



# Public Service Commission

ORIGINAL COPY

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

**DATE:** FEBRUARY 1, 1994

**TO:** DIVISION OF RECORDS AND REPORTING  
DIVISION OF LEGAL SERVICES (ERSTLING)

**FROM:** DIVISION OF WATER AND WASTEWATER (RENDELL) *RP*

**RE:** DOCKET NO. 931164-SU - Application for an amendment of Certificate No. 247-S to include territory held by Carriage Village Landowner's Association, Inc., cancellation of Certificate No. 57-S, and for limited proceeding to impose current rates in Lee County, by North Ft. Myers Utility, Inc.

Please include the attached documents in the above referenced docket. There are three items which were either sent to the Division of Water and Wastewater or handed to Staff during a customer meeting held January 27, 1994.

The first document is a letter dated January 25, 1994 sent to the Division of Water and Wastewater from the Law firm of Rose, Sundstrom, & Bentley. The second item is a letter dated January 27, 1993 which was hand delivered to Staff by Carriage Village Landowners Association at the above mentioned customer meeting. The third item is a composite of documents which was also delivered to Staff at this meeting. The customers were assured at this meeting that these items would be included as part of the record in this application.

Each of these items are separate and should be stamped with individual document numbers to be included in the docket file. If you should have any questions, do not hesitate to contact me. Thank you.

Attachments

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC   /   \_\_\_\_\_
- WIS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

01093 FEB-25

FPSC-RECORDS/REPORTING



LAW OFFICES

**ROSE, SUNDBSTROM & BENTLEY**

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

2548 BLAIRSTONE PINES DRIVE

TALLAHASSEE, FLORIDA 32301

(904) 877-6555

ROBERT A. ANTISTA  
CHRIS H. BENTLEY, PA.  
F. MARSHALL DETERDING  
MARTIN S. FRIEDMAN, PA.  
JOHN R. JENKINS  
ROBERT M. C. ROSE, PA.  
WILLIAM E. SUNDBSTROM, PA.  
DIANE D. TREMOR, PA.  
JOHN L. WHARTON

January 25, 1994

MAILING ADDRESS  
POST OFFICE BOX 1567  
TALLAHASSEE, FLORIDA 32302-1567  
TELECOPIER (904) 656-4029

VIA HAND DELIVERY

RECEIVED

JAN 26 1994

Mr. Troy Rendell  
Division of Water and Wastewater  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Florida Public Service Commission  
Division of Water and Wastewater

Re: North Fort Myers Utility, Inc.; Docket No. 931164-SU  
Application for extension of wastewater and for a limited  
proceeding to the customers of Carriage Village Landowners  
Association, Inc.  
Our File No. 16319.29

Dear Troy:

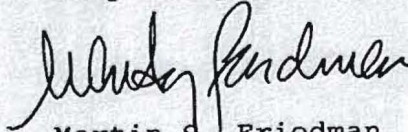
This letter is in response to your January 19, 1994 correspondence to me regarding the above-referenced matter. Carriage Village Land Owners Association, Inc. will donate to NFMU all of its collection system and existing three lift stations. NFMU will pay no monetary consideration to Carriage Village Landowners Association, Inc. for the transfer of these facilities. NFMU will not be acquiring the wastewater treatment plant or the effluent disposal facilities.

NFMU will, at its expense, construct the interconnection between Carriage Village and its existing facilities. The distance of the Interconnection facilities to Carriage Village is approximately 1,400 feet and it is expected to take 60 days from permitting to completion of construction. Although this matter is not scheduled to go before the Commission until its June 21, 1994 agenda conference, Carriage Village has requested that NFMU go forward with the interconnection in the interim. Unless the Public Service Commission advises NFMU to the contrary, NFMU expects to go forward with the interconnection prior to receiving PSC approval.

Mr. Troy Rendell  
January 25, 1994  
Page 2

Should you have any additional questions regarding this Application, please do not hesitate to contact me.

Very truly yours,



Martin S. Friedman  
For the Firm

MSF:bsr

Enclosure

cc: Mr. Jack Schenkman (without enclosure)  
Mr. Tony Reeves (with enclosure)  
Dr. Joel H. Schenkman (without enclosure)  
Dr. Michael H. Schenkman (without enclosures)



# Carriage Village Landowners Association

5451 Bayshore Road North Fort Myers, Florida 33917..... 813-543-2771

JANUARY 27, 1993

PUBLIC SERVICE COMMISSION  
FLETCHER BUILDING, 101 EAST GAINES STREET  
TALLAHASSEE, FLORIDA 32399-0850

DEAR SIRs:

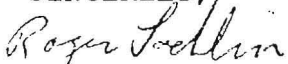
AS PRESIDENT OF CARRIAGE VILLAGE LANDOWNERS ASSOCIATION, I REPRESENT THE SHAREHOLDERS . A SHAREHOLDER IS ONE WHO OWNS A SHARE IN ALL COMMON GROUNDS, INCLUDING THE WASTE WATER TREATMENT PLANT. THERE ARE 388 SHAREHOLDERS AND FOUR NON-SHAREHOLDERS.

ON JULY 16, 1993 , ON DIRECTION FROM THE BOARD OF DIRECTORS, JEAN BRUNER WAS APPOINTED TO CREATE A COMMITTEE TO STUDY THE VIOLATION NOTICE WE RECEIVED ON JULY 13, 1993, AND COME TO A CONCLUSION ON HOW BEST TO SOLVE OUR PROBLEMS. AFTER INTENSIVE STUDY BY JEAN BRUNER AND LATER BY THE BOARD OF DIRECTORS, THREE INFORMATION MEETINGS WERE HELD . ONE BY JEAN BRUNER AND TWO BY PECK WALTER , PRESIDENT OF THE BOARD. PECK WALTER'S TERM WAS FULFILLED JANUARY 1, 1994.

A BALLOT AND A COVER LETTER WAS PREPARED (SEE ATTACH) AND SENT BY U.S. MAIL TO EACH SHAREHOLDER. THEY WERE TO CAST THEIR VOTE, SIGN IT AND RETURN IT BY OCTOBER 31, 1993. THE ELECTION COMMITTEE COUNTED THE VOTES CAST , WITH THE RESULT OF 296 FOR GOING ON N. FORT MYERS UTILITIES AND 17 VOTES AGAINST.

N. FORT MYERS UTILITIES AGREED TO TAKE OVER THE LIFT STATIONS, THE LINES IN OUR PARK, AND ANY COST IN IMPROVING THEM WOULD BE MADE AT THEIR EXPENSE.

WE WERE ASSURED BY OUR ATTORNEY AND ALSO THE ATTORNEY REPRESENTING N. FORT MYERS UTILITIES THAT ONCE WE WERE HOOKED UP TO THEIR SERVICE WE CEASED BEING A UTILITY COMPANY AND WOULD NO LONGER HAVE ANY RESPONSIBILITY FOR ROYAL COACH. THAT RESPONSIBILITY WOULD BE ASSUMED BY N. FORT MYERS UTILITIES. ON THIS BASIS THE BOARD OF DIRECTORS OF CARRIAGE VILLAGE LANDOWNERS ASSOCIATION SIGNED WITH N. FORT MYERS UTILITIES ON NOVEMBER 18, 1993.

SINCERELY,  
  
ROGER LOCKLIN  
PRESIDENT,  
CARRIAGE VILLAGE



TO ALL UNIT OWNERS:

RE: REQUEST FOR THE PURPOSE OF CONNECTING TO THE WASTE WATER TREATMENT PLANT OWNED BY THE NORTH FORT MYERS UTILITY, INC.

WE ARE NOW OPERATING UNDER A VIOLATION NOTICE FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THAT JUST GIVES US NINETY DAYS TO COMPLETE THE WORK TO OUR SEWER PLANT OR CONNECT TO A CENTRAL SEWER FACILITY. ANY IMPROVEMENTS TO OUR PLANT CANNOT BE GUARANTEED TO PREVENT FUTURE PROBLEMS.

BECAUSE OF THE PROBLEMS FACING US THE BOARD OF DIRECTORS HAVE BEEN NEGOTIATING WITH THE NORTH FORT MYERS UTILITY, TO SEE IF IT MIGHT BE FEASIBLE TO CONNECT TO A CENTRAL SEWER FACILITY AND AVOID ALL FUTURE NEED OF OUR PRESENT PACKAGE PLANT.

THE COST BEING QUOTED TO US, WHICH COMPARED TO OTHER PARKS IN THE AREA, IS VERY GOOD.

THE CAPACITY COST PER UNIT IS \$740.00.

THE COST OF EXCAVATION, PLUMBING, DEED OF LIFT STATIONS, WRITING OF EASEMENTS, PERMITS AND ATTORNEYS FEES ON THEIR BEHALF WOULD BE INCLUDED IN THE ABOVE CAPACITY FEE.

THE CAPACITY FEE PER UNIT IS \$740.00 AND THIS IS A ONE TIME COST AND COULD BE PAID ONE TIME OR COULD BE FINANCED OVER FIVE YEARS BY THE UTILITY AT 10% INTEREST. THIS WOULD MAKE THE MONTHLY PAYMENT FOR THE HOOK-UP \$15.72 PER MONTH. ANY UNPAID BALANCE COULD BE PAID OFF WITH NO PENALTY AT THE TIME.

WE ARE ENCLOSING A BALLOT FOR YOU TO VOTE YOUR APPROVAL OF THIS MATTER. DUE TO ALL RAMIFICATIONS, YOUR BOARD OF DIRECTORS ARE URGING YOU TO VOTE IN FAVOR OF OUR JOINING THE UTILITY AND THEREBY PUT ANY PROBLEMS, CONCERNING THE SEWER PLANT, BEHIND US FOR THE FUTURE. THE BALLOT IS SELF EXPLANATORY AND MUST BE RETURNED TO US NO LATER THAN OCTOBER 31ST 1993.....  
**TO BE COUNTED.**

IF A MAJORITY OF THOSE MEMBERS PRESENT AND VOTING, OR VOTING BY ABSENTEE BALLOT, VOTE IN FAVOR OF THE PROJECT, WE WILL PROCEED IMMEDIATELY TO SIGN THE NECESSARY CONTRACTS.

SINCERELY.

BOARD OF DIRECTORS OF CARRIAGE VILLAGE



MY NAME IS E. DUANE ACKERMAN

I AM A SHAREHOLDER

THANK YOU FOR THIS OPPORTUNITY TO SET INTO THE RECORD THE TRUTH  
CONCERNING THE MATTER BEFORE THE COMMISSION.

PRESENTATION OF HISTORY:

LETTER JULY 13, 1993	FDEP
LETTER JULY 29, 1993	FDEP
LETTER SEPTEMBER 13, 1993	FDEP
LETTER NOVEMBER 5, 1993	FDEP
LETTER NOVEMBER 5, 1993	EDA
LETTER NOVEMBER 1, 1993	I.K. STEUART, P.E.
OCTOBER 1993 NOTICE	BOD
DECEMBER 1993 NOTICE	BOD
REPORT NOVEMBER 1, 1993	EDA TO BOD

THIS INFORMATION HAS BEEN WILLFULLY AND DELIBERATELY WITHHELD  
FROM THE SHAREHOLDERS BY THE BOD.  
INSTEAD, THE BOD FALSELY LED THE SHAREHOLDERS TO BELIEVE THAT THEY  
HAD NO CHOICE. EITHER CONNECT TO NFMU OR FACE \$10,000.00 A DAY  
FINE.

I HATE TO BE LIED TO, AND MANIPULATED.  
IN TRYING TO SEEK OUT THE TRUTH FOR THE COMMUNITY, I HAVE BEEN  
SUBJECTED TO PERSONAL ATTACKS AND HATE MAIL.

IF THE COMMISSION REALLY WANTS TO HELP THE PEOPLE OF CV,  
APPROVE THE APPLICATION FOR ROYAL COACH, SINCE THEY REFUSE TO  
CORRECT A SERIOUS PROBLEM THAT CONTRIBUTES TO CV WTP PROBLEMS,  
AND DENY THE APPLICATION FOR CV, AND LET US RESOLVE OUR PROBLEMS  
WITH THE FUNDS WE HAVE COLLECTED FOR THAT PURPOSE.

THANK YOU FOR THIS OPPORTUNITY.



PERSONAL COST TO EACH SHAREHOLDER TO CONTRACT WITH NORTH FORT MYERS UTILITY:

\$740.00 HOOK UP FEE  
\$31.00 SECURITY DEPOSIT  
MONTHLY FEES OF \$10.09 AND  
\$3.66 PER 1,000 GALLONS OF WATER USED

PERSONAL COST TO EACH SHAREHOLDER TO BRING OUR PRESENT SYSTEM INTO COMPLIANCE:

PAID OUT OF CASH RESERVES COLLECTED FOR THIS PURPOSE FOR THE LAST 5 YEARS.

\$2,000.00 ENGINEERING STUDY PAID 4/30/94  
\$3,000.00 ENGINEERING COSTS FOR CONSTRUCTION  
PAID 6/30/94  
\$40,000.00 TO \$45,000.00 FOR CONSTRUCTION

PRESENT CASH RESERVES COLLECTED FOR THIS PURPOSE EXCEED \$110,000.00.



PER 11/30/93 RESERVES

1061 "B" SEWER PLANT AND FACILITIES \$110,077.21

LOTS WITH HOMES	389
EMPTY LOTS	5
	----
TOTAL	394

NUMBER OF SHAREHOLDERS	385
NUMBER OF NON SHAREHOLDERS	4
	----
TOTAL	389

NORTH FORT MYERS UTILITY

CAPACITY COST PER UNIT \$740.00 X 394 = \$291,560.00

\$15.72 PER MONTH FOR 5 YEARS = \$943.20

SECURITY DEPOSIT \$31.00 X 394 = \$12,214.00

MONTHLY RATE \$10.09 + \$3.66 PER 1,000 GALLONS OF WATER USEAGE

2,000 GALLONS	\$17.41 MONTHLY	\$208.92 ANNUAL
3,000 GALLONS	\$21.07 MONTHLY	\$252.84 ANNUAL
4,000 GALLONS	\$24.73 MONTHLY	\$296.76 ANNUAL
5,000 GALLONS	\$28.39 MONTHLY	\$340.68 ANNUAL
6,000 GALLONS	\$32.05 MONTHLY	\$384.60 ANNUAL

IF AVERAGE IS LOW \$252.84 X 394 = \$99,618.96 FEES PER YEAR

EXAMPLE:

MONTHLY PAY OUT	\$15.72
3,000 GALLON USE	\$21.07
	-----
MONTHLY TOTAL	\$36.79 X 12 = \$441.48





Lawton Chiles  
Governor

# Florida Department of Environmental Protection

South District  
2295 Victoria Avenue  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

November 5, 1993

E. Duane Ackerman  
Carriage Village  
379 Sante Fe Trail  
North Fort Myers, FL 33917

Re: Lee County - DW  
Carriage Village WWTP

Dear Mr. Ackerman:

We are in receipt of your correspondence dated November 5, 1993 (copy enclosed). The Department is currently tracking the compliance activities pursuant to the Department's July 13, 1993 warning letter, the Department's meeting with Carriage Village on July 28, 1993 and the Department's confirmation letter dated July 29, 1993 (copy enclosed).

The initial engineering report submitted by I. K. Steuart was on August 27, 1993. The Department response, dated September 13, 1993 is enclosed. Compliance schedules pursuant to the Department's July 29, 1993 letter have been extended to December 15, 1993 in a spirit of mutual cooperation. Any additional extension of time on the compliance schedule pursuant to the July 29, 1993 Department correspondence, would have to be reviewed by the Department for consideration.

Pursuant to Florida Statute 403.141(1), whoever commits a violation of a Department rule, regulation, order, permit or certification is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than \$10,000 per offense.

Please note that the Department currently has not initiated formal enforcement action with Carriage Village pursuant to F.S. 403.141(1).

If you have any questions please contact Jim Grob at (813) 332-6975.

Sincerely,

Philip R. Edwards  
Director of  
District Management

PRE/JVG/dd

Enclosures





Lawton Chiles  
Governor

# Florida Department of Environmental Protection

South District  
2295 Victoria Avenue  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

September 13, 1993

Richard Walter, President  
Carriage Village Landowners  
Association, Inc.  
5451 Bayshore Road  
North Ft. Myers, FL 33917

Re: Lee County - DW  
Carriage Village WWTP  
Permit No.: D036-229728

Dear Mr. Walter:

The Department is in receipt of correspondence dated August 27, 1993 from I. K. Steuart of Barbot, Steuart and Associates, Inc. regarding Carriage Village wastewater treatment plant (WWTP).

A review of the engineering evaluation and chlorine contact chamber dye test, indicates an observed chlorine detention time of 12 minutes and a theoretical peak hour chlorine detention time of 12.47 minutes.

Neither the observed nor the theoretical chlorine detention times indicated, satisfy Florida Administrative Code (F.A.C.) Rule 17-600.440(4)(b), which states that a total chlorine residual of at least 0.5 mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow.

Based on the aforementioned August 27, 1993 submitted information from your engineer of record, an expansion or modification of the chlorine contact chamber at Carriage Village WWTP may be necessary to achieve compliance with F.A.C. Rule 17-600.440.

In response to correspondence dated September 8, 1993 submitted to the Department from Jean Bruner, Acting Agent for Carriage Village Landowners Association Inc., the Department has no objections to an extension of the timetable for completion of items #1 and #3 as identified in Department correspondence dated July 29, 1993.

No later than December 15, 1993 the Department shall be in receipt of a written response to the aforementioned items #1 and #3, as well as a written response to the aforementioned concerns outlined in this letter regarding the results of the engineering evaluation of the chlorine contact chamber.





Lawton Chiles  
Governor

# Florida Department of Environmental Protection

FILE

South District  
2295 Victoria Avenue  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

July 29, 1993

CERTIFIED MAIL NO. P 360 218 451  
RETURN RECEIPT REQUESTED

Richard Walter  
Carriage Village Landowner Association Inc.  
5451 Bayshore Road  
North Fort Myers, Florida 33917

Re: Lee County - DW  
Carriage village WWTP

Dear Mr. Walter:

This letter will serve as confirmation of the action items Carriage Village shall implement pursuant to the Department's warning letter dated July 13, 1993, and the meeting with the Department Staff on July 28, 1993.

1. Within 60 days of the receipt of this letter, an engineering report shall be submitted to the Department addressing the existing disposal capacity of the three permitted percolation ponds and the subsurface irrigation system. The report shall include:
  - a. Bottom surface area dimensions for each percolation pond.
  - b. Current percolation rates of each percolation pond.
  - c. A protocol describing methodology implemented to determine current percolation rate for each pond.
  - d. All calculations utilized to determine overall disposal capacity of each percolation pond.
  - e. Existing dimensions of the subsurface irrigation system along with calculations utilized to determine disposal capacity of this system.
2. Within 30 days a report shall be submitted to the Department certifying the disconnection of the subsurface irrigation system bypass to the Hart Road ditch, as previously required. Additionally, the report shall identify disconnection of the bypass to the unpermitted sludge bed identified in the department's July 13, 1993 correspondence and all piping changes implemented at the WWTP pursuant to the disconnection of the bypass to the unpermitted sludge bed.

Continued . . .

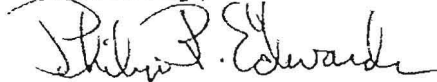


Mr. Richard Walter  
July 29, 1993  
Page 2

3. Within 60 days, all documentation pertaining to corrective actions implemented to reduce infiltration in the Carriage Village collection system shall be submitted to the Department along with proposed steps for continued reduction in the infiltration concerns at the Carriage village facility.
4. No later than April 30, 1993, an engineering report shall be submitted to the Department identifying the following:
  - a. Influent analysis results and loading characteristics for determination of design capacity analysis of the existing facility. The influent analysis shall provide assurances that the results are indicative of the true loadings to this facility during peak season.
  - b. Findings as related to flow characteristics, methodologies implemented to control hydraulic surges, and determination on improvements to the treatment capabilities of this facility with the addition of surge protection.
5. Within 30 days, a written report shall be submitted to the Department addressing detention time in the existing chlorine contact chamber during peak flow. The report shall address methodology implemented to determine the detention time.

If you have any questions pertaining to these matter, please contact Jim Grob at (813) 332-6975.

Sincerely,



Philip R. Edwards  
Director of  
District Management

PRE/JVG/klm

cc: I.K. Steuart  
P Baron



E. DUANE ACKERMAN  
379 SANTA FE TRAIL  
CARRIAGE VILLAGE  
NORTH FORT MYERS, FL 33917

NOV 05 1993  
F.P. Smith

DR. HARLEY YOUNG  
SUPERVISOR OF ENFORCEMENT  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTH DISTRICT  
2295 VICTORIA AVENUE  
FORT MYERS, FL 33901

REF: CARRIAGE VILLAGE WWTP  
PERMIT NO. : D036 229728

NOVEMBER 5, 1993

DEAR DR. YOUNG,

THANK YOU FOR SPEAKING WITH ME ON 10/29/93. ALSO, THANK JIM GROB FOR THE INFORMATION WE DISCUSSED ON 11/1/93.

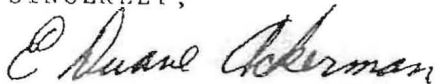
IT IS MY UNDERSTANDING THAT CARRIAGE VILLAGE IS IN NO DANGER OF FINES ON THE WARNING LETTER OF JULY 12, 1993. IN FACT, A GOOD FAITH AND CONTINUING EFFORT BY OUR ENGINEER, I.K. STEUART SHOULD RESULT IN FULL RESOLUTION OF THE ACTION ITEMS CITED 7/29/93.

ALSO IT IS MY UNDERSTANDING THAT THE FDEP WILL COOPERATE WITH OUR EFFORTS AND IS WILLING TO EXTEND TIME LIMITS IF NEEDED. OUR WWTP IS BASICALLY IN FINE WORKING ORDER AND SHOULD BE ABLE TO BE BROUGHT INTO CONFORMITY AS REQUESTED.

PLEASE CONFIRM THAT THE ABOVE IS ACCURATE.

THANK YOU FOR YOUR CONTINUING INTEREST.

SINCERELY,



E. DUANE ACKERMAN





# Florida Department of Environmental Protection

Lawton Chiles  
Governor

South District  
2295 Victoria Avenue  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

July 13, 1993

CERTIFIED MAIL NO. P 098 028 969  
RETURN RECEIPT REQUESTED

Richard Walter, President  
Carriage Village Landowners  
Association, Inc.  
5451 Bayshore Road  
North Fort Myers, FL 33917

*Rec'd  
10/12/93  
at BOD meeting*

Re: Lee County - DW  
Carriage Village WWTP  
Permit No.: D036-229728

Dear Mr. Walter:

A Department inspection of Carriage Village wastewater treatment plant (WWTP) conducted [redacted] and a review of our records indicates you [redacted] in violation of Chapter 403, Florida Statutes and the rules promulgated thereunder.

Observations indicated that a wastewater disposal pond located south of the WWTP was constructed and placed into service without a Department issued permit.

This is not in accordance with Florida Administrative Code (F.A.C.) Rules 17-600.700 or F.A.C. Rule 17-4, parts I and II, which require an appropriate permit from the Department for the construction or modification of wastewater treatment plants. F.A.C. Rule 17-600.700(1) states in part, "The Permittee shall comply with the applicable design and performance criteria pursuant to this Chapter and the permitting standards under Chapter 17-4, F.A.C."

You are advised that any activity that may contribute to violations of the above described statutes and rules should cease immediately. Continued operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

Continued . . .



Richard Walter, President  
July 12, 1993  
Page 2

EPA  
Annual fee

You are requested to contact Patty Baron of this office at 2295 Victoria Avenue, Fort Myers, Florida 33901 within 15 days of receipt of this Warning Notice to arrange a meeting with Department personnel to discuss the issues raised in this Warning Notice. You may wish to consult an attorney and to have the attorney attend this meeting.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve violations through entry into a Consent Order.

If you have any questions, please contact Patty Baron at (813) 332-6975.

Sincerely,

9:00

6 Lake  
Forest  
Building lots on

Philip R. Edwards

Philip R. Edwards  
Director of  
District Management

Re 15

Jim Gould

PRE/PB/dd

cc: I. K. Steuart, P.E.

Respect it

Left first Lite

additional time

1. EPA Abrogation
2. Historically Small plant subject to toxic



700 W W T P

80% do not live in incorporated cities

E. DUANE ACKERMAN  
379 SANTA FE TRAIL  
CARRIAGE VILLAGE  
NORTH FORT MYERS, FL 33917

Approx 100 in corrective action at any given time

DR. HARLEY YOUNG  
SUPERVISOR OF ENFORCEMENT  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTH DISTRICT  
2295 VICTORIA AVENUE  
FORT MYERS, FL 33901

Hopefully corrections run at the job for 5-10 yr but you never know.

REF: CARRIAGE VILLAGE WWTP  
PERMIT NO. : D036 229728

Old style plant no longer would be authorized  
NOVEMBER 5, 1993

DEAR DR. YOUNG,

THANK YOU FOR SPEAKING WITH ME ON 10/29/93. ALSO, THANK JIM GROB FOR THE INFORMATION WE DISCUSSED ON 11/1/93.

IT IS MY UNDERSTANDING THAT CARRIAGE VILLAGE IS IN NO DANGER OF FINES ON THE WARNING LETTER OF JULY 12, 1993. IN FACT, A GOOD FAITH AND CONTINUING EFFORT BY OUR ENGINEER, I.K. STEUART SHOULD RESULT IN FULL RESOLUTION OF THE ACTION ITEMS CITED 7/29/93.

ALSO IT IS MY UNDERSTANDING THAT THE FDEP WILL COOPERATE WITH OUR EFFORTS AND IS WILLING TO EXTEND TIME LIMITS IF NEEDED. OUR WWTP IS BASICALLY IN FINE WORKING ORDER AND SHOULD BE ABLE TO BE BROUGHT INTO CONFORMITY AS REQUESTED.

PLEASE CONFIRM THAT THE ABOVE IS ACCURATE.

THANK YOU FOR YOUR CONTINUING INTEREST.

SINCERELY,

*E. Duane Ackerman*

E. DUANE ACKERMAN

*Problem Letters*

*Jan 92      Mar 93  
Mar 92      April 93  
Sept 92*

*Pick Up letter*

*Tue AM*



*Carrriage Village Landowners Association. Inc.*

*5451 Bayshore Road*

*North Fort Myers, Florida 33917*

THE SIXTH ANNUAL MEETING OF THE SHAREHOLDERS OF CARRIAGE VILLAGE LANDOWNERS ASSOCIATION, INC. WILL BE HELD DECEMBER 14, 1993. AT THE CLUBHOUSE. THE MEETING WILL START AT 7:00 P.M.. THIS IS IN ACCORDANCE WITH ARTICLE III, SECTION I AND III OF THE BY-LAWS.

SHAREHOLDERS WILL BE ASKED TO VOTE ON THE FOLLOWING.....

1. ELECTION OF THREE (3) NEW BOARD MEMBERS.
2. VOTE ON A \$10.00 REDUCTION ON THE MAINTENANCE FEE. IT WILL BE \$40.00 A MONTH INSTEAD OF \$50.00. THERE WILL BE A TEMPORARY ASSESSMENT OF \$10.00 PER MONTH, UNTIL WE ARE TIED INTO NORTH FORT MYERS UTILITY.
3. THE BOARD OF DIRECTORS, AT A BOARD MEETING HELD ON OCTOBER 26, 1992, VOTED AND APPROVED THE PROPOSED BUDGET FOR 1994 AND ACCEPTED THE ESTIMATED INCOME FOR 1994 AND THIS WILL BE PRESENTED TO THE SHAREHOLDERS FOR RATIFICATION.
4. VOTE ON SEWER CAPITAL RESERVES. SHOULD THE CAPITAL WE HAVE BE FROZEN AND USE IT TO PAY THE COST OF CLOSING DOWN THE PLANT?
5. WE HAD AN OPINION POLL IN NOVEMBER ON THE SEWER HOOK-UP, THE VOTES WERE 296 YES, AND 17 NO VOTES. NOW THAT WE WILL HAVE A QUORUM AT THE DECEMBER ANNUAL MEETING, WE WILL HAVE TO VOTE ON THIS.



TO ALL UNIT OWNERS:

RE: REQUEST FOR THE PURPOSE OF CONNECTING TO THE WASTE WATER TREATMENT PLANT OWNED BY THE NORTH FORT MYERS UTILITY, INC.

WE ARE NOW OPERATING UNDER A VIOLATION NOTICE FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THAT JUST GIVES US NINETY DAYS TO COMPLETE THE WORK TO OUR SEWER PLANT OR CONNECT TO A CENTRAL SEWER FACILITY. ANY IMPROVEMENTS TO OUR PLANT CANNOT BE GUARANTEED TO PREVENT FUTURE PROBLEMS.

BECAUSE OF THE PROBLEMS FACING US THE BOARD OF DIRECTORS HAVE BEEN NEGOTIATING WITH THE NORTH FORT MYERS UTILITY, TO SEE IF IT MIGHT BE FEASIBLE TO CONNECT TO A CENTRAL SEWER FACILITY AND AVOID ALL FUTURE NEED OF OUR PRESENT PACKAGE PLANT.

THE COST BEING QUOTED TO US, WHICH COMPARED TO OTHER PARKS IN THE AREA, IS VERY GOOD.

THE CAPACITY COST PER UNIT IS \$740.00.

THE COST OF EXCAVATION, PLUMBING, DEED OF LIFT STATIONS, WRITING OF EASEMENTS, PERMITS AND ATTORNEYS FEES ON THEIR BEHALF WOULD BE INCLUDED IN THE ABOVE CAPACITY FEE.

THE CAPACITY FEE PER UNIT IS \$740.00 AND THIS IS A ONE TIME COST AND COULD BE PAID ONE TIME OR COULD BE FINANCED OVER FIVE YEARS BY THE UTILITY AT 10% INTEREST. THIS WOULD MAKE THE MONTHLY PAYMENT FOR THE HOOK-UP \$15.72 PER MONTH. ANY UNPAID BALANCE COULD BE PAID OFF WITH NO PENALTY AT THE TIME.

WE ARE ENCLOSING A BALLOT FOR YOU TO VOTE YOUR APPROVAL OF THIS MATTER. DUE TO ALL RAMIFICATIONS, YOUR BOARD OF DIRECTORS ARE URGING YOU TO VOTE IN FAVOR OF OUR JOINING THE UTILITY AND THEREBY PUT ANY PROBLEMS, CONCERNING THE SEWER PLANT, BEHIND US FOR THE FUTURE. THE BALLOT IS SELF EXPLANATORY AND MUST BE RETURNED TO US NO LATER THAN OCTOBER 31ST 1993.....  
**TO BE COUNTED.**

IF A MAJORITY OF THOSE MEMBERS PRESENT AND VOTING, OR VOTING BY ABSENTEE BALLOT, VOTE IN FAVOR OF THE PROJECT, WE WILL PROCEED IMMEDIATELY TO SIGN THE NECESSARY CONTRACTS.

SINCERELY.

BOARD OF DIRECTORS OF CARRIAGE VILLAGE



FACTS:

IN ADDITION TO THE ONE TIME CHARGE OF \$740.00 THERE WILL BE A REFUNDABLE SECURITY DEPOSIT OF \$31.00.

RATE: MONTHLY

<u>METER SIZE</u>	<u>BASE FACILITY CHARGE</u>	<u>GALLONAGE CHARGE PER 1,000 GALS.</u>
ALL METERS	\$10.09	\$3.66 MAXIMUM 10,000 GAL. PER MONTH

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**BARBOT, STEUART & ASSOCIATES, INC.**  
CONSULTING ENGINEERS

3228 EVANS AVENUE • FORT MYERS, FLORIDA 33901 • PHONE 813 938-7353

November 1, 1993

Carriage Village  
E. Duane Ackerman  
379 Santa Fe Trail  
North Ft. Myers, FL. 33917

Re: Carriage Village  
Sewerage System

Dear Mr. Ackerman:

On January 25, 1993, we were retained to review the STP Operating Permit for Carriage Village. The new permit for 0.060 MGD was issued on May 24, 1993 and expires on May 24, 1998. Neither the General conditions nor the specific conditions of the permit require any changes or modifications to the plant, ponds or drip irrigation system (drainfield).

On July 13, 1993, the DER sent out a letter of possible violation concerning the use of the drying bed without DER approval of a pond design change.

On July 29, 1993, the DER sent out another letter requiring 5 items to be addressed including a pond analysis and chlorine contact tank analysis.

Our reply to DER on August 27, 1993 handled 3 of the above 5 items.

DER replied to this letter on September 13, 1993 requesting a response from our office on items # 1 and #3 of the July 29, 1993 letter by December 15, 1993.

Your Board of Directors should review and be conversant with these 4 letters since they will be the basis for future costs to bring your plant into "compliance".

Engineering costs are estimated to be about \$2,000 through April 30, 1994 to perform the studies and produce the reports requested by DER.

Based on these reports the DER may require modifications to the plant in the form of surge tanks and modifications to the chlorine contact capacity.

Engineering cost for construction plans and applications are estimated to be about \$3,000. These would be submitted by about June 30, 1994.

Actual construction costs won't be accurately known until after April 30, 1994 or later; however, the installation of approximately 5-5,000 gallon used tanks for surge control should not exceed \$40,000 to \$45,000. DER construction permits normally run for 5 years and this should allow adequate time to finance such a project.

Sincerely,



I.K. Steuart, P. E.

IKS:sjd

cc: WW Water Systems, Inc.



NOVEMBER 1, 1993

E. DUANE ACKERMAN SUMMARY REPORT TO BOARD OF DIRECTORS

THERE IS VERY GOOD NEWS FOR THE BOARD OF DIRECTORS AND THE SHAREHOLDERS OF CARRIAGE VILLAGE.

THERE IS ABSOLUTELY NO NEED FOR US TO USE THE NORTH FORT MYERS UTILITY.

THIS SAVES EACH SHAREHOLDER:

\$740.00 HOOK UP FEE  
\$31.00 SECURITY DEPOSIT  
MONTHLY FEES OF \$10.09 AND  
\$3.66 PER 1,000 GALLONS OF WATER USED

OUR WASTE WATER TREATMENT PLANT CAN BE MADE TO CONFORM TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR LESS THAN \$50,000.00. THIS IS LESS THAN 1/2 OF THE PRESENT CASH RESERVE.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION WILL WORK WITH US. WE ARE IN NO DANGER OF FINES. WE CAN HAVE EXTENDED TIME, AS LONG AS WE ARE ACTING ON THE SOLUTIONS.

ROYAL COACH UNITS CAN BE CORRECTED OR REMOVED.



CODE: CV93 LINE A1

WASTE PLANT AND COMPOUND

COMMITTEE:

BAYARD FULMER	543 7858	CHAIR PERSON
DON FOLAND	543 7630	
LEW WHITE	543 3919	
HENRY LIND	543 9420	
JAMES KERN	731 5453	

PER 9/30/93 RESERVES

1061 "B" SEWER PLANT AND FACILITIES \$107,550.96

LOTS WITH HOMES	388
EMPTY LOTS	5
	----
TOTAL	393

NUMBER OF SHAREHOLDERS	386
NUMBER OF NON SHAREHOLDERS	7
	----
TOTAL	393

NORTH FORT MYERS UTILITY

CAPACITY COST PER UNIT \$740.00 X 393 = \$290,820.00

\$15.72 PER MONTH FOR 5 YEARS = \$943.20

SECURITY DEPOSIT \$31.00 X 393 = \$12,183.00

MONTHLY RATE \$10.09 + \$3.66 PER 1,000 GALLONS OF WATER USEAGE

4,000 GALLONS	\$24.73 MONTHLY	\$296.76 ANNUAL
5,000 GALLONS	\$28.39 MONTHLY	\$340.68 ANNUAL
6,000 GALLONS	\$32.05 MONTHLY	\$384.60 ANNUAL

IF AVERAGE IS LOW \$296.76 X 393 = \$116,626.68 FEES PER YEAR

EXAMPLE:

MONTHLY PAY OUT	\$15.72
4,000 GALLON USE	\$24.73
	-----
MONTHLY TOTAL	\$40.45 X 12 = \$485.40

CV CURRENT BUDGET FOR 1993 IS \$29,300.00

THIS IS \$6.29 PER MONTH PER LOT WITH HOME



DOES THE BOARD OF DIRECTORS OF CARRIAGE VILLAGE HAVE AN OBLIGATION TO DETERMINE WHAT IT WOULD COST TO COMPLY TO THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION???????????

WHAT WOULD WE DO IF THIS PRIVATELY OWNED SEWER SYSTEM DID NOT EXIST?

PLAN OF ACTION:

APPOINT A DIVERSE COMMITTEE OF SHAREHOLDERS  
SEEK EXPERT HELP TO ADVISE COMMITTEE  
BOD CONTROL FUNDS NECESSARY TO PAY EXPERTS  
MEET WITH FDEP TO REVIEW REQUIREMENTS  
COST OUT NECESSARY REQUIREMENTS  
SEEK REDUCTION IN REQUIREMENTS  
ENTER INTO CONSENT ORDER TO COMPLETE PROJECT

WE MAY BE ABLE TO REMAIN INDEPENDENT FOR AN EXPENSE THAT IS MORE REASONABLE THAN NORTH FORT MYERS UTILITY AT THIS TIME.

WE MAY FIND THAT IT IS TOO EXPENSIVE TO REMAIN INDEPENDENT.

BY DOING OUR "HOMEWORK" WE WILL AT LEAST HAVE MORE INFORMATION TO ALLOW US TO MAKE A MORE INTELLIGENT DECISION.

WE ALL "TRUST THE BOARD". THE BOARD HAS NOT TAKEN THE TIME TO STUDY THIS PROBLEM AND TO COST IT OUT. DOES THE BOARD "TRUST THE SHAREHOLDERS" TO SERVE ON THIS PROBLEM?



CODE: CV93 LINE A93

COMMITTEE APPOINTED 10/26/93

E. DUANE ACKERMAN

PHONE NUMBER	CONTACT
939 5303	GENE R. SOLOMAN, CPA
337 1653	HERBERT A. FRIED, ESQUIRE
534 3919	LEW WHITE
482 4024	WAYNE WAMPLER LIC OPERATOR
936 7353	I. K. STEUART, P. E.
543 2203	BURDELL BLANEY
275 4686	DICK BARNHART
332 6975	FLORIDA DEP
543 4000	TONY REEVES FMU



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTH DISTRICT  
2295 VICTORIA AVENUE  
FORT MYERS, FLORIDA 33901

RE: LEE COUNTY - DW  
CARRIAGE VILLAGE WWTP  
PERMIT NO. : D036-229728

332 6975 PHILIP R. EDWARDS, DIRECTOR OF DISTRICT MANAGEMENT  
JEAN HAMILTON, SEC'Y  
PATTY BARON

PHONE  
11/1/93 JIM GROB ENVIRONMENTAL MANAGER ENFORCEMENT

PHONE  
10/29/93 DR. HARLEY YOUNG SUPERVISOR OF ENFORCEMENT MANAGER

LETTER OF JULY 13, 1993 IS A FORM LETTER. THE  
"CODE RULES" AND POTENTIAL "FINES" ARE INCLUDED  
AT THEIR ATTORNEYS' ADVICE TO STIPULATE THE  
SERIOUSNESS OF A RESPONSE.

THERE IS ABSOLUTELY NO COLLUSION BETWEEN LEE COUNTY,  
DEP, AND NFMU TO FORCE WWTP UNITS ONTO THE NEMU  
SYSTEM. THAT WOULD BE ILLEGAL.

DEP MUST ADVISE WWTP'S OF VIOLATIONS AND ENFORCE THE  
CORRECTION OF THOSE VIOLATIONS.

A "GOOD FAITH EFFORT" ON THE PART OF A WWTP GOES A  
LONG WAY WITH EPA AND THEY CAN EVEN REDUCE CERTAIN  
REQUIREMENTS AND EXTEND TIME LIMITS.

ALTHOUGH IT IS UNUSUAL, DEP WILL SPEAK AT A MEETING  
OF THE SHAREHOLDERS IF REQUESTED.

DR. YOUNG WILL RESPOND TO A LETTER TO OUTLINE THEIR  
WILLINGNESS TO WORK WITH US TO RESOLVE OUR PROBLEMS  
IN THE MOST COST EFFECTIVE WAY AND GIVE US THE TIME  
WE MAY NEED TO DO IT.

DEP WILL ADVISE ON ROYAL COACH PROBLEM.



CODE: CV93 LINE A171

939 5303 GENE R. SOLOMAN, CPA

PHONE CALL 10/27/93

GIVING THE SEWER LINES AND ACCESS RIGHTS TO NFWU AND ABANDONMENT OF OUR TREATMENT PLANT ( WITH PROPER FILL, ETC. ) WOULD CAUSE THE WRITE OFF OF THESE ASSETS ON OUR CORPORATION BOOKS.

PRESENT VALUE IS APPROXIMATELY \$212,000.

THIS WOULD NOT NECESSARILY MEAN THAT OUR SHAREHOLDERS SHARE VALUE WOULD BE DECREASED FROM THE \$3,000.00 CURRENT VALUE. THE BOD SETS THIS VALUE ANNUALLY AND MAY FEEL THAT THE VALUE IS ENHANCED SINCE THERE WOULD NO LONGER BE THE POTENTION LIABILITY OF THE SEWER SYSTEM.

THE VALUE OF THE SHAREHOLDER'S SHARE IS BASICALLY WHATEVER IT CAN BE SOLD FOR TO A NEW BUYER.



CODE: CV93 LINE A193

337 1653 HERBERT A. FRIED, ESQUIRE

PHONE CALL  
11/1/93

SINCE ABOUT 43 UNITS ARE ON THE SYSTEM FROM ROYAL COACH,

- A. MUST THEY BE INCLUDED IN THE VOTE TO ABANDON  
THE WWTP? NO
- B. IF NOT INCLUDED, WHAT CAN WE DO TO PROTECT CV  
FROM SUIT? NO
- C. IF NFMU CAN ASSURE CV THAT THE ROYAL COACH UNITS  
WILL BE REMOVED FROM OUR SYSTEM, WHY CAN'T CV  
HAVE THE SAME RESULTS? WE CAN  
AT WHAT COST IN LEGAL FEES, ETC. ?

UNCERTAIN AT THIS TIME

REPORT ON EFFORTS:

- A. NEW INFORMATION IS VERY SERIOUS.  
WOULD SEEK YOUR HELP TO STIMULATE THE BOD TO  
ANNOUNCE A DELAY IN THEIR DECISION UNTIL THIS  
INFORMATION IS RESEARCHED.  
  
IN THIS WAY, THE BOD WILL MAKE IT THEIR PROJECT  
AND AVOID ANY UNPLEASANT FLOOR ACTION BY  
SHAREHOLDERS.
- B. A MEETING THAT INCLUDES DEP, I.K. STEUART,  
AND WAYNE WAMPLER AS EXPERT SPEAKERS WILL CLEAR  
THE AIR AND RESULT IN A MORE INFORMED DECISION.

WOULD LIKE TO BE THERE

- C. LETTER TO DR. HARLEY YOUNG.

WOULD DO

SUGGESTED GETTING PLAN OF ACTION FROM I.K. STEUART



CODE: CV93 LINE A243

482 4024 WAYNE WAMPLER LIC OPERATOR

VISIT 10/27/93

- A. PROBLEMS ARE FIXABLE.
- B. PAPER ERROR SHOWING FOURTH POND CAN BE CORRECTED.
- C. ONCE PERMIT IS RE ISSUED, DEP CAN NOT CHANGE THE RULES FOR THE LENGTH OF THE PERMIT. THIS IS USUALLY FIVE YEARS.
- D. ONE PROBLEM FOR THE EXCESS WATER IS THAT THE RAIN WATER THAT FALLS ON THE SUFFLEBOARD COURTS IS NOW CONNECTED TO THE SEWER SYSTEM. THIS SHOULD BE CORRECTED.
- E. AN AUTOMATIC TURN ON AND OFF SYSTEM CAN BE PUT ON THE PUMPS TO REDUCE "VOLUNTEER" TIME NOW BEING USED TO MANUALLY DO THIS FUNCTION.
- F. DRAIN FIELDS CAN BE EXTENDED.
- G. PRESENT PLANT CAPICITY EXCEEDS OUR REQUIREMENTS. RATING CAN BE REDUCED TO 54,000 GALLONS A DAY. PONDS CAN HANDLE THAT VOLUME.
- H. SOME ITEMS REQUIRED BY DEP ARE ALREADY COMPLETED.



CODE: CV93 LINE A283

936 7353 I. K. STEUART, P. E.

PHONE

- A. IS IT FIXABLE? YES
- B. AT WHAT ESTIMATED COST? UNDER \$50,000.00
- C. CHLORINE DETENTION TIME PROBLEM 12/15/93  
ADD ANOTHER TANK  
AT WHAT ESTIMATED COST?
- D. ITEM 1 "DISPOSAL CAPACITY" 12/15/93  
AT WHAT ESTIMATED COST?
- E. ITEM 3 "INFILTRATION" PLAN OF ACTION 12/15/93  
THIS WILL BE NECESSARY UNDER EITHER SYSTEM  
AT WHAT ESTIMATED COST?
- F. ITEM 4 "ENGINEERING REPORT" 4/30/94  
AT WHAT ESTIMATED COST? ABOUT \$2,000.00
- G. WILL DEP COOPERATE? YES
- F. ROYAL COACH PROBLEM  
PROCEDURE GIVEN TO RESOLVE THIS PROBLEM  
WILL SEND LETTER AT NO CHARGE

PHONE  
11/1/93