

State of Florida



ORIGINAL

Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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-M-E-M-O-R-A-N-D-U-M- COMMISSION
CLERK

DATE: June 22, 2006

TO: Division of the Commission Clerk and Administrative Services

FROM: Rosanne Gervasi, Senior Attorney, Office of the General Counsel *RG*

RE: Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Please place the attached information in the docket file for the above-referenced docket.

RG/jb

cc: Office of the General Counsel (Jaeger)

I:2001/010503/010503memo.rg.doc

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DOCUMENT NUMBER-DATE
05460 JUN 22 06

FPSC COMMISSION CLERK

Troy Rendell

From: Marty Deterding [martyd@rsbattorneys.com]
Sent: Wednesday, June 21, 2006 3:40 PM
To: Troy Rendell
Subject: [Fwd: Aloha]

----- Original Message -----

Subject: Aloha

Date: Wed, 21 Jun 2006 14:23:02 -0400

From: John L. Wharton <johnw@rsbattorneys.com>

To: <commissioners@pascocountyfl.net>

CC: Joseph Richards <jrichards@pascocountyfl.net>, Steve Watford <steve@au.com>, Rosanne Gervasi <RGervasi@PSC.STATE.FL.US>, Marty Deterding <martyd@rsbattorneys.com>, Wayne Forehand <wayneforehand@verizon.net>, <pMulieri@pascocountyfl.net>

Commissioners,

As I stated to you yesterday, it is Aloha's position that Article VI, Section 110-341, of the Pasco County Code, should be repealed. Repeal is the most efficient and effective way for the settlement which all parties worked out in order to address concerns of some of Aloha's customers. As the Staff's Interoffice Memorandum suggests, continuance of the ordinance is redundant to the PSC's settlement order.

You have received an email from a customer of Aloha regarding conversations which occurred in the hall after last night's public hearing. Upon further reflection, it is premature for Aloha, and it was premature on my part, to suggest that a particular action by the Commission might result in cessation of the current tolling of time which exists under paragraph 3(e) of the Settlement Agreement as a result of the present ordinance. Any interpretation of the Settlement Agreement would ultimately be made by the PSC, and it is Aloha's position that the ordinance, even if modified as was discussed at last night's meeting, constitutes an impediment or prohibition to the implementation of Anion exchange.

Therefore, in our opinion, by far the simplest and quickest solution is repeal of the previous ordinance as recommended by the county attorney. Anything else will at a minimum delay implementation of the Anion exchange system and insure continued litigation between the county and Aloha and detract from the attempts to improve water quality and the pursuit of expeditious implementation of the settlement agreement.

John L. Wharton, Esq.
 Rose, Sundstrom, & Bentley, LLP
 2548 Blairstone Pines Dr.
 Tallahassee, Fl. 32301
 (850) 877-6555 - telephone
 (850) 656-4029 - facsimile

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Thank you.

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6/21/2006

F. Marshall Deterding, Esq.
Rose, Sundstrom, & Bentley, LLP
2548 Blaiirstone Pines Dr.
Tallahassee, Fl. 32301
(850) 877-6555 - telephone
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Martyd@rsbattorneys.com

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Thank you.

6/21/2006



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Transportation and Economic Development
Appropriations, Chair
Banking and Insurance
Children and Families
Health Care
Ways and Means

JOINT COMMITTEE:
Legislative Budget Commission

SENATOR MIKE FASANO
11th District

June 16, 2006

The Honorable Jack Mariano
7530 Little Road
New Port Richey, FL 34654

Dear Commissioner Mariano:

It is my understanding that on June 20, 2006 the Pasco Board of County Commissioners will be considering the repeal of the ordinance which allowed for the creation of an ad-hoc committee to address complaints raised by customers of monopoly water utility companies. As you know I was the Senate sponsor of the legislation which gave the Board the authority to create this ad-hoc committee. I am writing to request that the Board not repeal the ordinance at this time.

I sponsored the legislation because of the ongoing problems customers of Aloha Utilities have had with their quality of water and service. The Board wisely exercised the power this legislation gave them by creating the ad-hoc committee requested by so many of Aloha's customers. The good work of the customers, the committee and county staff led to a settlement agreement between Aloha Utilities and its customers. This was an outcome that could only have been imagined when this ordinance was first adopted.

While the settlement agreement is a legally binding document between Aloha, its customers, the Office of Public Counsel and the Public Service Commission, the importance of the Board's ordinance cannot be overstated. Without the ongoing authority of the ordinance it is my opinion that the customers will lose an important tool to ensure that Aloha Utilities lives up to its end of the settlement agreement. I see no reason why the county cannot leave the ordinance on the books until the terms of the settlement agreement are completed.

I would greatly appreciate it if you would consider leaving this ordinance on the books at least until the Aloha Utilities case has been closed to the satisfaction of all parties. Thank you in advance for your consideration of this request.

Yours truly,

Mike Fasano
State Senator, District 11

MF/eg

BOARD OF COUNTY
COMMISSIONERS
JUN 19 2006

REPLY TO:

- 8217 Massachusetts Avenue, New Port Richey, Florida 34653-3111 (727) 848-5885
- 310 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (904) 487-5062

Senate's Website: www.flsenate.gov

TOM LEE
President of the Senate

CHARLIE CLARY
President Pro Tempore

Rosanne Gervasi

From: Wayne Forehand [wayneforehand@verizon.net]
Sent: Thursday, June 22, 2006 7:38 AM
To: commissioners@pascocountyfl.net; John L. Wharton
Cc: pMulieri@pascocountyfl.net; Marty Deterding; Rosanne Gervasi; Steve Watford; Joseph Richards
Subject: Re: Aloha

Pasco County Commissioners,

Despite John Wharton's position below, Steve Reilly of the Office of Public Counsel advises that with a Pasco County variance in place allowing Anion Exchange, "the clock will start ticking" on the Aloha utilities agreement to correct the black water problem.

Since Aloha will not request the necessary variance to implement the settlement, my question is: "Can a customer and parties of record request the variance?" Do I need to do more than make the verbal request for variance that I made at the hearing on Tuesday?

The customers are eager to get the clock going to require this utility to fix the "black water" problem which we have lived with for over ten years. The utility has delayed too long, is delaying the process again now making it very clear that the local ordinance is necessary!

From: Wayne Forehand in Trinity Florida!

----- Original Message -----

From: John L. Wharton
To: commissioners@pascocountyfl.net
Cc: Joseph Richards ; Steve Watford ; Rosanne Gervasi ; Marty Deterding ; Wayne Forehand ; pMulieri@pascocountyfl.net
Sent: Wednesday, June 21, 2006 2:23 PM
Subject: Aloha

Commissioners,

As I stated to you yesterday, it is Aloha's position that Article VI, Section 110-341, of the Pasco County Code, should be repealed. Repeal is the most efficient and effective way for the settlement which all parties worked out in order to address concerns of some of Aloha's customers. As the Staff's Interoffice Memorandum suggests, continuance of the ordinance is redundant to the PSC's settlement order.

You have received an email from a customer of Aloha regarding conversations which occurred in the hall after last night's public hearing. Upon further reflection, it is premature for Aloha, and it was premature on my part, to suggest that a particular action by the Commission might result in cessation of the current tolling of time which exists under paragraph 3(e) of the Settlement Agreement as a result of the present ordinance. Any interpretation of the Settlement Agreement would ultimately be made by the PSC, and it is Aloha's position that the ordinance, even if modified as was discussed at last night's meeting, constitutes an impediment or prohibition to the implementation of Anion exchange.

Therefore, in our opinion, by far the simplest and quickest solution is repeal of the previous ordinance as recommended by the county attorney. Anything else will at a minimum delay implementation of the Anion exchange system and insure continued litigation between the county and Aloha and detract from the attempts to improve water quality and the pursuit of expeditious implementation of the settlement agreement.

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(850) 656-4029 - facsimile

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Thank you.

Rosanne Gervasi

From: donnaanddavidvaurio [donnaanddavid.vaurio@verizon.net]
Sent: Wednesday, June 21, 2006 1:36 PM
To: Joe Richards County attorney; Wayne Forehand
Cc: GIORDANO.GREGORY.S11; Mike Fasano; Steve Reilly OPC; Troy Rendell; Rosanne Gervasi
Subject: Re: variance

As a signatory on the settlement agreement, I concur with Wayne Forehand.

Donna Vaurio

Joe Richards, Pasco County Attorney's office,

I'm a party of record on the Aloha utilities settlement and have carried out my part by requesting approval of the Anion Exchange process from Pasco County as required in paragraph 6 item 3 (e).

As a party of record, it appears that I may ask you to move ahead with the variance approval even though Aloha attorney John Wharton says Aloha will not seek a variance which is required to remove the last impediment. We all acknowledge that Anion Exchange is the appropriate technology.

The customers want to get the clock ticking on implementation of the settlement but it appears the County approval in conjunction with Aloha's refusal to request the variance is now the hold up to get the settlement implemented.

I am seeking your prompt assistance in the approval of the necessary variance, in spite of Aloha's refusal. We had hoped that Aloha would work in good faith as they had stated but they now appear to be back to tactics of the past 10 years, that is delay.

From: Wayne Forehand in Trinity Florida!

Rosanne Gervasi

From: Wayne Forehand [wayneforehand@verizon.net]
Sent: Wednesday, June 21, 2006 12:05 PM
To: Joe Richards County attorney
Cc: Rosanne Gervasi; Troy Rendell; Steve Reilly OPC; Mike Fasano; GIORDANO.GREGORY.S11
Subject: variance
Attachments: Wayne Forehand.vcf

Joe Richards, Pasco County Attorney's office,

I'm a party of record on the Aloha utilities settlement and have carried out my part by requesting approval of the Anion Exchange process from Pasco County as required in paragraph 6 item 3 (e).

As a party of record, it appears that I may ask you to move ahead with the variance approval even though Aloha attorney John Wharton says Aloha will not seek a variance which is required to remove the last impediment. We all acknowledge that Anion Exchange is the appropriate technology.

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I am seeking your prompt assistance in the approval of the necessary variance, in spite of Aloha's refusal. We had hoped that Aloha would work in good faith as they had stated but they now appear to be back to tactics of the past 10 years, that is delay.

From: Wayne Forehand in Trinity Florida!

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman
Members of the Board
Of County Commissioners

DATE: 4/5/2006 FILE: CAO 06-2833

THRU: Robert D. Sumner
County Attorney

SUBJECT: Aloha Utilities, Inc. -
Settlement Agreement
Repeal of Black Water
Treatment Ordinance
Public Hearing
BOCC 6/13/06; 1:30 p.m., D.C.
Continued from
4/25/06; 1:30 p.m., NPR

FROM: Joseph D. Richards
Assistant County Attorney

REFERENCES: All Districts

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

At the March 28, 2006 Board meeting, we provided a report on the Aloha Utilities, Inc. proposed settlement with the Public Service Commission ("PSC"). On March 9, 2006, the customers' representatives, the Office of Public Counsel, PSC staff and Aloha signed the settlement agreement. The settlement and summary are attached hereto. Aloha has agreed to implement a water quality technology, anion exchange, to treat the blackwater and odor problems. The Commission approved the proposed settlement on April 4, 2006 in Tallahassee (Order attached).

As reported to you on April 25, 2006, one customer asked the PSC to reconsider its decision and therefore, the PSC settlement is not final. The PSC denied the request on May 4, 2006 (Order attached) and, therefore, the Order will become final on June 5, 2006, if the Order is not appealed. Because of this lack of finality, the Board continued its public hearing on this matter until June 13, 2006. For the June 13th public hearing, we are again recommending that the Board repeal the Black Water Ordinance and we will advise the Board on June 13th as to whether the PSC Order is final.

The settlement provides that Aloha does not have to begin the process of designing and constructing the new treatment process until it resolves the outstanding issues regarding the County's recently adopted Blackwater Treatment Ordinance. Aloha's administrative challenge, which remains pending, contests the County's authority to adopt the Ordinance. Aloha will likely maintain this position if the County chooses not to repeal the Ordinance. We believe the quickest and cleanest way to start Aloha down the road to cleaning its water is to repeal the County Ordinance. To resolve this matter as quickly as possible to provide relief to Aloha's customers, we brought this matter before the Board on March 28, 2006 in anticipation of the PSC's approval on April 4, 2006. On March 28, 2006 the Board agreed to consider the repeal of the County's Blackwater Treatment Ordinance and disbanding the Ad Hoc Committee if the PSC approved the settlement agreement.

The parties to the settlement, including the customers, found that anion exchange meets the intent of the County's Ordinance and believe the anion exchange is an alternative technology that meets or exceeds the sulfide removal capacity of Forced Draft Aeration and is economically, technologically and environmentally feasible within the meaning of the County's Ordinance. In light of these facts, the County Attorney's Office recommends that the Board repeal the Blackwater Ordinance. As you recall, the County created this ordinance because the PSC and other regulatory agencies did not require Aloha to implement a technology to address the water quality problems. Now that the PSC has assumed this role and done so to a greater degree than the County was authorized to do under the HB 0987, we believe the County Ordinance is no longer necessary and is now redundant to the PSC order approving the settlement.

Anion exchange was identified as the preferred water treatment option in a study performed for Aloha by the University of South Florida. Unlike the current treatment method that converts hydrogen sulfide into other forms of sulfur, anion exchange removes all forms of ionic sulfur from the water. After review of the USF study, and further consideration of various alternatives, Dr. James Taylor of the University of Central Florida, who was retained by the PSC as an independent consultant, agreed that, given the constraints of Aloha's system, anion exchange is the water treatment option that has the best likelihood of eliminating or minimizing the hydrogen sulfide issues on a cost-effective basis.

In order to facilitate the settlement negotiations, Aloha provided a non-binding, conceptual capital cost estimate ("Conceptual Cost Estimate") for installing anion exchange facilities. That estimate showed an installed capital cost of \$6.13 million, plus or minus 30%. Dr. Taylor reviewed the Conceptual Cost Estimate and concluded that it is a reasonable estimate based on good faith assumptions at the time it was prepared. We also asked the County's consultant, Parsons Water and Infrastructure, Inc., to review the USF study. Their findings support the conclusion that anion exchange is effective in removing sulfides. A representative from Parsons will attend the public hearing to answer any questions that arise regarding the technology.

The work of the Ad Hoc Committee regarding Aloha was also put on hold pending the settlement negotiations. The Committee last met on Friday, August 26, 2005. Its last action was to table consideration of customer service issues to give committee members additional time to consider new information recently received and to avoid any possibility of impacting the settlement negotiations. The Committee had also stated that addressing the water quality problems would likely address the customer service issues. Accordingly, we also recommend that the Committee be disbanded.

ALTERNATIVES AND ANALYSIS:

The Board may consider the following:

1. Adopt the attached Ordinance Repealing Article VI, Section 110-341 Pasco County Code Chapter 110, Establishing Technological Standards for the Treatment of Black Water (Ord. 05-24) and pass the Resolution dissolving the Ad Hoc Committee regarding Aloha Utilities.
2. Do not adopt the attached Ordinance Repealing Article VI, Section 110-341, Pasco County Code Chapter 110, Establishing Technological Standards for the Treatment of Black Water and pass the Resolution dissolving the Ad Hoc Committee regarding Aloha Utilities
3. Direct staff to do some other course of action.

RECOMMENDATION AND FUNDING:

The County Attorney's Office recommends that the Board of County Commissioners approve alternative number one, accept public comment, adopt the attached proposed Ordinance and Resolution by role call vote, authorize the Chairman's signature on same, direct Board Records to file a certified copy of the ordinance and the coding form with the Department of State within ten (10) days after enactment, retain one (1) original Ordinance and Resolution and send one (1) copy of the Ordinance and Resolution to Joseph D. Richards, County Attorney, New Port Richey along with a copy of the letter from the Department of State showing receipt of the Ordinance.

No funding is required.

JDR:ls

Attachments: Settlement and Summary
Ordinance and Resolution
PSC Orders

cc: Bruce E. Kennedy, P.E., Assistant County Administrator, Utilities Services Branch

AN ACT TO BE ENTITLED

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, REPEALING ARTICLE VI., SECTION 110-341, OF PASCO COUNTY CODE CHAPTER 110, TECHNOLOGICAL STANDARDS FOR THE TREATMENT OF BLACK WATER AND ROTTEN-EGG ODOR IN THE POTABLE WATER OF MONOPOLY WATER UTILITIES (ORD. 05-24); PROVIDING FOR REPEALER, SEVERABILITY, AN EFFECTIVE DATE AND FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, on June 16, 2005 the Board of County Commissioners adopted Ordinance No.05-24, Establishing Technological Standards for the Treatment of Black Water and Rotten-Egg Odor in the Potable Water of Monopoly Water Utilities pursuant to the authority of House Bill 0987, codified as Chapter 2004-430 Laws of Florida; and

WHEREAS, Aloha Utilities' customers' representatives, the Office of Public Counsel, Public Service Commission staff and Aloha signed a settlement agreement that was accepted by the Public Service Commission on April 4, 2006;

WHEREAS, the Public Service Commission has assumed the role of requiring Aloha Utilities to implement a technology to address water quality problems to a greater degree than the County is authorized to do under House Bill 0987; and

WHEREAS, Ordinance No. 05-24 codified as Article VI., Section 110-341, of Pasco County Code Chapter 110, Technical Standards for the Treatment of Black Water and Rotten-Egg Odor of the Potable Water of Monopoly Water Utilities is no longer necessary and is now redundant to the Public Service Commission settlement order and Section 110-341 can be repealed.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. RECITAL

The WHEREAS clauses set forth above are hereby incorporated by reference and adopted as findings of fact.

SECTION 2. REPEAL OF SECTION 110-341 (ORD. 05-24)

Pasco County Code Chapter 110, Article VI, Section 110-341, Technological Standards for the Treatment of Black Water and Rotten-Egg Odor of the Potable Water of Monopoly Water Utilities (Ord 05-24) is hereby repealed in its entirety and shall be removed from the Pasco County Code.

SECTION 3. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause or provision of this ordinance shall be declared invalid, the remainder of this ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall be no affected by such holding.

SECTION 4. REPEALER

All provisions of the Pasco County Code, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk of the Circuit Court pursuant to Section 6.

SECTION 6. EFFECTIVE DATE

A certified copy of this ordinance shall be filed in the Office of the Department of State by the Clerk of the Circuit Court within ten (10) days of adoption, and shall take effect upon filing.

SECTION 7. RELATIONSHIP TO COMPREHENSIVE PLAN

Pursuant to Section 163.3194(1), Florida Statutes, to the extent any portion of this ordinance is deemed to be inconsistent with the most recently adopted Comprehensive Plan, the provisions of the most recently adopted Comprehensive Plan shall govern any action taken in regard to an application for a development order until such time that the Comprehensive Plan and the inconsistent portion(s) of this ordinance are brought into conformity.

ADOPTED this 13th day of June, 2006.

[SEAL]

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Attest: _____
JED PITTMAN
Clerk

By: _____
Steve Simon, Chairman

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE COUNTY ATTORNEY

BY: _____
ATTORNEY

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA DISBANDING THE AD HOC COMMITTEE REGARDING ALOHA UTILITIES, INC. AND THANKING THE COMMITTEE MEMBERS FOR THEIR SERVICE.

WHEREAS, on July 13, 2004 the Board of County Commissioners acting pursuant to the power given by HB 987 adopted Resolution No. 04-221 creating the Ad Hoc Committee regarding Aloha Utilities to investigate and make recommendations regarding black water and odor issues and customer services standards; and

WHEREAS, the Ad Hoc Committee met five times to review the complaints and evaluate the black water and rotten-egg odor conditions of Aloha's water and the technologies available to address the conditions and made a treatment technology recommendation that the Board codified in the County's Blackwater Treatment Ordinance; and

WHEREAS, the Committee had also stated that addressing the water quality problems would likely address the customer service issues; and

WHEREAS, the work of the Ad Hoc Committee regarding Aloha Utilities was put on hold pending settlement negotiations between Aloha and the Public Service Commission; and

WHEREAS, on March 9, 2006 the representatives for Aloha customers, the Office of Public Counsel, Public Service Commission staff and Aloha Utilities signed a settlement agreement, which the Public Service Commission approved on April 4, 2006; and

WHEREAS, the Public Service Commission has assumed the role of requiring Aloha to implement a technology to address water quality problems to a greater degree than the County is authorized to do under HB 987; and

WHEREAS, the Ad Hoc Committee has performed its requested functions and is no longer needed; therefore, the Board of County Commissioners has decided to disband the Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session, duly assembled, that said Board hereby disbands the Ad Hoc Committee regarding Aloha Utilities, Inc. and thanks the Committee members for their outstanding service to the County.

DONE AND RESOLVED this _____ day of _____, 2006.

[SEAL]

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Attest: _____
JED PITTMAN
Clerk

By: _____
Steve Simon, Chairman

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE COUNTY ATTORNEY

BY: _____
ATTORNEY

ARTICLE VI. TECHNOLOGICAL STANDARDS FOR THE TREATMENT OF BLACK WATER AND ROTTEN-EGG ODOR OF THE POTABLE WATER OF MONOPOLY WATER UTILITIES

Sec. 110-341. Established.

(a) *Technological standards for Aloha Utilities, Inc.* Based on the foregoing findings of fact and the documented black water and rotten-egg odor conditions in its potable water, Aloha Utilities, Inc. shall employ forced draft aeration at a minimum to treat the black water and rotten-egg odor conditions.

(b) *Technological standards for other private monopoly water utilities.* The technological standards set forth in subsection (a) above shall apply to other monopoly water utilities after notice and a public hearing by the board of county commissioners. A public hearing by the board of county commissioners may not occur until after the following prerequisites are met:

- (1) The county has received black water and rotten-egg odor complaints from a significant number of customers serviced by the monopoly water utility and similar complaints have been filed with the public service commission;
- (2) The board of county commissioners has established an ad hoc committee to review and evaluate the black water and rotten-egg odor concerns expressed by the customers; and
- (3) The committee has recommended that the board of county commissioners establish the technological standard.

If the board of county commissioners, after notice and a public hearing, decides to apply the technological standard set forth in subsection (a) to the monopoly water utility, the county and the monopoly water utility shall comply with the provisions of this article.

(c) *Compliance schedule.*

(1) The board shall inform the affected utility of the required technological standard and the utility shall, within three months of receipt of such notice, submit to the county a plan for compliance with this standard. The plan shall be a preliminary engineering report, prepared by a professional engineer, which includes the design, procurement, contracting, construction, startup, and implementation schedule, design criteria and layout drawings for process and other improvements, for all improvements necessary to comply with this article.

(2) The board shall establish a reasonable time to bring the utility's water system into compliance with the technological standard. The time may be based on the implementation schedule proposed by the utility.

(d) *Variance procedure.* The board may grant a variance from the technological standards as set forth in subsection (a) of this section when such variance will not be contrary to the public interest; where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship; and where improved or alternative technology would meet or exceed the sulfide removal capability of forced draft aeration and is economically, technologically and environmentally feasible.

(e) *County enforcement.* The county is specifically authorized to take any and all steps and actions that are legally available to the county, including any court proceedings as are authorized by law, against any person who fails, neglects, or refuses to comply with this section; knowingly furnishes false information or information that is not supported by scientific data to the county or any official in charge of the administration of this section on any matter relating to the administration of this section. Each day of a violation shall constitute a separate offense. The county may elect any or all of the available remedies concurrently, and the pursuance of one shall not preclude the pursuance of another, or any other remedy allowed by law.

(Ord. No. 05-24, § 2, 6-16-05)