



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

VIA EMAIL

Read Receipt Requested

August 27, 2019

Patrick Flynn
Vice President
Utilities, Inc. of Florida
200 Weathersfield Ave
Altamonte Springs, FL 32714
E-mail: pcflyn@uiwater.com

Re: Alternative Method Approval for in-line chlorine meter, ATI Q46; Pennbrooke Wastewater Treatment Facility, permit number FLA010570

Dear Mr. Flynn,

The Aquatic Ecology and Quality Assurance Section (AEQAS) of the Department of Environmental Protection (department) has reviewed the information you submitted in support of an alternative method for total chlorine residual analysis and hereby approves a limited-use alternative method for the field analysis of total chlorine residual by the ATI Q46 in-line analyzer. This letter provides an approval order for alternative methods as required by paragraph 62-160.220(7)(a), Florida Administrative Code (F.A.C.).

Scope of Approval

ATI Q46 Analyzer method for continuous monitoring of total chlorine residual – The field-testing method and technology used with the alternative field sampling meter for total chlorine residual (ATI Q46), as described in the Pennbrooke Wastewater Treatment Facility (Pennbrooke WWTF) Monitoring and Operation Protocol (MOP) submitted for the Department's review (Pennbrooke MOP, June 2019), has been approved as a limited-use method, as defined in subsection 62-160.120(13), F.A.C., and as designated in paragraph 62-160.220(6)(a), F.A.C. This approval is based on our review of the validation information submitted according to requirements in part FA 2200 of DEP SOP FA 1000 and subsection 62-160.220(5), F.A.C.

Specifically, the Pennbrooke WWTF demonstrated equivalent performance for the alternative method by comparing results obtained from the ATI Q46 (new in-line meter) with analytical results obtained from conducting tests with grab samples using an approved handheld meter (HACH pocket colorimeter 2) and with results obtained from the HACH CL17, the approved in-line meter currently in use (see part FA 2240, section 4).

The alternative method is exclusively approved for use by the Pennbrooke WWTF for the *in-situ* analysis of reuse water using the installed ATI Q46 meter and may not be used for other matrices or by another organization without separate review and approval by the department. This approval is made with the understanding that the facility will adhere to the requirements in DEP SOP FT 1900 for the ATI Q46 meter, and the requirements in DEP FT 2000 for the verification meter (see FT 1900, section 2.2).

Should you have any questions about the alternative method approval, please do not hesitate to contact Jennifer Claypool (AEQAS) at (850) 245-8473 or Nia Wellendorf (AEQAS) at (850) 245-8190.

Effective Date of Approval and Notice of Rights

This action is final and effective on the date mailed (via e-mail) unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this agency action becomes only proposed agency action, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the department. Because an administrative hearing may result in the reversal or substantial modification of this action, the petitioner is advised not to proceed until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing 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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 when and how 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 that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed 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 the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to Utilities Inc. at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition 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, F.S., 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, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

This determination constitutes an order of the department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the

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Florida Statutes, 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, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us; 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 Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



David Whiting, Deputy Director
Division of Environmental Assessment and Restoration
2600 Blairstone Road
Tallahassee, FL 32399
Tel: 850-245-8191

Copies furnished to:

Kenneth Hayman, DEP, Office of General Counsel
Nicole McConnell, P.E., Kimley-Horn
Bryan Gongre, Utilities, Inc. of Florida
FDEP Central District Wastewater
File

CERTIFICATE OF SERVICE

The undersigned duly designated clerk hereby certifies that this determination, including all copies, was e-mailed before the close of business on, August 27 2019, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7)
Florida Statutes, with the designated department Clerk,
receipt of which is hereby acknowledged.

Ashley Phullipo
Clerk

8/27/19
Date