



**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** September 5, 2006

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** Richard P. Redemann, Professional Engineer III, Division of Economic Regulation <sup>PPR</sup>

**RE:** Docket No. 060256-SU; Alafaya Utilities, Inc. Application for Rate Increase in Seminole County, Florida.

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Please add to the docket file the attached email from the Florida Department of Environmental Protection with a copy of the draft permit revision and intent to issue a permit to construct a 1.5 million gallon ground storage tank..

Attachments

cc: Division of Economic Regulation (Fletcher, Rendell)  
Office of General Counsel (Jaeger)

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SEC 1

OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

08142 SEP-6 8

FPSC-COMMISSION CLERK

## Richard Redemann

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**From:** Young, Patricia [Patricia.Young@dep.state.fl.us]  
**Sent:** Tuesday, September 05, 2006 2:09 PM  
**To:** p.c.flynn@utilitiesinc-usa.com; Richard Redemann; sromano@cphengineers.com  
**Subject:** Alafaya GST Revision Intent Draft  
**Attachments:** alafaya GST Revision intent.pdf; alafaya GST Revision DRAFT.pdf

Please send confirmation upon receiving this. Attached is a Adobe Acrobat version of a document from the Central District of the Florida Department of Environmental Protection.

A free viewer is available at <http://www.adobe.com> . This email is an alternative to a hard copy being sent by mail.

If you would still like to receive a hard copy or had trouble receiving the attachment, reply to this email or call me at the number listed below.

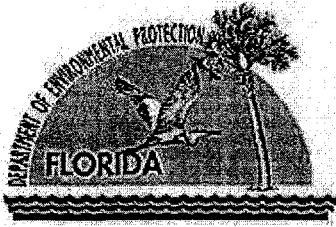
Domestic Waste Permitting

407-893-3315

s/c 325-3315

[Patricia.Young@dep.state.fl.us](mailto:Patricia.Young@dep.state.fl.us)

9/5/2006



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen Castille  
Secretary

Sent via e-mail: [p.c.flynn@utilitiesinc-usa.com](mailto:p.c.flynn@utilitiesinc-usa.com)

ALAFAYA UTILITIES INC  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS FL 32714

ATTENTION MR. PATRICK C FLYNN  
REGIONAL DIRECTOR

## DRAFT

Seminole County - DW  
Alafaya WWTF  
File Number: FLA011074-007-DW1  
Permit Revision

Dear Mr. Flynn:

The Department is in receipt of your request to revise the conditions of the permit referenced above. The permit is hereby revised to allow construction of a 1.5 MG ground storage tank, located at the facility.

In addition to the above construction, the following conditions shall apply to this permit revision:

1. Prior to placing the new 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.** [62-620.630(2)]
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)]
3. This permit does not cover any of the structural engineering aspects of this project.

This letter must be attached to Wastewater Permit No. FLA011074 and becomes a part of and subject to all conditions of that permit.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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Christianne C. Ferraro, P.E.  
Program Administrator  
Water Facilities  
3319 Maguire Boulevard Suite 232  
Orlando, FL 32803-3767  
Phone (407) 894-7555

Date:

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sent via e-mail: [p.c.flynn@utilitiesinc-usa.com](mailto:p.c.flynn@utilitiesinc-usa.com)

In the Matter of an  
Application for Permit by:  
ALAFAYA UTILITIES INC  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714

Seminole County - DW  
Alafaya WWTF  
Wastewater Permit Application  
DEP File No.: FLA011074-007-DW1

ATTENTION MR. PATRICK C FLYNN  
REGIONAL DIRECTOR

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit revision (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Alafaya Utilities Inc, applied on July 14, 2006 to the Department of Environmental Protection for a permit to construct a 1.5 MG ground storage tank. The facilities are located at the existing Alafaya WWTF located at 1067 McKinnon Avenue, Oviedo, Seminole County, Florida.

The Department has permitting jurisdiction under Section 403.087 and 403.0885 Florida Statutes (F.S.), and Chapters 62-4 and 62-620, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a wastewater permit revision is required for the proposed work.

Under section 403.815 of the Florida Statutes and Rule 62-103.150 of the Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to the Department, at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

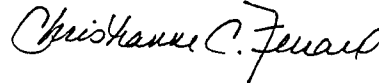
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Christianne C. Ferraro, P.E.

Program Administrator

Water Facilities

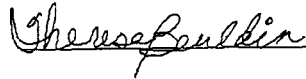
3319 Maguire Boulevard, Suite 232

Orlando, Florida 32803-3767

Phone: (407) 894-7555

Date: September 5, 2006

FILED, on this date, pursuant to Section 120.52, F. S.,  
with the designated Department Clerk, receipt of which is  
hereby acknowledged.



Clerk

Sept. 5, 2006  
Date

CCF/trw/cs/ply

Enclosures: Draft Permit Revision  
Notice of Intent

Copies furnished to:  
Stephen N. Romano, P.E. (via email: [sromano@cphengineers.com](mailto:sromano@cphengineers.com))  
Richard Redemann (via email at [RRedeman@PSC.STATE.FL.US](mailto:RRedeman@PSC.STATE.FL.US))

#### CERTIFICATE OF SERVICE

This is to certify that this INTENT TO ISSUE and all copies were mailed by close of business on \_\_\_\_\_ to  
the listed persons, by \_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit revision to Alafaya Utilities Inc. (200 Weathersfield Avenue, Altamonte Springs, Florida 32714) to construct a 1.5 MG ground storage tank. The facilities are located at the existing Alafaya WWTF located at 1067 McKinnon Avenue, Oviedo, Seminole County, Florida. The Department has assigned File Number FLA011074-007-DW1 to the project.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The application 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 Central District Office of the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL.