

State of Florida



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COMMISSION
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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: April 22, 2009
TO: Dorothy E. Menasco, Chief Deputy Commission Clerk, Office of Commission Clerk
FROM: Robert Simpson, Engineering Specialist II, Division of Economic Regulation
RE: Docket No. 090185-WU, Application for grandfather certificate to operate water utility in St. Johns County by Camachee Cove Yacht Harbor Utility.

Please add the attached e-mail from Ms. Joni Petry, Florida Department of Environmental Protection (FDEP), to the docket file. The e-mail attaches FDEP's current correspondence with the above referenced utility regarding environmental compliance issues. Thank you.

DOCUMENT NUMBER-DATE

03740 APR 22 8

FPSC-COMMISSION CLERK



Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/807-3300 ♦ Fax: 904/448-4366

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 25, 2009

CERTIFIED MAIL - RETURN RECEIPT

Mr. Sean McKenna
Camachee Island Water Works
3070 Harbor Dr
St. Augustine, FL 32084

Proposed Settlement of DEP vs. Camachee Cove Yacht Harbor
OGC File No.: 09-0511

Dear Mr. McKenna:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter No. WL09-0036-PW-55-NED dated February 24, 2009, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. The corrective actions required to bring your facility into compliance have been completed.

In order to resolve these matters, you are assessed civil penalties in the amount of \$800.00 for violation of Rule 62-550.512(1), F.A.C., along with \$250.00 to reimburse Department costs, **for a total of \$1,050.00.**

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign it, please return the entire letter to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

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"More Protection, Less Process"
<http://www.dep.state.fl.us/>

FPSC-COMMISSION CLERK

If you do not sign and return this letter to the Department at the District address **within 30 days of it being received**, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

for Khalid Al-Wahdy

Melissa M. Long, P.E.
Water Facilities Administrator

FOR THE RESPONDENT:

I, _____ on behalf of, _____,
(Please type or print name) (Please type or print company name)

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

(Signature) (Date)

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 200__ in
Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Gregory J. Strong
District Director

FILING AND ACKNOWLEDGEMENT

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

Clerk Date

cc: Ms. Ollie Henderson, FDEP NED

NOTICE OF RIGHTS

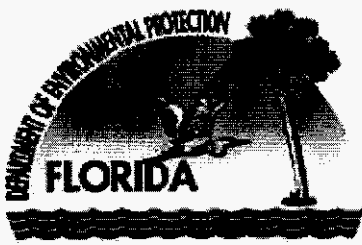
Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order 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 Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Florida Department of Environmental Protection

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7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/807-3300 • Fax: 904/448-4366

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 24, 2009

SENT VIA E-MAIL: sailsean@comcast.net

Mr. Sean McKenna
Camachee Island Water Works
3070 Harbor Dr
St. Augustine, FL 32084

St. Johns County - Potable Water
WARNING LETTER No. WL09-0036-PW-55-NED
Camachee Cove Yacht Harbor // PWS ID: 2554166

Dear Mr. McKenna:

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 this matter. A review of our records indicates that violations of Florida Statutes and Chapter 62, Florida Administrative Code (F.A.C.) may exist at the above referenced facility. During the records review, the following was noted:

Annual results for the monitoring of nitrate and nitrite have not been submitted to the Department. The missing results are for the year of 2008.

It is a violation of Rule 62-550.512, F.A.C. for a public water system to fail to analyze for nitrate and nitrite. Rule 62-550.512(1), F.A.C. requires community water systems using ground water as a source to monitor annually.

You are requested to contact Joni Petry at (904) 807-3362 within fifteen (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.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Melissa M. Long, P.E.
Water Facilities Administrator
Enforcement File