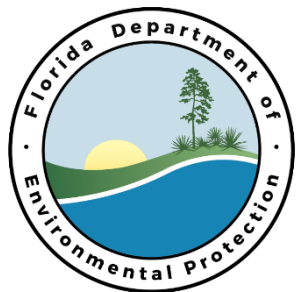


Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

March 8, 2018

Central Florida Bible Camp, Inc.
Ron Brackett, Director
23813 County Road 44A
Eustis FL 32736
ron@cfbiblecamp.org

Re: Final Order Granting Petition of Variance
Lake County – Wastewater
Facility Name: Central Florida Bible Camp WWTF
Facility ID: FLA010566
OGC No.: OGC 18-0027

Dear Mr. Brackett:

Enclosed is the final order granting your petition for variance from Rule 62-699.310(2)(a)1., F.A.C. for the Central Florida Bible Camp WWTF, File No FLA010566-005-DWF/VO (OGC Case No 18-0027).

The facility will have to apply for a separate permit revision to incorporate this variance into your permit, FLA010566.

Should you wish to discuss the above comments, please feel free to contact Charles LeGros at (407) 897-4158 or by email at Charles.LeGros@dep.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Prather".

(on behalf of)

Jeff Prather, Director
Central District

jp/crl

Charles LeGros, DEP, charles.legros@dep.state.fl.us
Wanda Parker-Garvin, DEP, Wanda.Parker@dep.state.fl.us
Kim Rush, DEP, Kim.Rush@dep.state.fl.us
Lee Cain, Director, Engineering Solutions International, lee.cain@esi-usa.net
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Douglas Beason, FDEP, OGC, doug.beason@dep.state.fl.us
Sharon Sawicki, PE, FDEP, Tallahassee, Sharon.sawicki@dep.state.fl.us
Mike Darrow, President, FW&PCOA, mdarrow99@gmail.com

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re: Central Florida Bible Camp WWTF

OGC Case No. OGC 18-0027

Petition for Variance from

Rule 62-699.310(2)(a)1., F.A.C.

DEP File No.: FLA010566

FINAL ORDER GRANTING PETITION FOR VARIANCE

On January 9, 2018, Central Florida Bible Camp, Inc., (Petitioner), filed a petition with the Florida Department of Environmental Protection (Department) requesting a section 120.542, Florida Statutes, variance from the requirements of Rule 62-699.310(2)(a)1., Florida Administrative Code (F.A.C.), for its wastewater treatment facility located at 23813 CR 44-A, Eustis, Lake County, Florida. The Department requested additional information on February 7, 2018, and the Petitioner responded on February 8, 2018.

1. Subsection 62-699.310(2)(a)1. F.A.C., establishes staffing requirements for wastewater treatment facilities that have treatment processes to meet limits for total nitrogen with or without filtration. The rule requires staffing by a Class C or higher operator for 1 hour/day for 5 days/week and one visit each weekend for a facility with total nitrogen limits and a permitted capacity under 0.05 MGD. The facility was previously required to be staffed by a Class D or higher operator for 2 visits/week on nonconsecutive days for a total of 1 hour/week.
2. When the Wekiva Rule 62-600.550 F.A.C. came into effect, it required the facility to meet a new Total Nitrogen (TN) limit. The facility did not previously have a TN limit. The staffing rule 62-699.310(2)(a)1. F.A.C., requires increased staffing requirements for facilities with a nutrient limit (TN) in their permit. The facility has made a modification to the plant to meet the TN limit as noted in #4 below.
3. The Petitioner has requested a variance that, if approved, would a) reduce the staffing requirements during the summer months (June 1- August 31st), when the facility is more likely to see any significant flows, to 5 days/week for 30 minutes/day, and b) reduce the staffing to previous levels during the offseason (two 30-minute visits per week). A Class C operator or higher is required.
4. The wastewater treatment facility has added new treatment components to meet the new permit limit for total nitrogen. The new process is an anoxic zone which adds to the volume of the facility. If functioning properly, the additional tankage allows the treatment to be done automatically without additional operator time. Levels of total nitrogen in the effluent have been reduced since addition of this process. The facility is currently meeting their annual average limit

for total nitrogen of 10.0 mg/L.

5. A revision to the facility's operating permit will be required to incorporate the staffing reduction associated with this variance.

6. The facility provides wastewater treatment to a summer camp that experiences average daily flows of under 5,000 gallons per day most of the year, with even lower flows in the offseason.

7. The Petitioner has demonstrated that the application of the rule would create a substantial economic hardship. The submittal indicated the cost of the staffing increase would result in a substantial hardship to the point of potentially closing the 50-year-old camp. Income is not generated in the offseason.

5. , The purpose of the underlying statutes 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, and 403.088, Florida Statutes, is to ensure that treatment at this facility is environmentally acceptable and not a threat to public health and safety. The facility's previous staffing requirements were contained in Rule 62-699.310(2)(a)1, F.A.C., and were required to provide assurance of proper operation and to meet effluent limits other than the increased limit for total nitrogen. The increased staffing was required to provide reasonable assurance the facility could meet the new effluent limit for total nitrogen. The total nitrogen limit is currently being met.

6. The Petitioner has demonstrated the purpose of the underlying statutes will be achieved through other means:

(a) Ground water quality standards will be met by the facility being required to meet their reclaimed water effluent limits.

(b) Public health will not be adversely affected because the increased staffing was required to provide assurance that an environmental limit for the Wekiva Springs for total nitrogen could be met. The facility will be required to continue to meet this limit.

(c) The facility will be required to meet the annual average effluent limit for total nitrogen as a condition of the continued approval of this variance.

(d) Public welfare will not be adversely affected. The public will benefit from less costly service that meets all underlying water quality regulations.

7. One public comment was received on January 23, 2018, concerning reduced staffing at wastewater treatment facilities. The Department considered these comments during this variance review process. Notice of Receipt was published in the Florida Administrative Register (FAR) on January 18, 2018.

8. This variance does not relieve the Petitioner from liability for harm or injury to human health or welfare, animal, or plant life, or property, or from penalties therefore; nor does it allow pollution in contravention of Florida Statutes or Department Rules.

9. Based on the foregoing, Petitioner has demonstrated that it meets the requirements for a variance from Florida Administrative Code Rule 62-699.310(2)(a)1. The petition for variance is granted subject to the following conditions:

The requested variance shall reduce the minimum operator staffing requirements to 30 minutes/day for 5 days/week from June 1 through August 31, and to two 30-minute visits per week, on non-consecutive days, from September 1 through May 31. A Class C operator or higher is required. The permittee is required to apply and obtain a FDEP permit revision to incorporate these staffing changes into their operating permit prior to implementation.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the request for a variance or waiver.

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 Rule 28-106.201, 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, telephone number, and any e-mail address of the petitioner; the name, address, telephone number, and any e-mail address 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 are or 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. Also, a copy of the petition shall be mailed to the applicant 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 must be filed within 21 days of receipt of this written notice. 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, before the applicable 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.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules

9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 30 days from the date this action is filed with the Clerk of the Department.

DONE AND ORDERED this 8th day of March, 2018 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



(on behalf of)

Jeff Prather, Director
Central District

Attachments: Variance Petition Exhibit (4 pages)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this Order and all copies were sent on the filing date below to the following listed persons:

Charles LeGros, DEP, charles.legros@dep.state.fl.us

Wanda Parker-Garvin, DEP, Wanda.Parker@dep.state.fl.us

Kim Rush, DEP, Kim.Rush@dep.state.fl.us

Lee Cain, Director, Engineering Solutions International, lee.cain@esi-usa.net

David Smicherko, DEP, david.smicherko@dep.state.fl.us

Chris Ferraro, DEP, chris.ferraro@dep.state.fl.us

Douglas Beason, FDEP, OGC, doug.beason@dep.state.fl.us

Sharon Sawicki, PE, FDEP, Tallahassee, Sharon.sawicki@dep.state.fl.us

Mike Darrow, President, FW&PCOA, mdarrow99@gmail.com

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.


Clerk

March 8, 2018
Date



23813 CR 44A
Eustis, FL 32736
Phone: 352.357.6316
Fax: 352.357.1444
www.cfbiblecamp.org

January 9, 2018

Agency Clerk in the Office of General Counsel
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000.9

With posted copy to:
The Joint Administrative Procedures Committee
111 W. Madison Street
Room 680, The Pepper Building
Tallahassee, Florida 32399-1400

Re: Central Florida Bible Camp WWTF; Permit # FLA010566
Permit Renewal – Petition for Variance/Waiver from FDEP Rule # 62-699.310(2)(a)1. Florida
Administrative Code

Dear General Counsel,

Central Florida Bible Camp is asking for relief in the form of a variance from their latest wastewater treatment facility operating permit staffing requirements.

HISTORY:

Many years ago, a study entitled “*Wekiva Aquifer Vulnerability Assessment*” was undertaken resulting in a report and eventual changes to the Florida Administrative Code, 62-600.550, *Wastewater Management Requirements for the Wekiva Study Area* requiring additional treatment of wastewater inside the protective zone as delineated in Figure 15 of the Report of Investigations No. 104 of the Florida Geological Survey, June 2005. (Copies may be obtained from The Florida Geological Survey, Publications Office, 3000 Commonwealth Boulevard, Suite 1, Tallahassee, Florida 32303).

These additional treatment requirements affected Central Florida Bible Camp (hereafter referred to as CFBC). Since that legislation was passed, CFBC installed a new package plant treatment facility, which also incorporated expensive treatment system/components for the new parameters, Total Nitrogen and Total Phosphorus. In addition, CFBC started sampling for the new parameters well within the required schedules.

The new treatment components included one anoxic zone tank (mixed the liquid sludge in the tank without the use of air = to denitrify the sludge) and an effluent filter utilizing a nitrogen removal media. Both of these treatment options did not expand the time necessary to operate/staff this plant in order to maintain it in a compliant state. In other words, the time spent at the old treatment facility and the time needed to operate the new plant with the new treatment was the same, no additional time was needed or required (at this time). While the plant was not in compliance all of the time with the new parameter limits, the issue was mechanical breakdowns, which required repairs/maintenance not operational changes. It should be noted that if additional time was needed, even if not required, we would have asked for the additional time needed to keep the plant in compliance.

However, in 2013, new legislation was implemented that changed the delineation of this facility based on treatment and therefore required additional staffing. This is in accordance with the Florida Department of Environmental Protection Rule 62-699.310(2)(a)1. Florida Administrative Code. As a Category I, Class C facility, the staffing requirements are as follows: *Less than 0.05 MGD ; Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit each weekend.*

THE PROBLEM:

The new staffing requirements detailed in Section V of the new DEP operations permit (attached) multiplies the weekly hourly requirement of monthly operations by more than 1100 percent; from two one-half hour visits per week to five one-hour visits per week plus a weekend visit. Proportionately, the cost of this new visitation requirement is a substantial financial hardship and this is in addition to the additional sampling and treatment components already a part of this facility expenses.

Under the visitation requirements in the prior operations permit (attached) the cost of operations described above (twice weekly) is \$225.00 per month or \$2,700 annually. Meeting the cost of operations under the prior operations permit is difficult enough. However, the cost of operations to meet the staffing requirements new operations permit could be in excess of \$2,400.00 monthly or \$28,800 annually. This is an excessive increase and would result in a substantial financial hardship for the camp to the point of potentially closing the camp ending a long and fruitful (helping the younger generation is our fruit) span of 50+ years.

The camp wants to comply with the effluent limits to help protect the environment, but meeting this goal for compliance has come at a substantial cost to a small children's summer camp and the small treatment system that supplies the wastewater treatment services for this site. We therefore respectfully request consideration to maintain the existing staffing or at the very least to modify the new staffing requirement.

JUSTIFICATIONS:

1. Even though there is extra treatment (Nitrogen Removal), the process treatment involved simply includes how the liquid sludge is mixed in one tank and the addition of an effluent filter. This does not require additional physical operational time onsite (except by permit requirement). No changes can be tested or made on the mixer or the filter. Therefore requiring additional time is not justified at this site... now or in the future. The criteria requiring change in delineation of this treatment facility (and therefore increased staffing) may not be accurately applicable to this particular facility with its particular unit process and population details.
2. This wastewater treatment facility services a children's Faith-based not-for profit youth summer camp.
3. Prior to the additional visitation requirements, with few exceptions, the plant has operated within permit parameter limits with the few required visits each week. The exceptions could not have been avoided or abetted by additional visitation since the exceptions were due to equipment failures and repairs were needed.
4. Since the camp is a summer camp, with the exception of a few weekends and onsite staff throughout the year, the camp is not in use for the vast majority of the year. Outside of summer camp season income, there is little to no income.
5. DEP has increased the camp cost many times in the past due to new regulations that originated decades after the first WWTF was permitted at the camp. The most recent are:
 - a. When the spring protection laws were enacted, the camp was forced to install a new package plant. While the contractor was able to find a used package plant and convinced the owner to donate the tanks, the additional equipment, labor, engineering, and permits were well over

\$40,000 just to comply even with so much donated items (this was a \$200,000 facility that was built). This new law also required the addition of other tanks to meet the current codes which increased construction costs significantly. Additional money's are spent each year on the upkeep, repair and replacement as needed of this equipment. It would not be unusual to spend an additional \$10,000 each year above and beyond previous costs to keep this facility running.

- b. Due to the spring protection laws, additional costly sampling is required monthly and quarterly (Total Nitrogen and Total Phosphorus and increased sampling events for Nitrates). This does not include resampling.
 - c. To help meet these Springs' protection TN limits, the camp will soon be spending more on a liquid treatment injected into the wastewater flow to help with nitrogen removal.
 - d. This year alone, the camp has spent over \$8,000 getting the plant and TN mixing pump working properly to meet the effluent parameter limit criteria.
6. A letter of Completeness was sent a few days before the permit was issued stated that the visits would go up to ½ per day for five days per week, plus a weekend visit.. the letter was apparently incorrect. Now the new permit requires 1 hour per day for five days per week plus a weekend visit. All of the time required as staffing for this facility increases substantially the costs for a system that has a finite amount of income and a short summer season.
 7. The camp has not changed over these many years... it still services the same number of kids and staff as it did before all of these changes started. However, in that same timeframe, DEP has substantially changed the conditions that the original WWTF serving the camp has to operate without thought regarding cost or the income of the camp. With the exception of potentially lowering the impact to the environment, which is important, the camp has no other benefits from these changes.
 8. The treatment processes at this facility have not changed since the new treatment facility was constructed, only the classification in 2013.
 9. This facility serves a children's summer camp. The WWTF is currently permitted as a 0.0099 million gallon per day (mgd) annual average daily flow (AADF). There are some weekend uses and one year-round residence, but the summer (June 1st – August 31st) is the only time that the facility gets significant flows. While there are some camper weeks when the WWTF receives flows of 0.005 – 0.007 MGD, the average daily flow for June 2017 through August 2017 was 0.0025 MGD. The off-season, the remainder of the year (September 1st – May 30th) less flow is received by the treatment facility averaging 0.002 MDG in 2017 so far. The recent permitting application documentation reflects these flows. The total volume of treated water for the entire year of 2017 (to date) through this WWTF averages just over 2000 gallons per day (including heavy flow summer season); which was an insignificant volume of water compared to the Wekiva basin water volume.
 10. The environmental impact of this small facility is negligible especially during the off season due to the low flows. This facility puts little effluent into the ground, due to the low flows in the off season that the "*Wekiva Aquifer Vulnerability Assessment*" would need to be concerned about. Even during the summer season, the amount of nitrates this facility generates and puts into the ground is insignificant in comparison to the many other facilities in Florida especially in comparison to the cost.
 11. This new staffing requirement places an unreasonable and heavy financial load on a facility owned by a non-profit children's summer camp. The difference in staffing requirements is so substantially different than the previous years of staffing requirements, the change may be a make or break event for this camp. A decision may have to be made to close the camp unless there is relief from the new visitation requirements as required in the new DEP operations permit. Since this camp serves the public and our children in ways so much needed in our society today, the closing of this camp would be an unthinkable loss. We need relief.

PROPOSED VARIANCE/ COMPROMISE:

We would like to suggest a compromise based on financial hardship:

1. Since additional time/ staffing is not necessary in our opinion, we would like the permanent variance to allow no additional staffing requirements compared to the attached prior permit (Section V): two (30-minute) visits per week. While we believe this is justified, a second option would be financially acceptable: During the summer months (June 1st – August 31st), the new staffing requirement of 5 days per week will stand. However, the time onsite will remain at 30 minutes as the original Application Completeness Letter indicated.
2. The remainder of the year, we request a variance in the staffing requirements to remain as they are currently at two (30-minute) visits per week.

Thank you for your consideration. It is imperative to get some relief from the new staffing requirements and it is our hope and prayer that you can find a way to do so.

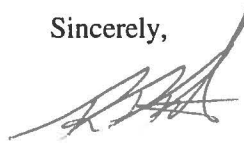
This petition is respectfully submitted by Lee Cain, Board Member and Ron Brackett, Camp Director and Board Member. Lee Cain's cell phone is (407) 928-1555 with email lee.cain@esi-usa.net. All correspondence for this supplication should be sent our office address or emailed to lee.cain@esi-usa.net and copied to Ron Brackett ron@cfbiblecamp.org.

Sincerely,



Lee Cain
Board Member

Sincerely,



Ron Brackett
Camp Director and Board Member

cc: Ron Brackett, CFBC Director, ron@cfbiblecamp.org
Todd Petrie, P.E., ESI Engineer, todd.petrie@esi-usa.net
Fred Lane, ESI GM, fred.lane@esi-usa.net
File, esi.office@esi-usa.net