

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 24, 2002
TO: Division of the Commission Clerk and Administrative Services
FROM: Patricia Brady, Division of Economic Regulation *pb*
RE: Docket No. 020746-WU - Application for certificate to provide water service in Charlotte County by Knight Water Utility, Inc.

Please add to the docket file the attached facsimile from the Florida Department of Environmental Protection (FDEP). The facsimile transmits the FDEP's May 31, 2002, notice of possible violations discovered by file review and inspection. All discrepancies were corrected and no enforcement action was taken.

Attachment:

cc: Division of Economic Regulation (Redemann)
 Office of the General Counsel (Gervasi)

DOCUMENT NUMBER DATE

07704 JUL 24 02

FPSC-COMMISSION CLERK

FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION



FACSIMILE TRANSMITTAL SHEET

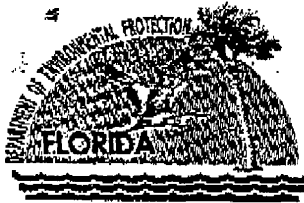
TO: Pat Brady	FROM: Doug Wells/ FDEP 941-332-6975 ext. 176
COMPANY:	DATE: 7/22/02
FAX NUMBER: 850-413-6687	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

The letter attached is the last enforcement action taken against the Knight Island Utilities wastewater treatment plant. All of the discrepancies have been corrected therefore no further enforcement action will be pursued by DEP.

2295 Victoria Ave, Suite 364, P.O. Box 2549, Fort Myers, FL 33902-2549



Department of Environmental Protection

COPY

Jeb Bush
Governor

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

David B. Struhs
Secretary

May 31, 2002

CERTIFIED MAIL NO.: 7001 2510 0001 0874 1595
RETURN RECEIPT REQUESTED

Mr. Dean Beckstead, President
Knight Island Utilities
7092 Placida Road
Cape Haze, FL 33946

Re: Charlotte County - DW
Knight Island Utilities WWTP
FLA014095
Caloosahatchee Lee Coast EMA

Dear Mr. Beckstead:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A file review and a field inspection of the above referenced facility on April 4, 2002 indicate that violations of Florida Statutes (F.S.) and Rules may exist at the above-described facility.

A file review and an April 2, 2002 inspection indicate the following:

1. **The Department has not received a response for the correspondence dated January 23, 2002 which states that during the period from March 17, 2000 to October 25, 2001, forty-eight thousand (48,000) gallons of wastewater residuals from the above referenced facility were applied to Myakka Ranch. Myakka Ranch is not a permitted residuals application site for the above referenced facility. Rule 62-640.300(1), Florida Administrative Code (F.A.C.) states that residuals shall be applied to an application site only if the facility generating or treating the residuals has a valid Department permit that includes an approved Agricultural Use Plan for the site.**
2. **During the April 2, 2002 inspection, Department personnel observed:**
 - 1) **the RAS line in the clarifier was leaking and not functioning as intended;**
 - 2) **the clarifier was crusted over with an approximate 2-foot layer of floating sludge;**
 - 3) **the skimmer return was completely clogged with solids; and**
 - 4) **the chlorine pump was inoperable.**

F.A.C. Rule 62-600.410(6) requires 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, so as to function as intended.

3. **During the April 2, 2002 inspection, Department personnel observed wastewater leaking from the wastewater treatment plant structure at the effluent pipes and in between the filters. F.A.C. Rule 62-600.740(2)(a) states that the release or disposal of excreta, sewage, or other wastewaters or domestic wastewater residuals without providing proper treatment is prohibited.**

Continued . . .

"More Protection, Less Process"

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Mr. Dean Beckstead, President
May 31, 2002
Page Two

4. During the inspection, Department personnel detected a strong sewage odor emanating from the wastewater treatment plant. F.A.C. Rule 62-600.410 (8) 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, 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.
5. During the inspection, Department personnel observed that the logbook was not a hardbound book and did not contain any entries from March 31, 2002 to April 2, 2002. F.A.C 62-602.650(4) states that the operator shall maintain operation and maintenance logs for each plant, on site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed. The logs shall be maintained in hard bound books with consecutive page numbering, and shall contain a minimum of three months of data at all times. Alternative logs or partial electronic logging are acceptable if approved by the appropriate Department district office or the local regulatory agency. The logs shall contain:(a) Identification of the plant;(b) The signature and license number of the operator and the signature of the persons making any entries;(c) Date and time in and out;(d) Specific operation and maintenance activities;(e) Tests performed and samples taken, unless documented on a laboratory sheet, and any repairs made.(f) Performance of preventive maintenance and repairs or requests for repair of the equipment.
6. During the inspection a chlorine residual reading was determined at the point of discharge in the chlorine contact chamber. The reading indicated a chlorine residual of 0.00 milligrams per liter (mg/L). F.A.C. Rule 62-600.440(4)b requires a total chlorine residual of at least 0.5 mg/L to be maintained after at least 15 minutes contact time at peak hourly flow.

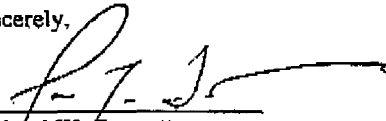
The activities observed during the Department's field inspection and any activity at the facility that may be contributing to violations of the above described statutes and rules should be ceased.

Continued activities at the facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day, pursuant to Sections 403.141 and 403.161, F.S.

Your presence is required in a meeting that has been scheduled for June 11, 2002 at 10:00 a.m. at the DEP South District Office in Fort Myers. Please contact Doug Wells at (239) 332-6975, ext. 176 or at the letterhead address within 15 days of receipt of this Warning Letter to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

PLEASE BE ADVISED that this Warning Letter is a part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolution of this matter

Sincerely,


Richard W. Cantrell
Director of
District Management

RWC/KK/WDW/TEJ/cap
cc: Gueltzow Utilities
Elmore Septic
Mike Mylett