

REBUTTAL TESTIMONY
OF
Benjamin D. Pugh
CASE NO.WC-2006-0082 & WO-2007-0277

1 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. Benjamin D. Pugh. I reside at 1780 Big Island Dr., Roach, Missouri 65787,

3 **Q BRIEFLY, WHAT IS YOUR EMPLOYMENT BACKGROUND?**

4 A. 4 years in the US Navy and 33+ years with Trans World Airlines (Lead Electrician)

5 **Q. WHAT IS YOUR INTEREST IN BIG ISLAND?**

6 A. My wife and I have been property owners on Big Island for 44 years. We have been full time
7 residents since my retirement in 1986 . I am very concerned that the growth of Big Island be a
8 responsible and safe growth for its residents. I filed a formal complaint case # WC 2006 0090
9 along with 8 other homeowners, against Folsom Ridge LLC owning and operating Big Island Home
10 Owners Association (BIHOA).Due to the death of one of the complainants Mr. Duane Stoyer,, there
11 are now 8 complainants combined under case # WC-2006-0082. The Big Island Sewer and Water
12 Systems need to be regulated by the Public Service Commission as each user is a customer only and
13 it requires no membership. There are some of the existing homeowner who have commitments and
14 agreements with Folsom Ridge which date back to 1998 . Being members or owners of a sewer or
15 water system was never a requirement for the right to connect to the systems. A 393 Not for Profit
16 Corp. as proposed by some Big Island homeowners does not resolve the membership problem,
17 because membership would be imposed as an additional and conditional requirement to be able to
18 receive service. The liabilities associated with this utility system would also be imposed through
19 the membership requirement and utility ownership by it's members.

20 **Q. WHAT IS YOUR REASON FOR YOUR REBUTTAL TESTIMONY?**

1 A. To express to the commission the importance and necessity of proper installation practices for
2 service lines as well as main lines. Contamination can be caused by service lines as well as main
3 lines. Mr. MacEachen (DNR Chief of Enforcement, Clean Water Section) in his testimony stated
4 that the most common cause for cross contamination is due to excavators digging into both the
5 wastewater line and potable water line with their equipment. A minimum separation of 10 foot
6 between the wastewater and water lines reduces the possibilities of that happening. Engineered
7 approved drawings should be provided to indicate the placement of the service lines.

8 **Q. DID YOU TAKE THE PICTURES OF THE BLUE FLEX PIPING IN EXHIBIT 63 OF**
9 **THIS CASE?**

10 A. Yes, I was the person that took the pictures in exhibit 63 including those of the blue flex piping.

11 **Q. WHY DID YOU INCLUDE THE PICTURES OF THE BLUE FLEX TUBING IN**
12 **THIS EXHIBIT?**

13 A. The connection between the existing I inch pvc pipe and the blue flex piping is directly over the
14 wastewater main. This perpendicular crossing of the water service line over the main wastewater
15 has the same risk of contamination as if the service line were a main. A wastewater or potable
16 water system are equally dependent on service lines as well as main lines to provide the services to
17 the customer to receive clean water or extracting wastewater to the filterbeds. Engineer Dave
18 Krehbeil in his construction drawings included a drawing of two mains crossing perpendicular to
19 each other with a 20 foot sleeving centered over the mains. This crossing of the blue flex piping
20 service line perpendicular to the wastewater main is more of a health risk than the two mains in his
21 drawing since this crossing has a coupling above the wastewater main. . The fact that the DNR has
22 no jurisdiction over the service lines is immaterial to the health risk in this installation.

1 Q. ON PAGE 4, LINE 22 , DID MR. CROWDER REFER TO THE LIME DUST BEDDING
2 USED TO COVER THE NEW LINE.?

3 A. Yes, he refers to covering the line;but the regulations require bedding under the pipe as well.

4 Q. DOES FOLSOM RIDGE HAVE OBLIGATIONS TO INSTALL SERVICE LINES WITH
5 THE SAME HEALTH CONCERNS AS THEY HAVE WITH THE MAIN LINES?

6 A. Yes they do, as per Mr. Crowders own statement in his Direct Testimony. On Page 2, line 5 through
7 8, Mr. Crowder states “ On a daily basis I monitored and inspected the work done by the contractor,
8 Kenny Carroll Excavating Inc., which was also responsible for installing new water system service
9 lines for each residence along the course of the replacement line.“

10 Q. MR. PUGH, WERE THE EXHIBITS YOU PRESENTED TO THE COMMISSION FOR
11 THIS CASE THE ONLY QUESTIONABLE SERVICE LINE PROBLEMS ON BIG
12 ISLAND?

13 A. No, there are many instances on Big Island that do not comply with the regulations to separate the
14 wastewater from the potable water by the minimum 10 foot requirement by the DNR and National
15 codes. Most of the cases I’m referring to have no space limits to interfere with compliance to the
16 required 10 foot separation.

17 Q. MR. PUGH, WERE YOU PRESENT IN THE HEARING DURING THE TESTIMONY OF
18 JOHN MACEACHEN, ENVIRONMENTAL SPECIALIST (DNR CHIEF OF
19 ENFORCEMENT ,CLEAN WATER SECTION) AND DO YOU HAVE ANY
20 COMMENTS ABOUT HIS TESTIMONY RELATED TO THE BLUE FLEXIBLE PIPING?

1 **A.** Yes, I was present at the hearing. I also have been party to several meetings with Mr. MacEachen
2 and I have found him to be a very credible representative of the DNR. I agree with Mr. MacEachen
3 that the blue piping appears to be laying on rock which could penetrate the blue tubing.

4 **Q.** **DO YOU HAVE ANY COMMENTS RELATED TO THE WARRANTY OF THE BLUE**
5 **FLEX PIPE?**

6 **A.** Yes. As per schedule 2 enclosed with Mr. Crowder's testimony, the pipe warranty is not
7 transferable. Therefore it appears the 393 Not For Profit Corp. would have no warranty on this
8 piping.

9 **Q.** **DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

10 **A.** Yes.