

August 4, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

In re: Docket No. A-2021-3024267

Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of Lower Makefield Township

Dear Secretary Chiavetta:

We are counsel for Aqua Pennsylvania Wastewater, Inc. ("Aqua") in the above referenced Application proceeding. Please be advised as follows in connection with your Conditional Acceptance Letter of June 25, 2021:

1. In compliance with the Conditional Acceptance Letter and the Final Supplemental Implementation Order entered February 28, 2019, at Docket No. M-2016-2543193, Aqua advised the Public Utility Commission ("Commission"), on June 30, 2021, that it was beginning to provide individualized notice of the proposed acquisition to its water and wastewater customers during a billing cycle beginning June 29, 2021. The billing cycle has run through completion and Aqua has provided individualized customer notice.
2. Concurrently, individualized notice was provided to Lower Makefield Township wastewater customers.
3. On July 30, 2021, Aqua filed proof of publication of the notice of the filing of the Application in the *Bucks County Courier Times*. Publication occurred on July 14 and July 21, 2021.
4. Included with this letter, as amendments to the Application, are complete copies of the Water Quality Management ("WQM") Permits, to be transferred to Aqua, for Clearview and Countryside Estates (WQM 0988408); Mill Road Estates (WQM 0997405) and Yardley Corners (WQM 0979445) and Pennsylvania Department of Environmental Protection approval of the Mindhart Tract (APS ID 603019).

The Verification of William C. Packer, Vice President, Regulatory Accounting and Regional Controller, Aqua Pennsylvania Wastewater, Inc., confirming satisfaction of the conditions set forth in the Conditional Acceptance Letter is also attached.

Aqua respectfully requests that the Commission issue its Secretarial Letter finalizing acceptance of the Application, as amended, as soon as possible, and publish notice of the filing of the Application in the *Pennsylvania Bulletin* on August 21, 2021 with September 7, 2021 as the due date for the filing of protests and petitions to intervene.

Please contact me with any questions about the foregoing.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service (w/encl.)
Alexander R. Stahl, Esquire (via email, w/encl.)
Thomas S. Wyatt, Esquire (via email, w/encl.)

WQM PERMITS AND DEP APPROVAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BUREAU OF WATER QUALITY MANAGEMENT

WATER QUALITY MANAGEMENT PERMIT

NO. 0979445

<p>A. PERMITTEE: (Name and Address) The Municipal Sewer Authority of the Township of Lower Makefield 100 Edgewood Road Yardley, PA 19067</p>	<p>B. PROJECT LOCATION: Municipality <u>Lower Makefield Township</u> County <u>Bucks County</u></p>
<p>C. TYPE OF FACILITY (For industrial wastes; type of establishment) Sanitary sewer extension</p>	<p>D. NAME OF MINE, PLANT, AREA SERVED, OUTFALL NO., ETC. Oak Valley</p>

E THIS PERMIT APPROVES:	1. Plans For Construction Of:	a. <input checked="" type="checkbox"/> Sanitary Sewers and Appurtenances	b. <input type="checkbox"/> Sewage Treatment Facilities	c. <input type="checkbox"/> Industrial Wastes Treatment Facilities
		d. <input type="checkbox"/> Mine Drainage Treatment Facilities	e. <input type="checkbox"/> Outfall & Headwall	f. <input type="checkbox"/> Stream Crossing
			g. <input type="checkbox"/> Impoundment	
	2. The Discharge Of:	a. <input type="checkbox"/> Treated	b. <input type="checkbox"/> Untreated	c. <input type="checkbox"/> Sewage
		d. <input type="checkbox"/> Industrial Wastes		
	3. Discharge To:	a. <input type="checkbox"/> Surface Water	Name of Stream to which discharged or drainage area in which groundwater discharge takes place or impoundment is located:	
		b. <input type="checkbox"/> Ground Water		
	4. The Operation of a Mine	<input type="checkbox"/>	5. An Erosion and Sedimentation Control Plan <input checked="" type="checkbox"/>	
	Maximum Area to be Deep Mined _____ Acres		Project Area is <u>41.54</u> Acres	

F. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

- ALL CONSTRUCTION, OPERATIONS, PROCEDURES AND DISCHARGE SHALL BE IN ACCORDANCE WITH APPLICATION NO. 0979445 DATED 7/25/79 ITS SUPPORTING DOCUMENTATION, AND AMENDMENTS DATED 8/6/79 SUCH APPLICATION, ITS SUPPORTING DOCUMENTATION AND AMENDMENTS ARE HEREBY MADE A PART OF THIS PERMIT.
- CONDITIONS NUMBERED 1-9, 11-14, 21, 22, 30 & 31 OF THE sewerage STANDARD CONDITIONS DATED 1972 AND CONDITIONS NUMBERED 1-20 OF THE EROSION CONTROL STANDARD CONDITIONS DATED 1973 WHICH CONDITIONS ARE ATTACHED AND MADE PART OF THIS PERMIT.
- SPECIAL CONDITIONS DESIGNATED _____ WHICH ARE ATTACHED AND ARE MADE A PART OF THIS PERMIT.

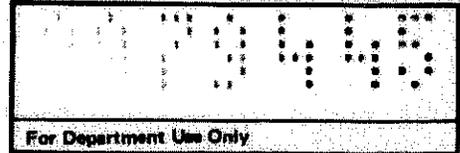
This permit must be recorded in the Recorder of Deeds office in Bucks County.

G. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:

- IF THERE IS A CONFLICT BETWEEN THE APPLICATION ON ITS SUPPORTING DOCUMENTS AND AMENDMENTS AND THE STANDARD OR SPECIAL CONDITIONS, THE STANDARD OR SPECIAL CONDITIONS SHALL APPLY.
- FAILURE TO COMPLY WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OR WITH THE TERMS OR CONDITIONS OF THIS PERMIT SHALL VOID THE AUTHORITY GIVEN TO THE PERMITTEE BY THE ISSUANCE OF THE PERMIT.
- THIS PERMIT IS ISSUED PURSUANT TO THE CLEAN STREAMS LAW, ACT OF JUNE 22, 1937, P.L. 1987 AS AMENDED 35 P.S. § 691.J ET SEQ. AND/OR THE WATER OBSTRUCTION ACT, ACT OF JUNE 25, 1913, P.L. 555 AS AMENDED 32 P.S. § 681 ET SEQ. ISSUANCE OF THIS PERMIT SHALL NOT RELIEVE THE PERMITTEE OF ANY RESPONSIBILITY UNDER ANY OTHER LAW.

DEPARTMENT OF ENVIRONMENTAL RESOURCES

PERMIT ISSUED 8-15-79 BY C. T. Bechwood
DATE _____ BY L. T. Bechwood, P. E.
TITLE Regional Water Quality Manager



INTERNAL REVIEW AND RECOMMENDATIONS

For Department Use Only

REGIONAL ENGINEER'S REVIEW					
NAME OF APPLICANT	The Municipal Sewer Authority of the Township of Lower Makefield	PROJECT LOCATION	Lower Makefield Township Bucks County	APPLICATION NUMBER	0979445
BRIEF DESCRIPTION OF PROJECT: This application requests approval for the construction of a sanitary sewer extension to serve "Oak Valley" Subdivision which will be located on the east side of Oxford Valley Road and the North Side of Big Oak Road. There are no encroachments involved with this application.					
DISCUSSION (Use Additional Sheets If Necessary): Sewage from the proposed sewer extension will be conveyed to the Philadelphia Northeast Sewage Treatment Plant via existing Lower Makefield Township Authority sewers covered under Permit No. 0977484. The final effluent will be afforded intermediate treatment before discharge to the Delaware River Estuary. The proposed sewer extension will serve 512 people initially and ultimately. The soil erosion and sedimentation control plan has been reviewed and approved by the Bucks County Soil Conservation District.					
CURRENT ESTIMATE OF COMPLETION DATE OF PROJECT (Industrial Wastes Only)					
RECOMMENDATION AND ACTION					
APPROVAL - RELEVANT LAWS, REGULATIONS, STANDARDS, AND POLICIES HAVE BEEN COMPLIED WITH:					
Issue By Region	Issue By Central Office	Refuse	Signature	Date	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>James P. Ridolfi</i> REVIEWING ENGINEER	8-14-79	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>William B. Gorman</i> FACILITIES ENGINEER <i>weber</i>	8/15/79	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>C.F. Bechard</i> REGIONAL ENGINEER	8/15/79	
	<input type="checkbox"/>	<input type="checkbox"/>	DIV. FACILITIES ENGINEER		
	<input type="checkbox"/>	<input type="checkbox"/>	DIVISION DIRECTOR		
PERMIT CONDITIONS:		<input type="checkbox"/>	BUREAU DIRECTOR		
1. STANDARD - Sewerage (1972) 1-9, 11-14, 21, 22, 30, 31. Erosion Control (1973) 1-20					
2. SPECIAL (Use Additional Sheets If Necessary) -					

Recording of Permit: Bucks County

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BUREAU OF WATER QUALITY MANAGEMENT

For Department Use Only

INTERNAL REVIEW AND RECOMMENDATIONS

NAME OF APPLICANT The Mun. Sewer Authority of Lower Makefield Township PROJECT LOCATION Lower Makefield Township, Bucks County APPLICATION NUMBER 0988409

BRIEF DESCRIPTION OF PROJECT AND DISCUSSION (Use Additional Sheets if Necessary)

The Applicant requests approval for the construction of a sanitary sewer extension to serve Countryside Estates, Phase II located in Lower Makefield Township, Bucks County. This development consist of 69 units on 57.92 acres located north of Stony Hill Road, 1000 feet east of Haycock Road and Edgewood Road.

Sewage from the proposed sewer extension will be conveyed to the Philadelphia Northeast STP via existing Lower Makefield Township sewers covered under Permit No. 0985439. The sewage will be afforded intermediate treatment before discharge to the Delaware River. The proposed sewer extension will serve 242 people initially and 242 ultimately.

This project will be coordinated with the Bureau of Soil and Water Conservation's Permit No. 0987818.

Bucks County received notification on January 7, 1988 by certified mail regarding submission of this application to our Department.

Lower Makefield Township received notification on January 7, 1988 by certified mail regarding submission of this application to our Department.

CURRENT ESTIMATE OF COMPLETION DATE OF PROJECT (Industrial Wastes Only)

RECOMMENDATION AND ACTION

Approve - Issue By Region	Approve - Issue By Central Office	Refuse	Signature	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	REVIEWING ENGINEER <i>Tracy O'Toole</i>	3/21/88
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	REGIONAL FACILITIES SECTION CHIEF <i>John Hall</i>	3/24/88
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	REGIONAL ENGINEER/WATER QUALITY MANAGER <i>Joseph A. Fero</i>	3/22/88
	<input type="checkbox"/>	<input type="checkbox"/>	DIVISION FACILITIES ENGINEER	
	<input type="checkbox"/>	<input type="checkbox"/>	DIVISION CHIEF	

PERMIT CONDITIONS:

1. STANDARD -

Erosion Control (1985) 1 thru 12
Sewerage (09/02/83) 1-7, 9, 13-14, 16, 20-22

2. SPECIAL (Use Additional Sheets if Necessary) -

**Sewerage Permit No. 0997405
Lower Makefield Township Municipal Sewer Authority
Lower Makefield Township, Bucks County**

This permit is subject to the following Special Condition(s):

- I. Consistent with Department of Environmental Protection Policy, the Department did not conduct a detailed technical review of the application for this permit. The Department considers the registered professional engineer whose seal is affixed to the design documents, to be fully responsible for the adequacy of all aspects of the facility design.

Re 30 (JCD)233-2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER MANAGEMENT PROGRAM

For Department Use Only

INTERNAL REVIEW, RECOMMENDATIONS AND FACT SHEET

NAME OF	Lower Makefield Township	PROJECT	Lower Makefield Township	APPLICATION	0997405
APPLICATION	Mun. Sew. Authority	LOCATION	Bucks County	NUMBER	

BRIEF DESCRIPTION OF PROJECT AND DISCUSSION (Use Additional Sheets if Necessary)

Application requests approval to construct a pump station and sanitary sewers associated with the Mill Road Estates subdivision. This proposal consists of the development of 45 single family homes. The ultimate wastewater flow from the development will be 15,750 gpd, based on 350 gallons per EDU.

The collections system consists of 8" gravity sewers and an on-site pump station. Flow from the Mill Road Estates pump station will flow from the Fox Hill Estates sewers and pump station and the Yardley Borough pump station before discharge to the Morrisville Treatment Plant.

The pump station will be constructed with a high wetwell alarm and an automatic dialer. An emergency generator will be provided for emergency power.

Lower Makefield Township received notification on March 10, 1997 by Certified Mail regarding submission of this application to our Department.

Bucks County received notification on March 10, 1997 by Certified Mail regarding submission of this application to our Department.

This project is coordinated with an NPDES construction permit (PA510-0048) and an encroachment permit (E09-729)

RECOMMENDATION AND ACTION

Approve - Issue By Region	Approve - Issue By Central Office	Refuse	Signature	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reviewing Engineer <i>[Signature]</i>	8/22/97
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Acting Permits Section Chief <i>[Signature]</i>	8/22/97
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Acting Regional Manager/Water Management <i>[Signature]</i>	8/22/97

PERMIT CONDITIONS:

1. STANDARD - *Sewerage (9/85) - 1-7, 9, 13, 14, 16, 20-22*
Erosion Control (8/91) - 1-10

2. SPECIAL (Use Additional Sheets If Necessary) -

I - Disclaimers

DATE RECEIVED
SOUTH EAST REGION

JUN 10 1997

EASTERN STATES ENGINEERING, Inc.

Civil Engineering, Land Surveying and Land Planning Services

P.O. BOX 38
HUNTINGDON VALLEY, PA 19006
215/914-2050
FAX 215/914-2033

MILL ROAD ESTATES T.M.P. 20-34-34 & 20-34-33

PROJECT NARRATIVE

PADEP WATER QUALITY MANAGEMENT PERMIT (PART 2)

Mill Road Estates (Timber Ridge) is a 41.9 acre site situated along Oxford Valley and Mill Roads in Lower Makefield Township. The tract is immediately west of the proposed Mill Run Subdivision and north of the Hidden Oaks Subdivision by Realan Homes.

This proposal consists of the development of 45 single family dwellings on the site. Water for the development will be supplied via the Pennsylvania American Water Company. A "Confirmation of Ability to Serve" letter from the water company dated August 23, 1994 is enclosed with, and made a part of, this submission.

The average wastewater demand for the development is based on a unit flow of 100 gallons per day per capita and 3.5 persons per residence (350 gallons per EDU). With these assumptions and 45 single family dwellings, the ultimate average wastewater flow from the development will be 15,750 gallons per day.

The wastewater disposal system for this development consists of a gravity collection system, to a proposed on site pump station. Flows will be pumped from the site to existing sewers in Mill Road which are tributary to Lower Makefield Township's Fox Hill Estates Pumping Station. The Fox Hill Estates Station is tributary to the existing Yardley Borough Pumping Station. Discharge from the Yardley Station is to Lower Makefield Township sewers which are tributary to the Morrisville Treatment Plant for processing.

Adjoining land use is single family residential.

0018p

Regional Offices

ESE Brandywine Valley, PA
610/647-1162

ESE New York Metro
908/638-3270

ESI Washington, DC
703/242-0830



Pennsylvania Department of Environmental Protection

2 East Main Street
Norristown, PA 19401

Southeast Regional Office

APR 20 2007

Phone: 484-250-5970

Fax: 484-250-5971

Mr. Terry Fedorchak, Manager
Lower Makefield Township
1100 Edgewood Road
Yardley, PA 19067

Re: Planning Module for Land Development
Minehart Tract Subdivision
Code No. 1-09929-255-31J
Status: ISSUED
APS Id. 603019, Site Id. 667771
Lower Makefield Township
Bucks County

Dear Mr. Fedorchak:

Approval is hereby granted by the Department of Environmental Protection for the above referenced revision to the Lower Makefield Township Official Sewage Facilities Plan. In accordance with the Pennsylvania Sewage Facilities Act and Title 25, Chapter 71 of the Department's Rules and Regulations, Lower Makefield Township is responsible for implementing this revision as per the approved planning module.

This revision provides for adequate sewage facilities planning to permit the development of a 7-lot residential subdivision. This project is located on Woodside Road, in Lower Makefield Township, Bucks County.

This project will be connected to the Lower Makefield Township collection system and will generate 2,450 gallons of sewage per day to be conveyed through Bucks County Water and Sewer Authority's conveyance system and treated at the City of Philadelphia Water Department's Wastewater Treatment Facility.

Planning approval is also granted through this revision for the use of grinder pumps and associated low-pressure laterals to convey sewage from Lots 3 and 4 to an existing forcemain that extends from adjacent Tax Map Parcel 20-03-29 and across the northern portion of Lots 3, 4, and 5 to tie into an existing gravity main located in Lot 5. Lower Makefield Township will take dedication of the public portion of the force main that serves more than one lot.

The property owners of the proposed grinder pump systems on Lots 3 and 4 will execute individual operation and maintenance agreements for their proposed systems. However, the submitted draft agreement does not provide the minimum requirements required by the Department to assure the long-term proper operation of the proposed grinder pumps. Lower Makefield Township must provide

long-term operation and maintenance for the proposed grinder pumps and associated low-pressure laterals that will serve Lots 3 and 4. Please review the enclosed grinder pump sample ordinance. The Department recommends adoption of an ordinance to assure the proper long-term operation and maintenance of grinder pumps. Properly designed and installed grinder pump systems may ultimately fail without continuing operation and maintenance. An effective grinder pump sewage management program is vital for the successful long-term operation of these systems. By providing a management program, Lower Makefield Township can assure permanent sewage services for residential and commercial properties that rely on grinder pump systems. Public education, water conservation, and regular site inspections of the grinder pumps are all part of a successful management program. Lower Makefield Township should consider providing a sewage management program as a service to all grinder pump owners within the municipality. The program should include the following:

- a. The ordinance should clarify how the municipality will handle any enforcement necessary to abate any nuisance or public health hazard that may occur in the privately owned facilities, if they are to be privately owned.
- b. The ordinance should clarify how the municipality will control the type of pump units that will be used, so that full service capability is available locally on short notice. Typically, the municipality or municipal authority should specify the model of pump to be used. The municipality should consider having replacement pumps available for emergency replacement (at the expense of the homeowner).
- c. Maintenance responsibilities for low-pressure laterals or force mains must also be established.

An appropriate homeowner education program should also be provided. Grinder pump impellers are susceptible to damage from the flushing of bulky paper materials, even those materials advertised as biodegradable in septic systems.

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.

Mr. Terry Fedorchak, Manager

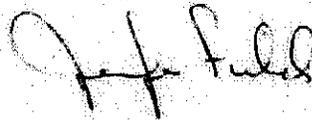
-3-

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 (717-787-3483) FOR MORE INFORMATION.

If you have any questions, please feel free to contact Kelly Boettlin of our office at 484-250-5184.

Sincerely,



Jenifer Fields, P.E.
Regional Manager
Water Management

cc: Bucks County Planning Commission
Bucks County Health Department
Mr. McGinn - J.C. McGinn Construction Co.
Schoor DePalma, Inc.
Mr. Bernstein - City of Philadelphia Water Department
Bucks County Water and Sewer Authority
Ms. Boettlin
Ms. Moore
} Planning Section
} Re

VERIFICATION OF WILLIAM C. PACKER

VERIFICATION

I, William C. Packer, Vice President, Regulatory Accounting and Regional Controller of Aqua Pennsylvania Wastewater, Inc., hereby state that Aqua Pennsylvania Wastewater, Inc. has satisfied the conditions set forth in the Secretarial Letter dated June 25, 2021, for Aqua Pennsylvania Wastewater, Inc.'s Application for approval of the acquisition of the Lower Makefield Township wastewater system assets at Docket No. A-2021-3024267. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

William C. Packer

William C. Packer
Vice President, Regulatory
Accounting and Regional Controller
Aqua Pennsylvania Wastewater, Inc.

Dated: August 4, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of August, 2021, served a true and correct copy of the foregoing letter and attached WQM Permits, DEP Approval and verification of William C. Packer, upon the persons and in the manner set forth below:

VIA ELECTRONIC MAIL

Sean Donnelly, P.E.
Supervisor
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
sdonnelly@pa.gov

Christine Maloni Hoover
Interim Acting Consumer Advocate
Office of Consumer Advocate
choover@paoca.org

Erin K. Fure
Assistant Small Business Advocate
Office of Small Business Advocate
efure@pa.gov

Erika L. McLain, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
ermclain@pa.gov



Thomas T. Niesen
PA Attorney ID No. 31379