



GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 28, 2024

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

Re: I&E Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Rock Spring Water Company, Docket No. P-2024-3051313

Dear Secretary Chiavetta:

Enclosed please find the Commonwealth of Pennsylvania, Department of Environmental Protection's Petition to Intervene at the above-referenced proceeding.

Should you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Amanda K. Chaplin".

Amanda K. Chaplin  
Assistant Counsel

Enclosure: (Petition to Intervene)

c: Parties of Record

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
INVESTIGATION AND ENFORCEMENT,

v.

ROCK SPRING WATER COMPANY

:  
:  
:  
: P-2024-3051313  
: I-2024-  
:  
:  
:

**PETITION TO INTERVENE OF THE DEPARTMENT OF ENVIRONMENTAL  
PROTECTION IN SECTION 529 INVESTIGATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), through its undersigned counsel, and files this Petition to Intervene, pursuant to 52 Pa. Code §§ 5.71-5.75. In support of its Petition to Intervene, the Department avers the following:

1. The name and address for the Department are:

Department of Environmental Protection  
Northcentral Regional Office  
208 West Third Street, Suite 101  
Williamsport, PA 17701

2. The Department’s attorney for this matter is:

Amanda Chaplin, PA I.D. No. 314076  
Assistant Counsel  
Northcentral Regional Office  
208 West Third Street, Suite 101  
Williamsport, PA 17701  
E-mail: [achaplin@pa.gov](mailto:achaplin@pa.gov)  
Phone: 570-321-6568  
Fax: 570-327-3565

3. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S.

§ 721.1 *et seq.* (“Safe Drinking Water Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17; and the rules and regulations promulgated thereunder.

4. Rock Spring Water Company (“Rock Spring”) is a Pennsylvania corporation maintaining a mailing address of 1750 Tadpole Road, Pennsylvania Furnace, Pennsylvania 16865. Rock Spring is a “public utility” as that term is defined by 66 Pa. C.S. § 102 as it is engaged in providing water service to the public pursuant to a certificate of public convenience issued in 1947 by the Commission.

5. Rock Spring owns a public water system that serves approximately 1,000 people with approximately 494 connections.

6. On September 20, 2024, the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“Bureau”) filed a Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of the Rock Spring Water Company (“Petition”).

7. In its Petition, the Bureau asks the Commission to investigate whether a capable public utility should acquire Rock Spring.

8. On June 13, 2013, the Commission adopted the Recommended Decision of Administrative Law Judge Susan D. Colwell at *Pa. P.U.C. v. Rock Spring Water Company*, Docket No. R-2012-2336662, and approved the Joint Petition for Settlement of All Issues in Rate Proceeding (“Joint Settlement”).

9. In its Petition, the Bureau outlines how Rock Spring has failed to comply with the Joint Settlement, including failure to reduce its unaccounted-for water loss, failure to install isolation valves, and failure to make efforts to sell the public water system and provide the status of those negotiations to the Bureau and the Office of Consumer Advocate.

10. As noted in the Bureau's Petition, the Department has taken several enforcement actions against Rock Spring due to its failure to comply with the Safe Drinking Water Act, 35 P.S. § 721.1 *et seq.*, and the Department's rules and regulations.

11. On August 27, 2018, the Department issued an administrative order to Rock Spring Pursuant to Section 5 of the Safe Drinking Water Act, 35 P.S. § 721.5, ("Department Order"). A true and accurate copy of the Department's Order is attached as "Exhibit A" and is incorporated by reference as if fully set forth herein.

12. The Department Order required Rock Spring to, in part, submit to the Department a Corrective Action Plan ("CAP"), prepared by a professional engineer, that was to include the actions and schedule to reduce Rock Spring's unaccounted water loss to a running annual average of 30% or less within five years. The CAP was required to include at a minimum: (a) an accurate estimate of the current unaccounted water loss; (b) detailed map(s) of the entire distribution system; (c) a systematic method and schedule for evaluating the entire distribution system water loss, with known problem areas being prioritized; and (d) a prompt plan of line replacement upon identification of leaks, with line replacements made within the timeframe approved within the CAP. The Department Order further required Rock Spring to implement the CAP as approved by the Department.

13. On March 28, 2019, Rock Spring submitted a CAP to the Department pursuant to Paragraph 1 of the Department Order. On April 17, 2019, Rock Spring submitted revisions to the Department for the March 28, 2019, CAP. The March 28, 2019, CAP and the April 17, 2019, revision thereto are hereby collectively referred to as the "2019 CAP".

14. On April 24, 2019, the Department approved the 2019 CAP with a condition pursuant to Paragraph 2 of the Department Order ("Approved CAP"). The Approved CAP and

the Department's cover letter adding the condition to the Approved CAP are attached collectively as "Exhibit B" and are incorporated by reference as if fully set forth herein.

15. The Approved CAP required Rock Spring to identify, for Department approval, a waterline project chosen by Rock Spring to address the issue concerning unaccounted-for water loss based upon previous distribution system leak surveys should the unaccounted-for water loss still be greater than 30% by December 2021.

16. The Approved CAP also required Rock Spring to by December 2022 have all necessary easements and permits in place for the waterline project graphically depicted in Appendix C of the Approved CAP or as identified by the previous leak detection surveys/complete system evaluations.

17. The Approved CAP required Rock Spring to identify, for Department approval, a waterline project chosen by Rock Spring to address the issue concerning unaccounted-for water loss based upon previous distribution system leak surveys should the unaccounted-for water loss still be greater than 30% by December 2021.

18. The Approved CAP also required Rock Spring to by December 2022 have all necessary easements and permits in place for the waterline project graphically depicted in Appendix C of the Approved CAP or as identified by the previous leak detection surveys/complete system evaluations.

19. Rock Spring's water loss was still greater than 30% on December 31, 2021.

20. On January 18, 2022, the Department sent Rock Spring a letter indicating that the Department had determined that a modification, amendment, or addition was necessary for the Approved CAP pursuant to Paragraph 4 of the Department Order. The Department letter dated

January 18, 2022 is attached as “Exhibit C” and is incorporated by reference as if fully set forth herein.

21. Rock Spring did not identify a waterline project addressing unaccounted-for water loss based upon previous distribution system leak surveys should the unaccounted-for water loss still be greater than 30% by December 2021 as required by Paragraph 2 of the Department Order and the Approved CAP.

22. Rock Spring did not have all necessary easements and permits in place for the waterline project graphically depicted in Appendix C of the Approved CAP or as identified by the previous leak detection surveys/complete system evaluations by December 2022 as required by Paragraph 2 of the Department Order and the Approved CAP.

23. Rock Spring did not submit written revisions to the Approved CAP that fully addressed the Department’s written comments in the Department’s January 18, 2022, letter as required by Paragraph 4 of the Department’s Order.

24. On January 3, 2023, the Department sent a Notice of Violation to Rock Spring for failing to comply with the Department Order.

25. On October 4, 2024, the Department filed a Petition to Enforce the Department’s Order with the Pennsylvania Commonwealth Court.

26. On January 18, 2024, the Commonwealth Court issued an Order granting the Department’s Petition to Enforce. A copy of the Court’s January 18, 2024 Order is attached as “Exhibit D” and is incorporated by reference as if fully set forth herein.

27. Paragraph 1 of the Court Order requires Rock Spring to complete the following corrective actions:

Rock Spring shall submit to the Department within ninety (90) days after the date of the Court's Order, a written report (Report). The Report shall, at a minimum, (1) identify the final waterline replacement project; (2) be prepared by a professional engineer registered to practice in Pennsylvania; (3) identify any and all previous work done to implement the final waterline replacement project; (4) include the results of all previous leak detection surveys; (5) include the results of any and all complete system evaluations; and (6) include all documentation proving that easements and permits are in place for the waterline project.

28. On June 3, 2024, the Department filed an Application for Contempt for Rock Spring's failure to submit the ordered Report.

29. On July 24, 2024, the Commonwealth Court found Rock Spring in contempt and ordered Rock Spring to provide the Department with the Report within 30 days of the Court Order. A copy of the Commonwealth Court's July 24, 2024 Order is attached as "Exhibit E" and is incorporated by reference as if fully set forth herein.

30. On October 8, 2024, the Department filed a Certification of Rock Spring's Non-Compliance with the July 24, 2024 Order as Rock Spring failed to submit the Court Ordered Report. A hearing on the Certification of Non-Compliance is currently scheduled for December 17, 2024 in the Commonwealth Court.

31. In addition to the litigation, the Department has continued to investigate complaints, inspect the public water system, and issue Notices of Violations to Rock Spring. The Department has issued Notices of Violation on November 17, 2023; April 18, 2024; June 7, 2024; and September 13, 2024. These Notices of Violation are attached collectively as "Exhibit F" and are incorporated by reference as if fully set forth herein.

32. The criteria for eligibility to intervene is found at 52 Pa. Code § 5.72:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

(b) Commonwealth. The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to subsection (a)(1)—(3).

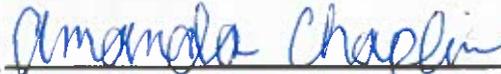
33. As the Department is currently in litigation to bring Rock Spring's public water system back into compliance with the Safe Drinking Water Act and the Bureau is seeking an investigation as to whether a capable public utility should acquire Rock Spring, the Department has an interest that may be directly affected and which is not adequately represented by existing participants, and as to which the Department may be bound by the action of the Commission in the proceeding. The Department also believes that its participation in the proceeding is in the public interest.

34. The Department supports the Bureau's request for an investigation in this matter.

WHEREFORE, the Department respectfully requests that the Commission grant the Department's Petition to Intervene.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



Amanda Chaplin, PA I.D. No. 314076

Assistant Counsel

Northcentral Regional Office

208 West Third Street, Suite 101

Williamsport, PA 17701

E-mail: [achaplin@pa.gov](mailto:achaplin@pa.gov)

Phone: 570-321-6568

Fax: 570-327-3565

Date: October 28, 2024

**EXHIBIT A**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

Rock Spring Water Company	:	Failure to comply with Safe Drinking
1750 Tadpole Road	:	Water Act and its regulations
Pennsylvania Furnace, PA 16865	:	PWS# 4140085

**ORDER**

NOW, this 27<sup>th</sup> day of August, 2018, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), has found and determined the following:

**I. Findings**

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §721,1 *et seq.* ("SDWA"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder.

B. Rock Spring Water Company ("Rock Spring") is a person as defined under Section 3 of the SDWA, 35 P.S. §721.3, and Section 109.1 of the Department's rules and regulations, 25 Pa. Code §109.1. Rock Spring is registered to do business in Pennsylvania, and is assigned Entity Number of 307801 by the Pennsylvania Department of State Corporation Bureau. There are three individuals who are shareholders in the company and who have been involved in the daily operation of Rock Spring. They are: Bonnie Jacobs, Secretary/Treasurer, Willard Campbell, Shareholder, and J. Roy Campbell, Shareholder. There are other shareholders of Rock Spring. Rock Spring's mailing address is 1750 Tadpole Road, Pennsylvania Furnace, PA 16865.

**EXHIBIT**

TADPOLE

A

### **A Public Water System Is Operated at the Site**

C. Rock Spring owns and operates a public water system as defined under the Department's Rules and Regulations and the Safe Drinking Water Act.

D. Rock Spring is a public water supplier as defined under Section 3 of the SDWA, 35 P.S. §721.3, and Section 109.1 of the Department's rules and regulations, 25 Pa. Code §109.1. A "public water supplier" is defined as "[a] person who owns or operates a public system." 25 Pa. Code §109.1.

E. Rock Spring owns and operates a community water system. Section 109.1 of the Department's rules and regulations, 25 Pa. Code §109.1, defines a "community water system" as "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

F. Rock Spring serves approximately 1,000 people with approximately 460 connections. Rock Spring's source of supply is Well Number 1. All but two of the connections are metered.

## **II. Regulatory Requirements Specific to Rock Spring's Violations**

### **Compliance Monitoring and System Maintenance**

G. Pursuant to 25 Pa. Code § 109.4, "[p]ublic water suppliers shall: (1) Protect the water sources under the supplier's control. (2) Provide treatment adequate to assure that the public health is protected. (3) Provide and effectively operate and maintain public water system facilities. (4) Take whatever investigative or corrective action is necessary to assure that safe and potable water is continuously supplied to the users."

H. Section 109.1305(a) of the Department's regulations, 25 Pa. Code § 109.1305(a), sets forth that "[g]roundwater systems demonstrating at least 4-log treatment of viruses using

chemical disinfection shall monitor for and maintain the Department-approved residual disinfection every day the system served the public from the groundwater source. ... (2) A groundwater system serving 3,300 or fewer people shall ... (i) maintain the Department approved minimum residual disinfectant concentration every day the public water system serves water from the groundwater source to the public. The groundwater system shall take a daily grab sample at the entry point ....”

I. Community groundwater systems are required to “maintain at each groundwater entry point a residual disinfectant concentration no less than 0.40 mg/L expressed as free chlorine or its equivalent....” 25 Pa. Code § 109.1302(a)(2).

### **III. Factual Background**

J. Rock Spring has historically had and is currently having problems with its unaccounted for water loss. Further, Rock Spring has not properly operated and maintained its distribution system. The American Water Works Association (“AWWA”) normal operating range for an acceptable rate of unaccounted water loss is <20% for a well-maintained system.

K. On June 20<sup>th</sup>, 2006, Rock Spring entered into a COA (“2006 COA”) with the Department to address the system’s excessive water loss, and Rock Spring’s lack of properly operating and maintaining its distribution system.

L. Pursuant to the 2006 COA, Rock Spring was required to submit a Corrective Action Plan (CAP) outlining a comprehensive leak-detection program that would reduce its unaccounted water loss to 30% or less. In August of 2006, Rock Spring submitted a CAP to the Department. The CAP outlined a plan and schedule to reduce Rock Spring’s unaccounted-for water loss to less than 30% by September 31st, 2010. If the unaccounted-for water usage was still greater than 30% by that deadline, Rock Spring committed to begin a waterline replacement project, including design and completion, no later than August 31st, 2011. The Department

approved Rock Spring's CAP.

M. Rock Spring has consistently failed to achieve unaccounted-for water loss to below 30%. Based on Rock Spring's quarterly reports submitted to the Department, and by calculating unaccounted water loss by comparing gallons of water pumped verses actual-billed gallons, Rock Spring's unaccounted-for water loss has regularly ranged from 40-80%.

N. Rock Spring failed to implement a waterline-replacement project by the August 31<sup>st</sup>, 2011 deadline date as required by the 2006 COA.

O. The Department conducted an inspection of the Rock Spring public water system on December 19, 2017. Department employees conducted sampling and discovered that three samples collected at Entry Point 102 were less than .40 mg/L for four (4) hours and forty minutes.

P. The Department mailed a Notice of Violation ("NOV") dated January 10, 2018 for the violations described above and recommended that Rock Spring: Ensure that the free-chlorine residual at Entry Point 102 remains at or above .40 mg/L; provide appropriate public notice; and provide certification of public notice to the Department.

Q. Rock Spring did not follow the recommendations of the Department.

#### IV. Violations

R. By failing to reduce its unaccounted-for water loss as set forth in paragraph J, and by failing to implement a water-line replacement as described in paragraph I., Rock Spring has violated Section 109.4 of the Department's regulations, 25 Pa. Code §109.4.

S. By failing to maintain an entry-point residual at the required level as described in paragraph O, Rock Spring violated Sections 109.4 and 109.1302(a)(2) of the Department's regulations, 25 Pa. Code §§109.4 and 109.1302(a)(2).

T. The violations described in Paragraphs R through S, above, constitute statutory nuisances under Section 12 of the SDWA, 35 P.S. § 721.12 and subject Rock Spring to civil penalty liability under Section 13 of the Safe Drinking Water Act, 35 P.S. § 721.13.

**ORDER**

NOW, THEREFORE, pursuant to its authority under Sections 5 and 12 of the Safe Drinking Water Act, 35 P.S. §§ 721.5, 721.12, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, it is hereby ORDERED by the Department as follows:

1. Within ninety (90) days from the effective date of this Order, Rock Spring shall submit to the Department a Corrective Action Plan ("CAP") that shall include the actions and schedule to reduce Rock Spring's unaccounted water loss to a running annual average of 30% or less within five years. A professional engineer shall prepare the CAP. This plan needs to include at a minimum:

- (a) An accurate estimate of the current unaccounted water loss;
- (b) Detailed map(s) of the entire distribution system;
- (c) A systematic method and schedule for evaluating the entire distribution system water loss. Known problem areas must be prioritized;
- (d) A prompt plan of line replacement upon identification of leaks. Line replacement needs to be made within the timeframe approved within the CAP;

2. Once the Department has approved, rejected, or approved the CAP with conditions, Rock Spring shall implement the CAP as approved.

3. The approved CAP and CAP Implementation Schedule shall be incorporated by reference into this COA for all purposes, including enforcement and penalty provisions.

4. In the event that the Department determines that any modification, amendment, or addition is necessary to the engineering study and CAP, Rock Spring shall submit such written revisions as are necessary to fully address all of the Department's written comments within twenty (20) business days from the receipt of those comments.

5. Rock Spring shall implement revisions as described and as approved by the Department in (1) and (2) above, and in accordance with the terms contained therein. If required, construction permit applications(s) may be approved, rejected, or approved with conditions by the Department. If, upon review of the construction permit application, the Department determines that any modifications, amendments, or additions are necessary, Rock Spring shall take all actions necessary to fully address the Department's written comments within the timeframes set forth in writing by the Department. These written revisions and written timeframes shall be incorporated into this COA for all purposes, including enforcement.

6. Rock Spring shall continue to submit quarterly progress reports to the Department outlining the steps and actions taken with respect to completing the actions approved in the CAP. These quarterly reports shall occur the same month its quarterly billings are sent. The report shall contain, at a minimum: the number of leaks found, the number of leaks fixed,

the volume of water pumped into the system, the volume of water usage billed, accounted-for water usage, unaccounted-for water usage, and valves, lines and/or hydrants replaced or repaired, and a running annual-average percentage of unaccounted water loss. These quarterly reports shall continue until the Department informs Rock Spring in writing that it may discontinue submitting them.

7. All submissions that are required under this Order shall be forwarded to:

Derik J. Dressler  
Environmental Group Manager  
Pennsylvania Department of Environmental Protection  
Safe Drinking Water Program  
208 West Third Street, Suite 101  
Williamsport, PA 17701

(The rest of this page was intentionally left blank.)

## NOTICE OF APPEAL

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

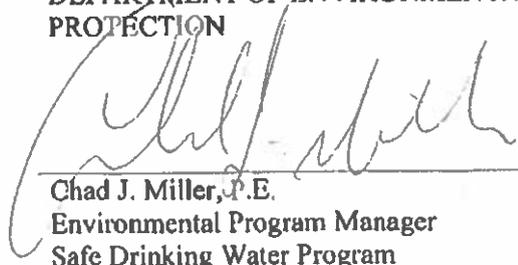
Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

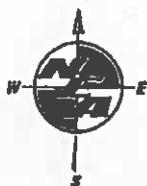
FOR THE COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



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Chad J. Miller, P.E.  
Environmental Program Manager  
Safe Drinking Water Program

**EXHIBIT B**



**NITTANY ENGINEERING & ASSOCIATES**

A DIVISION OF CENTURY ENGINEERING, INC.

CONSULTING ENGINEERS  
**RECEIVED**

APR 32 2019

SAFE DRINKING WATER

# CORRECTIVE ACTION PLAN

FOR

**RECEIVED**

APR 23 2019

SAFE DRINKING WATER

**ROCK SPRING WATER COMPANY**

FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

MARCH 28, 2019

Revised: April 17, 2019



2836 Earlstown Road, Suite 1

Centre Hall, Pennsylvania 16828

814.364.2262

Maryland

Delaware

Pennsylvania

Virginia



**CORRECTIVE ACTION PLAN**  
**ROCK SPRING WATER COMPANY**  
**PUBLIC WATER SUPPLY SYSTEM**

March 28, 2019

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APPENDIX A.....	Unaccounted Water Loss Calculations
APPENDIX B.....	Detailed Mapping of the Rock Spring Water System
APPENDIX C.....	Waterline Replacement Plans
APPENDIX D.....	Water Conservation Program, dated June 5, 2003

**RECEIVED**  
**APR 23 2019**  
**SAFE DRINKING WATER**

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I. INTRODUCTION

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This Corrective Action Plan (CAP) has been prepared per the Department's Order, dated August 27, 2018, to address the actions that shall be taken to reduce Rock Spring's unaccounted water loss to a running annual average of 30% or less within 5 years of the date that the Corrective Action Plan has been accepted by the Department.

The CAP includes the following:

1. An accurate estimate of the current unaccounted water loss is provided in this report in Appendix A.
2. A copy of a detailed map of the entire distribution system, as prepared by the Centre County Planning Commission, is provided in Appendix B.
3. The Rock Spring Water Company shall replace its aged supervisory control and data acquisition system (SCADA) to reduce the risk of the tank overflowing or emptying without properly notifying and alarming the operator of these impending conditions.
4. The Rock Spring Water Company shall require all unmetered service connections to have appropriate meters installed so that water use can be accounted for.
5. The Rock Spring Water Company shall hire a professional leak detection company to conduct a complete system evaluation every year for the next three (3) years or until such time that the un-accounted for water loss is 30% or less.
  - a. In addition, the Rock Spring Water shall continue to utilize their leak detection equipment and meter at the tank to identify problem and leaking areas of the distribution system.
  - b. All leaks that are located shall be fixed in a timely manner as detailed in the Water Conservation Program dated June 5, 2003. The leaks fixed shall be noted on a set of water system maps with the date of the repair, the type of repair and approximate amount of leakage.
6. If, after December 31, 2020, the un-accounted for water is still above 30%, then Rock Spring Water Company, shall begin the process to complete a waterline replacement project.
  - a. Tentatively, a waterline project has been identified to replace approximately 8,500 lineal feet of water mains. The approximate extent of this project is graphically depicted in Appendix C.
  - b. Please note that the results of the complete system evaluation leak detection program may result in identifying a higher priority waterline replacement project than what is currently depicted in Appendix C.

- c. If that is the case, then the higher priority waterline replacement project, as identified by the complete system evaluation, shall be initiated and completed.
7. A five (5) year schedule to reduce unaccounted for water to 30% or less. See Section II. Implementation Schedule.

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## II. SCHEDULE

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### 1<sup>st</sup> Year (April – Dec, 2019)

By 09/2019 – Rock Spring Water Company (RSWC) replace the supervisory control and data acquisition (SCADA) system that controls, monitors, alarms and gathers data for the operation of the well and the finished water storage tank.

By 10/2019 – RSWC shall have all un-metered service connections metered.

By 12/2019 – The Rock Spring Water Company shall have a professional leak detection company conduct a complete system evaluation/leak detection survey every year for the next three (3) years or until such time that the un-accounted for water loss is 30% or less.

Between 04/2019 & 12/2019 – RSCW shall continue to use, as needed and in coordination with the leak detection company, the by-pass flow meter at the tank site and isolate sections of the distribution system. Identify/locate problem leak area(s) on the distribution map and repair leaks within the time period identified in the Water Conservation Plan.

Repair all leaks identified by the complete system evaluation and/or other leak detection surveys.

\*Calculate the un-accounted for water every billing quarter. See Appendix A on how to calculate.

### 2<sup>nd</sup> Year (Jan – Dec, 2020)

By 12/2020 – The Rock Spring Water Company shall have a professional leak detection company conduct a complete system evaluation/leak detection survey.

Between 01/2020 & 12/2020 – RSCW shall continue to use, as needed and in coordination with the leak detection company, the by-pass flow meter at the tank site and isolate sections of the distribution system. Identify/locate problem leak area(s) on the distribution map and repair leaks within the time period identified in the Water Conservation Plan.

Repair all leaks identified by the complete system evaluation and/or other leak detection surveys.

\*Calculate the un-accounted for water every billing quarter.

**3<sup>rd</sup> Year (Jan – Dec, 2021)**

By 12/2021 – The Rock Spring Water Company shall have a professional leak detection company conduct a complete system evaluation/leak detection survey.

Between 01/2021 & 12/2021 – RSCW shall continue to use, as needed and in coordination with the leak detection company, the by-pass flow meter at the tank site and isolate sections of the distribution system. Identify/locate problem leak area(s) on the distribution map and repair leaks within the time period identified in the Water Conservation Plan.

By 12/2021, if the un-accounted for water loss is still greater than 30%, then Rock Spring Water Company (RSCW) shall begin the process to complete a waterline replacement project and continue leak detection surveys utilizing a professional leak detection company.

Repair all leaks identified by the complete system evaluation and/or other leak detection surveys.

**\*Calculate the un-accounted for water every billing quarter.**

**4<sup>th</sup> Year (Jan – Dec, 2022)**

By 12/2022 – Have all necessary easements and permits in place for the waterline project graphically depicted in Appendix C or as identified by the previous leak detection surveys/complete system evaluations.

Between 01/2022 & 12/2022 – continue the use of a professional leak detection company to conduct a complete system leak detection evaluation and the use of the by-pass flow meter at the tank site and isolate sections of the distribution system. Identify/locate problem leak area(s) on the distribution map and repair leaks within the time period identified in the Water Conservation Plan.

Repair all leaks identified by the leak detection surveys/complete system evaluation.

**\*Calculate the un-accounted for water every billing quarter.**

**5<sup>th</sup> Year (Jan, 2023 – April, 2024)**

Between 01/2023 & 12/2023 complete the construction of the waterline replacement project and continue leak detection surveys utilizing a professional leak detection company., if the un-accounted for water loss is still greater than 30%.

All leaks detected shall be placed on a copy of the distribution system map per the Water Conservation Program.

Repair all leaks identified by the leak detection survey.

**\*Calculate the un-accounted for water every billing quarter.**

**6<sup>th</sup> Year and after**

Continuously Implement the Water Conservation Program and continue to Calculate the un-accounted for water every billing quarter.

---

APPENDIX A

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UNACCOUNTED WATER LOSS CALCULATIONS

March 20, 2019

$$\frac{\text{Total Gallons Pumped} - \text{Total Gallons Billed}}{\text{Total Gallons Pumped}} * 100 = \% \text{ of unaccounted for water use}$$

Estimates based on information supplied by Rock Spring Water Company

4<sup>th</sup> Quarter 2018-19 (Nov/Dec/Jan)

$$\frac{12,802,269 - 5,627,000}{12,802,269} * 100 = 56\%$$

3<sup>rd</sup> Quarter 2018 (August/September/October)

$$\frac{14,752,592 - 6,338,000}{14,752,592} * 100 = 57\%$$

2<sup>nd</sup> Quarter 2018 (May/June/July)

$$\frac{15,943,032 - 7,065,000}{15,943,032} * 100 = 56\%$$

\* Note: The total gallons billed was not adjusted to include un-metered or estimated use (ie. main flushings, fire flows, etc.) since that type of information is unknown or cannot be adequately confirmed.

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**APPENDIX B**

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**Detailed Mapping of the Rock Spring Water System**

# Rock Spring Water Company

## KEY TO FEATURES

### Valves

Synthesized based on material and pipe diameter

- 12" PVC
- 6" PVC
- 4" PVC
- 4" Toluene
- 1" Copper
- Hydrant lines

### SYSTEM PARTS

- Blow Off
- Hydrant
- Water Pk.
- Source
- Storage Tank
- Treatment Plant
- Valve

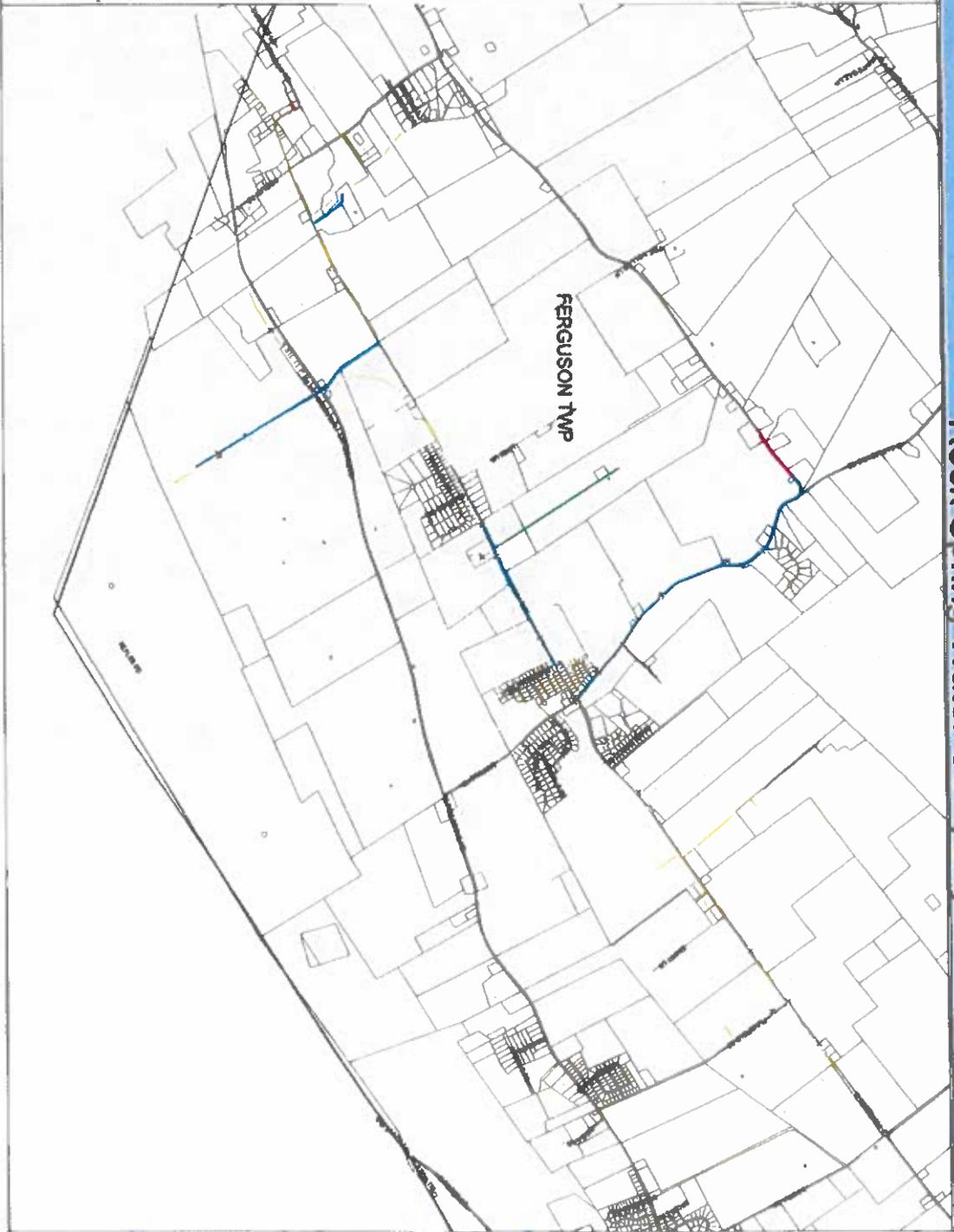
Only the portions greater than 1/2 inch are shown. Portions less than 1/2 inch are not shown.

### OTHER MAP FEATURES

- Streets
- Municipal boundary

Prepared for the  
Rock Spring Water Company  
by Perry Engineering Company  
L.A. 04-01-03

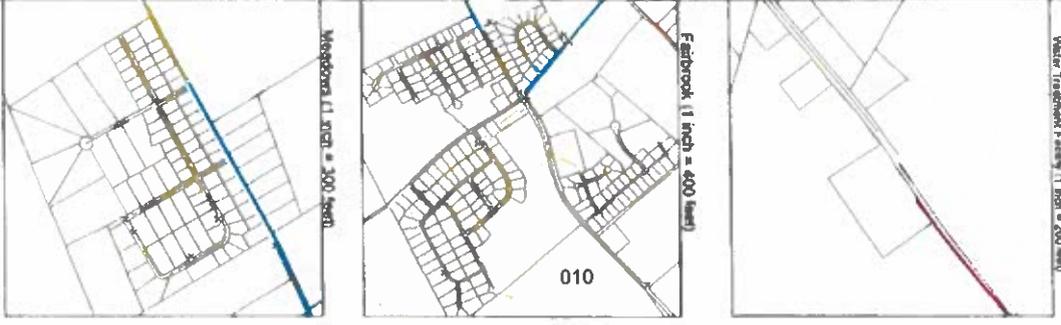
Scale: 1 inch = 400 feet  
This map is prepared for general  
reference only and is not a  
contract or engineering document.  
Date: 11/11/03



Water Treatment Facility (1 inch = 200 feet)

Fairbrook (1 inch = 400 feet)

Woodrow (1 inch = 300 feet)



010

# FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet



MAP 1 OF 12





FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet ▲



ROCK SPRING WATER COMPANY

Legend	
Line	System
PVC 12"	Tapwater
PVC 6"	San. On
PVC 4"	San. Off
Iron 12"	San. On
Iron 6"	San. Off
Copper 12"	San. On
Copper 6"	San. Off
Proprietary Line	San. On
San. On	San. On
San. Off	San. Off
Valve	San. On
Well	San. Off
Structure	San. On
Structure	San. Off

MAP 4 OF 12



# FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet

MAP 6 OF 12

# FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet

ROCK SPRING WATER COMPANY

MAP 7 OF 12

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



ROCK SPRING WATER COMPANY

MAP 8 OF 12

# FERGUSON TOWNSHIP, CENTRE COUNTY



FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



MAP 10 OF 12

ROCK SPRING WATER COMPANY





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**APPENDIX C**

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**Waterline Replacement Plans**



# FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet

MAP 10 OF 12

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**APPENDIX D**

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Water Conservation Program, dated June 5, 2003

# **WATER CONSERVATION PROGRAM**

---

**FOR THE  
ROCK SPRING WATER COMPANY**

**June 5, 2003**

*As Prepared By:*

**DANA R. BOOB SURVEYING & ENGINEERING  
P.O. Box 699, 136 West Main Street  
Millheim, Pennsylvania 16854-0699  
(814) 349-5760**

Rock Spring Water Company  
WATER CONSERVATION PLAN

**Supply Management Methods:**

**A. Leakage/Loss Control**

1. See attached water distribution map showing the Main Transmission Lines, valves, water main meters, fire hydrant locations, breaks/leaks repaired and areas of potential system expansion and/or interconnection.
2. The following facilities will be monitored on a timed basis as indicated for each facility:
  - Tank Levels - Continuously
  - Chlorinator - Minimum once per day
  - Pump Run Times - Daily
  - Master Meter Flows - Daily
  - Customer Meters - Quarterly
  - Tank Bypass Meter - As needed for leak detection
3. Two employees will be engaged on a part-time basis (two nights per week) to conduct an ongoing leak detection program. At this point in time no formal leak detection program exists. However, the PA Rural Water Associations has conducted a limited leak detection survey for a limited area of the distribution system in 2002-2003.

Rock Spring Water Company (RSWC) is installing a one-inch flow meter at their water storage tank. This flow meter will be operational by July 30, 2003. The flow meter will be used to isolate sections of the distribution system during low usage periods to identify leakage.

The RSWC has purchased a Metrotech HL400 leak detector and pipe locator in May, 2003. They will begin conducting a leak detection program by the start of August 1, 2003. This leak detection program will consist of a systematic check of the water distribution system beginning with areas of known and/or highly suspicious leak areas. These areas shall be identified on the water distribution map and all leaks located shall be located on the map.

Once leaks are identified in water lines/facilities owned and maintained by the RSWC, the RSWC shall repair the leaks within a reasonable time period. The time period shall be based on the estimated severity of the leak in gpm. See the following table for time periods:

*Dana R. Boob Surveying & Engineering*

Estimated Flow Range of Leak (gpm)	Time Period within which the RSWC must have the leak repaired. The time period begins from the date the leak was identified.
0.5 - 2.0	Thirty (30) Days
2.0 - 5.0	Fourteen (14) Days
5.0 - 10.0	Seven (7) Days
10.0 and over	Three (3) Days

Leaks that are identified in private water service lines and/or facilities shall be documented by the RSWC employees conducting the leak detection program and reported to the RSWC secretary. The RSWC secretary shall inform the property owner of the leak via the telephone and written correspondence and state the leak must be repaired within a reasonable time period. This time period shall be based on the estimated severity of the leak in gpm. See the following table for time periods:

Estimated Flow Range of Leak (gpm)	*Time period within which the Property Owner must have the leak repaired. The time period begins from the date the Property Owner was notified of the leak by the RSWC.
0.5 - 2.0	Thirty (30) Days
2.0 - 5.0	Fourteen (14) Days
5.0 - 10.0	Seven (7) Days
10.0 and over	Three (3) Days

\*The RSWC shall reserve the right to shut off the water to the property where a leak has been identified until such time that the leak has been repaired to the RSWC's satisfaction. The letter that the RSWC sends out to the property owner should be sent certified mail and shall state at a minimum the following: The Property Owner shall notify the RSWC prior to fixing the private water line/facility and that the Property Owner is responsible for all costs associated with repairing the leak, restoring the disturbed areas due to the repair activity and any costs the RSWC may incur due to the repair of the leak (inspection costs, PADOT permit costs, etc.).

*30% or lower*

Leak detection shall be ongoing until ~~20%~~ <sup>30%</sup> unaccounted for water is achieved. Leak detection shall be initiated anytime the master meter trends show increased usage or the unaccounted for water exceeds ~~20%~~ <sup>30%</sup>.

4. Valve and Hydrant Maintenance: Each month, weather permitting, a minimum of six (6) main line valves shall be exercised by closing (slowly) and opening (slowly) main line valves. Leak detection equipment shall be used for each valve exercised and any leaking valves shall be documented accordingly. Each month, weather permitting, a minimum of four (4) fire

hydrants and hydrant valves shall be exercised by flushing the hydrants and closing (slowly) and opening (slowly) the hydrant valves. Leak detection equipment shall be used for each valve exercised and any leaking valves/fire hydrant lines shall be documented accordingly. Any unusable or dysfunctional hydrant valves and/or fire hydrants shall be documented accordingly and scheduled for repair as needed. Any unusable fire hydrants shall be removed from service and scheduled for repair and/or replacement. Unusable hydrants will be bagged or otherwise marked to notify the Fire Company of their status.

5. Any known areas of freezing and/or subsidence problems within the water distribution area shall be noted on the map. The RSWC shall indicate the age of the waterline in these areas as well as the size and type of water line.
6. See attached log sheet that is to be used to record leak detection/repair activities. This log sheet is to be filled out and kept on record at the RSWC Office each time a leak detection survey is completed and/or when a leak is repaired.

**B. Water Meter Management**

1. All sources and service connections need to be metered to insure accountability of water delivered. RSWC has developed a plan outlining a time schedule for installing any remaining service connections that are not metered. The following Meter Testing Replacement Schedule is to be used by the RSWC to ensure the installed meters are functioning properly.

Meter Size (inches)	Test/Replacement Period (years)	Registration Variance (Less than 4%) at Flow
Source Meter	1	—
6	8	300
4	8	180
3	8	90
2	8	50
1 ½	8	30
1	20	20
¾	20	10
5/8	20	6

See attached meter/testing replacement log sheet for use each time a meter is tested/replaced. These logs are to be kept on file at the RSWC Office.

None Metered Connection to be Metered

Name	Date to Install Meter
1. Old Fairbrook Church	July 30, 2003
2. Community Hall	July 30, 2003
3. PSU Ag Progress Days •Special Events Building •Horse Arena Frost Free Hydrant  •Office and Barn •Four Drinking Fountains	July 30, 2003 Not to be metered. Used only during Ag Progress Days May 2003 Not to be metered. Used only during Ag Progress Days
4. Oscar DeArmit Shop	Not to be Metered
5. Elwood Homan Frost Free Hydrant	Not to be Metered
6. Roy Campbell Field Hydrant	Not to be Metered
7. Kocher Farm Field Hydrant	Not to be Metered
8. Wayne Homan Shop	Not to be Metered

**RECORD SHEET FOR WATER MAIN/SERVICE  
LINE BREAKS AND REPAIRS**

Report Number:

Break:

Reported By:  
Date:  
Location:  
Type:  
Obvious Cause: (example: construction blasting)

Pipe:

Diameter:  
Thickness:  
Material:  
Joint:  
Corrosion or Siltation:

Site Data:

Soil Type:  
Depth of Pipe:  
Other Structures/Pipe in Contact:

Repairs:

Start:  
Time:                      Date:

Finish:  
Time:                      Date:

Repairs:

Why:  
Supervisor:

Conditions at Break:  
Valves shut down:  
(Number, size, location and time)

*Dana R. Boob Surveying & Engineering*

**RECORD SHEET FOR METER TEST/REPAIR/REPLACEMENT**

**Meter Information:**

ID Number:  
 Manufacturer:  
 Size:  
 Installation Date:  
 Last Inspection Repair Date:  
 Meter Reader Route:  
 Reason for Testing:

**Test Information:**

Date:  
 Test No.:  
 Pipe Size:  
 Rate During Test:  
 Pitometer Results:  
 Meter Reading:

**Results:**

Flow	_____ (1* gpm)	_____ (6* gpm)	_____ (10* gpm)
Result (OK or Bad)			
% Fast			
% Slow			

Flow: Normal Induced  
 Length of Test:

Remarks:

Examiner:

\*Suggested flow rates for a 5/8" meter

**DEMAND MANAGEMENT METHODS**

A. **Pricing:**

1. Investigate pricing schemes that discourage water waste.

B. **Water Conservation Education:** Within the next 5 years RSWC B shall initiate the following Water Conservation Education Programs.

1. Promote water conservation benefits and techniques in the local newspaper, public service announcements, information centers at local fairs, public displays or exhibits.
2. Promote water conservation benefits and techniques in local schools by seeking cooperation with schools officials.
3. Initiate a water conservation program in high use facilities like schools, hospitals, country clubs, involving a retrofit of existing plumbing fixtures with water saving models and providing water conservation literature.
4. Provide leak detection tips on billing notices. Review meter readings for households regularly and inform customers immediately that have unusually high-recorded water use so they can check for household water leaks.
5. Speak to civic organizations on water conservation.
6. Conduct a workshop for plumbers, plumbing fixture suppliers, builders, and major water users to discuss water conservation benefits and techniques and the importance of installation of water saving plumbing fixtures.

C. **Local Water Use Regulations:**

1. Within the next five years adopt water conservation policy that requires the installation of water saving plumbing fixtures and fittings in all new buildings constructed or in existing homes where a building permit is issued for remodeling or expansion.
2. In the water conservation policy list requirements for the installation of water saving plumbing fixtures and fittings as a condition prior to hook-up for new customers.
3. In the water conservation policy restrict lawn/garden watering to non-daylight hours during the peak summer use period.

*Dana R. Boob Surveying & Engineering*

4. In the water conservation policy outline fines for the unauthorized use of water such as illegal hook-ups and/or hydrant discharges.
5. Cooperate with surrounding municipalities by encouraging them to enact ordinances that protect the watershed(s) in which the water supply is located within.
6. Contact DEP for further guidance on model ordinances, water conservation literature, establishment of educational programs, and additional water conservation techniques that can be effectively used by RSWC to conserve water and reduce unaccounted for water.



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

April 24, 2019

Mr. Roy Campbell  
Rock Spring Water Company  
1750 Tadpole Road  
Pennsylvania Furnace, PA 16865

Re: Corrective Action Plan Approval  
Rock Spring Water Company  
PWS ID# 4140085  
Ferguson Township, Centre County

Dear Mr. Campbell:

The Department is in receipt of the Rock Spring Water Company's corrective action plan (CAP) dated March 28, 2019, revised April 17, 2019. The CAP was prepared and submitted by Nittany Engineering and Associates. The Department approves the implementation schedule as outlined in the plan with one condition. Page 4 of the CAP under 3<sup>rd</sup> year states, "*By 12/2021, if the un-accounted for water loss is still greater than 30%, then Rock Spring Water Company shall begin the process to complete a water-line replacement project and continue leak-detection surveys utilizing a professional leak detection company.*" Additionally to the item, the Department is seeking identification and Departmental approval for the particular waterline project chosen, based on previous distribution system leak surveys by December 31, 2021. This approved plan is now incorporated into the August 2018 Administrative Order as explained in paragraphs 1-3 of the Order. As a reminder, please ensure paragraphs 4 through 7 are adhered to as we move forward.

Should you have any questions, please feel free to contact Tina McCafferty at 570.327.3777 or [tmccaffert@pa.gov](mailto:tmccaffert@pa.gov).

Sincerely,  


Derik J. Dressler  
Environmental Group Manager  
Safe Drinking Water Program

cc: Chad Miller, Program Manager  
Anne Shapiro, Assistant Counsel  
Tina McCafferty, Compliance Specialist  
Sondra Hollister, Sanitarian  
Eric Lundy, P.E., Nittany Engineering  
File

**EXHIBIT C**



January 18, 2022

**CERTIFIED MAIL NO. 7020 3160 0000 5535 5457**

Rock Spring Water Company  
1750 Tadpole Road  
Pennsylvania Furnace, PA 16865

Re: Administrative Order Corrective Action Plan Milestones  
PWSID # 4140085  
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

On August 27, 2018, the Department issued an Administrative Order to the Rock Spring Water Company to address ongoing issues with unaccounted water loss. The approved Corrective Action Plan (CAP) and CAP Implementation Schedule, with a revision date of April 17, 2019, was incorporated into the August 27, 2018 Administrative Order, per Paragraph 3 of the Order.

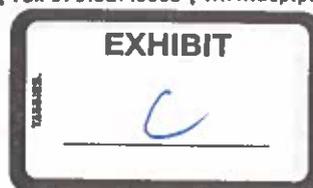
As of December 2021, Rock Spring Water Company's unaccounted water loss remains greater than 30%. Thus, under the approved CAP and Implementation Schedule, Rock Spring Water Company is required to complete a waterline replacement project and continue leak detection surveys utilizing a professional leak detection company.

The April 17, 2019 CAP and Implementation Schedule contained a waterline replacement plan (Appendix C). The Department is requesting that you consult with your professional leak detection company and your system's licensed professional engineer to determine whether the waterline replacement plan is still sufficient and incorporate any new findings from the leak detection services into the plan. **The Department requests that you complete these consultations as soon as possible and submit an updated waterline replacement plan by March 31, 2022, or have the licensed professional engineer report to us that the existing project (submitted as Appendix C of the CAP) will achieve the 30% unaccounted water loss goal.**

The April 17, 2019 CAP and Implementation Schedule also state that:

- By December 2022, have all necessary easements and permits in place for the waterline project graphically depicted in Appendix C or as identified by the previous leak detection surveys/complete system evaluations.
- By December 2023, complete the construction of the waterline replacement project and continue leak detection surveys utilizing a professional leak detection company, if the unaccounted-for water loss is still greater than 30%.

Safe Drinking Water Program  
Northcentral Regional Office | 208 West Third Street | Suite 101 | Williamsport, PA 17701-6448  
570.327.3490 | Fax 570.327.3565 | www.dep.pa.gov



Rock Spring Water Company

1/18/2022

- 2 -

If you have any questions concerning this matter, please contact your Sanitarian Nathan White at [nathwhite@pa.gov](mailto:nathwhite@pa.gov) or 570.220.9217 or myself at [sminium@pa.gov](mailto:sminium@pa.gov) or 570.262.2750.

Sincerely,



Sasha Minium  
Environmental Group Manager  
Safe Drinking Water Program

Cc: File  
Chad Miller, Program Manager (electronic)  
Mark Accettulla, Sanitarian Supervisor (electronic)  
Nathan White, Environmental Trainee (electronic)  
Robert Cronin, Assistant Counsel (electronic)

**EXHIBIT D**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
Department of Environmental	:	
Protection,	:	
Petitioner	:	
	:	
v.	:	
	:	
Rock Spring Water Company,	:	
Respondent	:	No. 438 M.D. 2023

**ORDER**

NOW, January 18, 2024, upon consideration of the Commonwealth of Pennsylvania, Department of Environmental Protection's (Department) Petition to Enforce Administrative Order (Petition to Enforce), to which no answer has been filed by Respondent Rock Spring Water Company (Rock Spring), and after a hearing thereon, whereas the Department established sheriff's service of the Petition to Enforce on Respondent on October 25, 2023, and personal service on Respondent, on December 4, 2023, of this Court's December 1, 2023 Order scheduling the January 18, 2024 hearing, and whereas Respondent failed to appear, the Petition to Enforce is hereby GRANTED. It is further hereby ORDERED and DIRECTED as follows:

1. Rock Spring shall submit to the Department within ninety (90) days after the date of the Court's Order, a written report (Report). The Report shall, at a minimum, (1) identify the final waterline replacement project; (2) be prepared by a professional engineer registered to practice in Pennsylvania; (3) identify any and all previous work done to implement the final waterline replacement project; (4) include the results of all previous leak detection surveys; (5) include the results of



any and all complete system evaluations; and (6) include all documentation proving that casements and permits are in place for the waterline project;

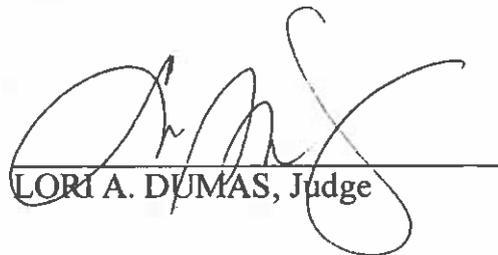
2. In all cases, Rock Spring Water Company shall complete construction of the final waterline replacement project and unaccounted-for water loss reduced to 30% or less on a running annual average basis by December 31, 2024.

3. Rock Spring shall send the documentation required by the Court's Order to:

Program Manager  
Safe Drinking Water Act  
Department of Environmental Protection  
208 West Third Street, Suite 101  
Williamsport, PA 17701

4. Rock Spring Water Company shall otherwise fully comply with all other terms and conditions of the Department's administrative order;

5. This Court shall retain jurisdiction over this matter.

  
LORI A. DUMAS, Judge

Order Exit  
01/18/2024

**EXHIBIT E**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
Department of Environmental	:	
Protection,	:	
Petitioner	:	
	:	
v.	:	
	:	
Rock Spring Water Company,	:	No. 438 M.D. 2023
Respondent	:	Heard: July 24, 2024

**ORDER**

NOW, this 24th day of July, 2024, upon agreement between Commonwealth of Pennsylvania, Department of Environmental Protection (Petitioner), and Rock Spring Water Company (Respondent), by and through its president, J. Roy Campbell, the Application for Contempt filed by Petitioner is **GRANTED**, and it is hereby **ORDERED** and **DECREED** as follows:

1. Respondent is found to be in contempt of paragraphs 1 and 4 of this Court's Order of January 18, 2024.
2. To purge its contempt, Respondent shall:
  - a. Within (30) days after the date of the Court's Order, submit a written report (Report). The Report shall, at a minimum, (1) identify the final waterline replacement project; (2) be prepared by a professional engineer registered to practice in Pennsylvania; (3) identify any and all previous work done to implement the final waterline replacement project; (4) include the results of all previous leak detection surveys; (5) include the results of any and all complete system evaluations; and (6) include all documentation proving that easements and permits are in place for the waterline project.



3. A judgment in the amount of \$1,500.00 is hereby entered in favor of Petitioner against Respondent as a sanction for its contempt.

4. Respondent shall fully comply with all other terms and conditions of this Court's January 18, 2024, Order.

5. If Respondent fails to purge its contempt by failing to meet the obligations of the Order by the deadlines herein, then upon certification and request by Petitioner, this Court shall issue a Rule to Show Cause upon Respondent and the president of Respondent, J. Roy Campbell, individually, to show cause why: (a) J. Roy Campbell, individually, should not be held in contempt until such time as Respondent purges its contempt by complying with this Order; and (b) J. Roy Campbell, individually, and Respondent, jointly and severally, should not be further sanctioned in the form of a judgment in an amount not to exceed \$15,000.00.

6. This Court retains jurisdiction over this matter.

*/s/ Matthew S. Wolf*

---

MATTHEW S. WOLF, Judge

**EXHIBIT F**



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Nov 17, 2023

**NOTICE OF VIOLATION**

ROY CAMPBELL  
1750 TADPOLE RD  
PENNSYLVANIA FURNACE, PA 16865-9539  
Violation ID #: 8167205, 8167206, 8167207, 8167208, 8167209, 8167210, 8167211

Re: Violations Identified During Inspection  
ROCK SPRING WATER CO  
PWS ID No. 4140085  
Ferguson Township, Centre County

Dear Water Supplier:

On Nov 17, 2023, an inspection of the above facility found the following violation(s):

1. Description: The source is not protected from flooding, which does not meet the design standards set forth in the Public Water Supply Manual.

The pit that contains the well had 2-3 inches of standing water inside of it during the inspection. In an attempt to mitigate this issue, Roy used concrete to close the pit drain line that water was coming into the pit through.

It is recommended that the well pit is well drained to prevent flooding of the pit, meet design standards set forth in Part II of the Public Water Supply Manual and ensure that there is no surface water influence on the well.

Citation: 25 PA Code, §109.602

2. Description: The chemical storage tanks do not have secondary containment sufficient to hold the volume of 110% of the largest tank to prevent accidental discharge in the event of a spill or overflow. This does not meet the design standards set forth in the Public Water Supply Manual.

The chemical tank does not have secondary containment, which does not meet design standards specified in the Part II of the Public Water Supply Manual. This issue has been noted in multiple past inspections as a minor deficiency.

It is recommended that secondary containment that meets current design standards be acquired for the chlorine solution tank

Citation: 25 PA Code, §109.602



3. Description: The system does not have documentation showing that the chemicals being used are ANSI/NSF Standard 60 or equivalent certified.

Based off of an invoice provided by Rock Springs Water Company and a phone conversation with the chemical supplier, The Agrochem Chlor San Pro 12.5 sodium hypochlorite being used by the water system is not NSF 60 certified.

To comply with 109.606, it is recommended that Rock Springs Water Company acquire NSF 60 sodium hypochlorite for drinking water treatment use.

Citation: 25 PA Code, §109.606

4. Description: The chemicals, treatment equipment, size of chemical pump and/or injection point locations being used for the treatment are not the same as those specified in the water system permit.

Permit No. 1493504 and related documentation states that the injection for the sodium hypochlorite is to be on the line leading up to the well. It is currently located on the overflow for the buried tank. The tubing leading to the permitted injection point was cut off. This issue was noted in the past in a 2015 full inspection for Valerie Elsasser.

Citation: 25 PA Code, §109.504(c)

5. Description: The water system has failed to comply with DEP's "Policy for Determining When Loss of Positive Pressure Situations in the Distribution System Require One-Hour Reporting to the Department and issuing Tier 1 Public Notice" when responding to a main break.

Roy stated that water was shut off to 4 houses to replace a blowoff. No BWA was issued to these 4 houses, 1 hour notification was not given to the Department and no additional samples were taken in accordance to the loss of positive pressure policy.

It is recommended that Rock Springs comply with the Loss of Positive Pressure Policy and issue BWAs to affected customers if positive pressure is lost. The Department should be notified within 1 hour during these events.

Citation: 25 PA Code, §109.4

6. Description: FAILURE TO OPERATE AND MAINTAIN THE WATER SYSTEM

It was noted that during the inspection that the artesian blow off pipe coming out of the side of the well casing discharged low to the ground and was not screened to prevent contamination.

It is recommended that a screen be installed to prevent contamination of the well.

Citation: 25 PA Code, §109.4

7. **Description:** There is evidence of a structure leak in the storage tank.

A structure leak was observed between the caulking and the steel plates on the storage tank.

It is recommended that the water system repair this leak using NSF 60/NSF 61 materials. It is also recommended that the water system contract a properly certified individual to inspect the storage tank in accordance with AWWA M42 to ensure that the tank is free of further defects. If a rehabilitation project would be necessary, a minor permit amendment will be required before the completion of any rehabilitation work.

Citation: 25 PA Code, §109.4

In order to comply with Title 25 Pa. Code Chapter 109, it is recommended you:

- By Jan 5, 2024: Consult with the Department regarding the appropriate corrective action
- By Jan 20, 2024: Provide a written response detailing how the minor violations will be addressed and propose deadlines for when the minor violations will be addressed
- Notify the Department that a deficiency has been corrected within 30 days of completion of the corrective action.

Any violation of Title 25 Pa. Code 109 could result in further enforcement action, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at [nathwhite@pa.gov](mailto:nathwhite@pa.gov) or 570-327-3490.

Sincerely,

NATHAN WHITE



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Apr 18, 2024

**NOTICE OF VIOLATION**

ROY CAMPBELL  
1750 TADPOLE RD  
PENNSYLVANIA FURNACE, PA 16865-9539  
Violation ID #: 8183580

Re: Violations Identified During Inspection  
ROCK SPRING WATER CO  
PWS ID No. 4140085  
Ferguson Township, Centre County

Dear Water Supplier:

On Apr 18, 2024, an inspection of the above facility found the following violation(s):

1. Description: OTHER VIOLATIONS DEEMED TO BE SIGNIFICANT DEFICIENCIES

The water system has three outstanding violations from Inspection 3654948 (2023 routine full inspection) that have not been adequately addressed and/or no documentation has been received that show that these violations have been adequately addressed. The water system has not provided a written response on how these violations will be addressed as requested in the NOV sent with Inspection 3655498.

The following violations remain outstanding:

1. The water system is currently injecting sodium hypochlorite chemical at a location that is not permitted.
2. The water system has not had its storage tank inspected in accordance with the AWWA M42 Manual as recommended in the NOV.
3. The pit that contains the well remains susceptible to flooding

The combination of these three violations constitute a significant deficiency under §109.4.

Citation: 25 PA Code, §109.4

The Department has determined that these violation(s) meet the definition of a significant deficiency or are contributing to a significant deficiency as described in Title 25 Pa. Code § 109.1 of the Department's regulations. Regulatory requirements for responding to a significant deficiency are contained in Title 25 Pa. Code § 109.717.

In order to comply with Title 25 Pa. Code Chapter 109, it is recommended you:

- By May 18, 2024: Consult with the Department regarding the appropriate corrective action.
- By Jun 2, 2024: Respond in writing to significant deficiencies, indicating how and on what schedule the system will address significant deficiencies.
- By Aug 16, 2024: Correct all significant deficiencies.
- Notify the Department that a deficiency has been corrected within 30 days of completion of the corrective action.

Any violation of Title 25 Pa. Code 109 could result in further enforcement action, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at [nathwhite@pa.gov](mailto:nathwhite@pa.gov) or 570-327-3490.

Sincerely,

NATHAN WHITE



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Jun 7, 2024

**NOTICE OF VIOLATION**

ROY CAMPBELL  
1750 TADPOLE RD  
PENNSYLVANIA FURNACE, PA 16865-9539  
Violation ID #: 8189797

Re: Violations Identified During Inspection  
ROCK SPRING WATER CO  
PWS ID No. 4140085  
Ferguson Township, Centre County

Dear Water Supplier:

On Jun 7, 2024, an inspection of the above facility found the following violation(s):

1. Description: OTHER VIOLATIONS DEEMED TO BE SIGNIFICANT DEFICIENCIES

The water system has an ongoing leak on Beaver Branch Road that was identified 6 months ago. No progress has been made on repairing this leak and it continues to contribute to unaccounted for water loss for the water system. Two positive total coliform samples taken from a nearby residence indicate that there is evidence of contamination to the distribution system on Beaver Branch Road.

Given the evidence of contamination and the failure of the water system to address the leak in a timely manner the water system is in violation of §109.4(3) and §109.4 (4). This issue constitutes the definition of a significant deficiency as defined in §109.1.

Citation: 25 PA Code, §109.4

The Department has determined that these violation(s) meet the definition of a significant deficiency or are contributing to a significant deficiency as described in Title 25 Pa. Code § 109.1 of the Department's regulations. Regulatory requirements for responding to a significant deficiency are contained in Title 25 Pa. Code § 109.717.

In order to comply with Title 25 Pa. Code Chapter 109, it is recommended you:

- By Jun 14, 2024: Complete repairs on leak located at Beaver Branch Road per Field Order 24-40-1189-003. The deadlines below do not apply to this violation.
- By Jul 7, 2024: Consult with the Department regarding the appropriate corrective action.

- By Jul 22, 2024: Respond in writing to significant deficiencies, indicating how and on what schedule the system will address significant deficiencies.
- By Oct 5, 2024: Correct all significant deficiencies.
- Notify the Department that a deficiency has been corrected within 30 days of completion of the corrective action.

Any violation of Title 25 Pa. Code 109 could result in further enforcement action, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at [nathwhite@pa.gov](mailto:nathwhite@pa.gov) or 570-327-3490.

Sincerely,

NATHAN WHITE



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Sep 13, 2024

**NOTICE OF VIOLATION**

ROY CAMPBELL  
1750 TADPOLE RD  
PENNSYLVANIA FURNACE, PA 16865-9539  
Violation ID #: 8201100

Re: Violations Identified During Inspection  
ROCK SPRING WATER CO  
PWS ID No. 4140085  
Ferguson Township, Centre County

Dear Water Supplier:

On Sep 13, 2024, an inspection of the above facility found the following violation(s):

1. Description: FAILURE TO OPERATE AND MAINTAIN THE WATER SYSTEM

Professional leak detection services confirmed that a service line leak was occurring on the water system side of the service line on 08/02/2024.

The water system flagged the leak, but as of the submittal of this inspection the leak has not been addressed and continues to contribute to unaccounted for water loss.

Failure to repair this leak in a timely manner is a violation of §109.4(3). It is recommended that Rock Spring Water Company repair this leak as soon as possible to reduce unaccounted for water loss and ensure that safe water is being provided to the residence.

Citation: 25 PA Code, §109.4

In order to comply with Title 25 Pa. Code Chapter 109, it is recommended you:

- By Oct 13, 2024: Consult with the Department regarding the appropriate corrective action.
- By Oct 28, 2024: Provide a written response detailing how the minor violation will be addressed and on what schedule it will be addressed.
- Notify the Department that a deficiency has been corrected within 30 days of completion of the corrective action.

Any violation of Title 25 Pa. Code 109 could result in further enforcement action, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at [nathwhite@pa.gov](mailto:nathwhite@pa.gov) or 570-327-3490.

Sincerely,

NATHAN WHITE



Pennsylvania  
Department of Environmental Protection

September 13<sup>th</sup> 2024

John Roy Campbell  
4607 W Whitehall Road  
Pennsylvania Furnace, PA 16865

Re: **NOTICE OF VIOLATION**  
**Failure to comply with the PA Safe Drinking Water Act and the Water and Wastewater Operators' Certification Act and Regulations**  
**Client ID #194209**  
**Certificate No. W1580**

Dear Mr. Campbell:

As the certified operator of Rock Spring Water Company, you are responsible for making process control decisions in accordance with the regulations of the PA Safe Drinking Water Act and/or the Water and Wastewater Operators' Certification Act. Duties of certified operators are specified in 25 Pa. Code § 302.1201. The Department has conducted multiple investigations throughout 2023-2024. These investigations have found that process control decisions have been made that violate these regulations and that failures to perform the duties required of a certified operator have occurred.

The following violations have been cited against you as a certified operator:

**Failure to prepare and control chemical addition for water or treatment, in violation of § 302.1201(b)(5):**

The sodium hypochlorite injection point remains at an unpermitted location as documented in the partial inspection conducted 04/18/2024. The water system has failed to relocate the sodium hypochlorite injection point to its originally permitted location or undergo the appropriate permitting process to have the sodium hypochlorite injection point changed to the new location. The operator (John Roy Campbell) moved this injection point after being previously cited for this issue in a full inspection conducted on 11/23/2015.

**Failure to observe and take the necessary actions in response to variations in operating conditions, in violation of § 302.1201(b)(6):**

As documented in Inspection 3774931 the operator failed to repair a leak for nearly 6 months after identifying the leak. With unaccounted-for water loss being at a running annual average of 72.36% based off the most recent quarterly report and unaccounted-for water loss being tied to enforcement actions issued by the Department, allowing a leak to persist for 6 months shows a lack of appropriate response from the operator.

**Failure to provide for proper source water protection, in violation of § 302.1201(b)(11):**

As documented in Inspection 3747205 conducted 04/18/2024, the well pit was flooded near to the top of the pit. This creates the potential for surface water influence on the well. Between 08/05/2018 and 08/23/2018, the water system had a systemwide Boil Water Advisory due to the well pit becoming flooded and that water then back siphoned into the well casing.

This issue was previously cited in Inspection 2878714 conducted on 05/10/2019. The operator has taken some measures to prevent back siphonage including blocking the drain, which does not meet design standards in Part II of the Public Water Supply manual as cited in Inspection 3654948 conducted on 11/17/2023, cited in Inspection 3747205 conducted on 04/18/2024, and documented in the inspection report submitted on 09/13/2024 conducted on 08/22/2024 and 09/03/2024. The operator has failed to keep the well pit drained of surface water that poses a contamination risk.

**Failure to prepare, review, and submit applicable notices and reports to appropriate persons or agencies, in violation of § 302.1201(b)(15):**

As documented in the inspection report submitted 09/13/2024, the operator has had multiple instances of shutting off water to customers without the issuance of a Tier 1 Boil Water Advisory. When the operator is conducting distribution repairs where shutting off the flow of water is necessary, the operator is to comply with the Department's Loss of Positive Pressure (LOPP) policy which was previously provided to the operator on 11/30/2015 and 11/17/2023. With the water system's unaccounted-for water loss being above 20%, the contamination risk for any distribution system work is "high risk" as defined by the LOPP policy and requires issuance of a boil water advisory.

This issue was previously noted in the full inspection conducted on 11/30/2015 and cited as a violation in Inspection 3654948 conducted on 11/17/2023. The Department was informed that Rock Spring Water Company had two events following the 11/17/2023 inspection where water was shut off for main repair and no boil water advisory was issued. There is further correspondence from Rock Spring going back multiple years showing that the LOPP policy has been consistently violated by the operator.

The operator has also failed to provide appropriate written responses as specified in the Notices of Violation that were sent on 11/17/2023 and 04/18/2024. The operator failed to take action to ensure that these reports were submitted to the Department.

In response to these violations, the Department requests that the following actions be taken:

1. Provide a report to the water system shareholders detailing violations and enforcement actions incurred by the water system since Inspection 3654948 (2023 Full Inspection) that meets the requirements of § 302.1201 (c). Documentation of this report should be sent to the Department added along with a list of those who received the report. A template for reporting these violations incurred by the water system is included in this report. It is requested that this report to be submitted to the shareholders and the Department within 14 days of the receipt of this NOV.

John Roy Campbell

September 13<sup>th</sup> 2024

2. Create a process control plan that meets all applicable elements specified in § 302.1203 within 30 days of the receipt of this letter.

If you have any questions concerning this matter, please contact me at 570.220.9217, or by email at [nathwhite@pa.gov](mailto:nathwhite@pa.gov).

Sincerely,

*Nathan White*

Nathan White  
Sanitarian  
Safe Drinking Water Program

cc: File

**VERIFICATION**

I, Chad Miller, hereby state that I am the Environmental Program Manager for the Safe Drinking Water Program for the Commonwealth of Pennsylvania, Department of Environmental Protection, and the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



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Chad Miller

Dated: October 28, 2024

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
INVESTIGATION AND ENFORCEMENT,

v.

ROCK SPRING WATER COMPANY

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: P-2024-3051313  
: I-2024-  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving this Petition to Intervene upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code § 1.54.

**SERVED VIA ELECTRONIC MAIL ON OCTOBER 28, 2024**

The Honorable John Coogan Administrative Law Judge Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building Harrisburg, PA 17120 <a href="mailto:jcoogan@pa.gov">jcoogan@pa.gov</a>	Elizabeth Rose Triscari, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 <a href="mailto:elizabeth.triscari@amwater.com">elizabeth.triscari@amwater.com</a>
Jacob D. Guthrie, Esquire Emily A. Farren, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101-1923 <a href="mailto:JGuthrie@paoca.org">JGuthrie@paoca.org</a> <a href="mailto:EFarren@paoca.org">EFarren@paoca.org</a>	Rebecca Lyttle, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor Harrisburg, PA 17101 <a href="mailto:ra-sba@pa.gov">ra-sba@pa.gov</a>
Carrie B. Wright, Deputy Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, Pennsylvania 17120 <a href="mailto:carwright@pa.gov">carwright@pa.gov</a>	Alexandar R. Stahl, Esquire Aqua Pennsylvania, Inc 762 W. Lancaster Avenue Bryn Mawr, PA 19010 <a href="mailto:astahl@aquaamerica.com">astahl@aquaamerica.com</a>

James C. Cagle Veolia Water 310 Allentown Blvd., Suite 104 Harrisburg, PA 17112 james.cagle@veolia.com	Robert A. Mix, Esquire Robert Mix Law 211 Kimport Avenue Boalsburg, PA 16827 Bmix470@gmail.com
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**SERVED VIA FIRST-CLASS MAIL ON OCTOBER 28, 2024**

J. Roy Campbell Rock Spring Water Company 1750 Tadpole Road Pennsylvania Furnace, PA 16865	Raymond Myers, Chairman Huntingdon Area Water and Sewer Authority 81555 Deforrest Road Huntingdon, PA 16652
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COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



Amanda Chaplin, PA I.D. No. 314076

Assistant Counsel

Northcentral Regional Office

208 West Third Street, Suite 101

Williamsport, PA 17701

E-mail: [achaplin@pa.gov](mailto:achaplin@pa.gov)

Date: October 28, 2024