

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-**

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**DATE:** November 10, 2015  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Melinda Watts, Engineering Specialist, Division of Engineering   
**RE:** Docket No. 150102-SU- Application for increase in wastewater rates in Charlotte County by Utilities, Inc. of Sandalhaven.

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Please file the attached DEP Complaints in the above mentioned Docket File.

Thank you.

## Melinda Watts

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**From:** Loughlin, Diane <Diane.Loughlin@dep.state.fl.us>  
**Sent:** Tuesday, November 10, 2015 2:17 PM  
**To:** Melinda Watts  
**Cc:** Carpenter, Jennifer  
**Subject:** RE: Utilities Inc. of Sandalhaven  
**Attachments:** COMPLAINT - Fiddlers Green - 6800 Placida Rd. Englewood .pdf; DOH 6800 Placida Rd narrative.pdf; DOH 6800 Placida Rd photos.pdf; Sandal haven WWTP.pdf; Letter from LBC re Sandalhaven 7-14-14.pdf; Letter from LBC Re Sandalhaven WWTP 5-15-14.pdf

Good afternoon, Ms. Watts,

We were first made aware of a complaint regarding the Sandalhaven WWTP on April 16, 2014. Robert Feldman of Charlotte County DOH called Keith Kleinmann and informed him of his findings from his inspection of the site the day prior (see attached DOH report). Keith sent me a brief email regarding the complaint and I performed an inspection that same day (see attached email). While I was on site for the inspection, Mr. Furman approached me and shared his concerns and asked to be kept informed of any DEP actions in regards to the Sandalhaven WWTP.

On May 2, 2014, a complaint from Veronica Stier was forwarded to my attention via Lina Cerquera of DEP's Office of Emergency Response (see attached email). I called Ms. Stier and let her know that we were already aware of possible issues with the Sandalhaven WWTP and would be sending the facility a Compliance Assistance Offer letter.

Our Compliance Assistance Offer letter was issued on May 5, 2014. Fiddler's Green brought this letter to the attention of the Lemon Bay Conservancy, who also reached out to me to express their concerns regarding the facility. Letters received from Lemon Bay are also attached.

In total, 3 complainants contacted our office to express concerns regarding the Sandalhaven WWTP. They were:

Leroy Furman, President  
Fiddler's Green Condominium Association II, Inc  
(941) 697-9359

Veronica Stier  
Fiddler's Green resident  
(941) 214-8747

Percy Angelo, VP  
Lemon Bay Conservancy, Inc  
(941) 830-8922

The CAO issued on May 5, 2014 and the LFCO executed on October 8, 2014 were intended to address these complaints. Utilities Inc ultimately decided to connect the Sandalhaven WWTP to the City of Englewood. All flow was diverted on November 2, 2015 and the facility is currently being decommissioned. Upon receiving notification of the completion of the decommissioning, we will close our enforcement case.

I hope this helps. Please feel free to call me if you have any questions or require any additional information.

Thank you,

*Diane Loughlin*

Environmental Consultant – Wastewater  
Program and Citizen Support Services  
Florida Department of Environmental Protection – South District  
Phone: 239-344-5641  
Fax: 850-412-0590  
Diane.Loughlin@dep.state.fl.us

**From:** Bowersox, Sherry  
**Sent:** Tuesday, November 10, 2015 11:14 AM  
**To:** Mwatts@PSC.STATE.FL.US  
**Cc:** Sawicki, Sharon; Potts, Elsa; Lawson, Jeffrey; Loughlin, Diane  
**Subject:** RE: Utilities Inc. of Sandalhaven

Ms. Watts,

Please contact Diane Loughlin with DEP's South District (239-344-5641). She is familiar with the Sandalhaven facility and will be able to provide you with the information you requested below.

Thank you,

Sherry Bowersox  
Wetlands Coordinator  
Domestic Wastewater Section  
Florida Department of Environmental Protection  
(850) 245-8609

**From:** Melinda Watts [<mailto:Mwatts@PSC.STATE.FL.US>]  
**Sent:** Friday, November 06, 2015 10:21 AM  
**To:** Lawson, Jeffrey <[Jeffrey.Lawson@dep.state.fl.us](mailto:Jeffrey.Lawson@dep.state.fl.us)>  
**Subject:** Utilities Inc. of Sandalhaven

Mr. Lawson:

As we discussed on the phone, Utilities Inc. of Sandalhaven (Sandalhaven) has a request for a rate increase with the Commission. Sandalhaven is a wastewater only utility in Charlotte County. The perc ponds have been unable to handle the demand from the customers, and wastewater was leaching out into the surrounding area. After receiving complaints from residents near the plant, or from the county health department (I'm not certain of the exact DEP contact history with this system), DEP investigated, found the ponds were failing and entered into a Consent Order with Sandalhaven to reroute the wastewater to another treatment facility (Sandalhaven has a contract with Englewood Water District for treatment) and decommission the WWTP.

Charlotte County-DW  
FLA014053 Sandalhaven WWTP  
OGC Case No: 14-0536-08-DW

In reviewing the documents available on Oculus, I can see that DEP has had contact with representatives of Fiddlers Green and Lemon Bay Conservancy, but I don't think I'm seeing the complete record. A customer also made the comment at the customer meeting that the Charlotte County Health Department contacted DEP regarding this matter. Would you please provide me with the complaints filed with DEP against Sandalhaven

for the period January 1, 2012, to the present, with the date, the name of the complainant, nature of the complaint, how it was resolved, and if not resolved, the status?

Let me know if you have any questions.

*Melinda Watts*

Florida Public Service Commission

(850) 413-6952 (voice)

(850) 413-6953 (fax)



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To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General & Secretary

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This picture taken on Date: 4/15/2014

at Time 12:26 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the swale with possibly treated wastewater flows down to mangrove creek and into the Lemon Bay and Lemon Lake areas. Area taped off by property manager.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

Date: 4/15/2014



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This picture taken on Date: 4/15/2014

at Time 13:00 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the wet swale with a corroded steel dam that does not prevent this water from reaching the adjacent mangrove creek area.

Picture taken by Robert Feldman, Environmental Specialist

Signature: *Robert Feldman*

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:41 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater alongside the dumpster area. The wet swales along the pond lead to a creek.

Picture taken by Robert Feldman, Environmental Specialist

Signature: *Robert Feldman*

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:42 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater in the swale alongside the dumpster area. The wet swales along the pond lead to a creek.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

Date: 4/15/14

**Florida Department of Health in Charlotte County  
Environmental Health**

18500 Murdock Circle, Bldg B, Suite 203 · Port Charlotte, FL 33948  
PHONE: 941/743-1266 · FAX 941/743-1533  
www.CharlotteCHD.com

[www.FloridasHealth.com](http://www.FloridasHealth.com)

TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh

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This picture taken on Date: 4/15/2014

at Time 12:48 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater in the swale alongside the dumpster area. The wet swales along the pond lead to a creek.

Picture taken by Robert Feldman, Environmental Specialist

Signature: *[Handwritten Signature]*

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:41 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the dumpster area that gets possibly treated wastewater several inches deep which tenants have to walk thru in order to dump their trash. Note the water stains on the slab.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

Date:

4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:38 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows a swale with some water in it. Complainant says it has dried up from before. The percolation pond is on the right of this swale, past the trees. The water in the swales occurs on each side of this pond.

Picture taken by Robert Feldman, Environmental Specialist

Signature: *Robert Feldman*

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 13:03 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the creek leading to Lemon Bay. This water body reportedly is the breeding grounds for tarpon fingerlings. The wet swales along the pond lead to this creek.

Picture taken by Robert Feldman, Environmental Specialist

Signature: 

Date: 4/15/14

**Florida Department of Health in Charlotte County**

**Environmental Health**

18500 Murdock Circle, Bldg B, Suite 203 · Port Charlotte, FL 33948  
PHONE: 941/743-1266 · FAX 941/743-1533  
www.CharlotteCHD.com

[www.FloridasHealth.com](http://www.FloridasHealth.com)

TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh

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This picture taken on Date: 4/15/2014

at Time 12:28 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows a Utilities Inc, wastewater treatment facility percolation pond. The water in the swales occurs on each side of this pond.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

A handwritten signature in black ink, appearing to read "Robert Feldman".

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:28 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater alongside the pond area. The wet swales along the pond lead to a creek. The floating green growth is similar to the green growth floating in the adjacent pond.

Picture taken by Robert Fejdman, Environmental Specialist

Signature:

Date: 4/15/14

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This picture taken on Date: 4/15/2014

at Time 12:27 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater alongside the pond area. This wet swale along the pond leads to a creek. The floating green growth is similar to the green growth floating in the adjacent pond.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

Date: 4/15/14

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**Environmental Health**  
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PHONE: 941/743-1266 · FAX 941/743-1533  
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This picture taken on Date: 4/15/2014

at Time 12:30 PM

Location: 6800 Placida Rd Englewood, FL 34224  
08-99-219992

Charlotte County Reference Number:

Comments: The picture shows the possibly treated wastewater in the swale alongside the buildings. This wet swale leads to a creek.

Picture taken by Robert Feldman, Environmental Specialist

Signature:

Date: 4/15/14

Charlotte County Environmental Health

**Complaint Information**

**Name:** Fiddler's Green Condo Assn II (Pool) (Furman,  
**Location:** 6800 Placida Road  
**City St Zip:** Englewood FL 34224  
**Directions:**

**Owner Information**

**Owner:** 6800 Placida Rd LLC  
**Address:** 325 Chestnut Street, Suite 910  
**City St Zip:** Philadelphia PA 19106  
**Phone:** (941) 697-9359

**Occupant Information**

**Occupant:** Numerous  
**Address:**  
**City, St Zip:**  
**Phone:**

**Nature of Complaint**

**Recorded By:** Leslie Beauchamp (BeauchampLL)

Mr. Furman says there is stnding stagnant water that was never there before the Amberjack County Park and Utilities across from them. Utilites claims they are perculating 100,000 gpd through the ground. The county has been out and Sanders Labs have been taking water tests. Mr. Furmans cell phone # is 941-391-8056

**Complainant Information**

**Complainant:** Furman, Mr  
**Address:** 6800 Placida Road  
**City, St Zip:** Englewood FL 34224  
**Phone:** (941) 391-8056

**Date Notified:** \_\_\_\_\_

SITE INSPECTION		TELEPHONE	
VALID	INVALID	ABATED	04/16/2014
REFERRED TO _____			

**LEGAL NOTICE** No \_\_\_\_\_

DATE	CONDITIONS FOUND
04/17/2014	4/17/2014 Printed pictures taken of complaint investigation. The photos and text will be forwarded to Mr Keith Kleinmann at the DEP. (Department of Environmental Regulation). A copy will be sent to the complainant at his request. Referred. RF

FeldmanBM

**Complaint Information**

**Name:** Fiddler's Green Condo Assn II (Pool) (Furman,  
**Location:** 6800 Placida Road  
**City St Zip:** Englewood FL 34224  
**Directions:**

**Owner Information**

**Owner:** 6800 Placida Rd LLC  
**Address:** 325 Chestnut Street, Suite 910  
**City St Zip:** Philadelphia PA 19106  
**Phone:** (941) 697-9359

**Occupant Information**

**Occupant:** Numerous  
**Address:**  
**City, St Zip:**  
**Phone:**

**Nature of Complaint**

**Recorded By:** Leslie Beauchamp (BeauchampLL)

Mr. Furman says there is stnding stagnant water that was never there before the Amberjack County Park and Utilities across from them. Utilities claims they are perculating 100,000 gpd through the ground. The county has been out and Sanders Labs have been taking water tests. Mr. Furmans cell phone # is 941-391-8056

**Complainant Information**

**Complainant:** Furman, Mr  
**Address:** 6800 Placida Road  
**City, St Zip:** Englewood FL 34224  
**Phone:** (941) 391-8056

Date Notified:

SITE INSPECTION		TELEPHONE	
VALID	INVALID	ABATED	04/16/2014
REFERRED TO			

LEGAL NOTICE No

**DATE**  
04/15/2014

**CONDITIONS FOUND**

4/15/2014 Took complaint from the Englewood basket, appeared to be treated wastewater complaint, I also had septic inspection less than mile from site. I contacted Complainant, met him at 1:12 PM, at the percolation pond for Utilities Inc, at 6811 Placida Rd. He showed me the swale alongside the percolation pond with several inches of water, covered by a green mat of growth, similar to that in the pond. He states it has been like that since at least September, 2013. The water flows down the ditch, thru a culvert alongside several apartment buildings towards Lemon Bay Creek. The creek leads to Lemon Bay and Lemon Lake. The creek is also the breeding ground for tarpon hatchlings. The complaint appears to be valid. I took several photos of the ditch, the pond, the ditch at entrance to the creek. The complainant has taped off the area with caution tape to keep people from walking thru the water. I also met with Glen Spears, maintenance man for the complex. Another area of concern is the ditch between Townhomes 3 & 4 as it is wet, spongy, leads also to the main swale and into the creek. I took some photos at this site. Complainant then showed me the wet area on the left side of same percolation pond. This area was saturated with signs of overflow onto the parking lot and dumpster area. He has taped off this area as well. I took photos here. At times, complainant says area is so deep in water, tenants are unable to dump garbage without walking thru the standing water. The Utility used to have contract to provide 100,000 gpd of treated wastewater to the golf couse adjacent to property. The agreement is over and the Utility percolates the water into the ground. He says Sanders Labs took samples and has counts of 400 and 300 cfu. I have not received a copy of this report. I informed complainant of our DEP agency agreement and told him I will be referring complaint. rf

FeldmanBM

04/16/2014

4/16/2014 I contacted Department of Environmental Protection, DEP, at 8:20 am, talked with Keith Kleinmann. I informed him of the findings from yesterday, I provided him with complainants name, number, fax number. I told him I would email him the photos I took and that I had not received the actual Sanders Lab report. I told him the complainant was meeting with Mr Mike Wilson, Plant Manager this thursday. I mentioned that the water may possibly flow from an overflow pipe for the percolation pond. Complaint has been referred. rf

FeldmanBM

**Loughlin, Diane**

---

**From:** Kleinmann, Keith  
**Sent:** Wednesday, April 16, 2014 8:30 AM  
**To:** Newburg, Deanna; Ivey, Brandon; Loughlin, Diane; Rhodes, David; Walters, Ron  
**Subject:** Sandal haven WWTP

Mr. Furman (941) 391-8056 complaining about ponds leaching into adjacent swales which leads to surface waters. Wants to have it looked at and called back.

**From:** Cerquera, Lina  
**Sent:** Friday, May 02, 2014 9:28 AM  
**To:** Loughlin, Diane  
**Subject:** COMPLAINT - Fiddlers Green - 6800 Placita Rd. Englewood

Hey!

Veronica Stier  
6800 Placita Rd.  
Englewood, FL  
(941) 214-8747

Muddy colored water and odor from a pond in her community that leads to Lemon Bay. Sewage is the main suspect. Turbidity started in mid-April, claims it has never been an issue in the past.

Association contact: Martha 941-697-9358

Ms. Stier will be depart to Canada tomorrow but you can reach her at 705-285-4927 and [bstier@brockport.edu](mailto:bstier@brockport.edu).

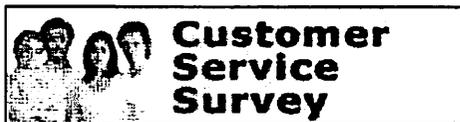
Thanks!



**LINA M. CERQUERA**  
Emergency Response Specialist  
Office of Emergency Response

**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
2295 VICTORIA AVE., SUITE 364  
P.O. BOX 2549  
FORT MYERS, FL 33902-2549

Phone: 239-344-5707  
Fax: 850-412-0590  
SWO (24 Hour): 800-320-0519  
[Lina.Cerquera@dep.state.fl.us](mailto:Lina.Cerquera@dep.state.fl.us)



# LEMON BAY ESTABLISHED 1971 CONSERVANCY

*'Protecting Charlotte Harbor and Lemon Bay'*

May 15, 2014

Albert D. McLaurin, P.E.  
Assistant Director, South District Office  
Florida Department of Environmental Protection  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Re: Sandalhaven WWTP, FLA 14053, Charlotte County

Dear Mr. McLaurin:

Lemon Bay Conservancy is a land conservancy serving Lemon Bay and Charlotte Harbor. We own the Wildflower Preserve, a nature preserve located on Gasparilla Pines Boulevard in Englewood, which is bordered on the south by the Sandalhaven WWTP and various condo associations including Fiddlers' Green II (FG II).

FG II has called our attention to a letter sent by you to Patrick C. Flynn of Utilities, Inc. of Sandalhaven regarding a compliance inspection of the Sandalhaven WWTP showing a violation of effluent disposal requirements in that operation of the "facility percolation ponds has created, via seepage and excessive groundwater mounding, an unauthorized offsite discharge to adjacent properties, adjacent stormwater retention ponds, and potentially to nearby surface waters related to Lemon Creek and Lemon Bay."

Apparently percolation ponds at the WWTP are being operated at a rate of 79,000 gallons per day, instead of 45,000 gallons per day.

We know our neighbors at FG II are extremely concerned, as are we. The impacted "nearby surface waters related to Lemon Creek and Lemon Bay" are located to a large extent on our Wildflower Preserve property. Among other potential impacts our brackish Wildflower ponds which are connected to Lemon Creek have been found to function as a nursery area for juvenile tarpon. The ponds and tarpon are currently being studied by a collaboration of various experts, including Mote Marine, the first such juvenile tarpon study anywhere.

The concern is especially strong in light of the coming rainy season which increases the rate of both overland and subsurface flow of WWTP effluent with resulting impact to our tarpon nursery ponds. In addition to the risk to neighboring residents, the potential damage to the juvenile tarpon affects the area wildlife communities as well as the economic resource represented by the tarpon fishery: over \$110 million in Charlotte Harbor alone based on a study by Dr. Aaron Adams of Mote.

We ask that you keep us informed of your findings regarding this noncompliance and that you press to see that the situation is resolved immediately. We know our FG II neighbors feel the same way. We believe, for example, that in the past Sandalhaven had an agreement to discharge flow to the Englewood Water District and wonder if that couldn't be a solution to the problem.

Thank you for your efforts and we look forward to hearing back from you.

Very truly yours,



Jim Cooper, President

C: Diane Loughlin ✓  
Brandon Ivey ✓  
David Rhodes, P.G. ✓  
Leroy Furman, Fiddlers' Green II ✓