



Elizabeth Rose Triscari
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October 30, 2023

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: Joint Petition of Pennsylvania-American Water Company
and the Pennsylvania Department of Environmental
Protection Requesting an *Ex Parte* Emergency Order in
Regard to Receivership of East Dunkard Water Authority

Docket No. P-2023-

Dear Secretary Chiavetta:

On behalf of Pennsylvania-American Water Company and the Pennsylvania Department of Environmental Protection please find enclosed for filing its Joint Petition requesting an *Ex Parte* Emergency Order regarding the receivership of East Dunkard Water Authority.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari

cc: Paul Diskin, Director – Bureau of Technical Utility Services (*via electronic mail*)
Dan Searforce, Manager – Bureau of Technical Utility Services (*via electronic mail*)
David Screven, Chief Counsel – Law Bureau (*via electronic mail*)
Patricia Wiedt, Deputy Chief Counsel – Law Bureau (*via electronic mail*)
All Parties on the Attached Certificate of Service (*via electronic mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Pennsylvania-American :
Water Company and the Pennsylvania :
Department of Environmental Protection : Docket No. P-2023
Requesting an *Ex Parte* Emergency Order :
in Regard to Receivership of East :
Dunkard Water Authority :
:

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of October served a true copy of the foregoing Joint Petition upon the parties, listed below and in the manner below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

SENT VIA ELECTRONIC MAIL ON OCTOBER 30, 2023

Patrick Cicero, Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
ra-oca@paoca.org
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NazAarah Sabree, Small Business Advocate
Office of Small Business Advocate
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Harrisburg, PA 17101
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Richard Kanaskie, Director
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
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Respectfully submitted,



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Company**

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***Attorney for Pennsylvania Department of
Environmental Protection***

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Pennsylvania-American :
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:

**JOINT PETITION OF PENNSYLVANIA-AMERICAN WATER COMPANY AND
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
REQUESTING AN *EX PARTE* EMERGENCY ORDER**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Department of Environmental Protection (hereinafter “Department”) and Pennsylvania American Water Company (hereinafter “PAWC”) jointly hereby request that the Public Utility Commission issue an Emergency Order allowing PAWC to act as a receiver to operate the East Dunkard Water System, consistent with the proposed Order that is attached.

1. The East Dunkard Water Authority (hereinafter “Authority”) is a municipal water authority with an address of 2790 South Eighty-Eight Road, Dilliner, Greene County, Pennsylvania.

2. The Authority owns, operates and maintains a municipal drinking water system that serves approximately 1,800 households, businesses and schools and a population of approximately 4,200 in the following municipalities: Dunkard Township, Greene Township, and portions of Monongahela, Cumberland, Perry and Whiteley Townships (hereinafter “East Dunkard Water System” or “Water System”).

3. The East Dunkard Water System consists of a surface water source (the Monongahela River), a conventional filtration water treatment plant including disinfection, water pumping facilities, water storage facilities, and a distribution system.

4. Since July 2021, the Department has conducted numerous inspections and issued multiple Orders to the Authority for violations of the Safe Drinking Water Act (“SDWA”) and Regulations. Among the conditions underlying the violations identified at the East Dunkard Water System are conditions that threaten to render portions of the

water treatment process inoperable or ineffective, which would endanger public health, safety, and welfare.

5. On August 25, 2022, the Department issued an order pursuant to the SDWA to the Authority (the “August 2022 Order”) requiring a series of corrective actions to address deficiencies in the System, including requirements for (1) all process control decisions to be made by a certified operator, staff in consultation with the certified operator or staff using Standard Operating Procedures; (2) continuous staffing of the treatment plant until automatic shutdown controls are installed; (3) filter-to-waste operations after each backwash and each startup until certain criteria are satisfied; (4) utilization of Individual Filter Effluent turbidity readings from all active filters for determination of compliance with SDWA regulations; (5) sampling for iron and manganese; (6) evaluation of all filters at the treatment plant; (7) evaluation of the filters, followed by preparation and implementation of a filter corrective action plan; (8) preparation and implementation of an emergency response plan; (9) submission of an uninterrupted system service plan; (10) evaluation of the clarifier system, followed by preparation and implementation of a clarifier corrective action plan; and (11) preparation and implementation of a filter bed evaluation program. A copy of the August 2022 Order is attached as Exhibit A.

6. Because of the Authority’s failure to comply August 2022 Order, the Department initiated an action in Commonwealth Court to enforce its August 2022 Order.

7. On December 15, 2022, the Commonwealth Court issued an order (the “Commonwealth Court Order”) requiring the Authority, among other things, to perform an evaluation its filters and clarifier system and submit a report to the Department detailing the results of the evaluation; submit a Corrective Action Plan for its filters and clarifier system to address the deficiencies identified in the Report and implement each Plan; implement a filter bed evaluation program and submit a copy of the results to the Department; and install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for its chemical tanks and drums. A copy of the Commonwealth Court Order is attached as Exhibit B.

8. Most recently, beginning on October 22, 2023, the East Dunkard Water System exhibited signs of potential failure, beginning with elevated levels of turbidity of the water that was leaving the water treatment plant’s filters.

9. On October 23, 2023, the Department reviewed the data submitted by the Authority, which showed that the elevated levels of turbidity were above the regulatory limits.

10. The Department immediately issued an order to the Authority directing it to issue a boil water advisory and investigate the cause of the elevated turbidity.

11. On October 24, 2023, the East Dunkard Water System experienced a major upset resulting from operational failure of the filters at the water treatment plant.

12. Shortly thereafter, the clarifier system at the water treatment plant ceased proper operation, and the System's water treatment plant ceased producing water.

13. Since September 15, 2023, the Authority has been without a Certified Operator qualified to properly operate the Water System.

14. Currently, no person at the Authority is legally authorized to make decisions concerning the East Dunkard Water System, including those affecting the quality or quantity of water being provided and the operation of the clarifier system and filters.

15. The Authority has failed to comply with two successive Orders issued by the Department on February 8, 2023, and September 18, 2023, which required the Authority to retain the services of a qualified, properly certified drinking water system operator ("Certified Operator").

16. Similarly, the Authority has failed to comply with an Order issued by the Department on March 31, 2023, which required the Authority to, among other things, employ the services of a qualified professional to evaluate and correct data errors with the Authority's computerized data collection and reporting system, or Supervisory Control and Data Acquisition ("SCADA") system.

17. Although the Authority has submitted a Clarifier Corrective Action Plan that can be approved by the Department, the Authority, almost eight months after the deadline set forth in the Commonwealth Court's Order, has yet to submit a Filter Corrective Action Plan that the Department is able to approve.

18. In addition, the Authority failed to implement a filter bed evaluation program and submit copies of the filter evaluations to the Department.

19. Moreover, the Authority has failed to install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for its chemical tanks and drums.

20. The Authority's failure to take measures to ensure the proper operation of the East Dunkard Water System resulted in approximately 4,200 users across 1,800 households, businesses, and schools losing daily access to clean and safe water beginning on October 24, 2023.

21. Between October 24, 2023 and October 29, 2023, the Authority attempted to supply water through the East Dunkard Water System by trucking tanker loads of water to the water treatment plant and pumping the trucked water into the Water System.

22. For a period of time between October 24, 2023 and October 27, 2023, some of the tanks that store water in the Water System were empty, and it is believed that, at times, **all users** of the East Dunkard Water System were without any water service.

23. Without even non-potable water service, users of the East Dunkard Water System were without water for basic sanitary and hygienic purposes, including bathing, dishwashing, and toilet flushing.

24. On or about October 27, 2023, the Authority was able to restore partial function of the System's water treatment plant and began providing water to some users.

25. On or about October 29, 2023, the Authority informed the Department that water service was restored to all users. However, all customers are under a boil water advisory and must continue to boil their water before consumption for an unknown amount of time until the Authority is able to demonstrate that the Water System is meeting all applicable monitoring and treatment standards.

26. Even if the Boil Water Advisory may, at some point, be lifted, the Authority's failure to continually employ the services of a Certified Operator, failure to comply with the laws and regulations of this Commonwealth, and failure to comply with the Commonwealth Court Order and the Department Orders indicate that the Authority's control over the water system's functioning will repeatedly endanger public health.

27. On multiple occasions, the Authority has made representations to the Department that it does not have the financial resources to effectively and properly operate the East Dunkard Water System, comply with the Department's Orders and the Commonwealth Court Order, and employ a Certified Operator.

28. Because the Authority's actions threaten immediate harm to public health and safety, the Department has prepared an application to be filed in the Commonwealth Court to seek the appointment of a receiver for the East Dunkard Water System.

29. PAWC has agreed to be named a receiver to take control of and operate the Water System, as described in the attached proposed order, upon receipt of an order from the Commonwealth Court placing the East Dunkard Water System in receivership.

WHEREFORE, the Department and PAWC request that the Commission grant this Petition for *Ex Parte* Emergency Order for Receivership of East Dunkard Water Authority for the reasons stated above, and enter the attached proposed Order.

Respectfully submitted,



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Attorney for Pennsylvania-American Water Company



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Attorney for Pennsylvania Department of Environmental Protection

Dated: October 30, 2023

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

October __, 2023

In re: Authorization of Pennsylvania-
American Water Company to Serve as
Receiver for East Dunkard Water
Authority

Docket No:

EX PARTE EMERGENCY ORDER

The East Dunkard Water Authority (“Authority”) is a municipal authority organized pursuant to the Municipality Authorities Act, 53 Pa. C.S. §§5601-5623, with a mailing address of P.O. Box 241, Dilliner, PA 15327, and a physical office address of 2790 South Eighty-Eight Road, Dilliner, PA 15327. The Authority owns and operates a public water supply system (the “East Dunkard System” or “System”) serving approximately 1,800 households, businesses and schools and a population of approximately 4,200 in the following municipalities in Greene County, Pennsylvania: Dunkard Township, Greene Township, and portions of Monongahela, Cumberland, Perry and Whiteley Townships. The East Dunkard System consists of a surface water source (the Monongahela River), a conventional filtration water treatment plant including disinfection, water pumping facilities, water storage facilities, and a distribution system.

The Authority has previously agreed to sell the East Dunkard System to Pennsylvania-American Water Company (“PAWC”) pursuant to an Asset Purchase Agreement dated as of July 23, 2023 (the “Purchase Agreement”) subject to a series of conditions, including approval of the acquisition by the Commission and satisfaction of certain covenants and conditions precedent to closing as set forth in the Purchase Agreement (the “Acquisition Transaction”). Pending satisfaction of such conditions and approval of the Acquisition Transaction by the Commission, the Authority continues to own and operate the East Dunkard System and is responsible for operating the System in compliance with all applicable environmental, health and safety laws, including the Pennsylvania Safe Drinking Water Act, 34 P.S. §§ 721.1-271.17 (“SDWA”) and regulations adopted pursuant to the SDWA as contained in 25 Pa. Code Chapter 109.

As determined and documented by the Pennsylvania Department of Environmental Protection (“DEP”), the Authority’s operation of the System has been seriously deficient, involving numerous violations of the SDWA and Chapter 109 regulations and threats to public health and safety. Specifically, DEP has informed the Commission that:

- Since July 2021, DEP has conducted numerous inspections and issued multiple Orders to the Authority for violations of the Safe Drinking Water Act (“SDWA”) and Regulations. Among the conditions underlying the violations identified at the East Dunkard Water System are conditions that threaten to render portions of the water treatment process inoperable or ineffective, which would endanger public health, safety, and welfare.
- On August 25, 2022, the Department issued an order pursuant to the SDWA to the Authority (the “August 2022 Order”) requiring a series of corrective actions to address deficiencies in the System, including requirements for (1) all process control decisions to be made by a certified operator, staff in consultation with the certified operator or staff using Standard Operating Procedures; (2) continuous staffing of the treatment plant until automatic shutdown controls are installed; (3) filter-to-waste operations after each backwash and each startup until certain criteria are satisfied; (4) utilization of Individual Filter Effluent turbidity readings from all active filters for determination of compliance with SDWA regulations; (5) sampling for iron and manganese; (6) evaluation of all filters at the treatment plant; (7) preparation and implementation of a filter corrective action plan; (8) preparation and implementation of an emergency response plan; (9) submission of an uninterrupted system service plan; (10) evaluation of the clarifier system, followed by preparation and implementation of a clarifier corrective action plan; and (11) preparation and implementation of a filter bed evaluation program.
- Because of the Authority’s failure to comply August 2022 Order, the Department initiated an action in Commonwealth Court to enforce its August 2022 Order.
- On December 15, 2022, the Commonwealth Court issued an order requiring the Authority, among other things, to perform an evaluation its filters and clarifier system and submit a report to the Department detailing the results of the evaluation; submit a Corrective Action Plan for its filters and clarifier system to address the deficiencies identified in the Report and implement each Plan; implement a filter bed evaluation

program and submit a copy of the results to the Department; and install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for its chemical tanks and drums.

- Although the Authority has submitted a Clarifier Corrective Action Plan that can be approved by DEP, the Authority, almost eight months after the deadline, has yet to submit a Filter Corrective Action Plan that DEP is able to approve.
- In addition, the Authority failed to implement a filter bed evaluation program and submit copies of the filter evaluations to the Department.
- Moreover, the Authority has failed to install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for its chemical tanks and drums.
- Most recently, beginning on October 22, 2023, the East Dunkard Water System exhibited signs of potential failure, beginning with elevated levels of turbidity of the water that was leaving the water treatment plant's filters.
- On October 23, 2023, DEP reviewed the data submitted by the Authority, which showed that the elevated levels of turbidity were above the regulatory limits.
- DEP immediately issued an order to the Authority directing it to issue a boil water advisory and investigate the cause of the elevated turbidity.
- On October 24, 2023, the East Dunkard Water System experienced a major upset resulting from operational failure of the filters at the water treatment plant. Shortly thereafter, the clarifier system at the water treatment plant ceased proper operation, and the East Dunkard Water System ceased producing water.
- Since September 15, 2023, the Authority has been without a Certified Operator qualified to properly operate the System. Currently, no person at the Authority is legally authorized to make decisions concerning the East Dunkard Water System, including those affecting the quality or quantity of water being provided and the operation of the clarifier system and filters.
- The Authority has failed to comply with two successive Orders issued by the Department on February 8, 2023, and September 18, 2023, which required the Authority to retain the services of a qualified, properly certified drinking water system operator ("Certified Operator").

- Similarly, the Authority has failed to comply with an Order issued by the Department on March 31, 2023, which required the Authority to, among other things, employ the services of a qualified professional to evaluate and correct data errors with the Authority’s computerized data collection and reporting system, or Supervisory Control and Data Acquisition (“SCADA”) system.
- The Authority’s failure to take measures to ensure the proper operation of the East Dunkard Water System resulted in approximately 4,200 users across 1,800 households, businesses, and schools losing daily access to clean and safe water beginning on October 24, 2023.
- Between October 24, 2023 and October 29, 2023, the Authority attempted to supply water through the East Dunkard Water System by trucking tanker loads of water to the water treatment plant and pumping the trucked water into the System.
- For a period of time between October 24, 2023 and October 27, 2023, some of the tanks that store water in the System were empty, and it is believed that, at times, all users of the East Dunkard System were without any water service.
- Without even non-potable water service, users of the System were without water for basic sanitary and hygienic purposes, including bathing, dishwashing, and toilet flushing.
- On or about October 27, 2023, the Authority was able to restore partial function of the System and began providing water to some users.
- On or about October 29, 2023, the Authority informed DEP that water service was restored to all users.
- Although water service has been restored to the users of the System, the customers are under a boil water advisory and must continue to boil their water before consumption for an unknown amount of time until the Authority is able to demonstrate that the System is meeting all applicable monitoring and treatment standards.
- Even if the Boil Water Advisory may, at some point, be lifted, the Authority’s failure to continually employ the services of a certified operator, failure to comply with the laws and regulations of this Commonwealth, and failure to comply with the Commonwealth Court Order and the Department Orders indicate that the Authority’s control over the System’s functioning will repeatedly endanger public health.

- On multiple occasions, the Authority has made representations to DEP that it does not have the financial resources to effectively and properly operate the Water System, comply with the DEP's Orders and the Commonwealth Court Order, and employ a Certified Operator.

Having previously issued an administrative order to the Authority requiring correction of the System's deficiencies and violations, in November 2022, the Department initiated a proceeding in the Commonwealth Court pursuant to Pa. R.A.P. 3761 seeking enforcement of the DEP Order. On December 15, 2022, the Commonwealth Court issued an order upon consideration of the parties Joint Motion to Enter Order in Lieu of Hearing requiring that the Authority implement a series of specified corrective actions.

DEP has notified the Commission that in light of the serious and deteriorating condition of the East Dunkard System, the failure of the Authority to comply with the previous DEP and Commonwealth Court orders, and the documented failure and apparent inability of the Authority to properly operate and maintain the System in compliance with of its obligations under the SDWA, DEP intends to file an application for relief and petition to hold the Authority in contempt seeking the court appointment of a receiver to manage the Authority and its property and assets. Such a receiver would be appointed in order to undertake corrective actions to address and resolve the System's deficient conditions pending approval and consummation of the Acquisition Transaction.

While Pennsylvania's two largest regulated water utilities, PAWC and Aqua Pennsylvania, Inc. would be suitable candidates to serve as a receiver to manage the Authority, as a result of its due diligence and inspections conducted in association with the Acquisition Transaction, PAWC has greater familiarity with the conditions of the System. PAWC has experienced personnel and substantial public water system operations in southwestern Pennsylvania, and has resources and capabilities to oversee and manage the East Dunkard System as a receiver for the Authority.

DEP has notified the Commission that it desires that PAWC be appointed to serve in the capacity of a receiver for the Authority, and requests that the Commission authorize PAWC to

serve as such a receiver. DEP believes and the Commission concurs that PAWC has the familiarity and understanding of the circumstances to work in an effective manner toward planning and executing corrective actions to restore safe, adequate, and reliable service to the public. Accordingly, in response to DEP's request, and in light of the conditions described above, this Order will authorize PAWC, upon appointment by a court to serve as a Receiver for the Authority, to serve as such Receiver to manage and operate the Authority pending approval and consummation of the Acquisition Transaction.

THEREFORE, IT IS ORDERED THAT:

1. Effective upon the effectiveness of the Court Order appointing Pennsylvania-American Water Company to serve as a Receiver for the Authority and the Authority's property, assets, and facilities ("Assets"), the Commission pursuant to Section 501 of the Public Utility Code authorizes Pennsylvania-American Water Company to serve as a Receiver for the Authority and Assets in accordance with and subject to the conditions set forth in **Appendix A** to this Order. The Commission authorizes PAWC to continue to provide such services as a Receiver until the termination of any Court Order appointing the Receiver or the consummation of the Acquisition Transaction.

2. Utilities serving the Authority and facilities comprising the East Dunkard System are permitted and directed to initiate and maintain service to the Authority's Assets and East Dunkard System facilities that are used to serve Authority's customers in the name of the Receiver for the Authority.

3. A copy of this Order shall be served on the East Dunkard Water Authority, Pennsylvania-American Water Company, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, the Southwest Regional Office of the Pennsylvania Department of Environmental Protection, and all proximate municipalities and authorities providing water service in and around Dunkard Township, Greene Township, Monongahela Township, Cumberland Township, Perry Township and Whiteley Township, Green County, Pennsylvania.

4. A copy of this Order shall be posted on the Commission's website at www.puc.pa.gov.

Steven M DeFrank, Chairman

DATE:

APPENDIX A

Docket No. M-2023-

Effective upon the effectiveness the Court Order appointing the Receiver, the Receiver shall be authorized to take the following actions, and the authorization of Pennsylvania-American Water Company to serve as Receiver for the Authority shall be subject to the following conditions:

1. The Receiver, in its capacity as Receiver for the Authority, shall be authorized and empowered to:
 - a. Direct and take possession and full control of the Assets of the Authority and the East Dunkard System and all records of the Authority and to take such other actions as the Receiver deems reasonable and appropriate to take possession, to exercise full control over, to prevent waste, and to preserve, secure and safeguard the assets and facilities of the Authority and System.
 - b. Operate the System and manage the Assets of the Authority in the name of the Authority.
 - c. Undertake such actions, including capital and operational improvements, as are reasonable, prudent and appropriate to correct deficiencies in the physical condition and operations of the Authority's facilities and System in order to bring the System into compliance with the Pennsylvania Safe Drinking Water Act and regulations and all other applicable State, Federal, and local laws and regulations. The capital and operational costs of such actions incurred by the Receiver shall be eligible for the deferred expense account provided under this Order.
 - d. Maintain any existing or necessary permits, licenses, approvals, authorizations, orders, consents, registrations, or filings for the construction, improvement and operation of the System.

- e. Conduct an evaluation of the System, identify deficiencies in the System’s physical conditions, facilities and operational procedures, identify and prepare a plan of capital and operational improvements to (i) improve System performance and compliance with applicable law, (ii) address or anticipate the obsolescence of portions of the System, (iii) reduce the cost of operating the System, (iv) provide cost savings or efficiency innovations to the System, or (v) comply with existing or anticipated changes to applicable laws and regulations, and report the results of such evaluation to the Court, DEP and the Commission (the “Improvements Plan”). The capital and operational costs of such improvements incurred by the Receiver shall be eligible for the deferred expense account provided under this Order.
- f. Undertake and implement the capital and operational improvements recommended in the Improvements Plan.
- g. Provide a certified water treatment plant operator to supervise operation of the System and provide all supervision and personnel necessary to operate the System in a professional, efficient and economic manner, and in accordance with sound public water supply system operating practices and prudent industry and utility standards.
- h. Notify appropriate regulatory or governmental agencies regarding any emergency or other condition which, in the reasonable judgement of the Receiver, is likely to result in material loss or damage to the System or constitute a material threat to human health or safety.
- i. Respond to System emergencies by taking necessary and appropriate action to (i) provide notices and warning to System customers of deficient water quality or treatment performance in the manner and to the extent required by applicable laws and regulations, (ii) provide bottled water or alternative potable water supplies (e.g., water buffalos) to serve System customers where necessary until deficiencies can be corrected; and (iii) undertake and implement corrective actions to restore and ensure the continued provision of adequate, efficient, safe and reasonable service.

- j. Provide for normal routine maintenance of the System and the provision of supplies for the System.
- k. Keep financial and accounting records and all pertinent operating data and information relating to the system as prudent industry and utility practices would require.
- l. Assume the Authority's billing and collection functions.
- m. Provide customer service to the Authority's customers.
- n. Enter into contracts in the name of the Authority for the acquisition of materials, supplies, services, construction, improvements, repairs and other purposes related to the System.
- o. Enforce, amend, renew, extend, terminate without liability, or enter into contract, agreements and understandings in the name of the Authority as necessary and appropriate for the operation and maintenance of the Assets and System.
- p. Receive and utilize grant funds in the name of the Authority and borrow money in the name of the Authority necessary for the implementation of corrective actions and continued provision of adequate, efficient, safe and reasonable service to the customers of the System.
- q. Administer and collect the Authority's existing rates and regulations.
- r. Subject to review and approval by the Court, propose and adopt adjustments to the Authority's reasonable and uniform rates and regulations consistent with the Municipality Authorities Act as necessary and appropriate to fund and govern operations of the System.
- s. Submit all necessary paperwork regarding the System to regulatory agencies on behalf of the Authority.

- t. Submit an initial status report to the Court, DEP and Commission within 60 days of assuming operations and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership.
 - u. Make reasonable efforts to establish the financial position of the Authority at the time the Receiver assumed receivership.
 - v. Establish a deferred expense account for expenses incurred by the Authority that are payable to the Receiver.
 - w. Petition the Court and Commission to add or remove any duties or responsibilities; however, the Receiver must continue to fulfill all duties and responsibilities until such duties or responsibilities are removed by the Court.
 - x. Utilize existing Commission-approved affiliated entities to provide services to the Authority, provided that the Receiver provides the Commission written notice identifying which affiliates are providing services for which approval under 66 Pa. C.S. § 2102 would typically be required.
 - y. Perform the aforementioned actions and responsibilities either directly, through Commission-approved affiliates, or through competitive operation and maintenance agreements or any combination thereof.
 - z. Charge the Authority reasonable rates for all services rendered by the Receiver to or for the Authority.
 - aa. Hire and discharge on-site employees and establish pay rates for same.
2. The Receiver, in its own capacity, shall have the following authority:
- a. Should the Receiver acting on behalf of the Authority be unable to obtain necessary financing for ensuring the continued provision of adequate, efficient, safe and reasonable service to the customers of the System, the Receiver, at its option, may directly provide financing for the Authority. Any such financing provided by the Receiver shall be eligible for the deferred expense account provided under this Order.

- b. The Receiver may establish a deferred expense account for expenses incurred by the Receiver resulting from this Order, including prudent and reasonable legal expenses.
3. The Receiver shall not assume any debt incurred by the Authority unless such assumption is approved through an Order of this Commission.
4. The Receiver shall not be liable for preexisting conditions, defects, or regulatory or statutory violations arising from the Authority's management, operation and maintenance of the Assets and East Dunkard System. The Receiver shall have no liability for any acts or omissions taken with respect to the Authority, the Assets, the East Dunkard System, or pursuant to this Order except to the extent arising due to Receiver's gross negligence or willful misconduct. Any risk, obligation or liability incurred by Receiver in connection with the receivership (other than arising due to Receiver's gross negligence or willful misconduct) shall be the risk, obligation or liability of the Authority and receivership's estate, to be satisfied from the revenues and assets of the Authority and receivership estate. In the event a suit is filed against Receiver or any of its affiliates, directors, officers, managers, members or partners which relate to or arise out of the receivership or operation of the East Dunkard System, then (and except to the extent arising due to the gross negligence or willful misconduct of the aforementioned parties), to the extent that the revenues and assets of the Authority and receivership estate are insufficient, the Authority shall reimburse Receiver for the costs and fees of defending such action, including insurance premiums, deductibles, retentions, costs, expenses, attorneys' fees settlements costs, and any appeals thereof to final resolution and award of judgments by advancing such amounts. Any such amounts advanced by the Receiver pursuant to this paragraph shall be an obligation of the Authority.
5. The Receiver may petition the Court for modification of the receivership, or to appoint another, or an additional, entity as a receiver of the Authority.

EXHIBIT A
AUGUST 2022 ORDER



Southwest Regional Office

August 25, 2022

Via Hand Delivery

East Dunkard Water Authority
2790 South Eighty-Eight Road
Dilliner PA 15327

Re: Administrative Order
Violations of the Pennsylvania Safe Drinking Water Act and Regulations
East Dunkard Water Authority and East Dunkard Water Association
PWSID No. 5300012
Greene County

Dear Sir and/or Madam:

Please find enclosed an Administrative Order of the Department directed to the East Dunkard Water Authority and the East Dunkard Water Association. You should review the Order immediately; it contains corrective action obligations and deadlines, some of which begin upon receipt.

If you have any questions, please contact me at 412-442-4210 or via email at rediehl@pa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Renee L. Diehl". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Renee L. Diehl
Program Manager
Safe Drinking Water Program
Southwest Regional Office

c: Region

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

East Dunkard Water Authority	:	Violations of the Pennsylvania Safe
2790 South Eighty-Eight Road	:	Drinking Water Act and the
Dilliner, PA 15327	:	Rules and Regulations Promulgated
Greene County	:	Pursuant Thereto
PWS ID No. 5300012	:	
	:	
and	:	
	:	
East Dunkard Water Association	:	
2790 South Eighty-Eight Road	:	
Dilliner, PA 15327	:	
Greene County	:	

ADMINISTRATIVE ORDER

NOW, this 25th day of August, 2022, the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) issues this Administrative Order after it has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1-721.17 (SDWA); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (Administrative Code); and the rules and regulations promulgated thereunder (Regulations).

B. The East Dunkard Water Authority (Authority) is a municipal water authority with a mailing address of P.O. Box 241, Dilliner, PA 15327. The Authority's physical office address is 2790 South Eighty-Eight Road, Dilliner, PA 15327.

C. The East Dunkard Water Association (Association) is a Pennsylvania non-profit public corporation with a mailing address of 2790 South Eighty-Eight Road, P.O. Box 241, Dilliner, PA 15327. The Association's physical office address is 2790 South Eighty-Eight Road, Dilliner, PA 15327.

D. The Authority and the Association are each a "person" and a "supplier of water" as those terms are defined in Section 3 of the SDWA, 35 P.S. § 721.3; and a "person" and "public water supplier" as those terms are defined in Section 109.1 of the Regulations, 25 Pa. Code § 109.1. The Authority and the Association are collectively referred to as the "Responsible Parties".

E. The Authority operates and maintains a municipal drinking water system serving approximately 4,200 customers in the following municipalities in Greene County, Pennsylvania: Dunkard Township, Greene Township, and portions of Monongahela, Cumberland, Perry and Whiteley Townships (East Dunkard System). The East Dunkard System consists of a surface water source (the Monongahela River), a conventional filtration water treatment plant including disinfection, water pumping facilities, water storage facilities, and a distribution system.

F. Pursuant to a lease between the Association and the Authority dated October 13, 2011, the Authority leases certain distribution piping, storage tanks, booster pump stations and fire hydrants, as more particularly described in Exhibit "A" of said lease, from the Association. The Authority owns the remainder of the East Dunkard System.

G. The Authority operates the East Dunkard System pursuant to multiple public water supply permits issued by the Department and has been assigned Public Water System Identification Number (PWS ID No.) 5300012. The Association, as an owner of a portion of the East Dunkard System, and the Authority, as an owner of a portion of the East Dunkard System

and the operator of the East Dunkard System, are jointly and severally responsible as public water suppliers for the East Dunkard System.

H. The East Dunkard System is a “system” as that term is defined in Section 109.1 of the Regulations, 25 Pa. Code § 109.1, and, more specifically, is a “public water system” and a “community water system” as those terms are defined in Section 3 of the SDWA, 35 P.S. § 721.3, and Section 109.1 of the Regulations, 25 Pa. Code § 109.1.

General Requirements

I. Sections 109.4(2), 109.4(3), and 109.4(4) of the Regulations, 25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4), require a public water supplier to, respectively, provide treatment adequate to assure that the public health is protected; provide and effectively operate and maintain public water system facilities; and take whatever investigative or corrective action is necessary to assure that safe and potable water is continuously supplied to the users.

Significant Deficiencies

J. A “significant deficiency” is defined as “[a] defect in design, operation or maintenance, or a failure or malfunction of the sources, treatment, storage or distribution system that the Department determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.” 25 Pa. Code § 109.1.

K. When the Department identifies one or more significant deficiencies at a water system, Section 109.717 of the Regulations, 25 Pa. Code § 109.717, requires a public water supplier, among other things, to: 1) consult with the Department within 30 days of receiving written notification regarding appropriate corrective action for identified significant deficiencies; 2) respond in writing to the Department within 45 days with a plan and schedule to address the

significant deficiencies; and 3) correct the significant deficiencies within 120 days of receiving written notification from the Department.

Department Inspections, Notices of Violation and Field Orders

L. (1) On July 20 and 21, 2021, the Department conducted an inspection of the East Dunkard System (July 21, 2021 inspection). On July 27, 2021, the Department conducted an administrative inspection of the East Dunkard System, including telephone conversations with the Authority’s consulting engineer and certified operator (July 27, 2021 inspection).

(2) On August 11, 2021, the Department issued two (2) Notices of Violation (NOVs) to the Authority: one NOV identified significant deficiencies and the other NOV identified other violations that were not significant deficiencies (collectively, “August 11, 2021 NOV”). On August 12, 2021, the Department issued a Field Order to the Authority (August 12, 2021 Field Order). On August 16, 2021, the Department conducted an administrative inspection of the East Dunkard System (August 16, 2021 inspection). On August 20, 2021, the Department issued a Field Order to the Authority (August 20, 2021 Field Order). On August 23, 2021, the Department issued an NOV to the Authority (August 23, 2021 NOV). On August 30 and 31 and September 2, 7 and 9, 2021, the Department conducted a sanitary survey inspection of the East Dunkard System (2021 Sanitary Survey inspection).

(3) On September 24, 2021, the Department issued an NOV to the Authority (September 24, 2021 NOV).

(4) On October 28, 2021, the Department conducted an administrative inspection of the East Dunkard System in follow-up to the 2021 Sanitary Survey inspection (October 28, 2021 inspection).

(5) On December 13, 2021, the Department issued an NOV to the Authority (December 13, 2021 NOV).

(6) On January 18, 2022, the Department conducted an inspection of the East Dunkard System (January 18, 2022 inspection). On January 21, 2022, the Department issued three (3) NOVs to the Authority: two of the NOVs were significant deficiency NOVs and the other NOV identified other violations that were not significant deficiencies (collectively, “January 21, 2022 NOV”). On January 25, 2022, the Department conducted an inspection of the East Dunkard System (January 25, 2022 inspection). On January 25, 2022, the Department issued a Field Order to the Authority (January 2022 Field Order). On January 26, 2022, the Department conducted two (2) administrative inspections of the East Dunkard System (January 26, 2022 inspections). On January 31, 2022, the Department issued an NOV to the Authority (January 31, 2022 NOV).

(7) On February 4, 2022, the Department conducted an administrative inspection of the East Dunkard System (February 4, 2022 inspection). On February 23, 2022, the Department conducted an administrative inspection of the East Dunkard System (February 23, 2022 inspection).

(8) On March 11, 2022, the Department issued a Field Order to the Authority (March 2022 Field Order). On March 16, 2022, the Department conducted an inspection of the East Dunkard System (March 16, 2022 inspection). On March 30, 2022, the Department conducted an inspection of the East Dunkard System (March 30, 2022 inspection).

(9) On April 6, 2022, the Department conducted an inspection of the East Dunkard System (April 6, 2022 inspection). On April 7, 2022, the Department conducted an inspection of the East Dunkard System (April 7, 2022 inspection).

(10) On August 3, 2022, the Department conducted an inspection of the East Dunkard System (August 3, 2022 inspection).

(11) In addition to the inspections listed above, the Department has conducted multiple, additional inspections and issued additional NOVs.

July 21, 2021 Inspection

M. During the July 21, 2021 inspection, the Department cited the following violations, among others:

Failure to Provide One-Hour Notification

N. Section 109.701(a)(3)(iii)(B) of the Regulations, 25 Pa. Code § 109.701(a)(3)(iii)(B), requires a public water supplier to provide one-hour notification to the Department any time circumstances exist which may adversely affect the quality or quantity of drinking water, including a failure, significant interruption or breakdown in key water treatment processes.

O. During the July 21, 2021 inspection, the Authority informed the Department that it failed to report to the Department, within one hour of discovery, that the variable speed mixer in the East Dunkard System's clarifier was inoperable, and had been inoperable for at least one year, in violation of 25 Pa. Code § 109.701(a)(3)(iii)(B). The Department also cited this violation in its 2021 Sanitary Survey inspection report.

P. On July 20, 2021, the Authority informed the Department that the chlorine analyzer at the Griffin Tank entry point had been disabled on July 17, 2021 during a storm, which the Authority failed to report to the Department within one hour of discovery, in violation of 25 Pa. Code § 109.701(a)(3)(iii)(B).

Failure to Continuously Monitor and Record Chlorine Residual Disinfectant Concentration

Q. Section 109.301(1)(i)(D) of the Regulations, 25 Pa. Code § 109.301(1)(i)(D), requires a public water supplier providing filtration and disinfection of surface water sources to continuously monitor and record the chlorine residual disinfectant concentration of the water being supplied to the distribution system. If the continuous monitoring or recording equipment fails, a public water supplier may substitute grab sampling or manual recording every four hours in lieu of continuous monitoring.

R. During the July 21, 2021 inspection, the Authority informed the Department that the Authority had neither been continuously monitoring and recording the chlorine residual disinfectant concentration at the East Dunkard System nor collecting grab samples every four hours since the chlorine analyzer at the Griffin Tank entry point had become disabled on July 17, 2021, in violation of 25 Pa. Code § 109.301(1)(i)(D).

Failure to Perform Sampling and Analysis in Accordance with EPA Method 334.0

S. Section 109.304(a) of the Regulations, 25 Pa. Code § 109.304(a), requires a public water supplier to perform sampling and analysis in accordance with analytical techniques adopted by the Environmental Protection Agency (EPA) or methods approved by the Department. Both the EPA and the Department adopted EPA Method 334.0 for quality assurance of the analysis of chlorine residual disinfectant concentration in drinking water.

T. Section 109.304(c) of the Regulations, 25 Pa. Code § 109.304(c), provides that, other than a water operator who has been certified under the Water and Wastewater Systems Operators' Certification Act, Act of 1968, P.L. 1052, No. 322, *as amended*, 63 P.S. §§ 1001-1016, (certified operator) or an accredited laboratory, a person who takes measurements for

chlorine residual disinfectant concentration must use a standard operating procedure (SOP) approved by a certified operator.

U. On July 21, 2021, the Department reviewed the Authority's records, which showed that the Authority had been chronically failing to perform sampling and analysis for chlorine residual disinfectant concentration in accordance with EPA Method 334.0 by not completing analyst demonstrations of capability, initial/routine verification of handheld/benchtop analysis equipment, and initial/routine verification of on-line analysis equipment, in violation of 25 Pa. Code § 109.304(a). The Department also cited this violation in its July 21, 2021, 2021 Sanitary Survey and January 18, 2022 inspection reports. Additionally, during the January 18, 2022 inspection, the Authority's staff was not yet using SOPs approved by its certified operator, in violation of 25 Pa. Code § 109.304(c). The Authority has subsequently resolved this violation.

Failure to Filter-To-Waste

V. Section 109.703(b)(1) of the Regulations, 25 Pa. Code § 109.703(b)(1), requires a public water supplier using conventional filtration of a surface water source to filter-to-waste for one full filter volume of water and until the filter bed effluent turbidity is less than 0.30 NTU (Nephelometric Turbidity Units) at the normal production flow rate before returning a filter to service, unless an alternate operating technique is properly utilized and complete documentation is maintained.

W. On July 21, 2021, the Authority informed the Department that it failed to filter-to-waste for a full filter volume of water and until turbidity levels were less than 0.30 NTU after filter backwashes and/or upon treatment plant start-up, in violation of 25 Pa. Code

§ 109.703(b)(1). This violation also is cited in the Department's 2021 Sanitary Survey and January 18, 2022 inspection reports.

Failure to Maintain Mechanical Equipment

X. On July 21, 2021, the Authority informed the Department that it had failed to maintain the variable speed mixing system for the clarifier, in violation of 25 Pa. Code § 109.4(3).

Y. During the 2021 Sanitary Survey inspection, the mechanical equipment for the variable speed mixing system was not functioning, and as of the January 18, 2022 inspection, the Authority had not resolved this violation. During the April 7, 2022 inspection, the mixing system was functional. During an April 11, 2022 call with the Department, the Authority informed the Department that it had taken temporary measures to restore the mixer to service but was awaiting parts and equipment fabrication to be able to effect long-term repair. During the August 3, 2022 inspection, the clarifier was not functioning properly. As of the August 3, 2022 inspection, the parts and fabricated equipment were still not obtained.

Failure to Address Turbidity

Z. Section 109.602(a) of the Regulations, 25 Pa. Code § 109.602(a), requires that a public water system be designed to provide an adequate and reliable quantity and quality of water to the public, and to ensure that the system will be capable of providing water that, among other things, meets the filtered water turbidity performance requirements set forth in 25 Pa. Code § 109.202(c).

AA. Section 109.202(c)(1)(i)(A)(IV)(-b-) of the Regulations, 25 Pa. Code § 109.202(c)(1)(i)(A)(IV)(-b-), requires that the filtered water turbidity for a public water system

using conventional filtration and serving fewer than 10,000 people be less than or equal to 1 NTU at all times, measured under 25 Pa. Code § 109.301(1).

AB. Section 109.301(1)(i)(C) of the Regulations, 25 Pa. Code § 109.301(1)(i)(C), requires a public water supplier providing filtration and disinfection of surface water sources to continuously monitor the turbidity level of the Combined Filter Effluent (CFE) using an analytical method specified in the federal regulations and record the results at least every fifteen minutes while the plant is operating.

AC. Section 109.303(b) of the Regulations, 25 Pa. Code § 109.303(b), requires that the samples taken to determine a public water system's compliance with treatment technique and performance monitoring requirements be taken at a point that is as close as practicable to each treatment technique process and that is not influenced by subsequent treatment processes or appurtenances.

AD. On July 21, 2021, the Authority was not accurately conducting continuous monitoring of the turbidity level of the CFE because the East Dunkard System's CFE turbidimeter is located within the clearwell, which is located subsequent to chemical addition, in violation of 25 Pa. Code § 109.303(b). The Department also cited this violation in its 2021 Sanitary Survey and January 18, 2022 inspection reports.

AE. Section 109.602(c) of the Regulations, 25 Pa. Code § 109.602(c), provides that the Department's *Public Water Supply Manual* (Manual) sets forth design standards which the Department finds to be acceptable designs. Alternate designs may be used only if demonstrated to be effective and approved by the Department.

AF. Section IV.D.2.j. of Part II - Community System Design Standards of the Manual (Document Number 383-2125-108) requires that all turbidimeters consistently determine and indicate the turbidity of the water in NTUs.

AG. During the July 21, 2021 inspection, the Authority informed the Department that it had capped the individual filter effluent (IFE) turbidimeters at 2.5 NTU and the CFE turbidimeter at 1.0 NTU, preventing the turbidimeters from consistently determining and indicating the actual turbidity of the East Dunkard System's water, in violation of 25 Pa. Code §§ 109.602(a) and 109.602(c).

AH. In preparation for the July 21, 2021 inspection, the Department reviewed the Authority's records, which showed that the East Dunkard System had experienced numerous turbidity spikes recorded on both the IFE and CFE turbidimeters during the previous twelve months. During the July 21, 2021 inspection, the Authority was unable to demonstrate that it had investigated or corrected the cause(s) of the turbidity spikes, in violation of 25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4).

Failure to Implement a Filter Bed Evaluation Program

AI. Section 109.703(b)(5) of the Regulations, 25 Pa. Code § 109.703(b)(5), requires a public water supplier with filtration facilities to implement a filter bed evaluation program, acceptable to the Department, which includes an evaluation of filter media, filter bed expansion, valves, surface sweep and sampling of filter turbidities over one entire filter run.

AJ. During the July 21, 2021 inspection, the Authority did not have a filter bed evaluation program for the East Dunkard System, in violation of 25 Pa. Code § 109.703(b)(5). The Department also cited this violation in its 2021 Sanitary Survey and January 18, 2022 inspection reports. On July 5, 2022, the Authority submitted a filter bed evaluation program to

the Department; however, the Department identified some deficiencies which the Authority needs to address for the filter bed evaluation program to be considered complete.

Failure to Be Equipped with Plant Shutdown Capabilities

AK. Sections 109.602(g) and 109.602(i) of the Regulations, 25 Pa. Code §§ 109.602(g) and 109.602(i), require, among other things, a public water system that provides filtration of surface water sources to be equipped with specified shutdown capabilities if the facility is not staffed continuously while the plant is operating.

AL. Pursuant to 25 Pa. Code § 109.602(i), these shutdown capabilities are required for the following parameters: IFE turbidity, CFE turbidity, entry point disinfectant residuals, and water levels to maintain adequate contact time (CT) for Giardia inactivation.

AM. During the July 21, 2021 inspection, the Authority informed the Department that, although the East Dunkard System's surface water filtration treatment plant was not staffed continuously, it was not equipped with shutdown capabilities that meet the requirements of 25 Pa. Code § 109.602(i), in violation of 25 Pa. Code §§ 109.602(g) and 109.602(i). The Department also cited this violation in its August 20, 2021 Field Order, 2021 Sanitary Survey inspection report, September 24, 2021 NOV, January 18, 2022 inspection report, January 21, 2022 NOV, January 2022 Field Order and January 26, 2022 inspection report.

Failure to Conduct Quarterly Testing of the Alarm Capabilities

AN. Section 109.703(c)(1) of the Regulations, 25 Pa. Code § 109.703(c)(1), requires the Authority to test the alarm capabilities at least quarterly and document the results in the plant's operational log.

AO. During the July 21, 2021 inspection, the Authority informed the Department that it was chronically failing to conduct quarterly testing of the alarm capabilities, in violation of

25 Pa. Code § 109.703(c)(1). The Department cited this violation again in its August 20, 2021 Field Order, January 18, 2022 inspection report, January 21, 2022 NOV and February 4, 2022 inspection report. In its January 21, 2022 NOV, the Department identified this violation as a significant deficiency, informed the Authority of its obligations under 25 Pa. Code § 109.717, and requested that the Authority notify the Department within 30 days of completing the corrective action for this significant deficiency.

AP. The Department identified the violations described in Paragraphs O, P, U, W, AD, AH and AJ, above, as significant deficiencies in its July 21, 2021 inspection report, the August 11, 2021 NOV and/or the September 24, 2021 NOV. The August 11, 2021 NOV also informed the Authority of its obligations under 25 Pa. Code § 109.717, and requested that the Authority notify the Department within 30 days of completing the corrective action for each significant deficiency.

AQ. The December 13, 2021 NOV informed the Authority of, among other things, its failure to correct the significant deficiencies identified in Paragraphs U, W, AD, AH and AJ, above, within 120 days, which was December 10, 2021, in violation of 25 Pa. Code § 109.717. In the December 13, 2021 NOV, the Department requested that the Authority: correct each of the significant deficiencies, notify the Department when completed, issue Tier 2 Public Notice to its customers within thirty days, and submit a copy of the Public Notice and a certification form to the Department within ten days of issuance.

August 12, 2021 Field Order

AR. On August 11, 2021, at 1:04 p.m., the Authority notified the Department that, on the evening of August 10, 2021, the Authority had experienced a power outage at its water treatment plant. For more than one hour that evening, the Authority pumped water from its

clearwell to the distribution system with a turbidity of 1 NTU or greater. Because the Authority had, at that time, capped its CFE turbidimeter, located in the clearwell, at 1.0 NTU, the turbidimeter was unable to record turbidities above 1 NTU.

AS. The East Dunkard System's turbidity readings of 1.0 NTU for more than one hour were indicative of a breakdown of filtration treatment adequate to ensure the protection of public health and a failure to provide and effectively operate and maintain public water system facilities, in violation of 25 Pa. Code §§ 109.202(c)(1)(i)(A)(IV)(-b-), 109.4(2) and 109.4(3).

AT. In addition, the Authority failed to notify the Department of this breakdown in treatment, as described in Paragraph AS, above, within one hour, in violation of 25 Pa. Code §§ 109.701(a)(3)(i) and 109.701(a)(3)(iii)(B), which the Department cited in its August 16, 2021 and 2021 Sanitary Survey inspection reports and September 24, 2021 NOV.

AU. On August 12, 2021, the Department issued Field Order No. 21-9540-001 to the Authority (August 12, 2021 Field Order), citing the violations described in Paragraphs AS and AT, above, and directing the Authority to: issue a Tier 1 public notice in the form of a boil water advisory, flush the affected portions of the East Dunkard System, conduct total coliform sampling, and take other appropriate actions necessary to correct the violations.

AV. In the August 23, 2021 NOV, the Department identified the violations outlined in Paragraphs AS and AT, above, as significant deficiencies, informed the Authority of its obligations under 25 Pa. Code § 109.717, and requested that the Authority notify the Department within 30 days of completing the corrective action for each significant deficiency.

August 16, 2021 Inspection

AW. Section 13(a) of the SDWA, 35 P.S. § 721.13(a), provides that it is the duty of any person to proceed diligently to comply with any order issued pursuant to Section 5 of the Act.

AX. On August 16, 2021, the Department inspected the East Dunkard System and, as of that date, the Authority had not complied with the August 12, 2021 Field Order. Specifically, the Authority failed to correctly or fully complete the required public notice, flushing, and coliform sampling, in violation of the August 12, 2021 Field Order and 35 P.S. § 721.13(a).

August 20, 2021 Field Order

AY. As described in Paragraph AM, above, the Authority continued its practice of failing to continuously staff its surface water treatment plant while the water treatment plant was operating, despite the water treatment plant not being equipped with shutdown capabilities for IFE turbidity, CFE turbidity, entry point disinfectant residuals, and water levels to maintain adequate contact time (CT) for Giardia inactivation, in violation of 25 Pa. Code §§ 109.602(g) and 109.602(i).

AZ. As a result, on August 20, 2021, the Department issued Field Order No. 53-21-1627-022 (August 20, 2021 Field Order) to the Authority, which directed the Authority, among other things, to submit to the Department daily its IFE and CFE turbidity readings, entry point free chlorine disinfectant residual readings, and 1-Log Giardia inactivation calculation data as well as information regarding relevant events or factors that might affect the Authority's monitoring data.

BA. Although the Authority installed an automatic shutdown system subsequent to the issuance of the August 20, 2021 Field Order, the automatic shutdown system is inadequate

because it only shuts down the operation of the East Dunkard System's high service pumps. It neither prevents water from entering the distribution system (from the Griffin tank) if a chlorine disinfectant residual is not maintained at the entry point nor meets the minimum contact time requirements.

BB. In the August 20, 2021 Field Order, the Department also cited the Authority for its failure to provide and effectively operate and maintain the public water system facilities and failure to take the necessary investigative or corrective action at the East Dunkard System to assure that safe and potable water was continuously supplied to the consumers, including the failure to properly complete the public notification, flushing and coliform sampling as directed in the August 12, 2021 Field Order, in violation of the August 12, 2021 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code §§ 109.4(3), 109.(4) and 109.411(b).

2021 Sanitary Survey Inspection

BC. During the 2021 Sanitary Survey inspection, the Department cited the following violations, among others:

Failure to Program Software Correctly

BD. During the 2021 Sanitary Survey inspection, the East Dunkard System's filter software was not programmed to utilize turbidity as a parameter to determine when filter-to-waste should end and water production to the clearwell should begin, but instead, simply operated off a timed program. Further, the Authority indicated that it had not maintained its backwash program for years and the East Dunkard System's filter software turbidity readings were approximately one-half of the recently calibrated IFE turbidimeters' readings. The above conditions were in violation of 25 Pa. Code § 109.4.

Lack of Filter Waste-Holding Capacity

BE. During the 2021 Sanitary Survey inspection, in addition to the filter-related violations observed during the July 21, 2021 inspection, the East Dunkard System had: 1) a significant lack of filter waste-holding capacity in the clarifier and the sludge and backwash lagoon; 2) mud balls forming on the filter(s); 3) uneven filter media and the sand and anthracite had mixed in the filter(s); 4) an insufficient filter backwashing SOP; and 5) installed the CFE turbidimeter in the wrong location, in violation of 25 Pa. Code § 109.4.

BF. Also during the 2021 Sanitary Survey inspection, the sludge blanket in the upflow-solids-contact clarifier at the East Dunkard System extended beyond the freeboard, and the sludge in the backwash lagoon was filled to the top of the riser, in violation of 25 Pa. Code § 109.4.

BG. In addition, the Authority was not cleaning the lagoon frequently enough to prevent excessive sludge buildup and water short circuiting, in violation of 25 Pa. Code § 109.4.

BH. The January 18, 2022 inspection report documented that the Authority still lacked an adequate filter backwashing SOP and, because of the lack of waste-holding capacity at that time, the Authority was not performing filter backwashes as often as needed, in violation of 25 Pa. Code § 109.4. In late March and early April 2022, the Authority cleaned out the lagoon and the clarifier.

Failure to Provide Appropriate Safety Equipment

BI. During the 2021 Sanitary Survey inspection, the East Dunkard System lacked appropriate safety equipment and procedures in the treatment plant, in violation of 25 Pa. Code §§ 109.4 and 109.602. Specifically, the East Dunkard System did not have a reliable, working

exhaust fan or leak-detection alarm in the chlorine room, and had no self-contained breathing apparatus (SCBA). Further, the Authority had no SOP for changing its chlorine cylinders.

BJ. Prior to the Department's January 18, 2022 inspection, the Authority procured a SCBA unit, but had not fully resolved these violations because the age and inspection history of the unit were unknown, replacement cartridges for the face mask could not be located, the exhaust fan had not been repaired or replaced, and the Authority still did not have an automatic chlorine leak detector with an alarm.

BK. Prior to the March 16, 2022 inspection, the Authority installed a new fan in the chlorine gas room but no longer had a SCBA unit. In April 2022, the Authority informed the Department that it had obtained a new SCBA unit and masks and was making arrangements to train and fit staff to use the equipment.

Failure to Provide Secondary Containment

BL. Section V.C.2.d.(2) of Part II - Community System Design Standards of the Manual requires liquid chemical storage tanks to have an overflow and a receiving basin or drain capable of receiving accidental spills or overflows.

BM. During the 2021 Sanitary Survey inspection, the DelPAC tanks, orthophosphate drums and caustic soda storage lacked an overflow and a receiving basin or drain capable of receiving accidental spills or overflows to prevent an accidental discharge, in violation of 25 Pa. Code § 109.602(c). The Department cited this violation again in its January 18, 2022 inspection report, among others. As of the date of this Order, the Authority has only demonstrated secondary containment for the caustic soda storage.

Failure to Prevent Unauthorized Access to the Pump Station

BN. Section VI.B.1.d. of Part II - Community System Design Standards of the Manual requires a pumping station to be protected to prevent vandalism and entrance by animals or unauthorized persons.

BO. During the 2021 Sanitary Survey inspection, the Bald Hill pump station was not locked or otherwise protected against unauthorized access, in violation of 25 Pa. Code § 109.602(c).

Failure to Provide Cross-Connection Controls

BP. During the 2021 Sanitary Survey inspection, cross-connection controls were not in place between potable and non-potable water in the water treatment plant, in violation of 25 Pa. Code § 109.608. Specifically, there were hoses on the ground in the plant that could allow cross-connections between chemicals and taps. The Authority has subsequently resolved this violation.

Failure to Inspect or Clean Clearwells

BQ. Section 109.602(b) of the Regulations, 25 Pa. Code § 109.602(b), requires designs of public water facilities to conform to accepted standards of engineering and design in the water supply industry and to provide protection from failures of source, treatment, equipment, structures or power supply.

BR. During the 2021 Sanitary Survey inspection, the Authority informed the Department that it was not inspecting or cleaning the water storage clearwells on a routine basis, contrary to the recommendation of American Water Works Association (AWWA) Standard M42 and in violation of 25 Pa. Code §§ 109.4 and 109.602(b). As of the January 18, 2022 inspection, the Authority had not resolved this violation.

Failure to Maintain O&M Plan

BS. Section 109.702(a) of the Regulations, 25 Pa. Code § 109.702(a), requires a community water supplier to develop an operation and maintenance plan (O&M plan) in accordance with the guidelines contained in the Manual.

BT. During the 2021 Sanitary Survey inspection, the Authority's existing O&M plan did not contain all of the required elements, in violation of 25 Pa. Code § 109.702(a). On July 5, 2022, the Authority submitted an O&M plan to the Department; however, the Department identified some deficiencies, which the Authority needs to address for the O&M plan to be complete.

Failure to Maintain Comprehensive Monitoring Plan

BU. Section 109.718(a) of the Regulations, 25 Pa. Code § 109.718(a), requires a community water supplier to develop a comprehensive monitoring plan that contains specified minimum elements to assure that all sources, purchased interconnections and entry points are included in compliance monitoring for the system.

BV. During the 2021 Sanitary Survey inspection, the Authority did not have a comprehensive monitoring plan that contained all of the required elements, in violation of 25 Pa. Code § 109.718(a). On July 5, 2022, the Authority submitted a comprehensive monitoring plan to the Department; however, the Department identified some deficiencies which the Authority needs to address for the comprehensive monitoring plan to be considered complete.

Failure to Submit Certification for USSP

BW. Section 109.708(a) of the Regulations, 25 Pa. Code § 109.708(a), requires a community water supplier to submit to the Department a certification verifying completion of an uninterrupted system service plan (USSP) for the public water system to ensure operation of the

sources, treatment and pumping facilities necessary to ensure that safe and potable water is continuously supplied to users of the public water system. For a public water system that serves a population of 4,200, the USSP certification should have been submitted by August 17, 2020.

BX. As of the 2021 Sanitary Survey inspection, the Authority failed to submit to the Department a certification verifying completion of a USSP for the East Dunkard System containing all of the required elements, in violation of 25 Pa. Code § 109.708(a).

BY. As of the October 28, 2021 inspection, the Authority still had not submitted to the Department a certification verifying that the Authority had completed a USSP for the East Dunkard System containing all of the required elements, in violation of 25 Pa. Code § 109.708(a). In the October 28, 2021 inspection report, the Department requested that the Authority submit a USSP certification form to the Department no later than November 30, 2021. Also, in the October 28, 2021 NOV, the Department requested that the Authority develop a USSP for the East Dunkard System and submit the USSP certification form to the Department by November 30, 2021. On July 5, 2022, the Authority submitted a USSP to the Department; however, the Department identified some deficiencies which the Authority needs to address for the USSP to be considered complete. Although the Authority submitted the certification of its completion of a USSP for the East Dunkard System as required by 25 Pa. Code § 109.708(a) on July 13, 2022, the Authority did not confirm that the deficiencies identified by the Department were addressed.

Failure to Maintain Updated Emergency Response Plan

BZ. Section 109.707(a) of the Regulations, 25 Pa. Code § 109.707(a), requires a community water supplier to develop an emergency response plan that conforms to the guidelines contained in the Manual and contains specified minimum elements. Section

109.707(c) of the Regulations, 25 Pa. Code § 109.707(c), requires a public water supplier to review and update its emergency response plan at least annually.

CA. As of the 2021 Sanitary Survey inspection, the Authority had not updated its emergency response plan since at least 2016, in violation of 25 Pa. Code § 109.707(c). On July 5, 2022, the Authority submitted an emergency response plan to the Department; however, the Department identified some deficiencies, which the Authority needs to address for the emergency response plan to be considered complete.

CB. In the September 24, 2021 NOV, the Department identified the violations described in Paragraphs BE, BG and BI, above, as significant deficiencies, informed the Authority of its obligations under 25 Pa. Code § 109.717 regarding these significant deficiencies, and requested that the Authority notify the Department within 30 days of completing the corrective action for each significant deficiency.

CC. In the January 21, 2022 NOV, the Department informed the Authority of, among other things, its failure to correct the significant deficiencies identified in Paragraphs BE, BG and BI, above, within 120 days of notice, which was provided on January 21, 2022, in violation of 25 Pa. Code § 109.717. In the January 21, 2022 NOV, the Department requested that the Authority: correct each of the significant deficiencies, notify the Department when completed, issue Tier 2 Public Notice to its customers within thirty days, and submit a copy of the Public Notice and a certification form to the Department within ten days of issuance.

January 23, 2022 Turbidity Spike

CD. On January 23, 2022, IFE turbidity readings on filters 3 and 4 at the East Dunkard System exceeded 1.0 NTU (as high as 4.08 NTU), and the CFE turbidity readings exceeded

1.0 NTU (as high as 1.25 NTU), indicating a breakdown in treatment, in violation of 25 Pa. Code §§ 109.4 and 109.202(c)(1)(i)(A)(IV)(-b-).

CE. The Authority failed to notify the Department within one hour of the breakdown in treatment at the East Dunkard System, in violation of 25 Pa. Code § 109.701(a)(3)(iii)(B).

CF. Additionally, the Authority did not submit the daily IFE and CFE turbidity data for January 23, 2022 to the Department as required, in violation of the August 20, 2021 Field Order and 35 P.S. § 721.13(a). Only after the Department contacted the Authority on January 25, 2022 and requested the missing data, did the Authority submit that information to the Department.

January 25, 2022 Inspection and Field Order

CG. On January 25, 2022, after the Authority submitted data showing the turbidity spikes that occurred on January 23, 2022, the Department conducted an inspection at the East Dunkard System and at that time, circumstances existed with the conventional filtration treatment that adversely affected the quantity or quality of the water being produced, in violation of 25 Pa. Code § 109.4, as more specifically described in Paragraphs CH, CJ and CK, below.

CH. Although turbidity readings at the East Dunkard System on January 23, 2022 had exceeded the automatic shutdown setpoints, the plant did not shut down, in violation of 25 Pa. Code § 109.4. Additionally, the Authority failed to provide one-hour notification to the Department of this imminent threat situation occurring with the conventional filtration treatment, in violation of 25 Pa. Code § 109.701(a)(3)(i).

CI. Section 109.202(c)(1)(ii)(A) of the Regulations, 25 Pa. Code § 109.202(c)(1)(ii)(A), requires that the combined total effect of disinfection processes utilized in

a filtration plant must achieve at least 1.0-log inactivation of Giardia cysts and 3.0-log inactivation of viruses, also known as “LogG”.

CJ. On January 25, 2022, the Authority submitted data that showed that it failed to provide at least 1.0-log inactivation of Giardia at the East Dunkard System for more than four hours that morning, in violation of 25 Pa. Code §§ 109.4 and 109.202(c)(1)(ii)(A). The Authority also failed to provide one-hour notification to the Department of this imminent threat situation occurring with the conventional filtration treatment, in violation of 25 Pa. Code § 109.701(a)(3)(i).

CK. During the January 25, 2022 inspection, the Authority informed the Department that employees of the Authority, who are not certified operators, were making process control decisions for the East Dunkard System without using SOPs or consulting with the Authority’s certified operator, in violation of 25 Pa. Code § 109.4.

CL. On January 25, 2022, the Department issued Field Order No. 22-55-1627-029 to the Authority (January 2022 Field Order) citing the violations described in Paragraphs CD, CE, CG, CH, CJ and CK, above, as well as the Authority’s failure to have automatic shutdown capabilities installed at the proper locations, in violation of 25 Pa. Code § 109.4. The January 2022 Field Order, which is attached hereto and marked as Appendix A, once again, directed the Authority, among other things, to: 1) not operate the East Dunkard System without: i) a properly certified operator present; ii) staff using SOPs written by a certified operator; or iii) making process control decisions in consultation with a certified operator; and 2) increase and maintain the free chlorine residual at the entry point to at least 1.5 mg/L until receiving written approval from the Department to reduce it .

CM. In the January 31, 2022 NOV, the Department identified the violations described in Paragraphs CG, CH and CJ, above, as significant deficiencies, informed the Authority of its obligations under 25 Pa. Code § 109.717 regarding these significant deficiencies, and requested that the Authority notify the Department within 30 days of completing the corrective action for each significant deficiency.

January 26, 2022 Administrative Inspections

CN. On January 26, 2022, the Authority informed the Department that it had failed to submit turbidity data, chlorine residual data, and 1-Log Giardia inactivation data for January 22, 2022, in violation of the August 20, 2021 Field Order. Additionally, the Authority failed to submit the daily turbidity and chlorine disinfectant residual data for January 23, 2022 to the Department until January 25, 2022, and failed to include information regarding relevant events or factors which affected that data, in violation of the August 20, 2021 Field Order.

CO. During the second January 26, 2022 inspection, the Authority informed the Department that on January 25 and 26, 2022, the Authority had operated the plant without the plant being staffed continuously while the plant was in operation, in violation of the August 20, 2021 Field Order, January 2022 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code § 109.4.

CP. In the January 31, 2022 NOV, the Department identified the violation described in Paragraph CO, above, as a significant deficiency, informed the Authority of its obligations under 25 Pa. Code § 109.717 regarding this significant deficiency, and requested that the Authority notify the Department within 30 days of completing the corrective action for the significant deficiency.

February 4, 2022 Inspection

CQ. On January 30, 2022 and February 3, 2022, the turbidity readings at the East Dunkard System were erratic. For example, on February 3, 2022, the IFE turbidity on Filter 4 had readings as high as 10 NTU.

CR. As documented in the February 4, 2022 inspection report, the Authority failed to provide information regarding relevant events or factors affecting its erratic turbidity readings on January 30, 2022 and February 3, 2022, in violation of the August 20, 2021 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code § 109.4.

CS. The Authority failed to provide one-hour notification to the Department of the Authority's failure to meet the treatment technique requirements for turbidity on January 30, 2022 and February 3, 2022, as described in Paragraph CR, above, in violation of 25 Pa. Code § 109.701(a)(3).

CT. In addition, on February 4, 2022, the Authority informed the Department that it allowed uncertified staff to make process control decisions at the East Dunkard System on January 30, 2022 and February 4, 2022, in violation of the January 2022 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code § 109.4.

CU. On February 4, 2022, the Authority informed the Department that the free chlorine disinfectant residual concentration at the entry point to the East Dunkard System on February 3, 2022 was less than 1.5 mg/L from 11:32 a.m. to 9:22 p.m., in violation of the January 2022 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code § 109.4.

February 23, 2022 Administrative Inspection

CV. On February 22, 2022, the Authority failed to include information regarding relevant events or factors which affected the February 21, 2022 data that the Authority submitted

to the Department on February 22, 2022, in violation of the August 20, 2021 Field Order, 35 P.S. § 721.13(a) and 25 Pa. Code § 109.4.

March 11, 2022 Field Order

CW. On March 10, 2022, the IFE turbidities for filters 1, 2 and 4 exceeded 1 NTU at the East Dunkard System, indicating a breakdown in treatment. The high turbidity water entered the clearwell, was not properly flushed and was capable of entering the distribution system.

CX. On March 11, 2022, the Department issued Field Order 22-52-1627-032 (March 2022 Field Order) to the Authority for the breakdown in treatment and failure to provide and effectively operate and maintain the public water facilities at the East Dunkard System on March 10, 2022, in violation of 25 Pa. Code §§ 109.4(2), 109.4(3) and 109.4(4). Additionally, the March 2022 Field Order cited the Authority for allowing employees of the Authority who are not certified operators to make process control decisions for the East Dunkard System without using SOPs approved by the certified operator or consulting with the certified operator, in violation of the January 2022 Field Order, 35 P.S. § 721.13 and 25 Pa. Code § 109.4. Finally, the March 2022 Field Order cited the Authority's failure to notify the Department within one hour of the high turbidity results indicating a breakdown in treatment, in violation of 25 Pa. Code § 109.701(a)(3).

CY. The March 2022 Field Order, which is attached hereto and marked as Appendix B, once again directed the Authority, among other things, to not operate the water treatment plant without: i) a certified operator present; ii) staff using SOPs written by the certified operator; or iii) making process control decisions in consultation with the certified operator.

CZ. The violations described in Paragraphs O, P, R, U, W, X, AD, AG, AH, AJ, AM, AO, AQ, AS, AT, AX, AY, BB, BD, BE, BF, BG, BH, BI, BM, BO, BP, BR, BT, BV, BX, BY,

CA, CC, CD, CE, CF, CG, CH, CJ, CK, CL, CN, CO, CR, CS, CT, CU, CV and CX, above, constitute public nuisances under Section 12 of the SDWA, 35 P.S. § 721.12, and subject the Authority and the Association to civil penalty liability under Section 13(g) of the SDWA, 35 P.S. § 721.13(g).

ORDER

NOW therefore, pursuant to its authority under Sections 5 and 13(a) of the SDWA, 35 P.S. §§ 721.5 and 721.13(a), and Section 1917-A of the Administrative Code, 71 P.S. 510-17, the Department hereby orders the Authority and the Association (collectively, the “Responsible Parties”), jointly and severally, to complete the following actions in accordance with the deadlines specified below:

1. The Responsible Parties shall comply with all corrective action requirements and deadlines set forth in Paragraphs 2-15, below, but may cease compliance with the requirements of Paragraphs 3, 4, 5, 6, 7, 10, 12 and 13 if and at such time as the Responsible Parties:

- a. are obtaining all water for the East Dunkard System from SPWA or another permitted public water system;
- b. have permanently removed the water treatment plant from service; and
- c. have submitted a request to the Department to rescind their Public Water Supply Permits for the intake, water treatment plant and associated facilities.

2. Beginning immediately upon receipt of this Order, all process control decisions at the East Dunkard System shall be made by either: (a) an appropriately certified operator; (b) staff operating under Standard Operating Procedures (SOPs) approved by the “operator-in-responsible-charge,” as defined in 25 Pa. Code § 302.101, for the East Dunkard System; or (c) staff operating in consultation with the certified operator for the East Dunkard System as any and

all “process control decisions,” as defined in 25 Pa. Code § 302.101, are made. All SOPs shall conform to the requirements outlined in 25 Pa. Code § 302.1204.

3. Beginning immediately upon receipt of this Order, and continuing unless and until the Department has confirmed in writing that the Responsible Parties have installed automatic shutdowns as required under 25 Pa. Code § 109.602(g), the Responsible Parties shall not operate the water treatment plant at the East Dunkard System without the water treatment plant being staffed continuously while the plant is operating. Should the Responsible Parties elect to install new automatic shutdowns at the water treatment plant, the Responsible Parties shall install one or more shutdown devices at all location(s) as necessary to prevent water that does not meet regulatory requirements from entering the distribution system and shall maintain normal operating pressures in accordance with 25 Pa. Code § 109.607. Prior to the installation of new automatic shutdowns, the Responsible Parties shall submit to the Department a complete, accurate and technically sufficient Public Water Supply Permit application.

4. Beginning immediately upon receipt of this Order, after each backwash and at each startup, the Responsible Parties shall filter-to-waste for: a) at least one full filter volume; and b) until turbidity levels are less than 0.30 NTU in accordance with 25 Pa. Code § 109.703(b)(1).

5. Beginning immediately upon receipt of this Order, the Responsible Parties shall utilize the average of IFE turbidity readings from all active filters for the determination of compliance with the Safe Drinking Water Regulations, including but not limited to 25 Pa. Code § 109.202(c)(1)(A), and reporting requirements related to the CFE turbidity. This requirement shall remain in effect until the Department confirms in writing that a CFE turbidimeter is

properly located before additional chemical treatment and storage, or an alternative that has been approved by the Department in writing has been implemented.

6. Beginning immediately upon receipt of this Order, pursuant to 25 Pa. Code §§ 109.302(a) and 109.302(b), the Responsible Parties shall sample for iron and manganese at all of the East Dunkard System's Revised Total Coliform Rule (RTCR) sample sites at the same date and time that RTCR monitoring is conducted each month. As each interconnection with SPWA or another permitted public water system is placed into operation, the Responsible Parties shall ensure that the interconnection zone is represented in the RTCR sample site plan or shall submit to the Department a revised plan within ten (10) days from the date of issuance of the operation permit for that particular interconnection. The Responsible Parties shall continue to conduct the iron and manganese sampling until notified in writing by the Department to cease. Analysis for iron and manganese shall be conducted by an accredited laboratory using an EPA Standard Method for Drinking Water. The Responsible Parties shall electronically submit the sample results to the Department on a monthly basis through the Drinking Water Electronic Lab Reporting (DWELR) system by the 10th day of the following month. If the sample results exceed the Maximum Contaminant Level for iron or manganese, or if the manganese finished water sample results are above the EPA Health Advisory Level of 0.3 mg/L, the Responsible Parties shall notify the Department within one (1) hour of their receipt of the exceeding sample result(s) in accordance with 25 Pa. Code § 109.701(a)(3)(iii), and shall consult with the Department within twenty-four (24) hours of their receipt of the exceeding sample result(s) concerning corrective actions.

7. a. No later than October 14, 2022, the Responsible Parties shall obtain a complete evaluation of all filters at the East Dunkard System (Filter Evaluation) and submit a

written report with the results of the evaluation, along with recommended improvements, to the Department (Filter Evaluation Report). The Filter Evaluation and the Filter Evaluation Report shall be completed by an independent third-party consultant selected by the Responsible Parties and qualified to assess the performance of, diagnose problems with, and recommend improvements for public water system filters. The Responsible Parties shall notify the Department at least seven (7) days in advance of the date(s) the Filter Evaluation will take place, so that Department representatives, if available, may be present for the Filter Evaluation.

b. No later than November 14, 2022, the Responsible Parties shall submit to the Department for approval a Filter Corrective Action Plan for the filters, which shall contain a schedule to implement the improvements identified in the Filter Evaluation Report required under Paragraph 7.a., above. The Filter Corrective Action Plan shall include a submission date for either: i) an application for a Public Water Supply Permit pursuant to 25 Pa. Code § 109.503(b)(1) if the improvements identified in the Filter Evaluation Report include any “substantial modifications,” as that term is defined in 25 Pa. Code § 109.1, which require a permit amendment; or ii) a written request for a minor permit amendment pursuant to 25 Pa. Code § 109.503(b)(2) if the improvements do not include any “substantial modifications. The Responsible Parties shall implement the Filter Corrective Action Plan as approved by the Department in accordance with the schedule approved by the Department.

8. No later than September 30, 2022, the Responsible Parties shall complete an Emergency Response Plan for the East Dunkard System that meets all the requirements of 25 Pa. Code § 109.707. The Responsible Parties shall notify the Department within 24 hours of completion, implement the Emergency Response Plan, maintain the Emergency Response Plan on-site, and provide it to the Department upon request.

9. No later than September 30, 2022, the Responsible Parties shall submit to the Department a revised Uninterrupted System Service Plan (DEP Form No. 3910-FM-BSDW0575) that addresses the deficiencies identified by the Department and a replacement certification verifying completion of an Uninterrupted System Service Plan (DEP Form No. 3910-FM-BSDW0576) for the East Dunkard System that meets all the requirements of 25 Pa. Code § 109.708(a). If the revised Uninterrupted System Service Plan and replacement certification identify deficiencies at the East Dunkard System, the Responsible Parties, within six (6) months from the date of the Uninterrupted System Service Plan certification, shall comply with the requirements of 25 Pa. Code § 109.708(c).

10. a. No later than October 14, 2022, the Responsible Parties shall obtain a complete evaluation of the clarifier system (Clarifier Evaluation) at the East Dunkard System and submit a written report with the results of the evaluation, along with recommended improvements, to the Department (Clarifier Evaluation Report). The Clarifier Evaluation and the Clarifier Evaluation Report shall be completed by an independent third-party consultant selected by the Responsible Parties and qualified to assess the performance of, diagnose problems with, and recommend improvements for public water system clarifier systems. The Responsible Parties shall notify the Department at least seven (7) days in advance of the date(s) the Clarifier Evaluation will take place, so that Department representatives, if available, may be present for the Clarifier Evaluation.

b. No later than November 14, 2022, the Responsible Parties shall submit to the Department for approval a Clarifier Corrective Action Plan for repair of the clarifier system at the water treatment plant, which shall contain a schedule to implement the improvements identified in the Clarifier Evaluation Report required under Paragraph 10.a., above.

c. In the event the Department determines that a permit is required for the clarifier system improvements, the Responsible Parties shall submit an application for a Public Water Supply Permit to the Department within sixty (60) days from the date of Department notification that a permit is required and shall complete the improvements within thirty (30) days from the date the permit is issued. In the event the Department determines that a permit is not required for the clarifier system improvements, the Responsible Parties shall complete the improvements within thirty (30) days from the date of Department notification that no permit is required.

11. No later than September 30, 2022, the Responsible Parties shall develop, implement and submit to the Department a comprehensive monitoring plan that meets all of the requirements of 25 Pa. Code § 109.718.

12. No later than September 30, 2022, the Responsible Parties shall develop and submit to the Department a filter bed evaluation program that meets all of the requirements of 25 Pa. Code § 109.703(b)(5) using the Department's Filter Bed Evaluation Program Results Form (DEP Form No. 3910-FM-BSDW0571). By October 31, 2022, the Responsible Parties shall implement the filter bed evaluation program, including modifications by the Department, if any. The Responsible Parties shall submit a copy of the results of the first two quarterly filter bed evaluations to the Department by the 10th day of the month following the quarter in which the filter bed evaluation was conducted.

13. No later than December 30, 2022, the Responsible Parties shall install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for the DelPAC tanks and orthophosphate drums at the water treatment plant to prevent accidental discharge in the event of a spill or overflow.

14. In the event the Department makes a written request for revisions to any submittal required by this Order, the Responsible Parties shall provide the requested revisions to the Department within the time requested.

15. Permit applications shall be submitted to the appropriate regional office of the Department as per the application instructions. Any other submittal required by this Order shall be submitted to the attention of:

Gail Guenther
Environmental Protection Compliance Specialist
PA Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh PA 15222
RA-EPSWSDW@pa.gov

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 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.

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**



Renee Diehl
Environmental Protection Program Manager
Safe Drinking Water Program
Southwest Regional Office

APPENDIX

A



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

FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-55-1627-029
LOCATION 2790 South Eighty-Eight Road / Dilliner, PA 15327	MUNICIPALITY Dunkard Township	COUNTY Greene
PERSON TO WHOM ORDER IS DIRECTED East Dunkard Water Authority		TELEPHONE NUMBER (724) 943-3713
MAILING ADDRESS PO Box 241 / Dilliner, PA 15327		
NAME AND TITLE OF PERSON SERVED Tracy Pekar, Vice-Chair		DATE ORDER SERVED 1/25/2022
<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"> 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. 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. 3. The undersigned authorized representative of the Department conducted an inspection of the public water system identified above on <u>1/25/2022</u>. 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 SWDA and constitutes a public nuisance under Section 12 of the SDWA, 35 P.S. §721.12. 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. 		
<p>Description of Violation:</p> <p>The water treatment plant experienced a breakdown in treatment on January 23, 2022, as indicated by individual filter effluent turbidities on filters 3 & 4 exceeding 1.0 NTU (as high as 4.08 NTU) between 08:07 AM and 12:19 PM. Additionally, the combined filter effluent turbidity exceeded 1.0 NTU with readings as high as 1.25 NTU during that same time period. This data is indicative of a breakdown of adequate filtration treatment to ensure that public health is protected and a failure to provide and effectively operate and maintain public water system facilities.</p>		
<p>Location of Violation:</p> <p>East Dunkard Water Treatment Plant</p>		
<p>Provisions of Regulation, Statute or Permit Violated:</p> <p>25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4)</p>		

 White – Water Supplier

 Yellow – District Office

 Pink – Litigation

 Goldenrod – Central Office



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-55-1627-029
Description of Violation: The Certified Operator for the East Dunkard Public Water System informed the Department that the non-certified plant staff that were present at the water treatment plant during the turbidity treatment breakdown were making process control decisions without either standard operating procedures or without his knowledge/approval .		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4)		
Description of Violation: The public water supplier failed to notify the Department within one (1) hour of the high turbidity results, which indicated a breakdown in treatment.		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.701(a)(3) and 109.408(b)(2)		



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-55-1627-029
Description of Violation: The public water supplier failed to provide and effectively operate and maintain public water facilities by failing to ensure that the combined total effect of disinfection processes utilized in its filtration plant is achieving at least a 90% inactivation of Giardia cysts and a 99.9% inactivation of viruses, as determined by CTs and measurement methods established by the EPA. On January 25, 2022, East Dunkard Water Authority provided data to the Department indicating that the <i>Giardia</i> inactivation for the system was 0.76 log (<90% inactivation) at 8:11 AM. 1.0 log inactivation of Giardia cysts has not yet been restored and more than 4-hours have passed.		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.4, 109.202(c)(1)(ii).		
Description of Violation: The water treatment plant is a surface water treatment facility that is operated unmanned but is not equipped with automatic shut-down capability at the proper locations. Currently, the water treatment plant is designed to shut down operations of the high service pumps after a turbidity exceedance; however, on January 23, 2022, the individual filter effluent turbidity increases failed to cease operations of the facility. Additionally, the entry point chlorine residual shutdown is not located at the entry point to the distribution system, therefore, inadequately disinfected water would not be prevented from entering the distribution system.		
Location of Violation East Dunkard Water Treatment Plant and Entry Point		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.4, 109.703(c)(1)		



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-55-1627-029
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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. Effective immediately upon receipt of this Field Order, East Dunkard Water Authority shall not operate the water treatment plant without the presence of: a) a Certified Operator, b) staff operating under Standard Operating Procedures written by the Certified Operator, or c) staff operating the facility while consulting with the Certified Operator whenever process control decisions are being made.
2. As soon as possible, but no later than 24 hours after receipt of this Field Order, the public water supplier shall issue a Tier 1 public notification (PN) in the form of a Boil Water Advisory to all persons served by the East Dunkard Water Authority public water system in accordance with the provisions of 25 Pa. Code Sections 109.407, 109.408 and 109.411. Copies of the Tier 1 PN along with the certification form shall be submitted to the Department within ten (10) days of issuance in accordance with 25 Pa. Code Section 109.701(a)(4). The public water supplier shall maintain the Tier 1 PN until the Department notifies the public water supplier in writing that the Boil Water Advisory may be lifted.
3. Within 24 hours of receipt of this Field Order, East Dunkard Water Authority shall investigate and address the causes of the increases in filtrate turbidity and decrease in *Giardia* inactivation. East Dunkard Water Authority shall provide the Department with a summary of necessary improvements to restore and ensure ongoing compliance with these requirements, including a timeframe to correct the identified issues.
4. Within 24-hours of completion of the upgrades/improvements needed to ensure compliance with the treatment technique requirements for turbidity and *Giardia* inactivation, East Dunkard Water Authority shall provide water at the entry point to the distribution system that meets the turbidity and log inactivation requirements of 25 Pa. Code Section 109.202. Additionally, East Dunkard Water Authority shall increase and maintain the free chlorine residual at the entry point to at least 1.5 mg/L but no greater than 4 mg/L until receiving written permission from DEP to reduce it.
5. Within 24 hours of restoring a continuous supply of safe and potable water to the distribution system, East Dunkard Water Authority shall flush the improperly treated water from affected storage tanks and the distribution system. When flushing, the water supplier shall not violate the Clean Streams Law by discharging chlorinated water to storm drains, streams or any other water of the Commonwealth as that term is defined in 35 P.S. Section 691.1.
6. Once the corrective actions noted above are completed, East Dunkard Water Authority shall collect and analyze the number of daily total coliform samples specified in the "Policy for Issuing and Removing Water Supply Warnings" (No. 383-2129-005) (copy attached) for the population affected [6 samples per day based upon the population of 4,200] until results from the samples collected on two (2) consecutive days are negative for coliforms. Results of these daily samples shall be reported to DEP by East Dunkard Water Authority within one (1) hour of notification of the analytical results from the accredited laboratory. East Dunkard Water Authority shall email the sample results to the Department within 1-hour of receipt to ra-epswwd@pa.gov.
7. East Dunkard Water Authority shall maintain the Tier 1 PN until receiving written permission from DEP to lift it, which shall not occur until the Department has determined that the East Dunkard Water Authority has adequately demonstrated that appropriate monitoring and treatment standards are being met for water entering the distribution system and coliform samples over two consecutive days demonstrate the absence of coliform bacteria.
8. 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 Department.

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.

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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: emailed to Tracy Pekar (tjpekar@yahoo.com)

Department Representative (Name & Title - Please Print)

John W. Thomas, Environmental Group Mgr.

Telephone Number: (412) 442-4209

Department Representative's Signature:



- White – Water Supplier
 Yellow – District Office
 Pink – Litigation
 Goldenrod – Central Office

APPENDIX

B



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

FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority		PWS ID No. 5300012	CASE NUMBER 22-52-1627-032
LOCATION 2790 South Eighty-Eight Road / Dilliner, PA 15327		MUNICIPALITY Dunkard Township	COUNTY Greene
PERSON TO WHOM ORDER IS DIRECTED East Dunkard Water Authority			TELEPHONE NUMBER (724) 943-3713
MAILING ADDRESS PO Box 241 / Dilliner, PA 15327			
NAME AND TITLE OF PERSON SERVED Tracy Pekar, Vice-Chair			DATE ORDER SERVED March 11, 2022
<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"> 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. The person named above to whom this order is directed ("Recipient") owns and/or operates a public water system at the location identified above. The undersigned authorized representative of the Department conducted an inspection of the public water system identified above on <u>March 11, 2022</u>. 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. 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. 			
<p>Description of Violation:</p> <p>The water treatment plant experienced a breakdown in treatment on March 10, 2022, as indicated by individual filter effluent turbidities on filters 1, 2, and 4 exceeding 1.0 NTU (as high as 3.93 NTU) beginning at approximately 9 PM on March 10, 2022. The increased turbidity water entered the clearwell and was not properly flushed by draining the clearwell prior to pumping water into the Griffin tank and distribution system. This data is indicative of a breakdown of adequate filtration treatment to ensure that public health is protected and a failure to provide and effectively operate and maintain public water system facilities.</p>			
<p>Location of Violation:</p> <p>East Dunkard Water Treatment Plant</p>			
<p>Provisions of Regulation, Statute or Permit Violated:</p> <p>25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4)</p>			



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-52-1627-032
Description of Violation: An employee who operates the East Dunkard Water Treatment Plant, but is not a certified operator, informed the Department that the non-certified plant staff that were present at the water treatment plant during the turbidity treatment breakdown were making process control decisions without either following standard operating procedures or without East Dunkard's Certified Operator's knowledge/approval.		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.4(2), 109.4(3), and 109.4(4)		
Description of Violation: The public water supplier failed to comply with Field Order 22-52-1627-029, issued on January 25, 2022, which required that the "East Dunkard Water Authority shall not operate the water treatment plant without the presence of: a) a Certified Operator, b) staff operating under Standard Operating Procedures written by the Certified Operator, or c) staff operating the facility while consulting with the Certified Operator whenever process control decisions are being made."		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: Section 13(a) of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.13		



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-52-1627-032
Description of Violation: The public water supplier failed to notify the Department within one (1) hour of the high turbidity results, which indicated a breakdown in treatment.		
Location of Violation: East Dunkard Water Treatment Plant		
Provisions of Regulation, Statute or Permit Violated: 25 Pa. Code §§ 109.701(a)(3) and 109.408(b)(2)		
Description of Violation:		
Location of Violation:		
Provisions of Regulation, Statute or Permit Violated:		



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

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME East Dunkard Water Authority	PWS ID No. 5300012	CASE NUMBER 22-52-1627-032
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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:

- Effective immediately upon receipt of this Field Order, East Dunkard Water Authority shall not operate the water treatment plant without the presence of: a) a Certified Operator, b) staff operating under Standard Operating Procedures written by the Certified Operator, or 3) staff operating the facility while consulting with the Certified Operator whenever process control decisions are being made.
- As soon as possible, but no later than 24 hours after receipt of this Field Order, the public water supplier shall issue a Tier 1 public notification (PN) in the form of a Boil Water Advisory to all persons served by the East Dunkard Water Authority public water system in accordance with the provisions of 25 Pa. Code Sections 109.407, 109.408 and 109.411. Copies of the Tier 1 PN along with the certification form shall be submitted to the Department within ten (10) days of issuance in accordance with 25 Pa. Code Section 109.701(a)(4). The public water supplier shall maintain the Tier 1 PN until the Department notifies the public water supplier in writing that the Boil Water Advisory may be lifted.
- Within 24 hours of receipt of this Field Order, East Dunkard Water Authority shall investigate and address the causes of the increases in filtrate turbidity. East Dunkard Water Authority shall provide the Department with a summary of necessary improvements to restore and ensure ongoing compliance with these requirements, including a timeframe to correct the identified issues.
- As soon as possible, but no later than 24 hours after receipt of this Field Order, East Dunkard Water Authority shall provide water at the entry point to the distribution system that meets the turbidity requirements of 25 Pa. Code Section 109.202. Additionally, East Dunkard Water Authority shall increase and maintain the free chlorine residual at the entry point to at least 1.5 mg/L, but no greater than 4 mg/L, until receiving written authorization from the Department to reduce it.
- Within 24 hours of restoring a continuous supply of safe and potable water to the distribution system, East Dunkard Water Authority shall flush the improperly treated water from affected storage tanks and the distribution system. When flushing, the water supplier shall not violate the Clean Streams Law by discharging chlorinated water to storm drains, streams or any other water of the Commonwealth as that term is defined in 35 P.S. Section 691.1.
- Once the corrective actions noted above are completed, East Dunkard Water Authority shall collect and analyze the number of daily total coliform samples specified in the "Policy for Issuing and Removing Water Supply Warnings" (No. 383-2129-005) (copy attached) for the population affected [6 samples per day based upon the population of 4,200] until results from the samples collected on two (2) consecutive days are negative for coliforms. Results of these daily samples shall be reported to DEP by East Dunkard Water Authority within one (1) hour of notification of the analytical results from the accredited laboratory. East Dunkard Water Authority shall email the sample results to the Department within 1-hour of receipt to ra-epswwdw@pa.gov.
- East Dunkard Water Authority shall maintain the Tier 1 PN until receiving written authorization from DEP to lift it, which shall not occur until the Department has determined that the East Dunkard Water Authority has adequately demonstrated that appropriate monitoring and treatment standards are being met for water entering the distribution system and coliform samples over two consecutive days demonstrate the absence of coliform bacteria.
- 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 Department.

NOTICE OF APPEAL RIGHTS

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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: emailed to Tracy Pekar, Authority Vice-Chair at tjpekar@yahoo.com

Department Representative (Name & Title - Please Print)

John W. Thomas, Environmental Group Mgr.

Telephone Number: (412) 442-4209

Department Representative's Signature:



- White – Water Supplier
 Yellow – District Office
 Pink – Litigation
 Goldenrod – Central Office

EXHIBIT B
COMMONWEALTH COURT ORDER

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
Department of Environmental	:	
Protection,	:	
Petitioner	:	
	:	
v.	:	No. 557 M.D. 2022
	:	
East Dunkard Water Authority,	:	
Respondent	:	

PER CURIAM

ORDER

NOW, December 15, 2022, upon consideration of the parties Joint Motion to Enter Order in Lieu of Hearing (Joint Motion), the Joint Motion is GRANTED and Court hereby ORDERS as follows:

1. This Order is being issued upon the request and agreement of the parties in lieu of conducting a full evidentiary hearing on the Department of Environmental Protection's (Department) Petition to Enforce Administrative Order that it filed against the East Dunkard Water Authority (the Authority). The expedited hearing in this matter, previously scheduled for December 21, 2022, at 10:00 a.m., in Courtroom Number 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is CANCELLED.

2. As of the date of this Order, pursuant to 25 Pa. Code §§ 109.302(a) and 109.302(b), the Authority shall sample for iron and manganese at all of the East Dunkard Public Water System's Revised Total Coliform Rule (RTCR) sample sites at the same date and time that RTCR monitoring is conducted each month. As each interconnection with SPWA or another permitted public water system is placed

into operation, the Authority shall ensure that the interconnection zone is represented in the RTCR sample site plan or shall submit to the Department a revised plan within ten (10) days from the date of issuance of the operation permit for that particular interconnection. The Authority shall continue to conduct the iron and manganese sampling until notified in writing by the Department to cease. Analysis for iron and manganese shall be conducted by an accredited laboratory using an EPA Standard Method for Drinking Water. The Authority shall electronically submit the sample results to the Department on a monthly basis through the Drinking Water Electronic Lab Reporting (DWELR) system by the 10th day of the following month. If the sample results exceed the Maximum Contaminant Level for iron or manganese, or if the manganese finished water sample results are above the EPA Health Advisory Level of 0.3 mg/L, the Authority shall notify the Department within one (1) hour of its receipt of the exceeding sample result(s) in accordance with 25 Pa. Code § 109.701(a)(3)(iii), and shall consult with the Department within twenty-four (24) hours of its receipt of the exceeding sample result(s) concerning corrective actions.

3. a. The Authority shall complete a comprehensive evaluation of all filters at the East Dunkard Public Water System (Filter Evaluation), which shall be performed by Water Service Professionals (located at 725 County Line Road, Huntington Valley, PA 19006), beginning on January 17, 2023, and continuing each day thereafter until the Filter Evaluation is complete.
- b. No later than February 10, 2023, the Authority shall submit a written report with the results of the Filter Evaluation, along with recommended improvements to the filters, to the Department (Filter Evaluation Report).
- c. No later than March 10, 2023, the Authority shall submit to the Department for approval a Filter

Corrective Action Plan for the filters, which shall contain a schedule to implement the improvements identified in the Filter Evaluation Report required under Paragraph 3.b. above. The Filter Corrective Action Plan shall include a submission date for either: i) an application for a Public Water Supply Permit pursuant to 25 Pa. Code § 109.503(b)(1) if the improvements identified in the Filter Evaluation Report include any “substantial modifications,” as that term is defined in 25 Pa. Code § 109.1, which require a permit amendment; or ii) a written request for a minor permit amendment pursuant to 25 Pa. Code § 109.503(b)(2) if the improvements do not include any “substantial modifications.”

d. The Authority shall implement the Filter Corrective Action Plan as approved by the Department in accordance with the schedule approved by the Department.

4. a. The Authority shall complete a comprehensive evaluation of the clarifier system at the East Dunkard Public Water System (Clarifier Evaluation), which shall be performed by Water Service Professionals (located at 725 County Line Road, Huntington Valley, PA 19006) beginning on January 17, 2023, and continuing each day thereafter until the Filter Evaluation is complete.
- b. No later than February 10, 2023, the Authority shall submit a written report with the results of the Clarifier Evaluation, along with recommended improvements to the clarifier system, to the Department (Clarifier Evaluation Report).
- c. No later than March 10, 2023, the Authority shall submit to the Department for approval a Clarifier Corrective Action Plan for repair of the clarifier system at the water treatment plant, which shall contain a schedule to implement the improvements identified in the Clarifier Evaluation Report required under Paragraph 4.b. above.

d. In the event the Department determines that a permit is required for the clarifier system improvements, the Authority shall submit an application for a Public Water Supply Permit to the Department within sixty (60) days from the date of Department notification that a permit is required and shall complete the improvements within thirty (30) days from the date the permit is issued. In the event the Department determines that a permit is not required for the clarifier system improvements, the Authority shall complete the improvements within thirty (30) days from the date of Department notification that no permit is required.

e. The Authority shall implement the Clarifier Corrective Action Plan as approved by the Department in accordance with the schedule approved by the Department.

5. No later than January 20, 2023, the Authority shall complete an Emergency Response Plan for the East Dunkard Public Water System that meets all the requirements of 25 Pa. Code § 109.707. The Authority shall notify the Department within 24 hours of completion, implement the Emergency Response Plan, maintain the Emergency Response Plan on-site, and provide it to the Department upon request.
6. No later than January 20, 2023, the Authority shall submit to the Department a revised Uninterrupted System Service Plan (DEP Form No. 3910-FMBSDW0575) that addresses the deficiencies identified by the Department and a replacement certification verifying completion of an Uninterrupted System Service Plan (DEP Form No. 3910-FM-BSDW0576) for the East Dunkard Public Water System that meets all the requirements of 25 Pa. Code § 109.708(a). If the revised Uninterrupted System Service Plan and replacement certification identify deficiencies at the East Dunkard Public Water System, the Authority, within six (6) months from the date of the Uninterrupted System Service

Plan certification, shall comply with the requirements of 25 Pa. Code § 109.708(c).

7. No later than January 20, 2023, the Authority shall develop, implement, and submit to the Department a comprehensive monitoring plan that meets all of the requirements of 25 Pa. Code § 109.718.
8. No later than December 30, 2022, the Authority shall develop and submit to the Department a filter bed evaluation program that meets all of the requirements of 25 Pa. Code § 109.703(b)(5) using the Department's Filter Bed Evaluation Program Results Form (DEP Form No. 3910-FM-BSDW0571). By January 30, 2023, the Authority shall implement the filter bed evaluation program, including modifications by the Department, if any. The Authority shall submit a copy of the results of the first two quarterly filter bed evaluations to the Department by the 10th day of the month following the quarter in which the filter bed evaluation was conducted.
9. No later than February 28, 2023, the Authority shall install an overflow and a receiving basin or drain capable of receiving accidental spills or overflows for the DeIPAC tanks and orthophosphate drums at the water treatment plant to prevent accidental discharge in the event of a spill or overflow.
10. Upon the Department's certification to this Court of noncompliance with any of the deadlines set forth in Paragraphs 2 through 9 above, and upon request by the Department to schedule an expedited hearing, this Court shall schedule a hearing as soon as practicable to determine if the Authority should be held in contempt of this Order.
11. All terms and obligations contained in the Department's August 25, 2022 Administrative Order that are not modified by this Order shall remain in full force and effect.
12. Jurisdiction over this matter is hereby retained.