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Pennsylvania Public
Utility Commission
Bureau of Investigation
& Enforcement Petition
To Request the
Commission Open a
Section 529
Investigation Into the
Acquisition of Rock
Spring Water Company

Call-In Telephonic
Hearing

Docket No: P-2024-3051313

Pages 57 - 181

Judge's Chambers
Keystone Building
400 North Street
Harrisburg, PA

Friday, February 14, 2025
Commencing at 10:12 a.m.

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement : Docket No. P-2024-3051313
Petition to Request the Commission Open :
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

DIRECT TESTIMONY

OF

Nicholas A. DeMarco

On behalf of the

PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

Date Served: February 13, 2025

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1 **Introduction**

2 **Q. Please state your name and business address.**

3 A. My name is Nicholas Anthony DeMarco. My business address is 555 Walnut Street, Forum
4 Place, 5th Floor, Harrisburg, Pennsylvania 17101. I am currently employed as a Regulatory
5 Analyst by the Pennsylvania Office of Consumer Advocate (OCA).

6 **Q. On whose behalf are you testifying in this proceeding?**

7 A. I am testifying on behalf of the OCA.

8 **Q. Please describe your educational background and qualifications to provide**
9 **testimony in this case.**

10 A. I have a Master's Degree in Political Science from Lehigh University and a Bachelor of
11 Arts in Political Science, with a concentration in Constitutional Law, from Bloomsburg
12 University of Pennsylvania. I also attended Michigan State University's Institute of Public
13 Utilities online rate school program. I have attached my CV as Exhibit NAD-1.

14 **Q. Have you previously provided testimony before the Pennsylvania Public Utility**
15 **Commission?**

16 A. Yes, I have testified as a witness in cases in front of the Public Utility Commission. A list
17 of these cases can be found in Exhibit NAD-1.

18 **Q. Have you prepared Exhibits to accompany your testimony?**

19 A. Yes. Exhibit NAD-1 is my curriculum vitae. NAD-2 is the Rock Spring Water Company's
20 Emergency Petition for Appointment of Receiver filed in the Court of Common Pleas of
21 Centre County, at docket no. 2025- CV-0064-CI. Both exhibits are attached to this
22 testimony.

1 **Q. What is the purpose of your testimony in this case?**

2 A. The purpose of my testimony is to present the analysis, results, and conclusions of my
3 review of the Rock Spring Water Company (Rock Spring or Company) and the immediate
4 need for the Commission to appoint a receiver of the Rock Spring water system to prevent
5 irreparable injury to the customers of Rock Spring.

6 **Summary**

7 **Q. Please summarize the nature of this case before the Commission.**

8 A. On September 20, 2024, the Commission’s Bureau of Investigation & Enforcement (I&E)
9 filed a petition to request the Commission to open a Section 529 investigation into the
10 acquisition of Rock Spring. In its petition,¹ I&E outlines: (1) Rock Spring’s history of
11 violations and/or deficiencies under the Public Utility Code and with the Pennsylvania
12 Department of Environmental Protection (DEP); and (2) that the Company has not
13 demonstrated compliance with the terms of the Joint Petition for Settlement of All Issues
14 In Rate Proceeding (Joint Settlement) adopted by the Commission by final order entered
15 June 13, 2013.²

16 **Q. Please summarize your conclusions and recommendations.**

17 A. Regarding the OCA’s emergency petition to appoint a receiver to operate the Rock Spring
18 system during the pendency of the Section 529 proceeding, my testimony will show that
19 need for relief is immediate because it appears that the current owners of Rock Spring are
20 incapable of managing the system or effectively participating in the Section 529
21 proceeding. Further, while I will explain that there are three options of providers to serve

¹ *Section 529 Investigation of Rock Spring Water Company*, Docket No. I-2024-3051313 (Petition filed Sep. 20, 2024) pg. 4-8.

² *Pa. P.U.C. v. Rock Spring Water Company*, Docket No. R-2012-2336662 (Order entered June 13, 2013).

1 as the receiver, Pennsylvania-American Water Company (PAWC), Aqua Pennsylvania,
2 Inc. (Aqua), and State College Borough Water Authority (SCBWA), for the reasons
3 discussed in my testimony, I recommend that either PAWC or SCBWA be appointed as
4 the receiver. Furthermore, if SCBWA does not speedily and willingly submit to the
5 Commission's jurisdiction, then I recommend that the Commission appoint PAWC as the
6 receiver. I explain that the appointment of a receiver and approval of the acquiror are
7 separate decisions by the Commission and that the receiver need not be the ultimate
8 acquiror in this Section 529 proceeding. With that said, I recognize there could be
9 synergies if the appointed receiver becomes the ultimate acquiror of the system. However,
10 the need for the appointment of the receiver is immediate and the Commission's focus
11 should be on making that happen rather than maximizing synergies by selecting a receiver
12 that will also be the ultimate acquiror of the system, as the Section 529 proceeding is still
13 underway, and hearings have not been held to determine which provider should be the
14 acquiror. As for the ultimate acquiror in this Section 529 proceeding, my testimony that
15 will be submitted on February 20, 2025, in this proceeding will address that issue.

16 **Background**

17 **Q. What authority is the Commission granted under Section 529 of the Public Utility**
18 **Code?**

19 **A.** Section 529(a) of the Public Utility Code allows the Commission to order a capable public
20 utility to acquire a small water or wastewater system if it determines the following:

21 (1) that the small water or sewer utility is in violation of statutory or regulatory
22 standards, including, but not limited to, the act of June 22, 1937 (P.L.1987, No.394),
23 known as The Clean Streams Law, the act of January 24, 1966 (1965 of May 1,
24 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, and
25 the regulations adopted thereunder, which affect the safety, adequacy, efficiency or
26 reasonableness of the service provided by the small water or sewer utility.

1
2 (2) that the small water or sewer utility has failed to comply, within a reasonable
3 period of time, with any order of the Department of Environmental Resources or
4 the commission concerning the safety, adequacy, efficiency or reasonableness of
5 service, including, but not limited to, the availability of water, the potability of
6 water, the palatability of water or the provision of water at adequate volume and
7 pressure.

8
9 (3) that the small water or sewer utility cannot reasonably be expected to furnish
10 and maintain adequate, efficient, safe and reasonable service and facilities in the
11 future.

12
13 (4) that alternatives to acquisition have been considered in accordance with
14 subsection (b) and have been determined by the commission to be impractical or
15 not economically feasible.

16
17 (5) that the acquiring capable public utility is financially, managerially and
18 technically capable of acquiring and operating the small water or sewer utility in
19 compliance with applicable statutory and regulatory standards; and
20

21 (6) that the rates charged by the acquiring capable public utility to its preacquisition
22 customers will not increase unreasonably because of the acquisition.
23

24 **Q. Please describe the Rock Spring Water System.**

25 A. Rock Spring serves 452 residential and 12 commercial customers in Ferguson Township,
26 Centre County.³ It is my understanding that the Company is owned and run by President J.
27 Roy Campbell with the assistance of his daughter.

28 **Q. Has the Commission yet considered the appointment of a receiver to operate the**
29 **Rock Spring system?**

30 A. At this time, no. On February 6, 2025, the OCA submitted a petition for an Interim
31 Emergency Order for the Receivership of Rock Spring.⁴

³ Class “C” Water Company PUC Annual Report of Rock Spring Water Company for the Year Ended December 31, 2023, included as I&E Exhibit A to the I&E Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Rock Spring Water Company.

⁴ Petition for Interim Emergency Order, Docket No. P-2024-3051313, (OCA Petition).

1 **Emergency Appointment of a Receiver to Run the Rock Spring System**

2 **Q. Please explain if a receiver is necessary and, if so, why?**

3 A. I believe the immediate appointment of a receiver for the Rock Spring system is necessary
4 to protect the health, safety and welfare of Rock Spring customers during the pendency of
5 the Section 529 proceeding. Rock Spring customers are facing imminent cessation of
6 adequate, efficient, safe and reasonable water service due to the owners' management
7 inabilities and neglect of the system.⁵ The need for the appointment of a receiver is
8 immediate because it appears that the current owners are incapable of managing the system
9 or effectively participating in the Section 529 proceeding. 52 Pa. Code § 3.2(b).⁶ The Rock
10 Spring customers will be harmed due to a lack of available potable water supply by a
11 capable water provider.⁷

12 **Q. What evidence did you consider when forming this opinion?**

13 A. To form my opinion that a receiver should be appointed in this case I considered the
14 following: (1) my review of I&E testimony presented by witnesses Cline and Keller, (2)
15 Rock Spring's counsel's failed attempt to have a receiver appointed in civil court and the
16 averments contained in that petition, (3) Rock Spring's failure to respond to any party's
17 discovery questions in this proceeding, (4) news articles that have covered the state of the
18 system over the past year, (5) my review of Rock Spring Answer to OCA's Emergency
19 Petition and, (6) DEP's Answer to OCA's Emergency Petition.

⁵ I&E Petition at 19.

⁶ I&E Petition at 24.

⁷ I&E Petition at 25.

1 **Q. You said that you considered that testimony submitted by I&E to form your**
2 **opinion. Please explain.**

3 A. I considered the testimonies of I&E witnesses Cline and Keller. Of importance:

- 4 • I&E witness Cline examined subsections (a)(1) through (3) of Section 529 which
5 address the safety, adequacy, and efficiency of the services offered by Rock Spring
6 to its customers. I&E witness Cline concluded that the evidence supported a final
7 determination that elements (a)(1) through (3) had been met.⁸ In other words, I&E
8 witness Cline concluded that Rock Spring: (1) is in violation of statutory or
9 regulatory standards, which affect the safety, adequacy, efficiency or
10 reasonableness of the service provided by the small water or sewer utility; (2) has
11 failed to comply, within a reasonable period of time, with any order of DEP or the
12 Commission concerning the safety, adequacy, efficiency or reasonableness of
13 service; and (3) cannot reasonably be expected to furnish and maintain adequate,
14 efficient, safe and reasonable service and facilities in the future. See 66 Pa. C.S. §
15 529(a)(1)-(3). Some specific issues covered by witness Keller include the
16 Company's inability or unwillingness to address numerous DEP violations
17 including failure to issue appropriate public notification.⁹
- 18 • I&E witness Keller testified regarding the results of I&E's 529 investigation of the
19 company and whether (a)(4) through (6) of Section 529 had been met. In particular,
20 he examined whether alternatives were available, whether the acquiring utility was
21 financially, managerially, and technically capable, and whether the rates would
22 increase unreasonably as a result of the acquisition. Mr. Keller concluded that the

⁸ I&E St. No. 1 pg. 3-11.

⁹ I&E St. No. 1 pg. 5-6 ln. 4-14.

1 remaining three elements had been met.¹⁰ Some specific issues covered by witness
2 Keller include the Company's inability to not meet the conditions set forth in its
3 2012 rate case settlement regarding decreasing unaccounted for water but also
4 numerous DEP violations that remain unaddressed.¹¹

5 **Q. In forming your opinion that a receiver is required, you also said that you**
6 **considered Rock Spring Counsel's failed attempt to have a receiver appointed in**
7 **civil court. Please explain.**

8 A. On January 13, 2025, counsel for Rock Spring filed an Emergency Petition for
9 Appointment of Receiver in the Court of Common Pleas of Centre County, at docket no.
10 2025-CV-0064-CI (Petition), asking the Court to appoint SCBWA as the receiver for Rock
11 Spring. That Petition is attached to my testimony as Exhibit NAD-2. In the Emergency
12 Petition counsel for Rock Spring averred the following:

13 "the water system is in severe state of deferred maintenance
14 and has numerous leaks," "neither Mr. Campbell nor his daughter
15 are capable of managing a water system or assisting in the neat and
16 orderly transfer of the water system to the SCBWA," and "the
17 obstinacy of the Campbells and the condition of the physical plant
18 and water line poses a clear and present danger to all of Rock
19 Springs' customers which cannot be resolved by present
20 management."
21

22 I have been advised by counsel that on or around February 5, 2025, the Court denied Rock
23 Spring's petition finding that the Commission has exclusive jurisdiction over the
24 appointment of a receiver of Rock Spring, a Commission-certified utility, and that a civil
25 court cannot appoint a receiver.¹² The open averments/admissions contained in the Petition

¹⁰ I&E St. No. 2 pg. 4-14.

¹¹ I&E St. No. 2 pg. 2-3, ln. 11-13.

¹² Rock Spring Water Company, docket no. 2025-CV-0064-CI (Order dated Feb. 5, 2025).

1 are particularly concerning because the owner/operator admits their incapability to
2 effectively run the Rock Spring water system and provide safe and adequate service to
3 consumers.

4 **Q. You also said you considered that Rock Spring has failed to respond to any party's**
5 **discovery questions in this proceeding. Please explain.**

6 A. The OCA, I&E, and DEP issued discovery requests to Rock Spring in this proceeding, but
7 Rock Spring has not responded to date. This is concerning because Rock Spring's lack of
8 meaningful participation in this Section 529 proceeding is a showing of a lack of fitness to
9 effectively operate the Rock Spring water system.

10 **Q. Finally, in forming your opinion that a receiver should be appointed, you said that**
11 **you considered news articles that have covered the state of the system. Please**
12 **explain.**

13 A. Interviews of customers conducted by Spotlight PA provide the following anecdotal insight
14 into customer experiences under current ownership:¹³

- 15 - Frequent service interruptions
- 16 - Feeling the need to store water for use due to interruptions
- 17 - Billing disputes due to unrepaired leaks

18 The Company and customers have also contended with an unaccounted-for water level of
19 63%, where the Commission has determined that levels of 20% as excessive.¹⁴

¹³ <https://www.spotlightpa.org/news/2024/06/pennsylvania-water-private-system-rock-spring/> .

¹⁴ <https://www.spotlightpa.org/statecollege/2024/09/rural-pennsylvania-rock-spring-water-company-centre-county-public-utilities-commission/>.

1 **Q. What is your review of Rock Spring Water Company’s Answer to OCA’s**
2 **Emergency Petition?**

3 A. Rock Spring admits all allegations related to operational and system failures but denies the
4 averments relating to which entity should be receiver – stating “SCBWA by virtue of
5 location and staffing is the only sensible choice.”¹⁵

6 **Q. What is your review of DEP’s Answer to OCA’s Emergency Petition?**

7 A. DEP agrees with OCA that a receiver needs to be appointed and agrees that PAWC, Aqua,
8 and SCBWA are capable of serving as receiver.¹⁶

9 **Q. Has Rock Spring sought the appointment of a receiver?**

10 A. Yes, but not before the Commission. As I stated above, counsel for Rock Spring sought
11 appointment of a receiver through an emergency petition filed with the Centre County
12 Court of Common Pleas, which, I have been informed by counsel, was denied by the court
13 due to a lack of jurisdiction.

14 Due to the immediate and long-term concerns regarding the Company’s inability to be run
15 effectively and to provide adequate service, I believe there is an immediate need to appoint
16 a receiver to protect the health, safety and welfare of Rock Spring customers during the
17 pendency of the Section 529 proceeding.

18 **Q. Please list all of the capable water utilities that have the potential to be appointed as**
19 **a receiver who are actively participating in this proceeding.**

20 A. Currently, Aqua, PAWC, and SCBWA are the three capable and active water utilities
21 participating in this case that have the potential to serve as receiver of the Rock Spring
22 water system.

¹⁵ Petition for Interim Emergency Order, Docket No. P-2024-3051313, (Rock Spring Answer). At para. 27

¹⁶ Petition for Interim Emergency Order, Docket No. P-2024-3051313, (DEP Answer).

1 **Q. Please state whether Aqua is financially, managerially, and technically capable of**
2 **servicing as a receiver of Rock Spring in compliance with applicable statutory and**
3 **regulatory standards.**

4 A. While I do not challenge Aqua's fitness, in this case Aqua has indicated that it believes that
5 other proximate public utilities or municipal corporations are closer and in a better position
6 to acquire Rock Spring, and I concur.¹⁷

7 **Q. Do you recommend that Aqua serve as the receiver?**

8 A. At this time, no, because Aqua's closest water customer connection to the Rock Spring
9 system is approximately 38 miles away.¹⁸ In contrast, SCBWA's closest water customer
10 connection is approximately 4,200 feet away along a road.¹⁹ PAWC's nearest water
11 customer connection is 13 miles away across a valley.²⁰ Further, both SCBWA and PAWC
12 have expressed that they are willing to provide assistance to Rock Spring customers.

13 **Q. Please state whether PAWC is financially, managerially, and technically capable of**
14 **servicing as the receiver of Rock Spring in compliance with applicable statutory and**
15 **regulatory standards.**

16 A. As a certificated public utility, PAWC is presumed to be fit, and I do not challenge PAWC's
17 fitness in this proceeding to serve as the receiver of the Rock Spring system. It is the closest
18 jurisdictional utility to the Rock Spring system with PAWC's nearest water customer
19 connection being 13 miles away across a valley.

¹⁷ Aqua response OCA-I-1, 2, 3, 4, 7, 8, 9, 10.

¹⁸ Aqua response OCA-I-11.

¹⁹ SCBWA response OCA-1-9.

²⁰ PAWC response OCA-I-11.

1 **Q. Please state whether SCBWA is financially, managerially, and technically capable**
2 **of serving as the receiver of the Rock Spring water system in compliance with**
3 **applicable statutory and regulatory standards.**

4 A. While SCBWA is not entitled to a presumption of fitness under the Public Utility Code, in
5 my opinion, it is likely fit to serve as a receiver of the small Rock Spring system unless
6 SCBWA provides evidence to the contrary. SCBWA is a municipal authority and not
7 currently subject to the Commission's jurisdiction, but SCBWA is the nearest water system
8 to Rock Spring with its closest water customer connection being only approximately 4,200
9 feet away along a road.

10 **Q. Do you recommend that PAWC or SCBWA serve as the receiver?**

11 A. I recommend that either PAWC or SCBWA be appointed the receiver. From an operational
12 and proximity standpoint, preliminarily, I believe SCBWA is likely best situated, but I have
13 been advised by counsel that, jurisdictionally, there are limitations, given that SCBWA is a
14 municipal authority and not subject to the Commission's jurisdiction unless it voluntarily
15 submits to the Commission's jurisdiction in a way that meets the requirements of the Public
16 Utility Code. That leaves PAWC as a viable option because, I have been informed by
17 counsel that jurisdictionally the path is clearer under Section 529 for PAWC as a certificated
18 public utility, and PAWC is next best situated operationally and in terms of system
19 proximity.

20 **Q. Is it necessary that the receiver be the entity that is ultimately approved as the**
21 **acquiror of the Rock Spring system?**

22 A. No. The appointment of a receiver and approval of the acquiror are separate decisions to
23 be made by the Commission in this proceeding. It is not necessary that the receiver be the

1 same entity that is approved as the ultimate acquiror in this Section 529 proceeding. With
2 that said, I recognize there could be synergies if the appointed receiver becomes the
3 ultimate acquiror of the system. However, the need for the appointment of the receiver is
4 clear and immediate and, in my opinion, the focus should be on making that happen in the
5 immediate near future rather than focusing on the potential to maximize synergies in the
6 future by selecting a receiver that will also be the ultimate acquiror of the system. Let us
7 remember that the Section 529 proceeding is still underway, and hearings have not been
8 held to determine which provider should be the acquiror.

9 **Conclusion**

10 **Q. Do you have an ultimate recommendation on the appointment of a receiver?**

11 A. Yes. If SCBWA does not speedily and willingly submit to the Commission's jurisdiction to
12 allow the Commission to appoint SCBWA as the receiver of the Rock Spring system, then
13 I recommend the Commission appoint PAWC to serve as the receiver during the pendency
14 of the Section 529 proceeding.

15 **Q. Do you have a recommendation on the ultimate owner of the system?**

16 A. Yes. My opinion on that issue will be discussed in my testimony that will be submitted on
17 or before February 20, 2025, in accordance with the procedural schedule that was
18 established in the Section 529 proceeding.

19 **Q. Does this conclude your testimony.**

20 A. Yes.

Exhibit NAD-1

Curriculum Vitae of Nicholas A. DeMarco

Qualifications of

Nicholas A. DeMarco

Education:

2021 Master's of Political Science, Lehigh University

2016 B.A. Political Science with concentration in Constitutional Law, Bloomsburg University of Pennsylvania

2016 B.A. Eastern European Languages and Cultures, Russian, Bloomsburg University of Pennsylvania

Relevant Positions:

January 2023 Regulatory Analyst, Pennsylvania Office of Consumer Advocate

Role Description:

I am currently employed by the Pennsylvania Office of Attorney General, Office of Consumer Advocate (OCA) as a Regulatory Analyst. In this position, my responsibilities include reviewing utility company filings with the Pennsylvania Public Utility Commission (Commission) and analyzing the financial, economic, rate of return, and policy issues that are relevant to the filings. Additionally, I am tasked with preparing recommendations for the OCA's involvement in utility filings with the PA PUC, writing testimony and presenting oral testimony on behalf of the OCA. As part of my role, I also assist in the policy matters regarding low-income issues and PJM.

Submitted Testimony:

PAWC's proposed acquisition of the Brentwood Borough wastewater system, at

Docket No. A-2021-3024058

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. Community Utilities of Pennsylvania, Inc.

Docket Nos. R-2023-3042804 (water), R-2023-3042805 (wastewater), C-2023-3044737 (water), C-2023-3044738 (wastewater)

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. Veolia Water Pennsylvania, INC

Docket Nos. R-2024-3045192 (Water), R-2024-3045193 (Wastewater)

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. Duquesne Light Co

Docket No. R-2024-3046523

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. Columbia Gas of Pennsylvania Inc.

Docket Nos. R-2024-3046519, C-2024-3047905, C-2024-3047675, C-2024-3048339

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. PECO Energy Company – Electric Division

Docket No. R-2024-3046931

Pennsylvania Public Utility Commission, Office of Consumer Advocate, v. PECO Energy Company – Gas Division

Docket No. R-2024-3046932

Relevant Training:

IPU Michigan State University, IPU Accounting and Ratemaking Course 2023

Exhibit NAD-2

Rock Spring Water Company's
Emergency Petition for Appointment of Receiver
filed in the Court of Common Pleas of Centre County,
Docket No. 2025-CV-0064-CI

COPY

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

CENTRE County

For Prothonotary Use Only:
Docket No: 2025-CV-0064-CI

FILED FOR RECORD
2025 JAN 13 PM 04 13
JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:
Complaint, Writ of Summons, Petition, Declaration of Taking
Lead Plaintiff's Name: IN RE: ROCK SPRING WATER COMPANY
Lead Defendant's Name:
Are money damages requested? Yes No
Dollar Amount Requested: within/outside arbitration limits
Is this a Class Action Suit? Yes No
Is this an MDJ Appeal? Yes No
Name of Plaintiff/Appellant's Attorney: James N. Bryant, Esq. / Carolyn M. Larrabee, Esq.
Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE.
TORT (do not include Mass Tort)
CONTRACT (do not include Judgments)
CIVIL APPEALS
MASS TORT
REAL PROPERTY
MISCELLANEOUS
PROFESSIONAL LIABILITY

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
:
:

No. 2025-CN-0064-CI

TYPE OF PLEADING:

**EMERGENCY PETITION FOR
APPOINTMENT OF RECEIVER**

Counsel of Record for this
Party:

James N. Bryant, Esq.
PA I.D. 14084

Carolyn M. Larrabee, Esq.
PA I.D. 93117

BRYANT LARRABEE, P.C.

107 East Main Street
P. O. Box 551
Millheim, PA 16854

(814) 349-5666
(814) 349-2212 (FAX)

Jnbryant1@verizon.net
cmlarrabee@centrecountylaw.com

COPY

FILED FOR RECORD
2025 JAN 13 PM 01:13
JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
: :
:

No. 2025-CV-0064-CI

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 2025, in consideration of the foregoing Petition, a rule is granted upon the Respondent to show cause why such relief should not be granted.

Rule returnable on the ____ day of _____, 2025, for hearing at _____ o'clock ____M. in:

Courtroom ____ of the Centre County Courthouse, 102 South Allegheny Street, Bellefonte, Pennsylvania.

the Annex Courtroom, Centre County Courthouse Annex, 106 East High Street, Bellefonte, Pennsylvania.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
: :
:

No. 2025-CN-0064-CI

EMERGENCY PETITION FOR APPOINTMENT OF RECEIVER

AND NOW COME your Petitioners, James N. Bryant, Esq., Carolyn M. Larrabee, Esq., and BRYANT LARRABEE, P.C., representing Rock Spring Water Company, who file this Emergency Petition for Appointment of Receiver, and in support thereof, aver as follows:

- 1) Your Petitioners are James N. Bryant, Esq., and Carolyn M. Larrabee, Esq., of BRYANT LARRABEE, P.C., having an address of 107 East Main Street, Post Office Box 551, Millheim, Centre County, Pennsylvania 16854.
- 2) The respondent is Rock Spring Water Company, a Pennsylvania corporation, with its principal place of business located at 1750 Tadpole Road, Pennsylvania Furnace, Centre County, Pennsylvania 16865.
- 3) Respondent corporation has 12 shareholders, including company president, J. Roy Campbell, and most others being members of the Campbell family and residing locally.
- 4) Respondent corporation serves approximately 1,000 customers in Ferguson Township, Centre County.
- 5) The closest water company to Rock Spring, which is the State College Borough Water Authority (hereinafter referred to as "SCBWA"), has lines 4,000 feet from the easternmost lines of Rock Spring Water Company.

6) Respondent corporation has been managed for several decades by Mr. Campbell, and recently also by his daughter, Elizabeth.

7) Respondent has been the subject of a long-running (four-year) fight with the Pennsylvania Public Utility Commission, as well as the Pennsylvania Department of Environmental Protection. At all times prior to December, 2024, president, Roy Campbell was legally representing himself and the company. He was ordered by the Pennsylvania Public Utility Commission to retain counsel on September 20, 2024.

8) Pursuant to the above-mentioned Order, your Petitioners were hired to represent the corporation.

9) Petitioners persuaded the company president to sign, on behalf of the corporation, a Non-Binding Letter of Intent to sell the company to SCBWA. A true and correct copy of said Notice of Intent is attached hereto and marked as Exhibit 1.

10) Petitioners have received the same cooperation from Mr. Campbell and his daughter as have the various state agencies. That is to say little to none.

11) Over the Christmas holiday and into the New Year, the Campbells placed an automatic electronic mail reply stating that they would return to handle water company business on January 17, 2025.

12) The water system is in a severe state of deferred maintenance and has numerous leaks.

13) Neither Mr. Campbell nor his daughter are capable of managing a water system or assisting in the neat and orderly transfer of the water system to the SCBWA.

14) The obstinacy of the Campbells and the condition of the physical plant and water line poses a clear and present danger to all of Rock Springs' customers which cannot be resolved by present management.

15) None of the corporation's shareholders expressed any interest in assisting with the operation of the business.

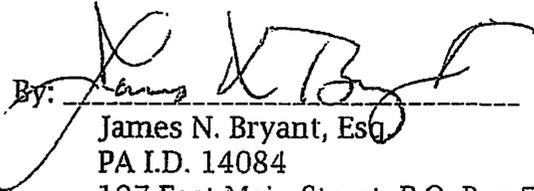
16) State College Borough Water Authority is the only viable alternative operator. Granting this Petition will ensure that the customers have prompt service and attention.

WHEREFORE, your Petitioners respectfully request this Honorable Court enter an Order allowing State College Borough Water Authority be appointed Receiver and take over interim operation of Rock Spring Water Company's system until its assets can be formally transferred under the agreement.

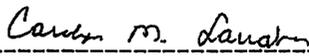
Signatures on following page.

Respectfully Submitted,

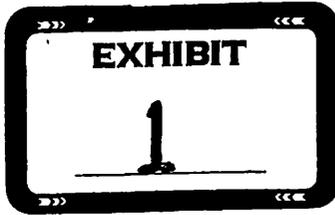
BRYANT LARRABEE, P.C.

By: -----

James N. Bryant, Esq.
PA I.D. 14084
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Millheim, PA 16854
(814) 349-5666
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Jnbryant1@verizon.net

By: -----

Carolyn M. Larrabee, Esq.
PA I.D. 93117
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(814) 349-5666
(814) 349-2212 (fax)
cmlarrabee@centrecountylaw.com



NON-BINDING LETTER OF INTENT REGARDING THE SALE
OF ASSETS OF THE ROCK SPRINGS WATER COMPANY

This non-binding Letter of Intent (the "LOI") is made this 13th day of DECEMBER, 2024 by and between:

The Rock Spring Water Company (the "Company"), a Pennsylvania domestic business corporation with a business address of 1750 Tadpole Road, Pennsylvania Furnace, PA 16865

And

The State College Borough Authority (the "Authority"), a Pennsylvania municipal authority with a business address of 1201 West Branch Road, State College, Pennsylvania 16801 (collectively the "Parties").

The Company is a public utility as that term is defined by the Pennsylvania Public Utility Code (the "Code"), which pursuant to a Certificate of Convenience issued by the Pennsylvania Public Utility Commission (the "PUC"), owns and operates a water system providing water service to its customers in Ferguson Township, Centre County, Pennsylvania and Franklin Township, Huntingdon County, Pennsylvania.

The Authority is a municipal authority, which pursuant to the Pennsylvania Municipality Authorities Act, owns and operates a water system providing water service to its customers in State College Borough and Benner, College, Ferguson, Harris and Patton Townships in Centre County, Pennsylvania.

The PUC's Bureau of Investigation & Enforcement has commenced a proceeding in which it has filed a Petition to Request the Commission to Open a Section 529 Investigation into the Acquisition of Rock Spring Water Company.

The Pennsylvania Department of Environmental Protection (the "DEP") has commenced a proceeding in which it seeks the enforcement of certain terms and conditions of Orders entered against the Company and a Consent Decree entered into by the Company.

The Company has expressed a desire to sell and the Authority has expressed a desire to purchase all of the Company's assets, real, personal, tangible and intangible on terms and conditions to be negotiated by the Parties.

Subject to the non-binding nature of this LOI, the parties agree to negotiate in good faith toward a definitive and mutually acceptable agreement providing for the Company's sale and the Authority's purchase of the Company's assets (the "Agreement").

Without limiting by specification or otherwise limiting the ability of the Parties to structure the Agreement in the way most agreeable to them, the following provisions are to be included:

A. Purchase of Assets. The Company will sell and the Authority will purchase all of the Company's assets, real, personal, tangible and intangible that are owned and used by the Company in, or necessary for the conduct of, the Company's activities (the "Purchased Assets"). **The Purchased Assets are being sold "as is - where is" with no express or implied warranties, including any implied warranty of merchantability, other than good title free and clear of any and all liens or encumbrances.**

B. Purchase Price The price to be paid by the Authority for the purchase of the Company's assets will be \$65,000.00.

C. Liabilities. The Company will be responsible for all liabilities of the Company, including accounts payable, accrued expenses, unpaid wages, unpaid taxes related to the Company's activities prior to closing, debts, and leases (with the exception of leases specifically assumed by the Authority). Unless specifically assumed by the Authority in writing, the Company shall deliver the assets free and clear of all liabilities and debt obligations, including contingent liabilities.

Conditions precedent to a final and enforceable agreement will include the following:

A. Satisfactory completion of a reasonable due diligence examination of documents related to the Company by the Authority in its sole discretion, including the review of real estate and easement/right of way information, financial information, billing information, customer information, system information, contracts, operating data, and licensure and environmental records.

B. The absence of any material adverse change in the business or financial condition of the Company from the time of executing this LOI;

D. Approval of the Agreement by at least a majority of the Board of Directors of the Authority and the percentage or number of shareholders of the Company required by its by-laws, rules or regulations;

E. Approval of the Agreement by the PUC and DEP;

F. The Company conducting its business as usual between the date of signing of this Letter and the closing date of this transaction; and

G. Such other terms as the Parties may agree.

This Letter is NOT intended to be, and is agreed by each Party not to be, a binding agreement between the Parties, but merely an expression of their present good faith intent with regard to the transaction described herein based upon preliminary discussions and review. Accordingly, this Letter is subject to revision or new issues that may arise. The transactions contemplated hereby shall not become binding on any Party prior to the execution and delivery of the definitive agreements.

If the general terms outlined in this Letter are not agreed to in writing by December 18, 2024, this LOI shall expire, unless otherwise extended by mutual consent of the Parties.

This LOI constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements, oral and written, between the Parties relating thereto.

This LOI may not be amended, modified, or supplemented except by written agreement signed by the Parties. No waiver of any of the provisions of this LOI shall be deemed, or shall constitute, waiver of any other provision.

Any notice or other communication required or permitted hereunder shall be in writing and shall be transmitted via U.S. first-class and electronic mail, as applicable and as follows:

H. If to the Company, to:

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

With a copy to:

James Bryant, Esquire
Bryant & Larabee, PC
103 East Main Street
P. O. Box 551
Millheim, PA 16854

I. If to the Authority, to:

State College Borough Water Authority
1201 West Branch Road
State College, PA 16801

With a copy to:

Robert A. Mix, Esquire
Robert Mix Law
211 Kimport Avenue
Boalsburg, PA 16827

This Letter shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Signature page follows.

IN WITNESS WHEREOF, the Parties hereby enter into this letter of intent on the terms set forth above.

Rock Spring Water Company:	State College Borough Authority:
<hr/>	<hr/>
Signature	Signature
<i>Roy Campbell</i>	<i>Brian C. Heiser</i>
Printed Name and Title	Printed Name and Title
<i>A. Roy Campbell</i>	<i>Brian C. Heiser, Executive Director</i>
Date	Date
<i>12/13/2024</i>	<i>December 16, 2024</i>

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
:
:

No. 2025-CV-0064-CI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Emergency Petition for Appointment of Receiver was served by depositing the same via electronic mail, addressed to the following:

Robert A. Mix, Esq. State College Borough Water Authority (SCBWA) 211 Kimport Avenue Boalsburg, PA 16827 Bmix470@gmail.com	Amanda Chaplin, Esq. Glenn P. Masser, Esq. Commonwealth of Pennsylvania Dept. of Environmental Protection 208 West Third Street, Suite 101 Williamsport, PA 17701 achaplin@pa.gov gmasser@pa.gov
Honorable John Coogan Carrie B. Wright PA Public Utilities Commission Bureau of Investigation and Enforcement 400 North Street Harrisburg, PA 17120 jcoogan@pa.gov cawright@pa.gov	Jacob D. Guthrie, Esq. Emily A. Farren, Esq. Office of Consumer Advocate 555 Walnut Street, 5 th Floor Harrisburg, PA 17101-1923 JGuthrie@paoca.org EFarren@paoca.org OCARockSpring@paoca.org
Elizabeth A. Dupuis, Esq. Morgan M. Madden, Esq. Babst Calland Clements & Zomnir, P.C. 330 Innovation Blvd., Suite 302 State College, PA 16803 bdupuis@babstcalland.com mmadden@babstcalland.com	Elizabeth Rose Triscari, Esq. Teresa K. Harrold, Esq. Pennsylvania - American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055 elizabeth.triscari@amwater.com teresa.harrold@amwater.com

Alexander R. Stahl, Esq. Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 astahl@aquaamerica.com	Rebecca Lyttle, Esq. Office of Small Business Advocate 555 Walnut Street, 1st Floor Harrisburg, PA 17101 relyttle@pa.gov
David P. Zambito, Esq. Jonathan P. Nase, Esq. Cozen O'Connor 17 North Second Street, Suite 1410 Harrisburg, PA 17101 dzambito@cozen.com jnase@cozen.com	James C. Cagle Veolia Water 310 Allentown Boulevard, Suite 104 Harrisburg, PA 17112 james.cagle@veolia.com

I hereby certify that a true and correct copy of the within Emergency Petition for Appointment of Receiver was served by depositing the same with the United States Postal Service, postage prepaid, and by Certified Mail Restricted Delivery, return receipt requested, to the following addresses:

J. Roy Campbell 4607 West Whitehall Road Pennsylvania Furnace, PA 16865	Sue Campbell 150 Farmers Way Pennsylvania Furnace, PA 16865
Frances Campbell 400 Plainfield Road Pennsylvania Furnace, PA 16865	Charles Williams 140 Fisher Run Road Bloomsburg, PA 17815
Edith Williamson 8795 Old Dumfries Road Catlett, VA 20119	Clay Campbell 401 Plainfield Road Pennsylvania Furnace, PA 16865
C. John Campbell 150 Farmers Way Pennsylvania Furnace, PA 16865	Elizabeth Campbell 4607 West Whitehall Road Pennsylvania Furnace, PA 16865

Emilie Campbell 4607 West Whitehall Road Pennsylvania Furnace, PA 16865	Julie Campbell 2806 Orange Grove Trail Naples, FL 34120
Michael Dodge 2806 Orange Grove Trail Naples, FL 34120	James Harper 5220 West Whitehall Road Pennsylvania Furnace, PA 16865

By: Carolyn M. Larrabee
Carolyn M. Larrabee, Esq.

DATED: January 13, 2025

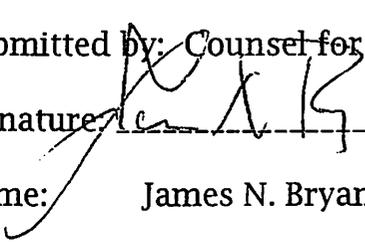
IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
: No. 2025-CV-0064-CI
:

CERTIFICATE OF COMPLIANCE

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

Submitted by: Counsel for Rock Spring Water Co.

Signature:  _____

Name: James N. Bryant, Esq.

Attorney No. 14084

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
: :
:

No. 2025-CV-0064-CI

RULE TO SHOW CAUSE

AND NOW, this 13 day of January, 2025, in consideration of the foregoing Petition, a rule is granted upon the Respondent to show cause why such relief should not be granted.

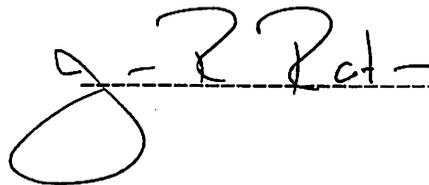
Rule returnable on the 24th day of January, 2025, for hearing at 3:30 o'clock p.M. in:

Courtroom 1 of the Centre County Courthouse, 102 South Allegheny Street, Bellefonte, Pennsylvania.

the Annex Courtroom, Centre County Courthouse Annex, 106 East High Street, Bellefonte, Pennsylvania.

BY THE COURT:

FILED FOR RECORD
2025 JAN 13 PM 01 32
JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA



J.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Section 529 Investigation of Rock Spring : Docket No. P-2024-3051313
Water Company :

VERIFICATION

I, Nicholas A. DeMarco, hereby state that the facts above set forth in my Written Testimony Prepared for Hearing Regarding Petition for Interim Emergency Order, OCA Statement 1, are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: February 13, 2025

Signature: */s/ Nicholas A. DeMarco*
 Nicholas A. DeMarco

Address: 555 Walnut Street
 Fifth Floor, Forum Place
 Harrisburg, PA 17101

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**TESTIMONY OF
MICHAEL J. GUNTRUM ON BEHALF OF
PENNSYLVANIA-AMERICAN WATER COMPANY
REGARDING THE OFFICE OF CONSUMER ADVOCATE'S
PETITION FOR INTERIM EMERGENCY ORDER**

Date: February 14, 2025

PAWC Statement No. 1-E

**TESTIMONY OF
MICHAEL J. GUNTRUM
REGARDING THE OFFICE OF CONSUMER ADVOCATE'S
PETITION FOR INTERIM EMERGENCY ORDER**

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE RECORD.**

2 **A.** My name is Michael J. Guntrum, P.E., and my business address is 852 Wesley Drive,
3 Mechanicsburg, PA 17055.

4

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

6 **A.** I am employed by Pennsylvania-American Water Company ("PAWC") as a Senior Project
7 Engineer for the Business Development Department.

8

9 **Q. WHAT ARE YOUR RESPONSIBILITIES AS A SENIOR PROJECT ENGINEER?**

10 **A.** As a Senior Project Engineer for PAWC, I am responsible for the performance of due
11 diligence activities related to potential water and wastewater acquisitions in the
12 Commonwealth of Pennsylvania.

13

14 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL EDUCATION AND EXPERIENCE.**

15 **A.** I received my Bachelor of Science (B.S.) degree in civil engineering in 1994 and a Master
16 of Engineering degree (M.E.) in Environmental Engineering in 1995 from the University
17 of Idaho. In 2010, I received my Master in Business Administration (MBA) from Lebanon
18 Valley College. I have worked in various engineering roles and have over 30 years of
19 experience in environmental engineering related to municipal and industrial water and
20 wastewater treatment. I have worked at PAWC since 2003 in roles related to the

1 acquisition of water and wastewater facilities. I am a registered Professional Engineer in
2 Pennsylvania.

3
4 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PENNSYLVANIA
5 PUBLIC UTILITY COMMISSION (“COMMISSION”)?**

6 **A.** Yes. I have testified before the Commission on several occasions, including both water
7 and wastewater proceedings.

8
9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY AT THIS HEARING?**

10 **A.** The purpose of my testimony is to present PAWC’s response to being named as a capable
11 water utility under the Section 529 Investigation (the “529 Investigation”) of Rock Spring
12 Water Company (“Rock Spring”) and being named as a potential receiver in the Office of
13 Consumer Advocate’s (the “OCA’s”) Petition for Interim Emergency Order (the
14 “Petition”).

15
16 **ACQUISITION OF ROCK SPRING**

17 **Q. WHAT PROXIMATE WATER SERVICE PROVIDERS ARE FINANCIALLY,
18 MANAGERIALLY, AND TECHNICALLY CAPABLE OF ACQUIRING ROCK
19 SPRING?**

20 **A.** In its Petition, I&E identified five public utilities, municipalities, municipal authorities or
21 cooperatives (including PAWC and State College Borough Water Authority (“SCBWA”))
22 as being potential capable proximate water service providers. Not all the entities identified

1 have chosen to participate in the proceeding, leaving PAWC and SCBWA as the two most
2 likely options to acquire the Rock Spring system.
3

4 **Q. HOW CLOSE ARE PAWC AND SCBWA WATER SYSTEMS TO ROCK SPRING?**

5 A. PAWC has identified its closest system is approximately 13 miles from Rock Spring.
6 SCBWA has identified its closest system is approximately 0.8 miles from Rock Spring.
7

8 **Q. HAS SCBWA EXPRESSED INTEREST IN ACQUIRING ROCK SPRING'S**
9 **WATER SYSTEM?**

10 A. In I&E's direct testimony, I&E states SCWBA is interested in acquiring the Rock Spring
11 water system. In addition, counsel for Rock Spring submitted a letter to counsel for
12 SCBWA, indicating that Rock Spring agreed to sell its system to SCBWA for \$65,000.
13 **Exhibit A to the OCA's Petition.**
14

15 **Q. ARE THERE ANY IMPEDIMENTS TO SCBWA BEING DIRECTED TO**
16 **ACQUIRE ROCK SPRING?**

17 A. Yes. I am advised by counsel that municipal authorities like SCBWA are not regulated by
18 the PUC and as such do not fall under its jurisdiction. The PUC likely cannot order
19 SCBWA to acquire Rock Spring unless and until SCBWA voluntarily submits to the
20 Commission's jurisdiction and becomes certificated (on a temporary or permanent basis)
21 to provide public utility service beyond the service territory authorized by its incorporating
22 municipality. This process however would be more complicated than necessary. The
23 preferable path forward would be the voluntary sale of Rock Spring to SCBWA,

1 conditioned upon the Commission's approval of the abandonment of Rock Spring's
2 certificate of public convenience.

3
4 **Q. WHAT IS PAWC'S POSITION ON BEING ORDERED TO ACQUIRE ROCK
5 SPRING?**

6 A. Although PAWC is able and willing to acquire Rock Spring, it is PAWC's position that
7 SCBWA is the logical choice for acquiring Rock Spring. SCBWA has expressed interest
8 in acquiring Rock Spring and Rock Spring has indicated a willingness to sell to SCBWA.
9 SCBWA is more proximate to Rock Spring by approximately 12 miles. SCBWA is legally,
10 financially, and technically capable of acquiring Rock Spring. Moreover, the acquisition
11 of SCBWA would promote regionalization and consolidation of water systems more
12 effectively because of the proximity of SCBWA's existing system.

13
14 **RECEIVER OF ROCK SPRING**

15 **Q. HAS THERE BEEN ANY SUBSEQUENT FILINGS SINCE I&E'S DIRECT
16 TESTIMONY REGARDING ROCK SPRING'S WATER SYSTEM?**

17 A. Yes, on February 6, 2025, the OCA filed its Petition, asking the PUC to appoint a receiver
18 to operate the Rock Spring water system until such time as a capable utility acquires the
19 system.

20
21 **Q. IN THE PETITION, WHICH POTENTIAL RECEIVERS DID THE OCA
22 IDENTIFY?**

1 A. The OCA identified PAWC, Aqua Pennsylvania, Inc. (Aqua), and SCBWA as potential
2 receivers.

3
4 **Q. HAS SCBWA EXPRESSED INTEREST IN BECOMING THE INTERIM
5 RECEIVER OF ROCK SPRING'S WATER SYSTEM?**

6 A. According to the OCA's Petition, Counsel for SCBWA informed the Centre County Court
7 of Common Pleas, at the January 30, 2025, hearing on Rock Spring's Emergency Petition
8 for Appointment of Receiver before that Court, that SCBWA is ready, willing, and able to
9 act as interim receiver for Rock Spring.

10

11 **Q. HAS PAWC BEEN APPOINTED AS RECEIVER FOR A TROUBLED WATER
12 SYSTEM IN THE PAST?**

13 A. Yes, PAWC has been appointed receiver of troubled water systems. PAWC is presently
14 the receiver of the East Dunkard Water Authority.

15

16 **Q. IS PAWC CAPABLE OF PERFORMING THE DUTIES OF INTERIM RECEIVER
17 OF ROCK SPRING?**

18 A. Yes, PAWC has been appointed receiver of troubled water systems in the past and is
19 capable of performing the duties of an interim receiver.

20

21 **Q. WHAT IS PAWC'S POSITION ON BEING NAMED AS THE INTERIM
22 RECEIVER OF ROCK SPRING?**

1 A. It is PAWC's position that SCBWA is the logical choice for interim receiver for Rock
2 Spring. SCBWA has expressed interest in acquiring Rock Spring and has also expressed
3 interest in being appointed interim receiver of the system. SCBWA's water system is more
4 proximate to Rock Spring. The OCA agrees in its Petition that SCBWA is capable of
5 acting as receiver.

6
7 **Q. ARE THERE ANY IMPEDIMENTS TO SCBWA BEING NAMED AS THE**
8 **INTERIM RECEIVER OF ROCK SPRING?**

9 A. Yes. I am advised by counsel that municipal authorities like SCBWA are not regulated by
10 the PUC and as such do not fall under its jurisdiction. The PUC likely cannot direct
11 SCBWA by order to serve as the interim receiver of Rock Spring unless and until SCBWA
12 voluntarily submits to the Commission's jurisdiction and obtains a certificate of public
13 convenience (on a temporary or permanent basis) to provide public utility service beyond
14 the service territory authorized by its incorporating municipality.

15 SCBWA would not however have to submit itself to the Commission's jurisdiction
16 in order to become interim receiver of Rock Spring if the Commission and the Court of
17 Common Pleas of Centre County coordinate their respective jurisdictions and the timing
18 of their actions. The Court has the authority to appoint SCBWA as the interim receiver for
19 Rock Spring if the Commission, exercising its primary jurisdiction over Rock Spring as a
20 certificated public utility, first consents to the appointment of SCBWA as interim receiver.
21 I note that, if SCBWA is appointed to be interim receiver by the Court, SCBWA would be
22 required to operate Rock Spring in compliance with Rock Spring's obligations as a public
23 utility under the Pennsylvania Public Utility Code until such time that the Commission

1 approves the abandonment of Rock Spring's certificate of public convenience as result of
2 the sale of Rock Spring to SCBWA.

3
4 **Q. IS TIME OF THE ESSENCE IN THE NAMING OF AN INTERIM RECEIVER OF**
5 **ROCK SPRING?**

6 A. Yes, Rock Spring is no longer capable of managing the water system and cannot reasonably
7 be expected to furnish and maintain efficient, safe and reasonable water service and
8 facilities. Due to the imminent cessation of efficient, safe and reasonable water service by
9 Rock Spring, the OCA requested a receiver be appointed to ensure that customers continue
10 to receive service and to ensure that Rock Spring does not cease providing service to its
11 customers.

12
13 **Q. IN THE EVENT SCBWA IS NOT NAMED AS THE INTERIM RECEIVER OF**
14 **ROCK SPRING, IS PAWC WILLING TO BE NAMED AS INTERIM RECEIVER**
15 **UNTIL SUCH TIME AS ROCK SPRING IS ACQUIRED BY A CAPABLE**
16 **UTILITY?**

17 A. Yes, in the interest of protecting the health and safety of Rock Spring's customers, in the
18 event SCBWA is not named as the interim receiver of the Rock Spring water system,
19 PAWC is willing to be named interim receiver until such time as Rock Spring can be
20 acquired by a capable utility. In such an event, PAWC would, however, request deferred
21 regulatory accounting treatment and the creation of a regulatory asset for any costs incurred
22 in acting as interim receiver for Rock Spring.

1 **Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF THE IMMEDIATE NEEDS OF**
2 **THE ROCK SPRING SYSTEM AND AN ESTIMATE OF THE COSTS THAT**
3 **PAWC WOULD INCUR TO ACT AS INTERIM RECEIVER OF ROCK SPRING?**

4 A. As interim receiver of Rock Spring PAWC would immediately begin to address the lost
5 water in the system and address regulatory compliance issues. To address lost water, leak
6 detection would begin to locate any large leaks that can be repaired quickly. To address
7 regulatory compliance issues, PAWC would have operational staff operate the system on
8 a daily basis. PAWC would also work with the Pennsylvania Department of
9 Environmental Protection to gain emergency permitting to install instrumentation to
10 monitor compliance and provide remote alarms and shutdown in the event of equipment
11 failure. The cost PAWC will incur as the interim receiver will depend on how long PAWC
12 functions in the role of interim receiver, which is unknown at this time. An initial estimate
13 of the costs that PAWC will incur as interim receiver is approximately \$400,000.

14
15 **Q. WHO WOULD PAY FOR THE COSTS INCURRED BY PAWC TO ACT AS**
16 **INTERIM RECEIVER FOR ROCK SPRING?**

17 A. Assuming that the Commission allows the creation of a regulatory asset and PAWC is
18 permitted to recover its costs, PAWC's existing customers would be required to pay for
19 the vast majority of the costs associated with the remediation and operation of the Rock
20 Spring system. Rock Spring's existing customers would not be able to bear the costs alone.
21 Such a situation would be fundamentally unfair to PAWC's existing customers.

22 The costs of receivership would be more properly borne by SCBWA because
23 SCBWA is the entity most likely to acquire Rock Spring. SCBWA would be able to

1 recover the costs of receivership from its entire customer base, including Rock Spring's
2 customers, over time. Whereas, if PAWC is appointed interim receiver and SCBWA
3 eventually acquires Rock Spring, PAWC's customers would be required to pay for costs
4 associated with the Rock Spring receivership well into the future without any contribution
5 from Rock Spring system customers.

6 The alternative would be for SCBWA to reimburse PAWC for its receivership costs
7 as part of an agreement of sale of Rock Spring to SCBWA which could unnecessarily
8 complicate and delay the eventual acquisition of Rock Spring by SCBWA. The
9 Commission could condition its approval of the abandonment of Rock Spring's certificate
10 of public convenience upon SCBWA's reimbursement of the costs incurred by PAWC for
11 the receivership. This would protect PAWC's ratepayers from bearing responsibility for
12 the costs.

13
14 **CONCLUSION**

15 **Q. PLEASE SUMMARIZE THE POSITION OF PAWC.**

16 A. There are many paths that the Commission could take with regard to the interim
17 receivership and acquisition of Rock Spring. While PAWC is willing to act as interim
18 receiver if necessary for the benefit of the public, the cleanest and quickest path for all
19 involved appears to be receivership of Rock Spring by SCBWA and the eventual
20 acquisition of Rock Spring by SCBWA. To make this happen, the Commission and the
21 Court of Common Pleas of Centre County need to coordinate their respective jurisdictions.
22 The Commission should exercise its primary jurisdiction and authorize SCBWA's
23 receivership of Rock Spring and the Court should then, based on the Commission's order,

1 appoint SCBWA as the interim receiver. SCBWA would then operate Rock Spring as a
2 regulated public utility until such time as the Commission approves the sale of Rock Spring
3 to SCBWA and the abandonment of Rock Spring's certificate of public convenience.
4

5 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

6 **A.** Yes. However, I reserve the right to supplement my testimony as additional issues or facts
7 arise during the course of this proceeding. Thank you.



VIA ELECTRONIC MAIL

February 13, 2025

The Honorable John M. Coogan
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
400 North Street
Harrisburg, PA 17120
jcoogan@pa.gov

**Re: The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement Petition to Request the Commission Open a Section 529 Investigation Into the Acquisition of Rock Springs Water Company
Docket No. P-2024-3051313**

Dear Judge Coogan:

Enclosed please find the following Direct Testimony of Aqua Pennsylvania, Inc., regarding the Evidentiary Hearing on the Office of Consumer Advocate's Petition for Interim Emergency Order, in the above captioned proceeding:

- Aqua Statement No. 1 – Direct Testimony and Exhibit SC-1-1 of Stephen Clark

If you have any questions regarding this filing, please contact me at 610-645-1130 or by email at astahl@aquaamerica.com.

Sincerely,



Alexander R. Stahl
Regulatory Counsel

cc: Certificate of Service
Rosemary Chiavetta, Secretary (via e-filing, Cover Letter and Certificate of Service only)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AQUA PENNSYLVANIA, INC.

DOCKET NO. P-2024-3051313

AQUA STATEMENT NO. 1

**DIRECT TESTIMONY OF
STEPHEN CLARK**

**With Regard To
OCA Petition for Interim Emergency Order**

February 13, 2025

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AQUA PENNSYLVANIA, INC.
DIRECT TESTIMONY OF STEPHEN CLARK

1 **I. INTRODUCTION**

2 **Q. Please state your name and business address.**

3 A. My name is Stephen Clark. My business address is 1775 North Main Street Honesdale,
4 PA 18431.

5
6 **Q. By whom are you employed and in what capacity?**

7 A. I am Director of Operations for Aqua Pennsylvania, Inc.’s (“Aqua” or the “Company”)
8 Greater Pennsylvania Service Area.

9
10 **Q. Please provide a brief description of your education and work experience.**

11 A. I graduated from the Pennsylvania State University with a Bachelor of Science degree in
12 Mechanical Engineering Technology. I have worked in the water and wastewater industry
13 for the past 21 years. I began my career in the utility industry with American Water
14 Company (“AWC”) as a plant engineer at the Scranton Sewer Authority. With AWC, I
15 was responsible for managing the implementation of its significant capital improvement
16 program and I managed the Plant Maintenance staff. Since then, I have worked with Aqua
17 for 20 years. At Aqua, I am responsible for leading a team of Aqua employees delivering
18 potable drinking water to its customers and returning treated wastewater back to the
19 environment. I am involved in all aspects of operations including budgeting, planning,
20 employee relations, business development, and process control. I am also a Class-B
21 certified water operator in Pennsylvania.

AQUA PENNSYLVANIA, INC.
DIRECT TESTIMONY OF STEPHEN CLARK

1 **Q. Have you previously testified before the Pennsylvania Public Utility Commission**
2 **(“PUC” or the “Commission”)?**

3 A. Yes. I have testified on behalf of Aqua in the Twin Lakes Utilities, Inc. Section 529
4 Proceeding at Docket No. P-2020-3020914, the Venango Water Company and Rhodes
5 Utilities Section 529 Proceedings at Docket Nos. M-2023-3042180, I-2023-3042312, P-
6 2024-3045205, and in various cases involving customer complaints and disputes before the
7 Commission.

8
9 **Q. What is the purpose of your Direct Testimony?**

10 A. The purpose of my Direct Testimony is to address the Office of Consumer Advocate’s
11 (“OCA”) Petition for Issuance of an Interim Emergency Order (“Emergency Petition”)
12 regarding the Rock Spring Water Company (“Rock Spring”).

13

14 **Q. Are you sponsoring any Exhibits with the Company’s filing?**

15 A. Yes. Attached to my Direct Testimony as Exhibit SC-1-1 is Aqua’s response to OCA Set
16 I Interrogatories, No. 11.

17

18 **II. OCA EMERGENCY PETITION**

19 **Q. Please briefly describe the OCA’s Emergency Petition**

20 A. The OCA filed its Emergency Petition on February 6, 2025 stating that “[d]ue to the
21 imminent cessation of adequate, efficient, safe and reasonable water service by Rock
22 Spring, the OCA respectfully requests a receiver be appointed to ensure the customers
23 continue to receive service and to ensure that Rock Spring does not cease providing service

AQUA PENNSYLVANIA, INC.
DIRECT TESTIMONY OF STEPHEN CLARK

1 to its customers unless and until a capable receiver is in place.” Emergency Petition at 4.
2 The Emergency Petition further states that Aqua, Pennsylvania-American Water Company
3 (“PAWC”) and State College Borough Water Authority (“SCBWA”) are potential options
4 to be named as the Receiver. Emergency Petition at 6. The Emergency Petition notes that
5 Aqua is financially, managerially, and technically capable to serve Rock Spring’s
6 customers as Receiver. Emergency Petition at 7. Finally, the OCA noted in the Emergency
7 Petition that SCBWA informed the OCA that it is ready, willing, and able to act as the
8 Receiver and that PAWC is also willing and able to act as Receiver. Emergency Petition
9 at 6-7.

10
11 **Q. Do you agree with the OCA that Aqua is a financially, managerially, and technically**
12 **capable public utility?**

13 A. Yes.

14
15 **Q. Do you believe that Aqua is in the best position to act as Receiver for the Rock**
16 **Spring customers?**

17 A. No. As seen in Exhibit SC-1-1 attached to my Direct Testimony, Aqua’s closest system is
18 approximately 38 miles from Rock Spring, and Aqua’s closest operations center is
19 approximately 50 miles from Rock Spring. Aqua believes there are other capable utilities
20 that are closer in proximity as noted in the Direct Testimony of Christopher Keller of the
21 Commission’s Bureau of Investigation and Enforcement (“I&E”) on page 9. Witness
22 Keller states that SCBWA and PAWC are approximately 0.8 miles and 13 miles away from
23 Rock Spring, respectively. I&E Statement No. 1, at 9. Therefore, Aqua believes there are

AQUA PENNSYLVANIA, INC.
DIRECT TESTIMONY OF STEPHEN CLARK

1 other capable utilities that are in a better position to act as Receiver for the Rock Spring
2 customers.

3

4 **III. CONCLUSION**

5 **Q. Does this conclude your Direct Testimony?**

6 A. Yes, it does. However, I reserve the right to supplement my Direct Testimony as additional
7 issues and facts arise during the course of this proceeding.

Exhibit SC-1-1

Respondent: Stephen Clark
Date: 11/05/2024

SECTION 529 INVESTIGATION OF ROCK SPRING WATER COMPANY

DOCKET NO. P-2024-3051313

OFFICE OF CONSUMER ADVOCATE

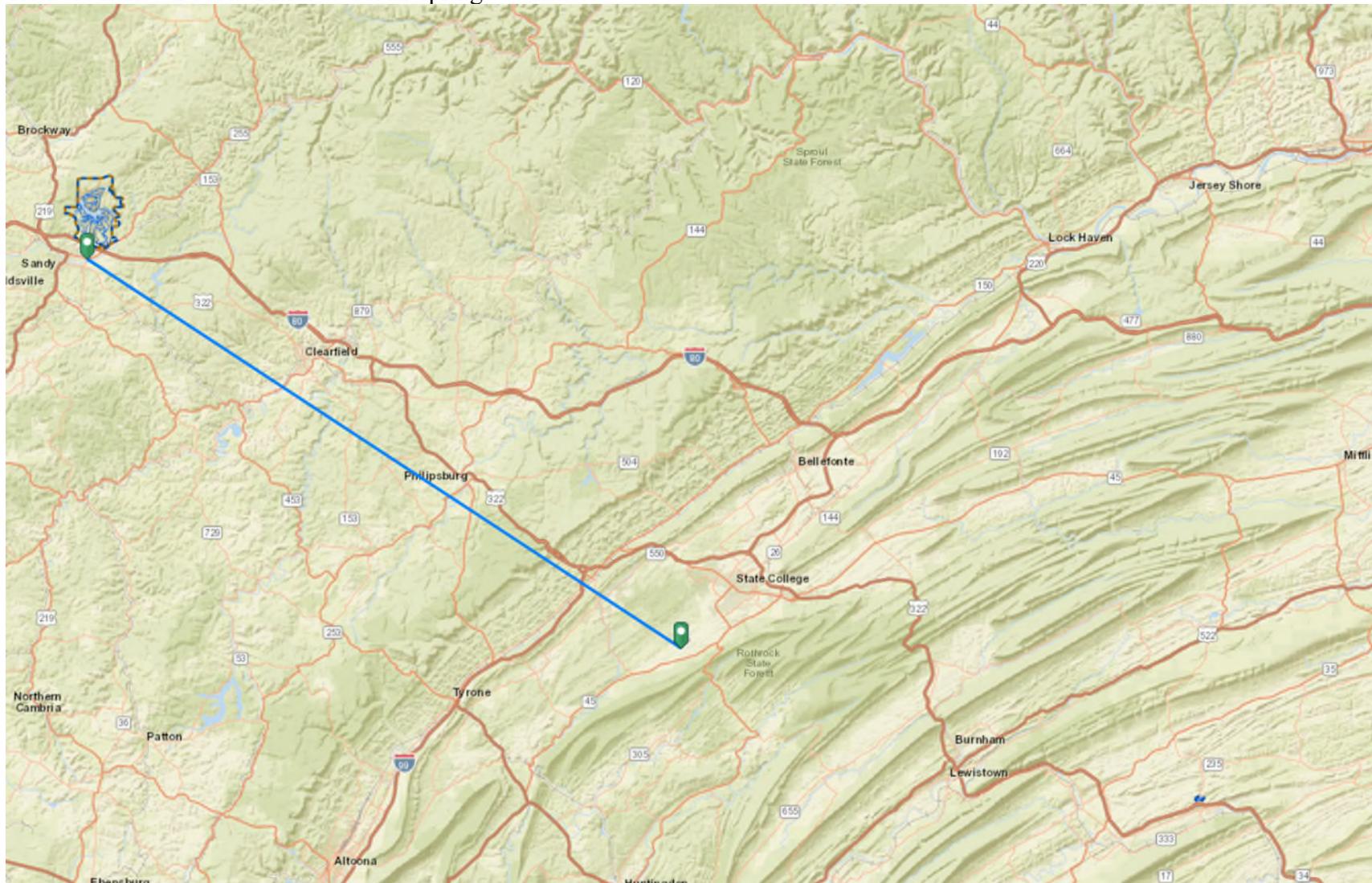
SET I INTERROGATORIES

OCA-I-11 Please provide a map showing the distance between Rock Springs Water Company operations and the Company's closest water customer connection.

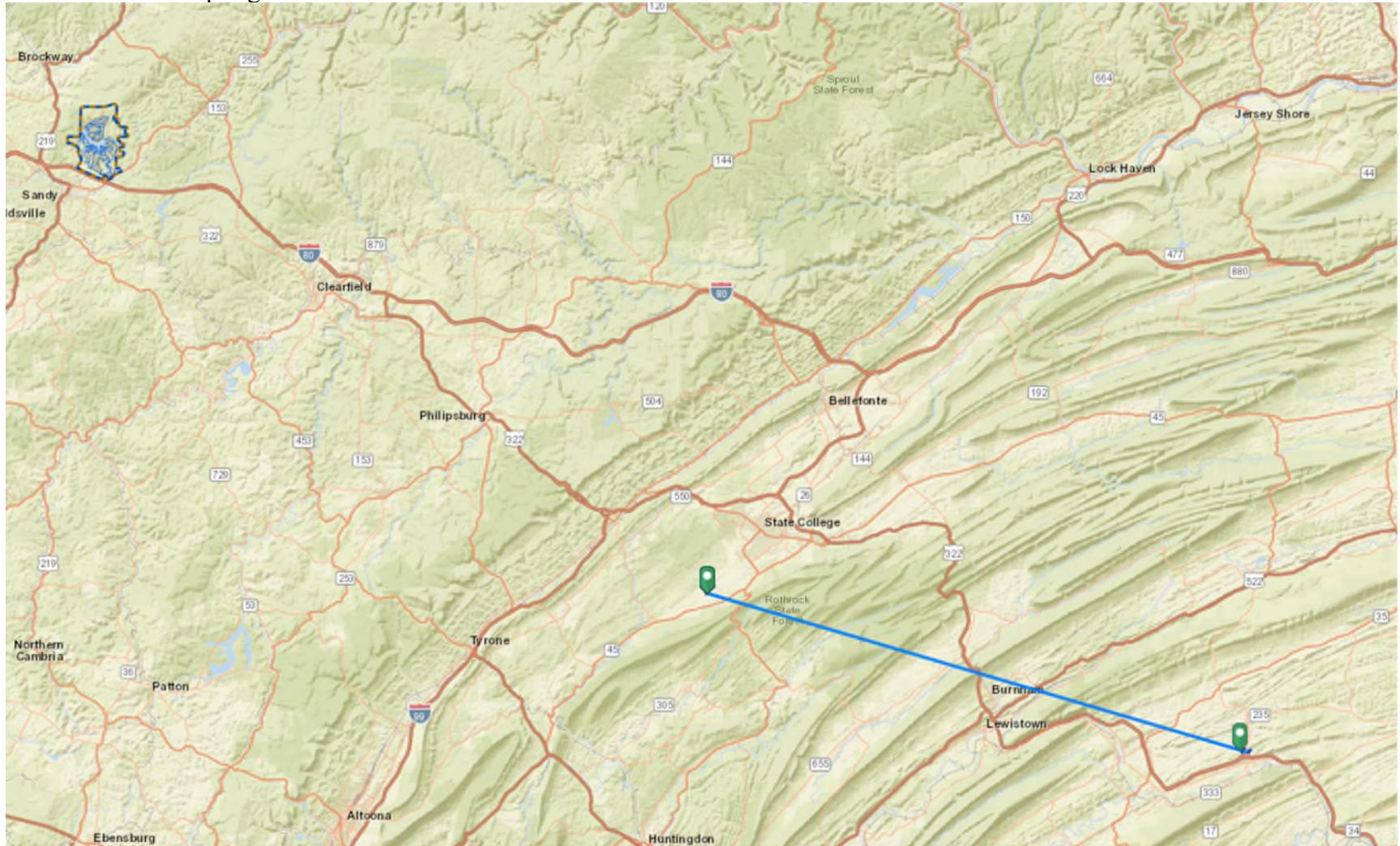
RESPONSE

Aqua's closest operating office is approximately 50 miles from Rock Spring. Aqua operates a very small system that is approximately 38 miles from Rock Spring. Please see OCA-I-11 Attachment 1.

Treasure Lake / Dubois Office → Rock Spring ~50 miles.



Meribah → Rock Spring ~38 miles.



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**The Pennsylvania Public Utility :
Commission's Bureau of Investigation and :
Enforcement Petition to Request the : P-2024-3051313
Commission Open a Section 529 :
Investigation Into the Acquisition of Rock :
Springs Water Company :**

CERTIFICATE OF SERVICE

I hereby certify that I have, this 13th day of February, 2025, served a true and correct copy of the foregoing document upon the persons and in the manner indicated below:

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Alexander R. Stahl

Dated: February 13, 2025

I&E Statement No. 1
Witness: Christopher Keller

**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

Direct Testimony

of

Christopher Keller

Bureau of Investigation & Enforcement

Concerning:

**PUBLIC UTILITY CODE SECTION 529 INVESTIGATION
SECTION 529(a)(4)-(6)**

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Christopher Keller. My business address is Pennsylvania Public
3 Utility Commission, Commonwealth Keystone Building, 400 North Street,
4 Harrisburg, PA 17120.

5

6 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

7 A. I am employed by the Pennsylvania Public Utility Commission (Commission) in
8 the Bureau of Investigation & Enforcement (I&E) as a Fixed Utility Financial
9 Analyst.

10

11 **Q. WHAT IS YOUR EDUCATIONAL AND EMPLOYMENT HISTORY.**

12 A. An outline of my education and employment background is attached as Appendix
13 A.

14

15 **Q. DOES YOUR TESTIMONY INCLUDE AN ACCOMPANYING EXHIBIT?**

16 A. Yes. I&E Exhibit No. 1 contains schedules that support my direct testimony.

17

18 **Q. PLEASE DESCRIBE THE ROLE OF I&E IN RATE PROCEEDINGS.**

19 A. I&E is responsible for protecting the public interest in proceedings before the
20 Commission. I&E's analysis in the proceedings is based on its responsibility to
21 represent the public interest. This responsibility requires the balancing of the

1 interests of the ratepayers, the utility company, and the regulated community as a
2 whole.

3
4 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

5 A. The purpose of my direct testimony is to present the results of I&E's investigation
6 into the Section 529¹ Investigation (529 Investigation) of Rock Spring Water
7 Company (Rock Spring or Company).

8
9 **Q. BRIEFLY DESCRIBE THE EVENTS RESULTING IN THE CURRENT
10 PROCEEDING?**

11 A. The current proceeding resulted from a series of events. On October 13, 2012, the
12 Company filed a base rate case.² As part of the settlement of the base rate case,
13 the Company was to reduce its unaccounted for water (UFW) by 50% over 66
14 months to 23.3%.³ However, the Company failed to reach its benchmark of 63.2%
15 within 18 months or the 10% reductions per year as required by the settlement.
16 Also, as part of the settlement, the Company was required to attempt to sell the
17 system, however, this has not yet occurred.

18 In addition to the settlement terms not being met in the above referenced
19 base rate case, the Company has multiple Department of Environmental Protection
20 (DEP) violations. In August 2006, the Company submitted a corrective action

¹ 66 Pa. C.S. § 529.

² *Pa. PUC v. Rock Spring Water Company*, Docket No. R-2012-2336662.

³ *Pa. PUC v. Rock Spring Water Company*, Docket No. R-2012-2336662. Settlement Agreement, paragraph 7(f).

1 plan to reduce its UFW to less than 30% by September 30, 2010. If the amount of
2 UFW was greater than 30% by August 31, 2011, the Company was to begin a
3 waterline replacement project, but according to the DEP, the Company has failed
4 to do so. Next, the DEP issued a Notice of Violations (NOV) on January 10, 2018
5 for multiple violations and again on May 21, 2018⁴ for the same violations. The
6 Company did not respond to the May 21, 2018 NOV. On October 17, 2018, the
7 DEP issued an Administrative Order (AO) for the Company to install a
8 Supervisory Control and Data Acquisition system by September 2019, which the
9 Company has not yet installed.

10 On July 24, 2024, the Commonwealth Court found the Company in
11 contempt of court for not complying with the above AO and was required to
12 prepare a report regarding the final waterline replacement project, which the
13 Company has not yet provided.

14 On May 23, 2024, the Commission's Bureau of Technical Utility Services
15 referred the matter to I&E. On September 20, 2024, I&E filed a petition to request
16 the Commission open a 529 Investigation for Rock Spring where a notice was sent
17 to all proximate providers and municipalities of the Commission opening the 529

⁴ *I&E Petition to Request the Commission Open Section 529 Investigation into the Acquisition of Rock Spring Water Company*, Docket No. P-2024-3051313, Exhibit D, pp. 6-7.

1 Investigation.⁵ In a November 5, 2024 Order,⁶ a litigation schedule was adopted
2 for the 529 Investigation.

3
4 **Q. WHAT IS SECTION 529 OF THE PUBLIC UTILITY CODE?**

5 A. Under Section 529 of the Public Utility Code, the Commission has the power to
6 order a capable public utility to acquire a small water or sewer utility. Further, it
7 enumerates six elements that must be met and factors that must be considered
8 when determining whether an acquisition is appropriate.

9
10 **Q. WHAT IS YOUR RECOMMENDATION?**

11 A. For the reasons discussed below and in the direct testimony of I&E witness Ethan
12 Cline,⁷ I recommend that the Commission order a capable public utility,
13 specifically Pennsylvania American Water Company, Inc. (PAWC), to acquire
14 Rock Spring pursuant to Section 529 of the Public Utility Code. It should be
15 noted that the State College Borough Water Authority (SCBWA) would
16 potentially be a better fit given its closer proximity to the Rock Spring system, and
17 I believe this option should be explored as well. I&E would not necessarily
18 oppose the acquisition of Rock Spring by SCBWA, assuming SCBWA is able to

⁵ *I&E Petition to Request the Commission Open Section 529 Investigation into the Acquisition of Rock Spring Water Company*, Docket No. P-2024-3051313. Petition at Paragraphs 13-33.

⁶ *I&E Petition to Request the Commission Open Section 529 Investigation into the Acquisition of Rock Spring Water Company*, Docket No. P-2024-3051313. (Order Entered November 5, 2024).

⁷ I&E Statement No. 2.

1 demonstrate to the Commission its fitness and expresses an interest in purchasing
2 the Rock Spring system.

3
4 **Q. HOW IS THE REMAINDER OF YOUR TESTIMONY ORGANIZED?**

5 A. I have organized my testimony to address three of the six elements of Section 529
6 that the Commission evaluates in determining if a capable public utility should be
7 ordered to acquire a small water or sewer utility. In particular, I will be addressing
8 elements four through six.

9
10 **Q. WHAT IS THE FOURTH ELEMENT OF A 529 INVESTIGATION?**

11 A. The fourth element of Section 529(a) states, “that alternatives to acquisition have
12 been considered in accordance with subsection (b) and have been determined by
13 the commission to be impractical or not economically feasible.”⁸

14
15 **Q. WHAT ARE THE ALTERNATIVES TO ACQUISITION LISTED IN
16 SUBSECTION (b)?**

17 A. Section 529(b) lists the five alternatives to acquisition to be discussed with the
18 small public utility and considered by the Commission as follows:

- 19 (1) The reorganization of the small water or sewer utility under new
20 management.
21 (2) The entering of a contract with another public utility or a management or
22 service company to operate the small water or sewer utility.

⁸ 66 Pa. C.S. § 529(a)(4).

- 1 (3) The appointment of a receiver to assure the provision of adequate, efficient,
2 safe and reasonable service and facilities to the public.
3 (4) The merger of the small water or sewer utility with one or more other
4 public utilities.
5 (5) The acquisition of the small water or sewer utility by a municipality, a
6 municipal authority or a cooperative.⁹
7

8 **Q. DOES THE COMPANY MEET THE CRITERIA FOR THE FOURTH**
9 **ELEMENT OF A 529 INVESTIGATION?**

10 A. Yes. The first three alternatives to acquisition would not address the financial
11 resources needed to address the issues with the Company's extremely high UFW
12 as well as other DEP violations that have been issues going back more than ten
13 years. The fourth alternative of merging with another public with one or more
14 other public utilities is not viable. As I discussed earlier in my testimony, the
15 Company has several DEP violations combined with the significant level of
16 deterioration of the Rock Spring's water system. Also, as I will discuss later in
17 my testimony, the lack of interest by the Company's owners in operating the water
18 system makes the Company an unviable merger candidate. Finally, as I will
19 discuss in more detail later in my testimony, the Company has been in contact
20 with SCBWA since 2008 to acquire its water system but has been unable to reach
21 an agreement. Based on this information, it is implicit that the above alternatives
22 to acquisition are impractical or not economically feasible; therefore, the criteria
23 for element four have been met.

⁹ 66 Pa. C.S. § 529(b).

1 **Q. WHAT IS THE FIFTH ELEMENT OF A 529 INVESTIGATION?**

2 A. The fifth element of Section 529(a) states, “that the acquiring capable public
3 utility is financially, managerially and technically capable of acquiring and
4 operating the small water or sewer utility in compliance with applicable statutory
5 and regulatory standards.”¹⁰

6
7 **Q. WHAT IS A CAPABLE PUBLIC UTILITY FOR PURPOSES OF A**
8 **SECTION 529 ACQUISITION?**

9 A. Section 529(m) defines a capable public utility as “[a] public utility which
10 regularly provides the same type of service as the small water utility or the small
11 sewer utility to 4,000 or more customer connections, which is not an affiliated
12 interest of the small water utility or the small sewer utility and which provides
13 adequate, efficient, safe and reasonable service.”¹¹

14
15 **Q. ARE THERE ANY OTHER PUBLIC UTILITY COMPANIES,**
16 **MUNICIPALITIES, MUNICIPAL AUTHORITIES, OR COOPERATIVES**
17 **IN THE AREA OTHER THAN PAWC?**

18 A. Yes. In its Petition, I&E identified five public utilities, municipalities, municipal
19 authorities or cooperatives (including PAWC and SCBWA) in the above
20 referenced notice that was sent by the Commission notifying them of the 529

¹⁰ 66 Pa. C.S. § 529(a)(5).

¹¹ 66 Pa. C.S. § 529(m).

1 Investigation.¹² Not all of the entities identified have chosen to participate in the
2 proceeding, leaving PAWC and SCBWA as the two most likely options to acquire
3 the Rock Spring system.
4

5 **Q. WHAT CAPABLE WATER UTILITIES ARE FINANCIALLY,**
6 **MANAGERIALLY, AND TECHNICALLY CAPABLE OF ACQUIRING**
7 **ROCK SPRING?**

8 A. PAWC is financially, managerially, and technically capable of acquiring Rock
9 Spring. It is possible that SCWBA is also financially, managerially, and
10 technically capable and given its proximity may be a suitable option. However, I
11 am advised by counsel that in order to acquire a certificated public utility, a
12 municipal authority would need to demonstrate to the Commission that it has the
13 financial, managerial and technical capabilities to operate the public utility.
14

15 **Q. HOW MANY WATER CUSTOMERS DO PAWC AND SCBWA**
16 **CURRENTLY HAVE?**

17 A. PAWC and SCBWA currently have approximately 687,000¹³ and 15,000¹⁴
18 customers, respectively.

¹² *I&E Petition to Request the Commission Open Section 529 Investigation into the Acquisition of Rock Spring Water Company*, Docket No. P-2024-3051313. Petition at paragraph 32.

¹³ I&E Exhibit No. 1, Schedule 1.

¹⁴ I&E Exhibit No. 1, Schedule 2, p. 2.

1 **Q. HOW CLOSE ARE PAWC AND SCBWA WATER SYSTEMS TO ROCK**
2 **SPRING?**

3 A. At their closest points, PAWC and SCBWA are approximately 13 miles¹⁵ and 0.8
4 miles,¹⁶ respectively, from Rock Spring's water system.

5
6 **Q. HAS SCBWA EXPRESSED INTEREST IN ACQUIRING ROCK SPRING'S**
7 **WATER SYSTEM?**

8 A. Yes. In SCBWA's response to OCA-I-10,¹⁷ SCBWA has been in discussions with
9 Rock Spring since 2008 to acquire Rock Spring's water system with the latest
10 discussion taking place in September 2024. Additionally, in SCBWA's response
11 to OCA-I-11,¹⁸ SCBWA states that it has acquired smaller systems near SCBWA
12 that were in poor condition and the acquisition of Rock Spring would allow
13 SCBWA to expand and develop additional sources of water creating a more
14 efficient water system. Finally, SCBWA states that it has also been providing
15 technical assistance to Rock Spring since 1993.

16
17 **Q. HAS PAWC RECENTLY ACQUIRED ANY OTHER WATER OR**
18 **WASTEWATER COMPANIES?**

19 A. Yes. PAWC already holds a certificate of public convenience to own and operate

¹⁵ I&E Exhibit No. 1, Schedule 3, p. 2.

¹⁶ I&E Exhibit No. 1, Schedule 2, pp. 3-4.

¹⁷ I&E Exhibit No. 1, Schedule 4, pp. 2-3.

¹⁸ I&E Exhibit No. 1, Schedule 4, pp. 3-4.

1 water and wastewater systems regulated by the Commission. Further, PAWC has
2 received Commission approval to own and operate several other water and
3 wastewater utilities. To name a few, PAWC recently acquired the Butler Area
4 Sewer Authority (BASA) wastewater system in 2023 and the City of York
5 wastewater system in 2022, which provides wastewater service to approximately
6 15,000 and 14,000 customers, respectively.¹⁹ Additionally, PAWC acquired the
7 water²⁰ and wastewater²¹ systems of Valley Township in 2021 which provides
8 service to approximately 1,700 water and 3,100 wastewater customers. More
9 recently, PAWC acquired the water and wastewater system²² of the Township of
10 Farmington (Farmington) in 2024 which serves 464 water and 448 wastewater
11 customers.

¹⁹ I&E Exhibit No. 1, Schedule 5.

²⁰ *Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of Valley Township's assets, properties, and rights related to its water treatment and distribution system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in Valley Township, and in a portion of West Caln and East Fallowfield Townships, Chester County, Pennsylvania.* Docket No. A-2020-3019859.

²¹ *Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of Valley Township's assets, properties, and rights related to its wastewater collection and conveyance system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in Valley Township, and limited portions of East Fallowfield Township, Sadsbury Township, and West Caln Township, Chester County, Pennsylvania.* Docket No. A-2020-3020178.

²² *Application of Pennsylvania-American Water Company under Section 1102(a) for approval of the transfer, by sale, of substantially all of the Township of Farmington's assets, properties, and rights related to its drinking water distribution system to Pennsylvania-American Water Company; the transfer by sale of substantially all of the Township of Farmington's assets, Properties and rights related to its wastewater Collection and treatment system to Pennsylvania- American Water Company; and the right of Pennsylvania-American Water Company to begin to offer and furnish water service to the public in an additional portion and wastewater service to the public in a portion of the Township of Farmington, Clarion County, Pennsylvania.* Docket Nos. A-2023-3042567 and A-2023-3042587.

1 **Q. HAS PAWC DEMONSTRATED IT IS FINANCIALLY, MANAGERIALLY,**
2 **AND TECHNICALLY CAPABLE OF ACQUIRING OTHER**
3 **WASTEWATER AND WATER COMPANIES?**

4 A. Yes. In PAWC’s direct testimony for the acquisition of the Farmington water and
5 wastewater systems,²³ PAWC witness Michael J. Guntrum, P.E. stated, “PAWC
6 has had no material issues in complying with the Pennsylvania Public Utility
7 Code, or other regulatory requirements. Moreover, PAWC has the resources,
8 skills and expertise to respond to ever-increasing environmental standards for the
9 treatment of water and to manage the long term infrastructure issues inherent in
10 water systems.”²⁴

11 To further demonstrate PAWC’s fitness, PAWC was recently appointed
12 receiver of the troubled East Dunkard Water Authority as a result of the
13 Authority’s various DEP violations.²⁵

14
15 **Q. HAS I&E DETERMINED WHETHER THE CRITERIA FOR THE FIFTH**
16 **ELEMENT OF A 529 ACQUISITION HAVE BEEN MET?**

17 A. Yes. As PAWC is currently a certificated water utility in Pennsylvania, a
18 presumption of fitness attaches. PAWC is financially, managerially, and
19 technically capable of compliance with applicable statutory and regulatory

²³ *Id.*

²⁴ *Id.*, PAWC Statement No. 2W, p. 7.

²⁵ *Joint Petition of Pennsylvania American Water Company and the Department of Environmental Protection Requesting An Ex Parte Emergency Order in Regard to Receivership of East Dunkard Water Authority*, Docket No. P-2023-3043950 (Order entered November 20, 2023).

1 standards. PAWC currently serves approximately 687,000 water and 98,000
2 wastewater customers, and PAWC clearly indicated in the Farmington proceeding
3 that it is capable of acquiring a water system that has nearly the same number of
4 customers as Rock Spring. Therefore, it is my opinion that PAWC is capable of
5 operating the Rock Spring water system which has less than 500 water customers
6 and bringing it into full compliance with Commission and DEP regulations.

7 Further, as noted above, it appears that SCWBA may also be a viable
8 option to own and operate the Rock Spring system.

9
10 **Q. WHAT IS THE SIXTH ELEMENT OF A 529 INVESTIGATION?**

11 A. The sixth element of Section 529(a) states, “that the rates charged by the acquiring
12 capable public utility to its preacquisition customers will not increase
13 unreasonably because of the acquisition.”²⁶

14
15 **Q. WOULD THE ACQUISITION OF THE COMPANY UNREASONABLY
16 INCREASE RATES FOR PRE-ACQUISITION CUSTOMERS?**

17 A. No. Rock Spring’s approximate 500 water customers are likely not going to
18 unreasonably affect rates for pre-acquisition customers if PAWC acquires the
19 Company as PAWC currently supplies services to approximately 687,000 water

²⁶ 66 Pa. C.S. § 529(a)(6).

1 customers where Rock Spring's customers would represent less than 0.1% of all
2 water customers served by PAWC.

3 PAWC has demonstrated through its prior acquisition of several other water
4 and wastewater systems that PAWC is capable of acquiring both large and small
5 systems and meeting service commitments. Additionally, its acquisition of small
6 systems such as Rock Spring under investigation in Section 529 proceedings have
7 occurred without a significant increase in rates for existing customers. Therefore,
8 the acquisition of Rock Spring by PAWC would most likely not result in an
9 unreasonable increase in rates to PAWC's current customers.

10 SCWBA will have an opportunity to present testimony about the potential
11 rate impact of the acquisition on Rock Spring customers.

12
13 **Q. HAS I&E DETERMINED WHETHER THE SIXTH ELEMENT OF A 529**
14 **ACQUISITION IS MET?**

15 A. Yes. It is I&E's position that the acquisition of Rock Spring by PAWC, or
16 potentially SCWBA, would likely not result in an unreasonable increase in rates
17 for PAWC's current customers, thereby satisfying the sixth element of Section
18 529.

1 **Q. DO YOU HAVE ANY FINAL COMMENTS REGARDING THE 529**
2 **INVESTIGATION?**

3 A. Yes. Under Section 529(c) of the Public Utility Code,²⁷ the Commission can
4 consider other factors in determining if it should order a capable public utility to
5 acquire a small water or sewer utility. One of these factors is “The financial,
6 managerial, and technical ability of the small water or sewer utility.”²⁸

7 On January 13, 2025, Rock Spring filed an Emergency Petition for
8 Appointment of a Receiver (Emergency Petition) with the Court of Common Pleas
9 of Centre County.²⁹ On paragraph 10 of the Emergency Petition,³⁰ it states that
10 there has been little to no cooperation from Rock Spring’s president, J. Roy
11 Campbell or his daughter, Elizabeth Campbell. Additionally, on paragraph 13 of
12 the Emergency Petition,³¹ the petition clearly states that neither Mr. Campbell nor
13 his daughter, Elizabeth Campbell, the treasurer of Rock Spring, are capable of
14 managing Rock Spring’s water system or assisting in the acquisition of Rock
15 Spring by SCBWA. This demonstrates that Rock Spring does not have the
16 financial, managerial, and technical ability to operate Rock Spring’s water system.
17 Therefore, based on this information and the reasons discussed earlier in the direct
18 testimony, I recommend that the Commission order a capable public utility to
19 acquire Rock Spring pursuant to Section 529 of the Public Utility Code.

²⁷ 66 Pa. C.S. § 529(c).

²⁸ 66 Pa. C.S. § 529(c)(1).

²⁹ I&E Exhibit No. 1, Schedule 6.

³⁰ I&E Exhibit No. 1, Schedule 6, p. 4.

³¹ I&E Exhibit No. 1, Schedule 6, p. 5.

1 **Q. DO YOU HAVE ANY FINAL COMMENTS RELATED TO SCBWA?**

2 A. Yes. PAWC is undoubtedly a capable public utility that is fit to acquire Rock
3 Spring. However, as explained above, it is I&E's position that SCBWA would
4 also likely be a viable option to acquire the Rock Spring system and should be
5 considered by the Commission. As I noted before, SCWBA is not currently a
6 certificated public utility, so unlike PAWC there is no presumption of fitness.
7 However, to the extent that SCWBA can demonstrate its financial, managerial,
8 and technical fitness to the Commission, and is interested in acquiring the Rock
9 Spring system, I&E recommends the Commission consider SCWBA as an option
10 as well.

11

12 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

13 A. Yes.

Professional and Educational Experience
Christopher Keller

Professional Experience

January 2014 to Present
Fixed Utility Financial Analyst
Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania
Bureau of Investigation & Enforcement

September 2008 to January 2014
Insurance Company Financial Analyst
Pennsylvania Insurance Department, Harrisburg, Pennsylvania
Bureau of Licensing & Financial Analysis

Education and Training

FAI Utility Finance and Accounting for Financial Professionals, Boston, MA
May 21-23, 2014

York College of Pennsylvania, York, Pennsylvania
Master of Business Administration, Finance Concentration, 2008
Bachelor of Science, Accounting, 2006

Testimony Submitted

I have testified and/or submitted testimony in the following proceedings:

- Docket No. R-2024-3047822 – Aqua Pennsylvania, Inc. (ROR)
- Docket No. R-2024-3047824 – Aqua Pennsylvania Wastewater, Inc. (ROR)
- Docket No. M-2023-3042180 - Venango Water Company, Sugarcreek Water Company, West Hickory Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, and Blaine E. Rhodes Sewer Company (529 Investigation)
- Docket No. R-2024-3048828 – UGI Utilities, Inc. – Gas Division (1307(f))
- Docket No. R-2024-3046932 – PECO Energy Company – Gas Division (O&M)
- Docket No. R-2024-3046523 – Duquesne Light Company (ROR)
- Docket No. R-2023-3044549 – Peoples Natural Gas Company LLC (O&M)
- Docket No. R-2023-3040258 – Columbia Water Company (O&M and ROR)
- Docket No. R-2023-3040290 – UGI Utilities, Inc. – Gas Division (1307(f))
- Docket No. R-2022-3037368 – UGI Utilities, Inc. – Electric Division (O&M)
- Docket No. R-2022-3035730 – National Fuel Gas Distribution Corporation (O&M)
- Docket No. R-2022-3031340 – York Water Company – Water (ROR)
- Docket No. R-2022-3032806 – York Water Company – Wastewater (ROR)
- Docket No. R-2022-3032300 – Valley Energy, Inc. (ROR)
- Docket No. R-2022-3031704 – Borough of Ambler – Water Department (ROR)

**Professional and Educational Experience
Christopher Keller**

Testimony Submitted (Continued)

I have testified and/or submitted testimony in the following proceedings:

- Docket No. R-2022-3032242 – UGI Utilities, Inc. – Gas Division (1307(f))
- Docket No. R-2022-3031211 – Columbia Gas of Pennsylvania, Inc. (ROR)
- Docket No. A-2021-3026132 – Aqua Pennsylvania Wastewater, Inc. – Acquisition of the Wastewater Collection and Conveyance System Assets of East Whiteland Township (1329)
- Docket No. P-2021-3030012 – Metropolitan Edison Company (DSP)
- Docket No. P-2021-3030013 – Pennsylvania Electric Company (DSP)
- Docket No. P-2021-3030014 – Pennsylvania Power Company (DSP)
- Docket No. R-2024-3046932 – PECO Energy Company – Gas Division (ROR)
- Docket No. P-2021-3030021 – West Penn Power Company (DSP)
- Docket No. R-2021-3026116 – Borough of Hanover – Water (ROR)
- Docket No. R-2021-3025206 – Community Utilities of Pennsylvania – Water Division (ROR)
- Docket No. R-2021-3025207 – Community Utilities of Pennsylvania – Wastewater Division (ROR)
- Docket No. R-2021-3025652 – UGI Utilities, Inc. – Gas Division (1307(f))
- Docket No. R-2021-3024750 – Duquesne Light Company (O&M and ROR)
- Docket No. R-2021-3024296 – Columbia Gas of Pennsylvania, Inc. (ROR)
- Docket No. R-2020-3018929 – PECO Energy Company – Gas Division (ROR)
- Docket No. P-2020-3020914 – Twin Lakes Utilities, Inc. (529 Proceeding)
- Docket No. R-2020-3018835 – Columbia Gas of Pennsylvania, Inc. (ROR)
- Docket No. R-2020-3019680 – UGI Utilities, Inc. (1307(f))
- Docket No. P-2020-3019356 – PPL Electric Utilities Corporation (DSP)
- Docket No. R-2019-3015162 – UGI Utilities, Inc. – Gas Division (ROR)
- Docket No. R-2019-3010955 – City of Lancaster – Sewer Fund (O&M)
- Docket No. R-2019-3009647 – UGI Utilities, Inc. – Gas Division (1307(f))
- Docket No. R-2018-3006818 – Peoples Natural Gas Company LLC (O&M)
- Docket No. R-2018-3000124 – Duquesne Light Company (O&M)
- Docket No. R-2018-3001631 – UGI Central Penn Gas, Inc. (1307(f))
- Docket No. R-2018-3001632 – UGI Penn Natural Gas, Inc. (1307(f))
- Docket No. R-2018-3001633 – UGI Utilities, Inc. (1307(f))
- Docket No. R-2018-2645938 – Philadelphia Gas Works (1307(f))
- Docket No. P-2017-2637855 – Metropolitan Edison Company (DSP)
- Docket No. P-2017-2637857 – Pennsylvania Electric Company (DSP)
- Docket No. P-2017-2637858 – Pennsylvania Power Company (DSP)
- Docket No. P-2017-2637866 – West Penn Power Company (DSP)
- Docket No. R-2017-2602627 – UGI Central Penn Gas, Inc. (1307(f))
- Docket No. R-2017-2602638 – UGI Utilities, Inc. (1307(f))

**Professional and Educational Experience
Christopher Keller**

Testimony Submitted (Continued)

I have testified and/or submitted testimony in the following proceedings:

- Docket No. R-2017-2586783 – Philadelphia Gas Works (O&M)
- Docket No. R-2017-2587526 – Philadelphia Gas Works (1307(f))
- Docket No. I-2016-2526085 – Delaware Sewer Company (529 Proceeding)
- Docket No. R-2016-2531550 – Citizens’ Electric Company (O&M)
- Docket No. R-2016-2531551 – Wellsboro Electric Company (O&M)
- Docket No. R-2016-2537349 – Metropolitan Edison Company (CWC and CAP)
- Docket No. R-2016-2537352 – Pennsylvania Electric Company (CWC and CAP)
- Docket No. R-2016-2537355 – Pennsylvania Power Company (CWC and CAP)
- Docket No. R-2016-2537359 – West Penn Power Company (CWC and CAP)
- Docket No. R-2016-2543311 – UGI Central Penn Gas, Inc. (1307(f))
- Docket No. R-2015-2518438 – UGI Utilities, Inc. – Gas Division (CWC and USP)
- Docket No. P-2015-2511333 – Metropolitan Edison Company (DSP)
- Docket No. P-2015-2511351 – Pennsylvania Electric Company (DSP)
- Docket No. P-2015-2511355 – Pennsylvania Power Company (DSP)
- Docket No. P-2015-2511356 – West Penn Power Company (DSP)
- Docket No. R-2015-2468056 – Columbia Gas of Pennsylvania, Inc. (O&M)
- Docket No. P-2014-2404341 – Delaware Sewer Company (529 Investigation)
- Docket No. R-2014-2452705 – Delaware Sewer Company (O&M)
- Docket No. R-2014-2428304 – Borough of Hanover – Water (O&M)
- Docket No. R-2014-2419774 – Wellsboro Electric Company (Customer Choice Support Charge)
- Docket No. R-2014-2420279 – UGI Central Penn Gas, Inc. (1307(f))

Assisted with the Following Cases

- Docket No. R-2017-2631441 – Reynolds Water Company (ROR)
- Docket No. R-2016-2580030 – UGI Penn Natural Gas, Inc. (ROR)
- Docket No. R-2014-2462723 – United Water Pennsylvania (CWC)
- Docket No. R-2014-2428742 – West Penn Power Company (CWC)
- Docket No. R-2014-2428743 – Pennsylvania Electric Company (CWC)
- Docket No. R-2014-2428744 – Pennsylvania Power Company (CWC)
- Docket No. R-2014-2428745 – Metropolitan Edison Company (CWC)
- Docket No. R-2013-2397353 – Pike County Light & Power Company (Gas) (O&M)
- Docket No. R-2013-2397237 – Pike County Light & Power Company (Electric) (O&M)

I&E Exhibit No. 1
Witness: Christopher Keller

**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

Exhibit to Accompany

the

Direct Testimony

of

Christopher Keller

Bureau of Investigation and Enforcement

Concerning:

**PUBLIC UTILITY CODE SECTION 529 INVESTIGATION
SECTION 529(a)(4)-(6)**

**In 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

I&E Exhibit No. 1
Schedule 1
Page 1 of 1

PAWC's Responses to Set I from Bureau of Investigation and Enforcement

I&E 1-2. Provide PAWC's current number of customers broken down by water and wastewater.

Response: As of October 31, 2024, PAWC has 98,235 wastewater customers and 686,551 water customers.

Responsible Witness: **Michael Guntrum, Senior Project Manager – Business
Development
Pennsylvania-American Water Company**

Date: **November 14, 2024**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

I&E Exhibit No. 1
Schedule 2
Page 1 of 4

In 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

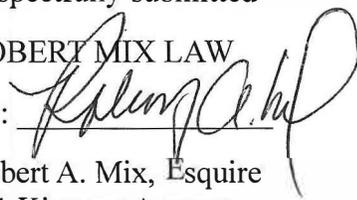
Docket No. I-2024-

VIA ELECTRONIC FILING

**STATE COLLEGE BOROUGH WATER AUTHORITY 'S ANSWERS TO
BUREAU OF INVESTIGATION & ENFORCEMENT'S INTERROGATORIES
(SET 1)**

Respectfully submitted

ROBERT MIX LAW

By: 

Robert A. Mix, Esquire
211 Kimport Avenue
Boalsburg, PA 16827
Attorney ID # 16164
Solicitor for the State College
Borough Water Authority
Phone: (814) 880-2366
E-mail: bmix470@gmail.com

BUREAU OF INVESTIGATION & ENFORCEMENT INTERROGATORIES

STATE COLLEGE BOROUGH WATER AUTHORITY

Set I

Docket No. P-2024-3051313

Analyst: Christopher Keller

I&E-I-1 Provide a list of all acquisitions made by State College Borough Water Authority (SCBWA) for 2022, 2023, and 2024. For each acquisition, provide the docket number and the number of customers acquired by water and wastewater.

SCBWA has not acquired any systems during this time period.

I&E-I-2 Provide SCBWA's current number of customers broken down by water and wastewater.

As of October 31, 2024 SCBWA has 15,081 active accounts.

I&E-I-3 Provide an estimate of the capital costs which SCBWA would incur with the acquisition and operation of Rock Spring Water Company.

**Rock Springs Water Company
Capital Improvement Projects**

Project	Estimated Cost	Year
Temporary Production System/SCADA Improvements	\$100,000	1
Leak Detection for Replacement Prioritization	\$60,000	1 - 3
System Interconnection & Pump Station	\$1,500,000	1 - 2
Whitehall Road Transmission Main	\$5,000,000	1 - 2
Meter Infrastructure Replacement	\$300,000	1
Storage Tank Stopgap Repairs	\$30,000	1
Storage Tank Replacement	\$200,000	4
System Wide Main Replacement/Improvement	\$7,500,000	2 - 5
System Mapping	\$25,000	1 - 5
	<u>\$14,715,000</u>	

I&E-I-4 Provide a map showing the distance between Rock Spring operations and SCBWA's closest water customer connection.

There is approximately 4,200 feet between the end of SCBWA's existing system and the end of Rock Spring Water Company's system.

**I&E PETITION TO REQUEST THE COMMISSION TO OPEN A SECTION 529 INVESTIGATION
INTO THE ACQUISITION OF ROCK SPRING WATER COMPANY**

**DOCKET NOS. P-2024-3051313
I-2024-**

PAWC'S RESPONSES TO OCA SET I

I&E Exhibit No. 1
Schedule 3
Page 1 of 2

OCA-I-11. Please provide a map showing the distance between Rock Springs Water Company operations and the Company's closest water customer connection.

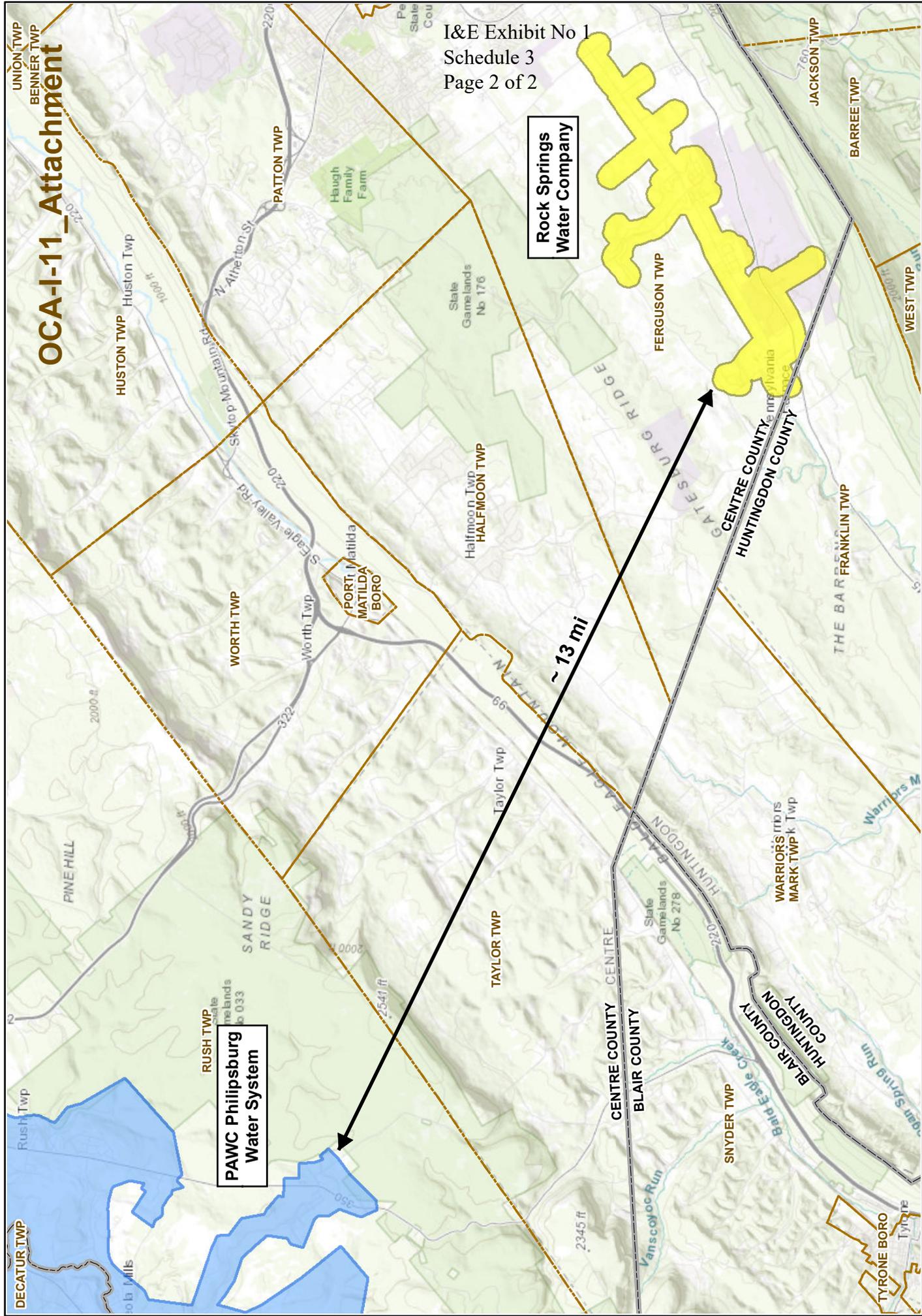
Response: Please see the attached map at **OCA-I-11_Attachment**.

Responsible Witness: **Michael J. Guntrum, Senior Project Engineer - Business Development
Pennsylvania-American Water Company**

Date: **November 5, 2024**

OCA-I-11_Attachment

I&E Exhibit No 1
 Schedule 3
 Page 2 of 2

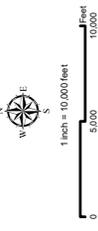


PAWC Philipsburg Water System

Rock Springs Water Company

~ 13 mi

Rock Spring Water Company
 Centre County, Pennsylvania



Date: 10/24/2024

- Rock Spring Water Company Service Area
- PAWC Philipsburg Water Service Area
- Municipality
- County

Document Path: \\nwater\net\gis\aspatial\Pennsylvania\Acquisition\Centre_County\Rock_Springs_Water\OverView\Facilities\Water_OverView.mxd

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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

Docket No. I-2024-

**STATE COLLEGE BOROUGH WATER AUTHORITY'S
ANSWERS TO THE OFFICE OF CONSUMER ADVOCATE'S
INTERROGATORIES - SET ONE**

NOW COMES the State College Borough Water Authority pursuant to 52
PA Code Section 5.342 and serves these Answers to the Office of Consumer
Advocate's Interrogatories – Set One.

**1. Please identify any current expenses of the Authority that the
Authority would expect to increase or decrease upon acquisition and
operation of Rock Springs Water Company including any shared expenses or
economies of scale.**

The Authority expects to see an increase in our current expenses
across several areas. Initially, an increase in expenses for additional water
treatment chemicals until the system is connected to the Authority system.
Once connected to the Authority system, production at the Rock Springs
facility would cease. Incorporating the estimated daily demand of 150,000 –
200,000 gpd into the Authority's current production facilities, economies of
scale would reduce these costs. As the distribution system is rebuilt reducing
lost water the benefits of economies of scale would continue to increase.
Labor expense across all areas of Authority operations would increase

10. Has the Authority previously offered to purchase the Rock Springs Water Company in the past? If so:

Yes

a. When did the Authority offer to purchase Rock Springs Water Company?

There have been several conversations between the two entities having occurred between 2008 and the present. The last request to enter into negotiations was sent via email to Rock Springs on September 25, 2024.

b. How much did the Authority offer to purchase the system?

No formal offer has been made.

c. How much did the owners of Rock Springs ask for the system?

Rock Springs approached the SCBWA in April of 2008 offering to sell the company to the Authority. No asking price was ever provided. In June of 2008 Rock Spring withdrew the offer.

In 2023 Mr. David Gaines, an attorney representing Rock Springs provided a draft MOU to be considered by SCBWA as a negotiation in good faith document. In that document, Rock Springs listed \$250,000 as an asking price. In September of 2023, SCBWA Board authorized Mr. Mix to advise Mr. Gaines that among other items in the draft MOU, the \$250,000 was not acceptable. As of this submission neither Mr. Mix or the Authority has had a response from Mr. Gaines.

d. Why was purchase not made?

Rock Springs failure to follow through in making a commitment to enter into formal negotiations.

11. Refer to OCA-SCWBA-1, Question 10. If the answer to Question 10 was yes, please provide all documentation prepared by the Authority to determine:

a. The offered purchase price for the Rock Springs Water Company.

Please see response to question 10.

b. Whether system upgrades would be needed to provide adequate, safe, and reliable water service, including what those upgrades would be and any estimated costs; and

Please see the 2008 Feasibility Study included with this submission.

c. Provide a narrative response explaining why the Authority offered to purchase the Rock Springs Water Company

The Authority has a history of acquiring smaller neighboring systems that were either in poor condition or lacked experienced personnel required to meet the ever-changing regulatory requirements. The acquisitions provided for the opportunity to expand and develop additional sources of water creating a larger more efficient water system for the growing community.

The Authority's work in assisting the owners of Rock Springs dates back to 1993. Over the next several decades, the Authority has provided assistance with various different tasks, such as rebuilding of chemical

metering pumps, leak detection and determining water line locations. The vast majority of the work was conducted as a gratuitous service.

The Authority's years of mutual aid efforts have helped to develop some basic knowledge of the system. This along with a desire to serve the local community at large has created a vested interest in the Rock Springs system. The proximity of the Rock Springs system to the Authority system allows for prompt local service to the Rock Springs customers. Unlike some of the other potential owners utilizing call centers, Rock Springs customers will have access to local customer service representatives when calling the office. The Authority prides itself on providing a high quality product at a reasonable price.

As of the September 2024, Rock Springs lost water was 72 percent (PADEP notice to Rock Springs Sept. 13, 2024). For more than a decade the Authority has maintained a lost water rate of 10-12 percent (Authority Annual Reports). The constant commitment to excellence helps to achieve the outstanding lost water results. It is the Authority's belief that they are well suited to bring the Rock Springs system up to a respectable standard. The Authority is confident that they have the ability to rebuild the water system which will provide the Rock Springs community the reliable and quality water system they deserve

In 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

I&E Exhibit No. 1
Schedule 5
Page 1 of 1

PAWC's Responses to Set I from Bureau of Investigation and Enforcement

I&E 1-1. Provide a list of all acquisitions made by Pennsylvania American Water Company, Inc. (PAWC) for 2022, 2023, and 2024. For each acquisition, provide the docket number and the number of customers acquired by water and wastewater.

Response: Please see table below:

Docket Number	System Acquired	Customers Acquired
A-2021-3024681	City of York Wastewater	13,747
A-2021-3028676	Foster Township Wastewater – West End System	544
A-2022-3031020	Creekside Homeowners Association	49 for Phase I (Three more subsequent phases will be bought for a total of 212 customers)
A-2022-3037047	Butler Area Sewer Authority Wastewater System	14,792
A-2023-3042058	Sadsbury Township Authority Wastewater System	250

Responsible Witness: **Michael Guntrum, Senior Project Manager – Business Development Pennsylvania-American Water Company**

Date: **November 14, 2024**

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

CENTRE County

<i>For Prothonotary Use Only:</i>
Docket No: 2025-CN-0064-CI

FILED FOR RECORD
 2025 JUN 13 PM 12:39
 JEREMY S. BREON
 PROTHONOTARY
 CENTRE COUNTY, PA

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:	
<input type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input checked="" type="checkbox"/> Petition
	<input type="checkbox"/> Declaration of Taking
Lead Plaintiff's Name: IN RE: ROCK SPRING WATER COMPANY	Lead Defendant's Name:
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: James N. Bryant, Esq. / Carolyn M. Larrabee, Esq.	
<input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.		
TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	CIVIL APPEALS Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other: Appointment of Receiver
PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :

:
:
:

No. 2025-CV-0064-CI

TYPE OF PLEADING:

**EMERGENCY PETITION FOR
APPOINTMENT OF RECEIVER**

Counsel of Record for this
Party:

James N. Bryant, Esq.
PA I.D. 14084

Carolyn M. Larrabee, Esq.
PA I.D. 93117

BRYANT LARRABEE, P.C.

107 East Main Street
P. O. Box 551
Millheim, PA 16854

(814) 349-5666
(814) 349-2212 (FAX)

Jnbryant1@verizon.net
cmlarrabee@centrecountylaw.com

FILED FOR RECORD
2025 JAN 13 PM 12:39
JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

FILED FOR RECORD
2025 JAN 13 PM 12:39
JEREMY S. BREON
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: ROCK SPRING WATER COMPANY :
: :
:

No. 2025-CV-0064-CJ

EMERGENCY PETITION FOR APPOINTMENT OF RECEIVER

AND NOW COME your Petitioners, James N. Bryant, Esq., Carolyn M. Larrabee, Esq., and BRYANT LARRABEE, P.C., representing Rock Spring Water Company, who file this Emergency Petition for Appointment of Receiver, and in support thereof, aver as follows:

1) Your Petitioners are James N. Bryant, Esq., and Carolyn M. Larrabee, Esq., of BRYANT LARRABEE, P.C., having an address of 107 East Main Street, Post Office Box 551, Millheim, Centre County, Pennsylvania 16854.

2) The respondent is Rock Spring Water Company, a Pennsylvania corporation, with its principal place of business located at 1750 Tadpole Road, Pennsylvania Furnace, Centre County, Pennsylvania 16865.

3) Respondent corporation has 12 shareholders, including company president, J. Roy Campbell, and most others being members of the Campbell family and residing locally.

4) Respondent corporation serves approximately 1,000 customers in Ferguson Township, Centre County.

5) The closest water company to Rock Spring, which is the State College Borough Water Authority (hereinafter referred to as "SCBWA"), has lines 4,000 feet from the easternmost lines of Rock Spring Water Company.

6) Respondent corporation has been managed for several decades by Mr. Campbell, and recently also by his daughter, Elizabeth.

7) Respondent has been the subject of a long-running (four-year) fight with the Pennsylvania Public Utility Commission, as well as the Pennsylvania Department of Environmental Protection. At all times prior to December, 2024, president, Roy Campbell was legally representing himself and the company. He was ordered by the Pennsylvania Public Utility Commission to retain counsel on September 20, 2024.

8) Pursuant to the above-mentioned Order, your Petitioners were hired to represent the corporation.

9) Petitioners persuaded the company president to sign, on behalf of the corporation, a Non-Binding Letter of Intent to sell the company to SCBWA. A true and correct copy of said Notice of Intent is attached hereto and marked as Exhibit 1.

10) Petitioners have received the same cooperation from Mr. Campbell and his daughter as have the various state agencies. That is to say little to none.

11) Over the Christmas holiday and into the New Year, the Campbells placed an automatic electronic mail reply stating that they would return to handle water company business on January 17, 2025.

12) The water system is in a severe state of deferred maintenance and has numerous leaks.

13) Neither Mr. Campbell nor his daughter are capable of managing a water system or assisting in the neat and orderly transfer of the water system to the SCBWA.

14) The obstinacy of the Campbells and the condition of the physical plant and water line poses a clear and present danger to all of Rock Springs' customers which cannot be resolved by present management.

15) None of the corporation's shareholders expressed any interest in assisting with the operation of the business.

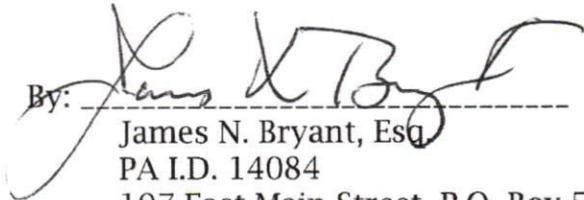
16) State College Borough Water Authority is the only viable alternative operator. Granting this Petition will ensure that the customers have prompt service and attention.

WHEREFORE, your Petitioners respectfully request this Honorable Court enter an Order allowing State College Borough Water Authority be appointed Receiver and take over interim operation of Rock Spring Water Company's system until its assets can be formally transferred under the agreement.

Signatures on following page.

Respectfully Submitted,

BRYANT LARRABEE, P.C.

By: 

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Millheim, PA 16854
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(814) 349-2212 (fax)
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By: 

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I&E Statement No. 2
Witness: Ethan H. Cline

SECTION 529 INVESTIGATION OF ROCK SPRING WATER COMPANY

Docket No. P-2024-3051313

Direct Testimony

of

Ethan H. Cline

Bureau of Investigation & Enforcement

Concerning:

PUBLIC UTILITY CODE SECTION 529 INVESTIGATION
SECTION 529(a)(1)-(3)

1 **Q. WOULD YOU PLEASE STATE YOUR NAME AND BUSINESS**
2 **ADDRESS?**

3 A. My name is Ethan H. Cline. My business address is 400 North Street, Harrisburg,
4 PA 17120.

5
6 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

7 A. I am employed by the Pennsylvania Public Utility Commission (“Commission”) in
8 the Bureau of Investigation and Enforcement (“I&E”) as a Fixed Utility Valuation
9 Engineer.

10
11 **Q. WHAT IS YOUR EDUCATIONAL AND PROFESSIONAL**
12 **BACKGROUND?**

13 A. My education and professional background are set forth in Appendix A, which is
14 attached.

15
16 **Q. PLEASE DESCRIBE THE ROLE OF I&E IN RATE PROCEEDINGS.**

17 A. I&E is responsible for protecting the public interest in proceedings before the
18 Commission. The I&E analysis in the proceeding is based on its responsibility to
19 represent the public interest. This responsibility requires the balancing of the
20 interests of ratepayers, the regulated utility, and the regulated community as a
21 whole.

1 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

2 A. The purpose of my direct testimony is to provide support for I&E’s position that
3 the Commission’s should open a Section 529¹ investigation into whether a capable
4 public utility should be ordered to acquire the Rock Spring Water Company
5 (“Rock Spring”) pursuant to Pa. C.S. Section 529.

6
7 **Q. DOES YOUR TESTIMONY INCLUDE AN EXHIBIT?**

8 A. No.

9
10 **Q. WHAT IS SECTION 529 OF THE PUBLIC UTILITY CODE?**

11 A. Section 529 of the Public Utility Code authorizes the Commission to investigate
12 whether the Commission should order the acquisition of a small water or sewer
13 utility by a capable public utility. Section 529(a) sets forth six elements or criteria
14 that must be met before the Commission will consider ordering the acquisition.²
15 Section 529(c) also sets forth certain others factors³ to be considered by the
16 Commission in making its determination as to whether the elements in Section
17 529(a) are met.

¹ 66 Pa. C.S. § 529.

² 66 Pa. C.S. § 529(a)(1)-(6).

³ 66 Pa. C.S. § 529(c)(1)-(6). These factors are inherently considered during the discussion regarding the elements in Section 529(a) and are not overtly individually discussed.

1 **Q. WHAT ELEMENTS OF SECTION 529 WILL YOUR TESTIMONY**
2 **ADDRESS?**

3 A. My testimony will specifically address elements (1) through (3) of Section 529(a),
4 which relate to safety, adequacy, and efficiency associated with the provision of
5 services offered by Rock Spring to its customers. I&E witness Christopher Keller
6 will address Section 529(a) elements (4) through (6) in I&E Statement No. 1.

7
8 **Q. DESCRIBE PUBLIC UTILITY CODE SECTION 529(a) ELEMENTS (1)**
9 **THROUGH (3).**

10 A. Generally, Section 529 states that the Commission may order a capable public
11 utility to acquire a small water or sewer utility if the Commission determines that
12 six factors are met. The first three factors are as follows:

13 (1) that the small water or sewer utility is in violation of statutory or regulatory
14 standards, including but not limited to, the Clean Streams Law, the
15 Pennsylvania Sewage Facilities Act, the Pennsylvania Safe Drinking Water
16 Act, and regulations adopted thereunder, which affect the safety, adequacy,
17 efficiency or reasonableness of the service provided by the small water or
18 sewer utility;

19 (2) that the small water or sewer utility has failed to comply, within a
20 reasonable period of time, with any order of the Department of
21 Environmental Protection or the Commission concerning the safety,
22 adequacy, efficiency or reasonableness of service ...; and,

1 (3) that the small water or sewer utility cannot reasonably be expected to
2 furnish and maintain adequate, efficient, safe, and reasonable service and
3 facilities in the future.
4

5 **Q. BRIEFLY DESCRIBE THE ROCK SPRING WATER COMPANY.**

6 A. The following data was based on reporting as of December 31, 2023. Rock Spring
7 serves 452 residential and 12 commercial customers in Centre County⁴. It is my
8 understanding that the Company is owned and run by President J. Roy Campbell
9 with the assistance of his daughter.
10

11 **Q. PROVIDE A BRIEF OVERVIEW OF YOUR SECTION 529**
12 **INVESTIGATION.**

13 A. Among other things, my Section 529 investigation of Rock Spring includes past
14 Commission filings by Rock Spring, the PA Department of Environmental
15 Protection (“DEP”) water quality reports attached as exhibits to the I&E Petition
16 to Request the Commission open a Section 529 Investigation into the acquisition
17 of Rock Spring Water Company at Docket No. P-2024-3051313 (“I&E Petition”),
18 and annual reports submitted by Rock Spring to the Commission, and other PA
19 court filings.

⁴ Class “C” Water Company PUC Annual Report of Rock Spring Water Company for the Year Ended December 31, 2023 included as I&E Exhibit A to the I&E Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Rock Spring Water Company.

1 **Q. DISCUSS YOUR INVESTIGATION AND FINDINGS AS THEY RELATE**
2 **TO WHETHER ROCK SPRING IS IN VIOLATION OF STATUTORY OR**
3 **REGULATORY STANDARDS AS REFERENCED IN SECTION 529(a)(1).**

4 A. As a result of my investigation, I found that Rock Spring’s facilities were not
5 always operating as designed and could not reasonably be expected to furnish and
6 maintain adequate, efficient, safe, and reasonable service and facilities as required
7 by Section 1501 of the Public Utility Code.⁵ Specifically, a review of the DEP
8 reports included as attachments to the Rock Spring Petition show the following:

- 9 1) Rock Spring’s unaccounted-for water (“UFW”) for the year ended
10 December 31, 2023 was at 65.0%,⁶
- 11 2) In August of 2006, Rock Spring submitted a Corrective Action Plan
12 (“CAP”) with the DEP regarding its excessive unaccounted-for water with
13 a plan and schedule to reduce water loss to less than 30% by September 1,
14 2010. The DEP concluded that, “[b]y failing to reduce its unaccounted-for
15 water loss as set forth in paragraph J, and by failing to implement a water-
16 line replacement as described in paragraph L, Rock Spring has violated
17 Section 109.4 of the Department’s regulations, 25 Pa. Code § 109.4.⁷
- 18 3) Rock Spring was mailed a Notice of Violation (“NOV”) dated January 10,
19 2018, regarding violations concerning unacceptable free-chlorine residual
20 levels discovered during a DEP inspection on December 19, 2017. This

⁵ 66 Pa. C.S. § 1501.

⁶ I&E Petition Exhibit A, p. 65.

⁷ I&E Petition Exhibit B.

1 resulted in a violation of Sections 109.4 and 109.1302(a)(2) of DEP
2 regulations, 25 Pa. Code §§109.4 and 109.1302(a)(2).⁸

- 3 4) The DEP mailed a NOV dated May 21, 2018 to Rock Spring for the
4 failures to monitor for twenty-one volatile organic chemicals (“VOC”) in
5 2017, which is a violation of Section 109.301(5) of the DEPs regulations 25
6 Pa. code § 109.301(5) ⁹
- 7 5) Rock Spring also failed to issue appropriate public notification, which must
8 include violations including contaminants of concern, potential adverse
9 health effects, populations at risk if exposed to contaminants in the water,
10 whether alternative water supplies should be used, actions consumers
11 should take, what is being done to correct the situation, contact information
12 for the water system owner or operator, and encouragement to distribute
13 this notice to other persons served. This is a violation of 25 Pa. Code §§
14 109.411(a) and 109.701(a)(4). ¹⁰

15 As a result, my investigation indicates that Rock Spring is in violation of statutory
16 and regulatory standards indicating the first factor the Commission must consider
17 in determining whether a sale under Section 529 is warranted has been met.

⁸ *Id.*

⁹ I&E Petition Exhibit D.

¹⁰ *Id.*

1 **Q. HAVE YOU MADE A DETERMINATION AS TO WHETHER ROCK**
2 **SPRING IS IN VIOLATION OF STATUTORY OR REGULATORY**
3 **STANDARDS AS REFERENCED IN SECTION 529(a)(1)?**

4 A. Yes. Based on my findings illustrated above, Rock Spring is currently in violation
5 of statutory and/or regulatory standards that affect safety, adequacy, efficiency,
6 and/or reasonableness of the service provided.

7
8 **Q. CONCERNING ELEMENT TWO OF SECTION 529(a), DISCUSS YOUR**
9 **INVESTIGATION AND FINDINGS AS THEY RELATE TO WHETHER**
10 **ROCK SPRING HAS FAILED TO COMPLY, WITHIN A REASONABLE**
11 **PERIOD OF TIME, WITH ANY ORDER OF THE DEPARTMENT OF**
12 **ENVIRONMENTAL PROTECTION OR THE COMMISSION.**

13 A. My investigation consisted of looking into the history of Rock Spring to determine
14 whether the system failed to comply, within a reasonable period of time, with any
15 order of the DEP or the Commission.

16
17 **Q. HAVE YOU MADE A DETERMINATION AS TO WHETHER ROCK**
18 **SPRING HAS FAILED TO COMPLY, WITHIN A REASONABLE PERIOD**
19 **OF TIME, WITH ANY ORDER OF THE DEPARTMENT OF**
20 **ENVIRONMENTAL PROTECTION OR THE COMMISSION AS**
21 **DESCRIBED IN SECTION 529(a)(2)?**

22 A. Yes. Based on my findings, under the current operations status, Rock Spring has

1 failed to comply with multiple orders from both the Commission and the DEP.
2 Specifically, Rock Spring has a history of not complying with the Commission’s
3 order to reduce its UFW as the Company was originally ordered to reduce its
4 UFW as part of the settlement of its 2012 base rate case and the most recent UFW
5 was at 65%, as described above. Additionally, according to the DEP, Rock Spring
6 has failed to implement a waterline-replacement project to date despite an August
7 31, 2011 deadline,¹¹ did not follow recommendations to correct an NOV dated
8 January 10, 2018 regarding public notifications,¹² did not respond to another DEP
9 NOV dated May 21, 2018 regarding the failure to monitor VOCs, report chlorine
10 residuals provide public notice, and include a Level 1 Assessment for a total-
11 coliform positive test-sample violation.¹³ Finally, Rock Spring was issued an
12 August 27, 2018 Administrative Order from DEP directing the Company to install
13 a Supervisory Control and Data Acquisition (“SCADA”) system for the operation
14 of the well, booster pumps, and finished water storage system as well as to
15 contract with a professional leak detection company to deal with the excessive
16 UFW.¹⁴ The lack of compliance on this order by Rock Spring led to the
17 Pennsylvania Commonwealth Court to grant on January 18, 2024 a DEP Petition
18 to Enforce Administrative Order which required Rock Spring to submit a written

¹¹ I&E Petition Exhibit B, p. 4.

¹² I&E Petition Exhibit D, pp. 6-7.

¹³ *Id.*, at 7.

¹⁴ I&E Petition Exhibit H, p. 1.

1 report to DEP within 90 days of the date of the Order.¹⁵ Rock Spring's
2 continuation of its history of non-compliance continued which resulted in the
3 Commonwealth Court issuing an Order on July 24, 2024 finding Rock Spring to
4 be in contempt of the January 18, 2024 Order and ordered Rock Spring to submit,
5 within 30 days, a report including details regarding steps that has and will be taken
6 by Rock Spring to address its leaking system.¹⁶ It is I&E's understanding that
7 Rock Spring has not complied with this order, either.¹⁷

8
9 **Q. DISCUSS YOUR INVESTIGATION AND FINDINGS AS THEY RELATE**
10 **TO WHETHER ROCK SPRING CANNOT REASONABLY BE**
11 **EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT,**
12 **SAFE AND REASONABLE SERVICE AND FACILITIES IN THE**
13 **FUTURE AS REFERENCED IN SECTION 529(a)(3).**

14 A. My investigation revealed that Rock Spring cannot reasonably be expected to
15 furnish and maintain adequate, efficient, safe and reasonable service and facilities
16 in the future. Recently, an Emergency Petition for Appointment of Receiver was
17 filed with the Pennsylvania Court of Common Pleas at Docket No. 2025-CV-
18 0064-CI by the counsel for Rock Spring, attached to I&E Statement No. 1 as I&E
19 Exhibit No. 1, Schedule 6. The counsel for Rock Spring stated in the petition that

¹⁵ Pa. D.E.P. v. *Rock Spring Water Company*, Docket No. 438 M.D. 2023, (Order entered January 18, 2024), I&E Petition Exhibit E.

¹⁶ Pa. D.E.P. v. *Rock Spring Water Company*, Docket No. 438 M.D. 2023, (Order entered July 24, 2024), I&E Petition Exhibit F.

¹⁷ I&E Petition, p. 8.

1 “[p]etitioners have received the same cooperation from Mr. Campbell and his
2 daughter as have the various state agencies. That is to say little to none.”

3 Additionally, they stated that “[t]he water system is in a severe state of deferred
4 maintenance and numerous leaks” and “[n]either Mr. Campbell nor his daughter
5 are capable of managing a water system or assisting in the neat and orderly
6 transfer of the water system to the State College Borough Water Authority.”

7
8 **Q. HAVE YOU MADE A DETERMINATION AS TO WHETHER ROCK**
9 **SPRING CANNOT REASONABLY BE EXPECTED TO FURNISH AND**
10 **MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE**
11 **SERVICE AND FACILITIES IN THE FUTURE AS REFERENCED IN**
12 **SECTION 529(a)(3)?**

13 A. Yes. Based on the results of my investigation, it is my opinion that Rock Spring
14 cannot reasonably be expected to furnish and maintain adequate, efficient, safe
15 and reasonable service and facilities in the future. An aging utility in poor repair
16 run by owners who have a long history of noncompliance with Commission, DEP,
17 and Court orders cannot be said to be providing adequate, efficient, safe, and
18 reasonable service. Therefore, the third factor in the Section 529 investigation has
19 been met.

1 **Q. HAVE YOU MADE A FINAL DETERMINATION REGARDING**
2 **ELEMENTS (1) THROUGH (3) OF SECTION 529(a)?**

3 A. Yes. The evidence uncovered during the course of my investigation and set forth
4 in this testimony supports a final determination that elements (1) through (3) of
5 Section 529(a) are met.

6

7 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

8 A. Yes.

ETHAN H. CLINE

PROFESSIONAL EXPERIENCE AND EDUCATION

EXPERIENCE:

03/2009 - Present

Bureau of Investigation and Enforcement, Pennsylvania Public Utility Commission - Harrisburg, Pennsylvania

Fixed Utility Valuation Engineer – Assists in the performance of studies and analyses of the engineering-related areas including valuation, depreciation, cost of service, quality and reliability of service as they apply to fixed utilities. Assists in reviewing, comparing and performing analyses in specific areas of valuation engineering and rate structure including valuation concepts, original cost, rate base, fixed capital costs, inventory processing, excess capacity, cost of service, and rate design.

06/2008 – 09/2008

Akens Engineering, Inc. - Shiremanstown, Pennsylvania

Civil Engineer – Responsible, primarily, for assisting engineers and surveyors in the planning and design of residential development projects.

10/2007 – 05/2008

J. Michael Brill and Associates - Mechanicsburg, Pennsylvania

Design Technician – Responsible, primarily, for assisting engineers in the permit application process for commercial development projects.

01/2006 – 10/2007

CABE Associates, Inc. - Dover, Delaware

Civil Engineer – Responsible, primarily, for assisting engineers in performing technical reviews of the sewer and sanitary sewer systems of Sussex County, Delaware residential development projects.

EDUCATION:

Pennsylvania State University, State College, Pennsylvania
Bachelor of Science; Major in Civil Engineering, 2005

- Attended NARUC Rate School, Clearwater, FL
- Attended Society of Depreciation Professionals Annual Conference and Training

TESTIMONY SUBMITTED:

I have testified and/or submitted testimony in the following proceedings:

1. Clean Treatment Sewage Company, Docket No. R-2009-2121928
2. Pennsylvania Utility Company – Water Division, Docket No. R-2009-2103937
3. Pennsylvania Utility Company – Sewer Division, Docket No. R-2009-2103980
4. UGI Central Penn Gas, Inc., 1307(f) proceeding, Docket No. R-2010-2172922
5. PAWC Clarion Wastewater Operations, Docket No. R-2010-2166208
6. PAWC Claysville Wastewater Operations, Docket No. R-2010-2166210
7. Citizens’ Electric Company of Lewisburg, Pa, Docket No. R-2010-2172665
8. City of Lancaster – Bureau of Water, Docket No. R-2010-2179103
9. Peoples Natural Gas Company LLC, Docket No. R-2010-2201702
10. UGI Central Penn Gas, Inc., Docket No. R-2010-2214415
11. Pennsylvania-American Water Company, Docket No. R-2011-2232243
12. Pentex Pipeline Company, Docket No. A-2011-2230314
13. Peregrine Keystone Gas Pipeline, LLC, Docket No. A-2010-2200201
14. Philadelphia Gas Works 1307(f), Docket No. R-2012-2286447
15. Peoples Natural Gas Company LLC, Docket No. R-2012-2285985
16. Equitable Gas Company, Docket Nos. R-2012-2312577, G-2012-2312597
17. City of Lancaster – Sewer Fund, Docket No. R-2012-2310366
18. Peoples TWP, LLC 1307(f), Docket No. R-2013-2341604
19. UGI Penn Natural Gas, Inc. 1307(f), Docket No. R-2013-2361763
20. UGI Central Penn Gas, Inc. 1307(f), Docket No. R-2013-2361764
21. Joint Application, Docket Nos. A-2013-2353647, A-2013-2353649, A-2013-2353651
22. City of Dubois – Bureau of Water, Docket No. R-2013-2350509
23. The Columbia Water Company, Docket No. R-2013-2360798
24. Pennsylvania American Water Company, Docket No. R-2013-2355276
25. Generic Investigation Regarding Gas-on-Gas Competition, Docket Nos. P-2011-227868, I-2012-2320323
26. Philadelphia Gas Works 1307(f), Docket No. R-2014-2404355
27. Pike County Light and Power Company (Gas), Docket No. R-2013-2397353
28. Pike County Light and Power Company (Electric), Docket No. R-2013-2397237
29. Peoples Natural Gas Company LLC 1307(f), Docket No. R-2014-2403939
30. UGI Penn Natural Gas, Inc. 1307(f), Docket No. R-2014-2420273
31. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2014-2420276

32. UGI Central Penn Gas, Inc. 1307(f), Docket No. R-2014-2420279
33. Emporium Water Company, Docket No. R-2014-2402324
34. Borough of Hanover – Hanover Municipal Water, Docket No. R-2014-2428304
35. Philadelphia Gas Works 1307(f), Docket No. R-2015-2465656
36. Peoples Natural Gas Company LLC 1307(f), Docket No. R-2015-2465172
37. Peoples Natural Gas Company – Equitable Division 1307(f), Docket No. R-2015-2465181
38. PPL Electric Utilities Corporation, Docket No. R-2015-2469275
39. UGI Penn Natural Gas, Inc. 1307(f), Docket No. R-2015-2480934
40. UGI Central Penn Gas, Inc. 1307(f), Docket No. R-2015-2480937
41. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2015-2480950
42. UGI Utilities, Inc. – Gas Division, Docket No. R-2015-2518438
43. Joint Application of Pennsylvania American Water, et al., Docket No. A-2016-2537209
44. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2016-2543309
45. UGI Central Penn Gas, Inc. 1307(f), Docket No. R-2016-2543311
46. City of Dubois – Company, Docket No. R-2016-2554150
47. UGI Penn Natural Gas, Inc., Docket No. R-2016-2580030
48. UGI Central Penn Gas, Inc. 1307(f), Docket No. R-2017-2602627
49. UGI Penn Natural Gas, Inc. 1307(f), Docket No. R-2017-2602633
50. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2017-2602638
51. Application of Pennsylvania American Water Company Acquisition of the Municipal Authority of the City of McKeesport, Docket No. A-2017-2606103
52. Pennsylvania American Water Company, Docket No. R-2017-2595853
53. Pennsylvania American Water Company Lead Line Petition, Docket No. P-2017-2606100
54. UGI Utilities, Inc. – Electric Division, Docket No. R-2017-2640058
55. Peoples Natural Gas Company, LLC – Peoples and Equitable Division 1307(f), Docket Nos. R-2018-2645278 & R-2018-3000236
56. Peoples Gas Company, LLC 1307(f), Docket No. R-2018-2645296
57. Columbia Gas of Pennsylvania, Inc., Docket No. R-2018-2647577
58. Duquesne Light Company, Docket No. R-2018-3000124
59. Suez Water Pennsylvania, Inc., Docket No. R-2018-3000834
60. Application of Pennsylvania American Water Company Acquisition of the Municipal Authority of the Township of Sadsbury, Docket No. A-2018-3002437
61. The York Water Company, Docket No. R-2018-3000006
62. Application of SUEZ Water Pennsylvania, Inc. Acquisition of the Water and Wastewater Assets of Mahoning Township, Docket Nos. A-2018-3003517 and A-2018-3003519
63. Pittsburgh Water and Sewer Authority, Docket Nos. R-2018-3002645 and R-2018-3002647
64. Joint Application of Aqua America, Inc. et al., Acquisition of Peoples Natural Gas Company LLC, et al., Docket Nos. A-2018-3006061, A-2018-3006062, and A-2018-3006063
65. Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority, Docket Nos. M-2018-2640802 and M-2018-2640803
66. Philadelphia Gas Works 1307(f), Docket No. R-2019-3007636
67. People Natural Gas Company, LLC, Docket No. R-2018-3006818

68. Application of Pennsylvania American Water Company Acquisition of the Steelton Borough Authority, Docket No. A-2019-3006880
69. Application of Aqua America, Inc. et al., Acquisition of the Wastewater System Assets of the Township of Cheltenham, Docket No. A-2019-3006880
70. Philadelphia Gas Works, Docket No. R-2019-3009016
71. Wellsboro Electric Company, Docket No. R-2019-3008208
72. Valley Energy, Inc., Docket No. R-2019-3008209
73. Citizens' Electric Company of Lewisburg, Pa, Docket Non. R-2019-3008212
74. Application of Aqua America, Inc. et al., Acquisition of the Wastewater System Assets of the East Norriton Township, Docket No. A-2019-3009052
75. Peoples Natural Gas Company, LLC 1307(f), Docket No. R-2020-3017850
76. Peoples Gas Company, LLC 1307(f), Docket No. R-2020-3017846
77. Philadelphia Gas Works, Docket No. R-2020-3017206
78. Pittsburgh Water and Sewer Authority, Docket Nos. R-2020-3017951 et al.
79. Columbia Gas of Pennsylvania, Docket No. R-2020-3018835
80. Pennsylvania American Water Company, Docket Nos. R-2020-3019369 and R-2020-3019371
81. PECO Energy Company – Gas Division, Docket No. R-2020-3019829
82. PGW 1307(f), Docket No. R-2021-3023970
83. Peoples Natural Gas Company, LLC 1307(f), Docket No. R-2021-3023965
84. Peoples Gas Company, LLC 1307(f), Docket No. R-2021-3023967
85. UGI Utilities, Inc. – Electric Division, Docket No. R-2021-3023618
86. Columbia Gas of Pennsylvania, Inc., Docket No. R-2021-3024926
87. Duquesne Light Company, Docket No. R-2021-3024750
88. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2021-3025652
89. Pittsburgh Water and Sewer Authority, Docket Nos. R-2021-3024773 et al.
90. Application of Aqua America Wastewater, Inc. et al., Acquisition of the Wastewater System Assets of Lower Makefield Township, Docket No. A-2021-3024267
91. Aqua Pennsylvania Water, Inc. and Aqua Pennsylvania Wastewater, Inc., Docket Nos. R-2021-3027385 and R-2021-3027386
92. Application of Pennsylvania-American Water Company for Acquisition of the Wastewater Collection and Treatment System Assets of the York City Sewer Authority, Docket No. A-2021-3024681
93. City of Lancaster – Bureau of Water, Docket No. R-2021-3026682
94. Application of Aqua America Wastewater, Inc. et al., Acquisition of the Wastewater System Assets of East Whiteland Township, Docket No. A-2021-30246132
95. UGI Utilities, Inc. – Gas Division, Docket No. R-2021-3030218
96. Peoples Natural Gas Company, LLC 1307(f), Docket No. R-2022-3030661
97. Columbia Gas of Pennsylvania, Inc., Docket No. R-2022-3031211
98. UGI Utilities, Inc. – Gas Division 1307(f), Docket No. R-2022-3032242
99. Pennsylvania American Water Company, Docket Nos. R-2022-3031672 and R-2022-3031673
100. The York Water Company, Docket Nos. R-2022-3031340 and R-2022-3032806
101. Columbia Gas of Pennsylvania, Inc., Docket No. R-2022-3032167
102. National Fuel Gas Distribution Corporation, Docket No. R-2022-3035730
103. UGI Utilities, Inc. – Electric Division, Docket No. R-2022-3037368

104. Application of Pennsylvania-American Water Company for Acquisition of the Wastewater Collection and Treatment System Assets of the Butler Area Sewer Authority, Docket No. A-2022-3037047
105. Philadelphia Gas Works, Docket No. R-2023-3037933
106. Pittsburgh Water and Sewer Authority, Docket Nos. R-2023-3039920 et al.
107. Pennsylvania-American Water Company, Docket Nos. R-2023-3043189 and R-2023-3043190
108. Peoples Natural Gas Company, LLC, Docket No. R-2023-3044549
109. Duquesne Light Company, Docket No. R-2024-3046523
110. PECO Energy Company – Gas Division, Docket No. R-2024-3046932

DEP Statement No. 1

Witness: Nathan White

**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

Direct Testimony

Of

Nathan White

Department of Environmental Protection

Concerning:

PETITION FOR ISSUANCE OF AN INTERIM EMERGENCY ORDER

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 My name is Nathan White. I report to the Moshannon District Office at 186 Enterprise Drive
3 Philipsburg, PA 16866.

4 **WHERE ARE YOU EMPLOYED?**

5 Department of Environmental Protection—Bureau of Safe Drinking Water.

6 **WHAT IS YOUR POSITION WITH THE DEPARTMENT?**

7 I am the Sanitarian of Centre County.

8 **WHAT ARE YOUR DUTIES AS A SANITARIAN FOR THE DEPARTMENT?**

9 As the Sanitarian of Centre County, I assess the compliance of all public water systems with the
10 Safe Drinking Water Act, compliance with design standards set forth in the Public Water Supply
11 Manual, and compliance with public water system permit requirements. I conduct on-site
12 inspections at water systems, administrative inspections, track compliance monitoring utilizing the
13 PADWIS database, and collect water samples to investigate a water system's compliance.
14 Furthermore, I investigate complaints filed to the Department by customers of public water
15 systems.

16

17 I currently regulate and inspect 76 public water systems of varying sizes and types. At this point
18 in my career, I have performed, at a minimum, a full inspection of every public water system in
19 Centre County.

20 **WHAT IS YOUR EDUCATIONAL AND EMPLOYMENT HISTORY?**

21 An outline of my educational and employment history is attached as Appendix A.

22

23 **DOES YOUR TESTIMONY INCLUDE ANY OF THE DEPARTMENT'S EXHIBITS?**

24 Yes, my testimony includes Department Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
25 28, and 29.

26 **ARE YOU FAMILIAR WITH ROCK SPRING WATER COMPANY?**

27 I am familiar with Rock Spring Water Company as they are one of the 42 community water systems
28 that I regulate in Centre County. At the time of this testimony, I have completed or otherwise been
29 involved in one full inspection, seven partial inspections, two complaint inspections, and two
30 administrative inspections. At these inspections, I have taken chlorine, primary inorganic
31 contaminants (IOC), secondary IOC, and bacteriological samples to investigate Rock Spring's
32 compliance with the Safe Drinking Water Act.

33

1 I have personally viewed the source, water treatment plant, pump station, water storage, and
2 distribution components at Rock Spring Water Company.

3 **ARE YOU FAMILIAR WITH J. ROY CAMPBELL AND HIS AFFILIATION WITH**
4 **ROCK SPRING WATER COMPANY?**

5 J. Roy Campbell, who goes by Roy, is a shareholder and the President of the Rock Spring Water
6 Company. He is the certified water operator for the system and has a Class B, E license with
7 Subclasses 11, 12, 13, and 14. I have met Roy in person on multiple occasions when conducting
8 investigations and inspections at Rock Spring Water Company. I have also contacted Roy via
9 phone on multiple occasions and mailed correspondence to his residence.

10 **ARE YOU FAMILIAR WITH ELIZABETH CAMPBELL AND HER AFFILIATION**
11 **WITH ROCK SPRING WATER COMPANY?**

12 Elizabeth Campbell is a shareholder and the Treasurer of Rock Spring Water Company. She
13 functions as the Secretary of Rock Spring Water Company. I have met Elizabeth during
14 investigations on two occasions and have had email correspondence with Elizabeth multiple times
15 on a variety of compliance related topics.

16 **CAN YOU DESCRIBE ANY DIFFICULTIES YOU HAVE HAD WHEN WORKING WITH**
17 **J. ROY CAMPBELL AND ELIZABETH CAMPBELL CONCERNING ROCK SPRING**
18 **WATER COMPANY?**

19 J. Roy Campbell has shown a negligence for the regulations as illustrated by the multiple violations
20 cited against the Rock Spring water system and J. Roy Campbell as a certified operator. It has been
21 noted that repeated offenses have been cited, dating back to 2015. There have been times when
22 Roy has been difficult to reach due to the voicemail box on his cell phone always being full. As a
23 recent example, a low chlorine event was observed at Rock Spring Water Company on January 21,
24 2025. At 11:38 a.m., Roy was contacted via cell phone, which he did not answer, and my call went
25 to a voicemail box that was full. Roy's home phone was then called at 11:39 a.m., and a voicemail
26 was left. Nothing was heard from Roy again until I called his cell phone at 1:39 p.m. and was
27 finally able to reach him and confirm that the low chlorine event had been resolved.

28
29 Elizabeth Campbell has often provided vague responses when a written response has been
30 requested from the water system. As part of a complaint investigation relating to cloudy water on
31 August 23, 2024, it was requested that the water system provide any information on potential
32 causes of the air in the distribution system. As provided in Exhibit 1, the answers were vague and
33 uncooperative. Other means were utilized to find the source of the air in the distribution system
34 due to lack of cooperation from Elizabeth.

35

1 In some cases, no response is received from Elizabeth at all. As documented in Inspection Report
2 3747205,¹ the water system did not provide an appropriate written response to the violations noted
3 during the Inspection 3654948² by the deadline of January 20, 2024. These deadlines were
4 provided via the Notice of Violation sent along with the inspection.

5 **CAN YOU GENRALLY DESCRIBE THE PUBLIC WATER SYSTEM AT ISSUE?**

6 The water system components of Rock Spring Water Company are in a degrading state. The well
7 pit for the source is prone to flooding, the chlorine injection system has caused low entry point
8 chlorine situations, the high service pumps that feed the water system sound as though they are
9 malfunctioning when they are running, and the storage tank is in need of a rehabilitation project
10 based on an inspection conducted by Mid Atlantic Storage Systems at the request of the
11 Department.

12

13 The majority of main lines in the Rock Spring distribution system are 4-inch asbestos cement lines.
14 Based on design standards specified in Part II of the Public Water Supply Manual, interviews with
15 Alpha Fire Company staff, and personal experience at other water systems, these 4-inch asbestos
16 cement lines are undersized and unlikely to provide adequate fire flow. The aging distribution
17 system has contributed to unaccounted-for water loss, which is currently at a running annual
18 average of 68.76% based on the most recent quarterly report³ provided by Rock Spring Water
19 Company. I have personally seen an area where a main break previously occurred and then
20 approximately 15 ft away a second break was actively happening. This is an example of the aging
21 distribution infrastructure and helps to illustrate the need for an extensive waterline replacement
22 project as ordered by the Commonwealth Court.

23

24 Rock Spring Water Company has constantly had issues with maintaining compliance in my time
25 working for the Department. Within my time with the Department, the water system has incurred
26 five significant deficiencies, eight minor violations, 30 minor deficiencies, and 78 valid monitoring
27 violations from fiscal year 2021 to fiscal year 2025. The Department has pursued escalated
28 enforcement against Rock Spring Water Company for the historical issue of unaccounted-for water
29 loss, and that enforcement is ongoing in Commonwealth Court.

30

31 In addition to the violations cited against Rock Spring Water Company, four violations have been
32 cited against J. Roy Campbell's water license due to his negligence as an operator.

33

¹ DEP Exhibit 4.
² DEP Exhibit 2.
³ DEP Exhibit 29.

1 At the time of this testimony, the only outstanding violation of Rock Spring Water Company is for
2 unaccounted-for water loss. The four violations against J. Roy Campbell as an operator remain
3 outstanding as well. Though the Department has recognized that multiple violations have been
4 considered addressed, further investigation will be required to determine the effectiveness of the
5 resolutions to the violations.

6 **HAVE YOU COMPLETED ANY INSPECTIONS OF THE ROCK SPRING WATER**
7 **COMPANY’S PUBLIC WATER SYSTEM?**

8 Yes, as previously mentioned I have conducted one full inspection, seven partial inspections, two
9 complaint inspections, and two administrative inspections.

10

11 A full inspection is a completely comprehensive inspection where all sources, treatment
12 components, distribution, storage, and pump stations are viewed or discussed. In addition to the
13 physical components previously listed, monitoring and reporting, operator certification, and
14 system management is reviewed. Current guidance states that full inspections shall take place at
15 least every three years.

16

17 A partial inspection is focused on a specific aspect of any of the elements of a Sanitary Survey
18 previously listed. In the case of Rock Spring, these partial inspections included, but were not
19 limited to, documenting SCADA/PLC issues, following up on progress addressing violations,
20 investigating well pit flooding, or taking chlorine samples to ensure Rock Spring Water Company
21 was meeting Groundwater Rule permit conditions.

22

23 A complaint inspection is performed by the Department when an individual files a formal
24 complaint regarding their water service. I have investigated three complaints at Rock Spring Water
25 Company. Two of these complaints had their own specific inspection reports, while the findings
26 of the third complaint were wrapped into a partial inspection along with other compliance issues.
27 All complaints investigated involved sampling for chlorine and bacteriological testing. Two of the
28 complaints had primary and secondary IOC testing completed as well.

29

30 An administrative inspection is often conducted for the purpose of updating Department files,
31 enforcement actions, or documenting the review of data received by the Department. In the case
32 of Rock Spring Water Company, both administrative inspections completed by me involved the
33 review of data provided by Rock Spring and that data’s effect on their compliance with outstanding
34 violations.

1 **CAN YOU TELL THE COMMISSION ABOUT THE INSPECTION YOU CONDUCTED**
2 **ON NOVEMBER 6, 2023?**⁴

3 On November 6, 2023, my Sanitarian Supervisor, Mark Accettulla, and I conducted a full
4 inspection of the Rock Spring water system. At the time of inspection, compliant water was being
5 produced based on chlorine samples taken by myself and flow rate calculations completed by
6 Mark. Despite compliant water being produced at the time of inspection, six minor violations and
7 30 minor deficiencies were found during the on-site visit on November 6, 2023. Following
8 compliance determinations being made with the assistance of additional drinking water staff, the
9 water system was informed of these violations via email on November 17, 2023, and additional
10 documentation on the sodium hypochlorite chemical being utilized for drinking water treatment
11 was requested in this email as well. The report itself was drafted on November 17, 2023, with a
12 follow up day to review and finalize the inspection report set for December 6, 2023. During the
13 inspection follow up day, an additional minor violation was noted and added to the report after
14 discovering that the sodium hypochlorite used for drinking water treatment did not meet
15 ANSI/NSF 60 standards. Rock Spring was unable to provide adequate information on the chemical
16 they were using. I called the chemical supplier for Rock Spring myself in the presence of Roy to
17 confirm if the sodium hypochlorite being used was NSF 60 certified.

18

19 Please note that the inspection report date and the Notice of Violation date does not match the
20 Notice of Violation issuance date or the on-site inspection date. This was due to errors of the
21 SDWINS inspection application incurred during inspection submittal.

22 **DID YOU ISSUE A NOTICE OF VIOLATION AFTER THIS INSPECTION? IF SO, WHAT**
23 **VIOLATIONS DID YOU CITE?**

24 Rock Spring received the Notice of Violation on December 6, 2023⁵, for the following violations:

25 C1A Failure to meet Design Standards—25 Pa. Code § 109.602:

26 The water system failed to provide secondary containment of sodium hypochlorite chemical
27 contained in the chemical solution tank, which did not meet design standards set forth in Part II of
28 the Public Water Supply Manual. This issue was previously noted in a full inspection conducted
29 by Valerie Elsasser, a previous Sanitarian for Centre County, on November 23, 2015.⁶

30 C1A Failure to meet Design Standards—25 Pa. Code § 109.602:

31 The pit that contains the well source for Rock Spring Water Company had 2-3 inches of standing
32 water inside of it during the inspection. It was recommended that the well pit be well drained to
33 prevent flooding of the pit, meet design standards set forth in Part II of the Public Water Supply
34 Manual, and ensure that the potential for surface water influence be reduced.

⁴ DEP Exhibit 2.

⁵ DEP Exhibit 3.

⁶ DEP Exhibit 13.

1 C1D Failure to use chemicals that are certified by NSF/ANSI standard to NSF 60—25 Pa. Code §
2 109.606:

3 As previously described, it was found that the Rock Spring Water Company was using a sodium
4 hypochlorite chemical that was not NSF 60 certified and safe for use with drinking water treatment.

5 C3B Failure to provide treatment as permitted—25 Pa. Code § 109.504(c):

6 J. Roy Campbell moved the sodium hypochlorite injection point from its permitted location to the
7 overflow of the buried storage tank without submitting a permit to the Department. This issue was
8 previously noted by Valerie Elsasser in the full inspection conducted on November 23, 2015.⁷

9 C4A Failure to operate and maintain—25 Pa. Code § 109.4:

10 The storage tank was leaking at the time of inspection and appeared to have been leaking for some
11 time. It was recommended that the storage tank leak be repaired and that a tank inspection be
12 performed in accordance with AWWA M42 to ensure further defects were not present in the tank
13 that would result in additional leaks.

14 C4A Failure to operate and maintain—25 Pa. Code § 109.4:

15 J. Roy Campbell admitted to shutting down water mains without issuing a boil water advisory or
16 notifying the Department when replacing a blowoff. The Department's Loss of Positive Pressure
17 Policy states that if a loss of positive pressure occurs in main distribution lines and unaccounted
18 for water loss is above 20% in the distribution system, the situation requires a boil water advisory
19 due to the high risk of contamination. Valerie Elsasser previously noted that J. Roy Campbell was
20 not following the Loss of Positive Pressure Policy and provided the Loss of Positive Pressure
21 Policy Guidance on November 30, 2015.⁸

22 C4A Failure to operate and maintain—25 Pa. Code § 109.4:

23 The artesian blowoff pipe discharged low to the ground and had no screen to prevent vermin or
24 other sources of contamination from entering the well. The Department recommended a screen be
25 installed to prevent contamination.

26 **DID YOU REQUEST THAT ROCK SPRING WATER COMPANY TAKE ANY ACTIONS**
27 **TO ADDRESS THE VIOLATIONS CITED IN THE NOTICE OF VIOLATION**
28 **COMPLETED ON NOVEMBER 17, 2023, AND ISSUED ON DECEMBER 6, 2023?**⁹

29 It was requested that Rock Spring Water Company consult with the Department by January 5,
30 2024, and provide a written response by January 20, 2024, detailing how the minor violations will
31 be addressed and proposing deadlines to address the minor violations. Rock Spring Water
32 Company met the consultation deadline but failed to provide an appropriate written response by
33 January 20, 2024.

⁷ DEP Exhibit 13.

⁸ DEP Exhibit 13.

⁹ DEP Exhibit 3.

1 **CAN YOU TELL THE COMMISSION ABOUT THE INSPECTION YOU CONDUCTED**
2 **ON APRIL 12, 2024?**¹⁰

3 Following the failure of Rock Spring Water Company to provide an appropriate written response
4 to the Department, it was determined that an on-site inspection would be necessary to determine
5 Rock Spring Water Company's progress on addressing the violations cited during the 2023 full
6 inspection.

7

8 Sasha Minium and I met with Roy at the water treatment plant and confirmed that secondary
9 containment was present for the sodium hypochlorite chemical, the sodium hypochlorite chemical
10 was NSF 60 certified based on documentation provided by Rock Spring Water Company, a screen
11 was added to the artesian blowoff, and J. Roy Campbell stated that he understood the Loss of
12 Positive Pressure Policy (a statement that later was confirmed to be incorrect). Chlorine levels at
13 the time of inspection were within regulatory limits when I sampled their entry point hydrant.

14

15 The remaining three violations for failing to operate and maintain the storage tank, moving the
16 chemical injection point without a permit, and the well pit not being well drained were elevated to
17 the level of a significant deficiency and cited as a B6A violation under 25 Pa. Code § 109.4. This
18 was done recognizing that the combination of these three violations met the definition of a
19 significant deficiency and that the well pit flooding had grown more severe with the weather
20 conditions noted at that time.

21

22 In addition to the violation cited by me, Sasha Minium hand delivered a Notice of Violation¹¹ for
23 failing to comply with the quarterly report requirement of the Administrative Order.

24

25 Please note that the inspection date of November 17, 2023, was mistakenly entered in paragraph 2
26 of Inspection Report 3747205¹² instead of the inspection follow up day date of December 6, 2023.

27

28 **DID YOU ISSUE A NOTICE OF VIOLATION AFTER THIS INSPECTION? IF SO, WHAT**
29 **VIOLATIONS DID YOU CITE?**

30 A Notice of Violation was issued on April 18, 2024¹³, for a B6A significant deficiency cited under
31 25 Pa. Code § 109.4 as described in the previous question.

¹⁰ DEP Exhibit 4.

¹¹ DEP Exhibit 28.

¹² DEP Exhibit 4.

¹³ DEP Exhibit 5.

1 **DID YOU REQUEST THAT ROCK SPRING WATER COMPANY TAKE ANY ACTIONS**
2 **TO ADDRESS THE VIOLATIONS CITED IN THE NOTICE OF VIOLATION ISSUED**
3 **ON April 18, 2024?**¹⁴

4 It was requested that Rock Spring consult with the Department by May 18, 2024, provide a written
5 response to the Department by June 2, 2024, and correct the significant deficiency by August 16,
6 2024.

7
8 **CAN YOU TELL THE COMMISSION ABOUT THE INSPECTION YOU CONDUCTED**
9 **ON MAY 29, 2024?**¹⁵

10 A complaint was filed to the Northcentral Regional Office due to a main break on Beaver Branch
11 Road actively occurring for nearly six months. Upon investigating the area, I found a large pool of
12 water and water bubbling out of the ground. A total chlorine test confirmed that water coming out
13 of the ground was chlorinated, and, therefore, the Rock Spring Water Company main serving
14 Beaver Branch Road was the source of the pooled water. It appeared the Rock Spring Water
15 Company was aware of the leak—a PA One Call had been performed, and the leak was flagged.

16
17 Due to the potential for contamination, free chlorine samples were conducted at two residences,
18 and two bacteriological samples were collected from one residence. Chlorine levels were meeting
19 the Disinfection Requirements Rule at the time of the inspection. However, I was provided sample
20 results on Saturday June 1, 2024, which were viewed at the start of my shift on Monday June 3,
21 2024, that showed both of the bacteriological samples that I had taken had a presence of total
22 coliform. Though total coliform itself is not necessarily a health risk, it shows that there was an
23 open pathway of contamination caused by the main break that had been going on for six months.
24 After compliance determinations were made with the assistance of other Department staff, it was
25 determined that a Field Order¹⁶ for Rock Spring Water Company to fix the leak was warranted to
26 ensure that the pathway of contamination to the distribution system did not remain open.

27
28 Nicholas Barndt, who is another Sanitarian based out of the Moshannon District Office, and I
29 delivered Field Order 24-40-1189-003¹⁷ to Roy Campbell’s residence on June 7, 2024, and cited a
30 B6A violation under 25 Pa. Code §§ 109.4(3) and 109.4(4). I recall Roy stating that he was aware
31 of the leak, but he didn’t think it was severe enough to warrant a quick repair.

32 **WHY DID YOU ISSUE A FIELD ORDER AFTER THIS INSPECTION?**

¹⁴ DEP Exhibit 5.

¹⁵ DEP Exhibit 6.

¹⁶ DEP Exhibit 7.

¹⁷ DEP Exhibit 7.

1 I issued Field Order 24-40-1189-003¹⁸ to ensure that the main break causing the pathway of
2 contamination was addressed in a timely manner and to ensure that any repair work was done in
3 accordance with the Loss of Positive Pressure Policy to protect public health.

4

5 The Field Order¹⁹ I issued stated that Rock Spring was required to complete the following actions:

6 1. Repair the leak on Beaver Branch Road within seven days of the issuance of this Field Order
7 using proper disinfection methods specified in AWWA C-651. The water system is to follow the
8 Loss of Positive Pressure Policy when making the repair.

9

10 If positive pressure cannot be maintained during the repair, the following actions shall be taken :

11 1. If positive pressure cannot be maintained when repairing the leak, a Tier 1 Boil Water Advisory
12 for Loss of Positive Pressure is to be distributed to all affected customers within 24 hours of losing
13 positive pressure.

14 2. If a Boil Water Advisory is issued, total coliform samples shall be collected on two consecutive
15 days at least 12 hours apart within the affected distribution area to be analyzed by a PA-accredited
16 lab. Both days of samples are to be total coliform-free to lift the boil water advisory. Department
17 approval is to be received before lifting the boil water advisory.

18 3. Once Department approval is received to lift the boil water advisory, the system is to distribute
19 a Tier 1 Problem Corrected Notice to all customers previously placed on the boil water advisory.

20 4. A Public Notice Certification form is to be submitted to the Department along with copies of the
21 Public Notice within 10 days of the issuance of each notice.

22

23 As documented in Inspection 3778808²⁰, I conducted a site visit on the day of the repair to ensure
24 the leak was fixed. During that site visit, I had to remind Roy of the Loss of Positive Pressure
25 Policy and the requirements for issuing a boil water advisory stated in the Field Order.

26 **DID YOU ISSUE A NOTICE OF VIOLATION AFTER THIS INSPECTION? IF SO, WHAT**
27 **VIOLATIONS DID YOU CITE?**

28 A Notice of Violation was issued on June 7, 2024²¹, and it contained a B6A violation cited under
29 25 Pa. Code §§ 109.4(3) and 109.4 (4).

¹⁸ DEP Exhibit 7.

¹⁹ DEP Exhibit 7.

²⁰ DEP Exhibit 14.

²¹ DEP Exhibit 8.

1 **DID YOU REQUEST THAT ROCK SPRING WATER COMPANY TAKE ANY ACTIONS**
2 **TO ADDRESS THE VIOLATIONS CITED IN THE NOTICE OF VIOLATION ISSUED**
3 **ON JUNE 7, 2024?**²²

4 The Notice of Violation²³ itself directed Rock Spring Water Company to comply with Field Order
5 24-40-1189-003²⁴ as required.

6 **CAN YOU TELL THE COMMISSION ABOUT THE INSPECTION YOU CONDUCTED**
7 **ON AUGUST 22, 2024?**²⁵

8 A complaint was filed to the Northcentral Regional Office regarding a leak at a residential service
9 line on Beaver Branch Road. The complainant filed the complaint on behalf of another Rock
10 Spring Water Company customer, who was later contacted for more information.

11 Further investigation conducted before the on-site inspection found that the Pennsylvania Rural
12 Water Association determined that a leak was occurring on the service line to the residence. Rock
13 Spring Water Company responded by threatening to shut off the residence's water until the leak
14 was fixed. The resident was able to get the Pennsylvania Rural Water Association to confirm that
15 the water system side of the service line was the source of the leak by using leak detection
16 equipment and isolating the service line at the curb stop. It was determined that the Rock Spring
17 Water Company side of the service line was leaking on August 2, 2024.

18

19 To ensure that the leak was not creating a pathway of contamination and to further ensure that
20 compliant water was being served to the residence, the complainant's home was sampled for
21 chlorine, bacteriological samples, primary IOCs, and secondary IOCs. All samples came back
22 within acceptable levels. During the inspection, it was viewed that the service line was flagged,
23 and a PA One Call had been performed, but no progress had been made towards a repair. At the
24 time of the inspection report submittal on September 13, 2024, approximately one month from the
25 determination that there had been a leak on the system side of the service line, no progress had
26 been made on addressing the leak.

27

28 Due to the lack of progress from Rock Spring Water Company to address a known leak, a C4A
29 violation for failing to operate and maintain the water system was cited under 25 Pa. Code §
30 109.4(3).

31 **DID YOU ISSUE A NOTICE OF VIOLATION AFTER THIS INSPECTION? IF SO, WHAT**
32 **VIOLATIONS DID YOU CITE?**

²² DEP Exhibit 8.

²³ DEP Exhibit 8.

²⁴ DEP Exhibit 7.

²⁵ DEP Exhibit 9.

1 A Notice of Violation was issued to Rock Spring Water Company on September 13, 2024.²⁶ A C4A
2 violation was cited for failing to operate and maintain the water system under 25 Pa. Code §
3 109.4(3).

4 **DID YOU REQUEST THAT ROCK SPRING WATER COMPANY TAKE ANY ACTIONS**
5 **TO ADDRESS THE VIOLATIONS CITED IN THE NOTICE OF VIOLATION ISSUED**
6 **ON SEPTEMBER 13, 2024?**²⁷

7 It was requested that Rock Spring Water Company consult with the Department by October 13,
8 2024, and provide a written response by October 28, 2024.

9

10 A written response was received by Rock Spring Water Company providing an update on progress
11 towards repairing the service line.

12

13 On November 4, 2024, nearly four months later, the service line repair was completed as
14 documented in Inspection Report 3864467.²⁸

15 **CAN YOU TELL THE COMMISSION ABOUT THE INSPECTION YOU CONDUCTED**
16 **ON SEPTEMBER 12, 2024?**²⁹

17 The Inspection Report completed on September 12, 2024,³⁰ was a combination of multiple
18 investigations, complaint findings, and site visits. The purpose of this investigation was to
19 document violations cited against J. Roy Campbell's license and the reasons that these violations
20 were cited.

21

22 As previously described in this written testimony, Rock Spring Water Company was previously
23 cited a C4A violation during the Inspection Report 3654948³¹ for failing to adhere to the Loss of
24 Positive Pressure Policy Guidance that had been previously provided to them by Valerie Elsasser
25 in 2015.³² On November 17, 2023, the Loss of Positive Pressure Policy Guidance was provided to
26 Rock Spring Water Company once again. In the previously described follow up Inspection Report
27 3747205,³³ it was stated by Roy that he understood the Loss of Positive Pressure Policy and would
28 adhere to it.

29 Further investigations showed that there were multiple documented instances of lost positive
30 pressure with no Boil Water Advisory issued dating back to 2018. This included two instances of

²⁶ DEP Exhibit 10.

²⁷ DEP Exhibit 10.

²⁸ DEP Exhibit 15.

²⁹ DEP Exhibit 11.

³⁰ DEP Exhibit 11.

³¹ DEP Exhibit 2.

³² DEP Exhibit 13.

³³ DEP Exhibit 4.

1 a loss of positive pressure with no Boil Water Advisory after the C4A violation was cited. The Loss
2 of Positive Pressure Policy states that all distribution repairs on main lines with a loss of positive
3 pressure is considered to be high risk if unaccounted for water loss is greater than 20%. As of the
4 most recent quarterly report at the time of inspection report submittal, unaccounted for water loss
5 for the water system was at 72.36% for the year as a running annual average. High risk situations
6 in distribution repair require a Boil Water Advisory per the Department's policy.

7
8 In addition to investigating the losses of positive pressure with no Boil Water Advisory issued,
9 corrective actions taken at the well pit related to flooding were investigated. This issue was
10 previously cited in Inspection Report 3654948³⁴ and then elevated to a significant deficiency
11 during the inspection conducted on Inspection Report 3747205.³⁵ On June 30, 2024, Elizabeth
12 Campbell stated that a sump pump was installed in the well pit, which was a proposed corrective
13 action by J. Roy Campbell when the issue of the well pit flooding was discussed on April 12, 2024.
14 A site visit conducted on August 22, 2024, confirmed that a sump pump was not installed in the
15 pit and 2-3 inches of standing water were noted. Elizabeth Campbell once again stated that a sump
16 pump had been installed in a quarterly report submitted on August 31, 2024. Once again a site visit
17 on September 3, 2024, confirmed that no sump pump had been installed in the pit. The issue of
18 well pit flooding was claimed to be addressed, but it was not adequately addressed.

19 Further compliance issues incurred by J. Roy Campbell previously noted in this written testimony
20 including moving the sodium hypochlorite injection point without a permit, failing to provide
21 appropriate written responses to the Department and Commonwealth Court, and failing to respond
22 to a main break for six months were documented in the report.

23
24 Given that J. Roy Campbell is the certified operator for the water system, violations caused by his
25 actions/inactions have been noted multiple times, and repeated violations have been noted due to
26 his negligence as a certified operator. Violations were cited against J. Roy Campbell's Water
27 License under the Chapter 302 Water and Wastewater Operator's Certification Act.³⁶

28
29 **DID YOU ISSUE A NOTICE OF VIOLATION AFTER THIS INSPECTION? IF SO, WHAT**
30 **VIOLATIONS DID YOU CITE?**

31 A Notice of Violation was issued to J. Roy Campbell on September 13, 2024³⁷, citing the following
32 violations:

33 Failure to prepare and control chemical addition for water or treatment, in violation of 25 Pa. Code
34 § 302.1201(b)(5):

³⁴ DEP Exhibit 2.

³⁵ DEP Exhibit 4.

³⁶ DEP Exhibit 12.

³⁷ DEP Exhibit 12.

1 The water system failed to relocate the sodium hypochlorite injection point to its originally
2 permitted location or undergo the appropriate permitting process to have the sodium hypochlorite
3 injection point changed to the new location. J. Roy Campbell moved this injection point after being
4 previously cited for this issue in a full inspection conducted on November 23, 2015.³⁸

5 Failure to observe and take the necessary actions in response to variations in operating conditions,
6 in violation of 25 Pa. Code § 302.1201(b)(6):

7 As documented in Inspection 3774931³⁹, the operator failed to repair a leak for nearly six months
8 after identifying the leak. At the time of submittal of that Notice of Violation, unaccounted-for
9 water loss was at a running annual average of 72.36% based off the most recent quarterly report,
10 and unaccounted-for water loss is currently tied to enforcement actions issued by the Department.
11 Allowing a leak to persist for six months showed a lack of appropriate response from J. Roy
12 Campbell.

13 Failure to provide for proper source water protection, in violation of 25 Pa. Code §
14 302.1201(b)(11):

15 As documented in Inspection 3747205⁴⁰ conducted April 12, 2024, the well pit was flooded near
16 to the top of the pit. This creates the potential for surface water influence on the well. Between
17 August 5, 2018, and August 23, 2018, the water system had a system wide Boil Water Advisory
18 due to the well pit becoming flooded and that water then back siphoned into the well casing.

19 This issue was previously cited in the Notice of Violation dated May 19, 2021.⁴¹ The operator has
20 taken some measures to prevent back siphonage including blocking the drain, which does not meet
21 design standards in Part II of the Public Water Supply manual as cited in Inspection 3654948⁴²,
22 cited in Inspection 3747205⁴³ conducted on April 12, 2024, and documented in the Inspection
23 Report 3830375 submitted on September 13, 2024,⁴⁴ conducted on August 22, 2024, and
24 September 3, 2024. J. Roy Campbell has failed to keep the well pit drained of surface water that
25 poses a contamination risk.

26 Failure to prepare, review, and submit applicable notices and reports to appropriate persons or
27 agencies, in violation of 25 Pa. Code § 302.1201(b)(15):

28 As documented in the Inspection Report 3830375 submitted September 13, 2024,⁴⁵ the operator
29 has had multiple instances of shutting off water to customers without the issuance of a Tier 1 Boil
30 Water Advisory. When the operator is conducting distribution repairs where shutting off the flow
31 of water is necessary, the operator is to comply with the Department's Loss of Positive Pressure
32 (LOPP) policy, which was previously provided to the operator on November 30, 2015, and

³⁸ DEP Exhibit 13.
³⁹ DEP Exhibit 6.
⁴⁰ DEP Exhibit 4.
⁴¹ DEP Exhibit 16.
⁴² DEP Exhibit 2.
⁴³ DEP Exhibit 4.
⁴⁴ DEP Exhibit 9.
⁴⁵ DEP Exhibit 9.

1 November 17, 2023. With the water system’s unaccounted-for water loss being above 20%, the
2 contamination risk for any distribution system work is “high risk” as defined by the LOPP policy
3 and requires issuance of a Boil Water Advisory.

4 This issue was previously noted in the full inspection conducted on November 30, 2015⁴⁶, and
5 cited as a violation in Inspection 3654948⁴⁷. The Department was informed that Rock Spring Water
6 Company had two events following the November 17, 2023, inspection where water was shut off
7 for main repair and no Boil Water Advisory was issued. There is further correspondence from Rock
8 Spring going back multiple years showing that the LOPP policy has been consistently violated by
9 the operator.

10 The operator had also failed to provide appropriate written responses as specified in the Notices
11 of Violation that were sent on December 6, 2023⁴⁸ (Notice of Violation dated November 13,
12 2023)⁴⁹, and April 18, 2024.⁵⁰ The operator failed to take action to ensure that these reports were
13 submitted to the Department.

14
15 **DID YOU REQUEST THAT J. ROY CAMPBELL TAKE ANY ACTIONS TO ADDRESS**
16 **THE VIOLATIONS CITED IN THE NOTICE OF VIOLATION ISSUED ON SEPTEMBER**
17 **13, 2024,⁵¹ ADDRESSED TO HIM AS THE OPERATOR OF THE PUBLIC WATER**
18 **SYSTEM?**

19 Within 14 days of receipt of the Notice of Violation, it was requested that he provide a written
20 report to Shareholders detailing violations and enforcement actions incurred by Rock Spring Water
21 Company. It was further requested that all documentation sent to shareholders and a list of the
22 shareholders be provided to the Department as well.

23
24 Within 30 days of receipt of the Notice of Violation, it was requested that a process control plan
25 be developed in accordance with 25 Pa. Code § 302.1203.

26 **HAS J. ROY CAMPBELL COMPLIED WITH THE DEPARTMENT’S REQUESTS IN**
27 **THE NOTICE OF VIOLATION ISSUED ON SEPTEMBER 13, 2024,⁵² ADDRESSED TO**
28 **HIM AS THE OPERATOR OF THE PUBLIC WATER SYSTEM?**

29 The shareholders were provided a written report, and a list of shareholders was provided to the
30 Department on September 26, 2024.

31

⁴⁶ DEP Exhibit 13.
⁴⁷ DEP Exhibit 2.
⁴⁸ DEP Exhibit 3.
⁴⁹ DEP Exhibit 2.
⁵⁰ DEP Exhibit 5.
⁵¹ DEP Exhibit 12.
⁵² DEP Exhibit 12.

1 A process control plan was received on October 13, 2024, but it was incomplete and not
2 satisfactory to the Department. A letter was sent on November 7, 2024, detailing that the process
3 control plan received was unacceptable. Examples of what to include in the process control plan
4 were sent in the letter as well. No updated process control plan was received by the Department to
5 date.

6 **WHAT IS A PROCESS CONTROL PLAN, AND WHY DO YOU WANT J. ROY**
7 **CAMPBELL TO CREATE ONE?**

8 A process control plan under 25 Pa. Code § 302.1203 is created for the purpose of explaining in
9 writing how the water system will be operated and maintained, as well as the practices that will be
10 implemented. The Department requested that J. Roy Campbell create this process control plan with
11 the idea that he would document proper operational practices, approved by the Department, in
12 writing and follow them to avoid further enforcement action.

13
14 If J. Roy Campbell was to deviate from his process control plan that he created and the Department
15 approved, it would illustrate additional negligence by him as a certified water operator.

16 **IN YOUR OPINION, ARE J. ROY CAMPBELL AND ELIZABETH CAMPBELL CAPABLE**
17 **OF OPERATING THE ROCK SPRING WATER COMPANY AND BRINGING IT BACK**
18 **INTO COMPLIANCE WITH THE SAFE DRINKING WATER ACT AND THE**
19 **DEPARTMENT’S REGULATIONS?**

20 No. The water system does not appear to have the resources to come into compliance with the Safe
21 Drinking Water Act, their Administrative Order, or the Commonwealth Court Orders issued to
22 them. As documented by Inspection Report 3864467⁵³, Roy has stated to me that he was taking
23 measures to sell the water system due to not having the financial capacity to perform the waterline
24 replacement project ordered by Commonwealth Court.

25 In addition to not having the necessary resources, the system has suffered from poor operational
26 practices as illustrated by the written testimony that I have provided.

27
28 **DO YOU HAVE ANY CONCERNS ABOUT J. ROY CAMPBELL’S AND ELIZABETH**
29 **CAMPBELL’S ABILITIES TO QUICKLY AND EFFICIENTLY RESPOND TO AN**
30 **EMERGENCY SITUATION AND TO PROMPTLY FIX THE ISSUES?**

31 I have concerns regarding J. Roy Campbell’s and Elizabeth Campbell’s ability to respond to
32 emergencies in a timely manner as illustrated by the main break that was left leaking for six months
33 and by the four months it took to replace a single residential service line. Furthermore, the water
34 system does not have a satisfactory Emergency Response Plan as required by 25 Pa. Code §
35 109.707.

⁵³ DEP Exhibit 15.

1 Past performance would indicate that the water system only responds to situations when prompted
2 by a regulatory agency, and they do not take a proactive approach to operate and maintain their
3 water system.

4
5 **WHAT IS YOUR POSITION CONCERNING THIS PETITION FOR ISSUANCE OF AN**
6 **INTERIM EMERGENCY ORDER ASKING THE COMMISSION TO APPOINT A**
7 **RECEIVER TO THE ROCK SPRING WATER COMPANY?**

8 I believe an interim receiver would be in the best interest of the customers served by Rock Spring
9 Water Company.

10 The water system is chronically mismanaged by J. Roy Campbell and Elizabeth Campbell, and
11 that mismanagement has created situations that have put public health at unnecessary risk. This
12 chronic mismanagement has the ability to cause an imminent health threat as evidenced by
13 previous performance and compliance issues noted.

14
15 Every time that J. Roy Campbell made the process control decision to create a loss of positive
16 pressure in the distribution system without issuing a Boil Water Advisory, he put public health of
17 the affected customers at risk.

18 **WHAT IS YOUR POSITION ON WHETHER AQUA PENNSYLVANIA, INC. IS**
19 **CAPABLE OF ACTING AS A RECEIVER FOR ROCK SPRING WATER COMPANY?**

20 I recognize that Aqua PA is a capable public utility to act as an interim receiver. It appears that they
21 have no outstanding enforcements with the Department.

22
23 My personal experiences with Aqua PA are limited as they do not currently regulate any public
24 water systems in Centre County. I recall viewing Aqua PA systems when I was in my training
25 period, but had limited interactions with Aqua PA during those training experiences. The most
26 experience I have had with an Aqua PA system as a Sanitarian was when I was filling in for the
27 Clearfield County Sanitarian. On April 2, 2024, I investigated a complaint at Aqua PA Treasure
28 Lake and collected samples at a complainant's residence to determine compliance. Those samples
29 collected showed that the water system was in compliance with the Safe Drinking Water Act.

30
31 Aqua PA Treasure Lake, the most proximate operating office as identified in Discovery Responses
32 to OCA, is about one hour and 19 minutes away from the Rock Spring Water Company water
33 treatment plant. The distance between this operating office and the Rock Spring Water System has
34 the ability to present operational challenges for Aqua PA if they were to act as an interim receiver.
35 Aqua PA has recognized this in their Discovery Responses to OCA and has specifically stated that
36 “The Company believes that other proximate public utilities or municipal corporations are closer
37 and in a better position to acquire Rock Spring.”

1 **WHAT IS YOUR POSITION ON WHETHER PENNSYLVANIA AMERICAN WATER**
2 **COMPANY, INC. IS CAPABLE OF ACTING AS A RECEIVER FOR ROCK SPRING**
3 **WATER COMPANY?**

4 I recognize that Pennsylvania American Water is a capable public utility to act as an interim
5 receiver. At this time, Pennsylvania American Water Company has no outstanding enforcements
6 with the Department.

7
8 Per Discovery Responses to the Department, if Pennsylvania American Water is to act as a receiver,
9 Pennsylvania American Water does not foresee the need for a full-time operational staff at the
10 Rock Spring water system. Discovery Responses to the Department further state they plan to have
11 the staff that maintain PAW Boggs, PAW Nittany, and PAW Philipsburg maintain the Rock Spring
12 water system. In reference to emergency response, the Philipsburg Filter Plant is a 38-minute drive
13 from the Rock Spring water treatment plant.

14
15 I currently regulate the three systems mentioned and have personally viewed water system
16 components at each of those three systems. I have conducted multiple inspections at these three
17 water systems over the past three years I have been with the Department. The Philipsburg staff,
18 led by a highly experienced Operator in Responsible Charge, currently operate three well-
19 maintained and compliant water systems. Pennsylvania American often goes beyond the
20 Department’s regulations to ensure safe water is provided to customers.

21
22 Discovery Responses provided to the Department indicate that the Northcentral Operational
23 District has 40 staff. To the knowledge of the Department, the Northcentral Operational District
24 includes Pennsylvania American Water systems at Boggs, Nittany, Philipsburg, Milton/White
25 Deer, Turbotville, and McEwensville. Based on eFACTS records, past inspection reports written
26 by myself and personal experience from site visits to Philipsburg, the localized Philipsburg staff
27 consist of one Operator in Responsible Charge, five certified water treatment plant operators, a
28 certified water quality supervisor, one uncertified treatment plant operator in training, a
29 distribution crew supervising operator, and six distribution crew at full staff. In previous inspection
30 reports, it has been noted that a six-person distribution crew for these three systems is understaffed.
31 The fact that Philipsburg’s distribution crew maintains three effective operational distribution
32 systems despite the workload and staffing restraints is commendable. This is especially
33 commendable considering that PAW Philipsburg alone has approximately 300 miles of water
34 mains, 36 different pressure gradients and the most complex distribution system in Centre County.

35
36 **WHAT IS YOUR POSITION ON WHETHER STATE COLLEGE BOROUGH WATER**
37 **AUTHORITY IS CAPABLE OF ACTING AS A RECEIVER FOR ROCK SPRING**
38 **WATER COMPANY?**

1 State College Borough Water Authority is a capable public utility to act as an interim receiver and
2 already serves Ferguson Township. At this time, State College Borough Water Authority has no
3 outstanding enforcements with the Department.

4 Per Discovery Responses, State College would incorporate the Rock Spring water system into their
5 current operations. In reference to emergency response, the State College Borough Water Authority
6 Office is approximately 13 minutes from the Rock Spring water treatment plant.

7 As the Sanitarian of Centre County, I regulate State College Borough Water Authority and have
8 personally viewed water system components. I have conducted multiple inspections at State
9 College Borough Water Authority over the past three years that I have been with the Department.
10 The water system is well maintained, operates a “Commendable” rated filter plant, and currently
11 has a low unaccounted for water loss at 11.7% based on the most recently available Chapter 110
12 report filed to the Department. It has been my experience that the State College Borough Water
13 Authority led by their Operator in Responsible Charge, Brian Heiser, have strived to go above and
14 beyond the regulations set forth in the Safe Drinking Water Act. They have taken a proactive
15 approach to compliance, going as far as building a membrane filtration plant with advanced
16 treatment technology designed to remove emerging contaminants for two groundwater wellfields
17 that are not required to be filtered per the Department’s regulations.

18
19 Discovery Responses to the Department specify that State College Borough Water Authority have
20 43 staff based out of their office located at 1201 West Branch Road State College, PA. Specifically
21 speaking to operational staff, according to eFACTS, and personal experience, the operational staff
22 consists of an Operator in Responsible Charge, eight certified water treatment plant operators (two
23 of which are cross trained from State College Borough Water Authority’s meter shop and
24 distribution crew), one uncertified treatment plant operator in training, 17 distribution crew, and
25 seven meter shop personnel.

26
27 As it relates to State College Borough Water Authority becoming an interim receiver, they have
28 advantages both in staffing and proximity over other interested parties in this proceeding.

29

30 **DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

31 Yes.

32

33

34

35

36

Nathan White
186 Enterprise Drive
Philipsburg, PA 16866
570- 220 - 9217
nathwhite@pa.gov

EDUCATION

Penn State Altoona 2016-2020

- Bachelor of Science degree in Environmental Studies

Course Projects

- Research on the behaviors of Zebrafish with Dr. Cairsty Depasquale from 2016-2020
 - Research published in *Frontiers in Veterinary Science*
- Research involving the collection of stream water quality data from Spring Run, Brush Run and Mill Run in Altoona, PA with Dr. Lisa Emili from 2018-2020

WORK EXPERIENCE

DEP-Bureau of Safe Drinking Water 2021-Present

Centre County Sanitarian

- Conduct on-site inspections of water systems to verify compliance with the Chapter 109 Safe Drinking Water Act and public water supply permits issued to the water system.
- Collect water samples to determine water system compliance with MCLs, SMCLs and MRDLs specified in the Chapter 109 Safe Drinking Water Act.
- Review and approve Noncommunity Water System Applications.
- Maintain the PADWIS database and confirm that public water systems are completing all monitoring as required.
- Investigate and respond to complaints filed to the Department involving public water systems.

CERTIFICATIONS AND TRAINING

Certified Water Operator

- Certificate #W27209
- Class C and E Licenses with Subclasses 7, 8, 9, 10, 12, and 13
- Completed and passed exams to obtain Subclasses 1, 2, 3, 4, 5, 6, 11, and 14

Method 334 Compliance

- Certified as an Analyst to perform Chlorine measurements in drinking water.
- Provided training to other certified operators and water systems in the regulated community on chlorine sampling methods.
- Certified colorimeters used for compliance measurements both initially and on a quarterly basis.

DEP Statement No. 2

Witness: Sasha Minium

**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

Direct Testimony

Of

Sasha Minium

Department of Environmental Protection

Concerning:

PETITION FOR ISSUANCE OF AN INTERIM EMERGENCY ORDER

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 My name is Sasha Minium. My business address is 208 West Third Street, Suite 101, Williamsport,
3 PA 17701.

4 **WHERE ARE YOU EMPLOYED?**

5 I am employed by the Pennsylvania Department of Environmental Protection.

6 **WHAT IS YOUR POSITION WITH THE DEPARTMENT?**

7 I am an Environmental Group Manager in the Northcentral Region Safe Drinking Water Program.

8 **WHAT ARE YOUR DUTIES AS THE ENVIRONMENTAL GROUP MANAGER?**

9 I oversee all compliance and enforcement activities related to public water systems within the 14
10 counties served by the Northcentral Region. Specific duties include writing and reviewing
11 enforcement documents, calculating and reviewing civil penalties, and tracking water system
12 compliance with enforcement milestones.

13 **WHAT IS YOUR EDUCATIONAL AND EMPLOYMENT HISTORY?**

14 An outline of my educational and employment history is attached as Appendix A.

15 **DOES YOUR TESTIMONY INCLUDE ANY DEPARTMENT EXHIBITS?**

16 Yes, my testimony includes Department Exhibits 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
17 30, 31, 32, 33, 34, 35, 36, and 37.

18 **ARE YOU FAMILIAR WITH ROCK SPRING WATER COMPANY?**

19 Yes. Rock Spring Water Company is a community public water system in Ferguson Township,
20 Centre County. Rock Spring has been under enforcement with the Northcentral Safe Drinking
21 Program since before I began working for the program, which was in September 2019. I became
22 Rock Spring's primary case manager in November 2019.

23 **ARE YOU FAMILIAR WITH J. ROY CAMPBELL AND HIS AFFILIATION WITH
24 ROCK SPRING WATER COMPANY?**

25 Yes, Mr. Campbell is the President of Rock Spring Water Company, as well as their certified
26 drinking water operator. He is the responsible official of record with the Department, and he is
27 responsible for making process control decisions relating to the operation and maintenance of the
28 water system.

29 **ARE YOU FAMILIAR WITH ELIZABETH CAMPBELL AND HER AFFILIATION
30 WITH ROCK SPRING WATER COMPANY?**

31 Yes, Ms. Campbell is the Secretary/Treasurer of Rock Spring Water Company. She primarily
32 handles their administrative-related work.

1 **CAN YOU DESCRIBE ANY DIFFICULTIES YOU HAVE HAD WHEN WORKING WITH**
2 **J. ROY CAMPELL AND ELIZABETH CAMPBELL CONCERNING ROCK SPRING**
3 **WATER COMPANY?**

4 My interactions with Rock Spring personnel have primarily been via email or hard copy letter.
5 There have been multiple instances where my attempts to confirm or clarify information have gone
6 unanswered, primarily in regard to confirming Rock Spring’s quarterly billing schedule, which is
7 supposed to coincide with their required quarterly report submittal due date. When I do receive
8 responses to emails or letters, they are often short and/or cryptic. One specific incident involved
9 Rock Spring’s failure to install an upgraded supervisory control and data acquisition (SCADA)
10 system. The Department sent two formal Notices of Violation (NOVs) regarding the failure to
11 install the SCADA system, dated January 29, 2020¹, and March 24, 2021.² In response to the
12 March 2021 NOV, Rock Spring claimed that they had indicated in a previous quarterly report that
13 the SCADA installation had been completed. I asked for clarification about the completion date,
14 because there was no obvious indication in any of the recent quarterly reports regarding status of
15 the SCADA installation. Rock Spring responded that they indicated the SCADA installation as
16 “MONITOR N 7/2020.” I maintain that I could not have reasonably interpreted that line item to
17 mean that the SCADA installation had finally been completed.

18 **AS THE ENVIRONMENTAL GROUP MANAGER, ARE YOU FAMILIAR WITH THE**
19 **ENFORCEMENT HISTORY THE DEPARTMENT HAS AGAINST ROCK SPRING**
20 **WATER COMPANY?**

21 Yes.

22 **CAN YOU GIVE A BRIEF OVERVIEW OF THE ENFORCEMENT ACTIONS THAT THE**
23 **DEPARTMENT HAS TAKEN AGAINST ROCK SPRING WATER COMPANY?**

24 The Department entered into a Consent Order & Agreement³ (CO&A) with Rock Spring to reduce
25 unaccounted-for water loss on June 20, 2006. The 2006 CO&A required submittal of a Corrective
26 Action Plan and implementation schedule to reduce the unaccounted-for water loss to 30% or less
27 within 5 years. Due to Rock Spring’s failure to fully comply with the 2006 CO&A and the overall
28 lack of progress on the Corrective Action Plan milestones, the Department attempted to enter into
29 a new CO&A with Rock Spring in 2018. After negotiations failed, the Department issued an
30 Administrative Order⁴ on August 27, 2018, to compel Rock Spring to continue addressing their
31 unaccounted-for water loss. The Department also issued a Civil Penalty Assessment⁵ to Rock
32 Spring in the amount of \$40,000.00 on October 17, 2018, in part for Rock Spring’s failure to
33 comply with the 2006 CO&A.

¹ DEP Exhibit 17.

² DEP Exhibit 18.

³ DEP Exhibit 19.

⁴ DEP Exhibit 20.

⁵ DEP Exhibit 21.

1 **IS ROCK SPRING WATER COMPANY CURRENTLY IN VIOLATION OF ANY**
2 **DEPARTMENT ORDERS?**

3 Yes, Rock Spring is in violation of the Department’s August 27, 2018, Administrative Order.⁶

4 **WHAT DOES THE DEPARTMENT’S ADMINISTRATIVE ORDER⁷ REQUIRE ROCK**
5 **SPRING TO DO?**

6 The August 27, 2018, Administrative Order⁸ required that Rock Spring submit a Corrective Action
7 Plan and implementation schedule⁹ to reduce their unaccounted-for water loss to a running annual
8 average of 30% or less within 5 years. The Corrective Action Plan was required to include at a
9 minimum: 1) an accurate estimate of the current unaccounted-for water loss, 2) detailed maps of
10 the entire distribution system, 3) a systematic method and schedule for evaluating the entire
11 distribution system water loss with known problem areas being prioritized, and 4) a prompt plan
12 of line replacement upon identification of leaks. Following Department approval, the specific
13 actions and timeframes in the Corrective Action Plan and implementation schedule¹⁰ became
14 enforceable under the Administrative Order. Ultimately, the Corrective Action Plan and
15 implementation schedule¹¹ proposed various activities including replacement of the supervisory
16 control and data acquisition (SCADA) system to better track water flow and production; metering
17 of all unmetered service connections; annual system evaluation/leak detection surveys conducted
18 by a professional leak detection company; and a clause that a water line replacement project would
19 be required if unaccounted-for water loss was still greater than 30% by December 2021. The
20 Department conditioned its approval of the Corrective Action Plan and implementation schedule
21 by stating that by December 31, 2021, the Department sought identification of the line replacement
22 project chosen based on the previous distribution system leak detection surveys in order to give
23 formal approval of said project.¹² The Administrative Order¹³ also required Rock Spring to submit
24 quarterly reports detailing steps and actions taken in the previous calendar quarter to comply with
25 the Corrective Action Plan, as well as various data regarding accounted and unaccounted-for water
26 usage, a running annual average calculation of unaccounted-for water loss, and information on any
27 leaks detected and repaired.

28 **WHAT IS UNACCOUNTED-FOR WATER LOSS?**

29 Unaccounted-for water loss, sometimes also referred to as non-revenue water, is water that is
30 produced, but is ultimately lost or wasted and does not reach the customer or end user.
31 Mathematically, it is the total water produced minus water billed to customers and minus other
32 quantifiable water usage. It is often expressed as a percentage of the total water that a system
33 produces. Unaccounted-for water loss is most commonly attributed to leaking water lines (main

⁶ DEP Exhibit 20.

⁷ DEP Exhibit 20.

⁸ DEP Exhibit 20.

⁹ DEP Exhibit 22.

¹⁰ DEP Exhibit 22.

¹¹ DEP Exhibit 22.

¹² DEP Exhibit 22.

¹³ DEP Exhibit 20.

1 lines and service lines), unmetered service connections, and/or other unmetered water usage like
2 water line or hydrant flushing.

3 **CAN YOU DESCRIBE THE ISSUES THAT ROCK SPRING WATER COMPANY HAS**
4 **HAD AND STILL HAS WITH UNACCOUNTED-FOR WATER LOSS?**

5 Rock Spring has had and still has excessive levels of unaccounted-for water loss. Quarterly report
6 submittals since 2020 show that the running annual average (a calculation of the average
7 unaccounted-for water loss over the last four calendar quarters) of Rock Spring's unaccounted-for
8 water loss typically falls between approximately 50 to 70%, meaning that half or more of the water
9 Rock Spring produces on average is essentially lost or wasted. In December 2021, Rock Spring
10 triggered the requirement in the August 2018 Administrative Order to implement a water line
11 replacement project, as their unaccounted-for water loss remained greater than 30%.¹⁴ To date,
12 Rock Spring has neither proposed nor completed the required water line replacement project.

13 **CAN YOU DESCRIBE ANY ISSUES ROCK SPRING HAS HAD IN PROVIDING THE**
14 **DEPARTMENT WITH THE QUARTERLY REPORTS CONCERNING**
15 **UNACCOUNTED-FOR WATER LOSS REQUIRED BY THE DEPARTMENT'S**
16 **ADMINISTRATIVE ORDER?**

17 Rock Spring has chronically failed to submit their required quarterly reports to the Department on
18 time. The Department has attempted multiple times to clarify due dates with little success. The
19 quarterly reports have also sometimes been incomplete or inaccurate, and responses to requests for
20 correction and resubmittal have been uncooperative at times. The Department issued NOVs to
21 Rock Spring for the failure to comply with the August 2018 Administrative Order specifically
22 related to late or insufficient quarterly report submittal on May 24, 2019¹⁵ (with a follow-up letter
23 on August 6, 2019¹⁶); March 24, 2021¹⁷; January 3, 2023¹⁸; January 12, 2024¹⁹; and April 12,
24 2024.²⁰

25 **ACCORDING TO THE MOST RECENT QUARTERLY REPORT, WHAT IS ROCK**
26 **SPRING WATER COMPANY'S UNACCOUNTED-FOR WATER LOSS?**

27 The Department received the last quarterly report on November 30, 2024²¹, for the months of
28 August, September, and October 2024, which stated that unaccounted-for water loss was 56.66%
29 in that quarter. The running annual average of the unaccounted-for water loss was 68.76%. Rock
30 Spring asserted that the quarter's unaccounted-for water loss was actually 30% after flushing and
31 service line leaks. No additional records or documentation were provided to support how Rock
32 Spring was able to quantify the water lost through flushing or leak detection/repair. Rock Spring
33 also accused the Department of contributing to their unaccounted-for water loss via routine

¹⁴ DEP Exhibit 22.

¹⁵ DEP Exhibit 23.

¹⁶ DEP Exhibit 24.

¹⁷ DEP Exhibit 25.

¹⁸ DEP Exhibit 26.

¹⁹ DEP Exhibit 27.

²⁰ DEP Exhibit 28.

²¹ DEP Exhibit 29.

1 sampling activities. On December 2, 2024, the Department responded in writing as to why this
2 minimal usage was not considered unaccounted-for water loss.²²

3 **HAS THE DEPARTMENT GONE TO COURT TO ENFORCE ITS ADMINISTRATIVE**
4 **ORDER AGAINST ROCK SPRING WATER COMPANY?**

5 Yes. The Department filed a Petition to Enforce the August 2018 Administrative Order with the
6 Pennsylvania Commonwealth Court in October 2023. The Department attended the hearing held
7 on January 18, 2024, but Rock Spring did not attend. The Commonwealth Court issued an Order
8 the same day granting the Department’s Petition.²³

9 **WHAT DID THE COMMONWEALTH COURT ORDER ROCK SPRING WATER**
10 **COMPANY TO DO?**

11 The Commonwealth Court’s January 18, 2024, Order²⁴ required that Rock Spring: 1) Submit a
12 written report within 90 days prepared by a professional engineer identifying Rock Spring’s final
13 water line replacement project and providing various documentation related to the project’s design
14 and implementation; 2) Complete construction of the identified water line replacement project and
15 reduce the system’s unaccounted-for water loss to 30% or less on a running annual average basis
16 by December 31, 2024; and 3) Continue to fully comply with the other terms and conditions of the
17 Department’s August 2018 Administrative Order.

18 **HAS ROCK SPRING WATER COMPANY NOT COMPLIED WITH ANY**
19 **COMMONWEALTH COURT ORDERS REGARDING ENFORCEMENT OF THE**
20 **DEPARTMENT’S ADMINISTRATIVE ORDER?**

21 Rock Spring failed to comply with multiple parts of the Commonwealth Court’s January 18, 2024,
22 Order.²⁵ The Department did not receive the required engineering report, despite the Department
23 sending a reminder letter²⁶ to Rock Spring dated May 8, 2024. Rock Spring also continued to fail
24 to comply with other parts of the Department’s August 2018 Administrative Order, specifically in
25 regard to quarterly report submittal. The Department filed an Application for Contempt in June
26 2024. Both the Department and Rock Spring attended the hearing on July 24, 2024. The
27 Commonwealth Court issued an Order²⁷ the same day granting the Department’s Application and
28 stating the conditions under which Rock Spring needed to purge its contempt. The July 24, 2024,
29 Order required that Rock Spring: 1) Submit the engineering report within 30 days; 2) Pay a
30 judgment of \$1,500.00; and 3) Continue to fully comply with the other terms and conditions of the
31 Court’s January 18, 2024, Order. The Department did not receive the required engineering report,
32 despite the Department sending a reminder letter²⁸ to Rock Spring dated August 8, 2024. On
33 September 3, 2024, the Department notified Rock Spring in writing of its intent to file a

²² DEP Exhibit 30.

²³ DEP Exhibit 31.

²⁴ DEP Exhibit 31.

²⁵ DEP Exhibit 31.

²⁶ DEP Exhibit 32.

²⁷ DEP Exhibit 33.

²⁸ DEP Exhibit 34.

1 Certification of Non-Compliance in regard to the July 2024 Order, but offered to wait if Rock
2 Spring could demonstrate by September 24, 2024, that it had hired and entered into a contract with
3 a professional engineer to draft the required engineering report. On September 24, 2024, Rock
4 Spring provided a copy of a contract with Century Engineering²⁹ to the Department. However, the
5 Department was not satisfied that the contracted scope of work was sufficient or met the
6 requirements of the July 2024 Order. The Department ultimately filed a Certification of Non-
7 Compliance in regard to the July 2024 Order in October 2024.

8 **HAS THE DEPARTMENT EVER SPOKEN TO J. ROY CAMPBELL ABOUT COMING**
9 **INTO COMPLIANCE WITH THE REQUIREMENTS OF THE COMMONWEALTH**
10 **COURT ORDERS?**

11 The Department held a conference call with Mr. Campbell and his contracted engineering firm,
12 Century Engineering, on October 10, 2024, to discuss the scope of work needed to comply with
13 the Commonwealth Court’s January and July 2024 Orders. Specifically, the Department disagreed
14 with the stated scope of work in the provided contract with Century Engineering. The contract
15 proposed to prepare an engineering report proposing further leak detection activities to determine
16 whether line replacement was needed. The Department’s position is that a line replacement project
17 is already required under the August 2018 Administrative Order³⁰ and the Commonwealth Court’s
18 January³¹ and July 2024³² Orders, and a specific project proposal based upon the results of Rock
19 Spring’s required annual leak detection work should be the focus of any report.

20 **WHAT WAS J. ROY CAMPBELL’S RESPONSE TO LEARNING HOW MUCH WORK IS**
21 **NEEDED TO BE DONE TO BRING THE PUBLIC WATER SYSTEM BACK INTO**
22 **COMPLIANCE WITH THE COMMONWEALTH COURT’S ORDERS, THE**
23 **DEPARTMENT’S ADMINISTRATIVE ORDER, AND THE SAFE DRINKING WATER**
24 **ACT AND ITS REGULATIONS?**

25 Mr. Campbell chose not to move forward with having Century Engineering prepare any kind of
26 report for the Department. Mr. Campbell instead indicated that he wanted to consider selling the
27 water system, which has been a typical fallback response to the Department when Rock Spring is
28 pressed on unaccounted-for water loss compliance.

29 **HAS J. ROY CAMPBELL MADE OTHER STATEMENTS TO THE DEPARTMENT**
30 **ABOUT SELLING THE PUBLIC WATER SYSTEM IN ORDER TO AVOID HAVING TO**
31 **FIX THE ISSUES WITH THE WATER SYSTEM?**

32 Mr. Campbell has indicated on several previous occasions that he intended to sell the water system,
33 but to my knowledge, he has never followed through on serious efforts to do so. Rock Spring
34 discussed a potential sale with the State College Borough Water Authority in 2020 during Rock
35 Spring’s appeal of the Department’s October 2018 Civil Penalty Assessment, but no agreement
36 was reached. On October 18, 2024, following the Department’s Certification of Non-Compliance

²⁹ DEP Exhibit 35.

³⁰ DEP Exhibit 20.

³¹ DEP Exhibit 31.

³² DEP Exhibit 33.

1 filing with the Commonwealth Court, the Department received an email from the company email
2 address simply stating that the Rock Spring Water Company will be retiring.³³ The Department
3 was unsure exactly what this email meant or who specifically had sent it. Rock Spring then
4 indicated via written response dated November 1, 2024³⁴, to the Department's Certification of
5 Non-Compliance filing that they were in the process of selling the company. While a new round
6 of negotiations for a sale to State College Borough Water Authority is currently in progress, it is
7 my understanding that Rock Spring has not fully cooperated with its attorneys or the State College
8 Borough Water Authority in providing requested records and information.

9 **IN YOUR OPINION, ARE J. ROY CAMPBELL AND ELIZABETH CAMPBELL**
10 **CAPABLE OF OPERATING THE ROCK SPRING WATER COMPANY AND BRINGING**
11 **IT BACK INTO COMPLIANCE WITH THE SAFE DRINKING WATER ACT AND THE**
12 **DEPARTMENT'S REGULATIONS?**

13 Based on Mr. and Ms. Campbell's consistent lack of cooperation and long history of failure to
14 comply with the Department's regulations and enforcement actions, as well as their more recent
15 failure to comply with the Commonwealth Court's Orders, I do not believe that they are capable
16 of properly operating and maintaining Rock Spring Water Company or bringing the water system
17 back into full compliance with the Safe Drinking Water Act and the Department's regulations.

18 **WHAT IS YOUR POSITION CONCERNING THIS PETITION FOR ISSUANCE OF AN**
19 **INTERIM EMERGENCY ORDER ASKING THE COMMISSION TO APPOINT A**
20 **RECEIVER TO THE ROCK SPRING WATER COMPANY?**

21 Rock Spring Water Company needs to be placed in receivership, as their current leadership has
22 demonstrated both an inability and unwillingness to maintain compliance with the Department and
23 other regulatory entities to the detriment of their customers. Having Rock Spring Water Company
24 continue to manage and operate the water system poses definite risks to public health and to the
25 environment.

26 **DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

27 Yes.

28

29

30

31

32

³³ DEP Exhibit 36.

³⁴ DEP Exhibit 37.

SASHA C. MINIUM

208 W. Third St., Ste. 101, Williamsport, PA 17701
570-327-0553
sminium@pa.gov

EMPLOYMENT

Environmental Group Manager

Northcentral Region Safe Drinking Water Program

Pennsylvania Department of Environmental Protection, Williamsport, PA

Aug. 2019 – present

- Oversee all regional compliance and enforcement activities for the Safe Drinking Water program;
- Supervise daily activities and review work product for 2 Sanitarian Supervisors and 1 Environmental Protection Compliance Specialist;
- Draft enforcement documents and correspondence and calculate civil penalties;
- Ensure timely review and issuance of operations-related authorizations;
- Provide regulated facilities and the public with training, compliance assistance, and clarification of the Department's rules & regulations.

Water Quality Specialist Supervisor

Eastern District Oil & Gas Program

Pennsylvania Department of Environmental Protection, Williamsport, PA

Oct. 2017 – Aug. 2019

- Supervised daily activities of 5 Water Quality Specialists/Environmental Trainees;
- Reviewed employee work product (inspection reports, NOVs, memos, etc.);
- Coordinated and participated in responses to complaints, spills/releases, and other environmental incidents.

Environmental Protection Compliance Specialist

Eastern District Oil & Gas Program

Pennsylvania Department of Environmental Protection, Williamsport, PA

May 2013 – Oct. 2017

- Drafted enforcement documents and correspondence and calculated civil penalties;
- Participated in meetings and enforcement conferences with operators and other parties;
- Coordinated program responses to PA Right-to-Know Law requests.

Water Quality Specialist/Environmental Trainee
Northcentral Region Clean Water Program
Pennsylvania Department of Environmental Protection, Williamsport, PA
Jan. 2012 – May 2013

- Performed NPDES compliance inspections at municipal, non-municipal, and industrial wastewater treatment plants and at facilities discharging industrial stormwater;
- Reviewed and tracked self-monitoring data submitted by regulated facilities;
- Responded to public complaints related to sewage or possible pollution incidents.

EDUCATION

Master of Science in Molecular Genetics, Biochemistry, & Microbiology
University of Cincinnati College of Medicine, Cincinnati, OH
2011

- Research focus: Telomere structure and function in *Tetrahymena thermophila*
- Publication: Premkumar, V.L., S. Cranert, B.R. Linger, G.B. Morin, S. Minium and C. Price. 2014. The 3' overhangs at *Tetrahymena thermophila* telomeres are packaged by four proteins, Pot1a, Tpt1, Pat1, and Pat 2. *Eukaryotic Cell* 13(2): 240-245.

Bachelor of Arts in Biology
Kenyon College, Gambier, OH
2009

- Research focus: Metabolic scaling in the tobacco hornworm moth, *Manduca sexta*
- Poster presentation: Minium, S., R. Bash, P. Shanbhag, A.J. Kerkoff and H. Itagaki. The scaling of growth, nutrient assimilation and metabolism in larval hawkmoths raised on natural and artificial diets. Poster session presented at: Society for Integrative and Comparative Biology; 2009 Jan. 3-7; Boston, MA.

DEP Exhibits 1-37

Witnesses: Nathan White

Sasha Minium

**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

Exhibits to Accompany

the

Direct Testimony

Of

Nathan White and Sasha Minium

Department of Environmental Protection

Concerning:

PETITION FOR ISSUANCE OF AN INTERIM EMERGENCY ORDER

DEP EXHIBIT 1

From: [White, Nathan](#)
To: [rock springs](#)
Cc: [Accettulla, Mark](#)
Subject: RE: [External] Re: Air in Distribution System
Date: Friday, August 30, 2024 9:54:00 AM

No customer is asking, just me.

How are the PLC updates related to air in the distribution system?

Nathan White | Sanitarian

Department of Environmental Protection | Safe Drinking Water North Central Regional Office

186 Enterprise Drive | Philipsburg PA 16866

Phone: +1 570.220.9217 | Fax: 814.342.8216 www.dep.pa.gov

From: rock springs <rsw5@comcast.net>
Sent: Wednesday, August 28, 2024 10:22 PM
To: White, Nathan <nathwhite@pa.gov>
Subject: RE: [External] Re: Air in Distribution System

Numbers, levels, graphics, pressures to communicate with pumps.

Who is the customer asking?

On 08/27/2024 2:16 PM EDT White, Nathan <nathwhite@pa.gov> wrote:

What computer values were updated? What was the specific issue?

Nathan White | Sanitarian

Department of Environmental Protection | Safe Drinking Water North Central Regional Office

186 Enterprise Drive | Philipsburg PA 16866

Phone: [+1 570.220.9217](tel:+15702209217) | Fax: [814.342.8216](tel:8143428216) www.dep.pa.gov

From: rock springs <rsw5@comcast.net>
Sent: Monday, August 26, 2024 11:13 PM
To: White, Nathan <nathwhite@pa.gov>
Subject: [External] Re: Air in Distribution System

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

The computer values were updated.

On 08/23/2024 12:17 PM EDT White, Nathan <nathwhite@pa.gov> wrote:

Hello Elizabeth,

It has come to my attention that you had issues with air in your distribution system on August 17th which created cloudy water. It also came to my attention that these issues were considered resolved yesterday.

What occurred that introduced air into your distribution system? Were any causes found?

Thanks,
Nathan

Nathan White | Sanitarian
Department of Environmental Protection | Safe Drinking Water North
Central Regional Office
186 Enterprise Drive | Philipsburg PA 16866
Phone: [+1 570.220.9217](tel:+1570.220.9217) | Fax: [814.342.8216](tel:814.342.8216) www.dep.pa.gov

Thank you

Rock Spring Water Company
1750 Tadpole Rd
Pa Furnace, PA 16865
Phone 814-231-2911
Dial 8-1-1 before you dig

Thank you

Rock Spring Water Company
1750 Tadpole Rd
Pa Furnace, PA 16865
Phone 814-231-2911
Dial 8-1-1 before you dig

DEP EXHIBIT 2



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2023-11-17
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Roy Campbell	Title: Operator
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eFACTS info

Inspection ID: 3654948	Inspection Type: RTNC
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Violations

C1A - 25 PA Code, §109.602

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

WTP:301 - CHLORINATION #1

CHEMICALS AND EQUIPMENT

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

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

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

C1A - 25 PA Code, §109.602

1A - GROUNDWATER AND GUDI SOURCES

SRC:002 - WELL #1

SOURCE WATER PROTECTION

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

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

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

C1D - 25 PA Code, §109.606

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

WTP:301 - CHLORINATION #1

CHEMICALS AND EQUIPMENT

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

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

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

C3B - 25 PA Code, §109.504(c)

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

WTP:301 - CHLORINATION #1

CHEMICALS AND EQUIPMENT

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

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

C4A - 25 PA Code, §109.4

4 - WATER STORAGE

ST:001 - TANK

STORAGE STRUCTURE

There is evidence of a structure leak in the storage tank.

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

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

C4A - 25 PA Code, §109.4

3 - DISTRIBUTION SYSTEM

DS:001 - PORTION OF FERGUSON

PLANNED SERVICE INTERRUPTIONS AND MAIN BREAKS

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

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

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

C4A - 25 PA Code, §109.4

ST:001 - TANK

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

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

Outstanding Violations

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

Minor Deficiencies

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-002-WELL #1

Protective barriers are not present around the well casing, leaving the source vulnerable to damage.

Remarks: There are concrete barriers that are present and they were moved in front of the well at one time. They were previously hit by a vehicle, so the water system decided to move them.

It is recommended that they are moved back to their original position so that they can protect the wellhead from any damage.

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-002-WELL #1

The sanitary seal well cap is not properly secured and/or is not in good condition, which does not meet the design standards set forth in the Public Water Supply Manual.

Remarks: The sanitary seal well cap is in good condition, however it appears as though the gasket seal is falling apart.

It is recommended that a new sanitary seal gasket be acquired and installed onto the cap.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

GENERAL INFORMATION

WTP-301-CHLORINATION #1

Operational backup units are not available for all treatment processes, which does not meet the design standards set forth in the Public Water Supply Manual.

Remarks: The water system currently does not keep an extra chemical feed pump or diaphragm kits to repair the pump if it were to fail.

It is recommended that an additional chemical feed pump and/or diaphragm kits be present to ensure that there is no interruption in continuous disinfection.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

GENERAL INFORMATION

WTP-301-CHLORINATION #1

Remarks: Plant piping is not color-coded and/or labeled to differentiate between finished, raw and waste water flow and direction.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

GENERAL INFORMATION

WTP-301-CHLORINATION #1

The water system has not established a frequency to verify all flow meters within the treatment plant.

Remarks: The plant effluent flow meter has not been calibrated since installation.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

CHEMICALS AND EQUIPMENT

WTP-301-CHLORINATION #1

Remarks: Safety Data Sheets (SDS) are not available for each chemical in the treatment plant.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

CHEMICALS AND EQUIPMENT

WTP-301-CHLORINATION #1

Chemical tanks are not labeled to designate the chemical contained in them, which does not meet the design standards set forth in the Public Water Supply Manual.

Remarks: The chemical tank is not labeled to designate that it contains sodium hypochlorite.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

CHEMICALS AND EQUIPMENT

WTP-301-CHLORINATION #1

There is scale buildup on the valves and injectors to the chemical feed pumps.

Remarks: Scale was observed at the chlorine injection point on the overflow of the underground tank

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

CHEMICALS AND EQUIPMENT

WTP-301-CHLORINATION #1

The chemical feed pump plastic tubing is not as short as possible and/or is not sloped to permit draining, which does not meet the design standards set forth in the Public Water Supply Manual.

Remarks: The chemical feed lines were longer than necessary and created loops that could cause potential feed issues. Air was noted in the chemical feed lines.

3 - DISTRIBUTION SYSTEM

PLANNED SERVICE INTERRUPTIONS AND MAIN BREAKS

DS-001-PORION OF FERGUSON

Remarks: The water system does not record the locations and dates of main breaks.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PORION OF FERGUSON

Distribution system unaccounted for water is more than 15% of the total production.

Remarks: Unaccounted for water loss is approximately 66% as of this full inspection. Please see "General Comments" for more details.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PORION OF FERGUSON

All distribution system service connections are not metered.

Remarks: There are frost free hydrants for irrigation that are not metered in the distribution system. These unmetered connections increased unaccounted for water loss.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PORION OF FERGUSON

Distribution system flushing is not unidirectional.

Remarks: Flushing is done on hydrants as Roy is in the area. No organized flushing program occurs in the distribution system.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PORION OF FERGUSON

Remarks: The water system does not plan to loop dead ends.

4 - WATER STORAGE

STORAGE STRUCTURE

ST-001-TANK

Remarks: The water system has not inspected the interior of the storage tank within the last five years. AWWA Standard M42 recommends that storage tanks are cleaned and inspected no less than once every five years.

4 - WATER STORAGE

STORAGE OPERATION

ST-001-TANK

Storage tank valves are not exercised to ensure proper operation.

Remarks: It is recommended that storage tank valves are exercised on a regular basis to ensure proper operation.

5 - PUMPS AND CONTROLS

PUMPING EQUIPMENT

PST-001-FINISHED PUMPS

Pump station valves are not exercised to ensure proper operation.

Remarks: It is recommended that pump station valves are exercised on a regular basis to ensure proper operation.

6 - MONITORING AND REPORTING

METHOD 334.0

DS-001-PORION OF FERGUSON

There is no documentation for the most recent 12 months to demonstrate that routine quarterly calibration verifications have been completed in accordance with EPA Method 334.0 for each handheld or benchtop instrument used for analysis of chlorine to compliance monitoring, comparison grab samples or to obtain results needed to calculate log inactivation.

Remarks: There is a quarterly calibration verification for the most recent quarter. There are no other quarterly calibration verifications for the 2023 year.

8 - SYSTEM MANAGEMENT

FINANCIAL & ASSET MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: The financial and operational viability of the water system is not reviewed annually by the responsible official(s).

8 - SYSTEM MANAGEMENT

FINANCIAL & ASSET MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: The water system does not prepare an annual operating budget.

8 - SYSTEM MANAGEMENT

FINANCIAL & ASSET MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: The water system does not prepare an annual capital budget.

8 - SYSTEM MANAGEMENT

FINANCIAL & ASSET MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: In the most recent fiscal year, system operating costs exceeded revenues.

8 - SYSTEM MANAGEMENT

FINANCIAL & ASSET MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: The water system does not have an Asset Management Plan.

8 - SYSTEM MANAGEMENT

GENERAL MANAGEMENT

DS-001-PORION OF FERGUSON

Remarks: Customer complaints are not logged.

8 - SYSTEM MANAGEMENT

GENERAL MANAGEMENT

DS-001-PORION OF FERGUSON

Sources, treatment plants, storage facilities, and/or pump stations are not visited by staff at least weekly.

Remarks: Roy stated that he visited the tank on a monthly basis. It is recommended that all facilities are visited on at least a weekly basis.

8 - SYSTEM MANAGEMENT

PLANS, MAPS, AND REPORTS

DS-001-PORION OF FERGUSON

The date that the Lead and Copper Rule Sample Siting Plan was last updated is not known, this information should be documented on the plan.

Remarks: Roy stated that there is no formal LCR sampling plan. Different houses have been used as sample points over the years.

8 - SYSTEM MANAGEMENT

PLANS, MAPS, AND REPORTS

DS-001-PORION OF FERGUSON

The water system failed to submit a copy of their revised Stage 2 DBPR Compliance Monitoring Plan to DEP prior to using the revised plan for monitoring.

Remarks: The Stage 2 Plan shows a location that is no longer sampled at. The location ID remained the same between the most up to date RTRC plan and the Stage 2 Plan, however the addresses changed.

8 - SYSTEM MANAGEMENT

PLANS, MAPS, AND REPORTS

DS-001-PORION OF FERGUSON

Remarks: The water system does not have an Operation and Maintenance Plan that contains all required elements.

8 - SYSTEM MANAGEMENT

PLANS, MAPS, AND REPORTS

DS-001-PORION OF FERGUSON

The water system does not have an Emergency Response Plan that contains all required elements.

Remarks: An Emergency Response Plan has been started by the water system using the DEP template, however it requires additional information.

8 - SYSTEM MANAGEMENT

PLANS, MAPS, AND REPORTS

DS-001-PORION OF FERGUSON

The water system does not review the system map annually and update it as necessary.

Remarks: The water system does not have an up to date map of the system. Roy has some system maps, but they are out of date.

General Comments

A routine full inspection was conducted at Rock Springs Water Company on 11/06/2023. Roy Campbell and Mark Accettulla were present for the full inspection.

Rock Springs' water system consists of a groundwater well, a treatment plant with sodium hypochlorite, two service pumps and a storage tank.

Source

Well #1 is the source for Rock Springs' water system. Construction data shows that the well is 322 feet in depth, 8 inches in diameter and cased to 60ft. The well currently has a sanitary seal well cap. It is located in a pit, though the well head extends above the pit itself. The permitted pumping capacity is 230 GPM and a butterfly valve is present to control flow. This well has the potential to undergo artesian overflow and has a blow off pipe installed into the well casing.

During the inspection the well casing appeared to be in good condition. The sanitary seal well cap was secured, however the gasket appeared to be degraded. The permitted pumping capacity of the well was being met during the inspection according to calculations ran using the run time of the pumps and the flow totals on the PLC system. The calculated flow rate during the day of the inspection was 225 GPM.

The artesian overflow pipe discharged close to ground level and was not screened. Due to the increased contamination potential a C4A violation was cited. It was also noted that the pit that contained the well had standing water, which makes there a potential for surface water influence if the water travels down the well casing. This was noted as a C1A violation.

Treatment

Sodium hypochlorite is currently being injected through the overflow of the underground tank located before the service pumps by a Pulsatron diaphragm pump. This is not the permitted injection point and a C3b violation was cited for failing to get a permit prior to moving the injection point. It was noted that the movement of the injection point did not affect permitted contact time and was not an imminent health threat, however, it does require a minor modification. This issue was also noted in a previous full inspection conducted by Valerie Eisasser in 2015.

From the underground tank water is pumped out by two service pumps through a plant effluent meter and then through 900 ft of 12 inch detention piping and into the distribution system. A frost free hydrant is present for entry point chlorine sampling. A free chlorine sample was taken at the entry point by the Sanitarian and the sample result was 172 mg/L. With this sample and the calculated flow rate, it appears that 4 log requirements were being met during the time of inspection.

Pump Stations

Rock Springs has two service pumps located in the treatment building. They are Goulds CR 60-60U vertical centrifugal pumps with 30 HP motors. They operate in an alternating run strategy and run based off of tank level.

The pumps appeared to be operating well during the full inspection and they were maintaining service in the water system. Pump hours and flow data is maintained in the PLC system.

Distribution

The distribution system contains mostly AC and PVC mains. Pressures range from 90-100 psi.

Rock Springs is currently under an Administrative Order to reduce unaccounted for water loss. The most recent quarterly report shows that unaccounted for water is approximately 66% based off of the last 4 quarters. Rock Springs has not maintained a professional leak detection service over the last year as required by their corrective action plan submitted by Nittany Engineering on 03/28/2019. The corrective action plan also specified that a line replacement project would be completed if unaccounted for water loss is greater than 30%. A project was started, but it is unlikely that it will be completed by the end of the year as stated in the corrective action plan.

Storage

The Rock Springs Water System has a 212,000 gallon bolted steel storage tank. It was last rehabilitated in 2009. The tank floats off of the distribution system. Roy visits the tank monthly and operating levels of the tank consist of starting when the tank level drops 2 ft from full and then running the water plant until the tank is full.

The exterior coating appeared to be in good condition and the overflow line was screened. A leak was noted between the caulking in the plates approximately 7 feet up from the bottom of the tank. This issue was cited as a C4A violation. The tank has not been inspected within the last 5 years per AWWA M42. It was recommended that the leak be repaired and the water system contract with an appropriately certified individual to inspect the tank for further defects. The leak was repaired shortly after the inspection and confirmation was made during the inspection follow up day. The Department would still recommend performing a tank inspection in accordance with AWWA M42 to ensure there are no further defects.

Monitoring and Reporting

Rock Springs is currently completing all monitoring as required for compliance monitoring and special monitoring required in response to a home heating oil spill in January 2023. Please continue monitoring for VOC contaminants that were specified in the special monitoring request sent on 01/19/2023. The Department will send a letter when monitoring in accordance with the special monitoring request is to cease.

Rock Springs has no outstanding monitoring violations. Potential violation 24521 for failure to monitor entry point chlorine in June 2021 was invalidated due to all samples being in the sample file. It is believed that there may have been a correction request while Brittney Dent was the Sanitarian for Centre County.

Roy has an Analyst IDC and the Hach DR300 being used by the water system has an Initial Calibration Verification for Handheld Instruments. A quarterly calibration verification was done for the present quarter on the DR300, but no other calibration verifications were done for the 2023 year. Elizabeth helps with sampling as needed. If Elizabeth is ever to take chlorine samples for compliance, an Analyst IDC will be required for Elizabeth.

Operator Certification

This facility requires an operator that is Class C, E certified with Subclass 12. Roy Campbell is the operator for the water system and has a Class B, E license with Subclasses 11, 12, 13 and 14. Roy is appropriately certified to work in the water system.

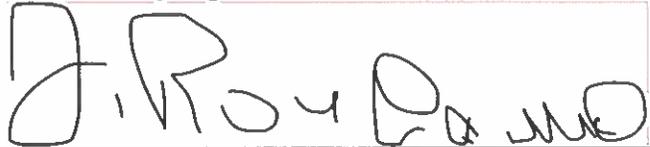
Violations Cited by Previous Sanitarian

It was noted that the C1A violation cited by Sondra Hollister for having a raw tap under water was corrected as the water no longer reached the level of the raw tap. The violation is considered to be addressed. The C1A violation cited by Sondra Hollister for the well discharging into the pit and creating a cross connection has also been closed out as the pipe now discharges above grade. The D3, B8A and B3A violations have been closed out. All monitoring violations associated with these violations have been closed out. The B6A violation related to back-siphonage of the well has been closed.

Field Samples

Subfacility: WTP-301-CHLORINATION #1	
Location Description Tap after Ross Valve	
Sample Number 1	Parameter Result Chlorine, Free (mg/l): 1.69
Date Time 11/06/2023 11:18:00 AM	SAC#/Suite/Description
Subfacility: EP-101-SHALLS TREATMNT BLDG	
Location Description EP 101	
Sample Number 2	Parameter Result Chlorine, Free (mg/l): 1.72
Date Time 11/06/2023 11:18:00 AM	SAC#/Suite/Description

Signatures

Received by(Print Name): Roy Campbell	Received by Signature: 
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 3



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Nov 17, 2023

NOTICE OF VIOLATION

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

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

Dear Water Supplier:

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

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

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

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

Citation: 25 PA Code, §109.602

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

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

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

Citation: 25 PA Code, §109.602

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

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

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

Citation: 25 PA Code, §109.606

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

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

Citation: 25 PA Code, §109.504(c)

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

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

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

Citation: 25 PA Code, §109.4

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

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

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

Citation: 25 PA Code, §109.4

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

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

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

Citation: 25 PA Code, §109.4

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

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

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

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

If you have any questions concerning this matter, please contact me at nathwhite@pa.gov or 570-327-3490.

Sincerely,

NATHAN WHITE

DEP EXHIBIT 4



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-04-18
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Roy Campbell	Title: Operator
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eFACTS info

Inspection ID: 3747205	Inspection Type RTPT
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Violations

B6A - 25 PA Code, §109.4

DS:001 - PORTION OF FERGUSON

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

The following violations remain outstanding:

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

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

Outstanding Violations

B4 - Section 13(a) of the PA SDWA (35 P.S. Section 721.13(a)) and 25 PA Code, Chapter 109.4(4)

Remarks: Late quarterly report for 8/27/18 AO (due Feb 2024, not yet recd)

B4 - Section 13(a) of the PA SDWA (35 P.S. Section 721.13(a)) and 25 PA Code, Chapter 109.4(4)

Remarks: Late and incomplete quarterly report for 8/27/18 AO (due Nov 2023, not recd until Jan 2024; various required parameters not calculated correctly)

C1A - 25 PA Code, §109.602

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

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

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

C3B - 25 PA Code, §109.504(c)

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

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

C4A - 25 PA Code, §109.4

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

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

There is evidence of a structure leak in the storage tank.

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

Outstanding Violations Returned to Compliance

C1D - 25 PA Code, §109.606

Corrected/Abated

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

To comply with 109.606, it is recommended that Rock Springs Water Company acquire NSF 60 sodium hypochlorite for drinking water treatment use.
The system does not have documentation showing that the chemicals being used are ANSI/NSF Standard 60 or equivalent certified.

C4A - 25 PA Code, §109.4

Corrected/Abated

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

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

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

C4A - 25 PA Code, §109.4

Corrected/Abated

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

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

C1A - 25 PA Code, §109.602

Corrected/Abated

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

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

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

General Comments

Partial inspection conducted at Rock Springs Water Company on April 12th 2024 to determine progress of addressing minor violations cited during the 2023 full inspection. Roy Campbell and Sasha Minium were present for the inspection.

Rock Springs Water Company was given seven minor violations during the full inspection that was completed on November 17th 2023. Per the Notice of Violation (NOV) sent with the full inspection, the water system was to consult with the Department regarding the appropriate corrective action by January 5th 2024 and provide a written response by January 20th 2024.

The water system consulted with the Department regarding the appropriate corrective actions during the inspection follow up day on November 17th 2023. No written response was given to the Department by January 20th 2024. The Sanitarian reached out to Rock Springs via email on February 12th 2024 requesting an update on the status of the outstanding minor violations. No response was received from Rock Springs Water Company. The Sanitarian emailed the water system again on March 22nd 2024 stating the need for an inspection to verify progress in addressing minor violations. An inspection was eventually scheduled for April 12th 2024.

Upon on site inspection, it was verified that the following violations were addressed:

1. C1A- Secondary containment not present

The chemical solution tank now has secondary containment provided in the form of a black plastic tub. This secondary containment appears to meet current design standards.

2. C1D- Sodium hypochlorite used for drinking water treatment is not NSF/ANSI 60 certified

Rock Springs Water Company provided photo evidence that Surchlor sodium hypochlorite manufactured by the Surpass Chemical Company is being used for drinking water treatment. It appears that this chemical is UL certified to NSF/ANSI 60 standards.

3. C4A- Artesian blowoff not screened to prevent contamination

The artesian blowoff is now screened to prevent contamination from vermin.

4. C4A- The water system does not follow the loss of positive pressure policy.

Rock Springs has stated that they will contact DEP and issue a boil water advisory as necessary during losses of positive pressure. The previous incident when a BWA was not issued has since passed.

The following violations were confirmed to be outstanding during the partial inspection:

1. C4A- Rock Springs has not inspected their storage tank as recommended in the NOV

Following the discovery of a leak at the finished water storage tank during the last full inspection, Rock Springs contracted Mid Atlantic Storage Systems and repaired the leak. It was further recommended by the Department that an inspection be performed in accordance with the AWWA M42 manual to ensure that are no further defects were in the storage tank. Roy stated that an inspection in accordance with AWWA M42 did not take place. Brief observations were noted by the repair crew from Mid Atlantic and indicated the need for a storage tank rehabilitation project.

2. C3b- Rock Springs is currently injecting chemical at an un-permitted location

Rock Springs was to inject chlorine in the line before the buried raw water tank according to Permit No. 1493504 and associated documentation. Chemical injection is currently being done in the overflow of the buried raw water tank. No permit amendment was received prior to relocating the chemical injection point. This issue was previously noted in a past full inspection conducted in 2015 by Valerie Elsasser.

3. The well pit is susceptible to flooding

It was observed that Rock Spring's well pit was completely flooded at the time of inspection. Previously 2-3 inches of water were noted in the pit. With recent rains there was 2-3 ft of water in the pit. Piping and valves were completely submerged. During the inspection the well pit was pumped out with a gasoline powered mobile pump.

Though no direct cross connection between potable and non potable water was noted, the well pit being flooded increases the risk of surface water influence on the well. Roy had a sump pump on site and is planning to install it in the future.

These three violations together meet the definition of a significant deficiency under §109.4. Please see the NOV for more details.

An NOV for failing to comply with an Order was hand delivered during the inspection. Please refer to that NOV for more details.

For any questions please contact Nathan White at nathwhite@pa.gov or 570-220-9217.

Field Samples

Subfacility: EP-102-WELL TREATMENT BLDG.	
Location Description EP 102 frost free hydrant	
Sample Number 1	Parameter Result Chlorine, Free (mg/l): 0.83
Date Time 04/12/2024 02:27:00 PM	SAC#/Suite/Description

Signatures

Received by(Print Name): Roy Campbell	Unable To Receive Signature: Report completed off site
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 5



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Apr 18, 2024

NOTICE OF VIOLATION

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

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

Dear Water Supplier:

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

1. Description: OTHER VIOLATIONS DEEMED TO BE SIGNIFICANT DEFICIENCIES

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

The following violations remain outstanding:

1. The water system is currently injecting sodium hypochlorite chemical at a location that is not permitted.
 2. The water system has not had its storage tank inspected in accordance with the AWWA M42 Manual as recommended in the NOV.
 3. The pit that contains the well remains susceptible to flooding
- The combination of these three violations constitute a significant deficiency under §109.4.

Citation: 25 PA Code, §109.4

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

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

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

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

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

If you have any questions concerning this matter, please contact me at nathwhite@pa.gov or 570-327-3490.

Sincerely,

NATHAN WHITE

DEP EXHIBIT 6



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-06-07
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Roy Campbell	Title: Operator
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eFACTS info

Inspection ID: 3774931	Inspection Type: COMPL
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Violations

<p>B6A - 25 PA Code, §109.4</p> <p>DS:001 - PORTION OF FERGUSON</p> <p>Remarks: The water system has an ongoing leak on Beaver Branch Road that was identified 6 months ago. No progress has been made on repairing this leak and it continues to contribute to unaccounted for water loss for the water system. Two positive total coliform samples taken from a nearby residence indicate that there is evidence of contamination to the distribution system on Beaver Branch Road.</p> <p>Given the evidence of contamination and the failure of the water system to address the leak in a timely manner the water system is in violation of §109.4(3) and §109.4 (4). This issue constitutes the definition of a significant deficiency as defined in §109.1.</p>

Outstanding Violations**B6A - 25 PA Code, §109.4**

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

The following violations remain outstanding:

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

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

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

General Comments

A inspection was conducted at Beaver Branch Road on 05/29/2024 in response to an anonymous complaint filed to the Northcentral Regional Office. Roy Campbell and Nicholas Barndt were present for the issuance of the Field Order.

The complainant stated that there was a leak on Beaver Branch Road that was flagged for repair in December, but had not been repaired.

Upon investigation entering Beaver Branch Road and driving though the development, a pool of water was found on the right side of the road towards the end of the street. Flags present indicated that a PA One Call had been previously filed. It was noted that water was actively running from underneath the road.

To confirm that the water pooled on the side of the road was from a leak, a vial of the water was collected and a total chlorine DPD reagent packet was added. The color of the water in the vial changed to pink, indicating that chlorine was present in the water and that the water seeping underneath the road was from a public supply. Two total coliform samples were taken at a nearby residence with the permission of the homeowner. Both samples were taken from the same sample tap. The tap did not contain a mixing valve, the aerator was removed, and the sample tap was appropriately sanitized before samples were collected. These samples were analyzed for a bacteriological count by DEP Buerau of Labs. Both samples were analyzed on 05/30/2024 and came back positive for total coliform, indicating that there is a possible contamination risk from the leak.

Given the outstanding enforcement action with the Department to reduce unaccounted for water loss, the failure to repair this leak for nearly 6 months and the possible contamination risk th...

General Comments Cont.

The Department determined that this issue meets the definition of a significant deficiency. Field Order 24-40-1189-003 was issued on 06/07/2024 in response to this issue. Please see Field Order 24-40-1189-003 for more details on corrective actions.

Due to the evidence of contamination, the Department has elected to shorten the timeframe of addressing the significant deficiency to 7 days of the receipt of the Field Order. The 30, 45 and 120 day deadlines specified in the NOV do not apply.

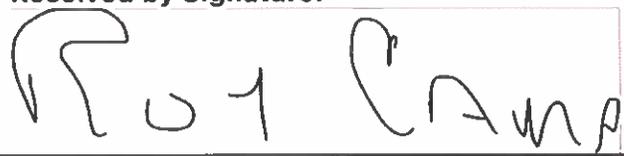
Please contact Nathan White at nathwhite@pa.gov or 570-220-9217 for any questions.

Field Samples

Subfacility: DS-001-PORION OF FERGUSON	
Location Description Residence 1 Bathroom Tap	
Sample Number 3	Parameter Result Chlorine, Free (mg/l): 0.69
Date Time 05/29/2024 09:19:00 AM	SAC#/Suite/Description
Subfacility: DS-001-PORION OF FERGUSON	
Location Description Residence 2 bathroom tap	
Sample Number 4	Parameter Result Chlorine, Free (mg/l): 0.72
Date Time 05/29/2024 09:37:00 AM	SAC#/Suite/Description
Subfacility: DS-001-PORION OF FERGUSON	
Location Description Residence 1 Bathroom Tap	
Sample Number 1	Parameter Result Other: 3.1
Date Time 05/29/2024 09:13:00 AM	SAC#/Suite/Description BO17

Subfacility: DS-001-PORION OF FERGUSON	
Location Description Residence 1 Bathroom Tap	
Sample Number 2	Parameter Result Other: 9.9
Date Time 05/29/2024 09:14:00 PM	SAC#/Suite/Description BO17

Signatures

Received by(Print Name): Roy Campbell	Received by Signature: 
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 7

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

FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME Rock Spring Water Company	PWS ID No. 4140085	CASE NUMBER 24-40-1189-003
LOCATION 1750 Tadpole Road Pennsylvania Furnace PA 16865	MUNICIPALITY Ferguson Township	COUNTY Centre
PERSON TO WHOM ORDER IS DIRECTED Roy Campbell		TELEPHONE NUMBER (814) 251-5599
MAILING ADDRESS 1750 Tadpole Road Pennsylvania Furnace PA 16865		
NAME AND TITLE OF PERSON SERVED Roy Campbell		DATE ORDER SERVED 06/07/2024

The Commonwealth of Pennsylvania, the Department of Environmental Protection ("Department"), has made the following Findings of Fact:

1. The Department is the agency with authority to administer and enforce the Pennsylvania Safe Drinking Water Act, the Act of May 1, 1984, P.L. 206, No. 43, 35 P.S. §§721.1-721.19 ("SDWA"), and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17, and the regulations of the Environmental Quality Board adopted pursuant thereto.
2. The person named above to whom this order is directed ("Recipient") owns and/or operates a public water system at the location identified above.
3. The undersigned authorized representative of the Department conducted an inspection of the public water system identified above on 05/29/2024.
4. The operation of this water system with the violation(s) identified in this Order is a violation of the Sections of the Department's regulations cited herein and the SWDA and constitutes a public nuisance under Section 12 of the SDWA, 35 P.S. §721.12.
5. Section 13 of the SDWA, 35 P.S. §721.13, provides that the Department may assess a civil penalty of up to Five Thousand Dollars (\$5,000.00) per day for each violation of the SDWA.

Description of Violation:

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

Given the evidence of contamination and the failure of a water system to address the leak in a timely manner, the water system is in violation of 25 Pa. Code Chapter 109.4(3) and 109.4(4). These violations meet the definition of a significant deficiency as defined in 25 Pa. Code Chapter 109.1.

Location of Violation:

Beaver Branch Road, Pennsylvania Furnace PA 16865

Provisions of Regulation, Statute or Permit Violated:

25 Pa. Code Chapter 109.4(3) and 109.4(4)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

FIELD ORDER (continuation)

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME Rock Spring Water Company	PWS ID No. 4140085	CASE NUMBER 24-40-1189-003
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Pursuant to Sections 5, 10 and 12 of the SDWA, 35 P.S. §§721.5, 721.10 and 721.12, and Section 1917-A of the Administrative Code of 1929, 71 P.S. §510-17, it is hereby ordered that the owner shall perform the corrective actions listed below within the designated time.

Corrective Action/Abatement Schedule Required:

In order to return to compliance, the following actions shall be taken:

1. Repair the leak on Beaver Branch Road within 7 days of the issuance of this Field Order using proper disinfection methods specified in AWWA C-651. The water system is to follow the Loss of Positive Pressure Policy when making the repair.

If positive pressure cannot be maintained during the repair, the following actions shall be taken :

1. If positive pressure cannot be maintained when repairing the leak, a Tier 1 Boil Water Advisory for Loss of Positive Pressure is to be distributed to all affected customers within 24 hours of losing positive pressure.
2. If a Boil Water Advisory is issued, total coliform samples shall be collected on two consecutive days at least 12 hours apart within the affected distribution area to be analyzed by a PA-accredited lab. Both days of samples are to be total coliform-free to lift the boil water advisory. Department approval is to be received before lifting the boil water advisory.
3. Once Department approval is received to lift the boil water advisory, the system is to distribute a Tier 1 Problem Corrected Notice to all customers previously placed on the boil water advisory.
4. A PN Certification form is to be submitted to the Department along with copies of the PN within 10 days of the issuance of each notice.

NOTICE OF APPEAL RIGHTS

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-854-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO 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.

The undersigned person hereby acknowledges receipt of this order and any attachment(s) hereto. This signature does not constitute an acknowledgment that any or all of the violations listed above have occurred or continue to occur.

Received by:

J. Roy Campbell

Department Representative (Name & Title - Please Print)

Nathan White, Sanitarian

Telephone Number: (570) 220-9217

Department Representative's Signature:

Nathan White

Page 2 of 2 Pages

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

DEP EXHIBIT 8



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Jun 7, 2024

NOTICE OF VIOLATION

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

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

Dear Water Supplier:

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

1. Description: OTHER VIOLATIONS DEEMED TO BE SIGNIFICANT DEFICIENCIES

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

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

Citation: 25 PA Code, §109.4

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

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

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

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

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

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

If you have any questions concerning this matter, please contact me at nathwhite@pa.gov or 570-327-3490.

Sincerely,

NATHAN WHITE

DEP EXHIBIT 9



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-09-13
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Elizabeth Campbell	Title: Secretary
Name: Roy Campbell	Title: Responsible Official

eFACTS info

Inspection ID: 3830375	Inspection Type: COMPL
-------------------------------	-------------------------------

Violations

C4A - 25 PA Code, §109.4

DS:001 - PORTION OF FERGUSON

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

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

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

Outstanding Violations**B6A - 25 PA Code, §109.4**

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

The following violations remain outstanding:

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

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

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

General Comments

Complaint inspection to document service line leak. Sasha Minium, Marley Parish and an anonymous resident of Beaver Branch Road were present for the on site investigation that took place on 08/22/2024.

A complainant stated that leak detection had occurred on Beaver Branch Road and a leak had been flagged for repair, but no measures had been made to repair the leak. Beaver Branch Road is served by the Rock Spring Water Company.

Pennsylvania Rural Water Association (PRWA) was contacted to confirm leak detection activity had occurred in that area, and it was stated that a service line leak on the water system side of the service line was found on Beaver Branch Road in the area referenced by the complainant. This leak was confirmed to be on the water system side of the service line on 08/02/2024. An on site inspection conducted by the Department on 08/22/2024 confirmed that a leak had been flagged and a PA One Call had been performed. Total coliform samples, chlorine samples, primary inorganic contaminants (IOCs) and secondary IOCs were taken from the affected home. Total coliform samples taken showed no evidence of contamination. Chlorine sample results showed the water system was meeting the Disinfection Requirements Rule (DRR) minimum of 0.2 mg/L at the time of inspection. Neither IOC set showed contaminants in excess of the MCL. Sample results for total coliform were received on 08/27/2024 and the sample results from the IOC sets were received on 09/11/2024.

The service line leak remains unaddressed as of the submittal of this inspection and the leak continues to contribute to unaccounted for water loss that the water system is in escalated enforcement to address. Failing to repair this leak in a timely manner is a violation of §109.4(3) and a C4A violation has been cited against the water system. Please refer to the attached N...

General Comments Cont.

OV for more details.

Signatures

Received by(Print Name):

Roy Campbell

Unable To Receive Signature:

Inspection completed at office

Investigator (Print Name):

NATHAN WHITE

DEP EXHIBIT 10



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Sep 13, 2024

NOTICE OF VIOLATION

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

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

Dear Water Supplier:

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

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

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

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

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

Citation: 25 PA Code, §109.4

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

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

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

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

If you have any questions concerning this matter, please contact me at nathwhite@pa.gov or 570-327-3490.

Sincerely,

NATHAN WHITE

DEP EXHIBIT 11



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-09-12
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Elizabeth Campbell	Title: Secretary
Name: Roy Campbell	Title: Operator

eFACTS info

Inspection ID: 3830369	Inspection Type RTPT
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Outstanding Violations

B6A - 25 PA Code, §109.4

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

The following violations remain outstanding:

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

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

C4A - 25 PA Code, §109.4

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

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

There is evidence of a structure leak in the storage tank.

C1A - 25 PA Code, §109.602

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

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

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

C3B - 25 PA Code, §109.504(c)

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

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

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

General Comments

Partial inspection to document violations cited against the Operator and ongoing issues at Rock Spring Water Company. Elizabeth Campbell was contacted during the investigations and Sasha Minium assisted with the investigations.

Loss of Positive Pressure (LOPP) Investigation

The Department received documentation that Rock Spring Water Company experienced LOPP situations where its certified operator, Roy Campbell, did not issue or direct Rock Spring Water company to issue a Boil Water Advisory (BWA). There have been multiple documented instan...

General Comments Cont.

ces of LOPP situations without a BWA dating back to 2018.

Rock Spring Water Company was cited a C4A violation for failing to issue a Boil Water Advisory in a LOPP situation during the 2023 full inspection as documented in Inspection Report 3654958. Further investigation shows that following this violation being cited, the water system had two documented LOPP situations without a Boil Water Advisory being issued per the Department's Loss of Positive Pressure Policy Guidance. The Loss of Positive Pressure Policy states that all distribution repairs on main lines with a loss of positive pressure is considered to be high risk if unaccounted for water loss is greater than 20%. As of the most recent quarterly report, unaccounted for water loss for the water system is 72.36% for the year as a running annual average. High risk situations in distribution repair require a boil water advisory per the Department's policy.

Rock Spring Water Company has been previously provided the Department's LOPP Policy Guidance, document number 393-2129-003, on 11/30/2015 and 11/17/2023.

Well Pit Flooding Investigation

It was documented in Inspection 3654958 that Rock Spring Water Company had a well pit that was susceptible to flooding and a C1A violation was cited for failing to meet design standards. After no appropriate written response from Rock Spring Water Company was received on how they would address this issue an inspection was conducted on 04/12/2024 to confirm if multiple violations, including the C1A violation for well pit flooding, were addressed. During the inspection conducted by the Sanitarian and Sasha Minium, it was found that the well pit flooding was not addressed and had actually gotten worse due to the increased precipitation during that time of year. A B6A violation was cited related to the well pit flooding.

Elizabeth Campbell stated in an email on 06/30/2024 to the Sanitarian that a "sump pump was installed in the pit". In a site visit conducted on 08/22/2024 it was found that a sump pump was not installed in the pit and 2-3 inches of standing water was in the well pit. Photo documentation was taken during the site visit supporting these findings. Rock Spring further claimed that a sump pump was installed in a quarterly report submitted on 08/31/2024. A site visit was made on 09/03/2024 to confirm this statement. No sump pump was present in the well pit. It was noted that there was no standing water and only ponding around the well casing was noted, but the potential for well pit flooding remains. Photo documentation was taken supporting these findings.

At this time the issue of well pit flooding remains unaddressed and the B6A violation remains...

General Comments Cont.

outstanding. Roy Campbell has failed to provide for proper source water protection of Rock Spring Water Company's only source.

Further Compliance Issues

In addition to the two investigations above, the water system and Roy Campbell as a certified operator has failed to provide documentation requested by the Department. Documentation requested and not received includes written responses to violations cited by the Department and responses to Court Orders from Commonwealth Court.

Roy Campbell has moved the injection point for sodium hypochlorite in the water treatment plant as documented in Inspection Report 3654958. This action was taken despite being previously informed in a full inspection conducted on 11/23/2015 that moving a chemical injection point required a permit. Guidance for applying for the permit was provided on 07/16/2024. No permit application has been received by the Department as of 09/13/2024.

Roy Campbell and Rock Spring Water Company failed to respond to a main leak for approximately 6 months up until the Department issued a Field Order to repair the leak after an evidence of contamination was found. Inspection Report 3774931 details the main leak that occurred and the subsequent actions taken by the Department to ensure the leak was fixed.

The Department has determined that the actions/inactions taken by Roy Campbell violated multiple regulations specified in Chapter 302.1201 of the Water and Wastewater Operators' Certification Act.

Therefore the Department has cited Roy Campbell as the certified operator. The Notice of Violation has been sent via certified mail on 09/13/2024.

The regulations of Chapter 302 violated by Roy Campbell are as follows:

§302.1201 (b)(5) Failure to prepare or control chemical addition for water treatment

§302.1201 (b)(6) Failure to observe and take the necessary actions in response to to variations in operating conditions

§301.1201 (b)(11) Failure to provide for proper source water protection

§302.1201 (b)(15) Failure to prepare, review, and submit applicable notices and reports to th...

General Comments Cont.

e appropriate persons or agencies

Fire Flow Investigation

Based on documentation provided in engineers reports related to Rock Springs Water Company and interviews conducted with staff of the Alpha Fire Company, it is suspected the Rock Springs is not providing fire protection that meets the requirements specified in Part II of the Public Water Supply Manual. It is further suspected that many of these hydrants may be inoperable or not maintained.

It was requested on 09/13/2024 that Rock Spring operate these hydrants in the presence of the Department and provide data showing that these hydrants meet design standards specified in Part II of the Public Water Supply Manual.

Please contact Nathan White at nathwhite@pa.gov or 570-220-9217 for any questions.

Signatures

Received by(Print Name): Roy Campbell	Unable To Receive Signature: Inspection Report finalized
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 12



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.

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,



Nathan White
Sanitarian
Safe Drinking Water Program

cc: File

DEP EXHIBIT 13

WATER SUPPLY INSPECTION REPORT

FACILITY NAME <i>Rock Springs Water Co.</i>	PWS ID NO. <i>4140085</i>	INSPECTION DATE <i>11/30/2015</i>
FACILITY LOCATION/ADDRESS <i>1750 Tadpole Road, PA Furnace</i>	COUNTY <i>Centre</i>	MUNICIPALITY <i>Ferguson Twp.</i>
RESPONSIBLE OFFICIAL'S NAME <i>Bonnie Jacobs</i>	TELEPHONE NO. <i>(814) 231-2911</i>	SYSTEM TYPE <i>CWS</i>
CERTIFIED OPERATOR'S NAME <i>J. Roy Campbell</i>	FIELD ORDER NO.	POPULATION <i>1000</i>
	ISSUE DATE (MM/DD/YY)	

V I O L A T I O N S	A1. Failure to respond to an emergency		C1. Failure to meet design/construction stds.		eFACTS INFO	
	A2. Failure of key treatment processes		C2. Failure to conduct performance monitoring		Insp. ID#: <i>2433124</i>	
	A3. Failure to respond to an acute violation		C3. Failure to treat as permitted		Vid. ID#: <i>—</i>	
	B1. Failure to provide an adequate supply		C4. Failure to operate and maintain PWS		INSPECTION TYPE	
	B2. Failure to provide min. disinfectant residual		C5. Failure to obtain certified operator		FULL	X
	B3. Failure to respond to PMCL/TT violation		C6. Improper interruption/repair		PARTIAL	
	B4. Failure to comply with an Order		C7. Failure to comply with permit condition		COMPLAINT	
	B5. Failure to obtain a permit		D1. Reports/Records/Maps		FOLLOWUP	
	B6. Other significant deficiencies		E1. Other			

NARRATIVE: *Attendees: J. Roy Campbell, Bonnie Jacobs, Rock Spring Water Co.; Valerie Elsasser, DEP.*

Full inspection day #4. Modules 3 & 4 completed.

- Deficiencies:**
- no valve inspection/exercise program, no written procedures for isolating mains & repairing.
 - AWWA Standard C-1051 ~~is~~ - not followed when putting new pipe online.
 - Policy for determining loss of positive pressure not followed - copy provided today.
 - Unaccounted-for water loss 59% as of last quarterly report.
 - No plans to loop dead ends. No water quality monitoring at dead ends.
 - Tank not inspected daily. Scott Deno goes up monthly. Roy goes up quarterly.
 - Overflow pipe in tank goes into ground, then daylight. No screen.
 - Freezing has occurred in tank.
 - Tank can't be isolated without a loss of positive pressure - Beaver Branch customers.
- RTCR paperwork discussed - due to me before 01/01/2016.*

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				

<i>J. Roy Campbell</i> RECEIVED BY (PRINT NAME)	<i>Valerie Elsasser</i> INVESTIGATOR (PRINT NAME)	
<i>J. Roy Campbell</i> RECEIVED BY (SIGNATURE AND DATE)	<i>Valerie Elsasser</i> INVESTIGATOR (SIGNATURE AND DATE)	SUPV INITIALS <i>12/16/2015</i> PADWIS UPDATED

White - District Office Yellow - Regional Office Pink - Public Water Supplier

A copy of the checklist will be provided.
 Note: See related partial inspections 2433126, 2433130, and 2422133 for violation (4) details

WATER SUPPLY INSPECTION REPORT

FACILITY NAME <i>Rock Spring Water Co.</i>		PWS ID NO. <i>4140085</i>	INSPECTION DATE <i>11/23/2015</i>
FACILITY LOCATION/ADDRESS <i>1750 Tadpole Rd, PA Furnace</i>		COUNTY <i>Centre</i>	MUNICIPALITY <i>Ferguson Twp.</i>
RESPONSIBLE OFFICIAL'S NAME <i>Bonnie Jacobs</i>		TELEPHONE NO. <i>(814) 231-2919</i>	POPULATION <i>1000</i>
CERTIFIED OPERATOR'S NAME <i>J. Roy Campbell</i>		SYSTEM TYPE <i>CWS</i>	FIELD ORDER NO.
		ISSUE DATE (MM/DD/YY)	

VIOLATIONS	A1. Failure to respond to an emergency		C1. Failure to meet design/construction stds.		FACTS INFO	
	A2. Failure of key treatment processes		C2. Failure to conduct performance monitoring		Insp. ID#:	<i>2433126</i>
	A3. Failure to respond to an acute violation		C3. Failure to treat as permitted			<i>741354</i>
	B1. Failure to provide an adequate supply		C4. Failure to operate and maintain PWS		Vid. ID#:	<i>7413166</i>
	B2. Failure to provide min. disinfectant residual		C5. Failure to obtain certified operator		INSPECTION TYPE	
	B3. Failure to respond to PMCL/TT violation		C6. Improper interruption/repair		FULL	
	B4. Failure to comply with an Order		C7. Failure to comply with permit condition	<input checked="" type="checkbox"/>	PARTIAL	<input checked="" type="checkbox"/>
	B5. Failure to obtain a permit		D1. Reports/Records/Maps		COMPLAINT	
	B6. Other significant deficiencies	<input checked="" type="checkbox"/>	E1. Other		FOLLOWUP	

NARRATIVE *Attendees: J. Roy Campbell, RSW; Mark Accethulla, Valerie Elsasser, Full inspection day #3. Modules 2A, 2) and 5 were completed today. DEP. Deficiencies were noted:*

- no 2^o secondary containment for chlorine.*
- standing water from leaking booster pumps in WTP.*
- no generator, no chlorine MSDS, no maintenance performed on chlorine pump.*
- NSF certification unknown for 12.5% hypochlorite, purchased from Ag Services in Belleville. (Hagerstown, MD) Belleville # 717-935-2800. Agri- LLC*
- chlorine ~~at~~ colorimeter not calibrated per EPA method 8000.0.*

Violation B6 issued for moving chlorine injection to the tank overflow pipe without a permit. Violation C7 issued for not meeting GWR permit conditions: Samples not collected at first free EP tap. Staff indicated they are collected at Bonnie's house daily. Well pump rate exceeds permit.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				
<i>office - near beginning of</i>	<i>1146</i>	<i>2.13</i>						

J. Roy Campbell
 RECEIVED BY (PRINT NAME)
J. Roy Campbell
 RECEIVED BY (SIGNATURE AND DATE)

Valerie Elsasser
 INVESTIGATOR (PRINT NAME)
Valerie Elsasser
 INVESTIGATOR (SIGNATURE AND DATE)

SUPV INITIALS
11/23/2015
 PADWIS UPDATED

White - District Office Yellow - Regional Office *11/23/2015* Pink - Public Water Supplier



Narrative Description Form for Water Supply Systems
(Consultation, etc.)

Facility Name: <u>Rock Spring Water Co.</u>	Date: <u>11/23/2015</u>	PWS No.: <u>4140085</u>
Address: <u>1750 Tadpole Rd PA Furnace</u>	City, Boro, Twp.: <u>Ferguson</u>	County: <u>Centre</u>

Item No.

continued from page 1 -
 Roy said he tried to throttle back the gate valve off the well, but was afraid he would break it due to rattling noise when valve was exercised. He plans to purchase a new gate valve. Well pump rate continues to be calculated - 260 gpm based on booster pump rate and booster run time / well pump run time.
 Total chlorine packets were in the treatment plant. No free chlorine packets were in the treatment plant. Staff indicated the total chlorine reagents were currently being used. Free chlorine reagents were found in office.
 Other deficiencies:
 - no fire extinguisher in WTP.
 - pumps (booster) leaking water - when running and when not running. Water standing.
 - no backflow or check valve between 5500 gal tank and booster pumps. Gate valves present.
 Inspection scheduled at 10AM 11/30/2015.

J. Roy Campbell
Received By (Signature and Date)

Valerie R. Elbert
Investigator (Signature and Date) 11/23/2015 Supervisor's Initials

- White - District Office
- Yellow - Regional Office
- Pink - Facility
- Goldenrod - Central Office

WATER SUPPLY INSPECTION REPORT

FACILITY NAME Rock Spring Water Co.	PWS ID NO. 4140085	INSPECTION DATE 11/16/2015
FACILITY LOCATION/ADDRESS 1750 Tadpole Rd, PA Furnace	COUNTY Centre	MUNICIPALITY Ferguson Twp
RESPONSIBLE OFFICIAL'S NAME Bonnie Jacobs	TELEPHONE NO. (814) 231-2911	SYSTEM TYPE CWS
	CERTIFIED OPERATOR'S NAME J. Roy Campbell	POPULATION 1000
	FIELD ORDER NO. insp ID 2433120	ISSUE DATE (MM/DD/YY) viol ID 741346

V I O L A T I O N S	A1. Failure to respond to an emergency	C1. Failure to meet design/construction stds.	FACTS INFO Insp. ID#: 2428352 VE eFACTS ISSUE Viol. ID#: 741170	
	A2. Failure of key treatment processes	C2. Failure to conduct performance monitoring		
	A3. Failure to respond to an acute violation	C3. Failure to treat as permitted		
	B1. Failure to provide an adequate supply	C4. Failure to operate and maintain PWS	INSPECTION TYPE	
	B2. Failure to provide min. disinfectant residual	C5. Failure to obtain certified operator	FULL	
	B3. Failure to respond to PMCL/TT violation	C6. Improper interruption/repair	PARTIAL	X
	B4. Failure to comply with an Order	C7. Failure to comply with permit condition	COMPLAINT	
	B5. Failure to obtain a permit	D1. Reports/Records/Maps	FOLLOWUP	
	B6. Other significant deficiencies	E1. Other		

NARRATIVE Attendees: J. Roy Campbell, Bonnie Jacobs, RSW; Full inspection day #2. Mark Stephens, Valerie Elsasser, DEP.

System schematic: Grundfos CR60 model B

5" well → 5500 gal tank in hill → into WTP* → booster → inline flow meter → tap → gate valve → 4" line continued to Tadpole Road

Valve in pit - wellhead extended > 18" above grade. Injection line above tank water line. 12" CT pipe 900' not sure if it is functional.

Module 1 completed today. Deficiencies include:

- no raw sample tap; raw water samples not taken. Raw tap in pit badly corroded.
- well may not be protected from flooding - overflow pipe outflow location unknown.
- no barriers around wellhead.
- pumping rate historically above permitted rate of 230 gpm, according to daily calculations reviewed during inspection. Violation C7 issued.
- no back-up power.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				
GWR EP first free tap			1.47				1257	

J. Roy Campbell
 RECEIVED BY (PRINT NAME)
J. Roy Campbell
 RECEIVED BY (SIGNATURE AND DATE)

Valerie Elsasser
 INVESTIGATOR (PRINT NAME)
Valerie Elsasser
 INVESTIGATOR (SIGNATURE AND DATE) 11/16/2015

SUPV. INITIALS
12/16/2015
 PADIWIS UPDATED

White - District Office Yellow - Regional Office Pink - Public Water Supplier

Inspection Scheduled to continue 11/23/2015 at 10 AM.

WATER SUPPLY INSPECTION REPORT

FACILITY NAME <i>Rock Spring Water Co.</i>		PWS ID NO. <i>4140085</i>	INSPECTION DATE <i>10/15/2015</i>
FACILITY LOCATION/ADDRESS <i>1760 Tadpole Road, PA Furnace</i>		COUNTY <i>Centre</i>	MUNICIPALITY <i>Ferguson Twp</i>
RESPONSIBLE OFFICIAL'S NAME <i>Bonnie Jacobs</i>		TELEPHONE NO. <i>(814) 231-2911</i>	
		SYSTEM TYPE <i>CWS</i>	POPULATION
CERTIFIED OPERATOR'S NAME <i>J. Roy Campbell</i>		FIELD ORDER NO.	
		ISSUE DATE (MM/DD/YY)	

VIOLATIONS	A1. Failure to respond to an emergency		C1. Failure to meet design/construction stds.		eFACTS INFO Insp. ID#: <i>2422133</i> Vid. ID#: <i>738460</i>
	A2. Failure of key treatment processes		C2. Failure to conduct performance monitoring		
	A3. Failure to respond to an acute violation		C3. Failure to treat as permitted		
	B1. Failure to provide an adequate supply		C4. Failure to operate and maintain PWS		INSPECTION TYPE
	B2. Failure to provide min. disinfectant residual		C5. Failure to obtain certified operator		FULL <i>✓</i>
	B3. Failure to respond to PMCL/TT violation		C6. Improper interruption/repair		PARTIAL <i>X</i>
	B4. Failure to comply with an Order		C7. Failure to comply with permit condition		COMPLAINT
	B5. Failure to obtain a permit		D1. Reports/Records/Maps		FOLLOWUP
	B6. Other significant deficiencies <input checked="" type="checkbox"/>		E1. Other		

NARRATIVE *Attendees: Bonnie Jacobs, RSW; Valerie Elsassser, DEP.*
Full inspection day #1. Modules 6-8 completed.
Noteworthy deficiencies include:

- no SOP for chlorine residual sampling/analysis.*
- EP samples not collected at entry point.*
- Monthly operating report does not include chlorine batch tank amounts used/added.*
- no SOPs.*
- tank only visited monthly, by computer technician.*
- tank/well pump alarms not tested.*

Violation - cross connection with a customer having a private well plumbed into residence that is tied into RSW distribution. Another customer where RSW indicates the meter has been removed, only on private well.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				
<i>RSW office</i>			<i>1.07</i>				<i>12:14</i>	

Bonnie L. Jacobs RECEIVED BY (PRINT NAME)
Bonnie L. Jacobs RECEIVED BY (SIGNATURE AND DATE) *10/15/15*

Valerie Elsassser INVESTIGATOR (PRINT NAME)
Valerie Elsassser INVESTIGATOR (SIGNATURE AND DATE) *10/15/2015*

SUPV. INITIALS
12/16/2015 PADWIS UPDATED

White - District Office Yellow - Regional Office Pink - Public Water Supplier

Inspection to continue 11/16/2015 at 10 AM. Also scheduled is 11/23/15 at 10 AM.

Module 5 deficiencies:

- area around pumps have standing water.
- no fire extinguisher.
- pumps leaking water excessively - when running and when pumps off.
- no generator
- pumps not maintained (leaking)
- no back-flow or check valve between 5500 gal tank and booster pumps.
Gate valves are present.



Sanitary Survey Checklist Module 1A
GROUNDWATER AND GUDI SOURCES

PWS NAME <i>Rock Spring Water Co.</i>	PWS ID # <i>4140085</i>	SURVEY DATE <i>11/16/2015</i>
SOURCE(S) ID # / NAME <i>002 - Well #1</i>		

WELLHEAD PROTECTION AREA INFORMATION

YES NO UNK N/A

- 1A-1. Is the source Zone I wellhead protection area (WHPA) owned by the water system or controlled by a long-term lease or deed restrictions? *RSW owns 5 acres*
- 1A-2. Use the table below to indicate the presence of any potential sources of contamination (PSOCs) present in the Zone I and Zone II wellhead protection areas and what risk reduction measures are being used. If no PSOCs are present for existing land uses, use the RRM line to describe the condition of the land use.

Zone I PSOCs	Zone II PSOCs	RRM	Existing Land Uses & Associated Risk Reduction Measures (RRM)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Agriculture describe RRM: <i>minimize manure application to stream (travels by well)</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Residential describe RRM: <i>farm land mowed, not sprayed, across road from well</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Industrial describe RRM: <i>(this farm has a private well)</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Forest describe RRM: <i>select timbering 4 years ago</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Waterways describe RRM: <i>minimize manure application to stream (travels by well)</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transportation describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage tanks describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Development describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Oil & gas facilities describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining describe RRM:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned Mine Drainage describe RRM:

1A-3. Has Zone II land use changed since the last waiver approval or Sanitary Survey?
If Yes, list how: _____

1A-4. Does the PWS interact with agencies and governmental bodies with jurisdiction or mutual interests within the watershed?
If Yes, list them: *DEP, Ferguson Twp*

SOURCE WATER QUALITY AND WELLHOUSE INFORMATION

- 1A-5. Is the source protected from flooding? *not sure where pit around well full of standing water; overflow pipe goes*
- 1A-6. Is a raw water sample tap available for routine monitoring? *tap that is in pit is badly corroded -*
- 1A-7. Are raw water quality measurements taken?
If yes, what is measured and how often? *Ray is not sure if it is functional.*

What treatments have been modified as a result of the measurements? _____

- 1A-8. Is the wellhouse protected from unauthorized personnel?
- 1A-9. Is the wellhouse clean, dry and in good repair?
- 1A-10. If the wellhouse has a blow-off pipe, is it screened to prevent vermin entrance and does it have an air gap?

Module 1A *Gpm from well is a calculated value*

artesian overflow piped to pit w/ standing water

Add pump 1 & pump 2 times = booster pump run time

$4.2 \times 6.8 = 11 \text{ hrs total} \pm 18.6 \text{ hrs well was running} = 1.279$

$1.279 \times 201.4 \text{ (gpm/min booster)} = 257.16 \text{ gpm/min on well.}$

1.47mg/L
1257

WELLHEAD INFORMATION

- | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--|
| YES | NO | UNK | N/A | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
- If the well is pitless:
- 1A-11. Does the upper terminus of the well extend at least 18" above the ground or wellhouse floor?
 - 1A-12. Does the upper terminus of the well have a secured and vented sanitary well cap with a screen?
 - 1A-13. Are barriers placed around the well casing to protect it from vehicles?
- If the well is located within a pit:
- 1A-14. Is the ground graded to prevent surface water from flowing toward the pit?
 - 1A-15. Is the lid designed to be water-tight?
 - 1A-16. Is the lid designed to protect the well from unauthorized personnel?
 - 1A-17. Is a gravity drain or sump pump provided to keep the pit dry?
 - 1A-18. Does the drain line have a screen to prevent vermin entry?
 - 1A-19. Does the upper terminus of the well extend at least 18" above the pit floor?
 - 1A-20. Is the well cap water-tight?
 - 1A-21. Is the well pit visibly inspected on a routine basis and after heavy rainfall events?
 - 1A-22. Is there evidence of water drainage, such as debris deposits or pit wall saturation, into the pit?

SPRING INFORMATION

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
- 1A-23. Is the spring area fenced and locked?
 - 1A-24. Are drainage ditches and surface flow directed away from the vicinity of the spring?
 - 1A-25. Is the springhouse clean and maintained?
 - 1A-26. Is a flow measuring device provided?
 - 1A-27. Are the overflow, the vents and the drain pipes screened?
 - 1A-28. Is the supply intake screened and located above the floor of the collection chamber?
 - 1A-29. Is there evidence of animal entrance into the spring house or collection chamber?

SOURCE WATER QUANTITY INFORMATION

- How often have source pumps failed within the past three years? 0
- | | | | | |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
- 1A-30. Did any of the pump failures cause a water outage?
 - 1A-31. Is the pumping rate within the permitted design capacity? *
 - 1A-32. Are the sources metered and is water production recorded?
 - 1A-33. Are the static and pumping water levels measured and recorded? SWL 60-65'
If Yes, how often? daily
 - 1A-34. Is emergency backup power available and tested?
 - 1A-35. Are all valves and master meters operational and maintained?
 - 1A-36. Are all source water pumps and controls operational and maintained?
 - 1A-37. Are the pressure tanks in good repair and sufficient to maintain pressure during peak demand?

130' pump depth
315' total depth

PERMIT CONDITIONS

- | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
- 1A-38. Does the PWS comply with all special permit conditions relating to groundwater and/or GUDI sources?

SIGNIFICANT DEFICIENCIES

- | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
- 1A-39. Failure to respond to source water contamination issues
A1 Violation - Chapter 109.4, 109.408, 109.701(a)(3)
- 1A-40. Two or more outages or severe shortages in two consecutive years (excluding statewide drought emergencies)
B1 Violation - Chapter 109.4, 109.603 (d)
- | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
- 1A-41. For sources permitted > September 1995, failure to prohibit activities within Zone I Wellhead Protection Area potentially affecting source water quality or quantity
B1 Violation - Chapter 109.603
- | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
- 1A-42. For sources permitted < September 1995, failure to prohibit activities within Zone I Wellhead Protection Area that are adversely affecting source water quality or quantity
B1 Violation - Chapter 109.603
- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
- 1A-43. Any deficiency or combination of deficiencies causing, or having the potential to cause, the introduction of contamination into the water delivered to consumers
B6 Violation - Chapter 109.4, 109.603

Telemetry records ^{well} water level, tank level, gpm from well
alarms: tank level of 25', ^{well} pump failure.

Jan 2015:
240.78-250.07
gpm

* Oct pump rates 246.6-256.7gpm; Sept 246.0-258.8gpm; Aug 246.9-257.4gpm; July 231.5-256.0gpm
Groundwater and GUDI Sources

2yr dilated (well interference w/ SCBWA Nixon well field.)
Module 1A

* June 2015 - 246.4-253.3gpm; ^{May 2015} 233.1-254.7gpm; April 242.9-252.8gpm; March 232.8-248.2gpm; Feb 240.8-247.3gpm

tank level

10/1/2015	12:00	131912.7	35.8	30.7	201.7	Run	70.2
10/2/2015	12:00	99829.0	27.9	28.4	0.0	Stop	69.9
10/3/2015	12:00	134675.2	37.0	30.3	0.3	Stop	70.1
10/4/2015	12:00	136394.1	37.3	30.6	21.2	Stop	70.1
10/5/2015	12:00	135964.0	37.6	30.6	19.7	Stop	70.1
10/6/2015	12:00	135185.6	36.7	30.6	200.3	Run	69.7
10/7/2015	12:00	112278.4	31.1	27.7	184.8	Run	69.1
10/8/2015	12:00	123884.7	34.0	28.4	0.0	Stop	69.1
10/9/2015	12:00	134312.1	37.3	30.0	0.4	Stop	69.1
10/10/2015	12:00	121227.9	33.5	30.3	20.2	Stop	68.7
10/11/2015	12:00	123858.2	34.2	30.1	0.3	Stop	69.3
10/12/2015	12:00	135126.5	37.2	30.5	19.6	Stop	69.3
10/13/2015	12:00	122150.7	33.1	29.6	203.4	Run	69.9
10/14/2015	12:00	111948.8	30.9	29.1	0.0	Stop	69.3
10/15/2015	12:00	133336.1	36.9	30.8	20.0	Stop	69.5
10/16/2015	12:00	110618.5	30.1	27.8	182.8	Run	70.0
10/17/2015	12:00	123624.2	34.4	29.3	0.0	Stop	69.9
10/18/2015	12:00	134960.8	36.9	30.4	0.3	Stop	70.1
10/19/2015	12:00	136797.1	37.7	31.2	18.0	Stop	70.2
10/20/2015	12:00	111162.6	30.1	28.0	184.8	Run	70.2
10/21/2015	12:00	124287.7	34.5	28.5	0.0	Stop	69.8
10/22/2015	12:00	133916.6	36.7	31.0	22.7	Stop	70.2
10/23/2015	12:00	99133.0	27.3	27.6	0.0	Stop	69.7
10/24/2015	12:00	133354.4	36.4	30.2	0.3	Stop	70.5
10/25/2015	12:00	133576.0	36.8	31.1	201.6	Run	70.4
10/26/2015	1:00	112125.2	31.0	29.0	0.0	Stop	70.1
10/27/2015	1:00	121723.9	33.5	29.1	0.0	Stop	70.5
10/28/2015	1:00	122777.6	33.8	29.9	0.0	Stop	69.8
10/29/2015	12:59	122238.0	33.1	30.7	0.3	Stop	69.9
10/30/2015	12:59	99150.7	27.7	27.7	0.0	Stop	70.2
10/31/2015	12:59	134396.0	37.9	30.4	0.4	Stop	70.5

Page 1

Water System Well/Pump Site Program Water Company Summary Sheet for
 Month 10 Year 2015

MONTHLY USAGE RELATED

Run Time (%)=	42%
Total Usage for month (gals)=	3,845,926
Avg. Daily Usage (gals) =	124,062
Minimum Daily Usage (gals) =	99,133
Maximum Daily Usage (gals) =	136,797
Avg. Hourly Usage (gals) =	5,169
Avg. Well water level (feet from surface) =	69.8

LEAKAGE RELATED

Avg. Late night usage Pumps running (gal/hr)=	5,907
Avg. Late night usage Pumps not running (gal/hr)=	3,067
Avg. Late night usage Min. (gal/hr)=	1,968 day 25, 3AM
Avg. Late night usage Max. (gal/hr)=	9,431 day 28, 5AM

SPECIAL EVENTS/COMMENTS

The average late night usage (leakage estimate) was:
 6,618 gals/hour in Aug 2015 (4,193 pump idle)
 7,123 gals/hour in Sept 2015 (3,462 pump idle)
 5,907 gals/hour in OCT 2015 (3,067 pump idle)

THE ALERT SYSTEM LOG

The alert system for the tank and Well worked OK all month
 Well ERROR alerts - none.
 Well daily "System OK" alerts - all received OK

10/18/2015	12:00	128839	13605
10/19/2015	12:00	132651	3812
10/20/2015	12:00	129104	-3548
10/21/2015	12:00	121281	-7823
10/22/2015	12:00	120072	-1209
10/23/2015	12:00	117831	-2241
10/24/2015	12:00	118822	991
10/25/2015	12:00	128555	9732
10/26/2015	1:00	122789	5766
10/27/2015	1:00	121138	-1651
10/28/2015	1:00	118605	-2533
10/29/2015	12:59	117337	-1268
10/30/2015	12:59	116051	-1286
10/31/2015	12:59	119502	3451

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Water	System	Well/Pump	Site	Program	for	Month	10	and	Year	2015
Water	Company	Daily	Log	Sheet	#2					
DAY	TIME	GALS/DAY	PUMP1	PUMP2	TOTAL	GAL/MIN	WELL	GALS/MIN		
			TIME	TIME	TIME	BOOSTER	TIME	WELL		
10/1/2015	12:00	131912.7	4.2	6.8	10.9 (11)	201.4	8.6	256.1 (257.6)		
10/2/2015	12:00	99829.0	4.1	4.0	8.1	205.8	6.7	248.3		
10/3/2015	12:00	134675.2	5.0	6.0	11.0	203.7	8.9	252.7		
10/4/2015	12:00	136394.1	4.0	7.0	11.0	206.4	9.0	254.0		
10/5/2015	12:00	135964.0	7.0	4.0	11.0	205.7	9.0	251.3		
10/6/2015	12:00	135185.6	4.9	6.1	10.9	206.1	8.8	255.6		
10/7/2015	12:00	112278.4	4.1	4.9	9.0	207.9	7.5	250.6		
10/8/2015	12:00	123884.7	4.0	6.1	10.1	204.8	8.2	252.8		
10/9/2015	12:00	134312.1	6.9	4.2	11.0	203.2	9.0	250.1		
10/10/2015	12:00	121227.9	6.0	4.0	10.0	202.1	8.1	251.0		
10/11/2015	12:00	123858.2	2.2	7.8	10.0	205.7	8.2	251.7		
10/12/2015	12:00	135126.5	7.0	4.0	11.0	204.7	8.9	252.1		
10/13/2015	12:00	122150.7	4.0	5.9	9.9	205.0	7.9	256.6		
10/14/2015	12:00	111948.8	4.0	5.1	9.1	205.0	7.4	251.6		
10/15/2015	12:00	133336.1	7.0	4.0	11.0	202.0	8.9	250.6		
10/16/2015	12:00	110618.5	4.0	4.9	8.9	206.4	7.2	255.5		
10/17/2015	12:00	123624.2	4.0	6.1	10.1	204.0	8.3	249.8		
10/18/2015	12:00	134960.8	7.0	4.0	11.0	204.2	8.9	253.7		
10/19/2015	12:00	136797.1	4.8	6.3	11.1	206.0	9.1	251.9		
10/20/2015	12:00	111162.6	4.0	4.9	8.9	207.8	7.2	256.7		
10/21/2015	12:00	124287.7	5.7	4.4	10.1	205.4	8.3	250.1		
10/22/2015	12:00	133916.6	4.0	7.0	11.0	202.6	8.8	253.2		
10/23/2015	12:00	99133.0	4.0	4.0	8.0	206.1	6.6	252.3		
10/24/2015	12:00	133354.4	7.0	4.0	11.0	201.8	8.7	254.5		
10/25/2015	12:00	133576.0	4.0	6.9	10.9	203.6	8.8	252.0		
10/26/2015	1:00	112125.2	5.0	4.0	9.0	207.6	7.4	251.4		
10/27/2015	1:00	121723.9	7.0	3.0	10.0	202.9	8.0	252.5		
10/28/2015	1:00	122777.6	4.2	5.8	10.0	204.3	8.1	252.1		
10/29/2015	12:59	122238.0	6.0	4.0	10.0	203.7	8.0	256.3		
10/30/2015	12:59	99150.7	4.0	4.1	8.0	206.6	6.7	248.5		
10/31/2015	12:59	134396.0	2.8	8.2	11.0	203.3	9.1	246.6		

Page 2

Water	System	Well/Pump	Site	Program	for	Month	10	and	Year	2015
Water	Company	Daily	Log	Sheet	#1					
DAY	TIME	GALS/DAY	%WELL	TANK	USAGE	PUMP	WELL			
			RUN	LEVEL	RATE	STATUS	LEVEL			



Sanitary Survey Checklist Module 2A
TREATMENT PLANT

PWS NAME <i>Rock Spring Water Co.</i>	PWS ID # <i>4140085</i>	SURVEY DATE <i>11/23/2015</i>
PLANT(S) ID# AND NAME <i>301 - Chlorination #1</i>		

GENERAL INFORMATION

- | YES | NO | UNK | N/A | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-1. Is the treatment plant protected from unauthorized personnel?
<i>Describe security measures: door locked, no windows</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-2. Does the treatment plant area have adequate drainage and is it protected from flooding? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-3. Is secondary containment provided for fuel tanks and chemical storage containers? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-4. Is the treatment plant kept clean, dry and in good repair inside and out? <i>booster pumps leaking</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-5. Is the treatment plant used to store pesticides, fertilizers, petroleum products or yard maintenance equipment? |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-6. Is the available equipment correct and designed for continuous operation of the treatment applications used?
<i>If No, what is missing? _____</i>
<i>What controls pump operation? tank out in #</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-7. Are operational backup units available in case of emergency?
<i>Automatic or manual switchover? _____</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-8. Does the PWS have a preventative maintenance program and are there spare parts on hand for critical components? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-9. Is auxiliary power with automatic startup available and tested regularly?
<i>How many power outages in past three years? _____</i>
<i>Describe events: _____</i>
<i>have access to one, don't have electric work done.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-10. Are Material Safety Data Sheets (MSDS) posted for each chemical in the treatment plant? |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-11. Is safety equipment provided as needed?
<i>List safety measures employed: gloves, apron</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-12. Are cross-connection controls in place between potable and nonpotable water in the treatment plant?
<i>(hose connections equipped with double check valves, no submerged inlets to chemical storage tanks, all drain pipes terminate at air gap at least 2 pipe diameters but in no case <1")</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-13. Are cross-connection controls inspected at least annually? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-14. Is a Supervisory Control and Data Acquisition (SCADA) or Programmed Logic Controller (PLC) system used to monitor, maintain and make process control decisions? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2A-15. Is staff trained on how to use the SCADA or PLC system to maintain compliance? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2A-16. Is there an emergency plan for process control decisions if equipment is inoperable? |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-17. Is all plant piping color-coded and/or labeled to differentiate between finished, raw and waste water flow and direction?
<i>"inlet" indicated on finished check valve</i> |

PERMITS

Community PWS: Public Water Supply Permit required for all treatment processes

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2A-18. Is each treatment process approved with a Public Water Supply Permit? |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--|

NON-GASEOUS CHLORINE	PWS NAME Rock Spring Water Co.	SURVEY DATE 11/23/2015	PWS ID # 4140085
PROCESS & PLANT(S) ID# AND NAME 301-01 - Post-hypochlorination			
INSTRUCTIONS: Check the appropriate box for each question below. Shaded "YES" or "NO" boxes indicate Minor Deficiency, Violation, or Significant Deficiency; all of which are noted on the Water Supply Inspection Report.			

WATER SUPPLY SANITARY SURVEY REPORT CHECKLIST - MODULE 2J

booster pumps = 4 hrs so far today = 3.15 hrs
 today well pump
 well run
 200.28 gpm
 204.98 gpm
 249.96 gpm
 20 min

gpm on booster = 249.96 gpm
 20 min
 T-Chlor using total not collecting @ first

DISINFECTION EQUIPMENT INFORMATION (Sodium Hypochlorination)

YES	NO	UNK	N/A	QUESTION
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-1. Liquid chemical feed pump, chemical tank, power switch, foot valve/strainer, injector?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-2. Pump operates with water flow?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-3. Pump operating, pump maintained, and chlorine solution in chemical mix tank?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-4. Minor amount or no scale buildup on valves and injector?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-5. Valves replaced at least annually or as prescribed in the Owner's Manual? (ceramic ball and seal rings at pump head, foot valve, and injection check valve)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-6. Suction and discharge tubing in good repair (not clogged, discolored, leaking)?
				Chemicals
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-7. Is product stored outside the original container?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-8. National Sanitation Foundation Standard 60 approved (on chemical container label)? If No NSF seal, gather information on chemical manufacturer and supplier (www.nsf.org).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-9. Stored out of sunlight and in a dry area?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-10. Product stored within shelf-life? see Half-Life Table-->
				Sodium Hypochlorite Half-Life (months)
				Solution Tank (chemical mix tank) 55 gal valve
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-11. Tight-fitting cover to contain the chemical? 20 MO.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-12. Capacity for at least one day storage?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-13. Method to determine volume in tank? Describe
				How is the mix tank filled? (e.g. one cup of product to 5 gallons of water)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-14. Make-up water added with air gap or backflow preventer (vacuum breaker above tank level)?
				Pumps Diaphragm, Peristaltic, or Flow-Regulated? circle which apply
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-15. If Diaphragm pump (answer 2M-15 and 2M-16), Speed and stroke adjustments within 20 - 90%?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-16. 4-in-1 valve on discharge line at pump replaced annually or as prescribed in Owner's Manual?
				1. Anti-siphon (automatic), 2. Back pressure (automatic), 3. Pressure Relief (automatic), 4. Line Depressurization (manual)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-17. If Peristaltic pump, does the PWS stock spare pump tubes (the cam rotates on these tubes)?
				Suction and Discharge Tubing
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-18. Plastic tubing as short as possible, with slope to permit draining?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-19. Easily accessible for repair and cleaning?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-20. Protected against damage / freezing? chlorine room door jamb broken @ bottom

switched to a 55 gal bulk tank last week
 12.5% hypo
 UN1791

Percent	77°F	59°F
10%	7	26
5%	26	162

Calcium Hypochlorination

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-21. NSF Standard 60 approved chemical (on chemical container label)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-22. Chlorine tablets stored away from petroleum and organic products (violent reaction from oxidizer)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-23. Feed pump suction and discharge valves maintained from abrasive solution feed?

FREE CHLORINE CT INFORMATION (chlorine residual X time)

				Surface Water (Filtered) (from source to first customer)
				Minimum free chlorine residual required for 1 log inactivation of Giardia _____ (pre) _____ (post)
				Minimum free chlorine residual required for 3 log inactivation of Viruses _____ (pre) _____ (post)
				Minimum free chlorine residual required at Entry Point? 0.40 Today's minimum?
				Maximum flow permitted at Entry Point? 230 gpm Today's maximum? 260.28
				Minimum depth of water storage tank? N/A Today's minimum? N/A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-24. Meeting minimum residuals for inactivation of viruses/giardia (from FPPE report)?
				Unfiltered Surface Water / GUDI
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-25. Maintaining at least 2.5 mg/L free chlorine entering distribution before first customer? For alternate disinfectant, equivalent CT and at least 0.2 mg/l. before first customer?
				Filtered Surface Water / GUDI
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-26. Maintaining at least 0.2 mg/L free chlorine residual entering distribution before first customer?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-27. If PWS grabs samples daily, when residual below 0.2 mg/L, PWS collects sample 4 hours later?
				Groundwater
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2M-28. 4 Log Permit Approval? If Yes, meeting minimum free chlorine residuals and CT?
				Minimum free chlorine residual required at Entry Point? 0.40 Today's minimum?
				Maximum flow permitted at Entry Point? 230 gpm Today's maximum? 200 gpm
				Minimum depth of water storage tank? N/A Today's minimum? N/A

Thatcher Company of New York, Williamson, NY 14589
 EPA 91013-120001-91078

VIOL YES NO UNK N/A

CHLORINE MONITORING AND REPORTING INFORMATION

- 2M-29. All Surface or GUDI: Continuous chlorine analyzer and recorder present?
2M-30. Groundwater serving > 3300 population: Continuous chlorine analyzer and recorder present?
2M-31. Groundwater with 4 Log Permit requiring continuous analyzer and recorder: are they present?
2M-32. Groundwater serving <3300 without continuous monitoring: daily grab sampling?
2M-33. Is FREE chlorine being measured (unless chloraminated)?

INSTRUMENTATION INFORMATION

Grab Sample Colorimeter

Make and Model of Instrument? Hach Pocket II Serial #? 14010 E 240492 BC
Make and Model of Instrument? Hach Pocket II Serial #? 14100 E 259118 BJ
Reagents
(DPD powder pillow, DPD Foll pouch, AccuVac vial, Test 'N Tube, TNT plus) circle which apply 06/2017
Free Chlorine: approximate # of reagents 220 for 10 mL sample Expiration date? 12/2019
Total Chlorine: approximate # of reagents 100 for 10 mL sample Expiration date? 12/2019
QA/QC: EPA Method 334 Compliant?

Only total reagents were at the pump house for indicated they were the ones being used for daily chlorine measurements.

- 2M-34. Is each instrument calibrated following EPA Method 334? If No, How and How Often?
2M-35. Is all instrument calibration documented?

Colorimeter on-line Analyzer

Make and Model? Serial #? Location?
Make and Model? Serial #? Location?

QA/QC: EPA Method 334 Compliant?

- 2M-36. Is each instrument calibrated following EPA Method 334? If No, How and How often?
2M-37. Is all instrument calibration documented?
2M-38. Do operators have an O&M Plan for the instrument?
2M-39. Is the flow visible in the sight glass? (HACH CI 17 ideal flow rate is 300 mL/minute)
2M-40. Do operators change reagent every month?
2M-41. Have reagents expired? (5 years on liquid reagents, 60 days after mixed)
2M-42. Do operators change tubing every six months?
2M-43. Is the influent line split before the instrumentation for a sample tap to verify readings?
2M-44. Is there an air gap with a funnel to the waste drain?
2M-45. Is the waste drain registered with the the EPA UIC Program (other than sanitary sewer)?
2M-46. Is the stir bar in the mixing chamber and operating?

Amperometric on-line Analyzer

Make and Model? Serial #? Location?

- 2M-47. Is amperometric appropriate for this location, based upon sources always on-line, no iron or manganese, static water conditions, pH < 7.5?
2M-48. Is each instrument calibrated following EPA Method 334? If No, How and How often?
2M-49. Is all instrument calibration documented?

PROBLEMS IDENTIFIED

- 2M-50. Have there been interruptions or problems with continuous disinfection within the past 3 years?
If Yes, Why?
What actions taken to eliminate continuous disinfection problems?

- 2M-51. Does the CWS comply with all Special Permit Conditions relating to non-gaseous disinfection?

SIGNIFICANT DEFICIENCIES

- 2M-52. Breakdown of disinfection equipment causing inadequately disinfected water (no free chlorine residual) entering distribution?
2M-53. Failure to provide Entry Point (or Alternate Compliance Location) disinfectant residual at or above minimum required for more than 4 hours?
2M-54. Failure to calibrate on-line analyzers, or to adhere to prescribed analytical methods?
2M-55. Any deficiency deemed to be a Significant Deficiency, having a defect in the design, operation and maintenance, or a failure or malfunction of disinfection, causing or having the potential to cause the introduction of contamination into the water delivered to consumers?



MDO

WATER SUPPLY INSPECTION REPORT

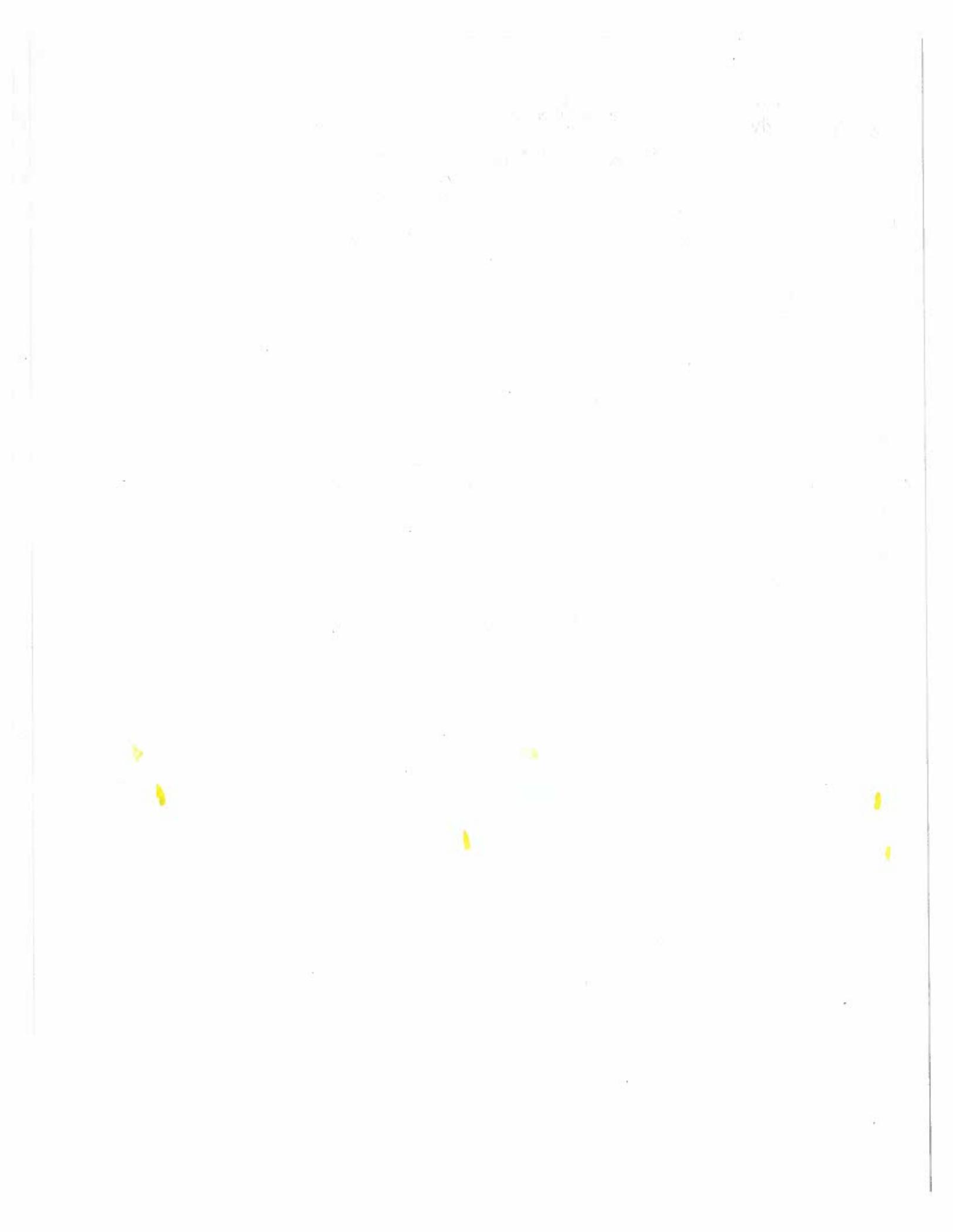
FACILITY NAME <i>Rock Spring Water Co.</i>		PWS ID NO. <i>4140085</i>	INSPECTION DATE <i>9/19/2011</i>
FACILITY LOCATION/ADDRESS <i>Troop Rd PA Furnace.</i>		COUNTY <i>Cecil</i>	MUNICIPALITY <i>Ferris Top.</i>
RESPONSIBLE OFFICIAL'S NAME <i>C. Ray Campbell</i>		TELEPHONE NO. <i>237 2911</i>	
CERTIFIED OPERATOR'S NAME <i>11</i>		SYSTEM TYPE <i>OWS</i>	POPULATION
		FIELD ORDER NO.	
		ISSUE DATE (MM/DD/YY)	

VIOLATIONS	A1. Failure to respond to an emergency		C1. Failure to meet design/construction stds.		INSPECTION TIME	
	A2. Failure of key treatment processes		C2. Failure to conduct performance monitoring		START _____	
	A3. Failure to respond to an acute violation		C3. Failure to treat as permitted		STOP _____	
	B1. Failure to provide an adequate supply		C4. Failure to operate and maintain PWS		INSPECTION TYPE	
	B2. Failure to provide min. disinfectant residual		C5. Failure to obtain certified operator		FULL	
	B3. Failure to respond to PMCL/TT violation		C6. Improper interruption/repair		PARTIAL	<input checked="" type="checkbox"/>
B4. Failure to comply with an Order		C7. Failure to comply with permit condition		COMPLAINT		
B5. Failure to obtain a permit		D1. Reports/Records/Maps		FOLLOWUP		
B6. Other significant deficiencies		E1. Other				

NARRATIVE *Positive Bacteria Sample Reported in 1 of 2 distribution samples (1/00) on Friday 3:52 pm 9/16/2011*
3 Check samples collected Friday. Raw sample tap frozen site. A second tap had extremely low output + risk of contamination of sample from fitting changes
Discussed procedure + Discussed the need for DEGRADATION Study to be Done by Rock Springs ENBinarig consultant.

WATER QUALITY SAMPLING POINT LOCATION	SAMPLE NUMBER	pH	CHLORINE		TURBIDITY	OTHER	COLLECTION TIME	SAC #
			F	T				
<i>E.P.</i>			<i>1.1</i>					

 RECEIVED BY (SIGNATURE AND DATE) Elizabeth S. Campbell #FACTS INSPECTION ID NO.	 INVESTIGATOR (SIGNATURE AND DATE) 9/19/2011 #FACTS VIOLATION ID NO.	 SUPV. INITIALS RJA PADWIS UPDATED
---	---	---





Sanitary Survey Checklist Module 3
DISTRIBUTION SYSTEM

SYSTEM NAME <u>Rock Spring Water Co.</u>	PWS ID # <u>4140085</u>	SURVEY DATE <u>11/30/2015</u>
---	----------------------------	----------------------------------

YES NO UNK N/A

PURCHASED INTERCONNECTIONS

- 3-1. Have all purchased interconnections been used in the past year?
- 3-2. Have any emergency interconnections been used in the past year?
If Yes, when and why? _____
- 3-3. Did the water supplier notify the Department within 1 hour of using an emergency interconnection?
- 3-4. Is disinfectant residual monitored prior to using an interconnection to ensure water of suitable quality is entering the distribution system?
- 3-5. Do any interconnection meter pits contain standing water or evidence of seasonal flooding?

PIPE MATERIALS

- 3-6. Does the distribution system contain Asbestos-Cement pipe? A/C 48,400' PVC 17,000' DI 2000'
If Yes, is monitoring required or waived? _____ How many sites? _____
- 3-7. Does the distribution system contain lead pipes, lead service lines, or lead goosenecks?
- 3-8. If there is lead in the distribution system, does the PWS have a lead service line replacement plan?
- 3-9. Are all new materials used in the distribution system ANSI / NSF Standard 61 certified?

PRESSURE ZONES

- 3-10. Is distribution main pressure monitored?
- 3-11. If there is any point in the main where pressure drops below 20 psig or rise above 150 psig, is pressure managed?
- 3-12. Does the PWS maintain an updated list of critical customers? Beaver Branch / ~~E.~~ Whitetail

VALVES

- 3-13. Is there a valve inspection and exercising program, and are records maintained?
- 3-14. Are there written procedures for isolating portions of the system and repairing mains?
- 3-15. Can the PWS locate valves during response to leaks and other emergencies?

PLANNED SERVICE INTERRUPTIONS AND MAIN BREAKS

- 3-16. Is reasonable notice given to affected customers prior to planned service interruptions?
- 3-17. Is DEP notified whenever service is interrupted to 15 or more services, or greater than 8 hours?
- 3-18. Are main breaks tracked? *How? Ray writes it in his notebook.*
- 3-19. Does the PWS follow AWWA Standard C-651? spray chlorine, flush immediately, no chlorine sampling
- 3-20. Is a certified operator (Class E) on-site of all main breaks, or is he/she contacted from the site to assess evidence of contamination or high risk of contamination?
- 3-21. Does the PWS comply with DEP "Policy for Determining When Loss of Positive Pressure Situations in the Distribution System Require One-Hour Reporting to the Department and Issuing Tier 1 Public Notice"?
no chlorine monitoring during leak detection, policies provided today.

OPERATIONS

- 3-22. Is leak detection performed routinely? *If Yes, how often?* quarterly - PRWA assistance
- 3-23. Is unaccounted for water more than 15% total production? 54%
- 3-24. Are connections metered?
- 3-25. Is the distribution system flushed? *If Yes, how often?* annually
- 3-26. Is flushing unidirectional? Bob flushes system.
- 3-27. Does the PWS have plans to loop the dead ends? not able to loop
- 3-28. Does the PWS receive customer complaints from dead end service areas?
- 3-29. Does the PWS monitor water quality at dead ends?
- 3-30. Does the PWS conduct a valve/meter pit inspection program? *If Yes, how often?* annually
- 3-31. Does the PWS have a policy/program for discontinuing service to customers that don't install backflow prevention devices as required?

BULK WATER FILLING STATIONS

YES NO UNK N/A

- 3-32. Does the PWS sell water to bulk haulers?
- 3-33. Does the PWS identify all filling stations?
- 3-34. Are the permanent filling stations permitted?
- 3-35. Are backflow prevention devices used at all bulk water filling stations?
- 3-36. Are filling stations manned by system personnel? *If No, how is access controlled?* _____
- 3-37. Is water use metered at the bulk filling stations?
- 3-38. Do bulk water sales adversely impact water quality or quantity?

SECURITY

- 3-39. Are procedures in place to report any unauthorized access to distribution system components to the local authorities?

PROBLEMS IDENTIFIED

What types of distribution problems have the water suppliers identified? high unaccounted for water loss.

- 3-40. Are these distribution system issues being addressed? Leak detection/data loggers. Leak detection has decreased from 70% to 50% unaccounted for water loss.

PERMIT CONDITIONS

- 3-41. Does the PWS comply with all special permit conditions relating to its distribution system?

SIGNIFICANT DEFICIENCIES

- 3-42. Repeated breaks or instances of insufficient pressure in the distribution system
B1 Violation - Chapter 109.4, 109.607
- 3-43. Failure to provide acceptable minimum disinfectant residual throughout distribution
B2 Violation - Chapter 109.710
- 3-44. Any deficiency or combination of deficiencies related to the PWS that is causing, or has the potential to cause, the introduction of contamination into the water delivered to consumers
B6 Violation - Chapter 109.4, 109.701(a)(3), 109.708, 109.709, 109.711

Sanitary Survey Checklist Module 4
 WATER STORAGE

PWS NAME <u>Rock Spring Water Co.</u>		PWS ID # <u>4140085</u>	SURVEY DATE <u>11/30/2015</u>
Tank ID#	Tank Name	Tank ID#	Tank Name
<u>001</u>	<u>Tank (212K)</u>		

GENERAL GROUNDS

- YES NO UNK N/A
- 4-1. Is the area around the water storage fenced and locked?
- 4-2. Is the area inspected daily?
 If No, how often and by whom? Yes - quarterly
- 4-3. Is the area secure from unauthorized access?
- 4-4. Do building downspouts drain water away from ground level structures?
- 4-5. Is the ground around the tank graded to prevent ponding of surface water within 50 ft.?
- 4-6. Is the ground level structure protected from wildlife?
- 4-7. Are overflow discharges screened and terminate 12-24 inches above the ground?
- 4-8. Is the storage tank drain connected to a sanitary or storm sewer? drains/overflows not screened.
- 4-9. Are all vents screened and extend above the roof?
- 4-10. Are there other actual or potential sources of contamination present?
 Explain: _____
- 4-11. Is there any evidence of tampering or trespassing or has the PWS investigated any incidents since the past Sanitary Survey?
 Explain: _____

STORAGE STRUCTURE

- 4-12. Is the interior of the structure cleaned and is sediment removed?
 How often? _____ Date of last cleaning? 2012
- 4-13. Can the operator visually inspect the interior of the storage structure(s)?
 If no, how are interiors inspected? direct
- 4-14. If the interior of the storage structure(s) has/have a coating, when was the last coating date? _____
- 4-15. Is the exterior coating peefed, cracked, covered in vegetation or in need of cleaning? some veg lower 1/2
- 4-16. Is there evidence of a structure leak?
- 4-17. Has freezing occurred in the water in the tank?
 If Yes, what measures are taken to prevent freezing? _____
- 4-18. Is the roof or cover watertight and sloped so water will drain off of it?
- 4-19. Are ladders and railings safe?
- 4-20. Are cathodic protection rods rusty? Who maintains the rods? installed 2012
- 4-21. Are manhole openings overlapping, watertight, locked, and > 4 inches above roof?
- 4-22. Does any catwalk over finished water have a solid floor with raised edges?
- 4-23. Are there water sampling taps at the tank's inlet and outlet? dual inlet/outlet

OPERATION

- | YES | NO | UNK | N/A | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-24. Can the tank be isolated without loss of distribution system pressure? <i>Beaver Branch customers</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-25. Can the tank be isolated without loss of contact time required for 4-Log Inactivation of viruses? |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-26. Are tank valves exercised? <i>How often? annually</i> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-27. Are operating levels monitored and recorded? |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-28. Are tank level measuring devices functioning accurately? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4-29. Is the PWS maintaining operating tank water levels necessary to meet 1-Log inactivation of Giardia and/or 4-Log inactivation of viruses? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-30. Can the water level be lowered in the tank to improve turnover?
<i>If No, what are the limitations?</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-31. Have any changes been made to the tank(s) operation to improve water quality?
<i>Explain:</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-32. Does the tank contain any mixing mechanisms other than mixing during filling cycles? <i>6" riser taken out</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4-33. If disinfectant residual is monitored during both the fill and draw cycles of the tank, is significant degradation of which disinfectant residual noted within the tank? <i>which tank was last cleaned.</i> |

PERMIT CONDITIONS

- 4-34. Does the PWS comply with all special permit conditions relating to storage facilities?

SIGNIFICANT DEFICIENCIES

- | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-36. Failure to respond to evidence of stored water contamination
<i>A1 Violation - Chapter 109.4, 109.408, 109.609(b), 109.701(a)(3)</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-36. Failure to provide adequate storage to ensure reliable quality and quantity of water
<i>B1 Violation - Chapter 109.4, 109.602, 109.609(a)</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4-37. Any deficiency or combination of deficiencies related to the PWS that is causing, or has the potential to cause, the introduction of contamination into the water delivered to consumers
<i>B6 Violation - Chapter 109.4, 109.602, 109.609, 109.701</i> |

**Sanitary Survey Checklist Module 5
 PUMPS AND CONTROLS**

PWS NAME <i>Rock Spring Water Co.</i>			PWS ID # <i>4140085</i>	SURVEY DATE <i>11/23/2015</i>
Station ID#	Station Name	Station ID#	Station Name	
<i>001</i>	<i>Finished pumps</i>			

- YES NO UNK N/A
- -
 -
 -
 -
 -
 -
 -

PUMPING STATION

- 5-1. Is the pumping station protected from unauthorized access?
- 5-2. If there is an outside panel for switches, valves, etc, is it protected from unauthorized use?
- 5-3. Does the area around the pumping station have adequate drainage?
- 5-4. Is there secondary containment for fuel tanks and chemical storage containers?
- 5-5. Is the pumping station kept clean, orderly, and in good repair?
- 5-6. Is there a Class B (*flammable liquid*) & Class C (*electrical*) fire extinguisher available? — *will take me over to plant*
- 5-7. Is the pumping station used to store pesticides, fertilizers, or yard maintenance equipment?

PUMPING EQUIPMENT

How often have pumps failed within past three years? \emptyset
 Did any of the pump failures cause a water outage? _____

- 5-8. Was DEP made aware of any water outages caused by pump failure?
- 5-10. Are all pumping units in good operating condition?
- 5-10. If the pumping station has multiple pumps, explain the pumping strategy (eg. simultaneous, lead/tag, alternating). *alternating - each cycle*
- 5-11. Is all pumping equipment protected from flooding?
- 5-12. Does the pumping equipment maintain adequate operating pressure in the distribution system during peak demand?
- 5-13. When the largest pump is out of service, do the remaining pumps supply adequate capacity?
- 5-14. Are excessive noises, vibrations, heat or odors present during pumping cycles?
- 5-15. Other than the necessary constant drip through the packing gland, is the pump leaking water?
- 5-16. Is the pump leaking lubricant?
- 5-17. Are the pumping systems equipped with: (*all should be present and functional*)
 - check valve (*discharge*)
 - isolation (gate) valves
 - discharge pressure gauge
 - flow meter (*discharge*)
 - air/vacuum relief valve
 - blow-off line (influent) @ *bottom of tank*
- 5-18. If a vertical turbine motor-driven pump is being used, is there an air release valve between the source and the check valve?
- 5-19. Are gate valves exercised? How often? *twice per year*

CONTROLS AND ALARMS

What controls automatic pump operations? *high tank level*

- 5-20. Are manual controls provided to override automatic controls?
- 5-21. Does the pump cycle more than 4 times per hour?
- 5-22. Is a pump failure alarm system present?
 Type of alarm? *phone call - Ray, Bonnie, Scott Deno*
- 5-23. Is an available operator notified when an alarm is triggered?
 How many times has an alarm been triggered in the past 3 years? *4-5*
 How many times has the alarm failed in the past 3 years? *0*
 How did the operators find out about the failures? *called out (antidialer alarm to verify Ray/Bonnie/Scott)*

AUXILIARY POWER

YES NO UNK N/A

- 5-24. Is auxiliary power provided on-site, or does the ERP adequately address power outage responses?
 auxiliary power on-site auxiliary power addressed in ERP
If auxiliary power generator on-site: (check which applies) automatic manual
- 5-25. Is there secondary containment for fuel tanks?
- 5-26. Is the auxiliary power generator exercised and tested? How often? _____
- 5-27. Is the auxiliary power generator maintained in good condition?
- 5-28. Is the exhaust vented to the outside?

OPERATION AND MAINTENANCE

- 5-29. Are there spare pump parts or a replacement pump of proper capacity on hand?
- 5-30. Are all the following operational records for pumping facilities maintained?
 suction/discharge pressure meter readings
 operating hours amp/volt readings
 other (Explain:)
- 5-31. Are pumps and controls maintained in accordance with manufacturer specifications? *Leaking*

CROSS CONNECTION CONTROL

- 5-32. Is an approved backflow prevention device or air gap provided between the treated water and all pumping station equipment and facilities? *no check valve between small tank where chlorine is injected and booster pumps.*

PERMIT CONDITIONS

- 5-33. Does the PWS comply with all special permit conditions relating to pumping facilities?

SIGNIFICANT DEFICIENCIES

- 5-34. Breakdown of finished water pump causing outage within the distribution system
 B1 Violation - Chapter 109.4, 109.602
- 5-35. Any deficiency or combination of deficiencies related to the PWS that is causing, or has the potential to cause, the introduction of contamination into the water delivered to consumers
 B6 Violation - Chapter 109.4, 109.603, 109.607, 109.608, 109.701



Sanitary Survey Checklist Module 6
MONITORING AND REPORTING

PWS NAME <i>Rock Spring Water Co.</i>		PWS ID # <i>4140086</i>	SURVEY DATE <i>10/15/2015</i>
PRIMARY ACCREDITED LABORATORY <i>Fairway</i>		PWS DWELR REGISTRANT <i>Bonnie Jacobs</i>	
Accreditation by Rule (select all the system measures)			
<input type="checkbox"/> Turbidity	<input type="checkbox"/> Fluoride	<input type="checkbox"/> Conductivity	<input type="checkbox"/> Orthophosphate
<input type="checkbox"/> Temperature	<input type="checkbox"/> Alkalinity	<input type="checkbox"/> Silica	<input type="checkbox"/> Chlorite
<input type="checkbox"/> Hardness	<input type="checkbox"/> pH	<input type="checkbox"/> Calcium	<input checked="" type="checkbox"/> Residual Disinfectant

YES NO UNK N/A

COMPLIANCE MONITORING

- 6-1. Does the PWS keep track of required monitoring frequencies for all regulated contaminants?
E-mail address to be used for monitoring frequency change notifications: rsws@comcast.net
- 6-2. Does the PWS provide their accredited laboratory with the details needed to report results properly?
- 6-3. If samples are not collected by an accredited lab, does the sampler follow proper sampling procedures?
- 6-4. Are VOC samples collected by a sampler trained by an accredited lab for VOC analyses?
- 6-5. Are written SOPs used to analyze accreditation-by-rule parameters that are not analyzed by an accredited lab or appropriately-certified operator? *Elizabeth & Bonnie collect residuals.*
- 6-6. During periods of continuous monitoring equipment failure, did the PWS collect grab samples for turbidity and/or chlorine residual (as applicable) every four hours?

Entry Point Sampling

(Entry Point is a tap at which finished water representative of each source enters distribution)

- 6-7. Are entry point samples collected at the proper locations? *EP samples taken @ Jacob's residence.*
- 6-8. Is each entry point tap labeled?
- 6-9. Are all entry point samples representative of all sources?
If No, how is each source monitored? _____

Distribution System Sampling *TCR - 4 sites rotated.*

- 6-10. Are the distribution samples collected in accordance with monitoring plans?
- 6-11. Are disinfectant residuals collected at the same time and locations as TCR samples (routine and check)?
- 6-12. Are all TCR check samples collected properly?
- 6-13. Is the PWS collecting at least 5 routine samples the month following a routine total coliform positive?

PERFORMANCE MONITORING

- 6-14. Are the required performance monitoring samples collected as specified in permit conditions and/or regulations?
- 6-15. Are the required performance monitoring samples collected at the correct locations?
- 6-16. Are the performance monitoring sample taps labeled?
- 6-17. Are samples analyzed using EPA-approved methods?

MONTHLY OPERATIONAL REPORTS

- 6-18. Does the PWS prepare and maintain a monthly operational report that includes at least the following:
 - Water produced daily (*meter reading and time of day reading recorded*)
 - Chemical added daily - *chlorine added to batch tank daily, not written down.*
 - Physical and chemical determinations (*measured daily*)
 - Water level monitoring data for supply and associated monitoring wells - *info available, not recorded*
 - Maintenance performed (*including chemical deliveries*) *line break repairs in Q & report*
 - Operational problems

PERMIT CONDITIONS

- 6-19. Is the PWS conducting all monitoring specified in Permit Conditions?

SIGNIFICANT DEFICIENCIES

- 6-20. Chronic failure to complete one-hour reporting requirements (> two times since last inspection)
A1, A2, A3 or B3 Violation - Chapter 109.4, 109.701(a)(3), 109.1307(a)(1)(ii)**
- 6-21. Compliance monitoring is NOT representative of all sources
B6 Violation - Chapter 109.303 (a)(4)**
- 6-22. Any deficiency deemed to be a Significant Deficiency, having a defect in the design, operation and maintenance, or a failure or malfunction of monitoring and reporting, causing or having the potential to cause the introduction of contamination into the water delivered to consumers
B6 Violation - Chapter 109.4, 109.301, 109.303, 109.304, 109.701, 109.1103, 109.1206, 109.1307**

**Sanitary Survey Checklist Module 7
 OPERATOR COMPLIANCE**

PWS NAME <i>Rock Spring Water Co.</i>		PWS DESIGN CAPACITY (gal/day) <i>331,200</i>	PWS ID # <i>4140085</i>	SURVEY DATE <i>10/16/2015</i>
System Class		System Subclass		
<input type="checkbox"/> A > 5 MGD	<input type="checkbox"/> 1 Conventional filtration	<input type="checkbox"/> 8 Chemical addition		
<input type="checkbox"/> B > 1 MGD up to 5 MGD	<input type="checkbox"/> 2 Direct filtration	<input type="checkbox"/> 9 Ion exchange and greensand		
<input checked="" type="checkbox"/> C > 100,000 gpd up to 1 MGD	<input type="checkbox"/> 3 Diatomaceous earth filtration	<input type="checkbox"/> 10 Aeration and activated carbon adsorption		
<input type="checkbox"/> D >= 100,000 gpd	<input type="checkbox"/> 4 Slow sand filtration	<input type="checkbox"/> 11 Gaseous chlorine disinfection		
<input checked="" type="checkbox"/> E Distribution or consecutive system	<input type="checkbox"/> 5 Cartridge/bag filtration	<input checked="" type="checkbox"/> 12 Non-gaseous chemical disinfection		
<input type="checkbox"/> Dc Systems using disinfected ground-water only, and serving <500 people or <150 connections, whichever is less	<input type="checkbox"/> 6 Membrane filtration	<input type="checkbox"/> 13 Ultraviolet disinfection		
	<input type="checkbox"/> 7 Corrosion control and sequestering	<input type="checkbox"/> 14 Ozone disinfection		
		<input type="checkbox"/> 15 Lab Supervisor		

CERTIFIED WATERWORKS OPERATOR

*John Roy Campbell
 B, E - 11, 12, 13, 14
 exp 03/31/2018*

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--|
| YES | NO | UNK | N/A | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-1. Are the available operator certificates posted? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-2. According to the verified Class and Subclass information above, does the PWS employ at least one waterworks operator with the proper certification (Class and Subclasses) and an unexpired license? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-3. Does the PWS employ at least one waterworks distribution system operator with the proper certification and an unexpired license? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-4. Is the information on the eFacts Facility Report for the PWS still current and accurate?
If No, have the changes occurred within the past 10 days? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-5. Are the PWS's current permits readily available to the available operators? |

CIRCUIT RIDER MANAGED SYSTEM

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-6. If the PWS is managed by a circuit rider, has the PWS owner been provided with a Work Plan and is it updated as necessary? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-7. Are site visits occurring and documented as outlined in the Work Plan? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-8. If the PWS is managed by a circuit rider, has the PWS owner been provided with a Management Plan and is it updated as necessary? |

COMMAND AND CONTROL

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-9. If SOPs are not in place, are all process control decisions made by an available operator? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-10. Are instructions available for how to contact the operator-in-responsible-charge on treatment processes not covered by an SOP? <i>phone</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7-11. If SOPs are used, have they been approved by an operator-in-responsible-charge? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7-12. Are copies of all SOPs available at the system? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7-13. How many SOPs were reviewed for completeness? <i>0</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-14. Did the SOPs reviewed for completeness include: |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | - The name of the operator-in-responsible-charge |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | - A list of the operators who may use the SOP to make process control decisions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | - The treatment process covered by the SOP and instructions on how to contact the operator-in-responsible-charge for guidance on non-covered treatment processes |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | - The trigger parameters for the covered treatment processes and the appropriate actions to take for each treatment process |

OPERATOR RESPONSIBILITIES

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-15. What process do you use to document reports to the PWS owner about any known violations or conditions that may cause a violation? <i>Operator is a share-holder, and confirms w/ secretary that purchase is approved.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7-16. Have operators used the process described above to report any known violations or conditions that may cause a violation? |

SIGNIFICANT DEFICIENCIES				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7-17. Actions or inactions of the operator(s) have led to the PWS being out of compliance B-6 Violation - Chapter 109.4, 109.703(a); Chapter 302.1201, 302.1203, 302.1206(f)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7-18. Any deficiency or combination of deficiencies related to the PWS that is causing, or has the potential to cause, the introduction of contamination into the water delivered to consumers B-6 Violation - Chapter 109.4, 109.701, 109.703(a); Chapter 302.104, 302.1201, 302.1203, 302.1206, 302.1208



Sanitary Survey Checklist Module 8
SYSTEM MANAGEMENT

PWS NAME <i>Rock Spring Water Co.</i>	PWS ID # <i>41400815</i>	SURVEY DATE <i>10/15/2015</i>
NOTE: Verify and, if needed, update Owner and Responsible Official contact information on the Inventory Report		

ASSET MANAGEMENT

- | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--|
| YES | NO | UNK | N/A | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
- 8-1. Is the financial and operational viability of the PWS reviewed annually by the responsible official(s)?
- 8-2. Does the PWS have an internal Asset Management Plan? Date of last update? *08/05/2015*
Plan should include: *Mike Robinson*
- List and location of system assets (equipment, piping, structures)
 - Age, condition, life expectancy, and replacement costs of all system assets
 - Plan to rebuild or replace assets as they near life expectancy
 - Prioritized list (most to least important) of assets

GENERAL MANAGEMENT

- | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
- 8-3. Are customer complaints logged and responded to?
Number of complaints received since the last survey: *3-4 per year*
Nature/types of complaints: *low breaks, billing disputes*
- 8-4. Do staff have clearly-defined responsibilities and decision-making authority to carry out their duties?
- 8-5. Are all sources, treatment plants, storage facilities and pump stations visited by staff at least daily? *
- 8-6. Are filter plant operations managed by on-site staff or controlled by a computer system equipped with alarm and automatic shut-down capabilities?
low tank alarm - 26.5' in stand pipe
high tank alarm - 32' in stand pipe
well pump failure alarm
- 8-7. If the PWS uses automatic controls:
Are alarms set at appropriate trigger points?
Are alarms tested? If Yes, how often?
Are management and/or operators connected to the system via an autodialer?
- 8-8. Has lack of staff coverage resulted in any problems responding to alarms, chemical deliveries or water quality or quantity issues?
- 8-9. Do management personnel review monthly operational reports?
- 8-10. Have management personnel responded to problems identified by the water operators?
- 8-11. Does PWS management provide for continuity of operations under all circumstances such as employee illness, vacations, weather events, natural disasters?
- 8-12. Since the last Sanitary Survey, have there been any situations regarding one-hour reporting where DEP was NOT properly notified?
- 8-13. If the PWS is managed by a circuit rider, does the PWS owner annually review and approve the Work Plan and Management Plan?
- 8-14. Has the PWS owner ever had a problem contacting the circuit rider when a situation at the system needed the attention of the operator?

SAFETY AND SECURITY

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
- 8-15. Has the PWS implemented a safety training and education program? *PARW*
- 8-16. Is confined space training conducted annually? *PARW*

PLANS, MAPS, and REPORTS

- | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
- 8-17. Does the PWS have a Total Coliform Sample Siting Plan that contains all required elements?
Date last updated: _____
- 8-18. Does the PWS have a Lead and Copper Rule Sample Siting Plan that contains all required elements?
Date last updated: *2013*
- 8-19. Does the PWS have a Stage 2 DBPR Compliance Monitoring Plan that contains all required elements?
Date last updated: *2013*
- 8-20. Does the PWS have a Operation and Maintenance Plan that contains all required elements?
Date last updated: *2013*
- 8-21. Does the PWS have an Emergency Response Plan that contains all required elements?
- 8-22. Does the PWS review its Emergency Response Plan annually and updated as necessary?
Date last updated: _____
- 8-23. If required by the Department, is the PWS implementing a Cross Connection Control Program? *2 current cross-connections with private wells*
- 8-24. If the PWS has a DEP-approved Source Water Protection Plan, is the PWS submitting the annual update report?
- 8-25. Does the PWS annually prepare a Primary Facility Report, Subfacility Report and Water Allocation Permit Compliance Report in accordance with Chapter 110?

*Scott Deno checks tank monthly while obtaining mo. tank info.

RECORDS MANAGEMENT

YES NO UNK N/A

- 8-26. Are there computer security measures in place such as limited access, passwords and anti-virus /anti-spyware programs to protect from unauthorized access both internally and from cyber-attacks?
- 8-27. Are there security measures in place to protect physical records from unauthorized access?
- 8-28. Is the PWS retaining records onsite or nearby as required?

IMPROVEMENT PROGRESS

8-29. What progress has been made to address violations, significant deficiencies and minor deficiencies identified during the last DEP Sanitary Survey or annual system self-evaluation?

unaccounted-for water percentages have decreased below 100%.

8-30. What improvements are planned within the next three years?

- replace water lines - 1000'*
- fwp improvement project on Tadpole Road.
(adding bike path along both sides of road.)*
- replace blow off valves (2)*
- replace 20 meters.*

SIGNIFICANT DEFICIENCIES

- 8-31. Failure to notify DEP within one hour of discovery of an imminent threat situation or violation
A1, A2, A3 or B3 Violation - Chapter 109.4, 109.202(c)(1)(ii), 109.701(a)(3), 109.1307(a)(1)(ii)
- 8-32. Actions or inactions of management personnel have the potential to cause or have caused an imminent threat situation or violation.
A1 Violation - Chapter 109.4, 109.701(a)(3), 109.703
- 8-33. Failure to comply with an Order issued by the Department
B4 Violation - Section 13(a) of Act 43 (SDWA)
- 8-34. Any deficiency or combination of deficiencies related to the PWS that is causing, or has the potential to cause, the introduction of contamination into the water delivered to consumers
B-6 Violation - Chapter 109.4, 109.701, 109.703

*cross-connections,
2 private wells.*

*Bonnie indicated one house has the meter removed.
Bonnie/Ray unsure if DeArmitt has a meter or not. He is using his private well.*

DEP EXHIBIT 14



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-06-13
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Roy Campbell	Title: Operator
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eFACTS info

Inspection ID: 3778808	Inspection Type: RTPT
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Outstanding Violations

B6A - 25 PA Code, §109.4

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

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

B6A - 25 PA Code, §109.4

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

The following violations remain outstanding:

1. The water system is currently injecting sodium hypochlorite chemical at a location that is not permitted.
 2. The water system has not had its storage tank inspected in accordance with the AWWA M42 Manual as recommended in the NOV.
 3. The pit that contains the well remains susceptible to flooding
- The combination of these three violations constitute a significant deficiency under ??109.4.

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

General Comments

Partial inspection conducted at Beaver Branch Road on 06/13/2024 for the purpose of assessing Rock Spring's compliance with Field Order 24-40-1189-003. Roy Campbell was present for the inspection.

Per Field Order 24-40-1189-003 Rock Springs Water Company was to repair a leak with evidence of contamination on Beaver Branch Road within 7 days of the order being issued (by 06/14/2024). Upon inspection it was found that Roy contracted the services of an excavator and Roy stated that the repair had been made with a clamp style patch. Roy also stated that he checked service lines in the area for leaks as well. Following the repair Roy used a blowoff at the end of Beaver Branch Road to flush water. At the time of inspection water service was restored.

Roy shut off water to most of Beaver Branch Road (approximately 10 houses) to make the repair due to the trench flooding during excavation. Due to the high unaccounted for water loss in the distribution system, the Loss of Positive Pressure Policy specifies the loss of pressure to be at high risk of contamination. Roy was reminded that per Field Order 24-40-1189-003 a Boil Water Advisory would be required if positive pressure could not be maintained during the repair. Copies of the Department's template for a Tier 1 Boil Water Advisory was provided to Roy and sent electronically to Elizabeth. The Tier 1 Problem Corrected Notice and PN Certification form were also provided to Roy and sent to Elizabeth electronically.

To comply with Field Order 24-40-1189-003, the water system is to issue a Tier 1 Boil Water Advisory to all affected customers on Beaver Branch road within 24 hours in accordance with §109.408. Content of the Tier 1 Public Notice is to contain all required elements specified in §109.411(a).

Please contact Nathan White at nathwhite@pa.gov or 570-220-9217 for any questions.

Signatures

Received by(Print Name): Roy Campbell	Unable To Receive Signature: Inspection completed at office
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 15



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

WATER SUPPLY INSPECTION REPORT

Facility Name ROCK SPRING WATER CO	PWSID No 4140085	Inspection Date 2024-11-07
Facility Location 1750 TADPOLE ROAD PENNSYLVANIA FURNACE, PA 16865	County Centre	Municipality Ferguson
Responsible Officials Name ROY CAMPBELL	Telephone: (814) 231-2911	
	System Type: Community	Population: 1000
Certified Operator Name CAMPBELL JOHN ROY	Field Order Number: ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Roy Campbell	Title: Operator
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eFACTS info

Inspection ID: 3864467	Inspection Type: RTPT
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Outstanding Violations

B6A - 25 PA Code, §109.4

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

The following violations remain outstanding:

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

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

C4A - 25 PA Code, §109.4

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

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

There is evidence of a structure leak in the storage tank.

C4A - 25 PA Code, §109.4

Remarks: Unaccounted water loss issues, previously documented in 2006 CO&A but still not adequately addressed.

Outstanding Violations Returned to Compliance

C3B - 25 PA Code, §109.504(c)

Corrected/Abated

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

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

C1A - 25 PA Code, §109.602

Corrected/Abated

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

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

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

C4A - 25 PA Code, §109.4

Corrected/Abated

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

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

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

General Comments

Partial inspection conducted on 11/04/2024 to document repair of a service line on Beaver Branch Road, follow up actions to the 2023 full inspection and low chlorine event at Rock Spring Water Company. Roy Campbell was present for the inspection.

In response to the C4A violation cited in Inspection 3830375 the water system repaired the service line leak on Beaver Branch Road using Blue PEX pipe. The system side of the service line was replaced from main to curb stop by the certified operator, J. Roy Campbell. Roy stated that positive pressure was maintained in the main line during the repair, so no boil water advisory ...

General Comments Cont.

was issued for a loss of positive pressure.

Following the inspection of a service line repair on Beaver Branch Road, the water treatment plant was inspected to view progress on addressing outstanding violations.

It was found that the chemical injection point for the sodium hypochlorite was moved back to its permitted location before the raw water tank. It was previously injected into the overflow of the raw water tank.

Roy stated that a tank inspection had been completed by Mid Atlantic using an ROV, but he had not received the finalized report yet. It is recommended that Rock Spring provide this report to the Department as soon as possible so it can be considered in determining compliance with outstanding violations related to the tank inspection.

Roy installed a sump pump in the pit and at the time of the inspection the well pit did not have standing water in it. Roy initially was using the sump pump as he felt it was needed, however, it was recommended by the Sanitarian that the sump pump be present in the pit at all times to ensure that it remains as dry as possible. The corrective actions taken by the operator to keep water out of the well pit are satisfactory at this time, but will be monitored in the future when more rainfall increases the vulnerability of the pit to flooding.

Before leaving the site, the Sanitarian collected a chlorine sample at the entry point hydrant at the end of detention piping. Roy left the site and was called twice via his cell phone to attempt to get him to be present for sampling. Calls went unanswered both times and the voicemail box was full. In accordance with 109.6, the Sanitarian sampled the entry point hydrant. The GWR permit for the facility states that the entry point chlorine shall be maintained at or above 0.40 mg/L.

The first chlorine sample was a 0.17 mg/L at 11:42pm. Two additional samples were taken with the highest chlorine residual being a 0.19 mg/L at 11:53pm. Following a failed attempt to reach the operator via his cell phone, the Sanitarian was able to contact the operator at 12:16 pm via the operator's home phone to notify him of the low chlorine residual. An email explaining follow up actions was sent by the Sanitarian Supervisor at 12:33 PM.

Rock Spring Water Company stated in a reply email that at 1:01pm the chlorine residual was 0.56 mg/L. The Sanitarian arrived at approximately 3:35pm to confirm chlorine treatment was restored. The Sanitarian received a sample result of 0.80 mg/L at 3:42 pm, which is above the minimum chlorine level specified in the GWR permit for the facil...

General Comments Cont.

ity.

The outstanding C4A violation for the service line leak, C1A violation for the well pit being flooded and C3b violation for moving the chemical injection point without a permit are considered addressed. The B6A significant deficiency and C4A violation related to the tank inspection will remain outstanding until a final report for the tank inspection is received by the Department and deemed to be satisfactory.

Roy stated during the inspection that he is taking measures to sell the water system due to not having the financial capacity to perform the waterline replacement project ordered by Commonwealth Court. If the water system is acquired by another entity a transfer permit will need filed to the Department.

Please contact Nathan White at nathwhite@pa.gov or 570-220-9217 for any questions or more details.

Field Samples

Subfacility: EP-102-WELL TREATMENT BLDG.	
Location Description EP 102	
Sample Number 1	Parameter Result Chlorine, Free (mg/l): 0.17
Date Time 11/04/2024 11:46:00 AM	SAC#/Suite/Description
Subfacility: EP-102-WELL TREATMENT BLDG.	
Location Description EP 102	
Sample Number 2	Parameter Result Chlorine, Free (mg/l): 0.18
Date Time 11/04/2024 11:46:00 AM	SAC#/Suite/Description

Subfacility: EP-102-WELL TREATMENT BLDG.	
Location Description EP 102	
Sample Number 3	Parameter Result Chlorine, Free (mg/l): 0.19
Date Time 11/04/2024 11:53:00 AM	SAC#/Suite/Description
Subfacility: EP-102-WELL TREATMENT BLDG.	
Location Description EP 102	
Sample Number 4	Parameter Result Chlorine, Free (mg/l): 0.8
Date Time 11/04/2024 03:42:00 PM	SAC#/Suite/Description

Signatures

Received by(Print Name): Roy Campbell	Unable To Receive Signature: Report finalized in office
Investigator (Print Name): NATHAN WHITE	

DEP EXHIBIT 16

May 19, 2021

Rock Spring Water Company
Bonnie Jacobs
1750 Tadpole Road
PA Furnace, PA 16865

Re: **NOTICE OF VIOLATION**
Rock Spring Water Company
PWSID #4140085
Ferguson Township, Centre County

Dear Ms. Jacobs:

On April 10, 2019, the Department conducted a routine/complete inspection at your Public Water Supply and identified the violation listed below:

1. The overflow pipe for the well is below ground level. In wet conditions, the water level rises to above that level. As long as the well flows artesian, there is no back siphonage, but the time period from after the return to a pumped well status, and when the water level in the box drops to below the bottom of the overflow pipe, there will be back siphonage of surface water. This is a violation of Section 109.4 of the Department's rules and regulations, 25 Pa. Code § 109.4.

During a partial inspection dated 05/05/2021, the condition of the well and overflow pipes appears to be the same as noted during the 04/10/2019 routine inspection: "An overflow pipe extends from the side of the casing above grade into the cinder block pit surrounding the well to vent artesian water flow. The pit reportedly has a drainpipe which discharges into a drainage swale northwest of the treatment building. After moving vegetation in the drainage swale, we were able to observe a concrete slab but could not find where the pit drainpipe daylighted. Roy believes it must run under the concrete pad."

The Department has determined that this violation meets the definition of a **significant deficiency** as described in 25 Pa. Code § 109.1 of the Department's regulations. Regulatory requirements for responding to a significant deficiency are contained in 25 Pa. Code § 109.717. To comply with 25 Pa. Code § 109.717, it is recommended that you:

1. Consult with the Department regarding the appropriate corrective action for any significant deficiency **within 30 days** of the date of this letter.
 - a. The consultation should occur **by June 18, 2021**.
2. Respond in writing to significant deficiencies **no later than 45 days** of the date of this letter indicating how and on what schedule the system will address significant deficiencies.
 - a. The written response should be submitted to the Department **by July 02, 2021**.

3. Correct all significant deficiencies **within 120 days** of the date of this letter or according to a schedule approved by the Department.
 - a. Corrective actions should be completed **by September 16, 2021**, unless an alternate schedule is approved by the Department.

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

If you have any questions concerning this matter, please contact me at velsasser@pa.gov or 570.327.3669.

Sincerely,



Valerie Elsasser
Sanitarian Supervisor
Safe Drinking Water Program

cc: File

Brittney Dent, Sanitarian
Sasha Minium, Environmental Group Manager

DEP EXHIBIT 17



January 29, 2020

CERTIFIED MAIL NO. 7019 0160 0000 7352 5859

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

Re: **NOTICE OF VIOLATION**
PWSID # 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing to inform you that the Rock Spring Water Company (Rock Spring) is in violation of the Administrative Order dated August 27, 2018. The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, Pa. Code 25 § 109.4(4).

A Corrective Action Plan (CAP) and CAP Implementation Schedule dated March 28, 2019 (revised April 17, 2019) was submitted to the Department on Rock Spring's behalf by Nittany Engineering. The CAP and Implementation Schedule were approved by the Department in writing on April 24, 2019. The approved CAP and CAP Implementation Schedule were incorporated into the August 27, 2018 Administrative Order, per Paragraph 3 of the Order.

The CAP Implementation Schedule states that "By 9/2019 - Rock Spring Water Company [will] 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." During an inspection on September 18, 2019, Department personnel confirmed with a Rock Spring representative that the SCADA replacement had not yet been completed, and at that time, a date for installation had not yet been determined.

To regain compliance, the Department recommends that you pursue one of the following courses of action **within 15 days** of receipt of this Notice of Violation:

1. If the SCADA replacement has been completed since the September 18, 2019 inspection, please confirm the date of completion with the Department in writing. The Department will conduct a follow-up inspection to verify.
2. If the SCADA replacement has not been completed, please submit an explanation in writing as to why the replacement has not been completed, along with the current anticipated date of completion.

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.327.0553.

Sincerely,



Sasha C. Minium
Environmental Group Manager
Safe Drinking Water Program

Cc: File
Chad Miller, Program Manager (electronic)
Tina McCafferty, Compliance Specialist (electronic)
Sondra Hollister, Sanitarian (electronic)
Valerie Elsasser, Sanitarian Supervisor (electronic)
Anne Shapiro, Assistant Counsel (electronic)

DEP EXHIBIT 18



March 24, 2021

CERTIFIED MAIL NO. 7019 0160 0000 7352 6238

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

Re: **NOTICE OF VIOLATION**
PWSID # 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing to inform you that the Rock Spring Water Company (Rock Spring) is in violation of the Administrative Order dated August 27, 2018. The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, 25 Pa. Code § 109.4(4). Specifically, Rock Spring has not submitted a quarterly report for the months of November 2020, December 2020, and January 2021, in accordance with Paragraph 6 of the August 27, 2018 Administrative Order. This quarterly report was due by the end of February 2021. **The Department requests that a full and complete quarterly report for November 2020, December 2020, and January 2021 be submitted within 15 days of receipt of this Notice of Violation.**

The Department is also requesting responses regarding the following items outlined in the Corrective Action Plan (CAP) and CAP Implementation Schedule dated March 28, 2019 (revised April 17, 2019) and incorporated into the August 27, 2018 Administrative Order, per Paragraph 3 of the Order:

The CAP Implementation Schedule states that "By 9/2019 - Rock Spring Water Company [will] 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." During an inspection on July 1, 2020, Department personnel confirmed with a Rock Spring representative that the SCADA replacement had not yet been completed. **The Department requests an update in writing within 15 days of receipt of this Notice of Violation on the status of the SCADA installation, or an anticipated date of completion if not yet installed.**

The CAP Implementation Schedule further states that "By 12/2020 - The Rock Spring Water Company shall have a professional leak detection company conduct a complete system evaluation/leak detection survey." **The Department requests submittal of documentation within 15 days of receipt of this Notice of Violation providing proof that the professional**

leak detection evaluation/survey was completed, ie. a copy of the report or results from the evaluation/survey.

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Cc: File
Chad Miller, Program Manager (electronic)
Valerie Elsasser, Sanitarian Supervisor (electronic)
Brittney Dent, Environmental Trainee (electronic)
Robert Cronin, Assistant Counsel (electronic)

DEP EXHIBIT 19

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

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 20th day of
June, 2006, by and between the Commonwealth of Pennsylvania, Department of
Environmental Protection (hereinafter "Department"), and Rock Spring Water Company
(hereinafter "RS").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §721.1 *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. RS 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. There are three individuals who are part owners involved in the daily operation of RS. They are: Bonnie Jacobs, Secretary/Treasure, Willard Campbell, and J. Roy Campbell. There are other shareholders of RS. RS's mailing address is 1750 Tadpole Road, Pennsylvania Furnace, PA 16865.

EXHIBIT

Com. Ex. A

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

D. RS is a public water supplier as defined under Section 3 of the SDWA, 35 P.S. §21.3, 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. RS 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. RS serves approximately 1,000 people with approximately 460 connections. RS's source of supply is Well Number 1. All but two of the connections are metered.

G. The Department issued Operation Permit Number 1493504, dated March 1, 1995, to RS for the following: Changing the pumping rate of Well Number 1 to 230 gallons per minute; installing 900 feet of twelve inch line to achieve 20 minute contact time, based on a flow rate of 230 gallons per minute; installing booster pumps; and using a 212,000 gallon finished water storage tank with associated equipment.

H. RS has had and is still having problems with its unaccounted for water loss, and 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. Part V of the Department's Public Water Supply Manual recognizes that for unaccounted water loss ranges for older systems may be higher. Part V of the Department's Public Water Supply Manual is marked as Exhibit A, attached hereto and incorporated.

I. Over the past few years, the Department has sent RS correspondence outlining problems with its public water system. This correspondence has included Notices of Violation. These letters are dated August 2, 2002, October 1, 2002, February 11, 2004, December 2, 2004, and most recently, March 7, 2006. These letters discuss the excessive amount of unaccounted water loss and RS's inability to operate and maintain its public water system.

J. RS submitted quarterly reports dated March 7, 2005, November 9, 2004, July 30, 2004, April 30, 2004, January 30, 2004, and October 29, 2003. These reports showed unaccounted water loss to be greater than 60%. These reports indicated that only about 1 in 3 gallons of water that is pumped from Well Number 1 is being billed to the customer. This means that approximately 2 out of 3 gallons is being lost through distribution system leaks.

K. Paragraphs H, I, and J, above, relating to the very high rate of unaccounted water loss, reveal improper operation and maintenance of the water distribution system. Water distribution systems need continuous work to identify leaks and repair those leaks on a proactive basis. This work involves hiring a leak detection company or doing the work in-house using

proper equipment to identify water system leaks and then promptly repairing those leaks to reduce unaccounted water loss. Water distribution systems deteriorate over time, and unaccounted water loss rates can increase. This is the reason a proactive program of leak detection and repair is important to prevent the water system from developing an unacceptable rate of unaccounted water loss such as RS. Leak detection and repair of the RS distribution system seems to occur only when a major problem or leak becomes obvious, and not on a proactive basis to make any significant reductions in the level of unaccounted water loss. RS has much leak detection and repair work to accomplish on its distribution system in order to bring its system closer to the normal operating rate for unaccounted water loss as established by the AWWA.

L. On February 14, 2006 and February 17, 2006, the Department conducted inspections at RS.

(1) The February 14th inspection revealed that RS was in the process of installing a new well pump in Well Number 1 that exceeded the permitted capacity of this well. This new larger pump was installed by RS without first applying for and obtaining a construction permit amendment.

(2) The February 17th inspection revealed that RS did not provide continuous disinfection for their groundwater source. The chlorine day tank at the treatment building was empty. No chlorine solution was available to apply to the raw water for disinfection. On February 17, 2006, the chlorine residual showed a zero chlorine residual at the entry point at 8:00 AM and a zero chlorine residual at the faucet at the Fairbrook Church, at 9:00 AM and also at 10:30 AM.

M. The Department sent correspondence dated March 7, 2006, notifying RS of the violations identified during inspections occurring on February 14 and 17, 2006. These violations included:

1) Failing to provide continuous disinfection, a violation of Section 109.4 of the Department's regulations, 25 Pa. Code Section 109.4;

2) Failing to provide minimum disinfectant throughout the entire system, a violation of Section 109.710 of the Department's regulations, 25 Pa. Code Section 109.710;

3) Installing a well pump that exceeded the permitted capacity of Well Number 1, without first obtaining a permit amendment to do so. This is a violation of Section 109.501(b) of the Department's regulations, 25 Pa. Code Section 109.501(b); and

4) Failing to properly operate and maintain the public water system, a violation of Section 109.4, of the Department's regulations, 25 Pa. Code Sections 109.4.

N. Section 109.4 of the Department's regulations provides as follows: "Public 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." 25 Pa Code Section 109.4.

O. Section 109.710 of the Department's regulations provides in relevant part as follows: "(a) A disinfectant residual acceptable to the Department shall be maintained throughout the distribution system of the community water system sufficient to assure compliance with the microbial MCLs and the treatment technique requirements specified in Section 109.202...". 25 Pa Code Section 109.710.

P. Section 109.501(b) of the Department's regulations states in relevant part as follows:

(a) "A person may not construct a public water system without first having obtained a construction permit from the Department under § 109.503 (relating to public water system construction permits) except as provided in §§ 109.502 and 109.505 (relating to permitting of currently operating systems; compliance deadlines; and requirements for noncommunity water systems).

(b) A person may not substantially modify a permitted public water system without first obtaining an amended construction permit from the Department under § 109.503(b)...". 25 Pa Code Section 109.501(b).

Q. Later in the day on February 17, 2006, some of the violations were corrected. The chlorine day tank had been replenished. Measurable chlorine residuals were able to be obtained at the entry point, the Post Office building, and the local garage.

R. By restoring chlorine residual to the system, RS remedied the violation of § 109.710 of the Department's regulations, 25 Pa Code Section 109.710.

S. The excessive water loss problem, a violation of 25 Pa. Code Section 109.4, and installing a well pump that exceeded the permitted capacity of Well Number 1, a violation of 25 Pa. Code Section 109.501(b), still remains unresolved.

T. As a result of an Administrative Conference held on December 22, 2004, between the Department and RS, RS agreed to submit a plan to the Department indicating how it would reduce its unaccounted for water loss, including time frames for achieving the goals. Such a plan was never submitted.

U. On March 28, 2006, the Department held an Administrative Conference with RS to discuss the violations at the public water system and the manner in which these violations could be corrected.

V. At the March 28, 2006 Administrative Conference, it became apparent that while RS fixed the leaks, there was not an adequate reduction of RS's unaccounted for water, even though several leaks were repaired and the well and booster pumps were not running continuously at that time.

W. RS does not have an Operation and Maintenance Plan, which was discussed at the March 28, 2006 Administrative Conference.

X. Correspondence from the Department, dated March 30, 2006, was sent to RS summarizing the meeting of March 28, 2006. A copy of that correspondence is attached as Exhibit B, and incorporated herein.

Y. Section 109.702 of the Department's regulations provides in relevant part as follows:

(a) A community water supplier shall develop an Operation and Maintenance Plan for the community water system. The Operation and Maintenance Plan shall conform to the guidelines contained in the Department's *Public Water Supply Manual* and shall contain at least the following information:

- (1) A description of the facilities.
- (2) An explanation of startup and normal operation procedures.
- (3) A routine maintenance program.
- (4) Records and reporting system.
- (5) Sampling and analyses program.
- (6) A public notification program including appropriate advance preparations, such as public notice templates, an explanation of appropriate methods of delivery and a designation of public notice recipients for each tier type.
- (7) Staffing and training.
- (8) Sanitary survey program including the wellhead protection program for any water system that develops one under § 109.713 (relating to wellhead protection programs).

- (9) Safety program.
- (10) Emergency plan and operating procedures.
- (11) Manufacturer's manuals.
- (12) An interconnect, valve and blowoff exercise and testing program.

(b) The community water supplier shall implement the Operation and Maintenance Plan in accordance with accepted practices of the water supply industry.

Z. By failing to have an Operation and Maintenance Plan, as described in Paragraph W, above, RS violated Section 109.702 of the Department's regulations, 25 Pa. Code Section 109.702.

AA. By failing to properly provide disinfection to its public water system as set forth in Paragraph L(2), above, RS violated Sections 109.4 and 109.710 of the Department's regulations, 25 Pa. Code Sections 109.4 and 109.710.

BB. By installing a well pump that exceeded the permitted capacity of Well Number 1 as set forth in Paragraph L(1), above, RS violated Section 109.501(b) of the Department's regulations, 25 Pa Code Section 109.501(b).

CC. By failing to reduce its unaccounted for water loss as set forth in Paragraphs H, J, K, S, T and V, above, RS has violated Section 109.4 of the Department's regulations, 25 Pa Code Section 109.4.

DD. The violations described in Paragraphs H, J, K, L(1), L(2), T, V, W, Z, AA, BB, and CC, above, constitute a statutory nuisance under Section 12 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.12 and subject RS to civil penalty liability under Section 13 of the Safe Drinking Water Act, 35 P.S. § 721.13.

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by RS as follows:

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 13 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.13 and Section 1917-A of the Administrative Code, supra.

2. **Findings.**

(a) RS agrees that the findings in Paragraphs A through DD are true and correct and, in any matter of proceeding involving RS and the Department, RS shall not challenge the accuracy or validity of these findings.

(b) The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action.

(a) Within 90 days from the effective date of this Consent Order and Agreement, RS shall submit an Operation and Maintenance Plan, meeting the requirements of 25 Pa. Code § 109.702. RS shall, at a minimum, follow the guidance set forth in Exhibit A, which is attached hereto. Also attached hereto is Part VI of the Public water Supply Manual, dealing with Emergency Response, which marked as Exhibit C, and incorporated herein. An Emergency Response Plan is required to be incorporated into the Operation and Maintenance Plan that is being submitted as part of the paragraph. Once the Department has approved, rejected or approved the Operation and Maintenance Plan with conditions, RS shall implement the Operation and Maintenance Plan as approved.

(b) Within sixty days from the effective date of this Consent Order and Agreement RS, shall submit to the Department a Corrective Action Plan ("CAP") that shall include a schedule. The CAP shall outline the actions RS will take to correct the violations identified in this Consent Order and Agreement. The CAP shall be structured to reduce RS's unaccounted water loss to 30% or less within five years. It shall also include a plan and schedule to correct the violation at Well Number 1. The new well pump installed in Well Number 1 exceeded the permitted pumping rate of the well. RS either needs to apply for and obtain a construction permit amendment for the new larger well pump, or put the old permitted pump, or a new pump of the same make and model, back in Well Number 1. A professional engineer shall prepare the CAP. This plan needs to include at a minimum:

- (1) An accurate estimate of the current unaccounted water loss;
- (2) Detailed map(s) of the entire distribution system;
- (3) A systematic method and schedule for evaluating the entire

distribution system for leaks. Known problem areas first must be prioritized and dealt with first;

(4) A prompt plan of leak repair or line replacement upon identification of leaks. Repairs need to be made within the timeframe approved within the CAP; and

(5) A plan and schedule to correct the violation at Well Number 1 identified in L(1), above.

(c) Once the Department has approved, rejected, or approved the CAP with conditions, RS shall implement the CAP as approved.

(d) The approved CAP and CAP Implementation Schedule shall be incorporated into this Consent Order and Agreement for all purposes, including enforcement and penalty provisions.

(e) RS shall submit quarterly progress reports to the Department outlining the steps and actions taken with respect to the CAP. These quarterly reports shall occur the same month its quarterly billings are sent. The report shall contain (at a minimum): Actions taken to correct the violation with Well Number 1, the number of leaks found, the number of leaks fixed, the amount of water pumped into the system, the amount of water usage billed, valves, lines and/or hydrants replaced or repaired, and a running total percentage of reduction of unaccounted water loss. These quarterly reports shall continue until the Department informs RS in writing that it may discontinue the report.

4. Civil Penalty Settlement.

(a) RS shall pay a civil penalty of \$1,565.00. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in this Consent Order and Agreement. The payment shall be made by corporate check or the like made payable to the "Pennsylvania Safe Drinking Water Account", and sent to the address in Paragraph 10, below. It shall be payable within 10 days from the effective date of this document.

5. Stipulated Civil Penalties.

(a) In the event RS fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, RS shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of \$500 per month for the first and second month or any part thereof, \$700 for the third and fourth month or any part thereof, and \$900 per month or any part thereof for the fifth month and every month thereafter, or for any part of the month.

(b) Any payment under this paragraph shall neither waive RS's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel RS's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only RS's liability for civil penalties arising from the violation of this Consent Order and Agreement for which the payment is made.

(c) Stipulated civil penalty payments shall be made monthly on or before the fifteenth day of each succeeding month and sent to the address set forth in Paragraph 10, below.

(d) Stipulated penalties shall be due automatically and without notice.

6. Additional Remedies.

(a) In the event RS fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

(b) The remedies provided by this paragraph and Paragraph 5 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

(c) The Department will not pursue any remedy, other than a stipulated civil penalty, for violation of paragraph 3, if the violations are corrected within seven (7) days.

7. **Reservation of Rights.** The Department reserves the right to require additional measures to achieve compliance with applicable law. RS reserves the right to challenge any action, which the Department may take to require those measures.

8. **Liability of Operator.** RS shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. RS also shall be liable for any violation of this Consent Order and Agreement caused by, contributed by, contributed to, or allowed by its successors and assigns.

9. **Transfer of Site.**

(a) The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the RS water system or any part thereof.

(b) If RS intends to transfer any legal or equitable interest in the water system which is affected by this Consent Order and Agreement, RS shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Northcentral Regional Office of the Department of such intent.

(c) The Department in its sole discretion may agree to modify or terminate RS's duties and obligations under this Consent Order and Agreement upon transfer of

the water system; RS waives any right that it may have to challenge the Department's decision in this regard.

10. **Correspondence with Department.** All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Program Manager
Water Supply Management
208 West Third Street - Suite 101
Williamsport, PA 17701-6448
570-327-0540 (Phone)
570-327-3565 (Fax)

11. **Correspondence with RS.** All correspondence with RS concerning this Consent Order and Agreement shall be addressed to:

Bonnie Jacobs, Secretary/Treasurer, Willard Campbell, and J. Roy Campbell
Rock Spring Water Company
1750 Tadpole Road
Pennsylvania Furnace, PA 16865
814-231-2911 (Phone)

12. **Force Majeure.**

(a) In the event that RS is prevented from complying in a timely manner with any time imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstances beyond RS's control. RS may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond RS's control. RS's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

(b) RS shall only be entitled to the benefits of this paragraph if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by RS to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten working days of its submission. RS's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

(c) The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by RS and other information available to the Department. In any subsequent litigation, the operator shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information based upon the information then available to it.

13. **Severability.** The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

14. **Entire Agreement.** This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

15. **Attorneys Fees.** The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

16. **Modifications.** No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

17. **Titles.** A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

18. **Decisions under Consent Order.** Any decision which the Department makes under the provisions of this Consent Order and Agreement is intended to be neither a final action under 25 Pa. Code § 1021.2, nor an adjudication under 2 Pa. C.S. § 101. Any objection which RS may have to the decision will be preserved until the Department enforces this Consent Order and Agreement.

19. **Termination.** The obligations of Paragraph 3 shall terminate when RS receives approval from the Department that its Operation and Maintenance Plan is complete and accurate for implementation, that the work under the CAP has achieved a 30% or less rate of unaccounted water loss, and the violation for the unpermitted well pump in Well Number 1 has been corrected, and RS receives written documentation from the Department that the matter is resolved.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of RS certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of RS; that RS consents to the entry of this Consent Order and Agreement as a final Order of the Department; and that RS hereby knowingly waives its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by RS's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR Rock Spring Water Company:

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bonnie Jacobs
Bonnie Jacobs
Secretary/Treasurer

Thomas M. Schmick 6-20-2006
Thomas M. Schmick
Environmental Program Manager

Willard Campbell
Willard Campbell
Part Owner

Amy Ersler 6.20.06
Amy Ersler
Assistant Counsel

J. Roy Campbell
J. Roy Campbell
Part Owner

R. Campbell
Name
Attorney for Rock Spring Water Company

DEP EXHIBIT 20

**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 I., Rock Spring has violated Section 109.4 of the Department's regulations, 25 Pa. Code §109.4.

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

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

ORDER

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE OF APPEAL

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

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

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

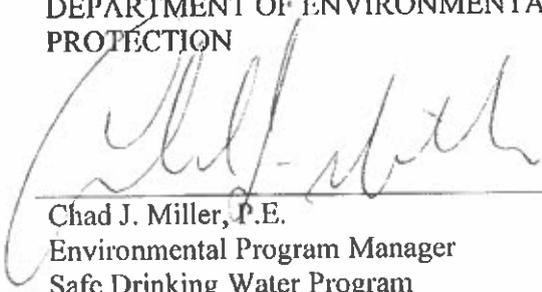
Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



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

DEP EXHIBIT 21



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

November 22, 2022

CERTIFIED MAIL: 7020 2450 0000 0936 0929

ASSESSMENT OF CIVIL PENALTY

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

Re: Violations of the Safe Drinking Water
Act Assessment of Civil Penalty

Dear Mr. Campbell:

On October 17, 2018, the Department of Environmental Protection assessed a civil penalty against Rock Spring Water Company in the amount of Forty Thousand Dollars (\$40,000.00) for violations of the Safe Drinking Water Act at your public water system located in Pennsylvania Furnace, Centre County, Pennsylvania. A copy of the civil penalty assessment is enclosed herewith for your reference.

Demand is hereby being made for payment of this civil penalty. If the Department does not receive a check for the amount of the penalty within ten (10) days of your receipt of this letter, the amount, together with interest and any costs that may accrue, shall constitute a debt as may be appropriate, to the Safe Drinking Water Fund.

Further, we have become aware that the information that we have of current shareholders/owners of Rock Spring Water Company is not entirely accurate. Pursuant to 25 Pa. Code Section 109.6, we are requesting that an updated list of current shareholder/owner names and contact information (mailing address and phone numbers) be submitted within ten (10) days to my attention at the address in the footer of this letter. This is the third letter sent for demand of payment and second letter requesting a current list of water system owners.

If you wish to discuss this matter, you may contact me at 570-327-3673.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chad J. Miller".

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

Enclosures: Civil Penalty Assessment

cc: Shareholders
Geoff Ayers (electronic)
Sasha Minium (electronic)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

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

CIVIL PENALTY ASSESSMENT

Now on this 17th day of October 2018, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), hereby assesses this civil penalty after it has found and determined the following:

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

B. The Rock Spring Water Company ("RSWC") is a corporation registered to do business in Pennsylvania and is assigned 307801 by the Pennsylvania Department of State Corporation Bureau. There are three individual shareholders in the company and who have been

involved in the daily operations of Rock Spring Water Company. They are: Bonnie Jacobs, Secretary/Treasurer; Willard Campbell, Shareholder; and J. Roy Campbell, Shareholder. The mailing address for the company is 1750 Tadpole Road, Pennsylvania Furnace, PA 16865.

C. RSWC is a "person" as that term is defined in Section 3 of the Safe Drinking Water Act, 35 P.S. § 721.3, and Section 109.1 of the Department's regulations, 25 Pa. Code § 109.1. A "person" is defined as "[a]n individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government." 25 Pa. Code §109.1, 35 P.S. § 721.3.

D. RSWC owns and operates a "public water system" as defined in Section 109.1 of the Department's Rules and Regulations, 25 Pa. Code §109.1, and the Section 3 of the Safe Drinking Water Act (SDWA), 35 P.S. § 721.3. A "public water system" is defined as "[a] system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is

used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.” 25 Pa. Code § 109.1

E. RSWC is a “public water supplier” as defined in Section 3 of the SDWA, 35 P.S. §721.3, and Section 109.1 of the Department’s regulations, which define a “public water supplier” as “[a] person who owns or operates a public water system.” 25 Pa. Code §109.1

F. RSWC 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.”

G. RSWC serves approximately 1,000 people with approximately 460 connections. RSWC’s only source of supply is Well Number 1. All but two of the connections are metered.

H. Section 109.4 of the Department’s rules and regulations requires that public water suppliers “(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.” 25 Pa. Code § 109.4.

I. Section 13(a) of the SDWA provides: “(a) “[i]t shall be the duty of any person to proceed diligently to comply with any order issued pursuant to section 5. If such person fails to proceed diligently or fails to comply with the order within such time, if any, as may be specified, the person shall be guilty of contempt and shall be punished by the court in an appropriate manner and for this purpose, application may be made by the department to the Commonwealth Court, which court is hereby granted jurisdiction.” 35 P.S. § 721.13(a).

J. Section 109.1305(a) of the Department’s regulations provides 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 concentration every day the system serves 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 ... during the hour of peak flow....” 25 Pa. Code § 109.1305(a).

K. Community groundwater systems are required to “... [m]aintain 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).

L. Community water suppliers are required to monitor and report for volatile organic chemicals (VOCs), for compliance with the Maximum Contaminant Levels, (“MCLs”) for VOCs

established by the EPA under 40 CFR 141.61(a). 25 Pa. Code § 109.301(5).

M. RSWC is currently required to monitor and report for VOCs in its public water system once every three years. 25 Pa. Code § 109.301(5)(iv)(B).

N. When a public water system is required to provide public notice, each public notice must include violations including contaminants of concern, potential adverse health effects, populations at risk if exposed to contaminants in the water, whether alternative water supplies should be used, actions consumers should take, what is being done to correct the situation, contact information for the water system owner or operator, and encouragement to distribute this notice to other persons served. 25 Pa. Code § 109.411(a).

O. Section 109.701(a)(4) requires that "[t]he water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification) with the exception of a CCR, [Consumer Confidence Report], submit to the Department a certification that it has fully complied with the public notification requirements...." 25 Pa. Code § 109.701(a)(4).

P. On June 20, 2006, RSWC entered into a Consent Order and Agreement (COA) with the Department to address the system's excessive water loss and failure to properly operate and maintain its distribution system.

Q. Under the 2006 COA, RSWC 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, RSWC did submit a CAP outlining a plan and schedule to reduce its unaccounted-for water loss to less than 30% by September 31st, 2010. As per the CAP, if RSWC's unaccounted-for water usage was still greater than 30%, RSWC would begin a waterline replacement project including design and completion by no later than August 31st, 2011. The Department approved RSWC's CAP.

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

S. RSWC failed to implement a waterline-replacement project by the August 31st, 2011 deadline date as required by the 2006 COA and has not done so to date.

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

U. The Department mailed a Notice of Violation ("NOV") dated January 10, 2018

for the violations described above and recommended that RSWC ensure that the free chlorine residual at entry point 102 remain at or above .40 mg/L, provide appropriate public notice, and provide certification of public notice to the Department.

V. RSWC did not follow the recommendations of the Department. RSWC did not provide appropriate public notification (PN) and did not provide PN certification to the Department.

W. RSWC did not monitor for twenty-one VOCs in the year 2017.

X. The Department mailed an NOV dated May 21, 2018, to RSCW for the failures to monitor for the VOCs, report chlorine residuals after the monitoring violation observed on December 19, 2017, provide public notice, and include a Level 1 Assessment for a total-coliform positive-sample violation in the Consumer Confidence Report. The Department recommended that RSWC sample for VOCs by July 10, 2018, provide Tier 1 and Tier 3 public notification, and submit a revised Consumer Confidence Report to the Department.

Y. RSWC did not respond to the May 21, 2018 NOV and has failed to follow the recommendations of the Department.

Z. By failing to reduce its unaccounted-for water loss as set forth in paragraph R, and by failing to implement a water line replacement as described in paragraph S, RSWC has

violated Section 109.4 of the Department's regulations, 25 Pa. Code § 109.4 and Section 13(a) of the SDWA, 35 P.S. § 721.13(a).

AA. By failing to maintain an acceptable entry-point chlorine-residual level as described in paragraph T, RSWC violated Sections 109.4 and 109.1302(a)(2) of the Department's regulations, 25 Pa. Code §§ 109.4 and 109.1302(a)(2).

BB. By failing to monitor for VOC contaminants as described in paragraph W, RSWC has violated Section 109.301(5) of the Department's regulations. 25 Pa. Code § 109.301(5).

CC. By failing to issue appropriate public notification as described in paragraph N, RSWC violated 25 Pa. Code § 109.411(a).

DD. By failing to submit a certificate of public notification to the Department as described in paragraph O, RSWC violated 25 Pa. Code § 109.701(a)(4).

EE. The violations described in Paragraphs AA through DD, above, constitute public nuisances under Section 12 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.12, and subject RSWC to a claim for civil penalties under Section 13(g) of the Safe Drinking Water Act, 35 P.S. § 721.13(g).

CIVIL PENALTY ASSESSMENT

NOW, THEREFORE, pursuant to the Department's authority under Section 13(g) of the SDWA, 35 P.S. § 721.13(g), the Department hereby assesses a civil penalty in the amount of FORTY THOUSAND DOLLARS (\$40,000) against RSWC for the violations described in Paragraphs AA through EE, above.

Payment of this Civil Penalty shall be made within 45 (forty-five) days from the date of this Civil Penalty Assessment. The payment shall be made by corporate or certified check, or the like payable to the "Commonwealth of Pennsylvania" with a note on the memo line that states "Safe Drinking Water Account," and shall be sent to:

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

The civil penalty assessed in this Civil Penalty Assessment shall not waive any right of the Department to proceed with any other remedy at law or in equity for the offenses specified herein.

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NOTICE OF APPEAL RIGHTS

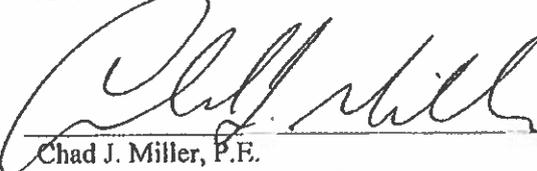
Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A to the:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457
717-787-3483

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's Rules of Practice and Procedure may be obtained from the Board. The appeal form and the Board's Rules of Practice and Procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

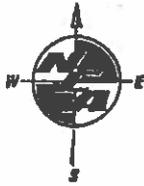
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD. IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY OF THE BOARD (717-787-3483) FOR MORE INFORMATION.

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



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

DEP EXHIBIT 22



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

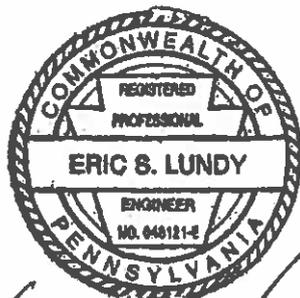
SAFE DRINKING WATER

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 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

Valves

Symbolized based on material and pipe diameter

- 12" PVC
- 6" PVC
- 4" Trench
- 4" Cast
- Hydrant Valve

SYSTEM PARTS

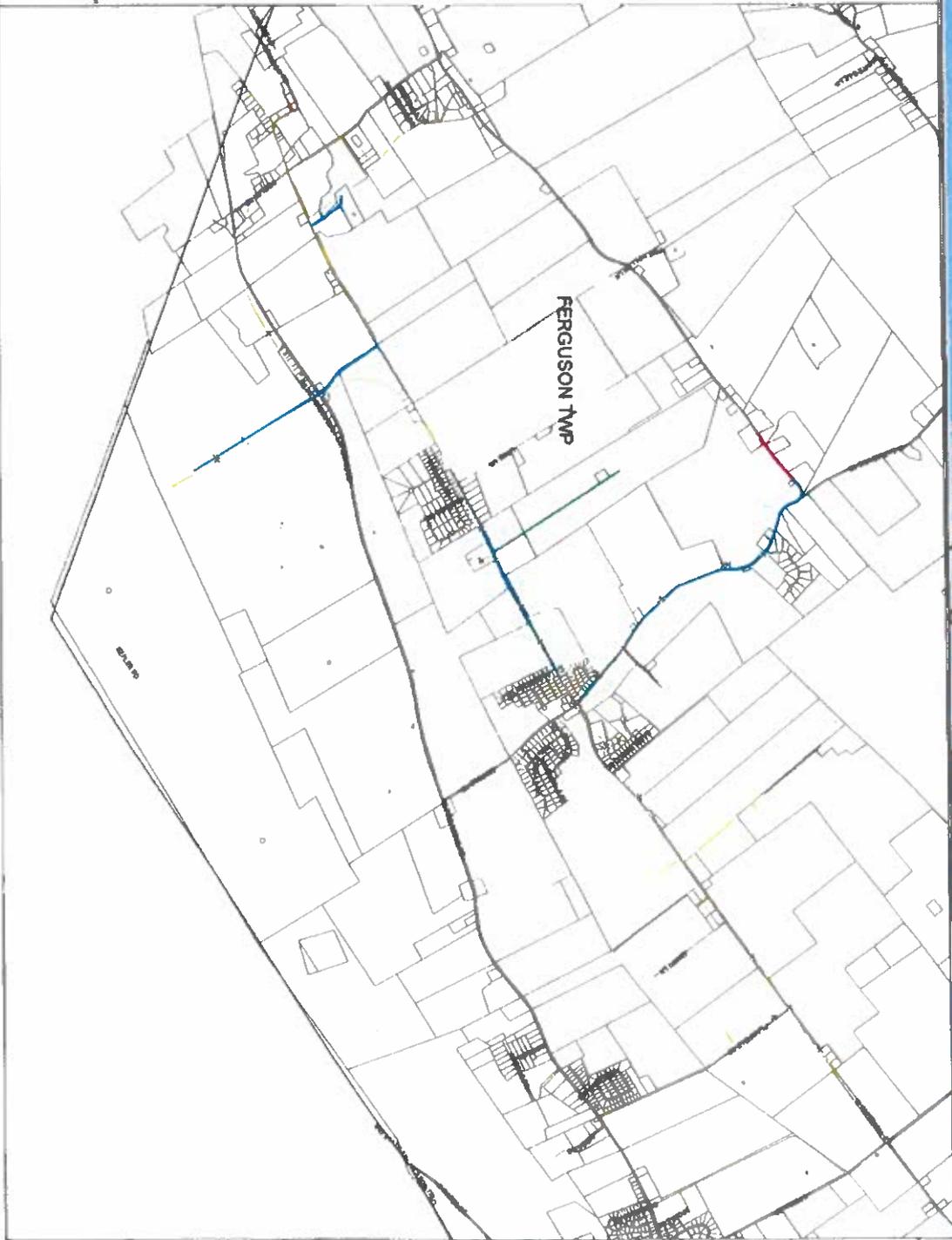
- Water Of
- Water Pk
- Source
- Storage Tank
- Treatment Plant
- Valve

Only the existing system shown. If a new system is added, it will be shown in blue. Existing lines are shown in black.

OTHER MAP FEATURES

- Address
- Submerged
- Boundary

Prepared by the Planning and Construction Department, Rock Spring Water Company
 LAD-1123
 1/20/2010
 Date: 1/21/2010
 Scale: 1 inch = 100 feet
 This map is intended for informational purposes only and does not constitute a contract or warranty of any kind. The Rock Spring Water Company is not responsible for any errors or omissions on this map.



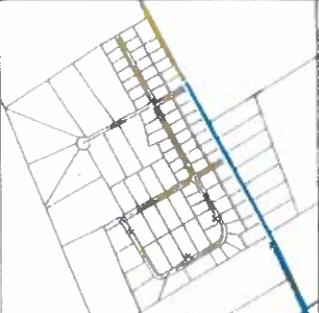
Water Treatment Facility 11 inch = 200 feet



Fairbrook 11 inch = 400 feet



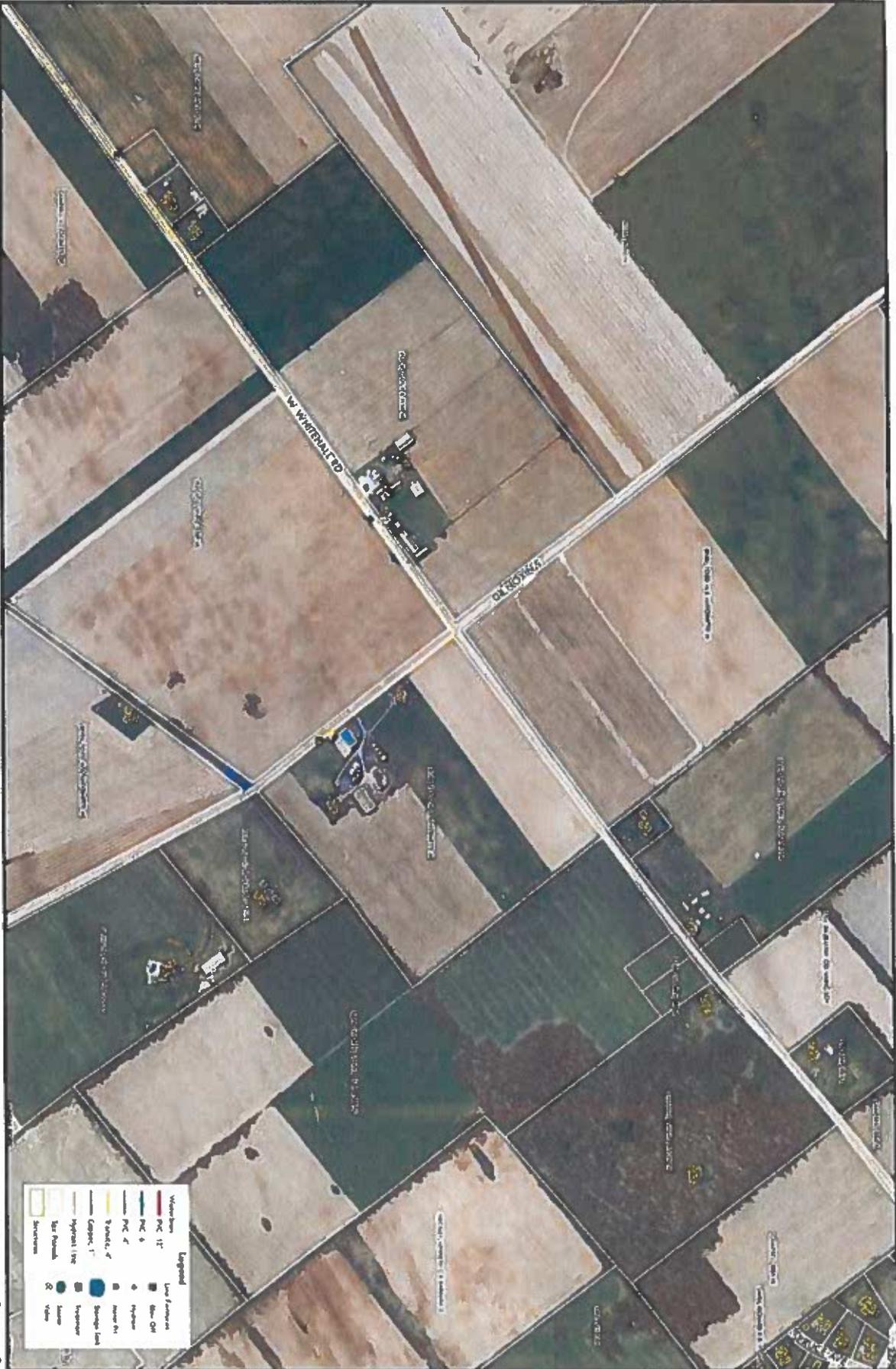
Meadow LI 11 inch = 500 feet



010

FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet



Legend	
Water Run	Line Features
PC 12	Blue Off
PC 9	Blue On
PC 4	Blue On
PC 2	Blue On
PC 1	Blue On
PC 0	Blue On
PC -1	Blue On
PC -2	Blue On
PC -3	Blue On
PC -4	Blue On
PC -5	Blue On
PC -6	Blue On
PC -7	Blue On
PC -8	Blue On
PC -9	Blue On
PC -10	Blue On
PC -11	Blue On
PC -12	Blue On
PC -13	Blue On
PC -14	Blue On
PC -15	Blue On
PC -16	Blue On
PC -17	Blue On
PC -18	Blue On
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PC -89	Blue On
PC -90	Blue On
PC -91	Blue On
PC -92	Blue On
PC -93	Blue On
PC -94	Blue On
PC -95	Blue On
PC -96	Blue On
PC -97	Blue On
PC -98	Blue On
PC -99	Blue On
PC -100	Blue On

MAP 1 OF 12

FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet



ROCK SPRING WATER COMPANY

MAP 5 OF 12

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



MAP 6 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet

MAP 7 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



MAP 8 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY



Legend	
Blue	Water
Red	100' 1" Pipe
Yellow	100' 2" Pipe
Green	100' 3" Pipe
Orange	100' 4" Pipe
Purple	100' 5" Pipe
Light Blue	100' 6" Pipe
Light Green	100' 7" Pipe
Light Orange	100' 8" Pipe
Light Purple	100' 9" Pipe
Light Blue	100' 10" Pipe
Light Green	100' 11" Pipe
Light Orange	100' 12" Pipe
Light Purple	100' 13" Pipe
Light Blue	100' 14" Pipe
Light Green	100' 15" Pipe
Light Orange	100' 16" Pipe
Light Purple	100' 17" Pipe
Light Blue	100' 18" Pipe
Light Green	100' 19" Pipe
Light Orange	100' 20" Pipe
Light Purple	100' 21" Pipe
Light Blue	100' 22" Pipe
Light Green	100' 23" Pipe
Light Orange	100' 24" Pipe
Light Purple	100' 25" Pipe
Light Blue	100' 26" Pipe
Light Green	100' 27" Pipe
Light Orange	100' 28" Pipe
Light Purple	100' 29" Pipe
Light Blue	100' 30" Pipe
Light Green	100' 31" Pipe
Light Orange	100' 32" Pipe
Light Purple	100' 33" Pipe
Light Blue	100' 34" Pipe
Light Green	100' 35" Pipe
Light Orange	100' 36" Pipe
Light Purple	100' 37" Pipe
Light Blue	100' 38" Pipe
Light Green	100' 39" Pipe
Light Orange	100' 40" Pipe
Light Purple	100' 41" Pipe
Light Blue	100' 42" Pipe
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Light Orange	100' 56" Pipe
Light Purple	100' 57" Pipe
Light Blue	100' 58" Pipe
Light Green	100' 59" Pipe
Light Orange	100' 60" Pipe
Light Purple	100' 61" Pipe
Light Blue	100' 62" Pipe
Light Green	100' 63" Pipe
Light Orange	100' 64" Pipe
Light Purple	100' 65" Pipe
Light Blue	100' 66" Pipe
Light Green	100' 67" Pipe
Light Orange	100' 68" Pipe
Light Purple	100' 69" Pipe
Light Blue	100' 70" Pipe
Light Green	100' 71" Pipe
Light Orange	100' 72" Pipe
Light Purple	100' 73" Pipe
Light Blue	100' 74" Pipe
Light Green	100' 75" Pipe
Light Orange	100' 76" Pipe
Light Purple	100' 77" Pipe
Light Blue	100' 78" Pipe
Light Green	100' 79" Pipe
Light Orange	100' 80" Pipe
Light Purple	100' 81" Pipe
Light Blue	100' 82" Pipe
Light Green	100' 83" Pipe
Light Orange	100' 84" Pipe
Light Purple	100' 85" Pipe
Light Blue	100' 86" Pipe
Light Green	100' 87" Pipe
Light Orange	100' 88" Pipe
Light Purple	100' 89" Pipe
Light Blue	100' 90" Pipe
Light Green	100' 91" Pipe
Light Orange	100' 92" Pipe
Light Purple	100' 93" Pipe
Light Blue	100' 94" Pipe
Light Green	100' 95" Pipe
Light Orange	100' 96" Pipe
Light Purple	100' 97" Pipe
Light Blue	100' 98" Pipe
Light Green	100' 99" Pipe
Light Orange	100' 100" Pipe

1 inch = 200 feet



MAP 10 OF 12

ROCK SPRING WATER COMPANY

FERGUSON TOWNSHIP, CENTRE COUNTY

ROCK SPRING WATER COMPANY



1 inch = 200 feet

MAP 11 OF 12

FERGUSON TOWNSHIP, CENTRE COUNTY



1 inch = 200 feet



MAP 12 OF 12

ROCK SPRING WATER COMPANY

APPENDIX C

Waterline Replacement Plans

FERGUSON TOWNSHIP, CENTRE COUNTY

1 inch = 200 feet



ROCK SPRING WATER COMPANY

MAP 7 OF 12

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.).

30% or lower

Leak detection shall be ongoing until ^{30%}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 ^{30%}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

Safe Drinking Water Program
Northcentral Regional Office | 208 West Third Street | Suite 101 | Williamsport, PA 17701-6448
570.327.3636 | Fax 570.327.3565 | www.dep.pa.gov

DEP EXHIBIT 23



pennsylvania

DEPARTMENT OF ENVIRONMENTAL

PROTECTION

May 24, 2019

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

Re: *Violation of Administrative Order*
PWSID #4140085
Rock Spring Water Company
Ferguson Twp., Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing to inform you that the Rock Spring Water Company (Rock Spring) is now in violation of the Administrative Order dated August 27th, 2018. The Department has not received a quarterly report from Rock Spring for the months of November and December of 2018, and January through April of 2019. As stated in the Administrative Order *“Rock Spring shall continue to submit quarterly 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, and 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.”*

The reports should be sent to:

Tina McCafferty
Compliance Specialist
Pennsylvania Department of Environmental Protection
Safe Drinking Water Program
208 West Third Street, Suite 101
Williamsport, PA 17701

Please have the reports to me no later than the close of business May 31st, 2019.

Rock Spring Water Company

-2-

May 24, 2019

Should you have any questions, please feel free to contact at 570-327-3777 or tmccaffert@pa.gov.

Sincerely,

Tina McCafferty
Compliance Specialist
Safe Drinking Water Program

cc: Chad Miller
Anne Shapiro
File

DEP EXHIBIT 24



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

August 6, 2019

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

Re: ***Insufficient Quarterly Report Submittals***
PWSID #4140085
Rock Spring Water Company
Ferguson Twp., Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing in response to your June 15th, 2019 email labeled "*February and May Quarterly Reports*". The email contained raw data for water that had been pumped, but no Unaccounted-for-Water Loss calculations were submitted, nor any other information required as per the March 29th, 2019 Corrective Action Plan. As such, Rock Spring Water Company (Rock Spring) is still in violation of the Administrative Order dated August 27, 2018.

The Department has not received an acceptable quarterly report from Rock Spring for the months of November and December of 2018, and January through July of 2019. As stated in the Administrative Order "*Rock Spring shall continue to submit quarterly 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, and 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.*"

The reports should be sent to:

Tina McCafferty
Compliance Specialist
Pennsylvania Department of Environmental Protection
Safe Drinking Water Program
208 West Third Street, Suite 101
Williamsport, PA 17701

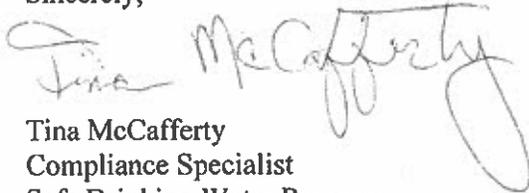
To assist you in submitting the required reports, I have formulated worksheets that you may use to calculate your UWL (Unaccounted-for-Water Loss), if you choose to do so. I am including two different worksheets, either can be used to submit your calculations on, depending on whichever one you are more comfortable using.

Safe Drinking Water Program
Northcentral Regional Office | 208 West Third Street | Suite 101 | Williamsport, PA 17701-6448
570.327.3636 | Fax 570.327.3565 | www.dep.pa.gov

Please have the reports to me no later than the close of business August 30, 2019.

Should you have any questions, please feel free to contact at 570-327-3777 or tmccaffert@pa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Tina McCafferty". The signature is written in dark ink and is positioned above the typed name.

Tina McCafferty
Compliance Specialist
Safe Drinking Water Program

cc: Chad Miller
Anne Shapiro
Sondra Hollister
Paul Bruder, Esq.
File

DEP EXHIBIT 25



March 24, 2021

CERTIFIED MAIL NO. 7019 0160 0000 7352 6238

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

Re: **NOTICE OF VIOLATION**
PWSID # 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing to inform you that the Rock Spring Water Company (Rock Spring) is in violation of the Administrative Order dated August 27, 2018. The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, 25 Pa. Code § 109.4(4). Specifically, Rock Spring has not submitted a quarterly report for the months of November 2020, December 2020, and January 2021, in accordance with Paragraph 6 of the August 27, 2018 Administrative Order. **This quarterly report was due by the end of February 2021. The Department requests that a full and complete quarterly report for November 2020, December 2020, and January 2021 be submitted within 15 days of receipt of this Notice of Violation.**

The Department is also requesting responses regarding the following items outlined in the Corrective Action Plan (CAP) and CAP Implementation Schedule dated March 28, 2019 (revised April 17, 2019) and incorporated into the August 27, 2018 Administrative Order, per Paragraph 3 of the Order:

The CAP Implementation Schedule states that "By 9/2019 - Rock Spring Water Company [will] 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." During an inspection on July 1, 2020, Department personnel confirmed with a Rock Spring representative that the SCADA replacement had not yet been completed. **The Department requests an update in writing within 15 days of receipt of this Notice of Violation on the status of the SCADA installation, or an anticipated date of completion if not yet installed.**

The CAP Implementation Schedule further states that "By 12/2020 - The Rock Spring Water Company shall have a professional leak detection company conduct a complete system evaluation/leak detection survey." **The Department requests submittal of documentation within 15 days of receipt of this Notice of Violation providing proof that the professional**

leak detection evaluation/survey was completed, ie. a copy of the report or results from the evaluation/survey.

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Cc: File
Chad Miller, Program Manager (electronic)
Valerie Elsasser, Sanitarian Supervisor (electronic)
Brittney Dent, Environmental Trainee (electronic)
Robert Cronin, Assistant Counsel (electronic)

DEP EXHIBIT 26



January 3, 2023

CERTIFIED MAIL NO. 7020 2450 0000 0936 0967

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

Re: **NOTICE OF VIOLATION**
PWSID # 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

I am writing to inform you that the Rock Spring Water Company (Rock Spring) is in violation of the Administrative Order dated August 27, 2018. The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, 25 Pa. Code § 109.4(4). Specifically, Rock Spring has not submitted a quarterly report for the months of August 2022, September 2022, and October 2022, in accordance with Paragraph 6 of the August 27, 2018 Administrative Order. This quarterly report was due in November 2022. **The Department requests that a full and complete quarterly report for August 2022, September 2022, and October 2022 be submitted within 15 days of receipt of this Notice of Violation.**

The last quarterly report was received late on October 6, 2022 for the months of May through July 2022. Rock Spring's report for the current quarter (November 2022, December 2022, and January 2023) will be due in February 2023.

In addition, under 25 Pa. Code 109.6, the Department is also requesting responses regarding the following items outlined in the Corrective Action Plan (CAP) and CAP Implementation Schedule dated March 28, 2019 (revised April 17, 2019) and incorporated into the August 27, 2018 Administrative Order, per Paragraph 3 of the Order:

The CAP Implementation Schedule states that "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." On January 18, 2022, the Department sent Rock Spring correspondence requesting updates to the waterline replacement plan submitted under the April 17, 2019 CAP based on the results of the previous leak detection surveys. The Department did not receive a response by the requested deadline of March 31, 2022. **The Department requests an update in writing within 15 days of receipt of this Notice of Violation on the status of the waterline replacement project, along with submittal of any available documentation providing proof that the easements have been put in place.**

In addition, if any updates or changes have been made to the waterline replacement project based on information from the results of previous leak detection surveys, the Department requests an updated project description and any accompanying maps and plans.

The CAP Implementation Schedule further states that “Between 01/2022 and 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.” **The Department requests submittal of any available documentation within 15 days of receipt of this Notice of Violation providing proof that the professional leak detection evaluation/survey was completed, ie. a copy of the report or results from the evaluation/survey or an invoice for services.**

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Cc: File
Chad Miller, Program Manager (electronic)
Nathan White, Sanitarian (electronic)
Mark Accettulla, Sanitarian Supervisor (electronic)
Geoffrey Ayers, Regional Counsel (electronic)
Amanda Chaplin, Assistant Counsel (electronic)

DEP EXHIBIT 27



January 12, 2023

CERTIFIED MAIL NO. 7020 2450 0000 0936 1315

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

Re: **NOTICE OF VIOLATION**
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 Rock Spring Water Company (Rock Spring). The August 27, 2018 Administrative Order required, in part, that Rock Spring submit quarterly reports to the Department related to unaccounted-for water loss, in accordance with Paragraph 6 of the August 27, 2018 Administrative Order.

Rock Spring's quarterly report for the months of August 2023, September 2023, and October 2023 was due by no later than November 30, 2023. The Department did not receive a report until January 8, 2024. In addition, the quarterly report was incomplete, as the unaccounted-for water loss for the quarter and the running annual average of unaccounted-for water loss were not displayed properly. The Department notified Rock Spring via email on January 9, 2024 of the error and requested that a revised report be submitted by **no later than January 24, 2024**.

The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, 25 Pa. Code § 109.4(4).

As a reminder, Rock Spring's report for the current quarter (November 2023, December 2023, and January 2024) will be due in February 2024. Please ensure that the Department is in receipt of a full and complete quarterly report by no later than February 29, 2024.

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Cc: File
Chad Miller, Program Manager (electronic)
Amanda Chaplin, Assistant Counsel (electronic)
Nathan White, Sanitarian (electronic)
Mark Accettulla, Sanitarian Supervisor (electronic)

DEP EXHIBIT 28



April 12, 2024

HAND DELIVERED

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

Re: **NOTICE OF VIOLATION**
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 Rock Spring Water Company (Rock Spring). The August 27, 2018 Administrative Order required, in part, that Rock Spring submit quarterly reports to the Department related to unaccounted-for water loss, in accordance with Paragraph 6 of the August 27, 2018 Administrative Order.

Rock Spring's quarterly report for the months of November 2023, December 2023, and January 2024 was due by no later than February 29, 2024. As of the date of this Notice of Violation, the Department has not yet received this quarterly report.

The failure to comply with an Order of the Department is a violation of Section 721.13(a) of the Safe Drinking Water Act, 35 P.S. § 721.13(a), and Section 109.4(4) of the Department's rules and regulations, 25 Pa. Code § 109.4(4).

The Department has also not yet received a revised quarterly report for the months of August 2023, September 2023, and October 2023. A previous Notice of Violation was issued to you on January 12, 2024 for this violation.

The Department requests that the following be submitted **within 15 days of receipt of this Notice of Violation:**

- A full and complete quarterly report for November 2023, December 2023, and January 2024; and
- A revised quarterly report for August 2023, September 2023, and October 2023.

While the Department is aware that Rock Spring continues to have computer problems and problems with Microsoft Excel, **it is not a requirement of the August 27, 2018 Administrative Order that Rock Spring use a spreadsheet to do quarterly reporting.** Please refer to previous versions or copies of your quarterly reports that were submitted prior to the development of the spreadsheet template as an example of how quarterly reporting should be completed when a spreadsheet program is not available. The Department is also providing the unaccounted water

loss calculation sheets that were previously developed for your use in 2019 as an enclosure to this Notice of Violation.

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

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Enclosure

Cc: File
Chad Miller, Program Manager (electronic)
Nathan White, Sanitarian (electronic)
Mark Accettulla, Sanitarian Supervisor (electronic)
Amanda Chaplin, Assistant Counsel (electronic)

DEP EXHIBIT 29

Rock Spring Water Company Quarterly Report
PWSID #: 4140085

Quarter: RSWC November 2024 Quarter Report

	Notes/Comments
Previous Quarter Ending Pump Meter Total:	67,035,000.00
This Quarter's Ending Pump Meter Total:	90,903,000.00
Total Gallons Pumped	23,868,000.00
Total of read meters for quarter	10,345,000.00 Total billed water
Gallons unaccounted for:	13,523,000.00 Total pumped minus total meters read
Percentage unaccounted for water:	56.68% 30% (with flushes and service line leaks)
Previous quarter's percentage unaccounted for water:	69.68% From last quarter's report
Two quarters ago percentage unaccounted for water:	73.44% From the report two quarters ago
Three quarters ago percentage unaccounted for water:	75.25% From the report three quarters ago
Running annual average of unaccounted for water:	68.76% Total of last four quarters, inclusive, divided by 4

Number of Meters installed:	1.00
Number of leaks found:	8.00
Number of leaks repaired:	5.00 Service lines
Number of valves replaced or installed:	
Number of hydrants replaced or repaired:	
Feet of main line replaced:	
Service lines replaced:	3.00 Service lines

Explanations and details:

NOVEMBER 2024 QUARTER REPORT

30% UNACCOUNTED WATER (INCLUDING FLUSHES AND SERVICE LINE LEAKS)

-CHLORINE INJECTION POINT AT ORIGINAL LOCATION

-7 FLUSHES AND 8 LEAKS TOTALS 6,202,500G

-WELL PIT SUMP PUMP INSTALLED

-TANK INSPECTION

-REPAIRED (SERVICE LINES) -1 GARDNER, 1 TIMOTHY, 1-ELM CORP OFF, 1-BEAVER BRANCH

-REPLACED (SERVICE LINES) -2 BEAVER BRANCH, 1 EAST BLADE

-REPLACED CORP-1 RAMBLEWOOD

-LEAK DETECTION

-UNACCOUNTED WATER PRODUCED BY DEP SANITARIAN NATHAN WHITE IN NUMEROUS WATER SAMPLES, USAGE TOTALS FAILED TO REPORT TO RSWC

-TANK REPAIR, FAILED TO ACKNOWLEDGE BY DEP SANITARIAN NATHAN WHITE IN 2023 TANK INSPECTION REPORT

Make Checks Payable To:

Old Timers Leak and Line Location LLC

During the leak detection survey of Rock Spring Water Company, 7 leaks were found. Most are service lines. One service went to an empty lot and was shut down. Another service was a farm owner's leak that was fixed. 3 other severe leaking service lines were fixed and 2 others are in the works of being repaired. At this time, 10/21/2024, Usage was down to 158,000 gallon per day with 2 more leaks to be fixed.

DEP EXHIBIT 30

From: [Minium, Sasha](#)
To: [rock springs](#)
Cc: elundy@kleinfelder.com
Subject: RE: [External] RSWC November 2024 quarter report
Date: Monday, December 2, 2024 8:12:00 AM

Received, thank you.

In response to Rock Spring's comment about Department sampling: This usage is not unaccounted water loss.

Any samples taken from a customer tap due to a complaint is not unaccounted, especially if that connection is metered. The usage from that tap is ultimately water usage that you bill to that customer.

Any samples taken from the entry point are typically of such a limited volume that they are not going to significantly impact Rock Spring's overall water usage/loss, especially if they're samples for chlorine checks, which only require a small fraction of a gallon of water per chlorine test. The pocket colorimeter vials only hold a maximum of about 25 milliliters, which is a very small amount.

The only samples I'm aware of us taking in the last quarter at the entry point were to check chlorine levels, which was when we discovered that Rock Spring was not maintaining the required entry point chlorine residual. Three samples were taken that day, so the total volume of those tests would have amounted for at most, 75 milliliters, which is far less than even 1 gallon of water. The tests the Department conducted are the same kind of chlorine checks that Rock Spring should also be doing daily at the entry point, so if Rock Spring is concerned about usage at the entry point due to chlorine checks, then Rock Spring has the ability to attempt to quantify how much water is used for each test during one of your own daily tests.

Sasha Minium | Environmental Group Manager
Department of Environmental Protection | Safe Drinking Water
North Central Regional Office
208 West Third Street Suite 101 | Williamsport PA 17701
Phone: 570.327.0553 | Cell: 570.262.2750 | Fax: 570.327.3565
www.dep.pa.gov

From: rock springs <rsw5@comcast.net>
Sent: Saturday, November 30, 2024 9:48 PM
To: Minium, Sasha <sminium@pa.gov>
Cc: rock springs <rsw5@comcast.net>; elundy@kleinfelder.com
Subject: [External] RSWC November 2024 quarter report

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Sasha

Attached is November quarter report and leak detection report.

Thank you

Rock Spring Water Company
1750 Tadpole Rd
Pa Furnace, PA 16865
Phone 814-231-2911
Dial 8-1-1 before you dig

DEP EXHIBIT 31

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;

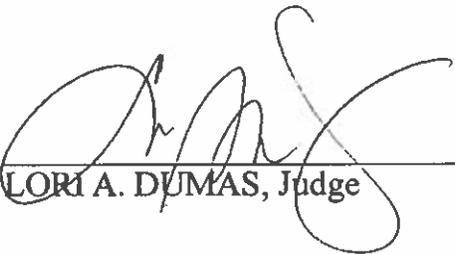
2. In all cases, Rock Spring Water Company shall complete construction of the final waterline replacement project and unaccounted-for water loss reduced to 30% or less on a running annual average basis by December 31, 2024.

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

DEP EXHIBIT 32



May 8, 2024

CERTIFIED MAIL NO: 7020 3160 0000 5535 5730

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

Re: **Court Order Deadline Reminder**
PWSID# 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

On January 18, 2024, the Commonwealth Court of Pennsylvania (Commonwealth Court) granted a Petition to Enforce the Department's Administrative Order dated August 27, 2018. The Commonwealth Court ordered Rock Spring Water Company to complete the following items in the following timeframes:

1. Within 90 days (by April 17, 2024), submit a written report that shall, at a minimum, (1) identify the final waterline replacement project; (2) be prepared by 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. By December 31, 2024, complete construction of the final waterline replacement project to reduce unaccounted-for water loss to 30% or less on a running annual average basis.

As of the date of this letter, the Department has not yet received a written report as outlined in the Commonwealth Court Order dated January 18, 2024. The Department requests that you submit the written report **within fifteen (15) days of receipt of this letter**. If the Department does not receive the written report, the Department intends to pursue contempt proceedings with the Commonwealth Court.

The Department recommends that you adhere to the remaining deadlines set in the Commonwealth Court Order dated January 18, 2024. Department personnel hand delivered the Commonwealth Court Order to Roy Campbell on January 31, 2024, but an additional copy has been enclosed for your convenience.

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Rock Spring

May 8, 2024

- 2 -

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Enclosure: January 18, 2024 Commonwealth Court order

cc: **File**
Chad Miller, Environmental Program Manager (electronic)
Amanda Chaplin, Assistant Counsel (electronic)
Nathan White, Sanitarian (electronic)
Mark Accettulla, Sanitarian Supervisor (electronic)

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;

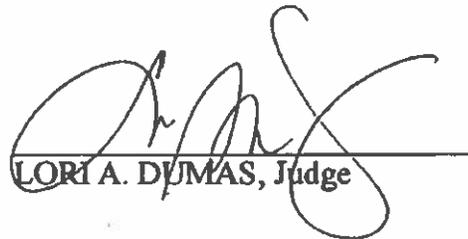
2. In all cases, Rock Spring Water Company shall complete construction of the final waterline replacement project and unaccounted-for water loss reduced to 30% or less on a running annual average basis by December 31, 2024.

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

DEP EXHIBIT 33

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

DEP EXHIBIT 34



August 8, 2024

CERTIFIED MAIL NO. 9589 0710 5270 0164 1489 73

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

Re: **Court Order Deadline Reminder**
PWSID# 4140085
Ferguson Township, Centre County

Dear Shareholders of the Rock Spring Water Company:

On July 24, 2024, the Commonwealth Court of Pennsylvania (Commonwealth Court) granted an Application for Contempt regarding the Commonwealth Court's Order dated January 18, 2024. To purge its contempt, the Commonwealth Court ordered Rock Spring Water Company to complete the following items in the following timeframes:

1. Within 30 days, submit a written report that 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. Pay a judgment in the amount of \$1,500.00 to the Department as a sanction for contempt.

The Department received your check (#6140) in the amount of \$1,500.00 on August 7, 2024. Please consider this as acknowledgement that the judgment from the July 24, 2024 Commonwealth Court's order has been paid in full.

This letter also serves as a reminder that as of the date of this letter, the written report described above is due within 15 days, or by August 23, 2024. The Department recommends that you adhere to the remaining deadlines set in both the July 24, 2024 Commonwealth Court Order and the remaining outstanding provisions of the original January 18, 2024 Commonwealth Court Order.

If you have any questions concerning this matter, please contact me by e-mail at sminium@pa.gov or by telephone at 570.262.2750.

Sincerely,



Sasha Minium
Environmental Group Manager
Safe Drinking Water Program

Enclosures: January 18, 2024 and July 24, 2024 Commonwealth Court orders

cc: File
Chad Miller, Environmental Program Manager (electronic)
Amanda Chaplin, Assistant Counsel (electronic)
Glenn Masser, Assistant Counsel (electronic)
Nathan White, Sanitarian (electronic)
Mark Accettulla, Sanitarian Supervisor (electronic)

DEP EXHIBIT 35



CLIENT PROFESSIONAL SERVICES AGREEMENT

September 12, 2024

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

RE: Proposal/Estimate: Waterline Replacement Report
CENTURY Agreement No. 24-888-015
LETTER AGREEMENT FOR ENGINEERING SERVICES

Dear Liz:

In accordance with your request, Century Engineering LLC. (Century) is pleased to present this proposal to provide Engineering Services to prepare a written report prepared by a Professional Engineer registered in PA. This report shall include the following elements:

1. Identify any and all previous work to be done to implement and/or identify a waterline replacement project.
2. Include the results of all previous leak detection surveys.
3. Include the results of any and all complete system evaluations.
4. Include all documentation proving that existing easements and/or permits are in place for the identified waterline project, if applicable.

Please note that the above report elements/data shall be provided by the Rock Spring Water Company.

Our proposed services and estimated costs to complete these services are detailed below.

We look forward to working with you on this project. Should questions arise, please contact me at 814-531-4807 directly. Thank you for considering Century on this important assignment.

This Agreement is made on: September 12, 2024 between Rock Spring Water Company (Client) and CENTURY ENGINEERING, LLC. (CENTURY). Client hereby appoints CENTURY to provide certain Services (as defined below), and CENTURY hereby agrees to perform the Services, on the following terms and conditions:

SCOPE OF SERVICES

ENGINEERING SERVICES

A. Report:

1. Consult with Client to determine what previous work, such as, leak detection services, system evaluation(s), watermain, water service line repairs have been completed.
2. Compile and analyze the data provided by the Client in Item A.1.
3. Based on the analysis of the Client provided data in Item A.2, provide a written description of a waterline replacement project, if warranted.
 - a. If a waterline project is warranted, then a written description of the waterline project will be provided that identifies location, extents and anticipated easements and/or permits necessary to implement the waterline project.
 - b. If a waterline project can not be identified due to insufficient data, then a recommendation will be provided on what data is needed, if any.
4. Summarize in a written report the findings and recommendations and provide this report to the Client within 60 days of receipt of all necessary data and information from the Client.

CLIENT PROFESSIONAL SERVICES AGREEMENT

OWNER RESPONSIBILITIES/DESIGN SUPPORT INFORMATION

The following Owner responsibilities and support information is required to complete the identified scope of services provided by Century.

1. Owner is responsible for all reimbursable expenses (mileage, advertising costs, permit fees, etc.)
2. Provide unrestricted access to the property.
3. Provide copies of any known leak detection reports, leak repair reports, provide input on known problem leak areas within the system, provide copies of any relevant easements and/or permits that have been acquired to address identified leaks in the water distribution system, provide a copy of the water system's Rules and Regulations/Tariff.
4. Client will provide Century with all existing reports/mapping, and existing information as required to complete the scope of work presented herein.
5. Provide requested information in a timely manner to keep the process moving smoothly.

POTENTIAL ADDITIONAL SERVICES/EXCLUSIONS AND ASSUMPTIONS

The following services are identified as potential additional services, based on the required scope of the project. These services are not included in the contract scope of services and proposed fees.

In the event these services are requested by the Owner, prior to the execution of a contract regarding any additional service, the services will be provided and invoiced based on a separate contract to be submitted for approval.

- Leak Detection services
- Waterline Location services
- Water system evaluation services
- PA DEP, PennDOT or local municipal Permits or approvals
- Environmental Assessments/Testing/Mitigation of PNDI issues are excluded.
- Surveying, Design, Bidding, Contract Administration, Inspection or Funding Acquisition services.
- Environmental study, wetland delineation
- Geotechnical Investigations/Report
- Right-of-Way Acquisitions/Exhibits
- Preparation of detailed cost estimates or master planning of the water system.
- Meetings with Owner's Attorney are excluded.
- Legal consultation
- Any services not specifically listed in this contract are excluded.

PROPOSED FEES / REIMBURSABLE EXPENSES

	Fee	Method
Engineering Services	\$4,750	Lump Sum
Reimbursable Expenses (estimated):	\$ 300	(Travel, copies, etc.)

1. Fee does not include any fees associated with identified and/or future additional services.
2. Monthly invoices will be based on percentage of scope of work completed, plus reimbursable expenses.
3. Checks to be made payable to Century Engineering, LLC. and mailed to Century Engineering, A Kleinfelder Company, at 10710 Gilroy Road, Hunt Valley, Maryland 21031.



CLIENT PROFESSIONAL SERVICES AGREEMENT

Century will invoice monthly on a percent complete basis. Payment is due within thirty (30) days. Late payments are subject to an 18 percent per year late charge on the balance outstanding 90 days after the date of the invoice and will be added and compounded monthly.

Additional services (upon receipt of Client approval) will be invoiced hourly in accordance with the attached Fee Schedule. Such authorizations will require written approval using an Additional Services Request (ASR) form.

PROJECT RETAINER - CENTURY CONTRACT POLICY has been waived for this proposal

PROPOSAL ACCEPTANCE PERIOD

This PROPOSAL/AGREEMENT is good for 90 days from the agreement date.

STANDARD OF CARE

Century represents that the engineering services provided herein shall be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing in the same locality as this Project under similar conditions.

This Letter Agreement, the attached Fee Schedule and Standard Contract Terms and Conditions, represent the entire understanding between the Owner and Century and may be amended only in writing and signed by both parties.

Please indicate your acceptance of and agreement with this Letter Agreement by signing both copies in the space provided below and returning one copy to us.

1. GENERAL CONDITIONS AND ADDENDA

THE GENERAL CONDITIONS ON PAGE 5 CONTAIN INDEMNIFICATION, LIMITATION OF LIABILITY AND OTHER IMPORTANT PROVISIONS AFFECTING THE PARTIES' LEGAL RIGHTS AND OBLIGATIONS.

Client and CENTURY have read, understand and agree to this Agreement, the General Conditions, the Indemnity and Limitation of Liability provisions located on Page 5, and all Proposal, Fee Schedule and addenda identified herein.

This Agreement includes the terms herein, General Conditions and any Proposal, Fee Schedule and addenda identified herein, which taken together apply to all services undertaken pursuant to this Agreement, represent the parties' entire agreement of and supersedes all agreements on the same subjects between the parties, either oral or in writing, including any Client work or purchase order.

This Agreement is governed and construed in accordance with the laws of the state where the Services are performed. The parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of such state and waive any right to object to any proceedings being brought in those courts. The parties hereby expressly waive any and all rights to trial by jury.

EXECUTED by the parties as of the date first written above:

CLIENT: Rock Spring Water Company.

CENTURY ENGINEERING, LLC:

By: J. Roy Campbell
Printed Name: J. Roy Campbell
Title: President

By: E. S. Lundy
Printed Name: Eric S. Lundy, P.E.
Title: Program Manager

CLIENT PROFESSIONAL SERVICES AGREEMENT

2024 GENERAL FEE SCHEDULE

<u>Description</u>	<u>Rate per Hour</u>
Principal.....	\$220.00
Senior Program Manager.....	\$160.00
Senior Project Manager.....	\$117.00
Senior Engineer.....	\$120.00
Engineer III.....	\$106.00
Engineer II.....	\$94.00
Engineer I.....	\$85.00
Technician I.....	\$70.00
Technician II.....	\$74.00
Technician III.....	\$82.00
Designer I.....	\$75.00
Designer II.....	\$84.00
Designer III.....	102.00
SEO Technicians.....	\$70.00
Operations Technician.....	\$70.00
Administrative.....	\$50.00
Registered Surveyor.....	\$125.00
Surveyor Technician III.....	\$82.00
One Man Survey Crew.....	\$69.00
Two Man Survey Crew.....	\$138.00
Two Man Survey Crew (PR).....	\$140.00
Two Person Drone Crew.....	\$148.00
Three Person Drone Crew.....	\$222.00
Resident Inspection.....	\$72.00
Senior Resident Inspection.....	\$82.00
Construction Project Manager.....	\$94.00
Landscape Architect.....	\$86.00
Senior Environmental Scientist/Engineer.....	\$160.00
Environmental Scientist.....	\$95.00

NOTES:

1. The above rates include general overhead as well as basic tools & materials.
2. Reimbursable expenses are billed at cost plus 10%; including, but not limited to consultant services, printing, postage, digital photography, equipment rental, ordinance fees, electronic document downloads, reproduction, express mail, computer disks, mylar plans, paper plans, etc.
3. Mileage will be invoiced at a rate of \$0.67/mile.
4. Overtime rates will be charged for any time the staff works more than a 40-hour workweek. This work will be charged at a rate of 1.5 times the above rates.
5. Surveying rates include the use of an Electronic Distance Measuring Total Station, GPS, Field Computer/Data Collector, Computer Aided Drafting, and Drafting Plotter.
6. On construction stakeout jobs, the cost of stakes, hubs and pins will be invoiced.
7. All fees due net 30 days from invoice date. 1.5% interest fee for late payments.
8. Rates can be adjusted from time to time for inflation and customers should verify current rates. Please note that any increase in rates shall be no more than an average of 8% for each hourly rate, per year.

CLIENT PROFESSIONAL SERVICES AGREEMENT – GENERAL CONDITIONS

1. **Standard of Care.** CENTURY will perform its Services in a manner consistent with that level of care and skill ordinarily exercised by other members of CENTURY's profession practicing in the same locality, under similar conditions and at the date the Services are provided. CENTURY makes no representation, guarantee or warranty, express or implied, regarding the Services, or any communication (oral or written), certification, report, opinion, or instrument of Service provided under or pursuant to this Agreement.
2. **Insurance.** CENTURY will maintain worker's compensation, commercial general liability, automobile liability and professional indemnity insurance coverage. Client will maintain adequate insurance coverage and will require and verify any contractors or parties it hires to have adequate insurance coverage. Client agrees that its failure to comply with this clause invalidates any indemnity by CENTURY hereunder.
3. **Pricing and Payment.** The hourly rates charged for CENTURY's Services are adjusted annually in January of each year to reflect changes in the various elements that comprise such hourly rates. CENTURY reserves the right to periodically adjust its fee schedule. Except as otherwise provided in the first page of this agreement or Proposal, Client shall pay invoices upon receipt. Invoices not paid within thirty (30) days of invoice date incur a fee of 1 1/2 % per month from the date of invoice and suspension by CENTURY of all Services.
4. **Prevailing Wages.** It is Client's legal responsibility to determine whether the Project is covered under prevailing wage regulations. Unless Client specifically informs Consultant in writing that the Project is a prevailing wage project and is identified as such in Consultant's Scope of Services, Client agrees to defend, indemnify and hold harmless Consultant from and against all liabilities, losses, claims, costs and damages (including reasonable costs and attorneys' fees), resulting from a determination that the Project was covered under prevailing wage regulations.
5. **Termination.** Either party may terminate this Agreement at any time upon written notice, whether for cause or for convenience, in which event Client shall pay CENTURY for such portion of the Services performed and materials provided up to the date of termination.
6. **Performance.** CENTURY will perform the Services as an independent contractor and will not act as Client's agent or employee. The parties do not intend to create, and nothing in this Agreement will be construed to create, any special relationship or fiduciary duty. CENTURY will be subject to and operate in compliance with all federal, state and local laws and regulations. Client agrees that CENTURY will not be responsible for the means, methods, techniques, sequences or procedures of construction, for constant or exhaustive inspection of construction work, or for the safety procedures employed by any party other than its own employees and subcontractors. CENTURY will only sign certifications relating to the Services if CENTURY agreed in writing prior to the commencement of the Services to provide them. Such certifications are statements of professional opinion only. CENTURY will not be liable for delay or failure to perform its Services caused directly or indirectly by circumstances beyond its control, including but not limited to, acts of God, fire, flood, war, sabotage, accident, labor dispute, shortage, government action or inaction, changed conditions, site inaccessibility, or delays due to actions or inactions of Client or others.
7. **Client Responsibilities.** Client agrees to provide all available material, data, and information pertaining to the Services, including, without limitation, (i) composition, quantity, toxicity, or potentially hazardous properties of any material known or believed to be present at any site, (ii) hazards that may be present, (iii) nature and location of underground or otherwise not readily apparent utilities, (iv) summaries and assessments of site past and present compliance status, (v) status of any judicial or administrative action concerning the site or Project, and (vi) Client's relevant benchmarks, plans, maps, and property ownership records. Client will ensure the cooperation of Client's employees, contractors and consultants ("Client Parties") with CENTURY. CENTURY is entitled to rely upon the accuracy and completeness of all information given by Client Parties.
8. **INDEMNITY; LIMITATION OF LIABILITY.** Client will defend, indemnify and hold harmless CENTURY, its officers, directors, parent, affiliates, shareholders and employees, from and against any all claims, demands, causes of action, damages or other liabilities, including but not limited to attorney's fees and other legal expenses reasonably incurred by CENTURY (collectively, "Claims"), that arise from performance of the Services or from CENTURY's acts, errors or omissions in connection with the Project or this Agreement, excepting Claims arising from the sole negligence or willful misconduct of CENTURY. The maximum aggregate liability of CENTURY in connection with this Agreement and all amendments thereto, whether based in contract or tort or otherwise in law or equity, will be limited to the greater of the compensation actually paid to CENTURY for the Services hereunder or \$50,000, and Client hereby releases CENTURY from any liability above such amount. Upon Client's written request, the parties may negotiate and enter a written amendment in accordance with clause 11 herein to increase the amount of this limitation of liability in exchange for an increased payment to CENTURY. As used in this clause 8, "CENTURY" includes CENTURY, its affiliates, subcontractors, and each of their respective partners, officers, directors, shareholders and employees. Neither party will be liable to the other for any special, incidental, indirect, exemplary, punitive or consequential damages however arising incurred by either CENTURY or Client or for which either may be liable to a third party.
9. **Reliance.** The documents provided by CENTURY to Client under this Agreement may be based on information obtained from sources outside CENTURY's control. Other than the application of prudent professional care in their evaluation, CENTURY does not warrant, express or implied the accuracy thereof. All documentation furnished to Client is intended for the benefit of the Client for the purpose stated herein and is not intended or represented to be suited for reuse by Client or others. Any reuse or provision of the documents to others without the specific written consent of CENTURY for the specific purposes intended will be at user's sole risk and without liability and legal exposure to CENTURY.
10. **Hazardous Materials; Samples.** CENTURY will not take title to or be liable for any hazardous materials found at any project site. Any risk of loss with respect to all materials remains with the Client or the site owner, who will be considered the generator of such materials, execute all manifests as the generator of them, and be liable for the arrangement, transportation, treatment, and disposal of all material. All samples remain the Client's property. Client agrees to promptly, at its cost, remove and lawfully dispose of samples, cuttings, and hazardous materials.
11. **Amendments; Changes; Assignment; Waiver; Compliance.** This Agreement represents the entire agreement of the parties and may be modified only in a writing signed by both parties. To the extent of any inconsistency between this Agreement and any other document, the provisions of this Agreement will always prevail. Any preprinted terms and conditions on forms used by either party in the administration of this Agreement are void and shall not act to supplement or replace these Terms and Conditions. Neither party may assign this Agreement without the other's prior written consent. Waiver of any term, condition or breach of this Agreement will not operate as a waiver of any other term, condition or breach. Client and CENTURY shall abide by 41 CFR 80-1.4(a), 80-300.5(a) and 60-741.5(a), which prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on race, color, religion, sex or national origin. Covered contractors and subcontractors shall take affirmative action to employ and advance individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

CLIENT PROFESSIONAL SERVICES AGREEMENT

ASR No. 00

ADDITIONAL SERVICES REQUEST

Date: September 12, 2024

TO:

CEI PROJECT NUMBER:

PROJECT:

Supplementing our Contract for the referenced Project, CEI requests Authorization for the following Additional Services:

Type of Change		CEI Task Affected
<input type="checkbox"/>	Addition to Scope	<input type="checkbox"/> Final Subdivision/Land Development
<input type="checkbox"/>	Change in Scope	<input type="checkbox"/> Design Change in Construction
<input type="checkbox"/>	Change Agency/Owner Request	<input type="checkbox"/> Construction Documents
<input type="checkbox"/>	Unforeseen Condition	<input type="checkbox"/> Consultation During Construction

i. Description of Additional Services to be Performed:

Project Understanding:	
Additions/Deductions from original scope: 1.	
Total Fee: to (Time and Materials Estimate)	

- ii. This change has been completed and ASR is being executed to document deduction to scope.
 Per verbal direction, this change is being done and will be invoiced separately on completion.
 This change has not been done. Century Engineering, Inc. is waiting for written authorization to proceed.

Please execute two copies and return one to CEI for our records. **PLEASE NOTE** that completion of this work may be delayed without receipt of this authorization and that an approved signature represents an obligation to pay CEI without any portion thereof contingent on third party approval/funding or recovery unless so stated in this ASR.

Submitted By: J. Roy Caspberry

Date: 9-12-2024

Approved By: _____

Approval Date: _____

DEP EXHIBIT 36

From: [rock springs](#)
To: [Chaplin, Amanda](#)
Subject: [External] Rock Spring Water Company
Date: Friday, October 18, 2024 4:45:27 PM

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Hi Amanda
Rock Spring Water Company will be retiring.

Thank you

Rock Spring Water Company
1750 Tadpole Rd
Pa Furnace, PA 16865
Phone 814-231-2911
Dial 8-1-1 before you dig

DEP EXHIBIT 37



1750 Tadpole Road
Pennsylvania Furnace, PA 16865
(814) 231-2911

November 1, 2024

Commonwealth Court of Pennsylvania
Office of the Prothonotary
601 Commonwealth Avenue
Suite 2100
PO Box 69185
Harrisburg, PA 17106-9185

To: Commonwealth Court of Pennsylvania

No. 438 M.D. 2023

Rock Spring Water Company and J.Roy Campbell is providing in this letter our response to the October 25, 2024 order. Rock Spring Water Company and J.Roy Campbell should **not** be held any further in contempt with the July 24, 2024 Order and should **not** be further sanctioned in the form of a judgement in an amount not exceeding \$15,000. As the July 24, 2024 Order Documentation takes up to nine months to produce and write by engineer not thirty days. The funds needed in the Order Documentation are not available to a small private water company to proceed. The scheduled hearing should be cancelled for Tuesday, December 17, 2024. On Friday, October 18, 2024 Rock Spring Water Company and J.Roy Campbell has decided and has stated to retire and sell the Family Owned Company. Rock Spring Water Company is currently in conversation with prospect larger water companies looking to buy. With the future sale and expenses associated with selling **no** money will be available to put towards any part of the \$15,000. With the above being stated we Rock Spring Water Company is asking for your consideration and time and no further deadlines as we proceed in selling the company.

Sincerely,

A handwritten signature in cursive script that reads "J. Roy Campbell Elizabeth Campbell".

J.Roy Campbell
Elizabeth Campbell
Rock Spring Water Company