

STATE OF FLORIDA

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Public Service Commission

April 6, 2004

RECEIVED-FPSC  
APR - 7 AM 9:00  
COMMISSION  
CLERK

Mr. Carson Schaeffer  
Schaeffer Utility  
P. O. Box 8661  
Jacksonville, FL 32239

Re: Docket No. 020439-SU and Requirements of Order No. PSC-03-0699-PAA-SU Issued in that Docket.

Dear Mr. Schaeffer:

Pursuant to our telephone conversation last week, enclosed is a copy of the above-noted Order and a previous letter sent to Mr. Winrow. In addition to the requirements set out in the letter dated February 17, 2004, to Mr. Winrow, the Commission ORDERED that the utility shall provide our staff with a signed contract with Sutton and Associates or other insurer and proof of the insurance policy within 90 days of the Consummating Order. The Consummating Order was issued July 1, 2003, and so the time for completion of all requirements has long since passed.

I have highlighted and tabbed the appropriate sections and ordering paragraphs of the above-noted Order. Pursuant to Section 367.161, Florida Statutes, failure to comply with any of the above-noted requirements makes the utility subject to a fine of up to \$5,000 per day for each violation, and each day that the violation continues constitutes a separate offense. Pursuant to our conversation last week, it is my understanding that many of the improvements have already been made, but that there are still several to be made.

The Commission also ORDERED that Sanibel Bayous Utility Corporation shall complete any and all improvements to the system that are necessary to satisfy the standards set by the Florida Department of Environmental Protection (FDEP) within the time frames set by FDEP, or within one year, whichever is longer. Listed below is each requirement taken from the Order:

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

1. Posting of local emergency telephone number at the plant and at each lift station;
2. Completion of all improvements to the system that are necessary to satisfy FDEP standards within timeframes set by FDEP, or within one year, whichever is longer. Listed below are some of the violations noted by FDEP at its September 19, 2002, and March 12, 2003 inspections:
  - a. The chlorine contact chamber had an accumulation of sludge which may increase the facility's potential for a total suspended solids violation and/or reduce the required disinfection time;

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- b. The utility violated Rule 62-600.440(4)(b), F.A.C., which requires a total chlorine residual of at least 0.5 mg/L to be maintained after at least 15 minutes contact time at peak hourly flow. During the March 12, 2003 inspection a chlorine residual reading was determined at the point of discharge in the chlorine contact chamber. The reading indicated a chlorine residual of 0.00 milligrams per liter (mg/L);
  - c. The utility violated Rule 62-600.440(2)(b)4., F.A.C., which requires any one sample to not exceed 800 fecal coliform colonies per 100 milliliters (ml) of sample. During the March 12, 2003 inspection a fecal coliform grab sample was taken. The sample result of the fecal coliform analysis was 60,000 fecal coliform colonies per 100 ml; and
  - d. The utility violated Rule 62-600.740(1)(b)1.d., F.A.C., which requires any reclaimed water or effluent grab sample to not exceed 60 mg/L. During the March 12, 2003 inspection a total suspended solids (TSS) sample was taken. The sample result indicated that the TSS concentration was 197 mg/L;
3. Also, on pages 10-12 of the Order, the Commission listed the other violations noted by the FDEP at its inspections on those two days;
  4. Completion of pro forma surge tank (see pages 13 and 16 of Order);
  5. Completion of pro forma fence (see pages 13 and 16 of Order);
  6. Completion of pro forma lift station overhaul (see pages 13 and 16 of Order);
  7. Completion of the removal of vegetation from the pond berm (see page 27 of the Order);
  8. Completion of the addition of baffles in the chlorine contact chamber (see page 27 of Order);
  9. Completion of the addition of new diffusers in some of the aeration tanks (see page 27 of Order); and
  10. Provision of signed contract with insurer and proof of insurance policy.

Please provide staff with a letter regarding the utility's compliance with the above-noted requirements within 21 days of the date of this letter. I am copying Mr. Winrow with this letter and it is of course ultimately his responsibility to see that the utility has complied with the above-noted requirements. If the utility has not complied with any of the above-noted requirements, please state when and if the utility will comply, and the reasons for any delay. Also, if the utility has entered into a Consent Order with FDEP, please provide a copy of that Consent Order. I realize that many of my requests and the above-noted requirements are the responsibility of Mr. Winrow and I am copying him with this letter. However, to the extent you can respond and state the status of the above-noted requirements, I would appreciate it. Please consult with Mr. Winrow on any response, and to the extent you cannot address the requirement, Mr. Winrow should submit a response within 21 days of the date of this letter.

Mr. Carson Schaeffer

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If you have any questions, or if I can be of any further assistance please contact me. My telephone number is 850-413-6234.

Sincerely,

A handwritten signature in cursive script that reads "Ralph R. Jaeger".

Ralph R. Jaeger  
Senior Attorney

RRJ/jb

cc: Gary Winrow (Sanibel Bayous Utility Corporation)  
Division of the Commission Clerk and Administrative Services (Docket File)  
Division of Economic Regulation (Merta, Massoudi)