

Exhibit No.:
Issue(s):
Witness/Type of Exhibit:
Sponsoring Party:
Case No.:

Various DNR Regulations
Weis/Surrebuttal
OPC & DNR
WC-2016-0252

SURREBUTTAL TESTIMONY

OF

BRENT WEIS

Submitted on Behalf of the Office of the Public Counsel
and Department of Natural Resources

MOORE BEND WATER UTILITY, LLC

CASE NO. WC-2016-0252

December 2, 2016

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

The Office of Public Counsel)	
)	
Complainant,)	
)	
vs.)	<u>Case No. WC-2016-0252</u>
)	
Moore Bend Water Utility, LLC,)	
Respondent.)	

AFFIDAVIT OF BRENT WEIS

STATE OF MISSOURI)
) **ss**
COUNTY OF COLE)

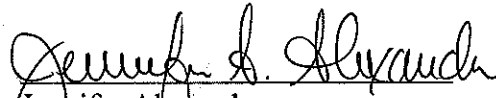
Brent Weis, of lawful age and being first duly sworn, deposes and states:

1. My name is Brent Weis. I am an Environmental Specialist for the Department of Natural Resources.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.



Brent Weis
Environmental Specialist

Subscribed and sworn to me this 1st day of December 2016.



Jennifer Alexander
Notary Public

My Commission expires:



JENNIFER A. ALEXANDER
My Commission Expires
February 22, 2020
Miller County
Commission #12268775

SURREBUTTAL TESTIMONY OF

BRENT WEIS

**IN THE MATTER OF THE COMPLAINT AGAINST MOORE BEND WATER
UTILITY, LLC WC-2016-0252**

DECEMBER 1, 2016

1 **Q: Please state your name for the record?**

2 A: Brent Weis

3 **Q: In what capacity are you testifying today?**

4 A: I am an Environmental Specialist for the Missouri Department of Natural Resources
5 (“DNR”) and have been in that position for the entire duration of the facts relevant to this
6 testimony.

7 **Q: What is the purpose of this surrebuttal testimony?**

8 A: In his rebuttal testimony, some of the factual claims raised by Mr. Brower are incorrect or
9 incomplete. The purpose of this surrebuttal is to address those claims.

10 **Q: On page 1 of his rebuttal testimony Mr. Brower states that Taney Co Water LLC is**
11 **one regulated public water system. Is this accurate?**

12 A: No. Ozark International Inc. is the parent company of both the Taney Co Water LLC-
13 Venice and Taney Co. Water LLC- Lakeway Public Water Supplies.

14 **Q: On page 3 of his testimony Mr. Brower alleges that he made all recommended**
15 **engineering improvements. To document this he attached a DNR ‘Report of Final**
16 **Inspection of Water Supply Improvements’. Does this mean the system is in**
17 **compliance?**

18 A: No. Even if all the required engineering improvements have been made, compliance
19 monitoring is still incomplete.

1 **Q: On page 3 of his testimony Mr. Brower alleges that he consulted with the DNR**
2 **before acquiring the Water Guard Analyzer system. Is this accurate?**

3 A: Not to my knowledge. Even if Mr. Brower did consult with someone at DNR, no
4 approval has been given for this system, nor will it be given until Mr. Brower can
5 demonstrate that the remote automatic monitoring device complies with all requirements
6 detailed in the EPA 'Method 334.0: Determination of Residual Chlorine in Drinking
7 Water Using an On-line Chlorine Analyzer'.

8 **Q: On page 9 of his testimony Mr. Brower alleges that none of the problems with E. coli**
9 **or total coliforms have recurred since he obtained the system. Is this accurate?**

10 A: No. During a February 4, 2016 site visit a sample collected from the distribution system
11 indicated the presence of total coliforms. This result was confirmed when 2 of 4 repeat
12 samples collected February 9, 2016 indicated the presence of total coliforms.

13 **Q: On page 13 of his testimony Mr. Brower alleges that the water from the Moore Bend**
14 **system is safe to drink without boiling. Is this accurate?**

15 A: DNR cannot yet conclude that this water is safe to drink without boiling. This system has
16 a history of E. coli. The presence of source water E. coli was confirmed during
17 assessment monitoring that took place from 12/2012-12/2013. Source water assessment
18 samples collected from Well #1 were E. coli present during January 2013, and March
19 2013 and Total Coliform present February 2013, April 2013, and July 2013. Samples
20 collected from Well #2 were Total Coliform present during June 2013. Despite treatment,
21 samples collected from distribution system were E. coli present during April 2013 and
22 Total Coliform present during February 2016.

1 In response to these bacteriological violations the public water system (PWS) was
2 required to install 4-log disinfection. This requirement was consented to in the
3 Administrative Order on Consent (AOC) # PDWB-2014-049. In accordance with
4 Missouri Safe Drinking Water Regulations and the AOC, groundwater systems that are
5 required to provide 4-log disinfection shall conduct compliance monitoring to
6 demonstrate treatment effectiveness. To date we have not received satisfactory
7 compliance monitoring data which confirms this PWS is achieving the required level of
8 disinfection.

9 **Q: On page 14 of his testimony Mr. Brower states that he did not know he had to**
10 **collect chlorine residual samples from both wells. Is this accurate?**

11 A: No. DNR has directed Mr. Brower to collect samples from both wells numerous times,
12 including: the April 2014 AOC; the November 24, 2014 ‘Report of Final Inspection of
13 Public Water System Improvements’ that Mr. Brower included as an exhibit in his
14 rebuttal testimony; and the June 23, 2016 email from DNR’s assistant general counsel to
15 Mr. Brower’s attorney. In relevant part, this email provides “60 day daily chlorine
16 residual monitoring: The required compliance reporting that has not taken place since
17 about January 2015 may be found in 10 CSR 60-4.025(4)(B)(3)(A)(II). Samples should
18 be taken from the Moore Bend Utility Well *Houses*, tested on site...”

19 **Q: On page 14 of his testimony Mr. Brower alleges that only now has DNR refused to**
20 **lift the Boil Water Order until a properly certified operator is retained to oversee**
21 **the water system. Is this accurate?**

22 A: No. This system is required to employ a properly certified operator, as are all other
23 regulated community public water systems. It is a violation of the Missouri Safe

1 Drinking Water Law and Regulations not to do so, as both myself and Darlene Helmig
2 testified in our direct testimony submitted on October 21, 2016. When DNR learned Ms.
3 Jean was no longer operating the system, DNR determined that - given the compliance
4 problems with this system - it would be inappropriate to lift the Boil Water Order until
5 the system is back in compliance. This includes employing a properly certified operator.
6 DNR has communicated this to Mr. Brower on more than one occasion shortly after
7 learning Ms. Jean was no longer operating the system.

8 **Q: On page 17 of his testimony Mr. Brower alleges that Moore Bend Water Utility has**
9 **compiled and submitted all necessary data to obtain DNR's approval of the remote**
10 **monitoring system. Is this accurate?**

11 A: No. Mr. Brower has begun submitting comparison logs in accordance with the EPA
12 Method 334.0 however we have not yet received enough data to make a final
13 determination on the effectiveness of the online analyzer to analyze chlorine residuals.
14 Mr. Brower shall continue submitting these logs and the accompanying verification
15 photos. DNR is working to schedule a site visit to examine the device and ensure it meets
16 all requirements detailed in the EPA Method 334.0 and the DNR's 'Minimum Design
17 Standards for Missouri Community Water Systems- effective Dec. 10, 2013'.

18 **Q: Does this conclude your testimony?**

19 A: Yes. It does.
20