

FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 427-W to add territory in Marion County by Windstream Utilities Company.

Docket No. 960867-WU

NOTICE OF FILING

Intervenor MARION COUNTY, FLORIDA, hereby notices the joint filing of the prefiled rebuttal testimony of Gerald C. Hartman, P.E.

In view of the Public Service Commission's ("PSC") inability to file prefiled testimony because of the delay in response of Windstream Utilities to a request for additional information by the PSC, and in light of the information requested by the PSC staff in its letter of February 11, 1997, Marion County hereby gives notice of its filing of a portion of its prefiled rebuttal testimony related to information relevant to completion of the application. This prefiled rebuttal testimony indicates that previous portions of the Applicant's prefiled testimony are in error and factually inaccurate. The remainder of the prefiled rebuttal testimony will be filed as provided in the Prehearing Order or on such other date as may be established by the Public Service Commission consistent with justice, fairness and due process.

Respectfully submitted this 18th day of February, 1997.

By [Signature] Thomas A. Cloud

- ACK
AFA
APP
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DOCUMENT NUMBER-DATE
01820 FEB 19 97
FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**

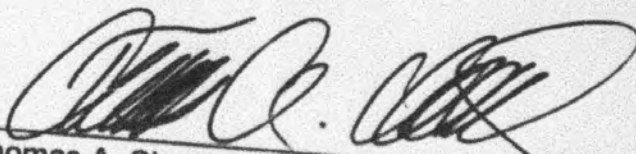
I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the following: Original and 7 copies, together with the document on diskette, via overnight delivery to:

- (1) Blanca S. Bayo, Director  
Division of Records and Reporting  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
904/413-6770

With a copy via overnight delivery/hand delivery/U.S. Mail to:

- (2) Donna Cyrus-Williams, Esquire  
FPSC Commission, Legal Division  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Counsel for the PSC
- (3) Martin S. Friedman, Esquire  
ROSE, SUNDSTROM & BENTLEY  
2548 Blairstone Pines Drive  
Post Office Box 1567  
Tallahassee, FL 32302-1567  
Counsel for Windstream
- (4) Carlyle Ausley  
AUSLEY CONSTRUCTION  
1107 E. Silver Springs Blvd., #2  
Ocala, FL 34470
- (5) Joseph Lettelleir  
JB Ranch  
300 S. Duncan Avenue, Suite 296  
Clearwater, FL 34615

this 18th day of February, 1997.

  
Thomas A. Cloud, Esquire  
Fla. Bar No. 293326  
GRAY, HARRIS & ROBINSON, P.A.  
Post Office Box 3068  
Orlando, FL 32802-3068  
Telephone: (407) 843-8880  
Facsimile: (407) 244-5690



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 96-0867-WU

MARION COUNTY, FLORIDA and

JB RANCH

In Re: Application for amendment of Certificate No.  
427-W to add territory in Marion County by  
Windstream Utilities Company.

PREFILED REBUTTAL TESTIMONY OF GERALD C. HARTMAN

Q. ARE YOU THE SAME GERALD C. HARTMAN WHO  
PROVIDED DIRECT TESTIMONY ON THE DOCKET NO. 960867-  
WU WHICH IS THE SUBJECT MATTER IN QUESTION?

A. Yes I am.

Q. WHAT WAS THE PURPOSE OF YOUR PARTIAL REBUTTAL  
TESTIMONY?

A. The purpose of this partial rebuttal testimony is to address  
Mr. Butch Dlouhy's direct testimony and to point out certain  
items which apparently are untrue.

Q. WHAT STATEMENT DO YOU BELIEVE THAT MR. DLOUHY  
MADE WAS UNTRUE?

A. Mr. Dlouhy answered his question in his direct testimony  
that there were not physical facilities within the area which he  
was certificating. The area which he originally discussing  
involved both J. B. Ranches, which now has been deleted and  
which had physical facilities in place, as well as the Pigeon  
Plaza/Jasmine Plaza system which he wishes to certificate and

1 which has, as documented herein, both a Florida Department of  
2 Protection (FDEP) permitted water system, as well as wastewater  
3 system. In addition, directly south of Jasmine properties there  
4 are homes and other structures served by wells and septic tanks.

5 Q. WHAT IS THE PERMITTED CAPACITY OF THE FDEP  
6 WATER AND WASTEWATER SYSTEM AT JASMINE PROPERTIES  
7 FOR THE SUBJECT AREA?

8 A. The FDEP records indicate that there is a valid permit for  
9 a 20,000 gallons per day average daily flow basis water plant, as  
10 well as a 20,000 gallons per day average daily flow wastewater  
11 treatment plant, and two percolation ponds located adjacent  
12 thereto.

13 Q. ARE ALL OF THESE FACILITIES WITHIN THE AREA  
14 DESCRIBED BY MR. DLOUHY AND REQUESTED FOR  
15 CERTIFICATION BY WINDSTREAM UTILITIES?

16 A. Yes.

17 Q. DO YOU HAVE ANY PERSONAL KNOWLEDGE RELATIVE  
18 TO DISCUSSIONS WITH THE MANAGERS OR OWNERS OF THE  
19 SUBJECT PROPERTY?

20 A. Yes.

21 Q. PLEASE EXPLAIN.

22 A. I have had the opportunity to discuss the present facilities  
23 with Mr. Lloyd Sadlowski, project manager of Jasmine  
24 Properties, Telephone No.: (352) 854-5155, Address: 6240 S.W.  
25 State Road 200, Ocala, Florida, in the Historic Lodge with the

1 green roof.

2 Q. WHAT WAS THE SUBJECT OF YOUR DISCUSSIONS?

3 A. Mr. Sadlowski informed me that Mr. Dlouhy had contacted  
4 him stating that Marion County could not provide water  
5 protection due to the fact that he had entered into a bulk service  
6 agreement with Marion County, and the County had to purchase  
7 water from his system. I responded to him that as of February  
8 12, 1997, the Board of County Commissioners had not entered  
9 into any agreement with Mr. Dlouhy relative to bulk service, and  
10 in fact, had no relationship with him at this juncture other than  
11 having meetings with him attempting to work cooperatively  
12 between the two utility systems.

13 Q. WHAT HAPPENED NEXT?

14 A. Mr. Sadlowski said that Windstream did have an eight-inch  
15 water main south of their project and one just west of their land  
16 which could be tapped and brought to their project, but the  
17 capacity of the eight-inch water main, since it served both  
18 Majestic Oaks and Pigeon Park, may have adequate fire  
19 protection for his project but may not have adequate fire flows  
20 for an adult living facility planned to be built. Because of this  
21 circumstance, improvements to Windstream Utilities' system  
22 may be required. Mr. Dlouhy wanted Mr. Sadlowski to sign a  
23 letter requesting service; he said he refused to do so and had no  
24 agreement with Windstream for service. Mr. Sadlowski also  
25 stated that if he was going to receive water service, he also

1 wanted to receive sewer service (possibly at a later date)  
2 because he has both water and wastewater facilities on-site, and  
3 if he is going to discontinue the use of those facilities, he needs  
4 both types of service.

5 Q. Did Butch Dlouhy offer to provide sewer service to this  
6 potential customer?

7 A. No. Mr. Dlouhy informed Mr. Sadlowski that Windstream  
8 Utilities did not have sewer service.

9 Q. DID MR. SADLOWSKI KNOW THAT BUTCH DLOUHY WAS  
10 CERTIFICATING AN AREA IN AND AROUND HIM AND WHAT  
11 FPSC CERTIFICATION MEANT?

12 A. He did not indicate that he had any knowledge of the  
13 process or what certification meant. He knew Windstream was  
14 trying to provide water service to him.

15 Q. IN THE ZONING FOR THE JASMINE PROPERTIES AREA,  
16 WAS THIS PROPERTY GIVEN A SPECIAL EXCEPTION IN EARLY  
17 1996 FOR WATER AND WASTEWATER FACILITIES?

18 A. The zoning, as well as the constructed facilities, reflect on-  
19 site water and wastewater service. The zoning also noted that  
20 water service may be available in the future at some time from  
21 Windstream Utilities, as Windstream was the next closest utility  
22 system to this property with existing facilities at that time.

23 Q. IN OTHER WORDS, MR. DLOUHY HAD FULL KNOWLEDGE  
24 THAT THERE WERE ON-SITE FACILITIES AT PIGEON PLAZA  
25 AND JASMINE PROPERTIES?

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A. Since he drives by the area frequently and it is reported by Debbie, who is Mark Anthony's secretary, that Butch Dlouhy had several conversations with Mark Anthony's office, and that Lloyd Sadlowski, the present manager, has had several conversations with Mr. Dlouhy, and due to the fact that Mr. Dlouhy has stated repeatedly that he knew of all of the water and wastewater facilities in his area, and due to the fact that the Majestic Oaks Sales Center is next to the facilities, one would expect that he would have personal knowledge, and others have stated that he has been apprised of their present facilities.

Q. DO YOU HAVE ANY DOCUMENTATION OF THE ABOVE?

A. Yes, GCH Rebuttal-1 is the zoning information with the zoning map showing the facilities. GCH Rebuttal-2 is a copy of the aerial depicting the facilities. GCH Rebuttal-3 highlights the area on a map where Windstream is requesting service where facilities are already located and GCH Rebuttal-4 are pictures of his other facilities located on-site which have been documented in the field.

Q. HAVE YOU KNOWLEDGE RELATIVE TO OTHER PARCELS WHICH MR. DLOUHY HAS REQUESTED CERTIFICATION?

A. Yes, the parcel abutting Majestic Oaks on the west side has not requested service from Mr. Dlouhy or Windstream Utilities. In fact, when approached, the owner said they were not interested in developing the property at this time, and did not have any need for service. This property is controlled by Mr.



1           **Magurian. The property immediately west of those properties are**  
2           **the Pigeon Plaza and Jasmine Properties which Windstream is**  
3           **trying to certificate and which is documented previously with**  
4           **existing facilities. The parcel directly west from that is the**  
5           **Pigeon Park certificated area. That parcel directly west from**  
6           **Pigeon Park is Marion Landing which has its own facilities and**  
7           **which has been excluded in Mr. Dlouhy's request. On the other**  
8           **side of that system, further west, are isolated areas along State**  
9           **Road 200 which Mr. Dlouhy does not have facilities for service**  
10          **from the substandard Sun County Estates system located**  
11          **southwest thereof. Since J. B. Ranches has been dropped out of**  
12          **the certification by Windstream, there is no ability for**  
13          **Windstream Utilities to serve the areas. The one system in that**  
14          **area (Sun Country Estates) has substandard piping, substandard**  
15          **materials, and substandard supply with regard to Marion County**  
16          **Utility Standards.**

17          **Q. ARE THERE ANY AREAS WHICH MR. DLOUHY HAS**  
18          **REQUESTED CERTIFICATION WHICH HAVE NOT BEEN**  
19          **CONTESTED BY MARION COUNTY AND WHICH HE MAY**  
20          **EXPAND HIS UTILITY SYSTEM FOR SERVICE?**

21          **A. Yes, in my direct testimony we did delineate an exhibit**  
22          **which shows the service areas to the east of Majestic Oaks**  
23          **which Windstream Utilities could expand into.**

24          **Q. ARE THERE COMPETING UTILITIES NORTH, WEST AND**  
25          **SOUTH OF MAJESTIC OAKS?**

1           A.    Yes, south of Majestic Oaks in the Marion County service  
2           area.

3           Q.    DOES THIS CONCLUDE YOUR INITIAL REBUTTAL  
4           TESTIMONY CONCERNING THE DIRECT TESTIMONY OF MR.  
5           BUTCH DLOUHY IN THIS MATTER?

6           A.    Yes.

## RESOLUTION NO. 96-R-18

### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed by Armand & Eleanor Marcanthony and was considered by the Marion County Zoning Commission at its meeting on December 27, 1995 and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida at its meeting on Tuesday, January 16, 1996, now therefore:

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. SPECIAL USE PERMIT APPLICATION 960115SU, Armand & Eleanor Marcanthony.** The application for a Special Use Permit as submitted by Armand & Eleanor Marcanthony, a copy of said application being on file with the Zoning Director, is hereby approved for a Special Use Permit in an B-2 (Community Business) and A-1 (General Agriculture) zoning classifications on 6.70 acres for the intended use of an Assisted Care Living Facility on parcel account no. 35497-000-00.

**SECTION 2. FINDINGS AND CONDITIONS.** The Board of County Commissioners adopts the findings of fact recommended by the Zoning Commission and Planning Staff supporting approval of the Special Use Permit with the following conditions:

**A. Conditions.**

1. The vegetative buffer within the required setback shall be maintained to act as a buffer between the subject site and adjacent properties.
2. The applicant shall submit a site plan similar to the concept plan dated November 6, 1995.
3. The A-1 portion of the property shall be used for parking and water retention areas only.

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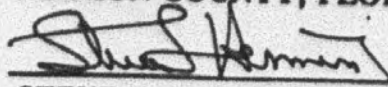
JAN 24 1996

ZONING  
GCH-1

**SECTION 3. EFFECTIVE DATE.** The Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** In regular session this 16th day of January, 1996.

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA**

  
\_\_\_\_\_  
**STEVE F. HENNING, CHAIRMAN**

**ATTEST:**

  
\_\_\_\_\_  
**FRANCES E. THIGPIN, CLERK**

## SPECIAL USE PERMIT

**NAME:** Armand and Eleanor Marcanthony

**ADDRESS:** 4456 SE Federal Highway  
Stuart, Florida 34997

**TELEPHONE:** 407-283-0783  
**APPLICATION NO:** 960115SU


WHEREAS, the Marion County Board of County Commissioners has considered the above-referenced application for a Special Use Permit and has approved the application on January 16, 1996, subject to conditions, and

WHEREAS, the Zoning Director is authorized to issue Special Use Permits in accordance with Board action, now therefore

A SPECIAL USE PERMIT is hereby issued to the above-listed property owner, pursuant to Board of County Commissioners' Resolution 96-R-18, for the Special Use of an assisted living facility in a B-2 (Community Business) zoning classification, and associated parking and storm water retention in an A-1 (General Agriculture) zoning classification, on Parcel Account No. 35497-000-00 subject to the following conditions:

1. The vegetative buffer within the required setback shall be maintained to act as a buffer between the subject site and adjacent properties.
2. The applicant shall submit a site plan similar to the concept plan dated November 6, 1995.
3. The A-1 portion of the property shall be used for parking and water retention areas only.

**THIS SPECIAL USE PERMIT IS SUBJECT TO ALL APPLICABLE PROVISIONS OF THE MARION COUNTY LAND DEVELOPMENT CODE, NOT INCONSISTENT HEREWITH.**

  
\_\_\_\_\_  
MICHAEL E. MAY, DIRECTOR  
MARION COUNTY ZONING/DEVELOPMENT  
REVIEW DEPARTMENT

DATE: 2-20-96

GCH-1

secondary service entrance is provided directly from State Road 200. Emergency access will be sufficient over either of the proposed access drives.

- (e) Off-street parking and loading areas are provided as shown on the site plan in order to provide parking for employees and visitors.
- (f) The proposed assisted living facility will not create any adverse economic, noise, glare or odor effects on adjoining properties. All development will take place in accordance with the requirements of the Marion County Land Development Code which regulates noise and lighting. There should be no odor and no adverse economic impact.
- (g) Refuse and service areas are provided as shown on the proposed site plan with a separate access drive directly from State Road 200.
- (h) The owner of this property has an existing package sewer plant located on adjacent property with sufficient capacity to service this project. The owner of this property has existing commercial water service available to serve this proposed project. In addition, at the terminus of Southwest 63rd Avenue and the intersection of Southwest 62nd Court and State Road 200, an existing public water supply system is available from Windstream Utilities, Inc.
- (i) The proposed assisted living facility will be compatible with the adjoining commercial uses to the north, east and west and no buffering is proposed. The existing agricultural use to the south is under common ownership and is intended to be an enhancement to this project allowing elderly confined individuals to view the existing horse farm activities. Accordingly, no buffer will be provided to this existing agricultural use.
- (j) Exterior lighting will be provided in accordance with the requirements of the Marion County Land Development Code, in order to provide adequate traffic and pedestrian safety and avoid any adverse impact to adjoining property. Sign location will be on Southwest 62nd Street at the entrance drive to the project.
- (k) Required yards and other green space will be above the minimum required by the Comprehensive Plan and the Land Development Code. The proposed project incorporates an internal courtyard (green space) for the use of the residents.
- (l) This proposed assisted living facility is compatible with all surrounding land uses and will enhance the services available to this community.
- (m) There are no special requirements identified by site analysis.

STATE OF FLORIDA  
COUNTY OF Dade

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared  
ALBERT A. PORCO and JOSEPHINE PORCO, his wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that  
they executed the same.

n n

GCH-1

600' Zoned B-2

Zoned A-1

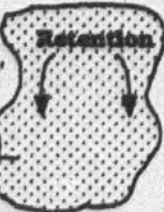
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300'

450'

250'



Existing Drive Entrance

Existing Cabin

Phase II  
40 Bed, 20 Apt  
26,000 SF  
ALF

Parking Phase II

575'

45'

40'

45'

Cross Easement for Service Drive

Pumped

Service Lot

Future Drive to Extension of SW 63rd Ave

Parking Phase I

Phase I  
50 Bed,  
25 Apt  
20,000 SF  
ALF

260'

130'

255'

Note this drive will be abandoned when connection is made to the future extension of SW 63rd Ave

40' Cross Easement for Driveway to ALF

**CONCEPTUAL SITE PLAN  
PHASE I - 50 BED  
PHASE II - 40 BED  
ASSISTED LIVING FACILITY**

TO AIRPORT

TO OCALA

JASMINE PLAZA

SW 60TH AVE

SR #200

**SUBJECT PROPERTY**  
Section 8, Township 16 S  
Range 21 E.

PIDGON PARK

**LOCATION MAP**

SW 63rd Ave

**FALM Pompeii House**

**Phase I & II Site Plan**

Scale: 1" = 100'

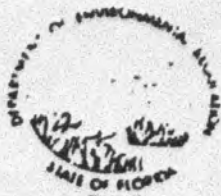
Date: 11/6/95

GCH-1

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

7001 HIGHWAY 301, S.W.  
TAMPA, FLORIDA 33637-4444  
1813/885-7400  
SUNCOM 542-8000



June 3, 1987

NOTICE OF PERMIT

Mr. A. Marcanthony  
4456 S.E. Federal Highway  
Stuart, FL 33497

Re: Pidgeon Plaza

Dear Mr. Marcanthony:

Enclosed is Permit Number DO42-133023 to construct a sewage treatment plant, issued pursuant to Section(s) 403.067(1), Florida Statutes.

Any party of this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

*Alexander MacEwan*  
ALEXANDER MACEWAN  
Permitting Engineer

AM/lgb

cc: Marion CHD  
Frederick Bell, P.E.

To: BKL  
cc: GCH  
T. Cloud  
ATW  
Pidgeon Plaza  
Const. Permits



CERTIFICATE OF SERVICE

True and correct copies of the within and attached documents were mailed before the \_\_\_\_\_ to the listed persons.

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to  
§120.52(10), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

J. F. Smith  
Clerk

11/17  
Date

DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

700 N. GULF BLVD.  
TAMPA, FLORIDA 33602

813-985-7407  
Sup Com - 542-8000

PERMITTEE  
Mr. A. Marcanthony  
4456 S. E. Federal Highway  
Stuart, FL 33497

PERMIT/CERTIFICATION  
GMS ID No: 42P10392  
Permit No: DC42-133023  
Date of Issue: June 3, 1987  
Expiration Date: 6/15/88  
County: Marion  
Lat/Long: 29°06'44"  
82°13'15"  
Sec/Town/Rge: 8/16S/21E  
Project: Pidgeon Plaza

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

Construction of a 0.02 MGD Type III extended aeration sewage treatment plant with chlorinated effluent to three percolation/evaporation ponds of 12,900 square feet total bottom area with an emergency overflow pond of 2,000 square feet total bottom area.

Location: State Road 200, 6 miles west of Ocala, Florida

Replaces Permit No.: N/A Expired: N/A

Inf. Sta No.: Eff. Sta. No.:

Segment No.: 20.2A

PERMITTEE:  
 Mr. A. Marcanthony  
 PIDGEON PLAZA

GMS ID NO.: 42P10392  
 PERMIT NO.: 0041-13/23

SPECIFIC CONDITIONS:

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.

2. The zone of discharge boundary shall extend horizontally 100 feet from the site boundary or to the installation's property boundary, whichever is less, and vertically to the base of the shallow water table aquifer. (17-4.245(4), F.A.C.)

3. The water quality standards for Class G-II groundwater shall not be exceeded at the boundary of the zone of discharge. (17-3.402, 17-3.404, F.A.C.)

4. The requirements of Chapter 17-16 F.A.C. regarding certified operators shall be met.

5. The discharge from the chlorine contact chamber shall be sampled in accordance with Chapter 17-19 F.A.C. and shall meet the following limitations:

| Parameter              | Unit  | Min-imum | Maximum           | Type Sample | Frequency         |
|------------------------|-------|----------|-------------------|-------------|-------------------|
| BOD & Suspended Solids | mg/l  | 0        | 20 annual avg.    | GRAB        | Every other month |
|                        |       |          | 30 monthly avg.   |             |                   |
|                        |       |          | 45 weekly avg.    |             |                   |
|                        |       |          | 60 any one sample |             |                   |
| Fecal coliform         | #/100 | 0        | 200 annual avg.   | grab        | Quarterly         |
|                        |       |          | 200 monthly avg.  |             |                   |
| Nitrate                | mg/l  | 0        | 12                | grab        | Every other month |
|                        |       |          |                   |             |                   |
| Flow                   | mgd   | .000     | 0.02              | grab        | Daily 5/wk        |
|                        |       |          | STD OR            |             |                   |

The results shall be reported monthly on DER Form 17-1.205(7).

6. The sludge shall be sampled after final treatment accordance with 17-7.54(2)(e) F.A.C. but prior to utilization disposal for the parameters listed below every 12 months. A copy of the analyses shall be submitted with the monthly operation report for the following parameters:

- Total Nitrogen - % dry weight
- Total Phosphorus - % dry weight
- Total Potassium - % dry weight
- Cadium - mg/kg dry weight
- Copper - mg/kg dry weight
- Lead - mg/kg dry weight
- Nickel - mg/kg dry weight
- Zinc - mg/kg dry weight
- pH - standard units

PERMITTEE:  
Mr. A. Marcanthony  
PIDGEON PLAZA

SMS ID NO.: 42P10292  
PERMIT NO.: 0041-13023

#### GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Section 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.067(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

**PERMITTEE:**

Mr. A. Marcanthony  
PIGEON PLAZA

GMS ID NO.: 42P10392  
PERMIT NO.: DC42-133023

**GENERAL CONDITIONS (con't):**

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, shall agree to allow authorized department personnel, upon presentation of a credential or other documents as maybe required by the department, to access the premises, at reasonable times, where the permittee is located or conducted for the purposes of:

a. Having access to and copying any records that must be kept under the conditions of the permit;

b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department (17-6.130) with the following information:

(a) a description of and cause of non-compliance; and

(b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

PERMITTEE:  
Mr. A. Marcanthony  
PIGEON PLAZA

GWS ID NO.: 42P10292  
PERMIT NO.: 1742-1331

GENERAL CONDITIONS (con't):

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is prescribed by Section 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Certification of Compliance with State Water Quality Standards (Section 401, FL 92-500)
  - ( ) Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
  - a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

PERMITTEE:  
Mr. A. Marcanthony  
BIDGPOK PLAZA

GMS ID NO.: 42P10392  
PERMIT NO.: 1041-133122

14. (con't):

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurement;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

Issued this 2<sup>nd</sup> day of June, 1967

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
Richard D. Gerrity, Ph.D.  
District Manager



# Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7547 • 813-623-5561

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary  
Dr. Richard Garvey, Deputy Assistant Secretary

## NOTICE OF PERMIT

April 3, 1990

Mr. A. Marcanthony, President  
Mr. Land, Inc.  
4456 S.E. Federal Highway  
Stuart, Florida 34997

Re: ~~Geogon~~ ~~Park~~ Water Distribution System

Dear Mr. Marcanthony:

Enclosed is Permit Number WC42-174682 to construct a water distribution system, issued pursuant to Section(s) 403.087(1), Florida Statutes.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (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 Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and



PERMITTEE: Mr. A. Marcanthony, President  
PERMIT NO.: WC42-174682

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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 permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application 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 14 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, F.S., 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 28-5.207, F.A.C.

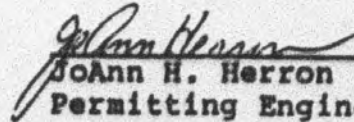
This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

PERMITTEE: Mr. A. Marcanthony, President  
PERMIT NO.: WC42-174682

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

  
JoAnn H. Herron  
Permitting Engineer

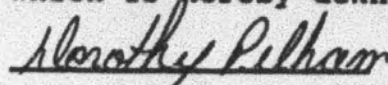
JHH/dmp

cc: Marion CPHU  
Sheikh M. Hasan, Ph.D., PE, PLS

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on April 3, 1990 to the listed persons.

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant  
to §120.52(10), Florida  
Statutes, with the designated  
Department Clerk, receipt of  
which is hereby acknowledged.

 4/3/90



# Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347 • 813-623-5561

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary  
Dr. Richard Gerrity, Deputy Assistant Secretary

## PERMITTEE

Mr. Land, Inc.  
4456 S.E. Federal Highway  
Stuart, Florida 34997

Attn: Mr. A. Marcanthony,  
President

## Permit/Certification

ID. Number:

Permit Number WC42-174682

Date of Issue: 4/3/90

Expiration Date: 4/3/91

County: Marion

Lat/Long: 29°06'30"N/  
82°13'00"W

Sect/Town/Rge:

Project: Pidgeon Park Water  
Distribution System

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-555. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

Construction of a water distribution system according to the plans and specifications prepared by Planning and Resources, Inc. The new system is to serve 94 residential lots.

Location: 6200 S.W. SR 200

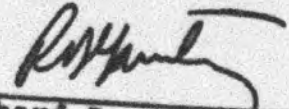
PERMITTEE:  
Mr. A. Marcanthony, President  
Pidgeon Park Water Distribution  
System

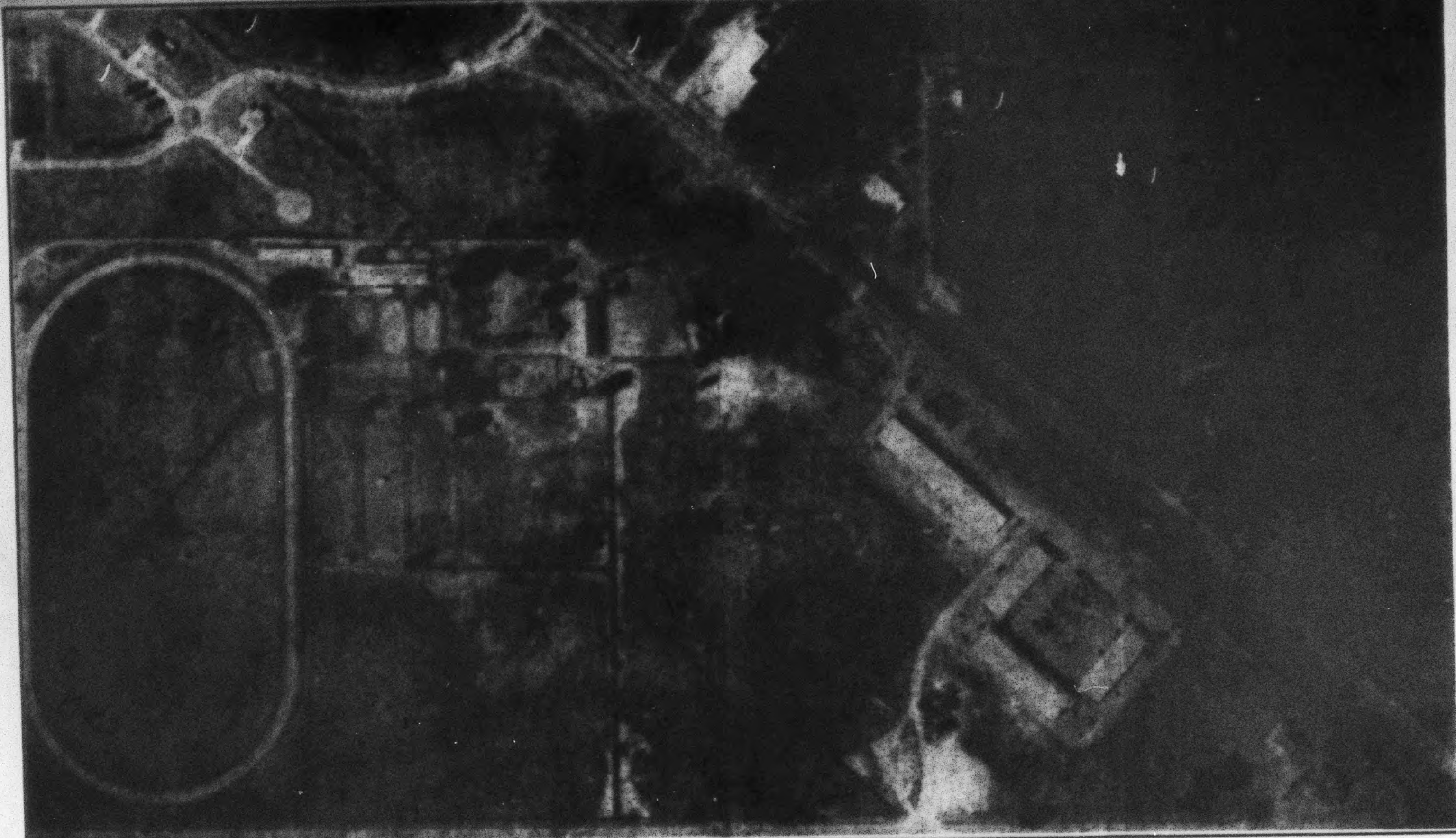
Permit No. WC42-174682

Specific Conditions

1. The system may be placed in service once a letter of clearance from this Department is received (Chapter 17-555.345, F.A.C.).
2. A letter of clearance may be issued by this Department once the expansion of water system serving the project has been permitted, constructed and cleared and upon receipt of the following items:
  - a. 'Request for a Letter of Release to Place Water Supply System into Service', DER Form 17-555.910(9), F.A.C.;
  - b. Copy of satisfactory pressure test of the water distribution system; and
  - c. Copies of satisfactory bacteriological analysis of the water taken from representative points within the distribution system on two consecutive days.
3. Permitted construction or alteration of public drinking water systems must be supervised during construction by a professional engineer registered in the State of Florida.
4. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301, Telephone number (904) 487-2073.
5. The permittee shall operate and maintain this facility in accordance with Chapter 17-555.350, F.A.C.
6. The permittee shall be aware of and operate under the attached "General Conditions". General conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

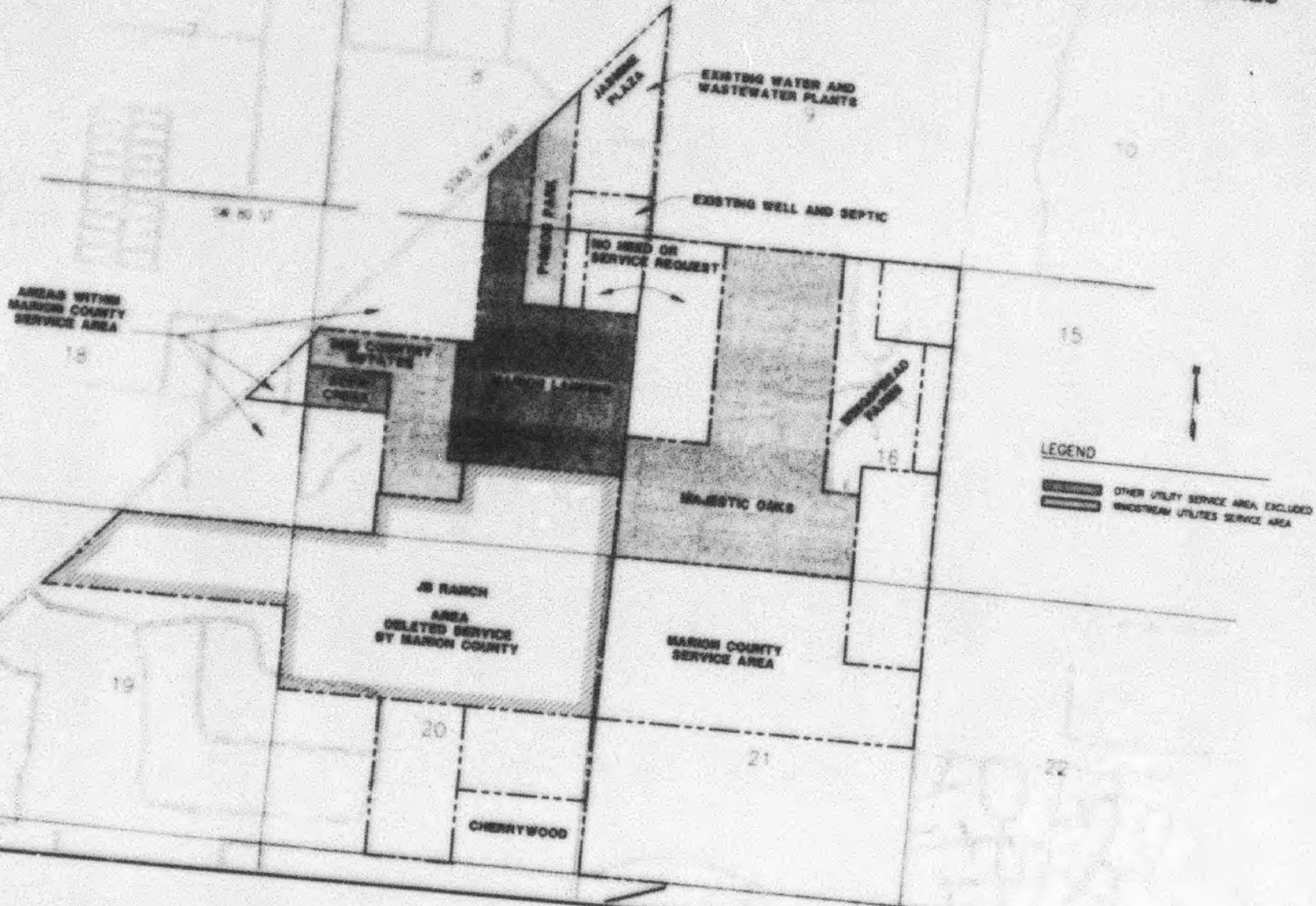
  
Richard D. Garrity, Ph.D.  
Deputy Assistant Secretary



 **HARTMAN & ASSOCIATES, INC.**  
engineers, hydrogeologists, surveyors & management consultants  
304 EAST PINE STREET - SUITE 1000 - ORLANDO, FL 32801  
TELEPHONE (407) 636-3000 - FAX (407) 636-3700

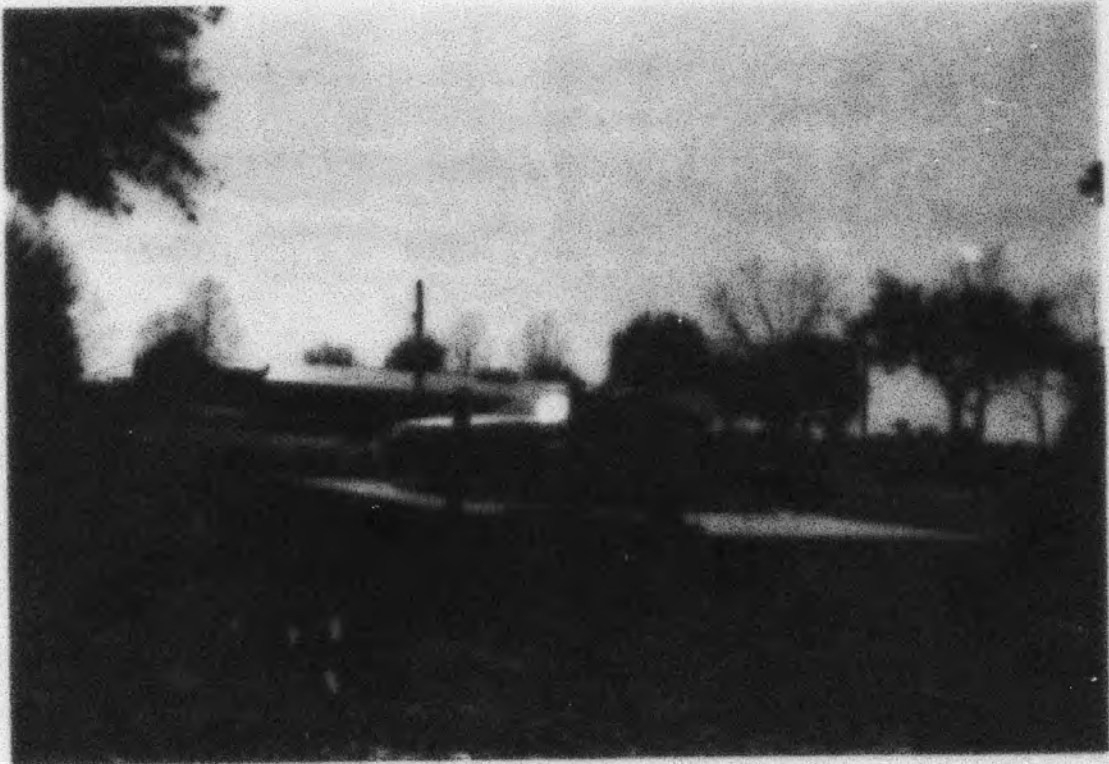
GCH-2

REBUTTAL EXHIBIT GCH-3 - EXISTING CERTIFICATED AREA OF WINDSTREAM UTILITIES



LEGEND

- OTHER UTILITY SERVICE AREA EXCLUDED
- WINDSTREAM UTILITIES SERVICE AREA



PRIVATE WELL No. 1



PRIVATE WELL No. 2

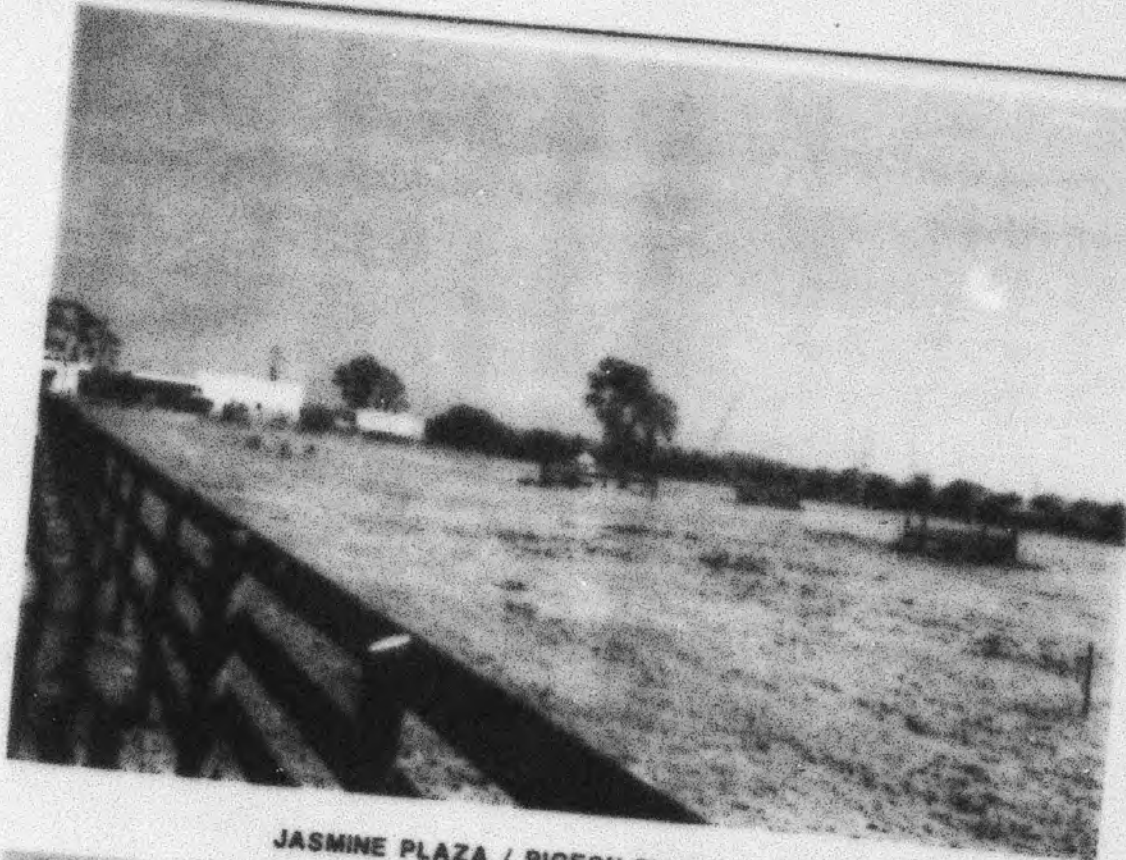


**HARTMAN & ASSOCIATES, INC.**

engineers, hydrogeologists, surveyors & management consultants

201 EAST PINE STREET - SUITE 1000 - ORLANDO, FL 32801  
TELEPHONE (407) 839-3955 - FAX (407) 839-3790

GCH-4



JASMINE PLAZA / PIGEON PLAZA WTP



JASMINE PLAZA / PIGEON PLAZA WTP



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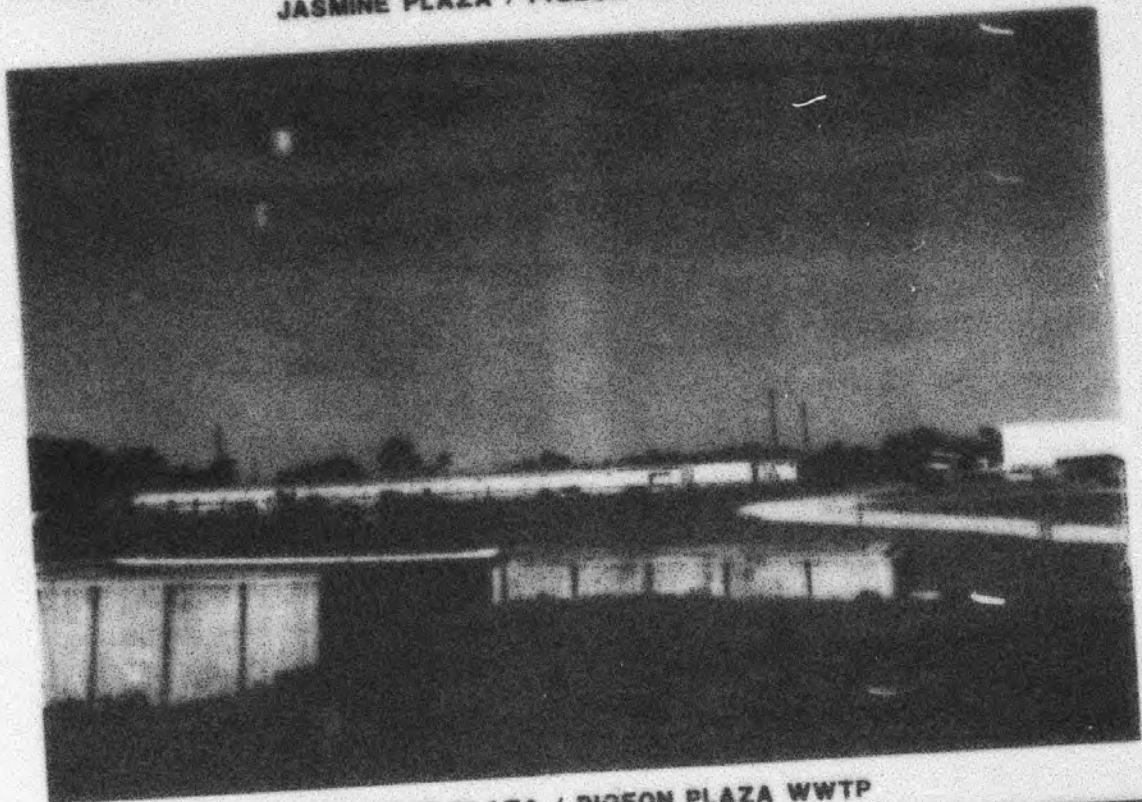
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GCH-4





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**HARTMAN & ASSOCIATES, INC.**

engineers, hydrogeologists, surveyors & management consultants

201 EAST PINE STREET - SUITE 1000 - OAKLAND, CA 94612  
TELEPHONE (407) 839-3955 - FAX (407) 839-1190

GCH-4



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JASMINE PLAZA / PIGEON PLAZA PERCOLATION PONDS



**HARTMAN & ASSOCIATES, INC.**  
engineers, hydrogeologists, surveyors & management consultants

201 EAST PINE STREET - SUITE 1000 - ORLANDO, FL 32801  
TELEPHONE (407) 839-2855 - FAX (407) 839-3790

GCH-4