PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. _____

TOWN OF WORTHINGTON, MARION COUNTY,
a municipal sewer utility.

Petition of Deborah Heflin for a determination that the Town of Worthington sewer utility is a distressed utility.

PETITION TO INITIATE A PROCEEDING UNDER W. VA. CODE § 24-2H-6

Petitioner, a customer of the sewer utility owned and operated by the Town of Worthington, petitions the Commission under W. Va. Code § 24-2H-6(a) and Sewer Rule 10.3.1, 150 C.S.R. 5, to open a proceeding to determine whether that utility is a distressed utility, and states as follows.

1. Petitioner is Deborah Heflin, whose mailing address is Post Office Box 346, Worthington, West Virginia 26591-0346. Petitioner resides within the Town of Worthington, receives sewer service from the Town at her residence, and pays rates to the Town for that service.

2. W. Va. Code § 24-2H-6(a) authorizes a proceeding under Article 2H to be initiated by any person or entity having a legal interest in the financial, managerial, or operational condition of the utility. Sewer Rule 10.3.1 provides that the Commission may, upon the petition of such a person or entity, open a proceeding to investigate whether a utility is distressed or failing. As a ratepayer who receives service from and pays rates to the Respondent, Petitioner has such an interest.

3. Petitioner names the Town of Worthington as Respondent, as W. Va. Code § 24-2H-6(a) requires.

4. The Respondent owns and operates a wastewater collection and treatment system designed to serve the Town of Worthington, the Greater Marion Public Service District, and a portion of the Greater Harrison Public Service District under WV/NPDES Permit No. WV0100285.

5. The Respondent's Plan of Corrective Action identifies West Virginia Department of Environmental Protection Order No. 10174, issued under the Water Pollution Control Act, W. Va. Code §§ 22-11 and 22-12, following documented violations of Permit No. WV0100285. Exhibit B.

6. The Respondent has submitted seven versions of a Plan of Corrective Action in connection with Consent Order No. 10174, dated August 6, 2025, August 28, 2025, October 10, 2025, November 20, 2025, December 22, 2025, April 30, 2026, and May 26, 2026. Exhibit A. The Respondent's own filing refers to the issuance of Consent Order No. 10174 and the denial of previous Plans of Corrective Action. Exhibit B.

7. An inspector with the Department of Environmental Protection conducted a site inspection on April 22, 2026 and reported on April 24, 2026 that he had reviewed discharge monitoring reports for the preceding six months and found ten exceedances of effluent limitations within the single month for which samples had been taken. Exhibit C.

8. W. Va. Code § 24-2H-3(a)(1)(A) and Sewer Rule 10.1.1(1)(a) define a distressed utility, in relevant part, as a water or wastewater utility that, for financial, operational, or managerial reasons, is in continual violation of statutory or regulatory standards of the Department of Environmental Protection that affect the safety, adequacy, efficiency, or reasonableness of the service provided by the utility. The violations, corrective-action history, and April 2026 effluent exceedances described above provide factual data supporting investigation of whether the Respondent meets that definition.

9. Exhibits A through C constitute factual data supporting the justification for the requested proceeding that Petitioner has available at the time of filing, as W. Va. Code § 24-2H-6(a) requires. Those exhibits are excerpts of the Respondent's filing to the Executive Secretary dated May 29, 2026, made in Case Nos. 26-0030-S-C through 26-0050-S-C, which is already in the Commission's records in its entirety.

RELIEF REQUESTED

10. Petitioner requests that the Commission open a proceeding under W. Va. Code § 24-2H-6(a) and Sewer Rule 10.3.1 to determine whether the Town of Worthington sewer utility is a distressed utility.

11. Petitioner requests that the Commission hold the evidentiary and public comment hearings required by W. Va. Code § 24-2H-6(b) and Sewer Rule 10.4.1 in the Respondent's service area.

12. Petitioner requests that, in determining whether the Respondent is a distressed utility, the Commission consider the factors required by W. Va. Code § 24-2H-5(a) and Sewer Rule 10.3.5, including the Respondent's financial, managerial, and technical ability; the level of expenditures necessary to assure compliance with applicable statutory and regulatory standards and the impact of those expenditures on customer rates; the opinion and advice of the Department of Environmental Protection; and any other relevant matter.

13. Petitioner requests that, following the evidentiary hearing, the Commission enter the final order required by W. Va. Code § 24-2H-7(a) and Sewer Rule 10.4.4 stating whether the Respondent is a distressed or failing utility and identifying the capable proximate utilities, if any.

Respectfully submitted,

_____

Deborah Heflin, Petitioner, *pro se*

Post Office Box 346
Worthington, West Virginia 26591-0346

deborahkheflin@gmail.com

Dated: _____, 2026

EXHIBITS

The following exhibits are attached to this Petition.

Exhibit A. Town of Worthington filing to the Executive Secretary dated May 29, 2026: cover page bearing the Commission's receipt stamp, the service list identifying Case Nos. 26-0030-S-C through 26-0050-S-C, and the Plan of Corrective Action page listing the seven submission dates.

Exhibit B. Town of Worthington Plan of Corrective Action, Version 7, May 2026: introduction and system information identifying Order No. 10174, and Section D referring to the issuance of Consent Order No. 10174 and the denial of previous Plans of Corrective Action.

Exhibit C. Electronic mail from James D. McClain, Environmental Inspector Supervisor, West Virginia Department of Environmental Protection, dated April 24, 2026, reporting observations from the April 22, 2026 site inspection.

EXHIBIT A

Town of Worthington filing to the Executive Secretary dated May 29, 2026: cover page bearing the Commission's receipt stamp, the service list identifying Case Nos. 26-0030-S-C through 26-0050-S-C, and the Plan of Corrective Action page listing the seven submission dates.

TOWN OF WORTHINGTON
WORTHINGTON, WV 26591

304 -287-2238
304-287-2288 fax
Karen Buckley
Executive Secretary
WV Public Service Commission

03:56 PM MAY 29 2026 EXEC SEC

This respond is in answer to staff recommendations on May 27, 2026.

Town of Worthington

TOWN OF WORTHINGTON
WORTHINGTON< WV 26591

RE: Case No. 26-0030-S-C
Nancy Willis
v.
Town of Worthington

Case No. 26-0031-S-C
Donald Leonard
v.
Town of Worthington

Case No. 26-0032-S-C
Janet Leonard
v.
Town of Worthington

Case No. 26-0033-S-C
Helena Tobrey
v.
Town of Worthington

Case No. 26-0034-S-C
Nancy Lee
v.
Town of Worthington

Case No. 26-0035-S-C
William Tobrey
v.
Town of Worthington

Case No. 26-0036-S-C
Regina Humphrey
v.
Town of Worthington

Case No. 26-0037-S-C
James Funk
v.
Town of Worthington

Case No. 26-0038-S-C
Tony Orsini
v.
Town of Worthington

Case No. 26-0039-S-C
William D. Murray
v.
Town of Worthington

Case No. 26-0040-S-C
James D. Hess, Jr.
v.
Town of Worthington
26-0041-S-C
26-0042-S-C

v.
Town of Worthington

Case No. 26-0043-S-C
Betty L. Miller
v.
Town of Worthington

Case No. 26-0044-S-C
Deborah J. Slick
v.
Town of Worthington

Case No. 26-0045-S-C
Andrea Zaleski
v.
Town of Worthington

Case No. 26-0046-S-C
Naomi Lemley
v.
Town of Worthington

Case No. 26-0047-S-C
Doug Starcher
v.
Town of Worthington

Case No. 26-0048-S-C
Joseph W. Heater
v.
Town of Worthington

Case No. 26-0049-S-C
Brenda L. VanGilder
v.
Town of Worthington

Case No. 26-0050-S-C
Riley Hardesty
v.
Town of Worthington

TOWN OF WORTHINGTON
MARION COUNTY, WEST VIRGINIA
PLAN OF CORRECTIVE ACTION

Permit:

WVNPDES Permit No. WV0100285

Facility Name:

Town of Worthington Wastewater Treatment Plant

Location:

Worthington, Marion County, West Virginia

Contact Information:

Debra Heflin, Mayor
247 Main Street
Worthington, West Virginia 26591
Phone Number: (304) 287-2238

Plan of Corrective Action Submission Dates:

Version 1 – August 6, 2025
Version 2 – August 28, 2025
Version 3 – October 10, 2025
Version 4 – November 20, 2025
Version 5 – December 22, 2025
Version 6 – April 30, 2026
Version 7 – May 26, 2026

EXHIBIT B

Town of Worthington Plan of Corrective Action, Version 7, May 2026: introduction and system information identifying Order No. 10174, and Section D referring to the issuance of Consent Order No. 10174 and the denial of previous Plans of Corrective Action.

I. INTRODUCTION

This Plan of Corrective Action (POCA) is submitted by the Town of Worthington in response to the requirements outlined in **Order No. 10174**, issued by the West Virginia Department of Environmental Protection (WVDEP) under the authority of the Water Pollution Control Act (WV Code §§22-11 and 22-12). The Order was issued following multiple documented violations of the Town's WV/NPDES Permit No. WV0100285, including effluent exceedances, improper operation and maintenance of treatment facilities, failure to submit required reports, and unauthorized discharges.

The purpose of this POCA is to present a comprehensive and actionable plan to bring the Town's wastewater treatment and collection systems into full compliance with the terms and conditions of its NPDES permit and applicable state and federal regulations.

The Town acknowledges the seriousness of these violations and is committed to implementing all necessary corrective actions. This POCA outlines current system conditions, reviews past efforts, and proposes a detailed schedule for achieving compliance. It includes provisions for addressing inflow and infiltration (I&I), sludge management, operator certification, and long-term system upgrades.

The Town of Worthington respectfully requests WVDEP's review and approval of this revised POCA and affirms its intent to comply with all requirements and deadlines set forth herein.

This revised Plan of Corrective Action incorporates feedback received from the West Virginia Department of Environmental Protection during the March 31, 2026 coordination meeting and reflects system conditions, staffing, and funding status as of April 2026.

II. SYSTEM INFORMATION

The Town of Worthington's wastewater system is designed to serve a population equivalent of approximately 5,000 residents, including the Town itself, the Greater Marion Public Service District, and a portion of the Greater Harrison Public Service District. The system operates under WV/NPDES Permit No. WV0100285 and discharges treated effluent through Outlet No. 001 to the West Fork River.

The collection system is a hybrid of vacuum, pressure, and gravity sewer infrastructure. It includes approximately 78,400 linear feet of vacuum sewer lines ranging from 3 to 8 inches in diameter, and 35,600 linear feet of gravity sewer lines ranging from 4 to 8 inches. The system also includes three vacuum/lift stations, 63 manholes, five cleanouts, and approximately 2,520 linear feet of force mains. Vacuum valves and other appurtenances are installed throughout the system to facilitate isolation and maintenance of individual service areas.

Wastewater is conveyed to a 0.35 MGD extended aeration treatment facility. The plant includes a micro bar screen for preliminary solids removal, a large equalization basin (121 feet by 164 feet), and an aeration basin (126 feet by 126 feet) equipped with a single baffle and twenty-horsepower surface aerators.

D. Treatment System Corrective Actions

Since the issuance of Consent Order No. 10174 and the denial of previous Plans of Corrective Action, the Town of Worthington has implemented several improvements at the wastewater treatment plant and developed plans for additional corrective measures. A major step forward was the installation of a new programmable logic controller (PLC) for the mechanical bar screen on July 9, 2025, which has restored functionality of the mechanical bar screen. Solids previously stored on-site near the discharge area have been properly removed and disposed of in accordance with permit requirements. Chemical storage practices have also been corrected, with caustic soda drums relocated into secondary containment areas to ensure compliance.

Operational adjustments have been introduced to minimize effluent parameter exceedances. These include daily equipment checks, clarifier depth monitoring, and improved sludge management practices. However, sludge handling remains a critical challenge. The belt press used for sludge dewatering is currently non-operational. Although the belt press was installed new in approximately 2012 and appears to be in relatively good condition, several issues have been identified, including missing or broken piping and a faulty compressor motor. The Town has engaged West Virginia Rural Water in collaboration with a qualified third party and has conducted a comprehensive assessment of the belt press and developed a parts list. Currently, repairs are too costly for the town to fund internally, so the town will continue to seek funds to address the issues. Should funds not be made available before the submission of the Facility plan, then measures will be outlined in the facility plan to repair the belt press. Until the belt press is restored to service, solids will continue to be removed from the digester by a licensed septage hauler as needed to prevent overflow. Currently, the septage hauler is contacted, and sludge is removed on an as-needed basis, based on daily visual inspections.

Additional improvements are planned to address structural and process deficiencies. Vegetation removal and baffle repairs in the aeration pond remain incomplete due to lack of funding. The lagoon is currently estimated to be ten to twelve feet deep and contains a significant accumulation of sludge. To address this, the Town will develop a sludge profile with assistance from the West Virginia Rural Water Association. Quality samples will also be collected and analyzed to determine appropriate disposal or treatment options. The Town, in conjunction with WVRWA, is currently obtaining the necessary equipment to perform the work. It is anticipated that the in-field work will be completed within 30 days of all necessary equipment being obtained and with the profile being developed within 90 days after the completion of the field work. These upgrades are critical for restoring proper flow patterns and reducing solids carryover, thereby improving effluent quality. The Town will continue to seek funding and anticipates bidding a project once funding is available to have the sludge removed.

Electrical reliability has also been addressed. The step-down transformer that failed during a previous flooding incident has been replaced, and critical plant equipment has been rewired to the on-site generator to ensure uninterrupted operation during power outages. In addition, Vacuum Station No. 2 has been rehabilitated, including repairs to the equilibrium pipe for the vacuum station tank and pump, restoring full functionality. The town has also contracted a third party to evaluate the electrical components of the treatment plant and provide recommendations for potential upgrades.

EXHIBIT C

Electronic mail from James D. McClain, Environmental Inspector Supervisor, West Virginia Department of Environmental Protection, dated April 24, 2026, reporting observations from the April 22, 2026 site inspection.

Gmail Town of Worthington <worthingtontownof@gmail.com>

Town of Worthington Inspection Follow-Up

McClain, James <james.mcclain@wv.gov> Fri, Apr 24, 2026 at 12:45 PM
To: worthingtontownof@gmail.com, elizabethfletcher@wvrwa.org, "darrickarbogast072920@gmail.com" <darrickarbogast072920@gmail.com>, cwcservices@protonmail.com
Cc: Kimi J Ely <kimi.j.ely@wv.gov>

All,

Sorry for the delay in this email. This will serve as a follow-up to the site inspection conducted on Wednesday April 22, 2026. This email includes a general overview of observations from our inspection, but a more detailed inspection report outlining all current compliance efforts and observed deficiencies will be provided upon completion. Let me know if you have any questions and/or concerns you'd like to speak on prior to the report finalization.

1. There were a few issues noted at the treatment pond, mainly that there is still observable vegetation present, as well as some dried and drying sewage solids along the banks which need removed. The upturned surface aerator also needs to be removed and repaired or rebuilt when time allows.
2. The EQ pond looked the best I had ever seen, with the appropriate levels of freeboard. I told Darrick and Beth that maintaining that level should be the goal.
3. The effluent within the clarifiers and chlorine contact tank was very turbid the day of inspection. Along with this, I observed sewage solids escaping the weir within the clarifiers. This sludge will need to be removed from the weirs after appropriate sludge levels have been reestablished within the clarifiers.
4. The discharge looked clear at the time of inspection. There is a buildup of algae and what appeared to be some sewage solids on the steps from the outlet to the West Fork River. I told Darrick that cleaning these should be part of the plant's normal maintenance (we usually suggest once or twice a year).
5. Overall, the plant appears to have an abundance of solids buildup. Darrick was set to get a level on this soon, which should help troubleshoot what needs to be done on that front (likely removal of liquid sludge). In that vein, we discussed the need to address the belt press for a more consistent solids removal option.
6. Compliance assistance was provided on avoiding potential spills of your chlorination and dechlorination chemicals when CITCO comes to unload them. Kimi observed some discoloration below one of the valves, potentially indicating some loss of material, likely during unloading.
7. There is some confusion on the flow path for the plant (i.e. where influent and effluent pipes come in and out of the plant, the flow path for water to and from the EQ basin, etc). I believe Adam from Rural Water is working on/will be working on finding a design map for the plant. This is something that we would like to have within the plant records review, if possible.
8. There were some missing logs and records that Beth and I discussed which will need to be maintained moving forward. These include: Semiannual I/I logs and pH and TRC calibration logs.
9. I reviewed DMRs for the previous six months. During the singular month where samples had been taken, there were ten (10) exceedanes of your effluent limitations. Though I will not be including March's numbers in this report, since I inspected before their due date, there were also a number of exceedances seen on the lab analytical sheet from Pace. Overall, fixing and implementing changes for the above described deficiencies will hopefully get these numbers better in line.
10. Vac Station 1 and 2 were running well during the inspection.
11. The Jade Court Grinder Station was near capacity at the time of inspection.

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James D. McClain
West Virginia Department of Environmental Protection
Environmental Enforcement
Environmental Inspector Supervisor - NW Region
1000 Technology Drive, Suite 3220
Fairmont, West Virginia 26554
Office: 304-368-3960

CERTIFICATE OF SERVICE

I certify that on the date written below I served a copy of the foregoing Petition, including Exhibits A through C, by first class United States mail, postage prepaid, on the following.

Town of Worthington
Post Office Box 265
Worthington, West Virginia 26591

_____

Deborah Heflin

Dated: _____, 2026