



# FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE  
3319 MAGUIRE BLVD., SUITE 232  
ORLANDO, FLORIDA 32803

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

December 30, 2020

Patrick Flynn, Vice President  
Utilities Inc. of Florida  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714  
[pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)

Re: Wekiva Hunt Club WWTF  
DW Facility ID #FL0036251  
OGC Case No: 18-0103  
Seminole County

Dear Mr. Flynn:

The purpose of this letter is to inform you that the Department's enforcement case against Utilities Inc. of Florida has been closed. A records review conducted on December 29, 2020, found that the requirements of Consent Order OGC File No.: 18-0103 have been satisfied.

The Department appreciates your efforts and cooperation in bringing this facility into compliance with state and federal rules. Should you have any questions or comments, please contact Manuel F. Cardona at 407-897-4134 or via e-mail at [Manuel.Cardona@floridadep.gov](mailto:Manuel.Cardona@floridadep.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins,  
Director, Central District

AW/ds/mfc

cc: Laurie Roughton, OGC  
Daun Festa, Central District  
Zoey Carr, Central District  
David Smicherko, Manuel Cardona, Central District



March 23, 2018

Mr. Daniel Hall  
Environmental Consultant  
FDEP – Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RE: Wekiva Hunt Club WWTP  
Facility ID# FL0036251  
OGC Case # 18-0103

Dear Mr. Hall,

Please find attached Check Number 1056201 in the amount of \$500.00 per Page 5 paragraph 12 of the above referenced Consent Order.

If you should have any questions, please do not hesitate to contact me at 321.972.0362 or via email at [slhaws@uiwater.com](mailto:slhaws@uiwater.com).

Sincerely,

UTILITIES, INC. OF FLORIDA

A handwritten signature in black ink, appearing to read "Scotty L. Haws", is written over a light blue circular stamp.

Scotty L. Haws  
Compliance & Safety Manager

EC: Patrick C. Flynn, Vice President  
Bryan Gongre, Regional Manager

CHECK NO. 1056201

Check No. - 1056201

Check Date - 3/22/2018

Stub 1 of 1

INVOICE	DATE	SUPPLIER	GROSS	DISCOUNT	NET AMOUNT
CONSENTORDER #18-01	946430	3/16/2018 FLORIDA DEPT OF ENVIRO	500.00		500.00

500.00

500.00

Payee: 3006527 FLORIDA DEPT OF ENVIRONMENTAL

**TOTAL**

**WATER SERVICE CORP.**

DISBURSING ACCOUNT OF  
UTILITIES INCORPORATED  
2335 SANDERS ROAD  
NORTHBROOK, IL 60062

J.P. MORGAN CHASE BANK, N.A  
Columbus, Ohio

NOT VALID  
AFTER 90 DAYS

NO. 1056201

VENDOR# 3006527 DATE 3/22/2018 NET AMOUNT \$\*\*\*\*\*500.00 56-1544 441

FIVE HUNDRED AND 00/100\*\*\*\*\*

PAY

TO  
THE  
ORDER  
OF

FLORIDA DEPT OF ENVIRONMENTAL  
PROTECTION  
3319 MAQUIRE SUITE 232  
ORLANDO FL 32803

*OGC # 18-0103  
WATER QUALITY ASSURANCE TRUST FUND*



AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈ 1056201⑈ ⑆044115443⑆ 989034290⑈



October 25, 2018

Mr. Daniel Hall  
Florida Department of Environmental Protection  
Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RE: Wekiva Hunt Club WWTF  
DW Facility ID #FL0036251  
OGC Case #18-0103  
In-Kind Project Completion

Dear Mr. Hall:

Under the terms of the above referenced Consent Order, Utilities Inc. of Florida, would like to advise the Department that the proposed In-Kind project has been completed as of September 10, 2018. Enclosed with this notice of completion is a description of the project components, final project costs and completion date.

Please review this information to determine whether this notice is acceptable in meeting the Departments requirements. Should there be any questions, please do not hesitate to contact me by calling (321) 972-0359 or via email [pcflynn@uiwater.com](mailto:pcflynn@uiwater.com)

Sincerely,  
UTILITIES INC. OF FLORIDA

A handwritten signature in blue ink, appearing to read "Patrick C. Flynn", is written over the typed name.

Patrick C. Flynn  
Vice President

Enclosure

Ec: Scotty Haws, [slhaws@uiwater.com](mailto:slhaws@uiwater.com)



Wekiva WWTF  
DW Facility ID #FL0036251  
OGC Case #18-0103  
In-Kind Project Completion

Project Name

Sanlando Lift Station RTUs

Description

Installed Allen Bradley RTUs with Micrologix controllers and 4G modems at each lift station within the Sanlando service area for a total of 55 sites. The project included engineering and bidding services as well as CEI costs.

Final Project Cost

\$685,935.97

Completion

This project began in December 2016 and was completed on September 10, 2018.

## Hall, Daniel K.

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**From:** Hall, Daniel K.  
**Sent:** Thursday, July 12, 2018 8:18 AM  
**To:** 'Patrick Flynn'  
**Cc:** Scotty Haws; Bryan Gongre  
**Subject:** RE: Wekiva Hunt Club WWTP Reliability Study, OCG Case#18-0103

Morning Patrick,

Review of the Reliability study has not been completed yet but should be soon. As to the second proposal for the in-kind project, the Department does approve of the submitted plan with no comments.

Thanks,  
Daniel

---

**From:** Patrick Flynn [mailto:PCFlynn@uiwater.com]  
**Sent:** Monday, July 02, 2018 4:37 PM  
**To:** Hall, Daniel K. <Daniel.K.Hall@dep.state.fl.us>  
**Cc:** Scotty Haws <SLHaws@uiwater.com>; Bryan Gongre <BKGongre@uiwater.com>  
**Subject:** Wekiva Hunt Club WWTP Reliability Study, OCG Case#18-0103

Daniel, good afternoon,

As you know, Steve Romano of Kimley-Horn submitted his analysis and report to the Department on June 11 that reflected his evaluation of the Wekiva Plant as required by the terms of the currently open Consent Order. Have you or other staff had a chance to review it, and if so, do you have any comments or feedback for us? We want to move forward rapidly to implement the various recommended improvements once the Department blesses it.

Also, you are aware that Bryan submitted an in-kind project to you on April 24, 2018 after you informed me that the original project submitted by us in March did not meet the Department's criteria. Please confirm for me that our project to expand our SCADA system to include all 55 Sanlando lift stations meets your criteria. Once the project is completed and closed, Bryan or Scotty will advise you.

Regards,  
Patrick



**Patrick C. Flynn**

Vice President of Operations  
Utilities, Inc. of Florida  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714-4027  
Ph: (866) 842-8432, x1359  
[pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)



April 24, 2018

Mr. Jeff Prather, Director  
Florida Department of Environmental Protection  
Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RE: Wekiva Hunt Club WWTF  
DW Facility ID #FL0036251  
OGC Case #18-0103  
In-Kind Project Proposal - Revised

Dear Mr. Prather:

Under the terms of the above referenced Consent Order, Utilities Inc. of Florida, would like to propose to undertake an in-kind project in lieu of paying the \$16,248.00 civil penalty. Enclosed with this letter of intent is a description of the proposed in-kind project, associated benefits, implementation schedule and project costs.

Please review this information to determine whether this proposal is acceptable in meeting the requirements of an in-kind project. Should there be any questions, please do not hesitate to contact me by calling (321) 972-0360 or via email [bkgongre@uiwater.com](mailto:bkgongre@uiwater.com)

Sincerely,  
UTILITIES INC. OF FLORIDA

A handwritten signature in cursive script that reads "Bryan K. Gongre".

Bryan K. Gongre  
Regional Manager

Enclosures

Ec: Daniel Hall, [Daniel.K.Hall@dep.state.fl.us](mailto:Daniel.K.Hall@dep.state.fl.us)  
Patrick Flynn, [pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)  
Scotty Haws, [shaws@uiwater.com](mailto:shaws@uiwater.com)



Wekiva WWTF  
DW Facility ID #FL0036251  
OGC Case #18-0103  
In-Kind Project Proposal

Project Name – Sanlando Lift Station RTUs

Description

Procure and install an Ace Motorola RTU at each lift station within the Sanlando service area for a total of 55 sites. Project also includes engineering and bidding services as well as CEI costs.

Justification & Benefits

Currently there are 42 sanitary lift stations monitored by C&A Alarm Systems in the Sanlando service area and 13 lift stations with audio/visual alarms only. In 2016, SCADA was installed at the Wekiva WTP and WWTP, both of which were previously monitored by C&A Alarm Systems. Since we began monitoring alarms using the SCADA system, the Utility has reduced the lag time between an alarm event occurring and notifying field staff by 5 to 10 minutes. Operators can monitor plant activity remotely using a laptop computer at any time. The reduction in alarm notification time is critical when addressing lift station issues that can lead to SSOs and potential backups in the system that can impact customers' homes causing property damage and create environmental hazards. The ability to pull reports for all lift stations at the beginning of a work day will allow the Lift Station Technician to prioritize work activities and address a problem early in the day whereas under the current condition a problem might not be realized and readily addressed simply by not knowing in a timely manner that a problem exists. Events such as pulling a pump, replacing a pump, replacing floats or fixing electrical panel issues can be logged in the SCADA system for tracking purposes making that knowledge available to all Lift Station Technicians that rotate on call duties or substitute for vacation or an unscheduled absence.

Cost - \$685,920.80

Implementation

This project began in December 2016 and will be substantially complete by May 2018.





# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 9, 2018

Patrick Flynn, Vice President  
Utilities Inc. of Florida  
200 Weathersfield Avenue  
Altamonte Springs, Florida 32714-4027  
[PCFlynn@uiwater.com](mailto:PCFlynn@uiwater.com)

Re: Wekiva Hunt Club WWTP  
DW Facility ID #FL0036251  
OGC Case #18-0103

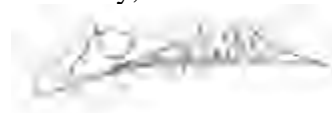
Dear Mr. Flynn:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Daniel Hall at 407-897-4167 or via e-mail at [Daniel.K.Hall@dep.state.fl.us](mailto:Daniel.K.Hall@dep.state.fl.us).

Your cooperation in this matter will be appreciated.

Sincerely,



(on behalf of)

Jeff Prather  
Director, Central District

Enclosure

cc: Lea Crandall, OGC, [Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us)  
Kris Tulloch, Central District, [Kris.Tulloch@dep.state.fl.us](mailto:Kris.Tulloch@dep.state.fl.us)  
David Smicherko, Central District, [David.Smicherko@dep.state.fl.us](mailto:David.Smicherko@dep.state.fl.us)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	CENTRAL DISTRICT
	)	
v.	)	OGC FILE NO. 18-0103
	)	
UTILITIES, INC. OF FLORIDA	)	
_____	)	

**CONSENT ORDER**

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

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida 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 (“F.S.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and is responsible for the operation of the Wekiva Hunt Club wastewater treatment plant (WWTP) and collections system, a 2.9 million gallon per day (MGD) annual average daily flow (AADF) domestic WWTF facility with surface water discharge (D-001) and land application (R-001 and R-002) (“Facility”). The Facility is operated under Wastewater Permit No. FL0036251-22-DW1 (“Permit”), which was issued on March 29, 2016, became effective March 31, 2016, and will expire on March 30, 2021. The permit was modified for reporting requirements October 21, 2016 (FL0036251-23-DWF). The Facility is located at 144 Ledbury Drive, Longwood 32779-4609, in Seminole County, Florida (“Property”). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violations occurred:

a) From September 11, 2017 through September 28, 2017, the Facility's surge tank overflowed daily, releasing an estimated 25,000 gallons of raw sewage to the ground surface in violation of 403.161, Florida Statutes (F.S.) and 62-604.130, Florida Administrative Code (F.A.C.). The overflows were caused by high flows related to Hurricane Irma and reduced treatment capacity due to one train being off-line for rehabilitation during hurricane season, resulting in 33% less capacity. The Respondent estimated overflow volume to be 25,000 gallons, a portion of which was found to have left the Facility property to the east.

b) Respondent failed to notify the Department as required within 24 hours of discovering the surge tank overflows. The first overflow occurred on September 11, 2017 but the Department was not notified until a report was made to the State Watch Office (SWO 2017-7820) on September 17, 2017, in violation of 62-620.610(20), F.A.C.

c) Reviews of the Discharge Monitoring Reports (DMRs) for July, August, September, and October 2017 noted exceedances of the D-001 permit limit of 40 pounds per month (lb/mo) for Total Phosphorus of 42.3, 48.6, 99.3, and 98.4 lb/mo, respectively. This is a violation of 62-4.030, F.A.C. and 62-304.506(2)(a), F.A.C.

5. Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

6. Respondent shall comply with the following corrective actions within the stated time periods:

a) The Respondent shall comply with all terms and conditions of its wastewater permit.

b) Within 90 days of execution of this order, Respondent shall complete the rehabilitation of the three treatment trains currently under way, preventing further exceedances of the Total Phosphorus limit at the D-001 discharge point. Respondent will cease loading the Rapid Infiltration Basins when the groundwater elevation at Groundwater Monitoring Well #3 exceeds the subject permit criteria.

c) Respondent initiated an extensive I&I Program several years ago that addressed sources of high flows during storm events; Phase I and Phase II of the I&I Program have already been completed. Respondent shall complete Phase III by December 31, 2018 and provide the Department a brief summary of locations and work completed. After completion of Phase III, Respondent will move to an "as needed" model for I&I work.

7. Within 30 days of the effective date of this Order, Respondent shall retain the services of a professional engineer, registered in the State of Florida, to accomplish the following:

a) Evaluate the Facility and effluent disposal system, then submit a report to the Department within 90 days that includes recommendations that address deficiencies in the Facility's design or operating protocol that contribute to unsatisfactory performance and outcomes.

b) Initiate the design of modifications to the Facility and/or effluent disposal system following the Department's acceptance and approval of the recommendations contained in the report referenced above. The modifications will be designed to ensure the Facility and effluent disposal system will fully and consistently perform to meet the conditions and requirement contained in the Facility's operating permit and all applicable rules of the Department.

c) Apply to the Department for a wastewater permit to construct the modifications listed in subparagraph (b) of this paragraph, if such a permit is required. The application will be due within 90 days of the Department's approval of the recommendations contained in the engineering report noted above. Respondent will substantially complete construction within 365 days of issuance of the construction permit by the Department.

d) If no permit is required, identify changes to the Facility's operating protocol and / or maintenance procedures that can be implemented within 90 days of Department's approval of such changes.

e) Supervise the construction of any modifications to the Facility or effluent disposal system. Failure to meet compliance schedules in the construction permit will constitute violation of this order and subject the Respondent to stipulated penalties.

f) Submit to the Department a Certification of Completion stating that modifications to the Facility, effluent disposal system and collection system have been constructed in accordance with the provisions of the Permit.

g) In the event the Department requires additional information to process the permit application described in subparagraph (c) of this paragraph, provide a written response containing the information requested by the Department within 30 days of the date of the request.

8. Every quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order until the Order is closed. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

9. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions referenced in paragraphs 6, 7 and 8 on or before December 31, 2019 and be in full compliance with Chapter 62, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department, as described in paragraph 18.

10. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$16,748.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$16,248.00 in civil penalties and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$200.00 per day for each day Respondent fails to timely comply with any of the requirements of paragraphs 6, 7, and 8 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 15 below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 10 of this Order.

12. In lieu of making cash payment of \$16,248 in civil penalties as set forth in paragraph 10 above, Respondent may elect to offset this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project. The value of the in-kind penalty project shall be at least one and a half times the civil penalty offset amount, which is \$24,372. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$500.00 in costs must be paid within 30 days of the effective date of the Consent Order.

13. If Respondent elects to implement an in-kind project as provided in paragraph 12, then Respondent shall comply with each of the requirements and time frames identified in Exhibit A, entitled "In-Kind Projects".

14. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund."

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Daniel Hall, Environmental Consultant, Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

16. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times to verify compliance with the terms of this Order and the rules and statutes administered by the Department.

17. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

18. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor 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 shall be considered circumstances 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 by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) 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. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

19. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

20. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

21. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

22. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

23. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.



24. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

25. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

26. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., 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, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

27. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;

- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 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 at 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

28. Rules referenced in this Order are available at

<https://softlive.dep.state.fl.us/ogc/ogc/content/rules>.


FOR THE RESPONDENT:

  
\_\_\_\_\_  
Patrick Flynn  
Vice President Utilities, Inc. of Florida

March 6, 2018  
Date

DONE AND ORDERED this 7th day of March, 2018, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Jeff Prather, Director  
Central District

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

  
\_\_\_\_\_  
Clerk

March 7, 2018  
Date

Copies furnished to:  
Lea Crandall, Agency Clerk  
Mail Station 35

Exhibit A

**In-Kind Projects**

I. Introduction

An in-kind project

a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipt of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines, Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. If the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in paragraph 15 above, within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties as set forth in paragraph 15 above, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph 2(a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice.