

# Stevens & Lee

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January 2, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Vera Scroggins v. Pennsylvania-American Water Company  
Docket No. C-2023-3039609**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Preliminary Objections to the above-referenced Amended Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

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

Very truly yours,

STEVENS & LEE



Michael A. Gruin

Enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**NOTICE TO PLEAD**

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**To: *Vera Scroggins***

You are hereby notified to file a written response to the attached Preliminary Objections of Pennsylvania-American Water Company within ten (10) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Preliminary Objections within ten (10) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

You must also serve a copy of your response on the undersigned counsel for Pennsylvania-American Water Company. Failure to respond to the Preliminary Objections could result in the dismissal of your case.

STEVENS & LEE



Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

DATE: January 2, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF RESPONDENT,  
PENNSYLVANIA-AMERICAN WATER COMPANY  
TO AMENDED COMPLAINT**

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AND NOW, Pennsylvania-American Water Company (“PAWC” or “Company”), by and through its attorneys Stevens & Lee, P.C., hereby files these Preliminary Objections requesting dismissal of the Amended Complaint of Vera Scroggins (hereinafter “Complainant”). As set forth below, the Amended Complaint should be dismissed for lack of standing pursuant to 52 Pa. Code § 5.101(a)(7), for lack of jurisdiction pursuant to 52 Pa. Code § 5.101(a)(1), and for legal insufficiency pursuant to 52 Pa. Code § 5.101(a)(4).

**I. INTRODUCTION**

1. On April 6, 2023, the Company was served with a notice of the Formal Complaint (“Complaint”) filed by the Complainant against the Company. A copy of the Formal Complaint is attached hereto as Exhibit 1 and incorporated herein by reference.

2. On April 26, 2023, the Company filed an Answer and New Matter to the Complaint, as well as Preliminary Objections to the Complaint. A copy of the Company’s Answer and New Matter is attached hereto as Exhibit 2 and incorporated herein by reference.

3. On December 1, 2023, Administrative Law Judge Marta Guhl issued an Interim Order on Preliminary Objections (“Interim Order”).

4. The Interim Order held that:

“Complainant did not specify any actions by the Company that violate the Commission’s statute, regulations or orders in this particular matter. The Complainant failed to indicate any specific relief that the Commission can grant in this case. The Respondent is left to speculate as to the reason for the Complaint and the relief that the Complainant is seeking.”

5. The Interim Order directed the Complainant to file an amendment to the Complaint which includes more details regarding the nature of her dispute with the Respondent and which states with specificity what she would like the Commission to do to resolve his dispute.

6. The Complainant filed her “Amended Formal Complaint” on December 12, 2023. A copy of the Amended Formal Complaint is attached hereto as Exhibit 3.

7. The Amended Formal Complaint does not allege any dispute with the Company or actions by the Company which violated the Public Utility Code or the regulations or orders of the Commission.

8. The Interim Order clearly instructed the Complainant to include details about her dispute with the Company and state with specificity what she would like the Commission to do to resolve the dispute.

9. With that directive in mind, the Amended Formal Complaint makes it clear that the Complainant is requesting that the Commission change its policies and regulations and assert oversight over drinking water testing, rather than alleging any violation of a regulation, statute or order by the Company.

10. The Commission’s Rules of Administrative Practice and Procedure permit the filing of Preliminary Objections. See, 52 Pa. Code § 5.101.

11. Pursuant to 52 Pa. Code § 5.101(a)(4), a formal complaint may be dismissed for legal insufficiency.

12. Pursuant to 52 Pa. Code § 5.101(a)(1) a formal complaint may be dismissed for lack of jurisdiction.

13. Pursuant to 52 Pa. Code § 5.101(a)(7) a formal complaint may be dismissed for lack of standing.

14. The Company's Preliminary Objections request the dismissal of the Amended Formal Complaint for lack of standing, lack of jurisdiction and legal insufficiency.

15. Even when read in the light most favorable to the Complainant, it is clear that the Complaint and Amended Complaint do not raise any issues that are properly within the jurisdiction of the Commission to resolve. The pleadings in this case make it clear that the Complainant not a customer of the Company and is not alleging any violation of the Public Utility Code or orders or regulations of the Commission. Instead the Amended Formal Complaint makes broad assertions about the impact of natural gas production activities on ground water, not any actions by the Company, and it requests a modification of the Commonwealth's regulatory framework for water quality testing and oversight, which is currently within the jurisdiction of the Department of Environmental Protection. For these reasons, as set forth more fully below, the Amended Complaint should be dismissed with prejudice.

**First Preliminary Objection**  
**Lack of Standing Pursuant to 52 Pa. Code § 5.101(a)(7)**

16. On its face, the original Complaint reveals that the Complainant is not a customer of the Company's.

17. The original Complaint form does not include a utility account number and does not assert that the Company provides any utility service to the Complainant, but instead Paragraph 1 of the Complaint references that the Complaint involves utility service to an address and customer other than the Complainant.

18. The original Complaint also does not assert that the Complainant is applying for utility service from the Company, or that the Company refused a request to provide utility service to the Complainant.

19. Both the original Complaint and the Amended Complaint identify the Complainant as residing in Brackney, PA, not Montrose PA. See original Complaint, at Paragraph 1, and signature block of the Amended Complaint.

20. Paragraph 5 of the Complaint confirms that the Complainant is requesting the testing of water supplied to “constituents” other than the Complainant in a different municipality than the one in which she resides, namely, Montrose, PA. <sup>1</sup>

21. In order to bring a complaint before a tribunal, a complainant must first demonstrate that he or she has standing to maintain the action. *Nye v. Erie Insurance Exchange*, 470 A.2d 98, 100 (Pa. 1983).

22. Standing requires that a party have an interest in the matter that is substantial, direct and immediate. *William Penn Parking Garage, Inc. et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975). These criteria are defined as follows:

A ‘substantial’ interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience to the law. A ‘direct’ interest requires a showing that the matter complained of caused harm

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<sup>1</sup> In her Amended Complaint, the Complainant falsely asserts that she is a customer of the Company’s for water service and provides an account number that belongs to an entirely different customer, Craig Stevens. As explained in PAWC’s Answer and New Matter to the Amended Complaint, on May 19, 2023, an individual attempted to change the contact information for Mr. Stevens’ account to be “in care of Vera Scroggins”, but the customer of record is still Mr. Stevens.

to the party's interest. An 'immediate' interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or the constitutional guarantee in question. *George v. Pa. Pub. Util. Comm'n*, 735 A.2d 1282, 1286 (Pa.Cmwlth. 1999) (George). See also, *South Whitehall Township Police Service v. South Whitehall Township*, 555 A.2d 793, 795 (Pa. 1989) (citations omitted); *Bergdoll, et al. v. Kane, et al.*, 731 A.2d 1261, 1268 (Pa. 1999).

23. The Court in *William Penn Parking Garage* also stated that "the requirement of a "substantial" interest means that the interest must have substance—i.e., there must be some discernible adverse effect to some interest other than the abstract interest of all citizens in having others comply with the law. *William Penn Parking Garage, Inc. et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975), at 282.

24. The standard set by *William Penn Parking Garage* is applicable to Commission cases. See, *Lavelly v. West Penn Power Company*, Docket No. C-2014-2408502 (Initial Decision entered May 22, 2014, Final Order entered February 12, 2015), and *Courier Express, Inc. v. F.L. Shaffer Company, Inc.* (Order entered August 30, 1990 at Docket No. C-892462, petition for reconsideration denied December 3, 1990).

25. The Commission has held that, in general, a complainant must be the respondent's customer in order to have standing to file a complaint about its utility service. In other words, a complainant which is not a customer of a utility generally does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service of that utility. See, *Coggins v PPL Electric Utilities Corp.*, Docket No. C-2012-2312785 (Opinion and Order entered July 18, 2013), *Re: Pennsylvania American Water Company*, 85 Pa. P.U.C. 548 (1995); and *Pa. P.U.C. v. Marietta Gravity Water Company*, 87 Pa. P.U.C. 864 (1997).

26. Because the Complainant is not a customer of the Company's for utility service, and has not alleged that she is applying for service or was denied service by the Company, the Complainant does not possess the requisite standing to file a formal complaint against the Company, and therefore the Complaint should be dismissed.

**Second Preliminary Objection**  
**Lack of Commission Jurisdiction Pursuant to 52 Pa. Code § 5.101(a)(1) Legal Insufficiency Pursuant to 52 Pa. Code § 5.101(a)(4)**

27. Pursuant to 52 Pa. Code § 5.101(a)(1), a formal complaint may be dismissed for lack of Commission jurisdiction.

28. Pursuant to 52 Pa. Code § 5.101(a)(4), a formal complaint may be dismissed for legal insufficiency.

29. 52 Pa.Code § 5.101(a)(4) is comparable to Pa.R.C.P. 1028(a)(4), "legal insufficiency of a pleading (demurrer)."

30. The principles applied in ruling upon a demurrer are well-settled:

[W]hen ruling on preliminary objections, [the] Court considers as true all well-pleaded facts which are material and relevant. Specifically, a preliminary objection in the nature of a demurrer is deemed to admit all well-pleaded facts and all inferences reasonably deduced therefrom. In determining whether to sustain a demurrer the court need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. A demurrer will not be sustained unless the face of the complaint shows that the law will not permit recovery, and any doubts should be resolved against sustaining the demurrer. *Giffin v. Chronister*, 151 Pa.Cmwlth. 286, 290, 616 A.2d 1070, 1072 (1992) (citations omitted).

31. Although it has general jurisdiction over service disputes between public utilities operating in Pennsylvania and their customers, the Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. See, *Terminato v. Pa. National Insurance Co.*, 645

A.2d 1287 (Pa. 1994); *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); and *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

32. A complaint against a public utility must allege a violation of the Public Utility Code or a regulation or Order of the Commission in order to be legally sufficient. 66 Pa. C.S. §701.

33. Neither the Complaint nor the Amended Complaint included any allegations that the Company violated Public Utility Code or a regulation or Order of the Commission.

34. To the contrary, the Amended Complaint makes it clear that the Complainant is requesting that the Commission enact requirements for the testing of source water such as lake and aquifers, and investigate the impact of natural gas drilling on the safety of water drawn from private wells:

- a. Paragraph 2 of the Amended Complaint plainly states that the Complainant “is requesting that the Commission require more comprehensive testing of Montrose Lake Water, which is being withdrawn for treatment by PAWC for public use”.....Anything that can be impacted by the gas drilling and production should be tested once every 30 days or every quarter...”.
- b. Paragraph 3 of the Amended Complaint requests more frequent testing of source water near locations of natural gas extraction, stating “Much more frequent testing is required for our safety”.
- c. Paragraph 4 is a request for an amendment to the Public Utility Code, stating “Your code does not mention water. We need water to be included. Your code was instituted in 1978 and needs updating”.

- d. Paragraph 6 is a request for the Commission to require water utilities to “test water for possible contaminants happening in the 21<sup>st</sup> century from industrial activities”.
- e. Paragraph 7 is a request to require PAWC to perform additional testing above and beyond what the Department of Environmental Protection requires.
- f. Paragraph 8 states that the Complainant is “requesting PUC to look into changing current testing requirements of the PAWC treatment plant” and “I am appealing to the PUC to investigate these concerns and apply more protections for our water and health as provided in your own regulations, statutes and codes”.

35. Water purity and quality in Pennsylvania is statutorily regulated by the provisions of the Pennsylvania Safe Drinking Water Act, 35 P.S. §§721.1-721.17 and the Federal Safety Drinking Water Act, 42 U.S.C. §§300j-330j-10. Enforcement of these statutes is specifically vested in the Department of Environmental Protection (“DEP”) and the Federal Environmental Protection Agency. See *Rovin v. Pa. PUC*, 502 A.2d 785 (Pa. Commonwealth Ct. 1986). When the water purity or quality is compromised, the only thing the Commission can do is to certify to the DEP a question of fact about the purity or quality of water supplied to the public by a water company. 66 Pa.C.S. § 318(b). See, *Aleksey Konovalov v. Aqua Pennsylvania, Inc.*, Docket No. C-2010-2212641 (Initial Decision entered June 13, 2012, Final Order entered July 31, 2012), citing, *Polites v. Pennsylvania Public Utility Commission*, 928 A.2d 388 (Pa. Cmwlth. 2007) (“*Polites*”).

36. As the Court in *Polites* stated “In Pennsylvania, pursuant to Section 5 of the Act, 35 P.S. § 721.5, the task of preserving water quality and monitoring for

contaminants is within the authority of the Department [of Environmental Protection]. Any matters affecting water quality, such as the testing of backflow devices, are within its jurisdiction, not the Commission's, whose utilities provide water service.”

37. For the reasons set forth above, the Complaint is legally insufficient because it does not allege a violation of the Public Utility Code or a regulation or Order of the Commission, and instead requests that the Commission make changes to water testing regulations that are solely within the jurisdiction of the Pennsylvania Department of Environmental Protection and the Federal Environmental Protection, and therefore the Complaint should be dismissed.

**REQUEST FOR RELIEF**

WHEREFORE, for all of the reasons stated herein, Respondent Pennsylvania-American Water Company respectfully requests that the Commission grant its Preliminary Objection and dismiss the Formal Complaint pursuant to 52 Pa. Code § 5.101(a)(7), 52 Pa. Code § 5.101(a)(1), and 52 Pa. Code § 5.101(a)(4).

Respectfully submitted,  
STEVENS & LEE



\_\_\_\_\_  
Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

DATE: January 2, 2024

# **EXHIBIT 1**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Formal Complaint**

*Filing this form begins a legal proceeding and you will be a party to the case.  
If you do not wish to be a party to the case, consider filing an informal complaint.*

**To complete this form, please type or print legibly in ink.**

**1. Customer (Complainant) Information**

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name VERA SCROGGINS

Street/P.O. Box 71 Gus Park Lane Apt #

City Brackney State Pa. Zip 18812

County Susquehanna

Telephone Number(s) Where We Can Contact You During the Day (required):

( ) (home) (607) 237-9685 (mobile)

E-mail Address (required): Veraduerga@gmail.com -

Utility Account Number (from your bill) \_\_\_\_\_

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name Ritztex

Street/P.O. Box Ritztex Rd.

City Montrose State Pa. Zip 18801

**2. Name of Utility or Company (Respondent)**

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

American PA Water Company

RCUD PUC SEC BUR  
APR 3 2023 AM 11:00

**3. Type of Utility Service**

**Check the box listing the type of utility service that is the subject of your complaint (check only one):**

- |   |   |
|---|---|
| <input type="checkbox"/> ELECTRIC         | <input type="checkbox"/> STORM WATER  |
| <input type="checkbox"/> GAS              | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input checked="" type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> STEAM HEAT       | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

**4. Reason for Complaint**

**What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.****

- The utility is threatening to shut off my service or has already shut off my service.
  
- I would like a payment agreement.
  
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
  
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

I am drinking water from Lake Montrose, Pa., PAWC water system and my friends, also.

I visit homes and businesses in Montrose that use that water. And have that get this same water delivered to their due to gas drilling problems.

I sent an email and asked Don Kessler, local manager for PAWC, what are they testing Lake Montrose for and are they testing <sup>for</sup> possible contaminants due to gas drilling. There are several gas pads with several gas on each pad surrounding area, within a mile of this lake, public water supply.

See my attached emails to Mr. Kessler and his response.

PAWC is not testing for any gas drilling contaminants. We want such comprehensive testing to be done after 14 years of industrial, gas drilling in the area.

We are also concerned about PFAS, PFOS possible presence, which also needs testing -

**Note:** If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Asking PUC to require PAWC<sup>to test</sup> their water supplies for these constituents, starting with Lake Montrose, Susquehanna County. And make results public.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES   
NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES   
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES   
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

I spoke with Don Kessler about complaint in person and then sent email (attached) with my concerns. Also, see attached emails to Justin Ladner, and Susan Turemanovich from friend, Craig Stevens, on this issue.

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

**8. Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name n/a-

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.



Vera Scroggins

Brackney, Pa.

607-237-9685

RCVD PUC SEC BUR  
APR 3 2023 AM 11:01

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damage caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water St. Camden, NJ. 08102 www.amwater.com

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**Craig Stevens** <clscraigstevens@gmail.com>  
To: A Ray Kemble <raykem55@gmail.com>, A John Kotsatos <jk@lawjek.com>

Thu, Dec 8, 2022 at 12:44 PM

----- Forwarded message -----

From: **Craig Stevens** <clscraigstevens@gmail.com>

Date: Thu, Dec 8, 2022 at 12:37 PM

Subject: Fwd: hi, Mr. Kessler; question about water testing? Kessler response today?! No specific answers supplied. !

To: <justin.ladner@amwater.com>, susan.turcmanovich@amwater.com <susan.turcmanovich@amwater.com>

Cc: A Vera Scroggins <Veraduerga@gmail.com>

Hello Mr Ladner And Susan,

My name is Craig Stevens and I am sending you an email chain that was sent to Don Kessler by my friend and neighbor Vera Scroggins, We are asking about water testing at Lake Montrose and Dimock. I will also be forwarding an email of Mr Kessler answering questions to the Montrose Borough Council on Monday December 5th regarding the \$16.29 Million Dollar PAWC project for the families in Dimock.

I have a PAWC Commercial Hydrant Account for the past 11 years that has been used to get Potable Water to my neighbors in Dimock since their Water Deliveries from Cabot were stopped November 30th 2011. I worked directly with Kathy Pape to install the Water Hydrant and moving it out of Montrose when they attempted to charge the property owner \$500 per day for Zoning Violations in 2012 to stop the water to Dimock.

We would like specific answers to the questions Vera has asked Mr Kessler in the emails below.

Vera and I were involved in the original meetings with PA AG Shapiro on May 4th 2017 that started the original investigation that culminated in the Criminal Charges against Cabot and the Dimock Water Project. We would All appreciate a transparent and open dialogue with your team due to the Massive amount of International interest in this issue and the Resolution of getting Clean, Safe Water to the Dimock families.

Thank You For Your Help In Advance In Getting The Answers To Our Questions

Craig Stevens  
Patriots From The Oil & Gas Shales  
6th Generation Landowner  
Silver Lake Township  
Susquehanna County PA.

thanks, for your help with this,

Vera Scroggins

Brackney, Pa.

607-237-9685

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damage caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water St. Camden, NJ. 08102 www.amwater.com

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**Craig Stevens** <clscraigstevens@gmail.com>

Thu, Dec 8, 2022 at 12:37 PM

To: justin.ladner@amwater.com, "susan.turcmanovich@amwater.com" <susan.turcmanovich@amwater.com>

Cc: A Vera Scroggins <Veraduega@gmail.com>

Bcc: Craig Stevens <clscraigstevens@gmail.com>

Hello Mr Ladner And Susan,

My name is Craig Stevens and I am sending you an email chain that was sent to Don Kessler by my friend and neighbor Vera Scroggins, We are asking about water testing at Lake Montrose and Dimock. I will also be forwarding an email of Mr Kessler answering questions to the Montrose Borough Council on Monday December 5th regarding the \$16.29 Million Dollar PAWC project for the families in Dimock.

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Thank You For Your Help In Advance In Getting The Answers To Our Questions

Craig Stevens  
Patriots From The Oil & Gas Shales  
6th Generation Landowner  
Silver Lake Township  
Susquehanna County PA.  
Pa American Water Account # 1024-210033850897  
Cell 949-456-6104

Pa American Water Account # 1024-210033850897  
Cell 949-456-6104  
clsraigstevens@gmail.com

----- Forwarded message -----

From: **Vera Scroggins** <veraduerga@gmail.com>  
Date: Thu, Dec 8, 2022 at 11:29 AM  
Subject: Fwd: hi, Mr. Kessler; question about water testing? Kessler response today?! No specific answers supplied. !  
To:

----- Forwarded message -----

From: **Don A Kessler** <Don.Kessler@amwater.com>  
Date: Thu, Dec 8, 2022, 11:24 AM  
Subject: Re: hi, Mr. Kessler; question about water testing?  
To: Vera Scroggins <veraduerga@gmail.com>

Ms Scroggins

The information below is all that I will be supplying.

Thanks  
Don Kessler

---

From: Vera Scroggins <veraduerga@gmail.com>  
Sent: Thursday, December 8, 2022 10:46 AM  
To: Don A Kessler <Don.Kessler@amwater.com>  
Subject: Re: hi, Mr. Kessler; question about water testing?

**EXTERNAL EMAIL: The Actual Sender of this email is veraduerga@gmail.com "Think before you click!"**

Mr. Kessler:

Please answer specifically my specific questions.

Either yes or no and the proof showing if "yes".

thank you for your attention to this,

Vera Scroggins  
607-237-9685

On Thu, Dec 8, 2022 at 7:26 AM Don A Kessler <Don.Kessler@amwater.com> wrote:

Ms. Scroggins

Feel free to visit Pa American Water web site at <https://www.amwater.com/paaw/> and hover over Water Quality in the banner at the top. In the drop down click on Water Quality Reports. You will be able to scroll down and find the Montrose system and bring up the Water Quality report that includes testing results that PA American Water provides.

clsraigstevens@gmail.com

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The source water monitoring along with the finished water monitoring are performed according to PA Department of Environmental Protection (PA DEP) Safe Drinking water regulations. Those regulations can be found at PA DEP website

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Don A. Kessler, Jr

Sr. Manager NEPA Operations

88 Willow Ave

Susquehanna, PA 18847

**From:** Vera Scroggins <veraduerga@gmail.com>  
**Sent:** Tuesday, December 6, 2022 2:04 PM  
**To:** Don A Kessler <Don.Kessler@amwater.com>  
**Subject:** hi, Mr. Kessler; question about water testing?

**EXTERNAL EMAIL: The Actual Sender of this email is veraduerga@gmail.com "Think before you click!"**

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Do you test for the gas industry pollutants and impacts similar to the suite that DEP tests for? Gas Wells are near Montrose Lake.

and can you send me a recent set of water test results before and after treatment?

how often do you test the water at Montrose Lake?

thanks, for your help with this,

Vera Scroggins

Brackney, Pa.

607-237-9685

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damage caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water St. Camden, NJ. 08102 [www.amwater.com](http://www.amwater.com)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damage caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water St. Camden, NJ. 08102 [www.amwater.com](http://www.amwater.com)



Craig Stevens <clsraigstevens@gmail.com>

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3 messages

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Bcc: clsraigstevens@gmail.com

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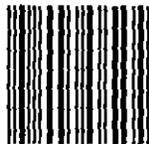
how often do you test the water at Montrose Lake?

thanks, for your help with this,

T. Scroggins  
71 Gus Park Ln.  
Brackney, Pa. 18812



RDC 99



17120

U.S. POSTAGE PAID  
FCM LETTER  
VESTAL, NY  
13880  
MAR 30, 23  
AMOUNT

**\$1.11**

R2305K132731-14

Public Utility Commission  
Secretary's Bureau  
400 North St., 2nd Floor  
Harrisburg, Pa. 17120

## **EXHIBIT 2**

# Stevens & Lee

17 N. Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 234-1090  
www.stevenslee.com

Direct Dial: (717) 255-7365  
Email: michael.gruin@stevenslee.com  
Direct Fax: (610) 988-0852

April 26, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Vera Scroggins v. Pennsylvania-American Water Company  
Docket No. C-2023-3039609**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Answer and New Matter to the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

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

Very truly yours,

STEVENS & LEE



Michael A. Gruin

Enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS  
Complainant

v.

PENNSYLVANIA-AMERICAN  
WATER COMPANY  
Respondent

Docket No. C-2023-3039609

**NOTICE TO PLEAD**

---

**To: *Vera Scroggins***

You are hereby notified to file a written response to the attached Answer and New Matter of Pennsylvania-American Water Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

You must also serve a copy of your response on the undersigned counsel for Pennsylvania-American Water Company. Failure to respond to this Answer and New Matter could result in the dismissal of your case.

STEVENS & LEE



Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

DATE: April 26, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**ANSWER AND NEW MATTER OF RESPONDENT,  
PENNSYLVANIA-AMERICAN WATER COMPANY**

---

Pursuant to 52 Pa Code § 5.61, Pennsylvania-American Water Company (“Respondent” or “Company”), by and through its attorneys Stevens & Lee, P.C., hereby responds to the Formal Complaint (“Complaint”) filed by Vera Scroggins (“Complainant”). In support thereof, the Company avers as follows:

1. Denied. Vera Scroggins is not a customer of the Company’s.
2. Denied. Vera Scroggins is not a customer of the Company’s.
3. Denied. Vera Scroggins is not a customer of the Company’s.
4. The Company is without knowledge of whether the Complainant drinks

or uses the Company’s water, because the Complainant is not a customer of the Company’s, and therefore such allegations are denied. The Company admits that the Complainant has had email correspondence with representatives of the Company, but those communications speak for themselves and the Company denies any characterizations of those communications. To the extent that Paragraph 4 of the Complaint alleges that the Company has violated any aspect of the Public Utility Code or the regulations or Orders of the Pennsylvania Public Utility Commission, such

allegations are denied. To the extent Paragraph 4 contains any additional allegations, such allegations are denied.

5. The Company denies that the Complainant is entitled to the relief requested. To the extent paragraph 5 contains additional allegations, such allegations are denied.

6. Paragraph 6 is a statement to which no response is required.

7. The Company admits that the Complainant has spoken to and has had email correspondence with representatives of the Company, but those communications speak for themselves and the Company denies any characterizations of those communications.

8. Paragraph 8 is a statement to which no response is required.

9. Paragraph 9 is a verification to which no response is required.

#### **NEW MATTER**

10. Pennsylvania-American Water Company incorporates by reference responses contained in Paragraphs 1 through 9 above as though fully set forth at length.

11. Pennsylvania-American Water Company is represented in this matter by:

Michael A. Gruin (I.D. No. 78625)  
17 North 2nd Street, 16th Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
michael.gruin@stevenslee.com

12. The Complainant is not now, and never has been, a customer of the Company's for utility service.

13. The Company does not provide utility service to Brackney, PA, where the Complainant resides.

14. The Complainant has not applied for utility service from the Company.
15. The Complainant has not been denied utility service by the Company.
16. The Complainant lacks the requisite standing to file a formal complaint against the Company at the Pennsylvania Public Utility Commission.
17. The Complaint fails to state a claim for which relief can be granted, in that it does not allege any violation of the Public Utility Code or a regulation or Order of the Commission.

**REQUEST FOR RELIEF**

WHEREFORE, for all of the reasons stated herein, Respondent Pennsylvania-American Water Company respectfully requests that your Honorable Commission dismiss the Complaint.

Respectfully submitted,



---

Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
Tel.: (717) 255-7365  
Fax: (610) 988-0852  
Email: [mag@stevenslee.com](mailto:mag@stevenslee.com)  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

DATE: April 26, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**VERIFICATION**

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania- American Water Company, verify that the answers and the factual allegations contained in the foregoing Answer to Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

  
\_\_\_\_\_

April 26, 2023  
Date

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Answer and New Matter upon the party listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA First Class U.S. Mail

Vera Scroggins  
71 Gus Park Lane  
Brackney, PA 18812



---

Michael A. Gruin

DATED: April 26, 2023

# **EXHIBIT 3**

Vera Scroggins  
docket no. **C-2023-3039609**

RESPONSE FOR MORE DETAILS:

1. I am a customer of Pa. American Water Company and hereon will call this company PAWC. My account number is 1024-210033850897.

2. I am requesting the Commission require more comprehensive testing of the Montrose Lake Water, which is being withdrawn for treatment by PAWC for public use. On the PAWC website, the testing of the Lake water is displayed and shows several constituents tested for and how often and the results.

This can be seen online at

[https://www.amwater.com/PAAW/resources/pdf/ccr/Montrose\\_2022.pdf](https://www.amwater.com/PAAW/resources/pdf/ccr/Montrose_2022.pdf)

On pages 15-18 of this 2022 Water Quality Report, can be seen what PAWC tested for and the results for this year.

Not everything they test for is tested every year. Some elements are tested for yearly, others every three years, others every nine years.

Chlorine, lead, coliform, HAAS, are tested monthly, quarterly.

On page 6 of this 2022 report, PAWC, admits that oil and gas production, mining, can cause inorganic contaminants such as salts and metals, organic chemical contaminants such as “synthetic and volatile organic chemicals, which are by-products of industrial

processes and petroleum production”, and radioactive contaminants which may be the “result of oil and gas production and mining activities” may be present in the water source.

And some of the oil and gas contaminants are tested for either every year, three years or nine years, such as mercury, nickel, selenium, arsenic, barium are tested annually, and radioactive elements as radium, uranium and gross alpha are tested every nine years !

Lead and copper tested every three years.

Glyphosate, a possible carcinogen, is tested for every three years.

Lawsuit decision showing harm of glyphosate:

<https://www.reuters.com/legal/bayer-ordered-pay-156-billion-latest-us-trial-loss-over-roundup-weedkiller-2023-11-19/>

Anything that can be impacted by the gas drilling and production should be tested for once every 30 days or every quarter and see if any changes and increases happen.

Gas Industry uses hydrochloric acid and diesel and diesel derivatives and biocides.

These should be tested for at least quarterly.

There are at least six gas well sites with multiple gas wells within two miles of the Montrose Lake water source.

3. PAWC has been commissioned to build a 27 home public water system in Dimock, Pa. in my county, Susquehanna County. They plan to drill two water wells in the Dimock aquifer which has been contaminated the past 15 years.

Coterra Gas Company has been charged and convicted and fined for contaminating the water of Dimock, Pa..

Coterra had to pay 16 plus million dollars after the court decision on Nov. 29, 2022 and placed in an escrow account to PAWC.

Article on this court decision:

**<https://www.attorneygeneral.gov/taking-action/ag-shapiro-announces-plea-public-water-line-construction-for-victims-of-cabot-oil-gas/>**

Much more frequent testing is required for our safety.

My County, Susquehanna County, is the number two gas drilling and production county in Pa.. We need to test often within 3 to 5 miles of gas development.

4. Your PUC Code requires safe and reasonable service. Code is 66 Pa. C.S. 1501.

Your code does not mention water. We need water to be included.

Your code was instituted in 1978 and needs updating.

5. PUC Emergency Order shows PUC has jurisdiction over gas ,water and other sources.

[https://www.puc.pa.gov/general/pdf/Emergency\\_Order\\_M-2020-3019244\\_031320.pdf](https://www.puc.pa.gov/general/pdf/Emergency_Order_M-2020-3019244_031320.pdf)

## AMENDED FORMAL COMPLAINT - PAGE 4

6. PUC needs to require public water utilities to test water for possible contaminants happening in the 21<sup>st</sup> century from industrial activities.

We can not just leave this decision on when and what to test for in the hands of profit making utilities.

This does not provide for adequate and safe water service for the public

It should be left up to PUC, DEP and EPA to enact and require more stringent testing and much more often than presently done.

Every public utility needs to provide safe and adequate water to the public, especially near industrial activities as with the gas industry.

7. DEP tests private water wells near industrial activity in my county, Susquehanna.

The specific suite DEP uses is Code SAC 946 for testing. JPAWC needs to test for these similar suite of constituents on a regular basis of monthly or quarterly and make results easily available to the public.

My County, Susquehanna, has become an industrial county since 2008.

My County, Susquehanna, is the number two producer of gas production and Coterra Gas is the number one producer in my county and number two in the Commonwealth.

8. I am requesting PUC to look into changing the current testing requirements of the PAWC water treatment plant. I am requesting testing of organic chemical contaminants and radioactive contaminants and inorganic contaminants that can be

## AMENDED FORMAL COMPLAINT - PAGE 5

related and caused by oil and gas drilling and production be done much more often.

Please test quarterly whatever is being tested every three years related to industrial gas production like organic chemical contaminants and inorganic contaminants.

Please test quarterly or every six months whatever is being tested for every nine years, like several forms of radiation.

We live in an industrial gas production county since 2008 and need more protections since private wells have had contamination related to gas production.

We will need extra protections especially in the Dimock area of our county since this area has had more than 27 households contaminated by gas production.

I am appealing to the PUC to investigate these concerns and apply more protections for our water and health as provided in your own regulations, statutes and codes; as in your PUC statute 66 Pa. C.S. 1501.

9. I have written to representatives in PAWC with my questions and concerns and Craig Stevens, my neighbor, has also written to PAWC with concerns and we have not been assured to our satisfaction of the water's safety relating to the proximity of gas wells and gas production near Montrose Lake Treatment Plant.

We have at least six well pads with several gas wells surrounding Lake Montrose within two to three miles. We want to see more stringent requirements for testing and treatment

**AMENDED FORMAL COMPLAINT - PAGE 6**

in our county.

Letters to PAWC Representatives are attached to the original Formal Complaint and new letters sent to them are attached.

I hope more stringent testing is happening in Harrisburg and other large cities, where many more people live, where there is industrial activities.

Thank you for your consideration and help,

Vera Scroggins  
71 Gus Park Lane  
Brackney, Pa. 18812  
[veraduerga@gmail.com](mailto:veraduerga@gmail.com)  
607-237-9685

docket no. C-2023-3039609

See Exhibits Attached

# EXHIBITS

A

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Vera Scroggins	:	
	:	
v.	:	C-2023-3039609
	:	
Pennsylvania American Water Company	:	

**INTERIM ORDER ON PRELIMINARY OBJECTIONS**

**Procedural Background**

On April 3, 2023, Vera Scroggins (Complainant), filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania American Water Company (Company or Respondent). In the Formal Complaint, the Complainant alleges that she is drinking water from Lake Montrose, Pennsylvania which serves as a water source for the Company and has asked if the Company is testing for gas drilling contaminants. As relief, Complainant requests that the Commission require the Company to test their water for gas drilling contaminants as well as "PFAS" and "PFOS."

On April 26, 2023<sup>1</sup>, the Company filed an Answer and New Matter. The Answer and New Matter indicates that the Complainant is not a customer of the Company and does not have standing to bring a claim in this case.

On the same date, the Company also filed Preliminary Objections to the Complaint. The Preliminary Objection alleges that the Complainant lacks legal standing in this matter as she is not a customer of the Company. Further, the Company asserts that the Complainant failed to state a basis upon which the relief that is requested can be obtained.

---

<sup>1</sup> The formal complaint was served by the Secretary's Bureau on April 6, 2023.

The Company's Preliminary Objections contained a Notice to Plead, requiring Complainant to file a response within ten days of service.

The Complainant filed a response to the Respondent's filings on May 11, 2023. She indicated that she is now a customer of the Company and is utilizing the water from their system.

On May 22, 2023, the Commission issued a Motion Judge Assignment Notice, assigning this proceeding to me.

The Respondent's Preliminary Objections are procedurally ready to be ruled upon.

#### Legal Discussion

The Commission's Rules of Administrative Practice and Procedure provide for the filing of preliminary objections. Commission preliminary objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). The Commission's Rules at 52 Pa. Code § 5.101(a) limit preliminary objections to the following grounds:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

For purposes of disposing of the preliminary objections, the Commission must accept as true all well-pleaded material facts of the nonmoving party, as well as every reasonable

inference deducible from those facts. *County of Allegheny v. Cmwlth of Pa.*, 490 A. 2d 402 (Pa. 1985); *Cmwlth of Pa. v. Bell Tele. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the Complaint in this case in the light most favorable to Complainant and should dismiss the Complaint only if it appears that Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994); *see also, Interstate Traveler Serv., Inc. v. Pa. Dept of Envir. Resources*, 486 Pa. 536, 406 A.2d 1020 (1979). “For purposes of testing the legal sufficiency of the challenged pleading, a [motion to dismiss] ... admits as true all well-pleaded, material, relevant facts, and every inference deducible from those facts.” *Marinoff v. Bell Tele. Co. of Pa.*, 75 Pa. PUC 489, 491 (1991).

With respect to a preliminary objection regarding insufficient specificity of a pleading, the Commission’s regulations state: (1) If a preliminary objection regarding insufficient specificity in a pleading is filed, an answer is not required until further directed by the presiding officer or the Commission. (2) When an amended pleading is filed in response to a preliminary objection alleging insufficient specificity in a pleading, the preliminary motion will be deemed to be moot in accordance with § 5.91 (relating to amendment of pleadings generally). *Id.* at § 5.101(e).

In its Preliminary Objections, the Respondent avers that the Complainant lacks standing to bring a Complaint in this matter. 52 Pa. Code § 101(a)(7). The Respondent also alleges that the Complaint fails to set forth a violation by the Company of either the Public Utility Code, the regulations of the Commission or as required by 52 Pa. Code §5.22(a)(4). The Company also asserts that the complaint has insufficient specificity of a pleading under 52 Pa. Code § 101(a)(3) and there is no clear violation of the Commission’s statute, regulations or code for it to determine what the Complainant is arguing or requesting as relief.

Additionally, the Commission regulation at 52 Pa. Code § 5.22(a) (5)-(6) (regarding the content of a formal complaint filed with the Commission) require that the Complaint include among other:

(5) A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.

(6) A clear and concise statement of the relief sought.

In reviewing the Formal Complaint filed by the Complainant, I note that Ms. Scroggins failed to conform to the Commission's requirements because she does not explain what relief she wants from the Commission<sup>2</sup> that the Commission has the authority to provide. While the Complainant indicated that she has concerns about the water quality and what the Company is testing for in the supply, the Complainant did not specify any actions by the Company that violate the Commission's statute, regulations or orders in this particular matter. The Complainant failed to indicate any specific relief that the Commission can grant in this case. The Respondent is left to speculate as to the reason for the Complaint and the relief that the Complainant is seeking.

The Commission has expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts. On this vein, it would be inappropriate to grant the Company's Preliminary Objections at this point.

On the other hand, the Respondent must have an opportunity to understand and respond in a meaningful way to a formal complaint. The Commission's rules of procedure permit the Commission to direct a more specific pleading.<sup>3</sup> Therefore, the Complainant is directed to file an amendment to her Complaint which includes more details regarding the nature of her dispute with the Respondent and states with specificity what she would like the Commission to do to resolve his dispute. In the event that the Complainant fails to comply with this order, the Respondent may file an appropriate motion to seek dismissal of the Complaint.

**THEREFORE,**

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<sup>2</sup> 52 Pa.Code §§ 5.22(a)(5) and (6).

<sup>3</sup> 52 Pa. Code § 5.93. *See also* 52 Pa. Code § 5.101(e).



**C-2023-3039609 - VERA SCROGGINS v. PENNSYLVANIA AMERICAN WATER COMPANY**

Rev 5/30/23

VERA SCROGGINS  
71 GUS PARK LANE  
BACKNEY PA 18812  
**570.289.4845**  
**607.237.9685**  
veraduerga@gmail.com

TERESA K HARROLD ESQUIRE  
PENNSYLVANIA AMERICAN WATER COMPANY  
852 WESLEY DRIVE  
MECHANICSBURG PA 17055  
**717.550.1562**  
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Accepts eService

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17 NORTH SECOND STREET  
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HARRISBURG PA 17101  
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Accepts eService

Vera Scroggins  
docket no. **C-2023-3039609**

**RESPONSE FOR MORE DETAILS:**

1. I am a customer of Pa. American Water Company and hereon will call this company PAWC. My account number is 1024-210033850897.

2. I am requesting the Commission require more comprehensive testing of the Montrose Lake Water, which is being withdrawn for treatment by PAWC for public use. On the PAWC website, the testing of the Lake water is displayed and shows several constituents tested for and how often and the results.

This can be seen online at

[https://www.amwater.com/PAAW/resources/pdf/ccr/Montrose\\_2022.pdf](https://www.amwater.com/PAAW/resources/pdf/ccr/Montrose_2022.pdf)

On pages 15-18 of this 2022 Water Quality Report, can be seen what PAWC tested for and the results for this year.

Not everything they test for is tested every year. Some elements are tested for yearly, others every three years, others every nine years.

Chlorine, lead, coliform, HAAS, are tested monthly, quarterly.

On page 6 of this 2022 report, PAWC, admits that oil and gas production, mining, can cause inorganic contaminants such as salts and metals, organic chemical contaminants such as “synthetic and volatile organic chemicals, which are by-products of industrial

processes and petroleum production”, and radioactive contaminants which may be the “result of oil and gas production and mining activities” may be present in the water source.

And some of the oil and gas contaminants are tested for either every year, three years or nine years, such as mercury, nickel, selenium, arsenic, barium are tested annually, and radioactive elements as radium, uranium and gross alpha are tested every nine years !

Lead and copper tested every three years.

Glyphosate, a possible carcinogen, is tested for every three years.

Lawsuit decision showing harm of glyphosate:

<https://www.reuters.com/legal/bayer-ordered-pay-156-billion-latest-us-trial-loss-over-roundup-weedkiller-2023-11-19/>

Anything that can be impacted by the gas drilling and production should be tested for once every 30 days or every quarter and see if any changes and increases happen.

Gas Industry uses hydrochloric acid and diesel and diesel derivatives and biocides.

These should be tested for at least quarterly.

There are at least six gas well sites with multiple gas wells within two miles of the Montrose Lake water source.

3. PAWC has been commissioned to build a 27 home public water system in Dimock, Pa. in my county, Susquehanna County. They plan to drill two water wells in the Dimock aquifer which has been contaminated the past 15 years.

Coterra Gas Company has been charged and convicted and fined for contaminating the water of Dimock, Pa..

Coterra had to pay 16 plus million dollars after the court decision on Nov. 29, 2022 and placed in an escrow account to PAWC.

Article on this court decision:

**<https://www.attorneygeneral.gov/taking-action/ag-shapiro-announces-plea-public-water-line-construction-for-victims-of-cabot-oil-gas/>**

Much more frequent testing is required for our safety.

My County, Susquehanna County, is the number two gas drilling and production county in Pa.. We need to test often within 3 to 5 miles of gas development.

4. Your PUC Code requires safe and reasonable service. Code is 66 Pa. C.S. 1501.

Your code does not mention water. We need water to be included.

Your code was instituted in 1978 and needs updating.

5. PUC Emergency Order shows PUC has jurisdiction over gas ,water and other sources.

[https://www.puc.pa.gov/general/pdf/Emergency\\_Order\\_M-2020-3019244\\_031320.pdf](https://www.puc.pa.gov/general/pdf/Emergency_Order_M-2020-3019244_031320.pdf)

**AMENDED FORMAL COMPLAINT - PAGE 4**

**6. PUC needs to require public water utilities to test water for possible contaminants happening in the 21<sup>st</sup> century from industrial activities.**

**We can not just leave this decision on when and what to test for in the hands of profit making utilities.**

**This does not provide for adequate and safe water service for the public**

**It should be left up to PUC, DEP and EPA to enact and require more stringent testing and much more often than presently done.**

**Every public utility needs to provide safe and adequate water to the public, especially near industrial activities as with the gas industry.**

**7. DEP tests private water wells near industrial activity in my county, Susquehanna.**

**The specific suite DEP uses is Code SAC 946 for testing. JPAWC needs to test for these similar suite of constituents on a regular basis of monthly or quarterly and make results easily available to the public.**

**My County, Susquehanna, has become an industrial county since 2008.**

**My County, Susquehanna, is the number two producer of gas production and Coterra Gas is the number one producer in my county and number two in the Commonwealth.**

**8. I am requesting PUC to look into changing the current testing requirements of the PAWC water treatment plant. I am requesting testing of organic chemical contaminants and radioactive contaminants and inorganic contaminants that can be**

**AMENDED FORMAL COMPLAINT - PAGE 5**

related and caused by oil and gas drilling and production be done much more often.

Please test quarterly whatever is being tested every three years related to industrial gas production like organic chemical contaminants and inorganic contaminants.

Please test quarterly or every six months whatever is being tested for every nine years, like several forms of radiation.

We live in an industrial gas production county since 2008 and need more protections since private wells have had contamination related to gas production.

We will need extra protections especially in the Dimock area of our county since this area has had more than 27 households contaminated by gas production.

I am appealing to the PUC to investigate these concerns and apply more protections for our water and health as provided in your own regulations, statutes and codes; as in your PUC statute 66 Pa. C.S. 1501.

9. I have written to representatives in PAWC with my questions and concerns and Craig Stevens, my neighbor, has also written to PAWC with concerns and we have not been assured to our satisfaction of the water's safety relating to the proximity of gas wells and gas production near Montrose Lake Treatment Plant.

We have at least six well pads with several gas wells surrounding Lake Montrose within two to three miles. We want to see more stringent requirements for testing and treatment

**AMENDED FORMAL COMPLAINT - PAGE 6**

in our county.

Letters to PAWC Representatives are attached to the original Formal Complaint and new letters sent to them are attached.

I hope more stringent testing is happening in Harrisburg and other large cities, where many more people live, where there is industrial activities.

Thank you for your consideration and help,

Vera Scroggins  
71 Gus Park Lane  
Brackney, Pa. 18812  
[veraduerga@gmail.com](mailto:veraduerga@gmail.com)  
607-237-9685

docket no. C-2023-3039609

See Exhibits Attached

(6)

**C-2023-3039609 – VERA SCROGGINS v. PENNSYLVANIA AMERICAN  
WATER COMPANY**

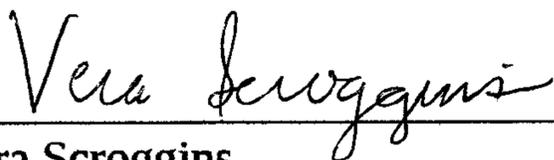
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Response to Interim Order on Preliminary Objections and Amended Formal Complaint with Exhibits upon the parties listed below, in accordance with the requirements of 52 Pa. Code 1.54 (relating to service by a party)

VIA First Class U.S. Mail and eService

Michael A. Gruin Esquire  
Stevens & Lee  
17 North Second Street  
16<sup>th</sup> Floor  
Harrisburg, Pa. 17101  
717-255-7365  
717-234-1090  
[michael.gruin@stevenslee.com](mailto:michael.gruin@stevenslee.com)

Theresa K. Harrold Esquire  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, Pa. 17055  
717-550-1562  
717-303-8381  
[teresa.harrold@amwater.com](mailto:teresa.harrold@amwater.com)



Vera Scroggins  
71 Gus Park Lane  
Brackney, Pa. 18812  
Dated: December 8, 2022

05/19/2023

Craig Stevens C. Vera Scroggins  
1527 Silver Creek Rd  
Montrose, PA 18801-9658

**For Service To:**  
Account Number: 1024-210033850897  
Service Address: Ritztex Rd  
Montrose, PA 18801

Re: Letter of Credit  
Ritztex Rd, Montrose, PA 18801

Dear Customer Vera Scroggins:

Thank you for your inquiry regarding a Letter of Credit. We're happy to assist and provide the following information from our records regarding your account:

- |                                       |                                |
|---------------------------------------|--------------------------------|
| 1. Service Address:                   | Ritztex Rd, Montrose, PA 18801 |
| 2. Length of Service:                 | 10/15/2013 to 12/31/9999       |
| 3. Final Bill Overdue:                |                                |
| 4. Payment History for last 13 months |                                |
| a. Number of Past Due Notices:        | 000                            |
| b. Number of Non-Pay Disconnects:     | 000                            |
| c. Number of Returned Checks:         | 000                            |

We hope this addresses your needs. If you have any questions or need additional information, please contact our Customer Service Center at the number provided below. Our representatives are available to assist you Monday through Friday, 7 a.m. to 7 p.m.

We appreciate your business and the opportunity to continue serving you, your neighbors and our local communities.

Sincerely,

Pennsylvania American Water Customer Service

Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, provides that every public utility has a duty to furnish and maintain adequate, efficient, safe, and reasonable service as is necessary for the accommodation, convenience, and safety of its patrons, employees, and the public <sup>1</sup>. Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to service and extensions, with the same force and in like manner as if such service were rendered by a public utility <sup>2</sup>. No public utility which provides electricity or heat to a State-owned facility shall use coal mined in a foreign country for the purpose of generating electricity or providing heat <sup>3</sup>.

Related searches

- pa sewage facilities act 66
- subsection 1501 pdf

Learn more:

- 1 EMERGENCY ORDER Public Utility Service T... puc.pa.gov
- 2 Section 1501 - Character of service and facilities... casetext.com
- 3 Pennsylvania Statutes Title 66 Pa.C.S.A. Publ... codes.findlaw.com

Feedback

PA General Assembly https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/66/00.015.001.000..HTM

Section 1501 - Title 66 - PUBLIC UTILITIES - PA ...

Web 1501. Character of service and facilities. 1501.1. Certain utilities prohibited from using foreign coal. 1502. Discrimination in service. 1503. Discontinuance of service. 1504. Standards of service and facilities. 1505. Proper service and facilities established on ...

EXPLORE FURTHER

- Act 201: Responsible Utility Customer Protection Act puc.pa.gov
- PA Energy Consumer Bill of Rights - Pennsylvania Public ... puc.pa.gov
- Title 66 - PUBLIC UTILITIES - Pennsylvania General Assembly legis.state.pa.us
- Chapter 14 - Title 66 - PUBLIC UTILITIES - Pennsylvania ... legis.state.pa.us
- ODP Chapter 6100 Regs for Community Services ... paproviders.org

Recommended to you based on what's popular • Feedback

PA General Assembly https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/66/66.HTM

Title 66 - PUBLIC UTILITIES - PA General Assembly

Web 20 Dec 2018 · SUBPART C. REGULATION OF PUBLIC UTILITIES. GENERALLY . Chapter 11. Certificates of Public Convenience . Subchapter A. General Provisions § 1101. ...

EXPLORE FURTHER

- Pennsylvania Public Utility Commission | Regulating Utility ... puc.pa.gov
- Public Utility Commission - Department of Labor & ... dli.pa.gov

Recommended to you based on what's popular • Feedback

PA General Assembly https://www.legis.state.pa.us/cfdocs/legis/LI/con...

Title 66 - PA General Assembly

Web Title 66. Text Size: AAA Print. A provision of this statute is set to expire in 2024.

EXPLORE FURTHER

- Chapter 28. - Title 66 - PUBLIC UTILITIES - Pennsylvania ... legis.state.pa.us
- 52 Pa. Code Chapter 63. Telecommunications Service - ... pacodeandbulletin.gov

Recommended to you based on what's popular • Feedback

Casetext https://casetext.com/statute/pennsylvania-statutes...

Section 1501 - Character of service and facilities, 66 Pa.

Web 66 Pa. C.S. § 1501. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, ...

FindLaw https://codes.findlaw.com/.../pa-csa-sect-66-1501

Pennsylvania Statutes Title 66 Pa.C.S.A. Public Utilities ...

Web 1 Jan 2022 · Pennsylvania Statutes Title 66 Pa.C.S.A. Public Utilities § 1501. Character of

**DISINFECTION BYPRODUCTS - Collected in the Distribution System**

Substance (with units)	Year Sampled	Compliance Achieved	MCLG	MCL	Highest LRAA	Range Detected	Typical Source
Total Trihalomethanes (TTHMs) (ppb)	2022	Yes	NA	80	44.7	19.5 to 71.2	By-product of drinking water disinfection.
Haloacetic Acids (HAAs) (ppb)	2022	Yes	NA	60	38.0	24.7 to 51.9	By-product of drinking water disinfection.

NOTE: Compliance is based on the running annual average at each location (LRAA). The Highest LRAA reflects the highest average at any location and the Range Detected reflects all samples used to calculate the running annual averages.

**DISINFECTANTS - Collected in the Distribution System and at the Treatment Plant**

Substance (with units)	Year Sampled	Compliance Achieved	MRDLG	MRDL	Minimum Chlorine Residual Required	Compliance Result	Range Detected	Typical Source
Montrose Water Treatment Plant Entry Point Chlorine Residual (ppm) <sup>1</sup>	2022	Yes	4	4	0.20	1.20	1.20 to 3.32	Water additive used to control microbes.
Distribution System Chlorine Residual (ppm) <sup>2</sup>	2022	Yes	4	4	0.2	3.30	2.74 to 3.30	Water additive used to control microbes.

1 - Data represents the lowest residual entering the distribution system from our water treatment plant.

2 - Data represents the highest monthly average of chlorine residuals measured throughout our distribution system.

**TREATMENT BYPRODUCTS PRECURSOR REMOVAL - Collected at the Treatment Plant**

Substance (with units)	Year Sampled	Compliance Achieved	MCLG	MCL	Range of % Removal Required	Range of % Removal Achieved	Number of Quarters Out of Compliance	Typical Source
Total Organic Carbon (TOC)	2022	Yes	NA	TT	35%	38% to 49%	0	Naturally present in the environment.

**TURBIDITY - Continuous Monitoring at the Treatment Plant**

Substance (with units)	Year Sampled	Compliance Achieved	MCLG	MCL	Highest Single Measurement and Lowest Monthly % of Samples $\leq 0.3$ NTU	Sample Date of Highest and Lowest Compliance Result	Typical Source
Turbidity (NTU)	2022	Yes	0	TT: Single result $>1$ NTU	0.620	11/08/2022	Soil runoff.
	2022	Yes	NA	TT: At least 95% of samples $\leq 0.3$ NTU	99.96%	November 2022	Soil runoff.

**OTHER REGULATED SUBSTANCES - Collected at the Treatment Plant**

Substance (with units)	Year Sampled	Compliance Achieved	MCLG	MCL/SMCL	Highest Compliance Result	Range Detected	Typical Source
Arsenic (ppb)	2021-2022	Yes	0	10	1	ND to 1	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
Nitrate (ppm)	2022	Yes	10	10	0.71	Single Sample	Runoff from fertilizer use; industrial or domestic wastewater discharges; erosion of natural deposits.
Fluoride (ppm)	2021-2022	Yes	2	2	0.72	ND to 0.72	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2,4'-D (ppb)	2022	Yes	70	70	0.3	0.1 to 0.3	Runoff from herbicide used on row crops
Simazine (ppb)	2022	Yes	4	4	0.49	0.27 to 0.49	Herbicide runoff
Sodium (ppm) <sup>1</sup>	2022	NA	NA	NA	82	Single Sample	Sodium is a natural constituent of raw water, but its concentration can be increased by pollution sources such as rock salt treatment, run-off, and detergents.

<sup>1</sup> - For healthy individuals the sodium intake from water is not important because a much greater intake of sodium takes place from salt in the diet. However, sodium levels above the recommended upper limit of 20 ppm may be of concern to individuals on a sodium restricted diet.

**OTHER SUBSTANCES OF INTEREST - Collected at the Treatment Plant**

Substance (with units)	Year Sampled	Average Result	Comments
pH	2022	7.4	pH is a measure of the acid/base properties of water.
Total Hardness (ppm)	2022	65 (3.8 grains per gallon)	Naturally occurring. Represents the total concentration of calcium and magnesium ions, reported as calcium carbonate.
Iron (ppm) <sup>1</sup>	2022	0.02	Corrosion of pipes; Leaching of iron salts from soil and rocks; Industrial pollution. Essential dietary trace nutrient.
Manganese (ppm) <sup>2</sup>	2022	0.03	Naturally-occurring elemental metal; Largely used in aluminum alloy production. Essential dietary trace nutrient.

<sup>1</sup> - The SMCL for iron is 0.3 ppm. Iron levels above the SMCL can result in problems with staining and discoloration.

<sup>2</sup> - The SMCL for manganese is 0.05 ppm. Manganese levels above the SMCL can result in problems with staining and discoloration.

## PFAS MONITORING

Before the Pennsylvania Department of Environmental Protection set maximum contaminant levels for PFAS, Pennsylvania American Water performed voluntary sampling to better understand the occurrence of certain PFAS in drinking water sources. This voluntary sampling effort was necessary because protecting public health is always the number one priority. Collecting PFAS data from all our drinking water sources in the state has allowed us to compare our results against health advisory levels set by the EPA, and MCL's set by the state.

PFAS Chemicals					
Parameter	Year Sampled	Units	Average Result	Range Detected	Typical Source
Perfluorooctanoic Acid (PFOA)	2021	ppt	ND	Single Sample	Manufactured chemical(s); used in household goods for stain, grease, heat and water resistance
Perfluorooctanesulfonic Acid (PFOS)	2021	ppt	ND	Single Sample	

In 2022, U.S. EPA set health advisory levels for four PFAS chemicals – PFOA (0.004 part per trillion (ppt)), PFOS (0.02 ppt), GenX (10 ppt), and PFBS (2,000 ppt). These are interim health advisory levels and will remain in place until EPA establishes a National Primary Drinking Water Regulation. Based on current analytical methods, however, the health advisory levels for PFOA and PFOS are below the level of both detection (determining whether or not a substance is present) and quantitation (the ability to reliably determine how much of a substance is present). This means that it is possible for PFOA or PFOS to be present in drinking water at levels that exceed health advisories even if testing indicates no level of these chemicals.

On January 14, 2023, changes to PA Code 25, Chapter 109 were published in the Pennsylvania Bulletin establishing MCLs and monitoring requirements for PFAS. The regulation sets a maximum contaminant level of 14 ppt for PFOA, and 18 ppt for PFOS. Initial required monitoring will begin in January 2024.

Finally, PFAS chemicals are unique, so two PFAS chemicals at the same level typically do not present the same risk. Therefore, you should not compare the results for one PFAS chemical against the results of another.

For more information on PFAS, please visit <https://www.amwater.com/resources/pdf/american-water-PFAS.pdf>.

# PAWC TESTING SCHEDULE

Contaminant	Contaminant Code	Contaminant Group	Current/Next Sampling Period	Sample Location	No. of Samples	Monitoring Reporting Frequency
TOTAL CHLORINE	1000	DDBP	EACH MONTH	DISTRIBUTION	2	MONTHLY, IF USED
FREE CHLORINE	1013	DDBP	EACH MONTH	DISTRIBUTION	2	MONTHLY, IF USED
LEAD/COPPER GROUP CONTAMINANT	5000	LCR	06/01/2025 THROUGH 09/30/2025	DISTRIBUTION	10	THREE YEARS
TOTAL COLIFORM PRESENCE	3100	TCR	EACH MONTH	DISTRIBUTION	2	MONTHLY
TRIHALOMETHANES (TTHM)	2950	DDBP	JANUARY 16, APRIL 16, JULY 16, OCTOBER 16	DISTRIBUTION 700	1	QUARTERLY
HALOACETIC ACIDS (HAA5)	2456	DDBP	JANUARY 16, APRIL 16, JULY 16, OCTOBER 16	DISTRIBUTION 701	1	QUARTERLY
FREE CHLORINE	1013	DDBP	REPORTED MONTHLY	ENTRY POINT 101	.	CONTINUOUS ANALYZER
ARSENIC (IOC)	1005	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
BARIUM (IOC)	1010	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
CADMIUM (IOC)	1015	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
CHROMIUM (IOC)	1020	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
CYANIDE (FREE) (IOC)	1024	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL

\* No. of Samples for Total Coliform Presence may change throughout the year, refer to your RTCR Monitoring Plan.

\* Stage 2 DBP samples for TTHM/HAA5s must be collected within plus or minus 3 days of the date listed in "Current or Next Sampling Period" field. One date is created for each calendar quarter.

\* Monitoring Requirements are updated in February of each year to reflect changes caused by end of year monitoring compliance determination.

\* The monitoring requirements listed above are subject to change based on routine monitoring results.

Contaminant	Contaminant Code	Contaminant Group	Current/Next Sampling Period	Sample Location	No. of Samples	Monitoring Reporting Frequency
CARBOFURAN (SOC)	2046	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
ATRAZINE (SOC)	2050	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
ALACHLOR (SOC)	2051	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
2,3,7,8-TCDD (DIOXIN) (SOC)	2063	SOC	EACH CALENDAR QUARTER	ENTRY POINT 101	1	QUARTERLY, INITIAL
HEPTACHLOR (SOC)	2065	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
HEPTACHLOR EPOXIDE (SOC)	2067	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
2,4-D (SOC)	2105	SOC	DURING QUARTER WITH HIGHEST HISTORICAL RESULT	ENTRY POINT 101	1	ANNUAL (PREV. DET.)
2,4,5-TP SILVEX (SOC)	2110	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
HEXACHLOROBENZENE (SOC)	2274	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS

\* No. of Samples for Total Coliform Presence may change throughout the year, refer to your RTCR Monitoring Plan.

\* Stage 2 DBP samples for TTHM/HAA5s must be collected within plus or minus 3 days of the date listed in "Current or Next Sampling Period" field. One date is created for each calendar quarter.

\* Monitoring Requirements are updated in February of each year to reflect changes caused by end of year monitoring compliance determination.

\* The monitoring requirements listed above are subject to change based on routine monitoring results.

Contaminant	Contaminant Code	Contaminant Group	Current/Next Sampling Period	Sample Location	No. of Samples	Monitoring Reporting Frequency
RADIUM-226	4020	RAD	01/01/2024 THROUGH 12/31/2024	ENTRY POINT 101	1	NINE YEARS
RADIUM-228	4030	RAD	01/01/2024 THROUGH 12/31/2024	ENTRY POINT 101	1	NINE YEARS
ENDRIN (SOC)	2005	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
LINDANE (SOC)	2010	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
METHOXYCHLOR (SOC)	2015	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
TOXAPHENE (SOC)	2020	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
DALAPON (SOC)	2031	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
DIQUAT (SOC)	2032	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
ENDOTHALL (SOC)	2033	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS

\* No. of Samples for Total Coliform Presence may change throughout the year, refer to your RTCR Monitoring Plan.

\* Stage 2 DBP samples for TTHM/HAA5s must be collected within plus or minus 3 days of the date listed in "Current or Next Sampling Period" field. One date is created for each calendar quarter.

\* Monitoring Requirements are updated in February of each year to reflect changes caused by end of year monitoring compliance determination.

\* The monitoring requirements listed above are subject to change based on routine monitoring results.

Contaminant	Contaminant Code	Contaminant Group	Current/Next Sampling Period	Sample Location	No. of Samples	Monitoring Reporting Frequency
GLYPHOSATE (SOC)	2034	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
DI (2-ETHYLHEXYL) ADIPATE (SOC)	2035	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
OXYMAL (VYDATE) (SOC)	2036	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
SIMAZINE (SOC)	2037	SOC	DURING QUARTER WITH HIGHEST HISTORICAL RESULT	ENTRY POINT 101	1	ANNUAL (PREV. DET.)
DI (2-ETHYLHEXYL) PHTHALATE (S	2039	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
PICLORAM (SOC)	2040	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
DINOSEB (SOC)	2041	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS
HEXACHLOROCYCLOPENTADIENE(SOC)	2042	SOC	REQUIRED DURING SECOND QUARTER OF 2023	ENTRY POINT 101	1	THREE YEARS

\* No. of Samples for Total Coliform Presence may change throughout the year, refer to your RTCR Monitoring Plan.

\* Stage 2 DBP samples for TTHM/HAA5s must be collected within plus or minus 3 days of the date listed in "Current or Next Sampling Period" field. One date is created for each calendar quarter.

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Contaminant	Contaminant Code	Contaminant Group	Current/Next Sampling Period	Sample Location	No. of Samples	Monitoring Reporting Frequency
FLUORIDE (IOC)	1025	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
MERCURY (IOC)	1035	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
NICKEL (IOC)	1036	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
SELENIUM (IOC)	1045	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
ANTIMONY (IOC)	1074	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
BERYLLIUM (IOC)	1075	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
THALLIUM (IOC)	1085	IOC	BY THE END OF EACH YEAR	ENTRY POINT 101	1	ANNUAL
NITRATE	1040	NTRT	DURING QUARTER WITH HIGHEST HISTORICAL RESULT	ENTRY POINT 101	1	ANNUAL
NITRITE	1041	NTRT	DURING QUARTER WITH HIGHEST HISTORICAL RESULT	ENTRY POINT 101	1	ANNUAL
GROSS ALPHA	4002	RAD	01/01/2024 THROUGH 12/31/2024	ENTRY POINT 101	1	NINE YEARS
COMBINED URANIUM	4006	RAD	01/01/2030 THROUGH 12/31/2030	ENTRY POINT 101	1	NINE YEARS

\* No. of Samples for Total Coliform Presence may change throughout the year, refer to your RTCR Monitoring Plan.

\* Stage 2 DBP samples for TTHM/HAA5s must be collected within plus or minus 3 days of the date listed in "Current or Next Sampling Period" field. One date is created for each calendar quarter.

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> [AG Shapiro Announces Plea, Public Water Line Construction for Victims of Cabot Oil & Gas](#)

# COTERRA CONVICTION OF WATER CONTAMINATION IN 2022

NOVEMBER 29, 2022 | TOPIC:

CRIMINAL

SHARE

**SUSQUEHANNA COUNTY**—Attorney General Josh Shapiro today announced that Coterra Energy Inc., formerly known as Cabot, pleaded no contest to charges related to environmental crimes in Northeastern Pennsylvania. As part of the plea Coterra will fund the construction of a new public water supply in Susquehanna County.

“Residents of Dimock have waited far too long for the clean water Pennsylvania’s Constitution is supposed to guarantee all. **General Josh Shapiro** at a press conference today in Susquehanna County. “Today, Coterra, the corporate successor of Cabot, accepted full responsibility for the crimes Cabot committed that polluted resident’s water. Under this historic settlement, Coterra will fund a new public water line that will provide clean, reliable drinking water for generations to come.”

The Pennsylvania Office of Attorney General charged Coterra Energy Inc. in 2020 after a Grand Jury investigation into the contamination of water in Dimock, Susquehanna County. The investigation revealed that the company’s activities associated with drilling and operating unconventional gas wells were responsible for methane pollution in the local water supply. This contamination led to multiple residents suffering from impacts to their own personal water supplies, including the explosion of Norma Fiorentino’s drinking water in January 2009.

During the investigation, the Grand Jury heard testimony from several residents who shared stories of their water becoming unusable after allowing Coterra to drill wells on their property. In some cases the water was so contaminated it even caught fire. These families were forced to stop drinking their water as it was impacted with metals and high levels of methane. In order to supply water with this necessity, residents had to travel miles to pick up drinking water.

When one resident contacted the Pennsylvania Department of Environmental Protection to ask when their water would be clean again, they were told that the water would be clean again in several years. A decade later, at the time of their appearance before the grand jury, the water had remained unresolved.

Today, Coterra entered a plea to Prohibition Against Discharge of Industrial Wastes, a violation of the Clean Streams Law. As part of the agreement, Coterra will pay \$16.29 million toward a new regulated public water line as well as payment of 75 years of water supply for impacted homeowners. This money will also be used to provide treatment systems to treat the homeowners’ water supply while the public water line is under construction.

“This agreement brings justice to the residents of Dimock who for years had been ignored,” said AG Shapiro. “People across Pennsylvania remember what happened here in Dimock, and now, they will know the rule of law won the day. Companies will take notice and not allow communities like this to be taken advantage of or forgotten.”

The agreement is the result of years of thorough investigation and evaluation by independent experts to sample and analyze water contamination and develop an engineering plan that would best serve the needs of the residents of Dimock. The construction of the water line will be overseen by Pennsylvania American Water Company, a company with years of experience providing water service throughout the Commonwealth, that is currently serving nearly 19% of Pennsylvanians. While it will take time to construct, this water line will provide the residents of Dimock with clean, safe drinking water when they turn on their tap. Access to this clean water is a right that has been denied to these homeowners for more than a decade.

###

# DEP WATER TEST RESULTS FOR VERA SCROGGINS



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

March 30, 2021

Vera Scroggins  
71 Gus Park Lane  
Brackney, PA 18812

Re: Water Supply Request for Investigation #354706  
58 Pa. C.S. § 3218 Determination - Further Investigation Needed  
Silver Lake Township, Susquehanna County

Dear Ms. Scroggins:

The Department of Environmental Protection (“Department”) began its investigation of your water supply well located at the above referenced address (“Water Supply”) in response to a complaint received on February 8, 2021 regarding an increase in iron bacteria in your water supply. Based on information obtained to date, further investigation is necessary by the Department to determine whether the Water Supply has been affected as a result of oil and gas activities including but not limited to the drilling, alteration, or operation of an oil or gas well and, if affected, to determine the person or entity responsible.

On March 9, 2021 the Department collected samples from your water supply. The samples were submitted to the Department’s laboratory in Harrisburg for analysis. The analytical reports for the samples are included, as well as documents that will assist you with interpreting the sample results.

The sample results showed that turbidity was detected above Department standards. Turbidity was detected at 2.59 nephelometric turbidity units (NTU) which exceeds the primary maximum contaminant level (MCL) of 1 NTU. Primary MCLs are intended to reflect potential dangers to human health, while secondary MCLs reflect the aesthetics of the water (i.e. taste, smell, etc.). It should be noted that the primary turbidity MCL is only applicable to regulated surface water sources or regulated groundwater sources under the direct influence of surface water.

Please see the enclosed table for the results of samples collected from your Water Supply by the Department with comparison to applicable standards.

Upon completion, we will notify you of the results of the investigation and any further determination by the Department regarding your Water Supply.

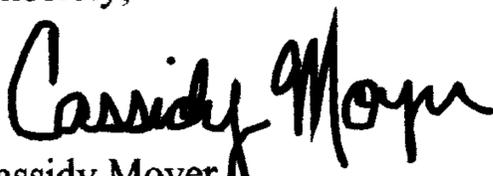
CID #354706

2

March 30, 2021

Please contact Cassidy Moyer at (570) 346-5537 if you have any questions about the Department's continuing investigation of your Water Supply.

Sincerely,



Cassidy Moyer  
Water Quality Specialist  
District Oil and Gas Operations

**Enclosures:**

Fact Sheet – Interpreting Water Supply Results  
Results Table  
Sample Results

cc: Briana Cunningham  
Mike O'Donnell  
Carrie Knapp  
Complaint File #: 354706

(2)

**Table 1: Laboratory Analytical Results**

Results in mg/L unless otherwise noted.	Pre-Drill	DEP Sample	MCL
	Test America	O2021001245 I2021003828 B2021000554	(mg/L)
	1-26-2010	3-9-2021	* Denotes Primary MCL
Methane	<0.0260	<0.0116	**7
Ethane	<0.0260	<0.0124	No Standard
Propane	<0.0340	<0.0142	No Standard
Alkalinity	105	149.2	No Standard
Aluminum	-	<0.0150	0.2
Arsenic	<0.0100	<0.00300	*0.01
Barium	0.0577	0.052	*2
Bromide	-	<0.2	No Standard
Calcium	25.6	30.300	No Standard
Hardness	-	115	No Standard
Iron	<0.0500	0.263	0.3
Lithium	-	<0.0250	No Standard
Magnesium	7.87	9.54	No Standard
Manganese	<0.0150	<0.010	0.05
pH (units)	6.70	7.0	6.5-8.5
Potassium	1.05	1.04	No Standard
Selenium	<0.0100	<0.00700	*0.05
Sodium	23.6	27.50	No Standard
SPC (uS/cm)	318	332.00	No Standard
Strontium	-	0.046	No Standard
Total Chloride	23.7	5.27	250
TDS	171	180	500
Total Sulfate	16.7	14.70	250
TSS	<1.00	<5	No Standard
Turbidity	<1.00	<b>2.59</b>	*1 NTU
Zinc	-	<0.0300	5
Total Coliform	-	<1/100mL	1 MPN/100 mL
E. Coli	-	<1/100mL	1 MPN/100 mL
Iron-related	-	<20/mL	No Standard
Sulfate-reducing	-	<75/mL	No Standard
Slime-forming	-	2200/mL	No Standard

Highlighting indicates an exceeded standard or level

\*\* 7 mg/L represents the Department's official action level for dissolved methane in groundwater.

< analyte not observed above the detection limit

~ not analyzed

# EXHIBITS

B

Vera Scroggins

Brackney, Pa.

607-237-9685

RCVD PUC SEC BLUR  
APR 3 2023 AM 11:01

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Craig Stevens <clsraigstevens@gmail.com>  
To: A Ray Kemble <raykem55@gmail.com>, A John Kotsatos <jk@lawjek.com>

Thu, Dec 8, 2022 at 12:44 PM

----- Forwarded message -----

From: **Craig Stevens** <clsraigstevens@gmail.com>  
Date: Thu, Dec 8, 2022 at 12:37 PM  
Subject: Fwd: hi, Mr. Kessler; question about water testing? Kessler response today?! No specific answers supplied. !  
To: <justin.ladner@amwater.com>, susan.turcmanovich@amwater.com <susan.turcmanovich@amwater.com>  
Cc: A Vera Scroggins <Veraduerga@gmail.com>

Hello Mr Ladner And Susan,

My name is Craig Stevens and I am sending you an email chain that was sent to Don Kessler by my friend and neighbor Vera Scroggins. We are asking about water testing at Lake Montrose and Dimock. I will also be forwarding an email of Mr Kessler answering questions to the Montrose Borough Council on Monday December 5th regarding the \$16.29 Million Dollar PAWC project for the families in Dimock.

I have a PAWC Commercial Hydrant Account for the past 11 years that has been used to get Potable Water to my neighbors in Dimock since their Water Deliveries from Cabot were stopped November 30th 2011. I worked directly with Kathy Pape to install the Water Hydrant and moving it out of Montrose when they attempted to charge the property owner \$500 per day for Zoning Violations in 2012 to stop the water to Dimock.

We would like specific answers to the questions Vera has asked Mr Kessler in the emails below.

Vera and I were involved in the original meetings with PAAG Shapiro on May 4th 2017 that started the original investigation that culminated in the Criminal Charges against Cabot and the Dimock Water Project. We would All appreciate a transparent and open dialogue with your team due to the Massive amount of International interest in this issue and the Resolution of getting Clean, Safe Water to the Dimock families.

Thank You For Your Help In Advance In Getting The Answers To Our Questions

Craig Stevens  
Patriots From The Oil & Gas Shales  
6th Generation Landowner  
Silver Lake Township  
Susquehanna County PA.



Vera Scroggins <veraduerga@gmail.com>

---

**hi, Don, need water quality test reports for 2019 , 2018, 2017, 2016, 2015, 2014**

1 message

---

**Vera Scroggins** <veraduerga@gmail.com>  
To: Don A Kessler <Don.Kessler@amwater.com>

Wed, Dec 6, 2023 at 1:18 PM

hi, Don,

I can't find these reports online.

Please send me.

When was the last time PAWC tested for radium 226, radium 228, and combined uranium in Montrose Lake Source Water?

thanks,

Vera Scroggins

607-237-9685



Vera Scroggins &lt;veraduerga@gmail.com&gt;

---

**hi, need info on water ? at the Montrose Treatment Plant.**

4 messages

---

**Vera Scroggins** <veraduerga@gmail.com>

Thu, Dec 7, 2023 at 10:01 AM

To: justin.ladner@amwater.com, Susan.Turcmanovich@amwater.com

Bcc: Craig Stevens &lt;clsraigstevens@gmail.com&gt;

hi, Justin:

I am looking at water quality reports for the Montrose, Pa. water system.

I only see three years on your website.

How to get copies of previous years?

I would like to see six previous years reports.

can you help me with this?

also, when the water report says, "Collected at the Treatment Plant", does this mean collected at "point of entry" before treatment?

what are results after treatment? are these reported and public?

and a number of things are tested for annually and I don't see all of those in the reports. why?

and I would like to see the radiation results, radiums and uraniums and gross alpha? I see they are tested for every nine years?

is this the EPA and DEP requirements of every nine years?

when were the radiation results last tested at the Montrose Treatment Plant?

is there someone else I can talk to also about these questions connected with Montrose Treatment Plant?

thank you for your help with this,

Vera Scroggins

PAWC Customer Account Number: 1024-210033850897

Susquehanna County, Pa.

Montrose, Pa.

607-237-9685

---

**Vera Scroggins** <veraduerga@gmail.com>

Thu, Dec 7, 2023 at 10:03 AM

To: david.misner@amwater.com, Kara.Rahn@amwater.com

----- Forwarded message -----

From: **Vera Scroggins** <veraduerga@gmail.com>

Date: Thu, Dec 7, 2023 at 10:01 AM

Subject: hi, need info on water ? at the Montrose Treatment Plant.

To: &lt;justin.ladner@amwater.com&gt;, &lt;Susan.Turcmanovich@amwater.com&gt;

hi, Justin and PAWC:

[Quoted text hidden]

---

**David J Misner** <David.Misner@amwater.com>

Thu, Dec 7, 2023 at 10:09 AM

To: Vera Scroggins &lt;veraduerga@gmail.com&gt;

Cc: Justin L Ladner <Justin.L.Ladner@amwater.com>, Susan M Turcmanovich <Susan.Turcmanovich@amwater.com>, Kara C Rahn <Kara.Rahn@amwater.com>

Hi Vera,

Thank you for reaching out.

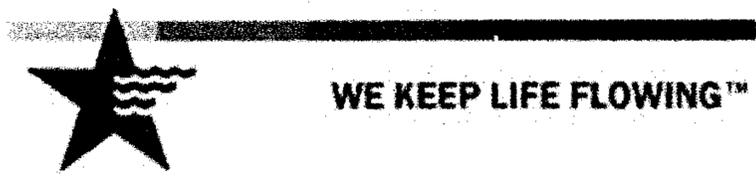
We'll connect with our water quality team to get answers to your questions and will get back to you shortly.

In the meantime, if there is anything else you need, please let me know.

Kind regards,

**David James Misner**  
External Affairs Manager  
Pennsylvania American Water

852 Wesley Drive  
Mechanicsburg, PA 17055  
C: 717-261-7525  
E: david.misner@amwater.com



---

**From:** Vera Scroggins <veraduerga@gmail.com>  
**Sent:** Thursday, December 7, 2023 10:04 AM  
**To:** David J Misner <David.Misner@amwater.com>; Kara C Rahn <Kara.Rahn@amwater.com>  
**Subject:** Fwd: hi, need info on water ? at the Montrose Treatment Plant.

**EXTERNAL EMAIL: The Actual Sender of this email is veraduerga@gmail.com "Think before you click!"**

[Quoted text hidden]  
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damage caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water St. Camden, NJ. 08102 www.amwater.com

---

**Vera Scroggins** <veraduerga@gmail.com>  
To: Craig Stevens <clsraigstevens@gmail.com>

Thu, Dec 7, 2023 at 10:32 AM

I sent this email below to several in PAWC.



Vera Scroggins &lt;veraduerga@gmail.com&gt;

---

**hi, Mr. Kessler; question about water testing?**

9 messages

---

**Vera Scroggins** <veraduerga@gmail.com>  
 To: Don.Kessler@amwater.com

Tue, Dec 6, 2022 at 2:04 PM

hi, Don,

I heard you speak yesterday at Montrose Borough Meeting.

Can you send a list of what PA American Water tests for at their Montrose Lake Treatment Facility?

Do you test for any gas drilling, fracking possible contaminants like heavy metals, solvents, radiums, VOC's, Benzene, gases like methane, ethane, propane, ethylene glycol, barium, manganese, lithium, selenium, strontium, arsenic, toluene, etc..?

Do you test for the gas industry pollutants and impacts similar to the suite that DEP tests for? Gas Wells are near Montrose Lake.

and can you send me a recent set of water test results before and after treatment?

how often do you test the water at Montrose Lake?

thanks, for your help with this,

Vera Scroggins  
Brackney, Pa.  
607-237-9685

---

**Vera Scroggins** <veraduerga@gmail.com> Tue, Dec 6, 2022 at 2:05 PM  
 To: VICTORIA SWITZER <yoko@epix.net>, Ray Kemble <ray\_kem@yahoo.com>, Craig Stevens <clsraigstevens@gmail.com>, Nolen Ely <nolenely@yahoo.com>, Hope Forpeace <hopeforpeacenow@gmail.com>, Barbara Clifford <bclifford49@gmail.com>

I just sent this email and request for info to Don Kessler.

Vera  
[Quoted text hidden]

---

**(null) yoko** <yoko@epix.net> Tue, Dec 6, 2022 at 2:15 PM  
 To: Vera Scroggins <veraduerga@gmail.com>

Good work Vera

Sent from my iPhone

On Dec 6, 2022, at 2:07 PM, Vera Scroggins &lt;veraduerga@gmail.com&gt; wrote:

[Quoted text hidden]

12/7/23, 10:34 AM

Gmail - hi, Mr. Kessler, question about water testing?

**Vera Scroggins** <veraduerga@gmail.com>  
To: "(null) yoko" <yoko@epix.net>

Tue, Dec 6, 2022 at 6:03 PM

Thanks

Will see if and when he answers

[Quoted text hidden]

---

**Barbara Clifford** <bclifford49@gmail.com>  
To: Vera Scroggins <veraduerga@gmail.com>  
Cc: VICTORIA SWITZER <yoko@epix.net>, Ray Kemble <ray\_kem@yahoo.com>, Craig Stevens <clscraigstevens@gmail.com>, Nolen Ely <nolenely@yahoo.com>, Hope Forpeace <hopeforpeacenow@gmail.com>

Tue, Dec 6, 2022 at 8:03 PM

My questions too.  
Thank you for following up so specifically!

B.  
[Quoted text hidden]

---

**Vera Scroggins** <veraduerga@gmail.com>  
To: Barbara Clifford <bclifford49@gmail.com>

Tue, Dec 6, 2022 at 8:06 PM

You're welcome

Have to be very specific, so they can't wiggle out of it.

Will see how he answers..

[Quoted text hidden]

---

**Don A Kessler** <Don.Kessler@amwater.com>  
To: Vera Scroggins <veraduerga@gmail.com>

Thu, Dec 8, 2022 at 7:26 AM

Ms. Scroggins

Feel free to visit Pa American Water web site at <https://www.amwater.com/paaw/> and hover over Water Quality in the banner at the top. In the drop down click on Water Quality Reports. You will be able to scroll down and find the Montrose system and bring up the Water Quality report that includes testing results that PA American Water provides.

The source water monitoring along with the finished water monitoring are performed according to PA Department of Environmental Protection (PA DEP) Safe Drinking water regulations. Those regulations can be found at PA DEP website

Don A. Kessler, Jr  
Sr. Manager NEPA Operations  
88 Willow Ave  
Susquehanna, PA 18847

**From:** Vera Scroggins <veraduerga@gmail.com>  
**Sent:** Tuesday, December 6, 2022 2:04 PM  
**To:** Don A Kessler <Don.Kessler@amwater.com>  
**Subject:** hi, Mr. Kessler; question about water testing?

**EXTERNAL EMAIL: The Actual Sender of this email is veraduerga@gmail.com "Think before you click!".**

[Quoted text hidden]

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**Vera Scroggins** <veraduerga@gmail.com>  
**To:** Don A Kessler <Don.Kessler@amwater.com>

Thu, Dec 8, 2022 at 10:46 AM

Mr. Kessler:

Please answer specifically my specific questions.

Either yes or no and the proof showing if "yes".

thank you for your attention to this,

Vera Scroggins  
607-237-9685

[Quoted text hidden]

---

**Don A Kessler** <Don.Kessler@amwater.com>  
**To:** Vera Scroggins <veraduerga@gmail.com>

Thu, Dec 8, 2022 at 11:24 AM

Ms Scroggins

The information below is all that I will be supplying.

Thanks  
Don Kessler

---

**From:** Vera Scroggins <veraduerga@gmail.com>  
**Sent:** Thursday, December 8, 2022 10:46 AM  
**To:** Don A Kessler <Don.Kessler@amwater.com>  
**Subject:** Re: hi, Mr. Kessler; question about water testing?

[Quoted text hidden]

[Quoted text hidden]



Vera Scroggins <veraduerga@gmail.com>

---

**hi, Don, need water quality test reports for 2019 , 2018, 2017, 2016, 2015, 2014**

1 message

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**Vera Scroggins** <veraduerga@gmail.com>  
To: Don A Kessler <Don.Kessler@amwater.com>

Wed, Dec 6, 2023 at 1:18 PM

hi, Don,

I can't find these reports online.

Please send me.

When was the last time PAWC tested for radium 226, radium 228, and combined uranium in Montrose Lake Source Water?

thanks,  
Vera Scroggins  
607-237-9685



## What are the Sources of Contaminants?

To provide tap water that is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. U.S. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be

obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, aquifers and/or groundwater. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

### SPECIAL HEALTH INFORMATION

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

### CONTAMINANTS THAT MAY BE PRESENT IN SOURCE WATER INCLUDE:

Microbial Contaminants	such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
Inorganic Contaminants	such as salts and metals, which can be naturally occurring or may result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
Pesticides and Herbicides	which may come from a variety of sources, such as agriculture, urban storm water runoff, and residential uses.
Organic Chemical Contaminants	including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and may also, come from gas stations, urban storm water runoff, and septic systems.
Radioactive Contaminants	which can be naturally occurring or may be the result of oil and gas production and mining activities.

# Water Quality Results

Pennsylvania American Water conducts extensive monitoring to determine if your water meets all water quality standards. The detections of our monitoring are reported in the following tables. While most monitoring was conducted in 2022, certain substances are monitored less than once per year because the levels do not change frequently. For help with interpreting the tables below, see the "Definition of Terms" on the previous page. Some unregulated substances are measured, but maximum contaminant levels have not been established by the government. These contaminants are shown for your information.

**NOTE: Regulated contaminants not listed in this table were not found in the treated water supply.**

LEAD AND COPPER MONITORING PROGRAM - At least 10 tap water samples collected at customers' taps every 3-years.								
Substance (with units)	Year Sampled	Compliance Achieved	MCLG	Action Level (AL)	90 <sup>th</sup> Percentile	No. of Homes Sampled	Homes Above Action Level	Typical Source
Lead (ppb)	2022	Yes	0	15	8	10	1	Corrosion of household plumbing systems.
Copper (ppm)	2022	Yes	1.3	1.3	0.343	10	0	Corrosion of household plumbing systems.

REVISED TOTAL COLIFORM RULE - At least 2 samples collected each month in the distribution system						
Substance (with units)	Year Sampled	Compliance Achieved	MCLG	MCL	Highest No. of Samples	Typical Source
Total Coliform <sup>1</sup>	2022	Yes	0	*TT = No more than 1 positive monthly sample	0	Naturally present in the environment.
E. Coli <sup>2</sup>	2022	Yes	0	MCL = No confirmed samples	0	Human and animal fecal waste.

NOTE: Coliforms are bacteria that are naturally present in the environment and are used as an indicator of the general bacteriological quality of the water. We are reporting the highest percentage of positive samples / highest number of positive samples in any month.

1 - The Treatment Technique for Total Coliforms requires that if the maximum number of total coliform positive samples are exceeded a system assessment must be conducted, any sanitary defects identified, and corrective actions completed. Additional Level 1 Assessments or Level 2 Assessments are required depending on the circumstances.

2 - The Treatment Technique for E. Coli requires that for any total coliform positive routine sample with one or more total coliform positive check samples and an E. coli positive result for any of the samples a Level 2 Assessment must be conducted, any sanitary defects identified, and corrective actions completed. The E. Coli MCL is exceeded if routine and repeat samples are total coliform-positive and either is E. coli-positive, or the system fails to take repeat samples following an E. coli-positive routine sample, or the system fails to analyze total coliform-positive repeat samples for E. coli..

# **EXHIBIT B**

**is sent in two parts.**

**Has total of 22 pages excluding cover page.**

**I had trouble with my scanner.**

**C-2023-3039609 – VERA SCROGGINS v. PENNSYLVANIA AMERICAN  
WATER COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Response to Interim Order on Preliminary Objections and Amended Formal Complaint with Exhibits upon the parties listed below, in accordance with the requirements of 52 Pa. Code 1.54 (relating to service by a party)

VIA First Class U.S. Mail and eService

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Vera Scroggins  
71 Gus Park Lane  
Brackney, Pa. 18812  
Dated: December 8, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VERA SCROGGINS	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3039609
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objections upon the party listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA First Class U.S. Mail

Vera Scroggins  
71 Gus Park Lane  
Brackney, PA 18812



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Michael A. Gruin

DATED: January 2, 2024