

Pocket # 11-092-01

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UTAH PUBLIC
SERVICE COMMISSION

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May 16, 2011

Response to Formal Complaint concerning MSC

3-1 MSC stands behind its response to these complaints

3-2 This is an expansion of response to this complaint. Over four years ago a number of condominiums at Lakeside Village were flooded by sewage back flow because of a stoppage in sewage flow caused by construction debris lodged in one of MSC's manhole boxes located in Lakeside Village. This matter was resolved some years ago not holding MSC as responsible for the flooding of these condominiums. It was established at the time that Lakeside Village Condominiums did not have in place sewage back flow prevention valves which would have stopped sewage coming from MSC's sewer system into the condominiums. It was represented by Lakeside Village at that time that they were not required to have such sewage back flow prevention valves in place. The obvious indicated action by Lakeside Village after that condominium flooding episode was to put such sewer back flow prevention valves in their condominiums to prevent a similar flooding episode in case of a future problem in MSC's sewage system.

Having had over four year's time to put these valves in place and considering the cost of such valves which is reportedly only about \$200 each, it was incomprehensible when MSC learned on the occasion of the recent condominium flooding that only a portion of the condominiums had actually installed sewage back flow prevention valves which would have prevented the sewage back flow flooding that recently took place. It is clear that MSC sewer users at Lakeside condominiums are attempting to avoid taking their own responsibility for the sewage flooding that recently occurred in their condominiums by omitting their previous very pertinent history with regards to sewage flooding they had previously experienced and the consequential imperative need for them to have installed sewage back flow prevention valves in the condominiums which were recently flooded and which they omitted putting in place. MSC is not responsible for what occurs inside a condominium when the sewage back flow prevention valve is activated to prevent sewage from entering the condominium from MSC's sewer system.

In addition, the complainers also have simply ignored UDOT's lack of keeping the storm drainage grate located in UDOT's Right of Way in the area near MSC's sewer manhole clean of debris sufficient to prevent the flooding of storm water and the consequent spilling of these flood waters into MSC's sewer system overwhelming its capacity to pump it into its sewer ponds. The fact that when MSC discovered the flooding which was inundating its sewer system and called UDOT to correct the flooding problem UDOT arrived on the scene within about 10 minutes of the call and immediately set to work to unclog the storm water grate thus allowing the flood waters to drain quickly into the storm water pipes eliminating the flooding problem. The UDOT workers informed MSC that this was the third occasion that afternoon of having attended to flooding at this Snow Basin Corner site. They knew exactly where to begin freeing up the clogged storm water grate to correct the flooding situation. UDOT asked no assistance from MSC personnel in this regard in clearing this grate as it was clearly not MSC's

responsibility to do so. Instead of the complainers acknowledging UDOT's key role in this flooding incident by not keeping the storm water drainage grate continually unclogged in their own UDOT Right of Way to prevent flooding at the Snow Basin Corner, the complainers instead wish to focus all responsibility for the flooding incident to be the fault of MSC which is not the case.

Please refer to the article in The Ogden Valley News April 1, 2011 entitled "Valley Residents Experience a Second Round of Flooding" which clearly explains the torrential flooding that Ogden Valley was experiencing on March 16, 2011 the date of the condominium flooding episode.

3-3 MSC has successfully and diligently provided good sewer services to its customers particularly for the last 4 years despite repeated flushing of heavy rag type fibrous trash by its sewer users into MSC's system making such excellent service significantly more difficult. The sewer users repeatedly take no responsibility for the great maintenance problems this trash has caused MSC and quite disingenuously blame any problems that MSC experiences to be solely the result of some imagined flaw in MSC's system which system has functioned for the most part quietly and successfully for over 20 years in its current structure.

3-4 and 5 This is an expansion of a previous response to the complaint concerning MSC's fees. MSC has never been authorized to collect stand by fees and thus has never endeavored to collect such fees. MSC in the last year learned that there were several lots in the new Phase 4 of The Chalets at Ski Lake that had been foreclosed by a bank and then sold to new owners. It has always been the practice of MSC to collect sewage hook up fees at the time of lot sale to a new owner. However no such fees were collected at the time of the foreclosure sale to new owners. Much to MSC's dismay when the new owners were contacted by MSC and asked to pay their sewer hook up fee they either made no response to this request or indicated that one day maybe 5 years in the future when they may decide to build a home they would pay for a sewer hook up fee. The fact that they should be sharing in the expense of ongoing MSC's maintenance activities by paying their sewage hook up fees and monthly sewage charges was simply of no interest to these new lot owners.

In an attempt to motivate these new owners to pay their fees MSC contacted them with the idea of discounting their fee if they would go ahead and pay up directly. In this process MSC was contacted by Ross Hudson at Utah Public Service who indicated that this arrangement would be a discriminatory one and should not be pursued. MSC stopped all efforts in this regard and has never collected either a standard fee or a discounted fee from these lot owners. MSC hereby requests Utah Public Service Commission to suggest a mechanism whereby MSC can collect these fees within the rules established by the Utah PSC.

Having never raised sewer rates in its over 20 years of service to its sewer users MSC has always charged exactly the permitted hookup fees and monthly sewer fees authorized by Utah PSC.

3-6 MSC stands by its response to these matters previously given.

4 This is vague and unclear and is most likely answered in other parts of this response.

5-1 MSC is to the best of its knowledge functioning legally without any current deficiencies with the exception of finalizing the documentation of the Utah licensing approval of Jim Banks as MSC's Sewer Manager. Mr. Banks has been the MSC sewer manager for over 20 years before the current licensing regulations went into effect. He assumed he would be grandfathered in to this new licensing arrangement but when he learned additional steps were needed to be taken is very close to completing

the new licensing documentation.

5-2 The Utah Code and administrative rules are currently being followed by MSC.

5-3 MSC's sewer system and the other required building improvements were approved as correctly completed by Weber County in each phase of its extension to serve the expanded developments to which it is supplying sewer service. Jim Banks, the MSC Sewer Manager, at least twice monthly inspects MSC's overall sewer system. He has failed to find any evidence of problems with any leakage of this system understanding that a small amount of ground water leakage does occur into this system from time to time associated with heavy rains. This situation in Mr. Banks' observation in his role as Manager of other sewer systems in Ogden Valley is very common in these other sewer systems. This small amount of occasional ground water seepage has not negatively affected MSC's ability to deliver excellent sewer service to its customers. Mr. Banks' position is that there is no current need for the great expense that would be involved in video scoping MSC's sewer system as it is currently functioning well.

The one exception that merits an upgrading are the manhole covers and boxes at the corners of Old Snow Basin Road and Highway 39 one of which was the site of flood waters recently getting into the MSC sewer system. Mr. Banks recommends blacktopping over these areas in a similar fashion as manhole sites are blacktopped in a street so that a vehicle or snow plow would not be able to dislodge MSC's manhole covers yet they would be available for removal as needed for inspection purposes. This should permanently solve the possibility of repeat flooding at these sites.

5-4 MSC's books are available for review as Utah PSC wishes.

5-5 MSC vigorously opposes this complaint.

5-6 MSC vigorously opposes this complaint.

5-7 MSC stands ready to comply with any further recommendations from Utah PSC concerning this matter.

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Valley Residents Experience a Second Round of Flooding

By Shanna Francis

For the second time this year, Eden residents experienced flooding from heavy rains falling on frozen, snow-packed ground. On January 17, and again on March 16, neighbors in the Patio Springs Subdivision below Wolf Creek, and neighbors in the Eden Acres Subdivision below the Mountain View Cemetery in Eden, received water damage due to sheet flooding and saturated soils.

In Patio Springs, a river that jumped its banks and sheet flooding contributed to a virtual river that began flowing off of the mountain-side near the base of Powder Mountain on the east side of the road, crossed Highway 158, then pushed down through Juniper Lane, also causing some flood-

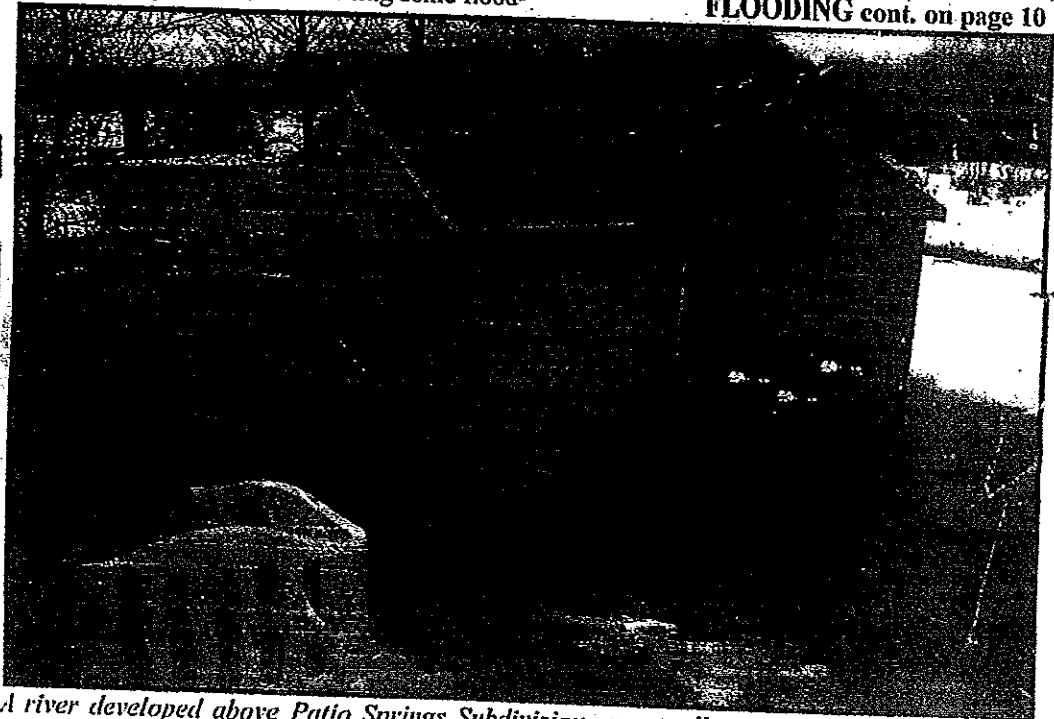
ing along the creek in homes located directly above Patio Springs. Homes along Juniper received flooding along with three homes at the end of the cul-de-sac on Willow Brook Lane in Patio Springs. In the worst case, one home received about 22 inches of water in their



A fast moving torrent of water pushed through a Wolf Creek bench neighborhood on March 16 flooding streets and homes.

basement, as they did in January. Neighbors, Weber County personnel, firemen from the Weber Fire District, and inmates from the Weber County jail arrived to help fill sandbags and try to divert the spontaneous river that was shooting water into the Smith home at the end of Willow Brook. KSL news arrived and covered the flood event live, showing footage on the 10:00 news as the hum of sump pumps droned on,

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A river developed above Patio Springs Subdivision, eventually running down through the neighborhood causing flooding to three homes.

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Sewage was also shooting up out of a manhole on Creekview Drive in Eden, as it also did in January.

Huntsville had its share of sewage problems. Fifteen out of seventeen units in Lakeside Village Townhomes were flooded

by sewage that backed up into the condominium complex. It is reported that the problem stemmed from a manhole cover in the area of the intersection of Old Snow Basin Road and Highway 39 that came off, allowing heavy rain and storm water to fill the lines and overload the beleaguered Mountain Sewer lines.