



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Michael W. Hassell

mhasell@postschell.com
717-612-6029 Direct
717-731-1985 Direct Fax
File #: 167578

January 23, 2017

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of The York Water Company for an Expedited Order Authorizing Limited
Waivers of Certain Tariff Provisions and Granting Accounting Approval to Record
Cost of Certain Customer-Owned Service Line Replacements to the Company's
Services Account
Docket No. P-2016-2577404**

Dear Secretary Chiavetta:

Enclosed please find the Joint Stipulation of Facts in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Michael W. Hassell

MWH/skr
Enclosure

cc: Honorable Elizabeth Barnes
Certificate of Service

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Phillip C. Kirchner, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street - 2 West
P.O. Box 3265
Harrisburg, PA 17105-3265

Christine M. Hoover, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place 5th Floor
Harrisburg, PA 17101-1923

Date: January 23, 2017



Michael W. Hassell

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of The York Water Company for	:	
an Expedited Order Authorizing Limited	:	
Waivers of Certain Tariff Provisions and	:	
Granting Accounting Approval to Record	:	Docket No. P-2016-2577404
Cost of Certain Customer-Owned Service	:	
Line Replacements to the Company's	:	
Services Account	:	

JOINT STIPULATION OF FACTS

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

The York Water Company ("York Water" or the "Company"), the Office of Consumer Advocate ("OCA"), and the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation & Enforcement ("I&E"), all parties to the above-captioned proceeding (hereinafter collectively referred to as the "Stipulating Parties"), hereby file this "Joint Stipulation of Facts" ("Stipulation") in the above-captioned proceeding. In support of the Stipulation, the Stipulating Parties represent as follows:

I. BACKGROUND

1. Concurrent with this Stipulation, the Stipulating Parties are filing a Joint Petition for Settlement ("Settlement") that resolves all issues in the above-captioned proceeding. The Settlement was reached after an investigation of York Water's filing, including informal discovery and settlement discussions. The Settlement is the product of compromise between and among the Stipulating Parties concerning their respective positions taken in this proceeding.

2. Because of the efforts of the parties to conserve time and resources through settlement, no testimony has been served in this proceeding. In lieu of moving to admit testimony into the record, the Stipulating Parties have executed the Stipulation set forth herein.

II. STIPULATION OF FACTS

3. The Stipulating Parties hereby stipulate to the admission of York Water's Petition for an Expedited Order Authorizing Limited Waivers of Certain Tariff Provisions and Granting Accounting Approval to Record Cost of Certain Customer-Owned Service Line Replacements to the Company's Services Account ("Petition") into evidence in this proceeding. A copy of York Water's Petition is attached hereto as **Exhibit A**.

4. The Stipulating Parties hereby stipulate to the admission of the "Consent Order and Agreement" entered into by and between York Water and the Pennsylvania Department of Environmental Protection ("DEP") on December 23, 2016. A copy of the Consent Order and Agreement is attached hereto as **Exhibit B**.

5. The Stipulating Parties hereby stipulate to the admission of the "Notice of Violation" issued by DEP on November 7, 2016, to York Water. A copy of the Notice of Violation is attached hereto as **Exhibit C**.

6. York Water is a public utility engaged in the business of supplying water and wastewater service in Pennsylvania subject to the regulatory jurisdiction of the Commission. York Water first began providing water service to the public in 1816.

7. York Water provides water service to approximately 66,100 customers throughout its certificated service territory, which includes the City of York and surrounding municipalities in portions of York and Adams Counties, Pennsylvania.

8. York Water provides wastewater service to approximately 642 customers in portions of York County.

9. In September 2016, York Water completed its triennial water sampling required by the U.S. Environmental Protection Agency (“EPA”).

10. These water samples are taken from the customer’s faucet or tap.

11. Under current water sampling procedures, customers are instructed not to let water flow from the tap before taking a sample.

12. Under EPA and DEP requirements, if more than 10% of samples show more than 15 parts per billion (“ppb”) of lead, an action level exceedance is deemed to have occurred.

13. York Water’s tests concluded that six of the 50 buildings tested had samples with more than 15 ppb of lead. This was the first time York Water had an action level exceedance.

14. As a result of this action level exceedance, the Company is required to optimize its corrosion control program, fulfill a series of public education requirements, and replace at least 7% of its total Company-owned lead service lines annually.

15. York Water has already contracted with an outside consultant to review its corrosion control over the next several months to determine if any improvements can be made.

16. The Company has already begun the public education requirements, including directly notifying potentially affected customers, issuing several press releases, sending bill inserts, posting information on York Water’s website regarding the health effects of lead, and creating a lead information pamphlet to be distributed to all customers. Copies of this material are provided as **Exhibit D**.

17. In addition to these activities, the Company must take 100 samples rather than 50 and must test every six months rather than triennially until the exceedances have been rectified and the Company's samples meet the requirements for two sequential testing periods.

18. Lead is a toxic element that is hazardous to a person's health if ingested, particularly by children and pregnant women.

19. Lead has been found to affect children's mental development and learning capabilities.

20. Lead also can cause anemia, issues with hearing, and, in some circumstances, seizures or comas.

21. The issues related to lead in a person's water supply can be compounded in lower income areas, where houses may still contain lead paint.

22. Lead can come from a variety of potential sources, including lead service lines.

23. Lead also can leach from brass fixtures and lead solder within a building. Lead solder was banned in Pennsylvania in 1991.

24. Lead pipe was permitted to be installed in public water systems and plumbing for residential or non-residential facilities providing water for human consumption until June of 1986, when it was prohibited by the EPA.

25. Before June of 1986, the amount of permitted lead in water systems and plumbing had been reduced several times.

26. York Water's records indicate that its most recently installed lead service lines date back to 1934.

27. The Company stopped installing lead service lines in the mid-1930's.

28. According to York Water's records, no water mains in service are constructed of lead.

29. Because portions of York Water's system had been constructed pre-1935, lead services do exist.

30. There are two parts to service lines that deliver water to a customer's premises.

31. The first part is the Company-owned service line. This service line extends from the water main to a curb stop or valve. York Water owns and maintains the Company-owned service.

32. The second part of the service is the customer-owned service line, which extends from the curb stop or valve to the premises. The customer-owned service line lies under private property. It is the customer's responsibility to own and maintain the customer-owned service line. York Water's tariff confirms this responsibility. It is standard practice in the water industry for there to be a customer-owned service line.

33. According to the Company's records, approximately 1,660 customers are served by lead Company-owned services. The 1,660 buildings comprise approximately three percent (3%) of the properties served by York Water. Approximately 82 of these buildings are identified as commercial properties, and all of these are small commercial customers with services under 2" in diameter.

34. York Water has committed in the Consent Order and Agreement to replace the approximately 1,660 Company-owned lead services over the next four years, ending December 31, 2020. Some replacements may be undertaken as part of main replacements to minimize cost and disruption.

35. It is possible that additional lead Company-owned services may be discovered in the future, particularly in the event of acquisitions. York Water has committed in the Consent Order and Agreement to replace any other lead Company-owned services discovered on an expedited basis.

36. The Company had been replacing its lead Company-owned service lines over the past few years at more than 7% per year.

37. York Water estimates that the cost of replacing the 1,660 Company-owned lead services will be approximately \$2.0 million.

38. Moreover, York Water believes that some customer-owned service lines are made of lead.

39. The Company does not have records of the composition of all customer-owned service lines because it neither owned the service lines nor had a responsibility to record their composition.

40. Some customers are likely to have replaced their services in the past, although York Water would have no records of customer-owned service line replacements.

41. Premises constructed after 1986 should not have lead customer-owned services, due to EPA's prohibition. Other, less-expensive material was available for customer-owned services previously and, thus, not all pre-1986 customer-owned services are likely to be constructed of lead. York Water believes that customer-owned lead service lines were discontinued in the mid-1930's.

42. York Water believes that these customer-owned lead service lines are most likely to be found in the urban areas of the Company's service territory, which are generally the oldest portion of the Company's service territory.

43. In recent months, York Water has kept track of lead customer-owned services that are identified as Company-owned services are replaced. Based upon a very small sample size, when York Water replaced a Company-owned lead service line, approximately 25% of customer-owned services were also found to be made of lead. This is not necessarily indicative of the future.

44. Under DEP requirements, the Company is required to inform the customer when the Company-owned lead service line is being replaced and whether the customer's service is lead.

45. In addition, DEP requires the Company to offer to replace the customer portion of the service line, although this replacement is done at the customer's sole expense. In York Water's limited sample, no customers have accepted this offer.

46. The Company currently is not required or permitted to replace the customer's lead service line at its own cost, pursuant to Rule 3.4 of its Commission-approved tariff. A copy of the relevant page from York Water's tariff is attached as **Exhibit E**.

47. As part of replacing the approximately 1,660 Company-owned lead services over the next four years, York Water has proposed to replace, at the Company's initial cost, any corresponding customer-owned service lines made of lead that the Company encounters, subject to the customer's permission.

48. The replacements of these corresponding customer-owned lead service lines will be known as the "Phase 1 replacements."

49. York Water estimates that the cost of the Phase 1 replacements will be \$2.7 million. This estimate assumes all customer-owned services associated with the approximately 1,660 Company-owned lead services are constructed of lead. The Company has obtained bids

from contractors and plumbers to replace customer-owned services in 2017. Based upon the bids, a service line replacement under 10 feet will cost approximately \$1,150 to install, and a service line replacement over 10 feet will cost approximately \$1,250 to install. York Water intends to obtain bids for replacements in future years, which may be higher or lower than 2017 bids.

50. Further, York Water has proposed to replace, at its initial cost, lead customer-owned service lines whenever they are discovered, regardless of the material used for the Company-owned service line.

51. These replacements will be known as the “Phase 2 replacements.”

52. York Water is unable to develop a total estimated cost of the Phase 2 replacements because it does not know how many customer-owned lead service lines are in use.

53. York Water’s contracted plumbers will give a standard one-year warranty for replacement of customer-owned services.

54. Since customer-owned lead service lines are most likely to be located in urban areas, York Water anticipates that, in most instances, the lengths of customer-owned service lines to be replaced will be relatively short.

55. The Company has proposed to offer to make a payment towards the Phase 2 replacement cost up to an amount not to exceed the Company’s average cost of replacing the customer-owned lead service line as part of the Company-owned lead service line replacement plan.

56. The Company may offer to engage plumbers to do the work and then bill the customers for any difference between the actual cost and the maximum payment amount.

57. Subsequent to performing a Phase 1 replacement or Phase 2 replacement, the customer's ownership of and duty to maintain the service line will remain unchanged.

58. York Water will not take ownership of the customer-owned lead service lines after replacing them.

59. If a customer-owned lead service line is leaking or otherwise defective, and otherwise qualifies as a Phase 1 or Phase 2 replacement, the customer will not be required to repair the service line before York Water replaces it.

60. Rule 3.4 of York Water's tariff, attached hereto as **Exhibit E**, currently prohibits York Water from performing the Phase 1 and Phase 2 replacements of customer-owned service lines.

61. Rule 3.4 of York Water's tariff provides that "[e]ach Customer's Service Line shall be installed . . . by or on behalf of such Customer at his expense." *See* Exhibit D.

62. Therefore, York Water filed the instant Petition seeking limited waivers of Rule 3.4 so that it could proceed with the Phase 1 and Phase 2 replacements.

63. It is in the best interest of York Water's customers for the Company to obtain these limited waivers and perform the Phase 1 and Phase 2 replacements at its initial cost for several reasons.

64. Replacing lead customer-owned service lines at the same time as the Company-owned service is replaced will eliminate this source of lead from affected premises. Absent the waiver, lead customer-owned services would still present a potential exposure to lead at the affected premises even after the Company replaces all of its Company-owned services made of lead.

65. York Water seeks to begin replacing its approximately 1,660 Company-owned lead services as soon as possible. Contractors are available to replace services in the winter months when they are less busy, and York Water seeks to take advantage of this opportunity.

66. There are efficiencies and economies of scale by performing the Phase 1 replacements at the same time when York Water replaces its Company-owned lead services. As mentioned previously, York Water will replace all Company-owned lead service lines over the next four years. To do this, York Water must disconnect all customer-owned service lines connected to the existing Company-owned service lines. York Water will be able to determine if the customer-owned service line is constructed of lead. It would be more efficient for York Water to replace any customer-owned service lines made of lead, rather than coordinating with individual customers to accomplish these tasks.

67. Recent studies have indicated that a “partial lead service line” replacement may not significantly reduce the lead level at the customer’s tap. In fact, a partial lead service line replacement may temporarily increase lead at the customer’s tap due to disturbing the customer-owned service line during the partial replacement. A “biofilm” lines the inside of these lead service lines and prevents lead from leaching into the water supply. However, that biofilm may be disturbed when a partial replacement occurs, thereby allowing lead to leach into the customer’s water. Since York Water has committed to replacing its Company-owned lead services and, therefore, will disturb the customer-owned service lines, it is prudent for York Water to replace the customer-owned lead services at the same time.

68. During a partial replacement, DEP requires additional coordination with the customer, including installation of a temporary by-pass hose, extensive flushing, and follow-on

sampling of the water at the tap. These costs would be avoided by replacing the lead customer-owned service line at the same time that the Company-owned service line is replaced.

69. In 2016, the American Water Works Association (“AWWA”) and the National Drinking Water Advisory Council (“NDWAC”) both passed policy statements recommending the complete removal and replacement of Company and customer-owned lead service lines.

70. Because customer-owned lead service lines are most likely located in urban, lower income areas, the customers may not have the financial means available to replace lead service lines, and York Water does not have the authority to order lines to be replaced.

71. York Water is not aware of any grants currently available to replace customer-owned service lines.

72. York Water currently offers a pilot customer service line protection program. Under 100 customers have signed up for this program. The program does not cover replacement of lead service lines that are not broken.

73. York Water coordinates with municipalities and other utilities as part of main and service line replacements.

III. TERMS AND CONDITIONS OF STIPULATION

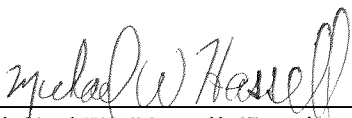
74. This Stipulation is presented by the Stipulating Parties in conjunction with the simultaneously-filed Joint Petition for Settlement, which is intended to settle and resolve all issues in the above-captioned proceeding. If the Commission rejects or otherwise modifies the Settlement, the Stipulating Parties reserve their respective procedural rights to object to the admission of the Stipulation, submit additional testimony and exhibits, and cross-examine witnesses at on-the-record evidentiary hearings.

75. This Stipulation is being presented, in conjunction with the Settlement, only to resolve issues in the above-captioned proceeding. Regardless of whether this Stipulation is approved or not, no adverse inference shall be drawn, nor shall prejudice result to any Stipulating Party, in this or any future proceeding, as a consequence of this Stipulation or any of its terms or conditions.

76. Attached hereto as **Appendix A** is a proposed “Order Granting Joint Stipulation of Facts” for consideration by the Presiding Officer.


WHEREFORE, the Stipulating Parties, by their respective counsel, respectfully request that the Honorable Administrative Law Judge Elizabeth H. Barnes admit the foregoing Joint Stipulation of Facts into the record in this proceeding on the terms and conditions set forth in the Stipulation.

Respectfully submitted,




Michael W. Hassell, Esquire
Devin T. Ryan, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
For: The York Water Company

Date: 1/23/2017



Phillip C. Kirchner, Esquire
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265
For: Bureau of Investigation and Enforcement



Christine Maloni Hoover, Esquire
Erin L. Gannon, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
For: Office of Consumer Advocate

APPENDIX A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of The York Water Company for	:	
an Expedited Order Authorizing Limited	:	
Waivers of Certain Tariff Provisions and	:	
Granting Accounting Approval to Record	:	Docket No. P-2016-2577404
Cost of Certain Customer-Owned Service	:	
Line Replacements to the Company's	:	
Services Account	:	

ORDER GRANTING JOINT STIPULATION OF FACTS

On January 1 , 2017, The York Water Company, the Office of Consumer Advocate, and the Pennsylvania Public Utility Commission's Bureau of Investigation & Enforcement of ("Stipulating Parties"), all parties to the above-captioned proceeding, filed a "Joint Stipulation of Facts" ("Stipulation") in the above-captioned proceeding. Each of the Stipulating Parties stipulated to the veracity and authenticity of the facts set forth in the Stipulation and requested that the Stipulation be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulation is attached to this Order.

As the request of the Stipulating Parties is reasonable, the request will be granted.

THEREFORE, IT IS ORDERED:

1. That the Stipulation, filed on January 1 , 2017, is admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation;

Date: _____

Elizabeth H. Barnes
Administrative Law Judge

Exhibit A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of The York Water Company for an	:	
Expedited Order Authorizing Limited Waivers	:	
of Certain Tariff Provisions and Granting	:	
Accounting Approval to Record Cost of	:	Docket No. P-2016-_____
Certain Customer-Owned Service Line	:	
Replacements to the Company's Services	:	
Account	:	

**PETITION OF THE YORK WATER COMPANY FOR
AN EXPEDITED ORDER AUTHORIZING
LIMITED WAIVERS OF CERTAIN TARIFF PROVISIONS AND
GRANTING ACCOUNTING APPROVAL TO RECORD COST OF
CERTAIN CUSTOMER-OWNED SERVICE LINE
REPLACEMENTS TO THE COMPANY'S SERVICES ACCOUNT**

Pursuant to 52 Pa. Code § 5.41, the York Water Company ("York Water" or the "Company") hereby petitions the Pennsylvania Public Utility Commission ("Commission") to issue an Order on an expedited basis¹ that: (1) grants limited waivers of certain tariff provisions to permit the Company to replace customer-owned service lines made of lead; and (2) grants accounting approval to record the cost of replacement of customer-owned services made of lead to the Company's Services Account – Account No. 333. In support of the requested relief, York Water states as follows:

¹ As explained in more detail below, the Order sought by this Petition is not an "Emergency Order," as defined in 52 Pa. Code § 3.1, because York Water is not seeking the Commission to issue an order on an *ex parte* basis and by less than the full Commission. Rather, the Company seeks an Order granting the requested waiver, following consideration by the entire Commission, at the Commission's public meeting on December 22, 2016. Such an expedited Order is warranted given the current circumstances on York Water's water distribution system, which will be further explained herein.

I. INTRODUCTION

1. York Water is a public utility engaged in the business of supplying water and wastewater service in Pennsylvania subject to the regulatory jurisdiction of the Commission. *See* 66 Pa. C.S. § 102. York Water provides water service to approximately 66,100 customers throughout its certificated service territory, which includes the City of York and surrounding municipalities in portions of York and Adams Counties, Pennsylvania. York Water provides wastewater service to approximately 642 customers in portions of York County.

2. The names and address of York Water's attorneys are as follows:

Michael W. Hassell, Esquire
Devin T. Ryan, Esquire
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: dryan@postschell.com

II. BACKGROUND

3. In September 2016, York Water completed its triennial water sampling required by the U.S. Environmental Protection Agency ("EPA").² York Water's tests concluded that six of the 50 buildings tested had samples with more than 15 parts per billion ("ppb") of lead. As a result of this action level exceedance, the Company is required to optimize its corrosion control program, fulfill a series of public education requirements, and replace at least 7% of its total lead service lines annually. York Water will be reviewing its corrosion control over the next several months to determine if any improvements can be made. The Company has already begun the public education requirements, including directly notifying potentially affected customers,

² Water samples are to be taken at the customer's faucet or tap.

issuing a press release, sending bill inserts, posting information on York Water's website regarding the health effects of lead, and creating a lead information pamphlet to be distributed to all customers. The Company has been replacing its lead service lines over the past few years at more than 7% per year; however, as explained below, York Water has a plan to expedite the replacements. In addition to these activities, York Water also will be required to perform the testing under the lead and copper rule on a more frequent basis. The Company had previously met the requirements to perform triennial testing. Due to the exceedance, the Company will be required to take 100 samples rather than 50 and to test every six months rather than triennially until the exceedances have been rectified and the Company's samples meet the requirements for two sequential testing periods.

4. Lead can come from a variety of potential sources. Among these sources can be lead service lines.³ Lead pipe was permitted to be installed in public water systems and plumbing for residential or non-residential facilities providing water for human consumption until June of 1986, when it was prohibited by the EPA. Before June of 1986, the amount of permitted lead in water systems and plumbing had been reduced several times. York Water's records indicate that its most recently installed lead service lines date back to 1934. The Company stopped installing lead service lines in the mid-1930's. However, because portions of York Water's system had been constructed pre-1935, lead services do exist.

5. There are two parts to service lines that deliver water to a customer's premises. The first part is the Company-owned service line. This service line extends from the water main

³ Leaded solder and brass fixtures in a home also can leach lead into the customer's water supply.

to a curb stop or valve.⁴ York Water owns and maintains the Company-owned service. The second part of the service is the customer-owned service line, which extends from the curb stop or valve to the premises. It is the customer's responsibility to own and maintain the customer-owned service line.

6. According to the Company's records, approximately 1,660 customers are served by lead Company-owned services.⁵ The Company intends to replace these approximately 1,660 Company-owned services over the next four years, far exceeding the Pennsylvania Department of Environmental Protection ("DEP") requirement to replace 7% per year.⁶

7. York Water does not know the composition of all customer-owned services. However, it does believe that some customer-owned services, which remain in service, are lead pipe. Under DEP requirements, the Company is required to inform the customer when the Company-owned lead service line is being replaced and whether the customer's service is lead. In addition, DEP requires the Company to offer to replace the customer portion of the service line, although this replacement is done at the customer's sole expense. The Company is not required to replace the customer's lead service line at its own cost.

8. As part of its Company-owned lead service replacement plan, York Water proposes to replace, at the Company's initial cost, any corresponding customer-owned service lines made of lead that the Company encounters, subject to the customer's permission. Because of the health issues related to lead, and the costs to customers of replacing their service lines, York Water believes that it is in the best interest of the customers to replace customer lead

⁴ See Rule 1.1 of York Water's water service tariff. Supp. No. 53 to Water-Pa. P.U.C. No. 14, Fourth Revised Page No. 7.

⁵ The 1,660 buildings comprise approximately three percent of the properties served by York Water.

⁶ There is no requirement that York Water obtain the Commission's permission to replace the lead service lines owned by the Company.

service lines when replacing the Company's service lines at its initial cost. In addition, the Company would realize some efficiencies and some economies of scale by replacing both sides of the service line at the same time. York Water also believes that it is in the best interest of customers to assist in the cost of replacing lead customer-owned services that are not connected to lead Company-owned services. The costs of replacing the customer-owned service lines would be capitalized as part of the service line replacement. Although York Water will replace the customer-owned service lines made of lead, the Company will not take ownership of these service lines or maintain them in the future. Rather, the customers would own the service lines and be responsible for maintaining them, in accordance with York Water's tariff. *See* Rule 3.4, Supp. No. 68 to Water Pa. P.U.C. No. 14, Fourth Revised Page No. 10.

9. A strict interpretation of York Water's tariff does not permit York Water to remove the customer-owned service lines made of lead and install new customer-owned services at the Company's initial cost. Rule 3.4 of York Water's tariff provides that "[e]ach Customer's Service Line shall be installed . . . by or on behalf of such Customer at his expense." Rule 3.4, Supp. No. 68 to Water Pa. P.U.C. No. 14, Fourth Revised Page No. 10.

10. It is well-established that public utilities must adhere to the terms and conditions of their tariffs. *See* 66 Pa. C.S. § 1303; *PECO Energy Co. v. Twp. of Upper Dublin*, 922 A.2d 996, 1004 (Pa. Cmwlth. 2007); *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147, 1151 (Pa. Cmwlth. 1997); *Pa. Elec. Co. v. Pa. Pub. Util. Comm'n*, 663 A.2d 281 (Pa. Cmwlth. 1995).

11. Therefore, absent limited waivers of Rule 3.4, York Water must adhere to the terms of its tariff and cannot replace, at its initial cost, customer-owned service lines made of lead.

12. Under the Uniform System of Accounts for Water Companies, the Company normally would not capitalize the cost of replacement of customer-owned services, as the asset is not owned by York Water. However, because the Company seeks Commission approval to vary from its tariff to replace lead customer-owned services, the Company is seeking permission from the Commission to capitalize this cost.

III. PETITION FOR WAIVERS AND ACCOUNTING APPROVAL

13. York Water respectfully requests a limited waiver of Rule 3.4 so that it may replace lead customer-owned service lines discovered when the Company replaces lead Company-owned service lines. This waiver is limited to those customers affected by York Water's lead Company-owned service replacement plan and does not change the rules regarding a customer's obligation to replace or repair leaking or otherwise defective customer-owned service lines unrelated to the replacement plan. Moreover, subsequent to replacing the customer-owned service lines, the customers' ownership of and duty to maintain the service lines will remain unchanged.

14. York Water also respectfully requests an additional limited waiver of Rule 3.4 so that it may, from time to time, replace lead customer-owned service lines whenever they are discovered, regardless of the material used for the Company-owned service line. The Company proposes to offer to make a payment towards the replacement cost of the customer-owned lead service line up to an amount not to exceed the Company's average incremental cost of replacing the customer-owned lead service line as part of the Company-owned lead service line replacement plan.⁷ The payment made by York Water toward the cost of replacing the customer-owned service lines would be capitalized as part of the service line replacement. This additional

⁷ The Company may offer to engage plumbers to do the work and then bill the customers for any difference between the actual cost and the maximum payment amount.

waiver is limited to those customers with a lead customer-owned service line not connected to a lead Company-owned service line and does not change the rules regarding a customer's obligation to replace or repair leaking or otherwise defective customer-owned service lines. Moreover, subsequent to replacing the customer-owned service lines, the customers' ownership of and duty to maintain the service lines will remain unchanged.

15. These limited waivers are in the public interest for several reasons.

16. First, replacing lead customer-owned service lines at the same time as the Company-owned service is replaced will eliminate this source of lead from affected premises. Absent the waiver, lead customer-owned services would still present a potential exposure to lead at the affected premises even after the Company replaces all of its Company-owned services made of lead. Therefore, by replacing these lead customer-owned service lines, York Water will improve the quality and safety of its water service for customers.

17. Second, now is an opportune time to replace the customer-owned service lines made of lead. As mentioned previously, York Water will replace all Company-owned lead service lines over the next four years. To do this, York Water must disconnect all customer-owned service lines connected to the existing Company-owned service lines. York Water will be able to determine if the customer-owned service line is constructed of lead. It would be more efficient for York Water to replace any customer-owned service lines made of lead, rather than coordinating with individual customers to accomplish these tasks.

18. Third, recent studies have indicated that a "partial lead service line" replacement may not significantly reduce the lead level at the customer's tap. In addition, a partial lead service line replacement may temporarily increase lead at the customer's tap due to disturbing the customer-owned service line during the partial replacement. During partial replacement, DEP

requires additional coordination with the customer, including installation of a temporary by-pass hose, extensive flushing, and follow-on sampling of the water at the tap. These costs would be avoided by replacing the lead customer-owned service line at the same time that the Company-owned service line is replaced.

19. Fourth, in 2016, the American Water Works Association (“AWWA”) and the National Drinking Water Advisory Council (“NDWAC”) both passed policy statements recommending the complete removal and replacement of Company and customer-owned lead service lines.⁸

20. Fifth, the additional waiver allowing the Company to make a payment towards replacement of customer-owned lead service lines implements the health and safety recommendations described in the AWWA and NDWAC policy statements.

21. Sixth, by authorizing the additional waiver for customer-owned lead service lines, all customers with lead service lines would be treated equally.

22. Seventh, the Commission has approved the replacement of customer-owned service lines at the utility’s initial expense when there are safety concerns. *See Petition of Peoples Natural Gas Co., LLC for Approval of its Amended Second Revised Long-Term Infrastructure Improvement Plan for its Peoples Division and Equitable Division*, Docket Nos. P-2013-2344596, et al., at pp. 3-4 (Order Entered June 30, 2016); *see also Petition of Columbia Gas of Pa., Inc. for Limited Waivers of Certain Tariff Rules Related to Customer Service Line Replacement*, Docket No. P-00072337 (Order Entered May 19, 2008). In *Peoples* and *Columbia*, the Commission observed safety concerns with customer-owned bare steel service lines. *Peoples*

⁸ AWWA News Release: <http://www.awwa.org/resources-tools/public-affairs/press-room/press-release/articleid/4069/awwa-board-supports-recommendation-for-complete-removal-of-lead-service-lines.aspx>

and Columbia were directed to replace customer-owned bare steel service lines as part of their infrastructure replacement program.⁹

23. Here, there are safety concerns with customer-owned service lines constructed of lead. Therefore, it would be consistent with Commission precedent for York Water to replace these service lines, at its initial cost, when replacing any Company-owned service lines made of lead, or upon discovery of a customer-owned lead service line. York Water requests that the Commission act expeditiously on this request in order to begin replacement of customer-owned lead services promptly.

24. York Water also requests permission to capitalize the cost of customer-owned lead services that are replaced as part of the Company's proposed lead services replacement program. It is appropriate to capitalize these costs, as the replacements of customer-owned services are a water quality and safety program. Both Peoples and Columbia capitalize the cost of replacement of customer-owned services, and it is appropriate for York Water also to be authorized to capitalize these costs.¹⁰ York Water intends to file a separate Petition requesting approval to include the cost of replacement of customer-owned services as eligible property for Distribution System Improvement Charge ("DSIC") purposes.

25. For these reasons, York Water respectfully requests that the Commission: (1) grant limited waivers of Tariff Rule 3.4 to permit York Water to replace lead customer-owned

⁹ York Water will engage its current construction subcontractors, who will engage their employed or subcontracted plumbers to install customer-owned service lines and connect those lines to Company-owned services. By subcontracting through its current construction crews, York Water will be able to coordinate the work with its replacement plan, thereby reducing customer outage time and increasing the efficiency of the replacement process.

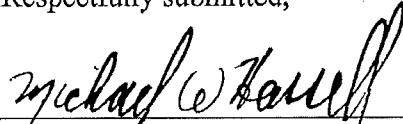
¹⁰ Peoples and Columbia capitalized the cost of customer-owned service line replacement to the mains account because the services were being replaced as part of each utility's main replacement program. Similarly, York Water seeks permission to capitalize the cost of lead customer-owned service lines to its services account.

services identified as part of York Water's lead services replacement program; and (2) authorize York Water to capitalize the cost of these lead customer-owned service line replacements.

IV. CONCLUSION

WHEREFORE, for all the foregoing reasons, The York Water Company respectfully requests the Pennsylvania Public Utility Commission approve the instant Petition on an expedited basis, at its Public Meeting on December 22, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Hassell", is written over a horizontal line.

Michael W. Hassell (I.D. # 34851)

Devin T. Ryan (I.D. # 316602)

Post & Schell, P.C.

17 North Second Street

12th Floor

Harrisburg, PA 17101-1601

Phone: 717-731-1970

Fax: 717-731-1985

E-mail: mhassell@postschell.com

E-mail: dryan@postschell.com

Date: November 28, 2016

Attorneys for The York Water Company

VERIFICATION

I, Kathleen M. Miller, being the Chief Financial Officer of The York Water Company, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief and that I expect York Water to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: Nov. 28, 2016

Kathleen M. Miller
Kathleen M. Miller

Exhibit B

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:

The York Water Company	:	
130 East Market Street	:	Violations of the Pennsylvania Safe
York, PA 17401	:	Drinking Water Act and Regulations
	:	PWSID No. 7670100
	:	City of York, York County

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 23 day of Dec., 2016, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and The York Water Company ("York Water").

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1 – 721.17 ("SDWA"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P. L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").
- B. The York Water Company, Inc. (hereinafter "York Water") is a Pennsylvania corporation registered with the Pennsylvania Department of State. York Water maintains a business mailing address of 130 East Market Street, York, PA 17401.
- C. York Water owns and operates the York Water public water system.
- D. York Water is a "person" and a "public water supplier" as these terms are defined in Section 3 of the SDWA, 35 P.S. § 721.3, and Section 109.1 of the Safe Drinking Water Regulations, 25 Pa. Code § 109.1.
- E. York Water owns and operates a "public water system" and a "community water system" as these terms are defined by Section 3 of the SDWA, 35 P.S. § 721.3, and Section 109.1 of the Safe Drinking Water Regulations, 25 Pa. Code § 109.1.
- F. The York Water public water system consists of Lakes Redman and Williams, intakes on the Susquehanna River and the South Branch Coderus Creek, multiple raw water pump stations, the Grantley Road filter plant, multiple finished water pump stations, multiple finished water storage tanks, and a distribution system. York Water serves approximately 194,000 individuals through approximately 66,046 metered and unmetered service connections.

- G. The York Water public water system is operated pursuant to multiple SDWA permits issued by the Department and has been assigned Public Water System Identification No. 7670100.
- H. York Water is subject to the Lead and Copper Rule ("LCR") found at 25 Pa. Code §§ 109.1101 through 109.1108. York Water is a "large" system for purposes of the LCR. 25 Pa. Code § 109.1101(b).
- I. The term "lead service line" is defined at 25 Pa. Code § 109.1 as "a service line made of lead which connects a water main to a building inlet and a lead pigtail, gooseneck or other fitting which is connected to the lead line." In York Water's system, there are two parts to service lines that deliver water to a customer's premises. The first part is the York Water-owned service line. This service line extends from the water main to the curb stop or valve. The second part of the service line is the customer-owned service line, which extends from the curb stop or valve into the premise.
- J. York Water reports that it stopped installing company-owned lead service lines in 1935 and that approximately 1,660 of its customers currently receive water through company-owned lead service lines.
- K. All public water suppliers subject to the LCR must conduct initial and periodic monitoring of the drinking water at consumer taps to determine the concentration of lead in drinking water in accordance with 25 Pa. Code § 109.1103. The suppliers must then assure that the results of this monitoring are reported to the Department within the first 10 days following the end of each applicable monitoring period in accordance with 25 Pa. Code § 109.1107(a)(2).
- L. All large community water systems subject to the LCR must also conduct periodic water quality parameter ("WQP") monitoring in accordance with 25 Pa. Code § 109.1103, and must then assure that the results of this monitoring are reported to the Department within the first 10 days following the end of each applicable monitoring period in accordance with 25 Pa. Code § 109.1107(a)(2).
- M. All public water suppliers subject to the LCR must develop a LCR sample site location plan in accordance with 25 Pa. Code § 109.1103(g).
- N. If a public water system has lead service lines in its distribution system, the public water supplier must draw at least 50% of its samples taken during monitoring from sites served by lead service lines in accordance with 25 Pa. Code § 109.1103(g)(2)(v).
- O. If the 90th percentile result of tap water samples taken during a monitoring period exceeds the lead action level ("AL") of 15 parts per billion, then the public water supplier is required to take specific actions including: taking further steps to optimize the corrosion control treatment; educating the public about lead in drinking water and about the actions consumers can take to reduce their exposure to lead; replacing the portions of lead service lines under the water supplier's control; and offering to replace the portions of lead service lines owned by the customer (at the customer's cost). See 25 Pa. Code §§ 109.1102, 109.1104 and 109.1107.
- P. On February 29, 2016, the U.S. Environmental Protection Agency ("U.S. EPA") issued a clarification related to tap water sampling procedures used for LCR monitoring. In this

clarification, U.S. EPA recommended that water suppliers no longer instruct customers participating in the monitoring to flush their taps prior to starting the 6-hour stagnation time required for samples collected for LCR monitoring.

- Q. During 2010, 2013 and 2016, York Water conducted periodic lead and copper monitoring of its drinking water at consumer taps.
- R. During the spring of 2016, York Water reviewed its LCR sample site location plan which had been used to conduct its LCR monitoring for the 2010 and 2013 monitoring periods. York Water had not updated its LCR sample site location plan after either the 2010 LCR monitoring period or the 2013 LCR monitoring period.
- S. York Water found that, during both the 2010 and the 2013 LCR monitoring periods, York Water had collected 100% of its samples from Tier 1 locations with copper pipes and lead solder rather than collecting at least 50% of its samples from sites with lead service lines.
- T. York Water revised its LCR sample site location plan prior to conducting its 2016 LCR monitoring to ensure that at least 50% of its samples were collected from sites with lead service lines.
- U. Prior to conducting its 2016 LCR monitoring, York Water also revised the tap water sampling instructions it provided to customers participating in its LCR monitoring. As recommended by the U.S. EPA in the February 29, 2016 clarification, York Water revised its tap water sampling instructions to eliminate any mention of pipe flushing prior to the start of the mandatory 6-hour pre-sampling stagnation period.
- V. York Water conducted its periodic LCR monitoring from June through September 2016 using the revised LCR sample site location plan and the updated sampling instructions.
- W. After sampling in accordance with the updated LCR sample site location plan and updated sampling instructions, York Water found that the 90th percentile result exceeded the lead AL of 15 parts per billion.

LEAD MONITORING SAMPLE SITE SELECTION

- X. 25 Pa. Code § 109.1103 requires that public water systems conduct regular lead monitoring at consumer taps to determine the concentrations of lead in drinking water being served.
- Y. 25 Pa. Code § 109.1103(g) requires that all public water systems develop a sample site location plan for use during lead monitoring. Sample sites are classified into three tiers, depending upon the materials of construction and type of customer being served. Tier 1 sites are those most likely to contain elevated lead, and are the highest priority sample sites. If available in the system, the public water system must utilize all Tier 1 sites for LCR monitoring.
- Z. 25 Pa. Code § 109.1103(g)(2)(v) requires a water supplier that has a distribution system containing lead service lines to draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder and 50% of those samples from sites served by a lead service line.

- AA. By failing to draw at least 50% of its samples from sites that were served by lead service lines, York Water violated 25 Pa. Code § 109.1103(g)(2)(v) in both 2010 and 2013.

FAILURE TO UPDATE A SAMPLE SITE LOCATION PLAN AND FAILURE TO SUBMIT TO THE DEPARTMENT

- BB. 25 Pa. Code § 109.1107(a)(1) requires water systems to prepare and maintain a lead and copper sample site location plan and to update the plan within the first 10 days following the end of each applicable monitoring period.
- CC. York Water failed to prepare an updated sample site location plan following the monitoring period ending September 30, 2010 and following the monitoring period ending September 30, 2013, in violation of 25 Pa. Code § 109.1107(a)(1).

FAILURE TO REPORT WQP DATA TO THE DEPARTMENT

- DD. 25 Pa. Code § 109.1107(a)(2) requires a water supplier to assure that the results of analyses conducted in accordance with 25 Pa. Code § 109.1103, including WQP monitoring for large systems, be reported to the Department within 10 days following the end of each applicable monitoring period.
- EE. York Water failed to report the results of analysis for WQP data for the monitoring period ending September 30, 2013 in violation of 25 Pa. Code § 109.1107(a)(2). For the monitoring period ending September 30, 2016, York Water failed to report the results within 10 days following the end of the monitoring period in violation of 25 Pa. Code § 109.1107(a)(2).

FAILURE TO SUBMIT TO DEPARTMENT A COPY OF CONSUMER NOTICE OR CERTIFICATION

- FF. 25 Pa. Code § 109.1107(a)(5) states that a water supplier shall submit to the Department, within 3 months of the end of the monitoring period in which lead tap monitoring was conducted, a sample copy of the consumer notice of lead tap monitoring results along with a certification that the notices were distributed in accordance with 25 Pa. Code § 109.1104(b).
- GG. York Water failed to submit the required certification to the Department following the monitoring periods ending September 30, 2010 and September 30, 2013, in violation of 25 Pa. Code § 109.1107(a)(5).
- HH. The violations described in Paragraphs AA., CC., EE., and GG. above constitute a public nuisance under Section 12 of the SDWA, 35 P.S. § 721.12, and subject York Water to the Department's enforcement authority under Section 13(g) of the SDWA, 35 P.S. § 721.13(g).

ORDER AND AGREEMENT

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and

intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by York Water as follows:

1) **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 5 of the SDWA, 35 P.S. § 721.5; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2) **Findings.**

- (a) York Water agrees that the findings in Paragraphs A. through HH, except Paragraphs AA., CC., EE., GG., and HH., are true and correct and, in any matter or proceeding involving York Water and the Department, York Water shall not challenge the accuracy or validity of these findings.
- (b) The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3) **Corrective Actions.**

- (a) As to those customers' premises which are served by York Water-owned lead service lines in its distribution system, York Water shall do the following. These requirements shall apply to all premises with active and identified York Water-owned lead service lines. As of the date of this Consent Order and Agreement, York Water has identified approximately 1,660 York Water-owned lead service lines in this category.
 - i) York Water shall provide to the Department a list containing the addresses of the approximately 1,660 active York Water-owned lead service lines.
 - ii) York Water shall replace these York Water-owned lead service lines at a rate of approximately 25% per year over a four year period, commencing in 2017 and finishing no later than December 31, 2020.
 - iii) For each of the customers served by York Water-owned lead service lines identified in 3(a)i) above, York Water shall take actions to determine whether the adjoining customer-owned portion of the service line is also a lead service line. These actions shall include reviewing the construction of the adjoining customer-owned service lines, reviewing test data and requesting these customers to inform York Water as to whether the customer-owned lines are lead service lines. York Water shall provide instructions to these customers as to how to determine whether the adjoining customer-owned service line is a lead service line.
 - iv) York Water is subject to regulation by the Pennsylvania Public Utility Commission (PUC). According to York Water's PUC-approved tariff, customers are responsible, at their own cost, for the installation, maintenance and replacement of their service lines. York Water has filed a Petition (Petition) with the PUC seeking, *inter alia*, a waiver of the tariff rule to allow it to replace the customer-owned portion of the lead service line when it replaces the company-owned portion of the same line. York Water has also requested the permission of the PUC to capitalize those costs. If the PUC grants the relief

requested in the Petition, and if York Water determines that, for this category of customer, the adjoining customer-owned service line is also a lead service line, York Water will offer to replace the adjoining customer-owned lead service line at York Water's own cost. York Water shall conduct this work simultaneously with the work required in 3 (a)ii) and iii) above and pursuant to the same schedule.

- v) For each of the customers identified in 3(a), and until each of these customers' York Water-owned lead service line is replaced, York Water will offer to conduct one initial tap water test prior to replacement of the York Water-owned service line and one more tap water follow-up test after replacement of the company-owned lead service line. Two bottles shall be provided during each of these two sampling events to those customers that choose to have such testing: one for pre-flush sampling and one for post-flush (3 minute flush) sampling. York Water shall report all results from such sampling to the Department as special (S) sample results unless these samples are part of York Water's compliance sampling plan, as required by the regulations.
 - vi) Until all active and identified York Water-owned and all identified adjoining customer-owned lead service lines are replaced for willing customers, York Water shall provide the Department with a written quarterly status report on its progress toward completion of the tasks of 3(a). These quarterly reports shall be submitted to the Department no later than the 10th day of the month following the end of the last month for each quarter. The first such quarterly report shall be due at the end of the first quarter of 2017.
 - vii) For the customers served by York Water-owned lead service lines or a combination of York Water-owned and customer owned lead service lines, York Water shall provide a 200-gallon tap water month billing credit for flushing of water. York Water shall instruct these customers on the benefits of flushing and on how to properly flush the tap water daily prior to use. This 200-gallon tap water billing credit shall end when: 1) York Water has replaced the York Water-owned lead service lines; and 2) if PUC grants the relief requested in the Petition, York Water has replaced the customer-owned lead service lines; or the customer has refused York Water's offer to replace the customer-owned lead service lines.
 - viii) York Water may identify additional York Water-owned lead service lines after the date of this Consent Order and Agreement and/or may identify additional adjoining customer-owned lead service lines at premises where York Water has lead service lines. In addition, York Water may activate York Water-owned lead service lines which were inactive as of the date of this Consent Order and Agreement. For York Water-owned lead service lines in this category, York Water will replace those York Water-owned lead service lines within the longer of one year of discovery or activation, or December 31, 2020. Subject to approval of the Petition by the PUC, York Water shall offer to replace those adjoining customer-owned lines within ten days of discovery and, for those customer's that accept York Water's offer, York Water shall replace these customer-owned lead service line within the longer of one year of the acceptance of York Water's offer, or December 31, 2020.
- (b) In addition to 3(a) above, some of York Water's customers have customer-owned lead service lines which are not adjoining active, identified York Water-owned lead service lines.

York Water has not currently identified all customers who have customer-owned lead service lines. For these customer-owned lead service lines which are not adjoining York Water-owned lead service lines, York Water shall do the following:

- i) To determine which customers have customer-owned lead service lines, York Water shall, in addition to other corrective actions in this Consent Order and Agreement, review test data and request all customers to inform York Water as to whether the customer-owned lines are lead service lines. York Water shall provide instructions to its customers as to how to determine whether the customer-owned portion of the service lines is a lead service line.
 - ii) For those customers with verified customer-owned lead service lines, York Water shall offer to test the customer's tap water. For the customers that accept this offer, York Water shall take and analyze a sample at York Water's own expense.
 - iii) York Water shall, for those customers identified in 3)(b)ii) above which accepted York Water's offer and for whom the tap water test results indicate that the tap water exceeds the 15 ppb lead AL, instruct these customers as to the benefits of flushing the tap water, and on how to properly flush the tap water daily and shall provide these customers with a 200-gallon per month tap water billing credit for the recommended daily flushing, until the customer-owned lead service line is removed, or a follow-up test indicates that the tap water no longer exceeds 15 ppb lead action level.
 - iv) York Water shall provide a written report to the Department on a quarterly basis, commencing in the 2nd quarter of 2017 and every quarter thereafter during the duration of this Consent Order and Agreement regarding York Water's progress in identifying customer-owned lead service lines. These reports shall be submitted within ten days of the month following the end of each quarter.
 - v) York Water shall also inform the Department prior to its implementation of any plans for the replacement of these customer-owned lead service lines.
- (c) All sampling conducted pursuant to the Consent Order and Agreement shall be conducted in accordance with the LCR.
- (d) No later than January 31, 2017, York Water shall submit to the Department evidence that it has conducted a complete materials evaluation of its system to identify all York Water-owned lead service lines. Such materials evaluation shall be conducted in accordance with 25 Pa. Code § 109.1103(g)(1).
- (e) No later than January 31, 2017, York Water shall submit to the Department a copy of its 2016 updated sampling site location plan. York Water shall include in this submittal all the information York Water relied upon to determine its Tier 1 sites and for selection of the 50% of sites with lead service lines. In the event that York Water subsequently makes any changes to the sample site location plan, York Water shall submit all changes to the Department within ten days of the date each change is made.

- (f) No later than January 31, 2017, York Water shall submit to the Department evidence that it has initiated an evaluation of its current corrosion control treatment system. Said evaluation shall be completed no later than June 30, 2017. If recommendations for enhancements and/or optimization of the current corrosion protection are identified during this evaluation, York Water shall work together with the Department, acquire any needed authorizations from the Department, and then commence the SDWA process of modifying its treatment in accordance with a time frame approved by the Department. York Water shall implement the approved enhancement and/or optimization and, until implementation is completed, shall submit written quarterly progress reports to the Department detailing its progress in implementing the enhancement and/or optimization.
- (g) York Water shall conduct initial six-month lead and copper tap monitoring of its public water system in accordance with 25 Pa. Code § 109.1103(a)(1). York Water shall continue initial, six-month monitoring until it complies with the lead AL for two consecutive six-month monitoring periods.
- (h) York Water shall conduct two consecutive periods of initial WQP monitoring of its public water system in accordance with 25 Pa. Code § 109.1103(a)(2), as follows:
 - i) Lead and copper tap monitoring and the WQP monitoring for the first initial lead monitoring period shall be completed no later than June 30, 2017, and York Water shall report the results to the Department no later than July 10, 2017.
 - ii) The lead and copper tap monitoring and the WQP monitoring for the second monitoring period shall be completed between July 1, 2017 and December 31, 2017, and York Water shall report the results to the Department no later than January 10, 2018.
- (i) If York Water exceeds the 15 ppb lead AL after either of the 2017 initial six-month LCR tap monitoring periods, York Water shall conduct a new LCR corrosion control treatment feasibility study that meets the requirements of 25 Pa. Code § 109.1102(b)(3). That study shall be prepared by a professional engineer, licensed to practice in Pennsylvania, and shall be submitted to the Department within ninety days of the end of the six month monitoring period in which the AL was exceeded.
- (j) On a continuing basis, York Water shall submit to the Department the results of all customer-requested lead testing within 10 days of receipt of the sample analysis.
- (k) Within sixty (60) days of completion of all the above corrective measures, York Water shall provide to the Department for its approval a final written completion report which includes, but is not limited to, a description of all tasks taken to comply with each Corrective Action of this Consent Order and Agreement.

4) Stipulated Civil Penalties.

- (a) In the event York Water fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, York Water shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of \$100.00 per day for each violation.

- (b) Stipulated civil penalty payments shall be made payable monthly on or before the fifteenth day of each succeeding month, shall be made payable to the "Commonwealth of Pennsylvania," and shall be forwarded as described in Paragraph 9 (Correspondence with the Department) below.
- (c) Any payment under this paragraph shall neither waive York Water's duty to meet its obligations under this Consent Order and Agreement, nor preclude the Department from commencing an action to compel York Water's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only York Water's liability for civil penalties arising from the violation of this Consent Order and Agreement for which the payment is made.
- (d) Stipulated civil penalties shall be due automatically and without notice.

5) Additional Remedies.

- (a) In the event York Water fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.
- (b) The remedies provided by this paragraph and Paragraph 4 (Stipulated Civil Penalties), are cumulative, and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

6) Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. York Water reserves the right to challenge any action that the Department may take to require those measures.

7) Liability of Operator. York Water shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. Except as provided in Paragraph 8(c), York Water shall also be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

8) Transfer of Site.

- (a) The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the York Water public water system, the water supply, or any part thereof.
- (b) If York Water intends to transfer any legal or equitable interest in the York Water's public water system which is affected by this Consent Order and Agreement, York Water shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the

legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the named individual in Paragraph 9 below of such intent.

- (c) The Department, in its sole discretion, may agree to modify or terminate York Water's duties and obligations under this Consent Order and Agreement upon transfer of York Water's public water system. York Water waives any right that it may have to challenge the Department's decision in this regard.

- 9) **Correspondence with Department.** A copy of all correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Ms. Lynne Scheetz
Operations Chief
PA DEP, Safe Drinking Water
909 Elmerton Avenue
Harrisburg, PA 17110-8200

- 10) **Correspondence with York Water Company.** All correspondence with York Water concerning this Consent Order and Agreement shall be addressed to:

Jeffrey R. Hines, P.E.
President and Chief Executive Officer
The York Water Company
130 East Market Street
York, PA 17401

York Water shall notify the Department whenever there is a change in the contact person's name, title, or address for receipt of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

- 11) **Force Majeure.**

- (a) In the event that York Water is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstances beyond York Water's control and which York Water, by the exercise of all reasonable diligence, is unable to prevent, then York Water may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond York Water's control. York Water's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.
- (b) York Water shall only be entitled to the benefits of this paragraph if they notify the Department within five (5) working days by telephone and within ten (10) working days in writing of the date they become aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as

well as a notarized affidavit from York Water, specifying the reasons for the delay, the expected duration of the delay, and the efforts that have been made and are being made by York Water to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten working days of its submission. York Water's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

- (c) The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by York Water and other information available to the Department. In any subsequent litigation, York Water shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

- 12) **Severability.** The paragraphs of this Consent Order and Agreement shall be severable, and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.
- 13) **Entire Agreement.** This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.
- 14) **Attorney Fees.** The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.
- 15) **Modifications.** No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.
- 16) **Titles.** A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.
- 17) **Decisions Under Consent Order.** Any decision which the Department makes under the provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, is intended to be neither a final action under 25 Pa. Code § 1021.2, nor an adjudication under 2 Pa. C.S. § 101. Any objection that York Water may have to any such decision will be preserved until the Department enforces this Consent Order and Agreement.
- 18) **Termination.** York Water's obligations, but not the Findings, of this Consent Order and Agreement shall terminate when York Water has paid any outstanding stipulated penalties due under Paragraph 4 (Stipulated Civil Penalties), and the Department has approved the final completion report required in Paragraph 3(k) above.
- 19) **Execution of Agreement.** This Consent Order and Agreement may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument. Execution of this Consent Order and Agreement is in settlement of the

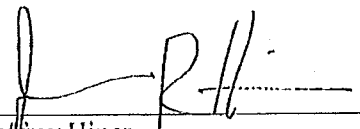
Department's civil claims for the violations set forth in Paragraphs AA., CC., EE., GG., and HH., above.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of York Water certify under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this Consent Order and Agreement, that it consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that York Water hereby knowingly waive its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by York Water's attorney certifies only that the agreement has been signed after consulting with counsel.

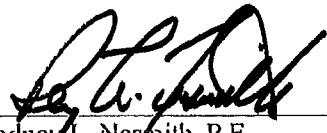
FOR:

YORK WATER COMPANY

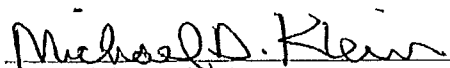
THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION



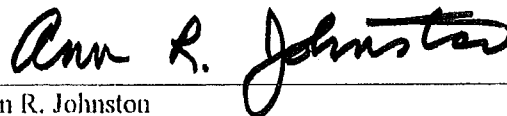
Jeffrey Hines,
President
York Water Company



Rodney L. Nesmith, P.E.
Program Manager



Michael D. Klein
Counsel for York Water



Ann R. Johnston
Assistant Counsel

Exhibit C

November 7, 2016

NOTICE OF VIOLATION

Mr. Jeff Hines
York Water Company
130 East Market Street
York, PA 17401

Re: Lead and Copper Rule (LCR)
York Water Company
PWSID No. 7670100
City of York, York County

Dear Mr. Hines:

The Department has reviewed its files pertaining to LCR monitoring conducted by the York Water Company. After a thorough review of the files and system history, the Department has determined that York Water Company has violated the Safe Drinking Water Regulations in Chapter 109, as follows:

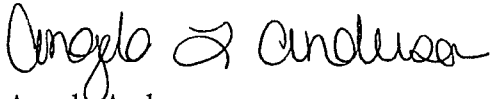
1. 25 Pa. Code §109.1103(g)(2)(v) states that a system that has a distribution system containing lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder, and 50% of those samples from sites served by a lead service line. York Water has stated that during 2010 and 2013 monitoring periods, 100% of the LCR samples were only taken were from sites with copper pipes and lead solder. Failure to collect 50% of LCR samples from sites with lead service lines is a violation of 25 Pa. Code §109.1103(g)(2)(v) for each year.
2. 25 Pa. Code §109.1107(a)(2) requires a water supplier to assure that the results of analyses conducted in accordance with §109.1103, which includes water quality parameter (WQP) monitoring for large systems, be reported to the Department within 10 days following the end of each applicable monitoring period. York Water failed to report any WQP data for the monitoring period ending September 30, 2013 and failed to report WQP data for the monitoring period ending September 30, 2016 within 10 days, in violation of 25 Pa. Code §109.1107(a)(2).
3. 25 Pa. Code §109.1107(a)(1) requires water systems to prepare, maintain and submit to the Department an LCR sample site location plan and to update the plan within the first 10 days following the end of each applicable monitoring period. York Water failed to submit an updated plan following the monitoring periods ending September 30, 2010 and September 30, 2013 in violation of 25 Pa. Code §109.1107(a)(1).

4. 25 Pa. Code §109.1107(a)(5) states that a water supplier shall submit to the Department within 3 months of the end of the monitoring period in which lead tap monitoring was conducted a sample copy of the consumer notice of lead tap monitoring results along with a certification that the notices were distributed in accordance with §109.1104(b). York Water failed to submit the required certification to the Department following the monitoring periods ending September 30, 2010 and September 30, 2013, in violation of 25 Pa. Code §109.1107(a)(5).

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions, please contact me at 717.771.4460.

Sincerely,

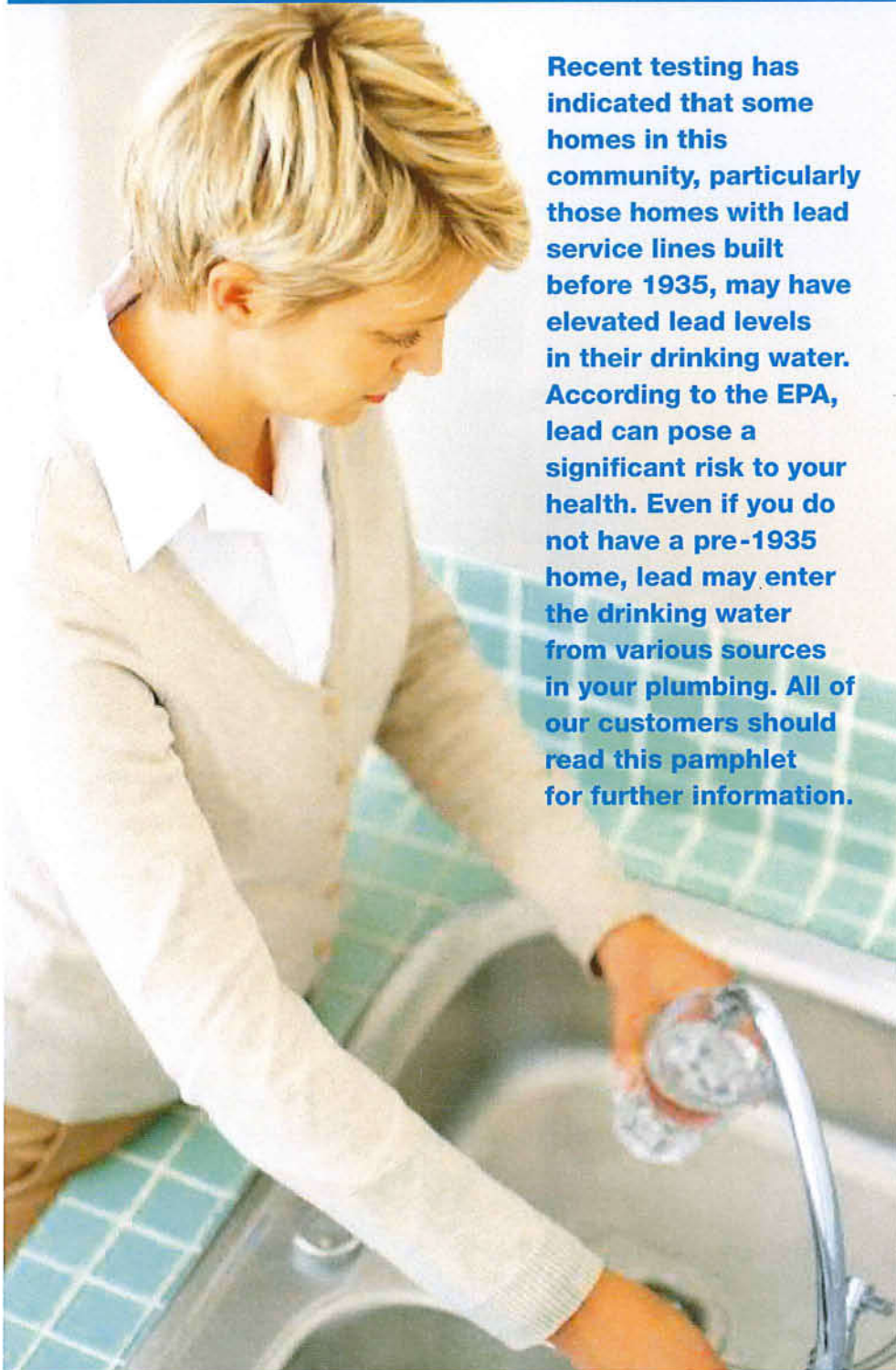
A handwritten signature in cursive script that reads "Angela Anderson".

Angela Anderson
Safe Drinking Water Supervisor
Safe Drinking Water Program

Exhibit D

THE YORK WATER COMPANY

Lead and Your Drinking Water



Recent testing has indicated that some homes in this community, particularly those homes with lead service lines built before 1935, may have elevated lead levels in their drinking water. According to the EPA, lead can pose a significant risk to your health. Even if you do not have a pre-1935 home, lead may enter the drinking water from various sources in your plumbing. All of our customers should read this pamphlet for further information.



"That good York water"
SINCE 1816

130 East Market Street
York, Pennsylvania 17401
717•845•3601
www.yorkwater.com

IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER.

York Water found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

Health Effects Of Lead, According to the US EPA:

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

Sources of Lead

Lead is a common metal found in the environment. Drinking water is one possible source of lead exposure. The main sources of lead exposure are lead-based paint and lead-contaminated dust or soil, and some plumbing materials. In areas like York, many older homes contain lead-based paint. Lead can be found in certain types of pottery, pewter, brass fixtures, food, and cosmetics. Other sources include exposure in the workplace and exposure from certain hobbies (lead can be carried on clothing or shoes). Lead is found in some toys, some playground equipment, and some children's metal jewelry.

Lead In Drinking Water

Lead in drinking water can increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water.

How Lead Enters Our Water

Unlike most drinking water contaminants, lead is unusual in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (Lead Service Line). When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead. In 1986, Congress banned the use of lead solder containing greater than 0.2% lead.

Most faucets purchased prior to 1997 were constructed of brass or chrome-plated brass, which contain up to 8% lead. In 2014, all new faucets sold are defined as "lead free" and contain no more than a weighted average of 0.25% lead in relation to wetted surface.

A property that had a house built on it before around 1935 may have a lead service line. Recent tests indicate that higher lead levels may be more likely to occur in houses with lead service lines. As of 2016, about 3% of York's customers have company-owned lead service lines. Although only a small percentage of lead service lines may be exceeding the action level, York Water is programming to replace all company-owned lead service lines by 2020.

Steps to Reduce Exposure to Lead In Drinking Water

If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, or if you would like to reduce lead levels, then you should take the following precautions:

- 1. To flush, let the water run from the tap before using it for drinking or cooking.** The longer water resides in your home's plumbing, the more lead it may contain. If the water has sat unused for more than 6 hours, flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, about 3 gallons of water, which should take about 3 minutes, before drinking. Toilet flushing or showering flushes water through a portion of your home's plumbing system, but you still need to flush the water in each faucet about 15-30 seconds before using it for drinking or cooking.
- 2. Use cold water for cooking and preparing baby formula.** Do not cook with or drink water from the hot water tap. Do not use water from the hot water tap to make baby formula. Lead dissolves more easily in hot water.
- 3. Do not boil water to remove lead.** Boiling water will not reduce lead.
- 4. Look for alternative sources or treatment of water.** The NSF Consumer Affairs Office has specific information about lead treatment at: <http://www.nsf.org/consumer-resources/health-and-safety-tips/water-quality-treatment-tips/lead-in-drinking-water>

5. Identify if your plumbing fixtures contain lead.

There are lead check swabs that can detect lead on plumbing surfaces such as solder and pipes. These swabs can be purchased at plumbing and home improvement stores. Consider having lead-containing pipes and fixtures replaced, or use the precautions listed above.

6. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater.

Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

For More Information

Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead.

What Did York Water Find And What Is Being Done to Reduce Lead?

York Water is required to routinely test at least 50 high-risk homes/buildings to see if there's any lead at their water tap. A high risk home has been determined to contain a lead service line, leaded solder, or plumbing fixtures with lead. The Environmental Protection Agency (EPA) designates a threshold that if more than 5 of those 50 tests exceed their action level of 15 PPB, then we need to initiate additional activities to reduce the amount of lead in the water. We had 6 samples exceed the action level. Although our tests indicate that the action level was only exceeded at a small percentage of homes with lead service lines built prior to 1935, York Water is providing this pamphlet to all of our customers to help educate you on how to reduce all sources of lead in your drinking water.

York Water's Program to Reduce Lead Includes:

1. Corrosion Control Treatment.

Treating the water to make it less likely that lead will dissolve into the water.

2. Lead Service Line Replacement.

We have been replacing company-owned lead service lines and have programmed to have them all removed by 2020.

3. Public Education Program.

For example, this pamphlet that shows you how to reduce lead in your water.

We suggest that any of our customers with concerns request to have their water tested. The following is a list of some state approved laboratories in our area that you can call to have your water tested for lead. This test would be completed at your cost:

- Analytical Laboratory Services, Inc. 717-944-5541
- LABS, Inc. 717-259-6550
- Microbac Labs 717-763-0582

For more information, call us at 717-845-3601 or visit our website at www.yorkwater.com. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's web site at <http://www.epa.gov/lead> or contact your health care provider.

Parte del proposito de esta aviso es notificarle de los posibles efectos adversos a su salud por cause del plomo en su agua. Si le gustaria obtener este aviso en Español, por favor comuniquese con nosotros al telefono 717-801-8406.

THE YORK WATER COMPANY

If you would like to read this notice in English. [Click here.](#)

Plomo en el agua potable



Pruebas recientes han indicado que algunos hogares en esta comunidad, particularmente aquellos hogares con líneas de servicio de plomo construidas antes de 1935, pueden tener niveles elevados de plomo en su agua potable. Según la EPA, el plomo puede representar un riesgo significativo para su salud. Aun si usted no tiene un hogar construido antes de 1935, el plomo puede entrar en el agua potable de varias maneras en su plomería y todos nuestros clientes deben leer este folleto para obtener más información.



"That good York water"
SINCE 1816

130 East Market Street
York, Pennsylvania 17401
717•845•3601
www.yorkwater.com

INFORMACIÓN IMPORTANTE SOBRE EL PLOMO EN SU AGUA POTABLE.

York Water encontró niveles elevados de plomo en el agua potable en algunos hogares / edificios. El plomo puede causar serios problemas de salud, especialmente para las mujeres embarazadas y los niños pequeños. Por favor, lea esta información detenidamente para ver qué puede hacer para reducir el plomo en su agua potable.

Efectos sobre la salud del plomo, según la EPA:

El plomo puede causar serios problemas de salud si entra demasiado en el cuerpo por el agua potable u otros medios. Puede causar daño al cerebro y los riñones, y puede interferir con la producción de glóbulos rojos que transportan oxígeno a todas las partes de su cuerpo. El mayor riesgo de exposición al plomo es para bebés, niños pequeños y mujeres embarazadas. Los científicos han vinculado los efectos del plomo en el cerebro con el coeficiente intelectual disminuido en los niños. Los adultos con problemas renales y presión arterial alta pueden verse afectados por niveles bajos de plomo más que los adultos sanos. El plomo se almacena en los huesos, y puede liberarse más tarde en la vida. Durante el embarazo, el niño recibe el plomo de los huesos de la madre, que puede afectar el desarrollo del cerebro.

Medios de exposición al plomo

El plomo es un metal común que se encuentra en el medio ambiente. El agua potable es un posible medio de exposición al plomo. Los principales medios de exposición al plomo son la pintura a base de plomo y el polvo o el suelo contaminado con plomo, y algunos materiales de plomería. En áreas como York, muchas casas más antiguas contienen pintura a base de plomo. El plomo se puede encontrar en ciertos tipos de alfarería, peltre, accesorios de latón, alimentos y cosméticos. Otras fuentes incluyen la exposición en el lugar de trabajo y la exposición de ciertas manías (el plomo se puede llevar en la ropa o los zapatos). El plomo se encuentra en algunos juguetes, algunos equipos de patio y algunas joyas de metal para niños..

Plomo en el agua potable

El plomo en el agua potable, puede aumentar la exposición total de plomo de una persona, particularmente la exposición de bebés que beben fórmulas para bebés y jugos concentrados que se mezclan con agua.

Cómo el plomo entra en nuestra agua

A diferencia de la mayoría de los contaminantes del agua potable, el plomo es inusual en que rara vez ocurre naturalmente en los suministros de agua como ríos y lagos. El plomo entra en el agua potable principalmente como resultado de la corrosión o el desgaste de los materiales que contienen plomo en el sistema de distribución y la plomería del hogar. Estos materiales incluyen la soldadura a base de plomo utilizada para unir tuberías de cobre, latón y grifos de latón cromado y, en algunos casos, tuberías de plomo que conectan su casa a la tubería principal de agua. Cuando el agua se encuentra en tuberías de plomo o sistemas de plomería que contienen plomo durante varias horas o más, el plomo puede disolverse en el agua potable. Esto significa que el primer agua extraída del grifo por la mañana, o más tarde por la tarde después de regresar del trabajo o de la escuela, puede contener niveles bastante altos de plomo. En 1986, el Congreso prohibió el uso de soldadura de plomo que contenga más del 0.2% de plomo.

La mayoría de los grifos comprados antes de 1997 fueron contruidos de latón o latón cromado, que contienen hasta un 8 por ciento de plomo. En 2014, todos los nuevos grifos vendidos se definen como "sin plomo" y no contienen más de un promedio ponderado de 0.25 por ciento de plomo en relación con la superficie mojada.

Una propiedad que tenía una casa construida en ella antes de alrededor de 1935 puede tener una línea de servicio de plomo. Pruebas recientes indican que es más probable que los niveles de plomo más altos ocurran en casas con líneas de servicio de plomo. A partir de 2016, alrededor del 3% de los clientes de York tienen líneas de servicio de plomo propiedad de la compañía. Aunque sólo un pequeño porcentaje de las líneas de servicio de plomo puede estar excediendo el nivel de acción, York Water está programando para reemplazar todas las líneas de servicio de plomo de propiedad de la compañía para 2020.

Pasos para reducir la exposición al plomo en el agua potable

Si una prueba de agua indica que el agua potable extraída de un grifo en su hogar contiene plomo por encima de 15 ppb, o si desea reducir los niveles de plomo, debe tomar las siguientes precauciones:

1. Para enjuagar, deje que el agua salga del grifo antes de usarlo para beber o cocinar. Cuanto mas reside el agua en la plomería de su casa, más plomo puede contener. Si el agua ha permanecido inutilizada durante más de 6 horas, enjuagar el grifo. Enjuagar el grifo significa hacer correr el grifo de agua fría hasta que el agua se vuelva notablemente más fría, normalmente de 15 a 30 segundos. Si su casa tiene una línea de servicio de plomo a la tubería de agua, puede tener que dejar correr el agua por un tiempo más largo, unos 3 galones de agua, lo que debería tomar unos 3 minutos, antes de beber. El lavado del inodoro o la ducha limpia el agua a través de una parte del sistema de plomería de su casa, pero todavía necesita dejar correr el agua en cada grifo aproximadamente 15-30 segundos antes de usarlo para beber o cocinar.
2. Use agua fría para cocinar y preparar la fórmula del bebé. No cocine ni beba agua del grifo de agua caliente. No use agua caliente del grifo para hacer la fórmula para bebés. El plomo se disuelve más fácilmente en agua caliente.
3. No hervir agua para eliminar el plomo. El agua hirviendo no reducirá el plomo.
4. Busque fuentes alternativas o tratamiento del agua. La Oficina de Asuntos del Consumidor de NSF tiene información específica sobre el tratamiento con plomo en: <http://www.nsf.org/consumer-resources/health-and-safety-tips/water-quality-treatment-tips/lead-in-drinking-water> <http://www.nsf.org/consumer-resources/health-and-safety-tips/water-quality-treatment-tips/lead-in-drinking-water>

5. Identifique si sus accesorios de plomería contienen plomo. Hay frotis de control de plomo que pueden detectar el plomo en las superficies de plomería, como soldadura y tuberías. Estos hisopos se pueden comprar en las tiendas de plomería y mejoras para el hogar. Considere la posibilidad de reemplazar las tuberías y los accesorios que contengan plomo, o use las precauciones mencionadas anteriormente.

6. Si los cables de tierra del sistema eléctrico están conectados a las tuberías, la corrosión puede ser mayor. Consulte con un electricista con licencia o con su código eléctrico local para determinar si su cableado puede conectarse a tierra en otro lugar. NO intente cambiar el cableado porque una conexión a tierra incorrecta puede causar descargas eléctricas y riesgos de incendio.

Para más información

Su médico de familia o pediatra puede realizar un análisis de sangre para el plomo y proveerle información sobre los efectos del plomo sobre la salud.

¿Qué encontró York Water y qué se está haciendo para reducir el plomo?

York Water se requiere para probar rutinariamente por lo menos 50 casas / edificios de alto riesgo para ver si hay plomo en su grifo de agua. Se ha determinado que un hogar de alto riesgo contiene una línea de servicio de plomo, soldadura con plomo o accesorios de plomería con plomo. La Agencia de Protección Ambiental (EPA) designa un umbral que si más de 5 de esas 50 pruebas exceden su nivel de acción de 15 PPB, entonces necesitamos iniciar actividades adicionales para reducir la cantidad de plomo en el agua. Tuvimos 6 muestras que excedieron el nivel de acción. Aunque nuestras pruebas indican que el nivel de acción sólo se superó en un pequeño porcentaje de hogares con líneas de servicio de plomo construidas antes de 1935, York Water está proveyendo este folleto a todos nuestros clientes para ayudar a educar sobre cómo reducir todas las posibles fuentes de plomo en el agua potable.

El programa de York Water para reducir el plomo incluye:

1. Tratamiento de Control de Corrosión. Tratar el agua para hacer menos probable que el plomo se disuelva en el agua.
2. Reemplazo de la línea de servicio principal. Hemos estado reemplazando las líneas de servicio de plomo que son propiedad de la compañía y hemos programado que se eliminen todas ellas antes de 2020.
3. Programa de Educación Pública. Por ejemplo, este folleto que le muestra cómo reducir el plomo en su agua.

Sugerimos que cualquiera de nuestros clientes con inquietudes solicite que su agua sea probada. Lo que sigue es una lista de algunos laboratorios aprobados por el estado en nuestra área que usted puede llamar para pedir que su agua se pruebe para el plomo. Esta prueba se completará a su costo:

- Analytical Laboratory Services, Inc. 717-944-5541
- LABS, Inc. 717-259-6550
- Microbac Labs 717-763-0582

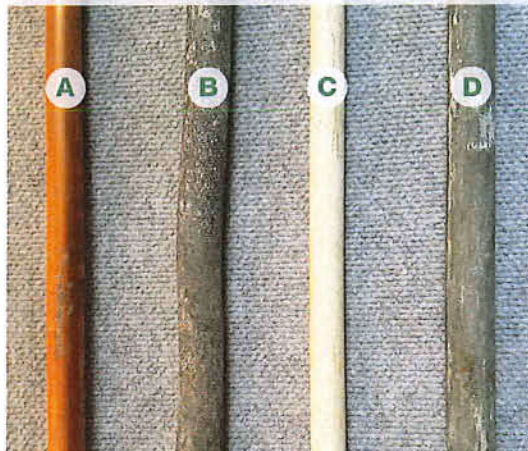
Para más información, llámenos al 717-845-3601 o visite nuestro sitio web en www.yorkwater.com. Para obtener más información sobre cómo reducir la exposición al plomo en su casa / edificio y los efectos sobre la salud del plomo, visite el sitio web de la EPA en <http://www.epa.gov/lead> o comuníquese con su proveedor de atención médica.

If you would like to read this notice in English.
[Click here.](#)

THE YORK WATER COMPANY

What Material is Your Water Service Line? We'd Like to Know if It's Lead!

Possible Pipe Materials



**A-Copper, B-Lead, C-Plastic and
D-Galvanized Steel**

When your house was built, the builder installed the water line from the curb into the house. Homeowners' pipes may be made of lead, copper, galvanized steel or plastic. York Water owns the part from the water main to the curb line. The property owner is responsible from the curb line into the house. York Water discontinued the use of lead in 1935.

Only about 3% of our customers have York Water owned lead service lines, and we will be replacing them by 2020. If you have a York Water owned lead service line, you should have received a letter from us. However, if your house was built prior to around 1935, you may have a customer owned lead service line. If you do, we'd like to know about it and we'd also like to test the water, at no cost to you.

We are asking our customers (in pre-1935 houses) to see if you have a lead service line, and if you do, visit our web page at <https://www.yorkwater.com/lead-service-line> and follow the instructions. Customers without access to our web page may call us at 717-845-3601. If you have a lead service line we'll send someone out to verify and drop off a test kit. Learn more about lead in drinking water at www.yorkwater.com or review the pamphlet we recently sent to you.

La información en español está disponible en nuestro sitio web.



**130 East Market Street
York, Pennsylvania 17401
717-845-3601
www.yorkwater.com**

DO YOU HAVE A LEAD SERVICE LINE? HERE'S HOW YOU CAN FIND OUT...

Follow These Steps:

You Will Need:

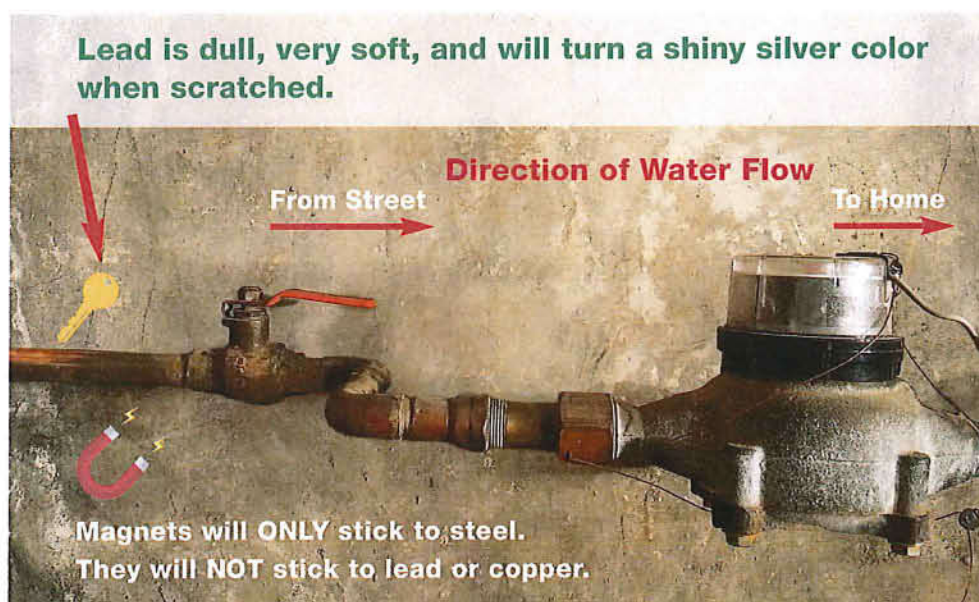
Key or a Coin
Strong Refrigerator Magnet

1. Find the water meter in your basement. Look at the pipe that comes through the outside wall of your home and connects to your meter.

2. Carefully scratch the pipe (like you would a lottery ticket) with a key or a coin. Do not use a knife or other sharp tool. Take care not to make a hole in the pipe. If the scratch turns a shiny silver color, it could be lead or steel.

NOTE: If pipe is painted, use sandpaper to expose the metal first.

3. Place the magnet on the pipe. If a magnet sticks, it is a steel pipe.



Other Ways You Can Check for Lead:

Lead test kits can be purchased at your local hardware or home improvement store. These kits are used to test what the pipe is made from – not the water inside. Look for an EPA recognized kit.

A licensed and insured plumber can inspect your pipes and other plumbing for lead.

Exhibit E

RULES (Continued)

3. Service Connections (Continued)

Company's Service Line in Advance of Street Improvement

- 3.3 If the Owner of a parcel of ground desires a service line installed to the curb in advance of street improvement and/or where there is no present demand for a supply of water, such Owner may be required to make a payment which will not exceed the estimated cost of installing the Service Line, which payment shall be refunded if and when service is initiated. All or any part of the payment that is not refunded within 10 years following the payment to the Company will be retained by the Company. (C)

Customer's Service Line

- 3.4 Each Customer's Service Line shall be installed and maintained by or on behalf of such Customer at his expense. The Company may specify the size, kind and quality of the material used in the Customer's Service Line and may approve the location and depth thereof, and it shall be equipped at an accessible point within the Premises with a stop and waste cock of a pattern and material approved by the Company.

Failure to maintain the Customer Service Line may be grounds for termination of service.

Separate Trench Required

- 3.5 Customer's Service Line shall not occupy the same trench with, or be placed within 18 inches of any sewer pipe or any facility of any other public service company, except that a common trench may be ledged for the service if approved by the Company, and shall not pass through any Premises other than those serviced by such Customer's Service Line.

(C) Indicates Change