

FILED²

APR 02 2007

**Missouri Public
Service Commission**

Exhibit No.:

Issue:

Witness:

Sponsoring Party:

Case No.:

Systems features and
capacity

Compliance with regulatory
and engineering standards

David G. Krehbiel

Folsom Ridge LLC and Big
Island Homeowners Water
and Sewer Association, Inc.

Case No. WO-2007-0277

Joined for hearing with

Case No. WC-2006-0082

FOLSOM RIDGE LLC
AND BIG ISLAND HOMEOWNERS WATER AND SEWER ASSOCIATION, INC.

Case No. WO-2007-0277

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REBUTTAL TESTIMONY

OF

DAVID G. KREHBIEL

Camdenton, Missouri
February, 2007

Folsom
Ridge Exhibit No. 15
Case No(s). WO-2007-0277
Date 2-28-07 Rptr *f

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI


In the matter of the Application of)
Folsom Ridge LLC and Big Island)
Homeowners Water and Sewer Association,)
Inc. for an order authorizing the transfer) Case No. WO-2007-0277
and Assignment of Certain Water and)
Sewer Assets to Big Island Water)
Company and Big Island Sewer)
Company, and in connection therewith)
certain other related transactions.)

AFFIDAVIT OF DAVID KREHBIEL

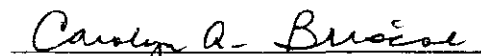
STATE OF MISSOURI)
) ss.
COUNTY OF CAMDEN)

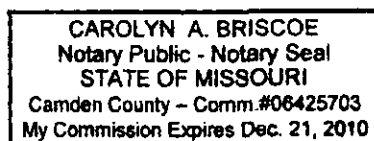
I, David Krehbiel, of lawful age, and being duly sworn, do hereby depose and state:

1. My name is David Krehbiel. I am a consulting engineer for Krehbiel Engineering, Inc.
2. Attached hereto and made a part hereof for all purposes is my rebuttal testimony.
3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my personal knowledge, information and belief.


David Krehbiel

Subscribed and sworn to before me, a Notary Public, this 15th day of February, 2007.


Notary Public



1 conditions must be considered--and both DNR and professional engineers
2 understand this. Additionally, refer to my direct testimony at page 5, line 20.

3

4 Q. On page 5 of his testimony, Mr. Pugh discusses the minimum distance
5 between a public water supply and wastewater treatment plants. He claims
6 that the Big Island facilities are not in compliance with applicable
7 regulations. Were the Big Island well and the wastewater treatment plant
8 designed, constructed and separated in accordance with regulation?

9 A. Yes. Mr. Pugh refers to a Missouri Department of Health schedule but it is
10 unclear when that chart was, or is still, effective. The regulation which I consider
11 superior to the Department of Health is the one I referred to in my direct
12 testimony, DNR regulation 10 CSR 20-8.020 (11) (A) 3. That regulation applied
13 to the construction of the facilities. To repeat, the well and the wastewater
14 treatment system on Big Island are separated by more than 100 feet. In fact, the
15 well structure and the discharge point for the treatment plant effluent are
16 separated by more than 300 feet. As Mr. Pugh admits, the design and the
17 construction of these facilities was approved and accepted by DNR. I know of no
18 citation by any health agency as to the location of the well and wastewater
19 treatment facility. The facilities are in compliance with the DNR Design Guide
20 and again, are otherwise compliant with applicable engineering standards.

21

22 Q. On pages 5-7 of Mr. Pugh's rebuttal testimony he lists what he believes are
23 notices of violation issued by DNR. Have you compared his list with Ms.

1 **Brunk's testimony on the same subject and has she set out the enforcement**
2 **history correctly?**

3 A. Yes, I believe she has. Mr. Pugh appears to raise matters in his testimony which
4 are not notices of violation of DNR regulations. On page 5, the item he identifies
5 as "1." was a violation review and involved the circumstances which led to a
6 notice of violation respecting water and sewer lines sharing the same trench.
7 The item he marks as "3." is a Camden County road and bridge matter unrelated
8 to DNR regulations. The disposal of the roofing material referred to in item "4."
9 on page 7 is a solid waste disposal issue, not a water quality issue. Mr. Pugh
10 claims that the developer violated a section of the Settlement Agreement, which
11 Ms. Brunk has attached to her testimony, but my understanding is that DNR has
12 closed out the Settlement Agreement as having been fully complied with. Under
13 "6." Mr. Pugh reports on an inspection done by DNR none of which involve
14 notices of violations but rather matters observed in the field, all of which were
15 rectified to DNR's satisfaction and concern minor issues unrelated to the core
16 operation of the water and sewer systems on the Island. The item marked as "7."
17 involved a mistake on the part of the construction crews. That error is explained
18 in Ms. Brunk's testimony. The matter was resolved. Under the item marked "8."
19 Mr. Pugh raises four purported violations of regulations but these are not "notices
20 of violation" under DNR procedures. Mr. McDuffey in his separate surrebuttal
21 will address three of them. As for the fourth, marked as "d." that is a duplicate of
22 the notice of violation Mr. Pugh identified as "7." and which I just explained.

1 Q. Does this conclude your rebuttal testimony?

2 A. Yes.