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February 18, 2009

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09 FEB 23 AM 9:37  
COMMISSION  
CLERK

Director  
Office of Commission Clerk  
2540 Shumand Oak Blvd.  
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.  
P.O. Box 5256  
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility  
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of my wife and three children.

We purchased our single family home in Fountain Lakes, 22601 Island Lakes Drive, Estero, FL 33928 in 2002 and have noticed ongoing problems with the sewer facility that I in good faith believe strongly affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there was no other alternative for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.

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The plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

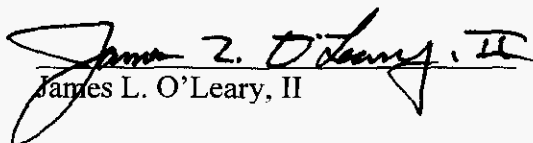
The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends that work at sewer viewer who have been out to check the system when there were blockages. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago. My children and many others ride their bikes along these areas and some play at or around these areas where spills occur. This is happening in multiple areas of the community. Although I am not an expert, it appears the spills are continuing due to overcapacity and due to nobody ever cleaning the collection system and/or rehabilitating the lift stations that are past due for rehab. The clean-up effort has been minimal with just light dusting of lime over some of the affected areas.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

On behalf of my wife and three daughters, as well as my mother, sister and brother in law who are also neighbors in Fountain Lakes, other close friends and residents, I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,

  
James L. O'Leary, II