

RECEIVED

APR 22 2009

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

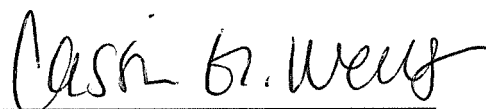
IN THE MATTER OF:

TAMMY RODGERS)	
)	CASE NO.
COMPLAINANT)	2008-00513
)	
V.)	
)	
NORTHEAST WOODFORD COUNTY)	
WATER DISTRICT)	
DEFENDANT)	

**DEFENDANT'S RESPONSE TO FIRST DATA REQUEST
OF COMMISSION STAFF**

The Defendant, Northeast Woodford County Water District, makes the following Response to the First Data Request of Commission Staff, as follows:

1. The witnesses responsible for responding to each request are Hubert Shipp, John Davis and Dale Gatewood.
2. John Davis, Chairman of the Northeast Woodford County Water District, is the person responsible for supervising the preparation of the responses on behalf of the applicant.
3. The Responses and Exhibits are attached hereto and incorporated by reference herein.



CASSIE G. WELLS
JOSEPH M. HOFFMAN
100 United Drive, Suite 4B
Versailles, Kentucky 40383
(859) 873-5427

ATTORNEYS FOR NORTHEAST
WOODFORD COUNTY WATER DISTRICT

The undersigned, JOHN DAVIS, Chairman of the Northeast Woodford County Water District, being first duly sworn, states that the Response herein is true and accurate to the best of my knowledge, information and belief formed after a reasonable inquiry.

Dated: April 22, 2009.

NORTHEAST WOODFORD COUNTY WATER DISTRICT

By: John Davis
JOHN DAVIS, CHAIRMAN

Subscribed, sworn to and acknowledged before me by JOHN DAVIS, as Chairman, for and on behalf of Northeast Woodford County Water District, this 22nd day of April, 2009.

Cassie G. Wells
NOTARY PUBLIC, STATE AT LARGE, KY
MY COMMISSION EXPIRES: 11/5/12

CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing Response has been served upon the following:

Original and Five Copies
Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

Copy
Tammy Rodgers
114 Chestnut Lane
Versailles, Kentucky 40383

This 22th day of April, 2009.

Cassie G. Wells
CASSIE G. WELLS
JOSEPH M. HOFFMAN
ATTORNEYS FOR NORTHEAST WOODFORD
COUNTY WATER DISTRICT

NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 1: Provide the minutes of Northeast Woodford's board meeting on December 2, 2008 and each meeting since that date.

Response: Please see Attachment KyPSC-DR-01-001 for board meeting minutes for the relevant dates requested above.

Responsible Party: Hubert Shipp

Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

March 24, 2009

Immediately following the annual meeting, Chairman Davis called a special meeting of the Northeast Woodford Water District. The special meeting, March 24, 2009, at 7:30 P.M. will serve as the regular meeting for April

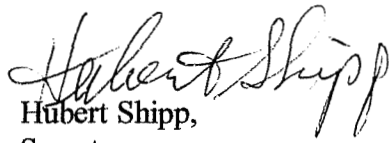
Mr. Faust reported that a customer had called to complain about two metal plates used to cover road repairs at Foxtail and Dove Run streets that had been pushed into her yard. The Commissioners asked Mr. Gatewood to contact the customer and do what is necessary to resolve the complaint.

Mr. Faust requested a \$.05 per bill increase in his basic pay. The Commissioners unanimously agreed to grant the increase.

Mr. Faust advised that he had received no word from the P.S.C. concerning the formal complaint regarding Ms. Rogers.

Having no further business, the meeting was adjourned.

Respectfully Submitted,


Hubert Shipp,
Secretary

Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

March 24, 2009

The Annual Meeting of the Northeast Woodford Water District was held March 24, 2009, at 7:00 P.M. at 225 South Main Street, Versailles, Kentucky. Attending the meeting was Chairman Davis, Secretary Shipp, Treasurer Moore, Office Manager Faust, Field Director Gatewood and Heather Cochran with Ray, Foley, Hensley and Co. P.L.L.C.

Chairman Davis opened the meeting with the introduction of Ms. Cochran, accountant with the Auditing firm of Ray, Foley, Hensley and Co. P.L.L.C.

Ms. Cochran reviewed the Audit in detail according to U.S. Generally Accepted Auditing Standards. No major discreteness were found and the minor ones disclosed have since been resolved.

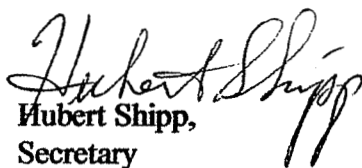
It was determined that deposits in the Town and Country Bank are in excess of the F.D.I.C. coverage and the excess has not been collateralized as required by Kentucky Statutes. Mr. Faust is to meet with Town and Country Bank to resolve the matter.

This ended the reviews of the Audit and Secretary Shipp moved that the Audit be accepted, Treasurer Moore seconded, and the motion passed.

The Commissioners unanimously agreed to have Mr. Faust provide copies of the Audit and the minutes of the Annual Meeting to appropriate Government Personnel.

Having no further business, the meeting was adjourned.

Respectfully Submitted,


Hubert Shipp,
Secretary

Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

March 3, 2009

The Northeast wood ford Water District met at 10:00 A.M., March 3, 2009, at 225 South Main Street, Versailles, Kentucky. Chairman Davis, Secretary Shipp, Treasurer Moore, Office Manager Faust, Engineer Baughman and Field Director Gatewood attended the meeting.

Chairman Davis has been advised by the K.I.A. of money available through the Stimulus Program for new construction projects. This money is in the form of loans by the Federal Government. The District has no construction projects that have not already been funded, therefore, the Commissioners see no reason for participating in the Stimulus Program.

According to Mr. Faust, the P.S.C. has not acted to the District's response concerning the formal complaint registered by Ms. Tammy Rogers. The District has met its obligations to date regarding the matter and is awaiting further advice from the P.S.C.

The C.P.A during the annual audit discovered a problem in the amount of tax withheld on Commissioners compensation. The I.R.S. is aware of the problem and will advise the District of proper corrections.

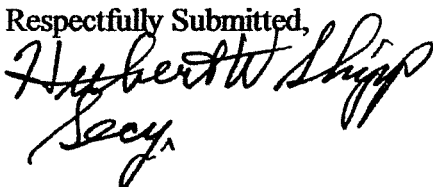
Mr. Gatewood reported that Mr. Dance, owner of the Dance Trailer Park, wants his meter tested. Mr. Gatewood advised Mr. Dance of the procedures and cost associated with meter testing and Mr. Dance will consider the options and let Mr. Gatewood know his intentions. Mr. Gatewood also told the Commissioners that water usage during the recent cold spell was up slightly, but not at a level of concern. He also noted that the District's water loss was 4%..

Mr. Baughman reviewed an application from C.S.X. Transportation Inc. to bore under its railroad tracts at the Spring Station Crossing. The cost of the application is \$750.00. The Commissioners unanimously approved the fee and the check was written immediately. Mr. Baughman will deliver same to C.S.X. Transportation. This is part of the Woodlake Road expansion and connection to the Frankfort Water Plant water main.

Bluegrass Ad will host a meeting March 9, to discuss Water Districts Operations and Problems. Mr. Baughman and John Davis will attend . The Districts managements and other personnel look forward to their report.

Having no further business, the meeting was adjourned.

Respectfully Submitted,


Secy.

Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

February 3, 2009

The Northeast Woodford Water District met at 10:00 A.M. February 3, 2009, at 225 South Main Street, Versailles, Kentucky

Chairman Davis, Secretary Shipp, Treasurer Moore, Office Manager Faust and Field Director Gatewood attended the meeting.

Office Manager Faust advised those present that during the ice storm the District Office at 225 South Main Street lost power and had no phone service. He had Windstream Telephone Co. forward all calls to the District's telephone number to his cell phone. This action allowed the District Office to stay in touch with customers. He also alerted the fire department that the District's pump station was without power and the District was operating only on the Versailles City water works pressure. In case of fire the trucks should not fill from District hydrants as this would lower water pressure below the accepted level causing a boiled water condition and some customers to have no available water.

The Commissioners unanimously agreed to pay \$87.55 for the Districts advertisement in the Blue Grass Fair Program. Chairman Davis will contact the Fair Board. Chairman Davis also responded to Ms. Tammy Rogers formal complaint to the P.S.C, and has received no reply.

The annual meeting has been set for Tuesday, March 24, at 7:00 P.M. At the District Office at 225 South Main Street, Versailles, KY.

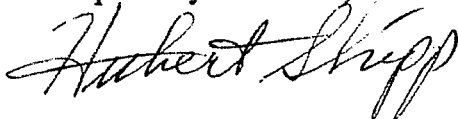
The Accounting Firm of Ray, Foley, Hensley and Company has submitted their cost of \$5200.00 for the annual audit. Unanimous agreement was granted to accept the cost and give approval to proceed with the audit.

The Citizens Commerce Bank has not responded to the Districts desire to pursue payment of water bills at their location.

Secretary Shipp talked with Mr. Andrew Chandler concerning his higher than normal bill. A review of his bill revealed an error had been made resulting in an overcharge of 3,000 gal of water. Mr. Chandler was advised of the error and of the proper adjustment and he was satisfied.

Having no further business, the meeting was adjourned.

Respectfully Submitted,



Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

January 6, 2009

The Northeast Woodford District Met at 10:00 A.M., January 6, 2009, at 225 South Main Street, Versailles, KY.

Chairman Davis, Secretary Shipp, Treasurer Moore, Office Manager Faust, Engineer Baughman and Field Director Gatewood attended the meeting.


Mr. Faust opened the meeting advising the Commissioners that the Citizens Commerce Bank had expressed a desire to receive payments of water bills for district customers. The Bank stated that no charge would be applied for this service. However, no details were furnished as to late payments, partial payments, bill adjustments and etc. After some discussion, Secretary Shipp moved to allow Mr. Faust to pursue the offer from Citizens Commerce Bank, Treasurer Moore seconded and the motion passed. Mr. Faust will report findings at the next meeting.

Mr. Faust received a call from customer Andrew Chandler concerning a higher than normal water bill. Mr. Chandler requested that a Commissioner call him. Secretary Shipp agreed to contact Mr. Chandler and discuss his problem.

Chairman Davis will respond to the P.S.C. regarding the formal complaint of an excessive water bill filed by Ms. Tammy Rogers .

Having no further business, the meeting was adjourned.

Respectfully Submitted,


Hubert Shipp,
Secretary

Northeast Woodford Water District
225 South Main Street
Versailles, Kentucky

December 2, 2008

The Northeast Woodford Water District met at 10:00 A.M. December 2, 2008, at 225 South Main Street, Versailles, Kentucky.

Chairman Davis, Secretary Shipp, Treasurer Moore, Office Manager Faust, Engineer Baughman and Field Director Gatewood attended the meeting.

Mr. Faust opened the meeting by telling of numerous calls from customers complaining of higher than normal water usage. After discussing the matter a decision was made to have Mr. Gatewood check the reading results of all customers with an issue as well as any future complaints and if any error was found in the meter reading or meter malfunction corrective action will be taken accordingly. A complete report of this situation will be made at the January 2009 meeting.

Mr. Gatewood reported an average daily usage of 400,000 to 500,000 gallons, well within the range of 800,000 gallon capacity.

A main leak on Dove Run resulted in a 200,000 gallon loss. The leak has been repaired.

Mr. Faust advised that the injury suit brought by the woman who stepped in an open meter box has been settled by the Insurance Company.


The P.S.C. annual inspection resulted in no deficiencies being noted.

Mr. Faust requested permission to pay R.U.D.'s scheduled loan payment of 27,902.67, interest is \$18,902.67 and principal is \$9,000. Unanimous agreement was given by the Commissioners.

Mr. Broughman has not contacted K.U. concerning circuit breaker relocation at the pump station. Next meeting will have a follow up.

Having no further business, the meeting was adjourned.

Respectfully Submitted,


Hubert Shipp
Secretary

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 2: State the water usage for Phillip and Tammy Rogers for each month since September 2007.

Response: Please see Attachment KyPSC-DR-01-002 for water usage totals of Phillip and Tammy Rogers for the relevant dates set forth above.

Responsible Party: John Davis

RUN DATE: 04/10/09 11:32
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (BILLING/USAGE) FOR 09/07 THRU 12/07

PAGE 2
program 10-2-7

SERVICE: W WATER
MINIMUM AVERAGE USAGE:

ACCOUNT RANGE: 02-3370-01 THRU 02-3370-01
NONE

U = USAGE AU = AVERAGE USAGE UA() = NUMBER OF USAGE ADJUSTMENTS INCLUDED IN USAGE

REPORT TOTALS

	NUMBER OF BILLS	TOTAL USAGE	AVERAGE USAGE
SEP 07	1	0.5	0.5
OCT 07	1	0.6	0.6
NOV 07	1	0.5	0.5
DEC 07	1	0.4	0.4
TOTALS	4	2.0	0.5

RUN DATE: 04/10/09 11:34
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (BILLING/USAGE) FOR 01/08 THRU 12/08

PAGE 2
program 10-2-7

SERVICE: W WATER
MINIMUM AVERAGE USAGE:

ACCOUNT RANGE: 02-3370-01 THRU 02-3370-01
NONE

U = USAGE AU = AVERAGE USAGE UA() = NUMBER OF USAGE ADJUSTMENTS INCLUDED IN USAGE

REPORT TOTALS

	NUMBER OF BILLS	TOTAL USAGE	AVERAGE USAGE
JAN 08	1	0.8	0.8
FEB 08	1	0.5	0.5
MAR 08	1	0.7	0.7
APR 08	1	0.5	0.5
MAY 08	1	0.5	0.5
JUN 08	1	0.5	0.5
JUL 08	1	0.9	0.9
AUG 08	1	0.5	0.5
SEP 08	1	0.5	0.5
OCT 08	1	0.5	0.5
NOV 08	1	1.3	1.3
DEC 08	1	0.6	0.6
TOTALS	12	7.8	0.7

RUN DATE: 04/10/09 11:35
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (BILLING/USAGE) FOR 01/09 THRU 03/09

PAGE 2
program 10-2-7

SERVICE: W WATER
MINIMUM AVERAGE USAGE:

ACCOUNT RANGE: 02-3370-01 THRU 02-3370-01
NONE

U = USAGE AU = AVERAGE USAGE UA() = NUMBER OF USAGE ADJUSTMENTS INCLUDED IN USAGE

REPORT TOTALS

	NUMBER OF BILLS	TOTAL USAGE	AVERAGE USAGE
JAN 09	1	0.6	0.6
FEB 09	1	0.6	0.6
MAR 09	1	0.6	0.6
=====			
TOTALS	3	1.8	0.6

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Questions 3: Provide a copy of the handwritten log, computer printout, or other documentation that shows the records of the meter reader, reflecting the reading of the Rodger's meter.

Response: A handwritten log was kept reflecting the reading of the Roger's meter. Please see Attachment KyPSC-DR-01-003 for a copy of the same.

Responsible Party: John Davis

NAME: PHILLIP ROGERS ACCT NO: 3370-01
01

SER/ADD: 14 CHESTNUT LN RATE:

	READING	DATE	INIT	REMARKS
DEC	1212			
NOV	1208	7		
OCT	1203	10		
SEP	1197	12		Sept 07
AUG	1192	10		
JUL	1186	11		
JUN	1180			
MAY	1174	8		
APR	1168	6		
MAR	1163	8		
FEB	1158 1 1 5 3	8 011107		
JAN				
DEC				

METER LOCATION:

METER I.D.	SIZE	DATE SET	DATE REMOVED

NAME:		PHILLIP ROGERS		ACCT-NO:		02-3370-01	
SER/ADD:		114 CHESTNUT LN		RATE:		A	
	READING		DATE	INIT.	REMARKS		
DEC		1290	11				
NOV		1284	12	✓ 13	1288 12/1		
OCT		1271	8				
SEP		1266	9				
AUG		1261	8	5			
JUL		1256	8				
JUN		1247	9	5			
MAY		1242	7				
APR		1237	14				
MAR		1232	12				
FEB		1225	8				
JAN		1220	8		1/08		
DEC		1 2 1 2	121107				
METER LOCATION:							
METER I.D.		SIZE	DATE SET	DATE REMOVED			

NAME:
PHILLIP ROGERS

SER/ADD:
114 CHESTNUT LN

	READING				DATE	INIT.
DEC						
NOV						
OCT						
SEP						
AUG						
JUL						
JUN						
MAY						
APR						
MAR						
FEB						
JAN						
DEC						
	1	2	9	0		121008

APR: 1312 8
MAR: 1308 16
FEB: 1302 11
JAN: 1296 13

METER LOCATION:

METER I.D.	SIZE	DATE SET	DATE

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 4: Identify each month, if any, since September 2007 that the Rogers' water bill was based on an estimated usage.

Response: There have been no estimates of the Rogers' water bill since September 2007. The last estimate of the Rogers' water bill was in February 2007 for weather related reasons. Please refer to Attachment KyPSC-DR-01-003 for documentation pertaining to the reading of the Rodgers' meter.

Responsible Party: John Davis

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 5: State the amount of water sold by Northeast Woodford Water District to all of its customers for each month since September 2007.

Response: Please reference Attachment KyPSC-DR-01-005 for the total monthly water amount sold by Northeast Woodford Water to its customers since September 2007.

Responsible Party: John Davis

RUN DATE: 04/10/09 12:14
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (DETAILED FORMAT)
BILLING FOR 09/2007 THRU 12/2007

PAGE 1
program 10-2-5

SERVICE: W WATER

ACCOUNT RANGE: ALL

REPORT SUMMARY - ITEM TOTALS

ITEM	SEP 07	OCT 07	NOV 07	DEC 07	TOTALS
USAGE	1758.4	1449.0	1374.0	1104.0	5685.4

REPORT SUMMARY - ITEM COUNT

ITEM	SEP 07	OCT 07	NOV 07	DEC 07	TOTALS
USAGE	935	921	923	905	3684

NUMBER OF RECORDS PROCESSED: 3684

RUN DATE: 04/10/09 12:14
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (DETAILED FORMAT)
BILLING FOR 01/2008 THRU 12/2008

PAGE 2
program 10-2-5

SERVICE: W WATER

ACCOUNT RANGE: ALL

REPORT SUMMARY - ITEM COUNT

ITEM	JAN 08	FEB 08	MAR 08	APR 08	MAY 08	JUN 08	
USAGE	886	919	897	887	913	911	
ITEM	JUL 08	AUG 08	SEP 08	OCT 08	NOV 08	DEC 08	TOTALS
USAGE	924	930	924	921	900	908	10920

NUMBER OF RECORDS PROCESSED: 10920

RUN DATE: 04/10/09 12:14
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (DETAILED FORMAT)
BILLING FOR 01/2008 THRU 12/2008

PAGE 1
program 10-2-5

SERVICE: W WATER

ACCOUNT RANGE: ALL

REPORT SUMMARY - ITEM TOTALS

ITEM	JAN 08	FEB 08	MAR 08	APR 08	MAY 08	JUN 08	
USAGE	1401.8	1246.2	1171.7	1289.1	1138.9	2493.3	
ITEM	JUL 08	AUG 08	SEP 08	OCT 08	NOV 08	DEC 08	TOTALS
USAGE	1726.7	1339.2	1658.3	2009.6	1789.7	1139.3	18403.8

RUN DATE: 04/10/09 12:11
TERMINAL: 1

NORTHEAST WOODFORD WATER DISTRICT
HISTORY TRACKING BY ACCOUNT NUMBER
MONTHLY LISTING (DETAILED FORMAT)
BILLING FOR 01/2009 THRU 03/2009

PAGE 1
program 10-2-5

SERVICE: W WATER

ACCOUNT RANGE: ALL

REPORT SUMMARY - ITEM TOTALS

ITEM	JAN 09	FEB 09	MAR 09	TOTALS
USAGE	1538.2	1473.6	1105.9	4117.7

REPORT SUMMARY - ITEM COUNT

ITEM	JAN 09	FEB 09	MAR 09	TOTALS
USAGE	908	918	903	2729

NUMBER OF RECORDS PROCESSED: 2729

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 6: Identify all employees who regularly read meters each month.

Response: Brian Armstrong is the employee responsible for reading Northeast Woodford Water District customers' meters, including the Rogers' meter. Brandon Hulette, a trainee of Northeast Woodford Water District, accompanied Brian Armstrong during meter readings in November, 2008, for two days, but did not perform any actual meter readings.

Responsible Party: Dale Gatewood

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 7: Identify the specific employee(s) who read the Rogers' meter for each month since September 2008.

Response: Brian Armstrong is the sole employee who reads the Rogers' meter each month, and has read the Rogers' meter since September 2008. As stated in KyPSC-DR-01-006, Brandon Hulette accompanied Brian Armstrong for two days in November 2008, but did not perform any actual meter readings.

Responsible Party: Dale Gatewood

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 8: State each date on which the Rogers' meter was read since September 2008.

Response: The Rogers' meter was read on the following dates:

September 9, 2008;
October 8, 2008;
November 12, 2008;
December 10, 2008;
January 13, 2009;
February 11, 2009;
March 16, 2009; and
April 8, 2009.

See Attachment KyPSC-DR-01-003 for documentation of the dates on which the Rogers' meter was read since September 2008. Please note that Dale Gatewood's re-reading of the Rogers' meter was documented in a letter to the PSC dated December 11, 2008, a copy of which is attached hereto as Attachment KYPSC-DR-01-008. The finding of Mr. Gatewood was that the meter was read correctly.

Responsible Party: John Davis

FRED FAUST INSURANCE LLC
225 A South Main St.
Versailles, KY 40383
859-873-5989
FAX: 859-873-7904

Date: December 11, 2008

TO: PSC

FR: FRED FAUST

RE: Formal Complaint
Tammy Rogers - 114 Chestnut
Account 02-3370-01

The Rogers called the district office on December 1, complaining about the water bill being high. Mary had Dale Gatewood, Superintendent of the district to go out and reread the water meter. The finding of Mr. Gatewood was that the meter was read correctly. We called Ms. Rogers back and advised her. She requested that a commissioner call her after their meeting the following day.

Mr. Davis did call her back as documented on the complaint.

Gatewood Water Service has read all the meters for the coming month and her reading on 12/10/08 is 1290, giving her a usage of 6,000 gallons of water.

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 9: Identify the type of meter that serves the Rogers. In your response, include the size, manufacturer, model, and whether it is a manual read meter, touch read meter, or radio read meter.

Response: The Rogers' meter is a 5/8 x 3/4 Sensus Model 5R manual read meter. See Attachment KyPSC-DR-01-009 for documentation of the same.

Responsible Party: Dale Gatewood

WATER METER HISTORY CARD

Co. No. _____

TEST DUE	MANUFACTURER	TYPE	SIZE	SERIAL NUMBER	DATE PURCHASED																																																												
	Vensus	SR	5/8x3/4	47346594																																																													
<table border="1"> <thead> <tr> <th colspan="2">NAME</th> <th colspan="2">ADDRESS</th> <th>DATE</th> <th>READING</th> </tr> </thead> <tbody> <tr> <td colspan="2">Ball Hernandez</td> <td colspan="2">Lot 228 114 Chestnut, Versailles</td> <td>\$193</td> <td>In 0</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>In</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Out</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>In</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Out</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>In</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Out</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>In</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Out</td> </tr> </tbody> </table>						NAME		ADDRESS		DATE	READING	Ball Hernandez		Lot 228 114 Chestnut, Versailles		\$193	In 0						In						Out						In						Out						In						Out						In						Out
NAME		ADDRESS		DATE	READING																																																												
Ball Hernandez		Lot 228 114 Chestnut, Versailles		\$193	In 0																																																												
					In																																																												
					Out																																																												
					In																																																												
					Out																																																												
					In																																																												
					Out																																																												
					In																																																												
					Out																																																												

Co. No. 1-4

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 10: Identify when the Rogers' meter was first put into service and state the date on which it was last tested for accuracy.

Response: The Rogers' meter was first put into service in August 1993. See Attachment KyPSC-DR-01-09 for documentation of the same. The meter was last tested for accuracy by Gatewood Water Service in May 2005. See Attachment KyPSC-DR-01-010 for documentation of the same.

Responsible Party: Dale Gatewood

Co. No. _____

WATER METER TEST CARD

MANUFACTURER				TYPE	SIZE	RATING "GPM"	SERIAL NO.
Sensus				SR	5/8" 3/4"	20	47346599

UNIT	L	E	S	M	F	S	W	F	S	L	F	S	M	F	S	W	F	S	
																			10
5/05	136	104	51	95	5	100	995	15											

Remarks, Parts Used, Etc.:

Test By

METER READING: Before Test

After Test

Std. No.

Co. No. _____

Date to Test	Kind of Test		
	P	C	R

Meter Location 114 Chestnut
Shop _____ Premises _____

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 11: Refer to paragraph 7 of the Answer. Identify the laws or regulations that require the utility to report the presence of coliform bacteria in the water system to its customers.

Response: Federal regulation 40 CFR 141.201-203, and state regulation 401 KAR 8:070 require utilities such as Northeast Woodford Water District to report the presence of certain bacteria to its customers. 40 CFR 141.203A, Table 1, addresses the type of violation and the type of notice required. See Attachment KyPSC-DR-01-011 for copies of CFR 141.201-203.

Responsible Party: Dale Gatewood

§ 141.201

40 CFR Ch. I (7-1-04 Edition)

(4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the State or a third party approved by the State no later than 30 days following the exceedance and have the evaluation completed and submitted to the State no later than 90 days following the exceedance.

(c) *Additional reporting requirements.*

(1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

(2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the State under §141.173(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

[63 FR 69516, Dec. 16, 1998, as amended at 66 FR 3779, Jan. 16, 2001]

Subpart Q—Public Notification of Drinking Water Violations

SOURCE: 65 FR 26035, May 4, 2000, unless otherwise noted.

§ 141.201 General public notification requirements.

Public water systems in States with primacy for the public water system supervision (PWSS) program must comply with the requirements in this subpart no later than May 6, 2002 or on the date the State-adopted rule becomes effective, whichever comes first. Public water systems in jurisdictions where EPA directly implements the PWSS program must comply with the requirements in this subpart on Octo-

ber 31, 2000. Prior to these dates, public water systems must continue to comply with the public notice requirements in §141.32 of this part. The term “primacy agency” is used in this subpart to refer to either EPA or the State or the Tribe in cases where EPA, the State, or the Tribe exercises primary enforcement responsibility for this subpart.

(a) *Who must give public notice?* Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1. The term “NPDWR violations” is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this part 141. Appendix A to this subpart identifies the tier assignment for each specific violation or situation requiring a public notice.

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE

- (1) NPDWR violations:
 - (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
 - (ii) Failure to comply with a prescribed treatment technique (TT).
 - (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
 - (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.
- (2) Variance and exemptions under sections 1415 and 1416 of SDWA:
 - (i) Operation under a variance or an exemption.
 - (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
- (3) Special public notices:

Environmental Protection Agency

§ 141.202

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE—Continued

- (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
- (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the primacy agency under 141.11(d) of this part.
- (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
- (iv) Availability of unregulated contaminant monitoring data.
- (v) Other violations and situations determined by the primacy agency to require a public notice under this subpart, not already listed in Appendix A.

(b) *What type of public notice is required for each violation or situation?* Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix A of this part identifies the tier assignment for each specific violation or situation.

TABLE 2 TO § 141.201—DEFINITION OF PUBLIC NOTICE TIERS

- (1) *Tier 1 public notice*—required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
- (2) *Tier 2 public notice*—required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
- (3) *Tier 3 public notice*—required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

(c) *Who must be notified?*

- (1) Each public water system must provide public notice to persons served by the water system, in accordance

with this subpart. Public water systems that sell or otherwise provide drinking water to other public water systems (i.e., to consecutive systems) are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the primacy agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the primacy agency for limiting distribution of the notice must be granted in writing.

(3) A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under § 141.31(d).

§ 141.202 Tier 1 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 1 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

- (1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in § 141.63(b)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in § 141.21(e));
- (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in § 141.62, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in § 141.23(f)(2);

Environmental Protection Agency

§ 141.202

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE—Continued

- (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
- (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the primacy agency under 141.11(d) of this part.
- (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
- (iv) Availability of unregulated contaminant monitoring data.
- (v) Other violations and situations determined by the primacy agency to require a public notice under this subpart, not already listed in Appendix A.

(b) *What type of public notice is required for each violation or situation?* Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix A of this part identifies the tier assignment for each specific violation or situation.

TABLE 2 TO § 141.201—DEFINITION OF PUBLIC NOTICE TIERS

- (1) *Tier 1 public notice*—required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
- (2) *Tier 2 public notice*—required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
- (3) *Tier 3 public notice*—required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

(c) *Who must be notified?*

(1) Each public water system must provide public notice to persons served by the water system, in accordance

with this subpart. Public water systems that sell or otherwise provide drinking water to other public water systems (i.e., to consecutive systems) are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the primacy agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the primacy agency for limiting distribution of the notice must be granted in writing.

(3) A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under § 141.31(d).

§ 141.202 Tier 1 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 1 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

- (1) Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system (as specified in § 141.63(b)), or when the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform (as specified in § 141.21(e));
- (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in § 141.62, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in § 141.23(f)(2);

§ 141.203

40 CFR Ch. I (7-1-04 Edition)

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE—Continued

- (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the primacy agency under § 141.11(d), as required under § 141.209;
- (4) Violation of the MRDL for chlorine dioxide, as defined in § 141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in § 141.133(c)(2)(i);
- (5) Violation of the turbidity MCL under § 141.13(b), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (7) Occurrence of a waterborne disease outbreak, as defined in § 141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- (8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the primacy agency either in its regulations or on a case-by-case basis.

(b) *When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:*

(1) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) *What is the form and manner of the public notice?* Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media (such as radio and television);

(2) Posting of the notice in conspicuous locations throughout the area served by the water system;

(3) Hand delivery of the notice to persons served by the water system; or

(4) Another delivery method approved in writing by the primacy agency.

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002]

§ 141.203 Tier 2 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 2 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

§ 141.203

40 CFR Ch. I (7-1-04 Edition)

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE—Continued

- (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the primacy agency under § 141.11(d), as required under § 141.209;
- (4) Violation of the MRDL for chlorine dioxide, as defined in § 141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in § 141.133(c)(2)(i);
- (5) Violation of the turbidity MCL under § 141.13(b), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (7) Occurrence of a waterborne disease outbreak, as defined in § 141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- (8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the primacy agency either in its regulations or on a case-by-case basis.

(b) *When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:*

(1) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) *What is the form and manner of the public notice?* Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media (such as radio and television);

(2) Posting of the notice in conspicuous locations throughout the area served by the water system;

(3) Hand delivery of the notice to persons served by the water system; or

(4) Another delivery method approved in writing by the primacy agency.

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002]

§ 141.203 Tier 2 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 2 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Environmental Protection Agency

§ 141.203

TABLE 1 TO § 141.203—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 2 PUBLIC NOTICE

- (1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 1 notice is required;
- (2) Violations of the monitoring and testing procedure requirements, where the primacy agency determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and
- (3) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) *When is the Tier 2 public notice to be provided?*

(1) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The primacy agency may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the primacy agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the primacy agency must be in writing.

(2) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the primacy agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the primacy agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Sur-

face Water Treatment Rule. It is also not appropriate for the primacy agency to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Primacy agency determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

(3) For the turbidity violations specified in this paragraph, public water systems must consult with the primacy agency as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under § 141.202(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (*i.e.*, no later than 48 hours after the system learns of the violation), following the requirements under § 141.202(b) and (c). Consultation with the primacy agency is required for:

(i) Violation of the turbidity MCL under § 141.13(b); or

(ii) Violation of the SWTR, IESWTR or LTIESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(c) *What is the form and manner of the Tier 2 public notice?* Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(1) Unless directed otherwise by the primacy agency in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of

§ 141.204

40 CFR Ch. I (7-1-04 Edition)

this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(2) Unless directed otherwise by the primacy agency in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002]

§ 141.204 Tier 3 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 3 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

TABLE 1 TO § 141.204—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 3 PUBLIC NOTICE

- (1) Monitoring violations under 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (2) Failure to comply with a testing procedure established in 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (3) Operation under a variance granted under Section 1415 or an exemption granted under Section 1416 of the Safe Drinking Water Act;
- (4) Availability of unregulated contaminant monitoring results, as required under § 141.207; and
- (5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under § 141.208.

(b) *When is the Tier 3 public notice to be provided?*

(1) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

(2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (b)(1) of this section are met.

(c) *What is the form and manner of the Tier 3 public notice?* Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water

**NORTHEAST WOODFORD COUNTY WATER DISTRICT
CASE NO. 2008-00513**

RESPONSE TO COMMISSION STAFF'S FIRST DATA REQUEST

Question 12: State whether Northeast Woodford Water took any measures to reduce or eliminate coliform bacteria in its system after samples indicated its presence and, if so, describe the measures that were taken.

Response: Northeast Woodford Water District did not take any measures to reduce coliform bacteria in the water system because testing over the two days following notification of the violation showed that there was no coliform bacteria in the water mains.

Responsible Party: Dale Gatewood