

Docket No. 160101-WS: Petition for rate increase by Utilities, Inc. of Florida and Utilities, Inc.

**Direct Testimony of Jessica Kleinfelter**, Appearing on Behalf of the Staff of the Florida Public Service Commission

Date Filed: March 20, 2017

1                                   **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2                                   **ON BEHALF OF COMMISSION STAFF**

3                                   **DIRECT TESTIMONY OF JESSICA KLEINFELTER**

4                                   **DOCKET NO. 160101-WS**

5                                   **MARCH 20, 2017**

6  
7   **Q.     Please state your name and business address.**

8   A.     My name is Jessica Kleinfelter. My business address is: Florida Department of  
9   Environmental Protection, 2600 Blairstone Rd., Tallahassee, Florida, 32399.

10 **Q.     Who is your current employer?**

11 A.     I am currently employed by the Florida Department of Environmental Protection  
12 (Department).

13 **Q.     How long have you been with the Department?**

14 A.     I have been employed by the Department since July 2002, over fourteen years.

15 **Q.     What is your current position with the Department?**

16 A.     I am a Program Administrator in the Department's Water Compliance Assurance  
17 Program.

18 **Q.     Please provide an overview of your duties and responsibilities in your current**  
19 **position with the Department.**

20 A.     My duties and responsibilities include the management of the Department's Water  
21 Compliance Assurance Program. This program facilitates the statewide coordination of  
22 compliance and enforcement activities relating to public drinking water systems subject to the  
23 Florida Safe Drinking Water Act, domestic wastewater and industrial wastewater facilities  
24 regulated under the Department's National Pollutant Discharge Elimination System (NPDES)  
25 program, NPDES Stormwater and underground injection control. My duties and

1 responsibilities include the development of policy, guidance and training materials to ensure  
2 consistency among the Department's six District offices and thirteen delegated local  
3 programs. I ensure compliance and enforcement activities associated with the Department's  
4 NPDES wastewater and stormwater programs are conducted and reported to the U.S.  
5 Environmental Protection Agency (EPA). I also oversee the Department's Electronic  
6 Discharge Monitoring Report System (EzDMR).

7 **Q. Please describe your educational background and professional experience.**

8 A. In 2001, I received a Bachelors in Science degree in Environmental Studies from the  
9 University of West Florida in Pensacola, Florida. I've worked for the Department for over  
10 fourteen years. I started out as an inspector and worked my way up into the Program  
11 Administrator position I currently hold. Please see Exhibit JMK-1 attached, which is a true  
12 and correct copy of my current **curriculum vitae**.

13 **Q. Have you presented testimony before this Commission or any other regulatory**  
14 **agency?**

15 A. I have not testified before this Commission, but I testified in a third-party lawsuit  
16 regarding permit violations associated with the construction of the Bay County Panama City  
17 Airport. During construction of the new airport, I handled the Department's formal  
18 enforcement action against a contractor for violations of a NPDES stormwater construction  
19 generic permit, which resulted in the assessment of significant penalties. Multiple  
20 construction, engineering and consulting firms sued one another over design and construction  
21 related contract disputes.

22 **Q. What is the purpose of your testimony today?**

23 A. The purpose of my testimony today is to address the compliance status and complaint  
24 history for each of the Utilities, Inc. of Florida water and wastewater systems contained within  
25 Exhibit JMK-2.

1 **Q. Have you prepared exhibits to your testimony?**

2 A. Yes, they are Exhibits JMK-1 through JMK-3.

3 **Q. Please briefly explain the exhibits to your testimony.**

4 A. Exhibit JMK-1 describes my educational and professional history. In the record  
5 exhibit, with respect to the domestic wastewater and drinking water facilities that are the  
6 subject-matter of this proceeding, I coordinated the compilation of three years of data (2014-  
7 2016) related to each facility's compliance history and five years of data (2012-2016) related  
8 to customer complaints. In order to summarize the data, I created an Excel spreadsheet that  
9 contained the following column headings: County, Identification Number, Name, Business  
10 Name, Compliance Status, Compliance Summary (2014-2016), and Complaints Summary  
11 (2012-2016). Under my direction, the Department's Southwest District, Central District,  
12 South District Offices, and the Florida Department of Health's Polk County Office reviewed  
13 their records and summarized the compliance status and complaint findings for the relevant  
14 time periods. I also asked for copies of any formal enforcement actions, where applicable.  
15 Exhibit JMK-2 summarizes this data. Exhibit JMK-3 contains copies of formal enforcement  
16 actions.

17 **Q. What is the source of the data and information contained in your exhibits?**

18 A. The Department maintains an electronic document management system called Oculus.  
19 Oculus is essentially an electronic file cabinet, used to store Department and facility  
20 permitting and compliance records. The regulatory offices reviewed the respective facility  
21 files within Oculus and data contained in various Department databases for permit and  
22 compliance information. After completing the reviews, the regulatory offices summarized the  
23 findings within the spreadsheet and supplied my office with copies of applicable enforcement  
24 actions.

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1 **Q. Would you please provide a summary of your testimony?**

2 A. Please see Exhibit JMK-2 for summary tables of the compliance status and complaint  
3 history for each water and wastewater utility and Exhibit JMK-3 for copies of formal  
4 enforcement actions.

5 **Q. For your testimony, please state the water utilities for which you reviewed**  
6 **Department compliance history.**

7 A. The following water utilities were reviewed: Pennbrooke; Lake Utility Services, Inc.  
8 South; Lake Utility Services, Inc. North; Golden Hills Golf and Turf WTP; Crescent Heights  
9 S/D; Davis Shores; Sanlando Utilities; Bear Lake Manor; Little Wekiva Estates; Oakland  
10 Shores; Park Ridge; Phillips Section; Ravenna Park; Weathersfield; Jansen S/D; Utilities Inc.  
11 of Florida, Labrador; Orangewood Water System; Summertree; Lake Tarpon Mobile Home  
12 Village; Cypress Lake Utility; and Sun-n-Lakes of Lake Placid.

13 **Q. For the water utilities you just stated, how far back did you review their**  
14 **corresponding Department compliance histories?**

15 A. Three years, 2014-2016.

16 **Q. For the water utilities you reviewed, were any of those utilities in compliance with**  
17 **Department requirements for the previous 3 years?**

18 A. Yes.

19 **Q. Please list the water utilities that were in compliance the entire preceding 3 years.**

20 A. Please see Exhibit JMK-2, "Table 1 – Water Utilities In Compliance," for a list of the  
21 water utilities that were in compliance the entire preceding 3 years.

22 **Q. Were any of the water utilities out of compliance with Department requirements**  
23 **during the previous 3 years?**

24 A. Yes.

25

1 **Q. Please describe any incidents of non-compliance, and any resolution if applicable,**  
2 **with Department requirements during the previous 3 years by water utility.**

3 A. Please see Exhibit JMK-2, "Table 2 – Water Utilities Out of Compliance," for  
4 descriptions of the non-compliance and resolutions for the water utilities reviewed.

5 **Q. Did you review Department records to determine if the Department received any**  
6 **complaints regarding the aforementioned water utilities?**

7 A. Yes.

8 **Q. Can you please describe the complaints you found and any associated resolution**  
9 **in Department records?**

10 A. Please see Exhibit JMK-2, "Table 3 – Water Utility Complaints," for descriptions of  
11 the complaints and resolutions for the water utilities reviewed.

12 **Q. For your testimony, please state the wastewater utilities for which you reviewed**  
13 **Department compliance history.**

14 A. The following wastewater utilities were reviewed: Utilities Inc. of Pennbrooke; Lake  
15 Groves WWTF; Crownwood WWTF; Wekiva Hunt Club WRF; Shadow Hills WWTF; Forest  
16 Lake Estates WWTP; Mid-County WWTP; Cypress Lakes WWTP; Sandalhaven WWTP;  
17 Sun’N Lake of Lake Placid WWTP; Eagle Ridge WWTP; and Cross Creek WWTP.

18 **Q. For the wastewater utilities you just stated, how far back did you review their**  
19 **corresponding Department compliance histories?**

20 A. Three years, 2014-2016.

21 **Q. For the wastewater utilities you reviewed, were any of those utilities in**  
22 **compliance with Department requirements for the previous 3 years?**

23 A. Yes.  
24  
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1 **Q. Please list the wastewater utilities that were in compliance the entire preceding 3**  
2 **years.**

3 A. Please see Exhibit JMK-2, "Table 4 – Wastewater Utilities In Compliance," for a list of  
4 the wastewater utilities that were in compliance the entire preceding 3 years.

5 **Q. Were any of the wastewater utilities out of compliance with Department**  
6 **requirements during the previous 3 years?**

7 A. Yes.

8 **Q. Please describe any incidents of non-compliance, and any resolution if applicable,**  
9 **with Department requirements during the previous 3 years by wastewater utility.**

10 A. Please see Exhibit JMK-2, "Table 5 – Wastewater Utilities Out of Compliance," for  
11 descriptions of the non-compliance and resolutions for the wastewater utilities reviewed.

12 **Q. Did you review Department records to determine if the Department received any**  
13 **complaints regarding the aforementioned wastewater utilities?**

14 A. Yes.

15 **Q. Can you please describe the complaints you found and any associated resolution**  
16 **in Department records?**

17 A. Please see Exhibit JMK-2, "Table 6 – Wastewater Utility Complaints," for descriptions  
18 of the complaints and resolutions for the wastewater utilities reviewed.

19 **Q. In your experience at the Department, do you find any of the noncompliance**  
20 **issues presented in your testimony to be unusual or excessive?**

21 A. No.

22 **Q. In your experience at the Department, do you find any of the complaints**  
23 **discussed in your testimony to be unusual or excessive?**

24 A. No.

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1 **Q. Does this conclude your testimony?**

2 **A. Yes.**

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# Jessica M. Kleinfelter

2126 La Rochelle Dr., Tallahassee, FL 32308  
850-591-1550 | jessicak1225@hotmail.com

## QUALIFICATIONS

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- Fourteen years of regulatory compliance and enforcement experience, including knowledge of numerous state and federal regulations
- Exemplary work ethic with strong leadership, management, team building, problem solving, and critical thinking skills
- Excellent customer service skills demonstrated through experienced verbal and written communication

## EXPERIENCE

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**Florida Department of Environmental Protection** Tallahassee, FL

*Program Administrator – Water Compliance Assurance* 2012 – current

- Facilitate statewide coordination of compliance and enforcement activities for Wastewater, Stormwater, Aquifer Protection, and Drinking Water
- Ensure completion of compliance and enforcement activities required in the Performance Partnership Agreement with EPA
- Develop policy, guidance and training materials to ensure regulatory consistency
- Oversee the Electronic Discharge Monitoring Report System (EzDMR), including development, maintenance and enhancement
- Directly supervise five professional staff, including recruitment, training and evaluations; indirectly supervise seven additional staff

**Florida Department of Environmental Protection** Tallahassee, FL

*Environmental Administrator – Wastewater Compliance Evaluation* 2010 – 2012

- Coordinated the compliance, enforcement and self-monitoring activities for the domestic and industrial wastewater programs
- Oversaw development of policy recommendations and guidance, technical training, compliance inspection scheduling, development and maintenance of database management systems, and discharge monitoring report data entry
- Developed National Pollutant Discharge Elimination Systems (NPDES) program annual workplans and prepared end of year reports
- Oversaw implementation of the Whole Effluent Toxicity (WET) program
- Directly supervised two professional staff, including recruitment, training and evaluations; indirectly supervised twenty-one additional staff

**Florida Department of Environmental Protection**

Tallahassee, FL

*Environmental Manager – NPDES Stormwater Program*

2005 – 2010

- Managed the Compliance and Enforcement areas for the Construction, Industrial and Municipal Separate Storm Sewer Systems (MS4s) components
- Directed outsourced contractors, provided policy and procedural decisions and tracked task assignments
- Developed and implemented programmatic compliance and enforcement strategies and guidance documents
- Handled and negotiated all controversial and complex enforcement cases and conducted enforcement meetings
- Negotiated the enforcement section of the EPA Memorandum of Agreement (MOA) and annual 106 Workplan commitments
- Directly supervised four professional staff, including recruitment, training and evaluations

**Florida Department of Environmental Protection**

Tallahassee, FL

*Environmental Specialist III – NPDES Stormwater Program*

2004 – 2005

- Coordinated enforcement cases, conducted enforcement meetings and penalty negotiations
- Prepared, drafted and reviewed all types of compliance and enforcement documents
- Entered inspection and enforcement data into various Department databases
- Assisted with compliance initiatives like the Florida Keys Industrial Sweep and Stormwater Pollution Prevention Plan training classes

**Florida Department of Environmental Protection**

Tallahassee, FL

*Environmental Specialist I – Dredge and Fill Program*

2002 – 2004

- Investigated unauthorized dredging and filling activities that occurred in wetlands, waters of the State and on sovereign submerged lands
- Performed compliance inspections at permitted and unpermitted facilities and conducted complaint inspections
- Prepared and drafted inspection reports, compliance and enforcement documents and penalty computations

**EDUCATION**

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**University of West Florida**

Pensacola, FL

*Bachelor of Science – Environmental Studies*

2001

**Gulf Coast State College**

Panama City, FL

*Associates - Biology*

1997

**Table 1 - Water Utilities In Compliance**

County	Identification Number	Name	Business Name	Compliance Status 02/02/17	Compliance Summary (2014-2016)
Lake	3354653	Pennbrooke	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Marion	6424076	Golden Hills Golf & Turf WTP	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Orange	3480255	Crescent Heights S/D	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Orange	3480272	Davis Shores	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	3591451	Weathersfield	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	3590615	Jansen S/D	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Pasco	6511311	Orangewood Water System	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Pinellas	6521000	Lake Tarpon Mobile Home Village	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Pasco	6514842	Utilities Inc. of Florida, Labrador		In-Compliance	In compliance during 2014/2015/2016
Pasco	6511423	Summertree	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	3590912	Oakland Shores	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	3590993	Park Ridge	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	3590069	Bear Lake Manor	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016

**Table 2 - Water Utilities Out of Compliance**

County	Identification Number	Name	Business Name	Compliance Status 02/02/17	Compliance Summary (2014-2016)
Lake	3354881	Lake Utility Services Inc South	Utilities, Inc. of Florida	In-Compliance	Consent Order (CO) for disinfection byproduct exceedances signed by facility on 09/06/16. Facility has met all required milestones including submittal of an engineering analysis report on 10/12/16, hiring an engineering consultant on 12/19/16 and the Quarterly Report 4Q16 on 01/05/17. Next milestone due 6/22/17.
Lake	3354883	Lake Utility Services Inc North	Utilities, Inc. of Florida	In-Compliance	Consent Order (CO) for disinfection byproduct exceedances signed by facility on 09/06/16. Facility has met all required milestones including submittal of an engineering analysis report on 10/12/16, hiring an engineering consultant on 12/19/16 and the Quarterly Report 4Q16 on 01/05/17. Next milestone due 6/22/17.
Seminole	3591121	Sanlando Utilities	Utilities, Inc. of Florida	In-Compliance	08/25/16 sanitary survey noted two minor deficiencies that have since been corrected. Compliance Letter issued 11/17/16.
Seminole	3590762	Little Wekiva Estates	Utilities, Inc. of Florida	In-Compliance	07/18/16 violation for inadequate chlorine residual to meet 4-log. Residual was restored and public notice (PN) issued.
Seminole	3591008	Phillips Section	Utilities, Inc. of Florida	In-Compliance	June 2015 bacteriological reporting violation. Returned to compliance 08/03/15.
Highlands	6280273	Sun-N-Lakes of Lake Placid	Utilities, Inc. of Florida	In-Compliance	03/28/14 inspection resulted in a Compliance Assistance Offer (CAO) letter. Hydro tank last inspection date unknown and seal around well was starting to crack. On 04/09/14, hydro tank inspection dated 10/04/11 was provided and well seal was fixed.
Seminole	3591061	Ravenna Park	Utilities, Inc. of Florida	In-Compliance	April 2015 violation for Total Dissolved Solids (TDS) exceedance. Returned to compliance 04/09/15.
Polk	6535055	Cypress Lake Utilities	Utilities, Inc. of Florida	In-Compliance	01/31/14 sanitary survey noted backflow prevention device not tested. 03/24/14 letter from utility indicates backflow prevention devices have been tested. In compliance during 2015/2016.

**Table 3 - Water Utility Complaints**

County	Identification Number	Name	Business Name	Complaints Summary 2012-2016
Lake	3354653	Pennbrooke	Utilities, Inc. of Florida	Complaint received from the PSC on 08/07/15 regarding "low water pressure, boil water notices issued, and poor water quality." Followed up with complainant. Spoke with a utility representative on 08/12/15 and they confirmed an equipment malfunction that resulted in an outage on 08/05/15. A precautionary boil water notice was issued on 08/05/15 and rescinded on 08/07/15 after satisfactory bacteriological results were received. The utility flushed the area after the outage, which may have broken up calcification in the pipes; could explain poor water quality. The complainant was contacted and provided with the Utilities Inc office number to report future water quality complaints. Resolved 08/13/15.
Lake	3354881	Lake Utility Services Inc South	Utilities, Inc. of Florida	<p>Complaint received on 09/26/14 that the water was blue in color, had a metallic odor and felt sticky to touch. According to utility representatives, they were doing maintenance 09/25/14 on their stripping towers and an air bag gave way allowing dried media into the transfer station, GST, and distribution. The utility indicated that they had also received ~50 water quality complaints. The utility flushed the system and the water quality appeared to have improved. Followed up with complainant and appears the water quality had improved. Completed 09/26/14.</p> <p>Complaint received on 01/05/16 that bad odors were noted last night between 7:30 - 8 PM. Note, there is a WWTF right next to the WTP. Both facilities have odor control systems. Followed up with complainant and asked her to keep a log to note when the odors are present. Also, provided complainant with Utilities Inc office number to report future complaints. Resolved 01/05/16.</p>
Seminole	3591061	Ravenna Park	Utilities, Inc. of Florida	<p>Complaint on 05/02/16 regarding water being shut off and now water tastes bad. Utility was contacted and stated the system was under a temporary interconnect and water quality had changed aesthetically, but was still in compliance. To alleviate customer concerns, system enacted a flushing plan and tested residual daily at 7 different points along the line, maintaining minimal residual at all points. Utility contacted complainant. Closed 05/04/16.</p> <p>Complaint on 08/08/16 regarding concerns with color and odor of the water. Contacted complainants and updated them on the progress of bringing the facility back online. Utility expects this to alleviate the water quality issues. Closed 08/16/16.</p>

**Table 3 continued - Water Utility Complaints**

County	Identification Number	Name	Business Name	Complaints Summary 2012-2016
Lake	3354883	Lake Utility Services Inc North	Utilities, Inc. of Florida	Complaint received by letter on 10/16/15 regarding complainant's concern over rate increases and disinfection by product problems he was recently notified of via mail. Followed up with complainant on 10/26/15, he'll wait for the utility's response. Completed 10/27/15.
Pasco	6514842	Utilities Inc. of Florida, Labrador		<p>Complaint on 01/01/13 regarding variable frequency devices (VFDs) being offline due to electrical issues. On 01/22/13, staff met with utility representatives and the utility committed to install an isolation transformer in an effort to provide steady power to the VFDs. Final Clearance granted 04/16/13.</p> <p>Complaint on 09/30/16 that system had been under boil water notice for too long. Utility was contacted, system lost pressure during a generator check and didn't switch back to normal power. First set of bacteriological samples failed, hence the extension of the boil water notice. Notice should be lifted by 10/01/16. Complainant was informed and provided with the PSCs contact information for future complaints. Followed up with complainant on 10/03/16, confirmed he received the rescind notice.</p>
Polk	6535055	Cypress Lake Utilities	Utilities, Inc. of Florida	<p>Complaint on 03/06/13 regarding e. coli infection that may be due to the water. On 03/07/13 bacteriological analysis sample was taken (results negative for bacteria) and complainant was informed of results.</p> <p>Complaint on 07/22/13 regarding low water pressure. Staff met with complainant at his home, where good pressure was found. Complainant stated the utility flushes the lines to much, which waste water and lowers the water pressure. Staff met with manager of the water system, found the problem and provided solutions. Recommend not opening too many hydrants at the same time while flushing. Closed 07/23/13.</p> <p>Complaint on 10/09/14 regarding odor. Upon investigation, found low chloramine residual. Informed operator to flush and restore residual. Closed 10/10/14.</p> <p>Complaint on 12/15/14 regarding odor. Informed complainant to wait and see if odor returns after free chlorine burn scheduled for 12/16/14 (per water operator). Closed on 12/16/14.</p>

**Table 3 continued - Water Utility Complaints**

County	Identification Number	Name	Business Name	Complaints Summary 2012-2016
Pasco	6511423	Summertree	Utilities, Inc. of Florida	<p>Complaint on 07/09/13 regarding water color and odor. Contacted utility and was informed that maintenance work was being done on well #13 and the complainant's home was switched to a remote well. Well flushing was completed. Utility reached out to complainant. Closed 07/11/13.</p> <p>Complaints on 08/21/13 regarding odor and 09/03/13 regarding over chlorination. On 08/30/13, site visit was conducted and chlorine samples were taken (found in compliance). System was flushed with staff on site. Post flushing chlorine sample taken was in compliance. Information was relayed to complainant via letter on 09/03/13.</p> <p>Complaint on 09/01/13 regarding water quality. Information (letter and brochure) was relayed to complainant.</p> <p>Complaint from PSC on 09/30/13 regarding water color, odor, consistency, and rate increase. Rate matters should be addressed by the PSC.</p> <p>Complaint on 04/27/16 regarding water quality, odor issues and rate increase. Followed up with complainant and explained past odor complaints and that system is scheduled to connect to the county by the end of the year. Rate matters should be directed to the PSC. Provided complainant with additional information. Closed 05/02/16.</p>

**Table 4 - Wastewater Utilities In Compliance**

County	Identification Number	Name	Business Name	Compliance Status 02/02/17	Compliance Summary (2014-2016)
Lake	FLA010570	Utilities Inc of Pennbrooke	Utilities Inc of Pennbrooke	In-Compliance	In compliance during 2014/2015/2016
Lake	FLA010630	Lake Groves WWTF	Lake Utility Services Inc	In-Compliance	In compliance during 2014/2015/2016
Marion	FLA012680	Crownwood WWTF	Utilities, Inc. of Florida	In-Compliance	In compliance during 2014/2015/2016
Seminole	FLA011105	Shadow Hills WWTF	Utilities, Inc. of Longwood	In-Compliance	In compliance during 2014/2015/2016
Pasco	FLA012801	Forest Lake Estates WWTP	Labrador Utilities, Inc.	In-Compliance	In compliance during 2014/2015/2016
Pinellas	FL0034789	Mid-County WWTP	Mid-County Services Inc	In-Compliance	In compliance during 2014/2015/2016
Polk	FLA013123	Cypress Lakes WWTP	Cypress Lakes Utilities, Inc.	In-Compliance	In compliance during 2014/2015/2016

**Table 5 - Wastewater Utilities Out of Compliance**

County	Identification Number	Name	Business Name	Compliance Status 02/02/17	Compliance Summary (2014-2016)
Seminole	FL0036251	Wekiva Hunt Club WRF	Sanlando Utilities Corp	In-Compliance	Inspection in October 2015 - Noncompliance; facility returned to compliance without needing a Compliance Assistance Offer (CAO). Deficiencies included paperwork issues, Total Phosphorus effluent to surface water, and signage for public access reuse. There was a Consent Order (CO), OGC 15-0039 executed in mid-2015 for non-compliance occurring in 2014 (unauthorized discharges and rapid infiltration basin (RIB) failures). While not linked to noncompliance currently, the neighbors believe this facility's RIBs cause flooding around their homes, which are on septic.
Charlotte	FLA014053	Sandalhaven WWTP	Utilities Inc of Sandalhaven	In-Compliance	A Compliance Assistance Offer (CAO) letter was sent on 05/05/14 after a complaint and inspection revealed that the pond berms appeared to be leaching. The facility entered into a Consent Order (CO), which was closed on 12/07/15 as all conditions of the CO were satisfactorily completed. Email received 11/03/15 indicated that the flow was diverted and the WWTP was permanently offline. The last reporting period was 11/30/15. Letter received 12/01/15, the facility completed the decommissioning of the plant.
Highlands	FLA014386	Sun'N Lake of Lake Placid WWTP	Lake Placid Utilities, Inc.	In-Compliance	A permit renewal inspection was completed on 05/27/15. Facility had a lift station where the warning system was not functioning and another lift station that was not working. Also, the ponds were overgrown with vegetation. All deficiencies were addressed in the permit request for additional information (RAI). Facility was given a 10-year permit on 07/15/15.

**Table 5 continued - Wastewater Utilities Out of Compliance**

County	Identification Number	Name	Business Name	Compliance Status 02/02/17	Compliance Summary (2014-2016)
Lee	FLA014505	Cross Creek WWTF	Utilities Inc. of Eagle Ridge	In-Compliance	<p>A compliance evaluation inspection conducted on 05/23/16 determined that the facility had excessive corrosion and no NIST traceable thermometer. A Compliance Assistance Offer (CAO) letter was sent on 06/27/16. Facility sent a letter stating all issues will be fixed and pictures will be sent upon completion. On 01/18/17, facility sent letter and photos of corrective actions at the facility.</p>
Lee	FLA014498	Eagle Ridge WWTP	Utilities Inc. of Eagle Ridge	Out of Compliance	<p>A compliance evaluation inspection was completed on 02/06/14. A Compliance Assistance Offer (CAO) letter was sent 02/20/14. Facility had corroded weirs on clarifiers and secondary blower not operational. Facility came back into compliance without formal enforcement on 03/06/14. A compliance evaluation inspection was completed on 06/02/16. A CAO letter was sent on 06/20/16. Facility had excessive corrosion on the equalization (EQ) tanks, reduced pressure zone (RPZ) valve was leaking, flow chart recorder not operational, non-safe walkways, no National Institute of Standards and Technology (NIST) traceable thermometer, and no standard information on daily calibration sheets. Facility sent letter stating that all the issues should be fixed by the end of 2016. On 01/17/17, the facility confirmed the following: there is a permit in-house for corrections for the Equalization Basins, the walkway constructions should be completed in Feb. 2017, and all the other deficiencies have been corrected. Site visit conducted on 03/14/17, not all corrective actions have been completed.</p>

**Table 6 - Wastewater Utility Complaints**

County	Identification Number	Name	Business Name	Complaints Summary 2012-2016
Lake	FLA010630	Lake Groves WWTF	Lake Utility Services Inc	Four odor complaints during the 2012-2016 timeframe (02/28/12, 01/13/15, 06/19/15, 07/20/15). All complaints were followed up on and closed.
Seminole	FL0036251	Wekiva Hunt Club WRF	Sanlando Utilities Corp	An odor complaint 11/17/16 was resolved and closed. A complaint regarding the rapid infiltration basin (RIBs) flooding neighbors 10/09/14 (which resulted in a complaint inspection and subsequent Warning Letter).
Pasco	FLA012801	Forest Lake Estates WWTP	Labrador Utilities, Inc.	Two odor complaints one in 2012 and one in 2013 (12/21/12 and 04/10/13). Both have been resolved and closed. No complaints received 2014-2016.
Pinellas	FL0034789	Mid-County WWTP	Mid-County Services Inc	Nine odor complaints (05/05/15, 06/05/15, 06/30/15, 11/09/15, 02/24/16, 03/17/16, 06/15/16, 06/20/16, 11/23/16) and one sewage overflow from a manhole complaint (09/13/16). All complaints were followed up on and closed.
Charlotte	FLA014053	Sandalhaven WWTP	Utilities Inc of Sandalhaven	Received complaint 04/16/14 regarding the percolation ponds leaching, complaint inspection on 04/16/14 resulted in a Compliance Assistance Offer (CAO) letter being sent on 05/05/14. A Consent Order (CO) to address corrective actions was executed on 10/08/14. The CO was closed on 12/07/15 as the conditions of the CO had been satisfactorily completed.

December 2, 2015

Patrick Flynn, Vice President of Operations  
Sanlando Utilities Corporation  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714  
[pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)

Re: Wekiva Hunt Club WWTF  
DW FL0036251  
Seminole County

Dear Mr. Flynn:

The purpose of this letter is to inform you that the Department's enforcement case against Sanlando Utilities Corporation has been closed. A records review conducted on December 2, 2015, found that the requirements of Consent Order OGC File No.: 15-0039 have been satisfied.

The Department appreciates your efforts and cooperation in bringing this facility into compliance with state and federal rules. Should you have any questions or comments, please contact Daniel Hall at 407-897-4167 or via e-mail at [Daniel.K.Hall@dep.state.fl.us](mailto:Daniel.K.Hall@dep.state.fl.us).

Sincerely,



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Jeff Prather, Director  
Central District  
Florida Department of Environmental Protection

JP/dkh

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	CENTRAL DISTRICT
	)	
v.	)	OGC FILE NO. 15-0039
	)	
SANLANDO UTILITIES CORPORATION	)	
_____	)	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Sanlando Utilities Corporation ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and is responsible for the operation of the Wekiva Hunt Club WWTF ("Facility"), a 2.90 MGD annual average daily flow activated sludge domestic wastewater facility consisting of three contiguous package wastewater treatment plants (0.97 MGD each) connected in parallel, filtration and high level disinfection with wet weather back up surface water disposal to Sweetwater Creek (0.87 MGD permitted capacity), four rapid infiltration basins (RIBs) comprising 338,000 square feet of bottom surface (0.4 MGD of reuse capacity), and a 2.6 MGD public access reuse system that provides reclaimed water to the Wekiva Hunt Club Community and Golf Course, medians, Lake Brantley Nursery, with reuse interconnects with the City of Altamonte Springs, and the City of Apopka ("Facility"). The

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Facility is operated under NPDES Wastewater Permit No. FL0036251 ("Permit"), which was issued on March 31, 2011, will expire on March 30, 2016, and which was revised on: May 24, 2011; May 21, June 28, and December 26, 2012; and March 26, June 5, July 3, and November 4, 2014. The Facility is located at 144 Ledbury Drive, Longwood, in Seminole County, Florida ("Property"). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violation(s) occurred:

a) On November 23, 2014, there was an unauthorized discharge of an estimated 750,000 gallons of untreated domestic wastewater into Sweetwater Creek, a Class III surface water, in violation of Section 403.088(1), Florida Statute.

b) On November 29, 2014, there was an unauthorized discharge of an estimated 1,000,000 gallons of treated wastewater effluent due to a berm breach at the northeast corner of RIB #1. The wastewater was treated in conformance with the permit limits established for discharge to the RIBs. The wastewater flowed north into the wetlands located between the Facility and Sweetwater Creek. This water was not treated sufficiently to meet the permit required standards established for surface water discharge in violation of Section 403.088(1), Florida Statute.

c) On December 2, 2014, an unauthorized discharge from the previously decommissioned underdrain from the RIBs was observed by Department personnel. The discharge flowed into the wetlands between the facility and Sweetwater Creek to the north of RIB #1 in violation of Rule 62-600.740(2), Florida Administrative Code.

d) On December 2, 2014, daylighting was observed originating from the north side of RIB #1 by Department personnel in violation of Rule 62-600.740(2), Florida Administrative Code.

e) On December 2, 2014, Department personnel observed that RIB #s 2, 3, and 4 were not being properly operated and maintained, in violation of Rule 62-610.523(4), Florida Administrative Code.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

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**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 30 days of the effective date of this Order, Respondent shall retain the services of a professional engineer, registered in the State of Florida.

b) Within 120 days of the effective date of this Order, Respondent shall complete and submit to the Department an Engineering Evaluation Report (EER) for the RIBs and underdrain system. This EER shall include a review of the last mounding analysis performed and, if deemed necessary, a new mounding analysis.

c) Within 270 days of Department approval of the EER the Respondent shall complete any work necessary to cease discharges from the underdrain and bring the RIBs into compliance with Permit conditions so that they may be operated at permitted capacities to preclude lateral transmission through the berms or adverse effects on adjacent properties.

d) Alternatively, within 90 days of Department approval of the EER, the Respondent may elect to submit a request for a permit modification to re-rate the RIBs at a lower capacity deemed reasonable based on the EER so that they may be operated at modified capacities to preclude lateral transmission through the berms or adverse effects on adjacent properties. This alternative does not alleviate the need to cease discharges from the underdrain system. Should the Respondent opt for this alternative, any Department requests for additional information to process the permit application shall be responded to, in writing, within 30 days.

6. Every calendar quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period

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which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

7. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraph 5 within 540 days of the effective date of this Order and be in full compliance with Chapter 62, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order.

8. Within 90 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

9. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$7,500 in settlement of the regulatory matters addressed in this Order. This amount includes \$6,500 for civil penalties and \$1,000 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 3 violations that each warrant a penalty of \$2,000.00 or more.

10. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

11. In lieu of making cash payment of \$7,500 in civil penalties as set forth in Paragraph 9, Respondent may elect to off-set the amount of \$6,500 by implementing a Pollution Prevention (P2) Project, as set forth in Exhibit A, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the

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environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by federal, state, or local law, in order to be eligible for civil penalty offset under this Order. If Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$1,000 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

12. If Respondent elects to implement a P2 Project as provided in Paragraph 11, Respondent shall submit a completed P2 Project Plan (Plan) within 180 days of the effective date of this Order. The Plan must be completed using Exhibit A, "P2 Project Plan" template.

13. In the event the Department requires additional information to process the Plan described in Paragraph 11, Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.

14. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to Respondent that the balance is due.

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Aaron Watkins, Environmental Manager, Compliance Assurance Program, Department of Environmental Protection, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803.

16. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

17. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property,

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(a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

18. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

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19. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

20. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

21. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

22. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

23. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

24. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

25. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

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Consent Order, OGC No. 15-0039  
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26. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

27. Respondent shall publish the following notice in a newspaper of daily circulation in Seminole County, Florida. The notice shall be published one time only within 30 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with Sanlando Utilities Corporation pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the unauthorized discharges at 144 Ledbury Drive, Longwood, in Seminole County, Florida. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

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Consent Order, OGC No. 15-0039  
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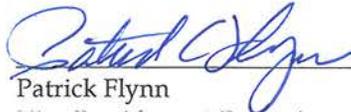
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 3319 Maguire Blvd, Suite 232, Orlando, FL 32803. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

28. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

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FOR THE RESPONDENT:

 4/2/15 \_\_\_\_\_  
Patrick Flynn Date  
Vice President of Operations, Sanlando Utilities Corp.

DONE AND ORDERED this 7<sup>th</sup> day of April, 2015, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Jeff Prather  
District Director  
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

  
Clerk

4-7-2015  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

DW\_CO (REV. 06/09)

DW/CO April 2014

[This template is to be used as a Long Form Consent Order Exhibit when regulatory corrective actions, or P2 Projects require time to be resolved or developed. This template must be completed to describe P2 Projects once identified. The document must be approved prior to P2 Project implementation. The Plan must contain the following information.]

**Exhibit A**

**P2 Project Plan (Plan)**

*(Note: Provide the information specified and delete existing text within parentheses)*

(Facility Name)  
 (Address)  
 (Telephone)  
 (Preparer Name/Title)

**A. Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

**B. Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions are generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual savings in resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual reductions in wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each per Project individually. Add or average corresponding figures from each Project table to complete the Plan table, *for multiple Projects.*)

<i>(Project Name)</i>							
<b>Annual Resource Consumption Comparison</b>							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							

Materials							
Energy							
Total Annual Cost Savings =							
<b>Annual Waste Generation Comparison</b>							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
<b>Total Annual Avoided Cost Savings =</b>							

<i>Summary of All P2 Projects</i>							
<b>Annual Resource Consumption Comparison</b>							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
<b>Annual Waste Generation Comparison</b>							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
<b>Total Annual Avoided Cost Savings =</b>							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is preferred. The schedule shall include a list of milestones with dates, or timeframes based on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options. *The implementation should take no longer than six months to complete.*)

E. **Project Reporting:**

1. Within 90 days of approval of the Project Plan, the Respondent shall submit a P2 Project Progress Report to the Department that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.
2. Within 180 days of approval of the Plan, the Respondent shall submit to the Department a P2 Project Final Report that includes the following.
  - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied.
  - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
3. The Department shall review the Final Report and determine:
  - a. Whether the project was properly implemented; and
  - b. Which expenses apply toward pollution prevention credits.
4. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
  - a. The following costs are allowable to offset the allowable amount of the civil penalty:
    - i. Preparation of the P2 Project;
    - ii. Design of the P2 Project;
    - iii. Installation of equipment for the P2 Project;
    - iv. Construction of the P2 Project;
    - v. Testing of the P2 Project;
    - vi. Training of staff concerning the implementation of the P2 Project; and
    - vii. Capital equipment needed for the P2 Project.
    - b. The following costs shall not apply toward P2 credit:
      - i. Costs incurred in conducting a waste audit;
      - ii. Maintenance and operation costs involved in implementing the P2 Project;
      - iii. Monitoring and reporting costs;
      - iv. Salaries of employees who perform their job duties;
      - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
      - vi. Costs associated with a P2 Project that is not implemented;
      - vii. Costs associated with a P2 Project that has not been approved by the Department; and
      - viii. Legal costs.

c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

5. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.

December 7, 2015

Scotty Haws  
Compliance & Safety Manager  
Utilities, Inc. of Sandalhaven  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714  
Email: [slhaws@uiwater.com](mailto:slhaws@uiwater.com)

RE: Charlotte County – DW  
Sandalhaven Wastewater Treatment Plant  
OGC Case No.: 14-0536-08-DW  
Facility ID No.: FLA014053

Dear Mr. Haws,

The Department has reviewed the above referenced OGC case and has determined that all conditions of the Consent Order have been satisfactorily completed.

We will close this case and put it in our inactive file.

Your cooperation in resolving the matters of this case is appreciated. **If you have any questions, please contact Diane Loughlin of this office at 239-344-5641 or [Diane.Loughlin@dep.state.fl.us](mailto:Diane.Loughlin@dep.state.fl.us).**

Sincerely,



---

Jon M. Iglehart  
Director of District Management  
South District Office

ec: Patrick Flynn, Utilities Inc ([pcflyn@uiwater.com](mailto:pcflyn@uiwater.com))  
Mike Wilson, Utilities Inc ([MAWilson@uiwater.com](mailto:MAWilson@uiwater.com))  
Lenny Godwin, Utilities Inc ([plgodwin@uiwater.com](mailto:plgodwin@uiwater.com))  
John Hoy, Utilities Inc ([JPHoy@uiwater.com](mailto:JPHoy@uiwater.com))  
Mary Wilson, OGC

October 8, 2014

John Hoy, President  
Utilities, Inc. of Sandalhaven  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714  
[JPHoy@uiwater.com](mailto:JPHoy@uiwater.com)

Charlotte County-DW  
FLA014053 Sandalhaven WWTP  
OGC Case No: 14-0536-08-DW

Dear Mr. Hoy:

Enclosed is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records.

Please note that all compliance dates begin from the date of entry of this Order, which is October 8, 2014.

Upon satisfactory completion of all conditions of the Order, we will close this case and place it in our inactive file.

**If you have any questions, please contact [Diane.Loughlin@dep.state.fl.us](mailto:Diane.Loughlin@dep.state.fl.us) at (239) 344-5656.**  
Your cooperation in resolving this case is appreciated.

Sincerely,



---

Jon M. Iglehart  
Director of District Management

JMI/DL/mf

cc: Patrick Flynn, Utilities Inc. [pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)  
Mike Wilson, Utilities, Inc. [MAWilson@uiwater.com](mailto:MAWilson@uiwater.com)  
Scotty Haws, Utilities Inc. [SLHaws@uiwater.com](mailto:SLHaws@uiwater.com)  
Mike Tanski, FDEP [Michael.Tanski@dep.state.fl.us](mailto:Michael.Tanski@dep.state.fl.us)  
Lea Crandall, FDEP OGC [lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us)



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTH DISTRICT  
P.O. BOX 2549  
FORT MYERS, FL 33902-2549  
*SouthDistrict@dep.state.fl.us*

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )  
OF ENVIRONMENTAL PROTECTION )  
v. )  
UTILITIES, INC. OF SANDALHAVEN )  
(Sandalhaven WWTP) )

IN THE OFFICE OF THE  
SOUTH DISTRICT

OGC FILE NO. 14-0536-08-DW

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Utilities, Inc. of Sandalhaven ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of the Sandalhaven WWTP, a 0.045 MGD domestic wastewater treatment plant with a rapid rate land application system ("Facility"). The Facility is operated under Wastewater Permit No. FLA014053 ("Permit"), which was issued on February 15, 2012, and will

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
Consent Order, OGC No. 14-0536-08-DW  
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expire on February 14, 2017. The Facility is located at 6811 Placida Road, in Charlotte County, Florida ("Property"). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violation(s) occurred:  
  
Improper release of wastewater from land application system as prohibited by F.A.C. Rule 62-610.320(1).

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

5. To prevent potential impacts on neighboring properties, Respondent shall follow the protocol described in the monitoring plan submitted to and approved by the Department on September 9, 2014. This Order incorporates the monitoring plan by reference and compliance with the monitoring plan is a specific requirement of this Order.
6. On or before December 1, 2014, Respondents shall submit a permit application, along with the appropriate permit fee, to the Department to construct a wastewater collection/transmission system to divert flow from the Facility to a regional wastewater collection/transmission system. The application shall be prepared and sealed by a professional engineer registered in the State of Florida and shall be submitted to the attention of Gary Maier, PE Supervisor III, Department of Environmental Protection, South District, P.O. Box 2549, Fort Myers, FL 33902-2549.

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
Consent Order, OGC No. 14-0536-08-DW  
Page 3

7. On or before August 1, 2015, Respondent shall submit a written plan for the inactivation or abandonment of the Facility in accordance with F.A.C. Rule 62-600.410(7). This abandonment plan shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. Respondent shall complete the abandonment of the Facility as described in the written abandonment plan within 60 days following the completion of the collection/transmission system diversion.
8. On or before October 1, 2015, Respondents shall complete construction of the collection/transmission system diversion, submit a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, stating that modifications to the collection system have been constructed in accordance with the provisions of the Permit, and place the collection/transmission system diversion into operation.
9. Every quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
Consent Order, OGC No. 14-0536-08-DW  
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10. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 5 through 9 on or before October 1, 2015 and be in full compliance with F.A.C. Rules 62-610.320(1) and 62-600.410(6) regardless of any intervening events or alternative time frames imposed in this Order.
11. On or before April 1, 2015, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.
12. Respondent agrees to pay the Department stipulated penalties in the amount of \$100 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 5 through 10 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 13, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.
13. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
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14. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Diane Loughlin, Environmental Specialist II, Department of Environmental Protection, South District, P.O. Box 2549, Fort Myers, FL 33902-2549.
15. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.
16. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.
17. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the

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failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

18. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
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is conditioned upon Respondent's complete compliance with all of the terms of this Order.

19. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.
20. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.
21. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.
22. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.
23. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
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24. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.
25. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;

DEP vs. UTILITIES, INC. OF SANDALHAVEN  
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- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the Department of Environmental Protection, South District, P.O. Box 2549, Fort Myers, FL 33902-2549. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

[This portion intentionally left blank.]

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30. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:

  
\_\_\_\_\_  
John Hoy  
President

10/9/14  
Date

DONE AND ORDERED this 8<sup>th</sup> day of OCTOBER, 2014, in  
Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Jon Iglehart  
District Director  
South District

FILED, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

  
Clerk

10-8-2014  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35



**Utilities, Inc. of Sandalhaven  
Perc Pond Monitoring Plan  
Permit No. FLA014053**

**DAILY:**

1. Complete a visual inspection of the pond and plant perimeter, excluding the wooded areas abutting Amberjack Slough Park property on the south side of the Sandalhaven Plant site, by walking along the inside of the perimeter fence.
2. Identify from a visual inspection whether there is water present in the swale along the plant entrance driveway and adjacent to Pond 4.
3. Identify whether the area at the end of the plant entrance driveway near the fence gate is soft and muddy.
4. Identify whether the toe of the berms adjacent to Fiddlers Green parking lot areas contains standing water.
5. Identify locations where standing water is present at the surface at any of these locations more than 48 hours after a recorded rainfall event.
6. Record rainfall amounts as measured at a precipitation station located at the Sandalhaven Plant.
7. Record water level in each pond using staff gauges.
8. Record the depth to water level in each of the five piezometers.

**WEEKLY:**

1. Rotate the use of each percolation pond in order to minimize groundwater mounding below the ponds.
2. In the event that non-rainfall related water accumulates in the toe of the berms adjacent to the Fiddlers Green parking lot, maximize the diversion of wastewater flow to Englewood Water District through the existing Placida Road force main.
3. Notify the Department by electronic submission in the event that there are visible signs of non-rainfall related surface water accumulating in the vicinity of the berms.

**MONTHLY:**

1. Compile daily log sheet and weekly reports.
2. Submit daily log sheets and weekly reports to FDEP by the 28<sup>th</sup> day of the following month as attachments to the monthly Sandalhaven Plant Discharge Monitoring Report.

SANDALHAVEN WWTP PERC POND MONITORING PLAN  
 PERMIT NO. FLA014053

MONTH/YEAR: \_\_\_\_\_

DAILY TASKS:

- 1) Inspect plant perimeter outside the fence line for standing water
- 2) Inspect swale adjacent to plant driveway; swale south of Pond 4, swale at plant fence gate. Note if ground is saturated.

DAY	TIME	INITIALS	1) OBSERVATIONS	2) OBSERVATIONS
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
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21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
TOTAL				

Notes: \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

THERE IS NO REQUIREMENT TO INSPECT THE AREA TO THE SOUTH OF PONDS 1 & 2 OUTSIDE THE FENCE LINE







**LEGEND:**  
 PZ-x APPROXIMATE LOCATION OF PIEZOMETER  
 AB-x APPROXIMATE LOCATION OF AUGER BORING

	<b>Andreyev          Engineering,          Inc.</b>	
	APPROXIMATE SCALE: <b>1"=80'</b>	DATE: <b>09/28/12</b> PN: <b>APGW-12-0070</b>

HYDROGEOLOGIC INVESTIGATION  
**SANDALHAVEN WWTP**  
 6811 PLACDA ROAD  
 ENGLEWOOD, CHARLOTTE COUNTY, FL

**PIEZOMETER LOCATION MAP**

September 12, 2016

Mr. Patrick Flynn, Vice President  
Lake Utility Services, Inc.  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714  
[PCFlynn@UIWater.com](mailto:PCFlynn@UIWater.com)

Re: Lake Utility Services Inc. North  
PW Facility ID #3354883  
OGC Case #16-0376

Dear Mr. Flynn:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Wanda Parker-Garvin at 407-897-2934 or via e-mail at [Wanda.Parker@dep.state.fl.us](mailto:Wanda.Parker@dep.state.fl.us).

Your cooperation in this matter will be appreciated.

Sincerely,



Jeff Prather  
Director, Central District

JP/wpg

Enclosure

cc: Bryan Gongre, Lake Utility Services Inc. [[BKGongre@uiwater.com](mailto:BKGongre@uiwater.com)]  
Caroline Shine, FDEP  
Lea Crandall, OGC  
Kris Tulloch, FDEP

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	CENTRAL DISTRICT
	)	
v.	)	OGC FILE NO. 16-0376
	)	
UTILITIES, INC. OF FLORIDA,	)	
_____	)	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Utilities, Inc. of Florida, formerly Lake Utilities Services, Inc., ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.852(5), F.S.
3. Respondent is the owner and operator of two Community Water Systems, PWS ID 3354883 Lake Utility Services North and PWS ID 3354881 Lake Utility Services South, located at 2425 US Highway 27, Clermont, FL 34714 in Lake County, Florida ("System").
4. The Department finds that Respondent is in violation of Rule 62-550.310(3), F.A.C, which establishes the maximum contaminant level ("MCL") for total trihalomethanes ("TTHMs") as 0.080 milligrams per liter ("mg/L") and the five haloacetic acids ("HAA5s") as 0.060 mg/L. The locational running annual average results for samples collected from PWS ID 3354881 at 16107 Green Cove Blvd. during the first and second quarter 2016 and analyzed for TTHMs are 0.092825 mg/L and 0.09485 mg/L, respectively. The locational running annual

average results for samples collected from PWS ID 3354883 at 13105 Pinyon Drive during the third and fourth quarter 2015 and the first and second quarter 2016 and analyzed for TTHMs are 0.08285 mg/L, 0.09565 mg/L, 0.101875 mg/L and 0.9425 mg/L, respectively.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 30 days of the effective date of this Order, Respondent shall complete and submit to the Department an engineering analysis of the Lake Utility Services South (LUSI South) Water Treatment Plant that identifies the method of treatment upgrades that will reduce the generation of disinfection byproducts such that LUSI South will be in compliance with the Disinfection Byproducts Rule. The study and subsequent corrective actions shall be conducted in accordance with the proposed compliance schedule submitted to the Department on March 18, 2016.

b) Within 60 days of the Department approval of the engineering analysis, Respondent shall retain the services of a professional engineer, registered in the State of Florida, to initiate the design of the modifications needed to address the MCL violation(s) in accordance with Table 1 below.

Table 1:

Activity to be Completed	Due Date
1. Conduct a treatment study and submit an engineering analysis report.	30 days after the effective date of this Order.
2. Hire an engineering consultant to initiate design of treatment plant modifications.	60 days after the Department's acceptance and approval of the treatment study.
3. Design the selected treatment option and conduct a pilot test using LUSI South Well 3 as the source water in order to optimize membranes/media,	180 days after Respondent's selection of the engineering consultant.

unit sizing and equipment configuration.	
4. Submit an application for a permit to construct modifications to the LUSI South WTP.	30 days after the completion of the design modifications to the LUSI South WTP.
5. Complete construction.	365 days after the issuance of the construction permit by the Department.
6. Initiate equipment testing and obtain clearance.	45 days of completion of construction.

c) If the Department requires additional information, modifications, or specifications to process the permit application described in subparagraph (5)(b), above, the Department will issue a written request for information (“RFI”) to Respondent. Respondent shall submit the requested information in writing to the Department within 30 days of receipt of the request. Respondent shall provide all information requested in any additional RFIs issued by the Department within 15 days of receipt of each request. Within 60 days of the Department’s receipt of the application described in subparagraph (5)(b), above, Respondent shall provide all information necessary to complete the application.

d) Within 15 months of the issuance of the construction permit, Respondent shall complete construction and place into service all treatment modifications and all corrective actions necessary to resolve the MCL exceedances described above. Respondent shall submit a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida and received written Department clearance prior to placing the permitted system modifications into service.

e) If the approved modifications are determined by the Department to be inadequate to resolve the MCL violation(s), the Department will notify the Respondent in writing. Within 30 days of receipt of such written notification from the Department, Respondent shall submit an alternate proposal to address the MCL violation(s). Respondent shall provide all information requested in any RFIs issued by the Department within 15 days of receipt of each request. Within 60 days of the date the Department receives the proposal

required by this subparagraph, Respondent shall provide all information necessary to complete the application for modification.

f) Respondent shall continue to sample quarterly for TTHMs and HAA5s in accordance with Rule 62-550.822, F.A.C. Respondent shall submit all sampling results to the Department within 10 days following the month in which the samples were taken or within 10 days following Respondent's receipt of the results, whichever is sooner.

g) Respondent shall continue to issue public notices regarding the MCL violation(s) described above every 90 days, as required by Rule 62-560.410(1), F.A.C., until the Department determines that the System is in compliance with all MCLs. Respondent shall submit certification of delivery of public notices, using DEP Form 62-555.900(22), F.A.C. to the Department within 10 days of issuing each public notice.

h) Respondent shall submit written quarterly updates on the status of the permitted modifications. Updates shall be submitted to the Department within 10 days following the end of each calendar quarter until the modifications are complete and cleared for service.

6. Within 30 days of the completion of construction and clearance for operation, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$250 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 8, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

8. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the

“Department of Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final and effectively filed with the Clerk of the Department before ability to make online payment is available.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Wanda Parker-Garvin, Environmental Manager, Compliance Assurance Program, Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

10. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

12. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as “contractor”) to whom responsibility for performance is

delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department within two days of the delay, and then within seven calendar days, shall notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

13. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

14. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

15. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

16. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$5,000.00 per day per violation, and criminal penalties.

17. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

18. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

19. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

20. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

21. Respondent shall publish the following notice in a newspaper of daily circulation in Lake County, Florida. The notice shall be published one time only within 14 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with LAKE UTILITIES SERVICES, INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the maximum contaminant level ("MCL") exceedances of total trihalomethanes ("TTHMs") and the five haloacetic acids ("HAA5s") at 2425 US Highway 27, Clermont, FL 34714. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;

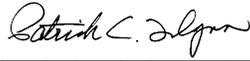
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

22. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

DEP vs. Lake Utilities Services, Inc.  
Consent Order, OGC No. 16-0376  
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FOR THE RESPONDENT:



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Patrick C. Flynn  
Vice President of Operations

9/6/2016  
Date

DEP vs. Lake Utilities Services, Inc.  
Consent Order, OGC No. 16-0376  
Page 11

DONE AND ORDERED this 12th day of September, 2016 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
District Director  
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.



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Clerk

September 12, 2016  
Date

Copies furnished to:  
Lea Crandall, Agency Clerk  
Mail Station 35

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida.

DOCKET NO. 160101-WS

DATED: March 20, 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the testimony of Jessica M. Kleinfelter on behalf of the staff of the Florida Public Service Commission was electronically filed with the Office of Commission Clerk, Florida Public Service Commission, and copies were furnished by electronic mail to the following on this 20th day of March, 2017.

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