

REBUTTAL TESTIMONY

OF

Benjamin D. Pugh
CASE NO. WO-2007-0277 & WA- 2006-0082

Exhibit No. 5
Case No(s) WC-2006-0082, et al
Date 2-28-07 Rptr 45

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Missouri Public
Service Commission

1 Q. PLEASE STATE YOUR NAME AND ADDRESS.

2 A. Benjamin D. Pugh, 1780 Big Island Drive, Roach, Missouri 65787

3 Q. BRIEFLY, WHAT IS YOUR EMPLOYMENT BACKGROUND?

4 A. 4 years in the US Navy and 33 years with Trans World Airlines (Lead Electrician)

5 Q. WHAT IS YOUR INTEREST IN BIG ISLAND?

6 A. My wife and I have been property owners on Big Island for 44 years. We have been full time
7 residents since my retirement. In 1986 . I am very concerned that the growth of Big Island be a
8 responsible and safe growth for its residents. Since Folsom Ridge came in 1998 there has been little
9 consideration for the existing resident of Big Island or their health risks.

10 Q. WHAT IS THE PURPOSE OF THIS REBUTTAL TESTIMONY?

11 A. I filed a formal complaint case # WC 2006 0090 along with 8 others, against Folsom Ridge LLC
12 owning and operating Big Island Home Owners Association (BIHOA) The Big Island Sewer and
13 Water Systems need to be regulated by the Public Service Commission as each user is a customer
14 only and it requires no membership for the homeowners. A regulated system is the best solution to
15 the membership problem. A 393 Not for Profit Corp. as proposed by many Big Island homeowners
16 does not address the membership problem as stated in my testimony, and could create some
17 possible litigation which I'm sure would not be advantageous to anyone. This rebuttal will be
18 primarily to answer Mr. Krehbeils questions .

1 Q. KREHBEIL ENGINEERING WAS THE CONSULTANT FOR THE OFF THE ISLAND
2 EXTENSION. DO YOU MR. PUGH HAVE ANY COMMENTS ABOUT EXTENSIONS
3 TO THE PHASE ONE SYSTEMS?

4 A. We have documented commitments by signatures of Golden, Rusaw and Lees that there would be no
5 extensions off the island pertaining to Folsom Ridges off the island 160 acres. This extension
6 apparently goes to 12 lots which are on that land parcel which connect into the Phase One system.

7 Q. THE WATER MAIN IS POSITIONED BELOW A SEWER MAIN ON AN INCLINE. DOES
8 THE LOCATION OF THE SEWER MAIN POSE A RISK OF CONTAMINATION OF
9 THE WATER SUPPLY?

10 A. I will stick to what is logical to me. Anytime a drinking water line is below the elevation of the sewer
11 line there is a added risk for water contamination . An ideal situation according to the DNR
12 regulations is a separation by a minimum of 10 foot separation; separated by virgin undisturbed soil.
13 On the causeway the separation of the two lines has disturbed soil where the service lines extend to
14 the lower level road which contains the main water line. This disturbed soil presents a path for
15 liquids to pass to the lower level which contains the drinking water line. These liquids could well be
16 waste water. I have discussed this situation with the DNR in meetings about the water main being
17 on the lower level of the causeway. The DNR engineers agreed that it would be preferable to have
18 relocated the sewer main to the lower level road.. I agree with Mr. Krehbeil that sometimes things
19 are much easier on paper than in the field; but I see no reason that it would have been an impractical
20 problem to have relocated the sewer line to the lower level. I am reminded of a discussion related to
21 this subject by another Engineer, Mr. Jim Jackson (Folsom Ridge Project Engineer) who in 1998
22 pleaded with the DNR for permission to install both water and sewer lines in the same trench as it

1 was impractical to install the lines in separate trenches. Folsom Ridge and Mr. Jackson chose to
2 install the sewer and water lines in the same trench as it was the practical thing to do.

3 **Q. WERE THE BIG ISLAND WATER WELL AND WASTEWATER TREATMENT PLANT**
4 **DESIGNED, CONSTRUCTED AND SEPARATED IN ACCORDANCE WITH**
5 **REGULATION?**

6 **A.** I agree with Mr. Krehbeil's regulation quoted. The DNR regulation 10 CSR 20-8.020 ('11) (A) 3
7 does state that the DNR will accept a minimum of 100 feet of separation but goes on to say that it is
8 preferable to have a separation of 300 feet between the waste water facilities at any well or water
9 supply structure. In 1998 Mr. Jim Jackson as Folsom Ridges project engineer in a letter and
10 drawing asked Folsom Ridge that the water well be a minimum of 300 feet separation. My question
11 to Mr. Krehbeil and Folsom Ridge would be: why is it that this system was not installed according
12 to Missouri state preferred standards and regulations? Do not the residents of Big Island deserve a
13 system installed better than the minimum standards? Is it no wonder that Folsom Ridge would like
14 to transfer the potential liabilities to the homeowners "AS IS"? Many of the Big Island residents
15 want the "State of the Art" system that was promised, not a sewer & water system "AS IS".

16 **Q. A INSPECTION WALK THROUGH WAS MADE BY SOME OF FOLSOM RIDGE'S**
17 **EMPLOYEES AND 393 SUPPORTERS. DO YOU HAVE ANY COMMENTS**
18 **REGARDING THE WALK THROUGH?**

19 **A.** A walk through is commendable; but my complaints are with the installation under the ground. A
20 little tough to see on a walk through. A walk through will not show water lines lying perpendicular
21 to sewer lines in close proximity, without sleeving, or sewer valves in the same upright with water
22 valves. It will not show sewer and water lines still in the same trench. Because these problems are

1 out of the jurisdiction of the DNR doesn't in my opinion make it a safe installation. Again, you can
2 get drinking water contamination from service lines in close proximity just the same as you can
3 with main lines. The DNR does state in their writings that any service lines without jurisdiction
4 should come under the National codes which are as stringent as the DNR codes. Some Big Islands
5 service lines do not conform to National codes.

6 **Q MR. PUGH, DO YOU HAVE DOCUMENTATION TO SUPPORT THIS REBUTTAL**
7 **TESTIMONY?**

8 **A.** Yes

9 **Q. ARE THERE ANY OTHER COMPLAINANTS GIVING REBUTTALS?**

10 **A.** Yes, Ms. Cathy Orlor.

11 **Q. DOES THIS COMPLETE YOUR REBUTTAL ?**

12 **A.** Yes.
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