

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

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

DIRECT 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

October 21, 2016

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

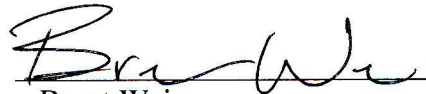
The Office of Public Counsel)	
Complainant,)	
)	
vs.)	<u>Case No. WC-2016-0252</u>
)	
Moore Bend Water Utility, LLC,)	
Respondent.)	

AFFIDAVIT OF BRENT WEIS

STATE OF MISSOURI)
) ss
 COUNTY OF COLE)

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

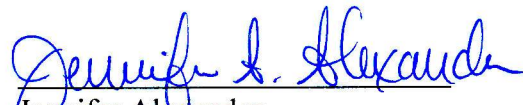
1. My name is Brent Weis. I am an Environmental Specialist for the Department of Natural Resources.
2. Attached hereto and made a part hereof for all purposes is my direct testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of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


 Brent Weis
 Environmental Specialist

Subscribed and sworn to me this 18th day of October 2016.



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


 Jennifer Alexander
 Notary Public

My Commission expires: *February 22, 2020*

DIRECT TESTIMONY OF
BRENT WEIS
IN THE MATTER OF THE COMPLAINT AGAINST MOORE BEND WATER
UTILITY, LLC WC-2016-0252
OCTOBER 21ST, 2016

Q: Please state your name for the record?

A: Brent Weis

Q: In what capacity are you testifying today?

A: I am an Environmental Specialist 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. I have also attached a copy of my CV and training logs, which are marked as OPC BW DIR “1” (a) and (b).

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 Bend Water Utility, LLC (“Moore 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: This Company has failed to provide a testing method for water samples that complies with DNR regulations nor have they produced sixty days of proper water samples in order to lift the Boil Water Order (“BWO”) that the Department issued near four years ago. The Company has failed to submit certification that customers have received monthly notification of the ongoing BWO and has failed to perform Public Notice for accrued violations. The Company does not employ a certified operator to operate this system. The Company has failed to provide documentation demonstrating that there is a backflow prevention device at the service connection serving K Dock Marina. The Company has failed to submit any valid compliance monitoring worksheets that would demonstrate that the company has conducted the daily water quality monitoring that is required at Moore Bend. Finally, the Company has failed to comply with previous administrative orders addressing these violations. OPC BW DIR “2”

There are a number of cases referenced in the Administrative Order, attached as OPC BW DIR “3” and corresponding documents are found in attachments labeled Documents verifying these violations not already testified are attached as OPC BW DIR “4”, OPC BW DIR “5”, OPC BW DIR “6”, and OPC BW DIR “7”.

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

A: According to 10 CSR 60-5.010(5), a water system must use a testing system approved by DNR. The water system in this case does not use a testing method approved under this regulation. Further, the testing samples we are receiving from this system are incomplete to the extent we cannot begin to lift the BWO that's been issued.

The Company failed to conduct compliance monitoring in accordance with 10 CSR 60-4.025(1)(C)6 and 4.025(4)(B)3.A.

The Company failed to perform Public Notice of the ongoing BWO in accordance with 10 CSR 60-8.010(2)(A)(2)(I).

The Company failed to demonstrate that a backflow prevention device is installed on the service connection serving K Dock Marina as directed in Administrative Order on Consent No. PDWB-2014-049 in violation of 10 CSR 60-4.080(5)

The Company failed to certify completion of Public Notice in accordance with 10 CSR 60-7.010(10).

The Company failed to comply with Administrative Order on Consent No. PDWB-2014-049 in violation of 10 CSR 60-4.080(5) and OPC BW DIR "3"

Q: Why is this so important?

A: It's important because the DNR administers the Missouri Safe Drinking Water Law, sections 640.100, RSMo, et seq. If the Company does not employ a certified operator and does not meet the monitoring requirements of the Missouri Safe Drinking Water Law, the Company is violating the Missouri Safe Drinking Water Law, the purpose of which is to ensure a safe and adequate supply of drinking water.

Q: What precisely is the testing method used by the Company?

A: Currently, residual monitoring is performed by an online chlorine analyzer as opposed to being performed by a department approved individual on-site. 10 CSR 60-5.010(5) requires this analysis be performed in accordance with EPA approved methodologies, specifically, EPA Method 334.0 for online chlorine analyzers. This EPA method requires the accuracy of the online analyzer be verified by performing a side by side comparison to a monitoring device that uses an approved EPA methodology.

Q: What is wrong, precisely, with the samples being provided to DNR?

A: We have only received compliance monitoring data from Well #1 only. Compliance monitoring is required of all wells that provide 4-log disinfection for the purpose of ensuring the effectiveness of this treatment. We have requested compliance monitoring data from Well #2 numerous times.

Q: Does the Company currently employ a certified operator to operate the Moore Bend system?

A: No.

Q: Will the Company be able to have the BWO lifted without a certified operator?

A: No. Even if we get adequate test results using approved methods, if there is no certified operator in place.

Q: Has DNR received any indication that a new method of testing will be employed by Moore Bend?

A: No. Not only that but have we been told Bert Brower, the owner, believes it is adequate despite being told numerous times DNR does not approve of the method.

Q: Is it your opinion that a water system can provide safe and adequate services without a proper testing method?

A: No. The law requires approval by DNR for the testing systems used. Without proper testing, there is no way of knowing safe and adequate services are being provided.

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

A: There's been a BWO for nearly four years. People should not drink the water without boiling it. Yet they are still paying their water bill every month while not being able to use it. Mr. Brower has disregarded the rules and regulations of DNR and the Commission.

Q: Have there been other violations of DNR regulations Mr. Brower and his companies has committed in the past?

A: Yes. Mr. Brower or his companies own 7 Public Water Systems. The most recent Notice of Violation for each of these systems is attached hereto. In addition, DNR has issued an administrative order regarding one of these systems, Taney County Water, LLC – Venice. Those documents are attached. See OPC BW DIR “8”. Further, DNR has developed a timeline of issues involving Mr. Brower’s systems that I wish to incorporate into this testimony and attached as OPC BW DIR “9”.

Q: Does this conclude your testimony?

A: Yes. It does.

Curriculum Vitae Brent Weis

Education

Bachelor of Arts in Environmental Studies
University of Missouri- Kansas City, December, 2012

The multi-disciplinary approach at UMKC allowed me to experience a wide range of coursework including:

- Environmental Resource Management and Economics
- Hazardous Waste Management- provided an understanding of state and federal environmental regulations.
- Geographic Information Systems – experience with ArcGIS
- Ecotoxicology- provided an understanding of the human health impacts of environmental contaminants.
- Geophysics- included field experience conducting and interpreting Ground Penetrating Radar and Electrical Resistivity Surveys
- Writing Intensive Coursework-experience in both technical and academic writing
- Urban Planning and Design

Johnson County Community College, December 2010

The Environmental Science coursework at JCCC allowed hands on experience in

- The collection and laboratory analysis of environmental samples
- Conducting Biodiversity Surveys
- Experience managing restored prairie lands and rain gardens
- Conducting Bioassays

Relevant Employment History

Missouri Department Of Natural Resources Public Drinking Water Branch- Compliance and Enforcement Specialist I / II / III Jefferson City, Mo.	October 2013-Present Environmental
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- Develop a thorough knowledge of State and Federal regulations pertaining to public drinking water systems.
- Work directly with public water systems to correct violations of State and Federal regulations.
- Establish and maintain working relationship with various State and Federal agencies.
- Provide technical assistance to public water systems.
- Negotiate Administrative Orders and other formal enforcement agreements with regulated public water supplies to resolve issues of regulatory non-compliance.
- Track and enforce compliance regarding notice of significant deficiencies, operator certification status, illegal well agreements, and permits to dispense statewide.
- Track and enforce compliance regarding triggered assessments and associated corrective actions as required by the Revised Total Coliform Rule.

- Maintain Safe Drinking Water Information Database.
- Back- up to Public Notice Coordinator and share responsibility for maintaining an up to date Boil Water Order Map.
- Work with the Missouri Office of Attorney General on court cases against public water systems.
- Attend meetings with drinking water system officials to discuss drinking water issues and non-compliance.
- Travel throughout the state to conduct business on behalf of the Department.

References

Lance Dorsey
Missouri Department of Natural Resources, Compliance and
1101 Riverside Dr. Jefferson City, MO 65109
(573) 751-6982

Patrick Vavra
Missouri Department of Natural Resources, Compliance and Enforcement Section Chief
1101 Riverside Dr. Jefferson City, MO 65109
(573) 751-1606

Certifications

Missouri Department of Natural Resources- Public Drinking Water Program Certificate
of Competency- Distribution Level I Operator- Certification #13470

Trainings

DNR Water Distribution Operator Certification Class- April 2014

NACT 335- Principles of Environmental Compliance and Monitoring- May 2014

12th Annual US EPA Drinking Water Workshop- Small Drinking Water Systems:
Challenges and Solutions- August 2015

TRAININGS

-----2013-----

Radionuclides and Disinfection	TEEX	10/8/2013
Disinfection byproducts & Chloramination	TEEX	10/9/2013
New Employee Orientation Training	Site	10/22/2013-10/23/2013
Reduction of Lead in Drinking Water- Fire Hydrants	Webinar	11/25/2013
RTCR: Requirements for groundwater systems	Webinar	12/10/2013-12/12/2013

-----2014-----

CCR 101	Webinar	1/23/2014
CCR Electronic Delivery	Webinar	1/30/2014
Identifying and Addressing Raw Water Ammonia	Webinar	2/5/2014
EPA revised total coliform rule- state primacy requirements	Webinar	2/25/2014-2/27/2014
Responsible Party Search Fundamentals	Webinar	3/4/2014
RTCR: Expanding on Level 1 and 2 Assessments and Corrective Actions	Webinar	3/19/2014-3/20/2014
6 Day Water Distribution Certification Class	Site	4/1,4/2,4/8,4/9,4/15,4/16
RTCR for Groundwater Systems	Webinar	4/22/2014-4/24/2014
NACT 335: Principles of Environmental Compliance and Monitoring	Site	5/13/2014-5/15/2014
Identifying the Gaps in Understanding the Benefits and Costs of Boil Water Advisories	Webinar	6/12/2014
2014 RO-CO	Site	6/23/2014-6/25/2014
Civil Rights and Diversity Training	Site	7/16/2014
Compliance Inspection Training	Site	9/23/2014-9/24/2014
Missouri American Water Rate Training/ Presentation	Site	10/20/2014
Ebola Response Teleconference	Webinar	10/24/2014
Preparing for Ebola in the Water Sector	Webinar	11/6/2014
New Technology to Reach and Regulate Non-Community Water Systems	Webinar	12/2/2014

2015

CWA- SDWA Toolkit Intro	Webinar	2/3/15
Safe Drinking Water Act Dashboard	Webinar	2/11/15
Practical Kinesic Interview and Interrogation (2d)	Site	3/31/15 & 4/2/15
Regulation Basics: Surface Water Treatment Rule	Webinar	4/23/2015
SDWIS/State 3.3 RTCR Assessment and Sanitary Defects Compliance Decision Support	Webinar	5/5/2015
Ground Water Rule	Webinar	5/14/2015
HABs Guidance Webinar for States	Webinar	6/22/2015

Monitoring and Responding to Nitrification in the Distribution System	Webinar	6/30/2015
Emerging Pathogens in Distribution Systems and Premise Plumbing	Webinar	7/7/2015
You are the Key to Security (securityMentor)	Online	7/15/2015
MU Disinfection Byproducts Presentation	Site	7/27/2015
2015 RO-CO Conference	Site	8/4/15-8/6/15
Keeping your Office Secure (securityMentor)	Online	8/13/2015
ORD Small Systems Workshop- Cincinnati	Site	8/25/15-8/27/15
Don't let your Computers Defenses Down (securityMentor)	Online	9/10/2015
Treatment for Common Secondary Maximum Contaminants	Webinar	9/30/2015
How Secure are your Passwords (SecurityMonitor)	Online	10/8/2015
Be An Email Detective (SecurityMentor)	Online	11/13/2015
The Wild, Wild, Web (SecurityMentor)	Online	12/24/2015

2016

You're Being Phished(SecurityMentor)	Online	1/14/2016
Protecting Information(SecurityMentor)	Online	2/16/16
NRWA introduction to sustainable utility mgmt. for small and rural water and wastewater systems	Webinar	2/18/2016
EPA Webinar on CCR reports: Electronic Delivery and Best Practices	Webinar	2/23/2016
Mobile Devices- The Future is Now (securityMentor)	Online	3/10/2016
GEC- RTCR SDWIS training	Online	3/11/2016
AWWA- Flint and Lead: The Water-Public Health Connection	Webinar	3/16/2016
EPA webinar on POU/POE	Webinar	3/29/2016
What is driving increased adoption of FRP in N. America (WWD)	Webinar	3/31/2016
Flint Michigan Webinar- Public Health's Legal Authority and Safe DW	Webinar	4/5/2016
Fight Summertime DBP's with In-Tank Aeration (WWD)	Webinar	4/14/2016
EPA Webinar on Lead and Copper Rule: Optimal Corrosion Control Treatment Evaluation	Webinar	4/14/2016
When is a friend not a friend (SecurityMentor)	Webinar	4/14/2016
EPA Webinar on Transition to the Revised Total Coliform Rule	Webinar	4/28/2016
Managing and Avoiding Nitrification with Mixing and Disinfectant Control	Webinar	5/5/16
Public Wifi: Be Careful Out There (SecurityMentor)	Online	5/12/2016
EPA's Lead and Copper 101: Part 1 of 3	Webinar	5/18/2016
Improving Chlorine Levels in the DS Without Blowing DBPs	Webinar	5/19/2016
Recognize and Report Security Incidents (SecurityMentor)	Online	6/9/2016
EPA Webinar on DBP regulatory issues and solutions	Webinar	6/14/2016
Eliminating Nitrification in Chloraminated Water Systems	Webinar	6/23/2016
Revised Total Coliform Rule (RTCR) for Small Systems	Webinar	6/28/2016
Don't let your trash become someone else's treasure (SecurityMentor)	Online	7/15/2016
Lead and Copper: Sampling and Water Quality Challenges	Webinar	7/26/2016
Operator Basics: Storage and Distribution	Webinar	8/3/2016
Around the Block or the World: Travel Securely (SecurityMentor)	Online	8/11/2016
2016 ROCO	Site	8/31-9/1

Keep Water Storage Tanks Ice Free this Winter	Webinar	9/8/2016
EPA Perfluorinated Chemicals: Analytics, Occurrence, and Treatment	Webinar	9/27/2016
EPA Navigating the Revised Total Coliform Rule	Webinar	9/28/2016
Green Chemistry, Safer Choices	Webinar	10/12/2016
EPA Legionella Control in Large Building Water Systems	Webinar	10/25/2016
Privacy- More Important than Ever	Webinar	10/27/2016