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DOCKET NO.: 060368-WS - Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington Counties by Aqua Utilities Florida, Inc.

WITNESS: Direct Testimony of Josie Penton,  
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: August 21, 2007

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FPSC-COMMISSION CLERK

DIRECT TESTIMONY OF JOSIE PENTON

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- Q. Please state your name and business address.
- A. Josie Penton, Florida Department of Environmental Protection, 2353 Jenks Avenue,  
Panama City, Florida 32405.
- Q. Please state a brief description of your educational background and experience.
- A. I have a B.S. Degree in Chemistry. I have 2 years of analytical laboratory experience  
analyzing drinking water, wastewater and environmental samples.  
I have 14+ years of environmental regulatory experience working for the Florida  
Department of Environmental Protection (FDEP).
- Q. By whom are you presently employed?
- A. Florida Department of Environmental Protection (FDEP), Panama City Branch Office
- Q. How long have you been employed with the FDEP and in what capacity?
- A. 14+ years total as Environmental Specialist and Environmental Manager  
3 years as Wastewater Inspector  
8 years as Drinking Water Inspector and  
4 years as Supervisor of the Drinking Water and Wastewater Programs
- Q. What are your general responsibilities at the FDEP?
- A. My general responsibilities involve supervising the Water and Wastewater (Domestic  
and Industrial) Programs. I also review wastewater collection/transmission system  
permit applications. Our FDEP Panama City Branch Office covers Bay, Calhoun,  
Gulf, Jackson and Washington Counties.
- Q. Are you familiar with Aqua Utilities Florida, Inc.'s (utility) water system in  
Washington County, particularly, the Sunny Hill system.
- A. Yes.

- 1 Q. Does the utility have any current construction permits from the FDEP?
- 2 A. Yes. We permitted a tablet calcium hypochlorite system for Plant No. 1; however it  
3 has not yet been cleared for use.
- 4 Q. Are the utility's treatment facilities and distribution systems sufficient to serve its  
5 present customers?
- 6 A. Yes.
- 7 Q. Does the utility maintain the required 20 psi minimum pressure throughout the  
8 distribution system?
- 9 A. Yes.
- 10 Q. Does the utility have certified operators as required by Chapter 62-602, Florida  
11 Administrative Code?
- 12 A. Yes. Ms. Jean Pitzer (License No. C 7605) is the water treatment plant operator.
- 13 Q. Is the overall maintenance of the treatment plant and distribution facilities satisfactory?
- 14 A. Yes.
- 15 Q. Does the finished water produced by the utility meet the State and Federal maximum  
16 contaminant levels for primary and secondary water quality standards?
- 17 A. Yes.
- 18 Q. Does this include the lead and copper rule?
- 19 A. Yes.
- 20 Q. Has the utility's compliance with the lead and copper rule resulted in a lessening of the  
21 monitoring requirements?
- 22 A. Yes.
- 23 Q. Does the utility monitor for the inorganic contaminants listed in Rule 62-550.513,  
24 Florida Administrative Code, volatile organic contaminants (VOCs) listed in Rule 62-  
25 550.515, Florida Administrative Code, synthetic organic contaminants (SOCs) listed in

1 Rule 62-550.516, Florida Administrative Code, and all other compounds listed in Rule  
2 62-550, Florida Administrative Code?

3 A. Yes.

4 Q. Do recent chemical analyses of raw and finished water, when compared to FDEP  
5 regulations, suggest the need for additional treatment?

6 A. Possibly. In early 2004, Well No. 1 was taken off-line for maintenance and  
7 replacement of the casing. Water samples collected from Well No. 1 as part of a  
8 subsequent engineering study indicated iron at concentrations of 0.329 to 0.486 mg/l.  
9 The MCL for iron, a secondary contaminant, is 0.3 mg/l. The utility requested  
10 permission to conduct a pilot study that will involve the introduction of polyphosphate  
11 to sequester the iron. If this is successful, the utility will request a permit for the  
12 permanent introduction of polyphosphate.

13 Q. Does the utility maintain the required chlorine residual or its equivalent throughout the  
14 distribution system?

15 A. Yes.

16 Q. Are the plant and distribution systems in compliance with all the other provisions of  
17 Chapter 62, Florida Administrative Code, not previously mentioned?

18 A. No. The last sanitary survey conducted on February 22, 2007 identified the water  
19 system as not having sufficient storage capacity which this is a great concern because  
20 the water system also provides fire protection. It was recommended on the inspection  
21 report to have the storage tanks cleaned and inspected for structural and coating  
22 integrity under the responsible charge of a professional engineer licensed in Florida at  
23 least once every five years.

24 Last, but not least, the water system needs to ensure that their distribution system is  
25 adequately protected from potential backflow from customers that have auxiliary water

1 systems (irrigation wells) inside their premises and that the testing of the existing  
2 backflow prevention devices is conducted at least once a year.

3 Q. Has the utility been the subject of any FDEP enforcement action within the past two  
4 years?

5 A. Yes. FDEP issued a Warning Letter on November 6, 2006 for failure to submit  
6 analyses for disinfectants/disinfection-by-products for 2006. The samples required to  
7 be collected between July 1 and Sept. 30, 2006. The system signed a Short Form  
8 Consent Order to resolve the violation and paid \$900 in penalties and Department  
9 expenses.

10 Q. Are you also familiar with Aqua Utilities Florida, Inc.'s (utility) wastewater systems in  
11 Washington County, particularly the wastewater treatment system in Sunny Hills.

12 A. Yes.

13 Q. Does the utility have appropriate current permits from the FDEP?

14 A. Yes.

15 Q. Do all the systems have a valid operating permit?

16 A. Yes.

17 Q. Please state the issuance date and the expiration date of any construction permits.

18 A. Issuance Date – April 12, 2004  
19 Expiration Date – April 11, 2009

20 Q. Is the utility in compliance with its permits?

21 A. Yes, the plant is in compliance with its permits

22 Q. Are the wastewater collection, treatment and disposal facilities adequate to serve  
23 present customers based on permitted capacity?

24 A. Yes. Current Discharge Monitoring Reports (DMRs) show the Three Month Daily  
25 Average (TMDA) flows of 30-40% capacity.

- 1 Q. Has FDEP required the utility to take any action so as to minimize possible adverse  
2 effects resulting from odors, noise, aerosol drift or lighting?
- 3 A. No.
- 4 Q. Do pump stations and lift stations meet FDEP requirements with respect to location,  
5 reliability and safety?
- 6 A. Yes.
- 7 Q. Does the utility have certified operators as required by Chapter 62-602, Florida  
8 Administrative Code?
- 9 A. Yes. Ms. Jean Pitzer (License No. B 6659) is the wastewater treatment plant operator.
- 10 Q. Is the overall maintenance of the treatment, collection, and disposal facilities  
11 satisfactory?
- 12 A. Yes.
- 13 Q. Does the utility meet all applicable technology based effluent limitations (TBELS) and  
14 water quality based effluent limitations (WQBELS)?
- 15 A. No. Fecal coliform violations were reported on June and November 2006.
- 16 Q. What happened? In addition, what was the resolution?
- 17 A. Upon notification from The Water Spigot Lab that the fecal coliform test results were  
18 >1,600 MPN, the plant operator increased the chlorine feed rate and retested. Based  
19 on the satisfactory test results from the additional fecal coliform samples taken, the  
20 facility believes the excursions were due to either sample contamination or lab error.  
21 The fecal excursions did not meet the Department's Significant Non-Compliance  
22 criteria and the facility has not had any additional violations, therefore enforcement  
23 was not taken.
- 24 Q. Does the facility meet the effluent disposal requirements of Sections 62-611 and 62-  
25 600.530, Florida Administrative Code?

1 A. Yes. The two rapid infiltration basins (RIBs) were being rotated on a weekly basis.  
2 The March 2007 inspection of the wastewater treatment plant revealed that the RIBs  
3 were being properly maintained.

4 Q. Are the collection, treatment and disposal facilities in compliance with all other  
5 provisions of Chapter 62, Florida Administrative Code, not previously mentioned?

6 A. Yes.

7 Q. Has the utility been the subject of any FDEP enforcement action within the past two  
8 years?

9 A. No.

10 Q. Do you have anything further to add?

11 A. No, I do not.

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

DOCKET NO. 060368-WS

DATED: AUGUST 21, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the DIRECT TESTIMONY OF JOSIE PENTON has been served by U.S. Mail to Kenneth A. Hoffman and Marsha E. Rule, Esquires, Rutledge, Ecenia, Purnell & Hoffman, P. A., P.O. Box 551, Tallahassee, FL 32302-0551, on behalf of AQUA UTILITIES FLORIDA, INC., and that a true and correct copy thereof has been furnished to the following by U. S. Mail, this 21st day of August, 2007:

Stephen Burgess & Stephen Reilly, Esquires  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Cecilia Bradley, Esquire  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

  
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