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11	DIRECT INTERVENOR TESTIMONY OF
12	JOSEPH A. MITTAUER, P.E.
13	BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
14	ON BEHALF OF
15	THE CITY OF GROVELAND, FLORIDA
16	DOCKET NO. 991666-WU
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DOCUMENT NUMBER-DATE

FPSC-RECORDS/REPORTING

- 1 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?
- 2 A. My name is Joseph A. Mittauer and my business address
- 3 is 4611-4 U.S. Highway 17, Orange Park, Florida 32003.
- 4 Q. WHAT IS YOUR POSITION WITH THE CITY OF GROVELAND?
- 5 A. Mittauer & Associates, Inc. is the City Engineer for
- 6 the City of Groveland, Florida (City), a municipal
- 7 corporation organized under the laws of the State of
- 8 Florida.
- 9 Q. WHAT IS YOUR EDUCATIONAL BACKGROUND AND WORK
- 10 EXPERIENCE?
- 11 A. I am a graduate of the University of Florida earning
- 12 a Bachelor of Science in Civil Engineering in 1976.
- 13 I am a licensed professional engineer in the States of
- 14 Florida, Georgia, South Carolina, Kentucky and
- 15 Alabama. From 1976 until 1981, I was project manager
- 16 with Florida Rock Industries designing plants,
- 17 including pumping systems, structural components and
- 18 preparing permit applications. From 1981 until 1985,
- 19 I was with Smith & Gilespie Engineers as a project
- 20 manager designing large scale wastewater treatment
- 21 facilities and water/wastewater systems for small
- 22 communities. Between 1985 and 1989. I was an
- 23 Assistant Regional Manager with Gee & Jenson Engineers
- 24 designing all facets of water and wastewater systems
- 25 for small to mid-size municipalities and industries.
- 26 In 1989, I formed my own consulting engineering firm,

- 1 Mittauer & Associates, Inc. and am the president and
- 2 principal-in-charge of the firm personally overseeing
- 3 all of the firm's projects. My resume is attached as
- 4 Exhibit (____) JAM-1 to this testimony.
- 5 Q. ARE YOU A MEMBER OF ANY TRADE OR PROFESSIONAL
- 6 ORGANIZATIONS?
- 7 A. Yes, I am a member of the Florida League of Cities.
- 8 Q. HAVE YOU EVER TESTIFIED BEFORE A COURT OR REGULATORY
- 9 AGENCY?
- 10 A. Yes. I testified in Duval County circuit court as an
- 11 expert structural engineer on behalf of a marine
- 12 contractor regarding the construction of a bulkhead.
- 13 O. WHAT ARE YOUR PRESENT DUTIES AS CITY ENGINEER FOR THE
- 14 CITY OF GROVELAND?
- 15 A. Our firm performs all necessary engineering services
- 16 including updating the water and sewer system maps,
- 17 designing new construction projects, performing
- 18 feasibility studies, reviewing subdivision development
- 19 designs and other related engineering services.
- 20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS
- 21 PROCEEDING?
- 22 A. To provide testimony that the City of Groveland has
- 23 the technical ability to provide water and wastewater
- 24 services to the water territory service area requested
- 25 by Florida Water Services Corporation (Florida Water)
- 26 in this docket, an area included within the City's

current Utility Service District, within a reasonable period of time.

3 Q. PLEASE DESCRIBE THE SERVICE TERRITORY FOR THE CITY OF

GROVELAND.

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- Pursuant to §180.02(3), Florida Statutes, the City 5 Α. adopted Ordinance 99-05-07, effective May 17, 1999, 6 creating the City of Groveland Utility Service 7 District (District). The service area requested by 8 9 Florida Water in this proceeding falls completely 10 within the District. Exhibit () JAM-2, prepared under my supervision and control, is a map showing the 11 the District, Florida 12 relationship of additional requested service area and the Summit 13 Planned Unit Development. 14
- 15 Q. HOW WILL THE CITY PROVIDE WATER SERVICES TO THE SUMMIT

 16 DEVELOPMENT?
- The City is currently constructing a 12 inch water 17 A. line along Cherry Lake Road/CR 478 pursuant to a grant 18 from the Department of Environmental Protection. 19 location of the Summit Planned Unit Development (PUD) 20 in relation to the Cherry Lake Road/CR 478 extension, 21 22 and planned connection by the City to the Summit PUD is diagramed in Exhibit (_____) JAM-3. Final plans 23 for the Cherry Lake Road extension construction have 24 been completed and the project is now in 25 permitting stage. The project will be released for 26

with construction to follow immediately thereafter.

Construction of the 12 inch line to the Garden City

subdivision is expected to be complete in February,

Extension of this line approximately 13,000

construction bids as soon as the permitting is secure

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- feet to the Summit Development will take approximately
- 5 to 6 months from the date service is requested and
- 8 will cost approximately \$275,000. Both of these
- 9 projects can be constructed simultaneously as soon as
- authorization for the Summit PUD project is issued.
- 11 Q. DOES THE CITY HAVE EXISTING CAPACITY TO PROVIDE WATER
 12 SERVICE TO THE SUMMIT?
- 13 Yes, the City currently has two water plants served by 14 three wells with the following rated capacities: Well 15 # 1, 550 gallons per minute and 792,000 gallons per day; Well # 3a, 503 gallons per minute and 724,320 16 gallons per day; and Well # 5, 462 gallons per minute 17 18 and 665,280 gallons per day. The average daily flow 19 for each water treatment plant is approximately 110,000 and 320,000 gallons per day, respectively. Of 20 21 this permitted capacity, the City has approximately 22 1.6 million gallons per day of remaining capacity 23 available to serve the Summit as of June, 2000. This 24 amount will easily meet the 38,400 gallons per day of 25 water capacity which the Summit has requested be

reserved for its use in its application with Florida

- 1 Water.
- 2 Q. HAVE YOU SEPARATELY CALCULATED THE AMOUNT OF WATER
- 3 CAPACITY NEEDED TO MEET THE SUMMIT'S POTABLE WATER
- 4 NEEDS?
- 5 A. Yes. Using the flow design standards set forth in
- 6 Chapter VI-D, Policy 6D-1.3, Potable Water Sub-
- 7 Element, Public Facilities Element 9J-5.011(2) of Lake
- 8 County's Comprehensive Plan, and Florida Water's
- 9 calculation of 148.23 ERCs for the Summit PUD found in
- 10 Exhibit "B" of the Florida Water/Summit Water Service
- 11 Agreement, the Average Day Water Demand for the Summit
- 12 PUD is 51,880 gallons per day or 36 gallons per
- 13 minute. This amount of water capacity is
- 14 significantly greater than that requested by the
- 15 Summit but is also easily met by the City.
- 16 O. CAN THE CITY PROVIDE THE SUMMIT'S FIRE FLOW DEMAND?
- 17 A. Yes. Again using 148.23 ERCs for the demand for the
- 18 Summit PUD, and Lake County's minimum criteria for
- 19 fire demand of 750 gallons per minute found in Lake
- 20 County Ordinance No. 96-42, the total peak hour demand
- 21 will be 894 gallons per minute for the Summit PUD.
- 22 Thus, the City will have sufficient capacity to meet
- 23 the fire flow demands of the Summit.
- 24 Q. HAVE YOU CALCULATED THE WASTEWATER CAPACITY DEMAND
- 25 ASSOCIATED WITH THE SUMMIT PUD?
- 26 A. Yes. Using 148.23 ERCs and the criteria for

- wastewater design found in Chapter VI-A, Policy 6A-
- 2 1.6, Sanitary Sewer Sub-Element, Public Facilities
- 3 Element 9J-5.011(2) of Lake County's Comprehensive
- 4 Plan, I have calculated an average day wastewater
- 5 demand for the Summit PUD of 44,469 gallons per day or
- 6 31 gallons per minute.
- 7 Q. DOES THE CITY HAVE EXISTING CAPACITY TO PROVIDE
- 8 WASTEWATER SERVICES TO THE SUMMIT?
- 9 A. Yes. The Groveland Wastewater Treatment Plant has
- 10 capacity of 250,000 gallons per day with average day
- 11 wastewater demand of approximately 110,000 gallons per
- 12 day. Although the Summit development as currently
- proposed would utilize septic tanks, not a centralized
- 14 wastewater treatment system, the City could provide
- 15 wastewater treatment to the development from its
- 16 existing Groveland wastewater treatment plant within
- 17 12 months of the request for service at a cost of
- 18 approximately \$500,000.
- 19 Q. DOES THE CITY HAVE THE MANAGERIAL ABILITY TO SERVE THE
- 20 SUMMIT?
- 21 A. Yes, the City currently meets all of the personnel
- 22 requirements for both water and wastewater systems of
- 23 its size and is currently in compliance with all
- 24 Department of Environmental Protection (DEP), St.
- John's Water Management District and EPA permit
- 26 requirements.

- 1 Q. HAS THE CITY HAD A VIOLATION CONCERNING ITS WATER
 2 SYSTEM IN THE LAST FIVE YEARS?
 - 3 A. Yes. On or about November 4, 1996, McDonald's
 - 4 completed construction of a restaurant in Groveland.
 - 5 The McDonald's was connected to the City's water
 - 6 systems via a 1 1/2" inch line and meters were set.
 - 7 The Department of Environmental Protection's (DEP)
 - 8 Central District Office has an internal, unwritten
 - 9 policy that lines 1 1/2 inches or greater constitute
- 10 main extensions. Since the 1 1/2 inch service line
- 11 was considered a main extension by DEP, DEP issued
- Warning Letter OWL-PW-96-0083 on December 10, 1996,
- indicating that bacterial sampling should have been
- 14 conducted prior to connection of the line consistent
- with written DEP rules and regulations. This Warning
- 16 Letter is attached to my testimony as Exhibit
- 17 (JAM-4). On January 16, 1997, DEP offered a proposed
- 18 settlement, attached as Exhibit _____ (JAM-5), in
- 19 which the City was fined a total of \$2,050.00 and
- 20 corrective actions were required (bacterial sampling
- 21 of the line) to be completed. DEP also fined
- 22 McDonald's for this violation. Subsequent to payment
- of the fine and completion of all corrective actions
- 24 this case was closed by DEP on February 5, 1997.
- 25 [Exhibit (JAM-6)]
- 26 Q. DO YOU CONSIDER THIS VIOLATION AN INDICATION THAT THE

- 1 CITY DOES NOT HAVE THE MANAGERIAL OR TECHNICAL ABILITY
- 2 TO PROVIDE SAFE, RELIABLE WATER AND WASTEWATER
- 3 SERVICES?
- 4 A. No. I consider this to be a highly technical
- 5 violation of somewhat dubious legality due to the fact
- 6 that the classification of 1 1/2 inch water lines as
- 7 main extensions was not included in DEP's written
- 8 rules and regulations and is, apparently, unique to
- 9 DEP's Central District Office. I would note that the
- 10 engineering firm involved in this project, Conklin,
- 11 Porter and Holmes Engineers, Inc. of Sanford, Florida,
- 12 was also not aware of this classification or the need
- 13 for bacterial sampling prior to connection with the
- 14 City's water system.
- 15 Q. WILL THE CITY BE ABLE TO FURNISH WATER TO THE SUMMIT
- 16 IN A TIMELY FASHION?
- 17 A. Yes. As the Florida Water application indicates, the
- 18 Summit originally requested service by July 1, 2000.
- 19 Obviously, this date has passed. The Summit secured
- 20 its Planned Unit Development zoning from Lake County
- 21 in December of 1999, however, the Summit has taken no
- 22 further action to implement the development of its
- project as of the date of this filing, i.e., it has
- 24 not submitted a plat of the project or a construction
- 25 plan to Lake County for review and approval, the next
- 26 steps in the construction of the project.

Further, the current schedule in this docket will not result in a written order from the Commission until March, 2001. By that time, the Cherry Lake project is expected to be completed and connection of the Summit PUD to the City's system could also be complete if authorization to start the project was given this month. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY? A. Yes. c: 3209

CERTIFICATE OF SERVICE

(*) Patricia Christensen, Esq. Florida Public Service Comm. Division of Legal Services 2541 Shumard Oak Blvd. Tallahasee, FL 32399-0850

Jason L. Yarborough City of Groveland 156 South Lake Avenue Groveland, FL 34736 J. Stephen Menton, Esq. Rutledge Law Firm P.O. Box 551 Tallahassee, FL 32302

Suzanne Brownless, Esq.

c: 3208

Docket No. 991666-WU Exhibit () JAM-1 Page 1 of 3

Resume

Joseph A. Mittauer, P.E. President

Education:

University of Florida, BSCE - 1976

University of Florida TREEO Continuing Education

Registration: Professional Engineer, Florida, 1981

Professional Engineer, Georgia, 1990

Professional Engineer, South Carolina, 1990

Professional Engineer, Kentucky, 1991 Professional Engineer, Alabama 1992

Mr. Joseph A. Mittauer, P.E. is a uniquely qualified engineer. His 24-year experience includes water/wastewater design, structural design and material handling design. He also has extensive experience in grant funding, permitting and construction administration.

As President and Principal-In-Charge of MITTAUER & ASSOCIATES, INC., Mr. Mittauer has been intimately involved in all of the firm's projects. He performed all engineering services for the following projects:

RD Wastewater System Improvements for River Park Utilities Management Association, Inc. in Fruitland, Florida

- Industrial Pretreatment Facility for Industrial Water Services, Inc., Mobile, Alabama
- FmHA Water and Sewer Improvements for the Town of Welaka, Florida
- Pace Island Water Treatment Plant for the Clay County Utility Authority in Orange Park, Florida
- Ridgecrest Water Treatment Plant for the Clay County Utility Authority in Orange Park, Florida

MITTAUER AND ASSOC

Docket No. 991666-WU Exhibit (_____) JAM-1 Page 2 of 3

Recune

Joseph A. Mittauer, P.E. President

- Meadowlake Water Treatment Plant for the Clay County Utility Authority in Orange Park, Florida
- Fieming Oaks Water Treatment Plant for the Clay County Utility Authority in Orange Park, Florida
- Old Jennings Road Water Treatment
 Plant for the Clay County Utility
 Authority in Orange Park, Florida
- Fire Protection System (CDBG funded) for the Town of Pomona Park, Florida
- Reverse Osmosis Water Plant for Ocean City Utilities in Ocean City, Florida
- Street Paving Project (CDBG funded) for the Town of Lady Lake, Florida
- HUD/CDBG funded Senior Citizen's Center and Community Center for the Town of Baldwin, Florida

Prior to opening MITTAUER & ASSOCIATES. INC., Mr. Mittauer gained extensive water and wastewater experience while at other firms.

He was Lead Design Engineer for the Jacksonville Buckman Street Wastewater Treatment Plant Expansion (35 MGD to 52.5 MGD) where he coordinated all design/drawings, designed the rim-flow secondary clarifiers, designed the return and waste sludge pumping station and designed the plant yard piping.

Mr. Mittauer was also Lead Design Engineer for the expansion and improvements to the Sarasota Wastewater Treatment Plant (9 MGD to 13 MGD). His work on this project included overall coordination of construction specifications and contract documents; design of the contact and stabilization aeration tanks; design of the operations building facility; design of the chlorine handling facility; mechanical design of the enclosed container composting system; design of the effluent storage building and design of the effluent

Docket No. 991666-WU Exhibit (____) JAM-1 Page 3 of 3

Resume

Joseph A. Mittauer, P.E. President

screening and pumping station at the spray irrigation site.

Mr. Mittauer has also had effluent reuse experience. For a Dunes Community Development District project, he designed a surface water pumping system that consisted of 3,000 LF of 8-inch PVC force main and a pumping facility. Surface water was then used to irrigate a local golf course. Another project for the Dunes Community Development District involved 19,000 LF of 12-inch PVC main which conveyed treated wastewater effluent between two wastewater treatment plants for use on a local golf course. This design included an aerial canal crossing, six jack and bore road crossings and a subaqueous Intracoastal Waterway Crossing.

Acting as Project Engineer, Mr. Mittauer designed the sewer extensions for the City of DeFuniak Springs, through a FmHA grant/loan. Here, he was responsible for the design and permitting of 75,000 LF of gravity sewers varying in diameter from 8-inch to 15-inch. This project also included 17,000 LF of 4-inch and 6-inch diameter pressure sewer, six

lift stations and 128,000 square yards of pavement repair and overlay work.

Working under the Capital Improvements Program at Lake City, Mr. Mittauer conducted a water and sewer rate study. He reviewed the proposed capitalized improvements to existing water, sewer and gas utilities as well as made recommendations for connection charges and impact fees. His duties also included the preparation of draft rate and impact fee ordinances, a summary of proposed projects in conjunction with estimated costs, and an engineer's report for the City's \$7,125,000 utility system bond issue.

Additionally, Mr. Mittauer, serving as Project Manager, conducted a rate study for the City of DeLand. The study adjusted the water and sewer rates to cover a \$6,104,500 loan the City had received from the State's Revolving Loan Program. The loan was used to build a series of trunk gravity sewers, master pump stations and arterial force mains.



Department of Environmental Protection

Docket No. 991666-WU Exhibit (____) JAM-4 Page 1 of 2

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

Virginia 8. Wetherell Secretary

<u>CERTIFIED</u> Z 232 541 233

Sayward C. Sherburne, City Manager City of Groveland 156 South Lake Avenue Groveland, Florida 34736

WARNING LETTER OWL-PW-96-0083

Lake County - PW
City of Groveland,
d/b/a McDonald's Groveland
Water Distribution Main Extension

Dear Mr. Sherburne:

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 the matter.

A review of Department records for the City of Groveland drinking water distribution system extension project indicates that a violation of Florida Statutes and Rules may exist at this facility. Department records indicate the following:

The water distribution system extension project, constructed under Permit Number WD35-287987 issued on May 13, 1996, was placed into service on or before November 4 without first acquiring the proper clearance from the Department. This is a violation of the permit wherein it was noted to the utility that such action shall subject the utility to enforcement action.

It is a violation for any <u>supplier of water</u> to fail to comply with the following statutes and rules:

- Section 403.161(1)(b), Florida Statutes It is a violation and is prohibited to fail to obtain any permit required or to fail to comply with any permit conditions issued by the Department.
- Section 403.859(2), Florida Statutes Failure by a supplier of water to comply with any rule adopted by the Department pursuant to this act.
- Section 403.859(6), Florida Statute Failure by a supplier of water to comply with any approved plans and specifications or condition to the approval of plans and specifications issued by the Department pursuant to this act.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

Sep 05 00 11:51a

Cen Dist Drinking Water

Docket No. 991666-WU
Exhibit (____) JAM-4
Page 2 of 2

WARNING LETTER OWL-PW-96-0083

Rule 62-555.345, Florida Administrative Code - Certification letter and clearance.

You are advised that operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Mr. Roberto 'Bob' Ansag at (407) 893-3319 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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,

Vivian F. Garfein

Director of District Management

000

VFG:rca/tw Enclosure

cc: Lake County Public Health Unit
Ken Berg, McDonald's Corporation
Kamran Khosravani, P.E., Conklin, Porter and Holmes
Roberto C. Ansag, Drinking Water Program

Docket No. 991666-WU
Exhibit (____) JAM-5



Department of Page 1 of 2 Environmental Protection

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

Virginia B. Wecherell Secretary

CERTIFIED

Sayward C. Sherburne, City Manager City of Groveland 156 South Lake Avenue Silver Springs, Florida 34736 OCD-PW-CE-97-0030

RE: Proposed Settlement of City of Groveland, d/b/a McDonald's at Groveland, OGC File No. 97-0022.

Dear Mr. Sherburne:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter OWL-PW-96-0083 dated December 10, 1996, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,800.00, along with \$250.00 to reimburse the Department costs, for a total of \$2,050.00. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order, and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund". Payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

Sep 05 00 11:49a

Cen Dist Drinking Water

407-1 Docket No. 991666-WU Exhibit () JAM-5

Page 2 of 2

City of Groveland, d/b/a McDonald's at Groveland OGC File No. 97-0022 Page Two

If you do not sign and return this letter to the Department at the District address within 20 days of receipt, the Department will assume that you are not interested in settling this matter on the above-described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Offivian F. Garfein Director of District Management

I. Sayward C. Sherburne, City Manager, on behalf of the City of Groveland, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

For the Department:

Vivian F. Garfein

Director of District Management State of Florida Department

of Environmental Protection

ENTERED this 29th day of James

____, 1997 in Orlando, Florida.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to \$120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

VFG:xca/tw Attachments



Department of Environmental Protection

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

OCD-PW-CE-97-0356

Virginia B. Wetherell Secretary

Sayward C. Sherburne City Manager City of Groveland 156 South Lake Avenue Silver Springs, Florida 34736

LAKe
Marion County - PW
City of Groveland,
d/b/a McDonald's at Groveland
Consent Order - OGC File No. 97-0022

Dear Mr. Sherburne:

Department records indicate the above-referenced Consent Order requirements have been completed. Therefore, this enforcement case was closed by this office on February 5, 1997.

Thank you for your cooperation. If you have any questions, please contact Mr. Roberto 'Bob' Ansag at (407) 893-3319.

Sincerely,

Christianne C. Ferraro, P.E.

Program Administrator

Water Facilities

Date

Type of CCF:rca/tw

cc: Roberto C. Ansag, DEP Drinking Water Program



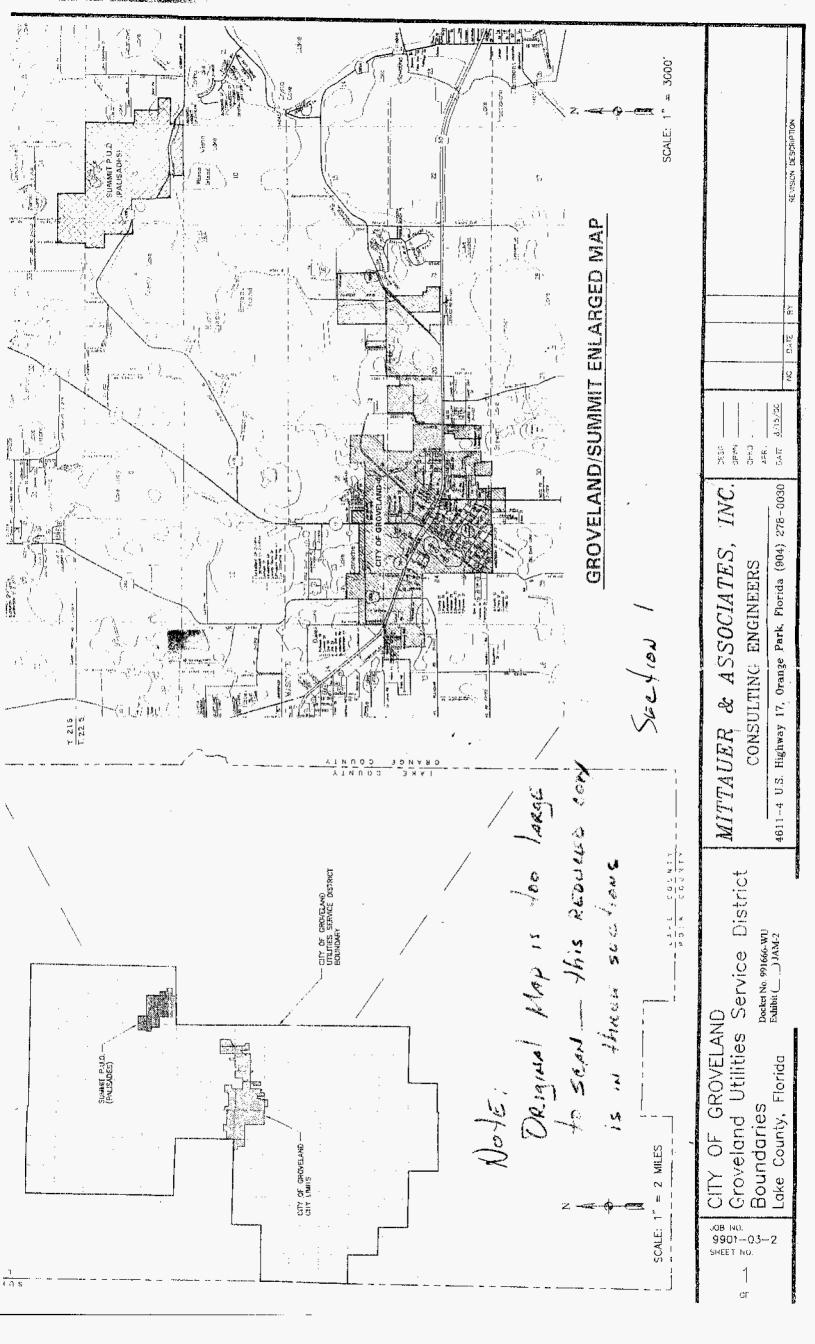
MITTAUER & ASSOCIATES, INC. CONSULTING ENGINEERS

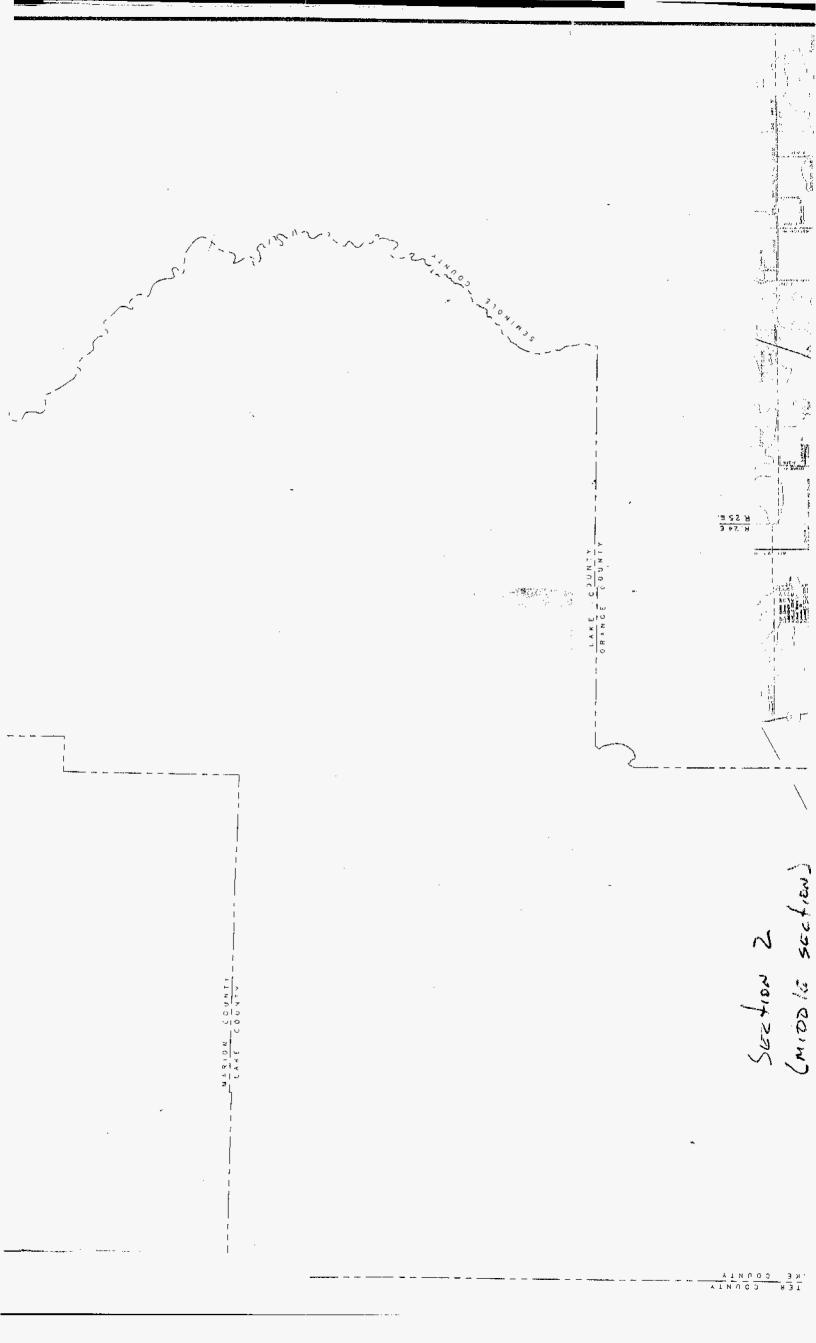
4611-4 U.S. Hwy 17, Orange Park, Florida (904) 278-0030

CITY OF GROVELAND

Water System Extension to Summit PUD USGS Location Map Lake County, Florida

August 2000 9901-03-2





(Too Section)