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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 Gerald Foster,
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: August 21, 2007

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DIRECT TESTIMONY OF GERALD FOSTER

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- 2 Q. Please state your name and business address.
- 3 A. Gerald Foster, Florida Department of Environmental Protection, 13051 North Telecom
4 Parkway, Tampa, Florida 33637.
- 5 Q. Please state a brief description of your educational background and experience.
- 6 A. I received a B.A. degree in Biology from the University of South Florida.
7 Experience: 18 years as an inspector, supervisor, and manager in the
8 Compliance/Enforcement Section of the S.W. District Drinking Water Program.
- 9 Q. By whom are you presently employed?
- 10 A. Currently, I am employed by the Florida Department of Environmental Protection
11 (FDEP)
- 12 Q. How long have you been employed with the FDEP and in what capacity?
- 13 A. As of April 24, 2007, I have been employed by FDEP for 18 years, in the Drinking
14 Water Program. Currently I am an Environmental Manager in the Drinking Water
15 Program.
- 16 Q. What are your general responsibilities at the FDEP?
- 17 A. I am responsible for compliance and enforcement duties relating to Drinking Water
18 Rules (Rules 62-555, and 62.550, Florida Administrative Code). I perform inspections
19 of water treatment plants, answer questions from citizens, investigate complaints, and
20 enforcement activities (warning letters, consent orders, notices of violations).
- 21 Q. Are you familiar with Aqua Utilities Florida, Inc.'s (utility) water systems in Pasco
22 County, particularly Jasmine Lakes?
- 23 A. Yes.
- 24 Q. Does the utility have any current construction permits from the FDEP?
- 25 A. Yes. Jasmine Lakes has an outstanding chloramination conversion permit issued on

- 1 June 3, 2004 with an expiration date of October 10, 2009. It is believed that the utility
2 does not plan to build this project since they disconnected their interconnection to
3 Pasco County Utilities, whose water is chloraminated.
- 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.
- 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. Quarterly TTHM results exceeded the 80 ug/l MCL, as of December 2005. Odor (3.0-
18 MCL,) was exceeded (7.1) on 5-22-06. Additional Odor samples (pulled on 8-22-06 &
19 11-29-06) were taken and satisfactory results of zero were obtained.
- 20 Q. Does this include the lead and copper rule?
- 21 A. Yes.
- 22 Q. Has the utility's compliance with the lead and copper rule resulted in a lessening of the
23 monitoring requirements?
- 24 A. Yes, the system is currently required to monitor annually.
- 25 Q. Does the utility monitor for the inorganic contaminants (INOs) listed in Rule 62-

1 55.513, Florida Administrative Code, volatile organic contaminants (VOCs) listed in
2 Rule 62-55.515, Florida Administrative Code, synthetic organic contaminants (SOCs)
3 listed in Rule 62-55.516, Florida Administrative Code, and all other compounds listed
4 in Rule 62-550, Florida Administrative Code?

5 A. Yes.

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

8 A. No.

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

11 A. Yes.

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

14 A. Yes. To the best of my knowledge.

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

17 A. Yes, the Maximum Contaminant Level for Total Trihalomethanes (TTHM), which is
18 80 ppb, was exceeded (83 ppb) after 4 quarters of monitoring in 2005. A Warning
19 Notice (WN06-013-PWS-51-SWD) was issued on March 20, 2006. (EX __GF-1) The
20 utility continued quarterly monitoring (TTHM & HAA5) while closely monitoring its
21 chlorine residual and increased its flushing activities. Currently the system's TTHM
22 quarterly monitoring results (70 ug/l and 69 ug/l) are below the MCL. As a result,
23 their monitoring frequency has been reduced from quarterly to annual. A case closure
24 letter will be sent to the system after one year from the date of execution of the consent
25 order, which is July 26, 2007.

- 1 Q. Are you also familiar with the utility's Palm Terrace water system in Pasco County?
- 2 A. Yes.
- 3 Q. Does the utility have any current construction permits from the FDEP?
- 4 A. No.
- 5 Q. Are the utility's treatment facilities and distribution systems sufficient to serve its
6 present customers?
- 7 A. The Palm Terrace system has no treatment facilities. All the water for this system is
8 purchased and/or provided by Pasco County Utilities. In general terms, the
9 distribution system appears sufficient to serve its present customers.
- 10 Q. Does the utility maintain the required 20 psi minimum pressure throughout the
11 distribution system?
- 12 A. Yes.
- 13 Q. Does the utility have certified operators as required by Chapter 62-602, Florida
14 Administrative Code?
- 15 A. Yes.
- 16 Q. Is the overall maintenance of the treatment plant and distribution facilities satisfactory?
- 17 A. This system has no treatment facilities. To the best of my knowledge, they
18 satisfactorily maintain the distribution system.
- 19 Q. Can you comment on the type and number of corrections above?
- 20 A. Yes. According to the last sanitary survey performed on January 23, 2007 there were
21 no deficiencies. In general, the utility is adequately maintaining these facilities.
- 22 Q. Does the finished water produced by the utility meet the State and Federal maximum
23 contaminant levels for primary and secondary water quality standards?
- 24 A. Palm Terrace does not produce water, as it is provided by Pasco County Utilities
25 (PCUD-West system). To the best of my knowledge the water produced meets the

1 State and Federal maximum contaminant levels for primary and secondary water
2 quality standards.

3 Q. Does this include 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, system is currently required to monitor annually.

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

13 A. This water system is not required to monitor for inorganic, volatile organic or synthetic
14 organic contaminants. They are required to conduct lead and copper and
15 microbiological monitoring. Every 9 years they either sample for asbestos or fill out a
16 wavier form indicating they have no asbestos pipe or components in the distribution
17 system.

18 Q. Do recent chemical analyses of finished water, when compared to FDEP regulations,
19 suggest the need for additional treatment?

20 A. No.

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

23 A. Yes.

24 Q. Is the distribution system in compliance with all the other provisions of Chapter 62,
25 Florida Administrative Code, not previously mentioned?

1 | A. Yes. To the best of my knowledge.
2 | Q. Has the utility been the subject of any FDEP enforcement action within the past two
3 | years?
4 | A. No.
5 | Q. Do you have anything further to add?
6 | A. No, I do not.
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Department of Environmental Protection

Jeb Bush
Governor

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

March 20, 2006

Mr. John M. Lihvarcik
Aqua Utilities Florida, Inc.
P.O. Box 490310
Leesburg, FL 34749

Re: Warning Letter No. WN06-013-PWS-51-SWD
Maximum Contaminant Level Exceeded - Disinfection Byproducts
Jasmine Lakes
PWS-ID No. 651-2070
Pasco County

Dear Mr. Lihvarcik:

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 the matter. A review of your Drinking Water system records indicates that a violation of Florida Statutes and Rules may exist at the above-referenced facility.

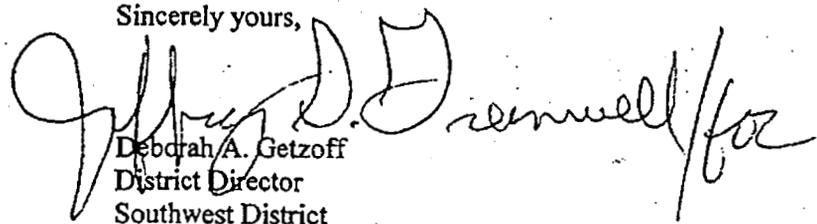
Our records indicate that the Maximum Contaminant Level for Total Trihalomethanes (TTHM) has been exceeded after four quarters of monitoring in 2005.

Rule 62-550.310(3), Florida Administrative Code, establishes the Maximum Contaminant Level for TTHM at 0.080 mg/L.

You are requested to contact Peter Screnock at (813) 632-7600, extension 318, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting 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. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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 yours,


Deborah A. Getzoff
District Director
Southwest District

DAG/ps/dm^c

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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 GERALD FOSTER 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
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c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Cecilia Bradley, Esquire
Office of the Attorney General
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