operation and is now serving at least two residential connections.

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

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Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.340 Provide effective disinfection and approval for operation from the Department prior to placing pipes or other structure through which water is delivered to consumers into operation.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $5,000 per violation per day pursuant to Sections 403.141, Florida Statutes.

Accordingly, you are requested to contact James Maher of this office at (904) 448-4330, extension 305 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/JRM/lgb
cc: Mel Fisher
Robert Regalado
Paul Thompson
Laurie Gauch, Putnam County Health Department
Joe Roberts

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Florida Department of Environmental Regulation
Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M Browner, Secretary

December 18, 1992

John Levesque
Southern States Utilities
5040 West Oak Park Blvd.
Homosassa, FL 34446

RE: Public Notice
PWS-ID # 6091735 [C]
Sugarmill Woods Subdivision

Dear Mr. Levesque:

This letter is to notify you that the above mentioned water system has exceeded the maximum contaminant level (MCL) for total coliforms during the month of September.

Florida Administrative Code Rule 17-550.310(4)(2) allows water systems which collect fewer than 40 samples per month, to have no more than one sample test positive for total coliforms.

Additionally, for the same reason Florida Administrative Code Rule 17-550.510(6)(2)(1) requires the provider of water to notify the public in accordance with Rule 17-560.410 Florida Administrative Code. This notice shall be given by publication in a newspaper of general circulation, by mail or hand delivery, within 45 days of the date of this letter. A copy of which, shall be mailed to the Department.

The notice shall contain the following:

(a) A clear and readily understandable explanation of the violation;
(b) Any notification of potential adverse health effects;
(c) An identification of (or information on) the population at risk;
(d) The steps the supplier of water is taking to correct the violation;
(e) The preventive measures the consumer should take until the failure is corrected;
(f) The necessity to seek alternative water supplies if any;
(g) The telephone number of the supplier of water or his designee as a source of additional information concerning the notice; and

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(h) Include - the entire paragraph, word for word, from the EPA containing the health effects language used for total coliform. (See sample notice enclosed.)

Public notice is required to keep your system in compliance. To assist you in the development of your public notice, please refer to the sample public notices enclosed.

If you have any questions or need further assistance, please contact me at (813) 744-6100 ext. 462.

Sincerely,

Peter Screnock
Environmental Specialist I
Drinking Water Section

PS/sem

Enclosures:

cc: Citrus CPHU

Florida Department of Environmental Regulation
Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347
Lawton Chiles, Governor 813-620-6100 Carol M. Browner, Secretary

OCT 29, 1992

SOUTHERN STATES UTILITIES INC
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED
NOV 04 1992
ENVIRONMENTAL SERVICES

RE: NONCOMPLIANCE LETTER
PWS ID: 6091735 [C]
SUGARMILL WOODS S/D

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the group(s) listed below. Please call this office with the sample date and lab name within 14 days of the date of this letter. Failure to sample and submit the laboratory results is a violation of Chapter 17-550 of the Florida Administrative Code.

CONTAMINANT(S)	SAMPLE DUE
BACTERIOLOGICAL	09/01/92

FAILURE to SUBMIT REPEAT SAMPLES IN SEPTEMBER.
If you have any questions or need assistance call the Drinking Water Office at EXT. 462
SUGGEST DISTRIBUTION SAMPLES BE TAKEN THE 1ST WEEK OF EACH MONTH.

SINCERELY,

PETE SCRENOCK
ENVIORNMENTAL SPECIALIST I

cc: HRS CITRUS COUNTY PUBLIC HEALTH UNIT

cc: BILL WILLIAMS
JOHN LEVESQUE
FRANK SANDERSON
CHUCK WOOD
JOE MACK
MARY GLENNON
RALPH TERRERO

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File
1) Violations Notebook
2) Sunshine Pkwy

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: Sunshine Parkway Junction of Hwy 19 & 27 by Turnpike

In accordance with Lake County Code you are hereby notified that the above described property is in violation of Section 6.11.00 2.b. - General condition of DEP #0035-220437

DESCRIPTION OF VIOLATION: Failure staff facility with certified personnel ON AS required by DEP permit* 0035-220437

In order to prevent any further legal action, the following corrective measures must be taken by 10/20/94: Submit corrective actions to be taken to prevent future violations

If you desire any further information, please contact:

CODE ENFORCEMENT DEPARTMENT
OLD LAKE COUNTY COURTHOUSE
315 WEST MAIN STREET
TAVARES, FLORIDA 32778
PHONE 904/343-9639

Date 10/12/94
CEB No.

Roy K. Deane
Inspector

Violation

Florida Department of Environmental Protection

SSU
JUL 29 1993
OFFICE

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
P 232 481 214

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

OCD-DW-CE-93-0213

Attention: Bert T. Phillips
President

Lake County - DW
Sunshine Parkway
Sewage Treatment Plant
Consent Order OGC Case No: 93-1462

Dear Mr. Phillips:

Our records indicate the above referenced Consent Order requirements have been completed. Therefore, this enforcement case was closed by this office on July 19, 1993. Thank you for your cooperation in resolving this matter.

If you have any questions, please contact Mr. Peter F. Dentice of this office at (407) 894-7555.

Sincerely,

A. Alexander, P.E.
District Director

Date JUL 28 1993

AA/pd/jb

Enclosure:

cc: Larry Morgan, Esquire, Office of General Counsel
Lake County Code Enforcement

cc: Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Mary Glennon
Chuck Weed
Bruce Paster
Jim Ragsdale
Don Corder
Frank Sanderson

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FILE

VIOLATIONS NOTEBOOK

Rec'd SSU
MAY 0 3 1993
EX OFFICE

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

Rec'd SSU
JUN 0 3 1993
EX OFFICE
RECEIVED
JUN 0 7 '93
ENVIRONMENTAL SERVICES

CERTIFIED
P 232 481 117

OCD-CE-DW-93-0193

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Attention: Bert T. Phillips, President

Re: Proposed Settlement by Short Form Consent Order in Case of Sunshine Parkway WWTF, OGC File No.: 93-1462.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-DW-93-0001 dated January 8, 1993, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $7,957.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $250.00 to reimburse the DER's costs, for a total of $8,207.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within 30 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Central District address given above within twenty one (21) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or

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substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,

A. Alexander, P.E.
District Director

Date 4-29-93

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.

By: _____

Date: 5/10/93

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

A. Alexander, P.E.
District Director

ENTERED this 1 day of June, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK 6/1/93
Date

AA/ac/jb
Enclosures

CC: KARLA TEASLEY
RALPH TERRERO
CARLYN KOWALSKY
CHUCK WOOD
BRUCE PASTER
JIM RAGSDALE
~~SAM~~ DON CORDER
FRANK SANDERSON
MARY GLEASON

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * *

A party who is adversely affected by this Consent Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

Rec'd SSU
MAY 0 3 1993
EX OFFICE

Florida Department of Environmental Regulation
Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767
Lawton Chiles, Governor
Virginia B. Wetherell, Secretary

CERTIFIED
P 232 481 117

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

OCD-CE-DW-93-0193

Attention: Bert T. Phillips, President

Re: Proposed Settlement by Short Form Consent Order in Case of Sunshine Parkway WWTF, OGC File No.: 93-1462.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter OWL-DW-93-0001 dated January 8, 1993, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $7,957.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $250.00 to reimburse the DER's costs, for a total of $8,207.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within 30 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Central District address given above within twenty one (21) days of receipt, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or

substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,

A. Alexander, P.E.
District Director
Date 4-28-93

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.

By: _____

Date: _____

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

_____
A. Alexander, P.E.
District Director

ENTERED this _____ day of _____, 1993 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
CLERK Date

AA/ac/jb
Enclosures

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

RECEIVED

MAR 15 1993

ENVIRONMENTAL SERVICES

CERTIFIED
P 252 137 461

March 12, 1993

OCD-DW-CE-93-0115

Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Lake County - DW
Sunshine Parkway, WWTF
Warning Notice No. OWL-DW-93-0001

Dear Mr. Fisher:

This office has reviewed your February 26, 1993 letter responding to the proposed civil penalties for the violations addressed in the above referenced Warning Letter. After carefully considering the information presented in your letter, the Department tenders the attached revised Penalty Computation Worksheet as its final position relative to civil penalties.

The reduction in civil penalties is predicated on Southern States Utilities' (SSU) commitment to submit the ground water well completion reports and chemical analysis no later than April 20, 1993. Failure to submit this information by that date will result in a Department re-evaluation and possible increase in the civil penalty amount.

SSU is requested to respond to this office within fourteen (14) days of receipt as to its decision regarding the revised civil penalties and entering into a Consent Order to resolve this matter.

If this office does not receive an appropriate response within the time period noted, it will be assumed that SSU is not interested in settling this matter as described above. In that event, this office would be left with no other recourse but to refer the matter to the Department's Office of General Counsel for formal enforcement action.

Sincerely,

A. Alexander, P.E.
District Director

cc: Bert Phillips
Chuck Word
Bruce Paster
Jim Ragsdale
Don Corder
Brian Heath
Mary Glennon
Frank Sanderson
Karla Teasley
Ralph Terrero
Catherine Walker

AA/ac/jb

Attachment

Recycled Paper

PENALTY COMPUTATION WORKSHEET

Violator's Name: Southern States Utilities Services

Identify Violator's Facility: Sunshine Parkway W.W.T.P.

Name of Department Staff Responsible for the Penalty Computations:

Al Castro, P.E.

Date: March 11, 1993

PART I - Class B (no penalty) Determination

Rationale for Class B determination: N/A

PART II - Class A Penalty Determinations

	Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1.	Placing Systems in Operation w/o Approval	Minor	Major	$1,199	-	$960	$2,159
2.	Failure to Implement Ground Water Monitoring Plan	Minor	Major	$1,199	-	-	$1,199
3.	Failure to Provide Initial Sampling Results	Moderate	Major	$4,599	-	-	$4,599
	Total Penalties for all Violations:						$7,957
	Costs and Expenses Incurred by the Department:						$250
							$8,207

(Attach Part III for each violation for which an adjustment or multi-day penalty is determined.)

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

Rev. 5/91

SOUTHERN STATES UTILITIES SERVICES
SUNSHINE PARKWAY, WWTF
"Placing Systems in Operation w/o Approval"

PENALTY COMPUTATION WORKSHEET

Part III - Multi-day Penalties and Adjustments

ADJUSTMENTS	Dollar Amount
Lack of good faith prior to discovery:	
Justification:	
Lack of good faith after discovery:	0.40X$1,199=$480
Justification: The need for record drawings and certification was discussed with a SSU representative on 5/5/92.	
History of non-compliance:	0.40X$1,199=$480
Justification: The Department has taken two past D.W. enforcement actions against the permittee (Deltona Lakes, WWTP(6-14-91) and University Shores, STP #2 (11/13/92))	
Economic benefit of non-compliance:	
Justification:	
Ability to pay:	
Justification:	
Total Adjustments:	$960.00

MULTI-DAY PENALTIES	Dollar Amount
Number of days adjustment factor(s) to be applied:	
Justification:	
Or	
Number of days matrix amount is to be multiplied:	
Justification:	

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

Rev. 5/91

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

RECEIVED

JAN 12 1993

ENVIRONMENTAL SERVICES

CERTIFIED
P 252 137 373

WARNING LETTER #OWL-DW-93-0001

Southern States Utilities Services
1000 Color Place
Apopka, FL 32703

Attention: Rafael A. Terrero, P.E.

Lake County - DW
Sunshine Parkway Wastewater Treatment Facility

Dear Mr. Terrero:

A file review conducted on the Sunshine Parkway Wastewater Treatment Facility indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel noted the following about the above described facility:

1. The reclaimed water transmission and land application systems, addressed in Permit Nos. CS35-187280R and DC35-174231 respectively, have been placed into operation without Department approval. Certification of Completion of Construction and record drawings for the systems have not been submitted to the Department.

2. The Ground Water Monitoring Plan required by Permit No. DC35-174231 has not been implemented. The referenced permit required that the monitoring plan be implemented ninety (90) days from the date of permit issuance (4/30/90). As a result, monitoring well completion and quarterly ground water reports have not been submitted.

3. Initial sampling results of treatment plant reclaimed water and ground water have not been submitted to the Department.

It is a violation for a facility to fail to comply with the following:

A. Section 403.161(1)(b)(2) - Florida Statutes, prohibits violation of any rule, regulation, permit or order.

B. Florida Administrative Code Rule 17-604.500(1) - requires a collection/transmission system....shall not be placed into operation without prior approval of the Department.

C. Florida Administrative Code Rule 17-610.840(1) - requires that a reclaimed water land application system shall not be placed into operation without prior written approval from the Department.

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D. Florida Administrative Code Rule 17-601.700(1) - requires wastewater treatment facilities with permitted capacities of 100,000 gpd, or more, designed so that some or all of the reclaimed water may enter ground waters, shall provide ground water monitoring...

E. Florida Administrative Code Rules 17-522.600(5) (formerly 17-28.700(6)(f)) Ground Water Monitoring Plan - The installation owner shall initiate implementation of the monitoring program based upon the plan within 90 days of the date an appropriate permit is issued.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Al Castro, P.E. of this office at (407)894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Charles M Collins

C. A. Alexander, P.E.
for District Director

Date: 1-8-93

AA/ac/jb

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Chuck Wood
Bruce Paster
Jim Ragsdale
Don Corder
Frank Sanderson
Mary Glennon
Catherine Walker

FILE
1) VIOLATIONS NOTEBOOK
2) TROPICAL ISLES

N'EL FILES

Department of Environmental Protection

Port St. Lucie Branch Office
1801 SE Hillmoor Drive
Suite C-204
Port St. Lucie, FL 34952
(407)871-7662 (407)335-4310

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

OCT 2 1 1994

Received
OCT 2 4 1994
Environmental Services

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Rafael Terrero, P.E., Manager
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, FL 32703

Notice of Noncompliance
Tropical Isles WWTF

Dear Mr. Terrero:

Florida Administrative Code (FAC) rule 62-600.410(8) requires that, when odor or noise from a treatment facility or equipment adversely affect neighboring developed areas, the permittee must take corrective action. On April 19, 1994, when investigating an odor complaint filed against the Tropical Isles wastewater treatment facility by a resident of Tropical Isles, Department personnel were told by Southern States Utility personnel that they were in the process of adding a cover over the surge tanks to reduce the odors. On October 20, 1994, Department personnel documented that these tanks had not been covered. On July 11, 1994, Department personnel, investigating a noise complaint against this facility by a resident of Tropical Isles, were told by Southern States personnel that insulation to reduce the noise would be installed in the blower room that week. On October 20, 1994, Department personnel documented that this insulation had not been installed. From the dates of the complaint investigations until October 20, Department personnel were under the impression that the corrective actions had been made.

Be advised that rule 62-600.740(2)(g) prohibits the submission of misleading information by the owner or operator of a domestic wastewater facility, either knowingly or through neglect. In the Department's opinion, the information submitted by Southern States personnel became misleading when the corrective actions were not taken as promised, and the Department was not informed.

Protect, Conserve and Manage Florida's Environment and Natural Resources

Printed on recycled paper.

Within fifteen (15) days of the receipt of this letter, please respond in writing, outlining the steps you are taking to correct the odor and noise problems at the facility and to prevent submittal of misleading information to the Department.

If you have any questions, contact this office at (407)881-7662.

Sincerely,

Jerry Toney
Environmental Specialist

cc: Domestic Wastewater Permitting, WPB/Sze

cc: Tim Vansickle (Faxed)
Kick Erk
Ray Gagnon
Kaleth Terrero
[illegible]
Chuck Weed
Bruce Paster

Mary Glennon
Carlyn Kowalsky
Sandy Joiner

FILE
VIOLATIONS NOTEBOOK
MEL FISHER

Florida Department of
Environmental Protection

Received
MAY - 4 1994
Environmental Services

Port St. Lucie Branch Office
1801 S.E. Hillmoor Drive, Suite C-204
Port St. Lucie, Florida 34952

(407)871-7662
(407)335-4310

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

MAY 2 1994

Rafael Terrero, P.E., manager
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, FL 32703

Notice of Noncompliance
DW-St. Lucie County
Tropical Isles WWTF

Dear Mr. Terrero:

A review of your wastewater Monthly Operating Report for the month of March, 1994, revealed the following noncompliance items:

The CBOD5 is required to be reported monthly. None was reported.

The TSS is required to be reported monthly. None was reported.

You may wish to consult with your operator to address the above items.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

Your anticipated cooperation in correcting the above deficiencies is appreciated. If you have any questions, please contact this office at (407) 871-7662 or (407) 335-4310. In the event of continued noncompliance the Department may initiate enforcement action.

Sincerely,

J.C. Toney
Environmental Specialist

cc: Domestic Waste Permitting, WPB

cc: JIM RAGSDALE
SAM SPARKS
TIM VANASDALE
PRISCILLA WAMPLER
FRANK SANDERSON
RALPH TERRERO
SANDY JOINER
MARY GLENNON

FILE
1) TROPICAL ISLES
2) FISH. HAVEN
3) VIOLATIONS NOTEBOOK

S S U

ENVIRONMENTAL SERVICES COMPLIANCE



DATE: May 20, 1994

TO: Memo for the Record

FROM: Mel Fisher

RE: Tropical Isles - Notice of Noncompliance Dated May 2, 1994

In reference to the attached FDEP Notice of Noncompliance, effluent samples were collected and analyzed for CB0D5 and TSS in March, 1994 but were inadvertently omitted from the original Monthly Operating Report. A Revised MOR was prepared and hand-delivered to FDEP by Frank Vanasdale on May 20, 1994.

A Revised March, 1994 MOR was prepared and hand-delivered for the Fisherman's Haven WWTP for the same reason.

This memorandum is written for the purpose of documentation for any future rate case.

MF/kh

Attachment

c: Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Jim Ragsdale
Sam Sparks
Tim Vanasdale
Frank Sanderson
Sandy Joiner
Mary Glennon

kh/mf/tropnon.mem

File
Violations Notebook

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

Port St. Lucie Office
1801 S.E. Hillmoor Drive, Suite C-204
Port St. Lucie, Florida 34952

JUL 16 1993

NOTICE OF NONCOMPLIANCE
DW - St. Lucie County

Charles L. Sweat, President
Southern States Utilities
Tropical Isles WWTF
1000 Color Place
Apopka, FL 32703

Dear Mr. Sweat:

A review of your wastewater plant files revealed the following noncompliance item:

> According to a Specific Condition of your permit, flow measurement devices are required to be calibrated annually with the certification of calibration submitted to the Department the following January. We have not received the certification of calibration for 1992 which was to have been submitted in January of 1993. If the calibration was performed in 1992, please submit the certification.

You may wish to consult with your operator and/or engineer to address the above item.

Please be aware that this letter does not supersede other Department correspondence, notification of deficiencies in other areas, enforcement actions, etc.

If you have any questions, please contact Jerry Toney at (407) 878-3890 or (407) 335-4310.

Sincerely,

Larry O'Donnell
Environmental Manager

LO/jts

cc: Domestic Waste Permitting, DEP, West Palm Beach

Jim Kaisdale
Sam Sparks Tim Vanasdale
Chuck Wood
Bruce Paster

RECEIVED
JUL 19 1993

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MEET 1) TROPICAL ISLES
FILE 2) CURRENT ISSUES NOTEBOOK

Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor

Carol M. Browner, Secretary

AUG 2 8 1992

Rafael Terrero, P.E.
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, Florida 32703

NOTICE OF NONCOMPLIANCE
DW - St. Lucie County
Tropical Isles WWTF

Dear Mr. Terrero:

On April 24, 1992, the digestor at Tropical Isles overflowed after the plant was left wasting overnight. The operator at that time was T. Vanasdale. On August 26, 1992, the digestor again overflowed because the plant was again left wasting overnight. The operator was L. Polk.

We understand how an operator could forget to shut off the flow to the digestor. However, the plant is designed with features that are supposed to prevent this from happening. There is an overflow pipe from the digestor to the first aeration tank. This apparently is configured so that overflow of the digestor cannot be prevented. Please modify this pipe so that the overflow system can function as intended. If you have any questions, contact Jerry Toney at (407) 878-3890.

Sincerely,

John A. Meyer
Port St. Lucie Branch Manager

JAM/jts

cc: DW Permitting, WPB

cc: BERT PHILLIPS
JIM RAGSDALE
SAM SPARKS
TIM VANASDALE
KARLA TEASLEY
RALPH TERRERO
FRANK SANDERSON
CHUCK WOOD

RECEIVED
AUG 31 1992
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Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor — Carol M. Browner, Secretary

AUG 1 9 1992

Rafael Terrero, P.E.
Southern States Utilities, Inc.
Environmental Services Department
1000 Color Place
Apopka, Florida 32703

NOTICE OF NONCOMPLIANCE
DW - St. Lucie County
Tropical Isles WWTF

1) TROPICAL ISLES
2) CONSENT ORDER NOTEBOOK

Dear Mr. Terrero:

According to Florida Administrative Code (FAC) 17-602, a lead operator is defined as the certified operator who performs on-site treatment plant operation and who is responsible for the overall treatment plant operation. The July Domestic Wastewater Monthly Operating Report for Tropical Isles in St. Lucie County has Tim Vanasdale as lead operator. The plant was actually operated that month by Charles Shepherd and Lowell Polk. The O & M log contains only those signatures for that month. There is no record that Mr. Vanasdale performed the on-site operation necessary to qualify as lead operator. Instead, Charles Shepherd should have signed the Monthly Operating Report as lead operator.

Please comply with the Chapter 17-602, FAC, by prohibiting anyone but the certified operator actually operating the plant from signing Monthly Operating Reports as lead operator. If you have any questions, contact Jerry Toney at (407) 878-3890.

Sincerely,

John A. Meyer
Port St. Lucie Branch Manager

JAM/jts

RECEIVED
AUG 2 1 1992
ENVIRONMENTAL SERVICES

cc: DW Permitting, DER, West Palm Beach

CC: JIM RAGSDALE
SAM SPARKS
TIM VANASDALE
FRANK SANDERSON

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Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

November 4, 1992

Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

OCD-PW-CE-92-1917

Attention: Charles Sweat

Osceola County - PW
Tropical Park
PWS ID Number: 3491498

NOV 09 1992

ENVIRONMENTAL SERVICES

Dear Mr. Sweat:

As the owner of a community water supply system, you are required to submit chemical samples, to a certified laboratory at four-year intervals and report the results to this office. According to our records, the analysis result for the following parameter was due by the date indicated below:

Parameter:	Date:
Gross alpha (plant 1)	3-21-92

Samples shall be collected and submitted to an approved laboratory and this Department notified of the date of submittal and laboratory name no later than fourteen (14) days from the date of this letter or this matter will be referred for appropriate enforcement action. You must submit a copy of the laboratory results to this office upon your receipt of such from the laboratory.

If you have any questions, please contact Ms. Marie Carrasquillo at 407/894-7555.

Sincerely,

W.E. Darling, Supervisor
Drinking Water Compliance/Enforcement

WED:mc/mg

cc: Osceola County Health Department

cc. Karla Teasley
Ralph Terrero
Jim Ragsdale
Sam Sparks
Frank Sanderson
Mary Glennon

Recycled Paper

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

NOV - 8 1994

CERTIFIED MAIL -P254-841-723
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities (SSU)
1000 Color Place
Apopka, Florida 32073

Received
NOV 15 1994
Environmental Services

RE: Request For Information
NPDES Permit No. FL0024856
Southern States Utilities - University Shores
Southern States Utilities - Lake Gibson Estates

Dear Mr. Fisher:

The Environmental Protection Agency (EPA) has received your letter dated August 31, 1994, in response to the request for information letter dated August 8, 1994 and has concluded that it lacks information. Without this information, EPA is unable to assess compliance with all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) Permit.

In order for this Agency to fulfill its responsibilities under the Clean Water Act (the Act), you are required to submit the information requested below within 30 days of receipt of this letter.

In your letter you state that an interconnection is being constructed between University Shores wastewater treatment plant (WWTP) and Orange County Utilities and that this option is more feasible than an expansion of your existing facilities. This indicated to EPA that SSU undertook a substantial engineering and financial study to arrive at that decision.

1) Explain "feasible" in terms of financial benefit to SSU and its customers and environmental benefit.

2) What is the estimated capital cost of construction for the interconnection between University Shores WWTP and Orange County Utilities? What is going to be the incremental change in SSU's annual expenses for the University Shores franchise as a result of interconnection with Orange County Utilities?

3) Provide the complete analysis on possible solutions to the effluent disposal capacity concerns at University Shores mentioned in your August 31 letter.

In your letter you state that SSU made "significant improvements" at University Shores, which allowed effluent from Plants #1 and #2 to be sent as reclaimed water and that there have been no discharges to surface waters since February 7, 1994.

4) Have there been any discharges to surface waters from your facility since August 31, 1994?

5) Provide a detailed explanation as to what improvements were made at the University Shores effluent disposal sites. Please categorize these improvements as either a capital expense or a recurring annual expense, along with the amount of investment.

6) What was the capital cost for the "significant improvements" that SSU made at University Shores?

On September 15, 1994, a sanitary sewer overflow occurred at Lake Gibson Estates, Polk County, Florida. You contacted EPA on September 21, 1994, telephonically and followed up with a written report on September 30, 1994. The report states that the overflow was caused at a manhole through infiltration in the system from "the 3.2 inch rain storm" and that corrective actions were taken by chlorinating around the manhole, collecting fecal coliform samples, and contacting all agencies.

7) What were the analytical results of the fecal samples?

8) Has this ever occurred before at Lake Gibson Estates? If so, submit reports including analytical results for all discharges that reached surface waters.

The report also states that the manholes and lines in the system were checked for leaks.

9) What was the outcome of this and what actions were taken to repair?

10) Does SSU have a written Standard Operating Procedure (SOP) to follow in the event of sprayfield overflows at the University Shores disposal sites? Does SSU have a written SOP to follow in the event of collection system overflows, such as the above incident at Lake Gibson Estates?

From this date forward and until further notice, you are requested to submit all information regarding sanitary sewer overflows from all SSU facilities in the State of Florida that reach, or have a reasonable potential to reach, waters of the

U.S. Please direct your response to this inquiry to Mr. Robert Burns at the address above.

This requirement is imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply, by you or your company, with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

If you or a contractor working for you believe that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure A.

If you have any questions regarding this letter or your NPDES Permit, please contact Mr. Burns at (404)347-7428 x2024.

Sincerely,

for Jamerald Scarbrough

Robert F. McGhee
Acting Director
Water Management Division

Enclosure

cc: Florida Department of Environmental Protection
Southwest District

FDEP - Central District, Orlando

CC: Bert Phillips
Karla Teasley
Carlyn Kowalsky
Ralph Terrero
Sandy Joiner
Mary Glennon
Chuck Wood
Bruce Paster
Ray Gagnon
Rick Eck
Kevin Burgess
Randi Kaplan
Frank Sanderson
Dennis Fuller

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AUG 08 1994

CERTIFIED MAIL P014960685
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Received
AUG 16 1994
Environmental Services

RE: Request for Information
NPDES Permit No. FL0024856
Southern States Utilities - University Shores WWTP

Dear Mr. Fisher:

In order for this agency to fulfill its responsibilities under the Clean Water Act (the Act), the following information is required to be submitted within fifteen (15) days of receipt of this letter:

1) A report of progress on the expansion and modification, at your facility, which was described in the construction schedule previously submitted by you to this office on June 1, 1993. Please provide details on the current status of the projected expansion of Plant #2 scheduled for completion in June 1994, as well as any related changes in the operation of Plant #1 or disposition of its effluent.

This requirement is imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply, by you or your company, with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

In addition to this matter, we would take this opportunity to advise you that we have completed our review of the federal income tax return copies submitted by you at our last request and have noted that these were not signed and did not include supporting schedules. Please furnish copies of complete federal income tax returns covering operations of the above listed facility, or parent corporation if filed as a consolidated

return, for tax years 1989, 1990, 1991, 1992, and 1993. These must be copies of the actual returns, with all supporting schedules, as signed and submitted to the Internal Revenue Service for the tax years indicated above.

If you or a contractor working for you believe that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim are found in Enclosure A.

Please direct your response to this inquiry to Ms. Yvonne Martin, Chief, Florida/Alabama/Mississippi Unit, Enforcement Section, Water Permits and Enforcement Branch, using the above address. If you have any questions, you may contact Mr. Ed R. Decker at (404) 347-3555, ext. 2001.

Sincerely yours,

For James H Scarbrough

Robert F. McGhee, Acting Director
Water Management Division

Enclosure

cc: Florida Department of Environmental Protection
Central District Office

cc: BERT PHILLIPS
KARLA TEASLEY
CARLYN KOWALSKY
KALYN TERRERO
MARY GLENNON
SANDY JOINER
CHUCK WOOD
BRUCE FASTER
RAY GAGNON
JIM RAGSDALE
RICK ECK

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulations relating to business confidentiality claims are found at Title 40, Code of Federal Regulations (C.F.R.), Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). Method and time of asserting business confidentiality claim. A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

Orange County

Environmental Protection Department
Storage Tanks Compliance Section
J. M. Bateman, P.E., Manager
2002 East Michigan Street
Orlando, Florida 32806-4999
Telephone (407) 836-7450

January 3, 1994

CERTIFIED MAIL: P 037 767 727

Ms. Mary Glennon
Southern States Utility Services
1000 Color Place
Apopka, FL 32703-7753

RECEIVED
JAN 05 '94
ENVIRONMENTAL SERVICES

RE: Southern States Utility Services
FDEP# 489100738
Chapter 17-761, FAC Non-Compliance

Dear Ms. Glennon:

The Orange County Environmental Protection Department (OCEPD) is currently contracting with the Florida Department of Environmental Protection (FDEP) to inspect all regulated pollutant storage tank facilities within Orange County for compliance with Chapters 17-761 and 17-762, Florida Administrative Codes (FAC), the underground tank rule and the aboveground tank rule, respectively.

An inspection of the above-referenced facility located at 2600 Harrell Rd., Orlando, Florida, was conducted by the Department on December 21, 1993. This inspection was conducted under the authority of Chapter 376, Section 303, Florida Statutes, and is designed to determine the compliance status of the facility with regard to Chapter 17-761 FAC. During this inspection, possible non-compliance items were noted and recorded on the enclosed compliance inspection form.

Therefore, this facility may currently not be operating in compliance with Chapter 17-761, FAC standards. Any non-compliance items should be corrected. Failure to take corrective actions as specified in the enclosed "Suggested Corrective Actions" may result in enforcement action and the assessment of penalties.

Please notify this Office, in writing within fourteen (14) calendar days of the receipt of this letter, as to proposed corrective actions. Please include a proposed timeframe for corrective actions to be completed.

Should you have any questions, please contact Dennis Weatherford at (407) 836-7450.

Sincerely,

Mark A. Lobe
Tanks Section Supervisor

DW/ML/NS:clb
Enclosure

SUGGESTED CORRECTIVE ACTIONS

Southern States Utility Services, Orange County
FDEP# 489100738

1. Facility registration information should be updated to reflect actual construction material and/or equipment currently at the facility.

   A registration form was given to facility personnel during the inspection. Please insure that the form is completed, signed and mailed to the FDEP (formerly FDER) Tallahassee office within ten (10) days of the receipt of this letter. A copy should also be sent to this Office with your response to this letter.

2. An approved method of release detection is required for tank #3, a 2,000 gallon underground methanol storage tank. Corrective action should be initiated within thirty (30) days of receipt of this letter. See Items #36 and #40 on the attached inspection form.

3. Underground storage tanks which are out-of-service and are not intended to be returned to active service are required to be properly closed. Therefore, within ninety (90) days of receipt of this letter, tank #5 (2,000 gallon underground methanol storage tank), should be properly closed. See Items #52 and #53 on the attached inspection form.

DW/clb

5/02/60

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLLUTANT STORAGE TANK SYSTEM
INSPECTION REPORT FORM - COVER PAGE

FACILITY ID #: 488100779 COUNTY: ORANGE
FACILITY NAME: SOUTHERN STATE UTILITY SERVICES
FACILITY LOCATION: 2600 HARRELL RD, ORLANDO
FACILITY CONTACT: HILTON, JOHN - RICK ECK PHONE: (407) ~~850-0058~~ 671-2430
OWNER: SOUTHERN STATES UTILITY SERVICES PHONE: (407) 880-0058
OWNER ADDRESS: 1000 COLOR PL, APOPKA, FL, 32703-7753
OWNER CONTACT: MARY GLENNON OWNER CHANGE DATE: 03/07/91
LATITUDE: 28-35-50 LONGITUDE: 81-17-05 FAC TYPE: NON-RETAIL BUSINESS
LAST UST COMPLIANCE DATE: 00/00/00 LAST AST COMPLIANCE DATE: 05/13/
CONTAMINATION DATA AVAILABLE: OTHER

TANK #	SIZE	CONTENT	INSTALL DATE	UNDER OR ABOVE	TANK TYPE	INTEGRAL PIPING	MONITORING SYSTEM	TA ST
1	550	G	12/90	A	CK	ABG	I	L
2	500	G	XX/XX	U	D	Y	Y	~~F~~
3	2000	T	XX/XX	U	E	I	M	L
4	2500	T	XX/XX	A	~~X~~E	~~X~~B	Y	~~F~~
5	2000	~~X~~T	XX/XX	U	D	Y	Y	~~F~~
6	200	G		A	C	A	I	U
7	100	G		A	C	A	I	U
8	300	G		A	C	A	I	U

INSPECTION TYPE (CHOOSE ONE)
- ✓ ROUTINE
- __ INSTALL
- __ ABANDONED
- __ DISCHARGE
- __ CLOSURE
- __ REINSPECT

SITE INFORMATION (ALL THAT APPLY)
- __ NEAR PUB WELL
- __ CONTAMINATED
- __ COMPLAINT
- __ ACID TANKS
- __ REPAIRED
- __ UPGRADED
- __ UST & AST
- __ HAZARD MAT

DISTRICT OR LOCAL PROGRAM: Orange County EPD 836-7450

TOR NAME (PRINT) D Weatherford CONTACT NAME (PRINT) x MARY ANN GLENN

via [signature] 12/21/93
TOR'S SIGNATURE & DATE

[signature]
CONTACT'S SIGNATURE & DATE

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLLUTANT STORAGE TANK SYSTEM
INSPECTION REPORT FORM - COVER PAGE

FACILITY ID #: 489100738 COUNTY: ORANGE
FACILITY NAME: SOUTHERN STATE UTILITY SERVICES
FACILITY LOCATION: 2600 HARRELL RD, ORLANDO
FACILITY CONTACT: HILTON, JOHN PHONE: (407) 880-0058

COMMENTS: DRF 6/6/92 ⇒ Diesel sheen noted in pit during removal of tank #2.
⇒ TANK #3 contains methanol - # is active
⇒ TANK #4 Contains Liquid Alum
⇒ TANK #5 used to contain methanol # is now empty - OOS - not properly closed
⇒ TANKS #1, #6, #7, #8 exempt from FAC 17-762
⇒ TANK #8 is a 300 gallon day TANK ([redacted]) tank / under gen.

1) ⇒ Need to update registration. - left form
2) ⇒ Need to properly close tank #5
3) ⇒ Need to provide a method of release detection for tank #3

Facility I.D.#: 489100738
Date: 12/21/93

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION FORM

			Yes	No	Unk	N/A
REGISTRATION/NOTIFICATION: Comments						
1.	Facility has registered all applicable tanks on site; 17-761.400	1.	✓			
2.	Current registration placard is properly displayed: 17-761.410(6)	2.	✓			
Proper notification has been made for the following: 17-761.450:						
3.	Proper closure (30 days prior); (1) (a)	3.				✓
4.	Change of ownership (30 days after); (1) (b)	4.				✓
5.	Upgrading, replacement or installation (10 days prior); (1) (c)	5.				✓
6.	Change of tank status (in service/out of service), (within 30 days); (1) (d)	6.		✓		
7.	Change of facility status (e.g. substances stored), (within 30 days); (1) (e)	7.		✓		
8.	Change of method of financial responsibility (within 30 days): (3)	8.				✓
9.	Start of closure, upgrades or installation (24 hr. verbal or written); (4)	9.				✓
II. **RECORD KEEPING** Comments:						
10.	All records were maintained for two (2) years and were available for inspection within five (5) working days; 17-761.710 (1)	10.	✓			
11.	Some but not all records were maintained for two (2) years and were available for inspection within five (5) working days; 17-761.710 (1)	11.				✓
III. **REPORTING/DISCHARGE RESPONSE/REPAIRS:** Comments:						
Proper reporting requirements been met for the following, 17-761.460						
12.	Results of tightness test; (1)	12.				✓
13.	Any spill, overfill, or other discharge within one working day of discovery; (2)	13.				✓
14.	Suspected releases within one working day of discovery; (3) (a), (b)	14.				✓
15.	Confirmed releases (positive response of a release detection device) within one working day of discovery; (3) (c)	15.				✓
The owner or the operator of the system which has discharged has:						
16.	Taken it out-of-service; 17-761.700 (1), had it repaired or replaced; .700, or properly closed it; .820 (1)	16.				✓
17.	Removed any regulated substances from the system; 17-761.820 (1)	17.				✓
18.	Tightness tested all repaired components before placing them back in service; 17-761.700 (6)	18.				✓
19.	Had repairs or replacements performed by a certified contractor; 489.105 (3)	19.				✓
20.	Had tightness tests performed by registered tank tester; 17-761.200	20.				✓
21.	Begun initial corrective actions for a release; 17-761.820 (2)	21.				✓
IV. **INVENTORY REQUIREMENTS:** Comments:						
22.	All inventory requirements maintained in accordance with 17-761.720 (1)	22.	✓			
23.	Some, but not all inventory requirements maintained in accordance with 17-761.720 (1)	23.				✓
V. **PERFORMANCE STANDARDS/CATHODIC PROTECTION** Comments:						
Storage tank criteria; 17-761.500, .520 and .550:						
24.	Facility meets applicable storage tank standards; (1)	24.	✓			
25.	Systems meet siting requirements; (4)	25.	✓			
26.	Tank(s) equipped with spill containment; (5) (b)	26.				✓
27.	Tank(s) equipped with overfill protection; (5) (b)	27.				✓
28.	Facility meets construction upgrading schedule; 17-761.510	28.				✓

Facility ID #: 489/0073S
Date: 12/2/93

UNDERGROUND STORAGE TANK COMPLIANCE INSPECTION FORM

PERFORMANCE STANDARDS/CATHODIC PROTECTION Continued

		Yes	No	Unk	N/A
Piping criteria; 17-761.500:					
29. New piping has secondary containment; (2)	29.				✓
30. Dispensers are upgraded with properly installed and maintained liners: (6)	30.				✓
31. Facility meets construction upgrading schedule; 17-761.510 (6)	31.				✓
Cathodic Protection/Certified Contractors /Tightness Testing					
32. Cathodic protection system provides continuous protection; 17-761.730 (1)-(4)	32.				✓
33. PSSSC conducted all storage tank repairs, installations or removals: 17-761.740 (1)-(9)	33.				✓
34. Test performed by a D.P.R.-registered tester; 17-761.740	34.				✓

VI. RELEASE DETECTION/MONITORING WELLS Comments:

		Yes	No	Unk	N/A
35. New petroleum or hazardous substance storage tanks provided with an approved release detection system upon installation; 17-761.600 (3)	35.				✓
36. All release detection systems meet general release standards; 17-761.600	36.		✓		
37. Release detection systems are monitored for a discharge at least every 30 days; 17-761.600 (5)	37.				✓
38. Groundwater monitoring wells are properly sampled and meet the requirements of 17-761.640 (1)	38.				✓
39. Vapor monitoring wells are properly sampled and meet the requirements of 17-761.640 (2)	39.				✓
An approved release detection system is provided for:					
40. Existing hazardous substance storage tanks; 17-761.560	40.		✓		
41. Existing vehicular fuel storage tanks; 17-761.610	41.				✓
42. Other existing regulated substance storage tanks; 17-761.620	42.				✓
43. Integral piping provided with secondary containment; 17-761.630	43.				✓
44. Integral piping without secondary containment; 17-761.640 (8)	44.		✓		

VII. OUT-OF-SERVICE STATUS Comments:

		Yes	No	Unk	N/A
45. Storage systems have been emptied of regulated substances; 17-761.200 (26)	45.			✓	
Out-of-Service storage tank systems have; 17-761.800:					
46. Corrosion protection properly maintained; (1) (a) (1)	46.				✓
47. Release detection system monitored for evidence of a discharge at least every six months: (1) (a) (2)	47.		✓		
48. Vent lines open, ancillary equipment secured; (1) (b)	48.			✓	
49. Been upgraded or replaced before returning to service; (1) (c)	49.				✓
50. Been tested tight before returning to service; (1) (c)	50.				✓
51. Been out-of-service for no more than two years; (1) (d)	51.		✓		
52. Been out-of-service for no more than 12 months (unprotected bare steel systems); (2) (b)	52.		✓		
53. Proper closure for an unmaintained tank; (2)	53.		✓		
54. Had a closure assessment properly performed; (3)	54.				✓

VIII. VARIANCE Comments:

		Yes	No	Unk	N/A
55. Facility applied for Alternate Procedure (Explain in comment) 17.761.850	55.				✓

IX. Other Comments:

		Yes	No	Unk	N/A
56. Any other violations noted during inspection (Explain in comments)	56.				✓

Florida Department of
Environmental Protection

Rec'd SSU
NOV 0 1 1993
EX OFFICE

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

CERTIFIED
P 232 481 338

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

OCD-CE-DW-93-0315

Attention: Bert T. Phillips
President

Orange County - DW
University Shores STP #2
Sewage Treatment Plant
Consent Order OGC Case No: 93-3352

Dear Mr. Phillips:

Our records indicate the above referenced Consent Order requirements have been completed. Therefore, this enforcement case was closed by this office on October 8, 1993. Thank you for your cooperation in resolving this matter.

If you have any questions, please contact Al Castro, P.E. or Clarence Anderson of this office at (407) 894-7555.

Sincerely,

A. Alexander, P.E.
District Director

Date: 10/29/93

AA/ca/jb

cc: Larry Morgan, Esquire, Office of General Counsel

cc: Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Sandy Joiner
Mary Glennon
Chuck Wood
Bruce Paster
Jim Ragsdale
Sam Sparks
Rick Eck

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MEL FISHER

Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

CERTIFIED
P 232 481 275

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

OCD-DW-CE-93-0249

Attention: Bert T. Phillips, President

Re: Proposed Settlement by Short Form Consent Order in Case of University Shores, STP #2, OGC File No.: 93-3352.

Dear Mr. Phillips:

The purpose of this letter is to complete the settlement of the violations previously identified by the Department of Environmental Protection ("DEP") in the Warning Letter No. OWL-DW-92-0020 dated November 13, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of $14,599.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with $500.00 to reimburse DEP's costs, for a total of $15,099.00. This payment must be made to "The Department of Environmental Protection" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund." The payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within 30 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DEP Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this settlement offer, you waive your

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right to an administrative hearing to contest this settlement pursuant to §120.57, Florida Statutes, and your right to appeal this settlement pursuant to §120.69, Florida Statutes. This offer to settle is open until 21 days of receipt or until DEP otherwise withdraws the offer. If you do not sign and return this letter to the Department at the Central District address given above within the aforementioned timeframe, the case will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,

for A. Alexander, P.E.
District Director

Date 9/8/93

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: Southern States Utilities, Inc.

By: _____

Date: 9-13-93

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A. Alexander, P.E.
District Director

ENTERED this _____ day of _____, 1993, in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK Date

AA/ac/jb
Enclosures

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

RECEIVED

MAY 4 1993

ENVIRONMENTAL SERVICES

CERTIFIED
P 232 481 126

May 4, 1993

Southern States Utilities
1000 Color Place
Apopka, FL 32703

OCD-CE-DW-93-0207

Attention: Melvin E. Fisher
Environmental Compliance Administrator

Orange County - DW
University Shores, STP #1

Dear Mr. Fisher:

This office has completed its review of the six (6) monthly definitive bioassay testing results submitted by your office for the above referenced facility.

The testing results reveal that the effluent continues to exhibit toxicity to the test organism Ceriodaphnia Dubia. This continuing condition is unacceptable to the Department pursuant to Rule 17-302, F.A.C.

As a result, Southern States Utilities (SSU) is herein put on notice that the toxicity problem shall be corrected, and demonstrated as such to the Department's satisfaction, within 90 days from the date of this letter. Failure to comply with this requirement will make it necessary for SSU to enter into a Consent Order with the Department to eventually eliminate the surface water discharge from this facility.

If you have any questions in this matter you can contact Al Castro, P.E. or Phil Kane, Ed.D of this office.

Sincerely,

Carlos Rivero-deAguilar, P.E.
Program Administrator
Water Facilities

CRA/ac/jb

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Jim Ragsdale
Sam Sparks
Chuck Wood
Bruce Paster
Frank Sanders
Mary Glennon

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

RECEIVED
APR 30 1993
ENVIRONMENTAL SERVICES

APR 26 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Jim Ragsdale
Sam Sparks
Chuck Wood
Bruce Paster
Frank Sanderson
Mary Gleason

RE: Information Request
University Shores WWTP #1
NPDES Permit No. FL0024856

Dear Mr. Fisher:

This letter is a follow-up of the Show Cause meeting held on March 31, 1993, between you and EPA officials.

In order for this Agency to fulfill its responsibilities under the Clean Water Act (the Act), the following information is required to be submitted within thirty (30) days of receipt of this letter:

1) Details of what is presently being done to eliminate future discharge from the above referenced facility. Provide any preliminary and/or final studies performed to this effect.

2) An engineering report detailing the proposed expansion of the University Shores #2 plant. Include a schedule specifying the month and year when milestones are expected to be complete. Milestones should include permit application and receipt, bidding, notice to proceed, construction start and finish, etc. Also, include details of costs such as planning and design, construction, land acquisition, equipment, reuse facilities/equipment, incremental annual operation, maintenance and replacement, etc.

cc: John Johnson
(Troutman, Sanders)

3) An explanation relating particulars of the plans being made to obtain access for effluent disposal to two golf courses presently being used for spray irrigation by the City of Winter Park.

4) It is our understanding that revised Discharge Monitoring Report (DMR) data submitted by your office do not include all testing done in a specific month. Specifically, all data for total nitrogen, total kjeldahl nitrogen, total phosphorus, and fecal coliform were not included in the DMRs for March 1990, and August through October 1991. It is a requirement to report all results of analyses done during a given month on the appropriate DMR. An explanation for any practice which differs from this requirement must be provided.

5) Details pertaining to the replacement of the methanol pumps and feeding system. Include costs and dates.

6) An organizational chart indicating all of Southern States Utilities (SSU) subsidiaries and parent companies.

In the event that EPA may select the option of assessing an administrative penalty, Section 309(g)(3) of the Act (33 U.S.C. §1319(g)(3)) requires EPA to assess among other things, ability to pay a penalty. To assist EPA in fulfilling this statutory requirement, furnish to the Agency copies of signed U.S. Income Tax Forms for the parent company, under which SSU filed, for the past five (5) years. For corporations and Subchapter S corporations, this will be IRS Form 1120 (and 1120-A) or 1120-S, respectively. For EPA to adequately assess an "ability to pay" claim, you will have to include Schedules L and M-1 with each return. For partnerships, the form should be IRS Form 1165. Schedule 1165-L will be necessary. If your business is a sole proprietorship, then the required form will be Form 1040, Schedule C. Income tax returns are treated as confidential information, and are not available to the public.

Should you choose not to furnish such information, EPA will conclude that there is no inability to pay a penalty up to the statutory maximum.

These requirements are imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply (by you or your company) with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

If you or your company believe that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure A.

Please direct your response to this inquiry to Jek Jimenez in the Florida\Alabama\Mississippi Unit, Enforcement Section, Water Permits and Enforcement Branch, using the above address. If you have any questions, you may contact Mr. Jimenez at (404) 347-3973.

Sincerely yours,

R. G. McKee for

W. Ray Cunningham, Director
Water Management Division

Enclosure

cc: Peter Dentice, FDER, Central District

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulations relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). Method and time of asserting business confidentiality claim. A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

FEB 19 1993

RECEIVED
FEB 22 1993
ENVIRONMENTAL SERVICES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Environmental Compliance Administrator
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

cc: Bert Phillips
Karla Tenley
Ralph Terrero
Frank Sansegen
Charles Sweat
Chuck Weed
Bruce Faster
Jim Knisely
Scott Vierima
Sam Sparks
Mary Glennon

RE: Notice of Show Cause
University Shores #1 WWTP
NPDES Permit No. FL0024856

Dear Mr. Fisher:

It has come to our attention that the Southern States Utilities is in violation of the above referenced permit. Specifically, the above referenced facility has violated effluent permit parameter requirements from October 1988 through the present.

Such violations are subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of compliance orders, administrative action to assess penalties, and/or the initiation of civil or criminal actions. Therefore, this agency requests that representatives of the Southern States Utilities be present in this office on Thursday, March 11, 1993, at 1:30 pm to show cause why this agency should not refer the matter to the U.S. Attorney for initiation of civil or criminal proceedings or institute administrative proceedings to assess penalties. The representatives should be prepared to provide all relevant information with documentation, pertaining to the above violations including, but not limited to, any financial information which may reflect your ability to pay a penalty. You have the right to be represented by legal counsel. Agency legal counsel will be in attendance.

Printed on Recycled Paper

We have reviewed your response to our letter of October 27, 1992. There are some questions that have arisen after the inspection of your plant on November 24, 1992. In order for this agency to fulfill its responsibilities under the Clean Water Act (the Act) the following information is required to be submitted within fifteen (15) days of receipt of this letter:

1) The current NPDES permit specifies the schedule for complying with the total residual chlorine limitation of 0.01 mg/l by September 1, 1989. Why was this parameter not complied with until January 1991? On your response to our information request letter of October 27, 1992, it is indicated that design for the dechlorination facilities did not begin until 1989. Please include a chronology, including any supporting documentation, of all the aspects of implementing the dechlorination facilities. This should include the dates that: SSU was first aware of the new requirement, bid announcements, contract awards, facility design start and end, construction permitting request and award, all unforeseeable events that may have caused a delay in plans, and any other information thought necessary.

2) How much money did SSU spend on sulfur dioxide (SO_2) in 1991 and 1992? If it is not possible to obtain exact amounts, please estimate the amount for each year.

3) In reference to the overflow pipes at the percolation ponds for the #1 and #2 plants, we have received reports that the ponds have overflowed through these pipes in the past. Please specify how many percolation pond sites are used by these two plants, how many ponds in each site, the final destination of the treated wastewater when discharged through the overflow pipes at each site and, a list of overflows in the past five years, including the amount of wastewater and duration of the discharge, and reason why. Also, give an explanation why EPA was not notified of such discharges.

In the event that EPA may select the option of assessing an administrative penalty, Section 309(g)(3) of the Act (33 U.S.C. §1319(g)(3)) requires EPA to assess among other things, ability to pay a penalty. To assist EPA in fulfilling this statutory requirement, furnish to the Agency copies of your U.S. Income Tax Forms for the past five (5) years. For corporations and Subchapter S corporations, this will be IRS Form 1120 (and 1120-A) or 1120-S, respectively. For EPA to adequately assess an "ability to pay" claim, you will have to include Schedules L and M-1 with each return. For partnerships, the form should be IRS Form 1165. Schedule 1165-L will be necessary. If your business

is a sole proprietorship, then the required form will be Form 1040, Schedule C. Income tax returns are treated as confidential information, and are not available to the public.

Should you choose not to furnish such information, EPA will conclude that there is no inability to pay a penalty up to the statutory maximum.

These requirements are imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply by you, or your company with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

If you or your company believes that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim are found in Attachment A.

Please direct your response to this inquiry to Jek Jimenez in the Alabama/Mississippi/Florida, Enforcement Section, Water Permits and Enforcement Branch, using the above address. If you have any questions, you may contact Jek Jimenez at (404) 347-3973.

Sincerely yours,

for E. Stallings Howell

W. Ray Cunningham, Director
Water Management Division

Enclosure

cc: Peter Dentice, FDER Central District

ATTACHMENT A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

Scott Phillips Mel Fisher

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor Virginia B. Wetherell, Secretary

February 3, 1993

Southern States Utilities Services
1000 Color Place
Apopka, FL 32703

OCD-CE-DW-93-0037

Attention: Charles L. Sweat, Vice President Operations

Orange County - DW
University Shores #1
Sewage Treatment Plant

Dear Mr. Sweat:

On November 24, 1992, Department personnel conducted a routine inspection of your sewage treatment plant. During the course of the inspection, and/or determined from records on file in this office, the following unsatisfactory conditions were noted:

1. A review of the Monthly Operating Reports (MORs) for this facility indicates the following violations of Specific Conditions Numbers 1 and 3 of Operating Permit Number DO48-187714:

   Dissolved Oxygen (DO) and temperature are not being reported weekly.

2. The Biochemical Oxygen Demand (BOD_5) result reported on the Monthly Operating Report (MOR) for September 1992 was 8.7 ppm. The maximum monthly average (30 day) for BOD_5 shall not exceed 5.0 mg/L.

Please respond to these items, in writing, with a schedule of corrective action. Pursuant to Rule 17-4.100(2) F.A.C. failure to comply with pollution control rules shall be grounds for permit suspension or revocation and initiation of formal enforcement action. Your reply is requested within 14 days from the date of this letter. Your reply and any questions should be addressed to Keyla A. Poirier.

Sincerely,

Alvin Castro

Alvin Castro, P.E.
Section Supervisor
Domestic Waste
Compliance/Enforcement

AC/kp/jb
cc: Orange County Environmental Protection Department

cc: Ralph Terrero
Kaela Teasley
Frank Sanderson
Jim Raesdale
Sam Sparks
Richard Eck
Mary Glennon
Chuck Wood
Bruce Paster

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FEB 4 1993

MEL FISHER

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767
Lawton Chiles, Governor Carol M. Browner, Secretary

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JAN 21 1993

ENVIRONMENTAL SERVICES

CERTIFIED
P 252 137 380

January 20, 1993

OCD-DW-CE-93-0046

Southern States Utilities
1000 Color Place
Apopka, FL 32703

Attention: Rafael A. Terrero, P.E. Manager
Environmental Services

Orange County - DW
University Shores, STP #2
Warning Notice No. OWL-DW-92-0020

Dear Mr. Terrero:

This office has reviewed your January 5, 1993 letter responding to the proposed civil penalties for the violations addressed in the above referenced Warning Letter. After carefully considering the information presented in your letter, the Department tenders the attached revised Penalty Computation Worksheet as its final position relative to civil penalties.

Southern States Utilities is requested to respond to this office within fourteen (14) days of receipt as to its decision regarding the revised civil penalties and entering into a Consent Order to resolve this matter.

Also, in light of the more recent disposal problems encountered at the drainfields and the Trevarthon pond complex, this office will require that Southern States Utilities submit for review a schedule (with dates) to account for an engineering evaluation and subsequent corrective action to bring these disposal sites into compliant operation. This schedule shall be submitted within the aforementioned time period and will be incorporated in the Consent Order.

If this office does not receive an appropriate response within the time period noted, it will be assumed that Southern States Utilities is not interested in settling this matter as described above. In that event, this office would be

cc: BERT PHILLIPS
JIM RAGSDALE
SAM SPARKS
RICK ECK
RALPH TERRERO
KARLA TEASLEY
CHUCK WOOD
BRUCE PASTER
FRANK SANDERSON
MARY GLENNON

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left with no other recourse but to refer the matter to the Department's Office of General Counsel for formal enforcement action.

Sincerely,

A. Alexander, P.E.
District Director

cc CCF
AA/ac/jb

Attachment

PENALTY COMPUTATION WORKSHEET

Violator's Name: Southern States Utilities

Identify Violator's Facility: University Shores, STP #2

Name of Department Staff Responsible for the Penalty Computations:

Peter F. Dentice, Al Castro, P.E.

Date: January 20, 1993

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JAN 21 1993
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PART I - Class B (no penalty) Determination

Rationale for Class B determination: N/A

PART II - Class A Penalty Determinations

	Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1.	Failure to Notify the Department of an Unauthorized Discharge	Moderate	Major	$4,599			$4,599
2.	Release of Inadequately Treated Reclaimed Water	Major	Major	$10,000			$10,000
	Total Penalties for all Violations:						$14,599
	Cost and Expenses Incurred by the Department:						$500
							$15,099

(Attach Part III for each violation for which an adjustment or multi-day penalty is determined.)

"The monetary computations enclosed have been formulated and are being tendered in the context of settlement negotiations."

Rev. 5/91

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET N E
ATLANTA GEORGIA 30365

DEC 15 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
DEC 17 1992
ENVIRONMENTAL SERVICES

REF: 4WM-WPEB

Mr. Melvin E. Fisher
Administrator, Environmental Compliance
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
Compliance Evaluation Inspections
NPDES Permit No. FL0024856, University Shores
NPDES Permit No. FL0036943, Chuluota

Dear Mr. Fisher:

I wish to convey my thanks to Messrs. Toen Tran and Kevin Burgess for their assistance during the Compliance Evaluation Inspections of your facilities on November 24, 1992, by Mr. Jek Jimenez of EPA and Keyla Bermudez of FDER Central District office.

As you will note, Mr. Jimenez has listed your University Shores #1 facility as not in compliance. Specifically, an unsatisfactory rating has been given in the area of Self-Monitoring Program. The deficiencies he found are as follows:

1) When monitoring more frequently than required by the permit for Dissolved Oxygen, or for any parameter, all samples should be considered for reporting maximum and average values, and the frequency of monitoring noted on the "Frequency of Analysis" column on the Discharge Monitoring Report (DMR) form.

2) The results reported for Total Residual Chlorine should be only those obtained by an approved EPA analytical testing procedures. Refer to page I-2 of your NPDES permit for approved EPA procedures.

3) When manually compositing samples, the flow to be used should be an instantaneous flow reading and not a total flow reading. Enclosed is a document entitled NPDES Self-Monitoring System User Guide for your use in understanding how to properly fill out DMR's. Also, refer to Part II of your current NPDES permit for proper reporting of flow values. Please note that the flow to be used for calculating the compositing ratio should be the instantaneous flow going through the treatment plant at the time of sample collection.

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4) The reports from the contract laboratory should include the time of sampling, the time the sample was delivered to the lab, and the temperature of sample on arrival.

5) The Chain-of-Custody form for the contract laboratory is not filled properly to specify:

a) which sample bottle is a grab sample (for fecal coliform) or a manual composite (for nutrients),
b) the time and initials of the person doing the sample collection,
c) and the time when a sample is relinquished.

6) The temperature log book for the total suspended solids analysis oven shows temperatures as high as 170°F.

Please reply within fifteen (15) days of receipt of this letter with what you intend to do to correct these deficiencies. Until such time as you achieve compliance with all conditions of your permit you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

If you have any questions concerning this matter, please contact Jek Jimenez at (404) 347-3973.

Sincerely yours,

Albert B. Herndon

Albert B. Herndon, P.E.
Chief, FL/AL/MS Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

Enclosures (2)

cc: FDER South District

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Frank Sanderson
Jose de Pedro
Chuck Wood
Bruce Paster
Jim Ragsdale
Mary Glennon
Sam Sparks
Rick Eck

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

RECEIVED

NOV 16 1992

ENVIRONMENTAL SERVICES

cc: Karla Teasley
Ralph Terrero
Chuck Weeks
Bruce Paster
Jim Ragsdale
Sam Sparks
Frank Sanders
[redacted]
Rick Eck

CERTIFIED
P 252 137 308

Southern States Utility Services, Inc.
1000 Color Place
Apopka, FL 32703

WARNING LETTER #OWL-DW-92-0020

Attention: Rafael A. Terrero, P.E., Chief Engineer

Orange County - DW
University Shores, STP #2

Dear Mr. Terrero:

A field inspection conducted on September 23, 1992 and a subsequent file review of the University Shores, STP #2 indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel noted the following about the above described facility:

1. An unreported reclaimed water discharge was observed from the Trevarthon Road percolation/evaporation ponds to an adjacent stormwater ditch with ultimate off-site disposal.

2. Failure to comply with high level disinfection treatment requirements as indicated by 8 daily samples where Total Suspended Solids values exceeded 5 mg/L as reported on the March 1992 through July 1992 Monthly Operation Reports.

3. Failure to comply with beyond secondary treatment levels as indicated by five (5) daily samples where Total Suspended Solids values exceeded 10 mg/L, prior to discharge to the drainfields, as reported on the January 1992 through August 1992 Monthly Operation Reports.

4. Release of substandard reclaimed water to the unrestricted public access irrigation site of the Chapel Hill Cemetery and the drainfields.

5. Failure to provide daily logs that record the release time, quality and quantity of the reclaimed water delivered to the Chapel Hill Cemetery or the drainfields.

6. Failure to divert substandard reclaimed water (reject water) when turbidity exceeded a value of 2.0 N.T.U.s as set forth in your approved pending protocol.

7. Ponding was observed on the surface of the drainfields.

8. Failure to provide ground water elevations (above mean sea level) on the Ground Water Monitoring Well Report forms.

It is a violation for an utility to fail to comply with the following:

A. Florida Administrative Code Rule 17-600.740(2)(a) - prohibits the release of excreta, sewage, or other wastewaters or sludge without providing proper treatment.

B. Florida Administrative Code Rule 17-600.750 - requires that the Department be notified of the system's inability (temporarily) to comply with Code requirements. Notification shall be in person, by telephone or telegraph within 24 hours of breakdown or malfunction.

C. Florida Administrative Code Rule 17-610.320 - Land application systems shall be operated and maintained to achieve applicable waste treatment before release of reclaimed water or effluent to environment as required. (F.A.C. 600.410)

D. Florida Administrative Code Rule 17-602.360(1)(e) - Maintain operation and maintenance log for each plant accessible to 24 hours inspection....log shall include identification of plant, signature and certification number of operator; date and time in and out.

E. Florida Administrative Code Rule 17-610.560(1) - System using subsurface application, the reclaimed water shall contain not more than 10 mg/L TSS at all times unless the application system has been designed to provide specific flexibility and reliability in operation and maintenance of the system.

F. Florida Administrative Code Rule 17-610.460(1) - Preapplication waste treatment shall result in reclaimed water that meets at a minimum secondary standards, and high level disinfection. The reclaimed water shall not contain more than 5.0 mg/L of suspended solids before application of the disinfectant.

G. Florida Administrative Code Rule 17-600.440(5)(f) - To determine compliance of a domestic wastewater facility with the high-level disinfection level, the following operational criteria (using MF or equivalent MPN methods) shall be applicable.

    1. Any one sample shall not exceed 5.0 milligrams per liter of TSS at a point before application of the disinfectant.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Al Castro, P.E. or Peter F. Dentice of this office at (407)894-7555 within 15 days of receipt of this Warning Letter to

arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

A. Alexander, P.E.
District Director

Date: 11/13/92

AA/cef/jb

cc: Orange County Environmental Protection Department
Florida Public Service Commission

MEL FISHER

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor

Carol M. Browner, Secretary

April 13, 1992

Southern States Utilities Services
1000 Color Place
Apopka, FL 32703

OCD-CE-DW-92-0270

Attention: Charles L. Sweat
Vice President Operations

Orange County - DW
University Shores, STP #1

Dear Mr. Sweat:

The Department has recently completed a bioassay study on the effluent discharge from the above facility in cooperation with the Orange County Environmental Protection Department. On February 18, 1992, samples of the discharge from the facility into the drainage canal which joins the Little Econlockhatchee River were collected for analysis and reviewed by the Department. The discharge samples were analyzed for nutrients and metals by the Orange County Environmental Protection laboratory. The Department conducted a bioassay to determine toxicity of the effluent. A copy of the report is enclosed.

The most significant outcome of the study was that the effluent was determined to be acutely toxic. Mortality rates of the test organism were observed to be 100%. The chemistry analysis conducted revealed that effluent levels of un-ionized ammonia and selenium violated State Class III surface water quality standards.

Corrective action must be taken by the utility. Additional toxicity testing and diagnostic testing will be required to determine the degree of toxicity and to determine which contaminants are responsible for producing toxicity in the effluent. Once the source of contamination is identified, industrial pretreatment, removal of the cause of contamination or other necessary corrective actions may be ultimately required to eliminate the toxicity.

After your review of the enclosed report and development of a corrective

cc: BERT PHILLIPS
KARLA OLSON TEASLEY
JIM RAGSDALE
CHUCK WOOD
SAM SPARKS
RALPH TERRERO
BILL SCHRADER
JIM MURRAY
FRANK SANDERSON

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action plan, a meeting will be scheduled to discuss the matter. Please contact Al Castro, P.E. or Philip Kane, Ed.D. within ten (10) days of receipt to schedule this meeting.

Sincerely,

Carlos Rivero-deAguilar, P.E.
Program Administrator
Water Facilities

CRA/ac/jb
Enclosure: Copy of Report
cc: Wastewater Facilities Regulation Section, EPA, Atlanta
Orange County Environmental Protection Department

Florida Department of
Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
P 232 481 301

Lake Utilities Company
Post Office Box 5252
Lakeland, FL 33807

WARNING LETTER No. OWL-DW-93-0026

Attention: Raymond Moats
Vice President

Lake County - DW
Valencia Terrace Subdivision Collection System

Dear Mr. Moats:

A field inspection conducted on September 14, 1993 of Valencia Terrace Subdivision indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described system. Department personnel observed the following about the above described system:

1. Failure to notify the Department about a raw sewage spill from the subject system on September 10, 1993.

2. Modification of the collection system without approval from the Department. A pipe was installed in a sewer main which can divert flow from the collection system.

It is a violation for a facility to fail to comply with the following:

A. Florida Administrative Code Rule 17-604.550(1) - In the event of equipment breakdown, power outages...the permittee shall notify the Department and the local program (where existing) when the above described abnormal events result in the disposal of inadequately treated waste in violation of Rule 17-604.130(1). Notification shall be in person, by telephone, or by telegraph to the nearest office of the Department and the local program within 24 hours of breakdown or malfunction.

B. Florida Administrative Code Rules 17-600.740(2)(a) and 17-604.130(1) - prohibits the release of excreta, sewage or other wastewaters or sludge without providing proper treatment.

C. Florida Administrative Code Rule 17-4.030 - prohibits operation/construction/expansion/modification of a pollution source without the appropriate permits.

D. Section 403.161(1)(b)(2) - Florida Statutes, prohibits violation of Statute or Code.

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You are advised that any activity at your system that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a system in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to $10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Al Castro, P.E. or Clarence Anderson of this office at (407)894-7555 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may consult an attorney and have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

cc

A. Alexander, P.E.
District Director

Date: 8/30/93

AA/ca/jb

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: Venetian Village - Lake Jem
C.R. 448

In accordance with Lake County Code you are hereby notified that the above described property is in violation of Section 6-11.00 2(a).

DESCRIPTION OF VIOLATION: Excess vegetation in circulation pond 4-6' high - Effluent weir needs repairs or replacement

In order to prevent any further legal action, the following corrective measures must be taken by 1-14-95 ; Remove vegetation from pond & repair or replace weir.

If you desire any further information, please contact:

Hand delivered To: Will Fontaine

CODE ENFORCEMENT DEPARTMENT
OLD LAKE COUNTY COURTHOUSE
315 WEST MAIN STREET
TAVARES, FLORIDA 32778
PHONE 904/343-9639

Date 12/14/94
CEB No. 1861-94

Inspector

(2)

FILE

(VIOLATION) NOTEBOOK

RECEIVED JUN 2 4 1993

DEPARTMENT OF
PLANNING AND DEVELOPMENT
315 WEST MAIN STREET
TAVARES, FLORIDA 32778

BOARD OF COUNTY COMMISSIONERS · LAKE COUNTY, FLORIDA · Since 1887

EXECUTIVE DIRECTOR	(904) 343-9642
ASSISTANT EXECUTIVE DIRECTOR	(904) 343-9851
DIRECTOR OF COMPREHENSIVE PLANNING	(904) 343-9832
DIRECTOR OF CURRENT PLANNING	(904) 343-9517
DIRECTOR SECTION 8 HOUSING	(904) 343-9431
BUILDING OFFICIAL	(904) 343-9853
ZONING	(904) 343-9641
CODE ENFORCEMENT	(904) 343-9839
ADDRESSING	(904) 343-9429
SUNCOM	668-1642
FAX	(904) 343-1401

June 23, 1993

Donald B. Corder, Supervisor
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Re: Property described as: Beg at NW'ly cor of Lot 32, Venetian Village, Third Add, run N 10deg 22min 04sec W 470.82 ft to W'ly R/W line of Tammi Drive, S'ly along said drive to most N'ly cor of said Lot 32, SW'ly along lot line to POB. Sec 11, Twp. 20S, Rge. 26E.

Dear Mr. Corder:

This department received a complaint about a violation on your property. Upon investigation of the complaint, it was observed that a a water tank has been placed on the property without a building permit. This is a violation of Lake County Land Development Regulations, Section 14.14.02 which states that no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure without first obtaining a building permit for such building or structure.

This is to inform you of the violation which exists on your property and to request that you obtain a permit for the water tank within ten (10) days from the date of this letter.

Sincerely,

Milt Tinis
Code Inspector

MT/cg

RECEIVED
JUN 25 '93
ENVIRONMENTAL
SERVICES

cc - Mel
cc - Bruce Paster
cc - J. - Ragsdale

DISTRICT ONE C.W. "CHICK" GREGG | DISTRICT TWO DON BAILEY | DISTRICT THREE RICHARD SWARTZ | DISTRICT FOUR CATHERINE C. HANSON | DISTRICT FIVE MICHAEL J. BAKICH

LOCATION:

In accordance with [illegible] Code you are hereby notified that the above described property is in violation of Section [illegible] thereof.

DESCRIPTION OF VIOLATION:

Pet [illegible] negligent growth. This violation has existed for [illegible] days.

In order to prevent any further legal action, the following corrective measures must be taken by 2-1-93 : clean out pen and of [illegible] regularly.

If you desire any further information, please contact:

Given to plant operator Lance Shreffler

CODE ENFORCEMENT DEPARTMENT
OLD LAKE COUNTY COURTHOUSE
315 WEST MAIN STREET
TAVARES, FLORIDA 32778
PHONE 904/343-9639

cc: RALPH
KAR
JIM K
DON C
B
W
FRA

Date 2-1-93
CEB No. 142-93

T.C. FEATHERSTONE
Inspector

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PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

MEL FISHER

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor

December 1, 1992 Carol M. Browner, Secretary

Mr. Bert Phillips
SSU Services
1000 Color Place
Apopka, FL 32703

CC: KARLA TEASLEY
RALPH TERRERO
FRANK JOHNSON
MARY GLENNON
JOE ROGERS
BILL CROSS
PAUL THOMPSON

Dear Mr. Phillips:

Putnam County - PW
Welaka MHP
PWS ID: 2541242

A review of the bacteriological records for the month of October 1992 has indicated that the above named water system has exceeded the Maximum Contaminant Level (MCL). The specific MCL violation which as occurred is noted below:

✓ Monthly Maximum Contaminant Level Violation

✓ More than one (1) total coliform positive sample, for a system taking less than 40 samples per period.

_____ Five percent of the sample total coliform positive, for system taking more than 40 samples per period.

_____ A Fecal Coliform positive or E. coli positive sample followed by satisfactory repeat samples.

_____ Acute Maximum Contaminant Level Violation
Any Fecal Coliform positive or E. coli positive sample following a Total Coliform positive sample.

As a result of these violations, it is required that this water system issue public notice to the consumers or it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb
cc: Putnam County Health Department

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BACTERIOLOGICAL PUBLIC NOTICE

NON-ACUTE

The water system serving Welaka MHP is in violation of public drinking water standards for the following reason:

Samples from this system have exceeded the Maximum Contaminant Level, (MCL), for Total Coliform bacteria during the month of October 1992.

The United States Environmental Protection Agency (EPA) sets drinking water standards and had determined that the presence of total coliforms is a possible health concern. Total Coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water, and that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possible jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples per month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

The supplier of water is required to conduct additional sampling in order to insure that either the number of total coliform positive samples does not exceed the standard or that the number of total coliform positive samples does not continue to exceed the standard.

For more information please contact _____

at this telephone number _____.

or contact the Department of Environmental Regulation, Potable Water Section, at (904) 448-4330.

CERTIFIED LABORATORIES

The following is a partial list of laboratories certified by the Department of Health and Rehabilitative Services to perform drinking water chemical analyses.

The Department of Environmental Regulation does not endorse any of the companies listed below, and a company's absence from this list does not imply prejudice or impropriety. A complete list of certified laboratories will be sent to you upon request.

1.	ABC Research Corporation Post Office Box 1557 Gainesville, FL 32601	(904) 372-0436
2.	Enviropact of Jacksonville 1627 East 8th Street Jacksonville, FL 32206	(904) 354-6755
4.	Flowers Chemical Lab P.O. Box 597 Altamonte Springs, FL 32701	(407) 339-5984
5.	National Testing Laboratories	(813) 962-7587 (800) 458-3330
6.	Orlando Laboratories, INC. P.O. Box 149127 Orlando, FL 33801	(407) 896-6645
7.	Savannah Labs & Env. Services	(904) 878-3994 (912) 354-7858
8.	Southeastern Environmental ABC Industrial Park, 80 Industrial Loop North, Bldg 5 Orange Park, FL 32073	(904) 269-6176
9.	Technical Services, Inc. P.O. Box 52329 Jacksonville, FL 32201	(904) 353-5761 358-2908

The following is a list of laboratories certified to perform Radionuclides:

1.	HRS-Office of Radiation Control Attn: Safe Drinking Water Lab Post Office Box 15490 Orlando, FL 32858-5490	(407) 297-2095
2.	Orlando Laboratories, INC. 820 Humphries Avenue Orlando, FL 33801	(407) 896-6645
3.	Thorton Laboratories, Inc. Post Office Box 2880 Tampa, FL 33601	(813) 223-9702

Florida Department of Environmental Regulation

Central District • 3319 [redacted] Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

Date: NOV 16 1992

Southern States Utilities Inc
1000 Color Pl
Apopka, Fl 32703

Attention: owner

Orange County-PW

PWS Name: Westmont Subdivision

PWS ID Number: 3451465

RECEIVED
NOV 10 1992
ENVIRONMENTAL SERVICES

Dear owner:

As owner of a ☒ "community" ☐ "non-transient non-community" water supply system, you are required to submit monthly bacteriological samples to a certified laboratory. According to our records, you have failed to submit the required number of samples for the month(s) of September, 1992.

Based on the population you serve, you are required to submit one (1) raw (untreated) sample from each DER approved/accepted well that is in service and 2 samples from your distribution system each month.

Raw water, storage tank and water plant samples are not accepted as distribution samples. Also, descriptions of sampling locations must be specific; for instance, "Well #1" for raw samples, and numbered street addresses or lot numbers for distribution samples.

Violations of the sampling requirements will result in referral of your system for appropriate enforcement action.

If you have any questions concerning this letter, please contact Jerry Greer at the address listed above or by phone at: (407)894-7555.

Sincerely,

W. E. Darling
Monitoring/Reporting Section Supervisor
Drinking Water Compliance/Enforcement

cc: Karla Tessier
Faith Terrell
Jim Rassdale
Sam Sparks
Frank Sanderson Mary Glenn

cc: Orange County Health Department
Jerry Greer

Gerry4.ltr rev 10/05/92

Recycled Paper

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

AUG 8 1994

345 COURTLAND STREET N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL P014861814
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32073

Received
AUG 16 1994
Environmental Services

Re: Toxicity Reduction Evaluation
NPDES Permit No. FL0026786
Administrative Order No. 93-078

Dear Mr. Sweat:

Due to the continued whole effluent toxicity test failures at this facility you are requested to submit a Toxicity Reduction Evaluation (TRE) Plan within 30 days of this notification.

The TRE plan should be consistent with the procedures and protocols in "Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants" (EPA/600/2-88/062), which is enclosed for your reference. This plan should also include a schedule of activities necessary to attain compliance with your whole effluent toxicity limits by February 29, 1996, as required by the Administrative Order.

If you have specific questions concerning this matter, please contact Ms. Emily Price at (404) 347-7428, ext. 2039.

Sincerely yours,

Michael Hom, Chief
North Carolina/Florida Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Protection,
Northeast District Office

BERT PHILLIPS

cc: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
CATHERINE WALKER
CHUCK WOOD
ROBERT REGALADO
DENNIS WESTRICK
RAY GAGNON
JOE ROBERTS
GENE MANNING
GLEN WHITCOMB
MARY GLENNON

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUL 28 1994

CERTIFIED MAIL P014861800
RETURN RECEIPT REQUESTED

REF: 4WP-WPEB

Mr. Charles M. Sweat
Vice President of Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Received
AUG 1 1994
Environmental Services

RE: Request for Information
Beacon Hills WWTP NPDES Permit No. FL0026778
Woodmere WWTP NPDES Permit No. FL0026786

Dear Mr. Sweat:

We have received reports from you indicating discharges from the sewage collection systems of the above mentioned wastewater treatment facilities, which may be in violation of the Clean Water Act (the Act).

In order for this agency to fulfill its responsibilities under the Act, the following information is required to be submitted within thirty (30) days of receipt of this letter:

1) Please submit the following information about the discharges/overflows listed below:

BEACON HILL WWTP	WOODMERE WWTP
May 4, 1993	March 31, 1992
May 16, 1993	July 6, 1993
August 18, 1993	August 20, 1993
February 26, 1994	
approx. May 10, 1994	

a) the cause of the discharge;
b) duration and volume (estimate if unknown);
c) description of the source, e.g., manhole cover, pump station;
d) type of collection system that overflowed, i.e., combined or separate;
e) location by street address, or any other appropriate method;
f) date of event;
g) the ultimate destination of the flow, e.g., surface waterbody, land use location, via municipal separate storm sewer system to a surface waterbody (show location on a USGS map or copy thereof);

h) corrective actions or plans to eliminate future discharges; and
i) sampling results of discharge (if any)

2) If there have been any other discharges since January 1990, which are not included in the list, please submit the same information requested above for each discharge event.

3) Please provide copies of any correspondence with any state or local regulatory agencies regarding the above discharges. Also, provide EPA with any information regarding penalties or enforcement actions taken by state or local agencies regarding the discharges.

These requirements are imposed pursuant to Section 308 of the Act, 33 U.S.C. Section 1318. Failure to comply by you, or your company with this request may result in enforcement proceedings under Section 309 of the Act, 33 U.S.C. Section 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for any falsification of the requested information.

If you or your company believe that any of the requested information is confidential business information, you may assert a confidentiality claim on such information, except for effluent data. Further details, including how to make a business confidentiality claim are found in Enclosure A.

Please direct your response to this inquiry to Ms. Emily Price in the Florida/North Carolina Unit, Enforcement Section, Water Permits and Enforcement Branch, using the above address. If you have any questions, you may contact Ms. Price at (404) 347-7428, ext. 2039.

Sincerely yours,

for James H. Scarbrough

Robert F. McGhee, Acting Director
Water Management Division

Enclosure

cc: Florida Department of Environmental Protection, Northeast District

CC: Bert Phillips, Karla Teasley, Carlyn Kowalsky, Catherine Walker, Mary Glennon, Joe Roberts, Ray Gagnon, Gene Manning, Glen Whitcomb, Chuck Wood, Dennis Westlock, Robert Regalado

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

> 40 C.F.R. §2.203(b). Method and time of asserting business confidentiality claim. A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

FILE

VIOLATION NOTEBOOK

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CONSOLIDATED CITY OF JACKSONVILLE
STATE OF FLORIDA
BIO-ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
WATER RESOURCES DIVISION

TownCentre - Suite 412
Jacksonville, Florida 32202

421 West Church Street
Telephone: 630-3666

NOTICE TO CORRECT SOURCE OF POLLUTION/VIOLATION

TO: RACHEL A. [illegible] / [illegible]
SOUTHERN STATES UTIL. (7165)
100 COLOR PLACE
APOPKA FL. 32703

This Notice Is To Inform You That On Or About The 15 of MARCH, 19 94

An Inspection Was Made By This Department And A Violation of

ENVIRONMENTAL PROTECTION BOARD RULE 3.101(A)(1) WATER FACILITIES

OF CHAPTER 360 CITY ORDINANCE CODE

Was Found to be in Existence At LOCATION WASTEWATER FACILITY For The Following Reason(s)

RECENT INSPECTION / REVEALED TRACE RESIDUAL CHLORINE (TRC) = 1.5 mg/l
AFTER DECHLORINATION (DCL) IN VIOLATION OF THE MAXIMUM 0.001
mg/l AFTER DCL FOR THIS FACILITY

You Are Hereby Notified To Correct This Violation No Later Than The 28 day of

MARCH, 1994. Legal Action May Be Instituted Against You For Failure To Comply.

Correction of This Source Of Pollution/Violation And Compliance With the Terms of This Notice Does Not Relieve You Of Any Liability To Civil Or Criminal Actions That May Accrue Or Have Accrued Against You For The Alleged Acts Sought To Be Corrected By This Notice.

X Respond In Writing On or Before MARCH 31, 1994 As To The Cause Of The Violation And Corrective Action Taken.

☐ No Written Response Required.

FOR THE CITY OF JACKSONVILLE, FLORIDA
BIO-ENVIRONMENTAL SERVICES

Received 3/15/94 (Date) By: STEPHEN R. [illegible]

Patrick Garrett (Print Name)

Name

ENV. INSPECTOR TECH II

Title

Patrick Garrett Signature

MARCH 15, 1994

Date

Mel Fisher

Violations Notebook

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

SEP 14 1993

CERTIFIED MAIL P 743 241 044
RETURN RECEIPT REQUESTED

RECEIVED
SEP 20 '93
ENVIRON. SERVICES

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32073

RE: Woodmere WWTP
NPDES Permit No. FL0026786
Administrative Order No. 93-078

Dear Mr. Sweat:

Pursuant to Section 309(a) of the Clean Water Act (the Act), as amended, the Director, Water Management Division, Region IV, United States Environmental Protection Agency, has determined that the above named facility is in violation of Section 301 of the Act. As a result, the Director has issued the enclosed Section 309 Order.

This Order is issued to enforce existing requirements under the Act and therefore, does not replace, modify or eliminate any other requirement of the Act. Notwithstanding the issuance of this Section 309(a)(5) Order, EPA retains the right to bring further enforcement action under Section 309(d) or 309(g) of the Act, for the violations cited in this Order and for any other violation of the Act. Violations of the Act, including requirements contained in an NPDES permit or a Section 309(a)(5) Order, remain subject to a civil penalty of up to $25,000 per day for each violation pursuant to Section 309(d) of the Act.

Under Executive Order 11738 and EPA regulations issued thereunder (40 Code of Federal Regulations, Part 15), facilities to be utilized in contracts, grants, or loans must be in full compliance with all standards established pursuant to the Clean Water Act and the Clean Air Act. A violation of the standards outlined in this notification may result in the subject facility becoming ineligible for participation in any work associated with a Federal contract, grant, or loan.

cc: Bert Phillips
Karla Teasley
Ralph Terrero
Carlyn Kowalsky
Mary Glenn
Catherine Walker
Chuck Wood
Robert Regalado
Joe Roberts
Gene Manning
Frank Sanderson

Should you have any questions concerning the enclosed Order, please contact Ms. Emily Price at (404)347-7428.

Sincerely yours,

James H. Scarbrough, P.E., Chief
Water Permits and Enforcement Branch
Water Management Division

Enclosure

cc: Florida Department of Environmental
Protection, Northeast District

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

IN THE MATTER OF	)	
	)	
Southern States Utilities	)	ADMINISTRATIVE ORDER
Woodmere WWTP	)	NO. 93-078
Jacksonville, Florida	)	
NPDES PERMIT NO. FL0026786	)	

ORDER PURSUANT TO SECTION 309(a)
CLEAN WATER ACT

Pursuant to the authority of Section 309(a) of the Clean Water Act (hereinafter, the Act), 33 U.S.C. §1319(a), which has been delegated to the Regional Administrator of the Environmental Protection Agency (EPA), Region IV, and redelegated to the Director, Water Management Division, Region IV, the following Findings of Fact and Violation are made, and Order issued:

FINDINGS OF FACT

1. Southern States Utilities (hereinafter, the Respondent) is a person within the meaning of Section 502(5) of the Clean Water Act, 33 U.S.C. §1362.

2. The Respondent operates a wastewater treatment system located at 5710 Endenfield Road, Jacksonville, Duval County, Florida which discharges pollutants into the St. Johns River, a navigable water of the United States, as defined in Section 502 of the Act, 33 U.S.C. §1562(5).

3. Section 301(a) of the Act, 33 U.S.C. §1311(a), prohibits the discharge of pollutants into waters of the United

States except as in compliance with a National Pollutant Discharge Elimination System (hereinafter, NPDES) permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342.

4. The United States Environmental Protection Agency (EPA) issued NPDES Permit No. FL0026786 effective on November 1, 1990, with an expiration date of September 30, 1995, authorizing the above discharge from the wastewater treatment system.

5. The permit includes effluent toxicity limits and requires the Respondent to conduct toxicity tests to determine compliance with those limitations.

6. Toxicity tests conducted on July 15-19, 1992 and May 13-17, 1993 revealed the effluent to be toxic to Mysidopsis bahia.

VIOLATIONS

The Respondent has violated Section 301(a) of the Act and NPDES Permit No. FL0026786, issued pursuant to Section 402 of the Act (33 U.S.C. §1342), in that the Respondent failed to comply with the effluent toxicity limits of the permit.

ORDER

Based upon the foregoing Findings of Fact and Violations, and pursuant to the provisions of Section 309(a)(5) of the Act, as amended 33 U.S.C. §1319(a)(5), it is hereby ordered that:

1. Respondent shall initiate a series of toxicity tests beginning in September 1993. One test shall be conducted every month for a period not to exceed one (1) year, using Mysidopsis bahia. Tests shall be conducted in accordance with Part IV, Whole Effluent Toxicity Testing Program, of the NPDES permit. The results of each test shall be submitted to the addressees below within forty-five (45) days of completion.

2. If after six (6) months of testing, the treated effluent from the facility is determined by EPA to be in violation of whole effluent toxicity limits, the Respondent shall conduct a Toxicity Reduction Evaluation (TRE). Within thirty (30) days of notification by EPA, the Respondent shall submit a TRE plan. This TRE plan shall be consistent with the procedures and protocols in "Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants" (EPA/600/2-88/062). The TRE plan shall include a schedule of activities necessary to attain compliance with effluent toxicity limits.

3. Ninety (90) days after submittal of the TRE plan, and schedule required above, and each ninety days thereafter until the compliance date, the Respondent shall submit a report on progress made toward attainment of compliance.

4. Respondent shall continue toxicity testing as required by the NPDES permit for the duration of this Order; i.e. performing additional testing in the event of a "routine" test failure. However, if Respondent is required to initiate a TRE,

no additional testing will be required for any routine test failure which occurs while the TRE is underway.

5. The TRE shall be completed, and compliance with effluent toxicity limits attained not later than February 29, 1996.

6. To ensure compliance with toxicity limits after the completion of the TRE, the Respondent shall conduct a series of six (6) MULTI-CONCENTRATION tests using Mysidopsis bahia, to be performed on a monthly basis. The tests shall consist of a control and the following effluent concentrations: 6.25%, 12.5%, 25%, 50% and 100%.

7. Information required to be submitted by this Order shall be sent by registered mail, or its equivalent, to the following addressees:

James H. Scarbrough, P.E., Chief
Water Permits and Enforcement Branch
Water Management Division
U.S. EPA, Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365
ATTN: Florida/North Carolina Unit

Mr. Ernest E. Frey, Director
Florida Department of Environmental
Protection, Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7577

8. Failure to comply with the requirements of this Order shall constitute a violation of this Order and may subject the Respondent to penalties as provided in Section 309 of the Act.

9. This Order does not operate as an NPDES permit and does not replace, modify or eliminate any requirement of the Act. Nothing contained herein shall be construed as prohibiting prosecution for the violations cited in this Order, for violations of the Order itself, the NPDES permit, or for any other violations of the Act.

This Order is effective upon receipt.

SEP 14 1993

Date

for James H Scarbrough

W. Ray Cunningham, Director
Water Management Division

FILE
VIOLATION NOTEBOOK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUL 27 1993

CERTIFIED MAIL P124 047 129
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Re: Notice of Violation
Woodmere WWTP - Toxicity Reports
NPDES Permit No. FL0026786

Dear Mr. Sweat:

This is to advise you that your facility is in violation of the above referenced NPDES permit as follows:

Failure to provide the time of sample set-up at the laboratory, as required by 40 CFR Part 122.41(j).

Failure to perform a standard reference toxicant test concurrently on organisms obtained from an outside source, as required by EPA/600/4-90/027 Section 4.7.1.

Incorrect data or mistakes should have a single line drawn through them, and be initialed and dated.

Total ammonia should be measured in the effluent samples to identify whether unionized ammonia is the source of the toxicity.

You are required to notify this Agency within fifteen (15) days of receipt of this letter of the causes of the violations and actions you have taken or will take to ensure that future violations of the Clean Water Act will not occur.

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to Section 309 of the Clean Water Act. This Section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions.

RECEIVED
JUL 29 1993

Printed on Recycled Paper

If you have specific questions as to the requirements of your permit, please contact Ms. Emily Price at (404)347-7428.

Sincerely yours,

Michael Hom, Chief
Florida/North Carolina Unit
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Protection,
Northeast District

cc Ber- Phillips
Karla Teasley
Kali- Terrero
Carlyn Kowalsky
Joe Roberts
Gene Manning
Chuck Wood
Robert Regalado
Frank Sanderson
Dart Morales, Grove Scientific Co.
Mary Glennon

MEL FISHER

MAY 0 6 1993
EXECUTIVE OFFICE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

APR 30 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President of Operations
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
Compliance Evaluation Inspection
Woodmere WWTP
NPDES Permit No. FL0026786

Dear Mr. Sweat:

This office conducted a Compliance Evaluation Inspection (CEI) of the above referenced facility on April 5, 1993. The inspection results have been summarized in the enclosed NPDES Compliance Inspection Report. One or more aspects of the plant operation or record keeping were observed as being deficient during the inspection. These deficiencies have been indicated by the letters 'U' or 'M' in the summary portion of the report.

Please provide us with the corrective action your facility has taken or plan to take to eliminate the noted deficiencies. The information must be submitted to this office by May 17, 1993. Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to the Clean Water Act, 33 U.S.C. Section 1319.

cc: BERT PHILLIPS
JOE ROBERTS
GENE MANNING
FRANK SANDERSON
KARLA TEASLEY
RALPH TERRERO
CARLYN KOWALSKY
CHUCK WOOD
ROBERT REGALADO
MARY GLENNON

Printed on Recycled Paper

If you have specific questions about the requirements of your permit or the inspection results, please contact Ms. Emily Price at (404)347-7428.

Sincerely yours,

Michael Hom, Chief
FL/NC Unit, Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Regulation,
Northeast District

Department of Regulatory & Environmental Services

Glenn Whitcomb, SSU

EPA

United States Environmental Protection Agency, Washington, D.C., 20460

NPDES Compliance Inspection Report

Form Approved
OMB No.2040-0003
Approval Expires
7-31-85

Section A: National Data System Coding

Transaction Code	NPDES	YR/MO/DAY	Inspection Type	Inspector	Fac Type
N	FL0026786	040593	C	R	2

Reserved	Facility Evaluation Rating	BI	QA	Reserved
	3			

Section B: Facility Data

Name and Location of Facility Inspected
WOODMERE WWTP
5710 Endenfield Road
Jacksonville, Florida

Entry Time: 1425
Exit Time/Date: 1505/040593
Permit Effective Date: 110190
Permit Expiration Date: 093195

Name(s) of On-Site Representative(s)
Dan Sherwood
Pat Garrett

Title(s)
Lead Operator
Operator

Phone No(s)

Name,Address of Responsible Official
Charles L. Sweat
Southern States Utilities
1000 Color Place
Apopka, Florida 32703

Title
Vice President of Operations

Phone No.

Contacted
YES NO x

Section C: Areas Evaluated During Inspection (S-Satisfactory, M-Marginal, U-Unsatisfactory, N-Not Evaluated)

S Permit	S Flow Measurement	M Pretreatment	M Operations & Maintenance
S Records/Reports	S Laboratory	S Compliance Schedules	S Sludge Disposal
S Facility Site Review	S Effluent/Receiving Waters	S Self-Monitoring Program	_ Other:

Section D: Summary of Findings/Comments

* RUST HOLES IN CLARIFIER WIRE PLATES AND ALGAE BUILD-UP CAUSING UNEVEN FLOW
* FLOC/SUSPENDED SOLIDS IN CLARIFIER
* EXCESS FOAMING IN AERATION BASIN
* SOLIDS IN EFFLUENT WET WELL

Names and Signatures of Inspectors	Agency/Office/Telephone	Date
Emily G. Price	US-EPA/WMD/404-347-7428	4/29/93
Don Roberson	DRES/WQD/630-3666	Date
Signature of Reviewer Michael Hom	Agency/Office US-EPA/WMD/404-347-7428	Date 4/29/93

Regulatory Office Use Only

Action Taken	Date	
		___ Noncompliance ___ Compliance

EPA Form 3560-3 (Rev. 3-85) Previous editions are obsolete

c: R. A. Terrero / R. Regalado
Joe Roberts / Mel Fisher

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 29 1992

REF: 4WM-WPEB

Mr. Charles L. Sweat
Vice President of Operations
Southern States Utility Co.
1000 Color Place
Apopka, Florida 32703

RE: Notice of Violation
NPDES Permit No. FL0026778 Beacon Hill WWTP
NPDES Permit No. FL0026786 Woodmere WWTP

Dear Mr. Sweat:

This is to advise you that the above mentioned facilities are is in violation of their NPDES Permits as follows:

Failure to report sludge production volume and sludge disposal practice information within 30 days of the effective date of the permit.

Failure to submit a sludge report containing the quantitative data for the 125 priority pollutants within 1 year of the effective date of the permit.

Please notify this agency within ten (10) days of the receipt of this letter of the action you have taken or are taking to correct the above violation(s).

Until such time as you achieve compliance with all conditions of your NPDES permit, you are considered to be in violation of and subject to enforcement action pursuant to the Clean Water Act, 33 U.S.C. Section 1319.

If you have specific questions as to the requirements of your permit please contact me at (404)347-7428.

Sincerely yours,

Emily G. Price

Emily G. Price, Enforcement Officer
FL/NC Unit, Enforcement Section
Water Permits and Enforcement Branch
Water Management Division

cc: Florida Department of Environmental Regulation,
Northeast District

cc: Joe Roberts (FAX) Frank Sandoval
Gene Manning (FAX) Karla Teasley
Chuck [illegible] Ralph Terrero

Printed on Recycled Paper

PUTNAM COUNTY FDER CONSENT ORDER # 93-0332 AFFECTS THE FOLLOWING SYSTEMS	
SYSTEM NAME	**PLANT #**
BEECHER'S POINT - W/S	472
HERMITS COVE - W	438
INTERLACHEN LAKE EST. - W	470
PALM PORT - W/S	440
POMONA PARK - W	443
RIVER GROVE - W	442
RIVER PARK - W	439
SARATOGA HARBOUR - W	448
SILVER LAKE OAKS - W/S	473
ST. JOHNS HIGHLANDS - W	471
WELAKA - W	447
WOOTENS - W	446

SEE CONSENT ORDER UNDER "PUTNAM COUNTY" FOR SPECIFICS.

JAN 04 1993
EX OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor Carol M. Browner, Secretary

CERTIFIED RETURN RECEIPT

December 21, 1992

Mr. Bert Phillips
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Putnam County - Potable Water
Wootens WTP
Warning Letter No. WL-92-0070-PW-54-NED

Dear Mr. Phillips:

Chapter 403, Florida Statutes (FS), authorizes and directs the Department of Environmental Regulation to promulgate and enforce rules relating to public water supplies.

Previoulsy you were notified that maximum contaminant levels were exceeded for the Secondary Standard parameters color and turbidity in laboratory analyses submitted by your staff. Additional sampling has confirmed this, but no response or action has been noted as promised in the July 3, 1992 letter by Mel Fisher of your staff.

It is a violation of the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, FS, and rules promulgated thereunder in FAC Chapters 17-550, 17-555, 17-560 and 17-602, to fail to comply with any rule adopted by the Department pursuant to the Act.

Portions of the FS and Rules which you may be violating are indicated below. Chapters 17-550, 555, and 560 (Formerly Chapter 17-22, Public Drinking Water Systems

17-555.320	Provide adequate treatment or a satisfactory water source needed to supply drinking water which meets the State's requirements for Secondary Standards. Your plant shows a history of Color and Turbidity exceeding the maximum contamination level.

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Accordingly, you are requested to contact Jim Maher of this office at (904) 448-4330, extension 305 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the Department.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,

Ernest E. Frey, P.E.
Director of District Management
Northeast District

EEF/JRM/lgb

cc: Paul Thompson
Putnam County Health Department

Rec'd SSU
JUL 20 1992
OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

cc: Joe Roberts
Ellen Gross
Karen Cook Terrell
Kelly Tennant
Mac Flack-DCA-Tal
Forrest Shumaker

July 17, 1992

SSU Services
Mr. Bert Phillips
1000 Color Place
Apopka, FL 32703

Putnam County - PW
Beechers Point 2540070
Pomona Park 2540905
Wootens MHP 2541280

A letter dated July 6, 1992 was sent to your office requesting Public Notice for bacteriological monitoring to be issued to the above listed water systems. I have since received additional information which makes it unnecessary to publish these notices.

On July 10, 1992, Mr. Paul Thompson telephoned me in regard to these public notices. After discussing the violations with him, we discovered that the situation had resulted from a misunderstanding. Mr. Thompson had sent the repeat samples to Flowers Laboratory for analysis and was under the impression that they would forward copies of the results directly to this office. Since they did not, there was no record of the repeats having been taken, therefore, Public Notice was requested.

Mr. Thompson faxed copies of the results to me that day and all violations have been cleared. It is no longer requested that you publish Public Notice for these systems.

Thank you for your cooperation.

Sincerely,

V. M. Singer
Potable Water Section

VMS/lgb

cc: Mr. Paul Thompson

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor — Carol M. Browner, Secretary

July 6, 1992

Mr. Bert Phillips
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Dear Mr. Phillips:

Putnam County - PW
Wootens
PWS ID: 2541280

A review of the bacteriological records for the month of May 1992 has indicated the following violation(s):

____ Failure to submit a minimum of 2 distribution samples for bacteriological analysis.

____ Failure to submit additional samples (from the same location as the original sample) to replace invalidated samples (TNTC or C).

X Failure to submit sufficient repeat samples following a total coliform positive result.

As a result of these violations, it is required that the water system named above issue public notice to the consumers of it's water. Instructions for issuing this notice and an example of the proper wording are enclosed.

You are further required to submit a copy of the notice and a notarized statement as to how it was distributed to this office no later than thirty (30) days after receipt of this letter.

If you have any questions, please contact the Potable Water Section at (904) 448-4330.

Sincerely,

V. M. Singer

VMS/lgb

cc: Putnam County Health Department

Rec'd SSU
JUL 9 1992
FIELD OFFICE

Administration 448-4300
Air 448-4310
Waste Management 448-4320

Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

BACTERIOLOGICAL PUBLIC NOTICE

MONITORING AND REPORTING VIOLATIONS

The water system serving Wootens is in violation of public drinking water standards for the following reasons:

Failure to submit sufficient repeat samples following a total coliform positive result during the month of May 1992.

The United States Environmental Protection Agency (EPA) sets drinking water standards and requires public water systems to monitor for coliform bacteria. The EPA has determined that the presence of coliform bacteria is a possible health concern and may indicate the presence of other potentially harmful bacteria. This facility has failed to provide the minimum number of bacteriological samples for this period. Therefore, the quality and safety of your water is unknown. Further the EPA requires the public be notified that the water quality is unknown.

For more information please contact _____

at this telephone number _____.

Or contact the Department of Environmental Regulation, Potable Water Section at (904) 448-4330.

Approved Methods of Giving Public Notice

One of the following shall be used to issue public notice to the consumers:

1. Publication in a newspaper of general circulation in the effected area. A copy of the published notice will serve as proof of distribution..

2. Radio or television broadcast. A statement from the station will serve a proof of distribution.

3. Hand delivery. Collect signatures from each resident upon receipt of the notice to serve as proof of distribution.

4. U. S. Mail. Certified mail receipts shall serve as proof of distributio

5. Posting the notice in a conspicuous place. (Non-community only)

Initial notice shall be by newspaper, unless it is unlikely to reach the wat consumers, then it shall be posted.

Notice shall continue by mail delivery or hand delivery every 90 days until the failure is corrected. Unless the system is posting the notice, in which case it shall remain posted until the violation is corrected.

Information to be Included in the Public Notice

1. A clear and readily understandable explanation of the violation.

2. Notification of any potential adverse health effects.

3. An identification of (or information on) the population at risk.

4. The steps the supplier of water is taking to correct the violation.

5. The preventive measures the consumer should take until the failure is corrected.

6. The necessity to seek alternative water supplies, if necessary.

7. The telephone number of the supplier of water or his designee as a sourc of additional information concerning the notice.

Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems which would frustrate the purpose of the notice.

Compliance with Department Requirements

Once the notice has been issued, you must submit a copy of the notice along with proof of distribution (as explained above) and a notarized statement explaining how the notice was issued to the consumers to this office. Failu to provide this office with this information may result in enforcement actio against your water system.

FSU
JUN 0 5 1992
EX OFFICE

Florida Department of Environmental Regulation
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577
Lawton Chiles, Governor
Carol M. Browner, Secretary

May 28, 1992

Mr. Bert Phillips
SSU Services, Inc.
1000 Color Place
Apopka, Florida 32703

cc: BTP Joe Roberts, Bill Cross, Paul Thompson, Frank Simpkins, Chuck Weir, Karla Colon Tejera, Ralph Terrell, Robert Regalado

Dear Mr. Phillips:

Putnam County - PW
Wootens WTP
PWS ID # 2541280

On May 26, 1992, I did an inspection of the referenced community public water system. The following items remain out of compliance with Florida Administrative Code (FAC):

1. Failure to meet quality standards for turbidity, color and odor. FAC Rules 17-550.510 and .520. The following original and recheck chemical analysis results were submitted:

Date	Parameter	Reported Value	MCL (units)
7/30/91	Turbidity	2.8 NTU	1.0 NTU
1/08/92	Turbidity	40.0 NTU	5.0 NTU
1/09/92	Turbidity	19.1 NTU	5.0 NTU
3/16/92	Turbidity	18.0 NTU	5.0 NTU
3/17/92	Turbidity	4.2 NTU	5.0 NTU
Average	Turbidity	16.8 NTU	5.0 NTU
7/30/91	Color	20 CU	15 CU
1/08/92	Color	40 CU	15 CU
1/09/92	Color	30 CU	15 CU
1/10/92	Color	30 CU	15 CU
3/16/92	Color	40 CU	15 CU
3/17/92	Color	10 CU	15 CU
3/18/92	Color	10 CU	15 CU
Average	Color	26 CU	15 CU
7/30/91	Odor	4	3
1/08/92	Odor	2	3
1/09/92	Odor	1	3
1/10/92	Odor	16	3
Average	Odor	5.75	3

Administration 448-4300
Air 448-4310
Waste Management 448-4320
Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

Recycled Paper

The average of the rechecks and the original results confirm that the Maximum Contaminant Level (MCL) has been exceeded for these parameters. Accordingly, you must install additional treatment or provide an alternative source. Either option must be properly permitted.

There was no chlorine in the water upon arrival for the inspection, but Paul Thompson, operator, was able to bring the residual above the minimum required by the end of the inspections. Enclosed is a copy of the inspection sheet. Please provide a written response as to your plans to correct these remaining deficiencies and within what time frame. If you have any questions I can be reached at (904) 448-4330 extension 305. Your past and continued cooperation with Florida's Safe Drinking Water Program is appreciated.

Sincerely,

James R. Maher
Engineer IV

JRM:lm
enclosure

cc: Mr. Paul Thompson
Mr. Robert Regalado
Putnam County Health Department

Florida Department of Environmental Regulatio

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7

Lawton Chiles, Governor — Carol M. Browner, Secre

PUBLIC WATER PLANT INSPECTION

Type: Compliance [ ] Follow-Up [X] Complaint [ ] Insp Date 5/26/92
Name of System Wootens ID No. 2541280
System Owner SSU Services, Inc. Phone No. 649-8673
Address 1000 Color Place City Apopka Zip 32703
Operator Thompsons Cert. level & No. C 2251

Community [X] Non-Transient Non-Community [ ] Non-Community [ ]

INSPECTION RESULTS

Selections marked with an "X" are unsatisfactory
Referenced sections are from Florida Administrative Code, Chapter 17

___	Aeration	555.350	
___	Auxiliary Power	555.320(6)	
___	Bacteriological Monitoring	550.510(6)	
___	Bacteriological Well Clearance	555.315(3)c	
___	Certified Operator	555.350(2)	
___	Check Valve	555.330	
X	Chemical Monitoring	550.510 & 520	Color Odor Turb MCLs
___	Chlorine Test Kit (DPD)	555.330(3)	
___	Cross-connection	555.360	
___	Disinfection	555.350(1)	After Restabilization
	Plant 1.5 mg/l; Remote ____mg/l		
___	Flow Meter	555.320(8)	
___	Gas Chlorination	555.320(5)	
___	Maintenance of Facilities	555.350	
___	Monthly Operational Reports	550.730(1)d	
	Av. Flow ____MGD; Max ____MGD		
___	Number of Wells	555.315(1)	
___	On Site Logs	602.360(1)e	
___	Plant Design	555.330	
___	Raw Sample Tap	555.315(2)f	
___	6' X 6' Concrete Well Pad	555.315(2)(b)5	
___	Sanitary Hazard	555.312	
___	System Pressure	555.320(7)	

It is required that a written response be provided to this office within ten (10) days rega any unsatisfactory results listed above.

Inspector [signature] Date 6/1/92
James R. Maher 448-4330 ext. 305

cc: County Health Unit

Department of Environmental Protection

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

June 20, 1994

Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703

Received
JUN 22 1994
Environmental Services

RE: Resolution of ZephyrShores MHP
OGC Case # 94-1591

Dear Sirs:

Enclosed within, please find the proposed Consent Order regarding the above referenced facility. Please review, sign and return it within fifteen (15) days from receipt of this letter if in agreement.

Upon return, the Consent Order will be executed by the Director of District Management, and a final copy will be sent to you.

Should you have any questions, contact Brenda Arnold at (813) 744-6100, Ext. 318.

Sincerely,

Brenda Arnold
Environmental Specialist I
Drinking Water Section

CM/drc
Enclosure
cc: Pasco CPHU

C. MARY GLENNON
SANDRA JOINER
CARLYN KOWALSKT
DENNIS FULLER
JOE MACK
FRANK SANDERSON
KARLA O. TEASLEY
RALPH TERRERO
BILL WILLIAMS
CHUCK WOOD

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT
Complainant,	:	OGC CASE NO. 94-1591
VS.	:	
SOUTHERN STATES UTILITIES, INC.	:	
Respondent.	:	

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a person within the meaning of Section 403.852(5), Florida Statutes.

3. Respondent is the owner and operator of a community water system, ("system") known as Zephyrshores Mobile Home Park, PWS-ID # 6512018, located at 35112 Ada Street, Zephyrhills, Pasco

County, Florida.

4. Respondent has failed to provide a second well equipped with automatic start-up auxiliary power.

Having reached a resolution of the matter, Pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and the Department mutually agree and it is:

ORDERED:

5. Within 365 days of the effective date of this Consent Order, Respondent shall complete construction on a second well source and auxiliary power with automatic start-up capability as required in Florida Administrative Code Rule 17-555.320(6). This modification may include a new well or the use of an interconnect approved by the Department. All applicable permits must be issued prior to construction.

6. Respondent agrees to pay the Department stipulated penalties in the amount $100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of appropriate stipulated penalties to the "The Department of Environmental Protection" by cashiers check, or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Pollution Recovery Fund". The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce

any of the terms of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

7. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of potential for delay, Respondent shall within 24 hours or by the next working day, notify the Department orally and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which the Respondent intends to implement these measures. If the parties

can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable control of the Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements or deadlines of this Consent Order.

8. Respondent shall allow all authorized representatives of the Department access to the property and drinking water system at reasonable times for the purpose of determining compliance with this Consent Order and the rules of the Department.

9. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations, or ordinances.

10. Respondent shall comply with the conditions of any approval, acceptance, clearance or permit issued by the Department for the System.

11. Persons who are not parties to this Consent Order but substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, F.S., to petition for an administrative hearing on it. The petition must contain the information set forth below, and must be filed (received) at the Department's office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of

this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action, may be different from the position taken by it in this Notice. Persons whose substantial interest will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21

days of receipt of this notice in the Office of General Council at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

12. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

13. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), F.S.

14. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to $5,000.00 per offense, and criminal penalties.

15. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purposes of determining compliance with the terms of this Consent Order and the rules of the Department.

16. All reports, plans, data, penalties, costs and expenses, applications, and information required by this Consent Order to be submitted to the Department should be sent to Department of

Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

18. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, F.S., and the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S. but waives that right upon signing this Consent Order.

19. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their director, agents, servants, employees, successors, and assigns, and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

20. This Consent Order is final agency action of the Department pursuant to Section 120.69, F.S., and Rule 17-103.110(3), F.A.C. and it is final and effective on the date filed with the Clerk of the Department unless a Petition for

Administrative Hearing is filed as required by Chapter 120, F.S. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

_____ _____
Date Bert Phillips, President
Southern States Utilities, Inc.

DONE AND ORDERED THIS _____ day of _____, 1994, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____
Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-3400

Mel Fisher
Southern States Utilities
1000 Color Place
Apopka, FL 32703

Pasco CPHU

MEL FISHER FILE VIOLATION NOTEBOOK

Florida Department of Environmental Protection

Southwest District • 3804 Coconut Palm Dr. • Tampa, Florida 33619
Lawton Chiles, Governor 813-744-6100 Virginia Wetherell, Secretary

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AUG 23 '93
ENVIRONMENTAL SERVICES

August 19, 1993

Rafael A. Terrero, P.E., Manager
Environmental Services
Southern States Utilities (SSU)
1000 Color Place
Apopka, FL 32703

RE: Zephyr Shores Mobile Home Estates
Consent Order, Case Number: 93-0862

Dear Mr. Terrero:

Enclosed, is a copy of the Final Consent Order for the subject facility, signed by the Department's Director of District Management, and executed on August 19, 1993. Penalties stipulated in the Order were received July 27, 1993.

This agreement closes the enforcement case for alleged violations of Sections 403.161, and 403.859, Florida Statutes, and Department Rules.

Additional information pertaining to permitting and or operational requirements of your public water supply/system should be submitted or requested from the Department's Permitting Section.

Should you have any questions, please call Joseph R. Hillring at (813) 744-6100, Ext. 314.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/jrh/m

Enclosure:

cc: Pasco CPHU

cc: KARLA TEASLEY
CARLYN KOWALSKY
RALPH TERRERO
CATHERINE WALKER
MARY GLENNON
CHUCK WOOD
JOE MACK
BILL WILLIAMS
DENNIS FULLER
FRANK SANDERSON

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

D. E. R.
AUG 13 1993
SOUTHWEST DISTRICT
TAMPA

CERTIFIED MAIL
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AUG 04 '93
ENVIRONMENTAL
SERVICES

August 2, 1993

Southern States Utilities
Attn: Rafael A. Terrero, P.E.
Manager, Environmental Services
1000 Color Place
Apopka, FL 32703

RE: Proposed Final Agency Action (Consent Order)
in Case of Zephyr Shores Mobile Home Estates
OGC File No.: 93-0862

Dear Mr. Terrero:

The purpose of this letter is to complete the resolution of the violation(s) previously identified by the Department of Environmental Protection ("DEP") in the Warning Notice 93-010PW51-SWD dated February 8, 1993 which is attached. The corrective actions established at a June 16, 1993 meeting to bring your facility into compliance have been performed. The $500.00 to reimburse the DEP's costs was received July 27, 1993.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the DEP and filed with the Clerk of the DEP, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.212, Florida Statutes ("F.S."). Failure to comply with the terms of this letter once signed by you shall constitute a violation of Section 403.161(1)(b), F.S.

The DEP by countersigning this letter, waives its right to seek judicial imposition of damages, or civil penalties for the violations described above. By signing this letter, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Southwest District address given above by August 16, 1993, it will be assumed that you are not interested in settling this matter according to the terms described herein,

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and this matter will be referred to the Department's Office of General Counsel with a recommendation that formal enforcement action be taken against you.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sandra E. Murke 08-19-93
Clerk Date

For Rafael A. Terrero, P.E.

By: R A Terrero

Date 8/12/93

For the DEP:

Director of District Management
State of Florida Department
of Environmental Protection

ENTERED this 18th day of August, 19____ in Tampa, Florida.

Attachments:

cc: Larry Morgan, OGC, w/attachment
Pasco CPHU

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * *

A party who is adversely affected by this Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S.

Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

Florida Department of
Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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AUG 04 '93
ENVIRONMENTAL
SERVICES

August 2, 1993

Southern States Utilities
Attn: Rafael A. Terrero, P.E.
Manager, Environmental Services
1000 Color Place
Apopka, FL 32703

RE: Proposed Final Agency Action (Consent Order)
in Case of Zephyr Shores Mobile Home Estates
OGC File No.: 93-0862

Dear Mr. Terrero:

The purpose of this letter is to complete the resolution of the violation(s) previously identified by the Department of Environmental Protection ("DEP") in the Warning Notice 93-010PW51-SWD dated February 8, 1993 which is attached. The corrective actions established at a June 16, 1993 meeting to bring your facility into compliance have been performed. The $500.00 to reimburse the DEP's costs was received July 27, 1993.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the DEP and filed with the Clerk of the DEP, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.212, Florida Statutes ("F.S."). Failure to comply with the terms of this letter once signed by you shall constitute a violation of Section 403.161(1)(b), F.S.

The DEP by countersigning this letter, waives its right to seek judicial imposition of damages, or civil penalties for the violations described above. By signing this letter, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Southwest District address given above by August 16, 1993, it will be assumed that you are not interested in settling this matter according to the terms described herein,

Printed on recycled paper.

and this matter will be referred to the Department's Office of General Counsel with a recommendation that formal enforcement action be taken against you.

Sincerely,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

For Rafael A. Terrero, P.E.

By: _____

Date 8/12/93

For the DEP:

_____
Director of District Management
State of Florida Department
of Environmental Protection

ENTERED this _____ day of _____, 19____ in Tampa, Florida.

Attachments:

cc: Larry Morgan, OGC, w/attachment
Pasco CPHU

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32[illegible], within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons named) above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject agency (proposed) action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed.

* * * * * * * * * * * * * * *

A party who is adversely affected by this Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S.

Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

FILE

VIOLATIONS NOTEBOOK

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Virginia B. Wetherell, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

MAY 10 1993

ENVIRONMENTAL SERVICES

May 7, 1993

Rafael A. Terrero, P.E.
Manager Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

RE: Proposed Agency Action (Consent Order) in Case of Zephyr Shores Mobile Home Estates - Interconnect
PWS-ID # 6512018 OGC File No.: 93-0862

Dear Mr. Terrero:

It has been 92 days, since the Department requested items required to complete a review of a January 19, 1993 submittal for modifications of the referenced facility that were constructed without a permit. With no response, an inspection of the system was performed on March 15, 1993 and verified the construction is complete without letter(s) of acceptance and/or release being issued.

The purpose of this letter is to present the referenced Consent Order for the resolution of the violation(s) previously identified by a February 8, 1993 Warning Notice (Number 93-010PW51-SWD). Please review the Consent Order thoroughly, and should you have any questions contact Joseph R. Hillring at (813) 744-6100, Ext. 314. If you do not sign and return the Consent Order to the Department at the address given above or contact the Department for further discussion of the issues cited within 15 days of receipt of this letter, it will be assumed that you are not interested in settling this matter according to the terms described herein. A Notice of Violation may then be issued, which not only orders correction, but assesses costs incurred by the Department while investigating this case.

Sincerely,

Craig McArthur
Environmental Manager
Drinking Water Section

CM/jrh/m

cc: BERT PHILLIPS
CHUCK WOOD (FAXED)
JOE MACK (FAXED)
BILL WILLIAMS
DENNIS FULLER
KARLA TEASLEY
RALPH TERRERO, CATHERINE WALKER
FRANK JANSEN
CARLYN KOWALSKY

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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, Complainant, vs. SOUTHERN STATES UTILITIES, INC. 1000 COLOR PLACE APOPKA, FLORIDA 32703, Respondent.	:	IN THE OFFICE OF THE SOUTHWEST DISTRICT OGC CASE NO. 93-0862

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and Southern States Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated thereunder in Florida Administrative Code (F.A.C.) Chapters 17-4, 17-550, 17-555 and 17-560.

2. Respondent is a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and operator of a drinking water system known as Zephyr Shores Mobile Home Estates located at Section 17, Township 26S, Range 21E, Latitude 28° 14' 10" and Longitude 82° 11' 05" in Zephyrhills, Pasco County, Florida ("System").

4. Without having obtained a construction permit from the Department as required by Section 403.161(1)(b), F.S., and Rule 17-555.520(1) F.A.C., Respondent constructed a water main interconnecting the American Condominiums and Zephyr Shores water distribution systems.

5. On or before January 19, 1993, Respondent placed into service the above mentioned interconnect without having obtained a clearance letter from the Department in violation of Rule 17-555.345, F.A.C..

6. On January 19, 1993, the Department received record drawings from the Respondent, and 'after the fact' information for the review of construction of a public drinking water system.

7. On February 3, 1993, the Department issued an "incomplete letter" based upon a review of the information provided in the January 19, 1993 submittal. Seven items were cited that required additional information before letter(s) of acceptance and/or release can be considered.

8. On February 8, 1993, the Department issued a Warning Notice # 93-010PW51-SWD for violations of Rules 17-555.520 and 17-555.345., F.A.C.

9. On February 16, 1993, a meeting was convened at the Department, at the Respondent's request, to discuss the Warning Notice and to propose corrective action(s) to resolve the violations. Issues were rasied by the Respondent about the removal of the water main and the need to investigate the circumstances of events pertaining to its construction. No additional information

has been provided to date from the Respondent, to dispute these findings.

THEREFORE, having reached a resolution of the matter, the Department and the Respondent mutually agree and it is,

ORDERED:

10. Within 30 days from the effective date of this Consent Order, the Respondent shall submit to the Department the following:

a. All information requested by the Department in the February 3, 1993 incomplete letter;

b. Revised signed and sealed record drawings of the system;

c. Engineer's Certification of Completion of Construction, DER Form 17-555.910(a);

d. Satisfactory bacteriological test results collected in accordance with Rule 17-555.345, F.A.C.

11. If the Department determines upon review of the record drawings, engineer's certification of completion of construction, and the other submitted information pursuant to Paragraph 10 above, that the plans are acceptable, the Department will issue to the Respondent a clearance letter for the System.

12. Respondent shall not place the System into service until the Department has issued a letter of release for the System.

13. If upon review of the record drawings, engineer's certification of completion of construction, and other submitted

information for the System, the Department determines that a letter of release cannot be issued because the System was not properly constructed, the Department will notify the Respondent of the deficiencies. The Respondent shall correct the System's deficiencies within 30 days of receipt of notice from the Department that modifications are required.

14. Respondent agrees to pay the Department stipulated penalties in the amount $100.00 per day for each and every day Respondent fails to timely comply with any of the requirements specified in paragraph(s) 10, 12 and 13 of this Consent Order. A separate stipulated penalty shall apply to each deadline that is missed. Within 30 days of written demand from the Department, Respondent shall make payment of appropriate stipulated penalties to the "The Department of Environmental Regulation" by cashier's check, or money order. Payment shall be sent to the Department of Environmental Regulation, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order.

15. No additional construction activity within the referenced System will take place without written approval(s) and/or permit(s) from the Department.

16. Within 30 days of execution of this Consent Order, Respondent shall pay the Department $5,100.00 in settlement of the matters addressed in this Consent Order. This amount includes a

civil penalty of $4,600.00 for alleged violations of Sections 403.161, and 403.859, F.S., and of the Department's rules and $500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Regulation and shall include thereon the OGC number assigned to this Consent Order and the notation "Pollution Recovery Fund". The payment shall be sent to the Department of Environmental Regulation, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

17. Respondent shall comply with the conditions of any approval, acceptance, clearance or permit issued by the Department for the System.

18. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, F.S., to petition for an administrative hearing on it. The petition must contain the information set forth below, and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this

proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

19. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations, or ordinances.

20. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), F.S.

21. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to $5,000.00 per offense, and criminal penalties.

22. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purposes of determining compliance with the terms of this Consent Order and the rules of the Department.

23. All reports, plans, data, penalties, costs and expenses, applications, and information required by this Consent Order to be submitted to the Department should be sent to the Department of Environmental Regulation, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

24. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any

violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

25. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages, or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, F.S. and the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S. but waives that right upon signing this Consent Order.

26. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their director, agents, servants, employees, successors, and assigns, and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

27. This Consent Order is final agency action of the Department pursuant to Section 120.69, F.S., and Rule 17-103.110(3), F.A.C. and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed as required by Chapter 120, F.S. Upon the timely filing of a

petition, this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

_____ DATE

_____
Rafael A. Terrero, P.E.
Manager, Environmental Services

DONE AND ORDERED THIS _____ day of _____, 1993, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

_____
Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-3400

Joe Mack, SSU

Pasco CPHU

Florida Department of Environmental Regulation

Southwest District • 3804 Coconut Palm • Tampa, Florida 33619

Lawton Chiles, Governor 813-744-6100 Carol M. Browner, Secretary

Reply to: BOX: PWP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 8, 1993

Rafael A. Terrero, P.E.
Manager, Environmental Services
Southern States Utilities
1000 Color Place
Apopka, FL 32703

WARNING NOTICE # 93-010PW51-SWD

RE: Zephyr Shores Mobile Home Estates
PWS-ID # 6512018

Dear Mr. Terrero:

Our records indicate you may not be in compliance with Chapter 403, Florida Statutes and the regulations promulgated thereunder in the following areas for the above-referenced drinking water system.:

A drinking water system was constructed or altered at the referenced location without having obtained a Construction permit from the Department.

Florida Administrative Code Rule 17-555.520, requires you to obtain a signed validated permit from the Department or designated County Health Unit before constructing or altering an existing drinking water system plant (a drinking water system plant includes jointly and severally the collection, treatment, storage and distribution segments of a public water system).

A drinking water treatment plant and or distribution system at the referenced location was placed into service without having obtained a clearance letter from the Department.

Florida Administrative Code Rule 17-555.345, requires that upon completion of construction, the engineer of record shall submit a Certification of Completion letter to the Department or designated

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county health unit. When a letter of certification and a copy of satisfactory bacteriological results are received, a letter of clearance for placing the facilities into service will be issued.

You are hereby requested to contact Joseph R. Hillring of this office within 10 days of receipt of this Warning Notice to discuss the issues raised in this Warning Notice.

PLEASE BE ADVISED that this Warning Notice is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this Notice is to advise you of potential violations and to set up a meeting, or to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Please direct your response and/or questions to Joseph R. Hillring of the Drinking Water Section at (813) 744-6100, Extension 314.

Sincerely,

Michael S. Hickey, P.E.
Water Facilities Administrator
Southwest District

MSH/jrh/m

cc: Pasco CPHU
Christine Arcand, Permit Coordinator-SSU
Richard D. Garrity, Ph.D.

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1
To MEL | From Bill Williams
Co. | Co.
Dept. | Phone #
Fax # | Fax #

Florida Department of Environmental Regulation

Lawton Chiles, Governor — 813-620-6100 — Carol M. Browner, Secretary

FILE
ZEPHYR SHORES

MAY 27, 1992

SOUTHERN STATES UTILITIES
1000 COLOR PLACE
APOPKA FL 32703

RECEIVED

RE: NONCOMPLIANCE LETTER
PWS ID: 6512018 [C]
ZEPHYR SHORES MOBILE HOME EST

Our records indicate that the above referenced potable water system is overdue for the item(s) listed below.

Samples are to be collected and submitted to a laboratory that has been certified by the Department of Health and Rehabilitative Services for the drinking water analysis appropriate to the listed below. Please call this office with the sample date name within 14 days of the date of this letter. Failure to and submit the laboratory results is a violation of [illegible] of the Florida Administrative Code.

Missed Apr sampling.
Note: Dept. [illegible]
May samples [illegible]

CONTAMINANT(S)	SAMPLE DUE
BACTERIOLOGICAL	04/01/92

If you have any questions or need assistance call the Drinking Water Office at EXT.395

SINCERELY,

Sandra Sequeria

SANDRA SEQUERIA
ENVIRONMENTAL SPECIALIST II

cc: HRS PASCO COUNTY PUBLIC HEALTH UNIT

C: Mel Fisher

MEL

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