

TRANSMITTAL LETTER

**TO:** Gwen Pinson  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

**FROM:** Western Fleming County Water District  
Patrick E. Price, Attorney  
Suit, Price, Price & Ruark, PLLC  
207 Court Square  
Flemingsburg, KY 41041  
Phone: 606-849-2338  
Fax: 606-845-8771  
Email: [peprice@windstream.net](mailto:peprice@windstream.net)

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FEB 01 2018

PUBLIC SERVICE  
COMMISSION

**SUBJECT:** Attached is Western Fleming County Water District's Response to the Information Conference on December 19, 2017.

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WESTERN FLEMING COUNTY	)	
WATER DISTRICT REQUESTING A DEVIATION	)	CASE NO.
FROM REQUIREMENTS OF 807 KAR 5:066,	)	2016-00424
SECTION 4(4)	)	

RESPONSE TO INFORMAL CONFERENCE

\* \* \*

Comes Western Fleming County Water District (hereinafter referred to as "WFCWD"), and for their Response to the Informal Conference, hereby states as follows:

WFCWD participated in an informal telephone conference on December 19, 2017. The Commission Staff (Staff) issued their report on January 23, 2018. This is Western Fleming County Water District's Response to the Informal Conference.

Attached to this Response are the following letters:

1.) Doug Mitchell, WFCWD Plant Manager, states that WFCWD is now in compliance with the Safe Drinking Water Act, but if required to construct additional water storage tank, this will lead to increased water age in the distribution system, which would increase Disinfection By-Products (DBP). The letter further states that on the average, WFCWD sells on average 275,000 gallons per day to Nicholas County Water District and 345,000 gallons per day to Buffalo Trail Water Commission. (Attached hereto and marked as Exhibit "A")

2.) Jeff Reynolds, Professional Engineer with HMB Professional Engineers, Inc., 3 HMB Circle, US 60, Frankfort, KY 40601, states that WFCWD currently provides wholesale water to Nicholas County and Buffalo Trail Water Association. That each of those systems is required to provide 24-hour storage for their own customers, and they are compliant. He goes on to explain the

potential harms that would be caused by requiring WFCWD to provide an additional storage tank. The additional tank would cause the water to be distributed more slowly, which would create increased levels of DBP that can cause health concerns for all the water districts involved. That WFCWD has adequate storage facilities for its retail customers, and if an additional tank were required, cost would be an extra expense for its retail customers as well as its wholesale customers. (Attached hereto and marked as Exhibit "B")

3.) Buffalo Trail Water Association states they have a combined storage capacity of 550,000 gallons. Amount in excess of the daily amount purchased from WFCWD. (Attached hereto and marked as Exhibit "C")

4.) Nicholas County Water District has a total of 289,000 gallon storage capacity. (Attached hereto and marked as Exhibit "D")

\* \* \*

WFCWD, on the average, sells Nicholas County Water District 275,000 gallons per day; Buffalo Trail Water Association 345,000 gallons per day; and its retail customers 377,383 gallons per day. WFCWD has two (2) elevated storage tanks of 300,000 gallons each for a total of 600,000 gallons; in addition, WFCWD has a clean well at the plant which holds 150,000 gallons, for a total capacity for the system of 750,000 gallons. In addition, WFCWD purchases over 95,000 gallons per day from Greater Fleming County Regional Water Commission, and they have their own storage facility to cover this amount. WFCWD has almost double the storage necessary for its daily distribution for its retail customers, and each wholesale customer has storage capacity in excess of the amount that WFCWD provides them each day.

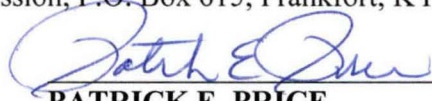
In addition, the most compelling argument for WFCWD being granted an exemption from the requirement of 807 KAR 5:066, section (4) is the damage that it would cause to its individual retail customers and two wholesale customers by having additional storage. Additional storage would cause DBP to be increased and all three water distribution systems would be at risk of being in non-

compliance with the Kentucky Division of Water regulations. Although WFCWD and Buffalo Trail Water Association are currently in compliance, Nicholas County Water District is already having DBT problems. To require WFCWD to add additional storage capacity would not only cause WFCWD to have a problem, but would cause Nicholas County Water District's problem to worsen. The Public Service Commission is making a very strict and literal interpretation of the meaning of 807 KAR 5:066, Section (4). If the Public Service Commission would take a common-sense approach, it has been shown that all customers of WFCWD, Buffalo Trail Water Association and Nicholas County Water District would be better served.

We would ask for the Public Service Commission to consult and work with the Kentucky Division of Water before making a final determination on this matter.

\* \* \*

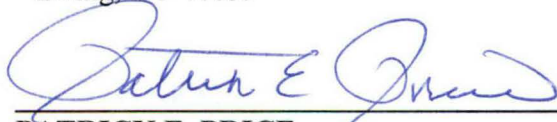
This Response to Informal Conference was prepared under my direction and mailed to Gwen Pinson, Executive Director, Public Service Commission, P.O. Box 615, Frankfort, KY 40602.

  
\_\_\_\_\_  
**PATRICK E. PRICE**  
  
1-29-18  
\_\_\_\_\_  
**DATE**

A copy of the foregoing Response has been mailed to the following:

Western Fleming County Water District  
1500 Ewing Road  
P.O. Box 16  
Ewing, KY 41039

Western Fleming County Water District  
Attn: Vernon Barton, Chairman  
1500 Ewing Road  
P.O. Box 16  
Ewing, KY 41039

  
\_\_\_\_\_  
**PATRICK E. PRICE**  
**SUIT, PRICE, PRICE, & RUARK, PLLC**  
**207 COURT SQUARE**  
**FLEMINGSBURG, KY 41041**  
**(606) 849-2338**

<rk/Pleadings/Response to Informal Conference-WFCWD>

**WESTERN FLEMING COUNTY WATER DISTRICT**  
**1500 Ewing Road**  
**Ewing, KY 41039**

January 25, 2018

Public Service Commission  
211 Sower Blvd., P.O. Box 615  
Frankfort, KY 40602

**Re: PSC Request for Exemption**

Dear Sir or Madam:

We believe that adding an additional storage tank in our distribution system will lead to decreased water quality for our customers, both residential and wholesale. Right now, we are in compliance with the Safe Drinking Water Act Stage 2 Disinfection Byproduct (DBP) Regulation, but putting in an additional storage tank will lead to increased water age in our distribution system and will promote the information of DBPs, most likely pushing us out of compliance in our own system. Certainly, it will lead to increased non-compliance for Nicholas County Water where they already struggle with maintaining compliance with the Stage 2 DBP rule—they were non-compliant for half of 2017.

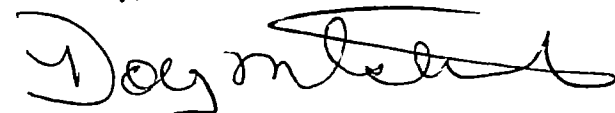
The Division of Water has recommended that we do everything possible to decrease our water age so that our customers will not be exposed to the byproducts that have been shown to increase a risk of developing cancer when consumed. Adding an additional storage tank will be costly to our customers and will only serve to decrease the quality of water they are receiving in return.

We have two wholesale customers that we sell water to:

- (1) Nicholas County Water District, which we sell an average of 275,000 gallons per day, and they have a storage capacity of 289,000 gallons (per their letter attached hereto) and do not rely on Western Fleming County Water District for their required storage capacity.
- (2) Buffalo Trail Water Association, Inc., which we sell an average of 345,000 gallons per day, and they have a storage capacity of 550,000 gallons (per their letter attached hereto) and do not rely on Western Fleming County Water District for their required storage capacity.

We respectfully request that the Public Service Commission consider granting an exemption to Western Fleming Water District regarding our distribution storage capacity.

Sincerely,



Doug Mitchell  
Plant Manager

DM:rph



3 HMB Circle  
 US 460  
 Frankfort, KY 40601  
 Office: (502) 695-9800  
 Fax: (502) 695-9810

January 24, 2018

Ms. Gwen Pinson, Executive Director  
 KY Public Service Commission  
 211 Sower Blvd  
 Frankfort, KY 40601

RE: Case No. 2016-00424  
 Western Fleming Water District  
 HMB #4250.00

Dear Ms. Pinson

At the request of the Western Fleming Water District (WFWD), HMB Engineers is writing this letter to address why a deviation from the 24 hour storage requirement should be granted. HMB feels that additional storage is not needed for three basic reasons: unnecessary redundancy, water quality and unnecessary expense.

WFWD currently provides whole sale water to Nicholas County and Buffalo Trail Water Association (BTWA). Each of these entities is required to provide its own 24 hours of storage within their own system. If WFWD, is required to provide 24 hour storage for whole sale water sold, these entities would essentially have 48 hours of storage. We believe it is redundant for WFWD to provide 24 hour storage for whole sale customers.

WFWD is greatly concerned about the water quality deterioration that will occur if they are required to provide 24 hour storage for whole sale water. The formation of disinfection by-products (DBPs) is a function of water age. As water ages, there is a greater potential for DBP formation. Consumption of water with high levels of DBPs may increase the risk of liver, kidney and central nervous system problems and have an increased risk of cancer. WFWD has had issues with DBPs levels in excess of the MCL in the past. Fortunately, they were able to make changes in the treatment to resolve these issue. Occasionally, WFWD will still get DBP reading near the MCL. Any additional storage will increase the age of the water, thereby increasing the likelihood of higher levels of DBPs in WFWD's system, as well as BTWA and Nicholas County's systems. In the Ten States Standards it states "Excess storage capacity should be avoided where water quality deterioration may occur". We would like for PSC to consult with the Kentucky Division of Water to obtain their stance on this matter.

Another concern of WFWD is the additional expenses that would be generated with the construction of a new elevated water storage tank. These expenses would passed on to the customers through higher water rates. Since the additional storage is being required to provide storage to the whole sale customers, it would be WFWD stance that the whole sale customers should be responsible for related expenses.

Highway Engineering  
 Structural Engineering  
 Water & Wastewater  
 Site Development  
 Right-of-Way  
 Master Planning  
 Environmental Planning  
 Surveying  
 Project Management  
 Cost Estimation  
 Construction Inspection  
 Aviation Services  
 Environmental Remediation  
 Landscape Architecture



3 HMB Circle  
US 460  
Frankfort, KY 40601  
Office: (502) 695-9800  
Fax: (502) 695-9810

For the reasons mentioned above, HMB Engineers believes a deviation to the 24 hour storage capacity requirement should be granted to Western Fleming Water District.

If you have any questions concerns this matter, we would be glad to meet with you and discuss in more detail.

Sincerely,

*HMB Professional Engineers, Inc.*

A handwritten signature in black ink, appearing to read 'Jeff Reynolds', is written over a horizontal line.

Jeff Reynolds, P.E.

Highway Engineering  
Structural Engineering  
Water & Wastewater  
Site Development  
Right-of-Way  
Master Planning  
Environmental Planning  
Surveying  
Project Management  
Cost Estimation  
Construction Inspection  
Aviation Services  
Environmental Remediation  
Landscape Architecture

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NICHOLAS COUNTY WATER DISTRICT

1639 OLD PARIS RD

CARLISLE, KY 40311

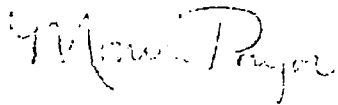
(859) 289-3157

January 25, 2018

Mr. Price,

The Nicholas County Water District has a total of two towers that Western Fleming pumps water to. The tank capacity of the Hickory Ridge elevated tank is: 150,000 gallons and the capacity of the Barterville standpipe tank is: 139,000 gallons. We do not rely on Western Fleming for required storage capacity. Please feel free to contact us with any further questions.

Thank you,



Monica Pryor

NCWD Office Manager



## **Buffalo Trail Water Association, Inc.**

41135 US Hwy 62  
Mayslick, KY 41055  
Phone/Fax: 606-763-6516

January 22, 2018

To Whom It May Concern:

As of today, water storage for Buffalo Trail Water Association, Inc. is as follows:

- 616 Elevated Tank – 200,000 gallons
- Sardis Standpipe – 100,000 gallons
- Pinhook Elevated Tank – 150,000 gallons

Mt. Olivet Water is served by Buffalo Trail Water, they have an additional storage tank with 100,000 gallon capacity.

Both systems have a combined daily storage capacity of 550,000 gallons.

Sincerely,

Buffalo Trail Water Association, Inc.