

FLORIDA UTILITY SERVICES 1, LLC
5911 TROUBLE CREEK RD.
NEW PORT RICHEY, FL. 34652
863-904-5574

October 5, 2020

Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399

RE: Request for approval to defer legal costs by East Marion
Utilities, LLC in Marion County. Docket # 20200215-WS

Dear Commission Clerk:

Attached please find company response to staff's first data
request for the above docket file.

On behalf of the company,


Mike Smallridge.

**LLW****LEWIS
LONGMAN
WALKER**

515 North Flagler Drive, Suite 1500
West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

Michael Smallridge
5911 Trouble Creek Road
New Port Richey, FL 34652

June 2, 2020
Invoice No. RSL-135906

Bill will not be applied against trust.

CLIENT: 6430 - Michael Smallridge
Re: 001 East Marion Utilities, LLC

Date		Services	Hours	Amount
05/07/20	FLA	Call with R. Williams and M. Smallridge regarding warning letter.	0.60	252.00
05/07/20	RAW	Review background information provided by M. Smallridge; telephone conference with M. Smallridge regarding contact with Department of Environmental Protection and introduction to F. Aschauer; review relevant rules related to Warning Letter.	1.30	546.00
05/08/20	FLA	Call K. White regarding warning letter; email client.	0.40	168.00
05/13/20	FLA	Review emails related to Friday meeting request.	0.10	42.00
05/14/20	RAW	Receipt of emails from M. Smallridge and review in preparation for meeting with Department of Environmental Protection; telephone conference with M. Smallridge regarding meeting preparation and information provided; telephone conference with M. Smallridge and F. Aschauer regarding meeting preparation and goals.	1.90	798.00
05/14/20	FLA	Working conference with R. Williams and M. Smallridge	0.50	210.00
05/15/20	FLA	Prepare for and participate in call with District staff at Department of Environmental Protection regarding warning letter.	2.00	840.00

Date		Services	Hours	Amount
05/15/20	RAW	Thorough review of information provided by M. Smallridge; research and find additional relevant documents on Department of Environmental Protection website regarding public notice, closure letter for 2019 Warning Letter, and other information; telephone conference with M. Smallridge; telephone conference with F. Aschauer in preparation for call with Department of Environmental Protection; debriefing call with M. Smallridge and F. Aschauer after call.	2.50	1,050.00
05/18/20	RAW	Review of Lake Yale Settlement and modify same; preparation to draft counter proposal to Department of Environmental Protection for full settlement.	0.50	210.00
05/19/20	RAW	Finalize counter offer and Settlement Letter and forward to F. Aschauer.	0.30	126.00
05/19/20	FLA	Review settlement offer and letter; working conference with R. Williams.	0.40	168.00
05/20/20	FLA	Review draft email to Department; email with R. Williams regarding same.	0.10	42.00
05/20/20	RAW	Draft settlement proposal to DEP staff and forward to M. Smallridge for comment and approval.	0.60	252.00
05/21/20	RAW	Follow up with M. Smallridge regarding communications with Department of Environmental Protection staff.	0.20	84.00
05/22/20	RAW	Telephone conference with M. Smallridge and provide update and discuss negotiation.	0.20	84.00
05/26/20	RAW	Finalize email to Department of Environmental Protection for negotiations.	0.20	0.00
05/26/20	FLA	Review emails; send email to Department regarding public water system/offer of settlement; call Department regarding water testing.	0.30	126.00
05/28/20	FLA	Call with L. Garcia; email client regarding same.	0.20	84.00

Client Ref: 6430 - 001
Invoice No. RSL-135906

June 2, 2020
Page 3

Summary of Services

		Rate	Hours	Amount
FLA	Aschauer, Fred	420.00	4.60	1,932.00
RAW	Williams, Robert	0.00	0.20	0.00
RAW	Williams, Robert	420.00	7.50	3,150.00
Total for Services			12.30	\$5,082.00

Total for Services and Expenses \$5,082.00

Previous Balance 0.00

Payments Since Last Invoice -0.00

Amount Due \$5,082.00

**LLW****LEWIS
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West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

Michael Smallridge
5911 Trouble Creek Road
New Port Richey, FL 34652

July 7, 2020
Invoice No. RSL-136310

CLIENT: 6430 - Michael Smallridge
Re: 001 East Marion Utilities, LLC

Date		Services	Hours	Amount
06/02/20	FLA	Review email from M. Smallridge and respond; send email to Florida Department of Environmental Protection regarding water sampling at East Marion Utilities.	0.20	84.00
06/03/20	RAW	Check on status of expected communications from Florida Department of Environmental Protection.	0.40	0.00
06/04/20	FLA	Review email from L. Garcia and forward to client.	0.20	84.00
06/15/20	RAW	Telephone conference with M. Smallridge regarding communications with Florida Department of Environmental Protection; request F. Aschauer to contact Department for update.	0.20	84.00
06/15/20	FLA	Email J. Farris, Florida Department of Environmental Protection, regarding status of counteroffer; review email from J. Farris.	0.20	84.00
06/24/20	FLA	Review email from J. Farris, Florida Department of Environmental Protection, and forward same to R. Williams; working conference with R. Williams; email J. Farris.	0.30	126.00
06/24/20	RAW	Receipt and review of correspondence from Florida Department of Environmental Protection regarding settlement of Warning Letter; correspondence with M. Smallridge regarding same.	0.40	168.00
06/29/20	FLA	Revise letter response to J. Farris email, thereby providing a counter-offer requiring settlement agreement through letter not consent order; email J. Farris with settlement letter.	0.40	168.00

Client Ref: 6430 - 001
Invoice No. RSL-136310

July 7, 2020
Page 2

Date	Services	Hours	Amount
06/29/20	RAW Telephone conference with M. Smallridge and finalize settlement letter to Florida Department of Environmental Protection.	0.30	126.00

Summary of Services

	Rate	Hours	Amount
FLA Aschauer, Fred	420.00	1.30	546.00
RAW Williams, Robert	0.00	0.40	0.00
RAW Williams, Robert	420.00	0.90	378.00
Total for Services		2.60	\$924.00

Total for Services and Expenses \$924.00

Previous Balance 5,082.00

Payments Since Last Invoice -0.00

Amount Due \$6,006.00

Open Invoices for this Matter

Date	Invoice No.	Amount Billed	Amount Paid	Amount Due
06/02/20	135906	5,082.00	0.00	<u>5,082.00</u>

Outstanding Amount Due: **5,082.00**

Current and Outstanding Amount Due: \$6,006.00

Invoice No. RSL-136310
Invoice Date: July 7, 2020
Client Code: 6430
Client Name: Michael Smallridge
Matter Code: 001
Matter Name: East Marion Utilities, LLC

Total for Services and Expenses	<u><u>\$924.00</u></u>
Previous Balance	5,082.00
Payments Since Last Invoice	-0.00
Amount Due	<u><u>\$6,006.00</u></u>

Amount enclosed: _____

Please remit checks to:

Lewis, Longman & Walker, P.A.
PO Box 628742
Orlando, FL 32862-8742

For your convenience, we accept credit card and e-check payments online at:

<http://www.llw-law.com/template/payment/>

For billing questions, please contact our Billing Department at: (561) 640-0820.

**LLW****LEWIS
LONGMAN
WALKER***515 North Flagler Drive, Suite 1500
West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793*Michael Smallridge
5911 Trouble Creek Road
New Port Richey, FL 34652August 7, 2020
Invoice No. RSL-136743CLIENT: 6430 - Michael Smallridge
Re: 001 East Marion Utilities, LLC

Date		Services	Hours	Amount
07/09/20	FLA	Review email from Florida Department of Environmental Protection regarding settlement and forward to R. Williams.	0.10	42.00
07/09/20	RAW	Review and coordinate final offer from Florida Department of Environmental Protection to resolve outstanding enforcement issues.	0.30	126.00
07/10/20	FLA	Respond to Florida Department of Environmental Protection email regarding settlement offer.	0.10	42.00
07/23/20	FLA	Review and revise letter to Florida Department of Environmental Protection conveying settlement letter.	0.10	42.00
07/24/20	RAW	Coordinate delivery of settlement to Florida Department of Environmental Protection.	0.20	0.00
07/31/20	RAW	Review of final settlement letter from Florida Department of Environmental Protection and communication with M. Smallridge regarding same.	0.30	126.00

Summary of Services

		Rate	Hours	Amount
FLA	Aschauer, Fred	420.00	0.30	126.00
RAW	Williams, Robert	0.00	0.20	0.00
RAW	Williams, Robert	420.00	0.60	252.00
Total for Services			1.10	\$378.00

Client Ref: 6430 - 001
Invoice No. RSL-136743

August 7, 2020
Page 2

Total for Services and Expenses	<u><u>\$378.00</u></u>
Previous Balance	6,006.00
Payments Since Last Invoice	-0.00
Amount Due	<u><u>\$6,384.00</u></u>

Open Invoices for this Matter

Date	Invoice No.	Amount Billed	Amount Paid	Amount Due
06/02/20	135906	5,082.00	0.00	5,082.00
07/07/20	136310	924.00	0.00	<u>924.00</u>
Outstanding Amount Due:				6,006.00

Current and Outstanding Amount Due: \$6,384.00

Invoice No. RSL-136743
Invoice Date: August 7, 2020
Client Code: 6430
Client Name: Michael Smallridge
Matter Code: 001
Matter Name: East Marion Utilities, LLC

Total for Services and Expenses	<u>\$378.00</u>
Previous Balance	6,006.00
Payments Since Last Invoice	-0.00
Amount Due	<u>\$6,384.00</u>

Amount enclosed: _____

Please remit checks to:

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PO Box 628742
Orlando, FL 32862-8742

For your convenience, we accept credit card and e-check payments online at:

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LLW
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West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

Michael Smallridge
5911 Trouble Creek Road
New Port Richey, FL 34652

September 3, 2020
Invoice No. RSL-137102

CLIENT: 6430 - Michael Smallridge
Re: 001 East Marion Utilities, LLC

Date		Services	Hours	Amount
08/03/20	RAW	Telephone conference with M. Smallridge regarding mischaracterization of final settlement with Florida Department of Environmental Protection.	0.20	0.00
08/04/20	FLA	Correspond with the Florida Department of Environmental Protection regarding document status in Oculus; email client regarding same; review Oculus link and email client regarding same.	0.30	126.00
08/05/20	FLA	Email Florida Department of Environmental Protection regarding letter with settlement offer; email client regarding same.	0.10	42.00
08/06/20	FLA	Review email from Florida Department of Environmental Protection and link provided therein; email client regarding same.	0.10	42.00

Summary of Services

		Rate	Hours	Amount
FLA	Aschauer, Fred	420.00	0.50	210.00
RAW	Williams, Robert	0.00	0.20	0.00
Total for Services			0.70	\$210.00

Client Ref: 6430 - 001
Invoice No. RSL-137102

September 3, 2020
Page 2

Total for Services and Expenses	<u><u>\$210.00</u></u>
Previous Balance	3,884.00
Payments Since Last Invoice	-0.00
Amount Due	<u><u>\$4,094.00</u></u>

Open Invoices for this Matter

Date	Invoice No.	Amount Billed	Amount Paid	Amount Due
06/02/20	135906	5,082.00	2,500.00	2,582.00
07/07/20	136310	924.00	0.00	924.00
08/20/20	13643	378.00	0.00	378.00
Outstanding Amount Due:				<u>3,884.00</u>

Current and Outstanding Amount Due: \$4,094.00



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 16, 2020

East Marion Utilities, LLC
Mike Smallridge
5911 Trouble Creek Rd
New Port Richey, FL 34652
mike@fus1llc.com

SUBJECT: Department of Environmental Protection v. Lakeview Woods/Trails East S/D aka East Marion Utilities, LLC,
OGC File No.: 20-1114
PWS ID# 3424789

Mr. Smallridge:

The State of Florida Department of Environmental Protection ("Department") finds that Lakeview Woods/Trails East S/D aka East Marion Utilities, LLC, ("Respondent") failed to monitor for *Inorganic* contaminants annually during 2019 (required by Rules 62-550.730, 62-550.500(2), 62-550.500(5) and 62-550.513, F.A.C.), failed to monitor for *Lead and Copper* contaminants during the 2nd biannual period (July-December 2019 required by rules 62-550.730 and 62-550.800, F.A.C.), and failed to issue *Public Notification* due to missed sampling for *Inorganic (Nitrate/Nitrite Lead and Copper* contaminants (required by Rule 62-560.410, F.A.C.) Before sending this letter, the Department requested that the Respondent undertake certain actions. These actions have since been completed, and the Respondent has agreed to be responsible for costs incurred by the Department during the investigation of this matter. The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

The Department's Offer

Based on the violations described above, the Department is seeking \$ 1,875.00 for failure to perform the above-referenced sampling and public notification. The Department is

also seeking \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 2,125.00.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Central District Department, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803 by July 22, 2020. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Mike Smallridge:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter, which are none.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above. This settlement is a resolution of all matters described in the Warning Letter dated April 1, 2020 regarding sent to Lakeview Woods/Trails East S/D aka East Marion Utilities, LLC.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must make five monthly payments of \$425.00 with the first payment due on August 10, 2020 and the last payment due on December 10, 2020 for a total amount of \$ 2,125.00.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both

the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>
It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

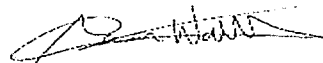
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.—

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Nichole Shumard at 407-897-2957 or at Nichole.Shumard@FloridaDEP.gov.

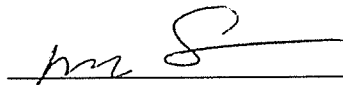
Sincerely,



Aaron Watkins
District Director
Central District

FOR THE RESPONDENT:

I, Michael Smalridge [Type or Print Name], HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: 
[Signature]

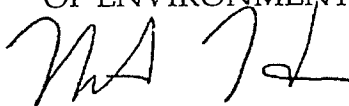
Date: 7/17/2020

Title: Michael Smalridge
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 31st day of July, 2020, in Orange County,
Florida.

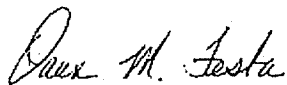
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



on behalf of

Aaron Watkins
District Director
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department
Clerk, receipt of which is hereby acknowledged.



Clerk

July 31, 2020

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Fred Aschauer, faschauer@llw-law.com

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

April 1, 2020

Michael Smallridge, Manager
East Marion Utilities LLC
5911 Trouble Creek Rd
New Port Richey, FL 34652
Mike@fus1llc.com

Re: Warning Letter
Lakeview Woods/Trails East S/D
PWS ID No. 3424789
Marion County

Dear Mr. Smallridge:

On March 20, 2020, a file review of monitoring requirements indicates possible violations continue to exist and must be addressed as soon as possible:

- Failure to monitor for *Inorganic* contaminants annually during 2019 (62-550.730, 62-550.500(2), 62-550.500(5), 62-550.513 F.A.C.)
- Failure to monitor for *Lead and Copper* contaminants during the 2nd biannual period (July – December 2019) (62-550.730, 62-550.800 F.A.C.,)
- Failure to issue *Public Notification* due to missed sampling for *Inorganic (Nitrate/Nitrite) and Lead and Copper* contaminants. (62-560.410, F.A.C.)

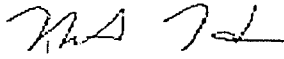
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121(4)(d) and 403.161(1)(b).

Contact Nichole Shumard, at 407-897-2957 within 3 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving 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 resolving this matter.

Lakeview Woods/Trails East S/D; PWS ID No.3424789
Warning Letter
April 1, 2020
Page 2 of 2

Sincerely,



On behalf of:

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/jf/ns

cc: Nichole Shumard, Jill Farris, Viviana Useche, FDEP
Steve McGee, Steve's General Maintenance, Sgmwww@yahoo.com