



Public Service Commission

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

DATE: February 19, 1999
TO: Division of Water and Wastewater (Dewberry, Chu) *FD MC*
FROM: Division of Records and Reporting
RE: Docket No. 980242-SU - Petition for limited proceeding to implement two-step increase in wastewater rates in Pasco County by Lindrick Service Corporation

The following information is received for the above referenced docket. Please file it in the docket file.

cc: Division of Water and Wastewater (Willis, Rendell)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC /
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING



Department of Environmental Protection

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Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

Mr. Joseph R. Borda
President
Lindrick Service Corporation
4740 South Road, PO Box 1176
New Port Richey, FL 34656-1176

Pasco County
Lindrick WWTP
Facility ID No. FL0032603
July 31, 1998

Revision of Conditions
Permit No: FL0032603-001-DWF

Dear Mr. Borda

Pursuant to a review of the domestic wastewater permit (expiring on 3/08/00) for the above-referenced domestic wastewater treatment plant, the Department has processed a revision of the permit. This revision, with modified Discharge Monitoring Reports (DMRs) is issued pursuant to Consent Order No. 980025, and establishes interim parameter and time limits as specified in the preceding document. The conditions of your permit are hereby changed as follows:

<u>Condition</u>	<u>From</u>	<u>To</u>
I.A.1. through I.A.8	As entered	[See Attachment].
I.B.1. through I.B.8.	As entered	[See Attachment]

This permit revision, ~~FL0032603-001-DWF~~, authorizing the above changes must be attached to your original permit and, together with any other preceding revision(s), becomes a part of that permit.

Sincerely,

Michael S. Hickey, P.E.
Water Facilities Administrator
FDEP Southwest District

Attachments

MSH/jaa

- c: J. Hines, H2O Utilities, Inc.
- T. A. O'Neill, City of NPR
- D. Bramlett, Pasco County Utilities Department
- R. Kramer, City of NPR
- J. Doker, TLH
- USEPA, Region IV
- D. MacColeman, DEP

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFA-01-13790	After disinfection, and prior to dechlorination
EFB-01-25450	Prior to disinfection.
EFD-01-25445	Post-dechlorination, and prior to discharge to surface waters.

3. Hourly measurement of pH, DO, total chlorine residual measured for disinfection effectiveness (after chlorine contact), and dechlorination during the period of required operator attendance may be substituted for continuous measurement. *[Chapter 62-601, Figure 2, Footnotes 1 and 2, 5-31-93]*
4. Recording flow meters and totalizers shall be utilized to measure flow and calibrated at least annually. *[62-601.200(17) and .500(6), 5-31-93]*
5. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of effluent sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of effluent each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. *[62-600.440(4)(c), 6-8-93]*
6. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. *[62-600.440(4)(b), 6-8-93]*
7. Florida water quality criteria and standards shall not be violated as a result of the discharge. *[62-620.320(9), 11-29-94][62-302.510(5), 2-27-95]*
8. Parameters which must be monitored as a result of surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. *[62-620.610(18), 11-29-94]*

2. Samples shall be taken at the monitoring site locations listed in Permit Condition B. 1 and as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFB-01-25450	After treatment, and prior to disinfection.
INF-01-25442	At headworks, prior to treatment and ahead of return activated sludge line.

3. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4), 5-31-93]
4. Recording flow meters and totalizers shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(6), 5-31-93]
5. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. [62-620.610(18), 11-29-94]
6. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. [62-601.500(5), 5-31-93]
7. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

**Florida Department of Environmental Protection
Wastewater Facilities Regulation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**

and

**FDEP
Domestic Wastewater Section
3804 Coconut Palm Drive
Tampa, FL 33619-8318**

[62-620.610(18), 11-29-94][62-601.300(1),(2), and (3), 5-31-93]

8. Unless specified otherwise in this permit, all reports and notifications required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below:

**Florida Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8318**

Phone Number - (813) 744-6100

FAX Number - (813) 744-8198

All FAX copies shall be followed by original copies.

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges

- During the period beginning on the issuance date of this revision, and lasting through the expiration date of this permit (except as noted for TN and Cu), the permittee is authorized to discharge effluent from Outfall D001 to the Gulf of Mexico at the (unnamed) tributary to Cross Bayou. Such discharge shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Effluent Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
Flow	mgd	Maximum	0.750				Continuous	Recording flow meters and totalizers	EFA-01-13790	See Cond.I.A.4
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	10.0	10.0		20.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Total Suspended Solids	mg/L	Maximum	15.0	15.0		30.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Fecal Coliform Bacteria	See Permit Condition I.A.5.						Weekly	Grab	EFA-01-13790	
pH	std. units	Range				6.5 to 8.5	Continuous	Meter	EFA-01-13790	See Cond. 3
Total Residual Chlorine (For Disinfection)	mg/L	Minimum				0.5	Continuous	Meter	EFA-01-13790	See Cond.I.A.6
Total Residual Chlorine (For Dechlorination)	mg/L	Maximum				0.01	Continuous	Meter	EFD-01-25445	
NH ₃ -N	mg/L	Maximum	2.0	2.0		2.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
TN ¹	mg/L	Maximum		15.0		20.0	Weekly	24-hour flow proportioned composite	EFA-01-13790	
Dissolved Oxygen	mg/L	Minimum				7.5	Continuous	Meter	EFD-01-25445	
Copper ¹	µg/L	Maximum				100	Monthly	24-hour flow proportioned composite	EFA-01-13790	
Whole Effluent Toxicity	See Permit Condition I.A.9,10									
Ambient Monitoring Program	See Permit Condition I.A.11									

1. Interim limits, beginning on issuance date of this revision, and lasting through 5/19/99, per § 12(e) of Consent Order No. 980025. Limits for TN and Copper revert to those originally issued beginning on 5/20/99.

During the period beginning on 5/20/99, and lasting through the expiration date of this permit, the permittee is authorized to discharge effluent from Outfall D001 to the Gulf of Mexico at the (unnamed) tributary to Cross Bayou. Such discharge shall be limited and monitored by the permittee as specified in the Table above, except for the parameters as specified below:

Parameter	Units	Max/Min	Effluent Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
TN	mg/L	Maximum		2.0		4.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Copper	µg/L	Maximum				2.9	Semi-Annually	16-hour flow proportioned composite	EFA-01-13790	

B. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Report					Weekly	16-hour flow proportioned composite	INF-01-25442	See Cond.I.B.3
Total Suspended Solids	mg/L	Report					Weekly	16-hour flow proportioned composite	INF-01-25442	See Cond.I.B.3
Chloride	mg/L	Maximum		Report	Report		Weekly	24-hour flow proportioned composite	INF-01-25442	(See Footnote)

1. Per Consent Order No. 980025, §12(e).

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Mail Station 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Lindrick Service Corporation
 MAILING ADDRESS: 4740 South Road
 New Port Richey, FL 34656-1176

PERMIT NUMBER: FL0032603
 MONITORING PERIOD From: _____
 LIMIT: Interim
 CLASS SIZE: Major (EPA designation)

To: _____
 REPORT: Monthly
 GROUP: Domestic

FACILITY: Lindrick WWTP
 LOCATION: 4740 South Road US Hwy 19
 New Port Richey, FL 34656-1176

FACILITY ID: FL0032603
 GMS ID NO.: 4051P00348
 DISCHARGE POINT NUMBER: D001
 PLANT SIZE/TREATMENT TYPE: IB

WAFR SITE NO.: 28368
 GMS TEST SITE NO.: _____

COUNTY: Pasco

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement							
STORET No. 50050 Y Mon. Site No. EFA-01-13790	Permit Measurement	0.750 (An. Avg.)	mgd				Report Monthly	Calcu Roll An Avg ¹
Flow	Sample Measurement							
STORET No. 50050 I Mon. Site No. EFA-01-13790	Permit Measurement	Report (Mo. Avg.)	mgd				Continuous	Recording flow meter & total
CBOD5	Sample Measurement							
STORET No. 80082 Y Mon. Site No. EFA-01-13790	Permit Measurement			10.0 (An. Avg.)	mg/L		Report Monthly	Calculated Roll An Avg ¹
CBOD5	Sample Measurement							
STORET No. 80082 I Mon. Site No. EFA-01-13790	Permit Measurement			10.0 (Mo. Avg.)	mg/L		Weekly	16-hr fpc
TSS	Sample Measurement							
STORET No. 00530 Y Mon. Site No. EFA-01-13790	Permit Measurement			15.0 (An. Avg.)	mg/L		Report Monthly	Calculated Roll An Avg ¹
TSS	Sample Measurement							
STORET No. 00530 I Mon. Site No. EFA-01-13790	Permit Measurement			15.0 (Mo. Avg.)	mg/L		Weekly	16-hr

1. Rolling Annual Average is the average of the current monthly average and the preceding 11 month's monthly average.

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Lindrick WWTP

Month/Year

PERMIT NUMBER: FL0032603-001-DWF

DISCHARGE POINT NUMBER: D001

WAFR SITE No.: 28368

Parameter		Quantity or Loading	Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
pH	Sample Measurement									
STORET No. 00400 1 Mon. Site No. EFA-01-13790	Permit Measurement			6.5 (Min.)	8.5 (Max.)		S.U.		Continuous	Meter
Fecal Coliform Bacteria	Sample Measurement									
STORET No. 31615 Y Mon. Site No. EFA-01-13790	Permit Measurement				200 (An. Avg.)		#/100ml		Report Monthly	Calculated Roll An. Avg. ¹
Fecal Coliform Bacteria	Sample Measurement									
STORET No. 31615 1 Mon. Site No. EFA-01-13790	Permit Measurement			Report (Calc.) (Mo. Geo. Mean)		800 (Report Max.)	#/100mL		Report Weekly	Grab
TRC for disinfection	Sample Measurement									
STORET No. 50060 A Mon. Site No. EFA-01-13790	Permit Measurement			0.5 (Min.)			mg/L		Continuous	Meter
TRC for dechlorination	Sample Measurement									
STORET No. 50060 W Mon. Site No. EFD-01-25445	Permit Measurement			0.01 (Max.)			mg/L		Continuous	Meter
NH ₃ -N	Sample Measurement									
STORET No. 00610 Y Mon. Site No. EFA-01-13790	Permit Measurement			2.0 (An. Avg.)			mg/L		Report Monthly	Calculated Roll An. Avg. ¹
NH ₃ -N	Sample Measurement									
STORET No. 00610 1 Mon. Site No. EFA-01-13790	Permit Measurement			2.0 (Mo. Avg.)		2.0 (Max.)	mg/L		Weekly	16-hr fpc
TN	Sample Measurement									
STORET No. 00600 1 Mon. Site No. EFA-01-13790	Permit Measurement			15.0 (Mo. Avg.)		30.0 (Max.)	mg/L		Weekly	24-hr fpc
Cu	Sample Measurement									
STORET No. 01042 1 Mon. Site No. EFA-01-13790	Permit Measurement					100 (Max.)	ug/L		Monthly	24-hr fpc
DO	Sample Measurement									
STORET No. 00300 W Mon. Site No. EFD-01-25445	Permit Measurement			7.5 (Min.)			mg/L		Continuous	Meter

Lindrick WWTP

FL0032603-001-DWF

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Lindrick WWTP

Month/Year

PERMIT NUMBER: FL0032603-001-DWF

DISCHARGE POINT NUMBER: D001

WAFR SITE No.: 28368

Parameter		Quantity or Loading	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
	Sample Measurement								
	Permit Measurement								
CBOD5	Sample Measurement								
STORET No. 80082 G Mon. Site No. INF-01-25442	Permit Measurement			Report (Mo. Avg.)		mg/L		Weekly	16-hr fpc
TSS	Sample Measurement								
STORET No. 00530 G Mon. Site No. INF-01-25442	Permit Measurement			Report (Mo. Avg.)		mg/L		Weekly	16-hr fpc
Chloride	Sample Measurement								
STORET No. 00940 G Mon. Site No. INF-01-25442	Permit Measurement			Report (Mo. Avg.)	Report (Weekly Avg.)	mg/L		Weekly	24-hr fpc
	Sample Measurement								
	Permit Measurement								
	Sample Measurement								
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Department of
Environmental Protection

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file

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE OF PERMIT

July 3, 1997

In the matter of an Application for Permit by:

**DEP File No. 51-268412
Facility ID No.: FL0032603**

Mr. Joseph R. Borda
President
Lindrick Service Corporation
4740 South Road, PO Box 1176
New Port Richey, FL 34656-1176

**COUNTY: Pasco
Lindrick WWTP**

Enclosed is Permit Number **FL0032603** and Administrative Order **AO-005-SW** to operate a domestic wastewater treatment plant, issued pursuant to Chapter 403, Florida Statutes, and Chapters 62-4, 62-600, 62-610, 62-620 and 62-640, Florida Administrative Code.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Richard D. Garrity, PhD.
Director of District management
FDEP Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-8318
(813) 744-6100

Lindrick Service Corporation/Lindrick WWTP
FDEP File No.: 51-268412
FACILITY ID NO.: FL0032603

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on July 3, 1997 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to s. 120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Jacqueline M. Price 7-3-97
(Clerk) (Date)

Copies furnished to:

- ✓ Applicant w/AO
- ✓ T. O'Neil, City of New Port Richey w/AO
- ✓ D. Bramlett, Pasco County Utilities Department w/AO
- ✓ G. J. Hines, P.E., DS & N Inc., 127 West Church Avenue, Longwood, FL 32750-4105 w/AO
- ✓ USEPA, Region IV w/AO
- ✓ FDEP, TLH (D. Joyner & E. Potts) w/AO
- ✓ OGC w/AO
- ✓ Pasco County PHU w/AO
- ✓ Bob Glenn TLH. w/AO
- ✓ file
- ✓ Tom
- ✓ Reading file

7-3-97
Jacqueline



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

PERMITTEE:

Lindrick Service Corporation
Mr. Joseph R. Borda P.E.
President
4740 South Road
PO Box 1176
New Port Richey, FL 34656-1176

PERMIT NUMBER	FL0032603
ISSUANCE DATE	7/3/97
EXPIRATION DATE	5/28/02
FACILITY LD. NO	FL0032603
PATS NUMBER:	51-268412

FACILITY:

Lindrick WWTP
4740 South Road
PO Box 1176
Pasco County
New Port Richey, FL 34656-1176
Latitude: 28° 14' 42" N Longitude: 82° 44' 20" W

This permit, with Administrative Order AO-005-SW, is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The above named permittee is hereby authorized to construct and operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

An existing 0.750 MGD annual average daily flow Type I conventional activated sludge domestic wastewater treatment plant consisting of a flow-splitter box, six (6) aeration basins with 369,500 gallons total capacity, a chemical feed system to each clarifier, two (2) clarifiers of 1,125 square feet surface area each, for a total of 2,250 square feet total area, and 75,075 gallons each for a total volume of 150,150 gallons, two (2) chlorine contact chambers of 13,184 gallons each, for a total of 26,368 gallons, and two (2) aerobic digesters of 100,680 gallons each, for a total of 201,360 gallons. This plant is operated to provide additional effluent limitations in a process that exceeds secondary treatment levels.

EFFLUENT DISPOSAL:

Surface Water Discharge: An existing 0.750 MGD annual average daily flow (AADF) permitted discharge to Gulf of Mexico (Class III waters) by way of Cross Bayou (D001). The Cross Bayou outfall line is approximately 100 feet in length, discharges at a depth of approximately 4.3 feet below MSL and the point of discharge is located approximately at latitude 28° 14' 42" N, longitude 82° 44' 20" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Pages 1 through 17 of this permit.

Lindrick Service Corporation
 PO Box 1176
 New Port Richey, FL 34656-1176

PERMIT NUMBER: FL0032603
 EXPIRATION DATE: 5/28/02

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges (*Interim Limits*).

1. During the period beginning on the issuance date and lasting through 9/14/97, as noted in the Administrative Order attached to this permit, the permittee is authorized to discharge effluent from Outfall D001 to the Gulf of Mexico at Cross Bayou. Such discharge shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Effluent Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
Flow	mgd	Maximum	0.750				Continuous	Recording flow meters and totalizers	EFB-01-25450	See Cond. I. A. 4
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	10.0	10.0		20.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Total Suspended Solids	mg/L	Maximum	15.0	15.0		30.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Fecal Coliform Bacteria	See Permit Condition I.A.5.						Weekly	Grab	EFA-01-13790	
pH	std. units	Range				6.5 to 8.5	Continuous	Meter	EFA-01-13790	See Cond. 3
Total Residual Chlorine (For Disinfection)	mg/L	Minimum				0.5	Continuous	Meter	EFA-01-13790	See Cond. I.A.6
Total Residual Chlorine (For Dechlorination)	mg/L	Maximum				0.01	Continuous	Meter	EFD-01-25445	
NH ₃ -N	mg/L	Maximum	2.0	2.0	2.0	2.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
TN	mg/L	Maximum		Report	Report	Report	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Cu	ug/L	Maximum		Report	Report	Report	Monthly	Grab	EFA-01-13790	
Dissolved Oxygen	mg/L	Minimum				7.5	Continuous	Meter	EFD-01-25445	
Whole Effluent Toxicity	See Permit Condition I.A.9,10									
Ambient Monitoring Program	See Permit Condition I.A.11									

Lindrick Service Corporation
 PO Box 1176
 New Port Richey, FL 34656-1176

PERMIT NUMBER: FL0032603
 EXPIRATION DATE: 5/28/02

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

B. Surface Water Discharges

1. During the period beginning 9/15/97 date and lasting through the expiration date of this permit, as noted in the Administrative Order attached to this permit, the permittee is authorized to discharge effluent from Outfall D001 to the Gulf of Mexico at Cross Bayou. Such discharge shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Effluent Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
Flow	mgd	Maximum	0.750				Continuous	Recording flow meters and totalizers	EFB-01-25450	See Cond.I.A.4
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	10.0	10.0		20.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Total Suspended Solids	mg/L	Maximum	15.0	15.0		30.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Fecal Coliform Bacteria	See Permit Condition I.A.5.						Weekly	Grab	EFA-01-13790	
pH	std. units	Range				6.5 to 8.5	Continuous	Meter	EFA-01-13790	See Cond. 3
Total Residual Chlorine (For Disinfection)	mg/L	Minimum				0.5	Continuous	Meter	EFA-01-13790	See Cond.I.A.6
Total Residual Chlorine (For Dechlorination)	mg/L	Maximum				0.01	Continuous	Meter	EFD-01-25445	
NH ₃ -N	mg/L	Maximum	2.0	2.0	2.0	2.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
TN	mg/L	Maximum		5.0		5.0	Weekly	16-hour flow proportioned composite	EFA-01-13790	
Cu	ug/L	Maximum				2.9	Every two months	Grab	EFA-01-13790	
Dissolved Oxygen	mg/L	Minimum				7.5	Continuous	Meter	EFD-01-25445	
Whole Effluent Toxicity	See Permit Condition I.A.9,10									
Ambient Monitoring Program	See Permit Condition I.A.11									

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and and I. B. 1, as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFA-01-13790	After disinfection, and prior to dechlorination
EFB-01-25450	Prior to disinfection.
EFD-01-25445	Post-dechlorination. and prior to discharge to surface waters.

3. Hourly measurement of pH and total chlorine residual measured for disinfection effectiveness (after chlorine contact) during the period of required operator attendance may be substituted for continuous measurement. [Chapter 62-601, Figure 2, Footnotes 1 and 2, 5-31-93]
4. Recording flow meters and totalizers shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(5), 5-31-93]
5. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of effluent sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of effluent each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-600.440(4)(c), 6-8-93]
6. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-600.440(4)(b), 6-8-93]
7. Florida water quality criteria and standards shall not be violated as a result of the discharge. [62-620.320(9), 11-29-94][62-302.510(5), 2-27-95]
8. Parameters which must be monitored as a result of surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. [62-620.610(18), 11-29-94]

The following is provided for informational purposes:

Location Site Number	Description of Location
WAFR#28368	D001 - Surface Water Disposal to Cross Bayou (tributary)

3.

Lindrick Service Corporation
 PO Box 1176
 New Port Richey, FL 34656-1176

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9. The effluent shall not be chronically toxic to, or produce adverse physiological or behavioral responses in aquatic animals. An effluent No Observable Effect Concentration (NOEC) of less than 100.0% will constitute a violation of Florida Administrative Code Section 62-302.530(62) [1/15/96], Rule 62-4.244(3)(a) [7/4/95], and the terms of this permit. The testing for these requirements must conform with Part I.A.11 of this permit. Chronic whole effluent toxicity testing will be performed every 2 months, and for the duration of the permit, unless notified otherwise, in writing, by the Department.

Whole effluent toxicity (WET) testing:

Bimonthly Chronic (definitive)

Parameter	Units	Max/Min	Effluent Limitations				Monitoring Requirements			Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	
M. bahia TBP3E		Minimum, NOEC>100%	*	*	*	*	Every 2 months	24-hr fpc	EFD-01-25445	1.B.10
M. beryllina TPB6B TBP6B		Minimum, NOEC>100%	*	*	*	*	Every 2 months	24-hr fpc	EFD-01-25445	1.B.10

CHRONIC SCREEN TEST

Whole Effluent Toxicity Testing Program

10. As required by Part I of this permit, and as scheduled, the permittee shall initiate the series of tests described below to evaluate whole effluent toxicity of the discharge from outfall D001. All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms, EPA/600/4-91/003, or the most current edition. A standard reference toxicant quality assurance chronic toxicity test shall be conducted concurrently with each species used in the toxicity tests and the results submitted to the Southwest District of FDEP.

Department of Environmental Protection
 Water Facilities, Technical Services Section
 3804 Coconut Palm Drive
 Tampa, FL 33619-8318

Lindrick Service Corporation
PO Box 1176
New Port Richey, FL 34656-1176

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Additionally, monthly QA/QC reference toxicant tests results must be submitted. Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

(1) a. The permittee shall conduct a mysid shrimp, *Mysidopsis bahia*, survival, growth and fecundity Test and an inland silverside *Menidia beryllina*, larval survival and growth test. These tests shall be conducted using a control (0% effluent) and the following dilution concentrations at a minimum: 100.0%, 50.0%, 25%, 12.5% and 6.25%. Unacceptable chronic toxicity will be demonstrated if either test results in a No Observed Effect Concentration (NOEC) less than 100% effluent. An unacceptable chronic toxicity test will constitute a violation of this permit and Chapters 62-302.530(62) [1/15/96], F.A.C.

b. For each set of tests conducted, a 24-hour composite sample of final effluent shall be collected and used per the sampling schedule discussed in EPA/600/4-91/003, Section 8. Two (2) additional composite samples shall be collected according to the protocol on Day 2 and Day 4 of the test and used as renewal solutions on Day 3 and Day 5 of the test, respectively.

c. If control mortality exceeds 20% for either species in any test, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 20% for either species. If, in any separate test, 100% mortality occurs prior to the end of the test, and control mortality is less than 20% at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable toxicity. Additionally, each test must meet the acceptability criteria for the appropriate test species as defined in EPA/600/4-91/003, Section 13.11 and Section 11.11.

(2) a. The toxicity tests specified above shall be conducted once every two (2) months until six (6) valid bimonthly tests have been conducted. These tests are referred to as "routine" tests. Upon the completion of six (6) valid tests which demonstrate that no unacceptable toxicity (as defined in 4.a.) has been identified, the permittee may petition the Department for a reduction in monitoring frequency.

b. Results from "routine" tests shall be reported according to EPA/600/4-91/003, Section 10, Report Preparation (or most current edition), and shall be submitted to the address given in condition I.A.10 of this permit. Additionally, all results shall be recorded and submitted on the **Discharge Monitoring Report (DMR)** in the following manner:

1. For the chronic test results, if the NOEC of a test species is less than 100% effluent, "≤ 100%" should be entered on the DMR for that species. If the NOEC of a test species is greater than or equal to 100% effluent, "≥ 100%" should be entered.

3. a. If unacceptable chronic toxicity (a NOEC of less than 100% effluent) is found in a "routine" test, the permittee shall conduct three (3) additional tests on the species indicating unacceptable toxicity.

b. The additional tests shall be conducted using a control (0% effluent) and a minimum of five (5) dilutions: 100.0%, 50.0%, 25.0%, 12.5% and 6.25% effluent.

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c. For each additional test, the sample collection requirements and the test acceptability criteria specified above must be met for the test to be considered valid. The first test shall begin within two (2) weeks of the end of the "routine" tests, and shall be conducted weekly thereafter until three (3) additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present.

d. Results from additional tests, required due to unacceptable chronic toxicity in the "routine" tests, shall be submitted in a single report prepared according to EPA/600/4-91/003, Section 10, or the most current edition, and submitted within forty-five (45) days of completion of the third additional valid test. If the additional test(s) demonstrate unacceptable chronic toxicity, the permittee will meet with the Department within thirty (30) days of the report submittal to identify corrective actions necessary to remedy the unacceptable chronic toxicity.

Ambient Monitoring Program

12. The permittee shall conduct a surface water monitoring program to evaluate the impacts of the discharge on the water quality of the receiving body of water. Within thirty (30) days of the date of issuance of this permit, the permittee shall submit a draft plan of study for the ambient monitoring program to the Department. The study shall include a QA/QC plan in accordance with Chapter 62-160, F.A.C. The following sampling locations shall be established and sampled bimonthly during the summer months (July, and September) and bimonthly for the remaining months (November, January, March, and May) for the following parameters. Upon approval by FDEP, the program shall be implemented by the permittee.

a. Sampling Locations

1. 300 feet upstream of the Outfall (EFD-01-25545)
2. 300 feet downstream of the Outfall
3. At the outfall - effluent prior to mixing with surface waters
4. a far-field site in Cross Bayou

b. Sampling Parameters and Depths

Near the Surface:	pH, DO, Temperature, Salinity, Conductivity
Mid-depth :	pH, DO, Temperature, Salinity, Conductivity, Chlorophyll-a, TSS, CBOD ₅ , Fecal Coliform H ₂ S, and nutrients TN, TP, NO ₂ /NO ₃ , NH ₃ , PO ₄
Near the Bottom:	pH, DO, Temperature, Salinity, Conductivity

c. Secchi Depth: Secchi depth shall be measured at each sampling location.

d. Benthic Macroinvertebrate Sampling: Effective 9/15/97, and every six (6) months thereafter, benthic samples shall be collected and sorted followed by identification to the lowest possible taxon. Metrics calculated should include, but are not limited to: Snannon-Weiner diversity, evenness, taxa richness, and % contribution of the dominant taxon. A species enumeration list should also be included in the report.

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e. Ambient Conditions: Air temperature, rainfall, cloud cover and direction of flow (incoming or outgoing tides) shall be noted at each sampling location.

f. Chain of Custody: Time/date of sampling and samplers' names shall be noted at each sampling location.

13. A report containing the sampled data shall be submitted to FDEP's Southwest District on a bimonthly basis outlining the results of the ambient monitoring program. The report shall also include all chain of custody forms, laboratory results as reported by the laboratory, and the physicochemical raw data sheets.

C. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below:

Parameter	Units	Max/Min	Limitations				Monitoring Requirements				Notes
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number		
Flow	mgd	Maximum	0.750				Continuous	Recording flow meters and totalizers	EFB-01-25450	See Cond.I.C.4	
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Report					Weekly	16-hour flow proportioned composite	INF-01-25442	See Cond.I.C.3	
Total Suspended Solids	mg/L	Report					Weekly	16-hour flow proportioned composite	INF-01-25442	See Cond.I.C.3	

2. Samples shall be taken at the monitoring site locations listed in Permit Condition I. B. 1 and as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFB-01-25450	After treatment, and prior to disinfection.
INF-01-25442	At headworks, prior to treatment and ahead of return activated sludge line.

3. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4), 5-31-93]
4. Recording flow meters and totalizers shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(5), 5-31-93]
5. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. [62-620.610(18), 11-29-94]
6. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. [62-601.500(5), 5-31-93]
7. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to this permit. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

**Florida Department of Environmental Protection
Wastewater Facilities Regulation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**

[62-620.610(18), 11-29-94][62-601.300(1),(2), and (3), 5-31-93]

8. Unless specified otherwise in this permit, all reports and notifications required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below:

**Florida Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8318**

Phone Number - (813) 744-6100
FAX Number - (813) 744-8198

All FAX copies shall be followed by original copies.

II. RESIDUALS MANAGEMENT REQUIREMENTS

Basic Management Requirements

1. The method of residuals use or disposal by this facility is transport to **Pasco County Shady Hills Residuals Management Facility** for further treatment.
2. The wastewater treatment facility permittee shall be responsible for proper handling, use, and disposal of its residuals and will be held responsible for any disposal violations that occur unless the permittee can demonstrate that the treatment facility to which the residuals are transported has legally agreed in writing to accept responsibility for proper treatment and disposal. *[62-640.300(3), 3-1-91]*

III. GROUND WATER MONITORING REQUIREMENTS

Section Three is not applicable to this facility

IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

Section Four is not applicable to this facility

V. OPERATION AND MAINTENANCE REQUIREMENTS

Staffing Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapter 61E12-41, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category I, Class B facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class C or higher operator 16 hours/day for 7 days/week. The lead operator must be a Class B operator, or higher.

[62-699, 5-20-94] [62-620.630(3), 11-29-94] [62-699.310, 5-20-92] [62-610.462(2), 4-2-90]

2. A certified operator shall be on call during periods the plant is unattended. *[62-699.311(1), 5-20-92]*

Capacity Analysis Report and Operation and Maintenance Performance Report Requirements

3. An updated capacity analysis report shall be submitted to the Department annually by annually. The updated capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. *[62-600.405(5), 6-8-93]*
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. *[62-600.735(1), 6-8-93]*

Recordkeeping Requirements

5. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility:

- a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
- b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
- c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
- d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
- e. A copy of the current permit;
- f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
- g. A copy of the facility record drawings;
- h. Copies of the licenses of the current certified operators; and
- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350,11-29-94][61E12-41.010(1)(e), 11-02-93]

VI. COMPLIANCE SCHEDULES AND SELF-IMPOSED IMPROVEMENT SCHEDULES

1. The following schedule, including construction schedule for the facilities shall be followed, unless notification of a schedule revision is provided and acceptable to the Department:

Implementation Step		Date/Completion Date
1	Commencement of 90 day hiatus (See Administrative Order)	6/16/97
2	Commence construction of instrumentation facilities	9/15/97
3	Assume parameter limitations for Cu,TN; commence benthic macroinvertebrate sampling.	9/15/97
4	Complete installation of electronic instrumentation.	12/15/97

[62-620.450(3)(a), 11-29-94]

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

Section Seven is not applicable to this facility at this time.

VIII. OTHER SPECIFIC CONDITIONS

1. Prior to placing the newly constructed facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the permittee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Domestic Wastewater Facilities. *[62-620.630(2), 11-29-94]*
2. Within six months after a facility is placed in operation, the permittee shall provide written certification to the Department on Form 62-620.910(13) that record drawings pursuant to Chapter 62-600, F.A.C., and that an operation and maintenance manual pursuant to Chapters 62-600 and 62-610, F.A.C., as applicable, are available at the location specified on the form. *[62-620.630(7), 11-29-94]*
3. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal, using Department Forms 62-620.910(1) and (2), no later than one-hundred and eighty days (180) prior to the expiration date of this permit. *[62-620.410(5), 11-26-94]*
4. The facilities shall comply with any conditions that the Secretary of the Army (United States Army Corps of Engineers) considers necessary to ensure that navigation and anchorage will not be substantially impaired. *[62-620.620(1)(q), 11-29-94]*
5. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. *[62-600.410(8), 6-8-93]*
6. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited. *[62-604.130(3), 5-31-93]*
7. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. *[62-604.550, 5-31-93]* *[62-620.610(20), 11-29-94]*
8. The operating authority of a collection/transmission system and the permittee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in treatment plant discharges having temperatures above 40°C.

[62-604.130(4), 5-31-93]

9. The treatment facility shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-600.400(2)(b), 6-8-93]*
10. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit. *[62-7.540, 12-10-85]*
11. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

[62-620.625(2), 11-29-94]

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), 11-29-94]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), 11-29-94]*
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), 11-29-94]*
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), 11-29-94]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The

permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), 11-29-94]

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), 11-29-94]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), 11-29-94]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), 11-29-94]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9), 11-29-94]

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), 11-29-94]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), 11-29-94]

12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), 11-29-94]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), 11-29-94]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14), 11-29-94]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), 11-29-94]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, 62-620.420 or 62-620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), 11-29-94]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), 11-29-94]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.

- d. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. On-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
- e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

[62-620.610(18), 11-29-94]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), 11-29-94]*
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
 - b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[62-620.610(20), 11-29-94]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX. 20 of this permit. *[62-620.610(21), 11-29-94]*
22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1. through 3. of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22), 11-29-94]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Permit Condition IX. 20. of this permit; and
 4. The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:

The Lindrick WWTP
Joseph R. Borda, President
4740 South Road, PO Box 1176
New Port Richey, FL 34656-1176

IN THE OFFICE OF THE SOUTHWEST DISTRICT

Administrative Order No.: **AO-005-SW**

DEP Permit No: FL0032603
File No.: 51-268412

ORDER ESTABLISHING COMPLIANCE SCHEDULE UNDER SECTION 403.088(2)(f), F.S.

I. STATUTORY AUTHORITY

The Department of Environmental Protection (Department) issues this order under the authority of section 403.088 of the Florida Statutes. The Secretary of the Department has delegated this authority to the Director of District Management, who issues this order and makes the following findings of fact.

II. FINDINGS OF FACT

1. The Lindrick Service Corporation is a person under section 403.031 of the Florida Statutes.
2. Mr. Joseph R. Borda is President of the Lindrick Service Corporation, which owns and operates a domestic wastewater facility located at 4740 South Avenue, New Port Richey, Florida which discharges wastewater into Class III surface waters of the state as defined in section 403.031 of the Florida Statutes.
3. Mr. Joseph R. Borda has applied for a permit under section 403.088(2) of the Florida Statutes.
4. Section 301(a) of the Clean Water Act (Act), 33 U.S.C. §1311(a), prohibits the discharge of pollutants into navigable waters of the United States except in compliance with the National Pollutant Discharge Elimination System (NPDES) permit, authority for which is currently delegated to the State of Florida, Department of Environmental Protection.
5. Toxicity tests conducted from January 1994 through September 1994 under NPDES Permit No. FL0032603 have revealed the effluent from the Lindrick WWTP to be toxic to Mysidopsis bahia and Menidia beryllina. Section 301(a) of the Act has been violated.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

6. The Toxicity Reduction Evaluation (TRE) ordered by EPA Administrative Order No. 95-010 dated December 29, 1994 has not been initiated and/or completed.

7. Mr. Joseph R. Borda and the Lindrick WWTP discharge does not/will not meet the following specific conditions of DEP Permit No. FL0032603: Mr. Joseph R. Borda and the Lindrick WWTP discharge does not/will not meet the following statutes and rules:

- a. Advanced Wastewater Treatment (AWT), as defined in section 403.085, F.S.
- b. Level II Water Quality-Based Effluent Limitations (WQBEL) as defined in section 62-600.430, F.A.C.
- c. Rule 62-302.530(62), Rule 62-4.070 and 62-4.244, F.A.C.

8. Sections 403.088(2)(e) and (f) of the Florida Statutes authorize the Department to issue a permit for the discharge of wastes into waters of the state, accompanied by an order establishing a schedule for achieving compliance with all permit conditions if the specified criteria are met.

9 The Department finds that

(1) The applicant has postulated that a "formal Toxicity Reduction Evaluation (TRE) is currently in the process of being completed and additional sources of toxicity may be identified and evaluated" and admits the "facility is known to have toxicity problems."

(2) The applicant is constructing, installing, or placing into operation, or has submitted plans and a reasonable schedule for constructing, installing, or placing into operation, an approved pollution abatement facility or alternative waste disposal system;

(3) The applicant needs permission to pollute the waters within the state for a period of time necessary to complete research, planning, construction, installation, or operation of an approved and acceptable pollution abatement facility or alternative waste disposal system;

(4) There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into waters of the state;

(5) The granting of an operation permit will be in the public interest; or

(6) The discharge will not be unreasonably destructive to the quality of the receiving waters.

III. ORDER

Based on the foregoing findings of fact,

IT IS ORDERED,

(1) Mr. Joseph R. Borda and the Lindrick Service Corporation shall comply with all conditions of United States Environmental Protection Agency (USEPA) Administrative Order No. 95-010 dated December 24, 1994.

(2) Mr. Joseph R. Borda and the Lindrick Service Corporation shall terminate the Interim Limits imposed in Specific Condition I.A.1 of the permit, and meet the specific conditions incorporated as Specific Condition I.B.1, effective 9/15/97. Benthic macroinvertebrate sampling shall also commence on that date.

(3) Mr. Joseph R. Borda and the Lindrick Service Corporation shall construct/install the control system in accordance with plans/drawings/specifications submitted to the Department in support of the issuance of a domestic wastewater permit, notify the Department of activation of this system in accordance with Section VI of the referenced wastewater permit not later than December 15, 1997, unless negotiations with the City of New Port Richey and/or Pasco County for the sale of the Lindrick WWTP have been completed and acquisition by them of the Lindrick WWTP is pending and such transfer of ownership is supportable by legally binding documentation. If ownership remains with the Lindrick Service Corporation, the date of completion of installation of instrumentation and controls will be not later than December 15, 1997. In such case, the effectiveness of this system in remediating the quality of the discharge will be initially determined through conducting the test(s) specified in Section I of the permit, and additional tests, if necessary.

(4) Mr. Joseph R. Borda and the Lindrick Service Corporation shall provide this office with monthly reports outlining progress toward compliance with the time frame specified in paragraphs 1 and 2 of this section, beginning thirty (30) days after the effective date of permit issuance.

(5) Mr. Joseph R. Borda the Lindrick Service Corporation shall maintain and operate its facilities in compliance with all other conditions of DEP Permit No. FL0032603 and File No. 51-268412.

(6) This order may be modified as set forth in Chapter 62-4 and chapter 62-620 of the Florida Administrative Code.

(7) Reports or other information required by this order shall be sent to Mr. Michael S. Hickey, P.E., Water Facilities Administrator, FDEP, Southwest District, 3804 Coconut Palm Drive, Tampa, FL 33619-8318.

(8) This order does not operate as a permit under section 403.088 of the Florida Statutes. This order shall be incorporated by reference into DEP Permit No. FL0032603, which shall require compliance by the permittee with the requirements of this order.

(9) Failure to comply with the requirements of this order shall constitute a violation of this order and DEP Permit No. FL0032603, and may subject the permittee to penalties as provided in section 403.161 of the Florida Statutes.

(10) This order is final when filed with the clerk of the Department, and Mr. Joseph R. Borda, President of Lindrick Service Corporation then shall implement this order unless a petition for an administrative proceeding (hearing) is filed in accordance with the notice set forth in the following section.

IV. NOTICE OF RIGHTS

Persons whose substantial interests are affected by this order may petition for an administrative proceeding (hearing) in accordance with section 120.57 of the Florida Statutes.

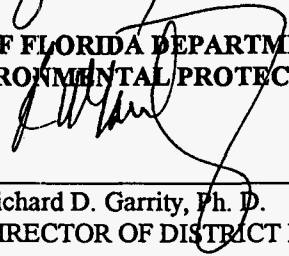
The petition must conform to the requirements of rule 62-103 of the Florida Administrative Code, and must be filed (received) in the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under section 120.57 of the Florida Statutes.

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 preliminary statement. Therefore, persons who may not object to the proposed agency action may wish to intervene in the proceeding. A petition for intervention must be filed under model rule 28-5.207, F.A.C., at least five days before the final hearing with the hearing officer (if one has been assigned) at the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. If no hearing officer has been assigned, the petition is to be filed with the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to file a petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under section 120.57 of the Florida Statutes.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED on this 29 day of June 1997 in Tampa, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Richard D. Garrity, Ph. D.
DIRECTOR OF DISTRICT MANAGEMENT

3804 Coconut Palm Drive
Tampa, FL 33619-8318

CLERK STAMP

FILED AND ACKNOWLEDGED on this date, under section 120.52(11) of the Florida Statutes,
with the designated Department Clerk, receipt of which is acknowledged.

Jacqueline M. Price
Clerk

July 3, 1997
Date

- Copies furnished to:
Applicant
EPA
FDEP, TLH
OGC
Pasco County PHU

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Mail Station 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Lindrick Service Corporation
 MAILING ADDRESS: 4740 South Road
 New Port Richey, FL 34656-1176

PERMIT NUMBER: FL0032603
 MONITORING PERIOD From: _____
 LIMIT: Interim
 CLASS SIZE: Major (EPA designation)

To: _____
 REPORT: Monthly
 GROUP: Domestic

FACILITY: Lindrick WWTP
 LOCATION: 4740 South Road
 New Port Richey, FL 34656-1176US 19

FACILITY ID: FL0032603
 GMS ID NO.: 4051P00348
 DISCHARGE POINT NUMBER: D001
 PLANT SIZE/TREATMENT TYPE: IB

WAFR SITE NO.: 28368
 GMS TEST SITE NO.: _____

COUNTY: Pasco

Parameter		Quantity or Loading	Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
CBOD5	Sample Measurement									
STORET No. 80082 Y Mon. Site No. EFA-01-13790	Permit Measurement			10.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
CBOD5	Sample Measurement									
STORET No. 80082 I Mon. Site No. EFA-01-13790	Permit Measurement			10.0 (Mo. Avg.)	Report (Wk. Avg.)	20.0 (Max.)	mg/L		Weekly	16-hr fpc
TSS	Sample Measurement									
STORET No. 00330 Y Mon. Site No. EFA-01-13790	Permit Measurement			15.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
TSS	Sample Measurement									
STORET No. 00330 I Mon. Site No. EFA-01-13790	Permit Measurement			15.0 (Mo. Avg.)	Report (Wk. Avg.)	30.0 (Max.)	mg/L		Weekly	16-hr fpc
pH	Sample Measurement									
STORET No. 00406 I Mon. Site No. EFA-01-13790	Permit Measurement			6.5 (Min.)	8.5 (Max.)		S.U.		Continuous	Meter
Fecal Coliform Bacteria	Sample Measurement									
STORET No. 31615 Y Mon. Site No. EFA-01-13790	Permit Measurement			200 (An. Avg.)			#/100ml		Weekly	Grab

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Lindrick WWTP

PERMIT NUMBER: FL0032603

DISCHARGE POINT NUMBER: D001

WAFR SITE No.: 28368

Parameter	Sample Measurement	Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Fecal Coliform Bacteria	Sample Measurement										
STORET No. 31615 1 Mon. Site No. EFA-01-13790	Permit Measurement				Report (Mo. Geo. Mean)	200 (Mo. Avg.)	800 (Max.)	#/100mL		Weekly	Grab
TRC for disinfection	Sample Measurement										
STORET No. 50060 A Mon. Site No. EFA-01-13790	Permit Measurement				0.5 (Min.)			mg/L		Continuous	Meter
TRC for dechlorination	Sample Measurement										
STORET No. 00620 W Mon. Site No. EFD-01-25445	Permit Measurement				0.01 (Max.)			mg/L		Continuous	Meter
Flow	Sample Measurement										
STORET No. 50050 G Mon. Site No. EFB-01-25450	Permit Measurement	0.750 (An. Avg.)	Report (Mo. Avg.)	mgd						Continuous	Recording flow meter & total.
NH ₃ -N	Sample Measurement										
STORET No. 00610 Y Mon. Site No. EFA-01-13790	Permit Measurement				2.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
NH ₃ -N	Sample Measurement										
STORET No. 00610 I Mon. Site No. EFA-01-13790	Permit Measurement				2.0 (Mo. Avg.)	2.0 (Wk. Avg.)	2.0 (Max.)	mg/L		Weekly	16-hr fpc
TN	Sample Measurement										
STORET No. 00620 I Mon. Site No. EFA-01-13790	Permit Measurement				Report (Mo. Avg.)	Report (Wk. Avg.)	Report (Max.)	mg/L		Weekly	16-hr fpc
Cu	Sample Measurement										
STORET No. 01042 1 Mon. Site No. EFA-01-13790	Permit Measurement				Report (Mo. Avg.)	Report (Wk. Avg.)	Report (Max.)	µg/L		Monthly	Grab
DO	Sample Measurement										
STORET No. 00299 W Mon. Site No. EFD-01-25445	Permit Measurement				7.5 (Min.)			mg/L		Continuous	Meter
CBOD5	Sample Measurement										
STORET No. 80082 G Mon. Site No. INF-01-25442	Permit Measurement				Report (Mo. Avg.)			mg/L		Annually	Grab
TSS	Sample Measurement										
STORET No. 00530 G Mon. Site No. INF-01-25442	Permit Measurement				Report (Mo. Avg.)			mg/L		Annually	Grab

DAILY SAMPLE RESULTS - PART B

Permit Number: FLA0032603

Month/Year:

Three-month Average Daily Flow:

Daily Flow % of Permitted Capacity:

Days of the Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31
Parameter/Unit/Monitoring Location Site Number																														
Flow (mgd), EFB-01-25450																														
CBOD5 (mg/L), EFA-01-13790																														
CBOD5 (mg/L), INF-01-25442																														
TSS (mg/L), EFA-01-13790																														
TSS (mg/L), INF-01-25442																														
pH (std. units), EFA-01-13790																														
Fecal Coliform Bacteria (#/100 mL), EFA-01-13790																														
TRC (For Disinfection) (mg/L), EFA-01-113790																														
TRC (For Dechlorination) (mg/L) EFD-01-25445																														
NH ₃ -N (mg/L) EFA-01-13730																														
TN (mg/L) EFA-01-13730																														
Cu (µg/L) EFA-01-13730																														
DO (mg/L) EFD-01-25445																														

Plan Staffing:

Day Shift Operator	Class _____	Certificate No. _____	Name: _____
Evening Shift Operator	Class _____	Certificate No. _____	Name: _____
Night Shift Operator	Class _____	Certificate No. _____	Name: _____
Lead Operator	Class _____	Certificate No. _____	Name: _____

Type of Effluent Disposal or Reclaimed Water Reuse: _____
 Limited Wed Weather Discharge Activated: Yes ___ No ___ Not Applicable ___ If yes, cumulative days of wet weather discharge: _____

*Attach additional sheets necessary to list all certified operators necessary for required operations.

DAILY SAMPLE RESULTS - PART B

Permit Number: FLA0032603
 Month/Year:

Three-month Average Daily Flow:
 Daily Flow % of Permitted Capacity:

Days of the Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31	
Parameter/Unit/Monitoring Location Site Number																															
Flow (mgd), EFB-01-25450																															
CBOD5 (mg/L), EFA-01-13790																															
CBOD5 (mg/L), INF-01-25442																															
TSS (mg/L), EFA-01-13790																															
TSS (mg/L), INF-01-25442																															
pH (std. units), EFA-01-13790																															
Fecal Coliform Bacteria (#/100 mL), EFA-01-13790																															
TRC (For Disinfection) (mg/L), EFA-01-113790																															
TRC (For Dechlorination) (mg/L) EFD-01-25445																															
NH ₃ -N (mg/L) EFA-01-13730																															
TN (mg/L) EFA-01-13730																															
Cu (µg/L) EFA-01-13730																															
DO (mg/L) EFD-01-25445																															

Plan Staffing:

Day Shift Operator	Class _____	Certificate No. _____	Name: _____
Evening Shift Operator	Class _____	Certificate No. _____	Name: _____
Night Shift Operator	Class _____	Certificate No. _____	Name: _____
Lead Operator	Class _____	Certificate No. _____	Name: _____

Type of Effluent Disposal or Reclaimed Water Reuse: _____
 Limited Wed Weather Discharge Activated: Yes _____ No _____ Not Applicable _____ If yes, cumulative days of wet weather discharge: _____

* Attach additional sheets necessary to list all certified operators necessary for required operations.

INSTRUCTIONS FOR MONITORING REPORT

PART A - Discharge Monitoring Report

One report shall be completed and submitted for each discharge point, outfall, or testing site listed in the permit. Use additional sheets if necessary. Mail to Department of Environmental Protection at the address shown on the first page of report.

Permittee Name/Address: Complete the name as shown on the face of the permit. Complete the mailing address. Place a note beside the mailing address if the address has changed within the past month.

Facility/Location: Complete the name of the facility and the address or location of the facility.

Permit Number: This is the number of the permit issued to the permittee which contains the monitoring requirements in this report.

Monitoring Period: This is the period that the data on this report represents.

Limit: This is blank if the data represents interim limits on a facility under construction. If the data represents final limits achieved after construction, the word FINAL will be here.

Class Size/Group: The facility classification is either major or minor and the group is either industrial or domestic.

Facility ID: This is the identification number of the facility which was assigned by the Department at the time the facility was constructed.

Discharge Point Number: This is the number in the permit assigned to the outfall, discharge point, or test site from which this data was collected. Complete one of these reports for each outfall or discharge point from your facility.

Plant size/Treatment type: If this facility is a domestic wastewater treatment facility, enter a one digit and one letter code to indicate the type of treatment and the plant size. First record the number from the chart below which represents the type of treatment provided by the facility. Then record the letter that indicates the permitted capacity (plant size) as shown on the chart below.

	Type of Treatment	Plant Size (mgd)			
		A	B	C	D
1	Activated Sludge, Attached Growth, or Combined Treatment systems that include nutrient removal processes (Nitrification alone is not considered nutrient removal.)	≥3.0	≥0.5 but <3.0	≥0.002 but <0.5	...
2	Activated Sludge or Combined Treatment systems that do not include removal processes	≥5.0	≥1.0 but <5.0	≥0.002 but <1.0	...
3	Activated Sludge operated in the extended aeration mode and oxidation ditches	≥8.0	≥2.0 but <8.0	≥0.025 but <2.0	≥0.002 but <0.02
4	Attached Growth Treatment systems (trickling filters or RBCs) that do not include nutrient removal processes	≥10.0	≥3.0 but <10.0	≥0.025 but <3.0	≥0.002 but <0.02

Parameter: This is the variable or substance which must be monitored.

Sample Measurement: The data which was collected and analyzed.

Permit Requirement: The limit from the permit for that parameter and measurement.

Quantity or Loading: The amount or mass of the parameter discharged during the reporting period in Average quantity discharged during the reporting period after adding each day of discharge, Maximum quantity discharged on the day with the highest amount, and the Unit of measurement (lbs, g, tons, etc.)

Quality or Concentration: The concentration of the parameter discharged during the reporting period in Minimum concentration during the reporting period, Average of all the measurements for the parameter during the reporting period, Maximum or highest concentration discharged during the reporting period, and the Unit of measurement (mg/L, ug/L, etc.)

No. Ex.: The number of sample measurements during the sampling period that exceeded the maximum (minimum or 7-day average, as appropriate) permit requirement for each parameter. If none, enter zero.

Frequency of Analysis: The number of times the measurement is required to be made by the permit and the number of times the measurement was made.

Sample Type: The type of sample (grab, composite, continuous) required to be taken by the permit and the type that was taken.

Certificate, Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Date when the report is signed.

Comment and Explanation: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation.

PART B - DAILY SAMPLE RESULTS

Complete one sheet for each outfall, discharge point, or test site where daily sampling is required by the permit. Record the results of daily monitoring for the parameters required to be sampled daily by your permit. Record the data in the units indicated. If there are no fecal coliforms detected, enter < 1 for MF technique and <2.2 for MPN technique, in the row labeled "fecal coliform." Use the blank rows as needed.

List the name, certificate number, and class of all state certified operators. Use additional sheets as necessary.

Enter the type of effluent disposal or reclaimed water reuse (surface water discharge, ocean outfall, slow rate land application-public access, slow rate land application-restricted public access, rapid rate land application, absorption field, underground injection).

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Mail Station 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Lindrick Service Corporation
 MAILING ADDRESS: 4740 South Road
 New Port Richey, FL 34656-1176

PERMIT NUMBER: FL0032603
 MONITORING PERIOD From: _____
 LIMIT: Final
 CLASS SIZE: Major (EPA designation)

To: _____
 REPORT: Monthly
 GROUP: Domestic

FACILITY: Lindrick WWTP
 LOCATION: 4740 South Road
 New Port Richey, FL 34656-1176US 19

FACILITY ID: FL0032603
 GMS ID NO.: 4051P00348
 DISCHARGE POINT NUMBER: D001
 PLANT SIZE/TREATMENT TYPE: IB

WAFR SITE NO.: 28368
 GMS TEST SITE NO.: _____

COUNTY: Pasco

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
CBOD5	Sample Measurement										
STORET No. 80082 Y Mon. Site No. EFA-01-13790	Permit Measurement				10.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
CBOD5	Sample Measurement										
STORET No. 80082 1 Mon. Site No. EFA-01-13790	Permit Measurement				10.0 (Mo. Avg.)	Report (Wk. Avg.)	20.0 (Max.)	mg/L		Weekly	16-hr fpc
TSS	Sample Measurement										
STORET No. 00530 Y Mon. Site No. EFA-01-13790	Permit Measurement				15.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
TSS	Sample Measurement										
STORET No. 00530 1 Mon. Site No. EFA-01-13790	Permit Measurement				15.0 (Mo. Avg.)	Report (Wk. Avg.)	30.0 (Max.)	mg/L		Weekly	16-hr fpc
pH	Sample Measurement										
STORET No. 00406 1 Mon. Site No. EFA-01-13790	Permit Measurement				6.5 (Min.)	8.5 (Max.)		S.U.		Continuous	Meter
Fecal Coliform Bacteria	Sample Measurement										
STORET No. 31615 Y Mon. Site No. EFA-01-13790	Permit Measurement				200 (An. Avg.)			#/100mL		Weekly	Grab

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Lindrick WWTP

PERMIT NUMBER: FL0032603

DISCHARGE POINT NUMBER: D001

WAFR SITE No.: 28368

Parameter		Quantity or Loading	Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Fecal Coliform Bacteria	Sample Measurement									
STORET No. 31615 1 Mon. Site No. EFA-01-13790	Permit Measurement			Report (Mo. Geo. Mean)	200 (Mo. Avg.)	800 (Max.)	#/100ml		Weekly	Grab
TRC for disinfection	Sample Measurement									
STORET No. 50060 A Mon. Site No. EFA-01-13790	Permit Measurement			0.5 (Min.)			mg/L		Continuous	Meter
TRC for dechlorination	Sample Measurement									
STORET No. 00620 W Mon. Site No. EFD-01-25445	Permit Measurement			0.01 (Max.)			mg/L		Continuous	Meter
Flow	Sample Measurement									
STORET No. 50050 G Mon. Site No. EFB-01-25450	Permit Measurement	0.750 (An. Avg.)	Report (Mo. Avg.)	mgd					Continuous	Recording flow meter & total.
NH ₃ -N	Sample Measurement									
STORET No. 00610 Y Mon. Site No. EFA-01-13790	Permit Measurement			2.0 (An. Avg.)			mg/L		Weekly	16-hr fpc
NH ₃ -N	Sample Measurement									
STORET No. 00610 1 Mon. Site No. EFA-01-13790	Permit Measurement			2.0 (Mo. Avg.)	2.0 (Wk. Avg.)	2.0 (Max.)	mg/L		Weekly	16-hr fpc
TN	Sample Measurement									
STORET No. 00620 1 Mon. Site No. EFA-01-13790	Permit Measurement			5.0 (Mo. Avg.)	Report (Wk. Avg.)	5.0 (Max.)	mg/L		Weekly	16-hr fpc
Cu	Sample Measurement									
STORET No. 01042 1 Mon. Site No. EFA-01-13790	Permit Measurement					2.9 (Max.)	µg/L		Every 2 months	Grab
DO	Sample Measurement									
STORET No. 00799 W Mon. Site No. EFD-01-25445	Permit Measurement			7.5 (Min.)			mg/L		Continuous	Meter
CBOD5	Sample Measurement									
STORET No. 80082 G Mon. Site No. INF-01-25442	Permit Measurement			Report (Mo. Avg.)			mg/L		Annually	Grab
TSS _s	Sample Measurement									
STORET No. 00530 G Mon. Site No. INF-01-25442	Permit Measurement			Report (Mo. Avg.)			mg/L		Annually	Grab

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Complainant,

v.
Lindrick Service Corporation
AND
Borda-DiMarco Ltd.
AND
Presbyterian Homes and Housing
Foundation of Florida, Inc.,

Respondents.

IN THE OFFICE OF THE
SOUTHWEST DISTRICT

OGC FILE NO.: 98-0025
DOAH CASE NO. 98-1226

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department"), Lindrick Service Corporation ("Respondent Lindrick"), Borda-DiMarco, Ltd. ("Respondent Borda-DiMarco"), and Presbyterian Homes and Housing Foundation of Florida, Inc. ("Respondent Presbyterian Homes") to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds and the Respondents admit the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated thereunder, Florida Administrative Code (F.A.C.) Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondents are persons within the meaning of Section 403.031(5), F.S.
3. Respondent Lindrick is a corporation registered to conduct business in the State of Florida. Joseph R. Borda is the President of Lindrick Service Corporation.
4. Respondent Borda-DiMarco is a limited partnership registered to conduct business in the State of Florida. Joseph R. Borda is the Registered Agent.
5. Respondent Presbyterian Homes is a foundation registered to conduct business in the State of Florida. Thomas Ahrenholz is the Executive Director.

6. Respondent Lindrick is the owner and is responsible for the operation of the Lindrick Service Corporation wastewater treatment plant, a 0.750 MGD, Type I conventional activated sludge domestic wastewater treatment plant that discharges the effluent to the Gulf of Mexico via the Cross Bayou, a Class III marine water ("Plant"). The Plant is located at 4740 South Road, New Port Richey, Pasco County, Florida in the area of Latitude 28°14' 44" N, Longitude 82°44' 20" W ("Property"). Respondent owns the Property on which the Plant is located. Respondent Lindrick operates the Plant pursuant to Wastewater Permit No. FLO032603 and Administrative Order No. AO-005-SW issued on July 3, 1997 ("Permit").

7. Respondent Lindrick is the owner and is responsible for the operation of the Lindrick Service Corporation wastewater collection/transmission system connected to the Plant which serves the Gulf Harbors area of Pasco County, Florida ("Lindrick Collection System").

8. Respondent Borda-DiMarco is a developer responsible for constructing a wastewater collection/transmission system that serves The Landings of St. Andrews residential building ("The Landings Collection System"). The Landings Collection System includes a lift station located at 5852 Sea Forest Drive, New Port Richey, Pasco County, Florida, and is connected to the Lindrick Collection System.

9. Respondent Presbyterian Homes owns and operates The Landings Collection System.

10. On January 13, 1998, the Department issued a Notice of Violation and Orders for Corrective Action to the Respondents alleging, at a minimum, that The Landings Collection System was built and placed in service without first obtaining a permit from the Department and was improperly constructed, the Lindrick Collection System is poorly maintained and requires maintenance to reduce the salinity of the wastewater, the Plant effluent contains amounts of copper and total nitrogen that exceed the permitted limits, the Plant discharge monitoring reports ("DMR's") submitted to the Department were inaccurate, and the staffing requirement of the Plant is not sufficient. On February 3, 1998, a Petition for Formal Administrative Hearing was filed and a hearing is scheduled for June 24, 1998.

11. The parties met on May 18, 1998 and subsequent dates in an effort to reach a resolution of the matters without the need for further litigation, and having reached a resolution of the matters pursuant to Florida Administrative Code Rules 62-103.155 and 28-106.210, the Department and the Respondents mutually agree and it is

ORDERED:

12. Respondents shall comply with the following corrective actions within the stated time periods:

(a) Within 20 days of the effective date of this Consent Order, Respondent Lindrick shall staff the Plant with certified operators from 7 a.m. to 11 p.m., 7 days a week. The lead operator shall possess a valid B wastewater license and be present 7 days a week during the period of first high flow. Except for the lead operator, all other operators shall possess a valid C or higher (A or B) wastewater license.

(b) Within 30 days of the effective date of this Consent Order, Respondent Lindrick shall create and use a laboratory quality check list in accordance with Chapter 8 of the NPDES Compliance Inspection Manual (1988) for each Permit test parameters reported in accordance with Department of Environmental Regulation (Protection) Standard Operating Procedures for Laboratory Operations and Sampling Collection Activities DER OA-001/92.

(c) On May 19, 1998, Respondent Lindrick and the City of New Port Richey entered into a Bulk Wastewater Treatment Agreement ("Agreement"). The Agreement specifies certain terms and conditions that Respondent Lindrick must meet prior to May 19, 1999 in order for the City of New Port Richey to provide bulk wastewater treatment service for Respondent Lindrick's utility customers and allow Respondent Lindrick to take the Plant out of operation. However, a major condition of the Agreement requires Respondent Lindrick to provide assurances to the City of New Port Richey that the Lindrick Collection System does not contain chloride levels exceeding 600 mg/l. At this time, the Lindrick Collection System has intrusion and infiltration of saltwater which increases the chloride content of the wastewater to approximately 1,400 mg/l. Respondent

Lindrick has committed to the City of New Port Richey to undertake a sewer collection system rehabilitation program to reduce the chloride levels of Respondent Lindrick's wastewater to acceptable levels.

On May 22, 1998, Respondent Lindrick's consultant, H2O Utility Services, Inc., presented the Department an overview of the Lindrick Service Corporation Wastewater Collection System Rehabilitation Project ("Rehab Project"). The Rehab Project identifies a two-phased project over two years of sewer collection/transmission system repairs consisting of pressure cleaning and vacuuming, televising, testing, grouting and slip lining, if required, of the entire Lindrick Collection System. However, the exact nature of the improvements to be made to the Lindrick Collection System will vary from location to location and depend on the nature of the problem to be corrected. The goal of Phase I of the Rehab Project is to reduce the chloride levels of the Lindrick Collection System to below 600 mg/l by May 19, 1999. The goal of Phase II of the Rehab Project is to reduce the chloride levels of the Lindrick Collection System to below 400 mg/l by May 19, 2000.

In any event, notwithstanding the above, Respondent Lindrick shall complete the Rehab Project of the entire Lindrick Collection System as proposed by no later than May 19, 2000 and shall remove the Plant from service no later than May 19, 1999. However, Respondent Lindrick shall obtain any Department permit required to connect the Lindrick Collection System to any regional wastewater treatment plant.

(d) An abandonment plan for the Plant shall be submitted to the Department at least 60 days before abandoning the Plant, but not later than March 19, 1999. As part of Respondent Lindrick's plan to be served by the City of New Port Richey and to abandon the Plant, the Plant may be retrofitted, pursuant to F.A.C. Rules, into a master lift station in order to equalize flows to the City. In any event, the Plant will no longer function as a wastewater treatment plant once the flows are diverted to the City.

(e) The following Permit discharge limitations for total nitrogen and copper are revised until the Plant is removed from service, or until May 19, 1999, whichever comes first. All other parameters remain unchanged. In addition, Respondent Lindrick shall monitor for chlorides as described below. Further, Respondent Lindrick shall continue efforts to reduce copper levels in Respondent Lindrick's potable water system.

Discharge Monitoring and Reporting Requirements

<u>Parameter</u>	<u>Monthly Average</u>	<u>Weekly Maximum</u>	<u>Frequency</u>	<u>Units</u>	<u>Sample Type</u>	<u>Location</u>
Chloride	Report	Report	Weekly	mg/L	24 hr FPC	INF-01-25442
Total Nitrogen as N	15	20	Weekly	mg/L	24 hr FPC	EFA-01-13790
Copper	100		Monthly	ug/L	24 hr FPC	EFA-01-13790

1. Tests conducted pursuant to this monitoring program shall be in accordance with Rule 62-160, F.A.C.

2. These monitoring requirements do not act as State of Florida Department of Environmental Protection Wastewater Permit effluent limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act ("Act"), Part I, Chapter 403, F.S., during the pendency of this Consent Order.

3. Analyses shall be reported once each month on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10). These reports shall be mailed or hand delivered to the Department of Environmental Protection, Mail Station 3551, 2600 Blair Stone Road, Tallahassee and 3804 Coconut Palm Drive, Tampa, FL, 33619 once each month and must be received by the Department no later than the 28th day following the end of the reporting period (e.g., the August report would be due not later than September 28th.)

(f) Upon Respondent Lindrick satisfactorily completing any incompleteness items requested by the Department pursuant to permit application CS51-13660 (The Villas of Gulf Landings, Pasco County), the Department shall issue a dry-line collection/transmission system permit. Within seven

days of the issuance of the permit, Respondent Lindrick shall withdraw the petition for extension of time to file a petition for an administrative hearing on the Department's denial of permit application CS51-13660.

(g) After issuance of permit CS51-13660, Respondent Lindrick shall have the option of constructing a dry-line wastewater collection/transmission system, but shall not place the dry-line wastewater collection/transmission system in service until the City of New Port Richey is providing bulk wastewater treatment service to Respondent Lindrick pursuant to condition 12(c.) of the Consent Order.

(h) Within 10 days of the effective date of this Consent Order, Respondent Presbyterian Homes shall provide the additional information requested in the Department's January 22, 1998 incompleteness letter (File No. CS51-0133951) in regard to obtaining a Department permit for The Landings Collection System. In any event, Respondent Presbyterian Homes shall obtain a Department permit for The Landings Collection System within 60 days of the effective date of this Consent Order. At a minimum, within 90 days of receipt of the permit, Respondent Presbyterian Homes shall raise the electrical panel above the 100 year flood and construct the lift station in such a manner that it will not be flooded during a 25 year flood. Within 120 days of receipt of the permit, Respondent Presbyterian Homes shall submit to the Department a Professional Engineer's certification that the construction of the lift station and collection system has been constructed in accordance with the provisions of Rule 62-604.400(2)(e), F.A.C.

(i) Every two months after the effective date of this Consent Order, Respondent Lindrick shall submit, in writing, to the Department a report ("Report") containing information concerning:

1. the status and progress of the Rehab Project's milestones for chloride reduction to 1050 mg/l by August 4, 1998, to 900 mg/l by September 21, 1998, to 750 mg/l by January 28, 1999, and to 600 mg/l by May 10, 1999, and
2. the status of the corrective actions required by this Consent Order, including information as to compliance or noncompliance with the applicable requirements of this Consent Order, construction requirements, effluent limitations, and any reasons for noncompliance and remedies for correction of any noncompliance. The Report shall also include a

projection of the work to be performed pursuant to this Consent Order during the following 2 month period. The bimonthly reports shall be submitted to the Department within ten days following the end of the bimonthly period.

13. In the event of a sale or conveyance of the Plant, the Lindrick Collection System, and The Landings Collection System or of the Property upon which the Plant, the Lindrick Collection System, and The Landings Collection System is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondents shall, at least 30 days prior to the sale or conveyance of the Property or the Plant, the Lindrick Collection System, and The Landings Collection System, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the Plant, the Lindrick Collection System, and The Landings Collection System, and (3) provide a copy of this Consent Order with all attachments to the new owners. The sale or conveyance of the Lindrick Collection System, The Landings Collection System, and Plant, or the Property upon which the Plant is located shall not relieve the Respondents of the obligations imposed in this Consent Order.

14. Within 40 days of the effective date of this Consent Order, Respondent Lindrick shall pay the Department \$35,000. This amount includes \$30,000 in civil penalties for alleged violations of Section 403.161, F.S., and Department's rules and \$5000 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. In addition, Respondent Lindrick shall pay the Department five equal monthly payments of \$8000 in civil penalties beginning on January 19, 1999 and continuing on the 19th day of each following month through May 19, 1999. However, should the Plant be removed from service on or before May 19, 1999, Respondent Lindrick shall be released from the monthly payment due each month in the following manner. In order to be released from the monthly payment of \$8,000, Respondent Lindrick must be sending all of its wastewater to the City of New Port Richey on or before the 19th day of the previous month in which the payment is due except if the Plant is removed from service on or before December 31, 1998, Respondent Lindrick shall be released from any monthly payments. For example, if Respondent Lindrick starts sending all of its

wastewater to the City of New Port Richey on or before April 19th, the May 19th payment is not required. However, if Respondent Lindrick sends any wastewater to the Plant on or after April 20th, the May 19th payment is required. Failure to timely make any payment will allow the Department, at its discretion, to accelerate the balance which shall become immediately due. Payment shall be made by cashier's check or money order. The instrument shall be made payable to "The Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619.

15. Respondents agree to pay the Department stipulated penalties in the amount of \$100 per day for each and every day Respondents fail to timely comply with any of their specific obligations and requirements of Paragraph[s] 12.(a) through 12.(i), 14, and 16 and an additional \$400 per day for failure to meet paragraph 12.(c) of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619. The Department may make demands for payment at any time after violations occur. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Consent Order. Any penalties assessed under this Paragraph shall be in addition to the settlement sum agreed to in Paragraph 14 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this Paragraph.

16. Respondent Lindrick shall publish the following notice in a newspaper of daily circulation in Pasco County, Florida. The notice shall be published one time only within 10 days after the effective date of the Consent Order.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection gives notice of agency action of entering into a Consent Order with Lindrick Service Corporation, Borda-DiMarco Ltd., and Presbyterian Homes of Florida, Inc. The Consent Order addresses alleged violations of wastewater collection, treatment, and disposal system in the vicinity of the Gulf Harbors area of Pasco County. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619.

Persons whose substantial interests are affected by this Consent Order have a right to petition for an administrative hearing on the Consent Order. The Petition must contain the information set forth below and must be filed (received) in 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, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order 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, F.S., 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, F.A.C.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under

Sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

17. In addition to routine annual inspections, Respondents shall allow all authorized representatives of the Department access to the property and Plant at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules of the Department.

18. All plans, applications, penalties, stipulated penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619.

19. This Consent Order is a settlement of the violations alleged by the Department in Paragraphs 10 above pursuant to the Department's civil and administrative authority under Chapters 403 and 376, F.S. This Consent Order does not address settlement of any criminal liabilities which may arise from Sections 403.161(3) through (5), 403.413(5), 403.727(3)(b), 376.302(3) and (4), or 376.3071(10), F.S., nor does it address settlement of any violation which may be prosecuted criminally or civilly under federal law.

20. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

21. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), F.S.

22. The Department, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations through the date of the filing of this Consent Order as outlined in this Consent Order.

23. Respondents are fully aware that a violation of the terms of this Consent Order may subject Respondents to judicial imposition of damages, civil penalties up to \$10,000.00 per day per offense, and criminal penalties.

24. Entry of this Consent Order does not relieve Respondents of the need to comply with any and all applicable federal, state or local laws, regulations or ordinances.

25. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

26. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by the Respondents and the Department.

27. Respondents acknowledge but waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Consent Order. Respondents acknowledge their right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S., but waive that right upon signing this Consent Order.

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28. Except to the extent specifically amended herein, Wastewater Permit No. FL0032603 and Administrative Order No AO-005-SW issued on July 3, 1997, shall remain in full effect.

29. This Consent Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENTS

Lindrick Service Corporation

Borda-DiMarco. Ltd.

Presbyterian Homes and Housing Foundation of Florida, Inc.,



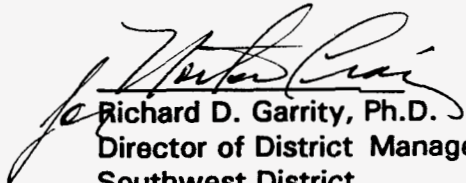
Joseph R. Borda,
President

Joseph R. Borda,
Registered Agent

Thomas ~~Arenholz~~, ~~ARENHOLZ~~
Executive Director

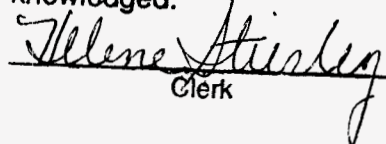
DONE AND ORDERED this 26th day of June, 1998 in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 6/26/98
Clerk Date

Copies furnished to:

Larry Morgan, OGC, FDEP, Tallahassee
Illia Herrera, FDEP, Tallahassee
Peter A. Altman, Mayor, City of New Port Richey
Jacob Varn, Esq.

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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE
SOUTHWEST DISTRICT

Complainant,

OGC FILE NO.: 98-0025

v.
Lindrick Service Corporation
AND
Borda-DiMarco Ltd.
AND
Presbyterian Homes and Housing Foundation of Florida, Inc.,

Respondents.

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

TO: Mr. Joseph R. Borda, President
Lindrick Service Corporation
Post Office Box 1176
New Port Richey, FL 34656-1176

Certified Mail Number.
P-452-114-915

Mr. Joseph R. Borda, Registered Agent
Borda-DiMarco, Ltd.
4925 Cross Bayou Blvd.
New Port Richey, FL 34656

Certified Mail Number
P-452-114-916

Mr. Thomas Ahrenholz, Executive Director.
Presbyterian Homes and Housing Foundation of Florida, Inc.
1051 2nd Ave. North
St. Petersburg, FL 33705

Certified Mail Number.
P-452-114-917

Pursuant to the authority of Section 403.121(2), Florida Statutes ("F.S."), the State of Florida Department of Environmental Protection ("Department") gives notice to Lindrick Service Corporation ("Respondent Lindrick") and Borda-DiMarco, Ltd. ("Respondent Borda-DiMarco") and Presbyterian Homes and Housing Foundation of Florida, Inc., ("Respondent Presbyterian Homes") of the following findings of fact and conclusions of law with respect to violations of Chapter 403, F.S.

FINDINGS OF FACT

PARAGRAPHS APPLICABLE TO ALL COUNTS

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, F.S., and the rules promulgated thereunder in Florida Administrative Code ("F.A.C.") Title 62.

2. Respondent Lindrick is a "person" within the meaning of Section 403.013(5), F.S. and a corporation registered to conduct business in the State of Florida. Joseph R. Borda is the President of Lindrick Service Corporation.

3. Respondent Borda-DiMarco is a "person" within the meaning of Section 403.013(5), F.S. and is a limited partnership registered to conduct business in the State of Florida. Joseph R. Borda is the Registered Agent.

4. Respondent Presbyterian Homes is a "person" within the meaning of Section 403.013(5), F.S. and is a foundation registered to conduct business in the State of Florida. Mr. Thomas Ahrenholz is the Executive Director.

5. Respondent Lindrick is the owner and is responsible for the operation of the Lindrick Service Corporation wastewater treatment plant, a 0.750 MGD, Type I conventional activated sludge domestic wastewater treatment plant that discharges the effluent to the Gulf of Mexico via the Cross Bayou, a Class III marine water ("Plant"). The Plant is located at 4740 South Road, New Port Richey, Pasco County, Florida in the area of Latitude 28°14' 44" N, Longitude 82°44' 20" W ("Property"). Respondent owns the Property on which the Plant is located. Respondent Lindrick operates the Plant pursuant to Wastewater Facility Permit No. FLO032603 and Administrative Order No. AO-005-SW issued on July 3, 1997 ("Permit").

6. Respondent Lindrick is the owner and is responsible for the operation of the Lindrick Service Corporation wastewater collection/transmission system connected to the Plant which serves the Gulf Harbors area of Pasco County, Florida ("Lindrick Collection System").

7. Respondent Borda-DiMarco is a developer responsible for constructing a wastewater collection/transmission system that serves The Landings of St. Andrews residential building ("The Landings Collection System"). The Landings Collection System includes a lift station located at 5852 Sea Forest Drive, New Port Richey, Pasco County, Florida, and is connected to the Lindrick Collection System.

8. Respondent Presbyterian Homes owns and operates The Landings Collection System.

9. On August 13, 1997, Department personnel inspected The Landings Collection System. A review of Department files did not reveal a permit to build The Landings Collection System or a certification of completion.

10. On August 13, 1997, Department personnel inspected the lift station of The Landings Collection System, and found the electrical panel below the 100 year storm event. The lift station is located in such a manner that it could be flooded during a 25 year storm event.

11. On August 13, 1997, during a Plant inspection, Department personnel tested the effluent and found 2.3 parts/thousand salinity before discharge to surface waters.

12. On August 13, 1997, during a Plant inspection, Department personnel tested the effluent before discharge to surface waters and found the dissolved oxygen with test values of 7.0 and 7.2 mg/l oxygen and the total chlorine residual after dechlorination with a test value of 0.04 mg/l total chlorine.

13. On August 13, 1997, during a Plant inspection, Department personnel observed Plant personnel testing the effluent before discharge to surface waters for dissolved oxygen and total chlorine. Test methods used were inaccurate to determine compliance with the Permit limits of ≥ 7.5 mg/l dissolved oxygen, ≤ 0.01 mg/l total chlorine, and ≤ 2.9 $\mu\text{g/l}$ copper.

14. On August 13, 1997, during a Plant inspection, Department personnel observed Plant personnel testing the effluent for total chlorine residual without properly calibrating the instrument. The inaccurate results were recorded in the daily log book.

15. A file review of the Plant's September Discharge Monitoring Report (DMR) revealed that the results of analysis reported on the DMR for dissolved oxygen, total chlorine, total chlorine after dechlorination, and copper submitted to the Department were determined to be inaccurate. Respondent Lindrick reported test methods which could not detect the limits of ≥ 7.5 mg/l dissolved oxygen, ≤ 0.01 mg/l total chlorine, and ≤ 2.9 μ g/l copper.

16. A file review of the DMR for the Plant for the months of September, October, and November 1997, beginning with September 15, 1997, found violations of the limits for total nitrogen as nitrogen: the single sample limit of 5 mg/l was exceeded 10 times and the limit for the monthly average of 5 mg/l was exceeded three times. The copper maximum effluent limit of 2.9 μ g/l has been exceeded for the months of September, October, and November of 1997.

17. Whole effluent toxicity testing conducted in September 1997 found the Plant had unacceptable effluent toxicity to *Mysidopsis bahia* (*M. bahia*). The test ended on September 11, 1997. The three weekly additional tests with the failed test specie were not repeated within 14 days of the failed test as required by the Permit. The Plant effluent exhibits unacceptable toxicity.

18. The DMR for the Plant for September 1997 did not report the unacceptable toxicity for whole effluent toxicity. The September 1997 DMR and October 1997 DMR failed to properly record the number of violations of the Permit limits for dissolved oxygen, copper, and total nitrogen. The DMR for September 1997 reported the number of violations for total nitrogen as 4, when the actual number was 6.

19. The DMR for the Plant for the month of September 1997 was received on November 13, 1997.

20. On August 13, 1997 and September 21, 1997 during Plant inspections, Department personnel found a "C" licensed operator, as the lead operator, when a "B" operator was required.

21. On September 21, 1997, Department personnel did not find a building at the Plant constructed to house the equipment that would automatically monitor dissolved oxygen, pH, and total chlorine residual and adjust the chemical feed equipment.

COUNT I

22. Respondent Borda-DiMarco did not obtain a permit from the Department to build the The Landings Collection System which serves The Landings of St. Andrews residential building.

COUNT II

23. Respondent Presbyterian Homes has not maintained The Landings Collection System in such a manner that the pumping station will remain fully operational and accessible during the 25 year flood. The electrical panel is not protected from a 100 year storm event.

COUNT III

24. Respondent Lindrick has not maintained The Lindrick Collection System to prevent inflow/infiltration and prevent introduction of pollutants other than domestic wastewater constituents, which may cause excessive corrosion or deterioration of wastewater facilities due to chemical action or pH levels.

COUNT IV

25. Respondent Lindrick is required by paragraph I.B.1 of the Permit to meet the effluent limits of the Permit. The Plant effluent does not meet the effluent limits for total nitrogen as nitrogen, total chlorine residual after dechlorination, dissolved oxygen, and copper.

COUNT V

26. Respondent Lindrick did not use accurate test methods, as required in paragraphs I.B.8 and C.5 of the Permit, to test effluent for total chlorine residual, dissolved oxygen, and copper to produce accurate results.

COUNT VI

27. Respondent Lindrick has not followed test procedures found in the Department approved Standard Operating Procedures for Laboratory Operations and Sample Collection Activities (DER-QA-001/92).

COUNT VII

28. Respondent Lindrick has not accurately reported the effluent results required by paragraph I.B.1 of the Permit. The results reported were incomplete and inaccurate.

COUNT VIII

29. Respondent Lindrick is prohibited by paragraph I.B.9 of the Permit from discharging effluent that is chronically toxic. Respondent Lindrick continues to discharge a chronically toxic effluent.

COUNT IX

30. Respondent Lindrick did not conduct additional tests for *M. bahia* within 14 days of the failed test as required by paragraph I.B.10.(3).c of the Permit. The additional tests were to be repeated within 14 days of the failed test and continued weekly until three consecutive additional tests passed.

COUNT X

31. Respondent Lindrick did not submit the September 1997 DMR on or before October 28, 1997. The September 1997 DMR was received on November 11, 1997. The reporting form was due no later than the 28th day of the following month, as was required by paragraph I.C.7 of the Permit.

COUNT XI

32. Respondent Lindrick did not have a Class B licensed lead operator on duty as required by paragraph V.1 of the Permit at the time of Department Plant inspections.

COUNT XII

33. Respondent Lindrick did not commence construction of the instrumentation building by September 15, 1997, as was required in paragraph VI.1.2 of the Permit. Respondent Lindrick did not install the required electronic instruments that would monitor and automatically adjust the chemical feed rates to meet the effluent limits by December 15, 1997, as was required by paragraph VI.1.4 of the Permit.

COUNT XIII

34. The Department has incurred expenses to date while investigating this matter in the amount of not less than \$5,000.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapter 403, Florida Statutes ("F.S.") and Florida Administrative Code ("F.A.C."), Title 62. Based on the foregoing facts the Department has made the following conclusions of law:

35. Respondent Lindrick, Respondent Borda-DiMarco, and Respondent Presbyterian Homes are "person"(s) within the meaning of Section 403.031(5), F.S.

36. The Plant, the Lindrick Collection System, and The Landings Collection System are "wastewater facilities" as defined in Rule 62-600.200(97), F.A.C., and are "installations" within the meaning of Section 403.031(4), F.S., and Rule 62-4.020(6), F.A.C.

37. The facts related in Counts I and II constitute a violation of Section 403.161(1)(b), Florida Statutes, which requires all facilities, as a pollution source, to operate in a manner consistent with the permit issued by the Department or in compliance with the Department rules. The facts also constitute a violation of Rule 62-4.210(1), F.A.C., which prohibits the construction of any installation or facility which will reasonably be expected to be a source of air or water pollution without first applying for and receiving a construction permit from the Department unless exempted by Statutes or Department Rule. The facts related in Count I also constitute a violation of Rule 62-604.500(1), F.A.C., which requires that collection/transmission systems shall not be placed into operation without prior approval of the Department.

38. The facts related in Count II constitute a violation of Rule 62-604.400(2)(e), F.A.C., which provides that electrical and mechanical equipment shall be protected from physical damage during the 100 year flood. The facts related in Count II also constitute a violation of Rule 62-604.400(2)(e), F.A.C. which provides that the pumping station shall be designed to remain fully operational and accessible during the 25 year flood.

39. The facts related in Count III constitute a violation of Rules 62-600.410(6), and 62-604.500(3), F.A.C., which makes it a violation to fail to maintain and operate facilities and

equipment in a condition which will not allow them to function as intended. Rule 62-604.130(4)(b), F.A.C. prohibits the introduction of pollutants other than domestic wastewater constituents, which may cause excessive corrosion or deterioration of wastewater facilities due to chemical action or pH levels.

40. The facts related in Count IV constitute a violation of Rule 62-600.740(2)(a), F.A.C., and the Permit, which make it a violation to release wastewater without providing proper treatment approved by the Department. The facts also constitute a violation of Section 403.161, F.S., which makes it a violation of Chapter 403, F.S., to fail to comply with any Department rule or permit.

41. The facts related in Count V constitute a violation of the Permit and Rule 62-160.120(1)(f)1 and 2, F.A.C., which requires that parties who collect samples for a specified Department activity shall follow procedures outlined in activity-specific standard operating procedures manuals that have been written by the Department or have equivalent sampling procedures outlined in a Department Approved Comprehensive Plan and Rule 62-4.246(1), F.A.C., which requires monitoring and sampling for pollutants reasonably expected to be contained in the discharge and to violate the water quality criteria in Chapter 62-302, F.A.C.

42. The facts related in Count VI and VII constitute a violation of Rule 62-600.740 (2)(e), F.A.C., which provides that the submission, by the owner, manager, or operator of a domestic wastewater facility, or agent or employee thereof, of misleading, false or inaccurate information or operation reports to the Department, either knowingly or through neglect is a violation. The facts also constitute a violation of Section 403.161, F.S., which makes it a violation of Chapter 403, F.S., to fail to comply with any Department rule or permit.

43. The facts in Count VIII constitute a violation of the Permit and Chapter 403.021, F.S., and Rules 62-302.530(62) and 62-302.300(11) which prohibits the discharge of substances in concentrations which are chronically toxic and prohibits the discharge of waste into Florida waters without treatment necessary to protect (the) beneficial use of the waters.

44. The facts related in Count IX constitute a violation of Section 403.161(1)(b), F.S., and the Permit, which makes it a violation to fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its authority.

45. The facts related in Count X constitute a violation of Rule 62-601.300(1)(b), F.A.C., which requires reports shall be completed and submitted on a monthly basis and in a timely manner so as to be received by the twenty-eighth of the month following the month of operation. The facts also constitute a violation of Section 403.161(1)(b), F.S., and the Permit, which makes it a violation of Chapter 403 to fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its authority.

46. The facts in Count XI constitute a violation of Rule 62-699.310(3)(a) Category I, F.A.C., which requires staffing by a Class C or higher operator 16 hours per day for 7 days a week. The lead/chief operator must be a B or higher. The facts also constitute a violation of Section 403.161(1)(b), F.S., and the Permit, which makes it a violation of Chapter 403 to fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its authority.

47. The facts in Count XII constitute a violation Section 403.161(1)(b), F.S., and the Permit, which makes it a violation of Chapter 403 to fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its authority.

48. The costs and expenses related in Count XIII are reasonable costs and expenses incurred by the State while investigating this matter, which are recoverable pursuant to Section 403.141(1), F.S.

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ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The Orders for Corrective Action state what you, Respondent Lindrick, Respondent Borda-DiMarco, and Respondent Presbyterian must do in order to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondent Lindrick, Respondent Borda-DiMarco, and Respondent Presbyterian Homes files a timely petition for a formal hearing or informal proceeding, pursuant to Section 403.121, F.S. (See Notice of Rights.) If Respondent Lindrick, Respondent Borda-DiMarco, and Respondent Presbyterian Homes fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant to Sections 120.69, 405.121 and 403.131, F.S.

Pursuant to the authority of Sections 403.061(8) and 403.121, F.S., the Department proposes to adopt in its Final Order in this case the following specific corrective actions which will redress the alleged violations:

1. Respondents shall forthwith comply with all Department rules regarding domestic wastewater collection/transmission, domestic wastewater treatment, and effluent disposal.

Respondents shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Title 62, F.A.C. and Chapter 403, Florida Statutes.

2. Within 30 days of the effective date of this Order, Respondent Borda-DiMarco and/or Respondent Presbyterian Homes shall submit an application to the Department for the construction of The Landings Collection System. The application, at a minimum, shall include a plan to bring the lift station into compliance with Rules 62-604.400(2)(a-e), F.A.C. The application shall be prepared and sealed by a professional engineer registered in the State of Florida. Upon issuance of the permit, Respondent Borda-DiMarco and/or Respondent Presbyterian Homes shall complete construction pursuant to the conditions of the permit. The construction of The Landings Collection System shall be certified complete within 60 days of the issuance of the permit.

3. If The Landings Collection System application, as referenced in paragraph 2 of this Order, is denied by the Department, Respondent Presbyterian Homes shall abandon use of The Landings Collection System within 60 days of the permit denial. Concurrently, within 60 days of the Permit denial, Respondent Lindrick shall not accept wastewater flows for treatment from The Landings Collection System.

4. Within 270 days of the effective date of this Order, Respondent Lindrick shall have eliminated intrusion/infiltration into the Lindrick Collection System to the extent that influent strength to the Plant (or to any regional wastewater treatment plant) shall not exceed 250 mg/l chlorides. Testing shall commence with the effective the date of this Order and continue until 8 consecutive weekly results have met the influent limit for chlorides. Paragraph C.1 of the Permit is hereby amended to add chloride to the influent sampling as follows: **Parameter/chlorides; Units/mg/l; Max/Min/Report; Monitoring Frequency/Weekly; Sample Type/16 hr fpc; Monitoring Location/INF-01-25442.**

5. Within 30 days of the effective date of this Order, Respondent Lindrick shall follow the Department approved Standard Operating Procedures for Laboratory Operations and Sample Collection Activities (DER-QA-001/92) which addresses all tests and collection methods required for specific activities found in the Permit.

6. Within 60 days of the effective date of this Order, Respondent Lindrick shall begin tests to determine the cause of the chronic toxicity and to provide reasonable assurance to the Department that the effluent will meet the requirement of Rule 62-302.500, F.A.C. and meet the surface water criteria established in Rule 62-302.530, F.A.C. The analysis shall be in accordance with Rule 62-160, F.A.C.

7. Effective with the date of the Order, Respondent Lindrick shall submit duplicate copies of the DMR, laboratory results, and the chain of custody for all tests performed at the Plant to the Department's Southwest District Office on a monthly basis and not later than the 28th day of the following month.

8. Effective with the date of this Order, Respondent Lindrick shall increase Plant operator staff time from 16 hours to 24 hours per day, seven days a week. Paragraph V.1 of the Permit is hereby amended to increase operator staff time from 16 hours to 24 hours per day, seven days a week. The lead operator shall be a Class B or higher licensed operator on each day during the first period of high flow. The second period of high flow shall be staffed by a Class C or higher licensed operator.

9. Within 120 days of the effective date of this Order, Respondent Lindrick shall reduce the presence of copper in the Plant effluent to $\leq 2.9 \mu\text{g/l}$. Effective with the date of this Order, paragraph I.B.1 of the Permit, in regard to the monitoring frequency for testing the parameter copper, is hereby amended from "every six months" to "weekly".

10. Effective with the date of this Order, paragraph I.B.1 of the Permit is hereby amended to include the reporting of Nitrite/Nitrate as N, using a monitoring frequency of weekly, sampling by a 16 hour flow proportional composite sampler, and at monitoring location EFA-01-13790.

11. Commencing immediately and henceforth, Respondent Lindrick shall notify the Department of any abnormal events that occur at the Plant within the time periods in Rule 62-4.130., F.A.C.

12. Within 120 days of the effective date of this Order, Respondent Lindrick shall meet the effluent limits of the Permit or initiate actions that will cease surface water discharge into Cross Bayou. Not less than 30 days prior to ceasing the discharge, Respondent Lindrick shall submit an abandonment plan for the Plant to the Department and an application to the proper authority (City/County) of the regional wastewater collection/transmission system ("System") for approval to divert the Lindrick Collection System to the System. Respondent Lindrick shall copy the Department on all correspondence between Respondent Lindrick and the proper authority of the System. Within 30 days of the decision to divert the Lindrick Collection System to the System, Respondent Lindrick shall submit an application to the Department to construct a wastewater collection/transmission system to permanently connect flow from the Lindrick Collection System to the System. The application shall be prepared and sealed by a professional engineer registered in

the State of Florida. This connection shall be constructed, certified complete and put into operation within 180 days of the effective date of this Order. Within 30 days of completion of construction, Respondent Lindrick shall submit the appropriate Certification of Completion of Construction signed and sealed by the project engineer.

13. Effective with the date of this Order, Respondent Lindrick shall not allow connection of any additional wastewater collection/transmission systems to the Lindrick Collection System until (1) all corrective actions of this Order have been made, (2) the effluent toxicity is eliminated, and (3) the conditions of the Permit are met.

14. Within 30 days of the effective date of this Order, Respondents shall make payment to the Department for costs and expenses in the amount of \$5000.00. Payment shall be made by cashier's check or money order payable to the "State of Florida Department of Environmental Protection" and shall include thereon the OGC number assigned to this case and the notation "Ecosystem Management and Restoration Trust Fund". The payment shall be sent to the Department of Environmental Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

NOTICE OF RIGHTS

1. Respondents have the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., if Respondents dispute issues of material fact raised by this Notice of Violation and Orders for Corrective Action ("Notice"). At a formal hearing, Respondent will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

2. Respondents have the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S., if Respondents do not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondents will have the opportunity to be

represented by counsel, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

3. If Respondents desire a formal hearing or an informal proceeding, Respondents must file a written responsive pleading entitled "Petition for Administrative Proceeding" within 20 days of receipt of this Notice or within 10 days of any timely requested informal conference held pursuant to paragraph 5 below. The petition must be in the form required by F.A.C. Chapter 62-103.155 and by F.A.C. Rule 28-106.201. A petition is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000.

4. Respondents may request mediation under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below. If the Department agrees that mediation in this matter is appropriate, Respondents must pursue mediation by reaching a mediation agreement with the Department before the deadline for filing a petition. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify the Respondents in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

5. Respondents may request an informal conference with the Department in order to resolve this matter promptly and amicably. Respondents' rights will not be adjudicated at an informal conference, and the right to a formal hearing or informal proceeding will not be affected by requesting or participating in an informal conference.

6. If Respondents desire an informal conference, Respondents must file a written "Request for Informal Conference" within ten days of receipt of this Notice. The request must be made to the person indicated on the last page of this Notice. The request is filed when it is received by the office of the person indicated on the last page of this Notice. A properly filed written request for Informal Conference shall toll the time for filing a petition for a formal hearing or informal proceeding as provided herein. If no resolution of this matter results from the informal

conference, Respondents have the right to file a petition for a formal hearing or informal proceeding within 20 days of the date the conference is closed.

7. Respondents will waive the right to a formal hearing or an informal proceeding if a petition is not filed with the Department within 20 days of receipt of this Notice or within 20 days of the date an informal conference is closed if one is held. These time limits may be varied only by written consent of the Department.

8. The allegations of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if Respondents fail to timely file a petition for a formal hearing or informal proceeding, pursuant to Section 403.121, F.S. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice.

9. If Respondents fail to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Sections 120.69, 403.121 and 403.131, F.S. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$10,000 per day for each day that Respondents have failed to comply with the Final Order.


10. This matter may be resolved if the Department and Respondents enter into a Consent Order, in accordance with Section 120.57(4), F.S., upon such terms and conditions as may be mutually agreeable.

11. The Department is not barred by the issuance of this Notice from maintaining an independent action in circuit court with respect to the alleged violations. If such action is warranted, the Department may seek injunctive relief, damages, civil penalties of not more than \$10,000 per day, and all costs of litigation.

12. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the person listed on the last page of this Notice.

DATED this 13 day of Jan, 1998

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Copies furnished to:

Larry Morgan
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Mr. Tom O'Neil, Director of Utilities, City of New Port Richey, Florida
Mr. John Gallagher, County Administrator, Pasco County, Florida
Mr. Ralph Jaeger, Esq. Public Service Commission, Tallahassee, Florida

A petition for hearing must be filed with:

Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000
Telephone: 850/488-9730

A request for an informal conference must be made to:

Mr. Thomas Gucciardo, Environmental Manager
Domestic Wastewater Section
3804 Coconut Palm Drive, Tampa, Florida 33619
Telephone: 813/744-6100, Ext. 392