

State of Florida



ORIGINAL

Public Service Commission

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

DATE: October 31, 2002
TO: Division of Commission Clerk and Administrative Services
FROM: Sam Merta (Professional Accountant Specialist) *SM*
RE: Docket No. 020439-SU

Attached is a copy of an October 29, 2002 letter, from Richard Cantrell, Department of Environmental Protection, to Gary Winrow, Sanibel Bayous Utility Corporation, advising that possible violations of Florida Statutes and Rules may exist at the utility. Please include this letter in the above docket file.

cc: Division of Economic Regulation (Rendell)

DOCUMENT NUMBER DATE

11942 OCT 31 02

FPSC-COMMISSION CLERK



Jeb Bush
Governor

Department of Environmental Protection

COPY

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

David B. Struhs
Secretary

October 29, 2002

CERTIFIED MAIL NO.: 7002 0460 0001 7873 1428
RETURN RECEIPT REQUESTED

Gary Winrow, Owner
Sanibel Bayous Utilities
15560 McGregor Blvd. Suite 8
Fort Myers, FL 33908

Re: Lee County - DW
Sanibel Bayous WWTP
FLA014576
Southwest Coast EMA

Dear Mr. Winrow:

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 September 19, 2002 indicate that violations of Florida Statutes (F.S.) and Rules may exist at the above-described facility.

The file review indicates the following:

1. **The operating permit for the above referenced facility expired September 4, 2002.** Florida Administrative Code (F.A.C.) Rule 62-4.030 states that any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule.
2. A review of the facility's files indicates that the Department has not received a **complete** permit renewal application for the above referenced facility. F.A.C. Rule 62-620.335(1) states that a permittee shall submit an application to renew an existing permit at least 180 days before the expiration date of the existing permit. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit.

Continued . . .

"More Protection, Less Process"

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3. Department personnel observed the following at the facility during the September 19, 2002 inspection:
 - a. The air diffusers in the aeration tanks and the digesters were missing or not functioning as intended.
 - b. Excessive algae growth was observed on the clarifier weirs.
 - c. The concrete on the chlorine contact chamber was cracking and in a state of disrepair.
 - d. The skimmer on the south clarifier had a collapsible hose attached resulting in the failure to function properly.
 - e. Air leaks were detected in several places of the air supply system.
 - f. The air line in the first digester was loose.
 - g. Neither of the two blowers had air filters.
 - h. The originally designed area of the percolation pond has been reduced by a large natural or man-made extension of the berm into the middle of the pond.

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.

4. During the inspection, Department personnel observed the percolation pond had no means to discourage the entry of animals or unauthorized persons. F. A. C. Rule 62-610.418(1) states that for all systems, appropriate advisory signs shall be posted around the site boundaries to designate the nature of the project area. Storage ponds shall be enclosed with a fence or otherwise designed with appropriate features to discourage the entry of animals and unauthorized persons.
5. During the inspection, Department personnel observed the percolation pond was heavily overgrown with trees and vegetation. F.A.C. Rules 62-610.415(6), 62-600.410(7), 62-600.740(2)(e) and 62-610.523(6) require the percolation pond berm **to be cleared of all trees** and other vegetation (except grass) to preserve the integrity of the berm and to allow access for inspection by the Department.
6. During the inspection the chlorine contact chamber was dye tested in order to determine the reclaimed water detention time with chlorine. The detention time was approximately 19 minutes during extremely low flow. F.A.C. Rule 62-600.440(4)(b) requires a total chlorine residual of at least 0.5 milligrams per liter to be maintained after at least 15 minutes contact time at **peak hourly flow**.
7. During the inspection, Department personnel observed non-essential debris and equipment on and around the plant causing safety hazards. F.A.C. Rule 62-600.410 (8) states that in the event that the treatment facilities or equipment no longer

Gary Winrow, Owner
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October 29, 2002
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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.


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.

Please contact **Doug Wells** at (941) 332-6975, ext. 176 or at the letterhead address within **15 days** of receipt of this Warning Letter to arrange a meeting 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/klm

cc: Mahnaz Massoudi
Mel Reinhart, DEP