

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

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Direct Testimony of Gary Miller on behalf of the Florida Public Service Commission, has been furnished by ~~U.S. Mail~~, on this 27<sup>th</sup> 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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ADM \_\_\_\_\_  
CLK \_\_\_\_\_

*Ralph R. Jaeger*  
RALPH R. JAEGER, SENIOR ATTORNEY  
FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
Telephone: (850) 413-6234

DOCUMENT NUMBER - DATE

10141 OCT 27 08

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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 Gary P. Miller, Florida Department of Environmental Protection, Central District  
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: October 27, 2008

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DIRECT TESTIMONY OF GARY P. MILLER

- 1
- 2 Q. Please state your name and business address.
- 3 A. Gary P. Miller, Florida Department of Environmental Protection, 3319 Maguire Blvd.,
- 4 Suite 232, Orlando, Florida 32803.
- 5 Q. Please provide a brief description of your educational background and experience.
- 6 A. I have a B.S. Degree in Biology. I worked at the Osceola County Health Department
- 7 in the environmental health section for about 5 years and I have worked at the Florida
- 8 Department of Environmental Protection (FDEP) for approximately 24 years in the
- 9 wastewater and drinking water sections. Currently, I am the Program Manager in the
- 10 Wastewater Compliance/Enforcement Section. I have also worked in the Drinking
- 11 Water Section as a supervisor.
- 12 Q. What are your general responsibilities at the FDEP?
- 13 A. I manage the Wastewater Compliance/Enforcement Section that reviews
- 14 noncompliance letters for Type I and II domestic wastewater facilities and enforcement
- 15 documents, such as warning letters, consent orders, and notices of violations, and
- 16 conducts enforcement and compliance meetings.
- 17 Q. Are you familiar with the Aqua Utilities Florida, Inc. (Aqua) wastewater systems in
- 18 Lake (Holiday Haven, Kings Cove, Morningview, Summit Chase, Valencia Terrace,
- 19 and Venetian Village), Seminole (Chuluota and Florida Commerce Park), and Volusia
- 20 (Jungle Den) Counties?
- 21 A. Yes.
- 22 Q. Does Aqua have any current construction permits for those systems?
- 23 A. No.
- 24 Q. Is Aqua in compliance with its operating permits?
- 25 A. The following facilities are not in compliance with ~~operating~~ permits.

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1           **Chuluota** – Based on the Discharge Monitoring Reports (DMRs), the annual average  
2           daily flow to the facility is exceeding its permitted capacity of .100 mgd. The  
3           operating permit expired on March 10, 2008; however, the permit was administratively  
4           extended. The utility applied for a permit renewal on a timely basis and the capacity  
5           issue is being addressed during that review. The FDEP requested additional  
6           information from Aqua regarding the permit application on December 6, 2007 (EX  
7           GM-1); however, Aqua has not yet responded. Effluent disposal capacity is the  
8           primary issue that must be resolved in order to complete the permit renewal.

9           **Florida Central Commerce Park** – Aqua failed to submit the pathogen (Giardia &  
10          Cryptosporidium) monitoring results every 5 years. A noncompliance letter dated May  
11          2, 2008, was sent to Aqua. A telephone call from the utility on September 24, 2008,  
12          indicated that the samples will be collected by mid-October 2008. The delay was due  
13          to a back up at the laboratory that runs the analysis.

14          **Valencia Terrace** – The wastewater permit issued on January 31, 2007, contained a  
15          requirement for Aqua to install a new bar screen and splitter box. Aqua requested a  
16          three-month extension of time until October 26, 2007, as a result of design delays.  
17          Based on an inspection conducted on August 26, 2008, a noncompliance letter was  
18          sent to Aqua on September 25, 2008, giving the utility 14 days to respond with a  
19          schedule of corrective action. Aqua responded on October 20, 2008, indicating that  
20          the bar screen and splitter box would be installed December 31, 2008.

21          **Morningview** – An inspection on August 26, 2008, indicated that the chlorine contact  
22          chamber was not meeting the minimum contact time of 15 minutes. Also, the total  
23          residual chlorine and pH were not reported 5 days per week on the Discharge  
24          Monitoring Reports for several months. These deficiencies were addressed in a  
25          noncompliance letter dated September 25, 2008, which gave the utility 14 days to

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respond with a schedule of corrective action. Aqua responded on October 20, 2008, indicating that the pH and chlorine would be reported five days per week and baffles would be installed within 30 days to meet the minimum chlorine contact time.

Q. Other than the systems identified above, are the Aqua wastewater collection, treatment, and disposal facilities in compliance with all applicable FDEP requirements regarding operation and maintenance?

A. Yes.

Q. Do you have anything further to add?

A. No, I do not.



## Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

Sent via email: [jmlihvarcik@aquaamerica.com](mailto:jmlihvarcik@aquaamerica.com)

AQUA UTILITIES FLORIDA INC  
1100 THOMAS AVE  
LEESBURG FL 34749

OCD-DW-07-0812

ATTENTION JOHN M. LIHVARIK  
CHIEF OPERATING OFFICER

Seminole County - DW  
Chuluota WWTF  
Wastewater Permit Application  
File Number: FL A011076-006-DW2P

Dear Mr. Lihvarcik:

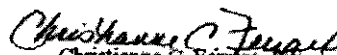
This is to acknowledge receipt of your response to the previous request for information for the above project. The information has been reviewed and the following items require your attention and response in accordance with Rule 62-4.050, 62-4.055, 62-4.070, 62-600, 62-610, 62-620 and 62-640, Florida Administrative Code (F.A.C.):

1. Connecting to an existing public access reclaimed water main would require that the Chuluota facility provide reclaimed water treated to public access reuse standards. In order to complete this application the details required to issue a permit with public access reuse (as described in Chapter 62-610, F.A.C.) must be submitted with a firm schedule for completing any upgrades and connecting to the system. In addition, no new wastewater flows will be allowed until the connection is made and the permitted capacity of the facility is increased.

Please respond, in writing, to the above items within thirty (30) days of the date of this letter. Pursuant to Section 120.60, Florida Statutes, the Department may deny a permit application if the applicant, after receiving timely notice, fails to correct errors, omissions or supply additional information within a reasonable period of time.

Upon receipt of your response to the above items, including two (2) copies each of appropriate documentation (revised application, drawings, specifications, etc.), processing of your application will continue. Please refer to this letter in your response. Should you wish to discuss the above comments, please feel free to contact Charles LeGros at (407) 893-3315.

Sincerely,

  
Christianne C. Ferraro, P.E.  
Program Administrator  
Water Facilities

CCF/crl/cs/ply

Date: December 6, 2007

cc: James C. Boyd, P.E., Boyd Environmental Engineering, Inc. (via email: [boydeav@att.net](mailto:boydeav@att.net))  
Tricia Williams, Aqua Utilities of Florida, Inc. (via email: [PRWilliams@aquaamerica.com](mailto:PRWilliams@aquaamerica.com))  
DEP, Wastewater Section (via email)

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