

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 100330-WS

DATED: October 6, 2011

COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Direct Testimony of Ginny Marie Montoya has been served by U.S. Mail this 6th day of October, 2011, to the following:

D. Bruce May / Gigi Rollini
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810

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Aqua Utilities Florida Inc.
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c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399-1400

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CERTIFICATE OF SERVICE
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Cecilia Bradley / Pamela Jo Bondi
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The Capitol PL01
Tallahassee, FL 32399-1050

Pasco County Board of County
Commissioner
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DOCKET NO. 100330-WS - Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, 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 Ginny Marie Montoya
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: October 6, 2011

DOCUMENT NUMBER-DATE

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DIRECT TESTIMONY OF GINNY MARIE MONTOYA

Q. Please state your name and business address.

A. Ginny Marie Montoya, Department of Environmental Protection (FDEP), Northeast District (NED), 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256.

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

A. I received a Bachelor of Science degree in Biology from the University of North Florida in 2008. I also minored in Public Health. I began working for the DEP in July of 2009. I have been there for over three years as a Drinking Water Facility Inspector.

Q. What are your general responsibilities at the Department of Environmental Protection?

A. I conduct inspections and sanitary surveys for my assigned counties. Within the past week I was reassigned to Duval and Taylor Counties. However, before that I was the inspector for all systems west of the St. John's River in Putnam County.

Q. Are you familiar with the AUF water systems in Putnam, particularly the Silver Lake Oaks and Interlachen Lake Estates Systems?

A. I am familiar with both. I have dealt with their chemical sampling as well as performed inspections on both systems.

Q. Are these systems in compliance with all applicable construction permits?

A. I am not aware of any construction permits involving Silver Lake Oaks or Interlachen Lake Estates.

Q. Have any of these AUF systems been the subject of any FDEP compliance enforcement action within the past three years?

A. In 2005, AUF failed to sample for Disinfection Byproducts at Silver Lake Oaks and Interlachen Lake Estates. In 2007, Consent Orders were mailed and signed by AUF. In 2008, and 2009, the cases were closed when full payments of the Consent Orders were made.

In August of 2011, a Warning Letter was sent out for Interlachen Lake Estates. See

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1 Exhibit GMM-1. In July 2011, the system tested positive for E. coli from Well #2. AUF
2 failed to notify DEP, complete repeat sampling per the Ground Water Rule, and issue Public
3 Notices within 24 hours of knowledge of the E. coli positive result. The system has since
4 performed proper repeat sampling and issued a Public Notice. However, the Department has
5 deemed the well contaminated and the system has decided to take steps to submit an
6 application for 4-Log Approval to deal with the microbial contamination. Once submission is
7 complete and approved by the Department, the warning letter will be closed and no further
8 enforcement will follow.

9 Q. Other than any violations discussed above, is AUF in compliance with all DEP
10 requirements for their water systems in (West) Putnam County?

11 A. Yes.

12 Q. Is the overall operation and maintenance of these water treatment plants and
13 distribution facilities satisfactory?

14 A. Yes. There have been inspections performed in 2010 on both systems. Both systems
15 had minor deficiencies, but nothing that required immediate action.

16 Q. Do you have anything further to add?

17 A. No, I do not.

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Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

August 9, 2011

SENT VIA E-MAIL: jewallingford@aquaaamerica.com

Ms. Judy Wallingford
Interlachen Lake Estates
117 Velvet Road
Interlachen, FL 32148

Drinking Water Enforcement
WARNING LETTER No. WL11-0039-PW-54-NED
Interlachen Lake Estates // PWS ID: 2540545

Dear Ms. Wallingford:

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 violations 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 were noted:

1. On July 18 and July 20, 2011, the source water samples from Well #2 tested positive for *E. coli*. Failure to notify the Department of these results by the end of the day the system learns of the results is a violation of Rule 62-550.518(10), F.A.C.
2. Failure to issue a Public Notice for an acute health violation, detection of *E. coli* in a source water sample constitutes a federal violation per 40 CFR 141.202(b)(1).
3. Failure to perform repeat sampling after an *E. coli* detection in a source water sample per the Ground Water Rule is a violation of 40 CFR 141.402(a)(3).

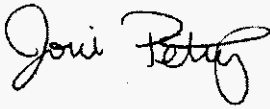
Based on the source water samples from Well #2, the Department considers this well to be microbially contaminated pursuant to 62-555.315(6)(b)(2), F.A.C. This determination may be rescinded if the supplier determines and eliminates the source of the *E. coli*, completes a well disinfection, and successfully completes the bacteriological clearance set forth in 62-555.315(6)(b)(1), F.A.C. If you have not already done so, please take this well off line until such time as the Department clears the well for continued use.

Ms. Judy Wallingford
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You are requested to provide a written response to Ginny Montoya within ten (10) days of your receipt of this Warning Letter. 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,

A handwritten signature in cursive script that reads "Joni Petry".

Joni Petry
Potable Water Enforcement Coordinator

cc: Paul Thompson: Lead Operator: pdthompson@aquaamerica.com
Patricia Williams: prwilliams@aquaamerica.com