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FLORIDA CITIES WATER COMPANY  
RATE APPLICATION FOR RECOVERY OF LEGAL EXPENSES  
REBUTTAL TESTIMONY OF MICHAEL ACOSTA  
TO DIRECT TESTIMONY OF  
HUGH LARKIN, JR.  
DOCKET NO. 971663-WS

Q. Please state your name.

A. Michael Acosta.

Q. Have you previously provided testimony in this Docket?

A. Yes.

Q. What is the purpose of your rebuttal testimony?

A. The purpose of my testimony is to rebut certain aspects of the direct testimony of Hugh Larkin, Jr., appearing on behalf of the Citizens of the State of Florida.

Q. Specifically which part of Witness Larkin's testimony will you rebut?

A. I will rebut Witness Larkin's testimony regarding his assertion that the Department of Environmental Protection and United States Environmental Protection Agency only "find companies are in violation of the law and that the company itself must determine how to eliminate the violation and comply with the law."

Q. Is Witness Larkin's assertion as stated above accurate?

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1 A. In this case, the assertion is not accurate.

2 Q. Please explain.

3 A. In 1986, the Waterway Estates Wastewater Treatment  
4 Plant (Waterway) was a secondary plant discharging  
5 into a canal that leads to the Caloosahatchee River  
6 with all the appropriate permits to do so. FDEP had  
7 established a wasteload allocation for the  
8 Caloosahatchee River that envisioned that all surface  
9 water discharges would ultimately meet advanced  
10 wastewater treatment (AWT) standards. It is clear  
11 from the NPDES Certification worksheet Exhibit \_\_\_\_\_  
12 MA-7 that FDEP would be seeking the upgrade of  
13 Waterway to AWT and the relocation of the outfall to  
14 the six foot contour line in the Caloosahatchee River  
15 upon the expiration of the then current operating  
16 permit DO36-72569 if Waterway was going to continue  
17 discharging to surface waters. While FDEP did not  
18 design the facility it did require reasonable  
19 assurance that the facilities as designed would meet  
20 the stated water quality limits and not result in  
21 water quality violations. In this case, FDEP was not  
22 just requiring compliance but also requiring a  
23 specific upgrade to a treatment facility in order to  
24 achieve compliance with the wasteload allocation  
25 limits.

1 Q. Does this conclude your rebuttal testimony?

2 A. Yes.