

August 8, 2006

The Honorable Colleen M. Dale
Secretary / Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo. 65102-0360

FILED³
AUG 10 2006
Missouri Public
Service Commission

Re: Big Island Water & Sewer Company Inc.
Case No. WA -2006-0480

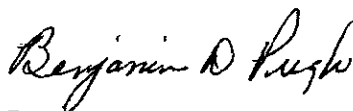
Dear Judge Dale,

Enclosed for filing in the referenced matter please find intervenors request that the commission deny the certification of the application of Big Island Water & Sewer Company, Inc.

Would you please bring this filing to the attention of the appropriate commission personnel.

Please contact me if you have any questions regarding this filing.

Sincerely yours,



Benjamin D. Pugh
1780 Big Island Drive
Roach, Missouri 65787

cc; Office of Public Counsel
General Counsel Office
Mark W. Comley
Charles E McElyea

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of
Big Island Water & Sewer Company, Inc.
for a Certificate of Convenience and
Necessity authorizing it to construct,
install, own, operate, control, manage,
and maintain a water and sewer system
for the public located in an unincorporated
area in Camden County, Missouri

Case No. WA-2006-0480

Re: Repeated construction without a State permit

Folsom Ridge has a record of violations dating back to 1998 when they installed 4600 feet of sewer and water pipes in the same trench without a permit. A construction permit was issued on January 5, 1999 but the improper installation practices continued throughout the installation of the systems. On January 12, 2004 the DNR under the supervision of Clinton Finn, (DNR Environmental Engineer) made test diggings and determined that the pipes were indeed installed in violation of the Missouri Clean Water laws.

The Settlement agreement dated April 23, 2004 between the Dept. of Natural Resources, Attorney General Office and Folsom Ridge was issued, for the purpose of bringing Big Island Subdivision into compliance with the Missouri Clean Water laws, to reinstall the water distribution lines and to comply with all the requirements of the construction permits.

The Settlement agreement was violated in 2005 by Folsom Ridge as per the June 28, 2005 Notice of Violation number 11210SW from the Dept. of Natural Resources; Referencing the Settlement agreement page 4 item 15 Folsom Ridge agreed to comply with all applicable Missouri water pollution and regulations in the future.

As in the year 1998, Folsom Ridge proceeded with pipe installations without a permit from the DNR. This violation occurred off island, west of Big Island on 160 acre owned by Folsom Ridge.

Despite Folsom Ridge's commitment on several occasions to the Big Island homeowners to leave the 160 off island acreage completely independent of the Big Island sewer and water systems, Folsom Ridge requested and received a construction permit (SWRO -1431) on February 3, 2006 issued by the Dept. of

Natural resources for the construction of this off island extension.

Permit requirements (particularly sewer and water permits) which can affect the health and welfare of the surrounding residents should be closely monitored and certainly no project should commence without approval of the governing agency such as has occurred on two occasions by Folsom Ridge. .

Over the past year, the Public Service Commission has received numerous documents from the complainants with violations by Folsom Ridge dating back to Folsom Ridge's arrival on Big island. Folsom Ridge has done nothing to warrant or justify being awarded certification in this case. Construction without permits is inexcusable especially while operating under a contract (Settlement Agreement) with the Attorney General Offices and the Dept of Natural Resources. I fear that the applicants respect for the authority of the Public Service Commission will be no different than what we have witnessed over the past seven years. The applicants have a new name, Big Island Water & Sewer Company Inc. but the same people are asking for certification.

Wherefore on behalf of myself and in the best interest of other intervenors, I request that the Commission deny the application of Big Island Water & Sewer Company, Inc.

Respectfully submitted,

Benjamin D. Pugh
Benjamin D. Pugh
Homeowner, Big Island

ENFORCEMENT ACTION REQUEST
WATER PROTECTION AND SOIL CONSERVATION DIVISION

DATE: August 9, 2005

TO: William Price, P.E., Chief, Public Drinking Water Compliance & Enforcement
Section, Public Drinking Water Branch

THROUGH: R. Bruce Martin, Regional Director
Southwest Regional Office

FROM: Clinton J. Finn, P.E., Chief, Drinking Water Engineering & Technical Assistance
Unit, Southwest Regional Office

The Southwest Regional Office is requesting enforcement action by the Public Drinking Water Branch on:

Folsom Ridge, L.L.C.
Big Island Subdivision
MO-3031265
Camden County
Sec 1 & 12, T38N, R18W
Mr. Reggie Golden

1. Brief description of violation:

While under a settlement agreement to replace the improperly constructed waterlines for Phase I of Big Island Subdivision, Folsom Ridge, L.L.C. caused or permitted construction, installation, or modification of community public water supplies without written authorization.

2. The violations that are documented by the file are as follows:

Missouri Safe Drinking Water Law Section 640.115.2 RSMo
Missouri Safe Drinking Water Regulation 10 CSR 60-3.010(1)(A)

3. To settle this issue, it is requested that the following action be taken:

- a. No further construction permits will be granted until the Phase I waterline relocation project is completed, a final inspection has been conducted by Southwest Regional Office engineering staff, and found to be in accordance with the approved plans and specifications.
- b. Consideration of Penalty Assessment for Construction Without a Permit.

Clinton J. Finn 8-9-05
Technical Review Date
R. Bruce Martin 8/12/05
Regional Director Date

Attachments:
Inspection Report/NOV

CAMDEN/PDWP
BIG ISLAND SUBDIVISION
MO-3031265
029.pdwp.BigIslandSubdivision.mo3031265.m.2005.08.09.5-06.var.x.cjf.doc

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