

Exhibit No.: \_\_\_\_\_  
Issues: 1) Treatment Plant Operations  
2) Liftstation Operations  
3) Water System Operation  
4) MDNR Violations  
5) EPA Criminal Case  
Witness Name: Steve G. Loethen  
Type of Exhibit: Rebuttal Testimony  
Sponsoring Party: MoPSC Staff  
Case No.: WC-2002-155  
Date Testimony Prepared: March 27, 2002

**MISSOURI PUBLIC SERVICE COMMISSION**

**UTILITY OPERATIONS DIVISION**

**WATER & SEWER DEPARTMENT**

**FILED<sup>3</sup>**

MAR 27 2002

**REBUTTAL TESTIMONY**

Missouri Public  
Service Commission

**OF**

**STEVE G. LOETHEN**

**CASE No. WC-2002-155**

**WARREN COUNTY WATER AND SEWER COMPANY**

Jefferson City, Missouri  
March 27, 2002

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**Case No. WC-2002-155**  
**Warren County Water and Sewer Company**

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**REBUTTAL TESTIMONY**

**OF**

**STEVE G. LOETHEN**

**CASE No. WC-2002-155**

**(CONSOLIDATED WITH CASE No. SC-2002-160)**

**WARREN COUNTY WATER AND SEWER**

**INTRODUCTION**

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

A. Steve G. Loethen, P.O. Box 360, Jefferson City, Missouri 65102.

**Q. By whom are you employed and in what capacity?**

A. I am employed by the Missouri Public Service Commission (Commission) as a Utility Operations Technical Specialist II in the Water and Sewer Department (W/S Dept) of the Utility Operations Division.

**Q. Please briefly describe your job responsibilities.**

A. My responsibilities include conducting annual inspections, investigating complaints and providing technical assistance to Commission-regulated water and sewer utilities.

**Q. What are your educational and work experience backgrounds?**

A. I am a graduate of Blair Oaks High School in Wardsville, Missouri. I'm an "A" certified Waste Water Operator and "C" certified Water Operator, which are certifications issued by the Missouri Department of Natural Resources (MDNR). I have taken many training courses provided by MDNR and associations that deal with the operation and maintenance of

1 water and waste water systems. I operated several water and waste  
2 water systems for approximately eight years before coming to work at the  
3 Commission, where I have been employed since 1/18/2000.

4 **Q. Have you previously testified before this Commission?**

5 A. No. I have not.

6 **PURPOSE OF TESTIMONY**

7 **Q. What is the purpose of the rebuttal testimony you are presenting in**  
8 **this case?**

9 A. The purpose of my testimony is to respond to the formal complaint filed by  
10 the Office of the Public Counsel (OPC) against Warren County Water and  
11 Sewer Company (Company). I will be commenting on, or clarifying, some  
12 issues in the direct and supplemental direct testimony of OPC witnesses  
13 Barbara A. Meisenheimer and Kimberly K. Bolin. The issues I will be  
14 addressing are:

- 15 1) waste water treatment plant appearance and operations,
- 16 2) appearance and operations of waste water lift stations,
- 17 3) water system operations,
- 18 4) MDNR violations, and
- 19 5) United States Environmental Agency (EPA) criminal case.

**ISSUE #1 – WASTE WATER TREATMENT PLANT APPEARANCE AND OPERATIONS**

**Q. Have you observed and/or inspected the operations of the waste water treatment plants owned and operated by the Company?**

A. Yes. I have made two annual inspections on 7/26/2000 and 9/5/2001, and several other visits to the treatment plants during my employment at the Commission.

**Q. What have you observed during these inspections/visits?**

A. From my first visit to the treatment plants on 2/2/2000, and on all my other visits up until my visit on 2/6/2002, both treatment plants #1 and #2 only had one motor and blower system operational. The purpose of the blowers is to provide aeration to the incoming sewage as a necessary part of the sewage treatment process. Missouri Clean Water Commission Regulation 10 CSR 20-8.020 (13)(B) 6 requires that extended aeration treatment facilities have duplicate blowers and motors installed, and that both are operational, and both of these plants were originally constructed with two operational blowers and motors. When I visited the facilities on 2/6/2002, Treatment plant #1 had two blowers and motors operational. Treatment plant #2 still did not. I have asked the Company for, but have not seen, records that would show how often the plants are visited, and what operational testing or work is being done during the visits. Based on

1           the visual appearance of the plants, it is my opinion that the operation and  
2           maintenance of the treatment plants is inadequate.

3           I have also seen several safety problems including unlocked gates,  
4           insufficient fencing, and a possible cross-connection at treatment plant #2  
5           (A cross-connection is a connection between a drinking water system and  
6           an unapproved water supply, which may lead to contamination of the  
7           drinking water. The possible cross-connection I observed was a water  
8           hose hooked to the fire hydrant outside the plant with the other end of the  
9           hose lying near and possibly in the waste water). As of 3/7/2002, all of  
10          these issues except for an unlocked gate at treatment plant #2 have been  
11          resolved. The gate is being held shut with a bowling ball-sized rock,  
12          which, if moved, allows access to the treatment plant. Easy access to the  
13          treatment plant by unauthorized persons presents safety hazards  
14          including a potential health risk due to exposure to raw sewage, electric  
15          shock and drowning. There is also a risk of vandalism, which could result  
16          in unnecessary repair expense and/or a failure to properly treat the  
17          sewage.

**ISSUE #2 – APPEARANCE AND OPERATIONS OF WASTE WATER LIFT STATIONS**

**Q. Have you observed and or inspected the operations of the waste water lift stations owned and operated by the company?**

A. Yes. I have observed the lift stations on my previously noted annual inspections and visits.

**Q. What did you observe during these inspections and visits?**

A. From my first visit to the lift stations on 3/20/2000 until my last visit on 3/7/2002, I have never seen all four of the lift stations fully operational at the same time. Often controls are set improperly, or malfunctioning, or a pump is malfunctioning. It is required by the Missouri Clean Water Commission Regulation 10 CSR 20-8.130(4)(C) that lift stations have duplicate pumps installed and that both are operational. This is important because if there is only one pump operational and it fails, a sewage overflow will result. On my visit on 1/29/02, the lift station by the golf course appeared to be operational, and the lift station by treatment plant #2 appeared to be operational. The lift station by the boat docks had two working pumps that alternate, but the automatic controls appeared to me to be wired incorrectly. Upon manually working the floats (water level sensor switches) through a pump cycle, it appeared to not have a "lead" and a "lag" pump as designed. If this is the case, in the event that the "lead" pump malfunctions, the "lag" pump will not operate and an overflow

1           may occur. The lift station in Shady Oaks Subdivision was not operating  
2           at all, which was causing raw sewage to back up and overflow out of a  
3           nearby manhole onto the ground and into a nearby creek. The alarm  
4           system at this lift station was not functioning. When I returned to this lift  
5           station on 2/6/2002, the lift station was functioning but appeared to have  
6           only one operating pump. The control panel and the wet well (into which  
7           the raw sewage flows and collects to be pumped) were not only unlocked  
8           but were not even completely shut. The electric cord to the pump ran  
9           through the open wet well and control panel doors, instead of through  
10          conduit, as it should. This will not allow the doors to close. The control  
11          panel door was being held shut with a "tow strap" and the wet well door  
12          was held shut with a rope. During my inspection on 7/26/2000, Gary  
13          Smith, the owner of the Company, indicated that the lift stations were  
14          visited once a year. During my inspection on 9/5/2001 he said it was more  
15          frequent than that. Lift stations should be checked daily, at least for  
16          observation of the high-water alarms, and every few days to verify proper  
17          operation of both pumps. I have asked Company for, but have not seen,  
18          records that would show how often the lift stations are visited and what  
19          operational work is being done during the visits. Based on the visual  
20          appearance, it is my opinion that the operation and maintenance of the lift  
21          stations is inadequate.



1 I have also seen several safety issues, including lift stations with no or  
2 unlocked fences, with unlocked control panels, and with unlocked wet well  
3 doors, which allows access to the lift stations. This creates a potential  
4 health, electric shock and/or drowning hazard. The lift stations are  
5 equipped with alarm systems, usually a light or buzzer or both. Neither on  
6 my inspection on 2/6/2002, nor on any of my other visits, have I ever seen  
7 all of the alarm systems fully functional.

8  
9 **ISSUE #3 – WATER SYSTEM OPERATIONS**

10 **Q. Have you observed and or inspected the operations of the water**  
11 **system owned and operated by the Company?**

12 **A.** Yes. I have made two inspections and several visits to the water system  
13 on the same previously mentioned dates as my observations of the sewer  
14 facilities.

15 **Q. What did you observe during these inspections and visits?**

16 **A.** I installed pressure recorders on the system and have had obtained  
17 readings below 20 pounds per square inch (psi), which is the minimum  
18 pressure required by the MDNR. I also noticed that the well "cycles"  
19 (turns on and fills the water storage tank) several times in an hour. It  
20 appears to do so because of the inadequate size and elevation of the  
21 tank. Based on my past knowledge of pumps, experience and  
22 manufacturer's specifications, I believe that frequent starts and stops will

1 decrease the life of the pump, which in turn increases the cost of  
2 operations and causes frequent water outages. It is my opinion that a  
3 new, larger elevated storage tank or standpipe should be constructed.  
4 This will allow the well pump to "cycle" less often and will increase water  
5 pressure. This matter is also being addressed in rebuttal testimony by  
6 James Merciel of the Staff. I have asked the Company for, but have not  
7 seen, records that would show how often the well is visited, and what  
8 operational work is being done during the visits. I have also seen  
9 evidence that the Company is estimating water meter readings.

10 **Q. Have you contacted the Company on the three above-mentioned**  
11 **waste water and water issues?**

12 **A.** Yes. I have contacted the Company orally and in writing. I have informed  
13 the Company of the need to repair the problems, and have also offered to  
14 help the Company repair some of them. I have also seen letters from  
15 MDNR to the Company about these issues.

16 **Q. What is the response from the Company?**

17 **A.** I have had little cooperation from the Company, and I see very slow if any  
18 improvement. I have provided my letters, along with Gary Smith's  
19 responses to my letters, as Attachment 1. Also included in Attachment 1  
20 is related correspondence between my division director, Wess Henderson,  
21 and Gary Smith. I think these documents speak for themselves as to the

1 cooperation of the Company. Arlie Smith, another employee of the  
2 Commission in the W/S Dept., and I investigated a formal complaint in  
3 which the customer thought the Company was estimating the water meter  
4 reading instead of actually reading it. The customer's evidence was very  
5 conclusive that the Company was indeed estimating the water meter  
6 reading. When Mr. Smith and I brought this to Company's (Gary Smith's)  
7 attention, he threw his water meter read sheets at us and became very  
8 belligerent, using vulgar language. It was later proven that the Company  
9 was unnecessarily estimating the meter readings.

10 **Issue #4 – MDNR Violations**

11 **Q. Are you aware of any MDNR violations the Company has committed?**

12 **A.** Yes. My records show that the violations described in the direct testimony  
13 of Kimberly K. Bolin did occur. It is also indicated to me through a letter  
14 from Paul Mueller with MDNR, regarding a summary of his  
15 correspondence and events concerning the Company's wastewater  
16 treatment plants and an overflowing lift station (Shady Oaks), that there  
17 are additional notices of violations that may be issued. This letter is  
18 included as Attachment 2 to this testimony.

19 **Issue #5 – U. S. Environmental Protection Agency (EPA) Criminal Case**

20 **Q. Are you aware of an EPA criminal case involving the Company?**

1       A.     Yes. Vic Muschler with EPA criminal investigations has contacted me on  
2             this issue. It is my understanding that Gary Smith was on probation for an  
3             illegal sewage by-pass during the year 2001, due to an overflow caused  
4             by a malfunction of the lift station near the boat docks. A probation  
5             revocation hearing is presently scheduled for March 28, 2002 because of  
6             another illegal by-pass, which happened during this year, 2002. This by-  
7             pass was caused by the previously discussed malfunction of the Shady  
8             Oaks Subdivision lift station. I have been subpoenaed to testify at this  
9             hearing.

10       **Q.     Why do you feel the Company is not providing adequate service?**

11       A.     I feel that adequate service means the customers are getting the proper  
12             service for the rates they are paying. It is my understanding that a recent  
13             audit showed the Company has adequate rates. I have observed several  
14             examples of what I consider inadequate service.

- 15       •     The customers are paying for an operator to maintain and operate the  
16             waste water treatment plants. The Company has taken an extremely long  
17             period of time to repair or replace blowers and motors at waste water  
18             treatment plant #1, and plant #2 is still not repaired. Both treatment plants  
19             have broken sludge return equipment. Both have been out of compliance  
20             and had notices of violation issued against them by MDNR. It is my  
21             opinion that both plants are in poor condition and poorly operated.

- 1       • Lift stations are being operated with only one operational pump at times,  
2       and when a single operating pump malfunctions a sewage back up and/or  
3       overflow occurs. This happened in 2001 at the lift station by the boat dock  
4       and again in 2002 at the lift station in Shady Oaks Subdivision. Not only  
5       did the lift stations overflow, the lift station by the boat dock did so for eight  
6       days and the Shady Oaks lift station overflowed for at least 16 days (a  
7       customer stated that the Shady Oaks lift station was overflowing for 35 +  
8       days). I wrote down the numbers on the pump that malfunctioned at  
9       Shady Oaks and called a pump supplier in St. Louis, who stated that they  
10      could have a new pump available in two days; it only takes a few hours at  
11      the most to install one. I feel that the lift stations could have been back in  
12      service sooner than they were, and if they had been operating with a two-  
13      pump system a back-up wouldn't have occurred.
- 14      • Water pressure is below 20 psi, which is the minimum required by DNR. I  
15      do not feel that this is adequate pressure.
- 16      • I participated in an investigation of a complaint about a water outage by  
17      some customers of the Company in Forest Green Subdivision. The water  
18      main that provided water to these customers was frozen. It took the  
19      Company over three weeks to get service back to these customers. The  
20      Company explained that the delay was because of cold weather, frozen

1 ground and broken equipment. I feel that this is very inadequate service.

2 I know from experience that service could have been restored sooner.

- 3 • According to the Company's tariff, the Company should approve the  
4 equipment, and inspect the installation of the individual sewer pump units  
5 that are installed at some of the homes in the subdivision. The Company  
6 should also keep spare parts available to fix these units. A customer had  
7 a complaint that their pump unit was not functioning properly, causing  
8 back-ups in their basement. It took the company at least 10 days to get  
9 the pump unit operational. When I inspected the unit on 3/11/2002 to  
10 verify that the unit was fixed, the bolts to hold the lid on were not put back  
11 in place and the control floats were positioned wrong. I feel this is  
12 inadequate service. Also, one of Gary Smith's companies was the original  
13 installer of this particular unit.

- 14 • I also believe that that adequate service includes proper customer  
15 relations. I have heard Gary Smith use improper language with me and  
16 several Company customers have complained that he used improper  
17 language when he was with them or that he has never responded to a  
18 complaint or inquiry.

19 **Q. Why do you feel the Company is not providing safe service?**

20 **A.** The Company has polluted waters of the state with poor quality effluent  
21 and overflowing lift stations. I don't feel this is safe for people or the

1 environment. Waste water treatment facilities (plants and lift stations)  
2 have large open basins of treated and untreated waste water and  
3 electrical equipment. Without proper fences and locks to prevent entry  
4 there is a potential health, electric shock, and/or drowning hazard. The  
5 reason pressure in the water mains should be at least 20 psi is to prevent  
6 contaminants from entering the water mains. Lower water pressures allow  
7 the potential for the water system to be contaminated.

8 **Summary of Testimony**

9 **Q. Could you please summarize your testimony?**

10 A. Yes. It is my opinion that Gary Smith and the Company are not providing  
11 safe and adequate service, and may be violating a number of rules and  
12 regulations.

13 **Conclusion**

14 **Q. Does this conclude you pre-filed rebuttal testimony?**

15 A. Yes.

My Commission Expires: My Commission Expires Jan 9, 2005





**Commissioners**

**SHEILA LUMPE**  
Chair

**M. DIANNE DRAINER**  
Vice Chair

**CONNIE MURRAY**

**ROBERT G. SCHEMENAUER**

**KELVIN L. SIMMONS**

**Missouri Public Service Commission**

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

**BRIAN D. KINKADE**  
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Director, Administration

**DALE HARDY ROBERTS**  
Secretary/Chief Regulatory Law Judge

**DANA K. JOYCE**  
General Counsel

March 20, 2000

Mr. Gary Smith  
Warren County Water and Sewer Company  
1248 Mimosa Court  
Foristell MO, 63348

Mr. Smith:

This is in regard to my visit to Incline Village on March 6, 2000. I found several problems that you need to address.

I visited the liftstation by the marina and found it in poor condition. The main switch to the control panel was shut off, the liftstation was backing up in the wet well and in the mains. There is a pump wire run directly out of the control panel instead of running through the conduit like it should be. This wire doesn't allow the panel door to close so the electric panel is wide open to the public. There is a tarp thrown over the open door to keep out the weather. This indicates that not only has it been in this condition for a long time, but that you are fully aware of it. The tarp had spots on it where it had been melted by the alarm light indicating that the liftstation was not working for a long period of time more than once. The liftstation did not seem to work when turned on auto. It only had one operating pump, which only worked in the hand position. It appears that it is being operated manually. The door to the wet well is a thin piece of partially rotted plywood that I wouldn't stand on for fear of falling through, also, there is nothing holding this plywood in place which allows it to be opened or possibly removed. Nothing was locked on the liftstation. The liftstation is between a public parking lot and the boat docks and ramp. There are already some people around this area and it is sure to increase as the boating and swimming season approaches. This liftstation is an electric shock hazard, a drowning hazard and an environmental hazard. It needs to be a fixed.

**Attachment 1-1**

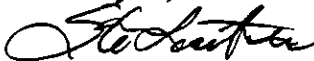
The treatment plant #1 still looks bad. I don't believe that the pond behind the plant should be considered secondary treatment. Does the above mentioned liftstation pump into this treatment plant? If so, that could be your problem. All that sewage sitting in that wet well becomes septic, then you pump it into your plant. It can't handle that large surge of organics or even the volume of water that you are hitting it with. I feel that this could be one of the problems, but I also feel that the main problem is that you are not running the plants as often as they should be. On February 2<sup>nd</sup> when Arlie Smith and I visited your facilities, snow had been on the ground for several days and there were no footprints leading into either of your plants. Treatment plant #2 looked better, but there was a significant amount of sludge in the lake. Again you need to keep a closer eye on your treatment plants to catch this. The chamber at the back of your plant is a solids trap to catch this sludge so it doesn't get into the lake. When I was there on the 6<sup>th</sup> I turned the return pump on in this basin and got thick, black sludge, this tells me that this basin isn't being emptied often enough. Also, it appeared that both of the plants are running on just one blower, these plants need to have both blowers in operating condition. If you need help on how these plants should be run I will help you, but when I was there on the 6<sup>th</sup> you didn't seem interested.

I stopped at some houses in the subdivision and read a few water meters, about half of the houses I stopped at, the meter reading didn't match the last reading on the bill. Some of the houses didn't have an outside meter "clock" as you call it. Some had it but it wasn't hooked up. You need get these installed and hooked up.

You told me you would have someone put the bolts back in David and Michelle Turner's pump unit on March 6<sup>th</sup>, I called her on March 20 and it still was not done. You need to find out if the part for their control panel is in and get that fixed too.

I need you to write me a letter by April 14, 2000, telling me how you plan to address these problems. You need to include dates on when you are going to get the jobs done. Also, I need you to contact me and let me know when you read water meters. I will come up there and read them with you, plan on getting them read in one day. If we can't get them done I will come back, but you said you had approximately 300 meters, me and another guy used to get 300 meters read before noon. I will contact DNR and see if they can come down and do an inspection with me some time at the end of April. You need to contact me and let me know what dates are good for you. My phone number is 573-522-2412.

Thank you,



Steve Loethen  
Utility Operations Technical Specialist  
Water and Sewer Department

1248 MIMOSA COURT  
PO BOX 150  
FORISTELL, MISSOURI 63348  
(636) 463 1441  
(FAX: 636 463 1000)

**WARREN COUNTY  
WATER & SEWER**

**Fax**

**To:** WESS HENDERSON  
WATER & SEWER

**From:** GARY L. SMITH



**Fax:** 573 751 1847

**Pages:** TWO

**Phone:**

**Date:** 5/15/00

**Re:** LETTER 3/20/00

**CC:**

☐ Urgent    ☐ For Review    ☐ Please Comment    ☒ Please Reply    ☐ Please Recycle

DUE TO MY EXTREME DISSATISFACTION WITH THE QUALITY OF SERVICE BEING PROVIDED BY THE STAFF AT THE MOPSC, I AM CONTACTING YOU DIRECTLY IN THE HOPE THAT THE WAR WE ARE FIGHTING DOES NOT ESCALATE. FOR THE RECORD, THE ENTIRE STAFF, WITH THE EXCEPTION OF JIM MERCEIL, COULD BE FIRED AND THE CITIZENS OF THIS STATE WOULD BE BETTER SERVED.

TO MAKE MY POINT, I WOULD POINT OUT THAT IN STEVE LOETHEN'S LETTER OF MARCH 20, 2000, HE STATES THAT "THE DOOR TO THE WET WELL IS A THIN PIECE OF PARTIALLY ROTTED PLYWOOD THAT I WOULDN'T STAND ON FOR FEAR OF FALLING THROUGH, ALSO, THERE IS NOTHING HOLDING THIS PLYWOOD IN PLACE WHICH ALLOWS IT TO BE OPENED OR POSSIBLY REMOVED".

FOR THE RECORD, TREATED 3/4" PLYWOOD COVERS THE TOP OF THE STATION. I HAD IT INSPECTED AFTER THE ABOVE LETTER AND LITTLE, IF ANY ROT WAS DETECTED. FURTHER, STEEL, APPROXIMATELY 5/8" THICK, COVERS THE WET WELL UNDER THE PLYWOOD. ALTHOUGH STATE BUREAUCRATS ARE SUBJECT TO FALLING THROUGH TREATED LUMBER, I CAN NOT CONTEMPLATE HOW ANY OVERWEIGHT BUREAUCRAT COULD FALL THROUGH SOLID STEEL OF THIS THICKNESS. FURTHER, THE

May 15, 2000

TREATED LUMBER IS HELD IN PLACE BY STEEL SCREWS THAT GO THROUGH THE LUMBER AND ARE ANCHORED INTO THE STEEL.

WHILE THE BALANCE OF THE LETTER MAY, OR MAY NOT, BE AS FRIVOLOUS, DUE TO FINANCIAL RESTRICTIONS IMPOSED BY THE MOPSC, I SIMPLY DUE NOT HAVE TIME TO DEAL WITH THESE SILLY COMPLAINTS.

FURTHER, WHEN THE STAFF CALLS, THEY HAVE "ANONYMOUS" COMPLAINTS WITH NO DETAILS. I WILL NO LONGER RESPOND TO SUCH COMPLAINTS WITHOUT DETAILED INFORMATION.

**I WILL FORMALLY RESPOND TO LOETHEN'S LETTER WHEN TIME PERMITS. HOWEVER, CONSIDERING HOW THE STAFF HAS MANAGED TO BANKRUPT THIS COMPANY, WE WILL NOT GO OUR OF OUR WAY TO RESPOND TO SUCH SILLY LETTERS.**



**Commissioners**

**SHEILA LUMPE**  
Chair

**HAROLD CRUMPTON**

**CONNIE MURRAY**

**ROBERT G. SCHEMENAUER**

**M. DIANNE DRAINER**  
Vice Chair

**Missouri Public Service Commission**

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

**BRIAN D. KINKADE**  
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Director, Administration

**DALE HARDY ROBERTS**  
Secretary/Chief Regulatory Law Judge

**DANA K. JOYCE**  
General Counsel

May 30, 2000

Mr. Gary Smith  
Warren County Water and Sewer Company  
1248 Mimosa Court  
Foristell, Missouri 63348

Dear Mr. Smith:

I am responding to the fax I received from you dated May 15, 2000, in which you complained about Mr. Steve Loethen of the Water and Sewer Department Staff.

I spoke with Mr. Loethen regarding the partially rotted plywood door at the wet well. He stated that you put hinges on the door and it is now locked. As I am sure you are aware, it is the responsibility of the Staff to bring to your attention any and all safety hazard or potential safety hazard they observe during an inspection. It is important that this door is secured and locked at all times due to the location and the potential for unauthorized people entering the wet well. I have instructed Mr. Loethen to continue to bring to the attention of any owner/operator all potential safety problems he observes during an inspection.

The Missouri Public Service Commission does not impose "financial restrictions" on regulated utilities. The only requirement for small utilities to request rate relief is a letter sent to the Commission. We have an informal rate procedure developed for small utilities such as Warren County Water and Sewer Company. If you will send a letter to the Commission stating the reason for the requested rate increase, the dollar amount requested, a statement that your PSC assessments are current, and your current annual report is on file, we will begin the small company rate process. You will be required to provide proper documentation for any expenses incurred by the company before it will be included in a proposed rate increase. If, at the end of the audit, there is proper documentation and justification for a rate increase the Staff will make its recommendation to the Commission.

If you have any further questions regarding this information, please contact me at (573) 751-7435.

Sincerely,

*Wess Henderson*  
Wess Henderson  
Director, Utility Operations

c: Dale Johansen  
Steve Loethen✓

**Attachment 1-5**



Commissioners

SHEILA LUMPE  
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHREINER

M. DIANNE DRAINER  
Vice Chair

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.ecodev.state.mo.us/psc/>BRIAN D. KINKADE  
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Director, Research and Public AffairsWESS A. HENDERSON  
Director, Utility OperationsROBERT SCHALLENBERG  
Director, Utility ServicesDONNA M. KOLLIS  
Director, AdministrationDALE HARDY ROBERTS  
Secretary/Chief Regulatory Law JudgeDANA K. JOYCE  
General Counsel

May 30, 2000

Mr. Gary Smith  
Warren County Water and Sewer Company  
1248 Mimosa Court  
Foristell, Missouri 63348

Dear Mr. Smith:

I am responding to the fax I received from you dated May 15, 2000, in which you complained about Mr. Steve Loethen of the Water and Sewer Department Staff.

I spoke with Mr. Loethen regarding the partially rotted plywood door at the wet well. He stated that you put hinges on the door and it is now locked. As I am sure you are aware, it is the responsibility of the Staff to bring to your attention any and all safety hazard or potential safety hazard they observe during an inspection. It is important that this door is secured and locked at all times due to the location and the potential for unauthorized people entering the wet well. I have instructed Mr. Loethen to continue to bring to the attention of any owner/operator all potential safety problems he observes during an inspection.

The Missouri Public Service Commission does not impose "financial restrictions" on regulated utilities. The only requirement for small utilities to request rate relief is a letter sent to the Commission. We have an informal rate procedure developed for small utilities such as Warren County Water and Sewer Company. If you will send a letter to the Commission stating the reason for the requested rate increase, the dollar amount requested, a statement that your PSC assessments are current, and your current annual report is on file, we will begin the small company rate process. You will be required to provide proper documentation for any expenses incurred by the company before it will be included in a proposed rate increase. If, at the end of the audit, there is proper documentation and justification for a rate increase the Staff will make its recommendation to the Commission.

If you have any further questions regarding this information, please contact me at (573) 751-7435.

Sincerely,

*Wess Henderson*  
Wess Henderson  
Director, Utility Operations

c: Dale Johansen  
Steve Loethen

*I assume you in Santa Claus.  
also believe to include at  
Ask your people to include at  
least come element of  
truth in their letters  
in the future.*



# Missouri Public Service Commission

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July 31, 2000

BRIAN D. KINCAID  
Executive Director  
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Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

To: Gary Smith  
Warren County Water and Sewer  
P.O. Box 150  
Foristell, MO 63348

From: Steve Loethen

Re: Information needed to complete annual inspection

Gary, here is a list of things I need from you to finish my inspection on 7/26/00:

# of customers on each treatment plant

*Plant 1 - 176  
Plant 2 - 114*

total # of customers on the sewer system; residential, commercial, mobile homes, apartments, other (pools, camp grounds, other users)

*290*

total # of customers on the water system; residential, commercial, mobile homes, apartments, other (pools, campgrounds, other users)

*300*

design capacity of each treatment plant (I have 40,000 gpd)

*correct*

gallons pumped in 99

*20,974,000*

electricity used in 99

*I have no idea - You guys read the meter*

sludge hauling records

*?? all I have are paid bills*

copies of any non-compliant sample records water & sewer

*check w/ DNR I don't know what you are asking*

how often do you visit your treatment plants, lift stations, well house

*daily*

do you keep track of the unaccounted for water (water pumped compared to water sold)

*yes*

do you keep complaint records

*yes*

Informed Consumers, Quality Utility Services, and a Dedicated Organization for Missourians in the 21st Century

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7/31/00

*W/O Attorney  
W/O Money*

I checked and we do not have a copy of your annual report, you will need to get an attorney to make a pleading for you to file your report late. I need to know when you are planning on turning that in? I also checked and you are behind on paying your annual assessments, you need to get them caught up. These things need to be done for you to be able to apply for a rate increase

Please respond to these request by the end of next week. If I don't have the inspection complete a month after it was done, Jim has us come out and do another inspection. If you need me to come by to get this information I can do this too. Give me a call if you have any questions or you need some help with anything 573-522-2412.

*We have been lied to by WTS staff  
since 1991 - your rate cases are  
a joke - Perhaps I could build  
in St. Joseph and money would be  
thrown this way.*

TOTAL P.03

Attachment 1-8





Bob Holden, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office  
9200 Warson Road, Suite 201  
(314) 301-7600  
FAX (314) 301-7607

### MEMORANDUM

DATE: March 6, 2002

TO: File

FROM: *Paul E. Mueller*  
Paul E. Mueller, Environmental Specialist  
DNR/DEQ/SLRO-CRSO

SUBJECT: Warren County Water and Sewer

The following is a summary of telephone calls, correspondences, and events concerning Warren County Water and Sewer Co. since January 14, 2002:

January 14, 2002 Call from Mr. Ken Cash complaining of a manhole overflowing from behind his house in the Shady Oaks development. Mr. Cash stated that the manhole had been overflowing since before Christmas and that Mr. Smith's men had looked at it and did nothing about it.

January 14, 2002 Surveillance by Paul Mueller found that the Warren County Water and Sewer lift station at Shady Oaks was not operating, the pump switches were off, and electrical components were missing. A discharge from the collection system was observed in three areas. (Camera didn't work)

January 14, 2002 Email to water pollution staff and Steve Loethen of Public Service Commission notifying them of the bypass at Shady Oaks and asking if anyone had been informed about the bypass (no one had been informed).

January 15, 2002 Returned to Shady Oaks, took pictures, and collected sample of overflow. Overflow observed leaving property.

January 15, 2002 Call from Kim Bolen/Ruth O'Neal, Office of Public Council, asking to be copied on correspondences and pictures.

January 15, 2002 Call from Vic Muschler, EPA-CID. Wanted updated information on bypass.

January 15, 2002      NOV #1764 sent for the bypass for failure to operate and maintain, and failure to report a bypass to the Department.

January 17, 2002      Fax received from Warren County Water and Sewer signed by Gary Smith reporting that a bypass started on January 14<sup>th</sup> or 15<sup>th</sup> and was repaired by January 17, 2002, with an estimated loss of 5000 gallons. (The number of homes in the development would have greater than 10,000 gpd sewage flow).

January 22, 2002      Set up composite sampler at Plant #1. Surveillance of Shady Oaks lift station found it still not operating.

January 23, 2002      Picked up composite sampler at Plant #1. Surveillance of Shady Oaks lift station found it still not operating.

January 29, 2002      NOV issued for permit violations, reported on sample report #0212951 for the sample collected on January 15, 2002.

January 30, 2002      Call from Steve Loethen that the Shady Oaks Lift Station was still overflowing on the 29<sup>th</sup> when he was there.

February 6, 2002      Set up composite sampler at Plant #2. Surveillance of Shady Oaks lift station found one pump operating, but not permanently wired and electrical box still had missing components.

February 6, 2002      Call from Ruth O'Neal; pictures received and wanted affidavit that I took and labeled the pictures.

February 7, 2002      Picked up composite sampler at Plant #2.

February 11, 2002      Memo sent to Ruth O'Neal explaining that the photos (Neg. #4447) were taken by me and labeled by me.

February 25, 2002      Still only one pump at Shady Oaks lift station and missing components in electrical box, which was partly open with a rope around it.

March 5, 2002      NOV issued for Plant #1 and #2 being out of compliance with their permits, based on the sample results from composite samples collected on January 23<sup>rd</sup> and February 7<sup>th</sup>. Also, cited only one pump and no means for emergency pumping at Shady Oaks lift station.

PEM/jh

c:      WPCP  
         Steve Loethen, PSC✓