



**Susan Simms Marsh**  
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August 6, 2021

**VIA ELECTRONIC FILING**

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

**In Re: Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of City of York's assets, properties and rights related to its wastewater collection and conveyance system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in City of York, York County, Pennsylvania**

**Docket No. A-2021-3024681 *et al***

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the Responses of Pennsylvania-American Water Company to the 66 Pa. C.S. Section 1329 Application Completeness Review of Pennsylvania-American Water Company – Wastewater Division Acquisition of City of York Wastewater at Docket No. A-2021-3024681 Missing Application Information, dated July 23, 2021.

Please note, **Amended Appendix A-4.3 (ScottMadden Workpapers)** is being filed as **CONFIDENTIAL** and will be emailed to your office.



Copies are being served upon the advocates in accordance with the attached Certificate of Service and in accordance with the Commission's *Final Supplemental Implementation Order* entered February 28, 2019 at Docket No. M-2016-2543193.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Susan Simms Marsh". The signature is written in a cursive, flowing style.

Susan Simms Marsh

cc: Sean Donnelly (*via electronic mail*)  
All Parties on the Attached Certificate of Service (*via electronic mail*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water :  
Company under Section 1102(a) of the Pennsylvania :  
Public Utility Code, 66 Pa C.S. § 1102(a), for approval of :  
(1) the transfer, by sale, to Pennsylvania-American Water :  
Company, of substantially all of the assets, properties and :  
rights related to the wastewater collection and treatment :  
system owned by the York City Sewer Authority and : Docket No. A-2021-3024681  
operated by the City of York, (2) the rights of :  
Pennsylvania-American Water Company to begin to offer :  
or furnish wastewater service to the public in the City of :  
York, Pennsylvania, and to three bulk service :  
interconnection points located in North York Borough, :  
Manchester Township and York Township, York :  
County, Pennsylvania, and (3) the rights of Pennsylvania- :  
American Water Company to begin to offer and furnish :  
Industrial Pretreatment Program to qualifying industrial :  
customers in Manchester Township, Spring Garden :  
Township and West Manchester Township, York County, :  
Pennsylvania. :

In re: Application of Pennsylvania-American Water :  
Company under Section 1329 of the Pennsylvania Public :  
Utility Code, 66 Pa C.S. § 1329, for approval of the use :  
for ratemaking purposes of the lesser of the fair market : Docket No. A-2021-\_\_\_\_\_  
value or the negotiated purchase price of the assets related :  
to the wastewater collection and treatment system owned :  
by the York City Sewer Authority and operated by the :  
City of York. :

In re: Petition of Pennsylvania-American Water :  
Company, related to is acquisition of the wastewater :  
collection and treatment system owned by the York City :  
Sewer Authority and operated by the City of York, for : Docket No. P-2021-\_\_\_\_\_  
approval under Section 1329 of the Pennsylvania Public :  
Utility Code, 66 Pa. C.S. § 1329, to (i) for book and :  
ratemaking purposes, accrue Allowance for Funds Used :  
During Construction for post-acquisition improvements :  
not recovered through the distribution system :  
improvement charge, (ii) for book and ratemaking :  
purposes, defer depreciation related to post-acquisition :  
improvements not recovered through the distribution :  
system improvement charge, and (iii) include, in its next :  
base rate case, a claim for transaction and closing costs. :

In re: Filing by Pennsylvania-American Water Company :  
under Section 507 of the Pennsylvania Public Utility :  
Code, 66 Pa. C.S. § 507, of (i) the Asset Purchase :  
Agreement By and Among York City Sewer Authority, : Docket Nos. U-2021-\_\_\_\_\_, *et al.*  
the City of York, and Pennsylvania-American Water :  
Company, and (ii) Six agreements with municipal :  
corporations to be assumed by Pennsylvania-American :  
Water Company upon closing of its acquisition of :  
substantially all of the assets related to the wastewater :  
collection and treatment system owned by the York City :  
Sewer Authority and operated by the City of York. :

In re: Petition of Pennsylvania-American Water :  
Company under Section 508 of the Pennsylvania Public :  
Utility Code, 66 Pa C.S. § 508, to modify seven :  
agreements with a corporation and municipal : Docket No. P-2021-\_\_\_\_\_  
corporations to be assumed by Pennsylvania-American :  
Water Company upon closing of its acquisition of :  
substantially all of the assets related to the wastewater :  
collection and treatment system owned by the York City :  
Sewer Authority and operated by the City of York. :

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this 6<sup>th</sup> day of August served a true copy of the  
foregoing Responses upon the parties, listed below in accordance with the requirements  
of 52 Pa. Code §1.54 (relating to service by a party).

### **VIA ELECTRONIC MAIL**

Erin K. Fure, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, First Floor  
Harrisburg, PA 17101-1923

Chris Hoover, Interim Acting Consumer  
Advocate  
Erin Gannon, Senior Consumer Advocate  
Harrison W. Breitman, Assistant Consumer  
Advocate  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, Fifth Floor  
Harrisburg, PA 17101-1923

Carrie B. Wright, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, F West  
Harrisburg, PA 17120

Thomas T. Neisen, Esquire  
Thomas, Neisen and Thomas  
212 Locust Street, Suite 302  
Harrisburg, PA 17101

Stacey R. MacNeal, Esquire  
Barley Snyder  
100 East Market Street  
York, PA 17401

Respectfully Submitted,



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**Attorneys for**  
***Pennsylvania-American Water Company***

**66 Pa. C.S. Section 1329 Application Completeness Review**  
**Pennsylvania-American Water Company – Wastewater Division Acquisition of**  
**York City Sewer Authority’s Wastewater System Assets at Docket No. A-2021-3024681**

**Missing Application Information**

1. Checklist Item No. 4 – The Application’s Appendix A-4.3 consisted of an Excel workbook titled “Confidential City of York Valuation WP - Scott Madden”. This workbook included a tab titled “J.4 Proxy CapStr (Perm Cap)” intended to calculate and display the capital structure for a proxy group of eight water companies for the years 2016 through 2020. However, each cell contains a “divide by zero error”. Please provide a copy of the subject workbook with the error on the identified tab corrected.

**Response:** Please see Amended **CONFIDENTIAL** Appendix A-4.3.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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2. Checklist Item No. 4 – The response to Standard Data Request Number 8 of the Application’s Appendix A-4.1, Responses to Standard Data Requests, referenced Appendix A-18-a.4, as containing a copy of the ordinance that adopted the new rate schedule of the Seller. An Appendix A-18-a.4 was not included in the Application. Please verify the correct reference in response to Standard Data Request Number 8 or provide the referenced Appendix A-18-a.4.

**Response:**

The response should have referenced **Appendix A-18-b.4**. Please see **Amended Appendix A-4.1, Question 8**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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3. Checklist Item No. 12 – The Application’s Appendix A-18-b.4 included a copy of City of York Ordinance No. 15. Ordinance No. 15 amended Article 933.03 “Annual Sanitary Sewer Rates” of the York City Codified Ordinances to include a usage charge of \$9.37 per 1,000 gallons of usage per month in Article 933.03(a), and Article 933.03(b) was amended to specify that all domestic and commercial users shall pay a minimum charge of \$18 per month which shall entitle users to 1,920 gallons per month sewer service. However, the pro forma tariff supplement included in the Application’s Appendix A-12 does not indicate that all usage is billed at a rate of \$0.937 per 100 gallons of usage per month, subject to a minimum charge of \$18. Rather, the pro forma tariff supplement indicates a minimum charge of \$18 and usage charges of \$0 and \$0.937 per 100 gallons for usage up to and over 1,900 gallons per month, respectively. In other words, Table 1 below provides a comparison of existing and proposed rates. Please amend the Application’s Appendix A-12 to include a proposed tariff containing a rate equal to the existing rates of the seller at the time of acquisition.

Table 1 – Comparison of Charges Under Existing and Proposed Rates		
Usage (gallons)	Existing Rates *	Proposed Rates**
1,000	\$18	\$18
2,000	\$18.74	\$18
3,000	\$37.48	\$19.68
<p>* Charge equals usage divided by 1,000 multiplied by \$9.37, unless the resulting value is less than \$18, in which case the charge is \$18</p> <p>** Charges equals: (1) usage up to 1,900 gallons divided by 100 multiplied by \$0; plus (2) usage over 1,900 gallons divided by 100 times \$0.937. If the sum of (1) and (2) is less than \$18, the charge is \$18.</p>		

**Response:**

Please refer to **Amended Appendix A-12** for an amended pro forma tariff, modified to clarify that the minimum charge of \$18.00 per month includes the first 2,000 gallons per month and the usage charge of \$0.937 per 100 gallons applies to usage in excess of 2,000 gallons per month.

Please note that the 1,920 gallon first block of York’s rates has been rounded to 2,000 gallons. PAWC bills in 100 gallon increments and is unable to implement a 1,920 gallon allowance. The usage block has been rounded up in order to approximate the rates charged by York without increasing the amounts paid by customers.



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4. Checklist Item No. 12 – The Application’s Appendix A-18-b.3 included a copy of Article 933 of the York City Codified Ordinances. Article 933.04(c)(3) indicates that wherever a person purchasing water from The York Water Company and discharging industrial waste to the sewer system also discharges uncontaminated water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges through the use of one or more meters (Deduct Meters). However, the pro forma tariff supplement included in the Application’s Appendix A-12 does not include provisions that allow industrial customers to continue to use Deduct Meters. Please amend the Application’s Appendix A-12 to include a proposed tariff containing a rate equal to the existing rates of the seller at the time of acquisition.

**Response:**

Please refer to **Amended Appendix A-12** for an amended pro forma tariff incorporating the “deduct meter” provision referenced in this request.

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5. Checklist Item No. 15 — The Engineering Assessment of the City of York Wastewater System Assets (Engineer’s Assessment), dated May 2021 and provided as part of the Application’s Appendix A-15-a, does not provide evidence the document was completed by or under the direction of a licensed engineer. Please revise the Engineer’s Assessment to include the signature and seal of the licensed engineer responsible for the preparation of the Engineer’s Assessment pursuant to Section 1329(a)(4) of the Public Utility Code, 66 Pa.C.S. § 1329(a)(4).

**Response:**

The document has been completed by an engineer registered in the Commonwealth of Pennsylvania. A PE Seal page has been added to the cover sheet. Please see **Amended Appendix A-15-a**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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6. Checklist Item No. 15 – The Application’s Appendix A-15-a included a response that indicated the Engineer’s Assessment contains no utility plant that is held for future use. However, Section 2 of the Engineer’s Assessment indicated the listing (Inventory) of wastewater treatment plant (WWTP) assets includes both assets that are part of the current WWTP treatment process and existing assets that are not currently being used. Additionally, Page 3-14 of the York City Sewer Authority Regional Act 537 Plan (1999 Act 537 Plan), provided as part of Appendix A-22-b, identified an inoperable oxygen generator which appears to be included in the Inventory on Page 24. Assets included in the Inventory but not currently being used would be considered utility plant held for future use. Please revise the Inventory to separately identify any utility plant held for future use.

**Response:**

Train 1 is not in service and is being held for future use. The EA has been updated to reflect this. Additional inventory sheets have been developed to identify the items held for future use and will reflect the constructed costs of these items separately. Please see **Amended Appendix A-15-a**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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7. Checklist Item No. 15.a – Appendix A: WWTP Inventory Sheets, of the Application’s Appendix A-15-a, Engineer’s Assessment, contained a list of assets with several line items using a unit quantity of “lot”. The use of a unit quantity of “lot” does not provide an inventory of assets which would identify the size, type, and material of the major plant components. Please revise the Engineer’s Assessment to provide an inventory of assets which identifies major plant components by size, type, and material.

**Response:**

The Inventory Tables have been reconstructed to better describe the facilities. The unit quantity of “lot” has been adjusted on the inventory tables. Please see **Amended Appendix A-15-a**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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8. Checklist Item No. 15.a. – The Application’s Appendix A-15-a, Engineer’s Assessment, included Parcel No. 36-000-JI-0040.F0-0000 in the inventory of assets. However, the Application’s Appendix A-24-a, Asset Purchase Agreement (APA), Schedule 2.02(h), indicated the Seller intends to retain the southern portion of the parcel. Please indicate whether the Engineer’s Assessment was adjusted to reflect only the apportioned original cost of the remaining northern portion of the parcel to be included in the proposed transaction. If not, please submit a revised Appendix A-15-a to reflect the adjusted original cost.

**Response:**

Modifications to the total acreage of the facilities to transfer to PAWC was calculated. The apportioned costs have been included appropriately. Please see **Amended Appendix A-15-a**.

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9. Checklist Item No. 15.a. – The Application’s Appendix A-15-a, Engineer’s Assessment, on Page Nos. 6 and 73 included a structure labelled “Vehicle Storage Building” as part of the asset inventory with an original cost of \$515,563.08. However, the Application’s Appendix A-24-a, APA, Schedule 2.02(h), indicated the “Vehicle Storage Building” as part of the assets excluded from the transaction. Please state whether the “Vehicle Storage Building” is included as part of the proposed transaction and revise either the Application’s Appendix A-15-a to remove the “Vehicle Storage Building” if it is not being acquired by PAWC-WD or Appendix A-24-a if the “Vehicle Storage Building” is being acquired by PAWC-WD.

**Response:**

The Vehicle Storage Building was included in the Inventory. The inventory was modified to remove the vehicle storage facility. The inventory was also rechecked for any other items that will not be transferred to PAWC, and none were found. All modifications are reflected in the updated Engineer’s Assessment. Please see **Amended Appendix A-15-a.**

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10. Checklist Item No. 15.c – The Application’s Appendix A-15-a, Engineer’s Assessment, identified on Page 4 that the current treatment capacity of the WWTP is 18 million gallons per day (MGD). However, the Application’s Appendix A-20-b included a copy of the DEP Water Quality Management (WQM) Permit No. 6709402 upgrading the existing WWTP from 18 MGD to 26 MGD for organic and hydraulic loading. Please state the DEP-permitted treatment capacity of the WWTP and revise either the Application’s Appendix A-14-a and/or Appendix A-15-a.

**Response:**

The permitted capacity of the WWTP is 26 MGD. The updated Engineer’s Assessment has been changed to reflect the permitted capacity rate of 26 MGD. Please see **Amended Appendix A-15-a**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
**Pennsylvania-American Water Company – Wastewater Division Acquisition of**  
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11. Checklist Item No. 15 – Page No. 191 of the Engineer’s Assessment appears to contain a copying error with a copy of a right-of-way plan map overlapping a page containing text. Please correct this apparent copying error so that the subject pages are legible.

**Response:**

The visible background text is text from page 190. There is no missing information.



**66 Pa. C.S. Section 1329 Application Completeness Review**  
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12. Checklist Item No. 15.f. – The Application’s Appendix A-14-a included a copy of PAWCWD Statement No. 3. PAWC-WD Statement No. 3 indicated on Page 7 that the proposed transaction includes a payment to the City of York for the period between the final meter reading and closing (Average Daily AR Payment) and that PAWC-WD will record the Average Daily AR Payment as Accounts Receivable. However, the tentative journal entries included in the Application’s Appendix A-15-f did not include applicable entries to debit and credit relevant accounts to record the Average Daily AR Payment. Please amend the Application’s Appendix A-15-f to state tentative journal entries for booking the acquisition, including any applicable debits and credits to record the Average Daily AR Payment entry and the associated liability or equity entry.

**Response:**

Refer to **Amended Appendix A-15-f**. The tentative journal entry for the Average Daily AR Payment, also shown below, reflects a correction to PAWC Statement No. 3, in which Ms. Everette indicated that the Average Daily AR Payment would be booked as Accounts Receivable. The Company has since determined that the amount is properly recorded as accrued utility revenues.

Because the amount of the Average Daily AR Payment is based on the period between the final meter reading and closing, the amount cannot be calculated until that period is known. Accordingly, the amounts are shown as to be determined (“TBD”). Please refer to PAWC Statement No. 3 – Supplemental for a further description of the amount of the Average Daily AR Payment as well as an example of how the amount would be calculated.

**Average Daily AR Payment\***

	<u>Debit</u>	<u>Credit</u>
Acct. 173 - Accrued Utility Revenues	TBD	
Acct. 234 - Short Term Debt		TBD

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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13. Checklist Item No. 16.a – The overview page of Application’s Appendix A-16-a-e consisted of a map which identified only the extent of the proposed service territory within the municipal boundaries of the City of York. Please provide an overview map which depicts the extent of all service territories requested by this Application, including the separate requested service territories requested to enforce the industrial pre-treatment program in Manchester, West Manchester, and Spring Garden Township separately identified in the Application’s Appendix A-16-c-IPP which is provided within the Application’s Appendix A-16-a-e.

**Response:**

Please see **Amended Appendix A-16-a-e**. Please note that the “overall map” at page 1 of the pdf has a total of 3,771 total acres. This number is the acreage of both the service territory and IPP.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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14. Checklist Item No. 19.b. – The Application’s Appendix A-19-b referenced the Application’s Appendix A-19-b.1 and Appendix A-19-b.2 which consist of the Approved 2019 Budget for the City of York and the Approved 2020 Budget for the City of York. The York City Sewer Authority, not the City of York, is the seller in this transaction. Please amend the Application’s Appendix A-19-b to include copies of the two most recent adopted budgets for the York City Sewer Authority.

**Response:**

Please see **Amended Appendix A-19-b** which includes the York City Sewer Authority 2019 and 2020 adopted budgets.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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15. Checklist Item No. 19.c. – The Application’s Appendix A-19-c consisted of a copy of the City of York’s 2017 Municipal Annual Audit and Financial report. The York City Sewer Authority, not the City of York, is the seller in this transaction. Please amend the Application’s Appendix A-19-c to include a copy of the York City Sewer Authority’s most recent annual report filed with the Commonwealth’s Department of Community and Economic Development.

**Response:**

Please find the audited financial statements of the City of York Sewer Authority as of and for the year ended December 31, 2018 and 2017 attached at **Amended Appendix A-19-c**.

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16. Checklist Item No. 19.e. – The Application’s Appendix A-19-e does not indicate whether the York City Sewer Authority has any outstanding loans on the utility plant and does not identify the nature, terms, and payment history of such loans. Also, while the Application’s Appendix A-19-e identifies three outstanding loans with principal balances of approximately \$3.8 million, \$21 million, and \$26,269, respectively, the APA, included as the Application’s Appendix A-24-a, includes Schedule 4.06, which identified four outstanding loans with principal balances of approximately \$5.8 million, \$104,815, \$21 million, and \$4 million, respectively. Please amend the Application’s Appendix A-19-e to: (1) indicate whether the York City Sewer Authority has any outstanding loans on the utility plant and identify the nature, terms, and payment history of such loans; and (2) indicate whether the City of York has any additional outstanding loans on the utility plant and identify the nature, terms, and payment history of such loans.

**Response:** All sewer debt is issued by the York City Sewer Authority (“YCSA”), but guaranteed by the City of York (“City”). The original **Appendix A-19-e** filed with the Application includes all of the outstanding loans on utility plant as of June 1, 2021 except that it omitted a PENNVEST loan for permanent funding to replace a prior short term construction loan (see footnote 1 to Schedule 4.06 of the Asset Purchase Agreement for further explanation). Please see **Amended Appendix A-19-e**. Schedule 4.06 to the Asset Purchase Agreement is accurate as of December 1, 2020. The **Amended Appendix A-19-e** is accurate as of June 1, 2021.

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17. Checklist Item No. 20.b. – The Application’s Appendix A-20-b provided a list of WQM and National Pollution Discharge Elimination System permits that were provided by the City of York. The listed permits were not all identified as permits to be transferred in the Application’s Appendix A-24-a, APA, Schedule 4.14. Please explain the reason Permit Nos. 6769412, 6771414, 6771424, 6773413, 6773407, 6773413, 6773417, 6778413, 6778417, 6779406, and 6780404 are not included in the APA’s Schedule 4.14 or amend the Application’s Appendix A-24-a, APA, Schedule 4.14 list to include these same permits.

**Response:** Due to COVID-19 and the Pennsylvania Governor’s Proclamation of Disaster Emergency, the DEP state office was closed, and a file review was not able to be completed during the due diligence process. At the request of PAWC, DEP staff reviewed the permit files after the Asset Purchase Agreement was signed and provided these additional permits that were not provided by York City during due diligence. See **Amended Appendix A-24-a**, updating Schedule 4.14 of the Asset Purchase Agreement.

Note: Permit No. 6773413 is listed twice and 6773417 may be a typo and duplicate with 6778417.

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18. Checklist Item No. 20.b – The Application’s Appendix A-20-b included notes indicating: 1) The City of York has provided copies of Amendment Nos. 99-1 and 02-1 to WQMP No. 6785418. A copy of the original 1986 WQMP No. 6785418 could not be located; and 2) DEP’s Clean Water Program Permit Section, South Central Region Office performed an extensive microfiche permit search and only located the first page of permit numbers 6769412, 6771414, 6771424, 6773413, 6773407, 6778413, 6778417, 6779406, and 6780404. Please provide complete copies of these permits or evidence of how these permits will be transferred to PAWC by DEP if complete copies are not located.

**Response:** Due to the closure of DEP offices as a result of COVID-19 and Pennsylvania Governor’s Proclamation of Disaster Emergency, a file review, during the due diligence phase, was not possible. After the APA was signed, DEP staff reviewed the permit files and provided the additional permits. The permits stored on microfilm were not legible as most of the pages were dark and unreadable. DEP provided PAWC the first page of each permit.

As part of the permit transfer process, PAWC will include the first page of each permit with the permit transfer application. Please see **Attachment 18**.

# Attachment 18

**Jennifer A Milakeve**

---

**From:** Bebenek, Maria <mbebenek@pa.gov>  
**Sent:** Wednesday, August 4, 2021 10:32 AM  
**To:** Jennifer A Milakeve  
**Cc:** Baar, Aaron  
**Subject:** RE: [External] York permit transfer

**EXTERNAL EMAIL:** The Actual Sender of this email is mbebenek@pa.gov "Think before you click!".

That should be fine for the application  
We can do a deeper dive into the microfiche if necessary

**Maria D. Bebenek, P.E.** | Program Manager  
Department of Environmental Protection | Clean Water Program  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4795 | Fax: 717.705.4760  
[www.dep.pa.gov](http://www.dep.pa.gov)

**“THE SOUTHCENTRAL REGIONAL OFFICE AFTER HOURS REPORTING & 24 HOUR EMERGENCY RESPONSE NUMBER HAS CHANGED. AS OF JULY 1<sup>st</sup> 2019 THE NEW NUMBER IS 1-800-541-2050.”**

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**From:** Jennifer A Milakeve <Jennifer.Milakeve@amwater.com>  
**Sent:** Wednesday, August 4, 2021 10:12 AM  
**To:** Bebenek, Maria <mbebenek@pa.gov>  
**Subject:** [External] York permit transfer

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Good morning Maria –

I have compiled the permits which must be transferred as part of the York WWTP acquisition. Some of the permits are stored on microfilm and unreadable. The file room was able to provide me with at least the first page of each permit. Can you confirm that with the permit numbers, description and first page of the permit that DEP will have enough information to transfer the permits to PAWC?

Thank you

Jennifer A. Milakeve, MPH  
Manager, Water Quality & Environmental Compliance  
Central and Southeast PA Operations  
Pennsylvania American Water Company  
171 W. Johnson Highway  
Norristown, PA 19401  
(O) 610-292-3578  
(C) 610-233-6553



**66 Pa. C.S. Section 1329 Application Completeness Review**  
**Pennsylvania-American Water Company – Wastewater Division Acquisition of**  
**York City Sewer Authority’s Wastewater System Assets at Docket No. A-2021-3024681**

19. Checklist Item No. 22.b. – Checklist Item No. 22.b. requires a copy of the DEP-Approved Act 537 Official Sewage Facilities Plans for the affected municipalities. Only a copy of the York City Sewer Authority Regional Act 537 Plan (1999 Act 537 Plan) was provided. While this plan is titled a regional plan, evidence of municipal adoption by the contributing municipalities was not provided. Please provide copies of the DEP-Approved Official Sewage Facilities Plans for the municipalities contributing flow to the YSCA or provide evidence of municipal adoption of the 1999 Act 537 Plan.

**Response:** The municipal approval letters for Manchester Township, Spring Garden Township, York Township, and West Manchester Township were attached to the Act 537 Plan filed with DEP. Please find those letters at **Amended Appendix A-22-b**. The York City Sewer Authority does not have the approval letters from North York Borough, West York Borough, or Springettsbury Township; however, please find the Council of the City York Resolution and the May 24, 1999 DEP letter affirming approval of the Act 537 Regional Plan at **Amended Appendix A-22-b**.

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20. Checklist Item No. 22.b. – The Application’s Appendix A-22-b contained a copy of 1999 Act 537 Plan. Page 574 of the 1999 Act 537 Plan consisted of the first page of a copy of a memorandum discussing the York Township Preliminary Alternatives to its Act 537 update. Please provide a complete copy of this memorandum.

**Response:**

A complete copy of the memorandum can be found at **Appendix A-22-b** at pages 574 -572. Please note that this memorandum was in the 1999 Act 537 Plan, but in reverse page order. For ease of convenience, a copy of the complete memorandum can be found attached as **Attachment 20**.



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*MEMORANDUM*

TO: Phil Briddell, YCSA  
Mark Derr, York Township  
Larry Lutter, Buchart-Horn, Inc. ✓  
Jim Noel, Springettsbury Township  
Richard Resh, C.S. Davidson  
Mike Schober, Buchart-Horn, Inc.

FROM: Mark Malarich/Bob Shaffer, Gannett Fleming

DATE: January 12, 1998

SUBJECT: Description of York Township Preliminary Alternatives  
York Township Act 537 Update

We distributed to the attendees of the December 30, 1997 Technical Meeting of the Springettsbury/York WWTP Planning Group a letter from our office dated December 29th presenting the estimated flows associated with the preliminary alternatives developed for the York Township Act 537 Plan update. As noted in the letter, we are relying on Buchart-Horn staff to provide us with planning level cost information for any necessary conveyance or treatment plant modifications within the Springettsbury and York systems for the flow alternatives presented in the letter.

As discussed at the meeting, York Township is divided into two wastewater treatment service basins; the York City Basin and the Springettsbury Basin. Pennsylvania Route 74 (South Queens Street) is generally the dividing line between the two basins with flows generated to the west of Route 74 conveyed to the York City WWTP and flow generated to the east of Route 74 conveyed to the Springettsbury WWTP for processing. There are currently eight pumping stations in the York Township sewer system. Several of these pumping stations are located close to the border between the Springettsbury basin and the York City basin. The majority of the alternatives developed for the Township's Act 537 Plan update involve redirecting pumping station flow from one of the service basins to the other service basin. We are also evaluating the construction of a wastewater treatment plant in York Township that would treat some of the flow generated in the Township's Springettsbury service basin. The facility would apply its treated effluent to area golf courses during the summer and practice stream discharge into Mill Creek during the winter.

The attached two tables generally described changes to the current facility format associated with each option. York City Basin Alternative No.2 and Springettsbury Basin Alternative No.7 keep the existing format, whereas all the other alternatives redirect some flow from one basin to the other basin or add a new treatment facility within York Township.

York Township staff is projecting approximately 9,100 new EDUs will connect to its sewer system during the planning period. The majority of these new EDUs will be from residential development. When establishing the flows associated with each alternative, we also looked at the impact of reducing the average flow per residential EDU from the current planning rate of 350 gpd/EDU to

# Attachment 20

Appendix A-22-b

Gannett Fleming

Memo to Attendees of  
12/30/97 Technical Meeting  
Springettbury/York Planning Group

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January 12, 1998

250 gpd/EDU. Therefore, there is some duplication of alternative descriptions in the attached tables depending on whether the 350 gpd/EDU figure or the 250 gpd/EDU figure was used to project future flows. Whenever the total flow from a 350 gpd/EDU option is the same as the total flow from a 250 gpd/EDU option, only one alternative description is given in the tables.

Please give us a call if you have any questions or need any other information.

**TABLE 1.**  
**YORK TOWNSHIP ACT 537 UPDATE**  
**POTENTIAL WASTEWATER CONVEYANCE AND TREATMENT ALTERNATIVES**  
**YORK CITY WWTP SERVICE BASIN**

Alternative <sup>(1)</sup> No.	Estimated Annual Average Flow (mgd)	Description <sup>(2)</sup>
1	2.50	Redirect the Oak Street and Spangler Meadows pumping station flows from York City Basin to Springettsbury Basin.
2	2.75	No changes to existing format.
3	3.00	Redirect the Green Valley pumping station flow from the Springettsbury Basin to York City Basin.
4	3.90	Redirect the Green Valley and Honey Valley pumping station flows from the Springettsbury Basin to the York City Basin. (New residential EDUs @ 250 gpd/EDU).
5	4.10	Redirect the Green Valley and Honey Valley pumping station flows from the Springettsbury Basin to the York City Basin. (New residential EDUs @ 350 gpd/EDU).

**Notes:**

- <sup>(1)</sup> See December 29, 1997 letter from Robert Shaffer to Larry Lutter for further information on the alternatives.
- <sup>(2)</sup> Proposed changes to existing facility format.

**TABLE 2.**  
**YORK TOWNSHIP ACT 537 UPDATE**  
**POTENTIAL WASTEWATER CONVEYANCE AND TREATMENT ALTERNATIVES**  
**SPRINGGETTSBURY WWTP SERVICE BASIN**

Alternative (1) No.	Estimated Annual Average Flow (mgd)	Description <sup>(2)</sup>
1	1.40	Construct WWTP in York Township to process some of the flows from the Township's Springettsbury Basin Reroute Green Valley and Honey Valley pumping station flows from the Springettsbury Basin to the York City Basin. New Residential EDUs @ 250 gpd/EDU.
2	1.80	Construct WWTP in York Township to process some of the flows from the Township's Springettsbury Basin Reroute Green Valley and Honey Valley pumping station flows from the Springettsbury Basin to the York City Basin. New Residential EDUs @ 350 gpd/EDU
3	2.00	Reroute Green Valley and Honey Valley pumping station flows from Springettsbury Basin to York City Basin. New Residential EDUs @ 250 gpd/EDU
4	2.50	Construct wastewater treatment facility in York Township to process some of the flows from the Township's Springettsbury Basin New Residential EDUs @ 250 gpd/EDU.
5	3.00	Construct WWTP in York Township to process some of the flows from the Township's Springettsbury Basin.
6	3.30	Reroute Green Valley pumping station flow from Springettsbury Basin to York City Basin.
7	3.50	No changes to existing format (New residential EDUs @ 350 gpd/EDU).
8	3.85	Reroute Oak Street and Spangler Meadows pumping station flows from York City Basin to Springettsbury Basin.

**Notes:**

(1) See December 29, 1997 letter from Robert Shaffer to Larry Lutter for further information on the alternatives.

(2) Proposed changes to existing facility format.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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21. Checklist Item Nos. 24.b., 24.d., and 24.e. – The Application’s Appendix A-24-a included a copy of the APA. The APA’s Section 2.02(c) indicated that cash and cash equivalents, including accounts receivable, are excluded assets. However, the APA’s Section 6.12 indicated that the City of York and the York City Sewer Authority are entitled to all billings for the period before the Closing Effective Time except that PAWC-WD agreed to pay to the York City Sewer Authority at Closing the Average Daily AR Payment. The APA’s Section 6.12 also indicated that excluding any period for which an Average Daily AR Payment is paid by PAWC-WD, PAWC-WD and the York City Sewer Authority agree that payments for bills rendered by the other will be remitted to the party which billed for sewer service for the period for which the payment was received. Please amend the Application’s Appendix A-24-b to clearly state the purchase price and terms, including whether York City Sewer Authority or City of York accrued utility revenues or accounts receivable are an acquired asset or an excluded asset.

**Response:** See PAWC Statement No. 1- Supplemental Direct Testimony, PAWC Statement No. 3 – Supplemental Direct Testimony and City Statement No. 1 Supplemental Direct Testimony at **Amended Appendix A-13-a and Amended Appendix A-14-a.**

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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25. Checklist Item No. 25 – The Application’s Appendix A-24-a included a copy of the APA. The APA’s Section 2.01 indicated that all contracts, licenses, agreements, orders and leases identified on Schedule 4.15 are contracts to be assigned to PAWC-WD. Schedule 4.15 identified contracts which are not identified in PAWC’s response to Checklist Item No. 25. Regarding the following agreements, please amend either: (1) the APA’s Schedule 4.15 to conform with PAWC’s response to Checklist Item No. 25; or (2) PAWC’s response to Checklist Item No. 25 to conform with the APA’s Schedule 4.15 to include:
- a. York Manchester Interceptor Agreement between Manchester Township and the York City Sewer Authority dated May 23, 1989;
  - b. City of York, PA and Sunshine Call Center Contract between Sunshine Communication Services and City of York dated November 1, 2016;
  - c. Executed BH Proposal for 2020 Interceptor Master Plan between Buchart Horn, Inc and the York City Sewer Authority dated April 16, 2020;
  - d. Garden Spot Mechanical Agt. Effluent Filter Placement 2020 between Garden Spot Mechanical, Inc., Buchart Horn Inc., and the York City Sewer Authority dated May 22, 2020;
  - e. PSI Electrical Contract 2020 between PSI Pumping Solutions, Inc., Buchart Horn Inc., and the York City Sewer Authority dated May 22, 2020;
  - f. PSI General Contract 2020 between PSI Pumping Solutions, Inc., Buchart Horn Inc., and the York City Sewer Authority dated May 22, 2020; and
  - g. Shut Off Agreement between The York Water Company and the City of York dated September 1, 2010.

**Response:** Please see **Amended Appendix A-25** and **Amended Appendix A-24-a** updating Schedule 4.15 of the Asset Purchase Agreement (“APA”)