



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

October 31, 2022

Docket No. L-2020-3019521

To: *All Wastewater Public Utilities*

RE: Act 120 of 2018 – Chapter 66 Damaged Wastewater Sewer Lateral Implementation Outreach

On October 24, 2018, Governor Wolf signed Act 120 of 2018 (Act 120) into law, thereby amending the Public Utility Code at 66 Pa.C.S. § 1311(b) to address the accelerated replacement of customer-owned lead service lines (LSLs) and damaged wastewater sewer laterals (DWSLs). Act 120 sets forth a uniform, minimum standard under which jurisdictional water and wastewater utilities may seek to replace LSLs and DWSLs and recover costs associated with replacement.

The purpose of this Secretarial Letter is to remind all wastewater public utilities, or entities as defined in 52 Pa. Code § 66.1, that Chapter 66 – Wastewater became effective upon publication in the *Pennsylvania Bulletin* on July 23, 2022.

Consistent with Act 120, Chapter 66, Subchapter B – Damaged Wastewater Service Laterals permits entities to begin DWSL replacements and avoid disincentivizing customers from maintaining their wastewater laterals in functional condition. In a DWSL program petition, entities are directed to link the DWSL Program parameters to: (1) excessive Inflow & Infiltration causing, or which is reasonably expected to cause within the next 5 years, a hydraulically overloaded condition, wastewater overflows or additional flow which is prudent for the entity to avoid, or (2) design or construction conditions causing, or which are reasonably expected to cause within the next five years, wastewater overflows.

A DWSL program petition shall include, among other things, a DWSL plan, a *pro forma* tariff or *pro forma* tariff supplement containing the proposed changes (without an effective date), and information required by the Commission for filings under 66 Pa.C.S. § 1308. Additionally, petitions must include the eligible areas designated by the entity as proposed DWSL project areas and the prioritization criteria considered by the entity in developing its DWSL Replacement schedule. Following Commission approval of a DWSL program petition, the entity will be directed to file a tariff or tariff supplement effectuating its Commission approved DWSL program.

When filing a DWSL program petition with the Commission's Secretary's Bureau, each entity shall serve copies of its petition upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and the parties of record in the entity's most recent base rate case.

Further details regarding the DWSL program petition requirements can be found in the Commission's March 14, 2022, Final Rulemaking Order and Annex B thereto as published in the

*Pennsylvania Bulletin*. Entities may also reference these documents on the Commission's website at the following URLs:

Final Rulemaking Order – <https://www.puc.pa.gov/pcdocs/1737282.pdf>  
Annex B (DWSLs) – <https://www.puc.pa.gov/pcdocs/1737279.pdf>

Entities are encouraged to seek potentially available public funds and long-term financing programs to help reduce the cost of a DWSL program to ratepayers. The Pennsylvania Infrastructure Investment Authority (PENNVEST) may have available funding for DWSLs and entities should contact the PENNVEST regional project specialist directly at the following URL:

<https://www.pennvest.pa.gov/Services/Pages/Regional-Assistance-New.aspx>

For information regarding the implementation of Act 120 at 52 Pa. Code Chapter 65 – Water Service, please refer to the Commission's Secretarial Letter at the above-referenced docket number.

Any questions about this letter can be directed to Matthew Lamb, P.E. (717) 783-1001 ([mlamb@pa.gov](mailto:mlamb@pa.gov)) or to Clint McKinley (717) 783-6161 ([cmckinley@pa.gov](mailto:cmckinley@pa.gov)) in the Bureau of Technical Utility Services.

Sincerely,



Rosemary Chiavetta  
Secretary

cc: Christine Hoover, Office of Consumer Advocate, [choover@paoca.org](mailto:choover@paoca.org)  
Teresa Wagner, Office of Small Business Advocate, [tereswagne@pa.gov](mailto:tereswagne@pa.gov)  
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