

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: February 28, 2020

TO: Adam Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Kordell A. Wilson, Public Utility Analyst II, Division of Accounting & Finance

RE: Docket No. 20190116-SU – Application for staff-assisted rate case in Brevard County by Merritt Island Utility Company, Inc. – Florida Department of Environmental Protection, Compliance Inspection Warning Letter

Please file the attached documents from the Florida Department of Environmental Protection regarding the Utility in the above-referenced docket. Thank you for your assistance with this matter. Please do not hesitate to contact me if you have any questions.

Attachment

RECEIVED-FPSC
2020 FEB 28 AM 11:59
COMMISSION
CLERK



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

November 14, 2019

Gary Deremer
Merritt Island Utility Company Inc
4939 Cross Bayou Blvd
New Port Richey, Florida 34652-3434
gderemer@uswatercorp.net

Re: Warning Letter
Merritt Island Utility Company WWTF
DW FLA010377
Brevard County

Dear Mr. Deremer

A Compliance Evaluation Inspection was conducted at your facility on October 16, 2019. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-620, Florida Administrative Code (F.A.C.), Chapter 62-604 F.A.C. and Chapter 62-610, F.A.C. were observed.

During the inspection Department personnel noted the following:

- Excessive vegetation in the Rapid Infiltration Basins (RIBs)
- Failure of the blower.
- Solids present in chlorine contact chamber and the RIBs
- Several Total Suspended Solid (TSS) and Fecal Coliform permit limit exceedances.

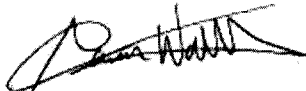
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, Florida Statutes.

Please contact Carolyn Hall, at (407) 897-4114, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving 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 resolving this matter.

Merritt Island Utility Company WWTF; FLA010377.:
Warning Letter
Page 2 of 2
11/14/2019

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins". The signature is stylized with a large initial "A" and a long horizontal stroke.

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/ds/ch

Enclosures: Inspection Report (with attachments)

cc: David Smicherko, David.Smicherko@dep.state.fl.us
Carolyn Hall, Carolyn.X.Hall@FloridaDEP.gov

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTEWATER COMPLIANCE INSPECTION REPORT**

Facility Name and Physical Address Merritt Island Utility Company WWTF 6710 Orleans Court Merritt Island, FL 32953	WAFR ID FLA010377	County Brevard	Entry Date 10/16/2019	Entry Time 8:50 am
	Facility Phone # (727) 848-8292		Exit Date 10/16/2019	Exit Time 9:36 am



LAT	28	°	28	'	43.191	"
LONG	80	°	42	'	44.3129	"

Name(s) of Field Representatives(s) and Title Shane Howard <small>Click or tap here to enter text.</small>	Operator Certification # n/a <small>Click or tap here to enter text.</small>	Email mshoward@uswatercorp.net <small>Click or tap here to enter text.</small>	Phone (352) 266-0741 <small>Click or tap here to enter text.</small>
Name & Address of Permittee / Designated Rep. Gary Deremer 4939 Cross Bayou Blvd New Port Richey, Florida 34652-3434	Title President	Email gderemer@uswatercorp.net	Phone (727) 848-8292

Inspection Type	<input checked="" type="checkbox"/> C	<input type="checkbox"/> E	<input type="checkbox"/> I	Samples Taken(Y/N): N	Sample ID#: N/A	Samples Split (Y/N): N/A
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Domestic **Industrial**

FACILITY COMPLIANCE AREAS EVALUATED							
IC = In Compliance; MC = Minor Out of Compliance; NC = Out of Compliance; SC = Significant out of Compliance; NA = Not Applicable; NE = Not Evaluated Significant Non-Compliance Criteria Should be Reviewed when Out of Compliance Ratings Are Given in Areas Marked by a "♦"							
	PERMITS/ORDERS		SELF MONITORING PROGRAM		FACILITY OPERATIONS		EFFLUENT/DISPOSAL
IC	1. ♦ Permit	IC	3. Laboratory	NC	6. Facility Site Review	SC	9. ♦ Effluent Quality
IC	2. ♦ Compliance Schedules	IC	4. Sampling	IC	7. Flow Measurement	NC	10. ♦ Effluent Disposal
		IC	5. ♦ Records & Reports	IC	8. ♦ Operation & Maintenance	IC	11. Biosolids
						NA	12. ♦ Groundwater
NA	14. Other					NC	13. ♦ SSO Survey

Facility and/or Order Compliance Status:	<input type="checkbox"/> In-Compliance	<input type="checkbox"/> Out-Of-Compliance	<input checked="" type="checkbox"/> Significant-Out-Of-Compliance
Recommended Actions: Warning Letter			
Name(s) and Signature(s) of Inspector(s) Carolyn Hall 	<small>Click here to enter text</small>	District Office/Phone Number (407) 897-4114	Date 10/24/2019
Name and Signature of Reviewer David Smicherko 		District Office/Phone Number CD 407-897-4169	Date 11/4/2019

Single Event Violations (*SNC SEVs)

Check for Yes	Evaluation Area	Description	Finding Description	Finding ID
<input type="checkbox"/>	Permit	Effluent Violations - Unapproved Bypass	Wastewater was diverted from a portion of the treatment process without department approval.	UNBY
<input type="checkbox"/>	*Permit	Permit Violations - Discharge Without a Valid Permit	The facility was operating without a permit or with an expired permit.	UPHI
<input type="checkbox"/>	Permit	Permit Violations - Failure to Submit Timely Permit Renewal Application	The permittee failed to submit an application to renew the existing permit at least 180 days prior to expiration.	PFSA
<input type="checkbox"/>	Laboratory	Management Practice Violations - Laboratory Not Certified	The laboratory was not certified by the National Environmental Laboratory Accreditation Conference (NELAC).	LNCE
<input type="checkbox"/>	Sampling	Monitoring Violations - Analysis not Conducted	The facility failed to collect and/or analyze samples as required by permit or enforcement action.	ANCV
<input type="checkbox"/>	Sampling	Monitoring Violations - Failure to Monitor for Toxicity Requirements	The facility failed to collect and/or analyze routine or follow-up toxicity samples.	FTOX
<input type="checkbox"/>	Records and Reports	Management Practice Violations - Failure to Develop Adequate SPCC Plan	The facility failed to develop or maintain their Spill Prevention Control and Countermeasures (SPCC) plan.	FSPC
<input type="checkbox"/>	Records and Reports	Management Practice Violations - Failure to Maintain Records	The facility failed to maintain records for the required retention period.	FMRR
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to Notify	The permittee failed to notify the department of any event or activity that requires notification as required by permit or rule.	RSWP
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to Submit DMRs	The permittee failed to submit any DMR required by rule, permit, or enforcement action in a timely manner.	FDMR
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to submit required report (non-DMR, non-pretreatment)	The facility failed to submit any report required by rule, permit, enforcement action or inspection activity except for DMRs.	FRPT
<input type="checkbox"/>	Facility Site Review	Management Practice Violations - Improper Land Application (non-503, non-CAFO)	The land application system was not being maintained.	LASN
<input type="checkbox"/>	Flow Measurement	Monitoring Violations - No Flow Measurement Device	The facility failed to install a flow measurement device, an approved flow measurement device, or a working flow measurement device.	NOFL
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - Improper Operation and Maintenance	The facility failed to follow their operation and maintenance plan/manual.	IONM
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - Inflow/Infiltration (I/I)	The facility had an inflow and infiltration problem causing collection system issues and/or operational issues.	ININ
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - No Licensed/Certified Operator	The facility was being operated without a certified operator or by an operator that is not licensed for the size of plant.	ONCO
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent acute toxicity has been documented through follow-up tests.	EATX
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent chronic toxicity has been documented through follow-up tests.	ECTX
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent acute or chronic toxicity has been documented in the effluent through the use of routine and follow-up tests.	ETOX
<input type="checkbox"/>	Effluent Quality	Effluent Violations - Narrative Effluent Violation	The facility violated a permit or enforcement narrative effluent limit.	XNEV
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Reported Fish Kill	The facility had a discharge of wastewater that resulted in a fish kill.	XFSH
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to Maintain Records or Meet Record Keeping Requirements	The facility failed to keep routine documentation and reporting records of spills, and/or operation and maintenance activities on the collection/transmission system.	SSO2
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to monitor	The facility failed to collect and/or analyze bacteriological samples for sewage spills that reached surface waters.	SSO3
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to report violation that may endanger public health 122.41(1)(7)	The facility failed to report a sewage spill within 24 hours of discovery.	SSO4
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Improper Operation and Maintenance	The facility failed to perform routine preventative maintenance to keep the collection/transmission system in good working order.	SSO5

Facility Treatment Summary:

An existing 0.070 million gallon per day (MGD) annual average daily flow (AADF) permitted capacity extended aeration domestic wastewater treatment plant consisting of aeration, secondary clarification, chlorination, and aerobic digestion of biosolids. Construction is authorized for two new 1,250-gallon chlorine contact chambers (2,500 gallons total) and converting the existing split tank to a digester tank. R-001 is a reuse system which consists of three (3) rapid infiltration basins.

1. ♦Permit: In-Compliance

Current Permit available on-site?	See Observation
Date Permit issued	March 28, 2017
Date Permit Expires	March 27, 2022
Permit Renewal Application due by	September 28, 2021.
Administrative or Judicial Orders?	N/A

2. ♦Compliance Schedules: In-Compliance

Compliance Schedule in Permit met?	Yes
Compliance Schedules in Order are being met?	Not Applicable

2.1 Observation: The compliance schedules listed in section VI of the permit have been completed.

Improvement Action	Completion Date
1. Replace missing pump and discharge piping for Pump Station #2	05/31/2017
2. Install two new Chlorine Contact Chambers and convert split tank to Digester Tank	03/31/2018
3. Replace corroded safety rails	05/31/2017

3. Laboratory: In-Compliance

Contract Lab Name and Certification #	Advanced Environmental Lab
Facility DOH Certification #	E-53076

4. Sampling: In-Compliance

Sampling conducted during inspection?	No
Sampling observed during inspection?	No
Sampling conducted at locations identified by the permit?	Yes
Safe access to sampling locations?	Yes

5. ♦Records and Reports: In-Compliance

Documents/Records reviewed	Time frame
Discharge Monitoring Reports (DMRs)	09/01/2018-09/30/2019

5.1 Observation:

- There is no RPZ on site, so no certification is required.
- A valid operation and maintenance manual is kept on site within the facility shed.
- A valid operator license is on site for Hector Velazquez (# 0024042) expiring on April 30, 2021.
- The operators log book was properly bound and numbered. It contained all relevant sampling and maintenance was logged. The operator is meeting the onsite staffing requirements of 5 days a week for a half hour each day.

6. Facility Site Review: Out-of-Compliance

6.1 **Deficiency: The blower was not operational at the time of inspection causing solids to discharge into the chlorine contact chamber and into the RIBs.**

Rule/Permit Reference: 62-620.610(7), F.A.C. - All facilities and equipment necessary for the treatment, reuse, and disposal of domestic wastewater and biosolids shall be maintained, at a minimum, so as to function as intended. 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.

Corrective Action: Please submit a malfunction report and provide repairs made to the blower to the department by email once completed.

- 6.2 Observation: At the time of inspection the operator noted the blower had been tripping for several days and they suspected thermal issues.
- 6.3 Observation: *Access Control-* The facility was fenced, locked, and had the appropriate advisory signs. There were no odors, excessive corrosion, or excessive noise noted. There were no leaks at the time of inspection.
- 6.4 Observation: *Headworks-* Influent comes in from the lift station into the aeration basin. Debris is cleaned from the aeration basin each visit and disposed of into a covered screening container.
- 6.5 Observation: *Aeration-* The facility contains one aeration basin and one blower. At the time of inspection, the blower was malfunctioning. The blower had belt guards. There was no excessive foam present. Adequate mixing was unable to be determined.
- 6.6 Observation: *Clarifier-* The facility contains one clarifier. There was some debris and pop-ups noted in the clarifier. The stilling was clean. The weirs were level and without fouling. The effluent leaving the weir appeared clear.
- 6.7 Observation: *Disinfection/ Chlorine Contact Chamber-* The facility contains one large disinfection chamber with baffles. Sodium hypochlorite is used for disinfection. There is one Stenner hypo pump that was operational. There were solids present in

the chlorine contact chamber and the effluent leaving the chamber was murky brown in color.

- 6.8 **Observation:** Lift Station- The facility contains two lift stations with two pumps per station. Each lift station was fenced and locked. Both appeared to be functioning and had audible and visual alarms present. The second lift station recently had two new pumps installed as well as new piping.
- 6.9 **Observation:** Digester- The facility recently converted their split tank into a single digester. The digester had storage available. No odors or vectors were detected.

7. Flow Measurement: In-Compliance

Flow meter present and location as per permit?	Yes
Easy access to flow meter?	Yes
Date of last flow meter calibration	10/15/2019

- 7.1 **Observation:** The flow calibration was produced electronically. The flow meter was calibrated by U.S. Water.

8. Operation and Maintenance: In-Compliance

Facility being operated as per permit?	Yes
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9. Effluent Quality: Significant-Out-Of-Compliance

DMRs review period	9/01/2018-09/30/2019
Any exceedances?	Yes

- 9.1 **Deficiency:** During the DMR review period the following annual effluent exceedances for Total Suspended Solids (TSS) were noted:

Month	Monitoring Location	Parameter	Result	Limit
09/2018	EFA-1	TSS	29.3 mg/L	20 mg/L
10/2018	EFA-1	TSS	24.8 mg/L	20 mg/L
11/2018	EFA-1	TSS	22.4 mg/L	20 mg/L
12/2018	EFA-1	TSS	20.4 mg/L	20 mg/L
01/2019	EFA-1	TSS	22.5 mg/L	20 mg/L
02/2019	EFA-1	TSS	21.5 mg/L	20 mg/L
03/2019	EFA-1	TSS	20.3 mg/L	20 mg/L
04/2019	EFA-1	TSS	20.5 mg/L	20 mg/L

Rule/Permit Reference: Rule/Permit Reference: 62-610.420 (3) (b) F.A.C. Except as specifically required by other Department rules or Florida Statutes, all domestic wastewater facilities shall provide, at a minimum, secondary treatment of wastewater prior to reuse or disposal. Secondary treatment requirements are specified below:

(3) Reuse, land application, or groundwater discharge (including underground injection):

(b) Total Suspended Solids

1. The annual average shall not exceed 20.0 mg/L,
2. The monthly average shall not exceed 30.0 mg/L,
3. The weekly average shall not exceed 45.0 mg/L; and,
4. The maximum-permissible concentration in any single sample shall not exceed 60.0 mg/L.

Corrective Action: The exceedances were reported on the DMR and no further action is required at this time.

9.2 Deficiency: During the DMR review period the Fecal Coliform annual average was exceeded each month. The table below lists the exceedances for Fecal Coliform (FC) maximum reported during the DMR review period.

Month	Monitoring Location	Parameter	Result	Limit
11/2018	EFA-1	FC	20,000/ 100 ml	800/ 100ml
01/2019	EFA-1	FC	20,000 / 100ml	800/ 100ml
03/2019	EFA-1	FC	20,000 / 100ml	800/ 100ml

Rule/Permit Reference: Chapter_62-600.440(5), F.A.C. (5)(a) Facilities required to provide basic disinfection shall meet the following criteria (using either MF or equivalent MPN methods):

1. The arithmetic mean of the monthly geometric means of the fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water or effluent sample,
2. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water or effluent, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample,
3. No more than 10% of the samples collected during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample; and,
4. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample

10. ♦ Effluent Disposal: Out-of-Compliance

Facility discharging?	Yes
Discharge location(s) as per permit?	Yes

- 10.1 **Deficiency:** At the time of inspection Rapid infiltration basins (RIBs) were not maintained in accordance with the permit. Excessive vegetation noted in the RIBs.

Rule/Permit Reference: Chapter 62-610.523, F.A.C.: (6) Rapid infiltration basins, percolation ponds, basins, trenches, or cells shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids

Corrective Action: Please remove all vegetation in the RIBs and provide a photo the department by email once completed.

- 10.2 **Deficiency:** At the time of inspection solids were discharging into RIBs #1 and #2.

Rule/Permit Reference: Chapter 62-610.523, F.A.C.: (6) Rapid infiltration basins, percolation ponds, basins, trenches, or cells shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids

Corrective Action: Please remove solids from the RIBs and scarify the bottom. Provide photos to the department by email once completed.

- 10.3 **Observation:** At the time of inspection the facility contains three Rapid Infiltration Basins (RIBs). The facility was currently loading RIB #1 and RIB #2. Due to the unresolved blower issue solids were escaping into the chlorine contact chamber, through the splitter box that loads the RIBs, and into the RIBs that were being loaded. RIB one is located closest to the chlorine contact chamber and has extremely dense vegetation that will hinder percolation. The outer berm of RIB one is accessible but still maintains high vegetation. RIB two has recently been scarified and vegetation removed and poses no issue. RIB three is at the back of the property and is currently being dried for scarification and vegetation removal. The outer berm of RIB three is now accessible but still has a significant vegetation surrounding the area.
- 10.4 **Observation:** The dense vegetation in and around the RIBS was noted during the pervious inspection on October 30, 2019.

11. Biosolids: In-Compliance

- 11.1 **Observation:** 3,844 gallons of sludge was last pumped by Dump Divas on January 11, 2019.

12. ♦ Groundwater Quality: Not Applicable

13. ♦ SSO Survey: In-Compliance

13.1 Observation: No SSOs have been reported since the October 22, 2018 release noted in the previous inspection report.

14. Other: Out-of-Compliance

14.1 Observation:
Additional Comments: