



OPEN MEETING AGENDA ITEM

ORIGINAL

INTERVENTION

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Arizona Corporation Commission
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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY 

Arizona Corporation Commission Utilities Division 1200 W. Washington Street Phoenix, AZ 85007

Attention: Docket Control

Re: Motion to Intervene Docket #W-1580A-13-0255 Tonto Village Water Co. Rate Increase Application

Arizona Corporation Commission,

I have been a property owner for over 20 years and a customer of Tonto Village Water Co. I am the owner of Environmental Quality Control LLC, a waste water engineering and installation contractor, I hereby request the right to intervene in the above referenced rate case that was docketed July 23, 2013.

I am gravely concerned over the quality of the water delivered, and the level of resources available to me and our community.

I have reviewed the Staff Report 11/6/13 which has viewed the rate application through an accounting perspective but fails to consider the substance in the complaint letters from concerned consumers about the health and safety of the water delivered and stability of the resource. My company engineers and troubleshoots wastewater systems and has significant personal experience with the old and in many cases failing septic systems in Tonto Village and the problems that it poses for the antiquated and leaky water distribution system.

The Staff Report is recommending a doubling of the rates without doing anything to insure the safety of the delivered water. We have been promised that the infrastructure would be replaced for the last 20 years by both owners of the water company, the Standages and Jeff Daniels. It is an expensive project but very necessary. I has been expressed by the new owner that it is his intention to replace the faulty lines in Tonto Village 1 & 2 but complained that he could not obtain WIFA loans necessary to accomplish it.

I have had discussions with numerous homeowners and contractors that have had hands on experience in repairing breaches to the Tonto Village water distribution system over the years. The infrastructure is constructed with flimsy "Japanese Ranch Pipe" from the 1950's; which is 1/16" thick, brittle and considered an irrigation material and poses a severe liability and health threat.

Tonto Village has a high profile history of septic system violations due to the small lot size and poor quality soils affecting both residents and the water resources. There is a very high probability of cross contamination of septic saturation and potable water since they occupy the same space. I am in the business of septic repair and engineering of new systems and have serious concerns about water quality violations. I have spent countless hours in meetings and conferences sponsored by the Arizona Department of Environmental Quality (ADEQ) and have become certified and trained in the engineering and installation practices, which includes recognizing dangerous situations arising from improper or inadequate installation of wastewater systems.

I have met with many Gila County Health Department engineers since 1996 regarding the septic failures in Tonto Village that have historically been a problem. There have been numerous cases of system failure including surfacing, saturation and drift outside of the designated leach field areas into the areas containing the fragile water mains that have had numerous breaks, typically monthly. This piping is extremely vulnerable to abrasion and cracks due to expansion and contraction of the clay soils due to temperature changes and seasonal saturation. One of the past repair personal of the water company said that it is not uncommon for a small pebble to migrate next to the pipe and eventually etch its way through the thin wall. The system is riddled with leaks that may be so small as to not be noticed for a considerable time, but when the system has pressure fluctuations or repairs it can siphon in the surrounding septic effluent and expose residents to e-coli.

Over the years there have been cases of illness where the water quality was suspect as the cause, but proving it is extremely costly and difficult. We recently had one situation where the resident discovered the toilet back and bowl were dark for many flushes and the bathtub had clay, sand and other debris in it. Rather than ask the water company to investigate they used sterile sample bottles took a proper sample, arranged with the Tonto Village Water Improvement District to have the sample tested. The sample was delivered to a certified lab in the valley within 3 hours. The sample turned out to be positive for fecal coliform!

This irrigation pipe is not a standard size and no conventional PVC or regulation piping will glue to it. Numerous repairs over the years were made with rubber boots secured with automotive band clamps, that cannot be screwed too tight or it will crack the pipe. Over the years the rubber and or band clamps deteriorate allowing seepage that may in many cases be undetectable at the surface. Some repairs are done with half pipe sections of electrical pipe. The people hired to repair the system are very frustrated because the repairs are unstable and short only short term fixes. Compounding the risk of exposure the water company does not employ the standard sanitary measures that ADEQ recommends for repairing piping breaks. They do not employ any flush valves to clean out debris that falls into the open pipe, including the septic drenched soils. They disregard proper notification to residents that the service interruption will take place or advise them of possible contaminant exposure when the pressure returns. That way the

residents can at least have a chance to open their faucets and try to flush out any contaminants that get into their water supply lines.

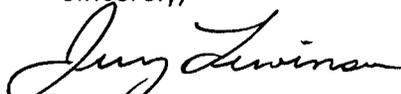
If the Tonto Village Water Co. (Company) desires a rate increase that they honor the promise to the residents that they made to replace the failing piping in Tonto Village 1 & 2 over the 5 years since they purchased the water company. I'm sure they do not want to perpetuate the liability of exposing the residents to fecal coliform bacteria, but it seems that it must be officially mandated as an immediate and necessary requirement for the safety of the residents.

We approached ADEQ last year and were met with a long list of excuses. ADEQ had its budgets cut and personnel reduced so their "so called" regulators claim that it is very difficult or impossible to get inspectors in the field to observe, sample and test. And the prime directive by their superiors is to avoid lawsuits and controversy. They are more of a PR program than a regulatory body at this point, so the responsibility of insuring safe water is falling to the ACC. There are a lot of residents fed up with promises and the state agencies 'passing the buck'. Our backs are against the wall. The first responsibility of governing agencies, they claim, is to protect human health, the politics and accounting should be secondary. I will refer to your organizational 5 year strategic plan and mission statement; "Ultimate responsibility for final decisions on granting or denying rate adjustments, enforcing safety and public service requirements rests with the Commissioners." Please think outside the checklists.

I have notified all the parties (see attached service list) including the Company of this intervention request. Please notify me at once if there are any concerns or questions related to this request and of your date of docketing the 13 copies of this letter (see attached return envelope) and of the date of granting this request.

I, along with other numerous residents, desire a formal evidentiary hearing on the application since the Company has expressed the lack of resources to complete the needed upgrades. Several years ago the residents of Tonto Village set up a water improvement district hoping to achieve the upgrades to the system that the private owners have been unable to deliver so that we would have safe drinking water. It is unconscionable for a company to adversely affect so many people for the sake of a few thousand dollars profit a year. What is the social responsibility of the Commissioners and staff of the Corporation Commission? Please view our plight as if your own families were personally living with this type of vulnerability. This is a serious type of "third world" condition that requires careful consideration and resolution for the health and safety of the residents of Tonto Village.

Sincerely,



Jerry Lewinson

Service List For:

Tonto Village Water Company, Inc.

Docket No.:

W-1580A-13-0255

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