

ORIGINAL

State of Florida



Public Service Commission

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

DATE: July 30, 2003
TO: Division of Commission Clerk and Administrative Services
FROM: Thomas Walden, Division of Economic Regulation
RE: Docket No. 030294-WU; Application for amendment of Certificate No. 419-W to add territory in Marion County by Residential Water Systems, Inc.

Attached is a copy of the DEP permit for the territory applied for in this amendment. This document should be included in the docket file.

TJW

attachment

COMMISSION
CLERK

JUL 30 PM 3:19

RECEIVED

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DOCUMENT NUMBER-DATE

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PPSC-CONF. CLERK



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

David B. Struhs
Secretary

NOTICE OF PERMIT ISSUANCE

SENT BY E-MAIL
drakeprop@aol.com

Robert P. Drake, Trustee
1224 Southeast Fort King Street
Ocala, FL 34471

Attention: Robert P. Drake, Trustee

Marion County - PW
Residential Water Systems
Dalton Woods

Dear Mr. Drake:

Enclosed is Permit Number WD42-0080678-003 to construct a water distribution system extension issued pursuant to Section 403.861(9), *Florida Statutes*.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the *Florida Statutes* before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the *Florida Statutes*. The petition must contain the information set forth below and must be filed (received by the clerk) with:

Clerk of the Department of Environmental Protection
Office of General Counsel
3900 Commonwealth Boulevard, Mail Station 35
Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the *Florida Statutes* must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3) of the *Florida Statutes*, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall 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*. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the *Florida Administrative Code*.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; 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 all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, *Florida Statutes*.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department 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:

Clerk of the Department of Environmental Protection
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.



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

David B. Struhs
Secretary

Permittee:
Robert P. Drake, Trustee
1224 Southeast Fort King Street
Ocala, FL 34471

Permit Number: WD42-0080678-003
Expiration Date: 05/23/06
County: Marion
Utility: Residential Water Systems
Project: Dalton Woods

Attention: Robert P. Drake, Trustee

This permit is issued under the provisions of Chapter 403, *Florida Statutes*, and Rule 62-555, *Florida Administrative Code*, (F.A.C.). The above named permittee is hereby authorized to perform the work shown on the application and approved drawing, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

Extension of the Residential Water Systems water distribution system to serve Dalton Woods [a 32-lot single-family subdivision]. The estimated average day water demand is 11,200 GPD.

This permit does not pertain to any wastewater, stormwater or dredge and fill aspects of the project.

Permittee:
Robert P. Drake, Trustee
1224 Southeast Fort King Street
Ocala, FL 34471
Attention: Robert P. Drake, Trustee

Permit Number: WD42-0080678-003
Expiration Date: 05/23/06
County: Marion
Utility: Residential Water Systems
Project: Dalton Woods

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 Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violations 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), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither 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 is not 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 this 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 and 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.
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 and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor 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 conditions 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 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 for 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 prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

Permittee:
Robert P. Drake, Trustee
1224 Southeast Fort King Street
Ocala, FL 34471

Attention: Robert P. Drake, Trustee

Permit Number: WD42-0080678-003

Expiration Date: 05/23/06

County: Marion

Utility: Residential Water Systems

Project: Dalton Woods

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 Rule 62-4.120 and 62-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. ~~This permit also constitutes:~~
 - ~~() Determination of Best Available Control Technology (BACT)~~
 - ~~() Determination of Prevention of Significant Deterioration (PSD)~~
 - ~~() Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)~~
 - ~~() Compliance with New Source Performance Standards~~
14. 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 the 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 the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used;
 6. the results of such analyses.
15. 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.

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Permit Number: WD42-0080678-003
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Project: Dalton Woods

SPECIFIC CONDITIONS:

Clearance of the Project

1. ***A Clearance Letter must be issued by the DEP Central District Potable Water program before placement of this project into service. Failure to do so will result in enforcement action against the permittee.***

To obtain clearance letter, the engineer of record must submit the following:

- (1) completion of the enclosed "Request for Letter of Release to Place Water Supply System into Service" [DEP Form 62-555.900(9), F.A.C.];
 - (2) a copy of this permit; and
 - (3) a copy of satisfactory bacteriological sample results taken on two consecutive days from the following locations:
 - A. the point of connection; and
 - B. Lots 5, 15, and 22.
2. ***NOTE TO THE UTILITY: Pursuant to Rule 403.859(6), Florida Statutes, do not provide water service to this project (other than flushing/testing) until the Department of Environmental Protection has issued a letter of clearance or the utility, shall be subject to enforcement action.***

Permit Transfer

3. The permittee will promptly notify the Department upon sale or legal transfer of the permitted facility. In accordance with General Condition #11 of this permit, this permit is transferable only upon Department approval. The new owner must apply, by letter, for a transfer of permit within 30 days.

Utility Separation – Vertical Clearance

4. Where water and gravity sanitary sewer mains cross with less than 18 inches vertical clearance or the sewer main is above the water main, the sanitary sewer will be 20 feet of either:
 - A. ductile iron pipe, centered on the point of crossing, or;
 - B. concrete encased vitrified clay; or
 - C. PVC pipe upgraded to water main standards and pressure tested.
5. Where water mains and storm sewer pipes cross with less than 18 inches vertical clearance, the water main shall be 20 feet of ductile iron pipe centered on the point of crossing.
 - A. if the sanitary sewer is existing and the potable water main is proposed, the water main shall, at a minimum, be upgraded to ductile iron pipe, constructed in separate trenches, laid at a higher elevation than the sanitary sewer, and utilize staggered joints.

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Project: Dalton Woods

SPECIFIC CONDITIONS:

Utility Separation – Horizontal Separation

6. When a water main parallels a gravity sanitary sewer main, a separation (measured edge to edge) of at least ten feet should be maintained. Where this separation is not met, one of the following must occur:
 - B. the water main is laid in a separate trench or on an undisturbed earth shelf located on one side of the sewer at such an elevation that the bottom of the water main is at least 18 inches above the top of the sewer, or;
 - C. if both sanitary sewer and potable water mains are proposed and the above (A) is not met, the sanitary sewer pipes shall be upgraded to the equivalent pipe material as the water main and pressure tested.
7. Separation requirements between force mains and potable water mains must be maintained unless approved in advance by the Department.

Construction Notes

8. The PERMITTEE shall be separately responsible for appropriate construction, disinfection and testing beyond the meter to assure potability at the point of use.
9. Potable water pipes will be disinfected in accordance with AWWA Specifications C651.
10. Potable water pipes will be hydrostatically tested in accordance with Specification Numbers C600 and C605/M23 for ductile iron and PVC pipes, respectively.
11. Potable water pipes must be manufactured in accordance with the following AWWA Specifications:
 - A. Ductile iron pipe (3 inches to 54 inches) – AWWA C150/C151;
 - B. PVC (with National Sanitation Foundation seal)
 - (1) AWWA C900/ASTM 1784 (4 inches to 12 inches) with DR25 minimum;
 - (2) AWWA C905 (14 inches to 36 inches);
 - (3) ASTM 1785 (less than 4 inches) Schedules 40, 80, and 120 or ASTM 2241 (SDR 21 minimum);
 - C. Polyethylene pipe – AWWA C901 with valves and fittings (AWWA C800); Polyvinyl-chloride molecular oriented (PVCO) pipe by AWWA C909 (4 inches to 24 inches);

Connection to Existing Water Mains

12. If connection of the proposed activity to the water main will result in a depressurization of the existing system below 20 pounds per square inch, one of the following must occur:
 - A. Precautionary boil water notices must be issued in cases of planned distribution interruptions, which are deemed an imminent public health threat by the DEP Central District or will affect the bacteriological quality of the drinking water unless the public water system can demonstrate, by sound engineering judgement, that the integrity of the water system has been maintained; or
 - B. In cases of brief interruption in service, advisories (not boil water notices) should be issued if temporary changes in water quality are expected to occur and not deemed an imminent public health risk.

Air/Vacuum Relief Valves

13. All air/vacuum relief valves must end in a down-turned elbow with at least 12 inches above the surrounding grade unless the wet season water table can be shown to be below the vault bottom.

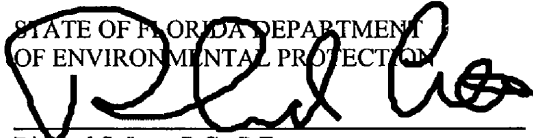
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SPECIFIC CONDITIONS:

Filling of Water Mains

14. Filling of proposed water mains from existing water mains will be done in accordance with AWWA Specification C651.
15. Water system components that come into contact with drinking water shall conform with ANSI/NSF Standard 61-1991, Drinking Water System Components. Component surfaces that come into contact with raw water prior to its treatment by reverse osmosis are exempt from this requirement [Rule 62-555.320(4)(b), F.A.C.].

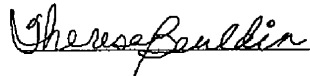
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Richard S. Lott, P.G., P.E.
Program Manager, Drinking Water
ISSUED 5-27-03

RSL:kk:pp

Copies furnished to:
John P. Daniels, P.E. [jdaniels@jpdeng.com]
Charles DeMenzes, President [charlie@alternativephone.com]

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), *Florida Statutes*, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

May 28, 2003

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certified that this NOTICE OF PERMIT ISSUANCE and all copies were sent by E-Mail before the close of business on May 28, 2003 to the listed persons.