

1                   BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
2                               FARMTON WATER RESOURCES, LLC  
3                                       DOCKET NO. 021256-WU  
4                   APPLICATION FOR ORIGINAL WATER CERTIFICATE  
5                               IN VOLUSIA AND BREVARD COUNTIES  
6                   REBUTTAL TESTIMONY OF CHARLES W. DRAKE, P.G.

7   Q.   State your name and address.

8   A.   Charles W. Drake, P.G., Hartman & Associates, Inc., 201 E.  
9       Pine Street, Orlando, Florida 32801.

10  Q.   Have you previously provided testimony in this proceeding?

11  A.   Yes.  I provided direct testimony.

12  Q.   Mr. Drake, what is the purpose of this testimony?

13  A.   To provide responsive testimony to witnesses for the  
14       protestants as contained within their direct testimony.

15  Q.   What would you like to first address?

16  A.   I would like to first address the testimony of Ms. Raynetta  
17       Curry Grant, the City of Titusville's Water Resources  
18       Director.

19       First, the City of Titusville's service area does not  
20       include the Farnton Water Resources proposed certificated  
21       area.  Second, in order to provide service to Farnton Water  
22       Resources, Titusville would have to reach an agreement with  
23       Brevard County on service.

24       On page 2 of 5 of her testimony, lines 19-23, and page 3 of  
25       5 lines 1-6, she states that the City will meet all its

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1 projected needs. This is contradicted by the next statement  
2 that the City has applied to the SJRWMD for a new wellfield  
3 in order to meet projected demands. Therefore, it is not  
4 clear from this statement as to whether the sustainable  
5 capacity of the City's current wells is capable of meeting  
6 the projected demands, or if additional supply is needed.

7 Q. Do have other concerns?

8 A. Yes. On page 2 of 5 lines 11-16, Ms. Grant states that the  
9 City is well positioned to meet the potable needs of any  
10 communities in the vicinity of the City's service area that  
11 are not served by the County or other municipality. This  
12 does not address the City's ability to provide potable water  
13 within the requested certificated area of Farmton Water  
14 Resources. Also in Ms. Grants direct testimony, on page 4  
15 of 5 lines 17-23 she states that the City of Titusville is  
16 in a good position to meet the potable water needs of  
17 northern Brevard County. I do not agree with this,  
18 specifically in reference to the Farmton Water Resources  
19 area, in that the City currently does not have any  
20 facilities constructed that could provide potable water.  
21 This includes the water treatment facilities. It is  
22 unlikely that the City could provide potable water at a  
23 reasonable cost to customers in northern Brevard County when  
24 the potable water would have to be pumped from the City's  
25 Garden Street plant into northern Brevard County, versus the

1 water being pumped and treated locally. Her proposal to  
2 meet the needs for water service in this area would  
3 therefore be very costly, many times the costs which service  
4 by Farmton would entail.

5 Q. What about her statement on that same page about the City  
6 and County working together on supplying water to new  
7 development?

8 A. Certainly, the City could do that. But, so to could Farmton  
9 Water Resources, and more cost effectively, given that  
10 Farmton would be closer to northern Brevard County than the  
11 City.

12 Q. Does Ms. Grant mention the SJRWMD Water Supply Plan?

13 A. Yes, she does. This is a plan that the District develops by  
14 consulting with existing water utilities to gain an  
15 understanding of the demands that are known, or are  
16 projected within their service area. It is not a definitive  
17 document that describes where the demands will be, or the  
18 quantity that will be needed, and that those are the only  
19 possible demands and quantities. Publication of the Plan  
20 does not preclude anyone from requesting a consumptive use  
21 permit. Chapter 40C-2 is quite clear on the requirements of  
22 getting a permit, and just because it is not included in the  
23 Plan does not mean that it is not appropriate, permissible,  
24 or in the public interest. Therefore, any implication that  
25 just because the Farmton Water Resources utility is not in

1 the Plan, does not mean that it is not permissible.

2 Q. Is there anything else in Ms. Grants' testimony that should  
3 be addressed?

4 A. Yes, she states on page 5 of 5 lines 16-18 that the new  
5 water utility proposed by Farmton Water Resources would not  
6 be in the public interest. The public interest test is not  
7 defined in Chapter 373, Florida Statutes, nor in the SJRWMD  
8 rules. The City has not provided any documentation to  
9 support the claim that the City could provide retail potable  
10 water service to the proposed Farmton service area, much  
11 less that it could do so at a reasonable cost or rate. The  
12 City recently received another request for additional  
13 information (RAI) from the SJRWMD on the groundwater flow  
14 modeling related to their pending permit application.

15 Q. What did the SJRWMD request?

16 A. There are three areas of interest to the SJRWMD. The first  
17 is that the City needed to provide detailed groundwater flow  
18 modeling that more accurately simulated the proposed  
19 withdrawals. Next, the district asked for a revised  
20 wetlands monitoring plan based upon the predicted surficial  
21 aquifer impacts. Third, the City had proposed to use  
22 recharge wells that would inject water from another area  
23 into the Area IV wellfield and supposedly mitigate or  
24 prevent the surficial aquifer drawdowns. The SJRWMD has  
25 concerns with the use of recharge wells.

1 Q. In your opinion, what is the SJRWMD concerned with?

2 A. As with any groundwater withdrawal, they are concerned that  
3 no adverse impacts occur to environmental features in the  
4 area, such as wetlands, water bodies, etc. They are  
5 concerned that there are no off-site impacts, or adverse  
6 impacts to land use, among other things.

7 Q. Do these RAI questions speak to those concerns?

8 A. Yes, the City has not demonstrated that adverse impacts will  
9 not occur. They have proposed an impact avoidance scheme  
10 that could cause wetland impacts at the point of withdrawal  
11 and the City has not shown that impacts will not occur due  
12 to the wells that would pump water to recharge the surficial  
13 aquifer. The City also has not presented an acceptable  
14 wetland monitoring plan to the district.

15 Q. Based upon these concerns, is Farmton Water Resources better  
16 able to avoid the potential impacts that the SJRWMD is  
17 concerned about?

18 A. Yes, Farmton Water Resources has much more land available in  
19 which to construct a dispersed wellfield. That means they  
20 can build more wells, spaced further apart, and pump them at  
21 a lower rate such that the impacts could be avoided.  
22 Because they own the wetlands, monitoring and mitigation  
23 will be more efficient. There are also two wetland  
24 mitigation banks contained in the requested certificated  
25 area. The ability of Farmton Water Resources to locate and

1 manage a wellfield in their certificated area is far better  
2 than the City of Titusville.

3 Q. What is the concern relative to the adverse impacts to  
4 wetlands?

5 A. The predicted impacts to the surficial aquifer, and  
6 therefore the wetlands, is considered to be adverse if the  
7 drawdown is greater than around 0.3 feet. This can be  
8 avoided by spreading out the wells over larger area. The  
9 same is true for preventing the upconing of salt water.

10 Q. Who then in your opinion, would be a better steward of the  
11 water resources?

12 A. In my opinion, Farmton Water Resources would be the far  
13 superior provider of water because they have significantly  
14 more land area in which to develop groundwater supplies, and  
15 have a vested interest in not causing adverse impacts to  
16 their lands, wetlands and silviculture operations. Also,  
17 they must protect the permitted wetland mitigation banks  
18 that are on the property. By being able to site the wells  
19 over a larger area than Titusville could and being able to  
20 move those wells relatively easily if needed, thereby  
21 avoiding impacts to the wetlands.

22 Q. To your knowledge, will the retail potable water wells  
23 require a permit from the SJRWMD, Brevard County, or Volusia  
24 County?

25 A. If the combined average annual daily flow is less than

1 100,000 gallons per day, and the total pump capacity is less  
2 than 1,000,000 gallons per day, and no well diameter is 6  
3 inches or greater, then no consumptive use permit is needed.  
4 A water well construction permit for wells less than 6  
5 inches in diameter would be needed from either Brevard or  
6 Volusia County. If the well is 6" in diameter or greater,  
7 then a water well construction permit would be needed from  
8 the SJRWMD.

9 Q. If the proposed bulk water supply wells are to be  
10 constructed, would they require a consumptive use permit?

11 A. Yes, because they would trip the criteria that I just  
12 described, they would need a CUP.

13 Q. Does this conclude your Rebuttal Testimony?

14 A. Yes.

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