



## PRESS-REGISTER

### Big fine proposed for sewer company

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The cross-connection of pipes that wound up patching a human waste line to a subdivision's drinking water supply has resulted in a proposed \$100,000 fine against Foley-based Baldwin County Sewer Service LLC.

The Alabama Department of Environmental Management made the action public Wednesday, along with a 14-page consent order.

The order details a host of errors in the heavily reported incident that for more than two months created the possibility of serious illness for residents of Dogwood Dells, a subdivision near Fish River.

The order indicates that the company has agreed to the fine – believed to be one of the largest ever imposed by ADEM against a private utility – though without admitting fault.

ADEM has given the company the option of taking certain remedial measures that, depending on how much money the company spends, could decrease the fine by a maximum of \$75,000.

Clarence Burke Jr., the owner of Baldwin County Sewer Service LLC, signed the order, which won't become final until after a 30-day public comment period and ADEM's review of those comments.

Attempts Thursday afternoon to reach Burke or the company's lawyer were unsuccessful, as were efforts to reach the lawyer for the city of Fairhope.

Earlier this year, residents of the Dogwood Dells subdivision sued the company and the city of Fairhope in Baldwin County Circuit Court.

The lawsuit, which remains active, claims that as a result of the sewer line mix-up, the plaintiffs "cooked with raw sewage, drank raw sewage, bathed in raw sewage, brushed their teeth with raw sewage, cleaned their homes and personal property with raw sewage and served raw sewage to their families and friends over a period of several months."

The state's environmental regulatory agency did not find that anyone became ill as a result of the cross-connection but concluded that the error created "the potential for exposure to pathogens, which could possibly cause serious illness."

According to a narrative of events in the ADEM order, the first error was made by city of Fairhope crew.

Henry "Rusty" Coker, who owns a lot in the subdivision, had requested sewer service for a travel trailer he used on the weekends and occasionally during the week. Before this could be done, Fairhope had to locate its water lines on the property by marking them for the sewer crew to see.

The city crew, however, made a marking across the street from its water line. The sewer company crew – "in reliance upon Fairhope's indication of the water line" – then excavated an area where they expected to find one of their sewer lines, but where there actually was a water line.

The company's sewer pipes are blue, and the city's water lines are white. The line dug up by the company workers was white, which according to ADEM, should have alerted them that they'd dug up a water line.

The company said its workers said the line "emitted a foul odor," so they assumed it was the sewer line. They then "inadvertently connected the sewer" line from the Coker lot to the Fairhope water line that fed the subdivision, according to the order.

On Sept. 19, 2005, the company installed a pump to begin service, thus "creating, for the first time, the deposition of human waste from the Coker travel trailer into Fairhope's drinking water supply whenever the travel trailer was occupied," the order states.

According to ADEM, the sewage would have only entered the water line when the Cokers emptied wastewater into a 30-gallon sewage holding tank on their property. As the Press-Register reported, Fairhope received numerous complaints from residents but found no contaminants when it sampled the water.

Fairhope officials told the paper they tested again Nov. 28, found problems, traced the water line and found the connection to Baldwin County Sewer Service's line. The company was alerted and offered temporary alternative housing to residents, which ADEM cited as a mitigating factor in the company's favor.

Despite finding that the two lines had been cross-connected, the agency concluded that it was "difficult to determine whether any wastewater was actually introduced into the Fairhope water line."

"However, even if no wastewater was actually transmitted into the Fairhope water line, an unacceptable risk of contamination was created by the cross-connection," ADEM concluded.

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