

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: Sarasota County Utilities )  
Request for Delegation of Authority )  
to Independently Regulate the )  
Construction of Sewage Collection )  
and Transmission Systems )  
----- )

OGC File No: 98-0453  
Sarasota County Utilities

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 (1997) 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 requesting the authorization wholly owns the sewage facilities served by the collection and transmission systems in question.

FINDINGS OF FACT

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

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

6. On April 16, 1997, Sarasota County Utilities 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 of the Florida Statutes.

7. On November 5, 1997, the Department and Sarasota County Natural Resources entered into a Specific Operating Agreement to delineate each agency's responsibility for developing and implementing the domestic wastewater program under appropriate state and local statutes, ordinances, and regulations in accordance with section 403.182 of the Florida Statutes. On July 30, 1999, the Specific Operating Amendment was amended to incorporate provision for Sarasota County Utilities to independently regulate the construction of sewage collection and transmission facilities exempted from state permitting under Section 403.1815, F.S.

8. On March 18, 1999, the Department gave notice of its intent to allow Sarasota County Utilities 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 that connect to sewage facilities wholly owned by Sarasota County, and to exempt such systems from applicable Department permit requirements.

9. The notice of the intent to allow Sarasota County Utilities 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 was published in the Sarasota Herald-Tribune newspaper on April 2, 1999. 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 Sarasota County Utilities 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 of the Florida Statutes.

2. The construction of sewage collection and 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 (1997) 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 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 chapter 62-604 contains specific design criteria and permitting requirements for sewage collection 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, Sarasota County Utilities 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 that connect to sewage facilities wholly owned by Sarasota County, and such systems are exempt from applicable Department permit requirements, subject to the following conditions:

A. Sarasota County Utilities shall ensure that all collection and transmission systems connecting its sewage facilities comply with applicable design standards in Florida Administrative Code chapter 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. Sarasota County Utilities 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. Sarasota County Utilities shall not independently regulate any after-the-fact permit applications, or permit applications that include any 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 sewage facilities not wholly owned by Sarasota County, or permit applications for systems involving innovative design or having features not complying with design/performance criteria in Florida Administrative Code chapter 62-604, or permit applications for systems connecting to sewage facilities which the Department has deemed to be in substantial noncompliance with applicable laws or standards if the Department has so notified Sarasota County. Such permit applications shall be subject to Department permitting procedures and state permit fees, some of which have been delegated to Sarasota County Natural Resources pursuant to Specific Operating Agreement.

C. Sarasota County Utilities shall be responsible for a timely and effective compliance inspection and enforcement program for the construction of sewage collection and transmission systems related to these permitting matters.

D. Sarasota County Utilities 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, industrial)

and design flow for the project shall be recorded, along with dates of approval of construction and connection to the sewage system.

E. Sarasota County Utilities shall submit to the Department's Southwest District Office and Sarasota County Natural Resources monthly reports (by the third Monday of the following month) indicating the number of all connections to its sewage systems, with a listing of the project name, location, type of service, applicable treatment plant, design flow, time period of permit and notification when a treatment facility is connected to each new connection of these systems during the preceding month, and a yearly updated map (by July 1 of each year) of its sewage collection and transmission systems exhibiting 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 Sarasota County has failed to operate and maintain its sewage systems in compliance with Department regulations or has failed to comply with the terms of this order.

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

H. Sarasota County shall plan for, design, permit, and construct additional capacity for its sewage treatment facilities in a timely manner to service the growth associated with these systems. Sarasota County shall not allow connection to its sewage treatment facilities by any 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 Sarasota County approves for connection or allows connection of a project to any of its 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 Sarasota County 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 Sarasota County 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 13 day of September, 1999, 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

09-23-99

Date