

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2 - - -

3 In the Matter of :
4 the Complaint of :
Bradley J. Bennett, Sr., :

5 Complainant, :

6 vs. :

Case No. 05-726-WS-CSS

7 Utility Operators :
8 Corporation, :

9 Respondent. :

- - -

10 PROCEEDINGS

11
12 before Mr. Gregory Price, Hearing Examiner, at the
13 Public Utilities Commission of Ohio, 180 East Broad
14 Street, Room 11-G, Columbus, Ohio, called at 10:00
15 a.m. on Thursday, May 3, 2007.

16 - - -

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1 APPEARANCES:

2 Mr. Bradley J. Bennett, Sr.
3 101 Amy Lane
4 Byesville, Ohio 43723

5 Pro se.

6 Lane, Alton & Horst, LLC
7 By Mr. David G. Cox
8 Two Mirnova Place, Suite 500
9 Columbus, Ohio 43215

10 On behalf of the Respondent.

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1 Thursday Morning Session,
2 May 3, 2007.

3 - - -

4 EXAMINER PRICE: Good morning. The
5 Commission has set for hearing at this time and this
6 place case number 05-726-WS-CSS, In the Matter of the
7 Complaint of Bradley J. Bennett, Sr. versus Utility
8 Operators Corporation.

9 My name is Gregory Price. I'm the
10 attorney-examiner assigned to preside by the
11 Commission over this case.

12 I'd like to take appearances beginning
13 with the complainant. Mr. Bennett.

14 MR. BENNETT: Yes. My name is Bradley
15 Bennett, 101 Amy Lane, Byesville, Ohio.

16 EXAMINER PRICE: Thank.

17 MR. COX: Yes. My name is David G. Cox
18 with the law firm of Lane, Alton & Horst here in
19 Columbus on behalf of Utility Operators Corporation,
20 Respondent.

21 EXAMINER PRICE: Are there any
22 preliminary matters that we need to address before we
23 begin taking testimony?

24 MR. COX: No, I can't think of any.

1 EXAMINER PRICE: Mr. Bennett, would you
2 like to provide testimony today?

3 MR. BENNETT: Yes, sir.

4 EXAMINER PRICE: Please come up here.

5 (Witness sworn.)

6 EXAMINER PRICE: Please be seated and
7 state your name and address for the record.

8 THE WITNESS: Bradley J. Bennett.

9 EXAMINER PRICE: And your address,
10 please?

11 THE WITNESS: 101 Amy Lane, Byesville,
12 Ohio.

13 EXAMINER PRICE: Mr. Bennett, you had
14 previously sent some documents, and it's my
15 understanding you'd like to submit them as part of
16 your testimony.

17 THE WITNESS: Yes, sir.

18 EXAMINER PRICE: Mr. Cox, do you have a
19 copy of this?

20 MR. COX: Yes, I believe I do. I
21 received something on April 27th which is -- what I
22 received were newspaper articles.

23 EXAMINER PRICE: We'll just make sure we
24 all have the same copy here. I have one for the

1 reporter. I'm going to go ahead and have this marked
2 as Bennett Exhibit 1.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 EXAMINER PRICE: Mr. Bennett, would you
5 like to describe Bennett Exhibit 1, please?

6 THE WITNESS: Really, basically what it
7 says here was that treatment facility was able to
8 handle what had happened had it been taken care of
9 adequately, and it wasn't.

10 EXAMINER PRICE: Okay. Mr. Cox, do you
11 have any objection to the admission of Bennett
12 Exhibit 1 to this proceeding?

13 MR. COX: No objection for purposes of
14 this hearing.

15 EXAMINER PRICE: On my motion, then,
16 we're going to admit Bennett Exhibit 1 to this record
17 in this proceeding.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 EXAMINER PRICE: Mr. Bennett, please go
20 ahead and give your testimony in this case.

21 - - -

22

23

24

1 BRADLEY J. BENNETT, SR.

2 being first duly sworn, as prescribed by law,
3 testified and was examined as follows:

4 DIRECT TESTIMONY

5 THE WITNESS: The way I understand it, on
6 the 8th of September is when this happened at our
7 home the first time, and then the second time was on
8 the 17th of September. Both times the roads was
9 clear.

10 EXAMINER PRICE: The road was what?

11 MR. BENNETT: There was no water on the
12 roads.

13 EXAMINER PRICE: Okay.

14 MR. BENNETT: In front of my house, my
15 house wasn't surrounded by water or anything like
16 that. But I did have raw sewage coming up through my
17 floor drains on both occasions.

18 EXAMINER PRICE: Is there anything else
19 you'd like the Commission to --

20 MR. BENNETT: Other than this exhibit
21 right here that I turned in and the dates that I got
22 on this other paperwork that Mr. Cox had sent me, the
23 dates don't coincide, they're later dates, and some
24 of the pictures that he'd sent in from newspaper

1 clippings out of the *Jeffersonian*, their dates are --
2 they're two or three days later than my dates of when
3 this happened to me. And the roads that they're
4 saying that were underwater, those roads are roads
5 that go underwater occasionally a lot of times.

6 EXAMINER PRICE: When you say
7 "occasionally," do you know approximately how much
8 rainfall causes those roads to go underwater?

9 THE WITNESS: Some of the roads within
10 probably an inch to 2 inches of water.

11 EXAMINER PRICE: And can you tell me
12 exactly or to the best -- approximately how much
13 water came into your basement on these two days?

14 THE WITNESS: Six to 8 inches.

15 EXAMINER PRICE: Six to 8 inches.

16 THE WITNESS: And that wasn't water, it
17 was human waste.

18 EXAMINER PRICE: And it came up through
19 your floor drain?

20 THE WITNESS: Yes, sir.

21 EXAMINER PRICE: And can you tell the
22 Commission exactly what you're seeking here today?

23 THE WITNESS: Well, what we're seeking is
24 we'd like restitution for everything that we have

1 lost. And we don't feel clean in our own home
2 because our home is totally, as far as we're
3 concerned, is totally a loss, but we're still having
4 to live in these conditions.

5 EXAMINER PRICE: Okay. Is there anything
6 else you'd like the commissioners to know or to
7 understand as part of your case?

8 THE WITNESS: No, that would be it.

9 EXAMINER PRICE: Mr. Cox,
10 cross-examination?

11 MR. COX: Yes, Mr. Price. Thank you.

12 - - -

13 CROSS-EXAMINATION

14 By Mr. Cox:

15 Q. Mr. Bennett, you're complaining about the
16 Utility Operators Corporation wastewater treatment
17 plant?

18 A. Yes, sir.

19 Q. And is that known as the Rolling Hills
20 Subdivision --

21 A. Yes, sir.

22 Q. -- plant? Have you ever seen the plant?

23 A. Yes, sir.

24 Q. How many times have you seen the plant?

1 A. Oh, I don't go out that road very often,
2 but probably seven to eight times, maybe ten.

3 Q. How long have you lived at 101 Amy Lane?

4 A. It will be 20 years in December.

5 Q. And when you've seen the plant, the
6 Utility Operators Corporation plant, did it appear to
7 be operating at the times that you saw it?

8 A. When I drove by?

9 Q. Yeah, when you drove by.

10 A. Yeah, it appeared to be operating, but
11 you always noticed a smell, a real bad smell.

12 Q. It's a sewage plant, right?

13 A. Yeah.

14 Q. Have you ever been inside the plant?

15 A. No.

16 Q. Have you ever taken a tour of the plant?

17 A. No.

18 Q. Do you know what type of equipment is in
19 the plant?

20 A. No.

21 Q. Do you know what type of machinery is in
22 the plant?

23 A. No.

24 Q. Have you ever worked in a wastewater

1 treatment plant?

2 A. No.

3 Q. Do you know how a wastewater treatment
4 plant operates?

5 A. No.

6 Q. Have you ever worked for Utility
7 Operators Corporation?

8 A. No.

9 Q. Do you know how the Rolling Hills
10 Subdivision wastewater treatment plant operates?

11 A. No.

12 Q. Do you know how a wastewater treatment
13 plant is maintained or what constitutes proper
14 maintenance?

15 A. Proper maintenance would be they're being
16 taken care of and maintained properly.

17 Q. And do you know what is involved in that
18 at a wastewater treatment plant?

19 A. I would say, yeah, I do, I know what
20 would be involved in it.

21 Q. And what's the basis of your knowledge?

22 A. Myself personally?

23 Q. Yeah.

24 A. Out of my own mind that they should do

1 manual inspections of their system.

2 Q. Do you know whether or not they do
3 inspections of their system?

4 A. Well, apparently after what happened, no,
5 I don't think they do.

6 Q. But do you know whether or not UOC
7 conducts inspections of its system?

8 A. No.

9 Q. Now, you are alleging on September 8th, I
10 believe, and September 17th, you had two incidences
11 where you had sewage backup in your basement, right?

12 A. Yes, sir.

13 Q. Are you claiming that that sewage backed
14 up as a result of a failure of the Rolling Hills
15 Subdivision plant?

16 A. Yes, sir.

17 Q. Okay. What failed at the plant?

18 A. I have no idea what failed at the plant,
19 but it was -- the plant was inadequately taken care
20 of.

21 Q. And how do you know that?

22 A. Articles I've read in the paper.

23 Q. But do you have personal knowledge that
24 the plant was inadequately taken care of?

1 A. Yeah, I'd say personal knowledge, yes. I
2 do, yes.

3 Q. What's that personal knowledge based on?

4 A. I live at 101 Amy Lane, Byesville. I'm
5 home every day. There should be a manhole inspection
6 there. Very seldom, if ever, have I ever seen them
7 do it.

8 Q. I'm sorry, I was talking about
9 September 8th and September 17th. You allege that
10 there was a failure at the plant, and I'm curious, do
11 you have personal knowledge that something failed at
12 the plant to cause sewage to back up in your home?

13 A. Well, evidently something did fail at the
14 plant because sewage did back up into our home.

15 Q. It rained a lot on September 8th and
16 September 17th, didn't it?

17 A. No. It rained, but I've seen more rain.

18 Q. You're familiar with Ohio EPA, right?

19 A. Somewhat.

20 Q. Okay. Are you familiar with what are
21 called monthly operating records or monthly operating
22 reports?

23 A. I think I have one.

24 Q. Okay. Do you have one for September

1 2004?

2 A. Yes, I think I do.

3 Q. Have you looked at it?

4 A. Uh-huh.

5 Q. Do you recall how much precipitation was
6 received on September 7th?

7 A. No.

8 Q. Do you recall how much precipitation was
9 received on September 8th?

10 A. No.

11 Q. Do you recall how much precipitation was
12 received on September 17th?

13 A. No, sir.

14 MR. COX: Mr. Price, I have a copy of an
15 exhibit if you want to see it.

16 EXAMINER PRICE: I do.

17 MR. COX: I'd like to mark this as
18 Bennett 2.

19 EXAMINER PRICE: You want to mark it as
20 Bennett 2 or UOC number --

21 MR. COX: Oh, however.

22 EXAMINER PRICE: Let's mark it UOC 1.

23 MR. COX: UOC 1, okay.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 Q. (By Mr. Cox) Mr. Bennett, I'm handing you
2 what's been identified as UOC Exhibit 1. Do you have
3 that in front of you?

4 A. Uh-huh.

5 Q. Do you see the column -- Mr. Bennett, you
6 have to say "yes" or "no" so the --

7 A. Yes.

8 Q. -- court reporter can get that down.

9 Do you see the column identified as
10 Precipitation?

11 A. Yes.

12 Q. Now this is a monthly operating report,
13 down at the bottom it says form and number EPA 4500;
14 do you see that?

15 A. No, sir. Please point that out.

16 Q. At the very corner.

17 A. Oh, okay. Yes.

18 Q. And at the top it says "Monthly Report
19 Form"?

20 A. Yes, sir.

21 Q. And it's for the Utility Operators
22 Corporation?

23 A. Yes.

24 Q. And it's for the month of September 2004.

1 A. Yes.

2 Q. Isn't it true on September 7th the
3 wastewater treatment plant reported 2 inches of rain?

4 A. Yes. By this paper, yes.

5 Q. And isn't it true they reported 5 inches
6 of rain the next day on September 8th?

7 A. Yes.

8 Q. And September 8th is the date that you
9 allege you had sewage backup in your basement, right?

10 A. Yes.

11 Q. And then also on September 17th, the
12 wastewater treatment plant reported 6 inches of rain;
13 isn't that correct?

14 A. That's what they reported, yes.

15 Q. And that's the other day that you allege
16 sewage backed up in your basement; is that correct?

17 A. Yes.

18 Q. Now, isn't it true that during this time
19 period Guernsey County suffered from the effects of
20 hurricanes Ivan and Frances?

21 A. Yes, Guernsey County did suffer.

22 Q. And isn't it true --

23 A. But --

24 Q. I'm sorry, if you need to say more, go

1 ahead.

2 A. Guernsey County did suffer, but in our
3 area, no, we did not suffer from the amount of rain
4 which you're reporting here. And I don't know where
5 the reports of these measurements come from, but --
6 if they come from Byesville, Cambridge, where they
7 came from.

8 Q. Do you know what service area the
9 wastewater treatment plant at the Rolling Hills
10 Subdivision serves?

11 A. Yeah; Rolling Hills Subdivision.

12 Q. Did that area experience any rain at all?

13 A. Yes, we experienced rain.

14 Q. I want to direct your attention to the
15 complaint that you filed in this matter.

16 MR. COX: This will be UOC Exhibit 2, I
17 guess.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 Q. Mr. Bennett, I'm handing you what's been
20 identified as UOC Exhibit 2. Do you have this in
21 front you?

22 A. Yes.

23 Q. Can you identify that for the Commission?

24 A. It's our complaint that was filed.

1 Q. And when you say "our complaint," who are
2 you talking about?

3 A. My wife and myself.

4 Q. What's your wife's name?

5 A. Deborah.

6 Q. Deborah. Down at the bottom there's two
7 signatures.

8 A. Yes.

9 Q. Okay. Is one of those signatures yours?

10 A. Yes, sir.

11 Q. Which signature?

12 A. The one on top.

13 Q. And whose signature is underneath yours?

14 A. My wife's.

15 Q. And it's dated May 27th, '05; is that
16 correct?

17 A. Yes, sir.

18 Q. Now, who actually filled out the
19 complaint?

20 A. My wife.

21 Q. Okay. It says in there, in the
22 complaint, "Therefore, my husband, son, and myself,"
23 is that what it says?

24 A. Yes.

1 Q. Okay. Are you the husband that's being
2 referred to?

3 A. Yes.

4 Q. Okay. And when it says "myself," is that
5 referring to Deborah?

6 A. Yes.

7 Q. And who's the son?

8 A. My son Brandon.

9 Q. You have a son that lives there with you?

10 A. Yes.

11 Q. Okay. You allege on September 8th and
12 September 17th there was sewage that backed up into
13 your home, right?

14 A. Yes.

15 Q. And the complaint was filed May 27th,
16 '05, right?

17 A. Yes.

18 Q. What did you do from September '04 to May
19 '05? Why did it take so long to file the complaint?

20 A. It took so long --

21 EXAMINER PRICE: One second. I'm not
22 sure why you feel the need to ask that question.

23 MR. COX: I'll withdraw it.

24 EXAMINER PRICE: Thank you.

1 Q. From May 2004 until, I'm sorry, from
2 September 2004 until May 2005 what, if anything, did
3 you do to alleviate the alleged damage that occurred
4 to your house as a result of the sewage backup?

5 A. My son and myself, we done a lot of
6 cleaning in our home, and then Mr. Bischoff had sent
7 in a cleaning company, they come in and sprayed our
8 house with an antibacterial stuff.

9 Then on the second occurrence when it
10 happened they sent another -- the same company back
11 into the home to take care of it, and alls they done
12 was pressure washed and sprayed, it was an
13 antibacterial.

14 Q. And UOC paid for that?

15 A. Yes.

16 Q. From September 2004 until May 2005 did
17 you go to any doctors to have them assess your health
18 that might have been impacted as a result of the
19 sewage backup?

20 EXAMINER PRICE: Again, I'm not sure of
21 the relevance of that question. I don't think he's
22 asking for -- he has a complaint for inadequate
23 service. The Commission's not able to give him
24 restitution damages under any circumstances, so I'm

1 not going to allow that question.

2 MR. COX: Okay. I understand.

3 Q. In fact, UOC actually suggested that you
4 should put a plug in your drain in the basement,
5 didn't they?

6 A. Actually, UOC bought a drain plug to put
7 in my basement and the drain plug would not fit in
8 our basement, and UOC -- I did not receive the drain
9 plug until October 4th of 2004.

10 I also have the letter stating that I had
11 the drain plug before the second incident, which was
12 on the 17th -- I didn't have the drain plug -- and
13 if I'd have put it in place, that it would have
14 stopped that from happening to my house. Well, if I
15 would have put that plug into my basement and stopped
16 it from happening in my house, it would have forced
17 it into somebody else's house and they would have had
18 to went through the same thing that me and my family
19 went through.

20 Q. And how do you know it would have gone
21 into somebody else's house?

22 A. The next lowest house there would have
23 got it.

24 Q. How do you know that?

1 A. Because it was -- I got the pictures of
2 the water pumping up out of the floor, the water and
3 sewage coming up out of the floor.

4 Q. Out of your basement.

5 A. Yes.

6 Q. But how do you know it would have backed
7 up into somebody else's house?

8 A. Well, unless they had their drains
9 plugged, it's going somewhere else.

10 Q. How do you know if they had their drains
11 plugged or not?

12 A. I don't know.

13 Q. So you don't know whether the backup --

14 A. Well, if I --

15 Q. Sir, I'm still asking the question.

16 So you don't know where any sewage would
17 have gone if you had plugged up your drain.

18 A. Yes; I think it would have come out my
19 washing machine.

20 Q. How do you know that?

21 A. Because it's only like 30 inches above.

22 Q. Do you know how much pressure is required
23 to raise water 30 inches?

24 A. No, I don't know how much -- I don't know

1 how much pressure is required, but I know how much
2 pressure I had coming out of my floor drain.

3 Q. Are you an engineer?

4 A. No, sir, I'm not.

5 Q. Do you have a college degree?

6 A. No, sir.

7 Q. Have you ever studied physics?

8 A. No, sir.

9 MR. COX: If I can have a minute.

10 Q. Are you aware, Mr. Bennett, that UOC is
11 defined as a public utility under the law?

12 A. Explain that again.

13 Q. Are you aware of whether or not UOC is
14 defined as a public utility under the law?

15 A. Yes, I'm sure they are.

16 Q. So you're aware that when they establish
17 rates, they need the approval of the Commission.

18 A. Yes.

19 MR. COX: Mark this as UOC Exhibit 3.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 Q. Mr. Bennett, I'm going to hand you what's
22 been identified as UOC Exhibit 3. Do you have that
23 in front of you?

24 A. Yes.

1 Q. This is called a Staff Report of
2 Investigation In the Matter of Utility Operators
3 Corporation for an Increase in Rates and Charges. Do
4 you see that on the title page?

5 A. Yes.

6 Q. And this was received in the Docketing
7 division of PUCO on January 25th, 2001; do you see
8 that?

9 A. Yes.

10 Q. I'd like to turn your attention to page
11 19. Do you have that in front of you, Mr. Bennett?

12 A. Yes.

13 Q. Do you see the heading that says
14 "Collection & Treatment"?

15 A. Yes.

16 Q. Go to the second paragraph below that.

17 A. Yes.

18 Q. The first sentence reads "This sewage
19 treatment plant's approximately 30-year-old activated
20 sludge/extended aeration system can handle up to a
21 hundred thousand gallons per day." Do you see that?

22 A. Yes.

23 Q. Do you know if that's the volume that the
24 wastewater treatment plant at the Rolling Hills

1 Subdivision can handle on a daily basis?

2 A. No, sir, I don't.

3 Q. Okay. Do you know how much in terms of
4 gallons per day the wastewater treatment received
5 on September 7th and 8th and September 17th of
6 2004?

7 A. No, sir.

8 Q. I direct your attention to page 21.
9 Under the section identified "Records and Reports,"
10 do you see that?

11 A. Yes.

12 Q. The second sentence says "Since that
13 time" -- and this is referring to the time since PUCO
14 began regulating the Rolling Hills Subdivision
15 wastewater treatment plant; do you see that?

16 A. Yes.

17 Q. "Since that time, the Company has
18 complied with Ohio Administrative Code Section
19 4901:1-15-11(B)(7) and established a comprehensive
20 manhole inspection and maintenance plan." Do you see
21 that?

22 A. Yes.

23 Q. So would you agree with the Commission
24 that since 2001 UOC has an established manhole

1 inspection and maintenance plan?

2 A. No.

3 Q. And why would you not agree with that?

4 A. Because I live right at 101 Amy Lane, I
5 can see straight down the road to the school, and I
6 can see several manholes down through there, and no,
7 I don't agree with that.

8 Q. Are you saying that --

9 A. Unless they do it from dark until
10 daylight.

11 Q. Do you know if UOC inspects its manholes?

12 A. Not to my knowledge.

13 Q. Do you know if they do or if they don't?

14 EXAMINER PRICE: He answered your
15 question.

16 MR. COX: He said --

17 EXAMINER PRICE: He said not to his
18 knowledge.

19 MR. COX: -- not to his knowledge.

20 EXAMINER PRICE: Not to his knowledge.

21 MR. BENNETT: Exactly.

22 Q. Okay. The next sentence says, "The
23 Company now regularly inspects its manholes in the
24 lowest sections of the collection system . . . and

1 keeps excellent records on their locations and on the
2 inspection's findings"; do you see that?

3 A. Yes.

4 Q. Do you agree with that statement?

5 A. No.

6 Q. And why not?

7 A. Because as I explained previously, I live
8 on the corner, I can see straight down the road, I
9 know when there's someone in there looking down the
10 manholes.

11 Q. Are you at your house 24 hours a day,
12 seven days a week?

13 A. Basically, yes.

14 Q. You never leave your house?

15 A. Oh, I leave my house occasionally, yes,
16 but there's usually somebody in my house constantly.

17 Q. But you wouldn't be there constantly,
18 right?

19 A. Yes, I'm basically there constantly.

20 Q. You're basically there constantly?

21 A. Uh-huh.

22 Q. So you disagree with the Commission's
23 findings, then; is that it?

24 A. I disagree with the manhole inspections,

1 yeah, I disagree with them.

2 Q. So you disagree with the statements in
3 the Staff's report.

4 A. Where is the statements in the Staff's
5 report?

6 EXAMINER PRICE: Mr. Cox, I think you've
7 made your point. I think we can move on.

8 MR. COX: Okay.

9 Q. On the same page, 21, there's a section
10 identified "Public Officials and Customer Contacts";
11 do you see that section?

12 A. Yes.

13 Q. The Staff's report says "During the
14 Staff's regular interviews with local public
15 officials, Jackson Township Trustee, Stanley King,
16 reported no problems with the Company, adding that
17 the rental home he owns in the subdivision gives him
18 firsthand knowledge of its service." Do you see that
19 statement?

20 A. Yes.

21 Q. Do you have any reason to disagree with
22 that statement?

23 A. Yes, I do disagree with that statement.

24 Q. In what way do you disagree with that

1 statement?

2 A. That home there I am almost positive did
3 have sewage in it at one time.

4 Q. And how do you know that?

5 A. Because the people that lived there,
6 basically they moved out and Stan King come in and
7 bought the home and redid the house and resold it.

8 Q. What does that have to do with sewage?

9 A. It had a sewage backup in the home prior
10 to him buying the home.

11 Q. How do you know that?

12 A. Because I knew the people that lived in
13 the home.

14 Q. Just because you knew them, does that
15 mean there was sewage there, or what?

16 A. I seen it.

17 Q. Oh, you saw the sewage in that other
18 house?

19 A. I seen the sewage in the home.

20 Q. Oh, you did?

21 A. Yes.

22 Q. When was this?

23 A. I couldn't basically give you a year.

24 Q. Was it before September 2004 or after?

1 A. Oh, yes, it was before then.

2 Q. How many times did you see it?

3 A. On one occasion.

4 Q. On one occasion. So you're aware of one
5 other home where you believe there was sewage that
6 backed up, right?

7 A. Oh, yeah.

8 Q. On one occasion. And there was sewage
9 that backed up in your home on two occasions, right?

10 A. Yes.

11 Q. And you've lived in the area for 20 years
12 and we're talking three occasions where sewage has
13 backed up.

14 A. That I know of.

15 Q. That you know of, correct. That's
16 correct, that you have personal knowledge of.

17 A. Yes.

18 Q. And you believe that constitutes
19 inadequate service on behalf of UOC?

20 A. Yes, sir.

21 Q. Under the same section on page 21 of
22 Exhibit UOC 3, the second sentence says, "The Staff
23 also contacted officials in the nearby village of
24 Byesville, who also said they had had no problems

1 with the Company. All of the several customers
2 interviewed during the investigation expressed
3 satisfaction with their service." Do you see those
4 statements?

5 A. Yes, I do.

6 Q. Do you have any reason to disagree with
7 those statements?

8 A. The village of Byesville is not part of
9 Jackson Township.

10 Q. But that's not my question. Do you have
11 any reason to disagree with these statements?

12 A. Yes, I would disagree with these
13 statements.

14 Q. In what sense?

15 A. In the sense of the exhibit that I turned
16 in right here.

17 Q. You mean Bennett Exhibit 1?

18 A. Yes. If you go to -- it's caused a stink
19 in Byesville, and if you go to the paragraph, well
20 not -- the second-to-the-last paragraph. Excuse me a
21 minute.

22 EXAMINER PRICE: Take your time.

23 A. Yes, it would be the second-to-the-last
24 paragraph on the first page, it says "The good thing

1 about it is the plant is very capable of being run
2 although it is in severely bad shape."

3 MR. COX: I don't have anything else,
4 Mr. Price.

5 EXAMINER PRICE: Mr. Bennett, this is the
6 point when if you were represented by counsel, your
7 counsel would have an opportunity to do a redirect
8 examination of you. Since you don't have counsel, if
9 you have anything that you would like to add that
10 responds to the issues that came up in
11 cross-examination, now would be the time to do it.

12 - - -

13 REDIRECT TESTIMONY

14 THE WITNESS: He referred to the amount
15 of water that we received. In '98 we received 10
16 inches of water. I had water clean up around my
17 house up to the basement windows, an inch below the
18 basement windows of my house, and I didn't have raw
19 sewage or anything coming up out of my floor drain in
20 my basement in '98.

21 When this here took place in '04, there
22 was no water up against my house, the roads was not
23 underwater there, and I had raw sewage coming into my
24 house.

1 EXAMINER PRICE: Is that it?

2 THE WITNESS: Yes.

3 EXAMINER PRICE: Mr. Cox, recross?

4 - - -

5 RECROSS-EXAMINATION

6 By Mr. Cox:

7 Q. So let me get this straight; you had raw
8 sewage twice in your house in the 20 years that
9 you've lived there and you think that constitutes
10 inadequate service.

11 A. Yes.

12 MR. COX: I don't have anything else.

13 EXAMINER PRICE: Thank you, Mr. Bennett,
14 I don't have any questions for you. You're excused.

15 THE WITNESS: Okay.

16 (Witness excused.)

17 EXAMINER PRICE: Do you have any other
18 witnesses that would like to testify today?

19 MR. BENNETT: Would you like to testify?

20 MRS. BENNETT: Am I allowed to come up
21 and say --

22 EXAMINER PRICE: Sure. Absolutely.

23 MRS. BENNETT: Okay.

24 MR. BENNETT: I'll leave this stuff right

1 here for her.

2 MRS. BENNETT: Honey, can you take this
3 up for me, please?

4 MR. COX: Mr. Price, just for the record,
5 we served discovery and asked for identification of
6 witnesses, she was not identified as a witness, so
7 just for the record we'll object to the testimony.

8 EXAMINER PRICE: Overruled.

9 (Witness sworn.)

10 EXAMINER PRICE: Please state your name
11 and address for the record.

12 THE WITNESS: My name is Deborah J.
13 Bennett. I live at 101 Amy Lane, Byesville, Ohio.
14 Do you need zip code or anything like that?

15 EXAMINER PRICE: No, that's fine.

16 THE WITNESS: Okay.

17 EXAMINER PRICE: Please proceed.

18 - - -

19 DEBRA BENNETT

20 being first duly sworn, as prescribed by law,
21 testified as follows:

22 DIRECT TESTIMONY

23 THE WITNESS: Okay. Now, some of the
24 things that my husband -- I wanted to speak out and I

1 couldn't speak out, but I can now?

2 EXAMINER PRICE: Yes.

3 THE WITNESS: Okay. Number one, the
4 paperwork that we recently received from Mr. Cox,
5 okay, that stuff is in the police log, okay, about
6 the floods and all that stuff. And that's in
7 Cambridge. We don't live in Cambridge, we don't live
8 in Byesville, we live in Jackson Township, okay?

9 EXAMINER PRICE: And how far is Jackson
10 Township from Cambridge?

11 THE WITNESS: We'll say like five
12 miles --

13 EXAMINER PRICE: Okay.

14 THE WITNESS: -- okay, before you get to
15 that city limit, okay?

16 We live in a subdivision, okay? Now --
17 and then another question that he had asked my
18 husband -- Mr. Cox -- how would we get the knowledge
19 of something being inadequate and run down.
20 Mr. Bischoff's employees; they were the ones that
21 made that statement to us. They were -- they are the
22 people that go down to that station when they do,
23 they know what it's like. They were the ones that
24 pointed that out to us, okay?

1 And the time frame of getting in touch
2 with them at the time of these happenings and the
3 time frame of us filing a complaint with yourselves,
4 during that time we were trying to work with
5 Mr. Bischoff, okay? But he wasn't coming up with any
6 answers, such as I do believe it is a law that you
7 must carry insurance on your businesses. We
8 definitely know car insurance, house insurance,
9 everybody must carry insurance, and that was all my
10 husband wanted from him, his insurance company's
11 name. Well, he didn't have one.

12 Does he have insurance? We don't know,
13 because we have yet to been given that answer. And I
14 believe if he doesn't, I believe he's breaking the
15 law because you must carry insurance no matter what
16 you have.

17 I'm trying to think of anything else
18 that -- let's see. And also I did write a paper and
19 respond, and a year later or a couple years later
20 then the newspaper writes the very same thing in
21 there that I wrote. I thought that was kind of
22 unique that some of the council members felt the same
23 way I did, okay? But where I got my information was
24 Mr. Bischoff's employees, that's where I got my

1 information from.

2 And I also would drive down around the
3 plant, the sewage plant, treatment plant, okay, maybe
4 every other day, just checking things out, doing my
5 own little investigation, and once and once only I
6 did see there were two men down there, one had a
7 shovel and one had a hose, and I don't know what they
8 were doing because I'm not educationally inclined to
9 know about that stuff, okay? I just know what
10 Mr. Bischoff's employees said to my husband and
11 myself.

12 It's not very nice having other people's
13 doo-doo and nasty stuff in your house, it's not very
14 nice at all. I had just went down actually to put my
15 curtains in to wash them in my washer and all of a
16 sudden, whoo, and I'm screaming for my husband, okay?
17 He comes down. He's like, "Get upstairs. Go. Go."
18 And then I went in and I got on the phone.

19 But no, I don't feel that we should
20 suffer because of somebody else's negligence, and
21 that's the way I feel, that they have been negligent
22 in complying with taking care of things, the
23 treatment plant, and maintaining their manhole covers
24 and, I mean, it states in the paperwork that we sent

1 in that the people that live in the subdivision,
2 their health is at risk, okay?

3 No, we weren't sent to the doctor. No.
4 Because my husband had asked Mr. Bischoff "What is
5 your insurance company's name?" They need to pay for
6 us to go to the doctor. Why should we pay that,
7 okay?

8 I hope I'm not leaving anything out
9 because, boy, I just had my head full of things. I
10 guess I feel like we've been put off, not by you, but
11 by Mr. Bischoff and by Mr. Cox. It's been like a
12 little runaround. Every time something is planned,
13 it gets put on hold for some ungodly reason, I don't
14 know why, but it does, which is unfair to anybody
15 that lives in that subdivision. I'm speaking for my
16 husband and myself, but I'm also speaking for
17 everybody that lives in that subdivision.

18 The prices of their sewage rates;
19 monthly. They pay a monthly sewage rate, okay? Not
20 fair.

21 And Mr. Bischoff's claiming, okay, he was
22 going to -- well, he tried, I don't know if this
23 happened or not, to -- what is my word? When you --
24 hold on just a moment, please.

1 EXAMINER PRICE: Take your time.

2 THE WITNESS: Thank you.

3 Maybe you can help me on this word.

4 EXAMINER PRICE: Okay. Probably not,
5 but --

6 THE WITNESS: Okay. All right. Okay.
7 When you can no longer -- people do it all the time.
8 Some people do it all the time. My goodness, why
9 can't I think of this word?

10 EXAMINER PRICE: Why don't you try to
11 work around the word.

12 THE WITNESS: Around the word? Okay.
13 People, when they default in their bills, and it's
14 not chapter 11 --

15 EXAMINER PRICE: You mean bankruptcy?

16 THE WITNESS: Bankruptcy. Thank you.
17 Yes. Yes. Yes. That's the word. Thank you very
18 much. I don't know why I couldn't remember that
19 word.

20 But yes, Mr. Bischoff was trying to file
21 bankruptcy. Now, I don't know if that went through
22 or not. I don't know, I just --

23 EXAMINER PRICE: Mr. Bischoff or Utility
24 Operators Corporation?

1 THE WITNESS: Utility operation.

2 EXAMINER PRICE: Operators Corporation.

3 THE WITNESS: Yes. Yes. Yes.

4 EXAMINER PRICE: Thank you.

5 THE WITNESS: That is correct.

6 I guess that probably sums it all up of
7 what I would like to say.

8 EXAMINER PRICE: Thank you.

9 THE WITNESS: You're welcome.

10 EXAMINER PRICE: Mr. Cox,

11 cross-examination?

12 MR. COX: No, Mr. Price.

13 EXAMINER PRICE: Thank you. You're
14 excused.

15 THE WITNESS: Oh, thank you.

16 (Witness excused.)

17 MR. BENNETT: Am I allowed to question
18 her?

19 MRS. BENNETT: No.

20 EXAMINER PRICE: No. Afraid not.

21 MR. COX: Just for the record, Mr. Price,
22 I know you overruled my objection to having her
23 testify, but just for the record I'll move to strike
24 the testimony.

1 EXAMINER PRICE: Thank you. Overruled.

2 Mr. Cox, do you have a witness?

3 MR. COX: Yes. I'll call Edward A.

4 Bischoff.

5 (Witness sworn.)

6 EXAMINER PRICE: Please be seated and
7 state your name and business address for the record.

8 THE WITNESS: Edward A. Bischoff, well,
9 you've got the card, 9976 Brewster Lane, Powell, Ohio
10 43065.

11 EXAMINER PRICE: Mr. Cox, please proceed.

12 MR. COX: Thank you, Mr. Price.

13 - - -

14 EDWARD A. BISCHOFF, PE, PS

15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Cox:

19 Q. Mr. Bischoff, where do you work?

20 A. Bischoff Miller & Associates. At the
21 same address.

22 Q. And what is Bischoff Miller & Associates?

23 A. Civil engineering company.

24 Q. And what kind of work do they do?

1 A. We design water and sewer systems,
2 subdivisions, highways.

3 Q. Is there a difference between a water
4 system and a sewer system?

5 A. Yeah, both sanitary and storm sewer.
6 Both sanitary sewer and storm sewer.

7 Q. And is a sanitary and storm sewer system,
8 are they water systems --

9 A. No.

10 Q. -- or are they sewage systems?

11 A. They're sewage systems.

12 Q. Then what's a water system?

13 A. Water is potable water to homes.

14 Q. Drinking water.

15 A. Drinking water.

16 Q. Okay. And how long has Bischoff Miller &
17 Associates been doing this?

18 A. Well, Bischoff Miller's seven years old,
19 and the prior company that Bischoff came out of was
20 Bischoff & Associates which was formed in '71.

21 Q. And did Bischoff & Associates from 1971
22 until about seven years ago, did they do the same
23 kind of work that Bischoff Miller & Associates does?

24 A. Yes.

1 Q. So for about 35 years you've been doing
2 the same type of work?

3 A. Yes.

4 Q. Designing sewer systems and water
5 systems --

6 A. Yes.

7 Q. -- and storm water systems. What kind of
8 clients does --

9 EXAMINER PRICE: Mr. Cox, under the
10 Administrative Code any -- seems to me you're setting
11 up expert testimony here.

12 MR. COX: Yes.

13 EXAMINER PRICE: Your direct expert
14 testimony should have been prefiled in the
15 proceeding.

16 MR. COX: I filed the report. I thought
17 that's all the rules required was a report, an expert
18 report.

19 EXAMINER PRICE: It requires all direct
20 testimony.

21 MR. COX: All direct testimony.

22 EXAMINER PRICE: Yes. So I'm not going
23 to let you go beyond what's in your report.

24

1 MR. COX: Well, that's what I wanted to
2 get at. I just wanted to qualify the witness as an
3 expert in design and engineering of wastewater
4 treatment --

5 EXAMINER PRICE: If that's all the
6 farther you're going, that's fine.

7 MR. COX: That's it. I'm going to limit
8 his testimony to the report.

9 EXAMINER PRICE: That's fine.

10 MR. COX: So can I continue to try to
11 qualify him, then?

12 EXAMINER PRICE: I think he's qualified
13 as an expert witness.

14 MR. COX: Okay.

15 Q. (By Mr. Cox) Let's, then, talk about UOC
16 itself. What exactly is UOC?

17 A. It's a not-for-profit corporation. It's
18 a utility that provides sanitary sewage service to
19 the Rolling Hills Subdivision and the school that is
20 next to the subdivision, then there's a market and a
21 pizza shop down the road a little ways that it
22 provides service to also.

23 EXAMINER PRICE: You're marking this UOC
24 4?

1 MR. COX: Yes.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 Q. Mr. Bischoff, I'm going to hand you
4 what's been identified as UOC Exhibit 4.

5 A. Okay.

6 Q. Do you recognize this?

7 A. Yes, this is the incorporation papers.

8 Q. From the Ohio Secretary of State's
9 office?

10 A. Yes.

11 Q. And it's for Utility Operators
12 Corporation?

13 A. Yes.

14 Q. Does it say it's a not-for-profit
15 corporation?

16 A. Yes.

17 Q. Does it give the date of its
18 incorporation as December 26th, 1978?

19 A. Yes.

20 Q. So UOC has been in business as a
21 nonprofit since 1978?

22 A. Yes.

23 Q. What's your affiliation with UOC?

24 A. I'm a trustee.

1 Q. How long have you been a trustee?

2 A. From the inception.

3 Q. Okay. What's your role as a trustee?

4 A. Well, we've served -- the board of
5 trustees is similar to the board of directors, you
6 serve as the governing body for the not-for-profit.

7 EXAMINER PRICE: How many trustees are
8 there?

9 THE WITNESS: There's two now, there's a
10 position for three. We've got one vacancy.

11 EXAMINER PRICE: Okay. Thank you.

12 Q. Does UOC own the Rolling Hills
13 Subdivision wastewater treatment plant?

14 A. Yes.

15 Q. How long has it owned the treatment
16 plant?

17 A. Since inception; '78.

18 Q. Do you know how the wastewater treatment
19 plant operates?

20 A. It's an extended air plant -- yes, to
21 answer your question.

22 Q. Have you been to the plant?

23 A. Yes.

24 Q. Have you seen it in operation?

1 A. Yes.

2 Q. Are you familiar with its operation?

3 A. Yes.

4 Q. Okay. So you sat through the testimony
5 of Mr. Bennett in this case, right?

6 A. Yes.

7 Q. And Mr. Bennett claimed that on
8 September 8th, 2004, and September 17th, 2004,
9 sewage backed up into his basement.

10 A. Yes.

11 Q. You're familiar with that?

12 A. Yes.

13 Q. As an expert witness do you have an
14 opinion as to the cause or the reason why, and I'll
15 get to the basis underlying that, but do you have an
16 opinion as to how sewage backed up in Mr. Bennett's
17 basement?

18 A. Yes.

19 Q. And what is your opinion?

20 A. It was storm water generated.

21 Q. Storm water generated?

22 A. Yes.

23 Q. By what?

24 A. Well, you had on the 7th and 8th, you

1 had hurricane Frances come through, on the 17th you
2 had hurricane Ivan come through, the county -- the
3 rainfall gauges at the plant indicated excessive
4 rainfall and the county became a disaster area based
5 on the high rainfall they received from both storms.

6 Q. When you say the plant reported rainfall,
7 are you talking about the monthly operating report
8 that was --

9 A. Yes.

10 Q. -- submitted earlier? I think you should
11 have that in front of you --

12 A. I don't have it.

13 Q. -- it's UOC Exhibit 1.

14 EXAMINER PRICE: I think Mr. Bennett's
15 entitled to his copy. Do you have another copy you
16 can give the witness?

17 MR. COX: That was supposed to be for the
18 court reporter.

19 EXAMINER PRICE: Do you have a copy for
20 Mr. Bennett?

21 MR. COX: Yeah, I can give him a copy. I
22 can make a copy for him, Mr. Price.

23 EXAMINER PRICE: We might be able to cut
24 through this. Is that not the same that is attached

1 to the notice of filing respondent's expert report?

2 Mr. Bennett, do you have a copy of this?

3 MR. BENNETT: Your Honor, I can't see.

4 EXAMINER PRICE: It was docketed on
5 April 18th. It says "Notice of Filing Respondent's
6 Expert Report of Edward Bischoff."

7 MR. BENNETT: Yes, I got it. Yes.

8 MR. COX: Okay. Mark this as 5, UOC
9 Exhibit 5.

10 EXAMINER PRICE: So marked.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 EXAMINER PRICE: Mr. Bennett, from now on
13 we'll refer to that document as UOC 5.

14 Q. (By Mr. Cox) Mr. Bischoff, I'm going to
15 hand you what's been marked as UOC Exhibit 5. Is
16 this a copy of the report that you filed with the
17 Commission?

18 A. Yes.

19 Q. If you look at the second page, is that
20 the monthly operating report for September 2004 that
21 you were testifying about?

22 A. Yes.

23 Q. How much rain was reported on
24 September 7th and 8th and September 18th?

1 A. The 7th is 2 inches, the 8th is 5
2 inches, the 17th is 6 inches.

3 EXAMINER PRICE: Mr. Bischoff, this was
4 at the Rolling Hills plant; is that correct?

5 THE WITNESS: Yes.

6 EXAMINER PRICE: The measurement was
7 taken at the --

8 THE WITNESS: The rain gauge is at the
9 plant.

10 EXAMINER PRICE: Thank you.

11 Q. (By Mr. Cox) What else do you base your
12 opinion on?

13 A. Well, the newspaper articles certainly
14 support the fact there was an excessive amount of
15 rain. On the 9th I traveled through the area.

16 Q. What were your observations?

17 A. The interstate, 77, was down to one lane
18 because of excessive rain. I-70 had just opened, the
19 state patrol told me when I called. The exit ramp
20 below Byesville was totally flooded up to the bottom
21 of the beams on the bridge. The area around the
22 plant and the spring -- where the road main, Spring
23 Valley Drive I think, at the entrance to the plant
24 was flooded. Some manholes in the system were

1 overflowing with water, the low manholes, which
2 doesn't happen when you don't have 6 inches of rain
3 and 7 inches of rain.

4 Q. Now, did Mr. Bennett inform you that he
5 had sewage in his basement?

6 A. Yes.

7 Q. Did anybody else inform you or UOC that
8 they had sewage in their basement?

9 A. No.

10 Q. When Mr. Bennett informed you that there
11 was sewage in his basement, what, if anything, did
12 you or UOC do?

13 A. Well, we tried to find someone to clean
14 the basement and we had a little trouble getting
15 ahold of the company, and we finally -- the county
16 gave us two names and ProServ was one of them, so we
17 sent ProServ out on the first occasion, the Bennetts
18 had already washed down the basement so they put an
19 antibacterial spray on.

20 On the second occasion they went out and
21 cleaned the basement and then put the bacterial spray
22 on.

23 Q. Did UOC pay for that?

24 A. Yes.

1 Q. Now, in Mr. Bennett's testimony he
2 referred to a plug in the drain.

3 A. Well, yeah, we wanted to give him a plug
4 and have him put it in the drain when you got
5 forecast for heavy rain.

6 My understanding is he was -- didn't want
7 to do that, as he said, because he was afraid another
8 basement may plug somewhere -- or, may flood
9 somewhere. But we kept pushing him to do that.

10 I had offered to -- there is a device
11 that you could put on the service line coming out of
12 the house that would preclude the basement from
13 flooding, and for the same reason he wasn't going to
14 have us do that, and that's about a \$4,000 fix.

15 Q. Did he say why he refused to do that?

16 A. Same reason, that he didn't want other
17 houses to have the problem.

18 Q. What was that device called?

19 A. I don't know what they call it.
20 Columbus -- I found out about it from Columbus, and
21 they've put them in and had success with them.

22 EXAMINER PRICE: Would it have caused
23 another house to flood?

24 THE WITNESS: What would it cause?

1 EXAMINER PRICE: What does it cause?

2 THE WITNESS: Well, if you had heavy
3 rain -- well, I don't know -- I don't know
4 Mr. Bennett's reasoning, but the issue is simply
5 this, even when -- even in those two floods the water
6 got up to like 6 inches, somewhere 6, 8 inches, so
7 that's as high as it would go because at that point
8 you're beginning to get relief from the manholes and
9 other things.

10 So the suggestion that if he was
11 concerned about his washing machine drains which were
12 36 inches off the floor --

13 EXAMINER PRICE: But you said he was
14 concerned about his neighbor's basement. I'm asking
15 you in your expert opinion, given the rains that we
16 had at that time in question, would it have caused,
17 if he had plugged his basement drain hole or had used
18 the other device that you mentioned, would that have
19 caused the neighbor's basement to flood?

20 THE WITNESS: I don't believe it would,
21 no.

22 EXAMINER PRICE: Thank you.

23 THE WITNESS: Okay.

24 Q. (By Mr. Cox) And why not?

1 A. Well, because they're higher and your
2 manhole would start to take the pressure off.

3 Q. Is that what you meant when you said
4 "relief" earlier?

5 A. Yes.

6 Q. Did you document in a letter to
7 Mr. Bennett your efforts at offering the plug in the
8 drain and what you did with ServPro?

9 A. Yeah. I believe we did, yes.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 EXAMINER PRICE: Mr. Cox, can you explain
12 to me the relevance of this document since this
13 document was mailed after the incidents in question?

14 MR. COX: Document the efforts that UOC
15 took to mitigate any damage.

16 EXAMINER PRICE: That might be true for
17 anything that happened after September 17th, but
18 that's not what he's alleging.

19 MR. COX: Okay. I don't need to
20 introduce it, then. I'll withdraw the exhibit.

21 EXAMINER PRICE: Mr. Bischoff, when did
22 you offer to Mr. Bennett the drain plug?

23 THE WITNESS: Right after the first
24 flood.

1 EXAMINER PRICE: Sometime after
2 September 9th.

3 THE WITNESS: Yes.

4 EXAMINER PRICE: When did you offer to
5 put the other device on?

6 THE WITNESS: In that time frame. I
7 don't have a date on it, it was just in part of the
8 discussion.

9 EXAMINER PRICE: But after September
10 9th.

11 THE WITNESS: Yes.

12 EXAMINER PRICE: Thank you.

13 Q. (By Mr. Cox) As of September 9th or
14 September 7th, 2004, and September 18th, 2004, do
15 you have an opinion whether or not the Rolling Hills
16 Subdivision wastewater treatment plant was providing
17 adequate service?

18 A. It was.

19 Q. And what's the basis of your opinion?

20 A. Well, we have to turn in these kind of
21 reports each month, and other than occasionally
22 having a glitch in the report, the plant was
23 operating, I mean, we run tests on the plant, take
24 samples and have it tested and turn a copy of the

1 test results in to EPA.

2 Q. Has Mr. Bennett complained about sewage
3 in his basement since September 18th, 2004?

4 A. Not to us.

5 Q. Has anybody else in the system
6 complained --

7 A. No.

8 Q. -- about sewage in their basement since
9 September 18th, 2004?

10 A. No.

11 MR. COX: I don't have any other
12 questions.

13 EXAMINER PRICE: Mr. Bennett,
14 cross-examination?

15 - - -

16 CROSS-EXAMINATION

17 By Mr. Bennett:

18 Q. On the 9th you stated their manholes
19 were still underwater.

20 A. We had some that were, not all of them.

21 Q. Okay. And my basement being the lowest
22 elevation there, I would have still had water in my
23 basement on the 9th. And after your workers showed
24 up on the 8th of September, they showed up between

1 7:30 and 7:45 and went through the manholes, my water
2 in my basement started going down. I didn't have the
3 sewage and the water in the basement on the 9th.
4 It went down on the 8th between 9 and 10 o'clock to
5 11 o'clock that night it drained down, and then we
6 had to start cleaning ourselves.

7 EXAMINER PRICE: Mr. Bennett, you need
8 to -- you're making a statement, you need to ask him
9 a question.

10 Q. Well, I'm asking you the question, you
11 stated that there was still manholes underwater.

12 A. And the question is?

13 Q. About the manholes being underwater on
14 the 9th when you went out --

15 A. Well, the manhole that's down -- sits
16 below your house was not underwater. It's the one
17 that relieves -- is the relief for basically your
18 basement. So the level of water in the sewer system
19 had dropped enough to drain your basement, but that
20 did not clear all the manholes. And the pumps were
21 still -- both pumps were still pumping. And the area
22 around the plant was still underwater.

23 Q. On the 9th.

24 A. Yes.

1 Q. Okay. And you also stated we were told
2 about a device we could have installed outside our
3 home?

4 A. Yes.

5 MR. BENNETT: We were not told of any
6 device.

7 THE WITNESS: Mr. Bennett, I told you
8 that over the phone.

9 EXAMINER PRICE: Let's be clear here.
10 You can ask him questions. After he's done, I'll let
11 you present any testimony regarding his testimony
12 after that.

13 MR. BENNETT: Okay.

14 Q. I did ask you the question that we were
15 told about a device that could be installed outside
16 the home.

17 A. I told you over the phone that I would
18 install that for you. You told me that you weren't
19 interested in it because it would cause problems for
20 the neighbors.

21 MR. BENNETT: I'm done.

22 EXAMINER PRICE: Thank you.

23 Mr. Cox, redirect?

24 MR. COX: No redirect.

EXAMINATION

By Examiner Price:

Q. Mr. Bischoff, what is the -- your testimony is that the excessive amount of water was from the -- excessive rain caused the water.

A. Yes.

Q. What is the maximum amount of rainfall that your system can deal with?

A. Well, in January of 2005 that area got 5 inches of rain and it didn't flood in his basement, so from that my conclusion is we can handle 5 inches of rain.

Q. Have you done any studies as to how much rain you can handle?

A. No, not really, other than just the sense that when you have both of your pumps kicking on and not shutting off in the station and you're starting to get water around the plant, you're beginning to get to the point where you have a potential problem.

Q. But you can't actually, beyond past experience you can't say there's a maximum design capacity for an amount of rain that that can handle.

A. Well, I guess I would answer that question a little differently. I can tell you -- I

1 don't have it with me, but I can tell you the design
2 capacity of that system regardless of where the water
3 comes from, based on certain situations, because the
4 sanitary sewer's on a grade and in Rolling Hills some
5 of that grade's pretty steep.

6 So you can do the calculation that shows
7 that the system will handle up to a certain amount of
8 water in the system until you have the first manhole
9 starting to back up.

10 Now, there's some indeterminants that
11 would -- I mean, I could give you a range, simply
12 because 5 inches of rain can come at certain
13 intervals. So it would be -- you stand a better
14 chance of getting a sense of where you are if you see
15 how the system's reacting rather than trying to do a
16 study because each, you know, God doesn't make it
17 rain the same way every time.

18 Q. I understand.

19 Your counsel previously marked Utility
20 Operator Exhibit 3, it's the Staff Report from case
21 No. 00-1514-ST-AIR.

22 A. Right.

23 Q. Do you have a copy of that?

24 A. I don't.

1 EXAMINER PRICE: Mr. Cox, can you provide
2 a copy of that to the witness?

3 A. Yeah, they currently --

4 MR. COX: I can give him my personal copy
5 or the copy that Mr. Bennett took.

6 EXAMINER PRICE: I'm sure he can -- I'm
7 sure Mr. Bischoff will give you your personal copy
8 back in due course.

9 Q. According to Staff Report on page 19, it
10 says the sewage treatment plants can handle up to
11 100,000 gallons per day --

12 A. Yes.

13 Q. -- do you see that? Is that correct?

14 A. Yes. That's its design capacity.

15 Q. That's the design capacity. Can you tell
16 me how many gallons were received on a per-day basis
17 on the 7th, 8th, and I guess 19th [sic] of
18 September?

19 A. Once again, I didn't bring it with me,
20 but from the meters on the pumps I could do that. I
21 didn't bring that with me.

22 Q. So you don't know.

23 A. I don't know right now. We have the
24 record, I just don't have it with me.

1 Q. So you don't know -- I guess my question
2 is: Are you able to tell the Commission today
3 whether or not the amount of -- whether or not the
4 rain caused you to exceed that 100,000-gallons per
5 day design capacity?

6 A. Yes. I can tell you that. It did.

7 Q. It did?

8 A. Your hundred thousand gallon capacity is
9 handled by a single pump. It will handle that
10 capacity with one pump. You got two pumps running
11 and it will handle that on an off-and-on basis. In
12 other words, it will run for a while and then it will
13 shut down, then it will run for a while and then it
14 will shut down. You've got two pumps running
15 full-time, 24 hours a day, you're pumping way over a
16 hundred thousand gallons.

17 Q. Now, at page 21 of the same Staff Report
18 it indicates plant records indicate flow spikes as
19 high as 270-gallons per day. Is that what you're
20 talking about when both pumps are running 24 hours?
21 Is that a situation where both pumps would be
22 running?

23 A. Well, both pumps would be running to get
24 270,000-gallons a day. If you keep the pumps running

1 24 hours a day, they're going to pump more than that,
2 because the 270 -- if you stop and think for a
3 minute, if one pump will run a hundred thousand
4 gallons sporadically, by running sporadically through
5 the day, two pumps will run 270 basically by the same
6 cycle. You're looking at 100, your rates are a
7 hundred to 135 for each one.

8 These pumps weren't run sporadically,
9 they were running full-time 24 hours a day, so
10 they're pumping well over the 270. Because the 270
11 you would pump while the pump's kicking on and off.
12 What happens is your first pump kicks on and when the
13 level gets so high, the second pump kicks in. The
14 two of them pump it down, and then they both kick
15 off. Then the first pump kicks on. So you go on
16 that cycle, you'll get the 270 covered.

17 And this was before you had the kind of
18 rain that we're talking about. So the 270 they're
19 talking about came from the smaller storm. We're
20 dealing with both pumps never stopped running, so
21 you're dealing with a much higher volume.

22 Q. Okay. Mr. Bennett testified at some
23 point previously, previous to the events in question,
24 that sewage had backed into the basement of his

1 residence, although when I checked, it was not his
2 residence at that point. Are you familiar with that
3 incident?

4 A. I'm not sure when he was talking about.
5 I'm not sure. Ten years ago we had a grease problem
6 that caused a backup, I'm not sure whether that's
7 what he's talking about.

8 Q. Mrs. Bennett indicated that Utility
9 Operators Corporation may have filed bankruptcy. Can
10 you explain whether you did or did not file
11 bankruptcy recently?

12 A. We did file bankruptcy. We did not
13 follow through with it, but we did file it.

14 Q. You did file it, but it's no longer
15 pending.

16 A. Right.

17 Q. It was withdrawn?

18 A. Yes. I guess -- I guess it's been --

19 MR. COX: Yeah, it's dismissed.

20 EXAMINER PRICE: It's been dismissed,
21 okay.

22 Q. Has the Staff performed an inspection of
23 your facility since this Staff report that's Utility
24 Operators Corporation Exhibit 3?

1 A. The EPA and your fellow both stop by
2 periodically. I don't know that they would --

3 Q. I guess what I'm asking is, is there a
4 more current document than this Staff Report --

5 A. No.

6 Q. -- from 2001? No.

7 A. No.

8 Q. Okay. And that was three years before
9 the incidents; is that correct?

10 A. Yes.

11 EXAMINER PRICE: Thank you. Okay, you're
12 excused.

13 (Witness excused.)

14 EXAMINER PRICE: Mr. Bennett, now is the
15 time, if you have rebuttal testimony to anything that
16 Mr. Bischoff has testified to. The only thing I'll
17 ask you to do is try to constrain your testimony to
18 the topics that he addressed in testimony since this
19 is rebuttal.

20 Mr. Bennett, please proceed.

21 - - -

22 BRADLEY J. BENNETT, SR.

23 being previously duly sworn, as prescribed by law,
24 testified and was examined as follows:

DIRECT TESTIMONY

1
2 THE WITNESS: He's talking about a device
3 that could be installed outside the home. We were
4 not told nothing about a device being installed
5 outside our home.

6 And the drain plug that he said that was
7 sent out prior to the second sewage backup we did not
8 receive until October 4th of that year. And had we
9 had that plug, it wouldn't have been in place because
10 I had asked when they brought it, he had one of his
11 workers -- and I believe it was Russ -- bring it down
12 to the house, and I asked him if they would install
13 it. No, they would not install this plug into my
14 home.

15 So I'm thinking well, if they won't
16 install the plug into my home, is it even -- is it
17 legal to install a drain plug into your house and
18 force this onto somebody else? Because I feel that
19 that's what would happen, I would be forcing the raw
20 sewage onto someone else. The next lowest basement
21 in that neighborhood would have received the sewage
22 in their home.

23 And Byesville and Jackson Township
24 have -- there's different -- there's different sewage

1 treatment plants. Byesville has their own. Jackson
2 Township has its own, which is Mr. Bischoff's. And
3 basically that's all I have to say about it.

4 EXAMINER PRICE: Mr. Cox, cross?

5 MR. COX: Just one minute.

6 - - -

7 CROSS-EXAMINATION

8 By Mr. Cox:

9 Q. You were offered a plug and it wasn't
10 installed; is that right?

11 A. No, it wasn't installed. They wouldn't
12 install it. And the plug they offered me was too big
13 to be installed in my drain anyhow.

14 Q. Yet your house, even after October 2004,
15 it didn't flood, did it?

16 A. No.

17 Q. No?

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 Q. Handing you what's been identified as UOC
20 Exhibit 7, this is a monthly operating report from
21 January 2005; is that correct?

22 A. Yes.

23 Q. Now, I want you to look at the amount of
24 precipitation that was recorded at the wastewater

1 treatment plant for January 3rd, 4th, 5th, and
2 6th. Do you see that?

3 A. Yes.

4 Q. How many inches was there on
5 January 3rd recorded at the plant?

6 A. It says -- there's just a 2 there.

7 Q. How many inches of precipitation was
8 recorded on January 4th?

9 A. 1.5.

10 Q. And how much on January 5th?

11 A. 3.

12 Q. And how much on January 6th?

13 A. 2.3.

14 Q. And how much does that total, from
15 January 3rd, 4th, 5th, and 6th?

16 A. 8 inches, almost 9 inches of water.

17 Q. In four days. And yet your basement
18 didn't flood, did it?

19 A. No, it didn't flood.

20 Q. So over the span of four days the system
21 was able to handle at least 8.8 inches, right?

22 A. According to this report, yes.

23 Q. Yeah. But in September 2004 the system
24 was hit with, in one day, 6 inches, right?

1 A. I don't have that paper in front of me
2 right now.

3 MRS. BENNETT: Are you sure those are our
4 copies?

5 MR. COX: These are the court reporter's
6 copies.

7 MRS. BENNETT: Oh. We have the original.

8 MR. COX: Right.

9 MRS. BENNETT: Are you positive on that?

10 MR. COX: This is what I gave the court
11 reporter to mark as an exhibit for admission into the
12 record. If Mr. Bennett wants an extra copy, I can
13 make an extra copy for him.

14 EXAMINER PRICE: Let's see what the
15 documents are. I think he already has a copy of this
16 document.

17 MR. COX: I'm trying to give him UOC
18 Exhibit 1.

19 EXAMINER PRICE: Okay. Why don't you --
20 I think UOC Exhibit No. 1 is also in UOC 5, so why
21 don't you give -- do you have a copy of Utility
22 Operators -- first of all, let's give the court
23 reporter all of her documents so that we don't end up
24 with these things not in the record when this goes up

1 to the Supreme Court.

2 Do you have a copy of -- Mrs. Bennett,
3 does Mr. Bennett have a copy of UOC Exhibit 5 that's
4 Report on the Backup Into --

5 MRS. BENNETT: Make sure you find it
6 first.

7 MR. COX: I'm sorry, Mr. Price, in the
8 expert's report it includes only the September 2004
9 monthly operating report. UOC Exhibit 7 is a monthly
10 operating report from January 2005.

11 EXAMINER PRICE: No; I understand. I
12 thought you were going to ask him a question about
13 September 2004.

14 MR. COX: I beg your pardon; you're
15 correct.

16 Q. (By Mr. Cox) If you look at September
17 17th, you received 6 inches of rain at once.

18 A. According to this report, yes, that's
19 what it says.

20 Q. And on September 8th they received 5
21 inches of rain at once.

22 A. Yes, according to the report.

23 Q. So isn't it true that the amount of rain
24 it receives in a short-term event impacts the ability

1 of the system to receive that water?

2 THE WITNESS: I don't know how I can --
3 if I'm allowed to do this or not, but Mr. Bischoff
4 just made the statement that that water treatment
5 plant --

6 EXAMINER PRICE: I think you need to
7 answer his question. To the best of your ability, if
8 you can, answer his question.

9 THE WITNESS: Okay, go ahead. What was
10 your question again?

11 Q. Isn't it true that the amount of rain the
12 system receives and the time period it receives that
13 rain determines whether the system is capable of
14 receiving the rainfall?

15 A. No, I don't think so.

16 Q. Even though the system was able to handle
17 8.8 inches of rain over four days in January of 2005,
18 it apparently was not able to handle 6 inches of rain
19 on one day in September 2004. Isn't that true?

20 A. That's what it says.

21 Q. So you don't know one way or the other
22 what the capacity of the system is and whether it can
23 handle a 6-inch storm event, do you?

24 A. The only thing I know is what the report

1 says.

2 Q. And it says 6 inches of rain on one day,
3 and that's the day you alleged the flooding in your
4 basement --

5 A. The 17th.

6 Q. -- correct?

7 A. And on the 8th it says 5 inches.

8 Q. I'll ask my question again. You're
9 alleging flooding occurred in your basement on
10 September 18th, correct?

11 A. I'm alleging raw sewage in my basement.

12 Q. Because the system was overcapacity,
13 right?

14 A. I don't know if the system was
15 overcapicitated.

16 Q. So you don't know what caused sewage in
17 your basement, do you?

18 A. Yeah; the drains backed up into my home.

19 Q. What caused the drains to back up?

20 A. I don't know if they had a malfunction at
21 the system, what happened. I have no idea.

22 Q. Okay. So you don't know, do you?

23 A. No.

24 MR. COX: I don't have anything further.

1 EXAMINER PRICE: Okay. Again, this would
2 be the point where your counsel normally would do
3 redirect. Do you have anything to say that's related
4 to the questions that Mr. Cox and only related to the
5 questions Mr. Cox just asked you? Now would be the
6 time to say it.

7 - - -

8 REDIRECT TESTIMONY

9 THE WITNESS: Okay. On the 8th the
10 system received 5 inches of rain, and I heard
11 Mr. Bischoff testify that the system was capable of
12 handling 5 inches of rain. When he testified -- when
13 he testified, he said that it was capable of handling
14 5-plus inches of rain. On the 8th that's what we
15 got was 5 inches of rain. Well, according to this
16 report.

17 EXAMINER PRICE: That's all you have?

18 MR. BENNETT: Yeah. That was a question
19 he asked, yes.

20 EXAMINER PRICE: Mr. Cox?

21 MR. COX: Nothing further.

22 EXAMINER PRICE: Thank you, you're
23 excused.

24 (Witness excused.)

1 EXAMINER PRICE: Mr. Cox, I will allow
2 you surrebuttal at this point if you'd like to put on
3 another witness.

4 MR. COX: Mr. Bischoff is the only
5 witness I have.

6 EXAMINER PRICE: And you do not want to
7 respond to the rebuttal testimony?

8 MR. COX: Okay, we'll --

9 EXAMINER PRICE: It's up to you. I'll
10 give you the opportunity to do surrebuttal. Let's
11 keep it restrained to the rebuttal testimony.

12 MR. COX: We will.

13 EXAMINER PRICE: Thank you. Please
14 proceed.

15 - - -

16 DIRECT EXAMINATION

17 By Mr. Cox:

18 Q. Mr. Bischoff, you heard Mr. Bennett
19 provide some rebuttal, correct?

20 A. Yes.

21 Q. And he provided some rebuttal in terms of
22 what the system was capable of handling, whether it's
23 5 inches or 6 inches or --

24 A. Well, I'd like to clear that up because I

1 think, or at least what I was trying to say was that
2 was the limit because that's when it started
3 flooding. So the ability of the system to handle a
4 sudden quick storm would be below the 5 inches,
5 that's when it starts having a problem. That's what
6 I was trying to say.

7 Q. So anything above 5 inches would cause
8 the flooding in his --

9 A. Well, 5 or above. Well, it could be
10 4-1/2 or above, we just, we don't -- we haven't had,
11 once again, the January -- and this is what I was
12 trying to say before, that if you spread the water
13 out over a long period of time, you can handle a lot
14 of inches, but when you get it suddenly, you can't
15 handle it.

16 So there's no way of sitting down and
17 doing an analysis that's going to tell you how much
18 the system will handle under all the conditions that
19 could be thrown at it. I mean, you'd have to look at
20 a thousand options.

21 Q. Isn't this merely an example of there was
22 too much rain that entered the system for the system
23 to handle it?

24 A. When the rain enters -- too much rain

1 enters it too quickly, it can't handle it.

2 Q. No matter what you design, there's always
3 going to be a point, isn't there --

4 A. Right.

5 Q. -- where the system's going reach
6 capacity --

7 A. Right.

8 Q. -- and there will be overcapacity; isn't
9 that true?

10 A. Every system has a limit, and that limit
11 is based on a particular storm. A different storm
12 would be different, because it's an -- it does get a
13 little complicated, and I apologize, but it's the
14 rate of the water coming in versus the rate of the
15 water going out, and that's really what tells you if
16 your water's coming in faster than you can get rid of
17 it, then you've exceeded the limit of the system.

18 Q. And if you've exceeded the limit of the
19 system, does that have anything whatsoever to do with
20 whether the system is functioning and operating
21 properly?

22 A. The treatment plant will try to treat as
23 best it can, but once you hit the limit, then things
24 start not functioning the way they should because

1 they can't handle the flow and the storm sewer can't
2 handle it so it doesn't flow like it would if it was
3 handling it.

4 Q. Do you have anything further to say?

5 A. No.

6 MR. COX: I don't have any further
7 questions, Mr. Price.

8 EXAMINER PRICE: Mr. Bennett, cross?

9 MR. BENNETT: On what he just said?

10 EXAMINER PRICE: On what he just said.

11 MRS. BENNETT: Am I permitted to --

12 EXAMINER PRICE: No. Once you've
13 designated a person, it's unfair to have
14 double-teaming.

15 MRS. BENNETT: Well, I'm not trying to
16 tag team, okay? I'm not.

17 EXAMINER PRICE: I understand. That
18 would be true if Mr. Cox had brought an associate as
19 well.

20 - - -

21 CROSS-EXAMINATION

22 By Mr. Bennett:

23 Q. Are you stating that all the water that
24 comes out of the hills into that system goes directly

1 to the system down through the storm sewers?

2 A. No. I didn't say that.

3 Q. Okay.

4 MR. BENNETT: That's all I wanted to
5 know.

6 EXAMINER PRICE: Okay. Thank you.

7 Mr. Bischoff, I have one question, and I
8 will admit that I'm going outside of the scope of the
9 rebuttal testimony, but that's pretty much my
10 privilege.

11 Can you explain to me the device that
12 you, not the plug, but the other device that you
13 discussed earlier that --

14 THE WITNESS: It's a --

15 EXAMINER PRICE: Can you identify it by
16 name, first of all?

17 THE WITNESS: No, I can't, because I
18 don't remember what it's called.

19 EXAMINER PRICE: Okay.

20 THE WITNESS: But it's basically a
21 device, you dig a hole where the service line is and
22 this unit sits there across the service line, so the
23 line comes into the unit and goes out, you know, goes
24 out of the unit. When the main line side starts

1 having water come into the service line, it fills up
2 this chamber which has just basically a knife gate
3 that slides up and blocks the house side of the line
4 until the main side goes down, then this drops down
5 and it works again.

6 I used to have a picture of it, and I --
7 we recently moved, I'm not sure I hung onto it, but I
8 can get more information on it. I mean, I've talked
9 to Columbus about it because I wanted to see what
10 their experience was with it before I offered it to
11 Mr. Bennett.

12 EXAMINER PRICE: And it's your testimony
13 this would not adversely affect any other residences
14 in the subdivision.

15 THE WITNESS: No.

16 EXAMINER PRICE: Okay. Thank you, you're
17 excused.

18 (Witness excused.)

19 EXAMINER PRICE: Thank you all for your
20 testimony. We will have -- as I said earlier when we
21 were off the record, let's do posthearing briefs by,
22 say, June 9th, and we will dispense with reply
23 briefs.

24 Again, Mr. Bennett, the posthearing brief

1 is not as formal -- don't feel that it's something
2 you should be, you know, it's simply a statement of
3 your case and why you think that the company has
4 provided inadequate service, and it should be in
5 writing, of course, and reference any of the
6 exhibits, any of the testimony that took place today,
7 and then mail it to the Docketing division with the
8 case number on it and that will get docketed and
9 we'll consider that -- the Commission will consider
10 that in making their decision.

11 MR. COX: I need to move my exhibits into
12 evidence.

13 EXAMINER PRICE: Oh, good point. Please
14 proceed.

15 MR. COX: Exhibits 1 through 7, I believe
16 Exhibit 1, UOC No. 1 is a copy of the monthly
17 operating report from September 2004, we had
18 Mr. Bennett testify to that, we had Mr. Bischoff
19 testify to that.

20 EXAMINER PRICE: You don't need to go
21 through all of them.

22 MR. COX: Okay.

23 EXAMINER PRICE: Mr. Bennett, do you have
24 any objections to these exhibits?

1 MR. BENNETT: No.

2 EXAMINER PRICE: I have one question, and
3 I'll ask you to respond to my question real fast and
4 that is the relevance of the Staff Report given that
5 it was three years preceding.

6 MR. COX: Shows what the design capacity
7 is, that's the main thing in there. That's the only
8 evidence I see of what the design capacity is.

9 EXAMINER PRICE: Okay. Great.
10 Excellent.

11 All Exhibits, UOC 1 through 5 and UOC 7
12 will all be admitted.

13 (EXHIBITS ADMITTED INTO EVIDENCE.)

14 MR. COX: And UOC 6, we'll be withdrawing
15 that.

16 EXAMINER PRICE: You withdrew that one,
17 yes.

18 MR. COX: Even though we questioned him
19 about the plug and --

20 EXAMINER PRICE: Let's just keep UOC 6
21 out.

22 MR. COX: Okay.

23 EXAMINER PRICE: I think anything that
24 was in there was already discussed in testimony

1 anyways.

2 Posthearing briefs will be due
3 June 9th, 2007, and once we receive those, this
4 case will be submitted on the record to the
5 Commission. Thank you all.

6 MR. BENNETT: Thank you.

7 MR. COX: Thank you.

8 (Thereupon, the hearing concluded at
9 11:29 a.m.)

10 - - -

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, May 3, 2007, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones
Maria DiPaolo Jones, Registered
Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2011.

(MDJ-2097)

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EXHIBITS

Case Number 05-726-WS-CSS

The following exhibit(s) were prefiled and can be located with the pleadings:

Exhibits

Date Filed

UOC EXHIBITS

2 - Formal Complaint Form

5/31/05

3 - Staff Report of Investigation

1/25/01

Name, Address City, County, ZIP :
 Utility Operators Corporation
 South of intersection of Jackson Twp. Rds. 434 &
 435
 Byesville OH 43723

Station Code : 601
 Reported Date (Month Year) : January 2005
 Sampling Station Description :
 Influent

Application :
 QPW00007*ED

2:

in(1) - Enter 1 for Continuous, 2 for Composite, 3 for Grab Sample
 in(2) - Enter frequency of sampling

Reporting Lab :
 Water Quality Management, Inc.

Analyst :

| (1) | 1 | 2 | 1 | 2 | | | |
|-------|---|--|-----------------------------------|-------------------------------|---|---|---|
| (2) | 999 | 2 | 999 | 2 | | | |
| | (00045) Total Precipitation Inches | (00530) Total Suspended Solids mg/l | (50347) Flow, Peak Rate MGD | (00082) CBOD 5 day mg/l | | | |
| 01 | 0 | | 0.126 | | | | |
| 02 | 0 | | 0.126 | | | | |
| 03 | 2 | | 0.47 | | | | |
| 04 | 1.5 | | 0.606 | | | | |
| 05 | 3 | | 0.627 | | | | |
| 06 | 2.3 | | 0.632 | | | | |
| 07 | 0 | 51 | 0.266 | 60 | | | |
| 08 | 0 | | AH | | | | |
| 09 | 0 | | AH | | | | |
| 10 | 0 | | AH | | | | |
| 11 | 1 | | AH | | | | |
| 12 | 0 | | AH | | | | |
| 13 | 1.2 | | AH | | | | |
| 14 | 0 | 388 | AH | 240 | | | |
| 15 | 0 | | AH | | | | |
| 16 | 0 | | AH | | | | |
| 17 | 0 | | AH | | | | |
| 18 | 0 | | AH | | | | |
| 19 | 0 | | AH | | | | |
| 20 | 0 | | AH | | | | |
| 21 | 0 | 83 | AH | 200 | | | |
| 22 | 0 | | AH | | | | |
| 23 | 0 | | AH | | | | |
| 24 | 0 | | AH | | | | |
| 25 | 0 | | AH | | | | |
| 26 | 0 | | AH | | | | |
| 27 | 0 | 100 | AH | 150 | | | |
| 28 | 0 | | AH | | | | |
| 29 | 0 | | AH | | | | |
| 30 | 0 | | AH | | | | |
| 31 | 0 | | AH | | | | |
| TOTAL | 11 | 622 | 2.853 | 650 | 0 | 0 | 0 |
| AVG | 0.3548 | 155.5 | 0.4076 | 162.5 | | | |
| MAX | 3 | 388 | 0.632 | 240 | | | |
| MIN | 0 | 51 | 0.126 | 60 | 0 | 0 | 0 |

I certify under the penalty of law that I have personally examined and am familiar with the information submitted and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date Report Completed:
 02/14/2005

Signature of Reporter:

Edward A. Bischoff

Title of Reporter:
 Trustee

EXHIBIT

EXHIBIT

Name, Address City, County, ZIP :
 Utility Operators Corporation
 South of intersection of Jackson Twp. Rds. 434 &
 435
 Byesville OH 43723

Station Code : 601
 Reported Date (Month Year) : September 2004
 Application : OPW00007*ED
 Sampling Station Description :
 Influent

in(1) - Enter 1 for Continuous, 2 for Composite, 3 for Grab Sample
 in(2) - Enter frequency of sampling

Reporting Lab :
 Water Quality Management, Inc.

Analyst :

| (1) | 1 | 2 | 1 | 2 | | | |
|-------|---|--|-----------------------------------|-------------------------------|---|---|---|
| (2) | 999 | 2 | 999 | 2 | | | |
| | (00045) Total Precipitation Inches | (00530) Total Suspended Solids mg/l | (50047) Flow, Peak Rate MGD | (80082) CBOD 5 day mg/l | | | |
| Day | | | | | | | |
| 01 | 0.3 | | 0.135 | | | | |
| 02 | 0 | | 0.137 | | | | |
| 03 | 0 | 151 | 0.132 | 98 | | | |
| 04 | 0 | | 0.117 | | | | |
| 05 | 0 | | 0.102 | | | | |
| 06 | 0 | | 0.141 | | | | |
| 07 | 2 | | 0.176 | | | | |
| 08 | 5 | | 0.632 | | | | |
| 09 | 0 | | 0.632 | | | | |
| 10 | 0 | | 0.39 | | | | |
| 11 | 0 | | 0.213 | | | | |
| 12 | 0 | | 0.183 | | | | |
| 13 | 0 | | 0.177 | | | | |
| 14 | 0 | 70 | 0.187 | 100 | | | |
| 15 | 0 | | 0.167 | | | | |
| 16 | 0 | | 0.158 | | | | |
| 17 | 6 | | 0.632 | | | | |
| 18 | 0 | | 0.613 | | | | |
| 19 | 0 | | 0.389 | | | | |
| 20 | 0 | | 0.209 | | | | |
| 21 | 0 | 126 | 0.158 | 180 | | | |
| 22 | 0 | | 0.173 | | | | |
| 23 | 0 | | 0.181 | | | | |
| 24 | 0 | | 0.17 | | | | |
| 25 | 0 | | 0.148 | | | | |
| 26 | 0 | | 0.132 | | | | |
| 27 | 0 | | 0.153 | | | | |
| 28 | 0 | 41 | 0.16 | 100 | | | |
| 29 | 0 | | 0.193 | | | | |
| 30 | 0 | | 0.17 | | | | |
| 31 | | | | | | | |
| TOTAL | 13.3 | 388 | 7.16 | 478 | 0 | 0 | 0 |
| AVG | 0.433 | 97 | 0.2387 | 119.5 | | | |
| MAX | 6 | 151 | 0.632 | 180 | | | |
| MIN | 0 | 41 | 0.102 | 98 | 0 | 0 | 0 |

I certify under the penalty of law that I have personally examined and am familiar with the information submitted and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date Report Completed:
 10/11/2004

Signature of Reporter:

Edward A. Bischoff

Title of Reporter:
 Trustee

EXHIBIT

THE FRIDAY JEFFERSONIAN

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SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1892

NOVEMBER 24, 2006 50 CENTS

Sewer issue causes stink in Byesville

JOHN LOWE

THE DAILY JEFFERSONIAN

BYESVILLE — The village finds itself in a position potentially to solve someone else's problem while helping itself, Village Council learned Wednesday.

A privately owned wastewater treatment plant southwest of town has major problems and a variety of parties wish the village would take over the plant's operation,

Mark Chandler said.

The plant was designed to serve 160 homes in the Rolling Hills Subdivision.

Chandler, who is the village wastewater supervisor, said he, Mayor Don Gadd and Administrator Richard Rausch went to a Columbus meeting several weeks ago.

There they conferred with the owner of the plant and with representatives of Public Utilities Commission of Ohio, the Ohio Environmental

More Byesville council stories on page A-9

Protection Agency and the U.S. Department of Agriculture.

"All of these parties are interested in us because of the situation out there," Chandler said. "They really want to see Byesville step up and take this plant."

Right now, before meeting

again with the agencies, the village is trying to obtain estimates and figures pertaining to the plant and repairs that may be necessary.

"Our goal is to get the current debt [on the plant] erased and get some additional monies," Chandler said. "If they want us to take [the plant], somebody is going to have to ante up some money."

Given the Columbus people's interest in Byesville taking over the plant, matters could

move quickly, said Chandler who added that council would be the first to know of any new developments.

"The good thing about it is that the plant is very capable of being run although it is in severely bad shape," he said.

"The EPA referred to us and the mayor as a White Knight. We're going to come in and save the day."

Chandler said that, although

See STINK page A-3

20F2

Nov 24

Byesville sewer issue causes stink

STINK from page A-1

the village would be helping solve a potentially big problem for the plant owner, the government agencies and the residents of the subdivision, the village also stands to benefit.

With 160 homes tied to the system and another 100 that could be connected, the village could receive as much as \$300,000 in additional revenue over the next several years, he said.

Gadd echoed that belief.

"We think it's a positive thing," he said. "There are other homes out there with temporary septic permits that have been in place for 30-some years. And they're going to make them all come into the system."

Chandler said that, to this point, the village only has engaged in discussions.

"We're going to see how badly they want to get rid of it," he said.

Councilman Bob Long urged caution.

"You say that look at us as White Knights," he said. "Of course. They want us to take [the plant] off their hands."

"But are we inheriting something — How much is it going to cost the citizens of

Byesville?"

"We told them upfront that the citizens of Byesville shouldn't pay one dime," Chandler said.

He reiterated that the government agencies would have to find a way "erase the debt" owed on the plant and pay for the corrections that need to be made.

"The whole area out there has unsanitary conditions," Chandler said. "The culverts are backed up, the sewer lines are plugged up."

"The people out there and the school system are paying for a sewer system and they are getting nothing. It's pretty bad."

(jlowe@daily-jeff.com)

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Choose Your Meat

(Next)

(Pick Your 2 Favorite Sides)



4 lbs. Mashed Potatoes & 2 lbs. Gravy

4 lbs. Green Bean Casserole

4 lbs. Homemade Baked Beans

4 lbs. Potato Salad

(Then We Will Add)

1 Doz. Dinner Rolls & Butter

1 lb. Cranberry Sauce

1 - 9" Pumpkin Pie



Delivered **\$49.95** Hot & Ready To Eat!

740-685-6827 in Buffalo or 740-432-1241 in Cambridge

0194178



Flood puts drivers in peril

Route 265, Route 209, Route

What if it were snow?

How many kinds of snow would we have? How much rain would we have? According to the old meteorological rule, there is an inch of rain for every three inches of snow. Between wet and dry there is a dry season. Dry season is predicted to reduce to a foot of water in the Isthmus of Panama.

If the snow were 10 inches or less it will melt down to a puddle. This contention is not always the case. The snow becomes air and plays a big role in this as well. When the air is moist it rains. There is a lot of water content to the snow. Ten inches of snow will melt down to form each of ten. However, if the air is dry, it will have a heavy snow. It may melt as much as 10 inches.

Byesville Road.

The drivers of both vehicles were reportedly able to exit the vehicles and reach dry land safely, although emergency personnel didn't know the status of the driver of the vehicle stranded on Route 265 for several hours.

The vehicle was first reported stranded in high water at 1:51 a.m. with the headlights visible in the water. The Guernsey County Sheriff's Office and

deputies later discovered the driver was at home after being picked up by another motorist.

The vehicle was stranded near mile post one on Route 265, just west of Kipling.

At 8:00 a.m. Saturday, the National Weather Service reported small streams in Guernsey County were over their banks causing flooding on local roadways.

Wills Creek was expected to crest Monday afternoon at

waters:

Route 265, Route 209, Route 821, Byesville Road, Route 658, Covered Bridge Road, Route 285, Bridgewater Road, Easton Road, Frankfort Road, Walhonding Road, Old 21 Road, Route 563, Parker Road, County Road, Jackson Road, Hoover Road, Eighth Street Road, Vocational Road, Jackson Run Road, Wolfs Den Road and Broom Road.

See FLOOD, page A-5

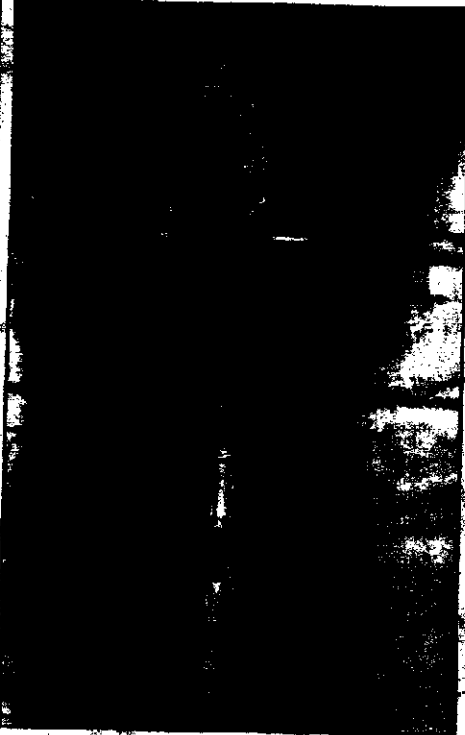


Water erupts from a storm drain cover on North Fifth Street in Cambridge this morning. An overflowing Gordon's Run caused the flooding.

Michael Nelson/The Daily Jeffersonian
Vehicles throw water high into the air as they travel through a flooded section of Route 265 Sunday. Heavy rains this past weekend have caused the closure of numerous roads.



Michael Nelson/The Daily Jeffersonian
The lower portion of this house on Pigeon Gap Road appears to be surrounded by flood waters from nearby Wills Creek.



Jan 5th
2052

e Reporter

Discussion continues about plant

JOHN LOWE
THE VILLAGE REPORTER

BYESVILLE — Village officials here continued discussions Wednesday about whether to take over the operation of a privately owned wastewater treatment plant southwest of town.

Several government officials from the Ohio Environmental Protection Agency and the Rural Development division of the U.S. Department of Agriculture urged the village to take over the plant.

"We believe that Byesville can operate it more efficiently than it currently is operated," David M. Douglas said. Douglas is community programs director for Rural Development.

The Ohio Environmental Protection Agency said the plant needs "substantial" improvements. It has previously made to the plant.

Currently, the balance owed on that loan totals \$125,000, Douglas said.

"That can't be discounted," he told council.

About \$120,000 more is needed for improvements that would correct problems at the plant. Rural Development probably could come through with a \$30,000 grant. Repayment of the rest of the money, about \$250,000, would become the indirect responsibility of the vil-

Councilman Gene Netting expressed qualms about taking over the plant, which serves most of the Rolling Hills Subdivision as well as the schools at the Meadowbrook campus.

"The Number One thing I have against [taking it over]," Netting said, "is that we're putting together our own sewer plant."

"That plant out there has had years of neglect. It's been a mess as long as I can remember. I think we need to concentrate on our own sewer plant."

Mayor Don Gadd said that, by taking over the Rolling Hills plant, the village could defray some of the expense that will result from building a new sewer plant. More sewer users will become part of the village system. As a result, a sewer rate increase will be less than it otherwise would be.

Currently, the Rolling Hills plant generates \$112,500 in revenue, annually, said Jeanette Wierzbicki, a consulting engineer with W.E. Quicksall and Associates, New Philadelphia.

The citizens of Byesville would not have to pay for the balance owed nor for any improvements made, said Mark Chandler, Byesville wastewater superintendent. The residents served by the plant will pay for the plant.

Village may take over sewer plant

JOHN LOWE

THE VILLAGE REPORTER

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There they conferred with the owner of the plant and with representatives of Public Utilities Commission of Ohio, the Ohio Environmental Protection Agency and the U.S. Department of Agriculture.

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CASE NO. 05-726-W3-C33

vs. Re

Bradley Gary Bennett Jr.

Debra G. Bennett

Complainant

v

Utility Operators Corp.

Respondent

Answer to Respondents
Expert Report of Edward A. Bischoff
Of the copy of which we
received on the 20th Day
of April 2007

We hereby certify that
a true copy has been
sent to all parties involved.
On this 23rd Day of April 2007

Sincerely

Mr. & Mrs. Bradley G. Bennett Jr.

EXHIBIT

UNITED STATES OF AMERICA,
STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

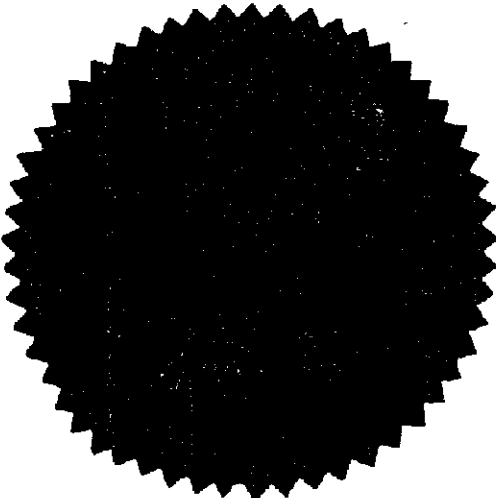
I, Sherrod Brown

do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign corporations; that said records show UTILITY OPERATOR'S CORPORATION,
an Ohio not-for-profit corporation, Charter No. 528004, having its principal
location in Grove City, County of Franklin, was incorporated on December 26th, 1978
and is currently in GOOD STANDING upon the records of this office.

WITNESS my hand and official
seal at Columbus, Ohio, this
12th day of October,
A. D. 19 84.

Sherrod Brown

Sherrod Brown
Secretary of State





Sherrod Brown
Secretary of State

30 East Broad St., 14th Floor
Columbus, Ohio 43216

Date: October 12, 1984 (Camille)

COPY ORDER

| CORPORATION NAME | NUMBER | ROLL-FRAME | CPY-PG | MISC. | FEE |
|--------------------------------|--------|------------|--------|-------|---------------|
| UTILITY OPERATOR'S CORPORATION | 528004 | | 1-1 | GST | \$ 5.00 |
| Special Instructions: | | | | | Total \$ 5.00 |

Return To:

Robert S. Moorehead, Jr.
814 Wheeling Ave.
Cambridge, Ohio 43725

Please submit this billing along
with your payment. Thank You.

PAYMENT DUE IMMEDIATELY
UPON RECEIPT OF THIS INVOICE

ROBERT S. MOOREHEAD, JR.
ATTORNEY AT LAW
814 WHEELING AVENUE
CAMBRIDGE, OHIO 43725

October 17 1984

66-7028
241

158

PAY TO THE
ORDER OF Sherrod Brown \$ 5.00

Five and 00/100 DOLLARS

Cambridge Savings
814 WHEELING AVE., CAMBRIDGE, OHIO 43725

Robert S. Moorehead Jr.

MEMO
1:244.17028 2:00751135 1500 0158

EXHIBIT

**REPORT ON THE BACKUP OF WATER INTO
MR. BENET'S BASEMENT ON SEPTEMBER 8 AND 17, 2004
IN THE ROLLING HILLS SUBDIVISION**

The flooding of Mr. Bennett's home in the Rolling Hills Subdivision at 101 Amy Lane, Byesville, Ohio on September 8, 2004 was a result of excessive rainfall from Hurricane Frances. The Rolling Hills area received two inches of rain on September 7 and five inches on September 8. This amount of rain caused major flooding in Guernsey County. The County was under a state of emergency. The road to the sewage plant was flooded and impassable for three days. On September 9 the southbound lanes of I-77 were reduced to one lane in the area of Byesville due to high water. I-70 had been closed due to high water.

On September 17, Hurricane Ivan came through the area and dumped six inches of rain in the Rolling Hills area. This again caused major flooding in the area and the backup of water in Mr. Bennett's basement.

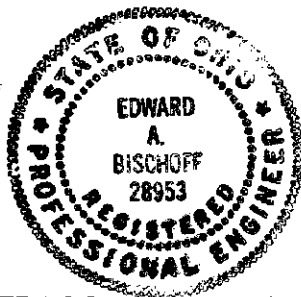
The enclosed pictures and articles from the Daily Jeffersonian newspaper describe the flooding that occurred because of Hurricanes Frances and Ivan.

The area storm drainage systems and streams were incapable of handling this amount of rain, resulting in major flooding of the area and the backup of water into Bennett's basement. The flooding caused the storm water to enter the sanitary sewer in volumes that exceeded the capacity of the sanitary sewer system lift station.

Mr. Bennett's basement is the lowest basement on the sanitary sewer system. When the sanitary sewer is overloaded with storm water, water will backup into his basement.

The articles and pictures in the Daily Jeffersonian and the rain records for September 7, 8, and 17, 2004 clearly show the excessive rainfall and the major flooding that resulted from the two hurricanes that came through the area.

The backup into Mr. Bennett's basement is directly caused by the excessive amount of rain from Hurricanes Frances and Ivan.




Edward A. Bischoff, P.E., P.S.

Enclosure:

Ohio EPA Monthly Operating Report Form 6500 for September 2004
Daily Jeffersonian articles and photographs
Mr. Bischoff's Resume

UOC Ex. 5

Name, Address City, County, ZIP :
 Utility Operators Corporation
 South of intersection of Jackson Twp. Rds. 434 &
 435
 Bylesville OH 43723

Station Code : 601
 Reported Date (Month Year) : September 2004
 Sampling Station Description :
 Influent

Application :
 OPW00007*ED

10/13/04

in(1) - Enter 1 for Continuous, 2 for Composite, 3 for Grab Sample
 in(2) - Enter frequency of sampling

Reporting Lab :
 Water Quality Management, Inc.

Analyst :

| (1) | 1 | 2 | 1 | 2 | | | |
|-------|---|--|-----------------------------------|-------------------------------|---|---|---|
| (2) | 999 | 2 | 999 | 2 | | | |
| Day | (00045) Total Precipitation Inches | (00530) Total Suspended Solids mg/l | (50047) Flow, Peak Rate MGD | (80082) CBOD 5 day mg/l | | | |
| 01 | 0.3 | | 0.135 | | | | |
| 02 | 0 | | 0.137 | | | | |
| 03 | 0 | 151 | 0.132 | 98 | | | |
| 04 | 0 | | 0.117 | | | | |
| 05 | 0 | | 0.102 | | | | |
| 06 | 0 | | 0.141 | | | | |
| 07 | 2 | | 0.176 | | | | |
| 08 | 5 | | 0.632 | | | | |
| 09 | 0 | | 0.632 | | | | |
| 10 | 0 | | 0.39 | | | | |
| 11 | 0 | | 0.213 | | | | |
| 12 | 0 | | 0.183 | | | | |
| 13 | 0 | | 0.177 | | | | |
| 14 | 0 | 70 | 0.187 | 100 | | | |
| 15 | 0 | | 0.167 | | | | |
| 16 | 0 | | 0.158 | | | | |
| 17 | 6 | | 0.632 | | | | |
| 18 | 0 | | 0.613 | | | | |
| 19 | 0 | | 0.389 | | | | |
| 20 | 0 | | 0.209 | | | | |
| 21 | 0 | 126 | 0.158 | 180 | | | |
| 22 | 0 | | 0.173 | | | | |
| 23 | 0 | | 0.181 | | | | |
| 24 | 0 | | 0.17 | | | | |
| 25 | 0 | | 0.148 | | | | |
| 26 | 0 | | 0.132 | | | | |
| 27 | 0 | | 0.153 | | | | |
| 28 | 0 | 41 | 0.16 | 100 | | | |
| 29 | 0 | | 0.193 | | | | |
| 30 | 0 | | 0.17 | | | | |
| 31 | | | | | | | |
| TOTAL | 13.3 | 388 | 7.16 | 478 | 0 | 0 | 0 |
| AVG | 0.4433 | 97 | 0.2387 | 119.5 | | | |
| MAX | 6 | 151 | 0.632 | 180 | | | |
| MIN | 0 | 41 | 0.102 | 98 | 0 | 0 | 0 |

I certify under the penalty of law that I have personally examined and am familiar with the information submitted and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date Report Completed:
 10/11/2004

Signature of Reporter:
 Edward A. Bischoff

Title of Reporter:
 Trustee

Frances is here

September 8, 2004



Rick Stillion

The Daily Jeffersonian

The remnants of tropical depression Frances dumped 2.95 inches of rain on the Cambridge area in the last 24 hours, according to measurements taken at the Cambridge Water Treatment Plant.

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[Comments](#)

The heavy rainfall created havoc for some local drivers, as a motorist reported his vehicle was stuck in a sink hole on Hendershot Road between Route 313 and Crane Run Road early Wednesday.

At 2:10 a.m. Wednesday, the Cassell Station and New Concord fire departments were dispatched to assist a motorist stranded in flood waters.

Minor injuries were reported by the driver of the vehicle on Hendershot Road, but additional information was not available as the accident remained under investigation by the Ohio State Highway Patrols Cambridge post.

Rain was also reportedly a factor in an early morning accident on County Road 35 (Old 21 Road) and an accident on Interstate 70 Tuesday afternoon.

Spencer Township trustees were alerted to a culvert being washed out by heavy rains at the intersection of Crane Run and Hendershot roads.

A mud slide was reported on U.S. 40, which was cleared by an Ohio Department of Transportation crew.

High water was also reported on several local roadways, including Routes 78, 83, 146, 147 and 660; County Road 35; Phillips Road and Savage Road, according to the highway patrol and Guernsey County Sheriff's Office.

A flood watch for Guernsey and Noble counties was issued by the National Weather Service office in Pittsburgh, Pa., from noon today (Wednesday) through 8 p.m. Thursday.

According to the weather bulletin issued by the National Weather Service, the remnants of Hurricane Frances will interact with a stalled front in southeastern Ohio and is expected to generate heavy rainfall across the region.

Rain will reportedly increase in intensity throughout today and continue into Thursday. Stream flooding is likely where rainfall accumulations exceed three inches.

Local authorities remind motorists not to drive through waters on local road, as swift moving currents can sweep vehicles off the roadway.

DRENCHED!: Two die in flood

September 9, 2004

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[Comments](#)



Rick Stillion

The Daily Jeffersonian

Two deaths were attributed to flooding after more than eight inches of rain fell in the region during a 48-hour period as remnants of Hurricane Frances slowly passed through.

In Cambridge, John McCance, 65, was found dead by his landlord after she left him alone for about 30 minutes. He was reportedly helping her pump water out of a basement at a North Sixth Street home.

The Guernsey County Coroners Office reported the cause of death for McCance would be listed as natural causes with the flood conditions listed as a contributing factor.

It was one of those things where the stress of using the pump and helping the person clear the basement was enough to precipitate a heart attack, Coroner Janet Brockwell told the Associated Press.

McCance was transported to Southeastern Med by United Ambulance, where he was pronounced dead at 6:40 p.m.

In neighboring Tuscarawas County, Leah Mast, a 9-year-old Amish girl, drown after being swept away in flood waters while walking home from school.

Mast was reportedly found in flood waters a couple hours after being swept away, as she and five siblings returned home. She was also transported to Southeastern Med, where she was pronounced dead.

Local officials met Thursday morning to assess damages caused by extensive flooding in the county.

We are pulling people into the EOC (Emergency Operations Center) in order to determine the damages, said Guernsey County Emergency Management Agency Director Gerry Beckner.

We are receiving reports of flooding from throughout the county, she said. We will begin assessing the damages, and I expect we will make a determination regarding how to proceed early this morning.

There has not been a form emergency declaration at this time, said Beckner before press time Thursday.

Officials opened the EOC started at approximately 9:30 p.m. Wednesday and remained at the site Thursday morning.

Resource requests were received by EOC staff overnight, including a request for a generator, pumps and an overnight shelter, provided with the assistance of the American Red Cross, for four stranded motorists.

Guernsey County Commissioner Steve Allen said he expected commissioners to declare a local emergency the first step in receiving federal assistance for clean up efforts in the county.

We are meeting with the county engineer and other officials this morning to receive damage assessments, said Allen. We will then determine if we need to declare a local disaster and send it to the state for the governor to declare the county a disaster emergency.

From there, the governor will sent the information to the federal level, which is required to start receiving Federal Emergency Management Agency assistance and funding for clean up efforts, said Allen.

Individuals needing emergency assistance are reminded to call the sheriffs office or 911, but those simply reporting damages are asked to call the Guernsey County EMA office at 432-9292.

We have individuals manning the telephones to collect information regarding damage assessments, said Beckner. Only call 911 if you have an emergency or an immediate need. Otherwise, call the EMA office.

The flooding kept law enforcement officials and volunteer fire departments busy throughout the evening Wednesday and overnight, as numerous individuals were either evacuated from flooded areas or stranded vehicles.

Law enforcement officers, including sheriffs deputies and Ohio State Highway Patrol troopers were busy monitoring the flood waters and reporting information back to us here at the EOC, said Beckner.

Numerous calls were received by the sheriffs office reporting individuals stranded in vehicles or homes throughout the county.

Volunteer firefighters often used small boats to rescue the individuals, and the sheriffs offices new rescue air boat was used to rescue two individuals stranded on Route 821 in southern Guernsey County just before midnight.

The two motorist reportedly became stranded when their vehicle stalled in flood water. They were able to push it onto a bridge which was above the flood level at the time and waited to be rescued.

We responded at the request of the Pleasant City Volunteer Fire Department after rescuers tried to reach the motorists in a small boat, but were unsuccessful due to the swift current, said Sheriff Mike McCauley.

The water level was shifting dramatically when we arrived, which made getting into the location difficult. But, the boat worked as it was intended and we were able to reach them on the bridge despite the current, winds, debris and tree tops.

The boat was also requested to assist with the search of a stranded motorist in the Quaker City area, after he notified his wife he was stranded but didnt know the exact location.

Volunteer firefighters from Quaker City searched roads around the village and eventually located the man after 1 a.m. Thursday. He was rescued with the use of the air rescue boat.

The volunteer fireman have really been at it moving people in small boats, said McCauley, who warned motorists to stay off closed roadways. Individuals driving on closed roadways can and will be cited.

Numerous roadways were affected by flood waters as of press time Thursday.

The county highway department does not have the manpower and signs to place on all water-covered roadways, said Guernsey County Engineer Del George. Motorists will be traveling at their own risk. Please be advised, do not drive into or through flooded highways.

The following list of affected roadways was provided by the sheriffs office:

Interstate 70 (westbound between Cambridge and New Concord); U.S. Routes 22 (at Winterset) and 40 (between Cambridge and New Concord); and State Routes 285, 146, 265 (at Kipling), 313 (at Interstate 77), 340, 513 (at Oxford Road), 658, 660, 672, 821.

Interstate 70 reopened at 9:30 a.m. Thursday.

The following county and township roads were also effected or closed: Eighth Street Road, Beal Road, Beeham Run Road, Bridgewater Road, Broadhead Road, Broom Road, Claysville Road, County Home Road, Covered Bridge Road, Easton Road, Eckleberry Road, Fogle Road, Frankfort Road, Freedom Road;

And, Georgetown Road, Greenbriar Road, Hamilton Road, Howell Road, Iowa Road, Laughman Road, Morgan

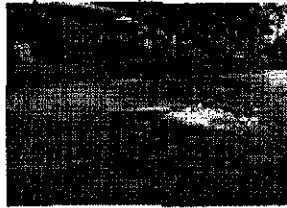
Road, Oakwood Road, Old 21 Road, Old Glory Road, Old National Road, Oxford Road, Phillips Road, Pigeon Gap Road, Robins Road, Rosedale Road, Savage Road, Shaw Road, Shriver Road, Slasor Road, Wadsworth Road and Walhonding Road.

The rainfall was only two inches less than the 10 inches received during a four-day period in 1998, which caused extensive flooding in Guernsey County.

City weathers the storm; Wills Creek bridge closed

September 9, 2004

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Dan Davis

The Daily Jeffersonian

The Cambridge Water Treatment Plant reported that in the period from 8 a.m. Wednesday to the same time Thursday, 5.33 inches of rain fell there.

This combined with 2.95 inches that fell in the previous 24-hour period to bring the storm total to more than 8 1/4 inches.

Though flood waters in some portions of the city have subsided since Wednesday, the major concern this morning was Wills Creek, said Street Superintendent Jerry O'Donnell.

Water is over the north part of the bridge [at Wills Creek Valley Drive], he said about 8:30 a.m. Thursday, to a depth of as much as 10 inches. The water was rising about six inches an hour.

Authorities continued to monitor the rising waters, as both the Cambridge Health and Rehabilitation Center and Victorian Oaks assisted living facility, as well as apartment buildings and dozens of homes, are located nearby.

O'Donnell added that the bridge crossing Wills Creek on Eighth Street Road was closed, though water was not covering the bridge decking as of about 8:30 a.m. Thursday. Despite extensive problems caused by heavy flooding throughout Guernsey County, authorities in Cambridge said they had experienced few difficulties.

We haven't had to deal with any major incidences, said Police Chief Richard W. Wayt Thursday morning.

An increase in traffic volume passing through the city due to a temporary reroute from Interstate 70 along Route 209 west to Route 83 has created some traffic snarls, he added.

Cambridge police asked residents to travel only if necessary, and reminded motorists to not drive through flood waters. Officers assisted Ohio Department of Transportation crews and troopers from the Cambridge post of the State Highway Patrol overnight in redirecting interstate traffic.

Elsewhere in the city, a portion of Ohio Avenue was damaged when water rising through holes in a manhole cover covered by asphalt lifted the recently paved roadway. City streets crews were able to rupture the bulge, allowing water to escape.

O'Donnell said that when paving is performed, manhole covers will be collared to allow access to them. Manhole covers no longer actively used may remain covered, however.

Water lifting up manhole covers was a city-wide occurrence, he added. With the storm systems overwhelmed by the volume of water, the water will seek the path of least resistance.

There's not much you can do about that, O'Donnell said.

O'Donnell said street crews were out in force to deal with any problems that might arise.

We're going to do the best we can, he said.

O'Donnell reminds motorists that, when approaching a traffic light that is flashing yellow, to proceed through the intersection with caution. Cross traffic at such an intersection will have a flashing red light, to be treated as a stop sign: approach, stop, yield to traffic with the right of way and proceed only when safe to do so.

Cambridge firefighters were busy Wednesday afternoon and evening, responding to nine calls in a span of more than eight hours.

At 3:09 p.m., an Orchard Avenue woman reported smoke in the basement of her home. Firefighters reportedly located an electric appliance cord and pulled a scorched electric fan from flood waters in the basement. Burnt clothing was also observed. The rising flood waters extinguished the blaze.

Other calls included:

12:13 Elm Street woman expressed concern for appliances in her basement

3:25 traffic accident with entrapment call on Interstate 77 was canceled while units were enroute

4:43 smoke was found in the basement of a Lincoln Street apartment building, determined to be due to a flooded furnace

4:50 units assisted United Ambulance Service crews move a patient from a North Sixth Street home

6:10 report of automobile over an embankment on Glenn Highway

7:06 units investigated possible flooding in the basement of a Beckett Avenue home

8:01 light bulb in a pole at a Southgate Parkway business was found blown

8:35 units responded to a report of an automobile in flood waters on East Pike; the driver reported by cellular telephone he was out of the vehicle and firefighters confirmed this.

Area schools were affected by the rising water as well, as the Cambridge, Rolling Hills, East Muskingum, Caldwell, Noble Local, and East Guernsey school districts were closed. Barnesville and Newcomerstown schools were operating on a two hour delay.

STILL SOAKED: County under state of emergency

September 10, 2004

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Rick Stillion

The Daily Jeffersonian

As flood waters begin to recede in portions of Guernsey County, local officials are awaiting word on federal assistance to help with the clean up and repair of more than \$1 million in damage, which doesn't include personal property damage.

Guernsey County commissioners signed a declaration yesterday declaring a state of emergency in the county. Ohio Gov. Bob Taft declared a state of emergency in Guernsey County later in the day Thursday.

Officials still don't know the extent of damages.

We have to wait for the water to recede before we can see the damage to the culverts, bridges and roads, said Commissioner Steve Allen. Once the rain stops, it takes at least 36 hours for things (water levels) to return to normal.

While many of the roadways, bridges and culverts remained under water early Friday, Guernsey County Engineer Del George said damages to those structures should easily exceed \$1 million.

This is similar to the 1998 flood and based on past history and experience, the damages will be in excess of \$1 million so far, said George, who observed the flooding from an Ohio State Highway Patrol helicopter Thursday.

Wills Creek was expected to crest early Friday at 25 feet 10 feet above the flood stage according to the National Weather Service and Guernsey County Emergency Management Agency Director Gerry Beckner.

The National Weather Service said it (Wills Creek) appears to be cresting, but the final call will not be made until later this morning, Beckner said Friday. We are currently at 24.9 feet and it looks like it will crest here (at Cambridge) today at 25 feet.

But officials warned the crest will take longer to reach northern portions of the county, as Wills Creek flows north through Guernsey County.

The readings are based on the Campbell Avenue gauge station, but it will take another day or so for the crest to travel through the northern part of the county, said George. We are starting to look at the eastern and southeastern regions of the county today, but it will be next week before we get good damage estimates on the entire county.

Flood waters continued to rise Thursday as water reached the Cambridge area from the surrounding regions.

The water continued to rise here in Cambridge because of the water coming out of the hills into the creeks and runs that feed into Wills Creek, said Beckner. The dam at Seneca Lake was closed, so they were not letting any water out into Wills Creek. The lake had nothing to do with the flooding.

George warned residents that repairs from the latest flooding could take a while to be completed, as county workers are just completing repairs from the flooding in January 2004.

This is the third (declared) disaster this year, said George. We had the flooding in January, the heavy rains and slips in May and June and now this flooding. We are still working on the repairs from the first flood in January, and we are just starting to receive approvals for the May-June damages.

Now we are going to have to start the paperwork all over again for damages from this flooding and that will take

into the winter. It takes a lot of man-hours to get the process done. It is not east to get back to normal following an incident like this, said George.

Individuals who wish to report personal property damage are asked to call the Guernsey County EMA at 432-9292.



Evacuations in Byesville

September 10, 2004



John Lowe

The Daily Jeffersonian

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BYESVILLE Evacuations and a dramatic rescue characterized a day in the village quite different from Wednesday night.

Rising water Thursday flooded homes on the east side as residents of Peters Street evacuated, Mayor Don Gadd said.

The people went to shelters and to the homes of friends and relatives.

Meanwhile, an unknown man proved to be a hero when he saved the life of a boy on the south side of town.

Apparently, some juveniles were riding bicycles through water on flooded Marietta Road when the current knocked a boy off of his bicycle, Gadd said.

The boy was being swept into a culvert.

The only thing showing was his head and his hands, Gadd said.

A man in a silver truck stopped, pulled the boy to safety, got back into his truck as Byesville firefighters were arriving and left the scene.

We don't know who he was, Gadd said. But, whoever it was, tell him we said, Thanks.

That culvert is about 700 feet long. So, the boy would have drowned.

Firefighters conducted several water rescues, Gadd said, mainly at Seneca Lane near the Narrows south of the village where Route 821 also was flooded.

Firefighters, village employees and the administration were all over the village Thursday trying to contain or minimize the effects of water they had thought they had under control the night before.

Gadd sent Water Department employees to Cambridge Thursday morning to get 200 empty, burlap feed bags at Green Valley Co-op.

He and the crews spent the morning filling the bags and stacking them at doors of some Main Street homes and businesses.

We had about 20 homes that flooded out, Gadd said.

All of the village utilities were still operational Thursday afternoon and the water department pumped an extra half million gallons of water into the new plant as a precaution, Gadd said.

At 2 p.m., Gadd went to the wastewater treatment plant to survey the situation.

The water level was still about 3 feet below the top of the dike around the plant.

Had the village not added 5 feet to the height of the dike after the record flood of 98, the plant would have been

daily-jeff.com
flooded Thursday.

Gadd was mystified by the sudden rise in flood water.

It was fine until 3:30 this morning, he said on Thursday. Then, almost on the dot, it started going up a foot an hour.

We had the water out. Now, its backing up. Where its coming from, I dont know.

But, if Gadd was puzzled, he also was angry.

We did everything we could to keep the water out, he said.

But its rise Thursday was relentless.

Gadd believes it didnt have to be that way. In 2003, he developed and shared with state and federal officials a plan he believes would have kept this flood out of Byesville.

That plan called for flood basins and wetlands to be built along Wills Creek. Some officials had called his plan brilliant but, to this point, nothing has come of it.

Gadd would like citizens of the village and of Cambridge to write to their state and federal legislators and to the Federal Emergency Management Agency.

He wants people to urge that action be taken on his plan.

Everyone said, That kind of flood wont happen again.

If we had had those basins, he said, we wouldnt be having this right now.

Its time we started doing some kind of preventative measure instead of just waiting until this happens again.

I said Wednesday night that we were in good shape. But were not in good shape today.

Officials: Parts of county still flooded, inaccessible

September 13, 2004

[Email To A Friend](#)
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Rick Stillion

The Daily Jeffersonian

Guernsey County officials continued to assess damages over the weekend, but some regions were still inaccessible due to remaining flood waters.

We worked throughout the weekend assessing damages, and we are getting things put together today to forward some of the information on to the state, said Guernsey County EMA Director Gerry Beckner.

But, there are still places in the county, especially in the north, we cant get to because of the flood water. The damage assessments are far from complete, and it could take a week or two to know exactly how much damage is out there in the county.

Officials continued to list damage assessments in excess of \$1 million until all jurisdictions in the county can report.

We have received assessments from some of the trustees and mayors, but there are still some that need to be completed, said Beckner, who reports each village and township is responsible for gathering data from its jurisdiction.

Once all of the information is collected, Beckner said she will forward it to the State of Ohio for assistance in obtaining a federal declaration for assistance from the Federal Emergency Management Agency.

On Friday, Rep. Bob Ney, R-St. Clairsville, said he directly petitioned President Bush for a federal declaration that would allow southeastern Ohio counties to obtain federal assistance. As of today, Bush had not declared southeastern Ohio a federal disaster area, which would make the area eligible for aid.

The people of Guernsey County have been hit with a lot to deal with, but they have been fantastic, said Beckner. As soon as we have information available regarding assistance, we will get it distributed via the newspaper and radio.

Individuals wishing to report property damage are asked to call the Guernsey County EMA office at 432-9292.

Several roadways remain closed due to high water. Law enforcement agencies are warning motorists not to drive through flood waters.

Four deaths were reported as a result of the flooding, including two women killed when their vehicle floated off a flooded Route 313 Thursday. Their bodies were discovered Friday in the vehicle in a ditch along Route 313.

The women were identified as Lois Hastings, 41, and Gayla Norman, 43, of Walnut Street in Derwent. Other fatalities connected to the flooding included John McCance, 65, of Cambridge, and Leah Mast, 9, of Tuscarawas County.

As damage assessments and recovery efforts continue in the county, officials are keeping an eye on Hurricane Ivan a potential second source of flood-causing rainfall due to hit the southern United States later this week.

We are watching what it (Ivan) is doing, said Beckner. It is changing from minute to minute and there is a possibility it could hit here again. But, it is too early to tell right now.

FEMA weighs our damage

September 17, 2004

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Rick Stillion

The Daily Jeffersonian

Now that the Federal Emergency Management Agency has completed preliminary damage assessments in Guernsey County, the waiting game has begun as federal authorities tabulate damages to determine if Ohio including Guernsey and Noble counties is eligible for federal assistance.

What we do now is wait, said Guernsey County EMA Director Gerry Beckner. They have completed the preliminary damage assessments and now they will determine if the state receives a declaration and what counties are eligible. And, they will do that at their own pace.

Beckner said the state has declared a state of emergency in 14 counties in the wake of recent flooding, all of which have to be assessed before a state declaration can be made by federal officials.

All we can tell people is the information will be made available through the local media sources as soon as we receive it, said Beckner. We don't know when that will be, but people need to keep watching the paper and listening to the radio to get the information they need.

That information includes the toll-free FEMA telephone number to register for flood damage assistance.

We don't have the manpower to call everybody who we know has damage, and there could be people with damage that we don't know about, said Beckner. So it is imperative that people check the local media for the information.

Beckner said local residents can get the process of receiving assistance started by contacting their insurance companies a requirement by FEMA.

Even if they don't have flood insurance, they need to file a claim with the insurance company where they have their homeowners policy, said Beckner. One of the things FEMA will ask for is a denial letter from their insurance company.

If they get that process started now, they will be better prepared once the FEMA registration process begins, said Beckner.

As the rains from the remnants of Hurricane Ivan moved into southeastern Ohio Friday morning, Beckner said county officials are ready for the worst.

The EOC (Emergency Operations Center) is ready to be opened at the first indication of any problems, said Beckner. At that point, we would contact the American Red Cross to open a shelter, and this can all be accomplished quickly.

Some weather forecasts indicate as much as three to five inches of rain could fall in portions of southeastern Ohio and a flood watch remains in effect until Saturday afternoon.

But other predictions indicate rain fall will not be as significant, and the chance of rain diminishes Friday night to 30 percent, according to the Weather Channel.

We are prepared and we are not going to stand down until this weather passes through the area, said Beckner.

Round Two

September 19, 2004

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John Lowe

The Daily Jeffersonian

The remnants of Hurricane Ivan closed businesses, canceled events and spurred recommendations of evacuations in various locations around Guernsey County.

A personal tragedy and other dramas occurred during the flood.

But the area was spared the sort of flooding Hurricane Francis caused the week before.

Officials at the Cambridge Water Plant reported 4.15 inches of rain fell during the period of the flood. Water was still rising at the plant at 7:30 p.m. but Water Plant personnel were uncertain of when the water would crest.

According to the Web Site of the National Weather Service, Wills Creek was to crest at 2 a.m. this morning (Sunday) at 21.5 feet, or 6.5 feet over flood stage.

The rainfall was far short of what fell the previous week, but it was enough to send water across roads and, among other things, disrupt the Guernsey County Fair.

Waters began rising early Friday and, by 11:19 a.m., officials were asking residents of Derwent to consider leaving their homes. Some 50 minutes later, officials learned that low-lying areas of Quaker City were starting to flood [see separate story].

On Saturday morning, Byesville police officers were asking residents of Peters Street to leave as waters rose in the village.

Later Saturday, water began to subside only to return in places in the late afternoon. At 6 p.m. Saturday, a portion of Main Street was closed, Ptl. Tim Haren said. Water also was encroaching on High Avenue.

A Senecaville area man died Friday afternoon. It was unclear whether the death was attributable to the flood.

At 2:19 p.m., an Ideal Road woman reported she had just come home and found her husband wasn't breathing right.

A deputy arrived at the scene and performed cardio-pulmonary resuscitation. Because of high water, the Lore City emergency squad could not get through.

United Ambulance personnel arrived and, enroute to the hospital, were escorted by a sheriff's deputy from Ideal Road to the 10th Street Bridge in Byesville.

On Saturday at 1:22 a.m., a Wagner Road man was reported to be experiencing severe problems in breathing.

Quaker City did not have a squad available and could not get past Route 513 because of high water. Officials here contacted Barnesville police who were able to dispatch a squad that could reach the residence.

A Cherry Hill Road man escaped drowning Friday morning on Ideal Road, but his pickup truck was swept away by flood water.

Other incidents included:

People trapped in a vehicle on Bridgewater Road with water up to the hood. A deputy and the Antrim Volunteer Fire Department went to the rescue.

A report of an elderly couple in water on Newgottengen Road. Senecaville and Quaker City fire departments were dispatched. Senecaville found them and reported they were safe.

A Quaker City woman had to abandon her vehicle on Sparrow Road.

A number of schools were closed or dismissed early on Friday. Businesses closed. High School football games were postponed. Events, such as the Cavalcade of Bands, were canceled.

Gates at the fairgrounds remained open Friday. Anyone who ventured to the fair was admitted free, but the rides were shut down and the food concessions remained closed for most of the day.

Fair Secretary Myra Larrick said attendance was not tracked.

Although blue skies prevailed Saturday and fair operations returned to normal, remaining water across U.S. 40 probably deterred some fairgoers.

Action at the fair will wind down today after a llama show at 10 a.m. and the Retroff Demolition Derby at 1 and 4 p.m.

THE WEDNESDAY JEFFERSONIAN

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E, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1892

SEPTEMBER 22, 2004

Frances is here

Remnants of tropical depression cause local flooding

RICK STILLION
THE DAILY JEFFERSONIAN

The remnants of tropical depression Frances dumped 2.95 inches of rain on the Cambridge area in the last 24 hours, according to measurements taken at the Cambridge Water Treatment Plant.

The heavy rainfall created havoc for some local drivers, as a motorist reported his vehicle was stuck in a sink hole on Hendershot Road between Route 313 and Crane Run Road early Wednesday.

At 2:10 a.m. Wednesday, the Cassell Station and New Concord fire departments were dispatched to assist a motorist stranded in flood waters.

Minor injuries were reported



A vehicle stays on the high side of Route 660 early this morning after heavy overnight rains flooded the east bound lanes.



Heavy rains overnight turned a small creek into a wide river along Route 660 east of the Cambridge Airport early this morning.

by the driver of the vehicle on Hendershot Road, but additional information was not available as the accident remained under investigation by the Ohio State Highway Patrol's Cambridge post.

Rain was also reportedly a factor in an early morning accident on County Road 35 (Old 21 Road) and an accident on Interstate 70 Tuesday afternoon.

Spencer Township trustees were alerted to a culvert being washed out by heavy rains at the intersection of Crane Run and Hendershot roads.

A mud slide was reported on U.S. 40, which was cleared by an Ohio Department of Transportation crew.

High water was also reported on several closed roadways including Routes 78, 68, 144, 147, and 601. County Road 35, Phillips Road and Sawyer Road, according to the highway patrol

and Champaign County Sheriff's Office.

A flood watch for Adams and Noble counties was issued by the National Weather Service office in Dayton, Pa., from noon Tuesday (Wednesday) through Thursday.

According to the Weather Service, the remnants of Hurricane Frances will interact with a cold front moving eastward into the region.

Rain will reportedly be in the vicinity of 1 to 3 inches and could be more than 3 inches in some areas.

Local rainfall on the Cambridge area could be as high as 4 inches, according to the weather service.

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Hurricane Ivan devastates Grenada in direct hit, thron

THE THURSDAY JEFFERSONIAN

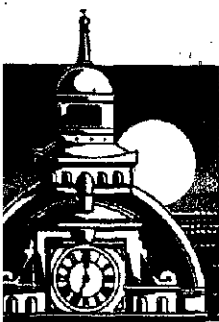
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MBRIDGE, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1892

SEPTEMBER 9, 2004



VOL. 110 NO. 291

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BELOW: The tops of two vehicles are all that can
seen along Country Club Road Wednesday afternoon



Cover Photo by Michael W. Smith

ty weathers the storm; Wills Creek bridge close

IS
JEFFERSONIAN

Cambridge Water Plant reported that in d from 8 a.m. to the same time 5.33 inches of rain

combined with 2.95 inch- l in the previous 24- d to bring the storm re than 8 1/4 inches.

Though flood waters in some portions of the city have sub- sided since Wednesday, the major concern this morning was Wills Creek, said Street Superintendent Jerry O'Donnell.

"Water is over the north part of the bridge [at Wills Creek Valley Drive]," he said about 8:30 a.m. Thursday, to a depth of as much as 10 inches. The water was rising about six inch-

es an hour.

Authorities continued to moni- tor the rising waters, as both the Cambridge Health and Rehabilitation Center and Victorian Oaks assisted living facility, as well as apartment buildings and dozens of homes, are located nearby.

O'Donnell added that the bridge crossing Wills Creek on Eighth Street Road was closed, though water was not covering

the bridge decking as of about 8:30 a.m. Thursday. Despite extensive problems caused by heavy flooding throughout Guemsey County, authorities in Cambridge said they had experi- enced few difficulties.

"We haven't had to deal with any major incidences," said Police Chief Richard W. Wayt Thursday morning.

An increase in traffic volume passing through the city due to a

temporary reroute from Interstate 70 along Route 209 west to Route 43 has created some traffic snarls, he added.

Cambridge police asked resi- dents to travel only if necessary, and reminded motorists to not drive through flood waters. Officers assisted Ohio Department of Transportation crews and troopers from the Cambridge post of the State Highway Patrol overnight in redirecting interstate traffic.

Elsewhere in the city, a portion of Ohio Avenue was damaged when water rising through holes in a manhole cover covered by asphalt lifted the recently paved roadway. City streets crews were able to rupture the bulge, allowing water to escape.

O'Donnell said that when paving is performed, manhole covers will be collared to allow access to them. Manhole covers no longer actively used may remain covered, however.

Water lifting up manhole cov- ers was a city-wide occurrence, he added. With the storm sys- tems overwhelmed by the vol- ume of water, the water will seek the path of least resistance.

"There's not much you can do about that," O'Donnell said.

O'Donnell said street crews were out in force to deal with any problems that might arise.

"We're going to do the best we can," he said.

O'Donnell reminds motorists that, when approaching a traffic light that is flashing yellow, to proceed through the intersection with caution. Cross traffic at such an intersection will have a flashing red light, to be treated as a stop sign, approach, stop.

yield to traffic with the way and proceed only to go.

Cambridge firefighters responded to calls in 4 min. of an eight hours.

At 3:09 p.m., the Avenue Woman reported in the basement of her firefighters reportedly an electric appliance pulled a corded ele-

from flood waters in ment. Burns clothing, observed. The fire was extinguished by

Other calls included: * 12:13 — Elm Street expressed concern of inches in her basement.

* 3:25 — traffic acci- entrapment call on Inte- was canceled while en route.

* 4:43 — smoke was the basement of a Lind apartment building, de- to be due to a flooded.

* 4:50 — units assist Ambulance Service cr a patient from a No Street home.

* 7:06 — nullify any possible flooding in ment of a Becker Ave.

* 8:01 — high ball in a Southgate Parkway was found blown.

Area schools were in the rising water as Cambridge, Rolling in Muskingum, Caldwell Local and East School districts were Barnesville. Newcomerstown, ca- operating on a two-



Michael Neilson/The Daily Jeffersonian

travel slowly through high water near the intersection of Interstate 77 and Route 313 early this morning.



Michael Neilson/The Daily Jeffersonian

Two die in flood

DIE from page A-1

walking home from school.

Mast was reportedly found in flood waters a couple hours after being swept away, as she and five siblings returned home. She was also transported to Southeastern Med., where she was pronounced dead.

Local officials met Thursday morning to assess damages caused by extensive flooding in the county.

"We are pulling people into the EOC (Emergency Operation Center) in order to determine the damages," said Guemsey County Emergency Management Director

The flooding kept many official and departments busy in the evening, weeks overnight, as many re- tuals were that even flooded areas remain- sible.

Law enforcement including Sheriff and Ohio State Highway troopers were busy in the flood water, and information being to the EOC and EOC.

Shirley's call was by the local police, and was an attempt to find her.

Byesville copes with high water

LOWE
THE DAILY JEFFERSONIAN

CONCORD — Officials here were asked to conserve water through today as waters rose around the water treatment plant day night. While, flood problems in the Village of Byesville minimal last night. Village of New Concord problem with its water day, but officials were prepared for an emergency and were asking residents to conserve water. National Weather Service last night indicated that as 8 inches of rain had fallen in New Concord since 7 p.m. Rising water escaped containment banks and encroached

on some roadways. Officials had closed a stretch of Route 40 east of the village before 5 p.m. Wednesday and officials of the East Muskingum Local School District had decided to delay the start of school today by two hours.

To the southeast, Byesville Mayor Don Gadd said last night that flooding in and around Byesville was minimal.

"There was no flooding on Main and Second streets," Gadd said. "There was some water on part of Peters Street in the low-lying area."

"I was worried about the downtown because, in the past, it seemed like, if we got a sprinkle, we had flooding in the downtown."

Gadd said much of the credit for the unflooded streets could

go to Mark Chandler, superintendent of the Sewer Department, and his workers.

"Some of that," Gadd said, "is the result of what Mark has been doing to get the storm drains out of the sanitary sewer system."

Some high water was in low lying areas around the village, Gadd said.

Part of Byesville Road was flooded, he said, and there was some flooding in the Stop 9 area along the run that crosses Southgate Road near the Hi Li Club. Part of the annex building to the Stop 9 Church of Christ was flooded, Gadd said.

A little further afield, Morgan County had massive flooding and evacuations were taking place. Reports Thursday indicated that the county was under a Level 2 alert.



Carol Ringer/The Daily

Water backed up onto Main Avenue near Fourth Street in Byesville Wednesday.

Village's new water plant nearly ready to go, was born out of 1998 flood

JOHN LOWE
THE DAILY JEFFERSONIAN

BYESVILLE — The start of operations at the new Byesville water treatment plant should get under way on Nov. 4. Mayor Don Gadd told council during its regular meeting Wednesday.

That will put the village before the wire of a Nov. 7 deadline set by the Ohio Environmental Protection Agency.

The village chose Nov. 4 because it is the birthday of the late Howard Wetzel, an influential force in the history of the village's utility departments. The new plant will be named the Wetzel-Haynes Water Treatment Plant in honor of Wetzel and Dana Haynes, another former water superintendent.

Gadd reported that crews started the water pumps at the new plant last week.

"We filled up the aerators in no time flat," Gadd said. "And the recovery time for the wells was 20 seconds."

In other words, it took only 20 seconds for the water level in the new wells to return to normal after the wells supplied the thousands of gallons of water needed to fill the aerators.

"Our main goal," Gadd said, "is to turn water through that place. Then we can finish up the cosmetic work at the new plant."

Gadd's report came as steady rain drenched the village, much as it had done during the summer of 1998, when contaminated water from the record flood then infiltrated a well near Water Plant 2, off Vocational Road.

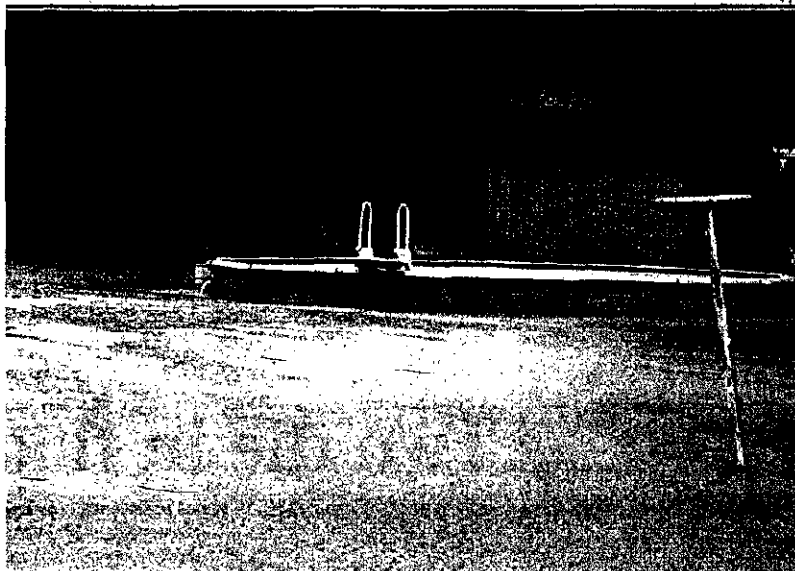
That flood led to the Ohio Environmental Protection Agency decreeing the village's water supply and requiring more stringent treatment of

treatment that would upgrade the treatment plant.

Rather than merely meet new requirements, council decided to improve existing conditions — the village the only one in the state that does.

Among other agenda items, Gadd's report included a request for a new water treatment plant. The department is currently in the process of planning and designing the new plant.

The new plant will be located on the corner of Main and Vocational Roads, just north of the old plant. It will have a capacity of 1.5 million gallons per day.



Michael Nellson/The Daily Jeffersonian

Swimming pool is nearly all the way under water along Pioneer Street in Byesville Tuesday.



Specific flooding was reported on Routes 285 north of Sarahsville, Route 146 in Buffalo Township, Route 147, 260, Route 821 in Coal Ridge, Ava, Belle Valley and the Maple Heights area. Flooding was also reported in the low areas of Route 564.

In the Village of Caldwell, high water was reported on the southern portion of West Street, Olive Street and Route 821, as of Wednesday evening. Water in the Caldwell area was continuing to rise as of 11 p.m.

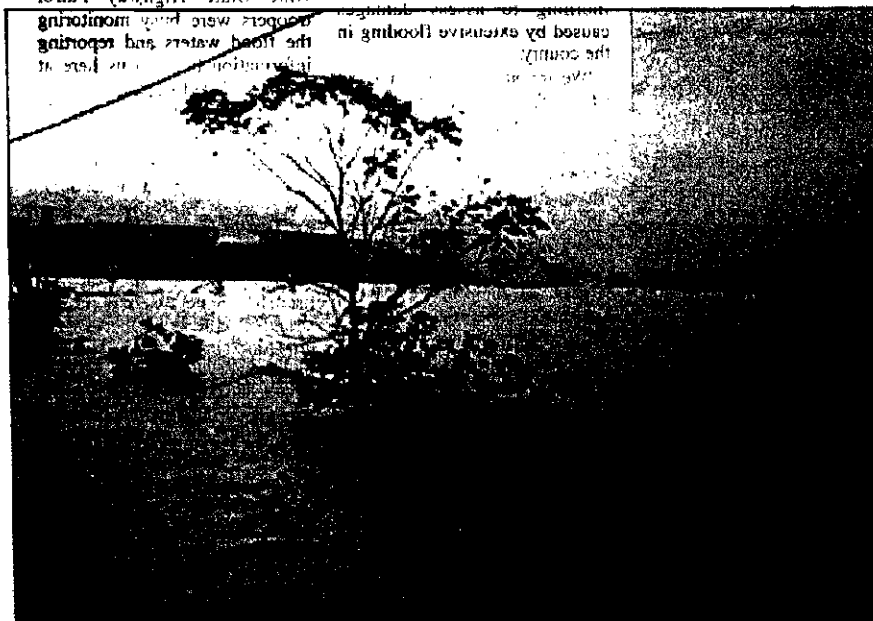
rising.

The sheriff's office received additional reports at 8:15 p.m. indicating from two to three additional inches of rain were expected to fall over Noble County during the nighttime hours. At the time of the 8:15 report, officials stated from four to six inches of rain had fallen on the county during the storm.

As of 10 p.m., Wednesday, no injuries had been reported.



As of 3 p.m. Wednesday, Robins' Ridge Golf Course near Seneca Lake became a water hazard for golfers as rains from tropical depression Frances covered the area.



Students in the Noble Local School District were dismissed early Wednesday after the remains of tropical depression Frances began its deluge. As of 6 p.m. Wednesday, the intersection of Routes 146 and 147 was closed from the heavy rain.



Noble County Sheriff's Office and Belle Valley Police Departments reported that a car was stuck in the intersection of Routes 146 and 147 near the Noble Local School District. The car was stuck in the intersection for about 15 minutes before it was freed. The car was a 1980s model and was stuck in the intersection of Routes 146 and 147.

What to do after your house is flooded

GREG PARKS
THE JEFFERSONIAN

Stay calm.

Stay safe.

If your house was flooded and your property suffered damage, it's important to get to work as soon as possible to protect your health and prevent further damage to your belongings.

The Federal Emergency Management Agency and National Flood Insurance Program offer these instructions:

- If your home has suffered damage, call the agent who handles your flood insurance to file a claim. If you are unable to stay in your home, make sure to say where you can be reached.

- To make filing your claim easier, take photos of any water in the house and save damaged personal property. If necessary, place these items outside the home. An insurance adjuster will need to see what's been damaged in order to process your claim.

- Check for structural damage before re-entering your home. Don't go in if there is a chance of the building collapsing.

- Upon returning to your home, check for gas leaks. If you smell gas, turn off the gas at the meter and call the gas company.

- Keep power shut off until inspected by a professional.

- Check for sewage and you suspect damage to the tap and call a plumber.

- Throw away any food goods — anything that has come in contact with water.

- Until local authorities say it is safe, don't enter preparation.

- Make sure to follow ordinances when rebuilding materials and techniques from future flood damage.

- Salvage water damage photographs with respect to your insurance policy.

Local Red Cross doing part to help victims in

The Ohio Hills chapter of the American Red Cross is doing their part in helping to bring aid to the victims of hurricanes Charlie and Frances.

Currently, four volunteers from the chapter are in Florida helping with the most massive disaster relief effort for the Red Cross while another five are on stand-by waiting for their call-out assignments.

"Our volunteers are wonderful," said Debbie Blessing of the chapter. "When called to go to Florida all were on their way within 24 hours. For one volunteer, this is his first major disaster assignment. But just like the thousands of other Red Cross volunteers, he went without hesitation to do what he was trained for: Helping people during a disaster."

As of Monday the figures were staggering:

There were 200,000 people, more and more have been hit by hurricanes.

Red Cross volunteers beginning and will continue to try to rebuild these hurricane victims into the lives of normal.

All American Red Cross free made possible by time and money from financial assistance from Ohio Hills chapter, 432-3558.

Call the chapter at 432-3558.

Heavy rains pummel southeast Ohio

BY THE ASSOCIATED PRESS

Many schools and roads including an interstate were closed in eastern Ohio on Thursday after remnants of Hurricane Frances dumped up to seven inches of rain, forcing evacuations and contributing to at least two deaths.

Officials reported that the rain was tapering off and some flood waters were beginning to recede as the storms moved on to the Northeast. However, rivers were expected to continue to swell.

A 65-year-old man helping his landlord pump water from his basement in Cambridge died of a heart attack, an apparent heart attack, on Wednesday, Brockville, Ontario, John McCance, 65, was found dead by the landlord after he had left him alone for about 10 minutes.

The man had no history of heart problems, Brockville police said.

"It was concerning that the man was found dead in his basement, where he was using a pump and had a lot of water in the basement," a police spokesman said. "The man was found dead in his basement, where he was using a pump and had a lot of water in the basement."

THE FRIDAY JEFFERSONIAN

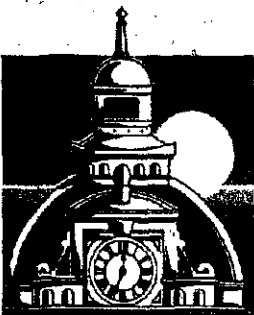
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CAMBRIDGE, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1893

SEPTEMBER 10



VOL. 110 NO. 292

STILL SOAKED



Michael Nelson/TH

Cambridge firefighters and other emergency personnel remove Cambridge Health and Rehabilitation Center residents from Wilk Creek Valley D afternoon.

County under state of emergency

RICK STILLION
THE DAILY JEFFERSONIAN

As flood waters begin to recede in portions of Guernsey County, local officials are awaiting word on federal assistance to help with the clean up and repair of more than \$1 million in damage, which doesn't include personal property damage.

Guernsey County commissioners signed a declaration yesterday declaring a state of emergency in the county. Ohio Gov. Bob Taft

IF YOU NEED HELP HERE'S WHO TO CALL

| | |
|---|---------------------|
| People seeking assistance with flood damage | Call 1-800-424-6242 |
| Following agencies: | |
| • Elyria Police Department | 330-4111 |
| • Elyria Volunteer Fire Department | 330-4111 |
| • Elyria Fire Department | 330-4111 |
| • Cambridge Fire Department | 330-4111 |
| (non-emergency) | |
| • Cambridge Police Department | 330-4111 |
| • Cambridge Fire Department | 330-4111 |
| • Cambridge Police Department | 330-4111 |

Good day! Inside value

The following inserts are included in The Jeffersonian today (* denotes in zoned areas only): J.C. Penney, Sears.

Weather

Mostly sunny Saturday with highs around 80. Light and variable winds. Details on page A-12.

Concert

The Cambridge City Band will close its 2004 Concert in the Park series Sunday by hosting the Greater Columbus Community Band. The 3 p.m. joint concert will be in the large pavilion of Cambridge City Park, where both bands will play separately and then jointly. The Cambridge City Band, in its 163rd year of service to the area, is the oldest community band in Ohio and the 10 oldest in the United States. Theme for 2004 is "Love of Lady" in salute to 30 years of women being cast members of the band. Peggy Inger of Indian Camp has 8 years, most years as a cast member and the board of trustees. Everyone is invited to attend this final, free concert in the park.

Clean Sweep

Operation Clean Sweep scheduled for Saturday, Sept. 25, sponsored by Cambridge Main Street, is the organization's once-a-year offer to local businesses to have volunteers clean up in and around their stores — free of charge, except for supplies. General cleaning



Michael Nelson/The Daily Jeffersonian

Cyclists in Byesville found some fun in what others called a disaster Thursday.

water at several MWCD prompts warnings

Byesville — Pounding rain that dumped nearly seven inches of rain on Muskingum Watershed Conservancy District (MWCD) this week has prompted MWCD officials to urge boat owners to check on their equipment and for all residents to exercise caution in and around the area's lakes.

Due to the effects of Hurricane Frances on the eastern Ohio by the effects of Hurricane Frances on the southern United States has swollen six of the area's lakes several feet above normal. Readings produced by the U.S. Army Corps of Engineers show that Atwood, Tappan, Clendening, Piedmont and Seneca lakes all are at summer depth recordings.

The Corps is urging people who own boats, docks and/or campgrounds at any of these lakes to check on them as soon as possible.

The Corps of Engineers officials said they do not expect the water levels until they have reached between 3 and 5 feet above normal depth readings.

The Corps of Engineers officials said they do not expect the water levels until they have reached between 3 and 5 feet above normal depth readings. The Corps of Engineers officials said they do not expect the water levels until they have reached between 3 and 5 feet above normal depth readings.

The Corps of Engineers officials said they do not expect the water levels until they have reached between 3 and 5 feet above normal depth readings.

Thursday afternoon, Seneca Lake was at nearly 5 feet above normal conditions, Leesville Lake in Carroll County was at 4 feet above normal, according to figures from the U.S. Army Corps of Engineers. Atwood, Clendening, Tappan and Piedmont lakes were slightly above 3 feet above normal depth readings.



JOHN LOWE
THE DAILY JEFFERSONIAN

Byesville — Evacuations and a dramatic rescue characterized a day in the village quite different from Wednesday night.

Rising water Thursday flooded homes on the east side as residents of Peters Street evacuated, Mayor Don Gadd said.

The people went to shelters and to the homes of friends and relatives.

Meanwhile, an unknown man proved to be a hero when he saved the life of a boy on the south side of town.

Apparently, some juveniles were riding bicycles through water on flooded Marietta Road when the current knocked a boy off of his bicycle, Gadd said.

The boy was being swept into a culvert.

"The only thing showing was his head and his hands," Gadd said.

A man in a silver truck stopped, pulled the boy to safety, got back into his truck as Byesville firefighters were arriving and left the scene.

"We don't know who he was," Gadd said. "But, whoever it was, tell him we said, 'Thanks.'"

"That culvert is about 700 feet long. So, the boy would have drowned."

Firefighters conducted several water rescues, Gadd said, mainly at Seneca Lake near "the Narrows" south of the village where Route 821 also was flooded.

Firefighters, village employees and the administration were all over the village Thursday trying to contain or minimize the effects of water they had thought they had under control



Michael Nelson/The Daily Jeffersonian

This area of Byesville went under early in the day Thursday.

the night before.

Gadd sent Water Department employees to Cambridge Thursday morning to get 200 empty burlap feed bags at Green Valley Co-op.

He and the crews spent the morning filling the bags and stacking them at doors of some Main Street homes and businesses.

"We had about 20 homes that flooded out," Gadd said.

All of the village utilities were still operational Thursday afternoon and the water department pumped an extra half million gallons of water into the new plant as a precaution, Gadd said.

At 2 p.m., Gadd went to the wastewater treatment plant to survey the situation.

The water level was still about 3 feet below the top of the dike around the plant.

Had the village not added 5

feet to the height of the dike after the record flood of '98, the plant would have been flooded Thursday.

Gadd was mystified by the sudden rise in flood water.

"It was fine until 3:30 this morning," he said on Thursday. "Then, almost on the dot, it started going up a foot an hour."

"We had the water out. Now, it's backing up. Where it's coming from, I don't know."

But, if Gadd was puzzled, he also was angry.

"We did everything we could to keep the water out," he said. "But its rise Thursday was relentless."

Gadd believes it didn't have to be that way. In 2003, he developed and shared with state and federal officials a plan he believes would have kept this flood out of Byesville.

That plan called for flood

basins and wetlands along Wills Creek. So Gadd had called his plan but, to this point, had come of it.

Gadd would like to see the village and of Cambridge write to their state and legislators and to the Emergency Management Agency.

He wants a protection action be taken on his.

"Even one such flood would happen again."

"If we had had those basins, we wouldn't have had this right now."

"If it came, we start some kind of prevention. We're not going to let this happen again."

On Wednesday night, we were in good luck. We were not in good luck.

Caldwell Village Hall open; cleanup in village by

KEVIN MACRI
CALDWELL BUREAU

Caldwell — Cleanup was the order of the day Thursday for Noble County in the aftermath of tropical depression Frances, which dumped 7 1/2 inches of rain as recorded at the Caldwell Sewer Plant.

The Caldwell village hall remains

24 inches of water inside, however, all of the equipment had been removed prior to the flood.

Radelin said the Caldwell Sewer Plant had damage, however, the plant remains in operation.

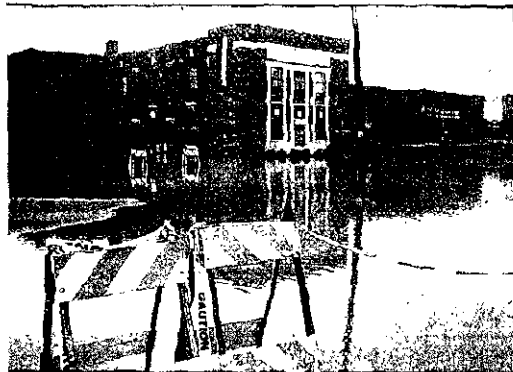
Caldwell — Sewer Plant Superintendent John Blum and Operator Larry Ruppel said they did not enter a damaged building. They were in the village hall when the flood came.

FLOOD OF 2004

THE DAILY JEFFERSONIAN



Michael Neilson/The Daily Jeffersonian
anning, Cambridge City Street Department foreman, high water signs and barricades to higher ground as continued to rise on Wills Creek Valley Drive Thursday.



Michael Neilson/The Daily Jeffersonian
creeps up on The Salvation Army building on Dewey Thursday.



Michael Neilson/The Daily Jeffersonian
waters along Route 209 near Mr. G's II.

County under a state of emergency

(E from page A-1)
ing to the National
er Service and Guernsey
y Emergency
ment Agency Director

for the crest to travel through the northern part of the county," said George. "We are starting to look at the eastern and southern-eastern regions of the county



A car sits in flood waters next to Interstate 77 near Byesville Thursday morning.

Michael Neilson/The Daily

High water forces evacuation

RICK STILLION
THE DAILY JEFFERSONIAN

Numerous roadways in Guernsey County remained closed early Friday due to flood waters and Wills Creek was not expected to crest in the Cambridge area until later in the day.

Officials forecast Wills Creek would crest at 25 feet late Friday morning, leaving numerous roadways and bridges under water. The 25-foot crest is 10 feet above the flood stage for Wills Creek at the Campbell Avenue gage station.

The high water conditions reportedly forced the evacuation of multiple residential areas in the Cambridge area Thursday, including the city's west side, Wills Creek Valley Drive and Eastport Addition.

Firefighters, law enforcement

officers and other emergency response personnel from Guernsey and surrounding counties reportedly evacuated 54 residents from the Victorian Oaks Thursday using small boats and ropes to traverse a flooded Wills Creek Valley Drive just west of the new bridge off Old 21 Road.

Critical care patients from Cambridge Health and Rehabilitation Center and local residents of Wills Creek Valley Drive were also evacuated, although some residents remained in their homes.

"There was immediate danger to those facilities or residences, but people were evacuated as a precautionary measure," said Gerry Beckner, director of the Guernsey County Emergency Management Agency. "The concern was those people would be isolated in the event of an emergency."

Assisting with the patients were crews from United Ambulance, New Concord EMS and Newcomerstown Emergency Rescue Squad. Authorities closed both Wills Creek Valley Drive and the bridge on Eighth Street Road Thursday after both roadways became flooded.

The Guernsey County Highway Department closed Martha Road Thursday after bridge was damaged by flooding. The road will remain closed for an indefinite length of time.

The following is an updated list of road closings from the Guernsey County Sheriff's Office: U.S. 30, State Route 235, 146, 263, 215, 240, 155, 660, 672, 821, 209, and county township roads, Fourth Street Road, Bear Road, Beecham Road, Old 21 Road, and Old 21 Road.

Broadhead Road, Road, College Hill Road, covered by Eastern Road, E. Eagle Road, Han Freedom Road, Road, Greenb Hamilton Road, Old 21 Road, Old National Road, Lauchman Road, Morgan Road, Old Old 21 Road, Old Old National Road, Phillips Road, Road, Rosal Road, Saline Road, and State Route 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

BRIEFS

Weeks federal or flood victims

INGTON, D.C. — Governor Taft's statement Thursday that he is declaring a state of emergency for several counties by recent flooding, U.S.

Bob Ney, R-St. Ile, announced Friday has directly petitioned it Bush for a similar federal declaration that would these counties to obtain assistance.

note: "I am requesting that wide federal assistance to these counties restore service; repair damages."

ork Lake

ork Lake will be closed through Sunday to all raft except dock holders. Their water craft. This are safety to persons and

s regarding the opening ke to water craft will be 3 when they becomes e.

ter loans

INNELSVILLE

Bank has developed a loan program to assist who have experienced ue to damages from the of the recent rains and ter.

urpose of the program is nue investing in the local nities and help those in ickles deal with unex-osses.

as Bank is allotting a \$250,000 throughout its to make loans to indi- that have losses related aster. The unsecured are being offered at rates with a maximum ount of \$5,000 for those als who qualify.

are available though Bank. Individuals more information can their local Red Cross Community Action for more information, or oples Bank directly at: 4-6123

out of water

Cambridge-Guernsey Health Department is warning to children parents to play in high

ing ion water might look lot of fun for some kids could be dangerous, the

County ready with funding help for flood victims

Troy McCollister, director of the Guernsey County Department of Job and Family Services, said Friday that additional funds from the state are available to assist victims of recent flooding in Guernsey County.

The funds will be distributed through two programs, the first providing up to \$750 per household for the elderly, defined as persons 55 years of age and older.

The maximum possible disbursement for this program

through the state is \$25,000.

Under the second program, a maximum of \$1,500 additional Temporary Assistance for Needy Families funds is available to qualifying households responsible for children and having income less than 200 percent of the federal poverty level.

The programs cover structural damage to homes and losses of clothing and major appliances, among others.

Applicants must provide validation of need.

The deadline for both programs is Oct. 1. Neal Murdock at 432-2381 ext. 122 or 432-2381 ext. 2289 for more information.

GCDJFS hours are weekdays 8:30 a.m. to 4 p.m. McCollister said hours outside the regular hours may be arranged.

To date, about 50 households are being as-



Workers carry out flooded items from the Chrysler showroom of Dunning Motors on Route 209 Saturday afternoon. The building had several feet of water inside.

What are you to do with flood contaminated food and water?

BETH GAYDOS
OHIO STATE UNIVERSITY EXTENSION

Since flood waters may carry silt, raw sewage, oil, or chemical wastes, salvaging foods that were flooded can be a major concern. Intestinal diseases which cause diarrhea and dysentery are the most likely illnesses that occur from consuming flood contaminated food. Parasites and intestinal viruses are generally to blame. Waterborne transmission of E.coli, salmonella, and shigella is also a concern with contaminated water systems.

Discard all foods packed in foil, cellophane, paper, cloth or cardboard that have come into contact with flood waters. Even if the contents appear to be dry, they may not be safe.

Discard all flooded meats, fish, poultry, fresh fruits and vegetables as well as foods packaged in crown-capped bottles, glass or plastic jars and bottles. Pith from flood waters can seep up under the lip of these lids and contaminate the food. If you are unsure about the condition of any food, throw it away.

Only food in sealed, airtight commercial metal cans is safe for use. Inspect cans and discard any

the duration of the flood, and whether or not the flood water contained raw sewage or other contaminants. Fruits and vegetables that were more than two weeks from maturity at the time of the flood may be safe to eat by the time they are ready for harvest. In the amount of time it takes the produce to mature, there should be enough rain and cleansing to make them acceptable. But even then, the produce should be disinfected and cooked before eating.

Leafy vegetables such as lettuce, cabbage, and greens; fleshy vegetables (tomatoes, cucumbers, summer squash, peppers) and berry fruits are highly susceptible to bacterial contamination. It is nearly impossible to remove flood residue from the leaves and crevices of the produce. They should be discarded.

Root crops such as beets, carrots, and potatoes and vegetables with and without outer skin such as eggplant or winter squash are less vulnerable to contamination. They must be thoroughly washed and scrubbed, disinfected, limited peeled, and cooked before consuming. Do not use root vegetables for unscented household bleach in a solution of water. If rooters in them for a day or more

Officials hopeful water at MWCD lakes will crest soon

SENECAVILLE — If present indications are accurate, the high water at several Muskingum Watershed Conservancy District said a lake is expected to crest Saturday or Sunday.

Officials from the U.S. Army Corps of Engineers informed the MWCD on Friday that they expect the rapid rise in depth to slow over the weekend at the lakes hit hardest by the remnants of Hurricane Frances in Ohio.

Pounding rain that dumped several inches of rain in the MWCD region this week has prompted officials to urge boat and camper owners to check on their equipment and for all residents to exercise caution in and around the area's lakes.

Most of the lakes affected — Atwood, Leeville, Tappan, Glendening, Piedmont, and Seneca — are between 1 and 2 feet above normal summer depth readings. Will Creek

NEED HELP? HERE'S WHO TO

- People seeking assistance may contact the following agencies:
- Byesville Police Department — 685-2121
- Byesville Volunteer Fire Department — 685-3611
- Caldwell Fire Department — 732-2802
- Cambridge Fire Department — 432-3232 (non-emergency)
- Cambridge Police Department — 439-4430
- Cambridge Post Office, 510 Highway, P.O. — 439-1688
- Cambridge-Guernsey County Health Department — 432-3277
- Guernsey County Emergency Management Agency — 432-3282
- Guernsey County Sheriff's Office — 439-4411
- Noble County Sheriff's Office, Mansfield, Ohio — 749-7777
- Noble County Jail, Mansfield, Ohio — 749-7777
- United Ambulance (Caldwell) — 732-2802
- United Ambulance (Cambridge) — 432-3277
- United Ambulance (Mansfield) — 749-7777

12th ANNUAL SPRING GOSPEL
Singing Camp
Cambridge, Ohio
Sept. 12-13-14
NO ADMISSION
CONTRIBUTIONS
WELCOME

County fair coverage

THE THURSDAY JEFFERSONIAN

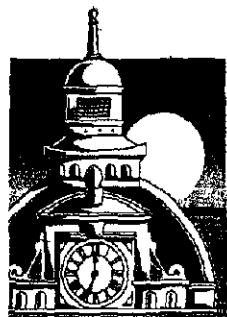
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WBRIDGE, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1892

SEPTEMBER 16, 2004



VOL. 110 NO. 297

Good day!
Side value
Following inserts are
led in The Jeffersonian
(* denotes in zoned
only): Pizza Hut, J.C.
ay, * Plus 1 Pizza.
Weather
Friday with heavy
kely. Highs in the lower
Northeast winds 10 to
ph. Chance of rain 70
nt. Details on page A-

Gospel Sing
16th annual Fall Gospel
will begin today and
ue through Saturday at
g Valley Campground.
gospel music will resume
21 and continue
gh Sept. 25.
of the largest gospel
in Ohio, the Fall Gospel
features free admission
as handicap parking
shuttle service.
an talent will be featured
(beginning at 8 p.m.,
sign-up at 5) and the

FEMA arrives here

RICK STILLION

THE DAILY JEFFERSONIAN

Federal Emergency
Management Agency officials
were expected to visit Guernsey

County Thursday to assess flood
damage in preparation for
declaring a federal state of
emergency that would pave the
way for local residents to

receive assistance.

"We have been waiting for
FEMA to come and complete
the preliminary damage assess-
ment, and they are coming

today," said Guernsey County
EMA Director Gerry Beckner.
"We expect to receive federal
assistance soon after the assess-
ment is complete, but we can't

say when that will
made. It all depend
the paper you
soon as we know
will get it. We
can get help. We

Beckner said he
also have been
FEMA will shift
local assistance
time.

He said that
the county is in
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hundred million
approximately
the federal gov-
ment to do with
possibly assist
people.

By Scott May
and many other
Belle Valley would
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age.

All right, we
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which can be
very, very slow
more. I want
to have the
the past few
we are going
and we are

Noble County prepares for Ivan

KEVIN MACRI

CALDWELL BUREAU

BELLE VALLEY — Officials
in Noble County are bracing for
the worst while hoping for the
best.

Officials from all reaches of
the county — from villages,
townships and fire departments
to school districts, county com-
missioners and ambulance ser-
vices — gathered Wednesday to
discuss a plan of action as
Hurricane Ivan made landfall
and started its northward march
from the Gulf of Mexico.

As of Wednesday evening, said
Noble County Emergency
Management Agency Director
Charity Schmelzenbach, the
National Weather Service was
predicting Hurricane Ivan would



(AP Photo/St. Petersburg Times/Douglass H. Clement) Cliff Mitchell, 21, front, ambles up a walkway Wednesday while visiting Wayside Park as waves from Pensacola Bay is churned by heavy winds as Hurricane Ivan approached Pensacola and the Florida panhandle.

Ivan blasts Gulf Coast

GULF SHORES, Ala. (AP) — Coast residents who spent a
Hurricane Ivan slammed ashore
early Thursday with winds of
130 mph, packing deadly force
does and a powerful punch for
waves and rain that hit the
Gulf Coast residents who spent a
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Thursday morning to find
that Ivan was not the
of the storm's force. The
Sally Gore

THE FRIDAY JEFFERSONIAN

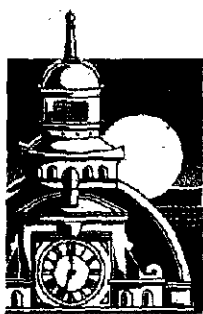
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BRIDGE, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1892

SEPTEMBER 17, 2004



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FEMA weighs our damage

RICK STILLION
THE DAILY JEFFERSONIAN

Now that the Federal Emergency Management Agency has completed preliminary damage assessments in Guernsey County, the "waiting

game" has begun as federal authorities tabulate damages to determine if Ohio — including Guernsey and Noble counties — is eligible for federal assistance. "What we do now is wait," said Guernsey County EMA

Director Gerry Beckner. "They have completed the preliminary damage assessments and now they will determine if the state receives a declaration and what counties are eligible. And, they will do that at their own pace."

Beckner said the state has declared a state of emergency in

14 counties in the wake of recent flooding, all of which have to be assessed before a state declaration can be made by federal officials.

"All we can tell people is the information will be made available through the local media

sources as soon as it is available," said Beckner. "We know when people need to see the paper and the radio to get the information they need."

That information will be made available through the local media sources as soon as it is available," said Beckner.

"We don't have to call everybody who has damage and the people with damage don't know," said Beckner. "So, it's that people check the media to the point Beckner said he can get the process assistance started by their insurance company requirement by FEMA. "Even if they don't have insurance, they can claim with the insurance company where the homeowners are," Beckner said. "FEMA will ask for a letter from the insurance company."

If they get that, now they will be prepared once the FEMA process is started," Beckner said.

As the rain pours down on Guernsey County, Beckner said, "It's a



Sean Scott/The Daily Jeffersonian

The Hall of Champions at the Guernsey County Fair was filled to the rafters on Thursday during the Junior Fair Livestock Sale. Inside the ring, Kayla King leads her grand champion market steer around while the bidding takes place.



Junior Fair sale hits a new record

RICK STILLION
THE DAILY JEFFERSONIAN

OLD WASHINGTON — Buyers at the Guernsey County Junior Fair Livestock Sale Thursday shelled out a record \$220,929 for 17 lots, smashing the previous record of \$220,929 set in 2001.

"Wow! Unbelievable," said county treasurer and long-time supporter and sale official Jim Caldwell, following the sale. "Where else in this world can you raise that amount of money in a short of a time period for the kids of Guernsey County?" and all thanks to the generosity of the buyers.

In 2001, Junior Fair Livestock Sale buyers spent \$220,929.

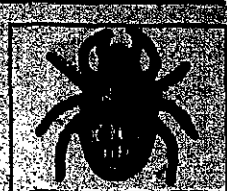
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The Kovels talk about
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BUSINESS, D-2



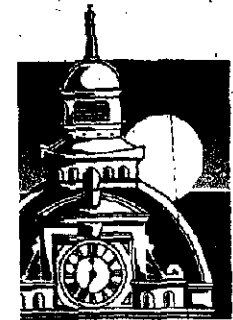
There's more to a
county fair than
animals. Take a
look at some of
Hall attractions
COMMUNITY

ABRIDGE, OH 43725

SOUTHEASTERN OHIO'S GREATEST HOME NEWSPAPER

ESTABLISHED 1890

DEPT. 1000



VOL. 110 NO. 299
Good morning!

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on page A-14

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First Frances, now Ivan; flood cleanup continues

JOHN LOWE
THE DAILY JEFFERSONIAN

The remnants of Hurricane Ivan closed businesses, canceled events and spurred recommendations of evacuations in various locations around Guernsey County.

A personal tragedy and other dramas occurred during the flood.

But the area was spared the sort of flooding Hurricane Francis caused the week before.

Officials at the Cambridge Water Plant reported 4.15 inches of rain fell during the period of the flood. Water was still rising at the plant at 7:30 p.m. Saturday but Water Plant personnel were uncertain of when the water would crest.

According to the Web Site of the National Weather Service, Wills Creek was to crest at 2 a.m. this morning (Sunday) at 21.5 feet, or 6.5 feet over flood stage.

The rainfall was far short of what fell the previous week, but it was enough to send water across roads and, among other things, disrupt the Guernsey County Fair.

Waters began rising early Friday and, by 11:19 a.m., officials were asking residents of Derwent to consider leaving their homes. Some 50 minutes later, officials learned that low-lying areas of Quaker City were starting to flood (see separate story).

On Saturday morning, Byesville police officers were asking residents of Peters Street to leave as waters rose in the village.

Later Saturday, water began to subside only to return in places in the late afternoon. At 6 p.m. Saturday, a portion of Main Street was closed, Ptl. Tim Haren said. Water also was encroaching on High Avenue.

A Senecaville area man died Friday afternoon. It was unclear whether the death was attributable to the flood.

At 2:19 p.m., an Ideal Road woman reported she had just come home and found her husband wasn't breathing right.

A deputy arrived at the scene and performed cardio-pulmonary resuscitation. Because of high water, the Lore City emergency squad could not get through.

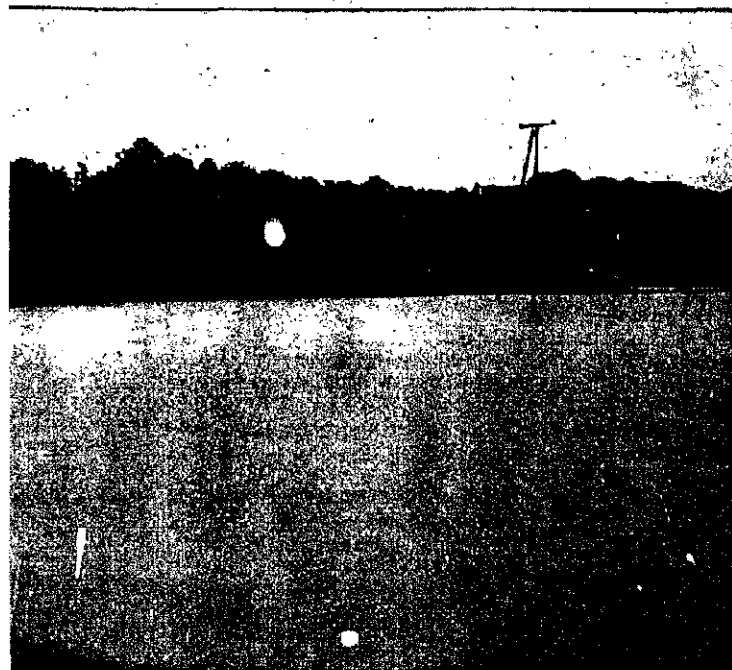


Flood waters Friday in the Broadway Street area of Quaker City. See story on page 2.



A birdhouse perched atop a stop sign appears to be the only thing
ened by flood waters in this photograph from the Abridge area.
United Ambulance personnel arrived
and, enroute to the hospital, were escorted
by a sheriff's deputy from Ideal Road
to the 10th Street Bridge in Byesville.
On Saturday at 1:22 a.m., a Wake-
Road man was reported to be ex-
ing severe problems in breathing.
Quaker City did not have a squad avail-
able and could not get past Route 302
because of high water. Officials here im-
mediately alerted Danesville police, who were able
to dispatch a squad that could get through.

Photo by Crystal Yargo



Kevin Macri/The Daily Jeffersonian

Caldwell remained closed Friday as flood waters escaped the banks of Duck Creek. This photo was taken at 4:30 p.m., water was crossing the eastern portion of the bridge. By nightfall, water was rushing over the bridge.

Noble County Sheriff Smith prohibits travel during flood

By

Noble County is calling for residents to avoid travel during the flooding caused by Hurricane Ivan. The situation is different from the flooding experienced in 1998, as there is more water on the ground.

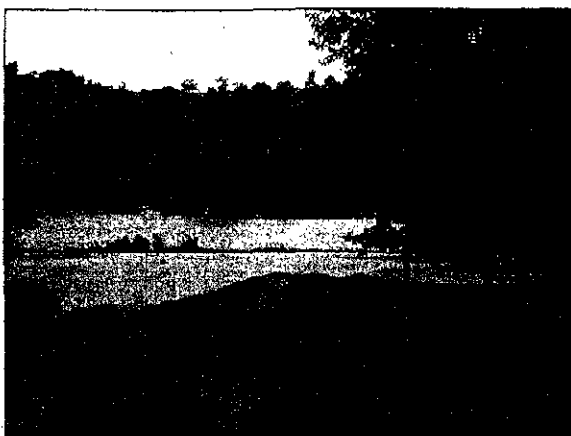
Sheriff Landon Smith said the county has emergency procedures except for travel. He said the county is not allowing travel until daybreak.

State officials said the high water was 77 feet. The high water was 8:20 p.m.

The flood waters are a "comparison" to the flooding of 1998.

There is more water on the ground than in 1998. Several other areas are also experiencing flooding. We were at 998 levels.

The Emergency Management Agency Director Landon Smith reported that the situation is critical.



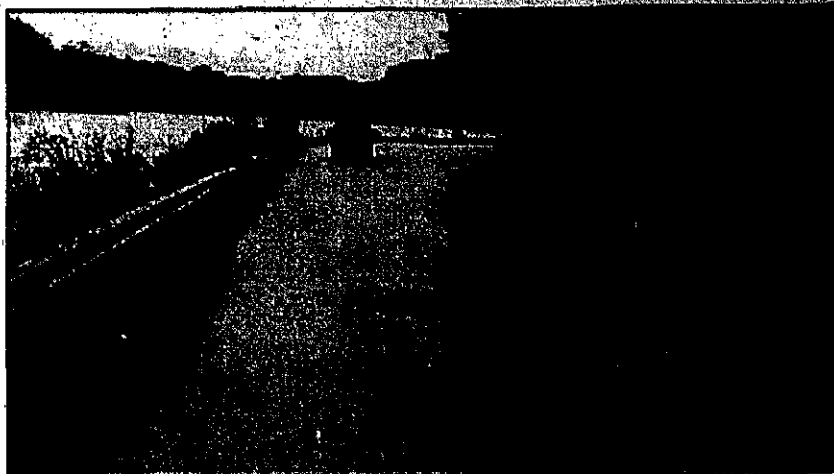
"This is a picture in front of my home taken at 1 p.m. on Friday. My home is located on State Route 147 between Sarahsville and State Route 78. My flood is headed toward Cambridge," wrote Bob Joy in an e-mail to The Daily Jeffersonian newsroom.

Valley Volunteer Fire Department sustained flooding. Four emergency shelters were in operation in the county.

In the eastern end of the county, customers on Yoker Valley Road were without phone service. Other sporadic phone problems were experienced throughout the county.

However extensive damage is estimated at the village's sewer plant facility. Langley also reported high water levels inside the village's municipal building. Damage estimates were not available however as of Friday evening.

Reports from the sheriff's office at 11 p.m., indicated Route 78 from Woodfield to



Kevin Macri/The Daily Jeffersonian

Flood waters from Hurricane Ivan covered Noble County Road 14 near Wolf Run State Park Lake on Friday, the only access road to the Noble County Emergency Management Agency Emergency Operations Center.



Sean Scott/The Daily Jeffersonian

A barricade put up by the Cambridge Street Department blocks the way through Linden Avenue into Eastmoor Addition on Saturday following Friday's day-long rain.



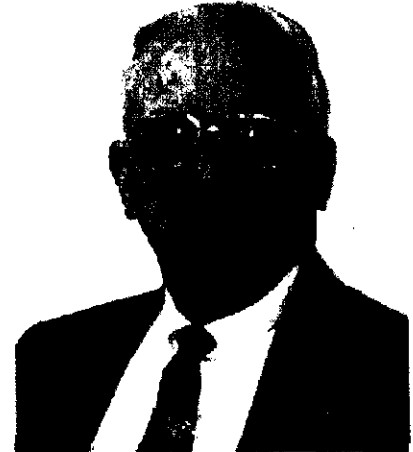
Sean Scott/The Daily Jeffersonian

Playground equipment at the park in Buffalo sits surrounded by water after Friday evening after rains from Hurricane Ivan drenched the eastern United States.

EDWARD A. BISCHOFF, P.E., P.S., PRESIDENT

Professional Background

As founder and president of Bischoff Miller & Associates, LLC, Edward Bischoff has extensive experience in planning, designing, constructing and administering utilities, drainage facilities, transportation systems, and municipal services. Mr. Bischoff's philosophy is to provide quality engineering services to public entities and private businesses at a reasonable price. He believes in providing clients with honest, professional advice that is in the best interest of their projects.



Mr. Bischoff's experience over the past forty years includes work in Asia, Europe and the United States. While in the United States Air Force and the Ohio Air National Guard, he served in Korea, France and Germany, as well as taking civil engineering teams to various Air Force Bases in the United States. One of the most challenging experiences was during his tour in Korea where, because of the massive build-up of personnel, the water treatment plants were in desperate situations. As the Director of Engineering and Construction for the Air Force in Korea, Mr. Bischoff was involved in developing and implementing solutions to improve these conditions. The water treatment plant at Kunsun Air Base was a diatomaceous earth plant with a demand almost twice its capacity. The plant's equipment was primarily Japanese, being operated by American and Korean operators. By coordinating the work of several Air Force agencies and the local Korean agencies, the capacity of the plant was quickly increased using temporary facilities until the permanent expansion could be built. His experience also includes work on wastewater collection and treatment systems of all sizes, utilizing a variety of equipment, materials, technology and treatment methods. He has been instrumental in the long ranging planning and growth for many community utility systems, including the formation of many water and/or sewer districts throughout the State of Ohio.

Mr. Bischoff also has extensive experience in non-complex roadway design and construction. As the former Consulting Engineer for both the City of Grove City and the Village of Powell, he was directly involved in numerous projects including non-complex roadway design, traffic control studies and plans, traffic signal plans, intersection design and improvements, street lighting, drainage plans and right-of-way relocation.

His common sense approach to business and engineering solutions has played a major role in the firm's success as well as its clients' success. Through his direction, Bischoff Miller & Associates, LLC develops programs to provide clients with much needed assistance in problem solving, creative planning and project financial strategies to develop workable solutions. Mr. Bischoff has always taken an active, innovative role in finding new solutions and establishing new industry standards. On several occasions, he has also provided support for his clients by serving as an expert witness in various legal proceedings. He and his firm continue to set engineering examples through superior service, unique mechanical layouts, state-of-the-art systems and environmentally sound solutions.

Mr. Bischoff's management style is evident in his passion for helping people succeed whether the association is that of employee, friend or client.

Professional Qualifications

B.S. Civil Engineering, The Ohio State University
Registered Professional Engineer (Ohio)
Registered Professional Surveyor (Ohio)
Lieutenant Colonel, United States Air Force (Retired)

Associations and Affiliations

Ohio Society of Professional Engineers
Triangle Fraternity
Engineers Foundation of Ohio (former President)
Math & Science Network of Central Ohio
Ohio Mathematics & Science Coalition
Ohio School Board Association

Delaware Jobs for Ohio Graduates
The Air Force Association
Delaware/Union County Education Svc. Ctr.
Delaware Area Career Center School Board
OSU Wetlands Advisory Board