

AFFIDAVIT OF JOHN HARSHBARGER

1. My name is John Harshbarger.
2. I am over the age of 18, am of sound mind, and have personal knowledge of the facts contained herein.
3. I am the President of the Town Council for the Town of Andrews, Indiana.
4. As a part of my duties as President of the Andrews Town Council, I oversee the Utilities Department which includes the Town's Water Department.
5. I have been a member of the Andrews Town Council since January 1, 2012.
6. In connection with my role on the Andrews Town Council, I am familiar with the Town's Water Plant and Utilities.
7. Attached as Exhibit A are true and accurate copies of well logs for the Town's Water Plant from January 1, 2009 through June 16, 2020. These logs show the amount pumped by each of the three town wells. The columns labeled WELL 1, WELL 2, and WELL 3 show the total volume pumped since the last time the meter was reset. The numbers in the column labeled PUMPED show the daily gallons pumped by each well. The numbers in the column labeled PUMPED must be multiplied by 1,000 to show the actual gallons pumped on each day.
8. In connection with my role as President of the Town Council for the Town of Andrews, I have reviewed the Town's well logs and made myself familiar with their contents.
9. During January and most of February of 2009, Municipal Well 1 was out of service for mechanical reasons.
10. Municipal Well 1 was put back in service on February 27, 2009 and continued to operate with limited interruption until February 23, 2012.
11. Starting in the early part of 2012, the Town began receiving complaints about the

odor and taste of the water. In response to those complaints, I worked with the Utilities Department to try to determine a solution.

12. On February 23, 2012, as a possible solution to the complaints regarding the odor and taste of the water, we shut off Municipal Well 1 and stopped using it.

13. Between February 23, 2012 and March 11, 2012, with Municipal Well 1 shut off, the complaints regarding odor and taste stopped.

14. On March 12, 2012, we turned Municipal Well 1 on and started using it again.

15. We used it for three days and the complaints concerning odor and taste started again.

16. Therefore, on March 15, 2012, we shut off Municipal Well 1 permanently and stopped using it except on rare occasions when we needed extra water for the Fire Department, when we had a leak from our piping system, or during brief periods when Municipal Wells 2 or 3 needed servicing.

17. Beginning in approximately early May 2020, we began having problems supplying the Town with sufficient water because the pumping capacity of Municipal Wells 2 and 3 had decreased and was no longer sufficient to meet the Town's needs.

18. Because of the decreased pumping capacity of Municipal Wells 2 and 3, the only way we can currently provide sufficient water to the Town is by using Municipal Well 1.

19. Therefore, on May 7, 2020, we turned on Municipal Well 1, and started using it again.

20. The Andrews Town Council discussed this during our June 8, 2020 Council Meeting.

21. During the meeting, it was brought to our attention by the Utilities Department

that there had been a disruption in the air stripping equipment during the prior weekend.

22. We are extremely concerned that if the air stripping equipment is not working properly, the Town's drinking water will be contaminated because we know the Town's Municipal Wells are currently contaminated, and the only thing protecting the Town's drinking water is the air stripping system.

23. The Town does not have access to the air stripper building, and to our knowledge it is locked at all times.

24. Even if the Town had access to the air stripper building, the Town does not have the personnel or the expertise to ensure that the air stripper is working properly.

25. The Town has also been having problems keeping its chlorine levels properly adjusted because the flow of water from the air stripper building to the Town's water plant has been irregular and inconsistent.

26. The Town is also extremely concerned that is not timely being informed when the air stripper is not working properly.

27. Attached as Exhibit B is a screenshot of the SCADA Report that the Town receives when there are malfunctions to its Utilities.

28. On June 6, 2020, the Town's Clear Well overflowed and damaged some recent repairs to the system.

29. The reason the Town's Clear Well overflowed was because of significantly increased volume flowing from the air stripper building, indicating that the air stripping equipment was malfunctioning.

30. Attached as Exhibit C is a photograph of the Town's Clear Well and Water Plant.

31. The overflow from the air stripper building was so significant that it caused water

to break through the seals on the top of the tank.

32. The Town was not informed that there were problems with the air stripping equipment.

33. Because of the Town's concern, they contacted Stantec who informed them that there had been an alarm on Friday night.

34. Stantec indicated that they would try to reset the system remotely, but did not offer to send anyone to check the system until Tuesday, June 9, 2020.

35. According to the SCADA Report, the Town continued to have high level problems in its Clear Well continuing until at least Wednesday, June 10, 2020.

36. The Town does not believe that the air stripping system is providing adequate protection to its drinking water supply.

37. Municipal Well 1, which the Town is now forced to use, has vinyl chloride in it at levels that are over ten times higher than the maximum contaminant level for drinking water.

38. The Town is concerned that when the air stripper is not working properly its drinking water is not safe.

39. When the air stripping system was first installed, the Town was told that it would be a temporary system and that it would only be needed until the contamination was cleaned up.

40. That was over 25 years ago and the Town's Municipal Well 1 remains dangerously contaminated with hazardous chemicals.

41. The Town would like the Court to issue an order requiring that the contamination in its groundwater aquifer be cleaned up to non-detect levels.

42. Further affiant sayeth naught.

43. I affirm, under the penalties for perjury, that the foregoing representations are true

and correct.

6/17/20
Date

John Harshbarger
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