



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: December 11, 2001
TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
FROM: *RPR* Richard P. Redemann, Utility Systems/Communications Engineer, Division of Regulatory Oversight *BBM PD*
RE: 991632-WS; Application for Original Certificate to operate water and wastewater Utility in Bay County by Dana Utility Corporation.

Enclosed please find a letter from Mr. J. Kintz, P.E., Potable Water Section Supervisor with the Department of Environmental Protection in Pensacola, which should be placed in the Docket File.

c:\wp6\991632b.rpr

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
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- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC _____
- SER _____
- OTH _____

cc: Division of Regulatory Oversight (Brady)
Division of Legal Services (Christensen)

DOCUMENT NUMBER-DATE
00202 JAN-7 8
FPSC-COMMISSION CLERK



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

November 30, 2001

Mr. Richard Redemann
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RECEIVED
DEC 04 2001
Florida Public Service Commission
Division of Regulatory Oversight

Dear Mr. Redemann:

This is in response to your November 29, 2001 telephone request regarding permits for the Lake Merial Development Company, Inc.

The Department issued two permits to Mr. Martin J. Goldstein for the Lake Merial project. They are: 0148980-003-DS/C and 0148980-004-WC/18.

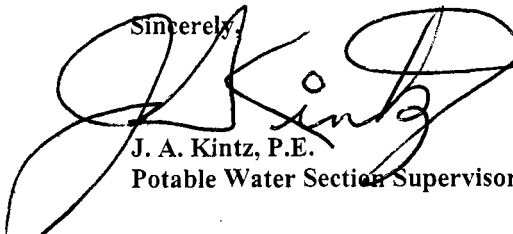
Permit 0148980-003-DS/C was issued on August 12, 1999, to construct a dry line potable water distribution system to serve the Lake Merial residential development. The expiration date was September 1, 2001. The reason it was issued as a dry line permit was that the permit for the wells, treatment facilities, etc. had not been issued. A copy of the permit is enclosed for information.

Permit 0148980-004-WC/18 was issued on March 21, 2000 to construct two potable water supply wells and system to serve the Lake Merial Development. The permit application was received June 17, 1999. The Department finally had a complete application on March 6, 2000 and subsequently issued the permit. The expiration date was April 1, 2001. A copy of the permit is enclosed for information.

The Department did not receive any requests for extensions of the expiration dates for either permit. Since the permits have expired, the permittee will have to reapply for the appropriate permits in order to construct the project.

If you have any questions, please contact me at 850/595-8300, Ext. 1146; FAX No. 850/595-8417 or 8393; Internet E-Mail: john.kintz@dep.state.fl.us.

Sincerely,



J. A. Kintz, P.E.
Potable Water Section Supervisor

JAK:jkl
Enclosures

"More Protection, Less Process"

Printed on recycled paper.

FILE

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL

In the Matter of an Application
for Permit by:

DEP File No.0148980-003-DS/C
Bay County

Mr. Martin J. Goldstein, President
Lake Merial Development Company, Inc.
11515 Old Bicycle Road
Panama City, Florida 32404

Enclosed is Permit Number 0148980-003-DS/C to construct a DRY LINE potable water distribution system to serve the Lake Merial residential development, elementary school, golf course and commercial establishments in Bay County issued under section(s) 403.861 of the Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes, or all parties may reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department Permit Identification Number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;

Mr. Martin J. Goldstein, President

Page Two

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the final action of the Department may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which includes the Department and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Department action or proposed action. The agreement must be filed in (received by) the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement;

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and

(h) The signatures of all parties or their authorized representatives.

Mr. Martin J. Goldstein, President
Page Three

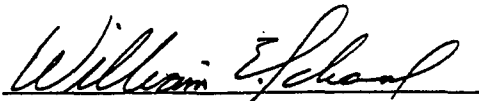
As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by section 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under section 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; 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 when the final order is filed with the Clerk of the Department.

Executed in Pensacola, Florida.

State of Florida Department
of Environmental Protection



WILLIAM E. SCHAAL
PROGRAM ADMINISTRATOR
WATER FACILITIES

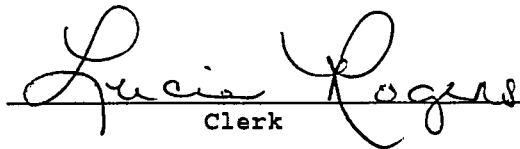
160 Governmental Center
Pensacola, Florida 32501-5794
850/595-8300

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on 8-12-99 to the listed person.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(11) Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.


8-12-99
 Clerk Date

Enclosure:

Permit 0148980-003-DS/C
 Instructions for Clearance of a Permit

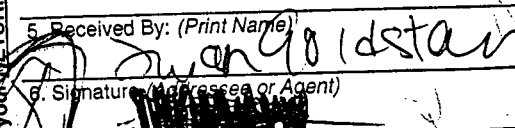
cc: James H. Solonina, P.E.
 Josie Penton, Panama City Branch Office
 Bay County Department of Health

7 011 537 968

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail

Sent to	MARTIN J. GOLDSTEIN, PRESIDENT LAKE MERIAL DEVELOPMENT CO., INC. 11515 OLD BICYCLE RD PANAMA CITY FL 32404
Street & Number	
Post Office, State, & ZIP	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery	
Return Receipt Shown Whom & Date Delivered	
Return Receipt Shown Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	
Postmark or Date	<u>8-12-99</u>

If your RETURN ADDRESS completed on the reverse side?

SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.		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
3. Article Addressed to: MARTIN J. GOLDSTEIN, PRESIDENT LAKE MERIAL DEVELOPMENT CO., INC. 11515 OLD BICYCLE RD PANAMA CITY FL 32404	4a. Article Number <u>2011537968</u>	
	4b. Service Type. <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	7. Date of Delivery <u>8-12-99</u>	
5. Received By: (Print Name) <u>Martin J. Goldstein</u>	8. Addressee's Address (Only if requested and fee is paid) <u>Bay Co. 048980</u>	
6. Signature (Addressee or Agent) 		

Thank you for using Return Receipt Service.

PS Form 3800, April 1995



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue: **AUG 12 1999**

Expiration Date: September 1, 2001

County: Bay

Latitude/Longitude: N/A

Section/Township/Range: 19/1S/14W

Project: New Potable Water Distribution System

This permit is issued under the provisions of Section 403.861, Florida Statutes, and Florida Administrative Code Rules 62-4, 62-550, 62-555, 62-560 and 62-602. The above named applicant, hereinafter called 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 the Department and made a part hereof and specifically described as follows:

To construct a DRY LINE potable water distribution system to serve the Lake Merial residential development, elementary school, golf course and commercial establishments in Bay County.

All construction shall be in accordance with the plans and specifications prepared and submitted by James H. Slonina, P.E. dated June 4, 1999 and additional information submitted on July 2, 1999.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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 403.087(6) and 403.722(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 any 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 acknowledgment 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, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall 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.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of this 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 provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. 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.

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 involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

GENERAL CONDITIONS:

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 62-4.12 and 62-30.30, as applicable. The permittee shall be liable for any noncompliance 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. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold 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) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained 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 measurement;
- 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.

PERMITTEE:
Martin J. Goldstein

I.D. Number: N/A
Permit/Certification Number: 0148980-003-DS/C
Date of Issue: 'AUG 12 1999'
Expiration Date: September 1, 2001

GENERAL CONDITIONS:

14. 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 the 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 corrected promptly.

SPECIFIC CONDITIONS:

15. Water supply facilities, including mains, shall be installed, cleaned, disinfected, and bacteriologically cleared for service in accordance with the latest applicable AWWA standards and Department rules and regulations.

16. A request to clear the system for operation shall be submitted to the Department for approval within 30 days of completion of construction, testing and disinfection.

This approval will be granted upon:

- a. Receipt of certification by a licensed professional engineer registered in Florida as to construction in accordance with the approved plans and specifications and compliance with Part V of Chapter 62-555, Florida Administrative Code. The certification of completion shall be made on DEP Form 62-555.910(9) -Certification of Construction Completion and Request for Letter of Clearance to Place Public Drinking Water Facility into Service. (NOTE: In order to expedite issuing a letter of clearance for the project, the engineering consultant should always attach copies of the required bacteriological analyses even though the analyses may have been submitted earlier to the Department for review.)
- b. Receipt of two satisfactory bacteriological analyses, and compliance with distribution system bacteriological sampling on the main system.
- c. Receipt of the analysis required in Specific Condition 15. Note: The project shall not be placed into continuous operation beyond the time frame allowed in Specific Condition No. 27.
- d. Certification that the requirements of Specific Conditions 17, 18 & 19 have been accomplished.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

SPECIFIC CONDITIONS:

17. The approval is only for INSTALLATION of a DRY LINE extension to the water distribution system. At the end of construction, but prior to use, a request to connect to the Dana Utility Company must be submitted to this Department.

18. This permit does not authorize the connection of this water distribution system to the Dana Utility Company. Separate authorization for the actual connection of this distribution system to the Dana Utility Company is required from this Department. Authorization to connect will be considered after the Dana Utility Company has been constructed. Such authorization shall be applied for by separate letter to the Department.

19. This permit shall not be construed to infer any assurance that the necessary authorization for connection shall be granted. Any such authorization shall be granted only when Certification of Completion of Construction of the Dana Utility Company potable water supply wells is received.

20. Permitted construction or alteration of public water supply systems must be supervised during construction by a professional engineer registered in the state of Florida. The permittee must retain the service of a professional engineer registered in the State to observe that construction of the project is in accordance with the engineering plans and specifications as submitted in support of the application for this permit.

21. All P.V.C. pipe used in the distribution system shall bear the N.S.F. logo and shall meet all ANSI/AWWA C900-89 (or latest edition) standards for 4"-12" diameter pipe or otherwise approved.

22. The Department shall be notified and prior approval shall be obtained of any changes or revisions made during construction.

23. Permittee shall ensure that engineer provides contractor with instructions and field sketches detailing locations where concrete encased potable water pipe is required.

24. Permittee shall ensure that engineer provides location and detail of thrust and anchor blocks on potable water distribution system.

25. Permittee shall use necessary erosion control measures during and after construction and shall remove all construction debris prior to project completion. In addition, all surfaces disturbed by construction shall be recontoured to final grades prior to project completion. It is noted that the permit does not constitute the Department's review or approval of the stormwater aspects of the project.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-003-DS/C

Date of Issue:

AUG 12 1999

Expiration Date: September 1, 2001

SPECIFIC CONDITIONS:

26. Permittee will instruct the contractor to remove all surplus material and completely restore to good conditions, all surfaces disturbed, destroyed or removed by the contractor, or his agent, on account of construction. Before final inspection is made, all surfaces disturbed on account of this construction shall be leveled up and all surplus material and rubbish incident to the construction must be removed and disposed of and streets, ditches, sidewalks, crossings, railroad, grass plots and other property affected by the construction shall be left in good and acceptable condition.

27. Permittee shall instruct the engineer of record to submit request for system clearance to the Department within 30 days of completion of construction and testing and disinfection of the system covered by this permit.

28. Permittee shall ensure that coatings and the chemicals that are contained in coatings which are applied after January 1, 1993, to a surface in contact with drinking water, or are otherwise on equipment surfaces that come into contact with the water shall be certified as being in conformance with American National standards Institute (ANSI) and NSF International (previously known as the National Sanitation Foundation) Standard 60-1988 by an entity certified by ANSI.

29. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is 850/595-8300, day or night, and for emergencies involving a significant threat to human health or the environment is 850/413-9911. For routine business, telephone 850/595-8300 during normal working hours.

Issued this 12th day of August, 1999.

State of Florida Department of Environmental Protection

William E. Schaal
WILLIAM E. SCHAAL
PROGRAM ADMINISTRATOR
WATER FACILITIES

FILE COPY

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL

In the Matter of an Application
for Permit by:

DEP File No. 0148980-004
BAY COUNTY

Mr. Martin J. Goldstein, President
The Lake Merial Development Company
11515 Old Bicycle Road
Panama City, Florida 32404

Enclosed is Permit Number 0148980-004-WC/18 for a permit to construct two potable water supply wells and system to serve The Lake Merial Development in Bay County, issued under section(s) 403.861 of the Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision of the Department may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes.

The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Mr. Martin J. Goldstein, President
Page Two

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the final action of the Department may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

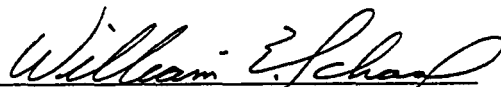
Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; 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 when the final order is filed with the Clerk of the Department.

Executed in Pensacola, Florida.

State of Florida Department
of Environmental Protection



WILLIAM E. SCHAAL
PROGRAM ADMINISTRATOR
WATER FACILITIES

160 Governmental Center
Pensacola, Florida 32501-5794
(850) 595-8300

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on March 21, 2000 to the listed person.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(7) Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.

Barbara Deleaux March 21, 2000
Clerk Date

Enclosure:

- Permit 0148980-004-WC/18
- Instructions for Clearance of a Permit
- New Well Information
- Asbestos Free Certification

cc:

Mark Shaeffer, P.E.
Josie Penton, Panama City Branch Office
Bay County Department of Health

7 316 841 145

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)
Sent to

MARTIN J. GOLDSTEIN, PRESIDENT
THE LAKE MERIAL DEVELOPMENT COMPANY
11515 OLD BICYCLE RD
PANAMA CITY FL 32404

PS Form 3800, April 1995

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	3-21-00

SENDER: COMPLETE THIS SECTION

2. Article Number (Copy from service label)
PS Form 3811, July 1999

Domestic Return Receipt

1. Article Addressed to:
MARTIN J. GOLDSTEIN, PRESIDENT
THE LAKE MERIAL DEVELOPMENT COMPANY
11515 OLD BICYCLE RD
PANAMA CITY FL 32404

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 Restricted Delivery? (Extra Fee) Yes No

4. Restricted Delivery? (Extra Fee) Yes No

5. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:
Bay Co - Lake Merial
0148980-004

6. Received by (Please print clearly) Agent Addressee
 Signature: *[Signature]*
 BB/IK

COMPLETE THIS SECTION ON DELIVERY



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A
Permit/Certification Number: 0148980-004-WC/18
Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001
County: Bay
Latitude/Longitude: N/A
Section/Township/Range: 19/1S/14W
Project: New Potable Water Supply Wells and
System

This permit is issued under the provisions of Section 403.861, Florida Statutes, and Florida Administrative Code Rules 62-4, 62-550, 62-555, 62-560, and 62-602. The above named applicant, hereinafter called 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 the Department and made a part hereof and specifically described as follows:

To construct new potable water supply wells to be owned and operated by The Lake Merial Development Company. Also included are treatment facilities and other necessary valves, fittings, appurtenances, and all associated controls. The system is located about 3 miles south of State Road 20 and east of State Road 77 in the vicinity of Lake Merial.

The new wells are to be equipped with vertical turbine pumps that can deliver 208 gallons per minute. The new wells shall be cased with approximately 150 feet of 18-inch diameter outer casing into the Floridan Aquifer. Casing material shall be steel. Total depth of the wells is approximately 250 feet.

All construction shall be in accordance with the plans and specifications prepared and submitted by Richard F. Griswold, P.E. dated June 17, 1999 and additional information submitted by Mark E. Shaeffer, P.E. on February 23 and March 1, 2000.

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE:

Martin J. Goldstein

I.D. Number: N/A

Permit/Certification Number: 0148980-004-WC/18

Date of Issue: MAR 21 2000

Expiration Date: April 1, 2001

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

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 403.087(6) and 403.722(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 any 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 acknowledgment 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, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall 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.

PERMITTEE:
Martin J. Goldstein

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GENERAL CONDITIONS:

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of this 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 provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. 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.

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 involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

PERMITTEE:
Martin J. Goldstein

I.D. Number: N/A
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GENERAL CONDITIONS:

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 62-4.12 and 62-30.30, as applicable. The permittee shall be liable for any noncompliance 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. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold 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) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained 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 measurement;
 - 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.
14. 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 the 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 corrected promptly.

PERMITTEE:

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SPECIFIC CONDITIONS:

15. Water supply facilities shall be installed, cleaned, disinfected and bacteriologically cleared for service in accordance with the latest applicable AWWA standards and Department rules and regulations.

An initial analysis of finished water as required by Florida Administrative Code Rule 62-550.500, for inorganic, pesticides and PCB's, radionuclides (including Gross Alpha, Radium 226, and Radium 228), volatile organic contaminants (VOCs), and secondary contaminants shall be obtained and submitted to the District Office in Pensacola prior to clearance of the system.

Four consecutive quarters are due for the pesticides and PCB's, VOC's, and radionuclides (including Gross Alpha, Radium 226 and Radium 228). All other contaminant groups need initially to be analyzed once, not quarterly. These four quarters may begin now, thus allowing this initial sample to be the system's first quarter. Alternatively, the permittee may do a one time initial sampling for all contaminant groups (including the quarterly ones) now, and then postpone the system's four consecutive quarters until their sampling year as indicated in FAC 62-550.500.

Since your system does not have asbestos containing components, you need to fill out and return the enclosed asbestos-free waiver DEP Form 62-555.900(10).

Sampling for the unregulated organic contaminants have been temporarily suspended. Upon reinstatement of this requirement, this system will be notified of the appropriate sampling schedule/criteria for this group of contaminants.

16. This source shall not be placed into operation until Department approval is issued. This approval will be granted upon receipt of:

- a. Certification by a registered professional engineer as to construction in accordance with the approved plans and specifications and compliance with Florida Administrative Code Rules 62-550, 62-555 and 62-560. The certification of completion of construction shall be made by completing DEP Form 62-555.910(9) - Certification of Construction Completion and Request for Letter of Clearance to Place Public Drinking Water Facility into Service. (Note: In order to expedite issuing a letter of clearance for the project, the engineering consultant should always attach copies of the required bacteriological analyses even though the analyses may have been submitted earlier to the Department for review.)

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SPECIFIC CONDITIONS:

- b. Twenty (20) satisfactory bacteriological analyses and the required chemical analysis.
- c. Receipt of satisfactory bacteriological analyses (A.K.A. Main Clearance), taken within 30 days of completion of construction, from locations within the distribution system or water main extension to be cleared, in accordance with Rules 62-555.540(2)(b), 62-555.345 and 62-555.330, FAC and American Water Works Association (AWWA) Standard C 651-92 as follows:
- Connection point to an existing system and the endpoint of the proposed addition;
 - Any water lines branching off a main extension;
 - Every 1,200 feet on straight run of pipe.
 - Each location shall be sampled on two consecutive days with sample points and chlorine residual reading clearly indicated on the report.
- d. A copy of the well construction permit from the Northwest Florida Water Management District (NFWFMD). Also please provide a copy of the Site Evaluation for Proposed Water Treatment Plant or Public Supply Water Wells done by the Water Management District.
- e. A copy of the appropriate consumptive use permit from the Northwest Florida Water Management District (NFWFMD).
- f. A copy of the driller's geologic log obtained during drilling of the well(s).
- g. Pump test data obtained from the well(s).
- h. Submission of the data to complete the New Well Information sheet.
- i. The analysis required in Specific Condition 15. NOTE: The well shall not be placed into continuous operation beyond the time frame allowed in Specific Condition No. 25.
17. Permitted construction or alteration of public water supply systems must be supervised during construction by a professional engineer registered in the state of Florida. The construction of the project is in accordance with the engineering plans and specifications as submitted in support of the application for this permit.

PERMITTEE:

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SPECIFIC CONDITIONS:

18. The personnel in charge of the operation, supervision or maintenance of the treatment facilities shall meet the requirements of Florida Administrative Code Chapter 62-699. The certified operator must be Class C or higher, and the minimum on-site time for certified operator shall be 5 visits per week and one weekend visit.

19. All PVC pipe used in the distribution system shall bear the NSF logo, and shall meet all ANSI/AWWA C900-89 (or latest edition) standards for 4"-12" diameter pipe or otherwise approved.

20. The Department shall be notified and prior approval shall be obtained if any changes or revisions are made during construction, or if there are any changes to proposed location of the well made after the well drilling tests have been completed

21. Permittee shall ensure that the engineer provides the location and detail of thrust and anchor blocks on the potable water distribution system.

22. Permittee shall ensure that the engineer provides the contractor with instructions and field sketches detailing locations where concrete encased potable water pipe is required.

23. Permittee shall use necessary erosion control measures during and after construction and shall remove all construction debris prior to project completion. In addition, all surfaces disturbed by construction shall be recontoured to final grades prior to project completion. It is noted that the permit does not constitute the Department's review or approval of the stormwater aspects of the project.

24. Permittee will instruct the contractor to remove all surplus material and completely restore to good conditions, all surfaces disturbed, destroyed or removed by the contractor, or his agent, on account of construction. Before final inspection is made, all surfaces disturbed on account of this construction shall be leveled up and all surplus material and rubbish incident to the construction must be removed and disposed of and streets, ditches, sidewalks, crossings, railroad, grass plots and other property affected by the construction shall be left in a good and acceptable condition.

25. Permittee shall instruct the engineer of record to request system clearance from the Department using DEP FORM 62-555.900(9) - REQUEST to PLACE WATER SUPPLY SYSTEM into SERVICE within 30 days of completion of construction, testing and disinfection of the system covered by this permit.

26. Permittee shall ensure that all well pumps meet the standards of ANSI/AWWA E101-88 (revision of ANSI/AWWA E101-77 [R82])

PERMITTEE:

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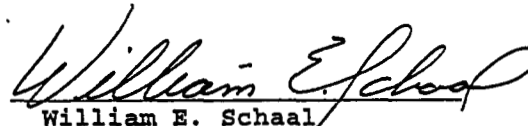
27. Permittee shall ensure that paints and protective coatings to be used on this project which will come into contact with potable water as outlined in Florida Administrative Code Rule 62-555.320(3)(a) on treatment states - "Coatings and the chemicals that are contained in coatings which are applied after January 1, 1993, to a surface in contact with drinking water, or are otherwise on equipment surfaces that come into contact with the water shall be certified as being in conformance with American National Standards Institute (ANSI) and NSF International (previously known as the National Sanitation Foundation) Standard 60-1988 by an entity certified by ANSI."

28. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300, day or night, and for emergencies involving a significant threat to human health or the environment is (800) 320-0519. For routine business, telephone (850) 595-8300 during normal working hours.

Issued this 21st day of

March, 2000

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



William E. Schaal
Program Administrator
Water Facilities