

State of Florida



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

DATE: April 29, 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. 090056-SU, 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. Caitlyn Eck, Florida Department of Environmental Protection (FDEP), to Robert Simpson, Commission staff. The e-mail attaches FDEP's current correspondence with the above referenced utility regarding environmental compliance issues. Thank you.

DOCUMENT NUMBER-DATE

03998 APR 29 8

FPSC-COMMISSION CLERK



Florida Department of Environmental Protection

South District Office
P.O. Box 2549
Ft. Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL NO.: 7008 0500 0000 7775 6653
RETURN RECEIPT REQUESTED

March 20, 2009

Mr. Jack Lihvarcik
Chief Operating Officer
Aqua Utilities Florida, Inc.
1100 Thomas Avenue
Leesburg, FL 34748
Email: jmlihvarcik@aquaamerica.com

RE: Lee County-DW
Fountain Lakes WWTP
FLA014669

Dear Mr. Lihvarcik:

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 site inspection and a file review of the above referenced facility indicate that violations of Florida Statutes (F.S.) and Rules may exist at the above-described facility.

1. The facility was discharging raw influent out of the headworks and onto the ground below. F.A.C. Rule 62-600.740 (2)(a) states that the release of disposal of excreta, sewage, or other wastewaters or domestic wastewater residuals without providing proper treatment is prohibited.
2. There has been improper reporting of spills and abnormal events. FAC 62-620.650(3) states that the operator shall report to the permittee or supplier of water and the Department, and if applicable, the local regulatory agency, as soon as possible, but within 24 hours following the discovery of any serious plant breakdown or condition causing or likely to cause: unsafe treatment plant operation, any discharge of water or wastewater not in accordance with Chapters 62-550, 62-555, 62-302, F.A.C., or the facility's permit, or any major interruption in service.
3. The following observations were made by Department personnel which violate Florida Administrative Code F.A.C. Rule 62-600.410(6) which requires that all facilities and equipment necessary for the treatment, reuse, and disposal of domestic wastewater or domestic wastewater residuals shall be maintained at a minimum, so as to function as intended.

- a. Multiple leaks on the tanks.
- b. Excessive foam in the aerators.
- c. Floating solids in the clarifier.
- d. Floating solids in the chlorine contact chamber.
- e. The scum baffle in the clarifier is warped.

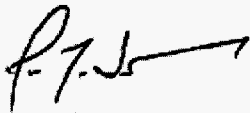
The activities observed during the Department's field inspection and any activity at the facility that may be contributing to violations of the above described statutes and rules should be ceased.

Please contact **Keith Kleinmann** at **(239) 332-6975, ext. 182** or at the letterhead address **within 15 days** of 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 a part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolution of this matter

Pursuant to the Americans With Disabilities Act, any person requiring special accommodations to participate in this meeting/workshop/hearing is asked to advise the agency at least 48 hours before the meeting by calling the Bureau of Personnel Services at (850) 245-2511, or by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice) via the Florida Relay Service.

Sincerely,



Jon M. Iglehart
Director of
District Management

JMI/DWF/jl

cc: Enforcement File
Allen Slater- FRWA allen.slater@frwa.net