

State of Florida



Public Service Commission

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

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

DATE: August 22, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Penelope D. Buys, Engineering Specialist III, Division of Engineering pDB 
RE: Docket No. 130265-WU - Application for staff-assisted rate case in Charlotte County by Little Gasparilla water Utility, Inc.

Please incorporate these documents into the docket file.



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549
Southdistrict@dep.state.fl.us

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Electronic Correspondence

**In the matter of an
Application for Permit by:**

Permittee:

Jack Boyer, Vice President
Little Gasparilla Water Utility, Inc.
P.O. Box 5145
Grove City, FL 34224
Emailed to: lwjd777@yahoo.com

DEP File No: 327345-001-DS

County: Charlotte

Project Name: Little Gasparilla Island Water
Utility (LGIWU) Subaqueous WM Installation
Under Gasparilla Sound, Intercoastal Waterway
(ICWW), Placida, Florida

PWS ID: 6080175/5084100

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 327345-001-DS to construct the subject interconnect subaqueous water distribution system under Gasparilla Sound and Intercoastal Waterway for Little Gasparilla Island Water Utility and connect to Charlotte County Utilities, issued pursuant to Section 403.861(9), Florida Statutes.

This permit is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the paragraphs below or unless a request for extension of time in which to file a petition is filed within the required timeframe and conforms to Rule 62-110.106(4), F.A.C. Upon timely filing of a petition or a request for an extension, this permit will not be effective until further Order of the Department.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk for the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of receipt of this Notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. 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 petition must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for

- service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, including the specific facts which petitioner contends warrant reversal or modification of the Department's action;
 - (f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
 - (g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take.

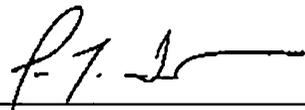
A petition that does not dispute the materials facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that, 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 such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to section 120.68 of the Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 when the final order is filed with the Clerk of the Department.

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of District Management
PO Box 2549
Fort Myers, Florida 33902
Phone Number (239) 344-5600
Enclosure: Permit

CERTIFICATION OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Issuance and all copies were mailed/electronically transmitted before the close of business on **August 22, 2014**, to those persons listed.

FILING AND ACKNOWLEDGEMENT

Filed, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 22, 2014

Date

Copies Furnished to:

Robert C. Stanley, P.E. rstanley@dmkassoc.com

Terri Couture, Utilities Director terri.couture@charlottefl.com

Megan Mills megan.mills@dep.state.fl.us



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Permittee:

Jack Boyer, Vice President
Little Gasparilla Water Utility, Inc.
P.O. Box 5145
Grove City, FL 34224
Emailed to: lwjd777@yahoo.com

PWS ID: 6080175/5084100

Permit Number: 327345-001-DS

Issue Date: August 22, 2014

Expiration Date: August 21, 2019

County: Charlotte

Project Name: Little Gasparilla Island
Water Utility (LGIWU) Subaqueous WM
Installation Under Gasparilla Sound,
Intercoastal Waterway (ICWW), Placida,
Florida
(Charlotte County Utilities)

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-550, and 62-555. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT: To install interconnect subaqueous water distribution system under Gasparilla Sound and Intercoastal Waterway from Little Gasparilla Island Water Utility to Charlotte County Utilities:

PROPOSED CONSTRUCTION INCLUDES:

- 1.) Installation of 3,675 Linear Feet (LF) of 8-inch HDPE Water Main (WM) by Horizontal Directional Drilling (HDD) in the water crossing (sheets 4 to 8)
- 2.) Installation of 27 LF of 8-inch PVC C900 DR18 WM at the connection to Charlotte County Utilities (sheet 4)
- 3.) Installation of 941 LF of 6-inch PVC C900 DR18 WM on Little Gasparilla Island (sheets 4, 8, & 9);
- 4.) Installation of 1,134 LF of 4-inch C900 DR18 WM on Little Gasparilla Island (sheet 9);

IN ACCORDANCE WITH: DMK Associates, Inc., design drawings, sheet numbers 1 through 12, dated August 4, and 13, 2014. The design drawing were submitted in support of the construction application. The application was dated August 6, 2014 and revised August 13, 2014 along with revised information received August 21, 2014.

LOCATION: The project is located at Little Gasparilla Island and Placida in Charlotte County, Florida. The directional boring will the Intercoastal Waterway connecting the two places. There is upland water line extension in the north end of the Little Gasparilla Island also. Work must be conducted in accordance with the General and Specific Conditions, attached hereto.

GENERAL CONDITIONS:

The following General Conditions are referenced in Florida Administrative Code Rule 62-4.160.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), 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 any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
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.
5. This permit does not relieve the permittee from liability 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, or from penalties therefore; 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.
6. The permittee shall 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, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. 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 where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee 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, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
- a. Determination of Best Available Control Technology (BACT)

- b. Determination of Prevention of Significant Deterioration (PSD)
 - c. Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)
 - d. Compliance with New Source Performance Standards
14. The permittee shall comply with the following:
- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates analyses were performed;
 - 4. the person responsible for performing the analyses;
 - 5. the analytical techniques or methods used;
 - 6. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

- 1. The Permittee shall retain service of a Florida-licensed plumbing contractor in accordance with subsection 62-555.520(3)(b), F.A.C., to inspect the construction of the project for the purpose of determining in general if the construction proceeds in compliance with the

permit, including the approved preliminary design report or drawings and specifications for the project.

2. The Permittee shall have complete record drawings produced for the project in accordance with subsection **62-555.530(4), F.A.C.**
3. The Permittee shall provide an operation and maintenance manual for all new or altered facilities to fulfill the requirements under subsection **62-555.350(13), F.A.C.**
4. The Permittee shall submit a certification of construction completion to the Department and obtain approval or clearance, from the Department per **Rule 62-555.345, F.A.C.**, before placing any public water system components constructed or altered under this permit in operation for any purpose other than disinfection, testing for leaks, or testing equipment operation. This does not prohibit the Permittee from cutting into existing water mains, and returning the water mains to operation in accordance with subsection **62-555.340(5), F.A.C.**, without the Department's approval.
5. Chemicals that are contained in coatings that are applied to a surface in contact with drinking water, or are otherwise on equipment surfaces that come into contact with the water, and additives and chemicals used to treat water shall conform to American National Standards Institute (ANSI)/NSF International Standard 60-1988. Water system components whose surfaces come into contact with drinking water shall conform to ANSI/NSF Standard 61-1991. The authorized representative of the public water system shall certify in writing that each item conforms to the appropriate standard prior to release for operation. [**Rules 62-555.320(3)(a), 62-555.320(3)(b) and 62-555.320(3)(d), F.A.C.**]
6. The installation or repair of any public water system, or any plumbing in residential or nonresidential facility providing water for human consumption, which is connected to a public water system, shall be lead free. [**Rule 62-555.322(1), F.A.C.**]
7. The permittee must instruct the engineer of record to request system clearance from the Department within sixty (60) days of completion of construction, testing and disinfecting the system. Bacteriological test results shall be considered unacceptable if the test were completed more than 60 days before the Department received the results. [**Rule 62-555.340(2)(c) F.A.C.**]
8. Permitted construction or alteration of a public water system may not be placed into service until a letter of clearance has been issued by this Department. [**Rule 62-555.345, F.A.C.**]. Prior to placing this project into service, Permittee shall submit, at a minimum, all of the following to the Department for evaluation and approval for operation, as provided in **Rules 62-555.340 and 62-555.345, F.A.C.:**
 - a. the Certification of Construction Completion and Request for Clearance to Place Permitted PWS Components Into Operation {DEP Form 62-555.900(9)};
 - b. Certified record drawings, if there are any changes noted for the permitted project.

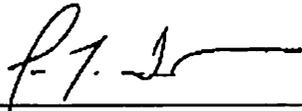
- c. Copy of a satisfactory pressure test of the process piping performed in accordance with AWWA Standards. [Rule 62-555.320(21)(a)(1), F.A.C.]
- d. Two consecutive days of satisfactory distribution bacteriological analytical results.

In order to facilitate the issuance of a letter of clearance, the Department requests that all of the above information be submitted as one package.

- 9. This permit is issued with the understanding that an Environmental Resource Permitting (ERP) must be obtained from the Department for the subaqueous crossing under Gasparilla Sound and Intercoastal Waterway prior to the initiation of any construction of the proposed project.
- 10. The permittee or suppliers of water shall telephone the State Warning Point (SWP), at 1-800-320-0519 immediately (i.e. within two hours) after discovery of any actual or suspected sabotage or security breach, or any suspicious incident, involving a public water system in accordance with the F.A.C. Rule 62-555.350(10).

Issued this 22nd day of August, 2014.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of District Management