

**Application of Pennsylvania-American Water Company for Acquisition of Assets of
The Municipal Authority of the City of McKeesport
66 Pa. C.S. §1329
Application Filing Checklist – Water/Wastewater
Docket No. A-2017-_____**

20. Proof of Compliance. Provide proof of compliance with applicable design, construction and operation standards of DEP or of the county health department, or both, including:
- f. Provide documentation evidencing a 5-year compliance history with DEP of other utilities owned or operated, or both, by the buyer, including affiliates, and their officers and parent corporations with regard to the provision of utility service.⁴

RESPONSE:

- f. Pennsylvania-American Water Company received one Notice of Violation (“NOV”) from the Pennsylvania Department of Environmental Protection (“DEP”) in the past five years in connection with its Pittsburgh-area operations regarding registration and reporting requirements of Chapter 110 Water Resource Planning Regulations. No other water or wastewater violations were received in any of PAWC’s neighboring operating areas of McMurray, Washington, Mon-Valley/Elizabeth, Brownsville, Uniontown and Connellsville. See enclosed NOV dated January 16, 2015; PAWC’s response and summary of corrective actions taken dated February 5, 2015; and DEP’s notice of compliance dated March 30, 2015.

⁴ Regarding Checklist Item 20(f), Class A public utilities need only submit compliance history for operations in the neighboring areas or a statement attesting to their compliance with this item.



JAN 1 3 2015

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7013 3020 0000 7433 1817

David R. Kaufman, P.E.
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Re: Water Resources Planning Act and Regulations
PAWC – Pittsburgh District

Dear Mr. Kaufman:

A review of our records has determined that Pennsylvania American Water Company-Pittsburgh District (PAWC) has failed to meet all of the registration and reporting requirements of the Chapter 110 Water Resources Planning Regulations (Regulations).

Sections 201- 203 of the Regulations, 25 Pa. Code § 110.201 - § 110.203 require PAWC to register all of its sources with the Department. PAWC has not registered three bi-directional interconnections and one buying interconnection required by the Regulations (list attached).

Section 301 of the Regulations, 25 Pa. Code § 110.301 requires PAWC to report water withdrawal and usage at all primary and sub facilities annually. The Authority failed to submit seventy-five Daily Water Withdrawal/Instream Flow Requirement Reports between 10/2013 and 8/2014.

In order to return to compliance with the Regulations, the Department requests that you register all of your sources within 21 days of the date of this notice of violation. A copy of the registration form and instructions have been included for your convenience. Additionally, you are requested to enter all of your annual reports for 2013 within 30 days of this notice of violation. The submission of the annual Sub Facility reports can only be accomplished online using the Pennsylvania DEP Greenport website. If you require assistance submitting electronic reports by way of the Greenport website, or if you have questions about the Chapter 110 regulations and requirements, please contact Karen Unruh, Water Program Specialist, by phone at 717.783.2402, or by email at kunruh@pa.gov.

In addition, PAWC currently has a 33% water loss percentage. The attached report shows that the water loss for 2013 is not indicating a decreasing trend. We request that PAWC initiate a study to develop a plan to reduce its unaccounted-for water loss to a level of 20 percent or below, which is the recommended limit now being incorporated as a special condition in water allocation permits. Please respond back to the Department by March 1, 2015 regarding the actions PAWC will take to reduce their current water loss percentage.

Celebrating the 30th Anniversary of the PA Safe Drinking Water Act (1984 -2014)

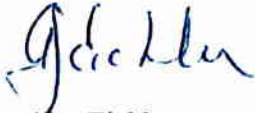
RECEIVED
1-20-15

This letter is only intended to inform you of the existence of a violation and of the ways in which you may move into compliance with the law. It shall not be construed to waive or impair any rights of the Department, including the right to take an action in the future. It shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

This Notice of Violation is neither an order nor a final appealable action of the Department of Environmental Protection.

I look forward to your cooperation in this matter. If you have any questions or desire any additional information, please contact me at 412.442.4214 or at mafrederic@pa.gov

Sincerely,



Alan Eichler
Program Manager
Safe Drinking Water Program

Attachments

cc: Ron Bargiel, Water Quality Manager
Region
Alan Eichler
Kay Frederick
Paul Vogel
Bharati Vajjhala
Karen Unruh

PA AMER WATER CO PITTSBURGH DIST COUNTY REGION eFACTS PFID WUDS PFID
 Allegheny 5 466806 18720

3. Chapter 110 PWS Sub Facility Sources Not Registered

<u>WUDS SF ID</u>	<u>SF NAME</u>	<u>FACILITY TYPE</u>	<u>FACILITY DESCRIPTION</u>
52932	WESTMORELAND CNTY MUNI AUTH ROUTE 51 INTC	Interconnection	Bi-directional Interconnection
51289	WESTMORELAND CNTY MUNI AUTH SCENERY DR INTC	Interconnection	Bi-directional Interconnection
53000	WESTMORELAND CNTY MUNI AUTH SR 2021 INTC	Interconnection	Bi-directional Interconnection
57955	PGH W & S AUTH ESPLEN INTC	Interconnection	Buying Interconnection
			Total Records 4

4. Water Allocation Daily Water Withdrawal/Instream Flow Requirement Reports Not Submitted

<u>WUDS SF ID</u>	<u>SF NAME</u>	<u>FACILITY DESIGNATION</u>	<u>REPORT DESCRIPTION</u>	<u>MONTH DUE</u>
✓ 283	ALDRICH	Instream Divrsn-River,Stream,Creek Intake	WPH WA Daily Wtr Withd Instream Flow Rpt	08/2014
✓ 282	BECKS RUN	Instream Divrsn-River,Stream,Creek Intake	WPH WA Daily Wtr Withd Instream Flow Rpt	08/2014
284	CHARTIERS CREEK 1	Reservoir Intake From Dam	WPH WA Daily Wtr Withd Instream Flow Rpt	08/2014
285	CHARTIERS CREEK 2	Reservoir Intake From Dam	WPH WA Daily Wtr Withd Instream Flow Rpt	08/2014
✓ 57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	10/2013
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	11/2013
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	12/2013
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	01/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	02/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	03/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	04/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	05/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	06/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	07/2014
57955	PGH W & S AUTH ESPLEN INTC	Buying Interconnection	WPH WA Daily Wtr Withd Instream Flow Rpt	08/2014



Paul A. Zielinski
800 West Hersheypark Drive
Hershey, PA 17033
Email: Paul.Zielinski@amwater.com

Phone: 717.531.3308
Fax: 717.531.3314

February 5, 2015

Mr. Alan Eichler
Program Manager
Safe Drinking Water Act Program
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Dear Mr. Eichler:

I am in receipt of the Notice of Violation (NOV) sent to our Pittsburgh office dated January 18, 2015, regarding issues related to the Water Resources Planning Act and Regulations. I would like to offer responses to the three issues cited in the NOV.

The first item is the requirement for Pennsylvania American Water Company (PAWC) to register three bi-directional interconnections and one buying interconnection. All of the connections have been properly registered by completing the supplemental registration form and returning it to Karen Unruh at the Central DEP office. PAW was not aware of the need to have these connections registered. It was our belief that they actually were registered, since they were already assigned a WUDS SF ID number in the electronic reporting system.

The second issue raised was missing data on water withdrawal and usage at the facilities and all sub-facilities in the Pittsburgh system. All of the missing data has been entered into the electronic reporting system. The attached email from Karen Unruh to your office confirms that items #1 above and this issue have been resolved.

A request by the DEP is also included as the third item on how PAWC intends to reduce its unaccounted-for (UAC) water as it was profiled for calendar year 2013. PAWC has an active program to control UAC in the Pittsburgh system. On staff are two full time individuals who continually perform investigations. Examples of how the Pittsburgh system aims at reducing and controlling UAC loss are:

- a.) Data review from the 1,960 leak loggers currently placed at strategic locations within the distribution system that continually "listen" for leaks on sections of pipe.



**PENNSYLVANIA
AMERICAN WATER**

- b.) Night flows are monitored via SCADA and evaluated within metered zones of the system.
- c.) Increased identification of water use has occurred. Examples include capturing water volumes used for system flushing, metering water used for new line installation work, and installing Hydroguard automatic blowoff devices that meter the water flow. Efforts are also underway to better capture water usage during fires from the fire departments.

We believe that we have satisfied all of the requirements of the Notice of Violation. If you require additional information or have any questions, please feel free to give me a call.

PAW aims at continually meeting all environmental regulations. It is requested that, prior to sending a Notice of Violation, that the Department contact me or a PAWC supervisor to discuss the needed information. PAWC will work diligently to correct any issues without the need for a violation notice to be issued. Your cooperation in this request would be greatly appreciated.

Very truly yours,

Paul A. Zielinski
Sr. Director – Water Quality and Environmental Compliance



APR 6 2015

March 30, 2015

Paul Zielinski, Sr. Director
Water Quality and Environmental Compliance
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA 17033

Re: Violations addressed
Notice of Violation, dated 1-16-2015
PWS No. 5020039

Dear Mr. Zielinski:

On January 16, 2015, a Notice of Violation was issued by the Department to the Pennsylvania American Water – Pittsburgh system that identified problems with source registration, water use data reports and the reduction of unaccounted water as required by the Water Resources Planning Act and Regulations.

You responded to each of these compliance issues by letter dated February 5, 2015. The Department has reviewed your response and now considers the violations satisfactorily addressed.

Thank you for your cooperation in this matter. If you have any questions, please contact me at 412-442-4214 or mafederic@pa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kay Frederick".

Kay Frederick
Operations Section Chief
Safe Drinking Water Program

cc: J. Jeffries, ACHD (via pdf)
Alan Eichler (via pdf)
Karen Unruh (via pdf)
Regional file

400 Waterfront Drive, Pittsburgh, PA 15222-4745

412.442.4000 FAX 412.442.4242

www.dep.state.pa.us