

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

FILED³

SEP 23 2005

Duane Stoyer
Complainant

Missouri Public
Service Commission

Vs.

Folsom Ridge, LLC (Owing and controlling the BI HOA)
Respondent

COMPLAINT

1. Complainant resides at: 702 Ridgeview Drive
Washington, Missouri
63090

2. Respondent: Folsom Ridge LLC
Big Island Homeowners' Association
P.O Box 54
Longmont, Colorado 80502

Is acting as a public utility providing service to complainants residence.
1872 Big Island Drive
Roach, Missouri 65787

3. As the basis of this complaint, complainant states the following facts:

See enclosed complaint and attachments.

My name is Duane Stoyer and I am a long time resident of Big Island. I wish to file a formal complaint to the Public Service Commission to express my concerns for the operation of Folsom Ridge and the HOA they control. I will try to condense this complaint, as I am presently under medical treatment, fighting kidney cancer. My cancer may have been caused by the raw sewage running into the lake as I, like most residents of the lake, was quite active in and around the water at the same time this took place.

My formal complaint is a story which possibly has not been told in other complaints but in my opinion is one that certainly should rank high on the list of mismanagement of a corporation which has been out of control since 1998 and a HOA which is owned by Folsom Ridge, established December 29, 2000. I along with others have worked hard over the years trying to document the wastewater and water system installation. We as property owners have had no control of this HOA but will be the eventual owners with all the responsibilities and liabilities which accompany a wastewater/water system.

I'm sure many complaints have been accepted by the PSC, related to:

- 1. Charging of fees to property owners that are not receiving services and are not members of the HOA.**
- 2. Considering property owners members of a HOA which wasn't in existence at the time they signed their checks to help build the system. I also have been assessed fees, which I refused to pay, as I am not a member. Like many property owners on Big Island, I also am "considered" a member because I am now connected to the wastewater system. I along with many others have never signed a bi-lateral contract to join the BIHOA and I do NOT consider myself a member.**

These two complaints I will leave to others, as my complaint is related to mismanagement of the wastewater/water system. This mismanagement could affect the health of my family and my neighbor's families.

I first became aware that there were problems when, on April 23, 1999 the DNR was called to Big Island for violations of the regulations and codes governing the installation practices of our wastewater/water systems. Folsom Ridge was in the process of installing service lines and was reprimanded for installing wastewater and water lines in the same trench.

This is a serious health issue in itself, but other violations were also involved. This reprimand was obviously ignored as Folsom Ridge continued the same process while they completed Phase One with wastewater and water in the same trench. They have recently been forced to correct this irresponsible installation as part of a settlement agreement between Folsom Ridge, the DNR and the Attorney General Offices. Admittedly wastewater and water leaks are inevitable on a newly installed system and Big Island's installation was certainly no exception. I prefer, however, to concentrate on the leak behind my home for this formal complaint.

The wastewater filter beds are on the top of the hill directly above my home (See attachment). Consequently any problem leaks on top of the hill will eventually end up at the road behind my home. Since this leak was extensive, the wastewater ended up crossing the road through a culvert (whistle) and through my property to eventually end up in the lake.

On April 20, 2001, I was trenching my yard for the installation of the pipe to extend from my septic tank to the road. With a small back hoe I struck what I thought was water but it was soon evident from the smell that it was wastewater. The elevation where this wastewater became evident was at a high level on my lot, so I was convinced that it was impossible that this was wastewater from my septic tank. I called the Camden County Wastewater division and they came out and took test samples. The test proved positive that the samples were wastewater (See attachment). Folsom Ridge was then called by the Camden County Wastewater Division. Folsom Ridge's initial answer was that it was probably coming from the septic tank next door. The DNR became involved and required test diggings on the land owned by Folsom Ridge across the road, above me. David Lees, Folsom Ridge partner and operational manager of Big Island was in charge of those test diggings (May 9, 2001) and their findings were, "no leaks found" coming from the filter beds.

As the ground became saturated, the wastewater came to the surface as illustrated by the attached pictures. In the attachments is a picture of a 4 inch replacement pipe at the filter bed location. In my opinion, I can only assume that the leak onto my property came from pipe leakage at this location as after the repair, the leak stopped.

My formal complaint is that the reaction time getting this environmental problem corrected and contained was extremely slow by the HOA and Folsom Ridge. I feel that a properly run HOA would have considered this a high priority problem and the contamination was there for all to see and smell for many months. This leak should have been fixed in days, not months (Please note the dates on the picture attachments). During this extensive saturation and contamination of the soil, I can only guess how much of this wastewater ended up in the Lake of the Ozarks and my well. My neighbor's property, east of me, was also saturated with wastewater contamination. Pictures are also available of wastewater leakage on their property but I chose to make this formal complaint only on my contamination problems and the excessive time involved in correcting it.

Thank you for looking into this matter.

A handwritten signature in black ink, appearing to read "Duane F. Stoyer". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Duane Stoyer
Big Island Homeowner

4. The complainant has taken the following steps to present this complaint to the respondent:

On many occasions I contacted Folsom Ridge in reference to the contaminated water in the area around my home.

WHEREFORE, complainant now requests the following relief:

I would like the Public Service Commission to make a determination/ruling as to the fact that the BIHOA is not operating in the best interests of the residents but in the best interest of Folsom Ridge. and is a unlicensed public utility, and therefore should be regulated by the PSC.

Attachment Index

- 1. April 20, 2001 Pictures taken the day I was digging a trench for the installation of pipe. While digging this wastewater surfaced into the trench**
- 2. April 20, 2001, The Camden County Wastewater Dept. came out to take samples and pictures . This is a analysis from Mr. M. McDuffy on the samples dated April 23, 2001. The high level coliform analysis was taken from Stoyer property . The cover sheet with the analysis was taken from my records not Mr. McDuffy's.**
- 3. May 9, 2001, Twenty days (20) after reported fecal coliform on my property, Folsom Ridge / HOA dig across from my property looking for leak.**
- 4. May 23, 2001, Letter from M. McDuffey to Reggie Golden (Folsom Ridge / President of HOA) stating that there was no indication of any leaks**
- 5. Pictures in chronological order taken in the following months of, June thru August 2001 . A very slow response to a major wastewater leak. (121 days from day the leak was first reported)**
All pictures were taken directly across the road from my property (Stoyer) with one exception and that is the 4 " pipe repair which was taken at the wastewater filter bed on top of the hill directly above my property.

TRENCH WITH SEWERAGE STOYER PROPERTY
APRIL 2001



4-20-01 McCaffrey Lab Sample 1918v
10909 fecal colonies per 100 ml

Trench full of nasty water at Stoyers
April 2001



(2)

ib Number: 00950

port date: April 23, 2001

sility: Stoyen/Pewe

Collected by: Jerry
Jennifer

Sample	Location	Date Collected	Time Collected
77P	AA - Jerry	04/20/01	1515
18V	AA - Jennifer	04/20/01	1520

Sample	Analysis Performed	Results
20/01 5477P	Fecal Coliform analysis	20 fecal colonies per 100 ml
20/01 1918V	Fecal Coliform analysis	10,909 fecal colonies per 100 ml

yst: Michael Mc Duffey

Analyses performed in accordance with approved methods described in the Standard Methods for Examination of Water and Wastewater, 19th Edition.

Fecal Coliform / Stoyer's property

Environmental Impact: The presence of fecal coliform bacteria in aquatic environments indicates that the water has been contaminated with the fecal material of man or other animals. At the time this occurred, the source water may have been contaminated by pathogens or disease producing bacteria or viruses which can also exist in fecal material. Some waterborne pathogenic diseases include typhoid fever, viral and bacterial gastroenteritis and hepatitis A. The presence of fecal contamination is an indicator that a **potential health risk exists for individuals exposed to this**

water. Fecal coliform bacteria may occur in ambient water as a result of the overflow of domestic sewage or nonpoint sources of human and animal waste.

Criteria: The criteria for swimming is fewer than 200 colonies/100 mL; for fishing and boating, fewer than 1000 colonies/100 mL; and for domestic water supply fewer than 2000 colonies/100 mL.

Note: The sample taken from Stoyer's property, and tested by Mike McDuffy's lab, was 10,900 fecal colonies / 100ml.

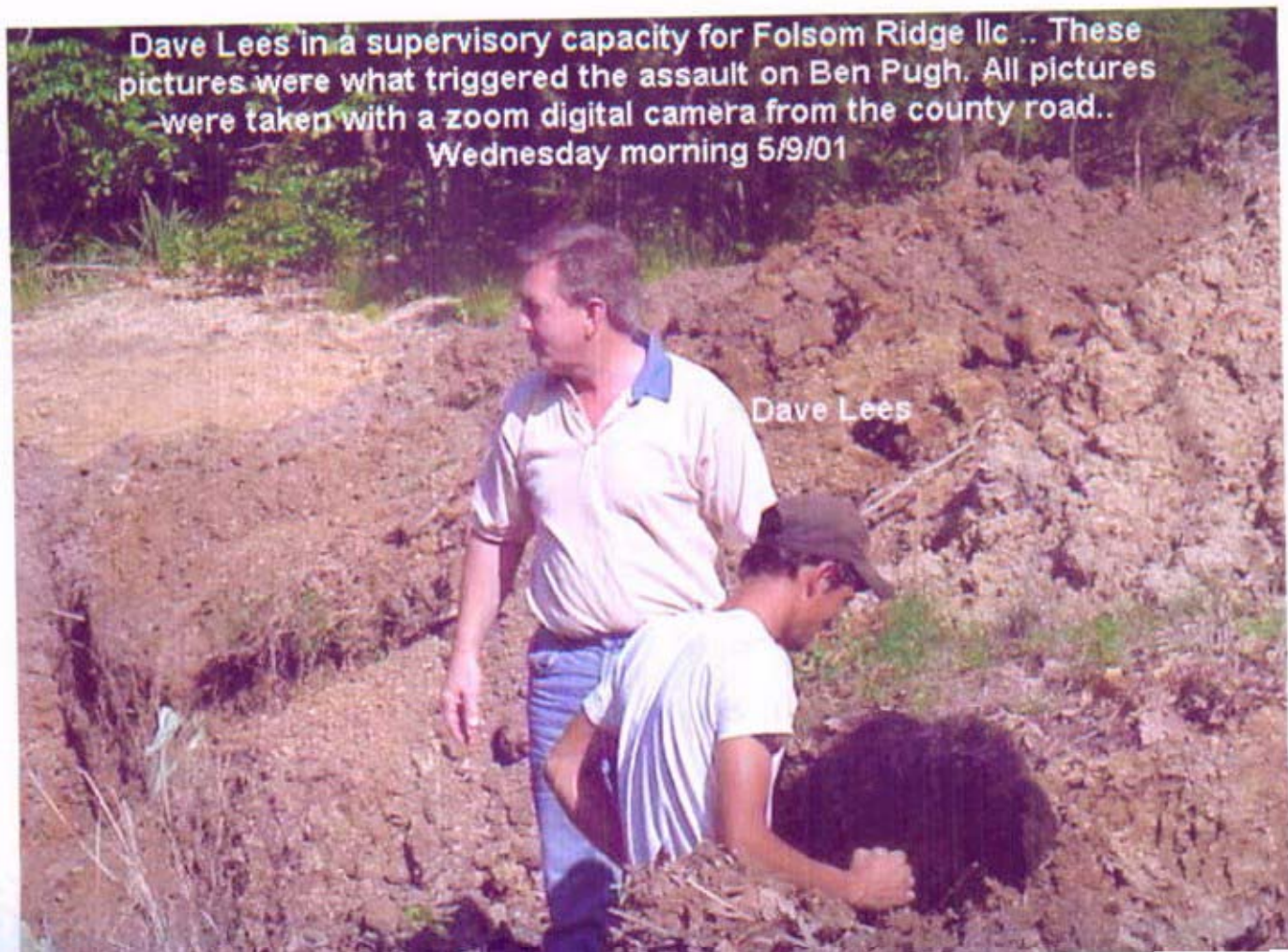
5 times higher than the above criteria...

Note2:Mr. Stoyer while digging a trench well elevated above his own septic system, hit a vein of polluted water which dumped in excess of 100 gallons into the trench..

Samples were taken by Camden County waste water dept..



At Stoyers house looking up hill toward filter beds



Dave Lees in a supervisory capacity for Folsom Ridge llc .. These pictures were what triggered the assault on Ben Pugh. All pictures were taken with a zoom digital camera from the county road..
Wednesday morning 5/9/01

Dave Lees

C
(4)**LAKE OF THE OZARKS WATER & SEWER, INC.**

Wastewater and water specialists

840 Thunder Mountain Road
Camdenton, Mo. 65020Phone 573 346-2092
Fax 573 346-4676

May 23, 2001

Mr. Reggie Golden
Big Island Subdivision
P.O. Box 54
Longmont, CO 80501

Re: Sewer leakage in the area near the Lots of Mr. Stoyer and Mr. Toombs.

Dear Reggie:

At your request to investigate a sewer leak near the lots owned by Toombs and Stoyer, the following actions were taken:

We dug four (4) test holes to allow for visual observation and to expose the water and sewer lines in the immediate area. These test holes were left open to observe the water levels and flows. The septic tank at the Toombs lot was inoculated with a leak tracing dye during this period. This "dyed" effluent from the Toombs septic tank was then pumped by the lift station into the sewer system.

The results of these actions showed no indication of leaks in the drinking water system or the sewer system.

The test holes will be filled as soon as the ground dries.

If you have any questions please feel free to call me anytime. Thank you.

Sincerely,


M.T. McDuffey

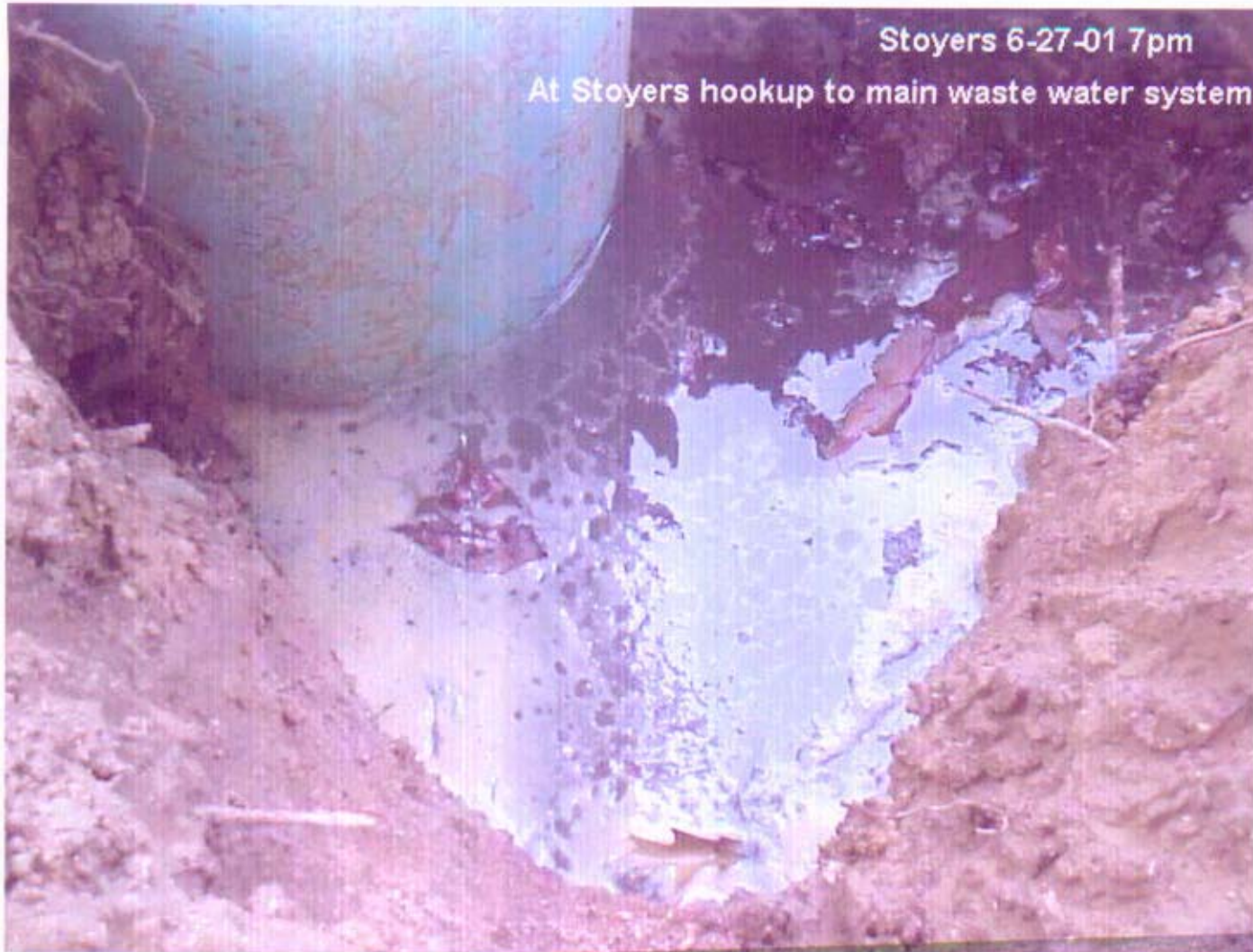
MTM/msm

⑤



Stoyers 6-27-01 7pm

At Stoyers hookup to main waste water system



across road Stoyers. Wet spot right of post 6-28-01



7-2-01 Across road from Stoyers



7-3-01 covered trench across Stoyers



7-5-01 Morning water running after they claim leak fixed
Across road from Stoyers.



7-5-01

Green Scummy water flowing into whistle across
road from Stoyers





Wet Spot Aug. 18, 2001



