



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

June 19, 2001

Mr. Ray Avery
Clay County Utility Authority
782 Foxridge Center Dr.
Orange Park, FL 32065

Dear Mr. Avery:

Please find enclosed a copy of the Final Order for Clay County Utility Authority to independently regulate water and sewer lines 12 inches or less in diameter pursuant to Section 403.1815, Florida Statutes.

We look forward to working with Clay County Utility Authority in implementing the drinking water and domestic wastewater programs. If you have any questions, please contact Richard Addison, P.E., of our Domestic Wastewater Section at 850/922-5494 or Suncom 292-5494.

Sincerely,

Richard D. Drew, Chief
Bureau of Water Facilities Regulation

Enclosures

ROD/ra

cc: Jerry Owens, DEP/Jacksonville
Cynthia Christen, DEP/Tallahassee
Elsa Potts, DEP/Tallahassee
Van Hoofnagle, DEP/Tallahassee

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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: Clay County Utility Authority)
Request for Delegation of Authority)
to Independently Regulate the)
Construction of Water Distribution)
and Sewage Collection)
and Transmission Systems Twelve)
Inches or Less in Diameter)
-----)

OGC Case Number: 01-0175
Clay County Utility Authority

FINAL ORDER

This matter is before me pursuant to the authority of the Department of Environmental Protection (Department) under section 403.1815 of the Florida Statutes (2000) to allow counties and municipalities to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains, provided the county requesting the authorization wholly owns the water and sewage facilities served by the collection and transmission systems in question.

FINDINGS OF FACT

1. The applicant is Clay County Utility Authority. Permits issued by Clay County Utility Authority pursuant to this order will be through Clay County Utility Authority.
2. Clay County Utility Authority is incorporated under the laws of Florida, and is eligible for this approval pursuant to section 403.1815 of the Florida Statutes.
3. Clay County Utility Authority wholly owns the water and sewage facilities to which the water distribution and sewage collection/transmission systems will be connected.
4. The water and sewage facilities owned by Clay County Utility Authority is in substantial compliance with applicable laws and standards.

5. Clay County Utility Authority has demonstrated the administrative, technical, and legal capabilities to independently regulate the construction of sewage collection and transmission systems.

6. On July 20, 2000, Clay County Utility Authority requested approval to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains in accordance with section 403.1815 of the Florida Statutes.

7. On March 20, 2001, the Department gave notice of its intent to allow Clay County Utility Authority to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains that connect to water and sewage facilities wholly owned by Clay County Utility Authority, and to exempt such systems from applicable Department permit requirements.

8. The notice of the intent to allow Clay County Utility Authority to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains was published in the Clay Today newspaper on April 26, 2001. No petition for administrative hearing was filed pursuant to sections 120.569 and 120.57 of the Florida Statutes.

CONCLUSIONS OF LAW

1. The processing of the request to allow Clay County Utility Authority to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains and the issuance of this Final Order are governed by the provisions of chapter 120 of the Florida Statutes.

2. The construction of water distribution and sewage collection/transmission systems is subject to the regulatory jurisdiction of the Department under chapter 403 of the Florida Statutes.

3. The Department is authorized by section 403.1815 of the Florida Statutes (2000) to allow any county or municipality to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains, which will be connected to water and sewage facilities wholly owned by the county or municipality.

4. The relevant provisions of the following Department rules shall apply to the delegation. Florida Administrative Code chapters 62-4 and 62-620 contains general procedures and requirements for obtaining permits from the Department. Florida Administrative Code chapters 62-555 and 62-604 contain specific design criteria and permitting requirements for water distribution and sewage collection/transmission systems.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that:

1. In accordance with section 403.1815 of the Florida Statutes, Clay County Utility Authority is authorized to independently regulate the construction of water distribution mains of 12 inches or less in diameter, gravity sewage collection systems of 12 inches or less in diameter, sewage force mains of 12 inches or less in diameter, and pump stations appurtenant to such force mains that connect to water and sewage facilities wholly owned by Clay County Utility Authority, and such systems are exempt from applicable Department permit requirements, subject to the following conditions:

A. Clay County Utility Authority shall ensure that all distribution, collection, and transmission systems connecting its water and sewage facilities comply with applicable design standards in Florida Administrative Code chapters 62-555 and 62-604. Review of the engineering features of plans and specifications shall be performed under the supervision of a licensed professional engineer registered in the State of Florida in accordance with chapter 471 of the Florida Statutes.

B. Clay County Utility Authority shall ensure that each water distribution system is adequately disinfected and that the appropriate bacteriological clearances are provided before approving a water distribution system for service.

C. Clay County Utility Authority shall be responsible for timely processing of applications and for providing appropriate due process opportunities for substantially affected parties to be heard on any final actions that it takes related to these permitting matters. Clay County Utility Authority shall not independently regulate any after-the-fact permit applications, or permit applications that include any distribution, collection, or transmission line greater than 12 inches in diameter (or pump station appurtenant to such transmission lines), or permit applications for systems connecting to water or sewage facilities not wholly owned by Clay County Utility Authority, or permit applications for systems involving innovative design or having features not complying with design/performance criteria in Florida Administrative Code chapters 62-555 and 62-604, or permit applications for systems connecting to water or sewage facilities which the Department has deemed to be in substantial noncompliance with applicable laws or standards if the Department has so notified Clay County Utility Authority. Such permit applications shall be subject to Department permitting procedures and state permit fees.

D. Clay County Utility Authority shall be responsible for a timely and effective compliance inspection and enforcement program for the construction of water distribution and sewage collection/transmission systems related to these permitting matters.

E. Clay County Utility Authority shall maintain and make available for Department review adequate records, including project drawings. Records for each project shall be kept on file for at least the previous ten years after the date of approval of construction for each project. For each project, the type of service provided (residential, commercial, and industrial) and design flow for the project shall be recorded, along with dates of approval of

construction and connection to the water or sewage system. Records of bacteriological samples submitted for clearance of water distribution systems shall be maintained.

F. Clay County Utility Authority shall submit to the Department's Northeast District Office a copy of each "Letter of Completion" issued for new projects; monthly reports (by the third Monday of the following month) indicating the number of connections to its water and sewage systems, with a listing of the project name, location, type of service, applicable treatment plant, and design flow; and a yearly updated map (by July 1 of each year) of its water distribution and sewage collection/transmission systems exhibiting extensions of such systems during the prior twelve months ending June 1.

G. The Department reserves the right to revoke this approval if the Department determines that Clay County Utility Authority has failed to operate and maintain its water and sewage systems in compliance with Department regulations or has failed to comply with the terms of this order.

H. Clay County Utility Authority shall maintain a record of actual flow, committed flow, and permitted flow of each water and sewage treatment facility served by water distribution and sewage collection/transmission systems independently regulated under this order.

I. Clay County Utility Authority shall plan for, design, permit, and construct additional capacity for its water and sewage treatment facilities in a timely manner to service the growth associated with these systems. Clay County Utility Authority shall not allow connection to its water and sewage treatment facilities by any water distribution or sewage collection or transmission system which would cause the respective facilities to exceed their permitted capacities, or otherwise violate applicable permit conditions or water quality standards. If at any time Clay County Utility Authority approves for connection or allows connection of a project to any of its water or sewage treatment facilities which causes an exceedance of permitted capacity, or otherwise violates applicable permit conditions or water quality standards, it will be subject to enforcement action by the Department pursuant to chapter 403 of the Florida Statutes. Enforcement action may include revocation of this order and penalties of up to \$10,000 per violation per day.

2. This approval does not relieve Clay County Utility Authority from any requirement to obtain the necessary permits for construction activities in waters of the state or of the United States or from complying with all other provisions of chapter 403 of the Florida Statutes and rules promulgated thereunder.

3. The Department will periodically review this approval for compliance, including but not limited to site inspections, where applicable, and may initiate enforcement actions deemed appropriate for any violation of the conditions or requirements contained herein or violations of applicable rules or requirements of the Department.

4. The provisions of this order shall void conflicting provisions of other orders or agreements between the Department and Clay County Utility Authority applicable to the functions defined here.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the 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, Mail Station 35, 3900 Commonwealth Boulevard, 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 when the final order is filed with the Clerk of the Department.

DONE and Entered this 7 day of June, 2001, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



David B. Struhs
Secretary
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILING AND ACKNOWLEDGMENT

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



Clerk

06-22-01

Date