

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-PPSC

11 OCT -6 PM 2:41

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 Gary P. Miller 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

Kimberly A. Joyce,
Aqua America Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Aqua Utilities Florida Inc.
Post Office Box 2480
Lady Lake, FL 32158-2480

Kenneth M. Curtin
Adams and Reese LLP
150 Second Avenue N. Suite 1700
St. Petersburg, FL 33701

Kelly Sullivan
570 Osprey Lakes Circle
Chuluota, FL 32667-6652

Office of Public Counsel
J. R. Kelly/ Patricia Christensen
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399-1400

COM 5
APA 1
ECR 7
GCL 1
RAD _____
SRC _____
ADM _____
OPC _____
CLK CF.RP2

DOCUMENT NUMBER-DATE

07298 OCT-6 =

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
DOCKET NO. 100330-WS
PAGE 2

Cecilia Bradley / Pamela Jo Bondi
Office of the Attorney General
The Capitol PL01
Tallahassee, FL 32399-1050

Pasco County Board of County
Commissioner
c/o Joseph D. Richards
Pasco County Attorney's Office
87321 Citizens Drive, Suite 340
New Port Richey, FL 34654



RALPH R. JAEGER
SENIOR ATTORNEY

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Telephone: (850) 413-6199

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 Gary P. Miller
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: October 6, 2011

DOCUMENT NUMBER-DATE

07298 OCT-6 =

FPSC-COMMISSION CLERK

DIRECT TESTIMONY OF GARY P. MILLER

Q. Please state your name and business address.

A. Gary P. Miller, Florida Department of Environmental Protection (FDEP), 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803.

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

A. I have a B.S. Degree in Biology. For about 5 years I worked at the Osceola County Health Department in the Environmental Health Section, and I have worked approximately 26 years at the FDEP in the Wastewater and Drinking Water Sections.

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

A. I manage the Wastewater Compliance/Enforcement Section that includes reviewing all enforcement documents (warning letters, consent orders, notice of violations etc.), noncompliance letters of all Type I and II domestic wastewater facilities & conducting enforcement and compliance meetings.

Q. Are you familiar with the AUF wastewater systems in Lake, Seminole, and Volusia Counties, particularly the wastewater treatment systems in Lake County, including Fairways at Mt. Plymouth, Holiday Haven, Kings Cove, Morningview, Summit Chase, Valencia Terrace, and Venetian Village, the wastewater treatment systems in Seminole County, including Chuluota, and Florida Commerce Park, and the Jungle Den wastewater treatment system in Volusia County?

A. Yes

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

A. The following systems are not in compliance with their permits:

Chuluota – Based on the Discharge Monitoring Reports (DMRs), the annual average daily flow to the effluent sprayfields (R-001) exceeded the permit limit of 0.10 million

1 gallons per day (MGD). The flow exceedance was to be resolved by implementing
2 public access reuse by December 31, 2010, in accordance with Part VI, Schedules, of
3 the wastewater permit. As of September 16, 2011, public access reuse has not been
4 implemented.

5 **Jungle Den** – The Department’s inspection on October 15, 2010, indicated that the
6 physical plant was very rusty, the minimum pH result reported on the DMR for June
7 2010 was less than the minimum of 6.0 S.U., the percolation ponds had a freeboard of
8 less than one foot, overflow pump to the sprayfield was leaking and a spray head was
9 missing in the sprayfield. These deficiencies were addressed in a noncompliance letter
10 dated November 5, 2010. See Exhibit GM-1. The Department has no records
11 indicating a response was received regarding these deficiencies.

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

14 A. The Fairways at Mt. Plymouth system is the only facility that has been under
15 enforcement within the past three years. The system’s previous permit expired on June
16 14, 2010 and they operated without a permit until September 8, 2010. The
17 enforcement action was resolved via a Consent Order (CO). The CO requirements
18 have been completed and the case has been closed.

19 Q. Other than any violations discussed above, is AUF in compliance with all DEP
20 requirements for their wastewater systems in Lake, Seminole & Volusia Counties?

21 A. Yes

22 Q. Is the overall operation and maintenance of these wastewater treatment plants and
23 collection facilities satisfactory?

24 A. Yes

25 Q. Do you have anything further to add?

- 1 | A. No, I do not.
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

SENT VIA E-MAIL TO: jmlihvarcik@aquaaamerica.com

November 5, 2010

AQUA UTILITIES FLORIDA INC
510 HWY 466
SUITE 204
LADY LAKE FL 32159

OCD-C-WW-10-0777

ATTENTION JOHN M LIHVARCIC
CHIEF OPERATING OFFICER

Volusia County - DW
Jungle Den WWTF
Wastewater Facility - Permit No. FLA011261
Noncompliance Letter

Dear Mr. Lihvarcik:

On October 15, 2010, Department personnel conducted a routine inspection of the above-referenced facility. A copy of the inspection report is attached for your review. Please note the items listed below which need to be addressed:

1. A copy of the current laboratory certification was not on-site.
2. On many occasions various values were reported incorrectly on Part A and B of the Discharge Monitoring Reports (DMRs) for November 2009 through June 2010. Please see the inspection report for details. It is important to report all data carefully and accurately as specified on the DMRs. Please see the inspection report for details.
3. Solids were present in the Parshall flume and the effluent flow meter.
4. The physical plant was very rusty. Please see the inspection report for details.
5. The minimum pH result reported on the DMR for June 2010 was less than the minimum of 6.0 SU as required.
6. The percolation ponds had a freeboard of less than one (1) foot. There must be at least one (1) foot of percolation pond freeboard.
7. The Overflow pump to the sprayfield was leaking.
8. A spray head was missing in the sprayfield.

The Department requests a written response addressing the items listed above within 14 days from the date of this letter. Your response should include an explanation of any corrective actions that have either been taken or that you plan to take. Please note that this letter and report, being part of the Department's investigation, is preliminary to agency action in

accordance with Section 120.57(5), Florida Statutes. Please direct your response and any questions to Debra Knight at (407) 893-3313, or via e-mail: debra.knight@dep.state.fl.us.

Sincerely,

David Smicherko

David Smicherko
Supervisor
Wastewater Compliance/Enforcement

DS/dlk/ar

Enclosure: Inspection Report

cc: Volusia County Environmental Management, dabrahamson@co.volusia.fl.us
Aqua Utilities, PRWilliams@aquaamerica.com