

19808 Frenchman's Court  
North Fort Myers, FL 33903

RECEIVED - FPSC

00 SEP 18 AM 10:51

RECORDS AND  
REPORTING

00 SEP 18 11 09 11

Mr. D. Tyler Van Leuven  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

September 14, 2000

Docket 000277 W-S

Dear Mr. Van Leuven:

Tuesday, September 12, 2000, I spent two hours at the library of the Department of Environmental Protection with their Environmental Manager of Water Facilities, Andrew Barienbrock. There I discovered two relevant Consent Orders entered into with the DEP by MHC Systems, Inc. and NFMU, Inc. Neither company seem to be very capable of running a wastewater treatment plant!

In the first, notarized June 13, 2000, David Fell, Vice President of MHC Systems, Inc. paid \$9,000 as a civil penalty, together with \$250 to cover costs to the DEP as a settlement of Lake Fairways WWTP (a/k/a FFEC-Six) OGC Case No. 00-1118-36-DW.

In the second, notarized August 10, 2000, A. A. Reeves III, Utility Director for North Fort Myers Utilities, Inc., signed a Consent Order, recognizing violation of F.A.C Rules. These were:

Rule 62-600.410(6) which states that all facilities and equipment necessary for the treatment, reuse, and disposal of domestic wastewater or domestic wastewater residuals shall be maintained at a minimum to function as intended. A January 28, 2000, inspection indicated that solids were discharging into one of the percolation ponds due to a high blanket in the clarifier. The Chlorine Contact chamber had an accumulation of sludge, the flow meter probe was not operating, the lined pond was missing a section of liner and the surge tank was not being aerated.

Rule 62-610.523(6) which states that rapid infiltration basins, percolation ponds, basins, trenches or cells shall be routinely maintained to control vegetation growth and maintain percolation capability by scarification or removal deposited solids. The January 28, 2000 inspection indicated that one percolation pond was heavily overgrown with vegetation and contained solids.

Rule 62-600.410(8) which states that in the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, or noise, aerosol drift, or lighting adversely affect the neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modification of the treatment plant) shall be taken by the permittee. Other corrective action may be required to ensure compliance with the rules of the Department. The January 28, 2000 inspection indicated that the facility had an offensive odor.

Rule 62-600.740(1)(b)1.d which requires any reclaimed water or effluent grab sample not to exceed 60 milligrams/Liter (mg/L) of sample for Total Suspended Solids (TSS). A grab sample of effluent taken during the January 28, 2000 inspection indicated that the TSS was 144 mg/L.

The facility violated the F.A.C. Rule 62-610.510(1), and the specific condition I.A.I. of the facility permit, which set the maximum allowable limit for Nitrate discharge at 12.0 mg/L. The facility's Discharge Monitoring Report (DMRs) indicated that the results for Nitrate analysis from June, July, and August were 17.2 mg/L, 15.5 mg/L and 12.2 mg/L respectively.

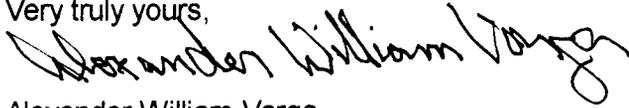
DOCUMENT NUMBER-DATE

These conditions are ordered to be corrected by the DEP, and agreed to be corrected by NFMU on 09 SEP 18 08

December 1, 2000. If these documents are not already in your possession, I will be glad to provide them to you.

I am forwarding this letter by U.S. Mail to Ms Blanca Bayo, Director, Division of Records and Reporting. as well as to Martin Friedman and Ms. Katherine Cowdery.

Very truly yours,



Alexander William Varga  
Party of Record

cc: Leon Beekman - President, Pine Lakes Estates Home Owners Association, Inc.  
Martin Friedman (via U.S. Mail)  
Katherine Cowdery (via U.S. Mail)  
Charles H. Liedtke - Publisher, Lee County Examiner  
Joe Fenton - Editor, The News Press  
Lee Melsek - The News Press  
Mike Hoyem - The News Press  
Jack Shreve - Office of Public Counsel (via U.S. Mail)  
nbcnews@nbc-2.com  
winknews@winktv.com  
Lee County Commissioners - John Manning, Doug St. Cerny, Ray Judah, Andy Coy, and John E. Albion  
Blanca Bayo - Director, Division of Records and Reporting PSC (via U.S. Mail)

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 3 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG I \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO I \_\_\_\_\_  
SEC I \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_