

FILED

June 5, 2017

INDIANA UTILITY

REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

COMPLAINT OF CLARK BYRUM AGAINST
CITIZENS WASTEWATER OF WESTFIELD,
LLC CONCERNING THE PROVISION OF
WASTEWATER SERVICE

CAUSE NO. 44886

DIRECT TESTIMONY
of
ANDREW WILLIAMS

IN SUPPORT OF
Complainant
CLARK BYRUM

Petitioner's Exhibit AW
and
Supporting Exhibits AW-1, & AW-2

TESTIMONY OF ANDREW WILLIAMS

1. INTRODUCTION

1 **Q: PLEASE STATE YOUR NAME AND ADDRESS.**

2 A: My name is Andrew Williams, and I the Utility Director for the Clay Township Regional
3 Waste District ("CTRWD") which has its main office located at: 10701 N. College Ave., Suite A,
4 Indianapolis, IN 46280.

5 **Q: WHAT DO YOU DO AS UTILITY DIRECTOR AT CTRWD AND WHAT IS YOUR BACKGROUND?**

6 A: As the CTRWD Utility Director I oversee all operations of the Regional Waste District and
7 manage 22 employees. I work directly for and report to the CTRWD Board of Trustees on all
8 developments and operational issues of CTRWD. I have served in this role for 12 years. Prior to
9 working as the CTRWD Utility Director, I was the Town Engineer for Fishers and prior to that a
10 consulting engineer. I am a licensed Professional Engineer and have been working in the
11 wastewater industry for over 27 years.

12 **Q: DO YOU KNOW CLARK BYRUM AND ARE YOU GENERALLY FAMILIAR WITH MR. BYRUM'S**
13 **146TH STREET PROPERTY THAT IS AT ISSUE IN THIS CAUSE?**

14 A: I have met and spoken with Mr. Byrum regarding his interest and questions about possibly
15 obtaining sewer services from CTRWD to the Property located at 3810 W. 146th Street,
16 Westfield, Indiana ("Property"). I am familiar with the area where Mr. Byrum's property is

1 located on W. 146th Street because we currently provide service to several customers
2 immediately to the south of 146th Street in the Bear Creek Subdivision, as well as having
3 customers to the west of this area in Boone County. I have summarily examined the location of
4 the Byrum Property and our CTRWD facilities in that particular area of west Hamilton County. I
5 have spoken by phone and in person with representatives of Citizens of Westfield Wastewater,
6 LLC regarding the Property.

7 **Q: HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?**

8 **A** No, but I have been actively involved in utility matters and development issues and processes
9 throughout my career. I am generally aware of the IURC, but since CTRWD is not directly
10 regulated by the Commission I have had limited recent experience with the Commission's
11 processes and procedures.

12 **Q: CAN YOU PLEASE SHARE ADITIONAL INFORMATION ABOUT CTRWD INCLUDING THE**
13 **NUMBER OF CUSTOMERS IT SERVES AND ITS ABILITY TO POSSIBLY PROVIDE SERVICE TO THE**
14 **PROPERTY.**

15 **A:** Yes. Clay Township Regional Waste District was formed in 1975 as a non-profit
16 municipal corporation designed and created to provide effective and efficient sanitary
17 sewer service to customers in Clay Township, Hamilton County, Indiana. CTRWD has
18 grown significantly since that time and now also serves customers in portions of Boone
19 County as well as small pockets in Marion County along 96th Street. At present, CTRWD

1 serves over 14,500 customers in Hamilton, Boone and Marion Counties. CTRWD purchased
2 3.08 MGD treatment capacity at the Carmel wastewater treatment plant and we have an
3 interlocal agreement with Carmel Utilities for treatment. CTRWD constructed and
4 maintains our own treatment facility known as the Michigan Road Wastewater Treatment
5 Plant capable of treating 3.05 mgd of sewage. Currently our customer maximum daily
6 needs are at approximately 4.7 mgd, of which 2.7 mgd is sent to our Michigan Road WWTP
7 and 2 mgd is sent to Carmel's WWTP. We are proud of our service record and have capably
8 and consistently met our Indiana Department of Environmental Management NPDES
9 permit and treatment requirements. Therefore we have adequate capacity to serve Mr.
10 Byrum and have all necessary technical, financial, and managerial capability to serve this
11 Property in the event the territory were available to CTRWD.

12 **Q: MR. WILLIAMS, DOES CTRWD HAVE COLLECTION MAINS ALREADY IN PLACE CLOSE TO THE**
13 **BYRUM PROPERTY?**

14 **A:** Yes, as I shared above, we serve the residential neighborhood just to the south of the
15 Byrum Property as well as having system and lines in place to serve customers to the west in
16 Boone County. It would be easy for CTRWD to run a main to the Property.

17 **Q: WHAT OTHER FACTORS DO YOU BELIEVE ARE RELEVANT REGARDING SERVICE TO THE**
18 **BYRUM PROPERTY?**

19 **A: 5.** CTRWD's collection system in that general area of Hamilton County is primarily gravity

1 controlled. This would also be the case for providing service to Mr. Byrum's Property. The
2 Property is upstream and thus any sanitary sewage would be by gravity, south into our
3 interceptor that runs parallel to 146th Street. I have attached to this testimony a map of the
4 area (Exhibit AW-1) showing both where the CTRWD existing facilities are located relative to
5 the Byrum Property, as well as where we anticipate the sewer main would be run to serve the
6 Property. It is my understanding that connection to the Citizens collection system would
7 require the construction of a lift station. It would likely be less costly to have this Property
8 served by CTRWD given the existing CTRWD infrastructure already in place and the topological
9 considerations.

10 **Q: MR. WILLIAMS, HAVE YOU MADE ANY COSTS ESTIMATES FOR CTRWD TO INSTALL AND**
11 **SERVE THE BYRUM PROPERTY?**

12 **A:** Yes, those cost estimates are detailed in attached Exhibit AW-2, but in total it would cost
13 Mr. Byrum approximately \$225,000 to \$250,000 for all of the necessary connection,
14 interceptor, application and inspection fees required per our current ordinance for Mr. Byrum
15 to connect to our system. This amount includes the installation of approximately 800 feet of a
16 gravity sewer line to run from the existing interceptor south of 146th Street, to the southern
17 property line of the Byrum Property. The on-site costs will vary depending on the how the
18 property is developed. But there is adequate depth to service the entire parcel with gravity
19 sewer.

Q: ARE THESE THE SAME TYPES OF COSTS THAT CTRWD CHARGES TO ANY POTENTIAL RESIDENTIAL CUSTOMER SEEKING TO CONNECT TO ITS SYSTEM?

A: Yes, these costs, detailed in EXHIBIT AW-2, are all the same and are as listed in the CTRWD ORDINANCE 12-12-2016 which sets forth our approved and required fees and costs, including our Connection, Interceptor, Application and Inspection Fees charged for new residential customers.

Q: WHAT WOULD THE MONTHLY RECURRING CTRWD SERVICE COSTS BE TO MR. BYRUM IF HE WERE TO BUILD HIS HOME ON THE PROPERTY AND BE ALLOWED TO CONNECT TO CTRWD?

A: Assuming 7,000 gallons per month usage, Mr. Byrum would pay \$31.92/month in recurring service charges to CTRWD.

Q: DID YOU HAVE ANY COMMUNICATIONS WITH CITIZENS OF WESTFIELD WASTEWATER REPRESENTATIVES REGARDING THIS PROPERTY?

A: Yes. Sometime in early summer of 2016 I spoke on a few occasions by telephone to Ed Bukovac of Citizens Wastewater of Westfield, LLC. I explained that CTRWD had sewer available to the south and would be willing to work with all the parties to provide service. Connection to the CTRWD system could be a temporary or permanent option. A meeting was also held on May 4, 2016 with Ed Bukovac and Randy Edgemon at which time Citizens indicated that they did not intend to pursue a temporary connection option nor give up the territory.

Q: PLEASE DESCRIBE THE CONVERSATIONS YOU HAVE HAD WITH MR. BYRUM ABOUT THE PROPERTY.

A: Mr. Byrum initially talked with Ryan Hartman, CTRWD's District Engineer, regarding sewer availability. After an initial exchange of information, the matter was referred to me since the Property is outside of CTRWD's current service area. I first spoke with Mr. Byrum sometime in early summer of 2016 and explained that while CTRWD had capacity and could reach his parcel by gravity it was outside of our service area. I explained that as a Regional Sewer District, CTRWD did not generally add additional territory unless asked by an "eligible entity" per IC 13-26-8-1. I believe I reached out to Ed Bukovac, at Citizens, and explained that we had a property owner contact us and CTRWD was willing to help provide service. These types of discussions are not uncommon for the District when there are customers who seek service that are on the fringes of one utility's service area and another utility already has facilities in the same area. For example, within the last couple of years, the District allowed a potential customer within the CTRWD service area on the north side of 96th Street to request permission to connect into Citizens' sewer on the south side of 96th Street since the line was much closer than the nearest CTRWD sewer.

Q: HAVE YOU SHARED YOUR WILLINGNESS TO SERVE THE BYRUM PROPERTY WITH CITIZENS?

A: Yes, as I stated above I did indicate CTRWD could provide the service with the Citizens

1 representatives during that initial discussions. I explained that it could be a temporary
2 arrangement or a permanent connection since CTRWD had adequate capacity in this area. Since
3 CTRWD has not served new areas until requested to do so, thereafter I did not spend any
4 substantial additional time on the matter.

5 **Q: PLEASE PROVIDE FURTHER DETAILS OF WHAT WOULD BE INVOLVED WITH CTRWD**
6 **PROVIDING SERVICE TO MR. BYRUM.**

7 A: CTRWD has an interceptor sewer already in place south of 146th Street. (See attached
8 Exhibit AW-1). It would be very easy to extend an 8" sanitary sewer main 800 feet north to the
9 south property line of the Property in order to provide service for all 32 acres. All fees as stated
10 in CTRWD ordinances would be paid by the property owner. The fees due are shown on the
11 attached Exhibit AW-2. The Connection Fee or EDU Fee is dependent on the number of units
12 connected to the sewer. The extension of the 800 feet of sewer would require an IDEM issued
13 construction permit, which would likely be the longest lead time.

IV. SUMMARY

14 **Q: PLEASE SUMMARIZE YOUR TESTIMONY FOR THE COMMISSION.**

15 A: 14. I am testifying solely to the fact that CTRWD: (1) has facilities already in the area; (2) is
16 willing to serve the Byrum Property if the territory has been released; has all necessary
17 technical, financial, and managerial capability to provide the services; and (4) has provided the
18 reasonable cost estimate information to Mr. Byrum and the Commission for what would be

1 involved and what it would approximately cost to construct the extension of the sewer main
2 and receive service from CTRWD. CTRWD is ready, willing, and able to promptly provide for the
3 connection and regular sewage service for the Property upon Mr. Byrum's formal request,
4 provided all necessary fees and costs are paid. The District has previously exchanged contiguous
5 service territories with Carmel, Zionsville, HSE and Citizens in the past when one of the parties
6 had the facilities and capacity to provide the customer with the needed services more readily or
7 in a more cost effective manner. The Byrum Property can easily and more inexpensively be
8 serviced by CTRWD because of its location which allows for gravity flow of the Byrum Property
9 sewage.

10 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

11 A: Yes.

Exhibit AW- 1

Hamilton County Map



March 10, 2016

- hidden index contour
- hidden index depression contour
- index contour
- index depression contour

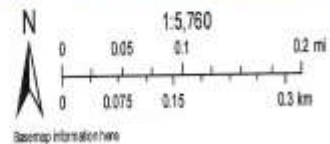


Exhibit AW- 2



Clay Township Regional Waste District

www.ctrwd.org Phone (317) 844-9200 Fax (317) 844-9203

Byrum Parcel

If the Byrum parcel were approved for service by CTRWD, the costs would be approximately \$225,000 to \$250,000.

Per current Ordinance

Interceptor fees = 32.11 Ac x \$4,075 = \$130,848.25

There is a \$5/ft fee for plan review and inspection.

The cost to construct 800 feet of gravity sewer to get to the Byrum south property line is estimated to be 800' x \$100/ft = \$80,000.

Connection fees are currently \$1,818 per EDU.

AJW April 21, 2017