



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

October 3, 2003

Ms. Kay Adams  
Utilities Director  
Hernando County Utilities Department  
21030 Cortez Boulevard  
Brooksville, Florida 34601

Dear Ms. Adams:

Please find enclosed with this letter a copy of the Final Order for Hernando County Utilities Department to independently regulate certain sewer lines 12 inches or less in diameter pursuant to Section 403.1815, Florida Statutes (F.S.). This Final Order authorizes Hernando County Utilities Department independent regulation of the sewer lines specified.

We look forward to working with Hernando County Utilities Department in implementing the domestic wastewater program.

If you have any questions, please contact Richard Addison, P.E., of our Domestic Wastewater Section at 850/245-8615 or Suncom 205-8615.

Sincerely,

Elsa A. Potts, P.E., Administrator  
Office of Wastewater Management

EAP/ra

Enclosure

cc: Robert L. Mills, Hernando County Utilities Department  
Deborah Getzoff, DEP/Tampa  
Tim Parker, DEP/Tampa  
Jeff Greenwell, DEP/Tampa  
Betsy Hewitt, DEP/Tallahassee  
Richard Addison, DEP/Tallahassee

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BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: Hernando County Utilities	)	
Department Request to Independently	)	OGC Case Number: 02-2165
Regulate the Construction of Sewage	)	Hernando County Utilities Department
Collection and Transmission Systems	)	
Twelve Inches or Less in Diameter	)	
under Section 403.1815, F.S.	)	
-----	)	

FINAL ORDER

This matter is before me pursuant to the authority of the Department of Environmental Protection (Department) under Section 403.1815, Florida Statutes, F.S., to allow counties and municipalities to independently regulate the construction of 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/municipality requesting the authorization wholly owns the wastewater treatment facilities served by the collection and transmission systems in question.

FINDINGS OF FACT

1. The applicant is Hernando County Utilities Department. Construction authorized by Hernando County Utilities Department pursuant to this order will be through Hernando County Utilities Department.
2. Hernando County Utilities Department is a local government body eligible for this approval pursuant to Section 403.1815, F.S.
3. Hernando County Utilities Department wholly owns the wastewater treatment facilities to which the sewage collection/transmission systems will be connected.
4. The sewage facilities owned by Hernando County Utilities Department are in substantial compliance with applicable laws and standards.
5. Hernando County Utilities Department has demonstrated the administrative and technical capabilities to independently regulate the construction of sewage collection and transmission systems. Hernando County Utilities Department adopted a "Hernando County

Utilities Department Water and Wastewater Construction Specifications Manual, 2000 Edition” and has authority to enforce requirements included in the Manual. Further, Hernando County Utilities Department has developed and submitted procedures dated September 24, 2002 and January 6, 2003 for construction of sewage collection and transmission systems.

6. On September 24, 2002, Hernando County Utilities Department requested approval to independently regulate the construction of 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, F.S.

7. On June 18, 2003, the Department gave notice of its intent to allow Hernando County Utilities Department to independently regulate the construction of 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 located in Hernando County, provided Hernando County wholly owns the wastewater treatment facilities serving the above described collection and transmission systems pursuant to Section 403.1815, F.S.

8. The notice of the intent to allow Hernando County Utilities Department to independently regulate the construction of sewage collection and transmission systems, as described in Item 7 above, was published in the Hernando Today newspaper on June 25, 2003. No petition for administrative hearing was filed pursuant to Sections 120.569 and 120.57, F.S.

#### CONCLUSIONS OF LAW

1. The processing of the request to allow Hernando County Utilities Department to independently regulate the construction of 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, F.S.

2. The construction of sewage collection/transmission systems is subject to the regulatory jurisdiction of the Department under Chapter 403, F.S.

3. The Department is authorized by Section 403.1815, F.S. (2000), to allow any county or municipality to independently regulate the construction of 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 wastewater treatment facilities wholly owned by the county or municipality.

4. The relevant provisions of Department rules shall apply to the independent regulation. Chapter 62-604, Florida Administrative Code (F.A.C.), contains specific design criteria for sewage collection/transmission systems. For those systems not subject to Hernando County Utilities Department independent regulation, Chapters 62-4 and 62-620, F.A.C., contain general procedures and requirements for obtaining permits from the Department. Also, Chapter 62-604, F.A.C., contains specific permitting requirements for 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, F.S., Hernando County Utilities Department is authorized to independently regulate the construction of 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 located in Hernando County, provided Hernando County Utilities Department wholly owns the wastewater treatment facilities serving the above described collection and transmission systems pursuant to Section 403.1815, F.S. Such systems are exempt from applicable Department permit requirements, subject to the following conditions:

A. Hernando County Utilities Department shall ensure that all collection and transmission systems connecting to its wastewater treatment facilities comply with applicable design standards in Chapter 62-604, F.A.C. Review of the engineering features of the applications and plans and specifications for such systems shall be performed under the supervision of a licensed professional engineer registered in the State of Florida in accordance with Chapter 471, F.S.

B. Hernando County Utilities Department 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 this independent regulation. Hernando County Utilities Department shall not independently regulate any after-the-fact construction, or any collection or transmission line greater than 12 inches in diameter (or pump station appurtenant to such lines), or construction for systems connecting to wastewater treatment facilities not wholly owned by Hernando County Utilities Department, or systems involving alternative design or having features not complying with design/performance criteria in Chapter 62-604, F.A.C., or systems located outside of Hernando County, or systems connecting to wastewater treatment facilities which the Department has deemed to be in substantial noncompliance with applicable laws or standards if the Director of District Management has so notified Hernando County Utilities Department. Such construction shall be subject to Department permitting procedures and state permit fees.

C. Hernando County Utilities Department shall be responsible for a timely and effective compliance inspection and enforcement program for the construction of sewage collection/transmission systems related to this independent regulation.

D. Hernando County Utilities Department 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 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 sewage system.

E. Hernando County Utilities Department shall submit to the Department's Southwest 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 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 sewage collection/transmission systems including extensions of such systems during the prior twelve months ending June 1.

F. The Department reserves the right to revoke this approval if the Department determines that Hernando County Utilities Department has failed to operate and maintain its sewage systems in compliance with Department statutes and rules, has failed to maintain an adequate program in accordance with Hernando County Utilities Department program description of its administrative and engineering capabilities, or has failed to comply with the terms of this order.

G. Hernando County Utilities Department shall maintain a record of actual flow, committed flow, and permitted flow of each wastewater treatment facility served by sewage collection/transmission systems independently regulated under this order.

H. Hernando County Utilities Department shall plan for, design, permit, and construct additional capacity for its wastewater treatment facilities in a timely manner to service the growth associated with the systems associated with this independent regulation. Hernando County Utilities Department shall not allow connection to its wastewater treatment facilities by any sewage collection or transmission system that would cause the respective facilities to exceed their permitted capacities, or otherwise violate applicable permit conditions or water quality standards. Upon determination of the Director of District Management, Southwest District, that a Hernando County Utilities Department wastewater facility has exceeded its capacity or violated an applicable permit condition or water quality standard because of Hernando County Utilities Department having approved or allowed a connection pursuant to this independent regulation, the Department may take enforcement action against Hernando County Utilities Department under Chapter 403, F.S. Enforcement action may include revocation of this order and penalties of up to \$10,000 per violation per day.

1. This approval to independently regulate sewage collection/transmission lines is only applicable within the boundaries of Hernando County.

2. This approval does not relieve Hernando County Utilities Department from any responsibility to comply with any local ordinance, rule or regulation.

3. This approval does not relieve Hernando County Utilities Department 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, F.S., and rules promulgated thereunder.

4. The Department will periodically review this order for compliance, including but not limited to site inspections, where applicable.

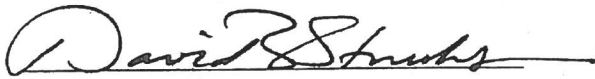
5. The provisions of this order shall supercede conflicting provisions of other orders or agreements between the Department and Hernando County Utilities Department applicable to the specific functions set forth here.

Any party to the 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, 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 30 day of September, 2003, in Tallahassee, Florida.

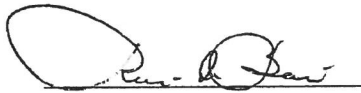
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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

10/3/03  
Date