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February 7, 2019

**VIA** eFiling

Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

In Re: Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v.  
Winola Water Company  
Docket Nos. C-2018-2644592 and P-2018-3006216

Dear Secretary Chiavetta:

On November 29, 2018, Commissioner Norman J. Kennard issued an Ex Parte Emergency Order, at Docket Nos. P-2018-3006216 and C-2018-2644592, wherein Pennsylvania-American Water Company ("PAWC") was directed to act as the Receiver for the Winola Water Company ("Emergency Order") and ratified by the Pennsylvania Public Utility Commission on December 6, 2018. In Appendix A of the Emergency Order, specifically Paragraph 1.o., PAWC is directed to submit an "initial status report to the Commission within 60 days of assuming operations."

Enclosed, is the Initial Status Report to the Pennsylvania Public Utility Commission of the Winola Water Company submitted by PAWC dated February 7, 2019.

PAWC is also filing the Initial Status Report at Docket No. I-2018-3006498.

If you have any questions, please do not hesitate to contact me.

Respectfully,

Elizabeth Rose Triscari

Enclosure

cc: Deputy Chief Administrative Law Judge Joel H. Cheskis (via E-Mail, w/Enc.)  
List of Parties

In Re: Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v.  
Winola Water Company  
Docket Nos. C-2018-2644592 and P-2018-3006216  
Initial Status Report of the Winola Water Company submitted by PAWC  
February 7, 2019

**List of Parties**

Bradley R. Gorter, Esq. (via E-Mail, w/Enc.)  
Michael L. Swindler, Esq. (via E-Mail, w/Enc.)  
John Evans (via E-Mail, w/Enc.)  
Crystal Mickalowski (via E-Mail, w/Enc.)  
Christine M. Hoover, Esq. (via E-Mail, w/Enc.)  
Ralph Scartelli (via E-Mail, w/Enc.)  
John D. Hollenbach (via E-Mail, w/Enc.)  
Thomas T. Niesen, Esq. (via E-Mail, w/Enc.)  
Frances P. Orth, Esq. (via E-Mail, w/Enc.)  
Overfield Township (via UPS Overnight Delivery, w/Enc.)



**INITIAL STATUS REPORT TO THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
OF THE  
WINOLA WATER COMPANY**

**BY PENNSYLVANIA-AMERICAN WATER COMPANY, AS RECEIVER**

**DOCKET NOS. C-2018-2644592, P-2018-3006216, I-2018-3006498**

**February 7, 2019**

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**A. BACKGROUND**

On November 29, 2018, Commissioner Norman J. Kennard entered an Ex Parte Emergency Order, later ratified by the Pennsylvania Public Utility Commission (“Commission”), granting the petition of the Commission’s Bureau of Investigation and Enforcement (“I&E”) and initiating an investigation pursuant to 66 Pa. C.S. §529, into whether the Commission should order a capable public utility to acquire the Winola Water Company (“WWC”) water system (“529 Proceeding”). By that same Order, the Commission directed Pennsylvania-American Water Company (“PAWC”) to act as the Receiver for WWC beginning December 10, 2018. PAWC submits this initial status report on its receivership of WWC as directed by the Commission, including the status of settlement negotiations as directed by the presiding officer, Administrative Law Judge Joel H. Cheskis in his January 11, 2019 Scheduling Order.

**B. INITIAL STATUS REPORT**

**1. Pre-Receivership**

The Commission put forth the following requirements in the Ex Parte Emergency Order prior to PAWC’s receivership (responses for the requirements are in *italics*):

- i. WWC shall provide notice to its customers of the imposition of the receivership and the initiation of a Section 529 proceeding in the same manner as a general rate increase and shall inform its customers to direct future payments for water service to the Receiver as appointed by the Commission.

*On December 17, 2018, PAWC, as receiver for WWC, provided notice to all known WWC customers, through hand delivery of the notice included as Appendix A to this report. The notice provided customers with information concerning the Section 529 proceeding, how to contact PAWC with customer service issues, and that all future payments as of December 10, 2018 should be sent to PAWC as directed by the Commission. As PAWC received additional customer contact information from WWC, PAWC also mailed notice of the 529 proceeding and receivership.*

- ii. PAWC shall continue to provide bottled water to the WWC customers as required in the interim between the November Order and December 10, 2018, when the receivership period begins.

*PAWC began water delivery on November 29, 2018 and will continue until the “Do Not Consume” order from the Pennsylvania Department of Environmental Protection (“DEP”) for exceedance of lead and cadmium in the system is lifted.*

- iii. WWC shall preserve all hard copy or electronic records, files, bank statements, documents, papers, or any other materials related to this offering of utility water service, including records of all contracts, agreements, loans, payments, and other arrangements with affiliated companies. In addition, WWC shall, no later than

December 10, 2018 turn over copies or originals of all books, records, accounts, and any other information used and useful in the provision of the utility wastewater service to customers served by the WWC to the Receiver as appointed by the Commission.

*As of January 18, 2019, it appears that any existing financial and operational records have been turned over to PAWC. However, the documentation is outdated (circa 2013-2015) and incomplete.*

- iv. WWC shall, no later than December 10, 2018, turn over all operations and assets, including keys to locks securing the Big Oaks Well Treatment Building, the Reservoir Hatch, and the Middle Oaks Well Treatment building, and any other property whether personal or real property, used and useful in the provision of utility water service to customers served by the WWC.

*All operations and assets, including keys to locks, have been turned over to PAWC. Since December 10, 2018, PAWC has changed the locks on all facilities for security purposes.*

## **2. Operations and Capital Expenditures**

On December 5, 2018, PAWC staff met on site with the WWC licensed operator to assess the water system. During the initial site walk through, PAWC staff visually inspected the Middle Oaks Treatment Building and its contents, the Big Oaks Treatment Building and its contents, and the storage reservoir. The immediate observed issues were divided into the following categories: health and safety, regulatory compliance, system reliability, and miscellaneous operational deficiencies.

Based on the initial site visit held on December 5, 2018, previous site inspections performed by DEP (attached to the report in Appendix B), and knowledge of the system gained through daily operations since December 10, 2018 by PAWC as Receiver, the following immediate, short term, and future suggested improvements are listed below, pursuant to Appendix A(1)(c) of the Ex Parte Emergency Order:

### **A. Immediate Improvements**

1. *Observation:* Poor house-keeping was observed in both well houses.

*Improvement Completed:* PAWC staff has removed and disposed of debris making access easier and safer for employees.

2. *Observation:* There is inadequate lighting outside of both well houses. Big Oaks Well house has no interior lighting. Additionally, the electrical facilities are antiquated and not properly identified/labeled related to arc flash, grounding, panel clearances, etc.

*Improvement In Progress:* PAWC, along with an electrical contractor, conducted an on-site assessment of the facilities on December 13, 2018. The contractor, under PAWC direction, is to install the outside site lighting and upgrade the electrical panel and components inside both well houses.

3. Observation: Mold is highly visible and strongly detectable through inhalation in both treatment buildings.

Improvement In Progress: Proper personal protective equipment (respirators, etc.) has been provided and is to be worn at all times when inside the treatment buildings until remediation can be completed.

4. Observation: No emergency eyewash station or shower at either treatment facility.

Improvement Completed: Portable eyewash stations have been installed at each well treatment facility.

5. Observation: There are no functional water meters on either of the well discharge lines.

Improvement Completed: PAWC staff installed a water meter on the Big Oaks well discharge line. Middle Oaks well is currently not in use and therefore, a water meter will be installed at a later date.

6. Observation: There is no water meter on the finished water line at the entry point.

Improvement In Process: A new entry point for Middle Oaks is currently a part of a minor permit amendment application to the existing DEP Public Water Supply Permit for WCC. Once approved, water meters will be installed on the finished water lines at the two entry points.

7. Observation: No true raw water sample point exists on Big Oaks Well.

Improvement Completed: PAWC staff installed an adequate tap on the Big Oaks raw water line ahead of chlorine injection point.

8. Observation: No entry point sampling location exists at EP 101 (where water enters distribution system).

Improvement to Be Completed: Taps will be installed before the entry points into the distribution system for monitoring purposes once the minor permit amendment is approved by DEP.

9. Observation: The system does not meet the requirements for the DEP Safe Drinking Water Regulations Groundwater Rule (25 Pa. Code, Chapter 109). It was discovered that the Public Water Supply Permit application submitted by WWC, prior to PAWC's receivership was inaccurate.

Improvement to Be Completed: A minor permit amendment application to correct the inaccuracies of the current approved DEP Public Water Supply Permit has been completed and submitted to the DEP. The proposed upgrades include installation of new 42" underground ductile iron contact main at both the Big Oaks and Middle Oaks well stations in order to provide adequate contact time. PAWC will also establish two regulatory entry points, (as mentioned under Item 6) one at each well,

including an entry point sampling location for compliance monitoring/reporting.

10. *Observation:* Historical water quality sampling indicates that high levels of cadmium and lead are present in the distribution system.

*Improvement to Be Completed:* Implement chemical sequestration/corrosion inhibitor treatment in order to coat the distribution mains and customer service lines to prevent corrosion and subsequently reduce cadmium and lead levels in the distribution system. This will require a Public Water Supply permit issued by DEP, which is currently being prepared by PAWC staff and is expected to be submitted in early March 2019.

11. *Observation:* The driveway and parking area to the Big Oaks Well facility is unsafe due to ruts, potholes, and poor drainage.

*Improvement to Be Completed:* PAWC has hired a contractor to grade and stone the existing driveway and parking area to the Big Oaks Well facility to improve access and safety.

12. *Observation:* Existing chlorine feed pumps are antiquated and under-sized with no reliable backup/stand-by pumps available for either treatment facility.

*Improvement to Be Completed:* New chemical disinfection feed pumps and backups will be installed/stored on site as a part of the minor permit amendment to the existing DEP Public Water Supply Permit for WCC.

13. *Miscellaneous Operational Improvements:* PAWC has been collecting the monthly distribution Bac-T samples and submitting a monthly compliance report to DEP. PAWC continues to issue the Public Notification notice every 30 days as required by DEP for exceedance of lead and cadmium in the system.

## **B. Short-Term Suggested Improvements**

1. Rehabilitation of both chemical treatment facilities to remediate the presence of mold, and provide proper HVAC to eliminate future growth.
2. Replace/rehabilitate/install adequate chemical feed and water quality analyzer/monitoring equipment.
3. Installation of communications/alarm notification system (SCADA, auto-dialer or similar) to alert operators of alarm conditions.
4. Select distribution main replacement (exposed lines, leaks, etc.)
5. Implement improvements to the system to provide Groundwater Rule compliance.

**C. Future Suggested Improvements**

1. Full distribution system main replacement.
2. Customer service line replacement (extent to be dictated by Commission rules and regulations).
3. Installation of customer meters.
4. Well, treatment facilities, and storage improvements as dictated by operation experience and regulatory requirements.

**D. Preliminary Capital Improvements Cost Estimate**

<b>Capital Improvement</b>	<b>Cost Estimate</b>
<b>I. Immediate Improvements</b>	
Miscellaneous (See Section 2A)	\$30,000
<b>Sub-Total:</b>	<b>\$30,000</b>
<b>II. Short-Term Improvements</b>	
a. Well House Stabilization & HVAC Improvements	\$10,000
b. Chemical feed system & monitoring improvements	\$15,000
c. Communications/Alarm Equipment	\$25,000
d. Storage Reservoir Rehabilitation	\$50,000
e. Select Main Replacement/Rehab	\$50,000
f. Groundwater Rule Compliance Implementation	\$25,000
<b>Sub-Total:</b>	<b>\$175,000</b>
<b>III. Future Improvements</b>	
a. Full System Main Replacement (2,400 ft. @ \$100/ft.)	\$240,000
b. Customer service line replacement (35 @ \$1,500 each)	\$52,500
c. Installation of customer meters (35 @ \$500 each)	\$17,500
d. Well, Treatment, and Storage Improvements	\$250,000
<b>Sub-Total:</b>	<b>\$560,000</b>
<b>Total:</b>	<b>\$765,000</b>
O&C (20%):	\$153,000
Engineering & Permitting (10%):	\$76,000
AFUDC & Capital Clearing (10%):	\$76,000
<b>Grand Total:</b>	<b>\$1,070,000</b>

### **3. Financial**

PAWC requested all financial information from the owner of WWC, upon assuming receivership of the system, including all bank statements, checkbooks and banking contacts, phone numbers and addresses of all customers, financial statements, and customer billing and payment history. As of the date of this report, PAWC has received bank account information and an outdated customer list from WWC. PAWC is currently working to update and confirm all customers, both full-time and seasonal. Despite PAWC's diligent efforts to obtain necessary financial information, the owner has been able to provide very little and has no information regarding the status of customer billing and accounts receivable. Additionally, there are no records relating to historical income, expenses or capital investments for the system. There are no records of loans made to or from WWC, no records of insurance policies for WWC and no records of policies, procedures or rules governing WWC activities. Vendor accounts, including utility service accounts have been transferred to PAWC, as Receiver for WWC as the account holder and bills are now being sent to PAWC. Property, casualty and liability insurance has been requested for the system. Once billing information, including unpaid balances, customer names, service addresses, contact information, and scheduling has been confirmed, PAWC will be in a position to bill customers in accordance with WWC's tariff.

### **4. Status of Settlement Negotiations**

All parties to the 529 Proceeding participated in an initial settlement call on January 28, 2019. A second call was held on February 1, 2019 and a third is scheduled for February 11, 2019. PAWC believes that progress is being made towards a possible settlement and that parties will continue to negotiate in good faith in an attempt to resolve this matter.

## **C. CONCLUSION**

PAWC will continue to investigate the WWC water system operations and financial status, and will make necessary improvements to operate WWC to ensure safe and quality service to its customers for the period of PAWC's receivership during the 529 Proceeding. PAWC will provide a quarterly update to this report, as directed by the Commission.

## NOTICE OF ACQUISITION INVESTIGATION AND RECEIVERSHIP

To Winola Water Company Customers:

### **The PUC's Acquisition Investigation and Appointment of Receiver**

Winola Water Company (WWC) is your water service provider. WWC has approximately 10 year-round customers and approximately 25 seasonal customers and is regulated by the Pennsylvania Public Utility Commission (PUC) under the Pennsylvania Public Utility Code. The PUC has opened an investigation at PUC Docket No. I-2018-3006498 into whether it should order a capable public utility to acquire WWC pursuant to Section 529 of the Public Utility Code (66 Pa. C.S. Section 529). As part of this process, the PUC has ordered that Pennsylvania-American Water Company (PAWC) assume total control of all property and operations of WWC as a receiver beginning December 10, 2018. The Company controlling your billing will change to PAWC. All future payments for water service should be directed to PAWC, 800 West Hersheypark Drive, Hershey, PA 17033. For customer service issues during normal business hours (Monday through Friday 8:00 AM to 5:00 PM), contact PAWC's Customer Advocacy Group at 717-531-3466. After hours and on weekends please contact PAWC's Field Resources Coordination Center (FRCC) at 570-351-0101.

### **Notice of the Investigation and an Opportunity to Participate In It**

As a customer of WWC, you are entitled to receive Notice of the Acquisition Investigation and an opportunity to participate in it.

### **Actions You Can Take**

You are not required to participate in the Investigation. The burden to prosecute the proceeding is with the PUC's Bureau of Investigation and Enforcement. Should you wish to participate, there are three ways to do so:

1. You can contact the Pennsylvania Office of Consumer Advocate (OCA) with questions, concerns and comments. The OCA is an active party representing the interests of residential customers. The telephone number for the OCA is (717) 783-5048 or toll-free (800) 684-6560. You can also find information about the case on the OCA's website: [www.oca.state.pa.us](http://www.oca.state.pa.us).
2. You can file a formal Petition to Intervene asking the PUC to allow you to be a party – the petition must state who you are, why you want to be a party, and what your specific concerns are. Petitions should include the docket number (I-2018-3006498) and be sent to the Secretary, PUC, 400 North Street, Harrisburg, PA 17120 with a copy to Administrative Law Judge Joel H. Cheskis, PUC, 400 North Street, Harrisburg, PA 17120. Petitions must be received by the Secretary by close of business on January 7, 2019. WWC has the right to file a responsive pleading to any petition you file. If you have questions, you can call the OCA.
3. You can attend or be a witness at a public input hearing, if one is held, where you will have the opportunity to present your views to Judge Cheskis. All testimony given "under oath" becomes part of the official case record. If no public input hearings are held, you still have the right to attend any hearings that are held in the case, but will not be permitted to testify unless you have requested and been granted permission to intervene or are called by a party as a witness.

WINOLA WATER COMPANY

## **APPENDIX B**

DEP Inspection Reports and Field Orders

## WATER SUPPLY INSPECTION REPORT

FACILITY NAME <b>Winola Water Company</b>	PWS ID NO. <b>2660004</b>	INSPECTION DATE <b>08-30-18</b>
FACILITY LOCATION/ADDRESS <b>Urie Ave., Lake Winola, PA 18625</b>	COUNTY <b>Wyoming</b>	MUNICIPALITY <b>Overfield Twp.</b>
RESPONSIBLE OFFICIAL'S NAME <b>Ralph Scartelli</b>	TELEPHONE NO. <b>570-499-6063</b>	
	SYSTEM TYPE <b>COMM</b>	POPULATION <b>130</b>
CERTIFIED OPERATOR'S NAME <b>Dan Farnham</b>	FIELD ORDER NO. <b>18-21-3229-009</b>	
	ISSUE DATE (MM/DD/YY) <b>08-31-18</b>	

V I O L A T I O N S	Failure to respond to an emergency	X	Failure to meet design/construction stds.	<u>FACTS INFO</u>	
	A1.	Failure to respond to an emergency	X	C1.	Insp. ID#: _____
A2.	Failure of key treatment processes	X	C2.	Failure to conduct performance monitoring	
A3.	Failure to respond to an acute violation	X	C3.	Failure to treat as permitted	X
B1.	Failure to provide an adequate supply		C4.	Failure to operate and maintain PWS	X
B2.	Failure to provide min. disinfectant residual	X	C5.	Failure to obtain certified operator	
B3.	Failure to respond to PMCL/TT violation	X	C6.	Improper interruption/repair	
B4.	Failure to comply with an Order		C7.	Failure to comply with permit condition	X
B5.	Failure to obtain a permit		D1.	Reports/Records/Maps	X
B6.	Other significant deficiencies	X	E1.	Other	
			INSPECTION TYPE		
			FULL		
			PARTIAL		X
			COMPLAINT		
			FOLLOWUP		

**NARRATIVE** Site visit conducted on this date to check on the leak in the seasonal section of the distribution system. Also present from the Department were Alyssa Namey (Environmental Trainee) and Crystal Mickalowski (Sanitarian Supervisor).

Upon arrival onsite, it was noted that the leak was still actively flowing from a crack in the pavement and the water was running down the street. It appeared that the crack in the pavement from which the water was flowing had grown larger since the last site inspection on July 17, 2018, allowing a greater amount of water flow.

The free chlorine residual from the leak measured 0.00 mg/L, indicating that the distribution system may not be receiving disinfected water. The free chlorine residual was then measured from the Boathouse Bar, the year-round true entry point/first service connection, the seasonal true entry point/first service connection, and the sample tap right after the chlorine injection point. The free chlorine residuals measured from these sample points were all 0.00 mg/l. A non-detectable chlorine residual indicates that there is a breakdown in treatment.

Upon inspection of the sodium hypochlorite disinfection system, it was discovered that the sodium hypochlorite day tank was empty. According to Dan Farnham, who had arrived onsite to respond to the non-detectable chlorine residual, he had just refilled the tank on Monday. He said that he had filled the day tank up to the 35-gallon fill line with the appropriate sodium hypochlorite/water ratio to keep the residual between 1.8-2.2 mg/l. Additionally, he stated that he has gone to the system every few days to refill the day tank and has used 35 gallons of sodium hypochlorite in the system since June 2018 due to the higher than average water usage caused by the leak. Mr. Farnham stated that he has been measuring the leak during his visits, and has noted that the leak has gotten larger and is allowing a higher water flow.

Upon inspection of the finished water reservoir, it was noted that there is various debris floating on the water. In addition, a piece of what appeared to be metal foil was observed at the bottom of the reservoir. A spider web was observed to be connected to the opening of the reservoir and the electrical box for the float. In addition, multiple slugs and what appeared to be mold was discovered on the wood in the reservoir.

Due to the breakdown in treatment and other noted issues, Mr. Farnham was informed of the necessity to place the system on a Boil Water Advisory. Mr. Farnham stated that he had already called Mr. Scartelli and informed him of the Boil Water Advisory and public notice requirement. Mr. Farnham was also informed that a Field Order would be issued the next day, due to the time of day the inspection occurred. This inspection report is reflective of the violations noted during the inspection and detailed in Field Order 18-21-3229-009.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER _____	COLLECTION TIME	SAC #
			F	T				
Leak in street			0.00					
Boathouse			0.00					
Year-Round EP/First Connection			0.00					
Seasonal EP/First Connection			0.00					
Sample Tap After Injection Point			0.00					

\_\_\_\_\_  
 RECEIVED BY (PRINT NAME)

Gina Kellett  
 INVESTIGATOR (PRINT NAME)

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 SUPV. INITIALS

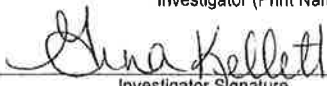
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*Gina Kellett* 8/31/18  
 INVESTIGATOR (SIGNATURE AND DATE)

\_\_\_\_\_  
 PADWIS UPDATED


**NARRATIVE DESCRIPTION FORM FOR WATER SUPPLY SYSTEMS  
 (CONSULTATION, ETC.)**

Facility Name: Winola Water Co.		Date: 08/30/18	PWS No.: 2660004
Address: Urie Ave., Lake Winola PA		City, Boro, Twp.: Overfield Twp.	County: Wyoming
<b>Enter Description:</b>			
<p>Violations:</p> <p>A1—Failure to respond to an emergency          A2—Failure of key treatment processes          A3—Failure to respond to an acute violation          B2—Failure to provide minimum disinfectant residual          B3—Failure to respond to a treatment technique violation          C3—Failure to treat as permitted          C4—Failure to operate and maintain the water system          C7—Failure to comply with a permit condition          D1—Failure to maintain/submit the daily plant records</p> <p>The water supplier failed to respond to an emergency and take the actions necessary to protect public health when the system failed to provide continuous disinfection of the water by allowing the sodium hypochlorite solution day tank to run dry. Therefore, the process of continuous disinfection that was permitted by the Department to ensure compliance with bacteriological maximum contaminant levels has been eliminated as evidenced by the lack of a free chlorine residual at the entry point/first service connection and within the distribution system. In addition, the system has failed to monitor the entry point chlorine residual on a daily basis as required under the Groundwater Rule. By failing to conduct this required monitoring, the water system cannot ensure that continuous 4-log treatment of viruses has been maintained. As a result of the inability to ensure that continuous 4-log treatment of viruses was/is being provided, the system was required to notify the Department within one (1) hour of discovery of the violation and issue a Tier 1 public notice within 24 hours which did not occur.</p> <p>B6 - This also constitutes a significant deficiency under the Groundwater Rule, as inadequate treatment could allow viable viruses in fecally contaminated water to enter the distribution system</p> <p>C4—Failure to operate and maintain the water system - The system failed to operate and maintain the water system as evidenced by various debris in the water of the finished water reservoir as well as various insects, slugs, mold and debris around the top of the finished water reservoir. Since water was dripping from the rafters of the reservoir's roof where the insects, slugs, mold and other debris was observed, the water contained within the reservoir could be contaminated.</p> <p>B6 – Significant Deficiency—The above violation also constitutes a "Significant Deficiency" under the Groundwater Rule, as the various sources of contamination either are or have the potential to allow the introduction of contamination into the water delivered to consumers.</p> <p>C4—Failure to operate and maintain the water system - The system failed to operate and maintain the water system by not fixing leaks that have been present in the distribution system for an extended amount of time. Due to the increase in water usage, the well pump was operating more frequently than normal, which led to the sodium hypochlorite solution day tank to run dry.</p> <p>B6 – Significant Deficiency—The above violation also constitutes a "Significant Deficiency" under the Groundwater Rule, as the leak in the distribution system has the potential to allow the introduction of contamination into the water delivered to consumers.</p> <p>The corrective actions for the above noted violations are detailed in Field Order 18-21-3229-009.</p> <p>Please contact the Department as the violations are addressed.</p>			

_____		Gina Kellett	
Received By (Print Name)		Investigator (Print Name)	
_____			
Received By Signature		Investigator Signature	
_____		8/31/18	
Date		Date	
		Supervisor's Initials	

VIOLATION		REGULATION REFERENCE
<b>Imminent Threat Violations</b>		
A1.	Failure to respond to an emergency situation (includes: waterborne disease outbreaks, waterborne emergencies, spills or prolonged water outages).	109.4, .408, .701(a)(3)
A2.	Failure to provide or significant interruption in key water treatment processes (includes: disinfection, filtration or nitrate removal).	109.4(2), .202(c), .1203, .1302, .1307(a)(1)(ii)
A3.	Failure to respond to an acute violation/situation (includes: reporting to DEP, public notification, investigation of cause and corrective measures for the following acute violations: TT violation of CFE max. allowable turbidity, TT violation for <i>Cryptosporidium</i> , breakdown in treatment for GW sources, MRDL exceedance of chlorine dioxide, MCL exceedance of nitrate/nitrite, MCL exceedance for total coliform w/ fecal coliforms or <i>E. coli</i> present, or finished water turbidity exceedance for unfiltered SW).	109.4, .408, .701(a)(3), .1307(a)(1)(ii)
<b>Priority Violations</b>		
B1.	Failure to provide an adequate supply of water (includes: source, storage and distribution system inadequacies).	109.602, .603
B2.	Failure to provide acceptable minimum disinfectant residual throughout the distribution system.	109.710
B3.	Failure to respond to non-acute PMCL or treatment technique violation (includes: reporting to DEP, public notification, investigation of cause/ corrective actions).	109.4, .202, .409, .701(a)(3), .1102(b)(1), .1203, .1302
B4.	Failure to comply with an Order issued by the DEP.	Section 13(a) of Act 43 (SDWA)
B5.	Failure to obtain a permit, innovative technology permit, major permit amendment, or emergency permit.	109.501-.507, .1105
B6.	Other violations deemed to be significant deficiencies (M/R violations such as chronic failure to monitor, selective reporting, data recorder malfunctions; facility/administrative violations that are contributing to an imminent threat/priority violation or are chronic/persistent).	109.4, .301, .303, .701, .1303
<b>Facility Violations</b>		
C1.	Failure to meet design and construction standards.	109.602-.609, .611-.612
C2.	Failure to conduct performance monitoring or monitoring for accredited-by-rule parameters (such as fluoride, turbidity, residual disinfectant, WQPs, etc.) <b>OR</b> failure to use approved methods for accredited-by-rule parameters.	109.301, .301(7)(iii)(F), .304(c), .1103, .1305(a)
C3.	Failure to provide level of treatment as designed and permitted, failure to filter to waste.	109.703
C4.	Failure to operate and maintain the water system or implement O&M Plan.	109.4, .702
C5.	Failure to obtain an operator with the appropriate certification.	109.4, .704
C6.	Improper interruption and repairs, failure to disinfect facilities.	109.708, .711
C7.	Failure to comply with a permit condition.	109.504(c)
<b>Administrative Violations</b>		
D1.	Failure to maintain/submit: daily plant records, sample siting plan, water supplier complaint log, water supplier sanitary surveys, operation and maintenance plan, distribution map, emergency response plan or cross-connection control plan.	109.701, .702, .705, .706, .707, .709, .1107
E1.	Violations of other Safe Drinking Water Regulations (examples: PMCL/MRDL/TT, SMCL, unregulated contaminants, M/R, special monitoring)	109.202, .203, .301 or .302

## WATER SUPPLY INSPECTION REPORT

FACILITY NAME <b>Winola Water Company</b>	PWS ID NO. <b>2660004</b>	INSPECTION DATE <b>10-09-18</b>
FACILITY LOCATION/ADDRESS <b>Urie Ave., Lake Winola, PA 18625</b>	COUNTY <b>Wyoming</b>	MUNICIPALITY <b>Overfield Twp.</b>
RESPONSIBLE OFFICIAL'S NAME <b>Ralph Scartelli</b>	TELEPHONE NO. <b>570-499-6063</b>	
	SYSTEM TYPE <b>COMM</b>	POPULATION <b>130</b>
CERTIFIED OPERATOR'S NAME <b>Dan Farnham</b>	FIELD ORDER NO.	
	ISSUE DATE (MM/DD/YY)	

V I O L A T I O N S	A1. Failure to respond to an emergency	C1. Failure to meet design/construction stds.	<b>eFACTS INFO</b> Insp. ID#: _____ Vid. ID#: _____	
	A2. Failure of key treatment processes	C2. Failure to conduct performance monitoring		
	A3. Failure to respond to an acute violation	C3. Failure to treat as permitted	<b>INSPECTION TYPE</b>	
	B1. Failure to provide an adequate supply	C4. Failure to operate and maintain PWS		
	B2. Failure to provide min. disinfectant residual	C5. Failure to obtain certified operator	FULL	X
	B3. Failure to respond to PMCL/TT violation	C6. Improper interruption/repair	<b>COMPLAINT</b>	
	B4. Failure to comply with an Order	C7. Failure to comply with permit condition		
	B5. Failure to obtain a permit	D1. Reports/Records/Maps	<b>FOLLOWUP</b>	
	B6. Other significant deficiencies	E1. Other		

**NARRATIVE** Site visit conducted on this date to collect water samples throughout the system to investigate the system's water quality after the Department was notified that recent samples taken by the system showed cadmium results that were twice the MCL. Also present from the Department were Alyssa Namey (Environmental Trainee), Brendan Lee (Environmental Trainee) and Crystal Mickalowski (Sanitarian Supervisor).

The Department met with Dan Farnham, who provided access to the Big Oaks Treatment Building and the reservoir. Mr. Farnham collected the required cadmium confirmation sample prior to the Department arriving onsite.

Samples were collected from the tap in the Big Oaks Treatment Building, the reservoir, the first service connection (where the original cadmium sample was taken), and the Boathouse Bar. To obtain a raw water sample from the Big Oaks Treatment building, Mr. Farnham turned off the chlorine injection pump and triggered the well pump to allow raw source water to flow through the tap. The chlorination system was plugged back as soon as the samples were finished.

Upon arrival at the reservoir, it was noted that there appeared to have been additional mold/fungus growth on the wood. Additionally, it appears that the original roofing wood is rotting and becoming unstable, as evidenced by one of the rafters cracking when touched by Mr. Farnham. Additionally, multiple types of debris (including leaves, wood slivers, and pieces of insulation), were observed to be floating on the surface of the water. Additionally, while the IOC samples were being collected, a rodent was observed at the bottom of reservoir near the opening. This rodent did not appear to have been there for a long time, therefore it is believed that there is an open access point. The rodent and other contaminants need to be removed from the reservoir as soon as possible.

Due to the high levels of cadmium and lead in the samples previously collected by Mr. Farnham, the system was placed on a "Do Not Drink" Advisory on Friday, 10/5/18. The system remains on the Do Not Drink Advisory. Field Order 18-21-3229-011 remains in effect.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				
"Raw water tap"	3229001	7.5	0.00				1320	174
Reservoir	3229003	7.6	1.25				1343	174
DeMartino Residence	3229005	7.4	1.12				1400	174
Boathouse Bar	3229007	7.6	1.10				1416	174

RECEIVED BY (PRINT NAME) \_\_\_\_\_

Gina Kellett  
 INVESTIGATOR (PRINT NAME)

SUPV. INITIALS \_\_\_\_\_

RECEIVED BY (SIGNATURE AND DATE) \_\_\_\_\_

*Gina Kellett* 10/12/18  
 INVESTIGATOR (SIGNATURE AND DATE)

PADWIS UPDATED \_\_\_\_\_

VIOLATION		REGULATION REFERENCE
<b>Imminent Threat Violations</b>		
A1.	Failure to respond to an emergency situation (includes: waterborne disease outbreaks, waterborne emergencies, spills or prolonged water outages).	109.4, .408, .701(a)(3)
A2.	Failure to provide or significant interruption in key water treatment processes (includes: disinfection, filtration or nitrate removal).	109.4(2), .202(c), .1203, .1302, .1307(a)(1)(ii)
A3.	Failure to respond to an acute violation/situation (includes: reporting to DEP, public notification, investigation of cause and corrective measures for the following acute violations: TT violation of CFE max. allowable turbidity, TT violation for <i>Cryptosporidium</i> , breakdown in treatment for GW sources, MRDL exceedance of chlorine dioxide, MCL exceedance of nitrate/nitrite, MCL exceedance for total coliform w/ fecal coliforms or <i>E. coli</i> present, or finished water turbidity exceedance for unfiltered SW).	109.4, .408, .701(a)(3), .1307(a)(1)(ii)
<b>Priority Violations</b>		
B1.	Failure to provide an adequate supply of water (includes: source, storage and distribution system inadequacies).	109.602, .603
B2.	Failure to provide acceptable minimum disinfectant residual throughout the distribution system.	109.710
B3.	Failure to respond to non-acute PMCL or treatment technique violation (includes: reporting to DEP, public notification, investigation of cause/ corrective actions).	109.4, .202, .409, .701(a)(3), .1102(b)(1), .1203, .1302
B4.	Failure to comply with an Order issued by the DEP.	Section 13(a) of Act 43 (SDWA)
B5.	Failure to obtain a permit, innovative technology permit, major permit amendment, or emergency permit.	109.501-.507, .1105
B6.	Other violations deemed to be significant deficiencies (M/R violations such as chronic failure to monitor, selective reporting, data recorder malfunctions; facility/administrative violations that are contributing to an imminent threat/priority violation or are chronic/persistent).	109.4, .301, .303, .701, .1303
<b>Facility Violations</b>		
C1.	Failure to meet design and construction standards.	109.602-.609, .611-.612
C2.	Failure to conduct performance monitoring or monitoring for accredited-by-rule parameters (such as fluoride, turbidity, residual disinfectant, WQPs, etc.) <b>OR</b> failure to use approved methods for accredited-by-rule parameters.	109.301, .301(7)(iii)(F), .304(c), .1103, .1305(a)
C3.	Failure to provide level of treatment as designed and permitted, failure to filter to waste.	109.703
C4.	Failure to operate and maintain the water system or implement O&M Plan.	109.4, .702
C5.	Failure to obtain an operator with the appropriate certification.	109.4, .704
C6.	Improper interruption and repairs, failure to disinfect facilities.	109.708, .711
C7.	Failure to comply with a permit condition.	109.504(c)
<b>Administrative Violations</b>		
D1.	Failure to maintain/submit: daily plant records, sample siting plan, water supplier complaint log, water supplier sanitary surveys, operation and maintenance plan, distribution map, emergency response plan or cross-connection control plan.	109.701, .702, .705, .706, .707, .709, .1107
E1.	Violations of other Safe Drinking Water Regulations (examples: PMCL/MRD/TT, SMCL, unregulated contaminants, M/R, special monitoring)	109.202, .203, .301 or .302



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME Winola Water Company	PWS ID No. 2660004	CASE NUMBER 18-21-3229-009
LOCATION Urie Avenue., Lake Winola, PA 18414	MUNICIPALITY Overfield Township	COUNTY Wyoming County
PERSON TO WHOM ORDER IS DIRECTED Winola Water Company, c/o Mr. Ralph Scartelli		TELEPHONE NUMBER 570-499-6063
MAILING ADDRESS 724 North Webster Avenue, Scranton, PA 18510		
NAME AND TITLE OF PERSON SERVED Mr. Ralph Scartelli, Owner		DATE ORDER SERVED 8/31/2018
<p>The Commonwealth of Pennsylvania, the Department of Environmental Protection ("Department"), has made the following Findings of Fact:</p> <ol style="list-style-type: none"> <li>1. The Department is the agency with authority to administer and enforce the Pennsylvania Safe Drinking Water Act, the Act of May 1, 1984, P.L. 206, No. 43, 35 P.S. §§721.1-721.19 ("SDWA"), and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17, and the regulations of the Environmental Quality Board adopted pursuant thereto.</li> <li>2. The person named above to whom this order is directed ("Recipient") owns and/or operates a public water system at the location identified above.</li> <li>3. The undersigned authorized representative of the Department conducted an inspection of the public water system identified above on <u>8/30/2018</u>.</li> <li>4. The operation of this water system with the violation(s) identified in this Order is a violation of the Sections of the Department's regulations cited herein and the SDWA and constitutes a public nuisance under Section 12 of the SDWA, 35 P.S. §721.12.</li> <li>5. Section 13 of the SDWA, 35 P.S. §721.13, provides that the Department may assess a civil penalty of up to Five Thousand Dollars (\$5,000.00) per day for each violation of the SDWA.</li> </ol>		
<p>Description of Violation:</p> <p>A1—Failure to respond to an emergency  A2—Failure of key treatment processes  A3—Failure to respond to an acute violation  B2—Failure to provide minimum disinfectant residual  B3—Failure to respond to a treatment technique violation  C3—Failure to treat as permitted  C4—Failure to operate and maintain the water system  C7—Failure to comply with a permit condition  D1—Failure to maintain/submit the daily plant records</p> <p>The water supplier failed to respond to an emergency and take the actions necessary to protect public health when the system failed to provide continuous disinfection of the water by allowing the sodium hypochlorite solution day tank to run dry. Therefore, the process of continuous disinfection that was permitted by the Department to ensure compliance with bacteriological maximum contaminant levels has been eliminated as evidenced by the lack of a free chlorine residual at the entry point/first service connection and within the distribution system. In addition, the system has failed to monitor the entry point chlorine residual on a daily basis as required under the Groundwater Rule. By failing to conduct this required monitoring, the water system cannot ensure that continuous 4-log treatment of viruses has been maintained. As a result of the inability to ensure that continuous 4-log treatment of viruses was/is being provided, the system was required to notify the Department within one (1) hour of discovery of the violation and issue a Tier 1 public notice within 24 hours which did not occur.</p> <p>B6 - This also constitutes a significant deficiency under the Groundwater Rule, as inadequate treatment could allow viable viruses in fecally contaminated water to enter the distribution system</p>		
<p>Location of Violation:  Winola Water Company, Big Oaks Treatment Building, Urie Avenue, Lake Winola, PA 18414</p>		
<p>Provisions of Regulation, Statute or Permit Violated:  25 PA Code, Sections 109.4, 109.504(c), 109.703(a), 109.1302, 109.1305(a)(2), 109.1307(a)</p>		



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

FIELD ORDER (continuation)

SYSTEM NAME Winola Water Company	PWS ID No. 2660004	CASE NUMBER 18-21-3229-009
<p>Description of Violation:</p> <p>C4—Failure to operate and maintain the water system</p> <p>The system failed to operate and maintain the water system as evidenced by various debris in the water of the finished water reservoir as well as various insects, slugs, mold and debris around the top of the finished water reservoir. Since water was dripping from the rafters of the reservoir's roof where the insects, slugs, mold and other debris was observed, the water contained within the reservoir could be contaminated.</p> <p>B6 – Significant Deficiency—The above violation also constitutes a "Significant Deficiency" under the Groundwater Rule, as the various sources of contamination either are or have the potential to allow the introduction of contamination into the water delivered to consumers.</p>		
<p>Location of Violation:</p> <p>Winola Water Company, Finished Water Reservoir, Urie Avenue, Lake Winola, PA 18414</p>		
<p>Provisions of Regulation, Statute or Permit Violated:</p> <p>25 PA Code, Sections 109.4 and 109.1302(c)</p>		
<p>Description of Violation:</p> <p>C4—Failure to operate and maintain the water system</p> <p>The system failed to operate and maintain the water system by not fixing leaks that have been present in the distribution system for an extended amount of time. Due to the increase in water usage, the well pump was operating more frequently than normal, which led to the sodium hypochlorite solution day tank to run dry.</p> <p>B6 – Significant Deficiency—The above violation also constitutes a "Significant Deficiency" under the Groundwater Rule, as the leak in the distribution system has the potential to allow the introduction of contamination into the water delivered to consumers.</p>		
<p>Location of Violation:</p> <p>Winola Water Company, Distribution system, Lake Road, Lake Winola, PA 18414</p>		
<p>Provisions of Regulation, Statute or Permit Violated:</p> <p>25 PA Code, Sections 109.4 and 109.1302(c)</p>		



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF SAFE DRINKING WATER

## FIELD ORDER *(continuation)*

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME Winola Water Company	PWS ID No. 2660004	CASE NUMBER 18-21-3229-009
<p>Pursuant to Sections 5, 10 and 12 of the SDWA, 35 P.S. §§721.5, 721.10 and 721.12; and Section 1917-A of the Administrative Code of 1929, 71 P.S. §510-17, it is hereby ordered that the owner shall perform the corrective actions listed below within the designated time.</p>		
<p>Corrective Action/Abatement Schedule Required:</p> <ol style="list-style-type: none"> <li>1. Within twenty-four (24) hours of receipt of this order, the Supplier shall issue Tier 1 Public Notification, in the form of a Boil Water Advisory, to all customers in accordance with the provisions of 25 PA Code, section 109.408. Copies of the completed public notice, as well as the completed public notification certification form, must be submitted to Ms. Crystal Mickalowski, PADEP, 2 Public Square, Wilkes-Barre, PA 18701-1915, within ten (10) days of issuance.</li> <li>2. The Boil Water Advisory shall remain in effect until the Department approves the lifting of the Boil Water Advisory.</li> <li>3. If the Boil Water Advisory remains in effect for more than 30 days, the Tier 1 PN shall be reissued every 30 days for as long as the violation persists as required in 25 Pa. Code Section 109.408(b)(4).</li> <li>4. Within twenty-four (24) hours of verification that a minimum free chlorine residual of at least 0.40 mg/l is being maintained at the entry point to the distribution system, the water system shall be flushed until a detectable free chlorine residual, as measured by a digital colorimeter, is measured throughout the distribution system. Documentation of the free chlorine residuals are required to be provided to the Department.</li> <li>5. Within twenty-four (24) hours of completing Corrective Action #4, the Supplier shall begin the collection of daily coliform bacteria samples from the distribution system. Sample collection must continue on a daily basis until such time when the results demonstrate no coliform bacteria colonies are present on two consecutive days and the Department approves the lifting of the boil water advisory.</li> </ol>		
<h3>NOTICE OF APPEAL RIGHTS</h3>		
<p>Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:</p> <p style="text-align: center;">Environmental Hearing Board Rachel Carson State Office Building, Second Floor 400 Market Street P.O. Box 8457 Harrisburg, PA 17105-8457</p>		
<p>TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.</p> <p>Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.</p> <p>A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <a href="http://ehb.courtapps.com">http://ehb.courtapps.com</a> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.</p> <p>IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.</p> <p>IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.</p>		
<p>The undersigned person hereby acknowledges receipt of this order and any attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed above have occurred or continue to occur.</p> <p>Received by:</p>	<p>Department Representative (Name &amp; Title - Please Print)</p> <p>Gina Kellett – Sanitarian</p> <p>Telephone Number: ( 570 ) 826 - 2411</p>	
	<p>Department Representative's Signature:</p> <p><i>Gina Kellett</i></p>	



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF SAFE DRINKING WATER

**FIELD ORDER** (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME Winola Water Company	PWS ID No. 2660004	CASE NUMBER 18-21-3229-009
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Pursuant to Sections 5, 10 and 12 of the SDWA, 35 P.S. §§721.5, 721.10 and 721.12; and Section 1917-A of the Administrative Code of 1929, 71 P.S. §510-17, it is hereby ordered that the owner shall perform the corrective actions listed below within the designated time.

Corrective Action/Abatement Schedule Required:

6. Within twenty-four (24) hours of receiving Department approval to lift the boil water advisory, the Supplier shall issue a "Problem Corrected" public notice to all customers, in accordance with the provisions of 25 PA Code, section 109.408. Copies of the completed public notice, as well as the completed public notification certification form, must be submitted to Ms. Crystal Mickalowski, PADEP, 2 Public Square, Wilkes-Barre, PA 18701-1915, within ten (10) days of issuance.
7. Within twenty-four (24) hours of receipt of this order, the Supplier shall take the actions necessary to remove the various debris in the water of the finished water reservoir as well as the various insects, slugs, mold, and debris around the top of the finished water reservoir.
8. Within thirty (30) days, the Supplier shall take the actions necessary to ensure that additional sources of contamination do not enter the reservoir. The air vents and overflow shall also be inspected to ensure that they are properly screened and allow adequate air flow to the reservoir.
9. Within thirty (30) days of receipt of this order, the Supplier shall take the actions necessary to repair all leaks within the distribution system.
10. Within thirty (30) days of receipt of this order, the Supplier shall have completed the actions necessary to prevent future contamination to the finished water in the clear well.
11. The above stated timeframes shall not be altered unless discussed in advance of the deadline and approved in writing by the Department.

**NOTICE OF APPEAL RIGHTS**

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

The undersigned person hereby acknowledges receipt of this order and any attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed above have occurred or continue to occur.	Department Representative (Name & Title - Please Print)
	Gina Kellett – Sanitarian
Received by:	Telephone Number: ( 570 ) 826 - 2411
	Department Representative's Signature: 



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF SAFE DRINKING WATER

## FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME <b>Winola Water Company</b>	PWS ID No. <b>2660004</b>	CASE NUMBER <b>18-21-3229-011</b>
LOCATION <b>Urie Avenue., Lake Winola, PA 18414</b>	MUNICIPALITY <b>Overfield Township</b>	COUNTY <b>Wyoming</b>
PERSON TO WHOM ORDER IS DIRECTED <b>Winola Water Company, c/o Mr. Ralph Scartelli</b>	TELEPHONE NUMBER <b>570-499-6063</b>	
MAILING ADDRESS <b>724 North Webster Avenue, Scranton, PA 18510</b>		
NAME AND TITLE OF PERSON SERVED <i>Ralph Scartelli, Owner</i>		DATE ORDER SERVED <i>10/5/18</i>
<p>The Commonwealth of Pennsylvania, the Department of Environmental Protection ("Department"), has made the following Findings of Fact:</p> <ol style="list-style-type: none"> <li>The Department is the agency with authority to administer and enforce the Pennsylvania Safe Drinking Water Act, the Act of May 1, 1984, P.L. 206, No. 43, 35 P.S. §§721.1-721.19 ("SDWA"), and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17, and the regulations of the Environmental Quality Board adopted pursuant thereto.</li> <li>The person named above to whom this order is directed ("Recipient") owns and/or operates a public water system at the location identified above.</li> <li>The undersigned authorized representative of the Department conducted an inspection of the public water system identified above on <u>10/5/18</u>.</li> <li>The operation of this water system with the violation(s) identified in this Order is a violation of the Sections of the Department's regulations cited herein and the SWDA and constitutes a public nuisance under Section 12 of the SDWA, 35 P.S. §721.12.</li> <li>Section 13 of the SDWA, 35 P.S. §721.13, provides that the Department may assess a civil penalty of up to Five Thousand Dollars (\$5,000.00) per day for each violation of the SDWA.</li> </ol>		
<p>Description of Violation:</p> <p><b>Circumstances exist which adversely affect the quality of the drinking water.</b></p> <p><b>Due to the unsanitary conditions of the reservoir that remain unaddressed since the issuance of Field Order 18-21-3229-009 on August 31, 2018, there is a high risk of contamination to the water being provided to the customers.</b></p>		
<p>Location of Violation:</p> <p><b>Winola Water Company, Urie Avenue, Lake Winola, PA 18414</b></p>		
<p>Provisions of Regulation, Statute or Permit Violated:</p> <p><b>Failure to operate and maintain as specified in 25 Pa. Code 109.4(3)</b></p>		



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF SAFE DRINKING WATER

## FIELD ORDER *(continuation)*

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME <b>Winola Water Company</b>	PWS ID No. <b>2660004</b>	CASE NUMBER <b>18-21-3229-011</b>
Description of Violation:  <b>Lab results show water samples analyzed on 10/4/18 exceed the action level for lead, which is 0.015 mg/L. The location and the results of the water samples are as follows:</b> <b>200 Urie – 0.150 mg/l</b> <b>197 Urie – 0.0454 mg/l</b> <b>212 Urie – 0.0359 mg/l</b>		
Location of Violation:  <b>Winola Water Company, Urie Avenue, Lake Winola, PA 18414</b>		
Provisions of Regulation, Statute or Permit Violated:  <b>25 Pa. Code 109.202(a)</b>		
Description of Violation:  <b>Lab results show a water sample analyzed on 10/1/18 exceeds the maximum contaminant level for cadmium, which is 0.005 mg/L. The location and results of the water sample are as follows:</b> <b>DeMartino Residence (First-service connection) – 0.0105 mg/l</b>		
Location of Violation  <b>Winola Water Company, Urie Avenue, Lake Winola, PA 18414</b>		
Provisions of Regulation, Statute or Permit Violated:  <b>25 Pa. Code Section 109.202(a)</b>		

## FIELD ORDER *(continuation)*

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME <b>Winola Water Company</b>	PWS ID No. <b>2660004</b>	CASE NUMBER <b>18-21-3229-011</b>
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Pursuant to Sections 5, 10 and 12 of the SDWA, 35 P.S. §§721.5, 721.10 and 721.12; and Section 1917-A of the Administrative Code of 1929, 71 P.S. §510-17, it is hereby ordered that the owner shall perform the corrective actions listed below within the designated time.

**Corrective Action/Abatement Schedule Required:**

1. As soon as possible, but no later than 24 hours after receipt of this order, the water supplier shall issue a Tier 1 public notification (PN) as required by 25 Pa. Code Section 109.408(a)(11). The Tier 1 PN shall be issued in accordance with the procedures outlined 25 Pa. Code Sections 109.408 and 109.411 and shall include a "Do Not Drink" advisory. Copies of the completed public notice, as well as the completed public notification certification form, must be submitted to Ms. Crystal Mickalowski, PADEP, 2 Public Square, Wilkes-Barre, PA 18701-1915, within ten (10) days of issuance.
2. The Drinking Water Warning shall remain in effect until the Department approves the lifting of the Drinking Water Warning.
3. If the Drinking Water Warning remains in effect for more than 30 days, the Tier 1 PN shall be reissued every 30 days for as long as the violations persist as required in 25 Pa. Code Section 109.408(b)(4).
4. As soon as possible, but no later than 8 hours after receipt of this order, the water supplier shall provide the population served with an alternate source of water for human consumption from a Department approved source until such time as the Department approves the lifting of the Drinking Water Warning.
5. As soon as possible, but no later than 96 hours after receipt of this order, water supplier shall collect samples from the location of the routine sample, the DeMartino residence, which is the first-service connection, to be analyzed for Cadmium.
6. The water supplier shall issue a "Problem Corrected" Tier 1 PN in accordance with 25 Pa. Code Section 109.408(b)(5) as soon as possible, but no later than 24 hours after the corrective actions have been completed and the notice is approved by the DEP.

### NOTICE OF APPEAL RIGHTS

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.**

**IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION.**

The undersigned person hereby acknowledges receipt of this order and any attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed above have occurred or continue to occur.

Received by:



Department Representative (Name & Title - Please Print)

Gina Kellett - Sanitarian

Telephone Number: (570) 830-3096

Department Representative's Signature:

