

Eric Fryson

From: Linda Strumski <lstrumski@pascocountyfl.net>
Sent: Wednesday, May 08, 2013 10:51 AM
To: Filings@psc.state.fl.us
Cc: Joseph Richards
Subject: Ni Florida Docket No: 130010-WS
Attachments: Pasco County Petition to Intervene Docket No 130010-WS.pdf

A. Person Responsible for filing:	Joseph D. Richards, Esquire Pasco County Attorney's Office 8731 Citizens Drive, Suite 340 New Port Richey, FL 34654 Tele: 727-847-8120 jrichards@pascocountyfl.net
B. Docket Number and Title:	In re: Application for increase in water rates in Lee Count, Florida and wastewater rates in Pasco County, Florida by Ni Florida, LLC Docket No.: 130010-WS
C. Name of party on whose behalf the document is filed:	Pasco County
D. Total number of pages in attached document	10
E. Brief Description of document:	Pasco County's Petition to Intervene

Linda Strumski
Senior Legal Secretary
On behalf of
Joseph D. Richards, Esquire
Pasco County Attorney's Office
8731 Citizens Drive, Suite 340
New Port Richey, FL 34654
Telephone: 727-847-8120
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"Bringing Opportunities Home"

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CUSA18A7

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water rates in Lee County, Florida and wastewater rates in Pasco County, Florida by Ni Florida, LLC.

DOCKET NO. 130010-WS

Filed: May 8, 2012

Pasco County's Petition to Intervene

Pursuant to sections 120.569, 120.57(1) and 367.091(2), Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, Pasco County, through its undersigned attorney, hereby files a Petition to Intervene in the above-captioned docket. In support thereof, the petitioner, Pasco County, states as follows:

1. Name and address of the affected agency.

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

2. Name and address of the petitioner:

Pasco County Board of County Commissioners
8731 Citizens Drive
New Port Richey, FL 34654

3. Service. All pleadings, motions, orders and other documents directed to

the petitioner should be served on:

Joseph D. Richards, Esquire
Pasco County Attorney's Office
8731 Citizens Drive, Suite 340
New Port Richey, FL 34654
Telephone: (727) 847-8120
Facsimile: (727) 847-8021
Email: jrichards@pascocountyfl.net

4. Notice of Docket. Pasco County received notice by a letter from the

Applicant's Counsel received via US Mail on March 4, 2013.


5. Disputed Issues of Material Fact. Pasco County contends that the service charges for maintenance related to inflow and infiltration are not accurately stated. Ni Florida is in breach of its contract with Pasco County because it has failed to stem the infiltration of salt water into its collection system resulting in non-compliance with its contract standards and state regulatory standards. See attached notice letter to Ni Florida from Pasco County Utilities. Ni Florida has not responded to this letter.

6. Statement of Ultimate Facts. The Commission must consider operating expenses and environmental compliance costs but those costs have not been accurately stated by the Applicant.

7. Standing. Section 367.091(2), Florida Statutes, requires the Commission to grant intervenor status to counties upon the filing of a petition to intervene in water and wastewater cases involving a rate change.

8. Relief Sought. Pasco County hereby request the Commission to grant the Petition to Intervene in the above-captioned docket on the bases set forth in paragraphs 1-7 above.

Wherefore, Pasco County respectfully requests the Commission to enter an order granting the Petition to Intervene in the above-captioned docket.



Joseph D. Richards (FBN 777404)
Senior Assistant County Attorney
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New Port Richey, Florida 34654
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Email: jrichards@pascocountyfl.net
Counsel for Pasco County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 8th day of May, 2013 to the following:

Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
via e-filing: filings@psc.state.fl.us

Office of Public Counsel
J.R. Kelly
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
Phone: 850-488-9330
Email:
christensen.patty@leg.state.fl.us

Rutledge Law Firm
Martin P. McDonnell, Esquire
Post Office Box 551
Tallahassee, FL 32302-0551
Phone: 850-681-6788
Fax: 850-681-6515
Email: marty@reuph.law.com

Jennifer Crawford
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
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Ni Florida, LLC
10913 Metronome Drive
Houston, TX 77043-2201
Phone: 850-681-6788
Fax: 850-681-6515
Email: ewallace@niamerica.com



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Counsel for Pasco County



PASCO COUNTY, FLORIDA

"Bringing Opportunities Home"

DADE CITY (352) 521-4274
LAND O' LAKES (813) 235-6012
NEW PORT RICHEY (727) 847-8145
FAX (727) 847-8083

UTILITIES SERVICES BRANCH
PUB. WKS/UTILITIES BLDG., S-213
7536 STATE STREET
NEW PORT RICHEY, FL 34654-5598
E-MAIL: bkennedy@pascocountyfl.net

January 31, 2013

Mr. Ed Wallace
Ni America Operating
10913 Metronome Drive
Houston, TX 77043

RE: Coastal Infiltration Investigation -
Ni Florida Wastewater Collection System
PCU 06-015.00

Dear Mr. Wallace:

Enclosed is a copy of the latest sampling results of the wastewater entering the Pasco County sewer system from its connection to the Ni Florida collection system. This information shows that your wastewater continues to exceed the 250 mg/l State standard and the limit contained in the agreements between Ni Florida and the County.

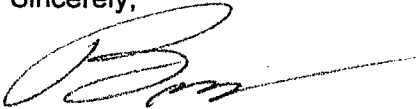
The attached results indicate that chlorides have not been reduced to any great extent in the wastewater discharging to the County's system from the Del Mar Avenue Pump Station and your other connection points with the County system. The Del Mar Station is particularly egregious and continues to exceed the 250 mg/l limit for chloride as established in the Chloride Repair Plan provided by Ni Florida and approved by the Board of County Commissioners (BCC) April 25, 2008, as well as the 1990 Bulk Wastewater Agreement.

When we last corresponded on this continuing problem in 2010, we received a December 5, 2010 letter and monitoring plan on your behalf from Key Engineering Associates, Inc. We were told that you would continue to monitor the chloride levels and make necessary repairs. We have no record of Ni Florida doing either.

Based on these results, Ni Florida continues to be in breach of 1990 Bulk Wastewater Agreement. You must repair your collection system to meet the 250 mg/l chloride limit. We will seek regulatory support for action on the part of Ni Florida. If you fail to address this matter promptly, we will pursue all available legal remedies including but not limited to seeking monetary damages.

Mr. Ed Wallace
January 31, 2013
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Sincerely,



Bruce E. Kennedy, P.E.
Assistant County Administrator
Utilities Services

Enclosure

BEK/mvv/mydocs/bekletters/Wallace, Ed, Ni Florida

cc: Mark Meyers, Ni Florida, 13825 U.S. Hwy. 19, Ste. 301 Hudson, FL 34667
David Brian Brown, Florida Department of Environment Protection, 13051 N. Telecom Pkwy.,
Temple Terrace, FL 33637-0926
Joseph Richards, Senior Assistant County Attorney
Gregory Dziegielewski, Acting Operations and Maintenance Director

Location		8/20/2012	09/24/12	09/27/12	10/01/12	10/08/12	10/10/12	10/15/12	10/22/12	10/29/12	11/01/12	11/05/12	11/05/12	11/12/12	11/16/12	11/19/12	11/21/12	11/26/12	11/29/12	12/02/12	12/07/12	12/13/12	12/17/12	12/19/12	12/22/12	01/01/13	01/04/13	01/07/13	01/09/13
Rounder	Chloride mg/l		152	169		157		251	191		211		149		157		159		153		209	190		224	170				157
	TDS mg/l		526	584		544		598	618		594		558		582		574		604		640	630		704	572				570
	Specific Conductance umhos/cm		1010	1290		881		1240	876		916		965		1160		1360		1190		1350	1455		1584	1425				1285
Delmar and Ranch	Chloride mg/l		2488	1510		3281		1584	1159		3412		608		439		1570		1744		1970	2041		2457	2839				1633
	TDS mg/l		3050	2560		5305		2580	3335		4885		5125		3740		2850		3355		3650	3905		4420	5490				3415
	Specific Conductance umhos/cm		5010	5020		7880		4740	4160		6220		7580		6290		5910		5950		6390	7730		9680	11630				7070
Sunyside	Chloride mg/l							112		139		103		128		115		94.7		136	211		162	139				128	
	TDS mg/l							500		552		542		512		584		536		578	638		732	654				454	
	Specific Conductance umhos/cm							741		881		892		1080		1560		1130		1250	1456		1513	1378				1049	

Key Engineering Associates, Inc.

DEC 6 2010

PASCO COUNTY UTILITIES

December 5, 2010

A. Glenn Greer, Utilities Engineering Director
Pasco County Utilities Services Department
Public Works / Utilities Building, Suite 213
7530 Little Road
New Port Richey, FL 34654

**RE: Ni Florida, LLC (Hudson Utilities)
I/I Monitoring and Chlorides Reduction Plan
KEY Project No. 400**

Dear Mr. Greer:

On behalf of Ni Florida, LLC (NiFL), Key Engineering Associates, Inc. has reviewed Pasco County's letter to Ni Florida, dated October 13, 2010, and associated Parsons report, dated August 10, 2010. It should be noted certain facts presented in Pasco County's letter are not accurate, possibly due to the data used. Since NiFL's acquisition of Hudson Utilities, effective May 5, 2008, it has complied with Pasco County's Consent Agreement, dated April 29, 2008, which included an exhibit as to NiFL's Chloride Repair Plan. NiFL is please to provide, via the below referenced report, an update as to results and continued efforts.

Additionally, NiFL is committed to continuing its I/I Monitoring and Chlorides Reduction efforts, focusing primarily on the wastewater service area that flows into the Del Mar Pump Station.

As such, hereby submitted is the **Ni Florida, LLC - Hudson Area Wastewater System - I/I Monitoring and Chlorides Reduction Plan**, dated November 28, 2010.

If Pasco County wishes to discuss NiFL's on-going I/I Monitoring and Chlorides Reduction efforts, please contact me to coordinate or schedule a call or meeting.

Respectfully submitted,
KEY Engineering Associates, Inc.



Keith A. Bachmann, P.E.
Principal

4562 Rutledge Drive
Palm Harbor, FL 34685

Pinellas: (727) 781-1111
Hillsborough: (813) 882-8161

Fax: (727) 781-1112
keyengg@aol.com

Key Engineering Associates, Inc.

**Ni Florida, LLC
Hudson Area Wastewater System**

**I/I Monitoring and
Chlorides Reduction Plan**

Prepared for:

**Ed Wallace, President
Ni America Operating
10913 Metronome Drive
Houston, TX 77043**

Prepared by:

**Keith A. Bachmann, P.E., Principal
Key Engineering Associates, Inc.
4562 Rutledge Drive, Palm Harbor, FL 34685
Phone: 727-781-1111 Fax: 727-781-1112 Email: keyengg@aol.com**

Keith A. Bachmann
11/28/10

November 28, 2010

Key Engineering Associates, Inc.

Ni Florida, LLC Hudson Area Wastewater System

I/I Monitoring and Chlorides Reduction Plan

Ni Florida, LLC (NiFL) acquired the Hudson Utilities wastewater collection system on May 5, 2008. This system has had a problem with infiltration and inflow (I/I) in the past, resulting in wastewater with an elevated chloride concentration. NiFL implemented a Chloride Repair Plan to reduce the chlorides. The "Chloride Reduction Progress Report", dated May 2, 2009, evaluated NiFL's chloride reduction efforts and found that the chlorides levels are consistently below 250 mg/l at both the Flounder Pump Station (PS) and the Sunnysdale PS, while the chlorides levels are consistently above 250 mg/l at the Del Mar PS. Also, NiFL's total composite average concentration has not yet dropped below the chloride standard of 250 mg/l.

The "Chloride Reduction Progress Report" was reviewed by Parsons, on behalf of Pasco County. Parson's "Review of Chloride Reduction Progress Report", dated August 10, 2010, presented composite sample test results at the Flounder PS and the Del Mar PS. These test results confirmed that only the Del Mar PS exceeds Pasco County's chloride standard of 250 mg/l as a total composite average concentration.

This report identifies NiFL's plan to detect and repair I/I and reduce chlorides in Hudson's wastewater collection system. NiFL will use physical observation, conductivity monitoring, chlorides testing, and TV inspection to help identify I/I and elevated chloride sources. NiFL's plan will implement the recommendations proposed in Parson's report.

Flow Monitoring and Conductivity Testing

NiFL has recently installed continuous flow monitoring equipment at the Del Mar PS and the Flounder PS. The monitoring equipment will be equipped with conductivity probes to continuously monitor conductivity, as a surrogate measurement of chloride concentrations in the wastewater.

NiFL will collect grab samples during high tide between 12 AM and 5 AM and use conductivity testing as a surrogate measurement of chloride concentrations in the wastewater.

Key Engineering Associates, Inc.

The flow monitoring and conductivity results will be used to help identify the areas of the collection system that have on-going I/I problems and to evaluate the effectiveness of collection system repair projects.

NiFL will perform field inspections in the pipelines, manholes, and pump stations where seawater intrusion has been identified by flow monitoring, chloride, and/or conductivity measurements. Follow-up closed circuit television (CCTV) inspections will be performed as necessary. Portions of the collection system with high I-I and specific pipe or manhole leaks will be repaired.

Note: Field chlorine test strips were NEVER used during testing or treatment; however, chloride test strips, which are ideal for determining quantitative results quickly, have and will be used as needed.

24-hour Composite Testing Program

NiFL will perform 24-hour composite tests to determine the actual total composite average chloride concentration. Composite tests will be taken at the Del Mar PS semi-annually and at the Flounder PS annually, beginning in December, 2010.