

TESTIMONY OF WILLIAM J. THIEL
DEPARTMENT OF ENVIRONMENTAL REGULATION

FILED ON BEHALF OF
THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION

FILED: OCTOBER 12, 1992

SYSTEMS: FOX RUN, FISHERMAN'S HAVEN, LEILANI HEIGHTS WASTEWATER SYSTEM

COUNTY: MARTIN

DOCKET NO. 920199-WS - APPLICATION FOR A RATE INCREASE BY
SOUTHERN STATES UTILITIES, INC.

DOCUMENT NUMBER-DATE
11961 OCT 12 1992
FPSC-RECORDS/REPORTING

DIRECT TESTIMONY OF WILLAIM THIEL

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2 | Q. Please state your name and business address.

3 | A. My name is William J. Thiel. My business address is the Department of
4 | Environmental Regulation, 1801 S.E. Hillmoore Drive, Port St. Lucie, FL 34952.

5 | Q. Please state a brief description of your educational background and
6 | experience.

7 | A. I have a bachelor of science degree in environmental science from the
8 | Florida Institute of Technology in 1983 and more than seven years experience
9 | in the environmental regulatory field.

10 | Q. By whom are you presently employed?

11 | A. Currently, I am employed by the Department of Environmental Regulation
12 | (DER).

13 | Q. How long have you been employed with the Department of Environmental
14 | Regulation and in what capacity?

15 | A. I have been employed with the DER for approximately four years as an
16 | environmental specialist in domestic wastewater compliance and enforcement and
17 | technical service, and three and a half years as a technician in the technical
18 | service section.

19 | Q. What are your general responsibilities at the Department of
20 | Environmental Regulation?

21 | A. My responsibilities include compliance assurance and enforcement
22 | procedures for domestic wastewater facilities.

23 | Q. Are you familiar with Southern States Utilities, Inc.'s wastewater
24 | systems in Martin County particularly the Fox Run, Fisherman's Haven, and
25 | Leilani Heights Systems?

1 A. Yes.

2 Q. Does the utility have current operating or construction permits from the
3 Department of Environmental Regulation?

4 A. Yes.

5 Q. Please state the issuance date and the expiration date of the operating
6 or construction permits.

7 A. For Fox Run, the permit DT 43-193523 was issued on December 13, 1991 and
8 will be expired on December 31, 1993.

9 For Fisherman's Haven, the construction permit DC 43-150277 was issued
10 on February 20, 1990 and the expiration date has been extended to February 28,
11 1993.

12 For Leilani Heights, the facility is currently under operating permit
13 DO 43-194646 issued on October 14, 1991 and will be expired on October 14,
14 1996.

15 Q. Please state whether the permit is a temporary operating permit, and if
16 so, please describe the permit terms.

17 A. No, except Fox Run. See Exhibit WJT-1 for corrective action schedule.

18 Q. Are the plants in compliance with their permits?

19 A. The Fox Run system appears to be in compliance with effluent
20 requirements. However, the permittee is falling behind the permit's
21 corrective action schedule.

22 Yes for Fisherman's Haven, with the exception of occasional low chlorine
23 residual excursions in March 1992.

24 For Leilani Heights, a noncompliance letter was issued to Southern
25 States Utilities following a DER inspection on June 2, 1992, regarding

1 | bypassing of the filters, sludge in one of the percolation ponds and weir box,
2 | and lack of a standby blower as required by the permit. A response dated June
3 | 25, 1992, has addressed the above deficiencies, though corrective actions have
4 | not been verified by DER inspection.

5 | Q. Are the wastewater collection, treatment and disposal facilities
6 | adequate to serve present customers based on permitted capacity?

7 | A. Yes, except Fox Run. The effluent disposal facility of Fox Run is not
8 | adequate. The facility of Fisherman's Haven is at less than 50% of its
9 | permitted capacity.

10 | For Leilani Heights, based on the submitted self monitoring data, the
11 | facilities are adequate. However, current flows are approaching the permitted
12 | capacity.

13 | Q. Are the treatment and disposal facilities located in accordance with
14 | Rule 17-600, Florida Administrative Code?

15 | A. Yes. However, at Fisherman's Haven, the plant is located near a private
16 | potable well, and this well was constructed after the plant was in service.
17 | As such, the construction permit required the installation and sampling of an
18 | intercepting monitoring well. As groundwater violations have been reported
19 | by the utility, they are in the process of developing a more stringent
20 | monitoring program and developing a means to increase the level of treatment
21 | at the plant.

22 | The wastewater treatment plant at Leilani Heights was constructed prior
23 | to Chapter 17-600, Florida Administrative Code. The wastewater treatment
24 | plant should have been located in accordance with the applicable rules at that
25 | time.

1 Q. Has the Department of Environmental Regulation (DER) required the
2 utility to take any action so as to minimize possible adverse effects
3 resulting from odors, noise, aerosol drift or lighting?

4 A. No for Fox Run and Fisherman's Haven. In the past several years at
5 Fisherman's Haven, there have been no problems. Though more careful attention
6 to operation was needed in 1987 following odor complaints.

7 Yes for Leilani Heights, pursuant to the consent order entered into with
8 Southern States Utilities, an engineering evaluation was undertaken to correct
9 odor problems. Vegetative screening, chemical addition, etc. were instituted.
10 Currently, odors do not appear to be a problem.

11 Q. Do the pump stations and lift stations meet DER requirements with
12 respect to location, reliability and safety?

13 A. Yes, at the time of permitting. DER regulations require that prior to
14 construction, a permit must be obtained from DER unless the source is exempt
15 from permitting. During the permitting process the application is reviewed
16 by the Department to confirm the proposed construction provides reasonable
17 assurances, that the facilities will meet DER requirements. After permitting,
18 DER does not usually inspect the lift stations.

19 Q. Does the utility have certified operators as required by Chapter 17-602,
20 Florida Administrative Code?

21 A. Yes.

22 Q. Are the overall maintenance of the treatment, collection, and disposal
23 facilities satisfactory?

24 A. Yes, the maintenance appears satisfactory at Fisherman's Haven and
25 Leilani Heights with the exception of the recent problems noted above. For

1 | Fox Run at this time, besides disposal facility, the treatment and collection
2 | systems are generally satisfactory.

3 | Q. Does the facility meet all applicable technology based effluent
4 | limitations (TBELS) and water quality based effluent limitations (WQBELS)?

5 | A. Yes, as determined by the monthly self monitoring data submitted, the
6 | facilities generally meet all technology based limits.

7 | However at Fisherman's Haven, groundwater contamination has been
8 | confirmed as above.

9 | Q. Does the facility meet the effluent disposal requirements of Sections
10 | 17-600 and 17-610, Florida Administrative Code?

11 | A. No for Fox Run. Not until the completion of alternate disposal system
12 | or connection to a regional facility is accomplished as stipulated in the
13 | temporary operating permit.

14 | With regard to effluent limitations at Fisherman's Haven, the minimum
15 | chlorine residual for disinfection was not met on seven days during March
16 | 1992.

17 | For Leilani Heights, the construction of the percolation ponds were
18 | permitted prior to Chapter 17-610, Florida Administrative Code. The facility
19 | should have met the applicable rules at that time.

20 | Q. Are the collection, treatment and disposal facilities in compliance with
21 | all the other provisions of Chapter 17, Florida Administrative Code, not
22 | previously mentioned?

23 | A. Yes. However for Fisherman's Haven, it is yes upon the completion of
24 | modifications and upgrading of the construction permit and any corrective
25 | actions required as a result of the groundwater contamination.

1 | Q. Has any wastewater systems of Southern States Utilities, Inc. in Martin
2 | County been the subject of any Department of Environmental Regulation
3 | enforcement action within the past two years?

4 | A. No.

5 | Q. Do you have anything further to add?

6 | A. No, I do not.

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EXHIBIT WJT-1

TITLE: CORRECTIVE ACTION SCHEDULE

WITNESS: WILLIAM J. THIEL

DEPARTMENT OF ENVIRONMENTAL REGULATION

FILED ON BEHALF OF

THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION

FILED: OCTOBER 12, 1992

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COUNTY: MARTIN

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MAY 14 1992

Mr. Charles Sweat, Vice President (Operations)
Southern States Utilities, Inc.
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To:

FILE

FOX RUN WWTFF EFFLUENT DISPOSAL
CORRECTIVE ACTION SCHEDULE

<u>Task</u>	<u>Compliance Date</u>
I. Investigate alternatives and select best method.05/11/92
(a) Effluent disposal to cemetery	
(b) Purchase of additional property	
(c) Investigate impact of Indian River Water Basin Act.	
(d) Interconnect with Martin Downs if feasible	
(e) Modify existing effluent disposal system	
II. Notify FDER of selected alternative	05/21/92
III. Meet with FDER for discussion of plan	06/02/92
IV. Meet with FPSC for approval of expenditure of funds	07/01/92
V. Prepare application for construction if applicable08/03/92
VI. Receive intent to issue permit for construction.12/01/92
VII. Receive construction permit.01/01/93
VIII. Start construction.	02/01/93
IX. Complete construction.09/01/93
X. Certification of construction.10/01/93

This letter must be attached to the original permit and becomes part of that permit.

This letter constitutes final agency action unless a person substantially affected by this action requests an administrative hearing pursuant to Section 120.57, Florida Statutes. The petition must be filed within fourteen (14) days from receipt of this letter. The petition must comply with the requirements of Florida Administrative Code Rule 28-5.201 and be filed pursuant to Rule 17-103.155(1) in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32301-8241. Petitions which are not filed in accordance with the above provisions will not be accepted by the Department. If a formal proceeding pursuant to Section 120.57(1) is requested, at such formal hearing all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended orders, and to be represented by counsel. If an informal proceeding is requested, the agency will, in accordance with its rules of procedure, give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.