

Exhibit No.: _____
Issue: Systems Operations and
Management
Witness: Michael T. McDuffey
Sponsoring Party: Folsom Ridge LLC and Big
Island Homeowners Water
and Sewer Association, Inc.
Case No.: Case No. WO-2007-0277
Joined for hearing with
Case No. WC-2006-0082

FILED²

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Missouri Public
Service Commission

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

REBUTTAL TESTIMONY

OF

MICHAEL T. MCDUFFEY

Camdenton, Missouri
February, 2007

Folsom
Ridge Exhibit No. 18
Case No(s) WC-2006-0082, WO-2007-0277
Date 2-28-07 Rptr tt

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 MICHAEL T. MCDUFFEY


STATE OF MISSOURI)
) ss.
COUNTY OF CAMDEN)

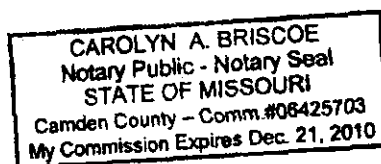
I, Michael T. McDuffey, of lawful age, and being duly sworn, do hereby depose and state:

1. My name is Michael T. McDuffey. I am presently Chief Operator and Senior Advisor for Lake Ozark Water and Sewer L.L.C.
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.


Michael T. McDuffey

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


Notary Public



1 Q. Mr. Pugh on page 4 of his testimony states that only one home on the
2 causeway has a shut off valve. Do you believe this to be the case?

3 A. No. There are shut off valves for each home on the causeway, not just the one
4 Mr. Pugh identifies in his testimony. Instead of being in an upright, the valves are
5 probably buried and a qualified plumber would be able to locate them. I have
6 confirmed that shut off valves are installed for each home on the causeway.

7

8 Q. Do you have any comments about Mr. Pugh's statements on page 4 about the
9 relocated water main and its relationship to the location of the sewer main.

10 A. Mr. Krehbiel will be discussing this in his separate rebuttal testimony.

11

12 Q. On page 4 of his testimony, Mr. Pugh discusses water that accumulated in a
13 trench dug by Mr. Duane Stoyer in April of 2001. He also states that the
14 water was contaminated. Will you tell the Commission about your
15 involvement in this matter?

16 A. I am attaching as MTM Schedule 1 a memo I prepared to Mr. Golden of Folsom
17 Ridge about Mr. Stoyer's trench and the water that was found there and how my
18 office worked toward eliminating the water from accumulating again. That is an
19 accurate version of the events. But Mr. Pugh is incorrect in calling the water
20 "contaminated" or "polluted" as he does in his testimony. The water sample
21 taken from Mr. Stoyer's trench showed 10,909 fecal colonies per 100 ml but this
22 amount of fecal coliform means that the water is not raw sewage. At that level
23 the water might be normal runoff. Fecal coliform occurs naturally in the ground.

1 The origin of the water is still somewhat of a mystery but it definitely did not
2 come from a septic tank, and if it came from the treatment plant at Big Island, it
3 was treated wastewater within DNR effluent standards—it would have been
4 chlorinated. If Mr. Stoyer's health was affected in any way, it was not from the
5 water in the trench he dug or the water treated and discharged from the treatment
6 plant. Mr. Stoyer did have his own septic tank and it was not connected to the
7 regional treatment system.

8
9 **Q. On page 6-7 of his testimony, Mr. Pugh gives a run down of what he refers to**
10 **as a "series of violations" of the Missouri Safe Drinking Water Regulations.**
11 **Are these notices of violation?**

12 **A. No, they were not. These are four unsatisfactory features that were listed in a**
13 June 28, 2005 report of inspection of the facilities. The first and third –
14 subparagraphs a. and c. on page 7 of Mr. Pugh's testimony - - involve a failure to
15 collect routine samples from the water system and development of a written
16 coliform bacterial sample siting plan. These items were unfounded. My
17 laboratory regularly collected the samples required and had submitted the sample
18 siting plan to DNR on a timely basis. DNR had misplaced the records of the
19 sampling and the sampling siting plan.

20
21 Regarding the second feature, ---subparagraph b on page 7, which respects
22 dispensing water without a written permit, it is true that none had yet been applied

1 for. That permit was applied for on July 22, 2005. We are still waiting on the
2 permit to be issued. This permit is not a priority for DNR.

3
4 As for the fourth mentioned in the report, --subparagraph d. on page 7 of Mr.
5 Pugh's testimony --- that is a duplicate of the notice of violation received when
6 construction crews started work under the mistaken belief that plans, which were
7 on file at DNR, had already been approved. Mr. Krehbiel will address this in his
8 testimony.

9
10 DNR noted two design guide deficiencies in the June 28, 2005 report, one of
11 which was to "paint the exterior of the well casing," but this and the other
12 recommendation (install meters on the service connections) were not mandatory.

13
14 **Q. Have any of the unsatisfactory features noted in the June 28, 2005 report**
15 **resulted in enforcement action by DNR?**

16 **A. No. Each has been rectified to DNR's satisfaction.**

17
18 **Q. Does this conclude your rebuttal testimony?**

19 **A. Yes, it does.**

LAKE OF THE OZARKS WATER & SEWER, INC.

Wastewater and water specialists

840 Thunder Mountain Road
Camdenton, Mo. 65020

Phone 573 346-2092
Fax 573 346-4676

TO: Reggie Golden
Big Island Subdivision

FROM: M.T. McDuffey

DATE: July 16, 2001

RE: "Stoyer Springs"

This is just a note to keep you informed of the events at "Stoyer Springs."

July 5: I received a call from Ken Carroll that the valve area across from Stoyer's home was wet. I arrived on the location of the wet spot to find Mr. Stoyer hand digging in area. Water was flowing in the area at this time.

July 6: Ken Carroll exposed Southwestern Bell Conduit at the fresh water line near Stoyer's property. Water was flowing from the conduit. Camden County Wastewater took a fecal sample from the Stoyer sewer vault.

July 9: Camden County Wastewater took another fecal sample. The results from the first sample were inconclusive.

July 10: The results from the fecal sample indicated the presence of wastewater.

July 12: We installed a 90° fitting on the Southwestern Bell Telephone conduit to bring the water flow out of the hole. We closed the hole at this time. (Water was flowing through the pipe within 30 minutes.) The backhoe was moved to an area near the wastewater treatment plant and used to expose the sewer line on the west side of the road. Fresh water was in the hole at the sewer line. The backhoe was moved across the road and used to expose the fresh water line and the Southwestern Bell Telephone conduit. A hole was drilled in the conduit to check for water flow. No water was flowing in the conduit. We put fluorescent dye in the hole at the sewer line.

July 13: The dye was showing in the culvert at Stoyers. We cut the Southwestern Bell Telephone conduit at the wastewater treatment plant and capped both ends and closed the hole. The hole with the dye was closed. We began digging at the wastewater treatment plant and found a hole in the discharge line from the wastewater treatment plant (the line between the chlorinator and the chlorine retention tank). It appears as if a stake was driven through the 4" schedule 40 line, and a rubber boot was installed to repair the break.

05:13P Michael T. McDuffey

573 346 2092

P.03

The repair was inadequate to stop the water from leaking through. Ken Carroll has photos of the described conditions.

July 16: "Stoyer Springs" appears to be drying up. There was no water flow through the Southwestern Bell Telephone conduit at this time.

We have provided Jennifer at the Camden County Wastewater Department and John Fraga of the Missouri Department of Natural Resources with this information.