

48 Seminole Path
Wildwood, FL 34785

April 24, 1994

Honorable John Hankinson
Regional Administrator
U.S. Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

Re: Continental Utility, Inc. sewage disposal

Dear Mr. Hankinson:

Continental Country Club property was first developed during World War II by the U.S. Army. Some say it was to train for jungle warfare; others, that it was a vehicle maintenance operation. The park encompasses 800 acres.

Years later in the 1960's and 70's it became "Continental Camper Resorts," a park for recreational vehicles. An 18-hole golf course was developed and the water and sanitary sewage treatment plant was installed. The DER approved the facility and issued permits for operation. Per DER request a plug was put in place in the canal, which surrounds the park on two sides and goes into Lake Okahumpka, thus preventing any possible discharge into the lake.

In the 1970's and 1980's ownership of the RV park changed several times, twice in bankruptcy. At the same time mobile homes replaced travel trailers and motor homes to the point there are now 850 mobile homes and one travel trailer.

The 1500 residents are law-abiding golden-agers living on social security and some with pensions.

Because of the park's several owners each trying to make a profit, our rents and administrative fees were constantly being increased. The last time it went into bankruptcy we were able to get enough residents to pledge enough money for a down payment to finance the purchase. Thereby we stopped the constant rate increases which some people had difficulty paying.

We formed a non-profit corporation "Continental Country Club Resident Owners, Inc. (CCCRO). Prior to buying the park in 1989, a registered engineer and an attorney were engaged to evaluate all assets, including the sanitary system, as to their satisfactory operation, legal permits, licenses, fees, etc. We were advised that all were in order and conformed to all governmental regulations.

My wife and I have been residents here since I retired, for thirteen years, and now are told we are facing a fine by the EPA of \$35,000 to \$40,000.

It seems to us this is entirely unfair and unjust! CCRO, Inc. did not construct the sewage system; we bought it, a going concern, which had met all governmental regulations for many years. The DER's former secretary said the EPA did not require NPDS permits for these facilities at that time.

After many years of approval, the discharge of effluent into a marsh is now unapproved. Upon DER's recommendation, CCCRO, Inc. has already applied for a permit to build two perk ponds at a cost of \$300,000. It will also cause the removal of many large live oak trees, and be a financial burden on the retirees to come up with the money.

The last thing we need now is an unfair fine of \$35,000 to \$40,000, which I understand has been threatened by the EPA!

We sincerely believe that when you know the history and facts in this matter you will agree we "old folks" were not responsible for the present situation. Furthermore, we have already applied for a permit to construct two ponds into which the effluent will flow, being diverted from Chitty Chatty Marsh. To fine us now is not only unjust, but it would serve no useful puprose.

Respectfully yours,

Ebert W. Berndsen

Ebert W. Berndsen

Frances L. Berndsen

Frances L. Berndsen

CC: Honorable Karen Thurman
Honorable Connie Mack
Honorable Bob Graham

Honorable John Hankinson
Regional Administrator
U.S. Environmental Protection Agency, Region IV
345 Courtland Street
Atlanta, Georgia 30365

Dear Mr. Hankinson:

I am writing as a resident of Continental Country Club. Continental Country Club is a Resident Owned Retirement Community located on State Road 44 near Wildwood, Florida with approximately 1500 residents.

In 1985 the owner developer of the park went into bankruptcy under Chapter 11. Major creditors assumed control of the park and attempted to reorganize it.

Since the vast majority of our residents are retired and live on a fixed income, we needed long term assurance that we would not be faced with unaffordable costs to maintain our lifestyle. This was a distinct possibility if a third party acquired the park.

Most of the resident formed a not-for-profit corporation and purchased the park. This included the water and sewer system.

Prior to purchasing the water and sewer system we retained an engineering firm and law firm to conduct due diligence effort. They provided us with a lengthy report indicating that each of these systems had all necessary permits and approvals.

The wastewater treatment plant discharges into Chitty Chatty Marsh. Water from the marsh travels about two miles and ends as Hog Eye Sink. It is my understanding that when the Florida Department of Environmental Regulations (DER) initially approved the discharge to Chitty Chatty Marsh in the early 1980's, this method of effluent disposal was strongly supported by DER. We have affidavits from the former Secretary of DER and the DER employee in charge of "permitting" stating that EPA did not require NPDS permits for these facilities at that time.

In 1992 the DEP permit for operating the wastewater plant needed to be renewed and we had our consultant file an application. This was our first experience in renewing the DER permit. After about a year of trying to get the permit renewed, we were told the DER would prefer to see our effluent from Chitty Chatty Marsh. While this was a surprise at this request, we committed to remove the effluent from Chitty Chatty Marsh. We recently applied for a permit to build two perk ponds at an estimated cost of \$300,000. If the permit is approved we will immediately begin construction.

While in the process of reviewing our permit with DER, we received notice from the U.S. Environmental Protection Agency, Region IV, indication that we were in violation of the Clean Air Act because we did not have an NPDS permit and that is how EPA became involved.

Until contacted by EPA we had no idea any type of federal permit for this facility was needed. The engineer who did the due diligence made no indication of this.

We did not construct these facilities. We purchased them. We have made every effort to cooperate with all agencies, both state and federal. We have been told by the EPA that they are going to fine us \$35,000 to \$40,000 for penalties. We are at a total loss as to why the EPA insists on such a penalty. We have done nothing wrong knowingly. Our wastewater treatment plant had been in existence many years before we acquired it and now the EPA wants us to pay for prior owners' mistakes.

Our annual revenues from the sewer operation are small. We have agreed to remove the effluent and finding the \$300,000 to pay for the new effluent system is going to be difficult.

Honorable Karen Thurman
130 Cannon House Office Building
Washington, D.C., 20515

Honorable Connie Mack
517 Hart Senate Office Building
Washington, D.C., 20510

Honorable Bob Graham
524 Hart Senate Office Building
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