



LEE COUNTY
SOUTHWEST FLORIDA
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County Hearing Examiner

(239) 533-8181

January 4, 2013

Jon M. Iglehart
Florida Department of Environmental Protection
P.O. Box 2549
Ft. Myers, FL 33902-2549

**SUBJECT: Waterway Estates AWWTP (FL0030325)
Permit Closeout**

Dear Mr. Iglehart:

On December 20, 2012, Lee County Utilities (LCU) received the Department's letter to officially close OGC Case No.: 08-0151-26-DW. LCU also received the permit revision to remove the Industrial Pretreatment Program from the Waterway Estates AWWTP permit to Three Oaks WWTP permit (FLA145190) on December 18, 2012.

Considering these two items have been completed, LCU is requesting to officially close the Waterway Estates Advanced Wastewater Treatment Plant Permit FL0030325X.

If you have any questions or concerns regarding this matter, please feel free to contact me at 239-533-8181.

Cordially,

LEE COUNTY UTILITIES

Pamela Keyes, P.E.
Utilities Director

cc: Hank Barroso, LCU
Tom Mamott, LCU
Dennis Lang, LCU

RECEIVED
JAN 04 2013
D.E.P. South District



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

December 19, 2012

Mr. Douglas Meurer, P.E.
Director of Utilities
Lee County Utilities
P.O. Box 398
Fort Myers, Florida 33902

*Please forward
to Pam Reyes*

Lee County-DW
Waterway Estates
Permit No.: FL0030325
OGC Case No.: 08-0151-26-DW

COUNTY ADMINISTRATION
2012 DEC 20 AM 8:39

Dear Mr. Meurer:

The Department has reviewed the above referenced OGC case and has determined that all conditions of the Consent Order have been satisfactorily completed.

We will close this case and put it in our inactive file.

Your cooperation in resolving the matters of this case is appreciated. **If you have any questions, please contact Keith Kleinmann of this office at (239) 344-5656.**

Sincerely,

Jon M. Iglehart
Director of District Management

JMI/DWF/jl

Cc: Enforcement File
Mary Wilson, OGC (mary.wilson@dep.state.fl.us)
Keith Kleinmann, FDEP (keith.kleinmann@dep.state.fl.us)

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JAN 04 2013
D.E.P. South District



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STATE OF FLORIDA
NOTICE OF PERMIT REVISION

In the Matter of an Application
for Permit Revision by:

Thomas Mamott, P.E. (tmamott@leegov.com)
Lee County Utilities
P.O. Box 398
Fort Myers, FL 33902

Lee County - DW
Three Oaks WWTF
Permit Number: FLA145190
Permit Revision Number: FLA145190-027-DW1P
Pretreatment Program Transfer

Dear Mr. Mamott:

In response to your application for a revision to the wastewater permit, this is notification of the Department's revision of wastewater permit No. FLA145190 to incorporate changes, issued under section 403.087 of the Florida Statutes. Section VII INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS is hereby deleted from the Waterway Estates Permit Number FL0030325. The following section is hereby added to the Three Oaks Permit Number FLA145190:

Section VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

1. The permittee shall function as the Control Authority and shall be responsible for the performance of all pretreatment program requirements contained in Chapter 62-625, F.A.C. The permittee shall be subject to enforcement actions, penalties, and other remedies by the Department or other appropriate parties. The permittee shall implement and enforce its Approved Pretreatment Program. The permittee's Approved Pretreatment Program is hereby made an enforceable condition of this permit. The Department may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements. [62-625.500]
2. The permittee shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d), and 402(b) of the Act. The permittee shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of new industrial users, upon commencement of the discharge. [62-625.410]
3. The permittee shall perform the pretreatment functions as required in Chapter 62-625, F.A.C., including, but not limited to, the following:
 - a. Implementing the necessary legal authorities as provided in Rule 62-625.500(2)(a), F.A.C. This includes, among other things, the authority to require compliance with applicable pretreatment standards, which includes general prohibitions listed in Rule 62-625.400(1), F.A.C., specific prohibitions in Rule 62-625.400(2), F.A.C., locally developed limits as required by Rules 62-625.400(3) and (4), F.A.C., and national categorical limits in accordance with Rule 62-625.410, F.A.C.;
 - b. Implementing the programmatic functions as required under Rule 62-625.500(2)(b), F.A.C.;
 - c. Providing the required funding, equipment, and personnel to implement the pretreatment program as provided in Rules 62-625.500(2), (3), and (4), F.A.C.; and
 - d. Providing a written technical evaluation that local limits have been developed in accordance with Rule 62-625.400(3)(a), F.A.C. The evaluation shall verify whether existing local limits protect the wastewater facilities, and if not, the permittee shall develop new local limits as part of the evaluation. This evaluation shall be submitted to the Department at the address in the condition below within 180 days after permit renewal.

- e. Providing and implementing revisions to the existing legal authorities and enforcement procedures to conform with the May 10, 2010 revisions to Chapter 62-625, F.A.C. All required revisions to conform with the May 10, 2010 revisions shall be incorporated into the existing program documents, including the sewer use ordinance and enforcement response plan. Draft revisions of the program documents shall be submitted to the Department at the address in Permit Condition VII. below within 90 days after permit renewal.

[62-625.400 and .500]

4. As required by Rules 62-625.600(8) and (12), F.A.C., the permittee shall submit a signed copy of the annual report for pretreatment activities, including DMRs for Monitoring Site Numbers PRT-I, PRT-E, and PRT-R for this facility and for all facilities covered by the permittee's pretreatment program, to the Department at the following address:

Florida Department of Environmental Protection
Domestic Wastewater Section, Mail Station 3540
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

The annual report shall contain the information required in accordance with Rule 62-625.600(8), F.A.C., except section (8)(e) as noted below, and shall describe the permittee's pretreatment activities for the reporting year. In the event that the permittee is not in compliance with any conditions or requirements of the pretreatment program, then the permittee shall also include the reasons for noncompliance and state how and when the permittee shall comply with such conditions and requirements.

In order to comply with Rule 62-625.600(8)(e), F.A.C., the permittee shall submit annual DMRs with the analytical results of influent, effluent, and residuals for those pollutants listed on the DMRs. For any other non-priority pollutants which the permittee believes may be causing or contributing to interference, pass through, or adversely impacting residuals quality, the annual report shall provide a summary of all analytical results of influent, effluent, and residuals. The annual report and DMRs are due on February 1 of each year. *[62-625.600(12)]*

In addition to the Three Oaks WWTF (FLA145190), the following facilities are covered by the Three Oaks WWTF pretreatment program:

Fort Myers Beach STP
Fiesta Village WWTP
Gateway Services District WWTF

5. Samples for Monitoring Site Numbers PRT-I, PRT-E, and PRT-R shall be taken at the monitoring site locations described below:

Monitoring Location Site Number	Description of Monitoring Location
PRT-I	At the plant headworks before screening and grit removal.
PRT-E	Immediately after the disinfection contact chambers
PRT-R	Dewatered biosolids

All other conditions of the permit shall remain unchanged. This letter must be attached to the referenced permit and becomes a permanent part thereof.

The Department's agency action shall become final unless a timely petition for an administrative proceeding (hearing) is filed pursuant to Sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for an administrative hearing are set forth below.

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

Petitions filed by the permit applicant ("permittee") or by any of the parties listed below must be filed within fourteen (14) days of receipt of this written notice. Petitions filed by any person other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of the written notice, whichever occurs first. However, pursuant to Section 120.60(3), F.S., any person who has asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative hearing under Sections 120.569 and 120.57, F.S. 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 (F.A.C.).

A petition that disputes the material facts upon 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; the Department's permit identification number, and the name of the county in which the subject matter or activity is located;
- (b) a statement of how and when each petitioner received notice of the Department's action;
- (c) a statement of how each petitioner's substantial interests are affected by the Department's 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's 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) a statement of the 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 upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall 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 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 (which include the permittee, the Department, and any person who has filed a timely and sufficient petition for hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C., and must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten (10) days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to an administrative hearing if mediation does not result in a settlement.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for holding an administrative hearing and issuing a final order. Unless otherwise

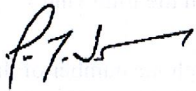
Minor Permit Revision
Permit Revision Number: FLA145190
Three Oaks WWTP

agreed by the parties, the mediation must be concluded within sixty (60) 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 substantial interests that would be affected by such a modified final decision must file their petitions within the appropriate time period, as set forth above, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57, F.S. 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, F.S., 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.

This action is final and effective on the date filed with the clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above provisions. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department. Any party to this order has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, at 3900 Commonwealth Boulevard, Mail Station 35, 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 thirty (30) days from the date when this 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

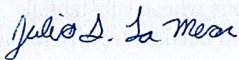
Date: December 18, 2012

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT REVISION and all copies were mailed by certified mail before the close of business on December 18, 2012 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



12/18/12

Clerk

Date

JMI/BCI/jl

Copies furnished to:

Luis Soto, P.E., Lee County Utilities (lsoto@leegov.com)
Nolin Moon, FDEP
Tom Shiflett, FDEP