
SAUL EWING

LLP

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December 17, 2024

Via E-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

**Re: Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.
Docket Nos.: A-2024-3049587 and A-2024-3049591**

Dear Secretary Chiavetta,

Enclosed please find Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.'s ("Aqua") Petition to Intervene to the Pennsylvania Public Utility Commission (the "Commission") in the above-mentioned dockets. If you have any questions, please do not hesitate to reach out.

Sincerely,

/s/ Kruti Patel
Kruti Patel

Encls.

cc: Service List

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Deer Haven, L.L.C. :
and PL Utilities, LLC for approval of: (1) :
PL Utilities, LLC’s acquisition of certain :
wastewater system assets of Deer Haven, :
L.L.C.; (2) the abandonment by Deer : **Docket No. A-2024-3049587**
Haven, L.L.C. of wastewater service to the :
public in Palmyra Township, Pike County, : **Docket No. A-2024-3049591**
Pennsylvania; and (3) authorization of PL :
Utilities, LLC to offer, render, furnish and :
supply wastewater service to the public in :
a portion of Palmyra Township, Pike :
County, Pennsylvania :

**PETITION TO INTERVENE OF AQUA PENNSYLVANIA, INC. AND AQUA
PENNSYLVANIA WASTEWATER, INC.**

Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively “Aqua”) by and through its undersigned counsel hereby petition the Commission to intervene in the above-captioned matter, pursuant to 52 Pa. Code §§ 5.71-75, and in support thereof aver as follows:

I. Background

1. In 2010, Deer Haven, LLC (“Deer Haven”) and Pocono Lakefront, LLC (“Pocono”) entered into a Grant of Capacity and Option to Purchase Agreement (“Option Agreement”) under which Pocono, or its successors and assigns, had the option to purchase the Deer Haven Water and Sewer Systems for \$1.00 subject to approval by the Public Utilities Commission (“Commission”).

2. In accordance with the Option Agreement Pocono and Deer Haven entered into a Purchase Agreement in 2014 to effectuate the purchase of the Deer Haven Water and Sewer Systems (“Purchase Agreement”), again subject to Commission approval.

3. In accordance with the Purchase Agreement, PL Utilities, LLC (“PLU”)¹ was formed to own, operate, and hold the Certificates of Public Convenience (“CPC”) of the Sewer System upon transfer from Deer Haven. In furtherance of the transfer, PLU moved forward with construction of a new wastewater treatment plant (“WWTP”)², which was substantially completed in 2023, but has yet to be interconnected to the existing sewer lines.

4. Pocono had subsequently informed Deer Haven – after execution of the Purchase Agreement – that it no longer intended to take possession of the Water System.

5. As such, on June 17, 2024, Pocono and Deer Haven filed with the Commission a Joint Application for Certificates of Public Convenience seeking approvals necessary for the abandonment of Deer Haven’s sewer service and the commencement of sewer service by PLU (“Joint Application”).

6. While the Joint Application was pending, on August 1, 2024, Deer Haven requested that the Commission issue an Emergency Order allowing Aqua to act as a receiver to operate the Deer Haven Water and Sewer Systems.

7. In response, the Commission initiated the Deer Haven 529 Investigation as part of its Ex Parte Emergency Orders for Deer Haven Water on August 7, 2024 (as modified by the Commission’s Ratification Order on August 26, 2024) and for Deer Haven Sewer on August 15, 2024 (and ratified by the Commission’s Ratification Order on August 22, 2024) (“Ex Parte Orders”) in Docket Nos. P-2024-3050545 and P-2024-3050549.

¹ Mr. Goren is the sole member of PLU.

² Notably, the new WWTP is owned by PLU, but Pocono claims that it owns the property on which the Deer Haven Water and Sewer Systems are situate.

8. As such, the Commission issued an order on August 26, 2024 staying the Commission's evaluation of the Joint Application pending the outcome of the Deer Haven 529 Proceeding (the "Order").

9. Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. were appointed by the Commission to act as Receivers for Deer Haven Water and Deer Haven Sewer, respectively.

II. Aqua Meets the Standards for Intervention

10. Aqua meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As 529 Receiver to the Deer Haven Water and Sewer Systems, Aqua possesses 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." 52 Pa. Code § 5.72(a)(1).

11. Since becoming Receiver, Aqua has discovered deficiencies in the Deer Haven Sewer System's current WWTP's treatment process leading to partially treated wastewater being discharged into Lake Wallenpaupack. The current WWTP is also so unsafe so as to render entry to Aqua's employees impracticable. As such, Aqua has implemented a pump and haul operation for treatment of the sewage as a temporary solution, however, it is not a cost-effective, long-term viable solution.

12. To date, Aqua has not been able to implement any viable alternatives to the current pumping and hauling operations.

13. As noted in the Joint Application, PLU constructed a brand new WWTP which has the same flow rating as the existing Deer Haven Sewer System and is located just approximately 1,000 feet away from the existing WWTP and waiting to be utilized. Interconnection to the new WWTP would provide a long-term solution to cure the existing deficiencies present in the current

Deer Haven WWTP and provide a viable alternative to Aqua’s temporary solution of pumping and hauling.

14. As such, Aqua has simultaneously filed a Motion to Lift the Stay of the proceedings in dockets A-2024-3049587 and A-2024-3049591. A copy of said motion is attached hereto as **Exhibit A**.

15. A lifting of the stay of the proceedings and subsequent approval of the Joint Application would put in motion interconnection to the new WWTP and would relieve Aqua of its duties as 529 Receiver, including the need to continue expensive pump and haul operations. Thus, Aqua would be effectively bound by any action of the Commission in the Joint Application proceedings.

III. Conclusion

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. respectfully request that the Commission grant this Petition to Intervene.

Respectfully submitted,

AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.

By: /s/ Kruti B. Patel

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*Counsel for Aqua Pennsylvania, Inc. and Aqua
Pennsylvania Wastewater, Inc.*

Dated: December 17, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Deer Haven, L.L.C. :
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Pennsylvania; and (3) authorization of PL :
Utilities, LLC to offer, render, furnish and :
supply wastewater service to the public in :
a portion of Palmyra Township, Pike :
County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of December, 2024, served a true and correct copy of the foregoing Petition to Intervene of Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc., upon the persons and in the manner set forth below:

VIA E-FILING AND ELECTRONIC MAIL

PA PUC

E-file Only

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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*Counsel for Aqua Pennsylvania, Inc., Aqua
Pennsylvania Wastewater, Inc.*

EXHIBIT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Deer Haven, L.L.C. :
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Pennsylvania; and (3) authorization of PL :
Utilities, LLC to offer, render, furnish and :
supply wastewater service to the public in :
a portion of Palmyra Township, Pike :
County, Pennsylvania :

JOINT MOTION TO LIFT THE STAY OF PROCEEDINGS

Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively “Aqua”) along with Deer Haven, LLC (“Deer Haven”) by and through their undersigned counsel file this Motion to Lift the Stay in the above-captioned matter, pursuant to 66 Pa. C.S.A. § 501, and in support thereof aver as follows:

I. Background

1. In 2010, Deer Haven and Pocono Lakefront, LLC (“Pocono”) entered into a Grant of Capacity and Option to Purchase Agreement (“Option Agreement”) under which Pocono, or its successors and assigns, had the option to purchase the Deer Haven Water and Sewer Systems for \$1.00, subject to approval by the Pennsylvania Public Utility Commission (“Commission”).

2. In accordance with the Option Agreement, Pocono and Deer Haven entered into a Purchase Agreement in 2014 to effectuate the purchase by Pocono of the Deer Haven Water and Sewer systems (“Purchase Agreement”), again subject to Commission approval.

3. In accordance with the Purchase Agreement, PLU¹ was formed to own, operate, and hold the Certificates of Public Convenience (“CPC”) of the Sewer System upon transfer from Deer Haven. In furtherance of the transfer, PLU moved forward with construction of a new wastewater treatment plant (“WWTP”)², which was substantially completed in 2023, but has yet to be interconnected to the existing sewer lines.

4. Pocono had subsequently informed Deer Haven – after execution of the Purchase Agreement – that it no longer intended to take possession of the Water System.

5. As such, on June 17, 2024, Pocono and Deer Haven filed with the Commission a Joint Application for Certificates of Public Convenience seeking approvals necessary for the abandonment of Deer Haven’s sewer service and the commencement of sewer service by PLU (“Joint Application”).

6. While the Joint Application was pending, on August 1, 2024, Deer Haven requested that the Commission issue an Emergency Order allowing Aqua to act as a receiver to operate the Deer Haven Water and Sewer Systems.

7. In response, the Commission initiated the Deer Haven 529 Investigation as part of its Ex Parte Emergency Orders for Deer Haven Water on August 7, 2024 (as modified by the Commission’s Ratification Order on August 26, 2024) and for Deer Haven Sewer on August 15, 2024 (and ratified by the Commission’s Ratification Order on August 22, 2024) (“Ex Parte Orders”) in Docket Nos. P-2024-3050545 and P-2024-3050549.

¹ Mr. Goren is the sole member of PLU.

² Notably, the new WWTP is owned by PLU, but Pocono claims that it owns the property on which the Deer Haven Water and Sewer Systems are situate.

8. As such, the Commission issued an order on August 26, 2024 staying the Commission's evaluation of the Joint Application pending the outcome of the Deer Haven 529 Proceeding (the "Order").

9. Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. were appointed by the Commission to act as Receivers for Deer Haven Water and Deer Haven Sewer, respectively.

10. Aqua is thus an interested party, and Aqua is simultaneously filing a Petition to Intervene in the present proceedings.

II. Argument

11. Aqua and Deer Haven now submit this present motion asking the Commission to issue an Order lifting the stay of proceedings in this docket so that the Commission can move forward in evaluating the Joint Application.

12. Specifically, Aqua Pennsylvania Wastewater, Inc., as Receiver of the Sewer System has an interest in having the Commission determine whether to grant a CPC to PLU. If the Commission approves the transfer and grants the CPC, then Aqua's responsibilities and its customers' burdens regarding incurring expenses related to the Receivership for the Deer Haven Sewer System will be alleviated.

13. The Commission has authority pursuant to 66 Pa.C.S.A. § 501 "to rescind or modify any such regulations or orders."

14. Since becoming Receiver, Aqua has explored several options to address the situation in the short term. As outlined in the Aqua's Initial Status report, attached hereto as **Exhibit A**, Aqua discovered deficiencies in the Deer Haven Sewer System's current WWTP's treatment process leading to partially treated wastewater being discharged into Lake Wallenpaupack. The current WWTP is also so unsafe so as to render entry to Aqua's employees

impracticable. As such, Aqua has implemented a pump and haul operation for treatment of the sewage as a temporary solution, however, it is not a cost-effective, long-term viable solution.

15. Aqua has evaluated multiple different options to cure these deficiencies, which pose serious health and safety concerns, as an alternative to pump and haul, including broaching the topic of interconnection to PLU's new WWTP, and installing a membrane aerated biofilm reactor ("MABR") mobile treatment unit on-site (where Deer Haven's current WWTP is located) to allow for continuous treatment without the need for pumping and hauling and to protect Aqua's employees and contractors from having to enter the unsafe WWTP structure. However, neither the interconnection or mobile treatment unit options have been utilized.

16. As noted in the Joint Application, the brand new WWTP has the same flow rating as the existing Deer Haven Sewer System and is located just approximately 1,000 feet away from the existing WWTP and waiting to be utilized. Interconnection to the new WWTP would provide a long-term solution to cure the existing deficiencies present in the current Deer Haven WWTP and provide a viable alternative to the temporary solution of pumping and hauling.

17. Further, Aqua has no interest in acquiring the Deer Haven Sewer System at this time. PLU has expressed such interest as evidenced by filing the Joint Application and construction of a new WWTP that is waiting to be utilized.

18. As such, Aqua and Deer Haven believe that the best path forward for the parties and customers, is through approval of the Joint Application. Approval of the Joint Application would put in motion interconnection to PLU's new WWTP and would provide a long-term solution to the deficiencies present within the current Deer Haven Sewer System.

19. Additionally, the Bureau of Investigation & Enforcement ("I&E") does not oppose this Motion.

III. Conclusion

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., and Deer Haven LLC respectfully request that the Commission grant this Motion to Lift the Stay of the Proceedings, as previously instituted in its August 26, 2024 Order.

Respectfully submitted,

**AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.**


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AND

DEER HAVEN, LLC

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Counsel for Deer Haven, LLC

Dated: December 17, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Deer Haven, L.L.C. :
and PL Utilities, LLC for approval of: (1) :
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Pennsylvania; and (3) authorization of PL :
Utilities, LLC to offer, render, furnish and :
supply wastewater service to the public in :
a portion of Palmyra Township, Pike :
County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of December, 2024, served a true and correct copy of the foregoing Joint Motion of Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., and Deer Haven, LLC and upon the persons and in the manner set forth below:

VIA E-FILING AND ELECTRONIC MAIL

PA PUC

E-file Only

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105
Rosemary Chiavetta, Secretary
rchiavetta@pa.gov

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Scott Granger, Esq.
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The Honorable Christopher P. Pell
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Via E-mail

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Pennsylvania Wastewater, Inc.*

EXHIBIT A

SAUL EWING

LLP

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October 17, 2024

Via E-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Dear Secretary Chiavetta,

Enclosed please find Aqua Pennsylvania Wastewater, Inc.'s ("Aqua") Initial Status Report to the Pennsylvania Public Utility Commission (the "Commission") with an updated, legible Attachment E. This Initial Status report is in accordance with Aqua's Receivership duties for Deer Haven, LLC (Sewer) established by the Commission's *Ex Parte* Order dated August 15, 2024. If you have any questions, please do not hesitate to reach out.

Sincerely,



Kruti Patel

Encls.

cc: Service List

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Deer Haven, LLC Requesting an : **Docket No. P-2024-3050545**
***Ex Parte* Emergency Order Allowing Aqua** :
Pennsylvania, Inc. to Act as a Receiver to :
Operate the Deer Haven Water and :
Wastewater Systems

CERTIFICATE OF SERVICE

I hereby certify that I have, this 16th day of October, 2024, served a true and correct copy of Aqua Pennsylvania Wastewater, Inc.'s Initial Status Report, upon the persons and in the manner indicated below:

VIA E-FILE AND ELECTRONIC MAIL

PA PUC

E-file Only

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Counsel for Aqua Pennsylvania Wastewater, Inc.



**INITIAL STATUS REPORT TO THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DEER HAVEN, LLC (SEWER)
AQUA PENNSYLVANIA WASTEWATER, INC., AS RECEIVER

DOCKET NO. P-2024-3050549

Dated: October 15, 2024

A. BACKGROUND

On August 1, 2024, Deer Haven, LLC (Sewer) (“DH Sewer”) filed a Petition requesting that the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) issue an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems.¹ The Commission issued a Secretarial Letter on August 7, 2024 denying DH Sewer’s request for an *Ex Parte* Emergency Order. Aqua Pennsylvania, Inc. (“AP”) filed a letter on August 13, regarding the Deer Haven, LLC (Water) (“DH Water”) system, but noted that:

Aqua would also note that while Aqua is aware the Commission denied Deer Haven’s Petition for an *Ex Parte* Emergency Order to name Aqua Pennsylvania Wastewater, Inc. as the Receiver for the Wastewater System, Aqua understands that the operator is no longer performing operations oversight for the Wastewater System as of Saturday, August 10, 2024. Aqua is informing the Commission to ensure that operations oversight is restored as soon as possible to protect the customers of Deer Haven.²

Also on August 13, 2024 DH Sewer filed a response to the Commission’s August 7, 2024 Secretarial Letter wherein DH Sewer stated that its current operator was terminating service effective August 9, 2024 due to past due balances owed.

On August 15, 2024, the Commission issued an *Ex Parte* Emergency Order naming AP as Receiver of the DH Sewer system.³ Although the Commission named AP as the Receiver for the DH Sewer system, Aqua Pennsylvania Wastewater, Inc. (“APW”) is acting as the Receiver as DH Sewer is a wastewater system (AP and APW shall be referred to as “Aqua” collectively).

The DH Sewer system serves approximately 62 customers in Palmyra Township, Pike County, Pennsylvania. The DH Sewer system abuts Lake Wallenpaupack and is near several of AP’s water systems including Tanglewood North and Tanglewood Lakes. The Receivership Order was ratified by the Commission through its Ratification Order entered on August 22, 2024. Aqua was directed to assume its Receivership role on August 15, 2024. Included within the Commission’s Receivership Order, the Company was directed to “[s]ubmit an initial status report to the Commission within 60 days of assuming operations and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership.”⁴

APW now submits its Initial Status Report (“Status Report”) on the operations of DH Sewer as directed by the Commission.

¹ *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050549. (“DH Petition”).

² Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).

³ DH Petition, Docket No. P-2024-3050549, *Ex Parte* Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024) (“Receivership Order”).

⁴ *Id.* Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

B. INITIAL STATUS REPORT

1. Receivership Order

The Commission directed that utility service serving the DH Sewer facilities be transferred to the Receiver.⁵ Electric service was transferred and established in APW's name as Receiver in accordance with the Commission's Receivership Order.

The Commission directed that DH Sewer preserve all hard copy or electronic records, files, bank statements, documents, papers, or any other materials related to the offering of utility water service, including records of all contracts, agreements loans, payments, and other arrangements with affiliated companies.⁶

The Commission directed that by August 15, 2024, DH Sewer turn over copies or originals of all books, records, accounts, and any other information, and all operations assets, including keys to locks securing facilities, buildings, and any other property, whether personal or real property, used and useful in the provision of utility water service to customers served by DH Sewer to the Receiver.⁷ The Commission also directed that DH Sewer, including its owners and employees, provide full and unconditional cooperation with the orderly transition of operations, management, and oversight to the Receiver.⁸

2. Operations and Capital Expenditures

On August 15, 2024, Aqua began its Receivership duties for the DH Sewer system, and visited the wastewater treatment plant ("WWTP") facilities in the evening of August 15, 2024 to assess the state of operations of the DH Sewer system. On August 16, 2024, a full complement of Aqua personnel arrived onsite to begin a full assessment of the system and its operations. Aqua performed a walkthrough of the DH Sewer facilities and immediately was concerned with the lack of treatment occurring in the existing facilities. Aqua employees also identified as a concern the structural integrity of the WWTP building. Photographs of the DH Sewer facilities when Aqua came onsite are included with this Status Report as **Attachment A**.

Within the WWTP, Aqua found that only primary treatment was occurring in the treatment train as the second process train is unusable. Wastewater enters the aeration tank for primary treatment then moves to a clarifier to settle solids, then to the chlorine contact tank for disinfection and finally discharge to the lake. Aqua notes that aeration, a chloring pump, and DelPac for phosphorus removal were on and running upon Aqua's arrival. However, Aqua observed that there was essentially no biological activity in the aeration processes, minimal disinfection, and the partially treated wastewater was being discharged into Lake Wallenpaupack near a marina. This is in violation of the facility's NPDES permit. Aqua informed the Pennsylvania Department of Environmental Protection ("DEP") of this discharge. Aqua took wastewater composite samples

⁵ *Id.* Ordering Paragraph No. 9.

⁶ *Id.* Ordering Paragraph No. 10.

⁷ *Id.* Ordering Paragraph No. 11 and 12.

⁸ *Id.* Ordering Paragraph No. 13.

at the end of the chlorine contact tank to ensure a representative sample. The samples showed exceedances of Ammonia-Nitrogen, Total Phosphorus, and BOD. The sample results are included in this Status Report as **Attachment B**. Aqua met with the DEP on August 23, 2024, to discuss solutions to address the non-compliant discharge. It is important to note that DH Sewer was in the process of transferring its assets to PL Utilities, LLC (“PLU”) at Docket No. A-2024-3049587 and A-2024-3049591. PLU had constructed a new WWTP that would accept flow from the DH Sewer system, but is not yet connected to the DH Sewer system, and is located approximately 1,000 feet away from the existing WWTP. A map showing these locations is included in this Status Report as **Attachment C**. Aqua’s preference would be to connect the existing facilities to the new WWTP; however, the new WWTP is not owned by DH Sewer – it is owned by PLU. PLU has not shown interest in allowing such a connection to occur at this point in the proceeding therefore the new WWTP owned by PLU remains out of service.

Following Aqua’s meeting with the DEP, Aqua had to obtain a third-party contractor to implement pumping and hauling of the wastewater coming into the DH Sewer WWTP to mitigate further discharge into Lake Wallenpaupack. However, high inflow and infiltration (“I&I”) from heavy rains or snow melt may cause an overflow from the WWTP into the lake. This concern was reported to the DEP and if such circumstances occur, it will be reported to DEP. Aqua installed a new flow totalizer to measure flow totals and tank levels. Aqua has been continuing this pumping and hauling effort which requires, on average, at least one truckload per day at an average cost of \$26,310 per month. Aqua is currently evaluating installing a membrane aerated biofilm reactor (“MABR”) mobile treatment unit on-site to allow for continuous treatment without the need for pumping and hauling and to protect Aqua’s employees and contractors from having to enter the unsafe WWTP structure as discussed below.

Regarding the WWTP structure itself, as can be seen in the photographs included as Attachment A, the WWTP structure had deteriorated and was non-operational. A section of the old WWTP structure appears to have collapsed years ago and a new area was erected over the collapsed structure without clearing the collapsed structure. This made access to plant equipment and walking around the facility unsafe. Aqua’s concern was for the safety of its employees and contractors, and thereafter locked the WWTP structure and instructed all employees and contractors not to enter. To confirm Aqua’s concerns, Aqua obtained a structural engineer to review the WWTP which was determined “Not Safe To Be Occupied”. The structural engineer’s email is included in this Status Report as **Attachment D**. Similar unsafe conditions were observed related to the electrical equipment which included panels with the front face removed and unsafe workmanship. In general, the facility’s condition is poor, and has many safety hazards throughout. These conditions represent what appears to be years of poor maintenance and care to safety of the work areas.

Aqua established a website to provide information to customers concerning the DH Sewer system: <https://www.aquawater.com/deerhaven.php>. Aqua sent a letter to customers informing them that Aqua was now acting as Receiver of the DH Sewer system. The customer letter is included in this Status Report as **Attachment E**.

Aqua is developing a recommended capital plan for the DH Sewer system and will provide recommendations on capital improvements in a subsequent status report.⁹

As Aqua continues to operate the system to ensure compliance with the Receivership Order, Aqua will make improvements necessary to provide quality and reliable service. Aqua will have further information on operational issues in later reports.

3. Financial

The Receivership Order directed Aqua to establish the financial position of DH Sewer at the time Aqua assumed its Receivership role.¹⁰ Aqua is working to establish the financial position of DH Sewer as of the start of Aqua's Receivership. Aqua will continue to track expenses and capital improvements related to the DH Sewer system through deferred accounting treatment via establishment of a regulatory asset in accordance with Aqua's Receivership duties.¹¹

4. Initial Customer Billing

Aqua has implemented the existing rates of DH Sewer as set forth in DH Sewer's Supplement No. 5 to Deer Haven SEWER Company Tariff SEWER – Pa. P.U.C. No. 1, effective June 1, 2011, which is available on Aqua's website and the Deer Haven webpage discussed above. Aqua's initial billing of the DH Sewer customers were sent out in September 2024.

C. CONCLUSION

Aqua will continue to investigate the system's operations and financial status and will make necessary improvements to operate the DH Sewer system to ensure quality service to the DH Sewer customers for the period of its Receivership duties during the 529 proceeding. Aqua will provide an update to this Initial Status Report on or before January 13, 2025.

⁹ *Id.* Ordering Paragraph 5, Appendix A, Paragraph 1.c.

¹⁰ *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.

¹¹ *Receivership Order*, Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.

ATTACHMENT A













03130



03130



















13087





ATTACHMENT B



Customer: Environmental Service Corp PA
9121 Valley View Drive
Clarks Summit, PA 18411

Report Date: 9/3/2024

Page 1 of 2

Ryan Detweiler

Report Narrative

HawkMtn WO #: 2408-00362
Subject Line: Deer Haven Daily Effluent Analysis - 8/19/24

Any information provided by client (CLT) has not been performed by HML and is not within the HML scope of accreditation.

All solid samples are reported on "a dry weight" basis unless otherwise noted.

The test results meet the requirements of 25 PA Code and Chapter 252, except where noted.

The information contained in this analytical report is the sole property of Hawk MTN Laboratories, Inc. and that of the client. It cannot be reproduced in any form without the consent of Hawk MTN Labs, Inc. or the client for which this report was issued. The results contained in this report(s) are only representative of the sample(s) received. Conditions are dependent on location and time of the sampling event.

Hawk MTN Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

PA DEP 40-417
EPA PA00169

Customer: Environmental Service Corp PA
9121 Valley View Drive
Clarks Summit, PA 18411

Report Date: 9/3/2024

Page 2 of 2

Ryan Detweiler

Certificate of Analysis

Material Tested: Non Potable Water HawkMtn WO #: 2408-00362-001
Date Sampled: 08/19/2024 Time Sampled: 8:00 Sampler: Client
Date Received: 08/19/2024 Sample Point ID: Effluent Composite
Client Sample ID: Deer Haven Daily Effluent Composite

Analysis	Result	Dilution	Quant Limit	Method	Qual	Tech	Analysis Date & Time	
							Start	End
Total Suspended Solids	25.0 mg/L	1	5	SM 2540 D		NR	8/20/24	12:19
Ammonia-Nitrogen as N	4.66 mg/L	5	0.2	SM 4500-NH3 F		GW	8/26/24	13:54
Phosphorus, Total	2.92 mg/L	5	0.1	SM 4500-P E		AM	8/21/24	14:59
BOD, Carbonaceous	11.5 mg/L	1	6	SM 5210 B	B1	JS	8/19/24	15:45 8/24/24 9:45

Material Tested: Non Potable Water HawkMtn WO #: 2408-00362-002
Date Sampled: 08/19/2024 Time Sampled: 9:50 Sampler: Client
Date Received: 08/19/2024 Sample Point ID: Effluent Fecal Grab
Client Sample ID: Deer Haven Daily Effluent Fecal Grab

Analysis	Result	Dilution	Quant Limit	Method	Qual	Tech	Analysis Date & Time	
							Start	End
Fecal Coliform	8.5 MPN/100 mL	1	1.0	Colilert 18		MPM	8/19/24	15:15 8/20/24 13:15

These results relate only to the sample noted above.

This certificate is not to be reproduced except in full, without the written approval of HawkMtn Labs.


Jeffrey Gittleman, Laboratory Director


Nicholas Lynn, Technical Director

B1 = Target analyte was measured in the laboratory blank at or above the quantitation limit.

Composite
 Start Date: 8-19-24 Time: 08:00
 End Date: 8-19-24 Time: 08:00

Grab
 Date: 8-19-24 Time: 0950
 Date: _____ Time: _____
 Date: _____ Time: _____
 Date: _____ Time: _____

Smp#	Preservative	Unpreserved	Unpreserved	Rev'd	Smp#	Bottle	Rev'd	Preservative	Plastic 250mL	Plastic 100mL	Na2S2O3, Fecal Co	Rev'd
001	Plastic 1L	Unpreserved	Unpreserved	<input checked="" type="checkbox"/>	001	Plastic 250mL	<input checked="" type="checkbox"/>	H2SO4	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
002	Plastic 1L, TSS	Unpreserved	Unpreserved	<input checked="" type="checkbox"/>	002	Sterilized, Plastic 100mL	<input checked="" type="checkbox"/>	Na2S2O3, Fecal Co				<input checked="" type="checkbox"/>

Smp #	Smp Site	Matrix/ Smp Type	Tests	Temp Upon Receipt	Sample Date	Sample Time	Field pH	Field Cl	Field Temp
001	Deer Haven Daily Effluent Composite	Non Potable Wa	WA-CBOD WA-AM-NT	2.7 °C	8-19-24	0950			mp/L
002	Deer Haven Daily Effluent Fecal Grab	Non Potable Wa	WW-TF-C18	2.1 °C	8-19-24	0950			mp/L

Receipt Info: Received on ice? Y / N
 Samples intact? Y / N
 COC intact and complete? Y / N
 Correct containers? Y / N
 Volatiles: Headspace present? Y / N
 Adequate samples? Y / N
 Completed by: [Signature] Samples/COC/Analysis agree? Y / N AP

Sampled By: William J. Dixon
 Date: 8-19-24 Time: 1105
 RECEIVED BY: [Signature] Date: 8-19-24 Time: 1328
 RELINQUISHED BY: [Signature] Date: 8-19-24 Time: 1430
 RECEIVED AT LAB: [Signature] Date: 8-19-24 Time: 1546
 LOGGED IN AT LAB: [Signature]

Field Meter ID: _____
 Notes: _____



Customer: Environmental Service Corp PA
9121 Valley View Drive
Clarks Summit, PA 18411

Report Date: 9/3/2024

Page 1 of 2

Ryan Detweiler

Report Narrative

HawkMtn WO #: 2408-00369
Subject Line: Deer Haven Daily Effluent Analysis - 8/20/24

Any information provided by client (CLT) has not been performed by HML and is not within the HML scope of accreditation.

All solid samples are reported on "a dry weight" basis unless otherwise noted.

The test results meet the requirements of 25 PA Code and Chapter 252, except where noted.

The information contained in this analytical report is the sole property of Hawk MTN Laboratories, Inc. and that of the client. It cannot be reproduced in any form without the consent of Hawk MTN Labs, Inc. or the client for which this report was issued. The results contained in this report(s) are only representative of the sample(s) received. Conditions are dependent on location and time of the sampling event.

Hawk MTN Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

PA DEP 40-417
EPA PA00169



Customer: Environmental Service Corp PA
9121 Valley View Drive
Clarks Summit, PA 18411

Report Date: 9/3/2024

Page 2 of 2

Ryan Detweiler

Certificate of Analysis

Material Tested:	Non Potable Water	HawkMtn WO #:	2408-00369-001
Date Sampled:	08/20/2024	Time Sampled:	8:00
Date Received:	08/20/2024	Sampler:	Client
Client Sample ID:	Deer Haven Daily Effluent Composite	Sample Point ID:	Effluent Composite

Analysis	Result	Dilution	Quant Limit	Method	Qual	Tech	Analysis Date & Time	
							Start	End
Total Suspended Solids	18.7 mg/L	1	5	SM 2540 D		NR	8/21/24	10:27
Ammonia-Nitrogen as N	5.86 mg/L	1	0.2	SM 4500-NH3 F		GW	8/26/24	13:54
Phosphorus, Total	2.65 mg/L	5	0.1	SM 4500-P E		AM	8/26/24	15:32
BOD, Carbonaceous	14.4 mg/L	1	6	SM 5210 B		JS	8/21/24	11:00 8/26/24 8:04

Material Tested:	Non Potable Water	HawkMtn WO #:	2408-00369-002
Date Sampled:	08/20/2024	Time Sampled:	9:45
Date Received:	08/20/2024	Sampler:	Client
Client Sample ID:	Deer Haven Daily Effluent Fecal Grab	Sample Point ID:	Effluent Fecal Grab

Analysis	Result	Dilution	Quant Limit	Method	Qual	Tech	Analysis Date & Time	
							Start	End
Fecal Coliform	7.5 MPN/100 mL	1	1.0	Colilert 18		MPM	8/20/24	14:20 8/21/24 12:20

These results relate only to the sample noted above.

This certificate is not to be reproduced except in full, without the written approval of HawkMtn Labs.


Jeffrey Gittleman, Laboratory Director


Nicholas Lynn, Technical Director

Work Order #: 2408-00369 Purchase Order:
 Site Name: Environmental Service Corp PA
 Contact: Ryan.Detweiler@esc-pa.com

Chain of Custody & Analysis Record
 HawkMtn Labs, Inc.
 201 West Clay Ave, Hazle Township, PA 18202
 Ph.(570) 455-6011 Fax (570) 455-6321

Pick Up Date: 8/23/2024
 Printed By: AP
 Bottles made by: JV

Page 1 of 1
 Approved By: [Signature]
 Checked By: [Signature]

Composite
 Start Date: 8-20-24 Time: 00:00
 End Date: 8-20-24 Time: 08:00

Grab
 Date: 8-20-24 Time: 0945
 Date: _____ Time: _____
 Date: _____ Time: _____
 Date: _____ Time: _____

Smp#	Preservative	Rcvd	Smp#	Bottle	Rcvd
001	Plastic 1L	<input checked="" type="checkbox"/>	001	Plastic 250mL	<input checked="" type="checkbox"/>
001	Plastic 1L, TSS	<input checked="" type="checkbox"/>	002	Sterilized, Plastic 100mL	<input checked="" type="checkbox"/>
				Na2S2O3, Fecal Co	<input checked="" type="checkbox"/>

Smp #	Smp Site	Matrix/ Smp Type	Tests	Temp Upon Receipt	Sample Date	Sample Time	Field pH	Field Cl	Field Temp
001	Deer Haven Daily Effluent Composite	Non Potable Wa	WA-CBOD WA-AM-NT	1.7 °C	8/20/24	0945			mp/L
002	Deer Haven Daily Effluent Fecal Grab	Non Potable Wa	WW-TF-C18	0.1 °C	8/20/24	0945			mp/L

Receipt Info: Received on ice? N COC intact and complete? N
 Samples intact? N Correct containers? N

Volatiles: Headspace present? N
 Adequate samples? N
 Completed by: [Signature] Samples/COC/Analysis Agree? N

RELINQUISHED BY: [Signature] Date: 8/20/24 Time: 1050
RECEIVED BY: [Signature] Date: 8/20/24 Time: 1220
RELINQUISHED BY: [Signature] Date: 8/20/24 Time: 1400
RECEIVED AT LAB: [Signature] Date: 8/20/24 Time: 1505
LOGGED IN AT LAB: [Signature]

Sampled By: William J. Dixon

Field Meter ID: _____
 Notes: _____

ATTACHMENT C



Existing WWTP

New WWTP

200ft

41.381546 -75.254892 Degrees

Maxar, Microsoft **esri** POWERED BY

ATTACHMENT D

Bisignani, Michael

From: MBisignani@aquaaamerica.com
To: Bisignani, Michael
Subject: FW: [EXTERNAL] Fwd: Aqua Deer Haven Structural Inspection

From: Kyle Lantzy <Kyle.Lantzy@ghd.com>
Sent: Thursday, August 22, 2024 6:32:33 PM
To: Michael Bisignani <Michael.Bisignani@ghd.com>
Cc: Arielle Novak <Arielle.Novak@ghd.com>
Subject: Aqua Deer Haven Structural Inspection

Good Evening Mike,
Summary of the site visit is below.

The existing facility has a many deficiencies and in my professional opinion is **NOT SAFE TO BE OCCUPIED**.

The exterior is in decent condition. It was stated that the wooden exterior and metal siding/roofing was added around 2016.

There are reinforced CMU retaining walls at the South East corner of the building. The walls are showing signs of deterioration, deflection and bowing. This wall is beginning to fail.

The interior of the building is a complex combination of an existing failed metal building structure and a "Newer" steel column, wooden wall girt, and wooded truss system.

The existing Metal "Butler" Building had already failed in the past and was partially demolished. What is left of the existing metal building is poorly shored by 2x4 posts that rest on the metal process tanks, or wooden framing below. The existing metal building roof purlins are severely corroded and have deflected several feet. Portions of the metal moment frame were cut and left in place. These frames can be moved by pushing on them.

At some point it was attempted to building a steel/wooden hybrid pole type structure. Steel columns, masonry columns and a steel roof support structure above the existing metal building and process tanks were added. While installing the steel columns, the horizontal metal building girts that were left in place were cut on each side of the steel column, which compromises the force transfer during wind storms. Portions of the exterior walls can be shaken in and out several inches when pushed on. There is a location when the existing electrical service comes into the building where the electrical service is mounted to the old steel building and the horizontal girts and steel frame are cut. Adjacent to this area the wooden building wall girts also are cut and are not anchored to a wooden post. The exterior metal siding is not attached to either the old metal building or the wooden wall girts in several locations.

Around the process tanks there are wooden frames placed on grade with plywood for a walking surface. This is a hazard as there are many areas where there are rotted holes in the plywood either exposed or covered up by loose laying plywood.

The process tanks are in poor condition. The top bracing channels are severely deteriorated and collapsing. There is little to no safety grating over the tanks and any grating planks are deteriorating and not anchored down, so they could move if walked on. Some grating planks are rusted in half and remain resting on the top of the tank and a severely corroded center support stiffener. There is no safety railing around the tanks and the stairs are not anchored and shift when stepped on.

The building is not ventilated and is a classified space due to the waste water tanks inside.

This is just a summary and will be followed up by a memo along with photos and observations.

Again, it is my professional opinion that this building should not be occupied as there are numerous safety issues along with the potential of portions of the building to collapse, either by itself or during a wind event.

Regards,

Kyle

KYLE J LANTZY
PE
Senior Structural Engineer
Northeast Engineering Design Discipline Lead – Structural

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ATTACHMENT E



August 28, 2024

Dear Deer Haven Water and/or Wastewater Customer:

Aqua Pennsylvania, Inc. ("AP") and Aqua Pennsylvania Wastewater, Inc. ("APW") (collectively "Aqua") assumed operations of the Deer Haven, LLC ("Deer Haven") Water and Wastewater systems on August 26, 2024 and August 16, 2024, respectively, as its Receiver in accordance with orders by the Pennsylvania Public Utility Commission ("PUC") under Section 529 of the Public Utility Code, 66 Pa. C.S. § 529. The PUC regulates both Deer Haven and Aqua.

Aqua is one of the largest regulated public utilities in the commonwealth, providing water and wastewater service to approximately 1.5 million people in 32 counties throughout the state including several systems in Palmyra Township and Blooming Grove Township, Pike County. Aqua has over a 135-year history of operating water and wastewater systems and will bring this expertise to Deer Haven as we manage its operations and assets.

Aqua is now providing water and wastewater services to Deer Haven customers until an ultimate determination on its operations and ownership is made by the PUC. During the interim, you will receive bills for service from Aqua at the rates set forth in Deer Haven's tariffs. These rates can be found in the Deer Haven tariffs posted on Aqua's website at <https://www.aquawater.com/about/states-we-serve/pennsylvania/index.php>.

Aqua will bill Deer Haven water customers monthly and wastewater customers quarterly in compliance with Deer Haven's tariffs and previous billing practices. Your first monthly water bill from Aqua will arrive in September and your first quarterly wastewater bill from Aqua will arrive in October for the billing period of July through September. Customer payments may be mailed to:

Aqua
P.O. Box 70279
Philadelphia, PA 19176-0279.

You can also pay your bills online by setting up an account at <https://www.aquawater.com/>. If you have questions about your bill or service issues, please call Aqua's customer service center at 877.987.2782.

Aqua will be sending out a Welcome Kit with further information in the upcoming days. We appreciate your patience through this transition period during which we look forward to providing you quality service.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc A. Lucca".

Marc A. Lucca
President