



Florida Department of  
**Environmental Protection**

*File*

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619  
813-744-6100

Virginia B. Wetherell  
Secretary

April 20, 1994

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Citrus County DW

Mr. Rafael A. Terrero, P.E.  
Chief Engineer  
Southern States Utilities  
1000 Color Place  
Apopka, FL 32703

**WARNING LETTER No. 94-0031DW09SWD**  
Subject: Apache Shores STP

Dear Mr. Terrero:

A field inspection conducted on 4/19/93, 6/10/93, and 3/23/94 and a review of the file of the above referenced facility indicates that a violation of Chapter 403, Florida Statutes, and the rules promulgated thereunder may exist at the above described facility. Department personnel observed the following.

1. A sample of the effluent was taken during the 3/23/94 inspection and analyzed at the Department's laboratory. The result was 355 mg/L for TSS which exceeds the permitted maximum limitation of 60 mg/L.
2. A sample of the effluent was taken during the 4/19/93 inspection and analyzed at the Department's laboratory. The results were 2483 mg/L for TSS, and 271 mg/L for CBOD<sub>5</sub>.
3. A review of the file show no record of the Capacity Analysis Report. The three month average daily flow reported on the Monthly Operating Reports exceeded 50 percent of the 0.017 MGD permitted capacity on the months below in 1993 and 1994 to date.

Month	Three Month Average
February 1994	0.011 MGD
January 1994	0.010 MGD
April 1993	0.009 MGD
March 1993	0.009 MGD
February 1993	0.010 MGD
January 1993	0.010 MGD

FLORIDA PUBLIC SERVICE COMMISSION  
 DOCKET NO. 950495WIS EXHIBIT NO. 181  
 COMPANY: FPSC/James  
 WITNESS: James  
 DATE: 4/29/94

DOCUMENT NUMBER-DATE  
02349 FEB 26 94  
 FPSC-RECORDS/REPORTING

**WARNING LETTER No. 94-0031DW09SWD**

Subject: Apache Shores STP

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4. The file shows the previous sludge analysis was performed on 2/4/93.
5. The Department has no record of flow calibration.
6. A review of the operator's calibration records indicated that the pH meter and colorimeter for chlorine residual measurements were last calibrated on 12/20/93.
7. A review of the on-site operator log indicated that on 11/26/93 the blower was tripping out, and on 12/10/93 the blower was not working. The Department was not notified of these abnormal events.
8. An excessive amount of wet and dried sludge was observed on the bottom of the percolation pond, which indicated frequent plant upsets. The Department was not notified of these plant upsets.
9. The effluent distribution system for the percolation was predominantly plugged with solids. The threaded plugs at the ends of the distribution pipe were removed to allow the effluent to flow into the pond.

It is a violation of Rule 17-600.740(1)(b)1.d., Florida Administrative Code (F.A.C.), to exceed 60 mg/L of CBOD<sub>5</sub>, and TSS on any one sample of effluent.

It is a violation of Rule 17-600.405(3), F.A.C., to fail to submit to the Department a capacity analysis report when the most recent three-month average daily flow exceed 50 percent of the permitted capacity of the treatment plant.

It is a violation of Rule 17-640.700(1), F.A.C., to fail to perform domestic wastewater residuals analysis every 12 months for a Type III facility.

It is a violation of Rule 17-601.200(17)(b), F.A.C., to fail to calibrate a flow metering device at least annually.

It is a violation of Rule 17-601.400, F.A.C., to fail to use approved test procedures and established quality control procedures for field testing and laboratory testing.

It is a violation of Rule 17-600.750(1), F.A.C., to fail to notify the department within 24 hours of events which result in the violation of any condition of a permit.

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Subject: Apache Shores STP  
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by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

Sincerely,



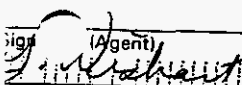
Richard D. Garrity, Ph.D.  
Director of District Management  
Southwest District

cc: Dawn Shaw, Citrus County PHU

P 079 940 696

RECEIPT FOR CERTIFIED MAIL

NO EXCHANGE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

<b>RECIPIENT:</b> Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space is not permitted. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date received.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
Article Addressed to: Rafael A. Terrero, P.E. Chief Engineer Southern States Utilities 6000 Color Place Popoka, FL 32703		4a. Article Number P 079 940 696	
		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
		7. Date of Delivery 9-22-94	
Signature (Addressee) 		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Southern States Utilities

Identify Violator's Facility: Apache Shores WWTP

Name of Department Staff Responsible for the Penalty Computations:

Phyllis James

Date: April 28, 1995

PART I - Class B (no penalty) Determination

Rationale for Class B determination: N/A

PART II - Class A Penalty Determinations

Violation Type	Potential Extent for Harm of Dev.	Matrix Amount	Multi-day	Adjustments	Total
		(600- 1199)			
1. <u>Poor effluent</u>	<u>Minor</u> <u>Mod.</u>	<u>\$600.00</u>		<u>(-\$300.00)</u>	<u>\$300.00</u>
		(2,000-3199)			
2. <u>Lack of records</u>	<u>Mod.</u> <u>Mod.</u>	<u>\$2,000.00</u>		<u>(-\$1,000.00)</u>	<u>\$1,000.00</u>
		(1200-1999)			
3. <u>Failure to main. equip.</u>	<u>Mod.</u> <u>Minor</u>	<u>\$1200.00</u>		<u>(-600.00)</u>	<u>\$600.00</u>
		(3200-4599)			
4. <u>Failure to notify</u>	<u>Mod.</u> <u>Major</u>	<u>\$3200.00</u>		<u>(-\$1600.00)</u>	<u>\$1600.00</u>
Total Penalties for all Violations:					<u>\$3,500.00</u>
Department Expenses					<u>250.00</u>
Total Proposed Settlement					<u>\$3,750.00</u>

PENALTY COMPUTATION WORKSHEET

Part III - Multi-day Penalties and Adjustments

ADJUSTMENTS	Dollar Amount
Good faith/Lack of good faith prior to discovery: _____	
Justification: _____	
Good faith/Lack of good faith after discovery: <u>(-\$3,500.00)</u>	
Justification: <u>Good faith after discovery</u>	
History of non-compliance: _____	
Justification: _____	
Economic benefit of non-compliance: _____	
Justification: _____	
Ability to pay: _____	
Justification: _____	
Total Adjustments:	<u>(-\$3,500.00)</u>

MULTI-DAY PENALTIES	Dollar Amount
Number of days adjustment factor(s) to be applied: _____	
Justification: _____	
_____	
Or	
Number of days matrix amount is to be multiplied: _____	
Justification: _____	
_____	

PENALTY ASSESSMENT MATRIX\*

## EXTENT OF DEVIATION FROM REQUIREMENT

P O T E N T I A L  R E Q U I R E M E N T	EXTENT OF DEVIATION FROM REQUIREMENT		
	MAJOR	MODERATE	MINOR
MAJOR	\$10,000 to \$ 8,000	\$ 7,999 to \$ 6,000	\$ 5,999 to \$ 4,600
MODERATE	\$ 4,599 to \$ 3,200	\$ 3,199 to \$ 2,000	\$ 1,999 to \$ 1,200
MINOR	\$ 1,199 to \$ 600	\$599 to \$200	\$199 to \$100

\*Reduced by 1/2 all categories for potable water cases.



# Department of Environmental Protection

D.E.P.  
MAY 19 1995  
SOUTHWEST DISTRICT  
TAMPA

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

May 5, 1995  
Citrus County

Scott Vierma, Interim President  
Southern States Utilities  
1000 Color Place  
Apopka, Florida 32703

Re: Proposed Settlement by Short Form Consent Order in Case  
of Southern States Utilities dba Apache Shores WWTP, OGC  
File No. 95-0314.

Dear Mr. Vierma:

The purpose of this letter is to complete the settlement of the violations previously identified by the Department of Environmental Protection ("DEP") in Warning Letter No. WL94-0031DW09SWD dated April 20, 1994, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of \$3,500.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter along with \$250.00 to reimburse DEP's costs, for a total of \$3,750.00. This payment must be made to "The Department of Environmental Protection" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within 20 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of

Southern States Utilities  
Apache Shores WWTP  
OGC File No. 95-0314  
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which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DEP Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this settlement offer, you waive your right to an administrative hearing to contest this settlement pursuant to Section 120.57, Florida Statutes, and your right to appeal this settlement pursuant to Section 120.69, Florida Statutes. This offer to settle is open until May 26, 1995 or until DEP otherwise withdraws the offer. If you do not sign and return this letter to the Department at the Southwest District address given above by this date, the case will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,





Richard D. Garrity, Ph.D.  
Director of District Management  
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

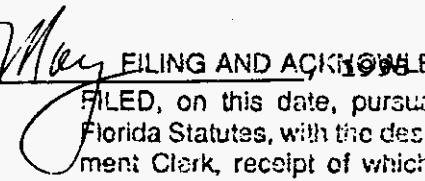
For Southern States Utilities:

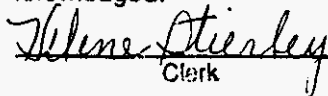
For the DEP:

By:   
Scott Vierma, Interim Pres.  
Southern States Utilities  
1000 Color Place  
Apopka, Florida 32703

By:   
Richard D. Garrity, Ph.D.  
Director of District Management  
State of Florida Department of  
Environmental Protection

ENTERED this 30<sup>th</sup> day of  
in TAMPA, FLORIDA.

 FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to S120.52  
Florida Statutes, with the designated Depart-  
ment Clerk, receipt of which is hereby ac-  
knowledged.

 5-30-95  
Clerk Date

c: Citrus County PHU

Attachments