
Garrett P. Lent

glent@postschell.com
717-612-6032 Direct
717-731-1985 Direct Fax
File #: 18

January 24, 2022

VIA ELECTRONIC FILING

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

**Re: PA Public Utility Commission v. Aqua Pennsylvania, et al.
Docket Nos. R-2021-3027385, et al.**

Dear Secretary Chiavetta:

Pursuant to the Interim Order Admitting Late-Filed Exhibit (“Interim Order”) issued by Administrative Law Judge Mary D. Long (the “ALJ”) on January 24, 2022, attached for filing is AP Post-Hearing Exhibit 1 on behalf of Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc., in the above-referenced proceeding. In addition, and in compliance with the directive of the ALJ in the Interim Order, a copy of the Interim Order is also attached.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Garrett P. Lent

GPL/kl
Attachment

cc: Honorable Mary D. Long (w/att.)
Certificate of Service

CERTIFICATE OF SERVICE
(R-2021-3027385 and R-2021-3027386)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), and the Prehearing Order dated October 19, 2021 (establishing the list of fully active parties in this proceeding).

VIA E-MAIL ONLY

Scott B. Granger, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265
sgranger@pa.gov

Christy M. Appleby, Esquire
Harrison W. Breitman, Esquire
Erin L. Gannon, Esquire
Lauren E. Guerra, Esquire
Mackenzie C. Battle, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
cappleby@paoca.org
hbreitman@paoca.org
egannon@paoca.org
lguerra@paoca.org
mbattle@paoca.org

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

John W. Sweet, Esquire
Ria M. Pereira, Esquire
Elizabeth R. Marx, Esquire
Lauren Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
PULP@pautilitylawproject.org

Adeolu A. Bakare, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Abakare@mcneeslaw.com
Cmincavage@mcneeslaw.com
Counsel for Aqua Large Users Group

George A. Bibikos, Esquire
GA BIBIKOS LLC
5901 Jonestown Road, Suite 6330
Harrisburg, PA 17112
gbibikos@gabibikos.com

Robert Rosenthal
R.A. Rosenthal Inc.
524 Strathmore Dr.
Mechanicsburg, PA 17050
ask-rosey@comcast.net

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720-T
St. Louis, MO 63105
excel.consulting@sbcglobal.net

Richard J. Gage
120 Treaty Drive
Wayne, PA 19087
brittagage@aol.com

Francine Weiner
1903 2nd Street
Langhorne, PA 19047
fhwhome@gmail.com

John Day
614 Runyon Avenue
Piscataway, NJ 08854
john@johnday.us

Date: January 24, 2022



Garrett P. Lent

AP Post-Hearing Exhibit 1



January 11, 2022

CERTIFIED MAIL NO. 7017 2400 0000 0920 1025

Mr. Todd Duerr, Vice-President of Production
Aqua Pennsylvania Wastewater Inc.
762 Lancaster Pike
Bryn Mawr, PA 19010

CERTIFIED MAIL NO. 7017 2400 0000 0920 1032

Ms. Denise Steuhl, Secretary
Lackawaxen Township
169 Urban Road
Hawley, PA 18428

Re: Corrective Action Plan and Official Sewage
Facilities Plan Update Revision Act 537 Planning
Masthope Mountain Community WWTP
Lackawaxen Township, Pike County

Dear Mr. Duerr and Ms. Steuhl:

The Department has reviewed the Masthope Mountain Community WWTP Corrective Action Plan (CAP) dated August 16, 2021 (received by the Department on August 24, 2021), with additional revisions dated November 30, 2021 (received by the Department on December 16, 2021), as submitted by Entech Engineering Inc. on behalf of Lackawaxen Township (Township) and Aqua Pennsylvania Wastewater Inc. (APW).

The CAP proposes a systematic plan to identify and propose corrective measures for APW's wastewater treatment facility that is hydraulically overloaded as shown in the 2019 Chapter 94 Municipal Wasteload Management Report. The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The Department's review has found that the CAP is acceptable and hereby grants sewage facilities planning approval. The CAP is now to be considered an integral part of your municipality's Official Sewage Facilities Plan.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.1-750.20(a) (Act 537), and Chapter 71 of the Department's Regulations, 25 Pa. Code Ch. 71, the Department will hold the Township and APW responsible for the complete and timely implementation of the CAP. The Department realizes that CAP activities and their implementation schedules are dynamic in nature. Should conditions be encountered during implementation of the CAP which require the alteration of the approved CAP, please inform the Department, in writing, of the need to modify the plan at the earliest possible instance.

Mr. Todd Duerr, Vice-President of Production -2-
Ms. Denise Steuhl, Secretary

January 11, 2022

With the previous statements in mind, the Department wishes to advise APW that should any of the CAP activities not yield their expected results, additional tasks may need to be proposed/completed to eliminate the hydraulic/organic overload of APW's wastewater collection, conveyance and treatment systems. This pertains mainly to those CAP activities where results may be significantly affected by precipitation amounts, groundwater conditions, stream flow levels, etc.

With the approval of the CAP, the Department hereby grants a sewer connection allocation of 60 Equivalent Dwelling Units (EDU's) to APW. This allocation shall be administered and disbursed by APW for use within APW's wastewater collection system service area. In accordance with Section 94.21.b of the Department's Regulations, this allocation modifies the sewer connection prohibition currently in place within the Township but does not lift it. All sewer connection requests from individuals or other entities must be made, in writing, to APW. Subsequently, all allocation awards to individuals or other entities, from APW, must be made in writing by an authorized APW Official(s).

To properly track the 60 EDU sewer connection allocation, the Department is enclosing a Quarterly Status Report of Sewage Allocation Form (Report). This Report must be completed by APW and submitted to the Department's Northeast Regional Office within 14 calendar days after the end of each calendar year quarter. All connections granted from this and any future sewer connection allocation(s) must be reported to the Department on this Report form. Specifically, APW should list the name of the individual(s) or other entity(ies) receiving any portion of the allocation, the number of EDU's awarded and the date the allocation was awarded to the property owner. A Report must be submitted, to the Department, even if no allocation is granted by APW during a particular calendar year quarter.

Failure to provide the Department with accurate and timely Quarterly Reports, proper wastewater planning documents for Official Sewage Facilities Plan Revisions (as required by the Pennsylvania Sewage Facilities Act-Act 537 and the Department's Regulations), when appropriate, for land development or failure to comply with the approved CAP may result in revocation of part or all of the sewer connection allocation. A copy of APW's letter granting any entity a sewer connection from APW's sewer connection allocation must accompany any wastewater planning documents submitted to the Township or the Department for review.

In addition to the above, the Department requests that APW submit its written progress reports to the Department on a semi-annual basis. The reports shall be submitted to the Department's Northeast Regional Office within 14 calendar days after the end of each semi-annual calendar year period. The first progress report is due on July 14, 2022. APW may submit more frequent progress reports to the Department at its discretion.

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

Mr. Todd Duerr, Vice-President of Production -3-
Ms. Denise Steuhl, Secretary

January 11, 2022

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 (717-787-3483) FOR MORE INFORMATION.

Please contact Ms. Staci Shoemaker, of my staff, at (570) 826-2333, or at stashoemak@pa.gov, if you have any questions regarding this letter.

Sincerely,



Bharat R. Patel P.E.
Environmental Program Manager
Clean Water Program

Enclosures: - Quarterly Status Report of Sewage Allocation Form

cc: Mr. Doug Berg/Entech Engineering Inc.
Mr. Steve Clark, Greater PA Director of Operations/Aqua Pennsylvania Wastewater Inc.
Mr. Paul Brindle, Honesdale Field Supervisor/Aqua Pennsylvania Wastewater Inc.
Mr. Richard Tussel, Building Inspector/Lackawaxen Township
Mr. Ralf Graf, Secretary/Lackawaxen Township Planning Commission
Mr. Dennis Brink, Chairman/Pike County Planning Commission
Mr. Michael Mrozinski, Planning Director/Pike County Office of Community Planning
Thomas Farley, Esquire

1. The first part of the exhibit is a list of names and addresses, including the following:

John Doe, 123 Main Street, New York, NY 10001

2. The second part of the exhibit is a list of names and addresses, including the following:

3. The third part of the exhibit is a list of names and addresses, including the following:

4. The fourth part of the exhibit is a list of names and addresses, including the following:

5. The fifth part of the exhibit is a list of names and addresses, including the following:

6. The sixth part of the exhibit is a list of names and addresses, including the following:

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, <i>et al.</i>	:	
	:	
v.	:	R-2021-3027385, <i>et al.</i>
	:	
Aqua Pennsylvania, Inc.	:	
Pennsylvania Public Utility Commission, <i>et al.</i>	:	
	:	
v.	:	R-2021-3027386, <i>et al.</i>
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

**INTERIM ORDER
ADMITTING LATE-FILED EXHIBIT**

On January 20, 2022, Aqua PA filed a motion for the admission of AP Post-Hearing Exhibit 1. The exhibit is a January 11, 2022 letter from the Pennsylvania Department of Environmental Protection relating to the corrective action plan for the Masthope Mount Community Wastewater Treatment Plant. No party has objected to the admission of this document into the record.

THEREFORE

IT IS ORDERED:

1. That the Interim Order on Briefs and Closing of the Record is modified to permit the admission of AP Post-Hearing Exhibit 1.
2. That AP Post-Hearing Exhibit 1 is hereby admitted into the record.

3. That Aqua PA shall file a copy of AP Post-Hearing Exhibit 1 with this order attached with the Commission's Secretary's Bureau by the close of business, January 24, 2022.

4. That following the timely filing of AP Post-Hearing Exhibit 1 the record in these proceedings shall be closed and a recommended decision shall be prepared.

Date: January 24, 2022

/s/
Mary D. Long
Administrative Law Judge