



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

February 11, 2025

VIA ELECTRONIC FILING

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

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 Answer to the Office of Consumer Advocate's Petition for Issuance of an Interim Emergency Order at the above-referenced proceeding.

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

Sincerely,

Amanda K. Chaplin
Assistant Counsel

Enclosure (Answer to the Office of Consumer Advocate's Petition for Issuance of an Interim
Emergency Order)

c: Parties of Record

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

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
Petition to Request the Commission Open : P-2024-3051313
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION’S ANSWER
TO THE OFFICE OF CONSUMER ADVOCATE’S PETITION FOR ISSUANCE
OF AN INTERIM EMERGENCY ORDER**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), by and through its undersigned counsel, pursuant to Sections 3.6 and 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) Regulations, 52 Pa. Code §§ 3.6 and 5.61, and submits this Answer to the Petition of the Office of Consumer Advocate (“OCA”) for Issuance of an Interim Emergency Order and respectfully submits the following in support of the request to appoint a receiver for the Rock Spring Water Company:

I. BACKGROUND

1. 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.

2. 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.

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

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

5. OCA filed a Notice of Intervention on October 9, 2024. Pennsylvania American Water Company filed a Petition to Intervene on October 10, 2024. Aqua Pennsylvania, Inc. filed a Petition to Intervene on October 16, 2024. State College Borough Water Authority (“SCBWA”) filed a Petition to Intervene on October 21, 2024. The Office of Small Business Advocate filed a Notice of Intervention on October 23, 2024. The Department filed its Petition to Intervene on October 28, 2024.

6. On October 30, 2024, Administrative Law Judge John M. Coogan conducted a prehearing conference and subsequently issued a Prehearing Order on November 5, 2024, outlining the procedural schedule.

7. Ferguson Township filed its Petition to Intervene on November 12, 2024.

8. Counsel for Rock Spring entered their appearance on December 10, 2024.

9. Counsel for Rock Spring filed an Emergency Petition for Appointment of Receiver in the Centre County Court of Common Pleas on January 13, 2025.

10. In the Emergency Petition for Appointment of Receiver, Counsel alleged that they had convinced Rock Spring’s president, J. Roy Campbell, to sell the public water system to

SCBWA, and that Rock Spring and SCBWA had entered into a letter of intent to negotiate the sale. However, Mr. Campbell has since become uncooperative with Counsel.

11. Counsel's Emergency Petition further averred that neither Mr. Campbell, nor his daughter, Elizabeth Campbell, the secretary for Rock Spring, are capable of operating the water system or assisting in the "neat and orderly" transfer of the water system to SCBWA. Counsel also alleged that the deteriorated status of the water system presents a "clear and present danger" to Rock Spring's customers.

12. On January 23, 2025, the Public Utility Commission, Bureau of Law filed a Petition to Intervene arguing that jurisdiction for this matter lies with the Commission, and the Commission has the authority to appoint a receiver.

13. I&E filed the written direct testimony of its witnesses on January 23, 2025. The written direct testimony of the other parties is due by February 20, 2025.

14. On January 31, 2025, the Centre County Court of Common Pleas held a hearing on Counsel's Emergency Petition and the Petition to Intervene.

15. On February 5, 2025, the Centre County Court of Common Pleas dismissed Counsel's Emergency Petition for lack of jurisdiction.

16. OCA filed its Petition for Issuance of an Interim Emergency Order with the Commission on February 6, 2025.

II. ANSWER TO PETITION FOR ISSUANCE OF AN INTERIM EMERGENCY ORDER

17. The Department agrees with OCA that the appointment of a receiver for Rock Spring is necessary as J. Roy Campbell and Elizabeth Campbell are incapable of properly of operating the public water system.

18. The Department has brought several enforcement actions against Rock Spring from 2006 to present day to address Rock Spring's excessively high unaccounted-for water loss, among other issues.

19. Rock Spring is currently in violation of the Department's Administrative Order dated August 27, 2018. The Administrative Order required Rock Spring to lower its unaccounted-for water loss to 30% or less within five years.

20. Due to Rock Spring's failure to comply with the Administrative Order, the Department filed a Petition to Enforce with the Commonwealth Court of Pennsylvania. The Petition to Enforce is attached as "Exhibit A" and is incorporated by reference as if fully set forth herein.

21. 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 B" and is incorporated by reference as if fully set forth herein.

22. 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."

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

24. 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 C" and is incorporated by reference as if fully set forth herein.

25. Rock Spring did not comply with the Court's July 24, 2024, Order, and the Department filed a Certification of Non-Compliance with the Commonwealth Court on October 8, 2024.

26. In an attempt to gain compliance with the Commonwealth Court's Order and the Department's Administrative Order, the Department met with J. Roy Campbell and a professional engineer on October 10, 2024, to discuss the requirements of the Court ordered Report and the amount of work needed to be done to repair the water system. The Department asked that J. Roy Campbell inform the Department by October 18, 2024, whether he would comply with the Court's Order requiring the Report. J. Roy Campbell instead informed the Department that he would sell the system and retire rather than create the Court ordered Report to repair the water system.

27. J. Roy Campbell has a history of informing the Department that he will sell the system rather than fixing the numerous issues plaguing the water system.

28. On December 13, 2024, after speaking with Counsel for Rock Spring and confirming the letter of intent to negotiate the sale of the water system with SCBWA, the Department agreed to continue the hearing with the Commonwealth Court on the Certification of Non-Compliance to allow Rock Spring the opportunity to negotiate the sale of the water system.

29. The Department has now learned through the Emergency Petition to Appoint Receiver filed in Centre County that J. Roy Campbell is hindering the sale of the water system.

30. In addition to litigation, the Department has conducted numerous inspections of the public water system and has issued several notices of violations ("NOV") to Rock Spring.

31. Since November 17, 2023, the Department has issued five NOV's to Rock Spring and J. Roy Campbell.

32. Notably, on September 13, 2024, the Department issued a NOV to J. Roy Campbell as the operator of Rock Spring for his failure to comply with the Safe Drinking Water Act and the Water and Wastewater Systems Operators' Certification Act, Act of November 18, 1968, P.L. 1052, *as amended*, 63 P.S. §§ 1001-1015.1, and the rules and regulations promulgated thereunder. The NOV is attached as Exhibit D and is incorporated by reference as if fully set forth herein.

33. The September 13, 2024, NOV included the following violations:

a. Failure to prepare and control chemical addition for water or treatment, 25 Pa. Code § 302.1201(b)(5): Mr. Campbell moved the hypochlorite injection point to an unpermitted location;

b. Failure to observe and take the necessary actions in response to variations in operating conditions, 25 Pa. Code § 302.1201(b)(6): Mr. Campbell failed to repair a leak for nearly six months after identifying a leak at a time when the public water system's running annual average of unaccounted-for water loss was at 72.36%;

c. Failure to provide for proper source water protection, 25 Pa. Code § 302.1201(b)(11): Mr. Campbell repeatedly failed to keep the well pit drained of surface water that poses a contamination risk;

d. Failure to prepare, review, and submit applicable notices and reports to appropriate persons or agencies, 25 Pa. Code § 302.1201(b)(15): Mr. Campbell on multiple occasions has had several incidents of shutting off water to customers without the issuance of a Tier 1 Boil Water Advisory and not following the Department's Loss of Positive Pressure policy.

34. In response to these violations outlined in the September 13, 2024, NOV, the Department requested that Mr. Campbell, among other things, create a process control plan that meets all applicable elements specified in 25 Pa. Code § 302.1203 within 30 days of receipt of the NOV. J. Roy Campbell has failed to submit a compliant process control plan.

35. J. Roy Campbell has a history of not timely and adequately responding to the Department's NOV's.

36. The Department believes that all three entities identified by OCA to act as a possible receiver—Aqua Pennsylvania, Inc., Pennsylvania American Water Company, and SCBWA—are capable of managing the water system.

37. The Department is willing to work with all the parties to come to a resolution in this matter.

III. CONCLUSION

WHEREFORE, the Department respectfully requests that the Administrative Law Judge grant the OCA's Petition for Issuance of an Interim Emergency Order and appoint a receiver for the Rock Spring Water Company.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

/s/Amanda Chaplin
Amanda Chaplin, PA I.D. #314076
Assistant Counsel
Glenn Masser, PA I.D. #315921
Assistant Counsel
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
E-mail: achaplin@pa.gov

Date: February 11, 2025

EXHIBIT A

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 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

2. Rock Spring is a Pennsylvania corporation maintaining a mailing address of 1750 Tadpole Road, Pennsylvania Furnace, PA 16865.

3. Roy Campbell is the President of Rock Spring.

4. Rock Spring owns a public water system that serves approximately 1,000 people with approximately 460 connections. Rock Spring's source of supply is Well Number 1.

JURISDICTION

5. This Court has jurisdiction over this proceeding pursuant to Section 763(a) of the Judicial Code, 42 Pa. C.S. § 763(a); Section 13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a); and Rule 3761 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. 3761.

THE DEPARTMENT'S ORDER

6. 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 correct copy of the Department Order is attached

hereto as “Exhibit A” and is hereby incorporated by reference as if fully set forth herein.

7. 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.

8. On August 27, 2018, the Department personally served the Department Order on Bonnie Jacobs. Bonnie Jacobs, now deceased, was the secretary and treasurer of Rock Spring, as well as a company shareholder at the time of service. A true and correct copy of an affidavit of service executed by Jared R. Rutt, Environmental Protection Specialist, is attached hereto as “Exhibit B” and is incorporated by reference as if fully set forth herein.

9. Rock Spring did not appeal the Department Order to the Pennsylvania

Environmental Hearing Board within the 30-day time limit for filing an appeal. Thus, the Department Order is a final administrative order of the Department and can no longer be challenged. A true and correct copy of the Certification of No Appeal from the Environmental Hearing Board signed by the Secretary of the Environmental Hearing Board attesting to the fact that Rock Spring did not appeal the Department Order is attached as “Exhibit C” and is incorporated by reference as if fully set forth herein.

10. 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”.

11. 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 D” and are incorporated by reference as if fully set forth herein.

12. 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.

13. 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.

14. Rock Spring did not appeal the Department's April 24, 2019, approval of the 2019 CAP. Thus, the Department's April 24, 2019, approval of the 2019 CAP is a final administrative action of the Department and can no longer be challenged. A true and correct copy of the Certification of No Appeal from the Environmental Hearing Board signed by the Secretary of the Environmental Hearing Board attesting to the fact that Rock Spring did not appeal the Approved CAP is attached as "Exhibit E" and is incorporated by reference as if fully set forth herein.

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

16. 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 F" and is incorporated by reference as if fully set forth herein.

17. Rock Spring did not appeal the Department's letter dated January 18,

2022, determining that a modification, amendment, or addition was necessary for the Approved CAP. Thus, the Department's letter dated January 18, 2022, is a final administrative action of the Department and can no longer be challenged. A true and correct copy of the Certification of No Appeal from the Environmental Hearing Board signed by the Secretary of the Environmental Hearing Board attesting to the fact that Rock Spring did not appeal the Department's letter dated January 18, 2022, is attached as "Exhibit G" and is incorporated by reference as if fully set forth herein.

18. 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.

19. 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.

20. 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.

21. On January 3, 2023, the Department sent a Notice of Violation to Rock

Spring for failing to comply with the Department Order.

DUTY TO COMPLY

22. Pursuant to Section 13(a) of the Safe Drinking Water Act, 35 P.S. 721.13(a) Rock Springs has a duty to proceed diligently to comply with any order issued pursuant to Section 5 of the Safe Drinking Water Act.

HEARING

23. The Department requests a hearing on this Petition. The Department estimates that a hearing in this matter would take less than one half day.

RELIEF SOUGHT

WHEREFORE, the Department respectfully requests that this Honorable Court grant the Department's Petition to Enforce and issue an Order directing Rock Spring to fully comply with the Department Order and grant the relief set forth in the attached proposed order.

Respectfully submitted,

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

A handwritten signature in blue ink that reads "Amanda Chaplin". The signature is written in a cursive style and is positioned above a horizontal line.

Amanda Chaplin, PA I.D. No. 314076

Assistant Counsel

Northcentral Region Counsel

208 West Third Street, Suite 101

Williamsport, PA 17701

Telephone: (570) 321-6568

Facsimile: (570) 327-3565

E-mail: achaplin@pa.gov

Date: October 3, 2023

**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 27th 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.



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 20th, 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 31st, 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 L, 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.

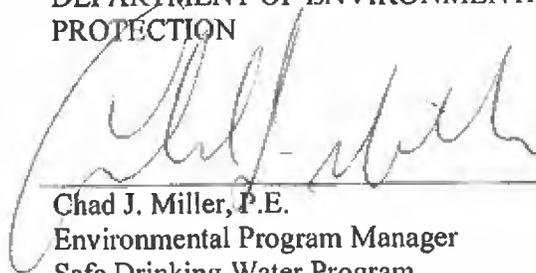
Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

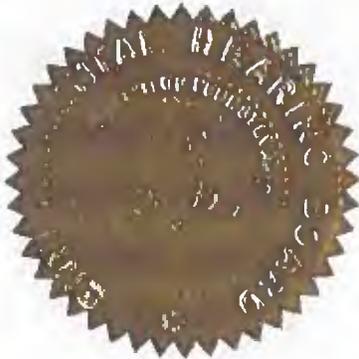


Chad J. Miller, P.E.
Environmental Program Manager
Safe Drinking Water Program

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD
Second Floor – Rachel Carson State Office Building
400 Market Street, P.O. Box 8457
Harrisburg, PA 17105-8457

Certification of No Appeal

I, Christine Walker, Secretary to the Environmental Hearing Board, by virtue of the powers and duties vested in that office, do hereby certify in accordance with Section 6103(b) of the Judicial Code, 42 Pa. C.S.A. § 6103, that I am the custodian of records for the Environmental Hearing Board. After an examination of the records, I further certify no appeal was filed by Rock Spring Water Company to the Department of Environmental Protection's Administrative Order dated August 27, 2018.



In testimony whereof, I have set
my hand and caused the seal of the
Environmental Hearing Board to be
Affixed hereto.

A handwritten signature in black ink, appearing to read "Christine A. Walker", is written over a horizontal line.

Christine Walker
Secretary to the Board

Dated: 5/4/2023





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

I. INTRODUCTION

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.

II. SCHEDULE

1st 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.

2nd 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.

3rd 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 (RSWC) 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.

4th 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.

5th 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.

6th Year and after

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

APPENDIX A

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

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

$$\frac{12,802,260 - 5,627,000}{12,802,260} * 100 = 56\%$$

3rd Quarter 2018 (August/September/October)

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

2nd 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.

APPENDIX B

Detailed Mapping of the Rock Spring Water System

Rock Spring Water Company

KEY TO FEATURES

Waterlines

Symbolized based on material and pipe diameter

- 12" PVC
- 6" PVC
- 4" PVC
- 2" Tronite
- 1" Copper
- Hydrant lines

SYSTEM PARTS

- Water Out
- Hydrant
- Water Pit
- Source
- Storage Tank
- Treatment Plant
- Valve

Only lot parcels greater than 75 acres in size are labeled with the owner's name. Parcels less than 75 acres in size are not labeled.

OTHER MAP FEATURES

Sewer

- Municipal Boundary

Prepared by the
County Board
Planning and Community
Development Office
for Rock Spring Water Company

UPDATED
12/2019

Revised
Map Name: 16-00179-000
Northwestern District, 1982

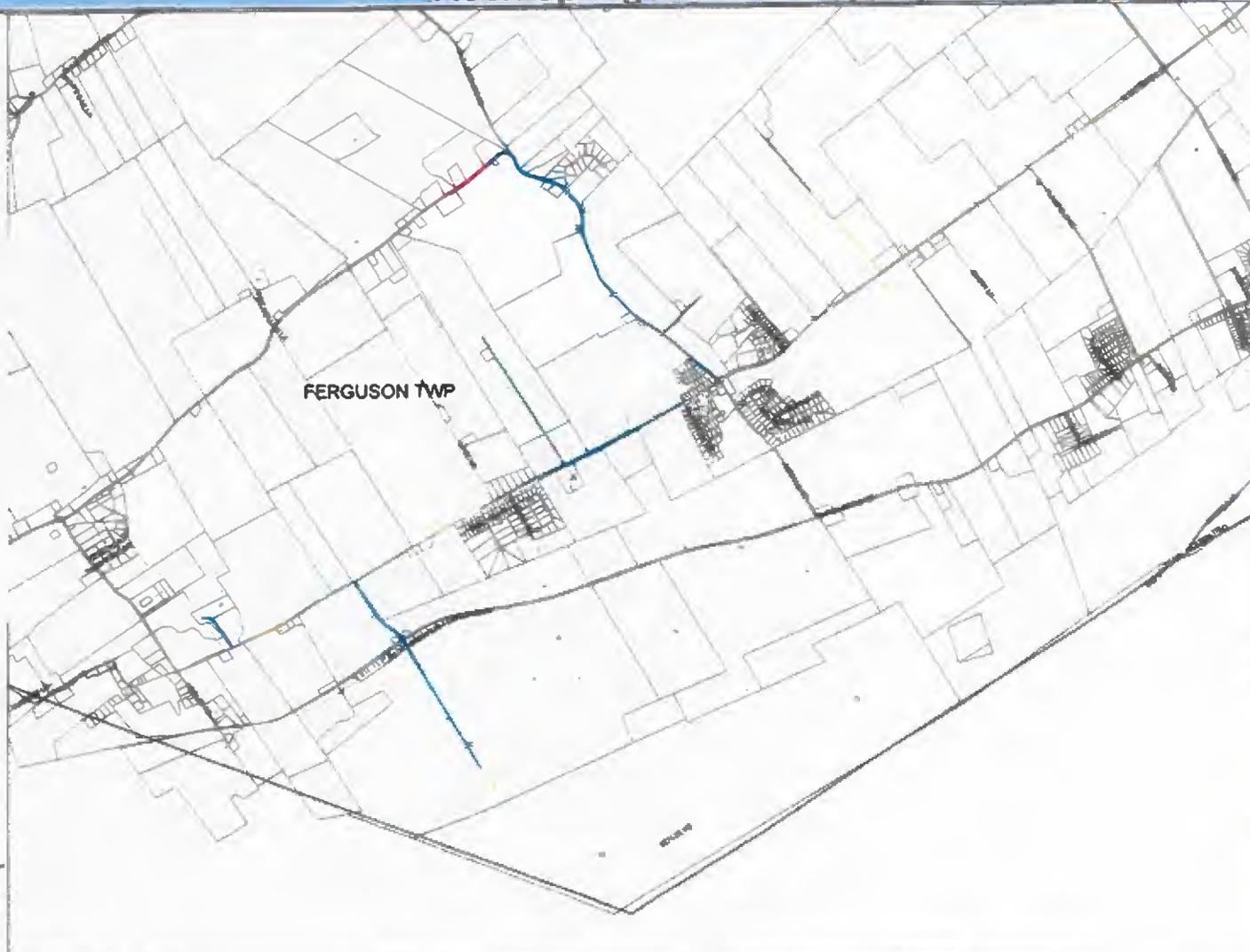
This map is intended for general
reference only and it is not shown
to implicate anyone.

Dist. & L.P. before use for
litigation



0 100 1 000 2 000 Feet

1 inch = 700 feet



Water Treatment Facility 1 inch = 200 feet



Fairbrook 1 inch = 400 feet



Woodward 1 inch = 300 feet



FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet



MAP 2 OF 12

FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet



MAP 3 OF 12



1 inch = 200 feet

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



MAP 6 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet



ROCK SPRING WATER COMPANY

MAP 7 OF 12



810

Legend	
Lines	System Features
— PVC, 12"	● Hydrant
— PVC, 8"	● Valve
— PVC, 6"	● Storage Tank
— Various, 4"	● Treatment
— Copper, 2"	● Well
— Hydrant Line	● Structure
— Tax Parcels	
— Structures	

1 inch = 200 feet



FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet

MAP 10 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet

MAP 11 OF 12

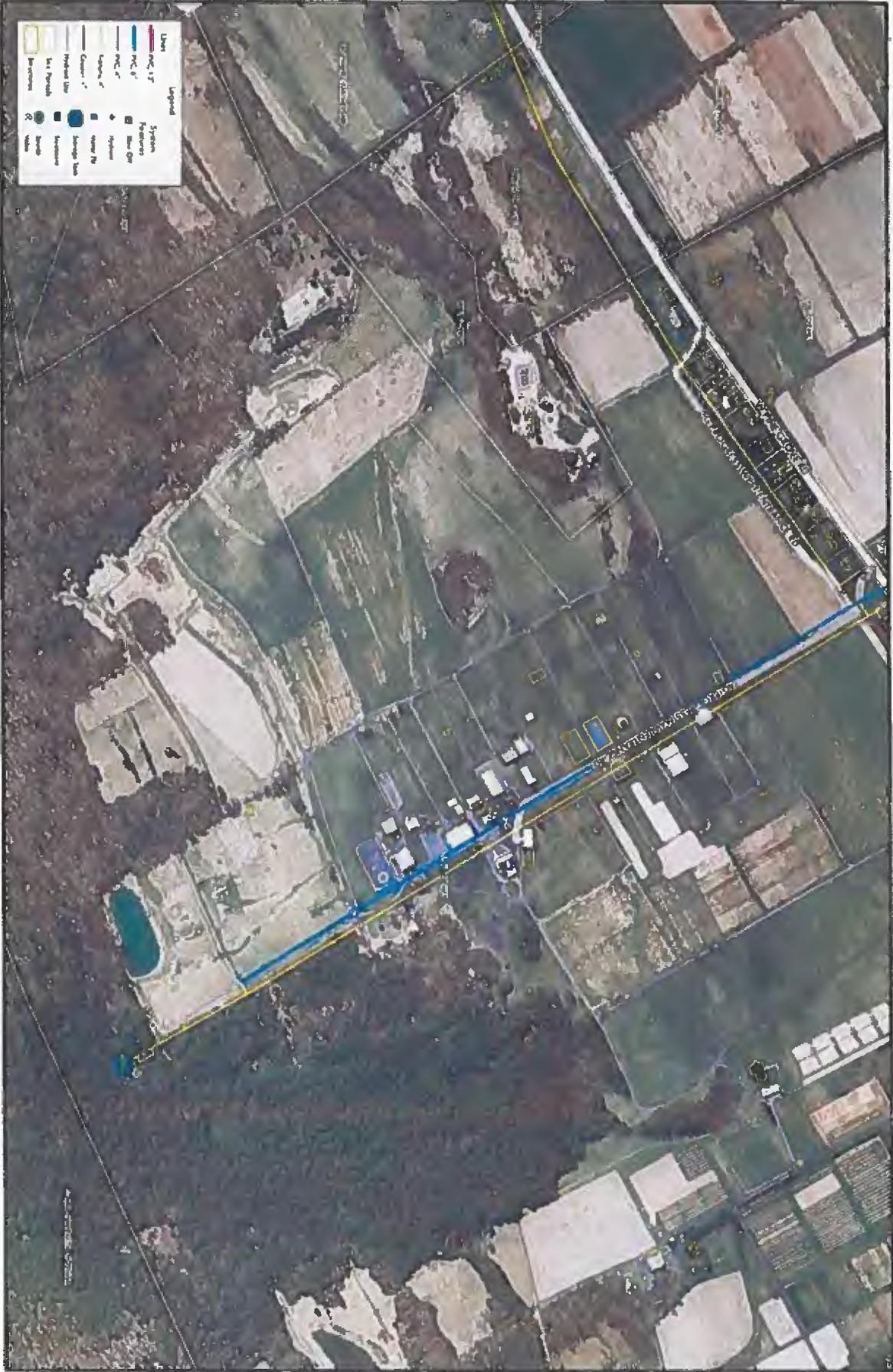
ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet



Legend	
Line	System
Blue line	Water
Red line	Sanitary
Green line	Storm
Yellow line	Gas
Black line	Electric
Orange line	Other
Blue square	Water Tank
Red square	Sanitary Tank
Green square	Storm Tank
Black square	Electric Tank
Orange square	Other Tank
Blue circle	Water Well
Red circle	Sanitary Well
Green circle	Storm Well
Black circle	Electric Well
Orange circle	Other Well



ROCK SPRING WATER COMPANY

MAP 12 OF 12

APPENDIX C

Waterline Replacement Plans

FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet



ROCK SPRING WATER COMPANY

MAP 7 OF 12



1 inch = 200 feet

APPENDIX D

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.).

Leak detection shall be ongoing until ^{20% or lower} 20% 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%} 20%.

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 3rd 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.

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

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD
Second Floor - Rachel Carson State Office Building
400 Market Street, P.O. Box 8457
Harrisburg, PA 17105-8457

Certification of No Appeal

I, Christine Walker, Secretary to the Environmental Hearing Board, by virtue of the powers and duties vested in that office, do hereby certify in accordance with Section 6103(b) of the Judicial Code, 42 Pa. C.S.A. § 6103, that I am the custodian of records for the Environmental Hearing Board. After an examination of the records, I further certify no appeal was filed by Rock Spring Water Company to the Department of Environmental Protection's letter dated April 24, 2019, approving the Corrective Action Plan submitted by Rock Spring Water Company initially on March 28, 2019, and then submitted with revisions on April 17, 2019.



In testimony whereof, I have set
my hand and caused the seal of the
Environmental Hearing Board to be
Affixed hereto.

A handwritten signature in black ink, appearing to read "Christine A. Walker", is written over a horizontal line.

Christine Walker
Secretary to the Board

Dated: 9/20/2023





pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

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



If you have any questions concerning this matter, please contact your Sanitarian Nathan White at nathwhite@pa.gov or 570.220.9217 or myself at 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)

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD
Second Floor – Rachel Carson State Office Building
400 Market Street, P.O. Box 8457
Harrisburg, PA 17105-8457

Certification of No Appeal

I, Christine Walker, Secretary to the Environmental Hearing Board, by virtue of the powers and duties vested in that office, do hereby certify in accordance with Section 6103(b) of the Judicial Code, 42 Pa. C.S.A. § 6103, that I am the custodian of records for the Environmental Hearing Board. After an examination of the records, I further certify no appeal was filed by Rock Spring Water Company to the Department of Environmental Protection's letter dated January 18, 2022, determining that a modification, amendment, or addition was necessary for the Corrective Action Plan submitted by Rock Spring Water Company and previously approved by the Department on April 24, 2019.



In testimony whereof, I have set my hand and caused the seal of the Environmental Hearing Board to be Affixed hereto.

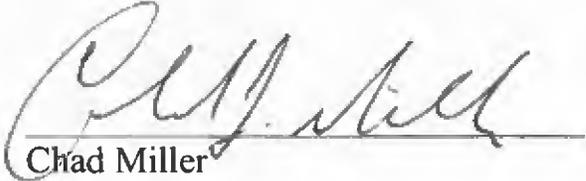
Christine Walker
Secretary to the Board

Dated: 9/20/2023



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 Enforce 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.



Chad Miller

Dated: October 3, 2023

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Commonwealth of Pennsylvania, Department of
Environmental Protection

Signature: Amanda Chaplin

Name: Amanda K. Chaplin

Attorney No. (if applicable): 314076

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Petitioner,

v.

ROCK SPRING WATER COMPANY

Respondent.

: Petition to Enforce

:

:

: No. _____

:

:

:

:

:

ORDER

Now, this _____ day of _____ 2023, upon consideration of the Department's Petition to Enforce Administrative Order and after hearing thereof, it is hereby ORDERED and DIRECTED as follows:

1. Rock Spring Water Company 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;

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 Order;
5. This Court shall retain jurisdiction over this matter.

BY THE COURT,

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :

Petitioner, :

v. :

ROCK SPRING WATER COMPANY :

Respondent. :

No. _____

CERTIFICATE OF SERVICE

I hereby certify that this Petition to Enforce Administrative Order will be served on Respondent, Rock Spring Water Company, by the Centre County Sheriff in accordance with Rule 3761 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. 3761. The Department will file a Proof of Service upon receipt of the Centre County Sheriff's Return of Service.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Amanda Chaplin, PA I.D. No. 314076

Assistant Counsel

Northcentral Region Counsel

208 West Third Street, Suite 101

Williamsport, PA 17701

E-mail: achaplin@pa.gov

Date: October 3, 2023

EXHIBIT B

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;

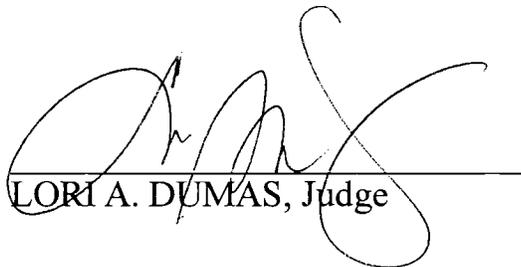
2. In all cases, Rock Spring Water Company shall complete construction of the final waterline replacement project and unaccounted-for water loss reduced to 30% or less on a running annual average basis by December 31, 2024.

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 C

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 D



Pennsylvania
Department of Environmental Protection

September 13th 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.

DEP Exhibit D

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 13th 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.

Sincerely,

A handwritten signature in black ink that reads "Nathan White". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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 Answer to the Petition for Issuance of an Interim Emergency Order 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.



Chad Miller

Dated: February 11, 2025

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

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
Petition to Request the Commission Open : P-2024-3051313
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing Answer to OCA’s Petition for Issuance of an Interim Emergency Order dated February 11, 2025, in the manner and upon the persons listed below:

SERVED VIA ELECTRONIC MAIL ON FEBRUARY 11, 2025

Carrie B. Wright, Deputy Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, Pennsylvania 17120 carwright@pa.gov	Elizabeth A. Dupuis, Esquire Morgan M. Madden, Esquire Babst, Calland, Clements & Zomnir, P.C. 330 Innovation Blvd., Suite 302 State College, PA 16803 bdupuis@babstcalland.com mmadden@babstcalland.com (Counsel for Ferguson Township)
Melanie Joy El Atieh, Esquire Jacob D. Guthrie, Esquire Emily A. Farren, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101-1923 OCARockSpring@paoca.org	Rebecca Lyttle, Esquire Steven Gray, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor Harrisburg, PA 17101 relyttle@pa.gov sgray@pa.gov
Elizabeth Rose Triscari, Esquire Teresa K. Harrold, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 elizabeth.triscari@amwater.com teresa.harrold@amwater.com (Counsel for Pennsylvania-American Water Company)	Alexandar R. Stahl, Esquire Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010 astahl@aquaamerica.com (Counsel for Aqua Pennsylvania, Inc.)

<p>David P. Zambito, Esquire Jonathan P. Nase, Esquire Cozen OConnor 17 North Second Street Suite 1410 Harrisburg, PA 17101 dzambito@cozen.com jnase@cozen.com (Counsel for Pennsylvania-American Water Company)</p>	<p>Robert A. Mix, Esquire Robert Mix Law 211 Kimport Avenue Boalsburg, PA 16827 Bmix470@gmail.com (Counsel for State College Borough Water Authority)</p>
<p>James N. Bryant, Esquire Carolyn M. Larrabee, Esquire 107 East Main Street P.O. Box 551 Millheim, PA 16854 Jnbryant1@verizon.net cmlarrabee@centrecountylaw.com (Counsel for Rock Spring Water Company)</p>	<p>The Honorable John Coogan Administrative Law Judge Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building Harrisburg, PA 17120 jcoogan@pa.gov</p>

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

/s/Amanda Chaplin

Amanda Chaplin, PA I.D. #314076
Assistant Counsel
Glenn Masser, PA I.D. #315921
Assistant Counsel
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
E-mail: achaplin@pa.gov

Date: February 11, 2025