

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Sunshine Water Services Company

DOCKET NO. 20240068-WS

FILED: January 31, 2025

**CITIZENS' ADVERSE WITNESS AND CONTESTED ISSUES BRIEF**

The Citizens of Florida, through the Office of Public Counsel (“Citizens” or “OPC”), hereby submits its brief concerning its request to procure Sunshine Water Services Company (“Sunshine”) Vice President Bryan Gongre’s (“Mr. Gongre”) appearance at the technical hearing by subpoena and contested issues A and B:

**I. Adverse Witness Subpoena**

a. Background

1. On October 30, 2024, OPC deposed Business Unit President for Sunshine Seán Twomey (Mr. Twomey).

2. Mr. Twomey began working at Sunshine in the role of president in December 2023.

3. During his deposition, OPC asked Mr. Twomey about consent orders entered into between Sunshine and the Florida Department of Environmental Protection (“DEP”) in 2015, 2018, 2020, and 2024 concerning Sunshine’s Wekiva Hunt Club system.

4. While Mr. Twomey was able to answer questions about the 2024 consent order, he testified that he was unable to answer questions concerning the consent orders executed by Sunshine before his tenure at the company.

5. In August of 2023, the DEP Secretary signed a Civil Penalty Authorization for \$1,217,604 summarizing at least 657 violations occurring over a period of several months in 2021-2022 noting a history of non-compliance that resulted in a penalty enhancement of \$556,395. See

Exhibit A. The documents reflect ongoing enforcement activities that occurred prior to the DEP Secretary's signature.

6. Through investigation and due diligence, OPC was able to identify Mr. Gongre as a potential witness who could potentially be familiar with the older consent orders and above Civil Penalty Authorization due to his tenure at Sunshine and former position as Director of Operations.

7. Mr. Gongre is not a listed witness for Sunshine in this matter.

8. The undersigned first discussed deposing Mr. Gongre with Sunshine's counsel after the informal meeting held on December 19, 2024, but, due to the holidays, did not actually ask for Mr. Gongre's availability until January 8, 2025.

9. On January 21, 2025, OPC deposed Mr. Gongre. According to Mr. Gongre, he was familiar with the Wekiva Wastewater Treatment Plant and the 2018, 2020, and 2024 consent orders.

b. Argument

10. Mr. Gongre's testimony is relevant to at least Issues 1, 2, 22, and 28 (Wekiva Legal Expenses) as they relate to Sunshine's Wekiva Wastewater Treatment Plant. The only witness provided by Sunshine that OPC can question on this issue is Mr. Twomey, whose knowledge of the Wekiva Wastewater Treatment Plant consent orders with DEP is limited to the 2024 consent order. The Company, without Mr. Gongre's testimony, is without a witness to answer questions on the full scope of the service issues and related legal fees. See Exhibit A.

11. The only less intrusive way of procuring Mr. Gongre's testimony for the hearing would be to enter his deposition into evidence. However, Mr. Gongre's deposition was taken for discovery purposes and therefore contains lines of questioning OPC would not pursue at hearing and other matters relevant for discovery but not relevant for a technical hearing. The deposition

would also potentially be subject to objections on a page-by-page or question-by-question basis – significantly slowing down the pace of the hearing.

12. Absent Mr. Gongre’s live testimony, OPC will be unfairly prejudiced in its ability to develop and present evidence relating to significant elements of Issues 1, 2, 22, and 28 (Wekiva Legal Expenses) because no current Sunshine witness has admitted to having direct knowledge of these matters and Sunshine has failed to provide testimony concerning these events.

13. OPC would have preferred to have been able to inform Sunshine prior to the pre-hearing meeting of its intent to seek Mr. Gongre’s testimony via subpoena. This timing was due in large part to how late in the process Mr. Gongre was identified, his deposition was held, and the holidays. The office closures from the unprecedented snowstorm that closed the OPC office for nearly a week further compounded the delay. The OPC’s request is made in good faith and not because of avoidable delay. The circumstances constitute good cause for an exception to the requirements of the Order Establishing Procedure, Order No. PSC-2024-0259-PCO-WS, as modified by Order No. PSC-2024-0437-PCO-WS, requiring the pre-filing of witness testimony.

14. OPC therefore requests that the Commission authorize OPC to subpoena Mr. Gongre as an adverse witness.

## **II. Contested Issue A**

15. Contested Issue A concerns OPC’s assertion that the Commission must consider the value to a customer provided by Sunshine’s services.

16. Rate case considerations vary greatly between electric, natural gas, and water and wastewater utilities. When it comes to electric and natural gas utilities, section 366.041(1), Florida Statutes, provides as follows with regard to value:

In fixing the just, reasonable, and compensatory rates, charges, fares, tolls, or rentals to be observed and charged for service within the state by any and all public

utilities under its jurisdiction, **the commission is authorized to give consideration, among other things,** to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and **the value of such service to the public;** the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base in any order entered pursuant to such proceedings. (emphasis added.)

17. In contrast, section 367.081(2)(a)1., Florida Statutes, provides as follows for water and wastewater utilities governed by proceedings such as the instant one:

The commission shall, either upon request or upon its own motion, fix rates which are just, reasonable, compensatory, and not unfairly discriminatory. **In every such proceeding, the commission shall consider the value and quality of the service and the cost of providing the service,** which shall include, but not be limited to, debt interest; the requirements of the utility for working capital; maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and a fair return on the investment of the utility in property used and useful in the public service. (emphasis added.)

18. The difference in language between these two statutes makes it clear that in water and wastewater utility cases, the Commission is required to consider the value of the utility's service.

19. The evidence in this case will demonstrate that Sunshine's proposed AMI Meter Installation Project will not provide value to customers. Per the company, this approximately \$20 million plant addition is far in excess of any other pro forma plant addition. Indeed, AMI sits like a blackhole distorting the rest of Sunshine's case as it only adds significant costs to customers and provides no offsetting benefits, at least none that were presented in the current application.

20. The Commission must abide by the Legislature's mandates, which in this case includes a mandate to consider the value and cost of the AMI program. It is not the responsibility of an intervener to provide the Commission with some sort of formula or guideline in how to interpret its own statute. It is the Commission's role in this process to grapple with the Legislature's

mandates on how to evaluate water and wastewater applications for value. The OPC is willing to put on evidence on the issue of value in the context of the request and to brief how the evidence relates to the legal standard.

21. It is also not up to an intervener to explain or justify to the Commission why this portion of the statute has not been implemented for water and wastewater cases for decades. At this point the OPC is pointing out that such failure is not justification for continuing to defy the Legislature's clear mandate in this case. The customers are entitled to rely on the plain language of the statute in making their case about egregious spending that does not bring value to them in a monopoly environment. Since the Commission must consider the value and cost of the AMI program, OPC's Contested Issue A should be included.

### **III. Contested Issue B**

22. Contested Issue B represents OPC's position that the Commission should at least consider whether resulting rates are affordable pursuant to Sections 367.081 and 367.121, Florida Statutes.

23. Pursuant to Section 367.081(2)(a)1., Florida Statutes, the Commission may only approve the parts of Sunshine's rate request which results in rates that are just, reasonable, compensatory, and not unfairly discriminatory.

24. Sunshine's requested rate increase is excessive and unnecessary, as evidenced by the testimony of Sunshine's low-income customers who are already struggling to afford their bills.

25. It is a simple, intuitive, and tautological proposition that a rate that customers cannot afford is not just or reasonable.

26. The Legislature has given the PSC very broad authority in determining rates. *See, e.g., Citizens of State v. Public Serv. Comm'n*, 425 So. 2d 534, 540 (Fla. 1982).

27. Based on this broad authority, the Commission should include OPC's Contested Issue B and at least consider affordability under the context of fulfilling the Commission's statutory obligation to establish just, reasonable, compensatory, and not unfairly discriminatory rates when evaluating Sunshine's application in this proceeding.

28. WHEREFORE, OPC requests the Commission to authorize OPC to subpoena Bryan Gongre and include OPC's Contested Issues A and B for consideration in these proceedings.

Respectfully submitted,

/s/ Walt Trierweiler

Walt Trierweiler  
Public Counsel  
Florida Bar No.: 0912468

/s/Octavio Simoes-Ponce

Octavio Simoes-Ponce  
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Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20240068-WS**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 31<sup>st</sup> day of January 2025, to the following:

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CIVIL PENALTY AUTHORIZATIONCENTRAL DISTRICT

Investigators: Jenny Farrell, David Smicherko, Nathan Hess

Date Submitted:

1. VIOLATOR(S): Sunshine Water Services Company
2. LOCATION OF VIOLATION: Wekiva Hunt Club Wastewater Treatment Facility, Longwood, FL.
3. NATURE OF VIOLATION:

Sunshine Water Services Company owns and operates a domestic wastewater treatment facility and collection system at 144 Ledbury Drive, Longwood, FL. The Wekiva Hunt Club Wastewater Treatment Facility (Facility), a 2.9 million gallon per day (MGD) annual average daily flow activated sludge domestic wastewater treatment facility consisting of influent screening, flow equalization, three 0.97 MGD design capacity package plants connected in parallel with aeration, clarification, chemical feed facilities, filtration, and disinfection by chlorine; with a 0.87 MGD surface water discharge to Sweetwater Creek and subsequently to the Wekiva River (D-001), a 0.400 MGD rapid infiltration basin system (R-001), and a 2.9 MGD slow-rate public access reuse system (R-002); (Facility). The Facility is operated under Wastewater Permit No. FL0036251 (Permit), which was issued on November 3, 2021 and will expire on November 2, 2026.

On March 31, 2022 DEP personnel conducted an inspection of the facility based on a State Watch Office notification of a potential sanitary sewer overflow and a complaint from a resident. The March 31, 2022 inspection revealed that a significant plant operational failure was occurring. Additionally, based on the condition of the facility, the case was referred to the Environmental Crimes Unit for investigation.

The equalization basin was completely crusted over with solids and vegetative growth. This created an anoxic condition for the wastewater treatment plant, resulting in the production of [substandard effluent](#) being discharged to Sweetwater Creek. The facility had failed to timely report and resolve this initial problem (believed to have begun in December



2021) which then cascaded into a series of approximately 657 violations over the next several months.

Additional facility inspections were conducted on April 1, April 5, April 14, May 19, and May 24, 2022. During these inspections, DEP personnel conducted thorough reviews of all physical components and records from the facility. The series of inspections and subsequent review of SCADA data from the facility revealed approximately 657 violations. Notable non-compliance items are summarized in [this document](#).

Full [Inspection Reports](#) are available for review as well.

On April 1, 2022, DEP issued a [warning letter](#). Sunshine Water Services Company President, Gary Rudkin, and his staff met with the Department on April 15, 2022 to discuss the Department's observations and needed corrective actions. Sunshine Water Services Company submitted a letter on May 2, 2022, with a summary of their investigation into the plant operational failure. DEP continued to investigate and coordinate with the facility to ensure a return to proper operations. As of August 1, 2022, the facility was returned to normal operations and producing compliant effluent, yet still has some unresolved violations.

On March 23, 2023, DEP met with Sunshine Water Services and new President, Bryce Mendenhall. Bryce and his team provided information on personnel changes at the company and facility, maintenance improvements, and efforts to improve the employee culture at the facility. DEP inspected the facility on April 14, 2023 and found that the facility had made notable improvements to their O&M and the facility was producing satisfactory effluent. Documentation of corrective action for several violations incurred in 2022 is still outstanding. They will be resolved in a proposed consent order.

Since discovery of the violations, there has been a parallel investigation by DEP's environmental crimes unit. That investigation has reached a phase where DEP can move forward to resolve the civil violations.

4. PENALTY RATIONALE:

In accordance with EPA and Department penalty policies, it has been determined that many of the violations for which civil penalties are being sought against Sunshine Water Services Company involved “major potential for harm” and “major extent of deviation” from the applicable wastewater regulations for multiple violations. Many violations are characterized as “Major potential for harm” based on the number of violations and the resulting effluent violations caused by the plant operational failures. A secondary violation that contributed to or that was affiliated with the subject primary effluent violations would also be classified as “Major” since the resulting violation in itself is “Major”. Additionally, due to a variety of compliance timeframes (daily, weekly, monthly, etc.), violations are not represented as “multi-day”, but as individual instances.

Violations were categorized in accordance with the Department’s Guidelines for Characterizing Wastewater Violations and Directive 923. A full inventory and categorization of the violations is available on the [linked](#) penalty calculation worksheet.

5. PENALTY RECOMMENDATION:

I recommend that \$1,217,604.00 in civil penalties be sought against Sunshine Water Services Company as calculated on the attached civil penalty worksheets.



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Aaron Watkins  
Director of District Management

The violations have legal merit and the penalty calculations are consistent with the Settlement Guidelines for Civil and Administrative Penalties.

**Kirk White**

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-04'00'

Kirk White  
Deputy General Counsel  
Office of General Counsel

Date: 7/14/23



Yes



No

**Justin Wolfe**

Digitally signed by Justin Wolfe  
Date: 2023.07.14 09:29:54  
-04'00'

Justin Wolfe  
Acting Deputy Secretary, Regulatory Programs

Date: 7/14/23



Approved



Disapproved



Digitally signed by Shawn  
Hamilton  
Date: 2023.08.03 17:17:49 -04'00'

Shawn Hamilton  
Secretary

Date: 8/3/23



Approved



Disapproved

## Matrix Penalty Calculation Worksheet

FL0036251	Sunshine Water Services Company	Wekiva Hunt Club	<a href="#">DEP DIRECTIVE 923</a> <a href="#">403.121, F.S.(ELRA)</a> <a href="#">Enforcement Manual</a> <a href="#">Peer Review SOP</a>  <i>Please see ELRA Table worksheets for program specific guidelines.</i>
<b>Facility ID</b>	<b>Respondent(s)</b>	<b>Site Name</b>	
Seminole	144 Ledbury Drive, Longwood		
<b>County</b>	<b>Address</b>		
12/20/2022	Nathan Hess		
<b>Date</b>	<b>Penalty Calculation Prepared By</b>		

### Part I - Penalty Schedule Determinations

Division	Program	Violation Description (number corresponds to item on violation list)	RCRA Guideline	Potential for Harm	Extent of Deviation	Matrix Penalty Range	Matrix Penalty Midpoint	Matrix Penalty	# of Violations	Multi-Day Penalty		Total
										Amount	# Days	
Water	WW	1 - Hach CL17 chlorine monitor not functioning		Major	Moderate	\$9,000 to \$11,999	\$10,500	\$11,999	1			\$11,999
Water	WW	2 - SCADA trend charts were not reporting correct information		Major	Moderate	\$9,000 to \$11,999	\$10,500	\$11,999	1			\$11,999
Water	WW	3 - Effluent quality of unauthorized bypasses to onsite RIBS not monitored		Major	Major	\$12,000 to \$15,000	\$13,500	\$15,000	1			\$15,000
Water	WW	4 - Turbidity and chlorine bench meter records revealed comparison over 20%, no corrective action taken		Major	Major	\$12,000 to \$15,000	\$13,500	\$15,000	1			\$15,000
Water	WW	14 - Influent compositor not flow paced as required in permit		Major	Moderate	\$9,000 to \$11,999	\$10,500	\$11,999	1			\$11,999
Water	WW	15 - Plant operational failure not reported to Department		Moderate	Major	\$4,800 to \$6,899	\$5,850	\$6,899	1			\$6,899

Water	WW	18 - SCADA trend chart review from 1/1/22 to 4/5/22 showed effluent not rejected for turbidity and chlorine as required and DEP not notified		Major	Moderate	\$9,000 to \$11,999	\$10,500	\$11,999	1			\$11,999
Water	WW	19 - Use of correction fluid (white out) used on multiple documents		Minor	Moderate	750	\$750	\$750	1			\$750
Water	WW	21 - SCADA communication failures noted in the operators logbook		Moderate	Moderate	\$3,000 to \$4,799	\$3,900	\$4,799	1			\$4,799
Water	WW	22 - Flows reported on the DMRs for the RIBs and on the SCADA trends did not match from 1/1/2022 to 4/5/2022		Moderate	Moderate	\$3,000 to \$4,799	\$3,900	\$4,799	1			\$4,799
Water	WW	25 - Objectionable Odors		Minor	Moderate	750	\$750	\$750	1			\$750
Water	WW	26 - EQ mixers out of service		Major	Moderate	\$9,000 to \$11,999	\$10,500	\$11,999	30			\$359,970
Water	WW	28 - Facility pumping effluent from RIBs to head of filters		Moderate	Moderate	\$3,000 to \$4,799	\$3,900	\$4,799	1			\$4,799
Water	WW	31 - RIBs overloaded and caused flooding on Azalea Drive and nearby properties		Major	Major	\$12,000 to \$15,000	\$13,500	\$15,000	7			\$105,000
Water	WW	33 - DEP Sampling event, exceeded TSS, CBOD, TP, Ammonia		Major	Major	\$12,000 to \$15,000	\$13,500	\$15,000	4			\$60,000

Water	WW	34 - Permit exceedances from March DMR - TSS avg and max, TP avg and max, TP monthly load, Ammonia avg and max		Major	Major	\$12,000 to \$15,000	\$13,500	\$15,000	7			\$105,000
Water	WW	35 - Effluent with low chlorine discharged to the RIBs in January and March 2022		Moderate	Moderate	\$3,000 to \$4,799	\$3,900	\$4,799	1			\$4,799
Water	WW	36 - AO summary report was due 3/1/22, not received		Minor	Minor	750	\$750	\$750	1			\$750
Water	WW	37 - MWB-1 monitoring well not secured.		Minor	Minor	750	\$750	\$750	1			\$750
Water	WW	38 - Force main break at 555 Markham Woods Rd, untreated, 10,000, contained within a stormwater detention pond.		Moderate	Moderate	\$3,000 to \$4,799	\$3,900	\$4,799	1			\$4,799

Click the "Add Violation Row" button to add rows --->

Add Violation Row

**Part I - Penalty Subtotal**      **\$741,860**

Department Costs and Expenses	Dollar Amount
Minimum enforcement case range: \$100 to \$500	\$5,000
Average enforcement case range: \$500 to \$1000	
Complex enforcement case range: \$1000 to \$5000	

**Part I With Dept. Costs and Expenses Subtotal**      **\$746,860**

**Part II - Adjustments**

**Economic Benefit (EB) Calculations**

**EB = AC(1-T) + DC(I) + DirC**

**AC** = Avoided Costs - expenditures nullified by violator's failure to comply (operating and maintenance costs)

**T** = Corporate Tax Rate = 21% (in 2020)

**DC** = Delayed Costs - expenditures deferred by violator's failure to comply

**I** = Interest rate charged by IRS for delinquent accounts = 4% (in 2020)

**DirC** = Direct Costs - Special category Avoided costs. E.g. Monitoring, Permit Fees, or WW treatment costs

Violation	Description	AC	T	DC	I	DirC	Count	EB
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1	Hach CL17 chlorine monitor not functioning. Delayed cost of \$3,166.		21%	\$3,166	4%		1	\$126.64
3	Effluent quality of unauthorized bypasses to RIBs not monitored. \$585 per sampling and 43 days of unauthorized bypass without sampling.		21%		4%	\$585	43	\$25,155.00
7	Turbidity standards were expired. Delayed cost of \$270.		21%	\$270	4%		1	\$10.80
26	EQ mixers out of service for 77 days. Delayed Cost of \$218		21%	\$218			1	\$218.00
38	SSOs of 40,000 gallons with 4,000 gallons recovered. Non-recovered = 36,000 gallons. $.0033 * 36,000 = 118$		21%		4%	\$118	1	\$118.00

Click the "Add EB Calc Row" button to add rows --->

Add EB Calc Row

**Total Economic Benefit**      **\$25,628.44**

Type	Adjustment Description and Justification	Dollar Amount
Economic Benefit (see calculations above)	Calculations above	\$25,628
Good faith/lack of good faith prior to discovery		
Good faith/lack of good faith after discovery	Upon learning of the violations, facility management took immediate action to address violations and conducted voluntary water quality sampling of Sweetwater Creek. -15%	-\$111,279
History of non-compliance	Three previous consent orders related to plant operations and SSOs (#21-1024, #20-0108, and #18-0103). +75% base penalty	\$556,395
Ability to pay		
Other unique factors		

**Part II Subtotal**      **\$470,744**

<input type="checkbox"/>	Cap Penalties at \$50,000
<input type="checkbox"/>	Environmental School \$750 Reduction

**Penalty With Part II Adjustments**      **\$1,217,604**

**Part III - Other Adjustments Made After Meeting With the Responsible Party** (only complete this part if adjustments are made to the initial (peer approved) penalty assessment)

Type	Adjustment Description and Justification	Dollar Amount
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Relative Merits of the Case		
Resource Considerations		
Other Justification		

<b>Part III Subtotal</b>	<b>\$0</b>
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<b>Additional Notes/Justification</b>

Penalty is greater than \$75,000 and Secretary approval is required.	<input checked="" type="checkbox"/>
Penalty is greater than \$25,000 and Deputy Secretary approval is required.	<input checked="" type="checkbox"/>
Penalty is \$25,000 or less with an economic benefit adjustment for which Deputy Secretary approval is required.	<input type="checkbox"/>

<b>Total Penalty After Part III Adjustments</b>	<b>\$1,217,604</b>
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**Sampling**

<u>Violation Number</u>	<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>
1	Hach CL17 chlorine monitor not functioning	Rule 62-620.610(7), F.A.C., Permit Condition IX.7	3/31/2022			1	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	Y	\$3,166
2	SCADA trend charts were not reporting correct information	Rule 62-600.650(5), F.A.C	4/1/2022		D&E	65	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	N/A	
3	Effluent quality of unauthorized bypasses to onsite RIBS not monitored	Rule 62-600.650(4), F.A.C.	4/1/2022		C	43	Major - due to effluent exceedances and other issues observed	Major - no monitoring was done	Y	\$585
4	Turbidity and chlorine bench meter records revealed comparison over 20%, no corrective action taken	Rule 62-160.210 (1), F.A.C.	5/24/2022			2	Major - due to effluent exceedances and other issues observed	Major - multiple violations observed	N/A	
5	Incorrect NTU standard recorded for several months	Rule 62-160.240 (1) F.A.C.	5/24/2022	4		4			N/A	
6	Turbidity bench meter verifications not performed daily	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		28			N/A	
7	Turbidity primary standard expired January 2022	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		4			Y	\$270
8	pH records indicate in-line meter and bench meter were not within .2 SU for multiple days, no action taken (1/22 - 4/22)	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		86			N/A	
9	pH records did not include the buffer value and expiration date information	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		3			N/A	
10	Chlorine bench meter and gel standard not recorded on calibration records	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		3			N/A	
11	February 2022 chlorine verification sheet missing	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		1			N/A	
12	March 2022 chlorine comparison records indicate meter malfunction 3/16-3/21	Rule 62-620.610(7), F.A.C.	5/24/2022	1		6			N/A	
13	DO calibration records not documented as required	Rule 62-160.210 (1), F.A.C.	5/24/2022	4		1			N/A	
14	Influent compositor not flow paced as required in permit	Rule 62-160.210 (1), F.A.C., Permit Conditions IX.18 and I.C.1	5/24/2022			1	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	N/A	

**Records and Reports**

<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>	
15	Plant operational failure not reported to Department	Rule 62-620.610(20-21), F.A.C., Permit Condition IX.20	3/31/2022			73	Moderate - disposal sites were permitted	Major - was not reported to Department	N/A	
16	Unauthorized bypasses not notified to the Department	620.610(22)(b), F.A.C., Permit Condition	4/1/2022	15	C	43			N/A	.0033 per gallon - inadequate treatment of 9,778,793 x gallons = \$32,270
17	Operator log book entries did not reflect operational issues occurring from 1/1/22 to 4/5/22	Rule 62-602.650(4) and 62-600.410(2), F.A.C.	4/1/2022	15	K	17			N/A	
18	SCADA trend chart review from 1/1/22 to 4/5/22 showed effluent not rejected for turbidity and chlorine as required and DEP not notified	Rule 62-610.463(2), F.A.C., Permit Condition I.B.14	5/19/2022		B	61	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	N/A	
19	Use of correction fluid (white out) used on multiple documents	Rule 62-160.210 (1), F.A.C.	5/24/2022		L	3	Minor	Moderate	N/A	
20	DMR transcription errors noted	Rule 62-620.610(18)(a), F.A.C.	5/24/2022	19		1			N/A	
21	SCADA communication failures noted in the operators logbook	Rule 62-610.463(2), F.A.C.	5/24/2022		H	12	Moderate	Moderate - facility has O&M manual	N/A	
22	Flows reported on the DMRs for the RIBs and on the SCADA trends did not match from 1/1/2022 to 4/5/2022	Rule 62-620.610(18)(a), F.A.C., Permit Condition IX.18	5/24/2022		I	14	Moderate	Moderate - facility has O&M manual	N/A	

**Facility Site Review**

<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances unless otherwise noted)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>	
23	EQ tank contained crust of solids with vegetation. No mixing noted on surface.	Rule 62-620.610(7), F.A.C.	3/31/2022	26		2	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	N/A	
24	Solids in clarifier and chlorine contact chambers on Plants 1 and 2	Rule 62-620.610(7), F.A.C.	3/31/2022	26		1			N/A	
25	Objectionable Odors	Rule 62-600.400(2)(a), and 62-600.410(5) F.A.C.	4/14/2022			2	Minor	Moderate	N/A	

**Operation and Maintenance**

<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>	
26	EQ mixers out of service	Rule 62-620.610(7), F.A.C.	3/31/2022			77	Major - due to effluent exceedances and other issues observed	Moderate - facility has O&M manual	Y	\$218
27	SCADA chart review shows facility not rejecting as described in operation protocol.	Rule 62-610.320(6)(e) & (f), F.A.C.	4/1/2022	18	B	61			N/A	
28	Facility pumping effluent from RIBs to head of filters	Rule 62-610.320(6)(e) & (f), F.A.C.	5/24/2022		J	2	Moderate	Moderate - facility has O&M manual	N/A	
29	Clogged inline meters due to poor effluent quality (Chlorine and Turbidity)	Rule 62-610.320(6)(e) & (f), F.A.C.	5/24/2022	26	F	13			N/A	

**Effluent Disposal**

<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>	
30	Solids noted in RIBs	Rule 62-610.523(6), F.A.C.	3/31/2022	26		1			N/A	
31	RIBs overloaded and caused flooding on Azalea Drive and nearby properties	62-620.610(7), F.A.C., Permit Condition	4/5/2022			7	Major - due to effluent exceedances and other issues observed	Major - due to improper operation	N/A	
32	Daylighting noted from NE corner of RIB 1. Stream of water continued to wooded area on northern side of facility	Rule 62-620.610(7), F.A.C.	4/14/2022	31		2			N/A	

**Effluent Quality**

<u>Violation</u>	<u>Rule/Permit Reference</u>	<u>Date Observed</u>	<u>Combined?</u>	<u>Trend Chart Correlating Columns</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>	
33	DEP Sampling event, exceeded TSS, CBOD, TP, Ammonia	Permit Condition I.A.1	4/5/2022			4	Major - discharge violated Class III water standard	Major - results were twice the permit limit	N/A	
34	Permit exceedances from March DMR - TSS avg and max, TP avg and max, TP monthly load, Ammonia avg and max	Permit Condition I.A.1	5/24/2022			7	Major - discharge violated Class III water standard	Major - results were twice the permit limit	N/A	
35	Effluent with low chlorine discharged to the RIBs in January and March 2022	Permit Condition I.B.1	5/24/2022		G	3	Moderate	Moderate	N/A	

**Compliance Schedule**

	<u>Violation</u>		<u>Date Observed</u>	<u>Combined?</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>
36	AO summary report was due 3/1/22, not received	Section 403.161(1)(b), F.S	5/24/2022		3	Minor	Minor	N/A	
	<b>Groundwater</b>								
	<u>Violation</u>		<u>Date Observed</u>	<u>Combined?</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>
37	MWB-1 monitoring well not secured.	Rule 62-532.500(4)(a), F.A.C.	5/24/2022		1	Minor	Minor	N/A	
	<b>SSO</b>								
	<u>Violation</u>		<u>Date Observed</u>	<u>Combined?</u>	<u>Multiple Violation (number of instances)</u>	<u>Harm Categorization</u>	<u>Deviation Categorization</u>	<u>Ec Ben</u>	<u>Ec Ben Amount for calculation</u>
38	FM Break at 555 Markham Woods Rd, untreated, 10,000, contained within a stormwater detention pond.	Rule 62-604.130(1), F.A.C.	8/7/2022		1	Moderate	Moderate	Y	\$0.0033 per gallon - Inadequate treatment of 36,000 gallons = \$118.00
39	FM Break at 555 Markham Woods Rd, untreated, 30,000 (recovered 4000), contained within a stormwater detention pond.	Rule 62-604.130(1), F.A.C.	8/14/2022	38	1	Moderate	Moderate		

Date	NTU/TRC Exceed while filling GST	Diversion	NTU Meter Flat Line	TRC Meter Flat Line	Unclogged NTU/TRC meter	Low TRC	SCATA/ COMM Failure	Flow to RIBs DMR/ SCADA don't match	Pond Pump	Minimal Log Book Notes	White Out in Log Book	Reviewed No comments	Notable Logbook comments	Diversion duration (min) * Avg. Total Plant Flow (gpm)
1/1/2022	x							x						
1/2/2022	x								x		x			
1/3/2022	x	x												412,110
1/4/2022	x	x			x									205,200
1/5/2022	x													
1/6/2022	x	x			x									69,840
1/7/2022	x					x								
1/8/2022	x	x		x										150,660
1/9/2022	x	x		x					x					196,560
1/10/2022					x									
1/11/2022		x		x	x									28,440
1/12/2022	x	x									x			414,810
1/13/2022												x		
1/14/2022												x		
1/15/2022	x	x												392,370
1/16/2022	x	x		x	x									368,069
1/17/2022	x			x										
1/18/2022	x	x												70,020
1/19/2022	x	x												46,230
1/20/2022												x		
1/21/2022	x													
1/22/2022	x													
1/23/2022	x	x												40,710
1/24/2022												x		
1/25/2022	x	x												83,280
1/26/2022							x	x						
1/27/2022							x	x						
1/28/2022		x												155,400
1/29/2022							x							
1/30/2022	x	x												290,624
1/31/2022	x													
2/1/2022	x													
2/2/2022												x		
2/3/2022										x				
2/4/2022				x						x				
2/5/2022				x										
2/6/2022		x												230,560
2/7/2022				x										
2/8/2022		x		x										81,300
2/9/2022												x		
2/10/2022				x			x							
2/11/2022							x							
2/12/2022												x		
2/13/2022		x								x			flow drops in morning peak hour	86,220
2/14/2022	x													
2/15/2022	x							x						
2/16/2022							x							
2/17/2022	x							x						
2/18/2022	x				x									
2/19/2022	x	x	x	x				x					"turn CL2 pumps"	329,700
2/20/2022		x	x	x				x					"open bypass, shut off CL2 pump"	76,140
2/21/2022		x	x	x				x					"flow diverted to RIB4" surge pumps 2 & 3 fault VFD fail, reset both pumps, place pump 2 in hand, pump 3 will not reset	366,525
2/22/2022	x	x	x	x										272,640
2/23/2022	x	x									x			143,160
2/24/2022		x						x					flows diverted to rib 4, surge pumps back to auto flush out TSS meter	356,400
2/25/2022		x	x	x										82500
2/26/2022	x									x			surge pump back on auto	
2/27/2022	x		x				x							
2/28/2022		x	x					x					CCC diverted to pond 4	73,020
3/1/2022	x	x			x									378,690
3/2/2022	x												Installed Mixer #2	
3/3/2022	x	x					x							308,880
3/4/2022	x	x	x					x		x				206,100
3/5/2022		x	x											230,880
3/6/2022	x	x	x											138,000
3/7/2022	x	x	x							x				425,880
3/8/2022	x	x	x				x			x				417,600
3/9/2022	x	x	x							x				535,230
3/10/2022	x	x	x							x				182,325
3/11/2022	x		x				x							
3/12/2022	x		x		x					x				
3/13/2022	x		x							x				
3/14/2022	x		x											
3/15/2022	x		x			x								
3/16/2022	x	x	x		x	x				x				414,570
3/17/2022	x		x							x				
3/18/2022	x		x	x	x									
3/19/2022	x	x	x	x			x							380,160
3/20/2022	x		x	x						x				
3/21/2022	x		x	x										
3/22/2022	x		x	x						x				
3/23/2022	x		x	x										
3/24/2022	x		x	x										
3/25/2022	x		x	x	x		x							
3/26/2022	x		x	x	x									
3/27/2022	x		x	x						x				
3/28/2022	x	x	x	x										413,250
3/29/2022	x	x	x	x				x		x				251,400
3/30/2022	x	x	x	x				x						194,700
3/31/2022	x	x	x	x				x						278,640
4/1/2022		x												
4/2/2022		x												
4/3/2022												x		
4/4/2022												x		

4/5/2022  
 4/15/2022  
 4/16/2022  
 4/17/2022  
 4/18/2022  
 4/19/2022  
 4/20/2022

x

x  
 x  
 x  
 x  
 x  
 x

High Turbidity to Stream  
 High Turbidity to Stream  
 High Turbidity to Stream  
 High Turbidity to Stream

Total	61	43	35	30	13	3	12	14	2	17	3	15	High Turbidity to Stream	9,778,793			
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**Air**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$13,000 to \$15,000	\$14,000	\$11,000 to \$12,999	\$12,000	\$9,000 to \$10,999	\$10,000
	Moderate	\$7,000 to \$8,999	\$8,000	\$5,000 to \$6,999	\$6,000	\$3,000 to \$4,999	\$4,000
	Minor	\$2,000 to \$2,999	\$2,500	\$1,000 to \$1,999	\$1,500	\$1,000	\$1,000

Air_Programs	Water_Programs	Waste_Programs
Air	ERP	HW
	PWS	SW
	ST404	Tanks
	STW	Universal Waste
	UIC	Used Oil
	WW	

**DWRM - 404, ERP, STW, UIC, WW**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$12,000 to \$15,000	\$13,500	\$9,000 to \$11,999	\$10,500	\$6,900 to \$8,999	\$7,950
	Moderate	\$4,800 to \$6,899	\$5,850	\$3,000 to \$4,799	\$3,900	\$1,800 to \$2,999	\$2,400
	Minor	\$750 to \$1,799	\$1,275	\$750	\$750	\$750	\$750

**DWRM - PWS**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$6,200 to \$7,500	\$6,850	\$4,500 to \$5,999	\$6,250	\$3,450 to \$4,499	\$3,975
	Moderate	\$2,400 to \$3,449	\$2,925	\$1,500 to \$2,399	\$1,950	\$900 to \$1,499	\$1,200
	Minor	\$750 to \$899	\$825	\$750	\$750	\$750	\$750

**DWM - SW and Tanks**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$8,000 to \$10,000	\$9,000	\$6,000 to \$7,999	\$7,000	\$4,600 to \$5,999	\$5,300
	Moderate	\$3,200 to \$4,599	\$3,900	\$2,000 to \$3,199	\$2,600	\$1,200 to \$1,999	\$1,600
	Minor	\$1,000 to \$1,199	\$1,100	\$1,000	\$1,000	\$1,000	\$1,000

**DWM - Haz Waste and Universal Waste**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$28,330 to \$37,500	\$32,915	\$21,250 to \$28,330	\$24,790	\$15,580 to \$21,250	\$18,415
	Moderate	\$11,330 to \$15,580	\$13,455	\$7,090 to \$11,330	\$9,210	\$4,250 to \$7,090	\$5,670
	Minor	\$2,130 to \$4,250	\$3,190	\$710 to \$2,130	\$1,420	\$150 to \$710	\$430

**DWM - Haz Waste Multi-day Matrix**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$1,420 to \$7,090	\$4,255	\$1,070 to \$5,670	\$3,370	\$780 to \$4,250	\$2,315
	Moderate	\$570 to \$3,120	\$1,845	\$360 to \$2,230	\$1,295	\$220 to \$1,420	\$820
	Minor	\$150 to \$850	\$500	\$150 to \$430	\$290	\$150	\$150

**DWM - Used Oil**

		Extent of Deviation from Requirement					
		Major		Moderate		Minor	
		Range	Midpoint	Range	Midpoint	Range	Midpoint
Potential for Harm	Major	\$13,000 to \$15,000	\$14,000	\$11,000 to \$12,999	\$12,000	\$9,000 to \$10,999	\$10,000
	Moderate	\$7,000 to \$8,999	\$8,000	\$5,000 to \$6,999	\$6,000	\$3,000 to \$4,999	\$4,000
	Minor	\$1,999 to \$2,999	\$2,500	\$1,000 to \$1,999	\$1,500	\$1,000	\$1,000