

Exhibit No.: _____
Issue(s): Lack of a Certified Operator
Witness/Type of Exhibit: Helmig/Direct
Sponsoring Party: OPC/DNR
Case No.: WC-2016-0252

DIRECT TESTIMONY
OF
DARLENE HELMIG

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

October 21, 2016

DIRECT TESTIMONY OF

DARLENE HELMIG

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

OCTOBER 21ST, 2016

Q: Please state your name for the record?

A: Darlene Helmig

Q: In what capacity are you testifying today?

A: I am the Chief of the Department's Operator Certification Section for the Missouri Department of Natural Resources ("DNR") and have been in that position for the entire duration of the facts relevant to this testimony. The section is responsible for certifying drinking water treatment, drinking water distribution, wastewater treatment and CAFO operators. I've worked in the Operator Certification Section for twelve years; five of which as the Section Chief.

Q: What is the interest of DNR in the above-described matter?

A: DNR has intervened in a complaint filed by the Office of Public Counsel ("OPC") against Moore's Bend Water Utility, LLC ("Moore's Bend" or "Company"). DNR has also enacted administrative actions against this Company as well and is at various points in that process as well.

Q: What is your specific concern about this Company?

A: Currently, the water system is operating without a certified operator. On April 19, 2016, due to multiple violations of Safe Drinking Water rules, Hollis H. "Bert" Brower Jr.'s drinking water distribution and drinking water treatment operator certifications were revoked by DNR.

Q: Are there any other certified operators working for the Company?

A: No, not that I know of. There was a time where the Company had employed a certified operator named Lori Jean. On August 4, 2016, Ms. Jean informed DNR that she would no longer do business with Mr. Brower and would not serve as the certified operator for Moore Bend. To date, the Company has not employed a certified operator to operate the Moore Bend system.

Q: Based on your experience and knowledge, what is the regulation being violated by the Company?

A: According to 10 CSR 60-14.010, the water system owner shall place the direct supervision of each water system under the responsible charge of a chief operator who shall possess a valid certificate equal to or greater than the classification of the water system. In order to become certified, a person must pass the state's certification exam for the type and level of certification they are seeking and meet the necessary training and experience requirements.

Q: Why is this so important?

A: It's important because the State of Missouri has to ensure a basic competence of knowledge before running a water system. The chief operator has overall responsibility for the day-to-day process decisions that directly impact the quality and quantity of drinking water being served to customers.

Q: Is this why Mr. Brower's certificate was revoked?

A: Yes. While performing his duties as a certified operator, Mr. Brower exhibited gross negligence, malpractice and incompetence in operating public water systems. Moore's Bend has been under a Boil Water Order ("BWO") for close to four years. We have not been able to receive reliable testing data from Mr. Brower for this entire time. His testing methods are not approved by DNR and the documentation he provides is simply inadequate. That is why his operator's certificate was revoked.

Q: Is it your opinion a water system can be operated without anyone working for that system without this certification?

A: No. The law requires this certification. Mr. Brower's certification was revoked because he failed to display the basic competence required.

Q: Has DNR received any indication that a certified operator will be hired in the foreseeable future?

A: No.

Q: Is it your opinion that a water system can provide safe and adequate services without a certified operator?

A: No, not reliably. The law requires a certified operator to run a water system as this shows someone has a basic understanding of the regulations. Neither Mr. Brower, nor anyone else who works for Moore's Bend, is qualified to serve as the operator of the system.

Q: How serious is the problem here at Moore's Bend?

A: There's been a BWO for nearly four years. People should not drink the water without boiling it. Without proper documentation that the disinfection system is working properly and there's a certified operator in responsible charge, the water quality is questionable and presents a public health risk to the customers.

Q: Does this conclude your testimony?

A: Yes. It does.