

LAKE SUZY UTILITIES, INC.

(941) 629-2439

12408 S.W. SHERI AVENUE
LAKE SUZY, FLORIDA 33821

July 2, 1996

Ms. Blanca Bayo, Director of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

960799-WS

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
TALLAHASSEE
96 JUL -3 AM 10:17

RE: Water and Sewer Staff Assisted Rate Case Application for Lake Suzy Utilities, Inc.

Dear Ms. Bayo,

Please find enclosed a completed application for an Application for a water and sewer Staff Assisted Rate Case (SARC) to be processed at your earliest convenience. Due to the current expansion of the Lake Suzy wastewater treatment plant per the enclosed FEDP Consent Order, Lake Suzy would like to request that interim wastewater customer rates and a sewer capacity charge to be established immediately. The current wastewater rates are inadequate and Lake Suzy does not have a service availability policy allowing a sewer capacity charge. Upon staff review and establishment of the Service Availability Policy, Lake Suzy also needs to address the Tax Gross Up issue for connection fees and future CIAC. Lake Suzy will also need to set up a new rate schedule for bulk water and sewer.

We would also like to request that the Water System Capacity Charge of \$2.50 per gallon (\$62.50 per Residential ERC) be dropped when interim sewer rates are established as the Utilities has over-collected on its water plant in service as shown on page 2 of the SARC application.

The proposed wastewater rates require a substantial increase as calculated on Exhibit's A and B. Exhibit A breaks down the gallons billed for wastewater for the different types of units and the number of bills sent per month and totaled by the previous twelve months and the proposed increase in revenues. Exhibit B annualized the sewer revenues for the previous twelve months and calculated the proposed rates with the 59.75% increase. Tariff sheets 16.0, 17.0 and 18.0 are enclosed with the proposed new rates.

DOCUMENT NUMBER-DATE

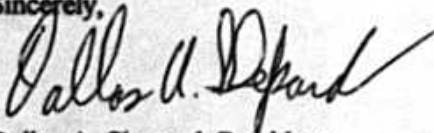
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FPSC-RECORDS/REPORTING

Exhibit C calculates the requested iterim sewer capacity fee of \$2,135.00 per ERC while Exhibits D and E are the projected accumulated Depreciation and CIAC schedules through the year 2001.

If you should have any questions, upon receipt of this information, please advise as we would like to proceed with this Staff Assisted Rate Case as soon as possible.

Sincerely,



Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

enclosures:

Exhibits A,B, C, D, and E
Proposed Tariff Sheets 16, 17, and 18
Agreement of Sale (Sewer Plant), Promissary Note and Mortgage (Sewer Plant)
Contractor Agreement (Moving of Sewer Plant)
Contractor Agreement (Electric and Storage Building at Sewer Plant)
FDEP Consent Order
FDEP WWTP Permit (FLA011964)

FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION FOR A
STAFF ASSISTED RATE CASE

I. General Data

A. Name of utility LAKE SUZY UTILITIES, INC.

B. Address 12408 SHERI AVENUE
LAKE SUZY FL. 33821

1. Telephone Nos. (941) 629-2439

2. County DESOTO Nearest city ARCADIA (Desoto)
PORT CHARLOTTE

3. General area served SECTIONS 31, 32, Twn 39S Range 23E
(Charlotte Cty)

C. Authority:

1. Water Certificate No. 480-W Date received 12/9/86

2. Sewer Certificate No. 416-S Date received 12/9/86

3. Date utility started operations: Water 11/81 Sewer 12/86

D. How system was acquired LAKE SUZY UTILITIES, INC. WAS WHOLELY OWNED BY
LOREDA DEV., INC. UNTIL 1987 THEN LAKE SUZY
BECAME A STAND ALONE CORPORATION.

If utility was purchased, give date _____ Amount Paid _____

1. Name of Seller LOREDA DEVELOPMENT, INC.

2. Was seller affiliated with present owners? YES

3. Did you purchase: Stock X or assets only _____

E. Type of legal entity: Corporation, Partnership or Sole
Proprietorship 1120 CORPORATION

F. Ownership & Officers:

	Name	Title	Percent Ownership
1.	<u>DALLAS A. SHEPARD</u>	<u>PRESIDENT</u>	<u>100%</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

DOCUMENT NUMBER-DATE

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G. List of Associated Companies and Addresses:

1. _____
2. _____
3. _____

H. If you have retained an attorney and/or a consultant to represent the utility for this application, furnish the name(s) and address(es):

II. Accounting Data

A. Outside Accountant

1. Name REGULATORY CONSULTANTS, INC.
2. Firm _____
3. Address 401 INTERSTATE BLVD., SARASOTA, FL. 34240
4. Telephone (941) 371-8499

B. Individual to contact on accounting matters:

1. Name GEORGE MC FARLAND
2. Telephone (941) 371-8499

C. Location of books and records 12408 HERI AVENUE, LAKE SUZY, FL. 33821

- D. Have you filed an Annual Report with the Commission? YES
Date last filed 6/5/96

E. Has your latest semiannual regulatory assessment fee payment been made (January 30 or July 30 whichever is applicable)? YES

F. Basic Rate Base Data (Most recent two years)

1. Water	1995	1994
Cost of Plant In Service:	\$ <u>276,561.00</u>	\$ <u>110,883.00</u>
Less Accumulated Depreciation:	<u>67,942.00</u>	<u>34,281.00</u>
Less Contributed Plant:	<u>315,727.00</u>	<u>120,521.00</u>
Net Owner's Investment:	(\$ <u>107,108.00</u>)	(\$ <u>43,919.00</u>)

2. Sewer	19 <u>95</u>	19 <u>94</u>
Cost of Plant In Service:	\$ <u>560,553.00</u>	\$ <u>409,846.00</u>
Less Accumulated Depreciation:	<u>62,058.00</u>	<u>58,385.00</u>
Less Contributed Plant:	<u>202,074.00</u>	<u>182,582.00</u>
Net Owner's Investment:	\$ <u>296,421.00</u>	\$ <u>168,879.00</u>

G. Basic Income Statement (Most recent two years):

1. Water	19 <u>95</u>	19 <u>94</u>
Revenues (By Class):		
a. <u>RESIDENTIAL</u>	\$ <u>26,819.00</u>	\$ <u>20,764.00</u>
b. <u>COMMERCIAL</u>	<u>18,431.00</u>	<u>7,134.00</u>
c. <u>MULTI-FAMILY</u>	<u>62,200.00</u>	<u>63,204.00</u>
Total Operating Revenues:	\$ <u>107,450.00</u>	\$ <u>91,204.00</u>
Less Expenses:		
a. Salaries & Wages - Employees	\$ <u>8,041.00</u>	\$ <u>7,521.00</u>
b. Salaries & Wages - Officers, Directors, & Majority Stockholders		
c. Employee Pensions & Benefits		<u>38</u>
d. Purchased Water	<u>62,186.00</u>	<u>30,809.00</u>
e. Purchased Power	<u>1,477.00</u>	
f. Fuel for Power Production		
g. Chemicals		
h. Materials & Supplies	<u>3,861.00</u>	<u>5,910.00</u>
i. Contractual Services	<u>17,791.00</u>	<u>2,340.00</u>
j. Rents	<u>4,032.00</u>	<u>3,688.00</u>
k. Transportation Expenses	<u>5,716.00</u>	<u>6,856.00</u>
l. Insurance Expense	<u>629.00</u>	<u>1,593.00</u>
m. Regulatory Commission Expense		
n. Bad Debt Expense		
o. Miscellaneous Expense	<u>3,007.00</u>	<u>6,641.00</u>
p. Depreciation Expense	<u>(1,734.00)</u>	<u>(998.00)</u>
q. Property Taxes	<u>-0-</u>	<u>-0-</u>
r. Other Taxes	<u>7,051.00</u>	<u>4,423.00</u>
s. Income Taxes	112,059.00 <u>-0-</u>	<u>(4.00)</u>
Operating Income (Loss)	\$ <u>4,609.00</u>	\$ <u>22,285.00</u>

2. Sewer

1995

1994

Revenues (By Class):

a. RESIDENTIAL	\$ 5,594.00	\$ 4,677.00
b. COMMERCIAL	2,696.00	466.00
c. MULTI-FAMILY	26,844.00	30,092.00
Total Operating Revenues:	\$ 35,134.00	\$ 35,235.00

Less Expenses:

a. Salaries & Wages - Employees	\$ 1,419.00	\$ 2,925.00	
b. Salaries & Wages - Officers, Directors, & Majority Stockholders			
c. Employee Pensions & Benefits		38	
d. Purchased Sewage Treatment	2,875.00	1,324.00	
e. Sludge Removal Expense	1,365.00	1,108.00	
f. Purchased Power	5,406.00	9,920.00	
g. Fuel for Power Production			
h. Chemicals			
i. Materials & Supplies	6,812.00	9,418.00	
j. Contractual Services	18,368.00	15,343.00	
k. Rents	5,268.00	1,434.00	
l. Transportation Expenses	1,089.00	-0-	
m. Insurance Expense	705.00	619.00	
n. Regulatory Commission Expense			
o. Bad Debt Expense			
p. Miscellaneous Expense 45,520	2,213.00	2,583.00	44,712
q. Depreciation Expense	2,738.00	4,116.00	
r. Property Taxes	2,208.00	-0-	
s. Other Taxes 53,753	3,287.00	1,712.00	
t. Income Taxes	-0-	-0-	50,540
Operating Income (Loss)	(\$ 18,619.99)	(\$ 15,305.00)	

H. Outstanding Debt:

	Creditor	Date Borrowed	Balance Due	Interest Rate	Expiration Date	
1.	SUNNY GARDENS	8/25/95	42,000.00	9.5	11/23/96	
2.	LAKE PEMBROKE	3/21/94	30,000.00	8.0	3/24/04	
3.	A & M ENGINEERING	8/95	12,000.00	8	OPEN END	NOTE
4.	JEFF RUSSELL, ESQ.	2/96	16,000.00+	8.5	2/97	

I. Indicate Type of Tax Return Filed:

<u>XX</u>	Form 1120 - Corporation
<u> </u>	Form 1120S - Subchapter S Corporation
<u> </u>	Form 1065 - Partnership
<u> </u>	Form 1040 - Schedule C - Individual (Proprietorship)

III. Engineering Data

A. Outside Engineering Consultant:

1. Name A & M ENGINEERING
2. Firm _____
3. Address 6320 TOWER LANE, SARASOTA, FL. 34240
4. Telephone (941) 377-9178

B. Individual to contact on engineering matters:

1. Name Bill Murchie
2. Telephone (941) 377-9178

C. Is the utility under citation by the Department of Environmental Regulation (DER) or county health department? If yes, explain. _____

SEE ATTACHED CONSENT ORDER

D. List any known service deficiencies and steps taken to remedy problems. SEE ATTACHED PERMIT

E. Name of plant operator(s) and DER operator certificate number(s) held. AMERICAN COMMONWEALTH, INC.
ALAN SLATER 6258-B

F. Is the utility serving customers outside of its certificated area? NO If yes, explain. _____

G. Wastewater:

1. Gallons per day capacity of treatment facilities existing 50,000
under construction 87,000 proposed _____
2. Type and make of present treatment facilities MC NEIL PLANT
3. Approximate average daily flow of treatment plant effluent _____
21,888 JUNE 1995-MAY 1996
4. Approximate length of sewer mains: COLLECTION VCP & PVC
Size (diameter) 4" 6" 8" _____ 4"
Linear feet 165 2,139 6,303 _____ 7,207
5. Number of manholes 27
6. Number of liftstations 3
7. How do you measure treatment plant effluent? TIME CLOCKS @ LIFT STATIONS
8. Is the treatment plant effluent chlorinated? YES If yes, what is the normal dosage rate? _____

9. Tap in fees - Sewer \$ -0-
10. Service availability fees - Sewer \$ -0-
11. Note DER Treatment Plant Certificate Number and date of expiration: Number FLA011964 Expiration Date 11/29/00
12. Total gallons treated during most recent twelve months 7,989,000 JUNE 95-
MAY 96
13. Sewage treatment purchased during most recent twelve months _____

H. Water

1. Gallons per day capacity of treatment facilities existing 130,000 GPD
under construction _____ proposed _____
2. Type of treatment BUY IN BULK FROM DESOTO COUNTY
3. Approximate average daily flow of treated water N/A
4. Source of water supply DESOTO COUNTY
5. Types of chemicals used and their normal dosage rates N/A
6. Number of wells in service _____ Total capacity in gallons per minute (gpm) _____
Diameter/Depth N/A / _____ / _____ / _____
Motor horsepower N/A _____
Pump capacity (gpm) N/A _____
7. Reservoirs and/or hydropneumatic tanks:
Description N/A _____
Capacity N/A _____
8. High service pumping:
Motor horsepower N/A _____
Pump capacity (gpm) N/A _____
9. How do you measure treatment plant production? N/A
10. Approximate feet of water mains:
Size (diameter) 2" 3" 4" 6" 8"
Linear feet 3,200 200 1,750 30,850 800

11. Note any fire flow requirements and imposing government agency _____
12. Number of fire hydrants in service 36
13. Do you have a meter change out program? NO
14. Meter installation or tap in fees - Water \$150.00 5/8x3/4 meter see attached sheet
15. Service availability fees - Water \$SYSTEM CAPACITY CHARGE
\$2.50 per gallon
16. Has the existing treatment facility been approved by DER? _____
17. Total gallons pumped during most recent twelve months N/A
18. Total gallons sold during most recent twelve months 18,745
19. Gallons unaccounted for during most recent twelve months 128
20. Gallons purchased during most recent twelve months 20,698

IV. Rate Data

A. Individual to contact on tariff matters:

1. Name DALLAS SHEPARD
2. Telephone Number (941) 629-2439

B. Schedule of present rates (Attach additional sheet if more space is needed):

1. Water:

- a. Residential Water
- b. General Service
- c. Special Contract
- d. Other

SEE ATTACHED TARRIFF SHEETS

2. Sewer:

- a. Residential Sewer
- b. General Service
- c. Special Contract
- d. Other

SEE ATTACHED TARRIFF SHEETS

Lake Suzy Utilities, Inc
Annualized Gallonage Usage and Meter Connections

EXHIBIT A

Multi-Family (Individually metered units)

	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
M1WS	30	46	45	40	65	103	119	136	101	77	76	62	900
Metered >10	0	0	0	0	0	31	49	55	21	0	2	0	158
TTL Billed	30	46	45	40	65	72	70	81	80	77	74	62	742

Residential (Individually metered units)

	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
R1WS	61	92	68	64	61	70	86	78	135	102	98	133	1048
Metered >10	10	11	0	0	0	1	2	1	38	9	5	44	121
TTL Billed	51	81	68	64	61	69	84	77	97	93	93	89	927

General Service Customers

	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
G1WS	5	3	1	5	2	7	15	18	4	7	6	1	74
G2WS	6	5	14	3	3	14	6	5	5	7	14	11	93
G4WS	196	234	371	278	364	523	519	912	892	885	602	336	6112
TTL Billed	207	242	386	286	369	544	540	935	901	899	622	348	6279
TTL Billed	288	369	499	390	495	685	694	1093	1078	1069	789	499	7948

	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
M1WS	17	17	17	17	22	22	22	22	23	23	23	23	248
R1WS	18	18	18	18	18	18	19	21	21	23	23	24	239
G1WS	1	1	1	1	1	1	1	1	1	1	1	1	12
G2WS	1	1	1	1	1	1	1	1	1	1	1	1	12
G4WS	11	11	11	11	11	11	11	11	11	11	11	11	132

Increase Revenue Requirements for Sewer

Loss in Operating Revenues 1995	\$18,619
Accrued Increase in Officer Salaries 1996	4,000
Accrued Increase in Employee Benefit 1996	960
	<u>\$23,579</u>

Lake Suzy Utilities, Inc.
Annualized Revenues and Proposed new rates

Exhibit B

General Service & Multi-Residential Rates

	Base Charge	Gal Rate	Yrly Bills	Gallons Billed	Annualized Revenue
5/8 x 3/4"	13.59	2.39	12	74	\$339.94
1"	32.63	2.39	12	93	613.83
1 1/2"	65.22	2.39			
2"	105.63	2.39	132	6,112	28,550.84
			156	6,279	29,504.61

Residential Service (Individual meters to Units) Rates

	Base Charge	Gal Rate	Yrly Bills	Gallons Billed	Annualized Revenue
All Meter Sizes	13.59	2	487	1,669	\$9,956.33
Total Annualized Revenue					\$39,460.94

PROPOSED RATES (Percent Increase) * 59.75%
General Service & Multi-Residential Rates

* \$23,579 see bottom Attachment A divided by Annualized Revenue

	Base Charge	Gal Rate	Yrly Bills	Gallons Billed	Annualized Revenue
5/8 x 3/4"	21.71	3.82	12	74	\$543.06
1"	52.13	3.82	12	93	980.61
1 1/2"	104.19	3.82			
2"	168.75	3.82	132	6,112	45,610.75
			156	6,279	47,134.43

PROPOSED RATES
Residential Service (Individual meters to Units) Rates

	Base Charge	Gal Rate	Yrly Bills	Gallons Billed	Annualized Revenue
All Meter Sizes	21.71	3.20	487	1,669	\$15,905.51
Total Annualized Revenue					\$63,039.94

Lake Suzy Utilities, Inc.
Calculation of Sewer Capacity Fee

Capacity
 Fee
 Including
 Land

Net Depreciated Sewer Plant @ 12/31/01	953,834
Multiply by: .75 CIAC Maximum	<u>75.00%</u>
Utility Plant to be Recovered at Build out	<u>715,376</u>
Less: Net CIAC @ 12/31/01	<u>(130,471)</u>
Maximum Utility Plant to be Recovered from CIAC	<u>584,905</u>
Divide by: Total # of Additional ERC's (52,000 Add'l GPD / 190 GPD)*	274
Possible Capacity Fee Alternatives	<u><u>\$2,135</u></u>

* Current Plant (GPD)	50,000 GPD
Less: Current Plant Flow (GPD)	<u>35,000 GPD</u>
Remaining Capacity in Current Plant	15,000 GPD
Additional Capacity to be Added (GPD)	<u>37,000 GPD</u>
Total Additional Plant Capacity (GPD)	<u><u>52,000 GPD</u></u>

OPERATIONAL EXPENSES - DEPARTMENTAL EXPENSES

OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES

AC	ACCOUNT NAME	YEAR	ORIGINAL COST	O&M	OPERATIONAL EXPENSES - DEPARTMENTAL EXPENSES		OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES		OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES		OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES		OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES		OPERATIONAL EXPENSES - PLANT OPERATIONS - DEPARTMENTAL EXPENSES	
					DEPT. 1987	DEPT. 1988	DEPT. 1987	DEPT. 1988	DEPT. 1987	DEPT. 1988	DEPT. 1987	DEPT. 1988	DEPT. 1987	DEPT. 1988	DEPT. 1987	DEPT. 1988
101-200	ACCOUNTING	1987	100,000	0	0	0	0	0	0	0	0	0	0	0	0	0
101-200	LABOR & LABOR RELATIONS	1987	100,000	0	0	0	0	0	0	0	0	0	0	0	0	0
101-200	Land & Lease Rights	1987	100,000	0	0	0	0	0	0	0	0	0	0	0	0	0
101-204	STRUCTURES & EQUIPMENTS	1987	1,740	340	14	24	4	37	60	14	79	60	14	104	60	61
101-204	Plant @ Sewer Treatment Plant - CMC	1988	262	43	10	10	10	10	10	10	10	10	10	10	10	10
101-204	Plant @ Sewer Treatment Plant - CMC	1989	2,171	0	0	0	0	0	0	0	0	0	0	0	0	0
101-204	Plant @ Sewer Treatment Plant - CMC	1990	4,811	383	0	0	0	0	0	0	0	0	0	0	0	0
101-200	COLLECTION SERVICE - POLICE	1987	8,432	1,790	230	2,004	230	2,240	340	2,880	340	3,240	340	3,600	340	3,600
101-200	Plant - CMC	1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-200	Plant of Dept. Chgo. - CMC	1989	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-200	Plant of Dept. Chgo. - CMC	1990	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	COLLECTION SERVICE - SANITARY	1987	400	140	12	141	12	140	12	140	12	140	12	140	12	140
101-201	Sanitary Station	1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1989	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1990	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1992	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1998	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	1999	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2001	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2002	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2004	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2005	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2006	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2007	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2008	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2009	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2011	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2012	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2013	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2014	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2015	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2016	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2017	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2019	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2021	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2027	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2028	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2029	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2030	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2031	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2032	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2033	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2034	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2035	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2036	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2037	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2038	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2039	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2040	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2041	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2042	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2043	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2044	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2045	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2046	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2047	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2048	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2049	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2050	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2051	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2052	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2053	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2054	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2055	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2056	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2057	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2058	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	2059	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101-201	Sanitary Station	206														

AC #	Description	Year	Original Cost	Original Lbs	ASSUMING ORIGINAL DEPRECIATION LIVES				ASSUMING CHANGE TO PSC DEPRECIATION LIVES AFTER BANC										
					AMOUNT	EXPENSE	AMOUNT	AMOUNT	AMOUNT	EXPENSE	AMOUNT	AMOUNT	AMOUNT	EXPENSE	AMOUNT	AMOUNT			
271-354	STRUCTURES & IMPROVEMENTS Pipes @ Sewer Treatment Plant	1989	1,749	40	240	44	284	44	327	65	392	65	457	65	521	65	598	65	651
			1,749		240		284		327		392		457		521		598		651
271-360	COLLECTION SEWERS-FORCE Huron Pulpas Vistas of Kings Crossing	1987 1983	9,432 18,174	40 40	1,789 2,087	228 454	2,005 2,551	228 454	2,341 3,009	349 673	2,880 3,679	349 673	2,829 4,352	349 673	3,269 5,023	349 673	3,628 5,689	349 673	3,997 6,371
271-361	COLLECTION SEWERS-GRAVITY Huron Pulpas Egnet Pulpas Vistas of Kings Crossing	1987 1987 1983	17,223 11,798 48,898	40 40 40	3,229 2,212 689	431 295 448	3,890 2,507 1,115	431 295 448	4,090 2,892 1,591	431 295 448	4,821 3,087 2,008	431 295 448	4,051 3,382 2,454	431 295 448	5,382 3,897 2,900	431 295 448	5,812 4,278 3,348	431 295 448	6,343 4,278 3,792
271-362	SPECIAL COLLECTING STRUCTURES-MANHOLE Huron Pulpas Egnet Pulpas Vistas of Kings Crossing	1987 1987 1983	5,713 6,828 10,390	40 40 40	1,071 1,242 389	143 188 259	1,214 1,408 648	143 188 259	1,357 1,573 907	212 245 384	1,598 1,819 1,291	212 245 384	1,790 2,084 1,674	212 245 384	1,991 2,310 2,026	212 245 384	2,203 2,585 2,442	212 245 384	2,415 2,800 2,828
271-371	PUMPING EQUIPMENT Huron Pulpas Vistas of Kings Crossing	1987 1987	33,741 25,000	40 40	6,326 838	844 625	7,170 1,953	844 625	8,013 2,189	2,349 1,687	10,382 3,695	2,349 1,687	12,512 5,521	2,349 1,687	14,781 7,186	2,349 1,687	17,011 8,855	2,349 1,687	18,260 10,521
271-380	TREATRY DISPOSAL EQUIPMENT Sewer Treatment Plant	1987	98,485	40	18,087	2,412	20,489	2,412	22,910	8,431	29,341	8,431	35,772	8,431	42,203	8,431	48,634	8,431	55,085
			98,485		18,087		20,489		22,910		29,341		35,772		42,203		48,634		55,085
	TOTAL SEWER C/MC		244,691		39,500	6,117	42,617	6,117	48,735	13,087	81,832	13,087	74,829	13,087	89,028	13,087	101,173	13,087	114,221

NAME OF COMPANY Lake Suzy Utilities, Inc.

WASTEWATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

AVAILABILITY- Available throughout the area served by the Company

APPLICABILITY- For wastewater service to any customer for which no other schedule applies

LIMITATIONS- Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD- Monthly

<u>RATE -</u>	METER SIZE	BASE FACILITIES CHARGE
	5/8"X3/4"	\$ 21.71
	1"	52.13
	1 1/2"	104.19
	2"	168.75
	over 2"	upon request
	Gallage Charge per 1,000 gallons	\$ 3.82

MINIMUM CHARGE - Base Facilities Charge

TERMS OF PAYMENT- Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days' written notice is mailed to the customer separate and apart from any other bill, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

Dallas A. Shepard
President

NAME OF COMPANY Lake Suzy Utilities, Inc.

WASTEWATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

AVAILIBLITY- Available throughout the area served by the Company

APPLICABILITY- For wastewater service for all purposes in private residences and individually metered apartment units.

LIMITATIONS- Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD- Monthly

<u>RATE -</u>	METER SIZE	BASE FACILTIES CHARGE
	All Meter Sizes	\$ 21.71

Gallonge Charge \$ 3.2
per 1,000 gallons (10,000 gallon maximum)

MINIMUM CHARGE - Base Facilities Charge

TERMS OF PAYMENT- Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days' written notice is mailed to the customer separate and apart from any other bill, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

Dallas A. Shepard
President

NAME OF COMPANY Lake Suzy Utilities, Inc.

WASTEWATER TARIFF

MULTI-RESIDENTIAL SERVICE

RATE SCHEDULE MS

AVAILABILITY- Available throughout the area served by the Company

APPLICABILITY- For wastewater service to all master-metered residential customers including but not limited to condominiums, apartments and mobile homes.

LIMITATIONS- Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD- Monthly

<u>RATE -</u>	<u>METER SIZE</u>	<u>BASE FACILTIES CHARGE</u>
	5/8"X3/4"	\$ 21.71
	1"	52.13
	1 1/2"	104.19
	2"	168.75
	over 2"	upon request
	Gallage Charge per 1,000 gallons	\$ 3.82

MINIMUM CHARGE - Base Facilitieⁿ Charge

TERMS OF PAYMENT- Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days' written notice is mailed to the customer separate and apart from any other bill, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

Dallas A. Shepard
President

AGREEMENT OF SALE

AGREEMENT, made as of the 14 day of July, 1995, between SUNNY GARDEN MOBILE HOME PARK ("Seller"), a Florida corporation having an office at 2901 West 16th Avenue, Hialeah, Florida 33021 and LAKE SUZY UTILITIES, INC. ("Purchaser"), having an office at 12408 SW Sheri Avenue, Lake Suzy, Florida 33821 This Agreement is effective upon the delivery to both parties of a fully signed original ("Effective Date").

WITNESSETH:

WHEREAS, Seller and/or its affiliate and assigns is the owner of one 80,000 gpd extended aeration sewage treatment plant with 100,000 gpd gravity filter, including all tanks and related accessories in their current position, all electrical panels for the treatment plant and irrigation system, all pumps, motors and blowers for the treatment plant and irrigation system, and any and all other accessories that now are part of the treatment plant in its current position ("Improvements") located at 9997 Donneymoore Drive, Brandon, Florida 33511 ("Land").

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and intending to be legally bound hereby, the parties hereto agree as follows:

1. Sale and Purchase.

Subject to the matters set forth in this Agreement, Seller agrees to sell or cause to be sold to Purchaser, and Purchaser agrees to purchase from Seller, the Improvements.

2. Purchase Price.

(a) The purchase price ("Purchase Price") payable by Purchaser for the sale of the Improvements shall be the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) payable as follows:

- (i) Upon execution hereof by all parties, Purchaser shall deliver to Seller a certified check in the amount of Nine Hundred Fifty and Zero Cents (\$950.00) (said deposit together with any additional deposit called for hereunder, hereinafter called the "Down Payment");
- (ii) On or before August 25, 1995 Purchaser shall deliver to Seller a certified check in the amount of Seven Thousand Fifty and Zero Cents (\$7,050.00) as an addition to the Down Payment.
- (iii) The balance of the Purchase Price over and above the Down Payment shall be paid to Seller pursuant the promissory note and a mortgage on the Improvements as collateral for the promissory note. Said promissory note shall provide for interest

at a rate of Nine and One Half Percent (9.5%). Principle and interest shall be payable in equal, consecutive monthly installments based on a ten (10) year amortization until the first anniversary date of the promissory note at which time principle and accrued interest shall be payable in full. Prepayment without penalty shall be permitted and interest after any default shall be at the highest rate allowed by law; and

3. Purchaser's Obligations.

(a) Purchaser shall have until November 23, 1995 to remove the Improvements from the Land and to restore the Land as set forth herein, all at Purchaser's sole cost and expense. Purchaser agrees to comply with all applicable federal, state and local laws, ordinances, orders and requirements of governmental authorities, including without limitation, those dealing with environmental matters (the "Laws") in connection with the Purchaser's obligations set forth herein. Purchaser further agrees to perform all of the obligations of Purchaser hereunder in a good, safe and workmanlike manner.

(b) Purchaser agrees to indemnify, defend and save Seller and its subsidiaries, affiliates and their respective employees and agents from any and all liabilities, claims, proceedings, suits, damages, losses, costs (including, without limitation reasonable attorney's fees and expenses) incurred or suffered by reason of, or resulting from or arising out of any activity of Purchaser or its agents and employees on the Land, including, without limitation matters arising out of Purchaser's violation of any Law. Purchaser shall provide Seller with evidence acceptable to Seller that Purchaser is insured by companies and in amounts acceptable to Seller and indicating that Seller has been named as an additional insured with respect to any activity to be performed by Purchaser on the Land.

(c) Purchaser covenants and agrees that it shall:

- (i) remove the Improvements from the Land and fill all holes left from the removal of the Improvements with clean fill;
- (ii) grade all disturbed areas of the Land to the surrounding elevation within the retaining wall;
- (iii) remove and cap all pipes being used to feed the Improvements or to discharge effluent to no higher than the existing ground and to mark all caps for future reference;
- (iv) remove all electrical panels and disconnect service back to the electric meter; and
- (iv) remove all sludge in or around the Improvements by a licensed and certified sludge hauler and dispose of the same in accordance with all Laws.

9. Condemnation and Destruction.

(a) Risk of loss to the Improvements from fire or other casualty shall be borne by Seller until Closing. If the Improvements or any portion thereof is damaged or destroyed by fire or other casualty prior to the Closing, which damage in either party's reasonable judgment materially affects the value of the Improvements, either party may elect to terminate this Agreement. If either party elects to terminate this Agreement, it shall notify the other in writing within thirty (30) calendar days after Purchaser has received written notice of such damage or destruction from Seller and Seller shall return the Down Payment to Purchaser, and this Agreement shall be deemed null and void and the parties hereto shall have no further obligations to or recourse against each other with regard to the matters provided for herein. If Seller does not restore the damage portion of the Improvements as provided above, and if neither party elects to terminate this Agreement as provided in this paragraph, then the transaction shall proceed as contemplated herein, in which event Seller shall assign to Purchaser all of Seller's right, title and interest in the proceeds to be paid on the claim of loss.

10. Notices

All notices, request, or other communications desired or required to be given under this Agreement shall be in writing and shall be sent by (a) certified or registered mail, return receipt requested, postage prepaid, (b) national prepaid overnight delivery service, (c) telecopy or other facsimile transmission (following with hard copies to be sent by national prepaid overnight delivery service) or (d) personal delivery with receipt acknowledged in writing, as follows:

If to Seller:

Mike Kemp
Sunny Gardens Mobile Home Park of Hialeah
2901 West 16th Avenue
Hialeah, Florida 33021
Telephone: 305-822-5921
Telecopier: 305-558-1253

If to Purchaser:

Dallas A. Shepard, President
Lake Suzy Utilities, Inc.
12408 SW Sheri Avenue
Lake Suzy, Florida 33821
Telephone: 941-629-2439
Telecopier: 941-629-0742

All notices shall be deemed given when actually received or refused by the party to whom the same is directed (except to the extent sent by certified or registered mail, return receipt requested, postage paid, in which event such notice shall be deemed given three (3) business days after the

date of mailing). Each party may designate a change of address or supplemental addressee (s) by notice to the other parties, given at least fifteen (15) business days before such change of address is to become effective.

11. Entire Agreement. Basis of Purchase.

(a) This Agreement contains all of the terms agreed upon between the parties with respect to the subject matter hereof and supersedes any and all prior written or oral understandings.

(b) Except as expressly set forth in this Agreement or in the documents to be delivered at Closing, Seller hereby expressly disclaims any and all warranties, express or implied, relating in any way to the Improvements, including, without limitation, any warranty provided for under statutory or common law or the uniform commercial code, including but not limited to warranties of merchantability and fitness for a particular purpose. Both Purchaser and Seller are acting at Arm's length to protect their own interests, and other Purchaser and Seller shall use their own independent business judgment concerning the sale and purchase of the Improvements. Purchaser acknowledges that it agrees to accept conveyance of the Improvements at Closing in its "as-is, where-is" condition as of the Closing Date, solely based upon its reliance on its own investigations, inspections and judgment.

12. Amendments.

This Agreement may not be changed, modified or terminated except by an instrument executed by the parties hereto.

13. Waiver.

No waiver by either party of any failure or refusal of the other party to comply with any of its obligations shall be deemed a waiver of any other or subsequent failure or refusal so to comply.

14. Successors and Assigns.

(a) This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

(b) Purchaser may not assign this Agreement or all or any part of its rights and obligations hereunder to one or more parties without the prior written consent of Seller which consent may be withheld or given in Seller's sole discretion.

15. Article Headings.

The headings of the various Articles of this Agreement have been inserted only for the purpose of convenience, and are not part of this Agreement and shall not be deemed in any manner to modify, explain, qualify or restrict any of the provisions of this Agreement.

16. Waiver of Jury Trial.

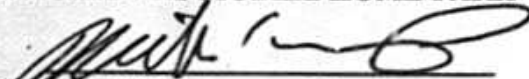
IT IS MUTUALLY AGREED BY AND BETWEEN SELLER AND PURCHASER THAT THE RESPECTIVE PARTIES HERETO SHALL AND DO HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THE PARTIES HERETO AGAINST THE OTHER ON ANY MATTERS WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT. EACH PARTY ACKNOWLEDGES THAT IT HAS READ AND UNDERSTANDS THIS WAIVER AND HAS BEEN ADVISED BY COUNSEL AS NECESSARY OR APPROPRIATE. THIS WAIVER IS MADE KNOWINGLY AND VOLUNTARILY BY THE PARTIES HERETO.

17. No Recording.

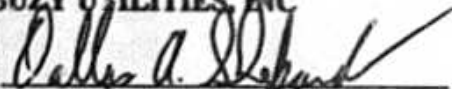
Neither Party shall record this Agreement or any memorandum thereof without the prior written consent of the other party, which consent may be withheld in such party's sole discretion.

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement as of the day and year first above written.

SELLER
SUNNY GARDENS MOBILE HOME PARK

By: 
Name: Mike Kemp
Title: Owner

PURCHASER:
LAKE SUZY UTILITIES, INC

By: 
Name: Dallas A. Shepard
Title: President

PROMISSORY NOTE

Principal amount \$42,000.00

Date: August 25, 1995

FOR VALUE RECEIVED, the undersigned hereby promises to pay to the order of Sunny Garden Mobile Home Park ("Lender"), the sum of Forty-Two Thousand Dollars (\$) 42,000, together with interest thereon at the rate of 9.5% per annum on the unpaid balance. Said sum shall be paid in the manner following: On or before the 15th of each month starting November 15, 1995, 12 equal and consecutive payments of \$543.47 shall be paid to Lender. The balance of the principal and accrued interest will be due and payable in full on November 23, 1996.

All payments shall be first applied to interest and the balance to principal. This note may be prepaid, at any time, in whole or in part, without penalty.

This note shall at the option of Lender shall be immediately due and payable upon the occurrence of any of the following: 1) Failure to make any payment due hereunder within 30 days of its due date. 2) Breach of any condition of the mortgage granted as collateral security for this note. 3) Upon the death, incapacity, dissolution or liquidation of any of the undersigned, or any endorser, guarantor to surety hereto. 4) Upon the filing by any of the undersigned of an assignment for the benefit of creditors, bankruptcy or other form of insolvency, or by suffering an involuntary petition in bankruptcy or receivership not vacated within thirty (30) days.

In the event this note shall be in default and placed for collection, then the undersigned agree to pay all reasonable attorney fees and costs of collection. Payments not made within five (5) days of due date shall be subject to a late charge of 2% of said payment. All payments hereunder shall be made to such address as may from time to time be designated by Lender.

The undersigned and all other parties to this note, whether as endorsers, guarantors or sureties, agree to remain fully bound until this note shall be fully paid and waive demand, presentment and protest and all notices hereto and further agree to remain bound notwithstanding any extension, modification, waiver, or other indulgence or discharge or release of any obligor hereunder or exchange, substitution, or release of any collateral granted as security for this note. No modification or indulgence by any holder hereof shall be binding unless in writing; and any indulgence on any one occasion shall not be an indulgence for any other or future occasion. Any modification or change in terms, hereunder granted by any holder hereof, shall be valid and binding upon the undersigned. The rights of Lender hereof shall be cumulative and not necessarily successive. This note shall take effect as a sealed instrument and shall be construed, governed and enforced in accordance with the laws of the State of Florida.

Witnessed: Aug 25, 1995

Sheri S. Mur
Print Name Sheri S. Mur

Dallas A. Shepard
Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

Wanda D. Sapp
Print Name WANDA D. SAPP

MORTGAGE

This Mortgage is given by Lake Suzy Utilities, Inc., hereinafter called Borrower, of 12408 SW Sheri Avenue, Lake Suzy, Florida 33821, to Sunny Gardens Mobile Home Park, hereinafter called Lender, which term includes any holder of this Mortgage, to secure the payment of the PRINCIPAL SUM of \$42,000.00 together with interest thereon computed on the outstanding balance, all as provided in a Promissory Note having the same date as this Mortgage, and also to secure the performance of all the terms, covenants, agreements, conditions and extensions of the Promissory Note and this Mortgage.

In consideration of the loan made by Lender to Borrower and for the purpose expressed above, the Borrower does hereby grant and convey to Lender, with MORTGAGE COVENANTS, one 80,000 gpd extended aeration sewage treatment plant with 100,000 gpd gravity filter, including all tanks and related accessories, all electrical panels for the treatment plant and irrigation system, all pumps, motors and blowers for the treatment plant (hereinafter collectively referred to as "Facilities") located at 9997 Donneymoor Drive, Brandon, Florida 33511 which shall be moved pursuant to the AGREEMENT OF SALE dated July 17, 1995 to Lake Suzy Utilities, Inc. wastewater treatment site in Lake Suzy, Florida.

Borrower further covenants and agrees that

1. No superior mortgage or the note secured by Facilities will be modified without the consent of Lender hereunder.
2. Borrower will make with each periodic payment due under the Note secured by this Mortgage a payment sufficient to provide a fund from which the real estate taxes, betterment assessments and other municipal charges which can become a lien against the mortgaged premises can be paid by Lender when due. This provision shall be effective only in the event that a fund for the same purpose is not required to be established by the holder of a senior mortgage.
3. In the event that Borrower fails to carry out the covenants and agreements set forth herein, the Lender may do and pay for whatever is necessary to protect the value of and the Lender's rights in the mortgaged property and any amounts so paid shall be added to the Principal Sum due the Lender hereunder.
4. In the event that any condition of this Mortgage or any senior mortgage shall be in default for fifteen (15) days, the entire debt shall become immediately due and payable at the option of the Lender. Lender shall be entitled to collect all costs and expenses, including reasonable attorney's fees incurred.
5. In the event that the Borrower transfers ownership (either legal or equitable) or any security interest in the mortgaged facilities, whether voluntarily or involuntarily, the Lender may at its option declare the entire debt due and payable.
6. Borrower further covenants and warrants to Lender that Borrower is indefeasibly seized of said Facilities in fee simple; that the Borrower has lawful authority to mortgage said Facilities and that said

Facilities are free and clear of all encumbrances except as may be expressly contained herein.

This Mortgage is upon the STATUTORY CONDITION and the other conditions set forth herein, for breach of which Lender shall have the STATUTORY POWER OF SALE to the extent existing under Florida law.

Executed under seal this 25 day of August, 1995.

WITNESSES:

Lake Suzy Utilities, Inc.
a Florida Corporation

By: Dallas A. Shepard
As its: President
Print Name: Dallas A. Shepard
Address: 12408 SW Sheri Ave.
Lake Suzy, Fl. 33821

STATE OF Florida
COUNTY OF Desoto

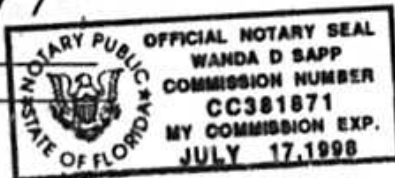
The foregoing instrument was acknowledged before me this 25 day of August, 1995, by Dallas A. Shepard as President of Lake Suzy Utilities, Inc., on behalf of said corporation.

Wanda D Sapp

Notary Public

Print Name _____

My Commission Expires: _____



Personally Known (or) Produced Identification _____
Type of identification produced _____

CONTRACTOR AGREEMENT

THIS AGREEMENT made this 26th day of October, 1995, by and between R.L. Tremaine, hereinafter called the Contractor, and Lake Suzy Utilities, Inc., hereinafter called the Owner.

WITNESSETH, that the Contractor and the Owner for the considerations named agree as follows:

ARTICLE 1. SCOPE OF THE WORK

The Contractor agrees that it shall perform all the work and provide all the material to:

- a) remove and deliver in the same or equal condition the two 43,000 ± gallon aeration tanks, one dual clarifier tank, one filter/chlorine contact tank, all the electrical panels and accessories as installed on the plant, the irrigation pumps and other related equipment for the operation of the WWTP in its present position (said items in this section hereinafter referred to as Facilities);
- b) remove and cap all pipes being used to feed the facilities or to discharge effluent to no higher than the existing ground and to mark all caps for future reference;
- c) grade all disturbed areas of the land to the surrounding elevation within the retaining wall after the Owner has provided the fill material;

The removal of the above stated Facilities shall take place at the Riverglen WWTP in Gibsonton (off of exit 48 I-75 at Boyett Rd and Donnymoore Drive) and said Facilities shall be delivered to the Lake Suzy WWTP site (off of exit 31 I-75 at Egre Circle).

ARTICLE 2. TIME OF COMPLETION

The work to be performed under this Contract shall be commenced on or before October 26, 1995 and shall be completed on or before November 14, 1995. Time is of the essence.

ARTICLE 3. THE CONTRACT PRICE

The Owner shall pay the Contractor for the material and labor to be performed under the Contract the sum of (\$) 7,580.00, subject to additions and deductions pursuant to authorized change orders.

ARTICLE 4. PROGRESS PAYMENTS

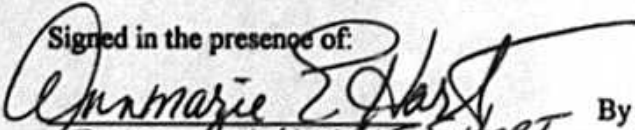
Payments of the Contract price shall be paid in the manner following: \$2,000.00 will be paid in cash upon execution of this agreement and the balance of \$5,580.00 will be paid in cash when Facilities arrive at the Lake Suzy WWTP site in an acceptable condition.

ARTICLE 5. GENERAL PROVISIONS


1. All work shall be completed in a workmanship like manner and in compliance with all applicable laws.
2. To the extent required by law all work shall be performed by individuals duly licensed and authorized by law to perform said work.
3. Contractor may at its discretion engage subcontractors to perform work hereunder, provided Contractor shall fully pay said subcontractor and in all instances remain responsible for the proper completion of this Contract.
4. Contractor shall furnish Owner appropriate releases or waivers of lien for all work performed or materials provided at the time the next periodic payment shall be due.
5. All change orders shall be in writing and signed both by Owner and Contractor.
6. Contractor warrants it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of Contractor or its employees of subcontractors.
7. In the event Owner shall fail to pay any periodic or installment payment due hereunder, Contractor may cease work without breach pending payment or resolution of any dispute.
8. All disputes hereunder shall be resolved by binding arbitration in accordance with rules of the American Arbitration Association.

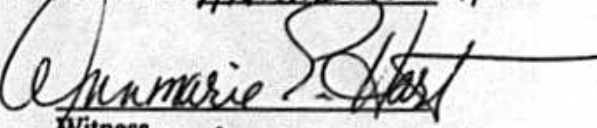
Signed this 26th day of October, 1995.

Signed in the presence of:

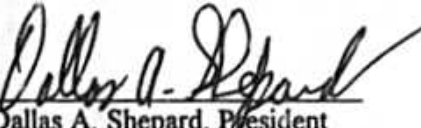

Print Name ANNMARIE E. HART

By


L. Tremaine


Witness
Print Name ANNMARIE E. HART

By


Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

CONTRACTOR AGREEMENT

THIS AGREEMENT made this 9th day of February, 1996 by and between Quality Homes of Port Charlotte, Inc, hereinafter called the Contractor, and Lake Suzy Utilities, Inc., hereinafter called the Owner.

WITNESSETH, that the Contractor and the Owner for the considerations named agree as follows:

ARTICLE 1. SCOPE OF THE WORK

The Contractor shall furnish all of the materials and perform all of the work shown on the drawings and/or described in the specifications entitled Exhibit A, as annexed hereto as it pertains to work to be performed on property located at: 12169 SW Egret Circle, Lake Suzy, Florida 33821.

ARTICLE 2. TIME OF COMPLETION

The work to be performed under this Contract shall be commenced on or before March 1, 1996 and shall be substantially completed on or before May 1, 1996. Time is of the essence.

ARTICLE 3. THE CONTRACT PRICE

The Owner shall pay the Contractor for the material and labor to be performed under the Contract the sum of Eight Thousand Nine Hundred Fifty Dollars (\$8,950.00), subject to additions and deductions pursuant to authorized change orders.

ARTICLE 4. PROGRESS PAYMENTS

Payments of the Contract price shall be paid in the manner following:

\$3,000.00 upon completion of Slab


\$4,000.00 upon "Dry In"

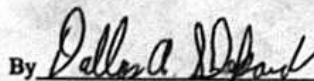
Balance upon Certificate of Occupancy as issued by the De Soto County Development Department.

ARTICLE 5. GENERAL PROVISIONS

1. All work shall be completed in a workmanship like manner and in compliance with all building codes and other applicable laws.
2. To the extent required by law all work shall be performed by individuals duly licensed and authorized by law to perform said work.
3. Contractor may at its discretion engage subcontractors to perform work hereunder, provided Contractor shall fully pay said subcontractor and in all instances remain responsible for the proper completion of this Contract.
4. Contractor shall furnish Owner appropriate releases or waivers of lien for all work performed or materials provided at the time the next periodic payment shall be due.
5. All change orders shall be in writing and signed both by Owner and Contractor.
6. Contractor warrants it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of Contractor or its employees of subcontractors.
7. Contractor shall at its own expense obtain all permits necessary for the work to be performed.
8. Contractor agrees to remove all debris and leave the premises in broom clean condition.
9. In the event Owner shall fail to pay any periodic or installment payment due hereunder, Contractor may cease work without breach pending payment or resolution of any dispute.
10. All disputes hereunder shall be resolved by binding arbitration in accordance with rules of the American Arbitration Association.
11. Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, casualty or general unavailability of materials.
12. Contractor warrants all work for a period of twelve months following completion.

Signed this 9th day of February, 1996.

By 
Dean DeGross
Quality Homes of Port Charlotte, Inc.

By 
Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

**STATE OF FLORIDA
DOMESTIC WASTEWATER FACILITY PERMIT**

PERMITTEE:

Lake Suzy Utilities, Inc.,
Mr. Dallas A. Shepard, President
12408 S.W. Sheri Street
Lake Suzy, FL 33821

PERMIT NUMBER

FLA011964

ISSUANCE DATE

11/29/95

EXPIRATION DATE

11/29/2000

FACILITY I.D. NO

FLA011964

FILE NO.

14-274864

FACILITY:

Lake Suzy Wastewater Treatment Plant
12169 S.W. Egret Circle
Lake Suzy, FL 33821
DeSoto County
Latitude: 27° 02' 46" N Longitude: 82° 03' 07" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code. The above named permittee is hereby authorized to construct and/or operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

An existing 0.05 MGD three month average daily flow Type III extended aeration domestic wastewater treatment plant consisting of a 5,830 gal surge tank, five aeration basins of 10,000 gallons each, a clarifier of 10,300 gallons, a chlorine contact chamber of 1,600 gallons, and an aerobic digester of 4,300 gallons. This facility, except as described below, to be removed and entirely replaced by:

A new 0.087 MGD three month average daily flow Type III extended aeration domestic wastewater treatment plant consisting of a bar screen and splitter box, two aeration basins of 43,600 gallons each, two clarifiers of 12,350 gallons each, dual backwashable filters of 40 sq. ft. total surface area, a chlorine contact chamber (filtered) of 3,505 gallons, a chlorine contact chamber of 5,798 gallons (unfiltered), with effluent through two pumping chambers of 16,130 gallons total (flow measurement location) to an irrigation distribution system in two percolation ponds. Five existing plant basins to be replumbed as 50,000 gallons total aerobic digesters.

EFFLUENT DISPOSAL:

Land Application: An existing 0.05 MGD three month average daily flow permitted capacity Part IV rapid rate disposal (R001) land application system consisting of two continuously loaded ground level percolation/evaporation ponds, functioning as a single cell rapid infiltration basin, with a total bottom area of approximately 24,000 sq. ft. Land application system R001 is located approximately at latitude 27° 02' 46" N, longitude 82° 03' 07" W. This system to be replaced by:

PERMITTEE:

Lake Suzy Utilities, Inc.,
Mr. Dallas A. Shepard, President
12408 S.W. Sheri Street
Lake Suzy, FL 33821

PERMIT NUMBER
ISSUANCE DATE
EXPIRATION DATE
FACILITY I.D. NO
FILE NO.

FLA011964
11/29/95
11/29/2000
FLA011964
14-274864

REUSE:

Land Application: A new 0.087 MGD three month average daily flow permitted capacity Part IV rapid rate reuse (R002) land application system consisting of two elevated rapid infiltration basins (percolation/evaporation ponds) of 115,000 sq. ft. and 204,000 sq. ft. bottom areas. Effluent to be evenly applied to the pond bottoms by a spray irrigation distribution system within the pond berm areas. Land application system R002 is located approximately at latitude 27° 02' 46" N, longitude 82° 03' 07" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Part I 5 pages, Part II 3 pages, Part III 1 page, Part IV 1 page, Part V 2 pages, Part VI 1 page, Part VII 1 page, Part VIII 2 pages, and Part IX 5 pages of this permit.

PERMITTEE: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 12408 S.W. Sheri Street
 Lake Suzy, FL 33821

PERMIT NO.: FLA011964
 ISSUANCE DATE: 11/29/95
 EXPIRATION DATE: 11/29/00
 FDEP FILE NO.: 14-275537

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Reuse and Land Application Systems

1. During the period beginning on the issuance date and lasting through the decommissioning and removal from service of the existing WWTP, the permittee is authorized to land apply reclaimed water from Reuse System R001. Such reclaimed water shall be limited and monitored by the permittee as specified below:
 [62-600, 6-8-93], [62-601, 5-31-93], [62-610, 4-2-90]

Existing WWTP		Reclaimed Water Limitations					Monitoring Requirements			
Parameter	Units	Max./Min.	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow	mgd	Maximum		0.050 (3 month rolling ADF)			Daily, 5/wk	Elapsed time/ pump rate measurement	24788	See Condition 4 & 6, below
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	20	30	45	60	monthly	grab	11163	
Total Suspended Solids	mg/L	Maximum	20	30	45	60	monthly	grab	11163	
Fecal Coliform Bacteria	See Permit Condition I. A. 7.						monthly	grab	11163	
pH	std. units	Range	-	-	-	6.0-8.5	Daily, 5/week	grab	11163	
Total Residual Chlorine (For Disinfection)	mg/L	Minimum	-	-	-	0.5	Daily, 5/week	grab	11163	See Condition 8, below
Nitrate (as N)	mg/L	Maximum	-	-	-	12	monthly	grab	11163	

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2. During the period beginning with the placement into service of the new WWTP and lasting through the expiration date of this permit, the permittee is authorized to land apply reclaimed water from Reuse System R002. Such reclaimed water shall be limited and monitored by the permittee as specified below.

[62-600, 6-8-93], [62-601, 5-31-93], [62-610, 4-2-90]

Parameter	Units	Max./Min.	Reclaimed Water Limitations				Monitoring Requirements				Notes	
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number			
Flow	mgd	Maximum		0.087 (3 month rolling ADF)				Daily, 5/wk	In-line turbine flowmeter measurement system	24795	See Condition 5 & 6, below	
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	20	30	45	60	monthly	monthly	grab	24795		
Total Suspended Solids	mg/L	Maximum	20	30	45	60	monthly	monthly	grab	24795		
Fecal Coliform Bacteria			See Permit Condition I. A. 7.						monthly	grab	24795	
pH	std. units	Range	-	-	-	6.0-8.5		Daily, 5/week	grab	24795		
Total Residual Chlorine (For Disinfection)	mg/L	Minimum	-	-	-	0.5		Daily, 5/week	grab	24795	See Condition 8, below	
Nitrate (as N)	mg/L	Maximum	-	-	-	12		monthly	grab	24795		

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

Monitoring Location Site Number	Description of Monitoring Location
24788	At headworks, prior to treatment and ahead of return activated sludge line, existing WWTP.
11163	After disinfection and prior to discharge to ponds, existing WWTP.
24794	At headworks, prior to treatment and ahead of return activated sludge line, new WWTP.
24795	After disinfection and prior to discharge to ponds, new WWTP.

4. The three month average daily flow to Reuse System R001 shall not exceed 0.050 MGD.
5. The three month average daily flow to Reuse System R002 shall not exceed 0.087 MGD.
6. Elapsed time meters and calibrated pumping rates shall be utilized to measure flow through the existing 0.050 MGD plant. An in-line turbine style flowmeter shall be used to measure flow through the new 0.087 MGD plant. Each flow measurement system shall be calibrated at least annually. [62-601.200(17), 5-31-93]
7. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. [62-600.440(4)(c), 6-8-93]
8. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-600.440(4)(b), 6-8-93]

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 Dallas A. Shepard, President
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 Lake Suzy, FL 33821

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 FDEP FILE NO.: 14-27537

B. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below:
 [17-601.300(1), 5-31-93]

Parameter	Units	Max/Min	Limitations				Monitoring Requirements				Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number		
Carbonaceous Biochemical Oxygen Demand (5 day) (existing facility)	mg/L	Report	-	-	-	-	monthly	grab	24788	influent	
Total Suspended Solids (existing facility)	mg/L	Report	-	-	-	-	monthly	grab	24788	influent	
Carbonaceous Biochemical Oxygen Demand (5 day) (new facility)	mg/L	Report	-	-	-	-	monthly	grab	24794	influent	
Total Suspended Solids (new facility)	mg/L	Report	-	-	-	-	monthly	grab	24794	influent	

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

Monitoring Location Site Number	Description of Monitoring Location
24788	At headworks, prior to treatment and ahead of return activated sludge line (existing WWTP).
24794	At headworks, prior to treatment and ahead of return activated sludge line (new WWTP).

3. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4), 5-31-93]
4. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. [62-620.610(18), 11-29-94]
5. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. [62-601.500(5), 5-31-93]
6. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis a Discharge Monitoring Report (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified in condition I.B.7 below. [62-620.610(18), 11-29-94][62-601.300(1),(2), and (3), 5-31-93]
7. Unless specified otherwise in this permit, all reports and notifications required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below:

Florida Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619

Phone Number - (813) 744-6100
FAX Number - (813) 744-8193

PERMITTEE: Lake Suzy Utilities, Inc.
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II. RESIDUALS MANAGEMENT REQUIREMENTS

Basic Management Requirements

1. The method of residuals use or disposal by this facility is land application.
2. Land application of residuals shall be in accordance with the conditions of this permit and the requirements of Chapter 62-640, F.A.C. [62-640, 3-1-91]
3. The domestic wastewater residuals for this facility are classified as Class B by means of lime stabilization (existing plant) and aerobic digestion (new plant).
4. The wastewater treatment facility permittee shall be responsible for proper handling, use, and disposal of its residuals and will be held responsible for any disposal violation that occur unless the permittee can demonstrate that it has delivered residuals that meet the chemical criteria and appropriate stabilization requirements of this permit and that the disposer (e.g. hauler, contractor, or disposal/land application site owner) has legally agreed in writing to accept responsibility for proper disposal. [62-640.300(3), 3-1-91]
5. The permittee shall sample and analyze the residuals at least once every 12 months. All samples shall be representative and shall be taken after final treatment of the residuals but before use or disposal. Sampling and analysis shall be in accordance with the U.S. Environmental Protection Agency publication - POTW Sludge Sampling and Analysis Guidance Document, 1989. The following parameters shall be sampled and analyzed:

Parameter	Maximum Concentration	Maximum Cumulative Loading
Total Nitrogen	(Report only) % dry weight	Not applicable
Total Phosphorus	(Report only) % dry weight	Not applicable
Total Potassium	(Report only) % dry weight	Not applicable
Cadmium	100 mg/kg dry weight	4.4 pounds /acre
Copper	3000 mg/kg dry weight	125 pounds/acre
Lead	1500 mg/kg dry weight	500 pounds/acre
Nickel	500 mg/kg dry weight	125 pounds/acre
Zinc	10,000 mg/kg dry weight	250 pounds/acre
pH	(Report only) standard units	Not applicable
Total Solids	(Report only) %	Not applicable

6. Florida water quality criteria and standards shall not be violated as a result of land application of residuals [62-640.700(3)(c), 3-1-91]

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Agricultural Sites

7. Class B residuals shall not be used on unrestricted access areas. [62-640.600(6)(b), 3-1-91]
8. Class B residuals application shall be in accordance with the Agricultural Use Plan(s) approved by the Department for this facility. [62-640.300(1), 3-1-91]
9. Root crops, and fruits and vegetables which touch the soil and which are to be consumed raw shall not be grown on the application site for 18 months after the last application of Class B residuals. [62-640.600(6)(c), 3-1-91]
10. Fruits and vegetables which do not touch the soil and which are to be consumed raw shall not be harvested from the application site for 30 days following the last application of Class B residuals. Orchard tree crops, which do not come in contact with the residuals due to the application method, are exempted. This exemption does not apply to orchard tree crops which have fallen to the ground before harvesting. [62-640.600(6)(d), 3-1-91]
11. Pasture vegetation on the application site shall not be cut or used for grazing by livestock for 30 days following the last application of Class B residuals. [62-640.600(6)(e), 3-1-91]
12. The public shall be restricted from the application area for 12 months after the last application of Class B residuals. [62-640.600(6)(f), 3-1-91]
13. The wastewater treatment facility permittee shall apply for a minor permit revision on DEP Form 62-620.910(9) for new, modified, or expanded residuals land application sites. The facilities permit shall be revised to include the new or revised Agricultural Use Plan(s) prior to application of residuals to the new, modified, or expanded sites. The current Agricultural Use Plan(s) identifies residuals land-spreading on the following sites:
[62-620.330, 11-29-94]

Site Name	Application Area (Acres)	Site Location	
		City	County
HOLLINGSWORTH RANCH SOUTH	1155		De Soto
HUDSON FARMS SOUTH	3349		Charlotte
HUDSON FARMS NORTH	1201		De Soto
BORAN RANCH	2100		De Soto

14. Annual residuals application rates shall not exceed the agronomic rates based on the nitrogen requirements of the site vegetation in accordance with the approved Agricultural Use Plan. [62-640.700(3)(d), 3-1-91]
15. Residuals shall be applied with techniques and equipment to assure uniform application over the site.
[62-640.700(3)(h), 3-1-91]
16. The pH of the domestic wastewater residuals soil mixture shall be 6.5 or greater at the time domestic wastewater residuals are applied. At a minimum, testing shall be done annually. [62-640.700(3)(h), 3-1-91]

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17. The permittee shall maintain records of application areas and application rates on DEP Form 62-640.900(3) and shall have these records available for inspection upon request by the Department or the appropriate Local Environmental Program. These records shall include:

- a. Date of application of the residuals,
- b. Location of the residuals application site,
- c. Amount of residuals applied or delivered,
- d. Identification of specific areas of the site where residuals were applied and acreage of that area,
- e. Method of incorporation of residuals (if any),
- f. Water table level at time of application, and
- g. Concentration of nitrogen and heavy metals in the residuals, percent solids, and date of last analysis.

18. The permittee shall provide: annual updates to the Agricultural Use Plan(s) to reflect any changes in domestic wastewater residuals characteristics or agricultural practices; summaries of the total residuals, nitrogen, and heavy metals applied on an annual basis; and annual summaries of the cumulative metals applied. Updates to the Agricultural Use Plan and annual summaries, including copies of applicable analytical laboratory reports for the wastewater residuals analysis for that period, shall be submitted to the the Southwest District Office by March 1st of each year. (62-640.700(3)(e) and (f), 3-1-91)

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III. GROUND WATER MONITORING REQUIREMENTS

This section is not applicable to this facility

PERMITTEE: Lake Suzy Utilities, Inc.
Dallas A. Shepard, President
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Lake Suzy, FL 33821

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IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

1. All ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally to the site property line and vertically to the base of the surficial aquifer. [62-520.200(23), 4/14/94] [62-522.400 and 62-522.410, 4/14/94]
2. Warning signs shall be posted around the site boundaries to designate the nature of the project area. [62-610.518, 4/2/90]
3. Percolation ponds, infiltration basins or trenches, and storage ponds shall be enclosed with a fence or provided with features to discourage the entry of animals and unauthorized persons. [62-610.518, 4/2/90]
4. The annual average hydraulic loading rate shall be limited to a maximum of 0.44 inches per day (as applied to the entire bottom area). [62-610.523(3), 4/2/90]
5. Infiltration ponds, basins, or trenches normally shall be loaded for 1-7 days and shall be rested for 1-7 days. Infiltration ponds, basins, or trenches shall be allowed to dry during the resting portion of the cycle. [62-610.523(4), 4/2/90]
6. Rapid-rate systems shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids. [62-610.523(6), 4/2/90]
7. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required. [62-610.515 and 62-610.415(6), 4/2/90]
8. Overflows from emergency discharge facilities on storage ponds or on infiltration ponds, basins, or trenches shall be reported as an abnormal event to the Department's Southwest District Office within 24 hours of an occurrence as an abnormal event. The provisions of Rule 62-610.880, F.A.C., shall be met. [62-610.880, 62-610.415(5), 62-610.515, and 62-610.516, 4/2/90]

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V. OPERATION AND MAINTENANCE REQUIREMENTS

Staffing Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapter 61E12-41, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility (existing and new) is a Category III, Class C facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class C or higher operator 1/2 hour/day for 5 days/week and one weekend visit. The lead operator must be a Class C operator, or higher.

[62-699, 5-20-94] [62-620.630(3), 11-29-94] [62-99.310, 5-20-92] [62-610.462(2), 4-2-90]

2. A certified operator shall be on call during periods the plant is unattended. [62-699.311(1), 5-20-92]

Capacity Analysis Report and Operation and Maintenance Performance Report Requirements

3. An updated capacity analysis report shall be submitted to the Department with the application for renewal of this permit. The updated capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. [62-600.405(5), 6-8-93]
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1), 6-8-93]

Recordkeeping Requirements

5. The permittee shall maintain the following records and make them available for inspection at the Lake Suzy Utilities, Inc. administrative offices, 12408 S.W. Sheri Street, Lake Suzy, Florida 33821.
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
 - e. A copy of the current permit;
 - f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C. (new facility only, within six months of placement into operation);

PERMITTEE: Lake Suzy Utilities, Inc.
Dallas A. Shepard, President
12408 S.W. Sheri Street
Lake Suzy, FL 33821

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EXPIRATION DATE: 11/29/00
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- g. A copy of the facility record drawings (new facility only, within six months of placement into operation);
- h. Copies of the licenses of the current certified operators; and
- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350, 11-29-94][61E12-41.010(1)(e), 11-02-93]

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EXPIRATION DATE: 11/29/00
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VI. COMPLIANCE SCHEDULES AND SELF-IMPOSED IMPROVEMENT SCHEDULES

1. The following construction schedule for the new 0.087 MGD extended aeration WWTP and effluent reuse system facilities shall be followed, unless notification of a schedule revision is provided and acceptable to the Department:

Implementation Step		Completion Date
1.	BEGIN CONSTRUCTION	01/02/96
2.	CONSTRUCTION COMPLETE	06/30/96
3.	BEGIN REUSE IN NEW PERCOLATION POND SYSTEM	07/30/96
4.	FULL OPERATIONAL LEVEL AND COMPLIANCE ATTAINED	08/30/96

[62-620.450(3)(a), 11-29-94]

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VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

This section is not applicable to this facility

PERMITTEE: Lake Suzy Utilities, Inc.
Dallas A. Shepard, President
12408 S.W. Sheri Street
Lake Suzy, FL 33821

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VIII. OTHER SPECIFIC CONDITIONS

1. Prior to placing the new 0.087 MGD extended aeration WWTP and effluent reuse system facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Domestic Wastewater Facilities and DEP Form 62-610.910(6), Completion of Construction Notification for a Reuse/Land Application System. [62-620.630(2), 11-29-94; 62-610.840(2), 04/02/90]
2. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-600, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. [62-620.630(7), 11-29-94]
3. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal, using Department Forms 62-620.910(1) and (2), no later than one-hundred and eighty days (180) prior to the expiration date of this permit. [62-620.410(5), 11-26-94]
4. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. [62-600.410(8), 6-8-93]
5. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited. [62-604.130(3), 5-31-93]
6. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. [62-604.550, 5-31-93] [62-620.610(20), 11-29-94]
7. The acceptance, by the operating authority of a collection/transmission system or by the permittee of a treatment plant, of connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in treatment plant discharges having temperatures above 40°C is prohibited.

[62-604.130(4), 5-31-93]

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8. The treatment facility shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-600.400(2)(b), 6-8-93]*
9. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit. *[62-7.540, 12-10-85]*
10. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

[62-620.625(2), 11-29-94]

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Lake Suzy, FL 33821

PERMIT NO.: FLA011964
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EXPIRATION DATE: 11/29/00
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IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), 11-29-94]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), 11-29-94]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), 11-29-94]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), 11-29-94]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), 11-29-94]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), 11-29-94]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), 11-29-94]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), 11-29-94]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;

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- b. Have access to and copy any records that shall be kept under the conditions of this permit;
- c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
- d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9), 11-29-94]

- 10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), 11-29-94]
- 11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), 11-29-94]
- 12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes for a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), 11-29-94]
- 13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), 11-29-94]
- 14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), 11-29-94]
- 15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), 11-29-94]
- 16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, 62-620.420 or 62-620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), 11-29-94]

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17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:

- a. A description of the anticipated noncompliance;
- b. The period of the anticipated noncompliance, including dates and times; and
- c. Steps being taken to prevent future occurrence of the noncompliance.

[62-620.610(17), 11-29-94]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.

- a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
- b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
- d. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. On-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
- e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

[62-620.610(18), 11-29-94]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), 11-29-94]

20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact date and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

PERMITTEE: Lake Suzy Utilities, Inc.
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EXPIRATION DATE: 11/29/00
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- a. The following shall be included as information which must be reported within 24 hours under this condition:
1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
- b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[62-620.610(20), 11-29-94]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX. 20 of this permit. *[62-620.610(21), 11-29-94]*

22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 2. There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 3. The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1. through 3. of this permit.

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Lake Suzy, FL. 33821

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EXPIRATION DATE: 11/29/00
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- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22), 11-29-94

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Permit Condition IX. 20. of this permit; and
 4. The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23), 11-29-94]

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

FDEP LIMITS (REPLACES MOR FORM)

PERMITTEE NAME: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 MAILING ADDRESS: 12408 S.W. Sheri Street
 Lake Suzy, FL 33821

PERMIT NUMBER: FLA011964
 MONITORING PERIOD--From: To:
 LIMIT: FINAL
 CLASS SIZE: MINOR GROUP: DOMESTIC
 FACILITY ID: FLA011964
 DISCHARGE POINT NUMBER 11163(R001) Existing Plant
 PLANT SIZE/TREATMENT TYPE: 3C *** NO DISCHARGE [x] ***
 TYPE OF EFFLUENT DISPOSAL: Rapid Rate Land Application

FACILITY: Lake Suzy WWTP
 LOCATION: 12169 S.W. Egret Circle
 Lake Suzy, FL 33821
 DESOTO COUNTY

Please read instructions before completing this form.

Parameter	STORET CODE	Quantity or Loading			Quality or Concentration			No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average	Maximum			
CBOD ₅ , EFFLUENT 80082 EFFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	-----	20 ANNUAL 30 MONTHLY 45 WEEKLY	60 SINGLE SAMPLE	mg/L	-----	MONTHLY
TSS, EFFLUENT 00530 EFFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	-----	20 ANNUAL 30 MONTHLY 45 WEEKLY	60 SINGLE SAMPLE	mg/L	-----	MONTHLY
NITRATE - NO ₃ 00620 EFFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	-----	-----	12 SINGLE SAMPLE	mg/L	-----	MONTHLY
COLIFORM, FECAL 31616 EFFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	-----	200 ANNUAL 200 MONTHLY	800 SINGLE SAMPLE	#/100 mL	-----	MONTHLY
CHLORINE, TOTAL RESIDUAL 50060 EFFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	0.5 MINIMUM	-----	-----	mg/L	-----	DAILY, 5 PER WEEK
pH 00400 MINIMUM	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	6.0 DAILY MINIMUM	-----	-----	SU	-----	DAILY, 5 PER WEEK
pH 00400 MAXIMUM	Sample Measurement	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Permit Requirement	-----	-----	-----	-----	-----	8.5 DAILY MAX	-----	-----	DAILY, 5 PER WEEK

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (Type or Print)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (YY/MM/DD)
		()	

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): (Attach additional sheets if necessary.)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

FDEP LIMITS (REPLACES MOR FORM)

PERMITTEE NAME: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 MAILING ADDRESS: 12408 S.W. Sberi Street
 Lake Suzy, FL 33821

PERMIT NUMBER: FLA011964
 MONITORING PERIOD--From: To:
 LIMIT: FINAL
 CLASS SIZE: MINOR GROUP: DOMESTIC
 FACILITY ID: FLA011964
 DISCHARGE POINT NUMBER 24788(Influent) Existing Plant
 PLANT SIZE/TREATMENT TYPE: 3C *** NO DISCHARGE [x] ***
 TYPE OF EFFLUENT DISPOSAL: Rapid Rate Land Application

FACILITY: Lake Suzy WWTP
 LOCATION: 12169 S.W. Egret Circle
 Lake Suzy, FL 33821
 DESOTO COUNTY

Please read instructions before completing this form.

Parameter	STORET CODE	Quantity or Loading			Quality or Concentration			No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average	Maximum			
FLOW	Sample Measurement				-----	-----	-----			
50053 MONTHLY AVERAGE DAILY	Permit Requirement	REPORT MONTHLY AVG.	0.020 3 MONTH ROLLING AVRG.	MGD	-----	-----	-----		DAILY 3 PER WEEK	ELAPSED TIME, PUMP RATE
CBOD ₅ , INFLUENT	Sample Measurement	-----	-----	-----	-----	-----	-----			
80082 INFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	REPORT MONTHLY AVG.	mg/L		MONTHLY	GRAB
TSS, INFLUENT	Sample Measurement	-----	-----	-----	-----	-----	-----			
00530 INFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	REPORT MONTHLY AVG.	mg/L		MONTHLY	GRAB
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (Type or Print)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO. ()	DATE (YY/MM/DD)
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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): (Attach additional sheets if necessary.)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

FDEP LIMITS (REPLACES MOR FORM)

PERMITTEE NAME: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 MAILING ADDRESS: 12408 S.W. Sheri Street
 Lake Suzy, FL 33821

PERMIT NUMBER: FLA011964
 MONITORING PERIOD--From: To:
 LIMIT: FINAL
 CLASS SIZE: MINOR GROUP: DOMESTIC
 FACILITY ID: FLA011964
 DISCHARGE POINT NUMBER 24795(R002) New Plant
 PLANT SIZE/TREATMENT TYPE: 3C *** NO DISCHARGE [x] ***
 TYPE OF EFFLUENT DISPOSAL: Rapid Rate Land Application

FACILITY: Lake Suzy WWTP
 LOCATION: 12169 S.W. Egret Circle
 Lake Suzy, FL 33821
 DESOTO COUNTY

Please read instructions before completing this form.

Parameter	STREET CODE	Quantity or Loading			Quality or Concentration			No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average	Maximum			
FLOW	Sample Measurement				-----	-----	-----			
50053 MONTHLY AVERAGE DAILY	Permit Requirement	REPORT MONTHLY AVRG.	0.007 3 MONTH ROLLING AVRG.	MGD	-----	-----	-----		DAILY, 3 PER WEEK	IN-LINE TURBINE FLOWMETER
CBOD ₅ , EFFLUENT	Sample Measurement	-----	-----	-----	-----	-----	-----			
80082 EFFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	20 ANNUAL 30 MONTHLY 3 WEEKLY	60 SINGLE SAMPLE	mg/L	MONTHLY	GRAB
TSS, EFFLUENT	Sample Measurement	-----	-----	-----	-----	-----	-----			
00530 EFFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	20 ANNUAL 30 MONTHLY 45 WEEKLY	60 SINGLE SAMPLE	mg/L	MONTHLY	GRAB
NITRATE - NO ₃	Sample Measurement	-----	-----	-----	-----	-----	-----			
00620 EFFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	-----	12 SINGLE SAMPLE	mg/L	MONTHLY	GRAB
COLIFORM, FECAL	Sample Measurement	-----	-----	-----	-----	-----	-----			
31616 EFFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	-----	200 ANNUAL 200 MONTHLY	800 SINGLE SAMPLE	#/100 mL	MONTHLY	GRAB
CHLORINE, TOTAL RESIDUAL	Sample Measurement	-----	-----	-----	-----	-----	-----			
50060 EFFLUENT GROSS VALUE	Permit Requirement	-----	-----	-----	0.5 MINIMUM	-----	-----	mg/L	DAILY, 3 PER WEEK	GRAB

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (Type or Print)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)
		()	

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): (Attach additional sheets if necessary.)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

FDEP LIMITS (REPLACES MOR FORM)

PERMITTEE NAME: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 MAILING ADDRESS: 12408 S.W. Sheri Street
 Lake Suzy, FL 33821

PERMIT NUMBER: FLA011964
 MONITORING PERIOD--From: _____ To: _____
 LIMIT: FINAL
 CLASS SIZE: MINOR
 FACILITY ID: FLA011964
 DISCHARGE POINT NUMBER: 24795(R002) New Plant
 PLANT SIZE/TREATMENT TYPE: 3C *** NO DISCHARGE [x] ***
 TYPE OF EFFLUENT DISPOSAL: Rapid Rate Land Application
 GROUP: DOMESTIC

FACILITY: Lake Suzy WWTP
 LOCATION: 12169 S.W. Egret Circle
 Lake Suzy, FL 33821
 DESOTO COUNTY

Please read instructions before completing this form.

Parameter	STORET CODE	Quantity or Loading			Quality or Concentration			No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average	Maximum			
pH	Sample Measurement	-----	-----	-----		-----	-----			
	Permit Requirement	-----	-----	-----	6.5 DAILY MINIMUM	-----	-----	SU	DAILY, 5 PER WEEK	GRAB
pH	Sample Measurement	-----	-----	-----		-----	-----			
	Permit Requirement	-----	-----	-----		8.5 DAILY MAX	-----	SU	DAILY, 5 PER WEEK	GRAB
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (Type or Print)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (YY/MM/DD)
		()	

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): (Attach additional sheets if necessary.)

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

FDEP LIMITS (REPLACES MOR FORM)

PERMITTEE NAME: Lake Suzy Utilities, Inc.
 Dallas A. Shepard, President
 MAILING ADDRESS: 12408 S.W. Sheri Street
 Lake Suzy, FL 33821

PERMIT NUMBER: FLA011964
 MONITORING PERIOD--From: To:
 LIMIT: FINAL
 CLASS SIZE: MINOR GROUP: DOMESTIC
 FACILITY ID: FLA011964
 DISCHARGE POINT NUMBER 24794(Influent) New Plant
 PLANT SIZE/TREATMENT TYPE: 3C *** NO DISCHARGE [x] ***
 TYPE OF EFFLUENT DISPOSAL: Rapid Rate Land Application

FACILITY: Lake Suzy WWTP
 LOCATION: 12169 S.W. Egret Circle
 Lake Suzy, FL 33821
 DESOTO COUNTY

Please read instructions before completing this form.

Parameter	STORET CODE	Quantity or Loading			Quality or Concentration			No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum	Units	Minimum	Average	Maximum			
CBOD ₅ , INFLUENT	Sample Measurement	-----	-----	-----	-----					
	Permit Requirement	-----	-----	-----	-----	REPORT MONTHLY AVG.		mg/l.	MONTHLY	GRAB
80082 INFLUENT GROSS VALUE	Sample Measurement	-----	-----	-----	-----					
	Permit Requirement	-----	-----	-----	-----	REPORT MONTHLY AVG.		mg/l.	MONTHLY	GRAB
TSS, INFLUENT	Sample Measurement	-----	-----	-----	-----					
	Permit Requirement	-----	-----	-----	-----	REPORT MONTHLY AVG.		mg/l.	MONTHLY	GRAB
00530 INFLUENT GROSS VALUE	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (Type or Print)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO.	DATE (YY/MM/DD)
		()	

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): (Attach additional sheets if necessary.)

DAILY SAMPLE RESULTS - PART B

Facility ID: FLA011964
 Month/Year:

Three-month Average Daily Flow:
 Daily Flow % of Permitted Capacity:

Day of the Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31
Flow (MGID)																														
Chlorine Residual after Contact (mg/L as Cl ₂)																														
CBOD, Influent (mg/L)																														
TSS Influent (mg/L)																														
CBOD, Effluent (mg/L)																														
TSS Effluent (mg/L)																														
NO ₃ Effluent (mg/L as N)																														
Fecal Coliform (#/100ML)																														
pH Effluent, minimum (Std. Units)																														
pH Effluent, maximum (Std. Units)																														

PLANT STAFFING:

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

Type of Effluent Disposal or Reclaimed Water Reuse:
 Limited Wet Weather Discharge Activated: Yes: No: Not Applicable: X If yes, cumulative days of wet weather discharge:
 *Attach additional sheets if necessary to list all certified operators.

INSTRUCTIONS FOR MONITORING REPORT

PART A - Discharge Monitoring Report

One report shall be completed and submitted for each discharge point, outfall, or testing site listed in the permit. Use additional sheets if necessary. Mail to Department of Environmental Protection at the address shown on the first page of report.

Permittee Name/Address: Complete the name as shown on the face of the permit. Complete the mailing address. Place a note beside the mailing address if the address has changed within the past month.

Facility/Location: Complete the name of the facility and the address or location of the facility.

Permit Number: This is the number of the permit issued to the permittee which contains the monitoring requirements in this report.

Monitoring Period: This is the period that the data on this report represents.

Note: This is blank if the data represents interim limits on a facility under construction. If the data represents final limits achieved after construction, the word FINAL will be here.

Class Size/Group: The facility classification is either major or minor and the group is either industrial or domestic.

Facility ID: This is the identification number of the facility which was assigned by the Department at the time the facility was constructed.

Discharge Point Number: This is the number in the permit assigned to the outfall, discharge point, or test site from which this data was collected.

Plant size/Treatment type: If this facility is a domestic wastewater treatment facility, enter a one digit and one letter code to indicate the type of treatment and the plant size. First record the number from the chart below which represents the type of treatment provided by the facility. Then record the letter that indicates the permitted capacity (plant size) as shown on the chart below.

Plant size/Treatment type: If this facility is a domestic wastewater treatment facility, enter a one digit and one letter code to indicate the type of treatment and the plant size. First record the number from the chart below which represents the type of treatment provided by the facility. Then record the letter that indicates the permitted capacity (plant size) as shown on the chart below.

	Type of Treatment	Plant Size (mgd)			
		A	B	C	D
1	Activated Sludge, Attached Growth, or Combined Treatment systems that include nutrient removal processes (Nitrification alone is not considered nutrient removal.)	23.0	20.5 but < 3.0	20,002 but < 0.5	...
2	Activated Sludge or Combined Treatment systems that do not include removal processes	25.0	21.0 but < 5.0	20,002 but < 1.0	...
3	Activated Sludge operated in the extended aeration mode and oxidation ditches	28.0	22.0 but < 8.0	20,025 but < 2.0	20,002 but < 0.025
4	Attached Growth Treatment systems (trickling filter or RBCs) that do not include nutrient removal processes	210.0	23.0 but < 10.0	20,025 but < 3.0	20,002 but < 0.025

Parameter: This is the variable or substance which must be monitored.

Sample Measurement: The data which was collected and analyzed.

Permit Requirement: The limit from the permit for that parameter and measurement.

Quantity or Loading: The amount or mass of the parameter discharged during the reporting period in Average quantity discharged during the reporting period after adding each day of discharge, Maximum quantity discharged on the day with the highest amount, and the Unit of measurement (lbs, g, tons, etc.)

Quality or Concentration: The concentration of the parameter discharged during the reporting period in Minimum concentration during the reporting period, Average of all the measurements for the parameter, during the reporting period, Maximum or highest concentration discharged during the reporting period, and the Unit of measurement (mg/L, ug/L, etc.)

No. Ex.: The number of sample measurements during the sampling period that exceeded the maximum (minimum or 7-day average, as appropriate) permit requirement for each parameter. If none, enter zero.

Frequency of Analysis: The number of times the measurement is required to be made by the permit and the number of times the measurement was made.

Sample Type: The type of sample (grab, composite, continuous) required to be taken by the permit and the type that was taken.

Certificate, Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached.

Event Date: If there are questions concerning this report. Date when the report is signed.

Comments and Explanation: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation.

PART B - DAILY SAMPLE RESULTS

Complete one sheet for each outfall, discharge point, or test site where daily sampling is required by the permit. Record the results of daily monitoring for the parameters required to be sampled daily by your permit. Record the data in the units indicated. If there are no fecal coliforms detected, enter < 1 for MF technique and < 2.2 for MPN technique. In the row labeled "fecal coliform." Use the blank rows as needed.

List the name, certificate number, and class of all state certified operators. Use additional sheets as necessary.

Enter the type of effluent disposal or reclaimed water reuse (surface water discharge, ocean outfall, slow rate land application-public access, slow rate land application-restricted public access, rapid rate land application, absorber field, underground injection).

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,)

Complainant,)

vs.)

LAKE SUZY UTILITIES, INC.,)

Respondent.)

IN THE OFFICE OF THE
SOUTHWEST DISTRICT

OGC File No. 93-3668

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department") and Lake Suzy Utilities, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and 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 Order.

2. Respondent is a person within the meaning of Section 403.031(5), Florida Statutes. Respondent is a corporation registered to conduct business in the State of Florida.

3. Respondent is the owner and is responsible for the operation of the Lake Suzy Wastewater Treatment Plant, a 0.050 MGD Type III extended aeration wastewater treatment plant with chlorinated effluent to dual percolation/evaporation ponds ("plant"). The plant is located west of King's Highway, Lake Suzy, DeSoto County, Florida in the area of latitude N 27° 02' 46", longitude W 82° 03' 07", in Section 31, Township 39S, Range 23E ("property").

4. Respondent operated the plant under Department Operation Permit No. D014-147759 which expired May 14, 1993. Respondent applied on March 16, 1993 for a renewal of the operation permit. The application was reviewed and found to be incomplete and the Respondent was so notified on March 30, 1993 with a request for additional information. The additional information dealt primarily with the failure of the percolation/evaporation ponds to function in accordance with the approved design or the Department rules. Field inspections over the last several years documented by Letters of Non-Compliance (June 27, 1991, December 12, 1991, January 13, 1992, February 17, 1992, August 17, 1992, September 3, 1992, November 30, 1992, January 21, 1993, March 22, 1993, and September 7, 1993) confirmed that they were not functioning properly. In addition, lack of proper

maintenance of the percolation/ evaporation ponds was cited in each letter. The field inspection documented on September 7, 1993, also confirmed that a spray augmentation system as discussed in the Operation and Maintenance Performance report submitted with the application had been built, upon the recommendation of a consulting engineer, without permit or Department approval. The system was not placed in service and has since been removed. Additional information was requested to provide reasonable assurance that the pond deficiencies were or would be corrected. Despite a second request on May 24, 1993 for the required additional information, the information was not forthcoming within a reasonable time and the operation permit application was denied on July 9, 1993. The denial was not petitioned for an administrative hearing and the facility was operated without a valid operation permit from that time forward.

5. On September 3, 1993, Respondent again submitted an application for an operation permit. In a letter of incompleteness dated September 13, 1993, the Respondent was informed that since no additional information had been provided the Department since the previous denial, there was a likelihood that this application would be denied as well for the same reasons. The Respondent was informed that an acceptable alternative would be to submit additional fee and a schedule for gaining compliance, and request that the application be converted to a temporary operation permit.

The Respondent agreed to this approach and on November 8, 1993, submitted the additional fee and an amended application for a temporary operation permit. Again, after Department review, the amended application was found deficient and on December 7, 1993 additional information was requested, primarily dealing with schedule and method to regain compliance. Despite a second request on February 3, 1994 for the required additional information, the information was not forthcoming within a reasonable time and the temporary operation permit application was denied on March 24, 1994. The denial was not petitioned for an administrative hearing and the facility continues to be operated without a valid operation permit.

6. In addition to the above permitting issues, the Department received a September 8, 1993 letter from the Respondent stating that excessive rains during the preceding two weeks had caused the percolation/evaporation ponds to fill up to the top and that the Respondent, to prevent bank erosion and pond overflow, had pumped effluent out of the ponds allowing the effluent to spread on land owned by the Respondent. During a telephone discussion on September 9, 1993, the Respondent also stated that the effluent may have been allowed to leave the plant property and flow onto the adjacent property. The pumping was confirmed by a September 9, 1993 telephonic report from the Florida Game and Freshwater Fish Commission that the adjacent landowner had filed a complaint with their office stating that pumping had

continued during a large part of the weekend of September 4 and 5, 1993. In a letter to the Department dated September 29, 1993, the Respondent admitted pumping 6-8 hours on September 4, 1993, with the pump being removed on September 5, 1993.

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

ORDERED:

7. Within 90 days of the effective date of this Consent Order, Respondent shall submit to the Department a problem analysis, developed, signed and sealed by a professional engineer registered in the State of Florida, which examines in detail those alternatives technically and economically feasible for the Respondent to accomplish to return the plant to compliance, with recommendations. At the time of submittal, the Respondent shall inform the Department of his selected course of action.

8. Within 150 days of the effective date of this Consent Order, Respondent shall submit to the Department a construction permit application, along with the appropriate permit fee, to modify the plant's disposal system or otherwise modify or expand the plant so that alternative methods of disposal may be used. This modification shall eliminate the deficiencies (items 1-8) described in the Operation and Maintenance Performance Report dated August 1993, produced by Alpha-Omega Enterprise, Inc., and submitted

by the Respondent, as well as those deficiencies cited in paragraph 4 above. Further, it shall correct pond failures resulting in need to discharge. The corrective action may include expansion of the existing reuse/disposal system and/or the use of other methods of reuse and disposal. The application shall be prepared and sealed by a professional engineer registered in the State of Florida. In the event the application is incomplete, within 30 days of receipt of a request for additional information to complete the application, Respondent shall ensure that the information is submitted. Within 180 days from issuance of the construction permit, Respondent shall complete the construction as authorized by the construction permit. Within 30 days of completion of construction as authorized by the construction permit, Respondent shall submit a Completion of Construction Notification for a Reuse/Land Application System and a Notification that a Domestic Wastewater Facility Will be Placed Into Operation (if required), signed and sealed by the project engineer. If the Respondent is unable or unwilling to construct a modification of the plant's disposal system, and/or the plant (if required), as provided in this paragraph, the Department reserves the right to seek other relief to require the Respondent to comply with its rules and permits.

9. By September 30, 1994 and every quarter thereafter, Respondent shall submit in writing to the Department a report containing the following information concerning the plant:

the status and progress of projects under this Consent Order; and information as to compliance or non-compliance with the applicable requirements of this Consent Order including construction requirements and any reasons for non-compliance. Such reports shall also include a projection of the work to be performed pursuant to this Consent Order during the following 90 day period. The reports shall be submitted to the Department within 30 days following the end of the quarter.

10. Effective immediately, Respondent shall cease discharging from the percolation/evaporation ponds, whether by overflow or by intentional pumping, by either closing the plant and the appurtenant wastewater collection lines or by the daily removal of enough effluent by a licensed hauler to prevent a discharge. The effluent must be disposed of at a location approved by the Department. Respondent shall notify the Department within 24 hours of a discharge from the plant. As an alternative to closing the plant or hauling effluent, the Respondent, without obtaining a separate construction modification permit, may raise the pond berms sufficiently to add freeboard so that the ponds will not discharge. Any such temporary measures shall be thoroughly documented or removed during subsequent plant or pond modification construction.

11. Respondent is required, pursuant to Section 403.087(1) and 403.088(1), Florida Statutes, and Florida Administrative Code Rule 17-4.030, to obtain a state operation permit from the Department in order to operate the

plant. At present, Respondent cannot qualify for an operation permit because of the violations outlined above. The Department is authorized by Section 403.088(3), Florida Statutes, and Florida Administrative Code Rule 17-4.250 to issue a temporary operation permit or enter into an agreement which is the equivalent of a temporary operation permit. The Department and Respondent recognize that there is not presently a reasonable alternative means of achieving compliance other than through satisfactory completion of the compliance schedule set forth in this Consent Order. The Department and Respondent recognize that the denial of a temporary operation permit or the denial of this Consent Order which is the equivalent of a temporary operation permit would work an extreme hardship upon Respondent. Therefore, this Consent Order will be Respondent's instrument of authorization to operate the plant. This authorization to operate shall continue in full force and effect until such time as an operation permit is issued for the plant, the plant is decommissioned, the Department files a petition to enforce the terms of this Consent Order in a court of competent jurisdiction, or until January 31, 1996, whichever occurs first. Respondent shall comply with all applicable rules in Florida Administrative Code Chapters 17-3, 17-4, 17-302, 17-522, 17-600, 17-601, 17-610, 17-640, and 17-699 while operating the plant with the exception of percolation/evaporation pond design, setbacks, freeboard requirements, and emergency overflows.

12. On or before December 1, 1995, Respondent shall submit to the Department a permit application, along with the appropriate fee, to operate the plant. The application shall be prepared and sealed by a professional engineer registered in the State of Florida. In the event that the permit application is incomplete, within 30 days of written request by the Department for additional information necessary to process the application, Respondent shall submit all requested information to the Department. Upon issuance of the operating permit, Respondent shall comply with the terms contained in the permit.

13. In any event, the Lake Suzy Wastewater Treatment Plant and its reuse/disposal system shall be in compliance no later than January 31, 1996.

14. Within 30 days of execution of this Consent Order, Respondent shall commence payment to the Department of \$14,100.00 in settlement of the matters addressed in this Consent Order. This amount includes \$12,600.00 in settlement of alleged violations of Section 403.161, Florida Statutes, and of the Department's rules, \$1,200.00 in processing fee costs pursuant to Florida Administrative Code Rule 17-4.050 for the temporary operation of the plant as authorized by this Consent Order and \$300.00 for the 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 Protection 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 Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318. The payment shall be sent in eleven quarterly installment payments, the first payment of \$1500.00 due within 30 days of execution of this Consent Order, and ten subsequent payments of \$1260.00 due each calendar quarter thereafter. Final payment is due no later than March 31, 1997. Failure to timely make any installment payment will accelerate the balance which will become immediately due.

15. Respondent agrees to pay the Department stipulated penalties in the amount of \$50.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph[] 7 through 14 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 the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Pollution Recovery Fund". Payment shall be sent to the Department of Environmental Protection, Southwest District, 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. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 14 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.

16. 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 circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's 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 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 Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall be confirmed in writing from the Department and 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.

17. Respondent shall publish the following notice in a newspaper of daily circulation in DeSoto County, Florida. The notice shall be published one time only within 10 days after execution of the Consent Order by the Department.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection gives notice of agency action of entering into a Consent Order with Lake Suzy Utilities, Inc. pursuant to Rule 17-103.110(3), Florida

Administrative Code. The Consent Order addresses unpermitted operation of the wastewater treatment plant, failure of percolation/evaporation ponds, and unauthorized discharges in the vicinity of King's Highway, Lake Suzy, Florida. 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 Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

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, Florida Statutes.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order 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.

18. 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.

19. 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 the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

20. 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 \$10,000.00 per offense and criminal penalties.

21. Respondent shall allow all authorized representatives of the Department access to the property and plant at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules of the Department.

22. All plans, applications, penalties, stipulated penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department should be sent to Mr. Thomas Gucciardo, Environmental Manager, Florida Department of Environmental Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

23. 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.

24. 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.

25. 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.

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

27. 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 or plant, (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.

28. 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.

29. 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 the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT

7/14/94
DATE

Dallas A. Shepard
Dallas A. Shepard,
President
Lake Suzy Utilities, Inc.
12408 S.W. Sheri Street
Lake Suzy, FL 33821

DONE AND ORDERED this
in Tampa, Florida.

20 day of July, 1994

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated Depart-
ment Clerk, receipt of which is hereby ac-
knowledged.

Helen Stealey 7-22-94
Clerk Date

Richard D. Garrity
Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-3318

Copies furnished to:

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