

Danny Lee Ellis

October 2, 1949 -- September 5, 2001

By: Amy L. Swann, Director - PSC Water & Wastewater Division

Three years ago, I sat at my computer writing a column I thought I would never have to write. Now, I find myself in exactly the same situation. For those of you who did not already know, Danny Ellis died on September 5, 2001. He had an embolic stroke on Sunday, September 2, 2001 at home. He had improved somewhat by Tuesday, but then worsened through the night and died on the evening of September 5, 2001. He is survived by his wife, Becky and his two children, Cassie and Jeff.

Many of you knew Danny through his work on water and sewer cases, the county plan effort, and his work in the assistance area. He had received a promotion to Executive Director of the Public Service Commission in 1997. When I came to the Public Service Commission in 1988, the County Plan effort was going hot and heavy. Even now, I shake my head in wonder at the enormous number of hours Danny worked each week to see that project through. It was not unusual for him to work 90 hours plus each week, week after week, month after month. He never complained, he never asked for relief. He just put his head down and got the work done. When we traveled he loved to play the drums on the steering wheel. I don't ever think I will be able to hear "Wipe Out" without thinking of Danny. He loved music and loved to have the radio on when traveling. It made the time in the car go faster and since I can't carry a tune in the bucket, I always enjoyed listening to him sing.

In the Assistance section, he made many improvements to the work flow of the section and could always be depended upon for sound advice. He helped bring the training seminars to their current level of professionalism. He loved to teach at the seminars and always enjoyed the interaction with the board members and employees of the utilities.

When Danny took the job of Executive Director, he brought a level of professionalism and attention to detail that was much needed. I still have an expense



account where he caught my mathematical errors (and I am the accountant!!!!). We had worked on several special projects with positive results for the Commission. We actually had a meeting scheduled to put the last touches on one such project on September 5, 2001. Needless to say, we will have to finish that project alone.

Some of you may remember that Danny had a long haired yellow and white cat. I heard him talk about that cat all the time. The cat was 17 years old and died on September 7, 2001. I like to think that Danny and the cat are together again and probably eating things they aren't either one supposed to be eating!!! Just the thought of that makes me smile and makes it a little easier to write another column I never thought I would have to write.

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Another End In Sight

By: Rose Brodersen, WV Division of Environmental Protection

A major, or at least it seems like; component of the SRF program is the Needs Survey. Some of you have been contacted because of it; many more have not been exposed to it. What is it? In a prior article, I spoke of this creature that devours information like a black hole. It is the infrastructure database that EPA maintains for each state on the inventory of its sewer infrastructure or lack thereof. It is what Congress (hopefully) reads when EPA lobbies for "no money". The database is not based on what is financially affordable, if so, there would be little done. It is based solely on a documented need of potential water quality impairment and what it would cost to meet that need.

We have been working on this information gathering for the last 8 months with about a 50% success rate. Some of the facility plans are very old, pre-1990, with no recent updates. We could not use the information because it was not acceptable to EPA. Some counties have no studies for areas outside of the municipality or public service district. The next best thing we could do was put it in a subsidiary database for state estimates. This database includes needs that might be met IF money were available to update or study the area involved. For West Virginia, this portion of the database represented 38% percent of the total state needs in 1996 dollars.

Some of the people we turn to for information are:

- the community, because they should know what is lacking,
- the most recent engineering firm, because they may have done work unbeknownst to DEP,
- the county health sanitarian, because they are the guardians of the county,
- the Department of Agriculture, because other needs are also to be included in this database representing nonpoint source needs such as animal holdings, agriculture, forestry, etc.,
- DEP SRF engineers, because they know the counties they inspect,
- DEP Permits, because they maintain the DMRs and the permit information, and, of course
- DEP Enforcement, because they are always on the look out.

We are now winding down, inputting our last bits of information. EPA and their contractors will take this information, add, subtract, extrapolate, chart, and summarize all of this into a report for Congress. The draft report will be available to the working members next year and the final report to Congress by 2003.

The States are still hoping that this database will be used for the basis for allocation of the CSO/SSO Grant funds to the states. The program was put on hold due to lack of funding by Congress in July.

Why am I telling you this? This survey is not over. It starts up again in 3 years so it's never too early to start assessing/updating your needs or to begin compiling a capital improvement plan for existing facilities. If you "hide" your deficiencies because of potential enforcement, you are denying the state it's potential to maximize any funds that could come it's way.



PSC Commission Order Granting Waiver

Rule 4.3. of Practice and Procedure, which became effective 8-28-01, and several other sections of the rules require the filing of an original and twelve copies of documents with the Executive Secretary's office.

Rule 1.6. of the Rules of Practice and Procedure allows the Commission to waive provisions of its rules. Upon the Commission's own motion, the

Commission has determined that the requirement of twelve copies is unnecessary. Therefore, the Commission granted a waiver of the twelve-copy provision and instead will require **six** copies. Parties will be required to file an original and **six** copies of documents, instead of 12 copies, with the Executive Secretary's office.

WVDEP and WVDHHR to Test Public Water Supplies in West Virginia for MTBE

By: William Toomey (WVDHHR) and Paul Gebhard (WVDEP)

The West Virginia Department of Health and Human Resources (DHHR), Office of Environmental Health Services (OEHS), and the West Virginia Department of Environmental Protection (DEP), Office of Environmental Remediation (OER) are conducting a cooperative project to determine the potential impact to public water system sources from petroleum underground storage tanks and the gasoline additives called methyl tertiary butyl ether (MTBE) and tertiary butyl alcohol (TBA).

Since the 1970's, MTBE has been used as an octane enhancer in gasoline. MTBE is a gasoline additive that reduces carbon monoxide and ozone emissions by promoting more complete burning of gasoline. In addition, another chemical of concern from gasoline releases is the oxygenate additive TBA.

MTBE is highly soluble in water and is persistent due to poor natural bio-degradation when compared to other hydrocarbons. Leaks from underground storage tanks (UST's) and pipelines are likely causes for most ground water contamination. Surface water is most likely being contaminated by non-point sources, such as recreation water craft.

MTBE currently is not a federally regulated drinking water contaminant because there is limited data on the effects of drinking MTBE contaminated water. The United States Environmental Protection Agency (EPA) tentatively has classified MTBE as a possible carcinogenic based on inhalation studies and is researching the health effect of MTBE exposure. An EPA drinking water advisory () has been issued to water suppliers to keep MTBE levels below 20 parts per billion (ppb) to prevent taste and odor problems, and also to protect against potential health problems. West Virginia has not adopted or proposed any standards for MTBE in drinking water.

In some public water supplies, MTBE is the only gasoline constituent found because it diffuses through water much more rapidly than the primary constituents of benzene, toluene, ethyl benzene and xylene compounds. Options for removing MTBE from water supplies include activated carbon absorption, advanced oxidation, air stripping and biological treatment.

Approximately 1,200 ground and surface water systems will be sampled for MTBE and TBA during the first round of sampling, which will occur during

the fall of 2001. Depending upon the analytical results from the first round of sampling, three (3) additional samples (during the next three {3} consecutive calendar quarters) may be collected. Systems with multiple ground water sources may only have some of the wells sampled. A contractor working for the DEP will conduct the sampling. The contractors have been instructed to contact the system prior to arriving to collect the water sample.

Once the data has been collected, it will be added to both the OEHS and OER databases for evaluation of sites that may have been impacted by MTBE and/or TBA. Data available from the UST, Wellhead Protection and Source Water Protection programs will be integrated with the new analytical information to determine which drinking water supplies may currently be at risk due to UST issues. All water systems with MTBE and/or TBA detections will be notified of the results.

For more information concerning this project, please contact Paul Gebhard, of the OER at 304-558-2508 or Reuben Gillispie of the DHHR at 304-558-6759.

Public Works Progress

U. S. Infrastructure Report Card

<u>CATEGORY</u>	<u>1998</u>	<u>2001</u>
Roads	D-	D+
Bridges	C-	C
Transit	C	C-
Aviation	C-	D+
School	F	D-
Drinking Water	D-	D
Wastewater	D+	D
Dams	D	D
Solid Waste	C-	C+
Hazardous Waste	D-	D+
Navigable Waterways	*	D+
Energy	*	D+
Average Grade	D	D+

*No Grade in 1998

Source: American Society of Civil Engineers

Application Checklist for Certificate of Need

By: Randy Lengyel, PSC Water and Wastewater Division

Effective August 28, 2001, the Commission's Rules of Practice and Procedure were changed significantly as they relate to the information needed to be filed by utilities seeking a certificate of convenience and necessity for a water or sewer project. A copy of the new rules was mailed to your utility in August, 2001. Rule 10.3 outlines the new process for pre-filing (public service districts) and thirty days notice of intent to file (municipalities, associations and privates). If you are contemplating filing a certificate case, please review these new rules and contact us with any questions. The new rules read as follows:

10.3.b. Any public service district intending to file an application for a certificate of convenience and necessity shall, at least thirty (30) days prior to the date it intends to file its application, pre-file with the Commission's Executive Secretary, an original and twelve (12) copies of, a letter from the public service district attaching a completed Pre-Filing Notice in the form of Form No. 13, attached hereto, and a report describing the scope of the proposed project. (This report may be an engineering report if such report is available at the time of pre-filing.) (Only one copy of the engineering report is necessary.) At the same time that the public service district pre-files its application with the Commission, it shall; (1) give notice to the public of its pre-filing by publishing its Pre-Filing Notice in the form of Form No. 13 as a Class II legal advertisement in a qualified newspaper(s), published and of general circulation in each county where the public service district's customers reside, and (2) separately mail Form No. 13 to each of its resale customers, via certified mail, return receipt requested. The public service district shall file affidavits of publication provided by the newspaper(s) with the Commission as soon as possible after the Pre-filing Notice of Filing is published.

10.3.c. Any public utility, person or corporation, or other entity, other than public service district, intending to file an application for a certificate of convenience and necessity pursuant to W.Va. Code §24-2-11 shall, at least thirty (30) days prior to the date it intends to file its application, give the Commission notice of its intent to file an application by filing with the Commission's Executive Secretary, an original and two (2) copies of, a letter of notification. The Commission may modify or waive this requirement.

10.3.d. To file an application for a certificate of convenience and necessity pursuant to W.Va. Code §24-2-11, a public utility, person or corporation, or

other entity, shall, thirty (30) days following a pre-filing by a public service district as described in Rule 10.3.b., or the filing of a notice of intent to file a certificate application as described in Rule 10.3.c., to file with the Commission's Executive Secretary, an original and twelve (12) copies of, its application for a certificate of convenience and necessity. To be acceptable, an application shall include; (i) a completed Form No. 4, attached to these Rules, (ii) a completed Form No. 14 with the exception that the utility shall leave blank the date of the order and the case number, and (iii) for water and sewer utilities - all information included on the checklist appearing at Rule 26.1 of these Rules. When the Executive Secretary's office has assigned a case number, a completed Form No. 14 will be issued to the utility as an order requiring publication of the Notice of Filing as a Class I legal advertisement in a qualified newspaper(s), published and of general circulation in each county where the utility provides service, and requiring that the utility separately mail Form No. 14 to each of its resale customers, via certified mail, return receipt requested. The utility shall file affidavits of publication provided by the newspaper(s) with the Commission as soon as possible after the Notice of Filing is published. Furthermore, whenever a utility seeks a rate increase in a certificate application, the utility shall, within thirty (30) days of the date the Commission issues the completed Form No. 14, have completed the mailing of separate notices to each of its customers by one or a combination of the following methods: (i) inclusion of Form No. 14 as a bill insert; (ii) separately mailing Form No. 14; or (iii) only for utilities that bill by postcard instead of in an envelope, and who elect not to separately mail Form 14, inclusion of a statement on a postcard billing as follows: "This utility is seeking a rate increase. Details available in newspaper publications or at the utility office after [utility to insert date application filed with Commission] by calling [utility to insert utility office telephone number]."

26.1. CHECKLIST FOR APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR WATER AND SEWER UTILITIES

The following checklist will aid applicants for certificates of convenience and necessity in assuring that they have submitted all information that the Commission needs for proper review. Water and Sewer Utilities may apply for a waiver of any provision of this checklist for good cause, provided, that

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Application Checklist for Certificate of Need

(Continued from Pg. 4)

no application for a waiver will be considered by the Commission unless there is submitted therewith a full and complete justification for such action. Following is the new application checklist for certificate cases.

1. Application as per Form No. 4.

2. Verification as per Form No. 4 or Form No. 12.

3. Tariff Rule 42 Accounting information:

- a. Existing System:

1. The Tariff Rule 42 exhibit presents the entire system at per books adjusted to going-level.

2. Subject to the requirements of Tariff Rule 42, non project-related adjustments may be included in the revenue requirements of the certificate case. If the rate increase relating to non-project related adjustments is proposed to go into effect prior to a rate increase relating to project-related adjustments, then the applicant must separately set forth the proposed increases.

3. All adjustments related to the proposed project is presented at Proforma.

- b. New System:

1. All financial information related to the proposed project are presented at Proforma.

- c. Project related adjustments to operation and maintenance expenses shown in the Tariff Rule 42 exhibit must agree with, and be supported by, detailed engineering calculations.

4. Proposed rate structure in tariff form.

5. Existing rate structure (if applicable) in tariff form.

6. Facility Plan or feasibility study (if applicable).

7. Agreements between Applicant and Other Utilities (as applicable).

8. A project map(s) showing the location of each customer cross-referenced to a complete customers list indicating which customers have signed contracts for service and paid connection fees, which houses and buildings are plumbed and which customers have a private water supply.

9. Proposed bond and/or municipal rate ordinances (as applicable).

10. Permits and/or approvals

- a. Letter from applicant stating that applications for all necessary permits and/or approvals have been made.

- b. It is preferable that any required permits are granted prior to the final order, but if the permits are not available the certificate may, for good cause shown, be issued contingent on receipt of the permit.

11. Letters showing funding sources

- a. Privately owned utilities - statement of projected sources of funds from the project. If debt funds are included, show the expected source and cost of debt.

- b. Publicly owned utilities - Letters showing commitment of funds for all grants and loans. Terms and conditions for all loans must also be shown.

12. Interim Financing Information including funding sources and terms and conditions of funding.

13. Name, classification and license No. of operator(s) (as applicable).

- a. Identification of initial or additional utility personnel required for the project and/or estimated overtime hours, as the case may be.

14. Engineering Report

- a. Population Projections (if not identified in preliminary report).

- b. Number of existing, potential, and future customers. Applicants shall mail single copies of signed user agreements for water projects to the Commission's Engineering Division. The user agreements shall not be made a part of the case file.

- c. Existing and estimated future water consumption or wastewater flows related to the project.

- d. Design criteria and system hydraulics information.

- e. Itemized construction and total project cost estimates.

- f. Detailed Operation and Maintenance budget including supporting information and calculations.

- g. Description of all maintenance requirements associated with the project.

- h. Identification of need for renewal and replacement reserves.

- i. Existing and future conditions.

The Pipeline

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Application Checklist for Certificate of Need

(Continued from Pg. 5)

j. Identification of need for the utility service to be provided, including supporting documentation such as enforcement actions from appropriate agencies.

k. Alternative analysis of reasonably available alternatives that could fulfill the need, including present worth analysis of the capital, operation and maintenance expenses over each of the alternatives expected service life. Benefits and detriments of each alternative should be discussed. The selection of the preferred alternative should be explained.

l. If water and sewage treatment service is to be purchased by the applicant, the filing should include documentation from the seller of such services that adequate capacity exists and projections of the duration of such adequacy. The utility filing for the certificate of convenience and necessity should be required to simultaneously file the purchased services contract with this Commission to allow the Commission to determine whether or not adequate capacity exists.

m. Information concerning increase in operating times of existing treatment facilities that will result from the project.

15. Project Plan Drawings

a. One paper copy of the engineering design plans and project maps, or, one electronic copy of the engineering design plans and project maps in a format compatible with the Commission's electronic technology.

b. The plans and maps should show line size, type length and drawn to scale.

c. Identification/numbering of customers that have applied for service and identification of customers who may be served by the project.

d. Identification of property lines for customers to be served and location of utility service lateral stubs (sewer) or utility service lines and meters (water).

*f. Water storage tank and booster

station drawings.

*g. Sewer lift station drawings.

*h. Master metering location and detailed information.

*i. Treatment facility drawings.

16. Specifications

a. Bid quantities.

b. Equipment sizing/specifications.

17. Maximum Service Elevation Information (water systems only).

18. For public service districts - affidavit of publication of Class II legal advertisement notice of pre-filing, in the form of Form No. 13 attached hereto, pursuant to West Virginia Code §16-13A-25.

19. Proposed Notice of Filing, in the form of Form 14 attached hereto, for review by the Commission. The utility shall not publish this form until directed to do so in a Commission Order.

20. Copy of letter from utility providing thirty (30) day advance notice of filing pursuant to West Virginia Code §24-2-11.

21. If the proposed project requires modification of a public service district boundary, a statement that the county commission process is complete.

22. If the proposed project will infringe upon any other utility's service area or affect any other utility financially or otherwise, a statement to that effect.

23. Evidence of SHPO compliance.

24. Statement showing when bids are anticipated to be let.

25. Other information as needed.

26. Case number and approval date of engineering agreements involving public service district.

***There is a typographical error in the Commission's approved Rules and repeated in this document.**

Tapper Asks?

Have you contracted for your annual audit and annual report yet?

Check List Of Security Measures For Water Utilities

By: Amy L. Swann, Director, PSC Water and Wastewater Division

When assuring the safety of any facility, consider the credo “detect, delay, and respond” (Sandia, 2000). Basically, some saboteurs will be deterred if they think what they might do would be detected; others will be deterred if they are delayed for a significant amount of time before reaching their end goal because they fear detection. If an intruder does obtain his goal of sabotage, be it contamination of the water or physical destruction of system facilities, then utility staff must respond quickly and appropriately to keep the consequences of the saboteur’s action to a minimum.

Immediate action you can take to secure your facilities include:

- At your office, well houses, treatment plants and vaults, make it a rule that the doors are locked and alarms set.
- Tell your employees to ask questions of strangers in your facilities.
- Limit access to facilities. Indicate restricted areas by posting “Employees Only” signs.

- Increase lighting in parking lots, treatment bays, and other areas with limited staffing.
- DO NOT leave keys in equipment at any time.
- Invite local law enforcement to become familiar with facilities and establish a protocol for reporting and responding to threats.
- Discuss detection, response, and notification issues with public health officials and establish a protocol.
- Establish a chain of command and emergency call list in case of emergencies.
- Provide copies of operational procedures to law enforcement and emergency management personnel.
- Limit access to water supply reservoirs.
- Fence and lock vulnerable areas such as wellheads and meter pits.

Have A Safe and Happy Halloween!





Public Service Commission of West Virginia
Our Staff is Ready to Help You. Don't Hesitate to Call or Write.

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