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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 James Berghorn,
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 JAMES BERGHORN

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2 Q. Please state your name and business address.

3 A. James Berghorn, Florida Department of Environmental Protection, 13051 North
4 Telecom Parkway, Tampa, Florida 33637.

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

6 A. I have an A.A. Degree in Liberal Arts and a B.S. Degree in Biology and I have worked
7 for the State of Florida for 29 years including 13 yrs in research and 16 years as a state
8 inspector in water and wastewater.

9 Q. By whom are you presently employed?

10 A. Florida Department of Environmental Protection (FDEP).

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

12 A. I have been employed for 14 years as a water inspector and two years as a wastewater
13 inspector.

14 Q. What are your general responsibilities at the FDEP?

15 A. I inspect and regulate water treatment facilities, review chemical and bacteriological
16 submittals. In addition, I write letters and correspond with owners and operators on
17 compliance issues at their water plants.

18 Q. Are you familiar with Aqua Utilities Florida, Inc.'s (utility) water systems in Marion,
19 Pasco, Polk and Sumter Counties, particularly the water treatment systems in Marion,
20 including Ridge Meadows; Pasco County, including Jasmine Lakes, Palm Terrace, and
21 Zephyr Shores; the water treatment systems in Polk County, including Gibsonia
22 Estates, Lake Gibson Estates, Orange Hill/Sugar Creek, Rosalie Oaks and Village
23 Water; and the water treatment system in Sumter County, and The Woods?

24 A. Yes.

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1 Q. Does the utility have any current construction permits from the FDEP?
2 A. No.
3 Q. Are the utility's treatment facilities and distribution systems sufficient to serve its
4 present customers?
5 A. Yes.
6 Q. Does the utility maintain the required 20 psi minimum pressure throughout the
7 distribution system?
8 A. Yes.
9 Q. Does the utility have certified operators as required by Chapter 62-602, Florida
10 Administrative Code?
11 A. Yes.
12 Q. Is the overall maintenance of the treatment plant and distribution facilities satisfactory?
13 A. Yes. There are usually some problems from the sanitary survey, but most may be
14 small.
15 Q. Can you comment further on the corrections you identified above?
16 A. Yes, it is not uncommon to find a number of small deficiencies at facilities. In general
17 the utility is doing a good job of maintaining these facilities.
18 Q. Does the finished water produced by the utility meet the State and Federal maximum
19 contaminant levels for primary and secondary water quality standards?
20 A. No. The Woods has high Total Trihalomethanes (TTHMs) and Haloacetic Acid 5
21 (HAA5). The TTHMs annual average is 83.67 ppm, HAA5 annual average is 75.24
22 ppm. The maximum contaminant level (MCL) is 80 ppm and 60 ppm respectively.
23 Q. What action has the FDEP taken to address high contaminant levels?
24 A. We have had discussions with the owners and engineers regarding the course of action
25 for repairs and changes of the water plant to reduce the Total Trihalomethanes

1 (TTHMs) and Haloacetic Acid 5 (HAA5) levels. A permit application has been
2 submitted to the Department and is under review.

3 Q. Are all of the systems in compliance with the lead and copper rule?

4 A. Yes.

5 Q. Has the utility's compliance with the lead and copper rule resulted in a lessening of the
6 monitoring requirements?

7 A. Yes.

8 Q. Does the utility monitor for the inorganic contaminants listed in Rule 62-55.513,
9 Florida Administrative Code, volatile organic contaminants (VOCs) listed in Rule 62-
10 55.515, Florida Administrative Code, synthetic organic contaminants (SOCs) listed in
11 Rule 62-55.516, Florida Administrative Code, and all other compounds listed in Rule
12 62-550, Florida Administrative Code?

13 A. Yes.

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

16 A. Possibly. The TTHM/HAA5 results are coming down from previous sampling due to
17 the correction and maintenance being done.

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

20 A. Yes.

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

23 A. Yes.

24 Q. Has the utility been the subject of any FDEP enforcement action within the past two
25 years? And, if so, which system(s)?

1 A. Yes. The Woods has exceedance of TTHM/HAA5's MCL, a consent order has been
2 executed with a compliance schedule.
3 Q. Do you have anything further to add?
4 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 JAMES BERGHORN 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:

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