



Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/807-3300 • Fax: 904/448-4366

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:

IN THE OFFICE OF THE
NORTHEAST DISTRICT

Mr. Douglas R. Ross, Jr.
Vice-President
Plantation Bay Utility Company
2379 Beville Road
Daytona Beach, FL 32119

Administrative Order No.: AO 111 NE
FDEP Permit No.: FLA011597
Plantation Bay WWTF
Flagler County

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 Plantation Bay Utility Company, Inc. is a person under Section 403.031 of the Florida Statutes.
2. The Plantation Bay Utility Company owns and operates a wastewater treatment facility located on 1600 South Old Dixie Highway Bunnell Florida 32110, Flagler County Florida which discharges wastewater into waters of the state as defined in Section 403.031 of the Florida Statutes.
3. The Plantation Bay Utility Company has applied for a permit under Section 403.088(2) of the Florida Statutes.
4. The Plantation Bay Utility Company discharge does not consistently meet the limits for total suspended solids within Specific Condition Number I.A.1. of DEP Permit No.FLA011597.

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5. The Plantation Bay Utility Company cannot monitor continuously for total residual chlorine, pH, and turbidity within Specific Condition Number I.A.1. of DEP Permit No.FLA011597.
6. The Plantation Bay Utility Company does not meet construction schedule to upgrade the Plantation Bay WWTF to meet a Class I reliability requirements by January 01, 2010 as defined by Rule 62-610.100(9)(l), F.A.C.
7. 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.
8. The Department finds that
 - (1) 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;
 - (2) There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into waters of the state;
 - (3) The granting of an operation permit will be in the public interest;
 - (4) 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. The Permittee, Plantation Bay Utility Company, shall be allowed to convey the effluent and reuse at the reuse site R-001 and shall comply with the requirements of this Order, the Permit, and any subsequent revisions to the Permit.
2. During the interim period in which the Permittee is working to bring the Facility into compliance as required by this Order, the following monitoring requirements for total suspended solids shall apply at outfall R-001.

a. Interim TSS Limit

- i. During the period beginning upon the issue date of the permit and lasting through the completion date of the final implementation action specified in Condition III.3 of this Order, the permittee is authorized to discharge effluent from Outfall R-001 to Percolation/Evaporation Pond. Such interim 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		
Solids, Total Suspended	MG/L	Maximum	-	-	-	Report	Daily	Grab	EFB-1		
Solids, Total Suspended	MG/L	Maximum	-	-	5.0	-	5 Days/Week Weekly	Calculated	CAL-1		
Total Residual Chlorine (For Disinfection)	MG/L	Minimum	-	-	-	1.0	Daily	Grab	EFA-1		

$$\text{Weighted TSS Concentration} = \frac{\sum(\text{Flow} \times \text{TSS})}{\sum(\text{Flow})} \leq 5.0 \text{ mg/L Weekly Average (Rolling)}$$

Where

Flow (MGD) = Daily flow from the WWTF to the holding pond.

TSS (mg/L) = Concentration of TSS from the grab sample collected at EFB-1.

Σ = Sum.

ii. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFB-1	After filtration, prior to high level disinfection.
CAL-1	Calculated value
EFA-1	After high level disinfection but before discharge to the holding pond.

iii. Plantation Bay Utility Company shall meet the schedule below:

Implementation Step		Completion Date
(1)	Submit a completed application for a permit to upgrade the wastewater treatment system to meet a Class I reliability equipments.	April 01, 2012
(2)	Begin Construction	October 01, 2012
(3)	Submit first report summarizing the construction progress	December 01, 2012
(4)	Submit second report summarizing the construction progress	February 01, 2013
(5)	Submit third report summarizing the construction progress	April 01, 2013
(6)	End Construction	June 30, 2013
(7)	Operational Level Attained	July 01, 2013

iv This interim limit and monitoring requirement for total suspended solids becomes effective on the final issue date of the Permit and expire on January 01, 2013.

b. Interim Minimum Staff Hours:

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 62-602, F.A.C. In accordance with Chapters 62-699 and 62-610.100(9), FAC, F.A.C., this facility is a Category III, Class C facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class C or higher operator 6 hours/day for 5 days/week and one weekend visit. The lead operator must be a C, or higher.

[62-620.630(3)] [62-699.310] [62-610.462(2)]

3. The Plantation Bay Utility Company shall maintain and operate its facilities in compliance with all other conditions of DEP Permit No.FLA011597.

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

5. Reports or other information required by this order shall be sent to:

Jeff S. Martin, P.E.
Wastewater Permitting Section
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

6. 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.FLA011597 which shall require compliance by the permittee with the requirements of this order.

7. Failure to comply with the requirements of this order shall constitute a violation of this order and DEP Permit No.FLA011597, and may subject the permittee to penalties as provided in Section 403.161 of the Florida Statutes.

8. This order is final when filed with the clerk of the

9. Department and the Plantation Bay Utility Company 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

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or receipt of the written notice, whichever occurs first.

Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for mediation within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; each the Department case or identification number and the county in which the subject matter or activity is located;

(b) A statement of when and how each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material 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.

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

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

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 holding an administrative hearing and issuing a final order. 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 seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen

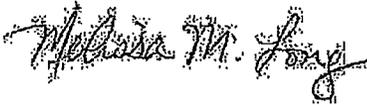
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days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57.

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.

DONE AND ORDERED on this 20th day of August, 2010 in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Melissa M. Long, P.E.
Water Facilities Administrator

FILED on this date pursuant to Sp. Ch. 120.57,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.
Katy Wiggins
Date: 8/20/10

Copies furnished by electronic mail to:

Jerry Finley, P.E.
Flagler County H.D,
Flagler County Board of Commissioners

