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RECORDS AND
REPORTING

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July 8, 1998

ORIGINAL

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

RE: Docket No. 971663-WS
Petition of Florida Cities Water Company for limited
proceeding to recover environmental litigation costs for North
and South Ft. Myers Division in Lee County and Barefoot Bay
Divisions in Brevard County.

Dear Ms. Bayo:

For filing herewith is an original of this letter and fifteen
copies.

Attached to this letter are two pages that were inadvertently
omitted from Mr. Acosta's exhibits, specifically Exhibit _____
(MA-9). The pages should be inserted immediately before the last
three pages of Exhibit _____ (MA-9). The pages enclosed are as
follows:

- ACK
- AFA 1
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1
- LIN 5 + orig.
- OPC _____
- RCH _____
- SEC 1
- WAS Willis
- OTH _____

1. A letter to A.A. Reeves from John T. Marljar dated
September 26, 1989;

2. The first page of Administrative Order No. 89-109.

With the insertion of these pages, there will be a cover
letter and the first page of Order No. 89-109.

Please let me know if you have any questions.

Please acknowledge receipt of the foregoing by stamping the

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

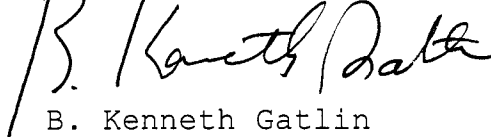
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Ms. Blanca S. Bayo
July 8, 1998
Page 2

enclosed extra copy of this letter and returning same to my attention.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Kenneth Gatlin". The signature is written in a cursive style with a large, prominent initial "B".

B. Kenneth Gatlin

BKG/ldv
Enclosures

cc: Harold McLean, Esq. (Via U.S. Mail)
Rosanne Gervasi, Esq. (Via Hand Delivery)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

REF: 4WM-FP

Mr. A.A. Reeves, III
Florida Cities Water Co.
2112 Gulf Gate Drive
Sarasota, FL 33581

RE: Florida Cities Water Co., Waterway
Estates WWTP-Ft. Myers, FL
Administrative Order No. 89-109
NPDES Permit No. FL0030325

Dear Mr. Reeves:

Pursuant to Section 309(a) of the Clean Water Act, as amended, the Director, Water Management Division, Region IV, United States Environmental Protection Agency, has determined that the above-named facility is in violation of the Clean Water Act. As a result, the Director has issued a Section 309 Order which is enclosed.

Any person who violates a Section 309 Order shall be subject to a civil penalty not to exceed \$25,000 per day of such violation pursuant to Section 309(d) of the Clean Water Act.

Under Executive Order 11738 and EPA regulations issued thereunder (40 Code of Federal Regulations, Part 15), facilities to be utilized in contracts, grants, and loans must be in full compliance with all standards established pursuant to the Clean Water Act and the Clean Air Act. A violation of the standards outlined in this notification may result in the subject facility becoming ineligible for participation in any work associated with a Federal contract, grant, or loan.

If you have any questions concerning the enclosed Order, please contact Ms. Priscilla Oliver, Water Management Division at 404/347-7428.

Sincerely yours,

John T. Marlar, Chief
Facilities Performance Branch
Water Management Division

Enclosure

cc: FDER, Tallahassee, FL
Bennie T. Shoemaker, FDER, Ft. Myers, FL

CF: J. Landers 5/18/91

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

IN THE MATTER OF)	
FLORIDA CITIES WATER COMPANY)	
WATERWAY ESTATES)	Administrative Order No. 89-109
FT. MYERS, FL)	
NPDES PERMIT NO. FL0030325)	

ORDER PURSUANT TO SECTION 309
CLEAN WATER ACT

Pursuant to the authority of Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. 1319, which has been delegated to me, I hereby make the following Findings of Fact and Violation and Order:

FINDINGS OF FACT

1. Florida Cities Water Company (hereinafter, the Respondent), submitted an NPDES permit application wherein it is stated that Respondent has a wastewater treatment system (Waterway Estates STP) which periodically discharges pollutants into waters of the United States.

2. The United States Environmental Protection Agency, Region IV (EPA), denied issuance of a National Pollutant Discharge Elimination System (NPDES) Permit for the above discharge location on December 8, 1986.

3. EPA issued Administrative Order No. 87-085 (WMGM) on May 11, 1987 ordering the Respondent to cease discharge no later than