

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC  
13 FEB - 5 PM 1:00  
COMMISSION  
CLERK

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**DATE:** February 5, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Ana VanEsselstine, Regulatory Analyst II, Division of Accounting & Finance  
**RE:** Docket No. 120219-WS - Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

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Please include the attached documents into the above referenced docket file. The documents consist of information pertaining to a Consent Order issued by Polk County Health Department and the subsequent resolution of that case between Plantation Landings and the Health Department.



DOCUMENT NUMBER-DATE

00734 FEB-6 2013

FPSC-COMMISSION CLERK



Rick Scott  
Governor

John H. Armstrong, M.D.  
State Surgeon General

January 23, 2013

GCP Plantation Landings, LLC  
380 Park Plave Blvd. STE 200  
Clearwater, FL 33759

RE: Closure of Warning Notice Case No 12-653PW1000A/B  
Plantation Landing Water System  
PWS #6531000

Dear Public Water System Owner:

Case Number 12-653PW1000A/B is officially closed by the Polk County Health Department. Consent order has been signed; fines paid and public notice and certificate of delivery received. Although this case is closed the below are reminders for sampling during 2013 as outlined in signed and executed consent order.

- Respondent shall collect and sample in accordance with the disinfection byproducts plan between **July 1 and July 31, 2013** and submit analysis results to the Department no later than **August 10, 2013**.
- Respondent shall sample for lead and copper according to the approved plan between **June 1, 2013 and June 30, 2013** and submit the lead and copper test results to the Department no later than **July 10, 2013**.

If you have any questions, please contact (863) 519-8330 Ext. 12151.

Sincerely,  
**Owen  
Devine**  
Owen Devine  
Environmental Specialist II

Digitally signed by Owen Devine  
DN: cn=Owen Devine, o=Environmental  
Engineering, ou=Polk County Health  
Department,  
email=owen\_devine@doh.state.fl.us, c=US  
Date: 2013.01.23 15:17:50 -05'00'

Email copy to:

[Scott Paige] [Scott.Paige@americanlandlease.com](mailto:Scott.Paige@americanlandlease.com)

Ulyee Choe, DO  
Interim Director

**POLK COUNTY HEALTH DEPARTMENT**  
**Environmental Engineering Division**  
2090 East Clower Street, Bartow, FL 33830-6741  
Phone (863) 519-8300 FAX (863) 534-0245  
[www.mypolkchd.org](http://www.mypolkchd.org)

Hillary Register, Jr., MPH  
Assistant Director

RECEIVED  
DOCUMENT NUMBER - DATE

00734 FEB-6 2013

FPSC-COMMISSION CLERK

BEFORE THE STATE OF FLORIDA

POLK COUNTY HEALTH DEPARTMENT

FLORIDA DEPARTMENT OF HEALTH  
POLK COUNTY HEALTH DEPARTMENT

IN THE OFFICE OF THE  
SOUTHWEST DISTRICT

Complainant,

vs:

OGC CASE NO. 12-653PW1000A/B

GCP Plantation Landing LLC  
c/o American Land Lease  
380 Park Place Blvd., STE 200  
Clearwater, FL 33759

Respondent.

CONSENT ORDER

This Consent Order is made and entered into between the Florida Department of Health, Polk County Health Department ("Department"), and GCP Plantation Landing LLC ("Respondent" – Pro-Tech Water & Wastewater, 1203 SW 12<sup>th</sup> Street, Ocala, FL 34471 has been authorized to represent GCP Plantation Landing in OGC Case No. 12-653PW1000A/B) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondent is a person within the meaning of Section 403.852(5), Florida Statutes.
3. Respondent is owner of a community water system that serves GCP Plantation Landing LLC, Haines City, FL.

4. System failed to monitor according to their Disinfection Byproducts Sampling Plan for compliance period July to September 2012 as required by Chapter 62-550.821 of the Florida Administrative Code and 40 CFR 141, subpart L.
5. Respondent failed to monitor according to their lead and copper sampling plan for lead and copper for the compliance period July to September 2012 as required by Chapter 62-550.800 of the Florida Administrative Code and 40 CFR 141, subpart I.
6. System failed to provide public notice for not monitoring disinfection byproducts and lead and copper during thier compliance year 2012 in violation of Chapter 62-550 and Chapter 62-560 of the Florida Administrative Code (F.A.C.).

Respondents representative and the Department met on October 31, 2012 at the Polk County Health Department in Bartow, Florida and reached a resolution of the matter, pursuant to Florida Administrative Code Rule 62-103.110(3), Respondent and the Department mutually agree and it is

ORDERED:

- Respondent shall collect and sample in accordance with the disinfection byproducts plan upon receipt of this consent order and submit analysis results to the Department once available.
  - Respondent shall collect and sample in accordance with the disinfection byproducts plan between **July 1 and July 31, 2013** and submit analysis results to the Department no later than **August 10, 2013**.
  - Respondent shall sample for lead and copper according to the approved plan between **June 1, 2013 and June 30, 2013** and submit the lead and copper test results to the Department no later than **July 10, 2013**.
  - Respondent shall submit to the Department no later than **November 31, 2012** a copy of the required public notice and certification of delivery for failure to monitor for disinfection byproducts and lead and copper, as required by Chapter 62-550 of the Florida Administrative Code (F.A.C.).
7. Within thirty days of execution of this Consent Order, Respondent shall pay the Department **\$429.30** in settlement of the matters addressed in this Consent Order. This amount includes \$229.30 in civil penalties for alleged violations of Section 403.859, Florida Statutes, and of the Department's rules and \$200.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Polk County Health Department and shall include thereon the OGC number assigned to this Consent Order. The payment shall be sent to the Polk County

Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Polk County Health Department and shall include thereon the OGC number assigned to this Consent Order. The payment shall be sent to the Polk County Health Department, 2090 East Clower Street, Bartow, Florida 33830.

8. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information:

- A. The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located;
- B. A statement of how and when each petitioner received notice of the Consent Order.
- C. A statement of how each petitioner's substantial interests are affected by the Consent Order;
- D. A statement of the material facts disputed by petitioner, if any;
- E. A statement of facts which petitioner contends warrant reversal or modification of the Consent Order;
- F. A statement of 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.

9. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.
10. The terms and conditions set forth in this Consent Order may be enforced in a court of

competent jurisdiction pursuant to Section 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.859, Florida Statutes.

11. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to \$5,000.00 per offense, and criminal penalties.
12. 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 this Consent Order and the rules of the Department.
13. All plans, applications, penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department should be sent to Polk County Health Department, 2090 East Clower Street, Bartow, Florida 33830.
14. 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.
15. 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 the right to an administrative hearing pursuant to Section 120.57 Florida Statutes, on the terms of this Consent Order. Respondent acknowledges the 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.
16. 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.
17. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.
18. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.
19. 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 Law, nor does it address settlement of any violation which may be prosecuted criminally or civilly under federal law.

20. This Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and Florida Administrative Code Rule 62-103.110 (3), and it is final and effective on the date filed with 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:

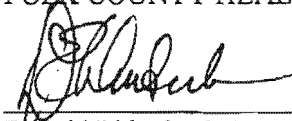
11/16/12  
Date

Mon R Flynn  
Name

PRESIDENT  
Title

DONE AND ORDERED THIS 16 day of NOVEMBER, 2012,  
in Bartow, Florida

FLORIDA DEPARTMENT OF HEALTH  
POLK COUNTY HEALTH DEPARTMENT



Donald Ehlenbeck, P.E.  
Administrator  
Environmental Engineering  
2090 East Clower Street  
Bartow, Florida 33830



Daniel C. Haight, MD, FACP  
Director  
Polk County Health Department  
1290 Golfview Avenue 4th Floor  
Bartow, Florida 33830

by Dr. Ulyee Choe  
Interim Director

Entered this 16 day of November, 2012 in Bartow, Florida

 Department Clerk  
Robert Ingrahm

Copy furnished to:  
Roland Reis, Chief Legal Counsel  
Polk County Health Department  
1290 Golfview Avenue, 4th floor  
Bartow, Florida 33830



# CENTURY PROPERTIES MHP, LLC

500 S. FLORIDA AVE  
SUITE 700  
LAKELAND, FL 33801  
P: 863-647-1581  
F: 863-647-3992

RECEIVED

MAY 17 2012

ENVIRONMENTAL  
COMPLIANCE

May 9, 2012

Matthew Nickerson  
Florida Department of Health  
2090 East Clower Street  
Bartow, FL 33830-6741

RE: Plantation Landings MHP  
PWS Id. No. 6531000


Dear Mr. Nickerson,

In response to your letter dated April 24, 2012 the following items address the issues you have identified.

1. A copy of the cross-connection control plan will be submitted within 90 days.
2. Logs for valve exercising and hydrant flushing are now in place.
3. A log for the generator exercising is now in place.
4. Mesh screens on wells' vents have been replaced.
5. The drip tray under the auxiliary engine has been cleaned, and new oil absorbing material has been added.
6. The air relief valve has been replaced.

If you have any other questions, please do not hesitate to contact me at (863) 647-1581.

Respectfully,



Brian Altman, V.P.  
Century Properties MHP, LLC



Rick Scott  
Governor

Steven L. Harris, M.D., M.Sc.  
Interim State Surgeon General

April 24, 2012

CS/PLANTATION LANDINGS  
PWS: Id. No. 6531000

CENTURY GROUP INC  
P.O. BOX 5252  
LAKELAND, FL 33807

Dear Mr. Maxwell:

A sanitary survey of your system conducted on April 18, 2012 indicates the following deficiencies in reference to the public drinking water requirements listed in *Chapter 62 Florida Administrative Code*.

1. The system's cross-connection control plan and implementation is incomplete. Chapter 62-555.360(2) requires all community water systems to establish and implement a routine cross-connection control program to detect and control cross-connections and prevent backflow of contaminants into the water system. This program shall include a written plan that is developed using recommended practices of American Water Works Association set forth in *Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14*, as incorporated into Rule 62-555.330, F.A.C. The system must submit a copy of it's cross-connection control plan and a written explanation of how it is to be implemented within 90 days.
2. There are no records documenting the flushing of the water system or the exercising of isolation valves. Chapter 62-555.350(12)(c) states all suppliers of water shall keep records documenting that their isolation valves are being exercised, and their water mains conveying finished drinking water are being flushed, in accordance with subsection 62-555.350(2), F.A.C.
3. The auxiliary engine exercising is not recorded. The auxiliary power source may not be exercised sufficiently under continuous load. Chapter 62-555.350(2) requires the operation of the auxiliary power source in accordance with the manufacturer's specifications or at least on a monthly basis.
4. The wells' vents are not protected with 24-mesh screen. Chapter 62-555.320(8)(c) requires well vents to be adequately protected with a 24-mesh screen.

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**POLK COUNTY HEALTH DEPARTMENT**

Daniel O. Haight, MD, FACP  
Director

Environmental Engineering Division  
2090 East Clower Street, Bartow, FL 33830-6741  
Phone (863) 519-8330 Fax (863) 534-0245  
[www.mypolkchd.org](http://www.mypolkchd.org)

Hillory Register, Jr., MPH  
Assistant Director

PLANTATION LANDINGS

Page 2

5. The oil leak under auxiliary engine must be properly cleaned up and prevented in the future. Chapter 62-555.312(3) states that public drinking water supply wells shall be located no closer than 100 feet from sanitary hazards that pose a potentially high risk to ground water quality and public health. Chapter 62-555.350(2) requires that suppliers of water keep all necessary public water system components in good operating condition so the components function as intended. Some type of spill containment should be installed under the engine to contain any additional leaks or spills. If there are any additional spills or leaks without containment additional well monitoring maybe required at the system's expense.
6. The air relief valve may not be functioning correctly. Chapter 62-555.350(2) requires that all public water system components be maintained in good operating condition so that the components may function as intended.

Please take the necessary steps to correct these deficiencies within thirty (30) days of the date of this notice, unless otherwise noted above, and **notify the Department in writing**. If the deficiencies cannot be corrected within the thirty (30) days period, a written schedule stating when the deficiencies will be corrected must be submitted to this office within the thirty (30) day time frame. Failure to comply may result in referral to the enforcement section for further action and the possible imposition of a fine.

**Recommendation:**

- A. The casing for well AAC5949 does not extend 12 inches above the concrete pad. It is recommended that all public water system wells constructed before April 1, 2002 have casings that extend at least 12 inches above pump house floor, pump pit floor, or concrete apron. Please consider extending the well casing during the next repair or renovation of the well.

If you have any questions, please contact me at (863) 519-8330 ext. 12154.

Sincerely,



Matthew A. Nickerson  
Environmental Specialist II

Emailed

Xc: Brian Altman  
Constaflow