

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: October 28, 2015
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Clayton Lewis, US Engineering Specialist, Division of Engineering *CKL*
RE: Docket No. 140219-WU- Application for staff-assisted rate case in Polk County by Alturas Utilities, L.L.C.

Please file the attached DEP Warning Notice- Non Payment of Annual Fees in the above mentioned Docket File.

Thank you.

Terri Jones

From: Clayton Lewis
Sent: Wednesday, October 28, 2015 8:40 AM
To: Terri Jones
Cc: Laura King; Stan Rieger
Subject: FW: Warning Notices Alturas Utilities 6530057 - Sunrise Utilities 6531739
Attachments: WN 102715 w invoice and previous WN.pdf; WN 102715 w invoice and previous WN.pdf

Please add this message and attachments to **Docket No. 140219** and Docket No. 140220.

They should be referred to as DEP Warning Notice – Non Payment of Annual Fees

Thank you.

From: Devine, Owen F [<mailto:Owen.Devine@flhealth.gov>]
Sent: Tuesday, October 27, 2015 9:27 AM
To: 'L.szabo@rogers.com'
Cc: Clayton Lewis; Stadelbacher, Ron; Reis, Roland
Subject: Warning Notices Alturas Utilities 6530057 - Sunrise Utilities 6531739

Mr. Szabo,

Please find warning notices for your two systems. As previously requested you must arrange a date for a conference to discuss these matters. If you cannot be available then please have your registered agent contact me for this meeting.

Owen Devine

Environmental Specialist II
Florida Department of Health
Environmental Engineering
2090 E. Clower Street
Bartow, FL 33830-6741
863-519-8330 ext. 12151
ATTENTION: NEW EMAIL
owen.devine@flhealth.gov

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communication may therefore be subject to public disclosure.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

October 27, 2015

Stuart Sheldon
20 W. Tropical Way
Ft. Lauderdale, FL 33317

RE: Alturas Utilities, LLC Public Water System
PWS ID No. 6530057

Warning Notice No. 15-653PW0057C

Dear Registered Agent:

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 review of your Drinking Water system records indicates that a violation of Florida Statutes and Rules may exist at the above described facility.

The July 1, 2015 - June 30, 2016 invoice for the Annual Operating License Fee was issued to you pursuant to the *Laws of Florida* Chapter 2008-150, Section 20, subsection (7)(b) of Section 403.861, Florida Statutes, which states: "Each public water system that operates in this state shall submit annually to the department an operation license fee, separate from and in addition to any permit application fees required under paragraph (a), in an amount established by department rule. The amount of each fee shall be reasonably related to the size of the public water system, type of treatment, population served, amount of source water used, or any combination of these factors, but the fee may not be less than \$50 or greater than \$7500. Public water systems shall pay annual operation license fees at a time and in a manner prescribed by department rule."

In addition, Florida Administrative Code (F.A.C.) Rule 62-560.310(1)(b) states that failure by a supplier of water to comply with rules adopted pursuant to Section 403.853, F.S., or any rule adopted by the Department pursuant to the Florida Safe Drinking Water Act, or with conditions for variances, exemptions, or waivers authorized under Section 403.854, F.S. is a violation.

A recent file review by the Department indicates that on 6/30/15 you were sent an invoice for the \$600.00 annual Operating License Fee, on 8/17/15 a second notice account statement was mailed with a due date of 10 days after receipt of the letter. As of the date of this letter the Annual Operating License Fee remains unpaid.

Please be aware that Alturas Utilities has three open enforcement cases: 15-653PW0057A, 15-653PW0057B and 15-653PW0057C.

- Failure to pay annual license fee for the July 1, 2015 to June 30, 2016 year as contained under *Laws of Florida 2008-150* which requires the Florida Department of Environmental Protection to collect the annual operating license fees.

You are requested to contact (863) 519-8330 Ext. 12151 upon receipt of this Letter to arrange a meeting or teleconference to discuss this matter. Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of 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 Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter. Also be advised that the Department is pursuing a payment of \$1,500.00 for penalties, outstanding past due amount and costs/expenses incurred by the Department during the investigation of this matter and the preparation and tracking of your overdue annual operating permit. This \$900.00 penalties, costs and expenses is in addition to the past due amount of \$600.00.

Sincerely

Owen
Devine

Digitally signed by Owen Devine
DN: cn=Owen Devine, o=Environmental
Engineering, ou=Department of Health
in Polk County,
email=Owen.Devine@flhealth.gov, c=US
Date: 2015.10.27 08:55:25 -0400'

Owen Devine
Environmental Specialist II

Copy to:

Roland Reis, Legal Counsel
Polk County Health Department
1290 Golfview Avenue, 4th floor
Bartow, Florida 33830

Email copy to:

[Leslie G. Szabo] l.szabo@rogers.com

[Clayton Lewis] CLewis@PSC.STATE.FL.US

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

INVOICE

Florida Department of Health in Polk County Notification of Fees Due

Annual Drinking Water License Operating Fee For the period from July 1, 2015 through June 30, 2016

ALTURAS UTILITIES LLC - LESLIE SZABO
P.O. BOX 2608
EATON PARK, FL 33840

INVOICE NO: 15-16-6530057
DATE: 6/19/2015

PWS ID #	SYSTEM NAME	TYPE	INVOICE AMOUNT
6530057	ALTURAS UTILITIES	CS	600.00

Invoice amount represents only current year fee assessment.

This fee is assessed pursuant to Chapter 62-4 F.A.C., and is due July 15, 2015.
If you have questions concerning this invoice, please contact us at (863) 519-8330.

IF YOU ARE RESPONSIBLE FOR MULTIPLE SYSTEMS, PLEASE INCLUDE
THE BOTTOM PORTION OF EACH INVOICE WITH YOUR PAYMENT

----- Cut along dotted line and return the bottom portion of the invoice with your payment. -----

2015-2016

Make checks payable to:
Florida Department of Health
Attn: Engineering
2090 East Clower Street
Bartow, FL 33830

For your convenience, credit card payment
is available by calling (863) 519-8330.

PWS ID #	SYSTEM NAME	INVOICE AMOUNT	REMIT AMOUNT
6530057	ALTURAS UTILITIES	600.00	\$

Please enter contact name and phone number.

E-mail address

Accounting Information

Object Code - State: 001020 -
Object Code - County 001094 -
Org Code: 64365338358
Expansion Option: CS
PWS #: 6530057

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

July 21, 2015

Stuart Sheldon
20 W. Tropical Way
Ft. Lauderdale, FL 33317

RE: Alturas Utilities, LLC Public Water System
PWS ID No. 6530057

Warning Notice No. 15-653PW0057B

Dear Registered Agent:

The purpose of this letter is to advise you of the violations of law for which the above mentioned facility's public water system may be responsible, and to seek your cooperation in resolving the matter. A review of the facility's drinking water records indicates that violations of Florida Statutes and Rules may exist at the facility.

- In accordance with 62-555.350(6) and 62-555.320(12) (d) of the Florida Administrative Code (F.A.C.) you have failed to maintain a minimum free chlorine residue of 0.2 mg/l throughout the distribution system.
- Zero chlorine residuals were found on site visits conducted on 6/9/15, 7/9/15, and 7/17/15.

You are requested to contact Owen Devine at (863) 519-8330 Ext. 12151 upon 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 part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely

Owen
Devine

Owen Devine
Environmental Specialist II

Digitally signed by Owen Devine
DN: cn=Owen Devine, o=Environmental
Engineering, ou=Department of Health
in Polk County,
email=Owen.Devine@flhealth.gov, c=US
Date: 2015.07.21 08:45:52 -04'00'

Page 2
Stuart Sheldon/Alturas Utilities, LLC Public Water System

Copy to:

Roland Reis, Legal Counsel
Polk County Health Department
1290 Golfview Avenue, 4th floor
Bartow, Florida 33830

Email copy to:

[Leslie G. Szabo] l.szabo@rogers.com

[Wiley Pratt] wileypratt@aim.com

[Jeffrey Lawson] jeffrey.lawson@dep.state.fl.us

[Clayton Lewis] CLewis@PSC.STATE.FL.US

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

May 26, 2015

Stuart Sheldon
20 W. Tropical Way
Ft. Lauderdale, FL 33317

RE: Alturas Utilities, LLC Public Water System
PWS ID No. 6530057

Warning Notice No. 15-653PW0057A

Dear Registered Agent:

The purpose of this letter is to advise you of the violations of law for which the above mentioned facility's public water system may be responsible, and to seek your cooperation in resolving the matter. A review of the facility's drinking water records indicates that violations of Florida Statutes and Rules may exist at the facility.

- You have failed to respond to FDOH in Polk County letters dated August 28, 2013 and April 22, 2014. These letters requested that you provide scheduled maintenance on your hydropneumatic tank which is required prior to the next inspection date of 12/2016. Items noted on the last tank inspection report were:
 - If the tank is to remain in service, the interior should be abrasive blast cleaned and recoated within one to two years with an NSF-approved interior coating system for potable water. Typical coating systems are detailed in AWWA D102.
 - Pressure relief valves should be set at 92 psi.
 - Replace or repair the cradles in the next two and one half years.

You are requested to contact Owen Devine at (863) 519-8330 Ext. 12151 upon 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 part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Page 2
Stuart Sheldon/Alturas Utilities, LLC Public Water System

Sincerely

Owen
Devine

Digitally signed by Owen Devine
DN: cn=Owen Devine, o=Environmental
Engineering, ou=Department of Health in
Polk County,
email=Owen.Devine@flhealth.gov, c=US
Date: 2015.05.26 10:01:55 -0400

Owen Devine
Environmental Specialist II

Copy to:

Roland Reis, Legal Counsel
Polk County Health Department
1290 Golfview Avenue, 4th floor
Bartow, Florida 33830

Email copy to:

[Leslie G. Szabo] l.szabo@rogers.com

[Wiley Pratt] wileypratt@aim.com

[Clayton Lewis] CLewis@PSC.STATE.FL.US