

State of Florida



Public Service Commission

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

RECEIVED-FPSC

11 SEP 16 AM 10:59

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

COMMISSION
CLERK

DATE: September 15, 2011
TO: Diamond Williams, Commission Deputy Clerk I Office of Commission Clerk
FROM: Thomas J. Walden *TJW* Utilities System/Engineering Specialist, Division of Economic Regulation
RE: Docket No. 110254-WS; Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

Please include the attached correspondence from the Polk Health Department in the docket file.

TW
attachments

DOCUMENT NUMBER-DATE

06663 SEP 16 =

FPSC-COMMISSION CLERK

Charlie Crist
Governor



Anna M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

December 6, 2010

Sent Certified U.S. Mail

Return Receipt No.: 7009 0960 0000 3707 7962

Four Points Utility Corp.
c/o David Meadows
400 Saddleworth Place
Lake Mary, FL 32746

Warning Notice No. 10-653PW5704D

RE: Island Club West Public Water System
PWS ID No. 6535704

Dear Registered Agent:

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

- You may have failed to monitor for lead and copper for the compliance period Jan through July 2009 as required by Chapter 62-550.800 of the Florida Administrative Code (F.A.C.) and 40 CFR 141, subpart I.
- You may have failed to provide public notice that your system failed to monitor in accordance with Chapter 62-550 and Chapter 62-560 of the Florida Administrative Code (F.A.C.).

You are requested to contact Owen Devine at (863) 519-8330 Ext. 12151 within ten (10) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

DOCUMENT NUMBER DATE

06663 SEP 16 =

FPSC-COMMISSION CLERK

POLK COUNTY HEALTH DEPARTMENT

Daniel O. Haight, MD, FACP
Director

Environmental Engineering Division
2090 East Clower Street, Bartow, FL 33830-6741
Phone (863) 519-8330 / SC 515-7365 / Fax (863) 534-0245
www.mypolkchd.org

Hillary Register, Jr., MPH
Interim Assistant Director

printed on recycled paper

GW

Page 2

Four Points Utility Corp. - David Meadows

Sincerely,



Donald R. Ehlenbeck, P.E.
Administrator
Environmental Engineering

DRE/od

Copy furnished to:

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

Four Points Utility Corp.
101 Golden Malay Palm Way
Davenport, FL 33897

Island Club West Homeowner's Association, Inc.
3104 Sand Mine Road
Davenport, FL 33897

Email copy to:

[Bob Treanor] rtreanor@islandhideaway.net

[Cari Grimes] cfranklin@islandhideaway.net

[Tom Walden] twalden@psc.state.fl.us



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

April 11, 2011

CS/ BIMINI BAY
PWS 6535727

FOUR POINTS UTILITIES
101 GOLDEN MALAY PALM WAY
DAVENPORT, FL 33897

Dear Water System Owner:

Following a field inspection conducted on April 6, 2011 we have determined that your water system should be regulated by the Polk County Health Department as a Consecutive Community water system in accordance to the Safe Drinking Water Act and Chapter 62-550 and 62-555 of the Florida Administrative Code. You will be required to comply with the following items:

1. You must submit a bacteriological sampling plan to this office for approval. This plan must be written in accordance with Chapter 62-550.518 of the Florida Administrative code.
2. You must begin conducting monthly bacteriological monitoring in accordance with the bacteriological sampling plan approved by the Department and Chapter 62-550.518 FAC.
3. You must submit a lead and copper sampling plan for approval in accordance with Chapter 62-550.800 FAC and 40CFR Part 141 of the Federal Register.
4. You must monitor for lead and copper during two consecutive six month periods according to your approved lead and copper sampling plan.
5. You must monitor for asbestos in accordance with Chapter 62-550.511 FAC or, if asbestos pipe is not present in the distribution system a waiver from asbestos testing may be obtained by certifying in writing, using form 62-555.900(10) FAC, that the system is without asbestos-containing components and is essentially asbestos free. Form 62-555.900(10) may be located at <http://www.dep.state.fl.us/water/drinkingwater/forms.htm>.
6. You must prepare and submit on a monthly basis Monthly Operation Reports for Consecutive Public Water Systems that do not treat their water, DEP Form 62.555.900(4) which may be located at <http://www.dep.state.fl.us/water/drinkingwater/forms.htm>.

POLK COUNTY HEALTH DEPARTMENT

Daniel O. Haight, MD, FACP
Director

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www.mypolkchd.org

Hillory Register, Jr., MPH
Interim Assistant Director

7. You must prepare and Submit a Consumer Confidence Report each year in accordance with Chapter 62-550.824 FAC and 40CFR Part 141, Subpart O, section 151-155 and Appendix A. Your first Consumer Confidence Report will be due in 2009.
8. You must maintain a minimum free chlorine residual of 0.2 mg/l or a combined chlorine residual of 0.6 mg/l throughout the water distribution system at all times as required in Chapter 62-555-.350(6). The chlorine residual must be measured a minimum of twice a week and recorded on a monthly operation report.
9. All security related incidents must be reported to the State Warning Point at 1-800-320-0519 with your PWS # 6535727 in accordance with Chapter 62-555.350(2) FAC.
10. All dead end water mains must be flushed quarterly or in accordance with a written flushing plan as per Chapter 62-555.350(2).
11. You must begin maintaining system records as required by Chapter 62-555.720. Please use the following table as reference.

Record	Retention period
Bacteriological Analysis pursuant to Chapter 62-550	Not less than 5 years
Chemical Analysis pursuant to Chapter 62-550	Not less than 10 years
Records of action taken by the system to correct a violation of primary drinking water standards	Not less than 3 years after the last action taken with respect to the particular violation involved
Written reports, summaries, or communications relating to cross connection control programs or sanitary surveys of the system conducted by any local, state, or federal agency	Not less than 10 years after completion of the sanitary survey
Records concerning a variance or exemption granted to the system	Not less than 5 years following the expiration of the variance or exemption
Water plant operation reports	Not less than 5 years
Any system subject to the requirements of the Lead and Copper Rule shall retain original records of all sampling data and analysis, reports, surveys, letters, evaluations, schedules, Department determinations, and any other information required by this rule.	Not less than 12 years

12. Chapter 62-555.350(14) requires the supplier of water to have an updated map of the drinking water system. The map must show the location and size of water mains if known, location of valves and fire hydrants, pumping facilities and any interconnections with other public water systems.
13. Chapter 62-555.360(2) requires all community water systems to establish and **implement** a routine cross-connection control program to detect and control cross-connections and prevent backflow of contaminants into the water system. This program shall include a written plan that is developed using recommended practices of American Water Works Association set forth in *Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14*, as incorporated into Rule 62-555.330 FAC.

14. The water system must also comply with all applicable rules regarding Public Water Systems. These rules may be found at <http://www.dep.state.fl.us/water/rulesprog.htm#dw>.

Please take the necessary steps to correct these deficiencies within thirty (30) days of the date of this notice, unless otherwise specified and **notify the Department in writing**. If the deficiencies cannot be corrected within the thirty (30) day period, a written schedule stating when the deficiencies will be corrected must be submitted to this office within the thirty (30) day time frame. Failure to comply will result in referral to the enforcement section for further action and the possible imposition of a fine.

If you have any questions, please contact me at (863) 519-8330 ext. 12148.

Sincerely,



Daniela Sloan
Environmental Specialist II



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

August 24, 2011

Sent Certified U.S. Mail

Return Receipt No.: 7010 2780 0000 3974 1386

Island Club West/Four Points Utilities
c/o David M. Meadows
101 Golden Malay Palm Way
Davenport, FL 33897

RE: Island Club West/Four Points Utilities Water System
PWS ID No. 6535704

Warning Notice No. 11-653PW5704A

Dear Public Water System Owner:

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

- System failed to prepare and provide a consumer confidence report to customers and the Department in accordance with Chapter 62-550.824(3)(a) of the Florida Administrative Code (F.A.C.).
- System failed to submit Form 62-555.900(19), Certification of Delivery of Consumer Confidence Report, to the Department in accordance with Chapter 62-550.824(3)(e)1.b of the Florida Administrative Code (F.A.C.).

You are requested to contact Owen Devine at (863) 519-8330 Ext. 1151 within Ten (10) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Daniel O. Haight, MD, FACP
Director

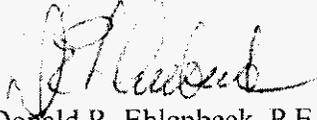
POLK COUNTY HEALTH DEPARTMENT
Environmental Engineering Division
2090 East Clower Street, Bartow, FL 33830-6741
Phone (863) 519-8330 FAX (863) 534-0245
www.mypolkchd.org

Hillary Register, Jr., MPH
Assistant Director

Page 2

Island Club West/Four Points Utilities - David M. Meadows

Sincerely,



Donald R. Ehlenbeck, P.E.
Administrator
Environmental Engineering

DRE/od

Copy to:

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

Email copy to:

[Robert Treanor] btreanor@islandhideaway.net

[C. Franklin] cfranklin@islandhideaway.net

[Tom Walden – Florida Public Service Commission] twalden@psc.state.fl.us

7010 2780 0000 3974 1386

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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7010 2780 0000 3974 1386

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Sent To

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or PO Box No.

City, State, ZIP+4



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

September 1, 2011

Sent Certified U.S. Mail

Return Receipt No.: 7010 2780 0000 3974 1423

Island Club West/Four Points Utilities
c/o David M. Meadows
101 Golden Malay Palm Way
Davenport, FL 33897

RE: Island Club West/Four Points Utilities Water System
PWS ID No. 6535704

Warning Notice No. 11-653PW5704B

Dear Public Water System Owner:

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

- System failed to conduct tap sampling for lead and copper in accordance with Chapter 62-550.800 of the Florida Administrative Code (F.A.C.).
- System failed to monitor and report for asbestos in accordance with Chapter 62-550.500 of the Florida Administrative Code (F.A.C.).
- System failed to submit completed monthly operation reports (MORs) within ten days after each month of operation in accordance with Chapter 62-550.350(12)(b) (F.A.C.)

You are requested to contact Owen Devine at (863) 519-8330 Ext. 1151 upon receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Daniel O. Haight, MD, FACP
Director

POLK COUNTY HEALTH DEPARTMENT
Environmental Engineering Division
2090 East Clower Street, Bartow, FL 33830-6741
Phone (863) 519-8330 FAX (863) 534-0245
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Hillory Register, Jr., MPH
Assistant Director

Page 2

Island Club West/Four Points Utilities - David M. Meadows

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Donald R. Ehlenbeck, P.E.
Administrator
Environmental Engineering

DRE/od

Copy to:

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

Email copy to:

[David Meadows] dmeadows@islandhideaway.net

[Robert Treanor] btreanor@islandhideaway.net

[A. Vido] avido@islandhideway.net

[Tom Walden – Florida Public Service Commission] twalden@psc.state.fl.us

Tom Walden

From: Owen_Devine@doh.state.fl.us
Sent: Friday, September 02, 2011 1:59 PM
To: btreanor@islandhideaway.net
Cc: david@icrd123.net; Donald_Ehlenbeck@doh.state.fl.us; Ronald_Stadelbacher@doh.state.fl.us; Tom Walden; dmeadows@islandhideaway.net
Subject: RE: ICW - Bimini Bay Meeting
Attachments: WN 082411 no ccr.doc; WN 090111.pdf; Bimini Bay WN 081711.pdf; WN 082411 no ccr.pdf
Robert,

As indicated in the last email the only thing I need on the day of the meeting is written approval from the owner that you are representing them in regard to enforcement cases (which now total 4) 11-653PW5704A; 11-653PW5704B; 11-653PW5727A and 11-653PW5727B all of which have been attached.

*Owen Devine
Environmental Specialist II*

Polk County Health Department
Environmental Engineering Division
2090 East Clower Street
Bartow, FL 33830-6741
(863) 519-8330 Ext. 12151
Owen_Devine@doh.state.fl.us

From: Robert treanor [mailto:btreanor@islandhideaway.net]
Sent: Friday, September 02, 2011 11:37 AM
To: Devine, Owen F
Cc: david@icrd123.net; Ehlenbeck, Don; Stadelbacher, Ron; twalden@psc.state.fl.us
Subject: RE: ICW - Bimini Bay Meeting

hi this is Robert Treanor I still work at bimini bay resort but I am part time due to personal reasons

thank you Robert Treanor

From: Owen_Devine@doh.state.fl.us [mailto:Owen_Devine@doh.state.fl.us]
Sent: Friday, September 02, 2011 11:13 AM
To: dmeadows@islandhideaway.net
Cc: btreanor@islandhideaway.net; Donald_Ehlenbeck@doh.state.fl.us; Ronald_Stadelbacher@doh.state.fl.us; twalden@psc.state.fl.us
Subject: ICW - Bimini Bay Meeting

Mr. Meadows,

Mr. Treanor indicated that he was willing to come into the office and discuss both Bimini Bay Resorts and Island Club West/Four Points Utilities. As gathered from my conversation with Mr. Treanor and now confirmed through Mr. Walden of the Florida Public Service Commission it appears Mr. Treanor no longer works for you company. In light of this I am still prepared to hold the Enforcement Meeting on September 9, 2011 at 10:00 am and request your presence. If this is not possible whoever is present to represent you, must have your written authorization allowing them to discuss the issues at hand. It is imperative

9/8/2011

that you understand that both Bimini Bay Resorts and Island Club West/Four Points Utilities have been identified by FDEP as significant non-compliance systems as well as the Florida Public Service Commission Mr. Walden. If you have any questions please do not hesitate to contact me. All previous correspondence in regard to your systems can be found under the Public Access site <http://wrmedms.dep.state.fl.us/Oculus/servlet/login>. Log in is netuser/netuser. Please let me know of your intentions.

Thank you

Owen Devine
Environmental Specialist II

Polk County Health Department
Environmental Engineering Division
2090 East Clower Street
Bartow, FL 33830-6741
(863) 519-8330 Ext. 12151
Owen_Devine@doh.state.fl.us

From: Tom Walden [mailto:TWalden@PSC.STATE.FL.US]
Sent: Friday, September 02, 2011 10:47 AM
To: Devine, Owen F
Subject: Declined: ICW - Bimini Bay Meeting
When: Friday, September 09, 2011 10:00 AM-10:30 AM (GMT-05:00) Eastern Time (US & Canada).
Where: EE

It was the PSC's understanding that Mr. Treanor no longer worked for Mr. Meadows at either Bimini Bay or Island Club West/Four Points Utility Corp.

Tom Walden

From: Lowenstine, Mark [MarkLowenstine@polk-county.net]
Sent: Thursday, September 08, 2011 11:34 AM
To: 'Owen_Devine@doh.state.fl.us'
Cc: Donald_Ehlenbeck@doh.state.fl.us; Ronald_Stadelbacher@doh.state.fl.us; Tom Walden; dmeadows@islandhideaway.net; btreanor@islandhideaway.net; Fries, Gary; Rohrich, Jake; Azzarella, Krystal

Subject: RE: ICW - Bimini Bay Enforcement Meeting

Owen,

I will be there at 10:00am at your building tomorrow.

Thank you,

Mark Lowenstine
Utilities Water and Wastewater Treatment Manager
1011 Jim Keene Blvd.
Winter Haven, FL. 33880
Phone: (863)298-4260
Fax: (863)298-4226

From: Owen_Devine@doh.state.fl.us [mailto:Owen_Devine@doh.state.fl.us]
Sent: Wednesday, September 07, 2011 4:22 PM
To: Lowenstine, Mark
Cc: Donald_Ehlenbeck@doh.state.fl.us; Ronald_Stadelbacher@doh.state.fl.us; twalden@psc.state.fl.us; dmeadows@islandhideaway.net; btreanor@islandhideaway.net
Subject: RE: ICW - Bimini Bay Enforcement Meeting

Keeps getting kicked back - not sure if it went though - please provide info that email went through.

Owen

From: Devine, Owen F
Sent: Wednesday, September 07, 2011 3:00 PM
To: 'marklowenstine@polk-county.net'
Cc: Ehlenbeck, Don; Stadelbacher, Ron; 'twalden@psc.state.fl.us'; 'dmeadows@islandhideaway.net'; 'btreanor@islandhideaway.net'
Subject: ICW - Bimini Bay Enforcement Meeting

Mark,

The reason for this email is to inform you of open enforcement cases which are ongoing with Bimini Bay Utilities and Island Club West/Four points. They have agreed to a meeting which has been scheduled for this Friday at 10:00. Just wanted to ensure the County was aware of two open enforcement cases for which the County supplies water to the system for. If a representative from PCU would like to attend Friday please do so otherwise I'll keep you in the loop as well as the public service commission.

Thank you

Owen

From: Devine, Owen F
Sent: Friday, September 02, 2011 1:59 PM
To: 'Robert treanor'
Cc: david@icrd123.net; Ehlenbeck, Don; Stadelbacher, Ron; twalden@psc.state.fl.us; 'dmeadows@islandhideaway.net'
Subject: RE: ICW - Bimini Bay Meeting

Robert,

As indicated in the last email the only thing I need on the day of the meeting is written approval from the owner that you are representing them in regard to enforcement cases (which now total 4) 11-653PW5704A; 11-653PW5704B; 11-653PW5727A and 11-653PW5727B all of which have been attached.

Owen Devine Environmental Specialist II

Polk County Health Department
Environmental Engineering Division
2090 East Clower Street
Bartow, FL 33830-6741
(863) 519-8330 Ext. 12151
Owen_Devine@doh.state.fl.us

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To: Devine, Owen F
Cc: david@icrd123.net; Ehlenbeck, Don; Stadelbacher, Ron; twalden@psc.state.fl.us
Subject: RE: ICW - Bimini Bay Meeting

hi this is Robert Treanor I still work at bimini bay resort but I am part time due to personal reasons

thank you Robert Treanor

From: Owen_Devine@doh.state.fl.us [mailto:Owen_Devine@doh.state.fl.us]
Sent: Friday, September 02, 2011 11:13 AM
To: dmeadows@islandhideaway.net
Cc: btreanor@islandhideaway.net; Donald_Ehlenbeck@doh.state.fl.us; Ronald_Stadelbacher@doh.state.fl.us; twalden@psc.state.fl.us
Subject: ICW - Bimini Bay Meeting

Mr. Meadows,

Mr. Treanor indicated that he was willing to come into the office and discuss both Bimini Bay Resorts and Island Club West/Four Points Utilities. As gathered from my conversation with Mr. Treanor and now confirmed through Mr. Walden of the Florida Public Service Commission it appears Mr. Treanor no longer works for you company. In light of this I am still prepared to hold the Enforcement Meeting on September 9, 2011 at 10:00 am and request your presence. If this is not possible whoever is present to represent you, must have your written authorization allowing them to discuss the issues at hand. It is imperative that you understand that both Bimini Bay Resorts and Island Club West/Four Points Utilities have been identified by FDEP as significant non-compliance systems as well as the Florida Public Service Commission Mr. Walden. If you have any questions please do not hesitate to contact me. All previous correspondence in regard to your systems can be found under the Public Access site <http://wrmedms.dep.state.fl.us/Oculus/servlet/login>. Log in is netuser/netuser. Please let me know of your intentions.

9/8/2011

Thank you

Owen Devine
Environmental Specialist II

Polk County Health Department
Environmental Engineering Division
2090 East Clower Street
Bartow, FL 33830-6741
(863) 519-8330 Ext. 12151
Owen_Devine@doh.state.fl.us

From: Tom Walden [<mailto:TWalden@PSC.STATE.FL.US>]
Sent: Friday, September 02, 2011 10:47 AM
To: Devine, Owen F
Subject: Declined: ICW - Bimini Bay Meeting
When: Friday, September 09, 2011 10:00 AM-10:30 AM (GMT-05:00) Eastern Time (US & Canada).
Where: EE

It was the PSC's understanding that Mr. Treanor no longer worked for Mr. Meadows at either Bimini Bay or Island Club West/Four Points Utility Corp.

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

9/8/2011