

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080121-WS

FILED: October 27, 2008

RECEIVED-FPSC
08 OCT 27 PM 3: 01
COMMISSION
CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Direct Testimony of John J. Davis on behalf of the Florida Public Service Commission, has been furnished by ~~U.S. Mail~~, on this 27th day of October, 2008, to the following. *Hand Delivery*

Aqua Utilities Florida, Inc.
Ms. Kimberly A. Joyce
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3402

Holland & Knight Law Firm
Bruce May/Gigi Rollini
P.O. Drawer 810
Tallahassee, FL 32302-0810

Office of Public Counsel
J.R. Kelly/Charlie Beck/S. C. Reilly
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Office of the Attorney General
Bill McCollum/Cecilia Bradley
The Capitol - PL01
Tallahassee, FL 32399-1050

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Ralph R. Jaeger
RALPH R. JAEGER, SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
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DOCUMENT NUMBER-DATE
10132 OCT 27 08
FPSC-COMMISSION CLERK

DOCKET NO.: 080121-WS - Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, 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 John J. Davis, Florida
Department of Environmental Protection, Northeast District
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: October 27, 2008

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FPSC-COMMISSION CLERK

DIRECT TESTIMONY OF JOHN J. DAVIS

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Q. Please state your name and business address.

A. John J. Davis, Florida Department of Environmental Protection (FDEP), Northeast District Office, 7825 Baymeadows Way, Suite B-200, Jacksonville, FL 32256

Q. Please provide a brief description of your educational background and experience.

A. I received a Bachelor of Science degree in Geology from the University of Florida in 1985, and immediately began work with the Duval County Health Department as an Environmental Health Specialist in the Drinking Water Section. My work entailed sanitary surveys, compliance inspections, chemical and microbiological data reviews, complaint investigations, and well placement and construction issues for public water systems within Duval County. After completing one year with the Duval County Health Department, I transferred to a similar position with the FDEP.

Q. How long have you been employed with the FDEP and in what capacity?

A. I began with the FDEP Drinking Water Section in 1986 as an Environmental Specialist and remained in that program for approximately eighteen months. I then progressed in responsibility and position through the Hazardous Waste, Ground Water, and Technical Support Sections before returning to the Drinking Water Section as Supervisor in April 2005. My current position title is Professional Geologist III, and I have completed twenty-two years of employment with the FDEP.

Q. What are your general responsibilities at the FDEP?

A. As section supervisor for Drinking Water, I am responsible for section personnel issues, as well as program direction and oversight on compliance and enforcement within the twenty counties that comprise the FDEP Northeast District.

Q. Are you familiar with the Aqua Utilities Florida, Inc. (Aqua) water systems in Alachua (Arredondo Estates and Arredondo Farms) and Putman (Beecher's Point) Hermits

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10132 OCT 27 8

1 Cove/St. John's Highlands, Interlachen Lake Estates, Palm Port, Pomona Park, River
2 Grove, Saratoga Harbour, Silver Lake Oaks, Welaka, and Wootens) Counties?

3 A. Yes, through the review of inspections, sanitary surveys, and enforcement documents
4 prepared by my section staff.

5 Q. Has Aqua been the subject of any FDEP enforcement action within the past three
6 years?

7 A. Yes. Aqua failed to conduct their annual test for Disinfection Byproducts in 2005 for
8 Interlachen Lake Estates, Pomona Park, River Grove, and Silver Lake Oaks. The
9 violations were resolved by Consent Order. The department is also reviewing
10 enforcement related to the use of a replacement well at Pomona Park, where
11 requirements for notification and clearance do not appear to have been met. A warning
12 letter was issued on May 23, 2008. (EX JD-1) Aqua has not provided all of the
13 information required in the warning letter and a notice of violation is being drafted.

14 Q. Is the overall maintenance of the treatment plants and distribution facilities
15 satisfactory?

16 A. Yes, although minor maintenance issues were noted for the systems serving Arredondo
17 Estates (undersized well pad and lack of well vent), Arredondo Farms (missing well
18 pad, lack of well vent, and incorrectly placed raw tap), Hermit's Cove (threaded tap
19 without vacuum breaker), and Wootens (algae on aerator screens and rust on high
20 service pump) during inspections in 2007 and 2008. It is not uncommon to find a
21 number of small deficiencies at facilities. In general, the utility is doing a good job of
22 maintaining these facilities.

23 Q. Do you have anything further to add?

24 A. No, I do not.

25



Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/807-3300 • Fax: 904/448-4366

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 23, 2008

SENT VIA E-MAIL: CMMcClure@aquaamerica.com

Ms. Candice McClure
Aqua Utilities Florida
Post Office Box 490310
Leesburg, FL 34749

Putnam County - Potable Water
WARNING LETTER No. WL08-0030-PW-54-NED
Pomona Park WTP // PWS ID: 2540905

Dear Ms. McClure:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving this matter. A review of our records indicates that a violation of Florida Statutes and Chapter 62, Florida Administrative Code (F.A.C.) may exist at the above referenced facility. During the records review, the following was noted:

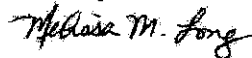
1. Well #3 was put into use without being cleared. Additional information had been requested in order to complete the Department files with the information that would be submitted in a permit. Missing information includes:
 - a. The record drawings of the construction of the well with all above ground piping, raw sample tap, casing vent, and appurtenances.
 - b. A statement concerning the elevation of the well casing at least 12 inches above the 100 year floodplain
 - c. Verification that analytical results submitted in 2007 are for Well #3, and not Well #2 as indicated on the paperwork submitted to the Department.
 - d. A copy of the two consecutive days of satisfactory bacteriological analytical results downstream of the connection to the existing water plant
 - e. Sampling results for the following parameters Turbidity, Alkalinity, Dissolved Oxygen, Dissolved Iron, and Sulfides

Pomona Park WTP
WL08-0030-PW-54-NED
Page 2 of 2

You are requested to contact Benjamin Piltz at (904) 807-3334 within ten (10) days of receipt of this warning letter to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Melissa M. Long, P.E.
Water Facilities Administrator

Enforcement File

cc: Mr. Patrick Farris, Aqua Utilities via PAFarris@aquaamerica.com
Ms. Patricia Williams, Aqua Utilities, via PRWilliams@aquaamerica.com