

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS

City of Seneca, South Carolina,
City of Westminster, South Carolina, and
County of Oconee, South Carolina

Plaintiffs,

vs.

Pioneer Rural Water District of Oconee and
Anderson Counties,

Defendant.

Pioneer Rural Water District of Oconee and
Anderson Counties,

Third-Party Plaintiff,

vs.

Oconee Joint Regional Sewer Authority,

Third-Party Defendant.

CASE NO.: 2017-CP-37-00187

**AFFIDAVIT
OF JOSH FOWLER**

Personally appeared before me the undersigned, who, first being duly sworn, deposes and states the following:

1. My name is Josh Fowler. I am over eighteen (18) years of age and otherwise competent to make this affidavit. Except as expressly indicated otherwise, this affidavit is based on my personal knowledge, as well as my experience and training related to water systems.
2. I am the Director of Water and Wastewater Services at SynTerra Corporation in Greenville, South Carolina. I provide engineering consulting services to municipal and special purpose district clients in the Southeast. I have over twenty years of experience working in the

utility industry. My clients have included municipalities, county governments, and special purpose districts including rural water districts, all but one of which were in the State of South Carolina. For twelve years I was a Professional Engineer with Design South Professionals, Inc. ("Design South"), where I was primarily focused on water and wastewater utilities and worked on over \$100,000,000.00 of water and wastewater capital projects.

3. I have a bachelors' degree in Civil Engineering from the Georgia Institute of Technology, and an MBA from Clemson University. I have been a licensed Professional Engineer since 2002, and I am currently licensed in both South Carolina and Georgia. I have been a member of the American Water Works Association and the Water Environment Federation for over a decade. I am a member of the National Society of Professional Engineers and a former board member and President of the Educational Foundation of the National Society of Professional Engineers – South Carolina Chapter. I was the South Carolina Young Engineer of the Year in 2004 and the Piedmont Chapter Engineer of the Year in 2013. I was the design engineer for a project in Anderson County that won the 2007 National Tank of the Year Award.

4. The purpose of rural water districts is to provide water to underserved rural areas that would not otherwise have a stable, reliable, safe source of clean drinking water. It is my understanding that Pioneer Rural Water District of Oconee and Anderson Counties ("Pioneer") was founded for such a purpose. In my judgment, it would make little sense to create a rural water district for this purpose but to deprive it of the ability to treat water, which is a core part of the function of providing safe and reliable water.

5. There are many other special purpose, rural water districts in South Carolina that have constructed and/or operate water treatment facilities to treat the water that is distributed to their service areas. Those known to me include:

- a. Beech Island Rural Community Water and Sewer District (“BIWD”) is a South Carolina Special Purpose District established in 1965 to provide water service to the community of Beech Island as well as outlying areas of both Jackson and Warrentonville. That same year, the district obtained a federal grant to construct a “water works system” which included a treatment facility. In 2008, a \$6,971,200.00 loan was approved by USDA Rural Development for the extension and upgrade of their system, to include its water treatment.
- b. Easley Central Water District is a South Carolina Special Purpose District, which operates its own water treatment plant to treat water drawn from Twelve Mile Creek. The district also purchases water wholesale from Easley Combined Utilities to provide to some of its customers.
- c. Gaston Rural Community Water District is a South Carolina Special Purpose District, which draws its water supply from wells and treats the water before distribution within its service area.
- d. Georgetown County Water and Sewer District is a South Carolina Special Purpose District, which operates two water treatment facilities.
- e. Gilbert-Summit Rural Water District is a South Carolina Special Purpose District, which operates its own treatment plant.
- f. Grand Strand Water and Sewer Authority is a South Carolina Special Purpose District, which operates two water treatment plants.
- g. Lancaster County Water and Sewer District is a South Carolina Special Purpose District, which operates its own water treatment plant.

- h. Laurens County Water and Sewer Commission ("LCWSC") is a South Carolina Special Purpose District, which currently purchases water from the City of Laurens Commission of Public Works ("CPW") and the City of Clinton. For several years, LCWSC has been working to build a water treatment facility on Lake Greenwood. The final design and construction of the facility has been estimated at \$30,000,000.00. Once operational, Laurens anticipates that it will no longer purchase water from CPW or the City of Clinton.
- i. Startex-Jackson-Wellford-Duncan Water District is a South Carolina Special Purpose District, which operates its own water treatment facility to treat water from the Middle Tyger River and the North Tyger River before distribution to its customers in western Spartanburg County.
- j. Saluda County Water and Sewer Authority ("SCWSA") is a South Carolina Special Purpose District. SCWSA is in the process of constructing a water treatment facility with funds from United States Department of Agriculture Rural Development to source water from Lake Murray and treat it before distribution to its customers.
- k. Talatha Rural Community Water District is a South Carolina Special Purpose District established in 1967 for the purpose of providing a "waterworks system." The district sources its water from three wells in the Tuscaloosa Aquifer, which it then treats before distribution to its customers.
- l. Woodruff-Roebuck Water District is a South Carolina Special Purpose District, which operates its own water treatment plant. Prior to construction of

its own water treatment plant which opened in 2013, the district purchased its water supply wholesale from Spartanburg Water. According to its website, the completion of the plant was the result of “a decades-long process to secure alternative water sources for the region.”

6. In my professional experience, the term “waterworks” is commonly and consistently used to include water treatment facilities. Raw water obtained from any water supply in South Carolina must first be treated before it can be distributed for use and consumption.

7. The American Water Works Association describes itself as “the largest nonprofit scientific and educational association dedicated to managing **and treating** water.”

(<https://www.awwa.org/about-us.aspx>). Dictionary definitions of “waterworks” consistently include the concept of the purification or treatment of water; in my judgment and experience this inclusion is correct and appropriate:

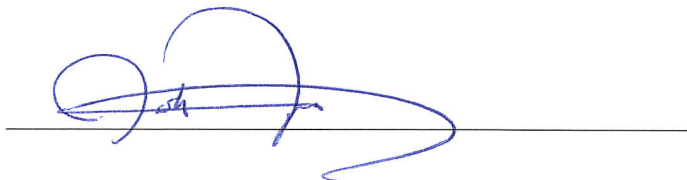
- a. “the system of reservoirs, channels, mains, and pumping **and purifying equipment** by which a water supply is obtained and distributed (as to a city).” *Merriam-Webster.com*, Merriam-Webster (accessed: April 28, 2017) (emphasis added);
- b. “a system of building and pipes in which a public supply of water is stored **and cleaned** and from which it is sent out.” *Cambridge Academic Content Dictionary*, Cambridge University Press (accessed: April 28, 2017) (emphasis added);
- c. “a complete system of reservoirs, pipelines, conduits, etc., by which water is **collected, purified**, stored, and pumped to urban users.... A pumping station

or a purifying station of such a system.” *Dictionary.com Unabridged.*

Random House, Inc. (accessed: April 28, 2017) (emphasis added);

8. During my tenure at Design South, I was involved in conducting a present net-worth analysis on behalf of Pioneer for the construction of a water treatment facility (the “Facility”) to be added to the Pioneer waterworks system. I concluded that it is more economical for Pioneer and its ratepayers to build the Facility than to continue to rely on the purchase of wholesale water from the cities of Seneca and Westminster.

FURTHER AFFIANT SAYETH NOT.



SWORN TO AND SUBSCRIBED before
me this 2 day of May, 2017



Notary Public, State of South Carolina

My Commission Expires: _____
My Commission Expires
May 13, 2020