

The Staff of the Missouri Public Service Commission,

Complainant,

vs.

TUK, L.L.C.,
Louis Mountzoures, and
Jonathan Finkelstein,

Respondents.

TUK, L.L.C.,
Louis Mountzoures, and
Jonathan Finkelstein,
Respondents.

COMES NOW the Staff of the Missouri Public Service Commission and for its *Complaint*, states as follows:

1. This matter concerns the unauthorized provision of water service by Respondent TUK, L.L.C.

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Chief Staff Counsel as authorized by Commission Rule 4 CSR 240-2.070(1).

3. TUK, L.L.C., is a Missouri limited liability corporation in good standing. Its principal place of business is located at 5305 Caroline Dr. #250, High Ridge, MO 63049. Its registered agent is Registered Agents Inc., 200 NE Missouri Rd Suite 298, Lees

Summit, MO 64086. According to the records of the Missouri Secretary of State, Corporations Division, TUK, L.L.C., was created on October 25, 2013.

4. On information and belief, Louis Mountzoures and Jonathan Finkelstein are the owners and operators of Respondent TUK, L.L.C. Mr. Mountzoures' address is 30 Turnpike Rd. Suite #4, Southborough, MA 01772. Mr. Finkelstein's address is 19 Cedar Street, Worcester, MA 01609.

Jurisdiction:

5. Section 386.390.1, RSMo., authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission

6. The Commission has by rule authorized the Staff Counsel's Office to bring complaints on behalf of the Staff: "A complaint may also be filed by . . . the commission staff through the staff counsel" ¹

7. Section 386.570.1, RSMo., provides for a penalty between \$100.00 to \$2,000.00, per offense, for "[a]ny corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision

¹ Rule 4 CSR 240-2.070(1).

thereof, of the commission” Each day that a continuing violation persists is counted as a separate offense.² In the case of a public utility respondent, the acts and omissions of its officers, agents and employees are deemed to be the acts and omissions of the public utility.³ All penalties are cumulative.⁴

Count I

Unauthorized Operation of a Public Water Utility:

8. On information and belief, Staff states that Respondents are operating an unauthorized water utility with the potential for 147 service connections, 72 of which are occupied and in use, near Eureka in Jefferson County, Missouri, known as “Seven Springs.” Attached as **Exhibit A**, and incorporated herein by reference, is a letter from the Missouri Department of Natural Resources (“DNR”) to Mr. Mountzoures including an inspection report of the community public water system owned and operated by TUK, L.L.C. The inspection indicates that TUK, L.L.C. provides water to 147 residences.

9. Mr. Mountzoures and customers have indicated that water is billed quarterly within this system.

10. When Staff learned of Respondents’ activities, it conducted an investigation. Attached as **Exhibit B** is a letter sent by Staff to Louis Mountzoures on May 30, 2014. Staff met with Mr. Mountzoures on August 19, 2014, to inspect the system and facilities currently in service.

11. Section 386.020(59), RSMo., defines “water corporation” to include “every corporation, company, association, joint stock company or association, partnership and

² Section 386.570.2, RSMo.

³ Section 386.570.3, RSMo.

⁴ Section 386.590, RSMo.

person, their lessees, trustees, or receivers . . . owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water[.]”

12. Pursuant to § 386.020(43), RSMo., a water corporation is a public utility and is subject to the jurisdiction, control and regulation of this Commission.

13. Section 393.170.2, RSMo., provides in pertinent part, “[n]o such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised . . . without first having obtained the permission and approval of the commission.”

14. Missouri courts have held that entities act as public utilities when they sell water to the public for compensation and have undertaken the responsibility to provide water service to all members of the public within their capability.⁵

15. The records of the Missouri Public Service Commission do not include any grant of water utility operating authority to Respondents.

16. By the conduct described above, Respondents have acted as a water corporation and a public utility within the intendments of § 386.020, RSMo., and have sold water to the public for compensation and have undertaken the responsibility to provide water service to all members of the public within their capability.

17. By the conduct described above, Respondents have violated § 393.170.2, RSMo., which forbids any corporation from acting as a public utility without prior authorization from the Commission in the form of a certificate of convenience and necessity.

⁵ *Hurricane Deck Holding Co. v. Public Service Commission*, 289 S.W.3d 260, 264-5 (Mo. App., W.D. 2009); *Osage Water Co. v. Miller County Water Authority, Inc.*, 950 S.W.2d 569, 573-5 (Mo. App., S.D. 1997).

18. On September 30, 2014, Staff was contacted by Mr. Lee Curtis, who indicated that he would be representing TUK, L.L.C. in this case. Attached as **Exhibit C** is a letter sent on October 1, 2014 to Mr. Curtis explaining the situation and requesting more information by October 10. On October 10, Mr. Curtis contacted the assistant Staff counsel requesting an extension of time to research TUK's options and make a decision. Assistant staff counsel agreed to allow Mr. Curtis until November 12, 2014 to make a determination. As of November 17, 2014, Staff has received no correspondence from Mr. Curtis or TUK, L.L.C.

WHEREFORE, Staff prays that the Commission will give due notice to the Respondents and, after hearing, determine that Respondents have violated Missouri statutes as set out above, and thereupon authorize its General Counsel to seek in Circuit Court the penalties allowed by law; and grant such other and further relief as is just in the circumstances.

Count II

Unauthorized Operation of a Public Sewer Utility

19. Staff repeats the allegations contained in Paragraphs 1 through 18, as though the same were set out at length herein.

20. On information and belief, Staff states that Respondents are operating an unauthorized sewer utility with more than 25 service connections near Eureka in Jefferson County, Missouri, known as "Seven Springs." When Staff performed its investigation (noted above), Respondents indicated to the staff that the three-cell lagoon services approximately 60 occupied mobile homes, twelve single family homes, and some apartments. On information and belief, there are also new homes being built that

would connect to the lagoon. A customer who lives in the mobile home park indicated that he is being billed for sewer annually, in addition to rental fees.

21. Section 386.020(50), RSMo., defines "sewer system" to include "all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose[.]"

22. Section 386.020(49), RSMo., defines "sewer corporation" to include "every corporation, company, association, joint stock company or association, partnership or person, their lessees, trustees or receivers appointed by any court, owning, operating, controlling or managing any sewer system, plant or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain, except that the term shall not include sewer systems with fewer than twenty-five outlets[.]"

23. Pursuant to § 386.020(43), RSMo., a sewer corporation is a public utility and is subject to the jurisdiction, control and regulation of this Commission.

24. Missouri courts have held that entities act as public utilities when they sell services to the public for compensation and have undertaken the responsibility to provide such service to all members of the public within their capability.⁶

25. The records of the Missouri Public Service Commission do not include any grant of sewer utility operating authority to Respondents.

26. By the conduct described above, Respondents have acted as a sewer corporation and a public utility within the intendments of § 386.020, RSMo., and have

⁶ *Hurricane Deck Holding Co. v. Public Service Commission*, 289 S.W.3d 260, 264-5 (Mo. App., W.D. 2009); *Osage Water Co. v. Miller County Water Authority, Inc.*, 950 S.W.2d 569, 573-5 (Mo. App., S.D. 1997).

sold sewer service to the public for compensation and have undertaken the responsibility to provide sewer service to all members of the public within their capability.

27. By the conduct described above, Respondents have violated § 393.170.2, RSMo., which forbids any corporation from acting as a public utility without prior authorization from the Commission in the form of a certificate of convenience and necessity.

WHEREFORE, Staff prays that the Commission will give due notice to the Respondents and, after hearing, determine that Respondents have violated Missouri statutes as set out above, and thereupon authorize its General Counsel to seek in Circuit Court the penalties allowed by law; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Marcella L. Mueth
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Attorney for Staff of the
Missouri Public Service Commission

Jefferson County (PDW)
TUK, LLC.
PWS ID#MO6036053

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

May 27, 2014

TUK, LLC
c/o Louis Mountzoures
5305 Caroline Dr #250
High Ridge, MO 63049

Dear Mr. Mountzoures:

Enclosed is a Compliance and Operation Inspection Report of the Community Public Water System serving TUK, LLC., PWS ID#MO6036053 of Jefferson County, Missouri. The purpose of the inspection was to determine the system's compliance with the Missouri Safe Drinking Water Act and the Missouri Public Drinking Water Branch Regulations.

The Missouri Safe Drinking Water Regulations requires the Department to identify specific significant deficiencies with water systems that require corrective actions. These significant deficiencies are defects in design, operation, or maintenance that can cause public health concerns, or have the potential to introduce contamination. The public water system must consult with the Regional Office within **30 days** from the date of this notification to determine what actions will be taken to correct each significant deficiency. You must also notify the Regional Office within **30 days** of correcting the significant deficiencies identified.

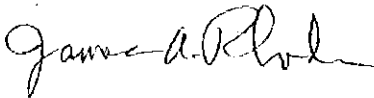
Please direct your attention to the deficiencies, findings, and recommendations contained in this report. All unsatisfactory features require a written response within **60 days** from the date of this letter. Your response should be specific in detailing how you intend to correct the deficiencies identified.

TUK, LLC. (PDW)
MAY 27, 2014
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If you have questions or concerns regarding the enclosed inspection report, please contact **Mrs. Susan Harris or Mr. Pat Dwyer of the Public Drinking Water Unit of the St. Louis Regional Office at (314) 416-2960.** Our address is **7545 South Lindbergh Blvd., Suite 210, St. Louis, MO 63125.** Thank you for your cooperation.

Sincerely,

ST. LOUIS REGIONAL OFFICE



James A. Rhodes, PE
Water Section Manager

JR/SMH/jdk
SMM

Enclosures: Report & Photos,
Records Retention Schedule
Consumer Confidence Report Distribution,
Certification Form
Copy of Well#1 Abandonment Form

c: Misty Lange, Public Drinking Water Branch (via exchange drive)
Jefferson County Health Department

COMPLIANCE AND OPERATION INSPECTION REPORT
COMMUNITY PUBLIC WATER SYSTEM

TUK, LLC.
PWS ID#MO6036053
May 27, 2014

On March 28, 2014, Mrs. Susan Harris, and Mr. Frank Fick of the Missouri Department of Natural Resources (MDNR) conducted a Compliance and Operational Inspection of the TUK, LLC. Public Water System. The water system was represented by Mr. Brian Allen. As part of the inspection, a bacteriological sample was collected at the kitchen sink at 94 Ivy Gate Drive, High Ridge, Missouri. The sample results were negative for coliform bacteria. Susan Harris and Frank Fick also conducted analysis of the free chlorine and total chlorine levels in the distribution system at this location. Free chlorine resulted in 0.1 mg/L and total chlorine resulted in 0.2 mg/L.

The purpose of the inspection was to determine the system's compliance with the Missouri Safe Drinking Water Act and the Missouri Public Drinking Water Branch Regulations. This inspection reviewed all eight critical components of a public water system. Recommendations to correct deficiencies found during this inspection are outlined as follows.

SYSTEM DESCRIPTION

TUK, LLC. is classified as a Community Public Water System. The Missouri Public Drinking Water Regulations (10 CSR 60 2.015) defines a Community Public Water System as one which has at least 15 service connections or regularly serves at least 25 residents on a year round basis. TUK, LLC. provides water to 26 homes, 121 mobile home pad sites, and plans to expand the system with an additional 10 connections to supply water for a new subdivision. At the present time TUK, LLC. currently has 147 active service connections and a population estimate of 300 individuals.

The system is 100% groundwater, has one abandoned well, Well #1, a single water well, Well #2, and an above ground cement 30,000 gallon storage vessel or clearwell. In addition to water storage the clearwell is used for chlorine disinfectant contact time. The system uses sodium hypochlorite disinfection or chemical treatment. There are no current schematics of the distribution system. Distribution piping is comprised of 2 inch PVC pipe.

The TUK, LLC. water system is classified as a Distribution Level 2 (DS II) system [10 CSR 60-14.010(3)]. The person in charge of the water system must therefore have a minimum of a DS II Certificate issued by the Department. Brian Allen is a contract operator for the system. Mr. Allen is currently certificated with DS III and DW A certifications.

TUK, LLC obtained a valid Permit to Dispense Water to the Public in January 1964.

SIGNIFICANT DEFICIENCIES

1. The 30,000 gallon concrete storage vessel, or clearwell, is compromised with leaks and holes. Evidence of leaks can be seen via calcium deposits and water stains on the outside of the clearwell. Appendix A contains photographs of the clearwell. Calcium deposits, water stains, and holes can be seen in the photographs.

The storage tank roof and side walls are not sufficiently water tight to prevent contaminants from entering the finished water supply. Any unprotected openings in a water storage facility will allow contaminants such as dust, insects, bird droppings and even birds access to the water resulting in contamination. This is an immediate threat to the health of the customers of the water system and must be addressed immediately.

This is a Significant Deficiency must be corrected within **30 days**. Within the 30 days a sanitary inspection of the tank must be conducted by a tank service contractor and unsealed openings must be sealed. If this cannot be accomplished within this time period then provide this office with a proposal for when the openings will be sealed. This office can allow only up to 120 days for completion of this Significant Deficiency.

Within 10-days of completion provide this office with documentation the work was successfully completed.

2. The access hatch/doors to the clearwell do not fit properly, thus allowing a route for contamination to enter the stored water.

TUK, LLC. provided MDNR with documentation of a work order proposal to have the access hatch/doors replaced in 2014.

3. Daily chlorine residual tests are not being performed. The system is currently performing chlorine residual analysis every two days. However, the system is using an approved colorimeter and reagents to analyze the samples.

State Regulation 10 CSR 60-4.055 requires public water systems that disinfect to monitor daily the **free** chlorine residual as the water leaves the well house and enters the distribution system, and maintain that residual at 0.5 mg/l or higher. The regulation also requires the **total** chlorine be tested at the time of the microbiological sampling, and to be maintained at 0.2 mg/l or higher at the far ends of the distribution system. These readings shall be kept on file and available for DNR review.

OTHER DEFICIENCIES: FINDINGS AND RECOMMENDATIONS

System Management, Operator Certification, Monitoring and Reporting

1. Chlorine total and free analysis is performed by the property manager Velta Young. General recordkeeping, maintenance, and system operation is conducted by Brian Allen.
2. Reporting, chemical, and biological analysis data was reviewed from July 2010 through March 2014 to correspond with the last inspection which was conducted in June 2010. Violations during this time frame are listed in Table 1.

Table 1
Analytical Violations
July 2010 – March 2014

Date	Violation	Regulation
January 2013	Monitoring, Routine Major	Compliance Nitrates
October 2011	Monitoring (TCR), Routine Major	Coliform (TCR)

3. TUK, LLC is required to collect monthly samples for Bacteriological Analysis. The system failed to collect a total coliform sample in October 2011. This resulted in a Routine Major Monitoring Violation. This is in violation of Missouri Safe Drinking Water Law RSMo 640.120.2 and Missouri Drinking Water Regulation 10 CSR 60-4.020(1)(B).
4. Samples for Nitrate and Nitrite analysis were submitted annually except for the year of 2012. There have been no detects above Maximum Contaminant Levels (MCL). This is in violation of Missouri Safe Drinking Water Law RSMo 640.120.2 and Missouri Drinking Water Regulation 10 CSR 60-4.030(2)(C).
5. Samples for Inorganic Chemical analysis were satisfactorily submitted in September 2011 as required. There were no detected results above MCL limits.
6. Samples for Volatile Organic Contaminants (VOC's) were submitted in September 2011. No VOC's were detected above MCL limits.
7. Samples were satisfactorily submitted for Synthetic Organic Contaminants (SOC's) as required in July 2010. No contaminants were detected above MCL limits. This analysis includes synthetic herbicides and pesticides under Method 507 and 508.
8. Samples were satisfactorily submitted for Lead and Copper as required in July 2013. Sample results were below action levels.
9. Samples were satisfactorily submitted for Radionuclide as required in August 2010. Sample results were below MCL limits.
10. Samples were satisfactory submitted for Disinfection By-Products in September 2010. Sample results were below MCL limits.
11. TUK, LLC. has an approved sampling site plan, as required by Missouri Public Drinking Water Regulation 10 CSR 60-4.020. The sampling points and locations provided in the sampling site plan are listed in Table 2.

Table 2
Sampling Site Plan
Sample Points

Sample ID	Sample Location
01	115 Meramec Drive
02	94 Meramec Drive - M
03	113 Meramec Drive
04	94 Meramec Drive - Y
05	Pumphouse
06	121 Meramec Drive
07	91 Ivy Gate Drive
08	107 Meramec Drive
09	117 Meramec
10	48 Ivy Gate Dr
11	1 Joachim Dr
12	46 Meramec Dr
13	R55 Ivy Gate Lane
14	R51 Ivy Gate Dr
15	R56 Joachim Dr
16	Lot 61 Ivy Gate Dr
17	634 Meramec
18	Jochan Residence
19	94 Ivy Gate

A review of the bacteriological sample results shows the majority of the routine samples were collected at the same sample point. This sample point is located at the 94 Ivy Gate.

Routine monthly water samples for microbiological testing must be taken from the distribution system (not the well) according to a written sampling plan. Samples must be collected at the *representative points* supplied in the sample site plan throughout the distribution system to reflect the quality of water being delivered to the consumer and should be rotated monthly to ensure this.

12. TUK, LLC. has failed to distributed the Consumer Confidence Report for the years 2011, 2013, and 2014 as required. Table 3 lists the dates when a Consumer Confidence Report was not submitted to Missouri Department of Natural Resources. MDNR staff provided Mr. Allen with the EPA Quick Reference Guide for Consumer Confidence Reports for reference.

The Missouri Safe Drinking Water Regulation 10 CSR 60-8.030 requires all community water supplies to provide to their customers, an annual report on the quality of the water being provided, and to notify their customers of any violations that occurred during the previous calendar year. The report must be distributed, or made available to the customers by July 1 each year. At the same time the water system must send a copy of the report to the Public Drinking Water Branch. Within 3-months (October 1st) the water system must provide certification to the Public Drinking Water Branch that the report had been distributed as required.

Table 3 Consumer Confidence Report Violations July 2010 – March 2014		
Date	Violation	Regulation
January 2014	CCR Adequacy/Availability/Content	Consumer Confidence Rule
January 2013	CCR Report	Consumer Confidence Rule
January 2011	CCR Report	Consumer Confidence Rule

13. TUK, LLC. has a current Emergency Operating Plan. MDNR supplied Brian Allen with an Emergency Operating Plan guidance manual for his review.

System Source

1. The system has an abandoned well, Well #1. The well was abandoned on September 13, 2010 by Gerald Buechting of Buechting Drilling Company. Table 4 lists the data from the abandoned well log.

Table 4 Well #1 Abandonment Record September 13, 2010	
Drilling Company	Buechting Drilling Company
Permit Number	001596
Reference Number	387954
State Well Number	B0032299
Lat/Long	38°27'43.9"N-90°34'27.5"

2. The active well, Well #2, is a submersible pump design, and was provided with a down-turned casing breather vent, a sample tap, and a check valve. Isolation valves are also provided for pump maintenance.
3. The system has a master meter installed.

Monthly readings were being kept for the amount of water used for the system. A reliable master meter contributes to the effective operation of a water system. It can be used to identify some of the problems that result in water outage.

4. The well house was improperly constructed.

The well and related pumping (and storage) equipment is housed in a temporary structure that does not provide adequate protection from the weather or meet design requirements. The structure was leaking and coated in rust. It is also too small for the operator to perform required maintenance and operation functions.

5. The well house does not have adequate heating. There is the potential for freezing and equipment damage or malfunction during the winter. Well houses must be provided with adequate heating, ventilation and humidity control to prevent equipment malfunction and possibly damage.

Distribution System

1. The piping and valves from the well house to the clearwell had signs of corrosion.

Failure to control rust and corrosion may result in avenues for contaminants to enter the water system. Should the pipes or valves rust through it would require the very expensive replacement of system components.

2. The system had problems with the distribution piping freezing at the well house and clearwell during the winter months in 2013.

3. As-built plans of the previous water system improvements were not available.

4. The system lacks a cross connection control program.

A cross-connection between the water system and anything other than approved potable water may cause a serious health hazard to the customers should backflow occur. All community water systems should have a local ordinance or policy prohibiting a cross-connection. The ordinance or policy should also require the installation of the appropriate backflow prevention device on the customer's service line, and annual testing of the customer's device. The system should enact an appropriate backflow prevention ordinance or policy and begin enforcement of backflow device installation and testing as soon as possible.

5. The public water system does not have, or is not maintaining, an adequate valve maintenance program.

The public water system should have a valve maintenance program which includes exercising every valve annually, repairing valves as needed, and recording exercising and repairs on the individual valve record sheets.

6. The system has dead end lines that are not equipped with hydrants that can be used to flush the line.

Periodically small areas of distribution systems must be flushed to control red water problems and taste/odor problems or to maintain chlorine residuals. Dead end lines are a typical area needing special flushing and they must be fitted with a flush hydrant.

7. The public water system does not have (or is not implementing) written leak detection, main break, and leak repair programs.

Public water systems should have a main break and leak repair program with the following elements:

- records of each main break and leak repair with date, location, and materials used for repairs, whether pressure was lost, disinfection procedures used, flushing procedures used, bacteriological results of samples taken immediately after repairs, and cause of the leak or break;
- records of water sold versus water pumped each month with a goal of no more than 10% difference;
- leak detection equipment and trained employees (or a contract with a professional leak detection company) that are prepared to search for leaks when they are suspected;
- at least two sets of main repair fittings on hand for each type (and diameter) of mains in the system.
- written procedures for flushing and disinfecting mains in accordance with AWWA standards and employees (or contractors) trained in the use of these procedures.
- excavation equipment and employees trained in the use of the equipment (or ready access to a contractor with equipment and trained personnel);
- customer meter testing equipment and employees trained in the use of this equipment and conduct a customer meter testing/change out program for each meter at a 10-year frequency; an
- plans to systematically upgrade water lines based on records generated by this leak detection program.

System Storage

1. Storage and chlorine contact time is provided by a 30,000 gallon concrete storage vessel or clearwell. Electrical wiring for the system controls for the vessel is unsafe. TUK, LLC. is currently contracting an electrician to rewire the system controls.
2. The system does not have a report of the last inspection of the water storage tank, and no one was certain when the last inspection was conducted.

Water storage tanks should be inspected for sanitary and structural features at least every three to five years, and drained and cleaned as necessary. The water system personnel should inspect the towers and storage tanks at least twice each year, once in the spring and once again in the fall. The screens and/or flap gates on the vents and overflows should be inspected for damage, and the hatches for weather tightness.

Pumping Facilities

The system does not have any pumping stations at this time.

System Treatment

The system uses sodium hypochlorite to disinfect the water. A spare pump is available. The pump is sized correctly for the system and is set on a low feed rate.

Security Issues not Previously Addressed

There were no security issues found.

Other Technical, Managerial, Financial Capacity Issues

No other Technical, Managerial, or Financial Capacity deficiencies were found.

REQUIREMENTS

1. Fix holes and the overall integrity of the 30,000 gallon water storage vessel, clearwell, to prevent contamination from entering the distribution system.
2. State Regulation 10 CSR 60-4.055 requires public water systems that disinfect to monitor daily the free chlorine residual as the water leaves the well house and enters the distribution system, and maintain that residual at 0.5 mg/l or higher. The regulation also requires the total chlorine be tested at the time of the microbiological sampling, and to be maintained at 0.2 mg/l or higher at the far ends of the distribution system. These readings should be kept on file and available for DNR review. A chlorine colorimeter, or a chlorine spectrophotometer, which use DPD chemistry must be used for chlorine analysis.
3. Within 60 days, please issue and then submit a copy of the 2011, 2013 and 2014 Consumer Confidence Report to this office within 60 days. If you need assistance, or have lost your copy, please contact Eric Medlock of the Public Drinking Water Branch at 573-752-5028.
4. Provide a Consumer Confidence Report to your customers by July 1 each year. Submit a copy of the report to the Public Drinking Water Branch. Within 3-months (October 1st.) the water system must provide certification to the Public Drinking Water Branch that the report had been distributed as required.
5. Take routine bacteriological samples at locations specified in the sample site plan each month by a set rotation through the routine sampling sites.

RECOMMENDATIONS

1. Clean the rust and scale from the piping and related surfaces and apply a surface protecting coating.
2. Have a permanent well house constructed that will provide adequate protection from the weather, restrict access to animals and unauthorized persons, and provide space for maintenance and operating procedures.

3. Rewire the controls on the 30,000 gallon clearwell.
4. Within 60-days, contract with a tank inspection company for a structural and sanitary inspection.
5. It is understood that the water system's engineer will prepare as-built drawings of the treatment plant and distribution system improvements. The water system is encouraged to have the entire water system mapped and have copies of the maps available to water system operators and others involved in operation, maintenance, and management of the system. It is recommended that the water system set a strict policy requiring detailed construction measurements be taken and "as-built" plans be developed on any new water mains and related components, such as valves and hydrants.
6. Before winter make improvements to the well house to ensure adequate heating.
7. Develop and properly maintain an adequate valve maintenance program.
8. Installation of flush hydrants on all dead end lines.
9. Develop a leak detection program.

ADDITIONAL COMMENTS

The public water system does not currently have a Department approved wellhead protection program. A wellhead protection program identifies the area of recharge for each well, identifies existing sources of contamination within these recharge areas, protects recharge areas from new sources of contamination through zoning and land acquisition, plans for problems from existing sources of contamination, and locates new wells in protected areas.

For more information on development of a wellhead protection program or the Department's approval process, contact Mr. Ken Tomlin, Missouri Department of Natural Resources-Public Drinking Water Branch, P.O. Box 176, Jefferson City, Missouri 65102 or by calling 573-751-5331.

REMINDER TO ALL WATER SYSTEMS

Maintenance of adequate records is essential to the effective operation of all water supply systems, and is required by Public Drinking Water Commission regulation 10 CSR 60-9.010. See the enclosed records retention schedule for guidance on how long to maintain your public water system records.

All Community water systems must notify the department prior to any new construction, modification, alteration, or extension of your water system. Depending on the type of construction, Community water systems may be required to submit engineering plans and apply for a construction permit. This requirement includes modifications made to your treatment process which would significantly change or alter plant capacity or treatment processes. Adding, removing, or changing chemical additives and/or their injection locations may significantly alter your treatment process.

Missouri Public Drinking Water Regulation 10 CSR 60-7.010(2) requires that public water systems notify the Department within 48 hours of a failure to comply with any regulation or monitoring requirement. Since Regulation 10 CSR 60-4.080(9) requires all public water systems to maintain a minimum pressure of 20 psi, all public water systems must notify the Department when pressures in their system fall below 20 psi.

Starting October 1, 2013, your water system will be required to comply with the Disinfection By-Product Rule Stage 2.

Requirements for achieving compliance with maximum contaminant levels will be based on locational running annual averages for total trihalomethane and haloacetic acids. Previously if there were one or two locations in the system that had high results, and the rest of the system was well under the limit, the system could remain in compliance because all of the samples were averaged together.

Under this new rule if a single sample site exceeds the maximum contaminant level for total trihalomethane of 0.80 mg/L, and/or the maximum contaminant level for haloacetic acids of 0.60 mg/L on an annual average, the water system will be in violation. Distribution system operation and maintenance such as implementing a regular main flushing program, looping dead end lines to improve water circulation, and ensuring proper circulation of water storage tanks are examples of methods that may reduce disinfection by-product levels in your water system.

PLEASE NOTE: The EPA has enacted a new drinking water regulation.

Changes to the existing Total Coliform Rule, the 'Revised Total Coliform Rule', will become effective April 1, 2016. The new regulation will change the way all public water systems respond to what is now a Total Coliform MCL. Instead of an MCL requiring public notice, this will be considered a Treatment Technique violation and require the public water system to conduct an assessment of their system to find and correct the cause of the unsatisfactory samples. The EPA refers to this as a "Find and Fix" approach. The new rule also allows the water system to propose alternate locations for Repeat samples that may better determine the source and extent of possible contamination instead of the current required 5 service connections from the original site. This new rule also addresses Seasonal Systems for the first time and has additional requirements for startup and shut down. The Department will be conducting training classes and providing technical guidance prior to the April 1, 2016 compliance date. The EPA will also post information as it becomes available at:

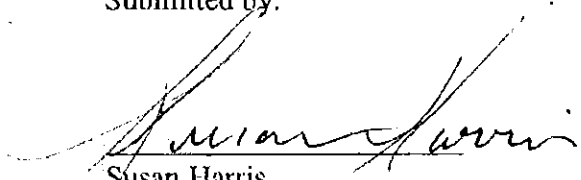
<http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation.cfm>. Or
http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation_revisions.cfm

TUK, LLC. (PDW)
MAY 27, 2014
PAGE ELEVEN

For assistance with compliance issues or general technical assistance you may also contact Mr. Don Rea, the SLRO drinking water specialist. Our Water Specialists' duties are primarily intended to provide technical assistance and operator training to systems such as yours; and we encourage you to utilize their services.

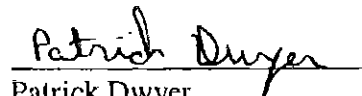
Please contact Mr. Patrick Dwyer, Public Drinking Water Unit Chief of the St. Louis Regional Office at (314) 416-2960 if you have any questions concerning this report. Our address is 7545 S. Lindbergh Blvd., Ste. 210, St. Louis, MO 63125.

Submitted by:



Susan Harris
Environmental Specialist I
Public Drinking Water Unit
St. Louis Regional Office





Reviewed by:



Patrick Dwyer
Unit Chief
Public Drinking Water Unit
St. Louis Regional Office

PD/SMH/jdk

Appendix A: PHOTOGRAPHS

	<p>Photo 1 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Well#2 location Well House</p>
	<p>Photo 2 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Well#2</p>
	<p>Photo 3 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Well#2, Sample Tap, Breather Vent, Draw Down Gauge</p>
	<p>Photo 4 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Chlorine Disinfection System</p>

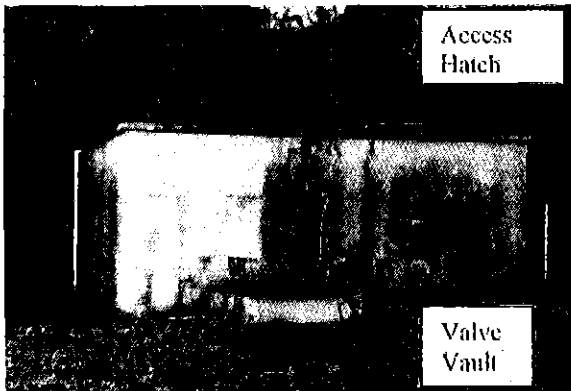


Photo 5
March 28, 2014
By: Susan Harris
TUK, LLC.
MO6036053
30,000 Gallon Concrete Storage
Vessel and Valve Vault

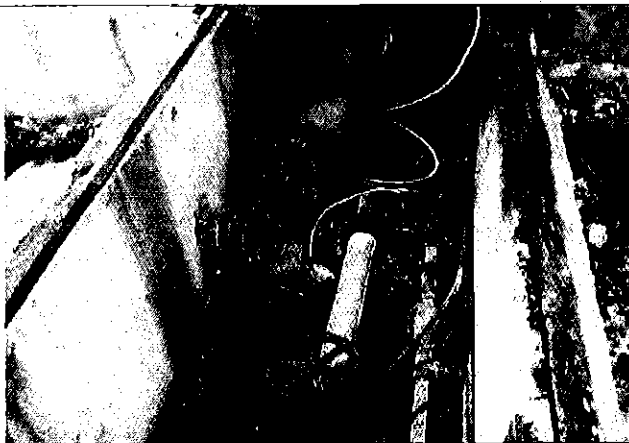
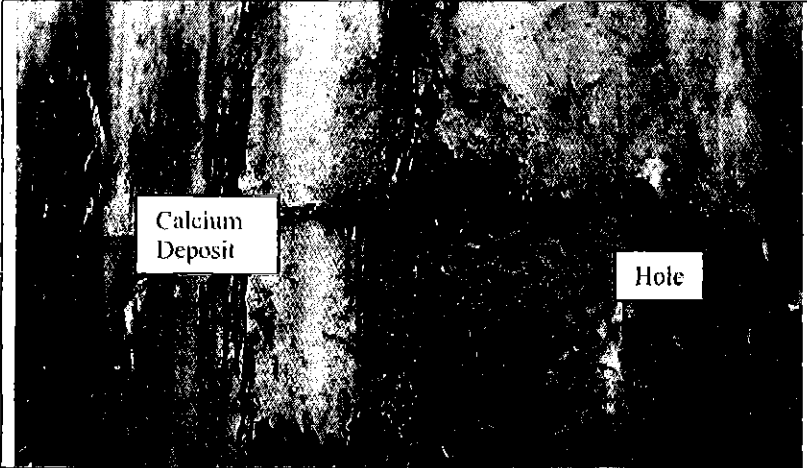



Photo 6
March 28, 2014
By: Susan Harris
TUK, LLC.
MO6036053
Rusting Valves and piping in Valve
Vault



Photo 7
March 28, 2014
By: Susan Harris
TUK, LLC.
MO6036053
Screened Overflow Pipe and Spill
Plate & Leak from Vessel

 <p>Calcium Deposit</p> <p>Hole</p>	<p>Photo 8 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Hole and Calcium Deposit on Storage Vessel</p>
 <p>Hole</p>	<p>Photo 9 March 28, 2014 By: Susan Harris TUK, LLC. MO6036053 Hole in Storage Vessel</p>



MISSOURI DEPARTMENT OF
NATURAL RESOURCES
DIVISION OF
GEOLOGY AND LAND SURVEY
(573) 368-2165

ABANDONMENT
REGISTRATION RECORD

OFFICE USE ONLY		DATE RECEIVED	
REF NO	00387954	09/22/2010	
CR NO		CHECK NO.	7953
STATE WELL NUMBER	B0032299	REVENUE NO.	387954
ENTERED	Ph 1 09/26/2010 Ph 2 09/26/2010 Ph 3 09/26/2010	APPROVED BY	ROUTE PCD3

INFORMATION SUPPLIED BY WELL OR PUMP INSTALLATION CONTRACTOR

OWNER NAME VOLLMAR MANAGEMENT		TELEPHONE (OPTIONAL)		VARIANCE NUMBER (IF APPLICABLE) 0
OWNER ADDRESS 12502 CINEMA LN	CITY SUNSET HILLS	STATE MO	ZIP 63120	WELL CERTIFICATION NUMBER (IF APPLICABLE) B0032299
ADDRESS OF WELL SITE (IF DIFFERENT THAN ABOVE)		CITY	STATE MO	ZIP
SITE NAME SEVEN SPRINGS SUB	WELL NUMBER 1	INFORMATION VERIFIED BY OWNER SIGNATURE (WELL OWNER)		DATE

SKETCH THE LOCATION TO THE WELL INCLUDING MILEAGE ON ALL ROADS TRAVELED FROM NEAREST TOWNS
OR HIGHWAYS

LOCATION OF WELL

LAT. 38° 27' 43.9"

LONG. 90° 34' 27.5"

Please be aware that we do not guarantee the
accuracy of the data. It is submitted to us by a
third party and has not been field verified.

AREA A1

ELEV 0

COUNTY

JEFFERSON

COPY

SMALLEST 1/4 LARGEST 1/4
SEC. 16 TWN. 43 RNG. 4 E

ABANDONMENT INFORMATION

FORMER USE OF WELL		ORIGINAL DRILLER (IF KNOWN)	DATE ORIGINALLY DRILLED (IF KNOWN)	STATIC WATER LEVEL
<input type="checkbox"/> HAND DUG	<input type="checkbox"/> IRRIGATION	CLARK BROS	07/23/1983	151.0
<input type="checkbox"/> DOMESTIC	<input type="checkbox"/> SOIL BORING/GEOPROBE	DEPTH OF THE WELL	LENGTH OF CASING	CASING DIAMETER
<input type="checkbox"/> MULTI-FAMILY	<input type="checkbox"/> MONITORING		160.0	6.0
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> MINERAL EXPLORATORY TEST HOLE	PUMP REMOVED FROM WELL?	WAS THE CASING CUT OFF THREE FEET BELOW GROUND SURFACE?	TYPE OF CASING
<input type="checkbox"/> HEAT PUMP	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> REMOVED	<input type="checkbox"/> PLASTIC <input type="checkbox"/> CONCRETE <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER

GROUT INSTALLATION METHOD	GROUT MATERIAL USED	HOW MANY GALLONS OF WATER MIXED PER BAG OF CEMENT OR BENTONITE?	NUMBER OF BAGS OF GROUT USED
<input type="checkbox"/> GRAVITY	NEAT CEMENT BENTONITE	60	80.0
<input checked="" type="checkbox"/> TREMIE	<input type="checkbox"/> HY-EARLY <input type="checkbox"/> SLURRY <input type="checkbox"/> GRANULAR <input type="checkbox"/> OTHER		POUNDS OF GROUT PER BAG
<input type="checkbox"/> EXCAVATION	<input checked="" type="checkbox"/> TYPE 1 <input type="checkbox"/> CHIPS <input type="checkbox"/> PELLETS		94

TYPE OF FILL MATERIAL USED	AMOUNT OF FILL MATERIAL USED	DEPTH TO TOP OF FILL MATERIAL FROM THE SURFACE
<input type="checkbox"/> GRAVEL <input checked="" type="checkbox"/> AG-LIME <input type="checkbox"/> SAND <input type="checkbox"/> OTHER		

MULTIPLE WELLS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	WELL CHLORINATED BEFORE PLUGGING?	AMOUNT USED FOR THE CHLORINATION	DATE WELL WAS PLUGGED
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	3.0 GALLONS OF CHLORINE POUNDS OF CHLORINE TABLETS OF CHLORINE	09/13/2010

IF YES, WHAT IS THE NAME OF THE WATER DISTRICT: Code Description not found	REASON WELL WAS PLUGGED

REMARKS

I HEREBY CERTIFY THAT THE WELL HEREIN DESCRIBED WAS PLUGGED IN ACCORDANCE WITH THE DEPARTMENT OF NATURAL RESOURCES REQUIREMENTS FOR THE PLUGGING OF WELLS.

SIGNATURE (PRIMARY CONTRACTOR) x GERALD BUECHTING	PERMIT NUMBER 001599	SIGNATURE (CONTRACTOR) x GERALD BUECHTING	PERMIT NUMBER 001596	DATE 09/13/2010
SIGNATURE (APPRENTICE WELL) x	PERMIT NUMBER	SIGNATURE (APPRENTICE PUMP) x	PERMIT NUMBER	DATE



Commissioners

ROBERT S. KENNEY
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

JOSHUA HARDEN
General Counsel

MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
Director of Administration
and Regulatory Policy

CHERLYN D. VOSS
Director of Regulatory Review

KEVIN A. THOMPSON
Chief Staff Counsel

May 30, 2014

TUK, LLC
c/o Mr. Louis Mountzoures
5305 Caroline Dr. #250
High Ridge, MO 63049
508-259-8100

TUK, LLC
c/o Mr. Louis Mountzoures
30 Turnpike Rd. Suite #4
Southborough, MA 01772
508-688-8542

Dear Mr. Mountzoures:

As discussed in our telephone conversation regarding your Community Public Water System, it appears you are providing water and/or sewer service to the public, for gain, without certification from the Missouri Public Service Commission and without other authority. I am sending information on the process for obtaining a Certificate of Convenience and Necessity authorizing you or a client to operate a utility that provides water and/or sewer service to the public. After you review this information, if you would like to have a meeting or a discussion, please feel free to contact me.

Alternatives to regulation of your utility include transfer to another available existing utility if one exists and is willing to acquire the assets, formation of an association or other entity that will be owned and controlled by the customers, or formation of a nonprofit utility, as outlined under Section 393 RSMo., which would also be owned and controlled by the customers.

In order to pursue a Certificate of Convenience and Necessity, please see the attached pertinent pages from the Code of State Regulations. In Chapter 2, known as the Commission's Rules of Practice and Procedure, under the title "Applications," you will find details on what needs to be included in applications. An attorney licensed in Missouri needs to file the application. The Commission's Staff Counsel's office is available to help with any procedural questions your attorney may have throughout the process.

Then, in Chapter 3, Filing and Reporting Requirements, you will find specific rules for filings for Certificates of Convenience and Necessity applying to water utilities and to sewer utilities.

Also included, is a copy of the Water and Sewer Department's recommendations on what information should be included in an economic feasibility study, as required to be a part of an application for new service areas. The purpose of a feasibility study is to show the cost of

Mr. Mountzoures
November 17, 2014
Page 2

service, which information is used to develop rates. The feasibility study should also include information on any existing system along with any proposed construction and improvements, a customer growth forecast, contract operation proposals, and the utility's financial structure. Actual cost information should be used to the extent it is available, but pro-forma estimates will be likely be needed for at least some expenses. One of our auditors will likely be assigned to review actual expenses to the extent they are available. The utility also needs to show that there will be qualified people available to manage the business as well as the utility operation.

The remainder of the above chapters, and other information in the Code of State Regulations, are available on the internet at <http://psc.mo.gov/statutes-rules>. Within Chapter 10 are standards of service for water utilities, Chapter 13 are billing rules, and Chapter 60 are standards of service for sewer utilities.

Please respond to this office stating your intentions by June 30, 2014.

If you or an agent would like additional information, have questions or would like to discuss the regulations, or would like to have a meeting, please feel free to contact me.

Very truly yours,

Aaron R. Archer
Utility Policy Analyst
Water and Sewer Department
(573) 522-2412
aaron.archer@psc.mo.gov

enclosures



Commissioners

ROBERT S. KENNEY
Chairman

STEPHEN M. STOLL

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Director of Regulatory Review

KEVIN A. THOMPSON
Chief Staff Counsel

October 1, 2014

Mr. Leland Curtis
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
St. Louis, MO 63105
314-725-8788

Re: Certificate of Convenience and Necessity, TUK, L.L.C. Water and Sewer Systems

Dear Mr. Curtis:

I have been advised that you represent TUK, L.L.C. and/or its owners.

On May 30, 2014, Aaron Archer sent Mr. Mountzoures a letter to inform him that TUK, L.L.C. was out of compliance with Missouri statutes and Missouri Public Service Commission regulations and that he was required to obtain Certificates of Convenience and Necessity in order to continue operating the TUK, L.L.C. water and sewer utilities that provide service to the public. The letter provided information about how to obtain the certificate and alternatives to regulation in case he chose to pursue that route instead.

Missouri Public Service Commission Staff met with Mr. Mountzoures at the TUK site on August 19, 2014, but has not received further communication from him. As a result, they contacted the Staff Counsel's Office to request a complaint be filed against TUK, L.L.C. for failing to obtain the Certificates. I have already drafted the complaint, but I understand you contacted James Merciel yesterday informing him that you are working on getting the local water and sewer districts to serve the residences. Accordingly, I will hold off on filing for now.

Please contact me by October 10, 2014, with more information evidencing that action has been taken to remedy the situation. If by that date the Public Service Commission does not have either the application for the Certificates or a more concrete indication of your intention to avoid regulation according to one of the alternatives outlined in the May 30 letter, I will promptly file this complaint.

Please feel free to call me at 573-751-4140 if you have any questions. Thank you for your time and cooperation in this matter.

Respectfully,

Marcie Mueth
Assistant Staff Counsel

cc: Jim Busch – Utility Regulatory Manager, Water and Sewer
Jim Merciel – Utility Engineering Supervisor, Water and Sewer
Aaron Archer – Utility Policy Analyst I, Water and Sewer
Kevin Thompson – Chief Staff Counsel