

Informal Complaint Report

Index Number: 3754 **Company Name:** Mountain Sewer Corporation

CUSTOMER INFORMATION

Customer Name: Mountain Sewer Corporation Petition **Account Number:**
Other Contact Info: **Phone Number:**
Customer Address: 6739 E. Via Cortina **Other Phone:** (941) 400-5481
Customer Address: **Email Address:** dawnmartell@me.com
City: Huntsville **State:** UT **Zip Code:** 84317

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Customer Service
Date Received: 2/17/2011 **Date Resolved:** 4/5/2011
Complaint Received By: Ross Hudson **DPU Analyst Assigned:**
Utility Company Analyst: Dr. Catanzaro
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

For at least the past seven years, and quite likely for the past twenty-one years, captive customers of the Mountain Sewer Co. in East Huntsville have been subjected to sewer service from a company in default of its contractual obligations and with equipment that is in ill repair.

It is a system improperly designed and/or constructed and/or maintained, resulting in repeated malfunctions requiring physical pumping of raw sewage from holding tanks literally on the banks of the Pineview Reservoir and the transporting of raw sewage over local streets onto private property and dumping of that raw sewage into manholes in streets on private property on a regular basis over the past several years.

Mr. Banks, who is the certified Grade I waste water collection system operator for Mountain Sewer and for Wolf Creek Water and Sewer Company knowingly has obtained the required system-operating permits for Wolf Creek but NOT Mountain Sewer.

An Audit of the books of Mountain Sewer should be done because of irregularities that are apparent; e.g., pre-connection fees waived, non-existent billing for Edgewater Chalets, the acceptance of contractual promises in December 2010 by Mountain Sewer to provide sewer service to numbers of users, going forward, in clear excess of the capacity of Mountain Sewer to service them. As per the Dec. 21, 2010 contract the extra 100 hook-ups over the next 5 years will exceed the present sewer capacity of 340.

The access road to Mountain Sewer is not maintained, and is impassable in spring. This is why raw sewage is dumped into manholes on private property.

We are by copies of this letter notifying other responsible persons and agencies of this deplorable situation; we request their immediate intervention.

Yours truly,

In the Interests of Mountain Sewer Customers in The Summit at Ski Lake:

James and Dawn Martell, 6739 E. Via Cortina, Huntsville, UT 84317

Larry and Sharon Zini, 6618 Via Cortina, Huntsville, UT 84317

Frank and Pat Cumberland, 6563 E. 1100 S., Huntsville UT 84317

Andrew and Lisa Hecht, 6596 El 100 S., Huntsville UT 84317

Michael and Diane Suley, 9806.6525 E., Huntsville UT 84317

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In the Interests of Mountain Sewer Customers in Ski Lake Estates:

In the Interests of Mountain Sewer Customers in Lakeside Village:

Robert Kimball, LSV HOA President, C/O Dominick Guida, Kier Mgmt, 3170 Quincy Ave, Ogden UT 84403

David Hayes, LSV HO# Board Member, C/O Dominick Guida, Kier Mgmt, 3710 Quincy Ave, Ogden UT 84403

Dominick Guida, LSV HOA Property Mgr, Kier Mgt, 3710 Quincy Ave, Ogden UT 84403

In the Interests of Mountain Sewer Customers in Edgewater Chalets:

Kostas and Kristi Mallios, 926 S. Meadowlark Ln., Huntsville, Ut. 84317

Salim and Lauri AbiEzzi, 931 S .-Meadowlark Ln., Huntsville, Ut. 84317

Jeff and Kris Larsen, 943 S Meadowlark Ln, Huntsville, UT 84317

3-17-2011

Ms. Martell called and wanted to add to her complaint saying that last night 3-16-2011, there was raw sewage overflow and back up into 15 units of the Lake ridge village condo's. The overflow was loaded onto trucks and dumped down the manholes and possibly made it into Pine View Reservoir. Ms. Martell states she has called several agencies about this situation to get something done about it. I advised Ms. Martell that I Mountain Sewer Corp. had until March 28 to get me an answer to this complaint and that she must receive a copy of the answer given which is by Commission Rule, and that she has the right to file a formal complaint if she is not satisfied with the answer given to the complaint which asks the Commission to hear her complaint. Ms. Martell is asking why this type of thing continues to happen and wants to know what is being done so solve the problem.

Complaint Response:

3-21-2011

- 1.Mountain Sewer Corporation has no knowledge of being in default of any contractual obligations.
- 2.MSC sewer system is in excellent repair and has been closely monitored by Jim Banks who is a certified Grade 1 sewer system operator with over 20 years outstanding service both to Mountain Sewer Corporation and Wolf Creek Sewer Company. During MSC's over 20 years service it has never failed to deliver effective sewer service to its customers.

Particularly during the last four years, MSC has delivered flawless service to its customers in spite of the strain placed on it by frequent flushing down the toilets by its customers of trash that has from time to time become imeshed in its sewer lift station pumps. When this has occurred it requires prompt attention to correct which has always been expeditiously accomplished. On some occasions it has been necessary for MSC to be assisted in this corrective process by employing a sewer pumping truck to allow the level of sewage in the pumper storage vaults to be temporarily lowered enabling the maintenance worker to free up the pumps from this blocking material and return to normal usage. When this would occur the pumping trucks would dispose of the sewage in the most cost effective way which was to deposit it in a manhole in MSC's sewer system which piped it directly to MSC's sewer ponds. The manhole needed for this operation is located on one of the private developments that MSC serves. This had been a cost effective solution implemented for some years successfully without any complaints from any party until the Summit at Ski Lake's Homeowner's Association became active in the Fall of 2010.

The alternative to placing the pumper truck disposing of the sewage into MSC's own sewer ponds is to have MSC pay a significant extra price for having the sewage disposed of at a site significantly farther from MSC's location. The extra cost for transporting the sewage to a more distant loation would ultimately have to be reflected in increased monthly sewage fees paid by all of MSC's customers.

The solution to this whole problem is simply to have MSC customers quit abusing MSC's system by repeatedly flushing down trash into the system and allowing it to continue its normal function without necessitating the effort and cost to repeatedly tend to this problem. This cost will at some point have to be paid for by increasing rates to all MSC users. In spite of sending repeated requests to MSC customers to stop flushing trash down their toilets, this practice has continued.

- 3.MSC system was approved in its design and construction by Weber County and has functioned very well in the over 20 years of its service to its customers.
- 4.If The Summit at Ski Lake private community wishes to prevent access to the part of MSC's sewer system located on its property for the purposes of cost effectively operating and maintaining MSC's system then the Summit at Ski Lake needs to make other arrangements for maintaining the part of the sewer system that is on its property.
- 5.Jim Banks, MSC's Sewer System Manager, had obtained a system operating permit years ago. He currently is making sure the PSC records indicate that his system operating permit is

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reflected in current PSC records.

6.MSC is just completing its annual financial report to the PSC. We will be forwarding a copy of these records directly which are completed correctly to the best of our knowledge. If you have any comments after reviewing them please let us know.

7.MSC is a private Utah corporation that is free to contract with Weber County to provide any additional sewer services that Weber County desires and is mutually agreed upon.

8.The access service road to Mountain Sewer was built to provide use of service vehicles whenever it was necessary. This road was never intended to provide year round access to heavier vehicles such as a sewer pumper truck which use would never be even contemplated if MSC sewer users would not continue to abuse its system by flushing trash down its toilets.

Ronald J. Catanzaro,
President Mountain Sewer Corporation

April 5, 2011

From: Ron Catanzaro, President Mountain Sewer Corporation

Subject: Expanded Complaint concerning MSC

Thank You for the time you and your Utah Public Utilities professional colleagues spent on site here at Mountain Sewer Corporation (MSC) reviewing our facility and the actions we took at the time of flooding on March 16, 2011. We are very proud of the excellent service MSC has given to its customers with no complaints from them concerning sewer problems for over the last four years prior to the recent complaints. We are also proud of the robust actions by MSC taken during the recent flooding situation.

March 16, 2011 was a day of torrential flooding throughout Ogden Valley as is described in the 'attached article in Ogden Valley News which is important for your review to understand the unusual circumstances of that day.

At the height of addressing the flooding in MSC's sewer system we had both of MSC's sewer pumps and two sewage pumper trucks working to full capacity to try and control the flooding which had suddenly occurred in our sewer system. However even with all this effort in the interval between the pumper trucks filling up the water level in MSC's sewer storage vault where its pumps are located would rise rapidly and uncontrollably and overflow the top.

As MSC's staff observed this process which happened repeatedly it became clear that a huge amount of water was entering MSC's system from some external source which far exceeded any amount of sewage that could ever be generated internally in the MSC system. We rapidly searched to find and correct wherever the source may be coming from.

We had heard that UDOT had been fixing flooding in the Snow Basin/Highway 39 Corner just adjacent Lakeview Condominiums where the sewage pumps were located. We decided to investigate that site first. We found a large pond of rain water runoff sitting in the corner of the Snow Basin/Highway 39 intersection. It was surrounding MSC's manhole and sewer box. When we listened we could hear a heavy amount of water seeping from this rain water runoff pond into that manhole and sewer box. From there it was going rapidly down to MSC sewer pumps and was causing the dramatic overload of MSC's pumping capabilities even when supplemented with a number of pumper trucks trying to keep the sewage level down.

We called UDOT for help and to their credit they appeared quickly on the scene. The second U DOT group indicated that this was the third time that they had attended to a flooding situation on that corner. One of the workers jumped into the pond which was possibly one foot deep at that point and began shoveling underneath. After a little time the water started disappearing and the grate for the storm water runoff system appeared below. It had been blocked by stones and other debris from handling the large amount of water that was cascading along that side of Snow Basin Road to that grate. The grate was cleaned of debris and rather quickly the storm water flowed down into the grate. The grate also was readily handling the torrent of water coming down the edge of Snow Basin Road towards it.

We went to the sewer pump lift station and within about ½ hour from first having the storm water grate cleared we noticed the sewage level in the retention vault was steadily lowering to a normal level with the assistance of the pumper trucks. After the sewage level stayed at a low constant level for a period

Of time handled easily by MSC's pumps we dismissed the pumper trucks. The system has continued functioning in its normal manner since then.

In summary, the MSC crew had discovered the problem caused by the flooding on the corner of old Snow Basin Road and Highway 39. With the fixing of that problem at the time of the flooding the sewer system returned to normal functioning as it was no longer inundated with a large volume of extraneous rain water runoff.

In repairing the manhole structure on the Snow Basin Corner it became apparent that at some time previously snow plow trucks had nudged the superstructure of the manhole and shifted them so that small openings occurred. These were undetectable by Jim Banks the Sewer Manager's regular inspections as the structure was below ground with only a small part of the sewer manhole cover being exposed above ground. During this rare event of flooding waters running around the manhole enough spoil was eroded away to allow water to freely enter MSC Sewer System below ground level and

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cause the problems cited.

This structure was repaired very shortly after this episode and MSC does not anticipate further problems. An extra drainage ditch was also dug around the area above the manhole which will divert water away from the manhole if such a flooding episode once again occurs in this area.

My understanding is that the Condominiums at Lakeside Village are all required to have a sewage back flow prevention valve in them. Their purpose is to prevent sewage back flow into condominiums from the sewer pipes that service them as the present instance may have called for.

The unfortunate events that took place that evening were precipitated by the accumulated rainwater runoff flooding at the adjacent Snow Basin corner which was a natural event beyond MSC's control. MSC responded in a timely and robust manner and has put its sewer system back into normal operation including repairing the manhole through which the rain water runoff was entering MSC's system.

Additional Information:

3-14-11

Mr. Catanzaro called and stated he was just made aware of a complaint from our office back in February 17, 2011. He says he can hardly read it as it was a fax and asks that I send it to his attorney's email address and also asks for more time. I extended the time to March 28, 2011.

3-14-11

A copy of the complaint is attached. This complaint was made on the 17th day of February 2011. Commission Rule states you have 5 days to give an initial answer and after an initial answer is given and you needed more time you have another 25 days to finish the answer to the complaint. I understand there are problems sometimes in receiving the complaint that is sent to you and that there are sometimes problems in researching it, so because of those reasons I will extend the time for answering to March 28, 2011.

Thank you for your response in this matter.

Ross Hudson
DPU

3-21-11

I am in receipt of your answer to the complaint made by Dawn Martell. I did not see or read where you sent a copy of your answer to the complaining party (Dawn Martell). This must be done according to Commission Rule. If at that time she does not agree to the answer, she of course will be allowed to file a formal complaint and ask the Commission to hear her complaint.

Thank you

Ross Hudson
DPU

3-21-11

The below info is from MSC Tariff:

Mountain Sewer Corporation Original Sheet No. 24
P.S.C.U. No. 1

F. RESPONSIBILITY

The Company will be responsible for the operation and maintenance of the main sewer collection facility (usually collection pipe eight (8) inch or over) in the public street or on a perpetual easement granted to the Company. The building owner or user will be responsible for maintenance and operation of the sewer service lateral from the building to the main collection facility.

3-21-11

The email below was sent to me by Mark Long who works in the water section of the Division when I asked him for info that he may have on the Mountain Sewer Corp. He said that information was given to Division of Environmental Quality about MSC practice of dumpint sewage down manholes.

>>> <frankc@xmission.com> 3/17/2011 9:46 AM >>>

You will recall our conversation of a week ago about the decision not to require a groundwater discharge permit for Mountain Sewer in Huntsville, a decision unilaterally made by your Mr. Baker.

Last night, with only about one inch of rain, at least fifteen condos at Lakeside Village were inundated with raw sewage. The mess and its cleanup has really just begun. Damages are certain to be in the millions, and there is no question but that raw sewage spilled over the surface of the ground and into Pineview Reservoir, a source of

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drinking water for Ogden City. No one yet knows of the adverse health effects on residents of Lakeside Village.

We believe it is time for Mr. Baker's fiat to be reexamined and revoked, at least as to Mountain Sewer. I ask that you have Mr. Baker call me upon his arrival on Monday morning to see how this matter is to be corrected, NOW.

Frank Cumberland
801-745-8757

3-23-11

Dr. Catanzaro called and said that he received my email to him but the complaint was not attached. So I resent it to him. - Ross

3-29-11

Marialie Martinez, section manager of the customer service group, Mark Long of the water section and Ross Hudson of the customer service section, drove to Huntsville, UT with Dan Griffin of Utah Division of Environmental Quality to inspect the Mountain Sewer Corp., facilities at the pleasure of the owner Dr. Ron Catanzaro. Upon our arrival at Dr. Catanzaro's Residence which is the address of the Mountain Sewer Corp. offices, we were shown around by Dr. Catanzaro and the Manager of Mountain Sewer Corp., Mr. Jim Banks. Mr. Banks first showed us some stringy cloth that he says is continually being one of the causes of the pumps being clogged and rendered inoperable. We were then taken to the manhole where Dr. Catanzaro and Mr. Banks says sewage is dumped from pumper trucks into the manhole to go on its way to the sewer ponds. The manhole is in disrepair where ground water can seep into the sewer system and on into the sewer ponds. From this same location we could see the sewer holding ponds below from where we were standing. We were then taken to Hwy 39 and Old Snow Basin Road and shown the Grate that had clogged so that the rain runoff could not flow into it and on to Pine View Reservoir. Instead it drained into the sewer system that caused the overflow and backup at the lift station. We were shown the approximate route of the sewer line which runs through Lakeside Village to the lift station which is located at the northeast corner of the Village. We were shown where the entrance is to the sewer ponds and saw the snow that was on the road to the sewer ponds which Mr. Banks says is too deep and the road to muddy to drive a pumper truck to the ponds for dumping and that is why they use the manholes for dumping. We were then shown the Lift Station, the pumps and their operation. We were met there by the complainant Dawn Martell and the Lakeside Village HOA president Bob Kimball. We were informed by Mr. Banks and Dr. Catanzaro that the main reason the 15 condominiums flooded was that there were no back flow valves installed on the toilets which is a county inspection problem, however Ms. Martell and Mr. Kimball stated that if the sewer system had been able to handle the excess water the back up would not have occurred. We were taken to a section of the sewer line on Hwy 39 near the Old Snow Basin Road by Ms. Martell & Mr. Kimball and shown some sink holes that is believed to funnel into the sewer system. Pictures of a damaged section were shown us that were taken by Mr. Kimball of the open sewer system holes that shows the 8 inch pipe full of rocks and dirt with only a 1 inch to 1.5 inch clearance. Some pictures were also shown us that shows some sewer manholes in disrepair which can have ground water run into the sewer system. Ms. Martell and Mr. Kimball both stated that the sewer lift station and the pumps are over 25 years old and in need of repair and the pipeline to the pumps and lift station and the pipeline up to the sewer ponds needs reaming out as they are clogged or they need to be replaced. They said that when the pumper truck or trucks has to pump sewage out of the lift station and the manhole just inside the Lakeside Village gate then transport it up to the manhole we were shown earlier, to dump the sewage, shows the inadequacy of the system and that because there was about a 3 hour delay before the pumper trucks arrived during this emergency clearly shows that there is no adequate emergency backup system in place to keep flooding from happening. A picture of the lift station during the rain storm shows that it is full and overflowing and from the layout of the location of the lift station the overflow has a downward direction toward and possibly into the Pine View Reservoir water which is about 50 feet from the lift station. The lift station does not have shut off valves, only an alarm that warns when the lift station is getting full.

4-4-11

I made a phone call to Dr. Catanzaro and asked when the final answer to his complaint would be finished. He told me that I would have it tomorrow 4-5-11.- Ross

4-6-11

Mr. Bob Kimball called and wanted to tell me some inconsistencies in the answer to Dr. Catanzaro's answers to the Division. I told Mr. Kimball that since he and the others were not satisfied with Dr. Catanzaro's answers, I would send him a copy of this complaint and he could discuss it with the rest of the signers and decide if they want to file a formal complaint and that I would send them the forms.