

FILED
December 12, 2024
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**APPLICATION OF PLEASANTVIEW)
UTILITIES, INC. FOR A NEW SCHEDULE)
OF RATES AND CHARGES FOR WATER) CAUSE NO. 46123-U
SERVICE)**

PUBLIC'S EXHIBIT NO. 3

TESTIMONY OF CARL N. SEALS

ON BEHALF OF

THE INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

December 12, 2024

TESTIMONY OF OUCC WITNESS CARL N. SEALS
CAUSE NO. 46123-U
PLEASANTVIEW UTILITIES, INC.

I. INTRODUCTION

1 **Q: Please state your name and business address.**

2 A: My name is Carl N. Seals, and my business address is 115 West Washington Street, Suite
3 1500 South, Indianapolis, Indiana 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed by the Indiana Office of Utility Consumer Counselor ("OUCC") as the
6 Assistant Director in the Water/Wastewater Division. My qualifications and experience are
7 set forth in Appendix A.

8 **Q: What is the purpose of your testimony?**

9 A: I provide an overview of Pleasantview Utilities, Inc. ("Pleasantview" or "Applicant")
10 current water operations. I also describe why certain assets should not be included as part
11 of the water utility's rate base. I discuss a March 2024 Indiana Department of
12 Environmental Management ("IDEM") violation.

13 **Q: Does your testimony include attachments?**

14 A: Yes. My testimony includes the following attachments:

- 15 • OUCC Attachment CNS-1 – Petitioner's response to OUCC Data Request 3.
16 • OUCC Attachment CNS-2 – IDEM Notice of Violation in Case No. 2024-29954-D.
17 • OUCC Attachment CNS-3 – IDEM Agreed Order in Case No. 2024-29954-D.
18 • OUCC Attachment CNS-4 – IDEM Case Closeout Letter regarding the Agreed Order.

19 **Q: Please describe the review and analysis you conducted to prepare your testimony.**

20 A: I reviewed Pleasantview's Application and its Indiana Utility Regulatory Commission
21 ("IURC" or "Commission") Annual Reports for 2019 through 2023. I prepared data
22 requests and reviewed Pleasantview's responses and the Commission's orders in
23 Pleasantview's most recent water base rate case. I reviewed reports Pleasantview filed with

1 the Indiana Department of Environmental Management ("IDEM"). Finally, on November
2 21, 2024, OUCC Director Scott Bell, OUCC Senior Analyst James Parks, IDEM
3 Wastewater Inspector Becky Ruark and I met with Matthew Sherck on site to examine
4 Pleasantview's above-ground assets, which mostly involved the wastewater treatment
5 plant.

6 **Q: If you do not discuss a specific topic, does that mean you agree with Petitioner?**

7 A: No. My silence on any issue should not be construed as an endorsement. Also, my silence
8 in response to any actions or adjustments stated or implied by Petitioner should not be
9 construed as an endorsement.

10 **Q: Please describe Pleasantview's current water operations.**

11 A: Pleasantview currently provides water service to approximately 203¹ customers in a
12 subdivision located about two miles west of Connersville, Indiana. Water is purchased
13 from Connersville and resold to customers, through approximately 5 miles of three-inch
14 polyvinyl chloride ("PVC") transmission and distribution mains.² There are no storage or
15 booster facilities on the Pleasantview system. In 2023 Pleasantview sold 10.851 million
16 gallons of water, equating to roughly 25,000 gallons per day, or 122 gallons per day per
17 customer. As reported by Pleasantview, in 2023 water loss was 16.8% of water purchased
18 from Connersville.

19 **Q: Please describe your concerns with Pleasantview's current Application.**

20 A: First, the Ford F350 truck is unnecessary for Pleasantview's operations and should be
21 excluded from rate base. Second, the generator owned by Pleasantview utilities is not
22 required for the operation of Applicant's water system and its value should be excluded as

¹ 2023 Pleasantview Annual Report, page W-1.

² 2023 Pleasantview Annual Report, page W-9.

1 an asset. Finally, I will discuss an IDEM reporting violation received in March of 2024.

2 **II. EXCLUSION OF TRUCK**

2 **Q: Please describe the truck that Pleasantview seeks to include in its rate base.**

3 A: The truck in question is a 2016 Ford F350 Super Duty, four-wheel-drive pickup truck, with
4 loan details provided in response to OUCC DR 2-1 showing an amount financed of
5 \$35,025.50.³

6 **Q: Is this type of truck necessary for Pleasantview to operate and maintain its water and
7 wastewater facilities?**

8 A: No. This type and size of truck is wholly unnecessary for the type of work that utility
9 personnel perform and should be excluded from utility plant in service. According to
10 Edmunds, a 2016 F350 weighs approximately 7,000 pounds and has a 2,950-pound payload
11 capacity and the ability to tow a 14,000-pound trailer.⁴ This is well beyond the needs of
12 the utility, as it is clear from a review of invoices that subcontractors do most of the
13 maintenance and repairs of the system. Pleasantview Owner Matthew Sherck himself does
14 not need this type of vehicle for the utility, as in response to OUCC Data Request 3-4
15 (OUCC Attachment CNS-1) he indicated only that he “Does all billing, bookkeeping,
16 collections, regular monitoring and work at plant, oversees employees and contractors, etc.
17 work 20 hrs/week.” None of these activities require a vehicle of this size.

18 Finally, from personal experience managing a much larger utility, I can say that
19 none of the staff there used or required vehicles of this size to read meters, run service
20 tickets, operate the plant, change meters or supervise subcontractors. Any job requiring

³ The loan document shows an F250, however cross-checking the VIN at <https://vpic.nhtsa.dot.gov/decoder> indicates that the vehicle with that VIN is a four-wheel-drive, diesel, crew-cab F350.

⁴ Source: Edmunds at <https://www.edmunds.com/ford/f-350-super-duty/2016/features-specs/>

1 materials and excavation (e.g. main repair) will require dedicated excavating equipment
2 (e.g. backhoe, skid-steer) and a dump truck brought in by the subcontractor performing the
3 work. Large pickup trucks like the F350 are both more expensive to acquire and to operate
4 and are simply not needed for the work the utility self-performs. This exclusion is
5 addressed in the testimony of OUCC Witness Jason Compton.

6 **Q: Did the OUCC seek additional information from Applicant regarding the truck?**

7 A: Yes. In OUCC Data Request 3-25, we asked the following questions:

8 Q-3-25: The following questions pertain to the document titled "loan details (1).pdf,"
9 which appears to provide information pertaining to the purchase and financing of an
10 "F350" or one-ton truck.

- 11 a. What activities performed by utility personnel require the purchase and use of a
12 one-ton truck?
- 13 b. Please describe and detail all-utility owned equipment carried on this truck, and
14 frequency of use.
- 15 c. How many hours per week is this truck used for utility purposes?
- 16 d. Who is the primary driver of this truck?
- 17 e. Is this a diesel truck?

18 The OUCC sought this information because while the truck appears impractical for small
19 utility operations, it might be very useful for one of Mr. Sherck's other businesses, for
20 example farm operations. As of the date of filing of this testimony, no response has been
21 received to the above questions.

III. EXCLUSION OF GENERATOR

22 **Q: Why do you propose excluding the generator from water utility plant in service?**

23 A: Simply put, the generator is used only for the wastewater side of the operation. As
24 discussed above, the Pleasantview water system only purchases and redistributes water to
25 its customers from Connersville. There are no booster stations, treatment plants or other
26 water system assets requiring backup power in the event of a loss of electrical service. This

1 exclusion is addressed in the testimony of OUCC Witness Jason Compton.

IV. IDEM REPORTING VIOLATION

2 **Q: Did IDEM issue a Notice of Violation to Pleasantview.**

3 A: Yes. On March 1, 2024 IDEM issued a Notice of Violation (Case No. 2024-29954-D), for
4 Pleasantview's failure to monitor and report total trihalomethanes ("TTHMs") and
5 haloacetic acids ("HAAs") during 2022 and 2023. (See OUCC Attachment CNS-2.) This
6 failure to monitor and report is a violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-
7 20, which requires annual monitoring and reporting of TTHMs and HAAs at designated
8 locations. The Notice of Violation also indicated that Pleasantview failed to notify persons
9 served by the Public Water System of the failure to perform TTHM and HAA5 monitoring
10 during the years of 2022 and 2023. The failure to notify customers is a violation of 327
11 IAC 8-2.1-7, which requires owners of a Public Water System to give public notice for
12 failure to perform water quality monitoring, as required by drinking water regulations.

13 **Q: How has Pleasantview responded to this Notice of Violation?**

14 A: On March 12, 2024, Pleasantview's owner, Matthew Sherck, and IDEM entered into an
15 Agreed Order in Case No. 2024-29954-D. (See OUCC Attachment CNS-3.) The Agreed
16 Order required Pleasantview to provide public notice for the past TTHM and HAA5
17 monitoring and reporting violations. Pleasantview was also required, for future monitoring
18 and/or reporting violations and MCL violations, to provide public notice to the State within
19 10 days and notify the public pursuant to 40 CFR 141.861(a)(4). Finally, Pleasantview
20 agreed to pay a civil penalty of \$860. I did not find any lab results showing the results of
21 testing for TTHMs and HAAs or subsequent, related communications from Mr. Sherck on
22 the Virtual File Cabinet.

1 **Q: Is the Agreed Order still in effect?**

2 A: No. On August 28, 2024, IDEM sent a Case Closeout letter to Mr. Sherck indicating that
3 Pleasantview had complied with the terms of the Agreed Order. (*See* OUCC Attachment
4 CNS-4.) Therefore, the issues addressed in the Agreed Order were considered by IDEM to
5 be resolved and the action was closed.

6 **Q: Do you have any recommendations?**

7 A: Yes. I recommend that in the future Pleasantview comply with 327 IAC 8-2.5-12(a)(2) and
8 327 IAC 8-2.5-20, which requires annual monitoring and reporting of TTHMs and HAAs.

9 **Q: Does this conclude your testimony?**

10 A: Yes.

APPENDIX A

QUALIFICATIONS

1 **Q: Please describe your educational background and experience.**

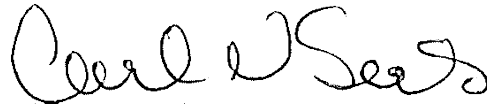
2 A: In 1981 I graduated from Purdue University, where I received a Bachelor of Science degree
3 in Industrial Management with a minor in Engineering. I was recruited by the Union Pacific
4 Railroad, where I served as mechanical and maintenance supervisor and industrial engineer
5 in both local and corporate settings in St. Louis, Chicago, Little Rock and Beaumont,
6 Texas. I then served as Industrial Engineer for a molded-rubber parts manufacturer before
7 joining the Indiana Utility Regulatory Commission ("IURC") as Engineer, Supervisor and
8 Analyst for more than ten years. It was during my tenure at the IURC that I received my
9 Master of Health Administration degree from Indiana University. After the IURC, I worked
10 at Indiana-American Water Company, initially in their rates department, then managing
11 their Shelbyville operations for eight years, and later served as Director of Regulatory
12 Compliance and Contract Management for Veolia Water Indianapolis. I joined Citizens
13 Energy Group as Rate & Regulatory Analyst following the October 2011 transfer of the
14 Indianapolis water utility and joined the Office of Utility Consumer Counselor in April of
15 2016. In March 2020 I was promoted to my current position of Assistant Director of the
16 Water and Wastewater Division.

17 **Q: Have you previously testified before the Indiana Utility Regulatory Commission?**

18 A: Yes, I have testified in telecommunications, water and wastewater utility cases before the
19 Commission.

AFFIRMATION

I affirm the representations I made in the foregoing testimony are true to the best of my knowledge, information, and belief.

A handwritten signature in black ink that reads "Carl N. Seals". The signature is written in a cursive style with a large initial "C" and "S".

By: Carl N. Seals, Assistant Division Director
Cause No. 46123-U

Office of Utility Consumer Counselor (OUCC)

Date: December 12, 2024



The State Agency Representing
Hoosier Utility Ratepayers

October 17, 2024

VIA ELECTRONIC MAIL

Matthew Sherck, President
PLEASANTVIEW UTILITIES INC.
3812 West Galaxy Drive
Connersville, Indiana 47331
Email: msherck@co.fayette.in.us

Re: IURC Cause No. 46122-U
Pleasantview Utilities Inc. (Wastewater)
OUCC Data Request Set No. 3

Dear Mr. Sherck:

In accordance with 170 IAC 1-1.1-16, please provide a response to the requests attached by email by October 28, 2024 to dlevay@oucc.in.gov, vipeters@oucc.in.gov, and infomgt@oucc.in.gov.

If you have any questions, please contact me. Thank you.

Sincerely,

Daniel M. Le Vay
Senior Deputy Consumer Counselor

DML/tab
Enclosure

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR
DATA REQUEST
CAUSE NO. 46122-U

OUCC Data Request Set No. 3

Date: October 17, 2024

In connection with our work in the above-referenced Cause, we are submitting the following request(s) for information or documentation. Please identify the person(s) providing each segment of information or each document. Also, please indicate the witness or witnesses to be called in your Case-in-Chief and Rebuttal who can answer questions regarding the substance of or origination of information supplied by the utility in each instance of the responses to this request. Thank you for your prompt assistance in this matter.

I. Definitions and Instructions.

A. For each data request, please identify all persons who provided responsive information or materials. **Matt Sherck**

B. With respect to any document or thing being withheld from production on the basis of privilege, please state the subject matter of the document and the basis of the claim of privilege.

II. Data Request

Q-3-1: In the Order in Cause No. 44351-U, the IURC noted that “working with a contract in place is preferred and a better means by which to accurately determine the work to be completed and subsequent expense” for an operator.

- a. Has The Pleasantview Sewer Utility contracted an operator as recommended? **New operator hired, MS Waters, Michael Stuckey**
- b. If the utility has not contracted an operator, please explain why not.

Q-3-2: Is sludge being removed annually as suggested by Schedule 6(i)? **Yes, sometimes in spring, sometimes in fall, there are 2 ponds that need cleaned, lack of finances in past has only allowed us to clean 1 pond, this leads to increased ammonia in water discharged and violations with ISDH**

Q-3-3: Please provide invoices for sludge removal for 2019-2023.

Q-3-4: What functions does Matthew Sherck perform for the sewer utility. How many hours per month does Mr. Sherck spend operating the sewer utility? **Does all billing, bookkeeping, collections, regular monitoring and work at plant, oversees employees and contractors, etc., work 20 hrs/week**

Q-3-5: What functions does Matthew Sherck perform for the water utility. How many hours per month does Mr. Sherck spend operating the water utility? **Same as for sewer**

Q-3-6: What services does Marc Frank provide to Pleasantview, and how many hours per week are spent providing these services? Please explain how many hours are spent providing service to water operations and to sewer operations. **No longer working for utility, was hired as an hourly employee to work at plant, did not show up enough to keep and he quit**

Q-3-7: What services does AMM Services provide to Pleasantview, and how many hours per week are spent providing these services? Please explain how many hours are spent providing service to water operations and to sewer operations. **AMM services does the sludge removal for pleasantview, also removal done by Greg Amos and Jeff Amos**

Q-3-8: What services does Marcus Chapman provide to Pleasantview, and how many hours per week are spent providing these services? Please explain how many hours are spent providing service to water operations and to sewer operations. **Helped read water meters, helps when in need, water only, 2-3 hrs at time on water side**

Q-3-9: Please refer to g/l line 238.

- a. Does the sewage treatment plant have a generator? **yes**
- b. If yes, how often is the generator tested? **Every 6 months, would like to do more**
- c. Who performs generator tests? **Josh Landstrom**
- d. How much of the plant can operate only with the generator? **Whole treatment plant would operate except for flow meter**

Q-3-10: Regarding the services performed by Culy Contracting, LLC on row 210 of the general ledger:

- a. Please provide additional information on the service performed. **They were contracted to clear blockages in sewer main and video main to determine extent of problem**
- b. How often are these services performed. **Typically used Connersville utilities in past about 6 time/year. Connersville says no longer going to be available to due work so Cully is an option for future.**

- c. Please provide an invoice for these services.

Q-3-11: Regarding the services performed by Connersville on row 281 of the general ledger:

- a. Please provide additional information on the service performed.
- b. How often are these services performed.
- c. Please provide an invoice for these services. **Answered above**

Q-3-12: For each of the listed projects, which were included for recovery in Cause No. 44351-U and referenced by Ethel Morgan of Hometown Engineering in Exhibit 8 in that Cause, please indicate completion date and total dollars spent. Please provide invoices. **Everything completed except Eq Bason. The sewer rate was reduced to remove**

- a. Influent Bar Screen - \$1,000
- b. Flow Control/Splitter Box - \$5,000
- c. Equalization Basin - \$62,000
- d. New Blower - \$2,500
- e. Chlorine Contact Tank - \$12,000
- f. Flow Metering - \$6,000
- g. Telemetry and/or SCADA - \$4,000
- h. Aeration Tank Modifications - \$5,000
- i. Miscellaneous Piping and Appurtenances - \$10,000

Q-3-13: Please provide copies of the detailed Verizon bills referenced in the provided general ledger. **Most recent bill attached**

Q-3-14: Please refer to Landstrom invoice #23001.

- a. How was Landstrom invoice #23001 identified as being for “manhole repair 166” (as shown on row 129 of the general ledger) without any location information or description of work on the invoice? **It is the only manhole on lot 166, use lot numbers to identify**
- b. Identify the address/location of manhole 166. **3522 W Starling Drive, Lot 166**

Q-3-15: Please refer to Landstrom invoice #2002.

- a. How was Landstrom invoice #2002 identified as “sewer line repair” (as shown on row 156 of the general ledger) without any location information or description of work on the invoice? **Sewer main located on lot 156**
- b. Identify the address/location of the sewer line repair. **3238 W Serenity Pkwy, Lot 156**

Q-3-16: How was Landstrom invoice #23003 identified as “sludge return line repair” (as shown on row 163 of the general ledger) without any location information or description of work on the invoice? **Work was done on sewer plant**

Q-3-17: Regarding Landstrom invoice #23007, please explain what is meant by “Pump ponds paid \$200 for exc.” **When pumping ponds, contractor requires a hole excavated for him to place pumping equipment, Landstrom brought in excavator to dig hole**

Q-3-18: Please refer to Landstrom invoice #23010. **Invoices attached, I have knowledge of every repair completed as I initiated each job and designate the job to department**

- a. How was this work identified as “SPLIT” (as shown on row 207 of the general ledger) without any location information or description of work on the invoice? If “SPLIT” refers to multiple general ledger accounts affected on the debit or credit side, please identify all affected accounts and journal entries.
- b. Was the addendum to invoice #23010 provided by Landstrom?
- c. Identify the address/location of work performed.

Q-3-19: Please explain how Landstrom invoice #23012 appears as a “SPLIT” on row 236 of the general ledger while notes on the invoice appear to state “water equipment.” If “SPLIT” refers to multiple general ledger accounts affected on the debit or credit side, please identify all affected accounts and journal entries.

Q-3-20: Regarding row 477 of the general ledger provided:

- a. At what location was the work performed?
- b. Please provide the invoice for work performed.

Q-3-21: Please refer to Landstrom invoice #231112 (with totals appearing at row 490 of the general ledger).

- a. Was work performed at more than one location?
- b. What work was performed at Lot #29?
- c. Identify the address/locations of work performed.

Q-3-22: Please refer to the unnumbered, 12/20/23 Landstrom invoice, annotated as “clean sewer line,” please identify the location (address if applicable) of the work performed.

Q-3-23: Please refer to row 1224 of the general ledger provided.

- a. Describe and state the need and use of the equipment rented.
- b. Provide the invoice for equipment rental.

Q-3-24: Please refer to row 1225 of the general ledger provided.

- a. Describe and state the need and use of the equipment rented.
- b. Provide the invoice for equipment rental.

Q-3-25: The following questions pertain to the document titled “loan details (1).pdf,” which appears to provide information pertaining to the purchase and financing of an “F350” or one-ton truck.

- a. What activities performed by utility personnel require the purchase and use of a one-ton truck?
- b. Please describe and detail all-utility owned equipment carried on this truck, and frequency of use.
- c. How many hours per week is this truck used for utility purposes?
- d. Who is the primary driver of this truck?
- e. Is this a diesel truck?



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 1, 2024

Via Certified Mail No.:
7019 2280 0001 5569 8393

Via Certified Mail No.:
7019 2280 0001 5569 8409

Matthew Sherck, Registered Agent
Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Matthew Sherck, President
Pleasant View Utilities, Inc.
961 S. CR 350 E,
Connersville, IN 47331

Dear Mr. Sherck:

Re: Notice of Violation and
Proposed Agreed Order
Indiana Department of
Environmental Management
v.
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Case No. 2024-29954-D
Connersville, Fayette County

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Pleasant View Utilities, Inc. As a result of that investigation, IDEM has made a preliminary determination that violations exist. Pursuant to Indiana Code 13-30-3-3, enclosed please find a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific findings of violation and the actions necessary to resolve them.

You may request a settlement conference to discuss the allegations and the necessary corrective actions, which may include a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order is a preliminary figure for settlement discussion purposes only and is based on the alleged violations set forth in the Notice of Violation.

To resolve this matter as provided for in the enclosed Agreed Order, sign, and return the entire document to me at the following address:

Office of Water Quality – IGCN 1255
Indiana Department Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

Cover Letter: Case No. 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Connersville, Fayette County
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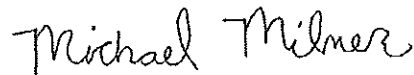
The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral Notice and Order of the Commissioner requiring compliance with the environmental laws, rules, and/or permits, including payment of a civil penalty.

Please be advised the local health department has been notified of these violations.

Please contact me at (317)-234-8467 or mmilner@idem.in.gov within 15 days. At that time, we can discuss any questions or set up a settlement conference.

Sincerely,



Michael Milner, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

cc: Fayette County Health Department
<http://www.in.gov/idem>



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

NOTICE OF VIOLATION

Via Certified Mail No.:
7019 2280 0001 5569 8393

Via Certified Mail No.:
7019 2280 0001 5569 8409

Matthew Sherck, Registered Agent
Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Matthew Sherck, President
Pleasant View Utilities, Inc.
961 S. CR 350 E,
Connersville, IN 47331

Case No. 2024-29954-D

Pursuant to Indiana Code (IC) 13-30-3-3, the Indiana Department of Environmental Management (IDEM) issues this Notice of Violation. Based on an investigation, IDEM has reason to believe that Pleasant View Utilities, Inc. (Respondent), has violated environmental rules. The violations are based on the following:

1. Respondent owns and/or operates a community public water system (PWS) with PWSID No. IN5221004, serving 500 persons. The PWS is located at 3812 W. Galaxy Drive, Connersville, Fayette County, Indiana (the Site).
2. A Community Water System (CWS) as defined by 327 Indiana Administrative Code (IAC) 8-2-1(12) is a PWS that has at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
3. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
4. Pursuant to 327 IAC 8-2.5-12(a)(2), a PWS using ground water and serving less than 500 persons, shall monitor total trihalomethanes (TTHM) and haloacetic acid (HAA5) at no fewer than 2 locations (Lot 185 and Lot 154) once per year.

Pursuant to 327 IAC 8-2.5-20, a PWS shall report TTHM and HAA5 monitoring result to IDEM within ten (10) days after the end of any quarter in which monitoring is required.

Respondent submitted a "Stage 2 Disinfectants and Disinfection Byproducts Rule Compliance Monitoring Plan" (CMP) on November 13, 2013. According to the CMP, Respondent is required to collect samples during the third week of August annually.



Notice of Violation: Case No. 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Connersville, Fayette County
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IDEM records indicate that Respondent failed to monitor TTHM and HAA5 samples during 2022 and 2023 and failed to report monitoring results to IDEM, in violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.

5. Pursuant to 327 IAC 8-2.1-7, owners or operators of a PWS must give public notice for failure to perform water quality monitoring, as required by drinking water regulations.

IDEM records indicate that Respondent failed to notify persons served by the PWS of the failure to perform TTHM and HAA5 monitoring during the years of 2022 and 2023.

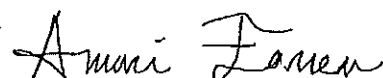
In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than 60 days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within 60 days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Michael Milner, Case Manager, at (317) 234-8467 or mmilner@idem.in.gov, within 15 days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: March 1, 2024

Amari Farren, Chief
Enforcement Section
Office of Water Quality

Notice of Violation: Case No. 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Connersville, Fayette County
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cc: Fayette County Health Department
<http://www.in.gov/idem>



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

STATE OF INDIANA)
)
) SS: BEFORE THE INDIANA DEPARTMENT
COUNTY OF MARION) OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)

Complainant,)

v.)

Case No. 2024-29954-D

PLEASANT VIEW UTILITIES, INC.,)

Respondent.)

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (IC) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (Complainant) of the Indiana Department of Environmental Management (IDEM), a department of the State of Indiana created by IC 13-13-1-1.
2. Pleasant View Utilities, Inc. (Respondent) owns and/or operates a community public water system (PWS) with PWSID No. IN5221004, serving 500 persons. The PWS is located at 3812 West Galaxy Drive, Connersville, Fayette County, Indiana (the Site).
3. A Community Water System (CWS) as defined by 327 Indiana Administrative Code (IAC) 8-2-1(12) is a PWS that has at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.



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Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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4. IDEM has jurisdiction over the parties and the subject matter of this action pursuant to IC 13-30-3.
5. Pursuant to IC 13-30-3 *et seq.*, IDEM issued a Notice of Violation via Certified Mail to:

Matthew Sherck, Registered
Agent
Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Matthew Sherck, President
Pleasant View Utilities, Inc.
961 S. CR 350 E,
Connersville, IN 47331

5. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
6. Pursuant to 327 IAC 8-2.5-12(a)(2), a PWS using ground water and serving less than 500 persons, shall monitor total trihalomethanes (TTHM) and haloacetic acid (HAA5) at no fewer than 2 locations (Lot 185 and Lot 154) once per year.

Pursuant to 327 IAC 8-2.5-20, a PWS shall report TTHM and HAA5 monitoring result to IDEM within ten (10) days after the end of any quarter in which monitoring is required.

Respondent submitted a "Stage 2 Disinfectants and Disinfection Byproducts Rule Compliance Monitoring Plan" (CMP) on November 13, 2013. According to the CMP, Respondent is required to collect samples during the third week of August annually.

IDEM records indicate that Respondent failed to monitor TTHM and HAA5 samples during 2022 and 2023 and failed to report monitoring results to IDEM, in violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.

7. Pursuant to 327 IAC 8-2.1-7, owners or operators of a PWS must give public notice for failure to perform water quality monitoring, as required by drinking water regulations.

IDEM records indicate that Respondent failed to notify persons served by the PWS of the failure to perform TTHM and HAA5 monitoring during the years of 2022 and 2023.

8. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective (Effective Date) when it is adopted by Complainant or Complainant's delegate (as evidenced by signature), and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. In addition to addressing the violations cited in Paragraphs 6 and 7 of the Findings of Fact above, this Agreed Order also addresses any additional violations of these same rules that may have occurred subsequent to the issuance of the Notice of Violation and prior to the Effective Date.
2. During August 2024, Respondent shall monitor for TTHM and HAA5 at the locations and dates specified in Respondent's CMP. This will count as the required TTHM and HAA5 samples for 2024.

It is the responsibility of Respondent to continue sampling TTHM and HAA5 annually, as specified in the CMP, after completion of the sampling required by this paragraph.

3. Within 10 days of becoming aware of a TTHM and HAA5 MCL exceedance, Respondent shall submit notification to IDEM of the MCL exceedance. Respondent shall complete all requirements to resolve the MCLs as instructed by IDEM's notification(s).
4. Within 30 days of the Effective Date, Respondent shall provide public notice, for the past TTHM and HAA5 monitoring and/or reporting violations listed in Paragraph 7 of the Findings of Facts above, by following these steps:
 - A. Complete attached public notice and Certification form for public notice.
 - B. Post public notice where the public has ready access for viewing, and for as long as the violation persists, but in no case less than seven days, even if the violation is resolved.
 - C. Within 10 days of issuing the public notice, Respondent shall send to IDEM a signed Certification form for public notice and representative copy of the public notice issued. The forms that address the past Lead and Copper and DBP monitoring violations accompany this Agreed Order.
5. Immediately upon the Effective Date, for future monitoring and/or reporting violations and MCL violations, Respondent shall provide public notice to the State within 10 days and notify the public pursuant to 40 CFR 141.861(a)(4).
6. Within 30 days of the Effective Date, Respondent shall update the enclosed "System Basic Information Summary" document by either marking corrections or stating that the information is accurate directly on the attached document. Once completed, the document shall be submitted to the address in Order Paragraph 6.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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7. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Michael Milner, Enforcement Case Manager
Office of Water Quality – IGCN 1255
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

8. Respondent is assessed and agrees to pay a civil penalty of Nine Hundred Sixty-Two Dollars (\$962). Respondent shall pay the civil penalty by the due date printed on the invoice, as attached.

Civil and stipulated penalties are payable to the “Environmental Management Special Fund” by mail, phone, or online following the instructions below:

Mail:

Civil and stipulated penalties are payable by check to the “Environmental Management Special Fund.” Checks shall include the Case Number 2024-29954-D of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa, or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29954-D of this action is required to complete the process.

Phone:

Accounts Receivable also accepts payments by phone at 317-234-3099. Follow the instructions for Master Card, Visa, or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29954-D is required to complete the process.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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9. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay a stipulated penalty in the following amount:

Paragraph:	Violation:	Stipulated Penalty:
2	Failure to monitor TTHM and HAA5 at the locations and dates specified in the CMP.	\$350 per missed sample.
3	Failure to comply with any part of this paragraph after a MCL exceedance.	\$400 per week for violation of any part of this paragraph.
4,5	Failure to provide public notice	\$250 per week, or part thereof, past the 30-day deadline.
6	Failure to submit the "System Basic Information Summary" document in the manner specified.	\$100 per week, or part thereof.

10. Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30th day being a "Due Date." IDEM may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive IDEM's right to collect such stipulated penalty or preclude IDEM from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude IDEM from seeking additional relief against Respondent for a violation of this Agreed Order. Such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
11. This Agreed Order shall apply to and be binding upon Respondent, their successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
12. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance and any accrued interest at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. The interest shall continue to accrue on the first of each month until the civil penalty and any interest accrued are paid in full.

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Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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Such interest shall be payable to the "Environmental Management Special Fund." and shall be payable to IDEM in the manner specified above.

13. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
14. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
15. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of their obligation to comply with the requirements of their applicable permits or any applicable Federal or State law or regulation.
16. Complainant does not, by his approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
17. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the Notice of Violation.
18. Nothing in this Agreed Order shall prevent IDEM (or anyone acting on its behalf) from communicating with the United States Environmental Protection Agency (US EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the US EPA or any other agency or entity.
19. This Agreed Order shall remain in effect until Respondent has complied with the terms and conditions of this Agreed Order and IDEM issues a Resolution of Case (close out) letter to Respondent.

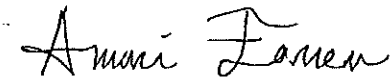
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Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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TECHNICAL RECOMMENDATION:
Department of Environmental Management

RESPONDENT:
Pleasant View Utilities, Inc.

By:



Amari Farren, Chief
Water Enforcement Section
Office of Water Quality

By:

Printed:

Title:

Date: March 1, 2024

Date:

COUNSEL FOR RESPONDENT:

By:

Date:

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20__.

For the Commissioner:

Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

System Basic Information Summary

IN5221004 PLEASANTVIEW UTILITIES, INC.

Activity	Activity Date	Source Type	System Type	Population	Total Population	Seasonal Dates	Service Area	
A	1/14/2000	GWP	C	R 500	500	1 1 to 12 31	MUNICIPALITY OWNED UTILITIES	
Operator Class	Service Connections	Field Inspector	Contact Type Key					Service Area
DST0	200	Carolyn Chappell	<div style="border: 1px solid black; padding: 5px;"> AC - Mailing Contact EC - Emergency Contact OW - Owner FC - Financial Contact OP - Operator SA - Reminders SC - SCADA Contact </div>					MUNICIPALITY

Contact Information

Type	Contact Name	Street	City	State	Zip	Phone	Ext	Fax
AC	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973		
EC	Mr. SHERCK, MATT msherck@co.fayette.in.us	961 South County Road 350 East	CONNERSVILLE	IN	47331	765-309-2973		
FC	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973		
OP	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973		
OW	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973		
PL	PHYSICAL ADDRESS, IN5221004	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973		

SA	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973
SC	Mr. SHERCK, MATT msherck@co.fayette.in.us	3812 West Galaxy Drive	CONNERSVILLE	IN	47331	765-309-2973

Tier 2 ***Public Notice Instructions***

You are required to provide the enclosed public notice within thirty (30) days upon learning of the violation, using one or more of the following methods:

Community water systems must use one of the following methods:

- Hand or direct delivery
- Mail, as a separate notice or included with the water bill
- Publishing in newspaper within the area served

Non-community water systems must use one of the following methods:

- Hand or direct delivery
- Mail
- Posting in conspicuous locations

You may need to use additional methods because notice must be provided in a manner reasonably calculated to reach all persons served. You may modify the enclosed notice to tailor it to your specific situation, **but you must include all the required elements and the mandatory health effects language in *italics*.**

After issuing the notice:

Send a copy of each type of notice and the enclosed certification form within ten (10) days from the time you issue the notice to the following address:

ppoon@idem.in.gov

or

IDEM OWQ - Drinking Water Branch, 66-34
Attn: Peter Poon
100 N. Senate Ave.
Indianapolis, IN 46204-2251

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
MONITORING REQUIREMENTS NOT MET FOR
PLEASANT VIEW UTILITIES, INC.**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. The results of regular monitoring are an indicator of whether or not our drinking water meets EPA's health standards. The 2022 and 2023 testing for Trihalomethane (TTHM) and Haloacetic acid (HAA5) was either not performed or failed to comply with all the requirements of the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR); therefore, we cannot be sure of the quality of the water at that time.

What should I do?

You do not need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. Some people who drink trihalomethanes in excess of the Maximum Contaminant Level (MCL) over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What Happened? What is being done? (Explain below the reason, corrective action, and when the system expects to be or was back in compliance.)

We anticipate resolving the problem within _____.
estimated time frame

For more information, please contact _____ at
name of contact

_____ or _____.
phone number mailing address

Please share this information with all other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Certification Form for Public Notice

PWSID# IN5221004

PWS Name: Pleasant View Utilities, Inc.

For Situation: Failure to sample and/or report results

Occurring: 2022 and 2023

The public water system indicated above hereby affirms that the public notice has been provided to consumers in accordance with the delivery, content, and format requirements and deadline in 327 IAC 8-2.1-7

Name & Signature of System Representative: _____ Date: _____



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 22, 2024

Via Certified Mail No.:
7019 2280 0001 5569 8539

Via Certified Mail No.:
7019 2280 0001 5569 8546

Matthew Sherck, Registered Agent
Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Matthew Sherck, President
Pleasant View Utilities, Inc.
961 S. CR 350 E,
Connersville, IN 47331

Dear Mr. Sherck:

Re: Notice of Violation and
Proposed Agreed Order
Indiana Department of
Environmental Management

v.

Pleasant View Utilities, Inc.
PWSID No. IN5221004
Case No. 2024-29954-D
Connersville, Fayette County

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Pleasant View Utilities, Inc. As a result of that investigation, IDEM has made a preliminary determination that violations exist. Pursuant to Indiana Code 13-30-3-3, enclosed please find a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific findings of violation and the actions necessary to resolve them.

You may request a settlement conference to discuss the allegations and the necessary corrective actions, which may include a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order is a preliminary figure for settlement discussion purposes only and is based on the alleged violations set forth in the Notice of Violation.

To resolve this matter as provided for in the enclosed Agreed Order, sign, and return the entire document to me at the following address:

Office of Water Quality – IGCN 1255
Indiana Department Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251



A State that Works

Cover Letter: Case No. 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Connersville, Fayette County
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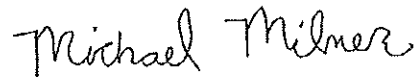
The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral Notice and Order of the Commissioner requiring compliance with the environmental laws, rules, and/or permits, including payment of a civil penalty.

Please be advised the local health department has been notified of these violations.

Please contact me at (317)-234-8467 or mmilner@idem.in.gov within 15 days. At that time, we can discuss any questions or set up a settlement conference.

Sincerely,



Michael Milner, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

cc: Fayette County Health Department
<http://www.in.gov/idem>

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
Page 2

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Matthew Sherck, Registered
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Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Matthew Sherck, President
Pleasant View Utilities, Inc.
961 S. CR 350 E,
Connersville, IN 47331

5. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
6. Pursuant to 327 IAC 8-2.5-12(a)(2), a PWS using ground water and serving less than 500 persons, shall monitor total trihalomethanes (TTHM) and haloacetic acid (HAA5) at no fewer than 2 locations (Lot 185 and Lot 154) once per year.

Pursuant to 327 IAC 8-2.5-20, a PWS shall report TTHM and HAA5 monitoring result to IDEM within ten (10) days after the end of any quarter in which monitoring is required.

Respondent submitted a "Stage 2 Disinfectants and Disinfection Byproducts Rule Compliance Monitoring Plan" (CMP) on November 13, 2013. According to the CMP, Respondent is required to collect samples during the third week of August annually.

IDEM records indicate that Respondent failed to monitor TTHM and HAA5 samples during 2022 and 2023 and failed to report monitoring results to IDEM, in violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.

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Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
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II. ORDER

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2. During August 2024, Respondent shall monitor for TTHM and HAA5 at the locations and dates specified in Respondent's CMP. This will count as the required TTHM and HAA5 samples for 2024.

It is the responsibility of Respondent to continue sampling TTHM and HAA5 annually, as specified in the CMP, after completion of the sampling required by this paragraph.

3. Within 10 days of becoming aware of a TTHM and HAA5 MCL exceedance, Respondent shall submit notification to IDEM of the MCL exceedance. Respondent shall complete all requirements to resolve the MCLs as instructed by IDEM's notification(s).
4. Within 30 days of the Effective Date, Respondent shall provide public notice, for the past TTHM and HAA5 monitoring and/or reporting violations listed in Paragraph 7 of the Findings of Facts above, by following these steps:
 - A. Complete attached public notice and Certification form for public notice.
 - B. Post public notice where the public has ready access for viewing, and for as long as the violation persists, but in no case less than seven days, even if the violation is resolved.
 - C. Within 10 days of issuing the public notice, Respondent shall send to IDEM a signed Certification form for public notice and representative copy of the public notice issued. The forms that address the past Lead and Copper and DBP monitoring violations accompany this Agreed Order.
5. Immediately upon the Effective Date, for future monitoring and/or reporting violations and MCL violations, Respondent shall provide public notice to the State within 10 days and notify the public pursuant to 40 CFR 141.861(a)(4).
6. Within 30 days of the Effective Date, Respondent shall update the enclosed "System Basic Information Summary" document by either marking corrections or stating that the information is accurate directly on the attached document. Once completed, the document shall be submitted to the address in Order Paragraph 6.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
Page 4

7. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Michael Milner, Enforcement Case Manager
Office of Water Quality – IGCN 1255
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

8. Respondent is assessed and agrees to pay a civil penalty of Eight Hundred Sixty Dollars (\$860). Respondent shall pay the civil penalty by the due date printed on the invoice, as attached.

Civil and stipulated penalties are payable to the "Environmental Management Special Fund" by mail, phone, or online following the instructions below:

Mail:

Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number 2024-29954-D of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa, or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29954-D of this action is required to complete the process.

Phone:

Accounts Receivable also accepts payments by phone at 317-234-3099. Follow the instructions for Master Card, Visa, or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29954-D is required to complete the process.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
Page 5

9. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay a stipulated penalty in the following amount:

Paragraph:	Violation:	Stipulated Penalty:
2	Failure to monitor TTHM and HAA5 at the locations and dates specified in the CMP.	\$350 per missed sample.
3	Failure to comply with any part of this paragraph after a MCL exceedance.	\$400 per week for violation of any part of this paragraph.
4,5	Failure to provide public notice	\$250 per week, or part thereof, past the 30-day deadline.
6	Failure to submit the "System Basic Information Summary" document in the manner specified.	\$100 per week, or part thereof.

10. Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30th day being a "Due Date." IDEM may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive IDEM's right to collect such stipulated penalty or preclude IDEM from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude IDEM from seeking additional relief against Respondent for a violation of this Agreed Order. Such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
11. This Agreed Order shall apply to and be binding upon Respondent, their successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
12. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance and any accrued interest at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. The interest shall continue to accrue on the first of each month until the civil penalty and any interest accrued are paid in full.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
Page 6

Such interest shall be payable to the "Environmental Management Special Fund." and shall be payable to IDEM in the manner specified above.

13. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
14. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
15. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of their obligation to comply with the requirements of their applicable permits or any applicable Federal or State law or regulation.
16. Complainant does not, by his approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
17. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the Notice of Violation.
18. Nothing in this Agreed Order shall prevent IDEM (or anyone acting on its behalf) from communicating with the United States Environmental Protection Agency (US EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the US EPA or any other agency or entity.
19. This Agreed Order shall remain in effect until Respondent has complied with the terms and conditions of this Agreed Order and IDEM issues a Resolution of Case (close out) letter to Respondent.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.

Agreed Order: Case No. 2024-29954-D
Pleasant View Utilities
PWSID No. IN5221004
Connersville, Fayette County
Page 7

TECHNICAL RECOMMENDATION:
Department of Environmental Management

RESPONDENT:
Pleasant View Utilities, Inc.

By:

Amari Farren

Amari Farren, Chief
Water Enforcement Section
Office of Water Quality

By:

Matthew Sherck

Printed:

Matthew Sherck

Title:

President

Pleasant View Utilities, Inc

Date: March 6, 2024

Date:

3/11/2023

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 12th DAY OF March, 2024.

For the Commissioner:

Martha Clark Mettler

Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

INVOICE

Please Remit To:

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT
 PO BOX 3295
 INDIANAPOLIS IN 46206-3295

Page: 1
 Invoice No: 000369313
 Invoice Date: 03/18/2024
 Customer Number: CST100057829
 Bill Type: 075
 Payment Terms: NET 30
 Due Date: 04/17/2024

Bill To:

PLEASANT VIEW UTILITIES LLC
 MATTHEW SHERCK
 961 S CR 350 E
 CONNERSVILLE IN 47331

AMOUNT DUE: 860.00 USD

Amount Remitted

Note Address Changes Above Email Address: _____

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at BILLING@IDEM.IN.GOV

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2024-29954-D	AGREED ORDER	1.00	EA	860.00	860.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit www.in.gov/idem. Under Online Services, click Online Payment options and follow the prompts.</p> <p>-You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>-A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit the civil penalty within thirty (30) days of the effective date of the Agreed Order.</p>							

TOTAL AMOUNT DUE :	860.00
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Please write the invoice number on your check and return the upper portion of this invoice with remittance.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

August 28th, 2024

Matthew Sherck, President
Pleasant View Utilities, Inc.
3812 W. Galaxy Drive,
Connersville, IN 47331

Dear Mr. Sherck:

Re: Case Closeout
Commissioner, Indiana Department of
Environmental Management
v.
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Case No. 2024-29954-D
Connersville, Fayette County

This letter is to advise you that Pleasant View Utilities, Inc. complied with the terms of the Agreed Order adopted in the above referenced case number. Therefore, the issues addressed by the Order are considered resolved and the action is hereby closed.

The closure of this action does not relieve you of your obligation to maintain compliance with all applicable rules and regulations. Future noncompliance may result in the initiation of a new enforcement action.

For questions regarding sampling requirements, please contact Drinking Water Compliance at 317-234-7430 or dwbmgr@idem.in.gov. If you have any additional questions, please contact Michael Milner, Case Manager, Water Enforcement Section, at (317) 234-8467 or mmilner@idem.in.gov.

Sincerely,

Jessica Irvine, Chief
Water Enforcement Section
Office of Water Quality

Case Close Out Letter: 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No.IN5221004
Connersville, Fayette County
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cc: Fayette County Health Department
<http://www.in.gov/idem>

Case Close Out Letter: 2024-29954-D
Pleasant View Utilities, Inc.
PWSID No. IN5221004
Connersville, Fayette County
Blind Carbon Copy List

bcc:

Michael Milner, Water Enforcement Section

E-File/VFC

OWQ Compliance Branch Attention: Tammie McNeil (w/enclosure)

Anthony Tobias/Sandra DeCastro, DWB Compliance Section
Lucio Ternieden/Carolyn Chappel, DWB Inspection Section

cc: