



January 8, 2024

Adam Teitzman, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 20230111-SU; Application for authority to transfer wastewater facilities and Certificate No. 537-S in Okeechobee County from The Vantage Development Corporations to Vantage Oaks Utility

Dear Mr. Teitzman:

This letter will serve as the response of the Applicant to the Florida Public Service Commission’s “information letter” issued in the above-referenced matter on December 13, 2023. I have outlined below each of the four issues raised in the Commission Engineer’s letter and the utility’s response to each.

1. Please identify the water provider for the customers of Vantage Oaks Mobile Home Community.

Utility Response. The water service provider to Vantage Oaks development areas (which is served with wastewater by the Applicant) is the Okeechobee Utility Authority (OUA), a governmental entity.

2. Please refer to the Utility’s application, page 6. Has the 99-year lease to the wastewater treatment plant site been recorded in the public records? If not, please explain when Vantage Oaks intends for it to be recorded.

Utility Response. The Utility and its related party have executed the 99-year lease as submitted with the original application. However, we are awaiting final PSC approval in order to record that document. Upon issuance of the Commission’s Order approving the transfer, the executed Lease will be recorded in the Okeechobee County Public Records.

3. Please refer to the DEP’s March 22, 2023 Warning Letter, provided with Vantage Oaks’ transfer application, beginning at page 259. For each of the eight possible violations identified during the DEP’s inspection and listed below, please explain what corrective actions have been taken. If no corrective actions have been taken as of yet, please describe how and when the Utility intends to correct the violation.

DEP Violation	Corrective Action
The Operations and Maintenance Manual has not been updated since July 14, 1989.	

<p>The facility has not submitted the required annual report on the availability of connection to a regional system.</p>	
<p>The surge tank control panel is inoperable and there is no high-level alarm.</p>	
<p>Controls and equipment in the facility were being run using temporary extension cords as the main power supply. No backup power is provided.</p>	
<p>The shed enclosing the blowers has deteriorated so that the lower part of the walls is missing, and the door latch has significant damage.</p>	
<p>One of the two blower timers was inoperable.</p>	
<p>The effluent flow meter has not been calibrated on an annual basis and a certificate of calibration was not present at the time of the inspection.</p>	
<p>The facility had an unauthorized discharge due to equipment failure, which released an unknown amount of wastewater from the lift station on 12/29/2022.</p>	

Utility Response: I am attaching hereto several items that are being provided in order to respond to Staff’s question.

The first is a copy of an email from Selena Makofsky with US Water Services Corporation, the contract operator for the Utility, wherein she outlines the corrective actions that have been taken by the Utility to address concerns raised by the DEP in their March 22, 2023 letter.

As a follow up to that email, a conference was held between DEP staff, the utility and its contract operator. As a result of that meeting, DEP issued Minutes dated July 12, 2023, which are also attached for Staff’s information.

The Utility has not received further direction or input from DEP though the Utility believes that it is now in full compliance with all of the issues raised in the March 22, 2023 Warning Letter.

Attached hereto is an email exchange between Mark Cadenhead, PE, MBA, President of Cadenhead Environmental Engineering Services, Inc., who inquired of DEP on behalf of the Utility as to the status of the concerns raised by DEP and the response received today from DEP staff concerning that status.

The Utility has now complied with all the issues and concerns raised by DEP in their March 22, 2023 Warning Letter and expects a “return to compliance” letter from DEP in the very near future. We will forward this to the Commission upon receipt.

4. Given the sale of the wastewater system occurred prior to Commission approval, please explain if a provision stating that the contract is contingent upon Commission approval was included. Please provide a copy of any auxiliary or supplemental agreements demonstrating this provision.
 - a. If this provision was not included, please explain how the Utility intends to meet the requirement of Rule 25-30.037(2)(i), Florida Administrative Code.

Utility Response. The Vantage Oaks sewer system was acquired by the transferee/applicant in 2022. At that time, the transferee was not aware that the sewer system was a regulated utility under the jurisdiction of the Florida PSC and the seller did not reveal this fact to the transferee. Therefore, the transferee did not know of this regulatory requirement for prior approval or contingency at the time of closing and therefore no such provision was added to the sale or closing documents. However, the information provided with the application filed clearly demonstrates that the new transferee/applicant is in the best position to operate the system going forward and we believe that this error will be of no consequence for future operations. The transferee/applicant stands ready to provide the PSC with anything it reasonably needs to demonstrate that the transfer is in the public interest and should be approved, despite their inability to comply with this specific provision.

If you need anything further or have any questions with regard to any of these items, please let me know.

Sincerely,

SUNDSTROM & MINDLIN, LLP

/s/ F. Marshall Deterding

F. Marshall Deterding
Of Counsel

FMD/brf

Enclosures

cc: Emily Knoblauch eknoblau@psc.state.fl.usw
Austin Watrous awatrous@psc.state.fl.us
Zach Schwartz
Gary Morse

Response email with Pics from US Water

Selina Makofsky smakofsky@uswatercorp.net

Tue 6/13/2023 5:17 PM

Hello

I apologize for not sending this information last week. Below are the updates for you.

See update: **Owners have made substantial progress in completing.**

During the inspection, Department personnel noted the following:

- The Operations and Maintenance Manual has not been updated since July 14, 1989. **USW will provide a quote to update the existing manual. They are in permit review therefore the engineer (Mark Cadenhead) may be including the document in his package. We will investigate further. Note added by Cadenhead: the permit was issued so item was addressed sufficiently.**
- The facility has not submitted the required annual report on the availability of connection to a regional system. **We are unsure of the availability at this time but will investigate further.**
- The surge tank control panel is inoperable and there is no high-level alarm. **DONE: USW: New panel and pumps were installed with new piping, floats on 6/2/23. Pics and approval attached.**
- Controls and equipment in the facility were being run using temporary extension cords as the main power supply. No backup power is provided. **DONE: USW: The effluent flow meter that was powered by an extension cord was repaired by installing a new electrical service with outlet and cover. Pic attached.**
- The shed enclosing the blowers has deteriorated so that the lower part of the walls is missing, and the door latch has significant damage. **To be completed by owner.**
- One of the two blower timers was inoperable. **DONE: USW: The inoperable blower timer was removed and replaced with a new one. Pic attached.**
- The effluent flow meter has not been calibrated on an annual basis and a certificate of calibration was not present at the time of the inspection. **Client is evaluating the benefits of becoming a FRWA member. They will have FRWA perform the calibration and future ones. If that does not occur, we will send a proposal to provide that service.**
- The facility had an unauthorized discharge due to equipment failure which released an unknown amount of wastewater from the lift station on 12/29/2022. **Lift station issue was resolved. New pumps and panel were installed as well as new guide rails.**

We will provide additional information upon receipt.

Thank you



Selina J. Makofsky

Florida Compliance - Assistant Manager

U.S. Water Services Corporation

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FLORIDA DEPARTMENT OF Environmental Protection

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3301 Gun Club Road, MSC 7210-1
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561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

July 12, 2023

Meeting Teleconference

Subject: Meeting Minutes
FDEP vs. Vantage Oaks
Facility ID #FLA017224

Introductions/Participants:

NAME	Agency/Title	Contact Information
Jonathan Odjo	FDEP/SED Environmental Specialist II	(561) 681-6710 Jonathan.odjo@floridadep.gov
Bridjette Bucell	FDEP/SED Environmental Manager	(561) 681-6619 Bridjette.Bucell@FloridaDEP.gov
Lisa M. Self	FDEP/SED Subject Matter Expert	(561) 681-6699 Lisa.M.Self@FloridaDEP.gov
Doc Bowers	Facilities Manager Parakeet Communities	steven@parakeetcommunities.com
Selina Makofsky	Assistant Manager/US Water	smakofsky@uswatercorp.net
Dennis Coates	Manager/ US Water	dcoates@uswatercorp.net
Melissa Rotteveel	US Water	mrotteveel@uswatercorp.net

• Case Managers case review

- Everything that was there in the email and mentioned as a part of the corrective actions have been completed. The influent calibration has not been completed yet because we are waiting on Florida Rural.
- We found and updated O&M manual, US Water completed it and the engineering department has that we can retrieve it for you guys
- The extension chords have been removed as seen in the photos and we have power supply and outlets.
- Regarding the ability to hook up to a regional wastewater or facility, no city or county is in distance and no attempts have been made at connection.
- Could you elaborate on what that means?
 - The department is trying to consolidate facilities and bring an interconnectedness, so it is part of a compliance schedule or AO in your permit that states you will connect within 365 days of availability so this requires you to send an annual letter or update the department that connection isn't possible at this time. The facility closest to you

is Okeechobee Utility, it puts pressure on them to run a force main and allow others to connect.

- We will reach out to Okeechobee.
- Parakeet was going to handle the shed, maintenance personnel was going to handle that and has not gotten around to it yet.
- We believed it was done and will get updates and photos next week.
 - Is there any backup power or in the event of a storm or power outage is there any way to run the plant on backup power?
- There is no stand-alone generator at the lift station but the new panel provides for a portable generator if need be to be brought in.
 - The chlorine drip method for the chlorine contact chamber is there any changes you can foresee or is this still the best method?
- As long as the DMR's look clean we don't imagine making any changes, a flow-based system is not needed at the moment.
 - CORRECTION* Tir' a' nog ranch is still receiving biosolids I misspoke and had the wrong information and so a biosolids agreement is still in place for your facility.
 - Can the department get an estimate on when to receive the documents?
- Calibration certificate is on the schedule for August
- Schedule for maintenance should be available next week
 - Sampling recommendations
 - Will send the documents requested in a follow-up email.

Questions?

• Closing

Thank you everyone for your time and efforts in this case. The Dept will review all the additional items discussed during this meeting. Should you have any additional questions or documents for review please send them to the case manager Jonathan Odjo (Jonathan.Odjo@floridadep.gov)

Have a great day!

Signed,



Jonathan Odjo
Environmental Specialist II
Florida Department of Environmental Protection
Southeast District – West Palm Beach
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West Palm Beach, FL 33406
Jonathan.Odjo@floridadep.gov
Office • 5616816710 •

Marty Deterding

From: Odjo, Jonathan <Jonathan.Odjo@FloridaDEP.gov>
Sent: Monday, January 08, 2024 9:11 AM
To: MARK CADENHEAD
Cc: Watts, Denise; Marty Deterding; Natalie Magurne; Dennis Coates; Melisa Rotteveel; Selina Makofsky; Austin Berk; Doc Bowers
Subject: RE: Status of Vantage Oaks WWTF Warning Letter: FLA013897

Good morning,

Thank you for reaching out, the enforcement document has been drafted and is in for review with the department. Once approved it will be sent to the facility for review and comments and then signed and that will conclude the enforcement on our end, as for timeline I know the holidays have been busy for everyone so I do not want to misspeak and give a specific date but I can update you as it moves forward. Feel free to reach out anytime as you have, hope this helps and happy holidays.

From: MARK CADENHEAD <mark_cadenhead@bellsouth.net>
Sent: Saturday, January 6, 2024 12:03 AM
To: Odjo, Jonathan <Jonathan.Odjo@FloridaDEP.gov>
Cc: Watts, Denise <Denise.Watts@FloridaDEP.gov>; Marty Deterding <mdeterding@sfflaw.com>; Natalie Magurne <natalie@parakeetcommunities.com>; Dennis Coates <dcoates@uswatercorp.net>; Melisa Rotteveel <mrotteveel@uswatercorp.net>; Selina Makofsky <smakofsky@uswatercorp.net>; Austin Berk <austin@parakeetcommunities.com>; Doc Bowers <steven@parakeetcommunities.com>
Subject: Status of Vantage Oaks WWTF Warning Letter: FLA013897

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good evening, Jonathan.

I am following up on behalf of Parakeet on the status of Return to Compliance for Vantage Oaks WWTF. The paper trail in OCULUS sort of stopped after the meeting in July 2023.

Can you let me/us know what is still pending from the Warning Letter and if nothing, when the Return to Compliance Letter might be issued?

Thanks so much.

Mark

Thank you. Mark Cadenhead, P. E., MBA, President Cadenhead Environmental Engineering Services, Inc. 1982 SR 44, #201 New Smyrna Beach, FL 32168 Phone: 904 307-6824

