

Exhibit No.: _____
Issue(s): DNR Regulations and Violations
Warren County Water and Sewer-Water System
Witness/Type of Exhibit: Daugherty/Surrebuttal
Sponsoring Party: Public Counsel
Case No.: WC-2002-155

SURREBUTTAL TESTIMONY

OF

DANIEL DAUGHERTY

Submitted on Behalf of the Office of the Public Counsel

OFFICE OF THE PUBLIC COUNSEL

v.

**WARREN COUNTY WATER & SEWER COMPANY
AND GARY L. SMITH**

**Case No. WC-2002-155
(Consolidated with SC-2002-160)**

April 24, 2002

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Office of the Public Counsel,
Complainant,

v.

Warren County Water and Sewer
Company and Gary L. Smith,
Respondents.


Case No. WC-2002-155

AFFIDAVIT OF DANIEL DAUGHERTY


STATE OF MISSOURI)
) ss
COUNTY OF ST. LOUIS)

Daniel Daugherty, of lawful age and being first duly sworn, deposes and states:

1. My name is Daniel Daugherty. I am employee of the Missouri Department of Natural Resources.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony consisting of pages 1 through 26.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

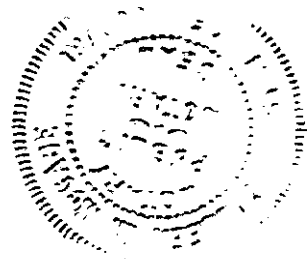

Daniel Daugherty

Subscribed and sworn to me this 23 day of April 2002.


Notary Public

My commission expires 10/16/04.

COLLEEN M. McCABE
Notary Public - State of Missouri
County of St. Louis
My Commission Expires Oct 16, 2004



STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

OFFICE OF THE PUBLIC COUNSEL

vs.

WARREN COUNTY WATER & SEWER COMPANY
and GARY L. SMITH

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) No. WC-2002155
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SURREBUTTAL DEPOSITION OF DANIEL DAUGHERTY,
produced, sworn and examined on behalf of the Office of
the Public Counsel on April 3, 2002, between the hours of
eight o'clock in the forenoon and six o'clock in the
afternoon of that day at the Department of Natural
Resources, 9200 Watson Road, St. Louis, Missouri, before
JANINA A. JAEGER, a Registered Professional Reporter and a
Notary Public.

A P P E A R A N C E S

The Office of the Public Counsel was
represented by M. RUTH O'NEILL, Assistant Public Counsel,
Office of the Public Counsel, Department of Economic
Development, State of Missouri, 200 Madison Street, Suite
650, Jefferson City, Missouri 65102.

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DANIEL DAUGHERTY,

being produced, sworn and examined on behalf of the Office
of the Public Counsel, deposes and says:

DIRECT EXAMINATION

QUESTIONS MS. O'NEILL:

Q. Could you please state your name?

A. Daniel Daugherty.

Q. How are you employed?

A. Full-time employee.

Q. Who do you work for?

A. Missouri Department of Natural Resources at
the St. Louis Regional Office.

Q. How long have you been there?

A. Twelve years as of March 2002.

Q. What is your job title?

A. An Environmental Specialist 4.

Q. And what is your educational and training
background?

A. Educational background, I have a BA in Earth
Science with a minor in Physical Science.

Q. Do you have other training regarding the work
that you do for DNR?

A. Yes, which has been all in-house through
training programs within the Department of Natural
Resources and through the Environmental Protection Agency.

1 Q. What are your duties with the Missouri DNR?

2 A. I'm a field unit chief under the Water
3 Section with the St. Louis Region. I supervise employees
4 primarily in the drinking water unit. I conduct
5 inspections of public water supplies. I provide technical
6 assistance to public water supplies and the water supply
7 operators. I collect samples and investigate consumer
8 complaints. I also provide training for new employees
9 here within the drinking water unit, and I also assist in
10 conducting training for all MDNR drinking water field
11 staff that our department puts on about every two years.

12 Q. In performing your duties with DNR, are you
13 familiar with the operation of Warren County Water and
14 Sewer Company?

15 A. Yes.

16 Q. Please describe how you became aware of this
17 company?

18 A. I first inspected the water system before it
19 was Warren County Water and Sewer Company in November of
20 1991. The next inspection was of the water and waste
21 water system of March 1994 by which time it had become
22 Warren County Water and Sewer Company.

23 Q. Please describe your duties related to this
24 company?

25 A. I conducted inspections of the water and

1 waste water treatment system from 1991 to recently, or
2 within the last two years. I investigated some customer
3 complaints, collected water samples, both drinking water
4 and waste water samples, random checks of the system. I
5 have been in contact with Mr. Smith from time to time when
6 he's called in to ask questions or requested assistance.

7 Q. How often, on average, do you go to the
8 Warren County Water abd Sewer territory?

9 A. At most it would have to be about once a
10 year. That's an average. We normally do inspections of
11 the waste water systems prior to permit renewal, which is
12 every three years, if I'm not mistaken, and for drinking
13 water the normal rate is once every three to four years.

14 However, in one year, at the request of the
15 homeowners' association, I did four quarterly inspections
16 in one year. That would be ^{four} ~~for~~ inspections. Other times
17 I would, might be by there during the course of the year
18 to investigate a complaint or collect a sample as a
19 response to an inquiry from a customer.

20 Q. So you do have contact with the company's
21 customers?

22 A. Yes, from time to time.

23 Q. And is that generally in response to
24 complaints that the customers have?

25 A. Yes, usually in response to a complaint.

1 Q. Would you say that, to your knowledge, this
2 company has average, more than average, or less than
3 average number of customer complaints for drinking water?

4 A. It would be difficult to say, but for the
5 complaints that we receive, I would say probably above
6 average.

7 Q. All right. When you receive a complaint from
8 the customer, what do you generally do?

9 A. Depending on the nature of the complaint,
10 either I or one of the other staff, recently it's been
11 Paul Mueller more often, will go out and try to
12 investigate the complaint and determine the nature of it
13 and whether it's founded and what the problem is.

14 Q. Other than the inspections that you go on
15 that you have already described, is there testing of the
16 drinking water that Warren County Water and Sewer Company
17 produces?

18 A. Yes. They are required to submit a monthly
19 sample for bacteriological analysis, a minimum of one
20 sample per month.

21 Q. And what does -- you said that was a
22 bacteriological sample that is once per month?

23 A. Once per month, correct.

24 Q. Are there other tests that are done less
25 frequently?

1 A. Yes, depending upon the contaminant we are
2 looking for. Nitrates and disinfective by-products are
3 tested for annually. Most of the other chemicals are
4 tested for once every three years with the exception of
5 radiologicals, which is usually once every four years.

6 Q. And if there is chlorine or some other kind
7 of disinfectant used, are there tests for that?

8 A. The water systems that are disinfect are
9 supposed to test for a daily chlorine residual at least
10 daily, and also at time of collecting a bacteriological
11 water sample.

12 Q. Are they supposed to report those results to
13 you on any schedule?

14 A. Only if we've requested it.

15 Q. Has this company had problems complying with
16 their monthly testing sample requirements?

17 A. Not with the bacteriological testing. A
18 review of the most recent six years has revealed only
19 three violations that have occurred during that time
20 period.

21 Q. And can you describe those violations,
22 please?

23 A. Yes. The oldest one was in February of 1996
24 when no sample was submitted. That was referred to as a
25 major monitoring violation.

1 In July 2001 the water system had a maximum
2 contaminant level violation for total coliform bacteria
3 when they had two or more routine samples test positive
4 for coliform bacteria, and then in August he had a minor
5 monitoring violation where he was supposed to submit five
6 routine samples in August following the sample in July,
7 but only two routine samples were submitted, and both of
8 those routine samples were safe.

9 Q. Is there any requirement about where he is
10 supposed to take the samples from?

11 A. They are to come from the distribution system
12 and should be taken at a routine site that he has
13 designated on a sampling site plan.

14 Q. Do you know whether or not he has a sampling
15 site plan?

16 A. I'm not a hundred percent positive, but I
17 believe he did submit one, although he has inadvertently
18 added at least a dozen more sampling sites to that plan by
19 collecting routine samples at new houses that were not
20 originally part of the plan.

21 Q. Okay. How are the samples collected?

22 A. His samples, or our samples?

23 Q. Well, let me ask you.

24 How often does DNR take those samples for
25 testing from this company?

1 A. If we collect a sample it would usually be
2 during the performance of an inspection or in response to
3 a customer complaint, so it would be -- it wouldn't be on
4 a routine basis.

5 Q. And how does DNR accomplish the collection of
6 samples?

7 A. For drinking water?

8 Q. Yes.

9 A. For the bacteriological samples, if it's a
10 customer complaint, we usually try to collect a sample at
11 the customer's house, either from an outside faucet if
12 they are not home, or from a kitchen faucet if they are
13 home.

14 Do you want me to describe the entire
15 collection process?

16 Q. Yes.

17 A. First the faucet is flushed for several
18 minutes to draw fresh water from the water main. Then we
19 disinfect the faucet typically with either alcohol or a
20 bleach solution. If it's a kitchen faucet, this would
21 require removing the aerator from the end of the kitchen
22 faucet. In addition, if it happens to be a kitchen mixing
23 faucet, then we can run hot water for several minutes to
24 help sterilize the faucet, after which time, if we have
25 used hot water, then we turn it back to cold water for a

1 couple of minutes to flush the faucet once again, at which
2 time we can then adjust the flow that would be suitable
3 for collecting a sample, and then collect a sample.

4 Q. And then are those tested at the DNR lab in
5 Jeff City?

6 A. No. All of our bacteriological samples go to
7 the Missouri Department of Health laboratory in Jefferson
8 City.

9 Q. Are you aware of whether the company has had
10 advance notice of this type of testing in-house?

11 A. Not on my part. I never give advance notice
12 if I'm coming out to do a customer complaint. I usually
13 investigate the complaint first, collect any samples, and
14 if the results are unsatisfactory, or require notification
15 of the water system, then I notify the water system either
16 by phone or letter what our results were.

17 Q. To your knowledge, has DNR attempted to
18 assist this company in improving the quality of its
19 discharges, either for waste water or for drinking water?

20 A. Yes. I know Mr. Baker has been out several
21 times to talk to Mr. Smith. Mr. Baker is our water
22 specialist and does training for water and waste water
23 operators. I believe Mr. Baker was present when Missouri
24 Rural Water Association was out and helped Mr. Smith with
25 smoke testing the sewer lines to detect leaks that would

1 allow for inflow into the sewer system and overload the
2 package plants.

3 Mr. Smith at one time did contact me about
4 the storage capacity of his stand pipe, his water tower
5 there, and sent me information on his pumping rates for
6 the previous year so that I could send him a letter back
7 advising him if that stand pipe is adequate for his
8 current and future needs so that he could present that to
9 the Public Service Commission as part of his, I believe it
10 might have been for a rate increase to show that he does
11 need a larger capacity tower.

12 Q. Did your testing verify that he needed more
13 storage capacity?

14 A. Based on the pumping data that he was
15 providing he was just about at or about ready to exceed
16 the average daily limit for that stand pipe, or the stand
17 pipe in gallons was about at the average daily consumption
18 rate, which is the criteria that we usually use.

19 Q. So would that --

20 A. So the letter then stated that it was time
21 for him to consider moving ahead with plans of adding
22 additional storage, or a new storage structure for his
23 water system.

24 Q. Do you recall about when that took place?
25 Was it several years ago?

1 A. It would have to have been at least three,
2 maybe four years ago.

3 Q. Would 1996 or 1997 sound right to you?

4 A. Approximately, without looking at the file.

5 Q. Okay. I want to show you what is marked as
6 Schedule KKB-3 which is attached to the direct testimony
7 of Kimberly Bolin. It's several pages long, and could you
8 tell me if you can identify, in general, what those
9 documents are?

10 A. The first page is an enforcement action
11 request completed by Paul Mueller of our office on June of
12 2001.

13 Q. That's fine, and I don't need you to tell me
14 definitely what all of these consist of, but are those
15 documents from your office, the Department of Natural
16 Resources?

17 A. Yes, and they seem to be basically all
18 related to the waste water treatment system for Warren
19 County Water and Sewer.

20 Q. But they do appear to be copies of documents
21 from your files?

22 A. Yes.

23 Q. Okay. Does DNR require regulated utilities
24 to pay any fees for licenses or for permits?

25 A. Yes. For drinking water systems they would

1 be charged an annual fee of \$200 for laboratory services
2 and program administration, and there is also the primacy
3 fee which isn't charged the utility directly, but it's
4 actually charged the customers of the water system, the
5 local water system. The community water system is to
6 collect the fees and then remit those back to the
7 department.

8 For waste water systems there is a permit
9 renewal fee. I do not know what the charges are for the
10 waste water treatment systems permit renewal fees.

11 Q. The primacy fees that are charged to the
12 customer through the company, are those monies sent to the
13 drinking water program?

14 A. Yes.

15 Q. Are you aware of whether this company has a
16 history of complying with the requirements of paying those
17 fees?

18 A. The laboratory services fees, they are paid
19 up through 2001. The 2002 bill just went out and they
20 haven't received payment on that.

21 On the primacy fee, the last one that the
22 program indicates was paid up was 1998, so they haven't
23 received the 1999, 2000, or 2001.

24 Q. In performing your duties as an employee of
25 the DNR, does DNR provide you with any rules, regulations

1 or guidelines?

2 A. Yes. We all have a copy of the Safe Drinking
3 Water Law and Regulations. Each employee that works with
4 drinking water has that, as well as the community and
5 noncommunity design guides, and so we have a copy at our
6 desk, and there is also an extra copy at the office for
7 outside people to review if they want to look at a copy.

8 Q. Is there an online place where those
9 regulations and law can be found?

10 A. Yes. The law and regulations can also be
11 found at the Secretary of State's website.

12 Q. Do any of these rules, regulations, or
13 guidelines address safety issues that may be involved,
14 especially in the operation of small water and sewer
15 systems?

16 A. With regard to water systems, the regulations
17 rarely address safety issues as we would normally consider
18 safety.

19 The drinking water regulations all address
20 the water quality in which -- in that respect, the safety
21 and health of the consumer.

22 Safety around the plant in terms of physical
23 safety would be addressed in the design guide, which isn't
24 a regulation at this time.

25 With respect to waste water treatment

1 facilities, the design requirements are part of the
2 regulation and they do have safety criteria built into the
3 construction standards for waste water treatment plants.

4 Q. Do those standards address the issue of
5 limited access to operating plants for safety reasons?

6 A. For waste water plants, yes.

7 Q. Is there a requirement that those, that
8 treatment plants have fencing or other types of barriers
9 around them?

10 A. Yes, they do.

11 Q. What is the DNR policy regarding fencing of
12 sewer treatment plants?

13 A. In general all waste water treatment plants
14 are to have a fence and a gate that locks. The fence, at
15 a minimum, is to be five feet high with at least two
16 strands of barbed wire at the top, no more than six inches
17 apart.

18 On the side of the fence there are to be
19 warning signs notifying an individual of the nature of the
20 facility and to keep out. There are very slight
21 variations between general fencing for mechanical plants
22 and fencing for lagoons but, in general, that's sort of
23 the standards that they both go by.

24 Q. And do you know where those standards would
25 be found in the regulations?

1 A. I believe the, one of the first citations
2 would be in the Clean Water Commission Regulation which is
3 10 CSR 20-8.020(11)(C)11.

4 Q. Why is it important for you to follow a
5 safety policy regarding access to sewage treatment
6 facilities?

7 A. Primarily to discourage, if not completely
8 prevent, trespass by unauthorized individuals. This is
9 for the protection of the individuals who may not
10 understand the natuire of the facility and could fall in
11 or otherwise be harmed either by falling in or by the
12 machinery present, as well as to prevent vandalism of the
13 equipment, so this will prevent possible damage to the
14 waste treatment system and also possible litigation
15 against the waste treatment system should anybody be hurt
16 on their premises.

17 Q. So adequate warning signs, fences, and locked
18 gates are, have an important purpose around a sewage
19 treatment plant?

20 A. Yes.

21 Q. And would you say it is especially important
22 that these safety policies be followed if the plant is in
23 an area where children may be present?

24 A. Yes.

25 Q. Does DNR have rules and regulations also

1 related to water pressure per square inch?

2 A. Yes.

3 Q. What are those rules?

4 A. In the Safety Drinking Water Regulations, 10
5 CSR 60-4.080(9), it requires that water systems maintain a
6 minimum pressure of at least twenty pounds per square inch
7 in the distribution system at all times during normal
8 operating pressures.

9 Q. Do you know whether this company has violated
10 this standard?

11 A. As the system is designed, the houses that
12 are closest to the stand pipe in terms of elevation, I
13 believe have difficulty maintaining the twenty pounds per
14 square inch, or close to it. I would have to pull the
15 files to see what the readings were, but that was a design
16 flaw in the construction of the water system and the
17 height of the stand pipe that the original developer put
18 in, I guess, during the 1980s.

19 Q. Could that be addressed, at least to some
20 degree, if additional storage was placed on the system?

21 A. My understanding is that was part of the
22 intent of additional storage would be to have sufficient
23 storage for expansion of the system along that area there
24 in Warren and Lincoln County, and with an elevated storage
25 tank provide adequate pressure throughout the entire

1 system, which would eliminate the low pressure problems
2 that those first two or three houses are experiencing.

3 Q. Would pressure issues also possibly arise by
4 the addition of additional customers to the system without
5 the added storage capacity?

6 A. It could. Increased daily demand may make it
7 difficult for the pump to keep up during the high use
8 time, which would let the water in the stand pipe fall to
9 a lower level, and as it's a gravity system, then those
10 few houses would experience even worse water pressure, or
11 lower water pressure.

12 Q. What standards does DNR have regarding levels
13 of chlorine?

14 A. For water systems that are required to
15 disinfect, they are required to maintain a minimum free
16 chlorine residual of at least 0.5 milligrams per liter as
17 the water leaves the treatment plant and enters the
18 distribution system.

19 At the far ends of the water lines they are
20 required to maintain, at least, a minimum residual of 0.2
21 milligrams per liter of total chlorine.

22 Q. At this time is Warren County Water and Sewer
23 required to disinfect with chlorine?

24 A. They are not required, but as long as they
25 are using sequestration agents to help correct for an iron

1 problem, it's highly recommended, because the
2 polyphosphate can be a nutrient source, and we don't have
3 a regulation that specifies that they must disinfect, but
4 it's our recommendation that they do disinfect.

5 Q. Are there also maximum levels of chlorine in
6 the standards for Missouri safe drinking water?

7 A. Yes, there is a maximum residual disinfectant
8 level of four parts per million, or milligrams per liter
9 of chlorine. That regulation hasn't taken effect for all
10 water systems. For small systems under 10,000 population,
11 it will be come effective December 16, 2003.

12 Q. Is there a reason that that level for
13 chlorine was determined to be the maximum residual level?

14 A. Yes. EPA had some guidelines, and I believe
15 most of it has to do with disinfectant by-products, which
16 are chemicals which could be considered carcinogenic. So
17 they have established a maximum disinfectant residual,
18 however that is a monthly average of four parts, four
19 milligrams per liter that is, rather than a one time dose,
20 and the regulation also allows for temporary increases via
21 water system to combat a potential ~~fence~~ or confirmed
22 bacteriological contamination of a water system.

23 Q. Since this is determined on the basis of a
24 monthly average, is that one of the reasons that it's
25 important for the company to test its water daily?

1 A. Yes. Although we have required that prior to
2 the, this new regulation, unless you test daily you won't
3 know what your residual is, you won't know whether you're
4 getting an adequate chlorine residual into the
5 distribution system, or if you're getting too much.

6 Q. And the goal is to make sure that this system
7 is in between those minimum and maximum levels?

8 A. That you get an adequate chlorine residual
9 without getting too much so that it would become
10 offensive.

11 Q. Does DNR also have standards regarding the
12 presence of coliform in drinking water?

13 A. Yes, we do.

14 Q. What are those standards?

15 A. The current standards are that the presence
16 of any detectable coliform bacteria is an unsafe or
17 unsatisfactory sample.

18 Q. How does DNR determine whether or not there
19 is a violation regarding coliform?

20 A. If a routine sample tests positive for
21 coliform bacteria, then the water system is required to
22 take a series of repeat samples to determine if this was
23 actually in the water or an accident of collection.

24 If during the course of the month the routine
25 sample and ^{ONE OR MORE OF} the repeat samples ~~have multiple samples that~~

1 are coliform positive and this exceeds five percent of the
2 total samples collected that month, then they have
3 exceeded the maximum contaminant level for coliform
4 bacteria. In essence, this means that a small system
5 collecting fewer than forty samples per month would be in
6 violation when they had their second coliform positive
7 sample during that month.

8 Q. If a company tested outside the standard
9 range, would that be a violation for coliform?

10 A. Do you mean if they've had --

11 Q. If they've had the two tests?

12 A. Yes, if they had -- if a small system, which
13 collects fewer than forty samples has two coliform
14 positive samples in a month, and both of those samples are
15 valid, then they would have a maximum contaminant level
16 violation for that month.

17 Q. And is there a requirement that there be some
18 kind of notice of that violation to the company's
19 customers?

20 A. Yes. Any time a water system violates a
21 testing requirement or maximum contaminant level, they are
22 required to notify their customers.

23 It would either be through a direct mailing,
24 posting at a common bulletin board, a notice in the
25 newspaper, and that would depend upon the type of water

1 system and the size of the water system as to which of
2 those procedures, or combination of those three procedures
3 they would have to perform.

4 Q. Is there anything you would like to add to
5 any of your answers that you have given here today?

6 A. Not that I can think of at this time.

7 MS. O'NEILL: Thank you.

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SIGNATURE PAGE

(This is the signature page to the deposition
of Daniel Daugherty, taken on April 3, 2002, Office of the
Public Counsel vs. Warren County Water and Sewer Company.)



Daniel Daugherty

Subscribed and sworn to before me this 23 day
of April, A.D., 2002.

My commission expires 10/16/04.

COLLEEN M. McCABE
Notary Public - State of Missouri
County of St. Louis
My Commission Expires Oct 16, 2004



Notary Public, within and
for the State of Missouri

Please return original transcript to:

M. Ruth O'Neill
Assistant Public Counsel
Office of the Public Counsel
Department of Economic Development
200 Madison Street, Suite 650
Jefferson City, Missouri 65102

NOTARIAL CERTIFICATE

STATE OF MISSOURI)
) SS.
COUNTY OF ST. CHARLES)

I, JANINA A. JAEGER, a Registered Professional Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that there came before me at the Department of Natural Resources, 9200 Watson Road, St. Louis, Missouri,

DANIEL DAUGHERTY,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was thereupon carefully examined under oath and said examination was reduced to writing by me; that the signature of the witness was not waived; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8th day of April, 2002.

My commission expires April 1, 2004.

Janina A. Jaeger
Notary Public, within and
for the State of Missouri

WITNESS: DANIEL DAUGHERTY

In Re: Office of the Public Counsel vs.
Warren County Water and Sewer Company
and Gary L. Smith
April 3, 2002

DEPOSITION CORRECTION SHEET

UPON READING THE DEPOSITION AND BEFORE SUBSCRIBING
THERETO, THE DEPONENT INDICATED THE FOLLOWING CHANGES
SHOULD BE MADE:

Page 5 Line 16 Should read: in one year. That would be Four
inspections.

Reason assigned for change: CHANGED "FOUR" TO NUMERICAL FOUR.
AS THERE WERE 4 INSPECTIONS CONDUCTED?

Page 19 Line 21 Should read: WATER SYSTEM TO COMBAT A POTENTIAL
OR CONFIRMED

Reason assigned for change: - WORD "FENCE" DOES NOT BELONG

Page 20 Line 25 Should read: SAMPLE AND ONE OR MORE OF THE
REPEAT SAMPLES

Reason assigned for change: CLARIFY SENTENCE.

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:


Deponent

CONCANNON & JAEGER

705 Olive Street
Suite 604
St. Louis, Missouri 63101
(314) 421-1000

April 10, 2002

Re: Office of the Public Counsel
vs.

Warren County Water and Sewer Company
and Gary L. Smith

Mr. Daniel Daugherty
Environmental Specialist
Missouri Department of Natural Resources
9200 Watson Road, Suite 201
St. Louis, Missouri 63126

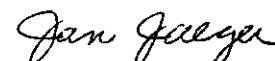
Dear Mr. Daugherty:

Enclosed please find the original copy of your deposition,
given on April 3, 2002, along with the original Signature
Page and Deposition Correction Sheet.

Please read your deposition at your earliest possible
convenience, making any changes you feel necessary.
Please reflect each change on the DEPOSITION CORRECTION
SHEET, together with your reason for changing it. After
you have finished reading your deposition, sign the
Deposition Correction Sheet and the original SIGNATURE
PAGE in the presence of a notary public, have the notary
notarize the SIGNATURE PAGE, and mail the transcript to M.
Ruth O'Neill, Assistant Public Counsel, Office of the
Public Counsel, Department of Economic Development, 200
Madison Street, Suite 650, Jefferson City, Missouri 65102.

I hope that you will find this method of reading your
deposition more convenient than coming to my office to
read the original transcript. If you have any questions,
please call me at the above phone number.

Yours truly,



Shorthand Reporter