

Exhibit No.:	_____
Issue:	Systems Operations and Management
Witness:	Michael T. McDuffey
Sponsoring Party:	Big Island Water & Sewer Company, Inc.
Case No.:	Case No. WO-2007-0277 <b>Joined for hearing with Case No. WC-2006-0082</b>

BIG ISLAND WATER & SEWER COMPANY, INC.

Case No. WO-2007-0277  
**Joined for hearing with  
Case No. WC-2006-0082**

REBUTTAL TESTIMONY

OF

MICHAEL T. MCDUFFEY

Camdenton, Missouri  
February, 2007

1 **REBUTTAL TESTIMONY**  
2 **MICHAEL T. MCDUFFEY**

3 Q. **Please state your name and your business address.**

4 A. My name is Michael T. McDuffey. My business address is 840 Thunder  
5 Mountain Road, Camdenton, Missouri 65020.  
6

7 Q. **Are you the same Michael T. McDuffey who filed written direct testimony in**  
8 **this matter?**

9 A. Yes, I am.  
10

11 Q. **What is the purpose of your rebuttal testimony?**

12 A. I will respond to the direct testimony filed by Ben Pugh.  
13

14 Q. **Again on page 4 of his testimony Mr. Pugh states that sewer and water valves**  
15 **in the same upright are only inches apart. Is this a threat to public health?**

16 A. No. The distance between the service line for water and the service line for sewer  
17 does not pose a health risk. The preference is to separate each, and preferably  
18 have each in a separate excavation or "pit" but because of ground conditions, such  
19 as rock, and the expenses of digging extra cavities for these lines, they often are  
20 installed in the same pit. I will note that DNR has no regulations setting out a  
21 minimum separation for service lines.  
22

1     **Q.     Mr. Pugh on page 4 of his testimony states that only one home on the**  
2           **causeway has a shut off valve. Do you believe this to be the case?**

3     A.     No. There are shut off valves for each home on the causeway, not just the one  
4           Mr. Pugh identifies in his testimony. Instead of being in an upright, the valves are  
5           probably buried and a qualified plumber would be able to locate them. I have  
6           confirmed that shut off valves are installed for each home on the causeway.

7  
8     **Q.     Do you have any comments about Mr. Pugh's statements on page 4 about the**  
9           **relocated water main and its relationship to the location of the sewer main.**

10    A.     Mr. Krehbiel will be discussing this in his separate rebuttal testimony.

11

12    **Q.     On page 4 of his testimony, Mr. Pugh discusses water that accumulated in a**  
13           **trench dug by Mr. Duane Stoyer in April of 2001. He also states that the**  
14           **water was contaminated. Will you tell the Commission about your**  
15           **involvement in this matter?**

16    A.     I am attaching as MTM Schedule 1 a memo I prepared to Mr. Golden of Folsom  
17           Ridge about Mr. Stoyer's trench and the water that was found there and how my  
18           office worked toward eliminating the water from accumulating again. That is an  
19           accurate version of the events. But Mr. Pugh is incorrect in calling the water  
20           "contaminated" or "polluted" as he does in his testimony. The water sample  
21           taken from Mr. Stoyer's trench showed 10,909 fecal colonies per 100 ml but this  
22           amount of fecal coliform means that the water is not raw sewage. At that level  
23           the water might be normal runoff. Fecal coliform occurs naturally in the ground.

1           The origin of the water is still somewhat of a mystery but it definitely did not  
2           come from a septic tank, and if it came from the treatment plant at Big Island, it  
3           was treated wastewater within DNR effluent standards—it would have been  
4           chlorinated. If Mr. Stoyer’s health was affected in any way, it was not from the  
5           water in the trench he dug or the water treated and discharged from the treatment  
6           plant. Mr. Stoyer did have his own septic tank and it was not connected to the  
7           regional treatment system.

8

9    **Q.    On page 6-7 of his testimony, Mr. Pugh gives a run down of what he refers to**  
10   **as a “series of violations” of the Missouri Safe Drinking Water Regulations.**  
11   **Are these notices of violation?**

12   **A.**   No, they were not. These are four unsatisfactory features that were listed in a  
13       June 28, 2005 report of inspection of the facilities. The first and third –  
14       subparagraphs a. and c. on page 7 of Mr. Pugh’s testimony - - involve a failure to  
15       collect routine samples from the water system and development of a written  
16       coliform bacterial sample siting plan. These items were unfounded. My  
17       laboratory regularly collected the samples required and had submitted the sample  
18       siting plan to DNR on a timely basis. DNR had misplaced the records of the  
19       sampling and the sampling siting plan.

20

21       Regarding the second feature, ---subparagraph b on page 7, which respects  
22       dispensing water without a written permit, it is true that none had yet been applied

1           for. That permit was applied for on July 22, 2005. We are still waiting on the  
2           permit to be issued. This permit is not a priority for DNR.

3

4           As for the fourth mentioned in the report, --subparagraph d. on page 7 of Mr.  
5           Pugh's testimony --- that is a duplicate of the notice of violation received when  
6           construction crews started work under the mistaken belief that plans, which were  
7           on file at DNR, had already been approved. Mr. Krehbiel will address this in his  
8           testimony.

9

10          DNR noted two design guide deficiencies in the June 28, 2005 report, one of  
11          which was to "paint the exterior of the well casing," but this and the other  
12          recommendation (install meters on the service connections) were not mandatory.

13

14    Q.     **Have any of the unsatisfactory features noted in the June 28, 2005 report**  
15           **resulted in enforcement action by DNR?**

16    A.     No. Each has been rectified to DNR's satisfaction.

17

18    Q.     **Does this conclude your rebuttal testimony?**

19    A.     Yes, it does.