INDEX TO EXHIBITS

Docket No. P-2024-3050545, P-2024-3050549,

I-2024-3051540, I-2024-3051541

Hearing Date: April 29, 2025

NUMBER	FOR IDENTIFICATION	IN EVIDENCE
AQUA EXHIBITS:		
Aqua Statement Number 1 Direct Testimony of William C. Packer	80	81
Aqua Statement Number 2 Direct Testimony of Steven Clark including Exhibits SC-1, SC-2, SC-3 and SC-4	80	81
Aqua Statement Number 1R Rebuttal Testimony of William C. Packer	81	81
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OCA EXHIBITS :

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Direct Testimony of Nicholas A. DeMarco Water including Exhibit NAD-1 and Signed Verification		
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JOINT EXHIBITS:

Pocono Joint Stipulation 89 89

Joint Stipulation including PLU Pocono Exhibits 5 through 9

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.

DOCKET NOS. P-2024-3050545; I-2024-3051540;
P-2024-3050549; I-2024-3051541

AQUA STATEMENT NO. 1

DIRECT TESTIMONY OF WILLIAM C. PACKER

With Regard To
Overview of the Company
Fitness
Section 529 Factors

March 7, 2025

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I. INTRODUCTION

Q. Please state your name and business address.

A. My name is William C. Packer. My business address is 762 West Lancaster Avenue, Bryn Mawr, Pennsylvania 19010.

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

A. I am employed by Essential Utilities, Inc. ("Essential"), as Vice President, Rates, Regulatory, and Regional Controller. In this position, I am the Regional Controller of Aqua Pennsylvania, Inc. ("AP") and Aqua New Jersey, Inc. Additionally, I oversee rate issues for all subsidiaries of Essential. AP is the parent company to Aqua Pennsylvania Wastewater, Inc. ("APW") (collectively AP and APW shall be referred to as "Aqua" or the "Company").

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

A. I graduated from Richard Stockton College of New Jersey in 1998 with a Bachelor of Science degree in Business Studies with a concentration in Accounting. In 1998, I joined GE Capital Mortgage Services Inc. as a Staff Accountant. In September 1999, I joined New Jersey American Water Company ("American") as a General Staff Accountant responsible for financial statement preparation, account reconciliation, financial support for rate cases, and account analysis. In September 2001, I was transferred to American's Service Company. I was employed there for four years in several roles, including Senior Fixed Assets/Job Cost Accountant, Financial Support Analyst, and Accounting Supervisor Fixed Assets. At American, I had the opportunity to support the rate-making process by

working closely with operating subsidiaries in 23 states, preparing schedules and answering interrogatories.

In March 2005, I joined Aqua NJ, where I served as Assistant Controller until December 2006, when I transferred to Aqua America, Inc. In July 2008, I was promoted to the position of Mid-Atlantic Manager of Rates and since then have assumed increasing levels of responsibility and promotions. In April 2017, I was promoted to Vice President – Controller of AP. In 2020, I was promoted to my current position of Vice President, Rates, Regulatory, and Regional Controller where I have additional responsibilities to oversee rates and regulatory accounting matters of Essential.

In addition to my corporate experience, I served three terms as a Councilman in the Borough of Woodbury Heights, New Jersey. In that role, I served as the Chairman of the Finance, Administration, and Personnel committee; in addition, I served as a member of the Public Safety and Streets/Roads committees. I was elected as Mayor of the Borough of Woodbury Heights in November of 2018 and was sworn in on January 5, 2019. I was re-elected as Mayor in November of 2022 and sworn in on January 8, 2023. I served as Mayor until July 31, 2024. The Borough of Woodbury Heights is one of 565 municipalities in New Jersey and has a population of approximately 3,000 residents.

Q. Have you testified before the Pennsylvania Public Utility Commission ("PUC" or the "Commission") before?

A. Yes, I have testified in various proceedings before the Commission, including, Aqua's last six rate cases, Aqua's 12 previous Section 1329 proceedings, 66 Pa. C.S. § 1329, and in

various other proceedings, including Section 529 proceedings, 66 Pa. C.S. § 529, before the Commission.

Q. What is the purpose of your Direct Testimony?

A. The purpose of my Direct Testimony is as follows: (1) to provide a general overview Aqua; (2) to describe Aqua's legal and financial fitness; and (3) to discuss the factors of Section 529(c) as set forth in the Commission's August 15, 2024 *Ex Parte* Emergency Order[1] for Deer Haven Sewer and the Commission's August 22, 2024 *Ex Parte* Emergency Order[2] for Deer Haven Water.

Q. Are you sponsoring any Exhibits with your Direct Testimony?

A. No.

II. OVERVIEW OF AP AND APW

Q. Please provide a general overview of AP and APW.

A. AP is the second largest investor-owned regulated water/wastewater utility operating in the Commonwealth of Pennsylvania. Aqua provides water and wastewater utility service to approximately 520,000 customers – 458,000 water and 64,000 wastewater. AP employs approximately 600 highly trained utility professionals to achieve its mission to provide safe, adequate, and reliable utility service at reasonable rates. In addition, AP is one of

[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050549, Ex Parte Emergency Order, Ordering Paragraph 5, Appendix A, Section 1.q. (Aug. 15, 2024).
[2] Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems, Docket No. P-2024-3050545, Ratification Order, Ordering Paragraph 3, Appendix A, Section 1.q. (Aug. 26, 2024)

eight regulated water and wastewater subsidiaries of Essential, which brings to bear its own financial, technical, and managerial resources to assist in AP's mission.

APW is a subsidiary of AP and is engaged in the business of collecting, treating, transporting, and disposing of wastewater for the public. APW provides wastewater service to customers in Adams, Berks, Bucks, Carbon, Chester, Clarion, Clearfield, Delaware, Lackawanna, Luzerne, Mercer, Monroe, Montgomery, Pike, Schuylkill, Venango, and Wyoming Counties.

III. FITNESS

Q. Please describe how the Company is legally fit to own and operate public utilities in the Commonwealth.

A. AP and APW are public utilities operating under Commission-granted certificates of public convenience. There are no pending legal proceedings challenging AP's or APW's ability to provide safe and adequate service to customers. Thus, they are legally fit.

Q. Please describe the Company's financial fitness to own and operate public utilities in the Commonwealth.

A. AP is the largest water/wastewater subsidiary of Essential, with total net utility plant assets of $5.0 billion and annual operating revenues of $639 million in 2023. As of December 31, 2023, AP had operating income of approximately $337 million and net income of $235 million, and its cash flows from operations equaled approximately $241 million. AP has an A- rating from Standard and Poor's Rating Service and has approximately $2.207 billion in outstanding long-term debt at a weighted average interest rate of approximately 4.26%.

AP also utilizes low-cost long-term debt financing instruments through the Pennsylvania Infrastructure Investment Authority ("PENNVEST"), representing about 1.04% of AP's total debt portfolio. In addition to AP's access to long-term debt, AP has a short-term credit facility of $100 million and has access to equity capital as a subsidiary of Essential.

APW is a Class A wastewater utility in the Commonwealth, with total net utility plant assets of approximately $497 million and annual revenues of approximately $60 million, as of December 31, 2023. APW, as a subsidiary of AP, has access to all of AP's financing capabilities.

Q. Has Aqua assumed the operations, as receiver, of small troubled systems in the past?

A. Yes. AP and APW have both assumed the operations of small troubled water and wastewater systems in recent years. AP was named as Receiver for the James Black Water Service Company – Belle Aire Acres, Twin Lakes Utilities, Inc., and the water companies of the Rhodes Utilities (which include Venango Water Company, Sugarcreek Water Company, West Hickory Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company). APW was named as receiver for North Heidelberg Sewer Company and the Blaine E. Rhodes Sewer Company[3].

[3] Note the Blaine E. Rhodes Sewer Company is part of what is referred to as the Rhodes Utilities.

IV. SECTION 529 FACTORS

Q. What factors of Section 529 are you addressing in your Direct Testimony?

A. I am addressing the financial capability of (i) Deer Haven Sewer ("DH Sewer") and Deer Haven Water ("DH Water") under Section 529(c)(1) and (2), and (ii) proximate providers under Section 529(c)(2).

Q. Please describe the financial capability of DH Sewer and DH Water.

A. Based on my review of the financial statements for DH Sewer, the current revenue for the DH Sewer system does not meet the current costs of operations. The same is true for the DH Water system – the current revenues of the DH Water system are insufficient to cover current and future operational expenses. In both the DH Water and DH Sewer systems, revenue generated by tariff rates fall short of providing any return on investment necessary to attract capital in the markets.

Q. Has DH Sewer or DH Water filed for base rate increases in recent years?

A. Yes. In 2010, DH Sewer filed for an increase in rates. The rates were partially granted by Commission order. DH Sewer requested an overall rate increase of $40,314 per year which would have increased a residential customer's monthly bill from $20.00 to $95.00, or an increase of 375%. The Commission approved an overall rate increase of $25,715 to recoup in revenues its expenses, which would increase a residential customer's monthly bill to $46.60. DH Water also applied for an increase in rates in 2010. However, the base rate case was withdrawn.

Q. Has DH Sewer or DH Water indicated that it would be filing a base rate proceeding in recent years?

A. Not to my knowledge.

Q. Based on your review of the financial position of DH Sewer and DH Water, do you believe they are financially able to own and operate their systems?

A. No. As discussed above, the current revenues for both the DH Sewer system and DH Water system do not meet the current costs of operations. However, prior to the initiation of this proceeding, Deer Haven was in the process of transferring its assets to PL Utilities, LLC ("PLU") at Docket Nos. A-2024-3049587 and A-2024-3049591. According to the application, PLU had constructed a new WWTP "at a cost in excess of $2.6 million." As such, PLU appears to be willing to operate the DH Sewer system.

Q. Does the ability to increase revenues mean they are financially able to own and operate the system?

A. Not necessarily. Simply because a utility, or a municipality in some instances, may have the ability to increase revenues or raise funds, does not mean they are financially able to run their systems. The revenues received have not been enough to cover operating expenses. Annualized revenues from DH Water are approximately $7,000 and annualized revenues for DH Sewer are approximately $39,000. Aqua's operating expenses are approximately $28,000 and $510,000 for DH Water and DH Sewer, respectively.

Q. Do the proximate utility service providers have the financial capability to own and operate DH Sewer and DH Water?

A. The Company is a certificated public utility whose fitness is presumed. As I discussed above in my description of AP and APW, Aqua is a financially fit utility. However, as discussed above and in Mr. Stephen Clark's Direct Testimony, the DH Sewer assets should be transferred to PLU as contemplated by the application DH Sewer and PLU filed with the Commission.

The DH Water system is close in proximity to Aqua's existing water systems Tanglwood North and Tanglwood Lakes and could likely be interconnected with those systems, subject to further review and evaluation, as discussed in Mr. Clark's Direct Testimony.

V. CONCLUSION

Q. Does this conclude your Direct Testimony?

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

VERIFICATION

I, William C. Packer, Vice President, Rates, Regulatory & Regional Controller of Essential Utilities, Inc., hereby state that the facts set forth in my Direct Testimony, Aqua Statement No. 1 in the matter at PaPUC Docket Nos. P-2024-3050545, I-2024-3051540, P-2024-3050549, and I-2024-3051541, 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).

William C. Packer
Vice President, Rates, Regulatory &
Regional Controller
Essential Utilities, Inc.

Dated: April 23, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.

DOCKET NOS. P-2024-3050545; I-2024-3051540;
P-2024-3050549; I-2024-3051541

AQUA STATEMENT NO. 2

DIRECT TESTIMONY OF STEPHEN CLARK

With Regard To
Description of the System
Operational Changes Needed
Section 529 Factors

March 7, 2025

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I. INTRODUCTION

Q. Please state your name and business address.

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

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

A. I am Director of Operations for Aqua Pennsylvania, Inc.'s ("AP") Greater Pennsylvania Service Area.

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

A. I graduated from the Pennsylvania State University with a Bachelor of Science degree in Mechanical Engineering Technology. I have worked in the water and wastewater industry for the past 22 years. I began my career in the utility industry with American Water Company ("AWC") as a plant engineer at the Scranton Sewer Authority. With AWC, I was responsible for managing the implementation of its significant capital improvement program and I managed the Plant Maintenance staff. Since then, I have worked with Aqua for 20 years. At AP, I am responsible for leading a team of Aqua employees delivering potable drinking water to its customers and returning treated wastewater back to the environment. I am involved in all aspects of operations including budgeting, planning, employee relations, business development, and process control. I am also a Class-B certified water operator in Pennsylvania.

Q. Have you previously testified before the Pennsylvania Public Utility Commission ("PUC" or the "Commission")?

A. Yes. I have testified on behalf of AP in multiple Section 529 proceedings, including the Twin Lakes Utilities, Inc. Section 529 Proceeding at Docket No. P-2020-3020914, the Rhodes Utilities Section 529 Proceeding at Docket Nos. M-2023-3042312, I-2023-3042312 and P-2024-3045205, and the Rock Spring Water Company Section 529 Proceeding at Docket No. P-2024-3051313, as well as in a Section 1329 proceeding, for AP's acquisition of the Municipal Authority of the Borough of Shenandoah, at Docket No. A-2022-3034143, and in various cases involving customer complaints and disputes before the Commission.

Q. What is the purpose of your Direct Testimony?

A. The purpose of my Direct Testimony is as follows: (1) to provide a general description of the condition of the Deer Haven, LLC (Sewer) ("DH Sewer") and Deer Haven, LLC (Water) ("DH Water") systems – DH Water is comprised of two separate systems: the White Beauty View Estates ("DH-WBV") and Lower White Pines ("DH-LWP") systems; (2) to discuss the operational changes that will be needed if AP and Aqua Pennsylvania Wastewater, Inc. (("APW") and together with AP, "Aqua" or the "Company") are required to acquire the DH Sewer or DH Water systems; and (3) to discuss the factors of Section 529(c) as set forth in the Commission's August 15, 2024 Ex Parte Emergency Order[1] for

[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems ("DH 529 Petition")*, Docket No. P-2024-3050549, Ex Parte Emergency Order, Ordering Paragraph 5, Appendix A Section 1.q. (Aug. 15, 2024).

DH Sewer and the Commission's August 22, 2024 *Ex Parte* Emergency Order[2] for DH Water.

Q. Are you sponsoring any Exhibits with the Company's filing?

A. Yes. I will be sponsoring four Aqua Exhibits: SC-1 (APW's Initial Status Report and Second Status Report on DH Sewer), SC-2 (AP's Initial Status Report and Second Status Report on DH Water), SC-3 (APW's preliminary capital plan for the DH Sewer system) and SC-4 (AP's recommended capital plan for the DH Water system).

II. DESCRIPTION OF THE DH SYSTEMS

Q. Please provide a general overview of the DH Sewer system.

A. The DH Sewer system provides service to approximately 62 customers in Palmyra Township, Pike County, Pennsylvania. The DH Sewer system abuts Lake Wallenpaupack. As described in APW's Initial Status Report, the existing wastewater treatment plant ("WWTP") is deteriorated and was discharging partially treated wastewater into Lake Wallenpaupack. The structural integrity of the existing WWTP building is poor and Aqua employees are not entering the WWTP building. Aqua has implemented pumping and hauling to mitigate the partially treated wastewater from entering Lake Wallenpaupack.

Prior to the initiation of this proceeding, DH Sewer was in the process of transferring its assets to PL Utilities, LLC ("PLU") at Docket Nos. A-2024-3049587 and A-2024-3049591. PLU had constructed a new WWTP that would accept flow from the DH

[2] *DH 529 Petition*, Docket No. P-2024-3050545, Ratification Order, Ordering Paragraph 3, Appendix A, Section 1.q. (Aug. 26, 2024)

Sewer system, but it is not yet connected to the DH Sewer system, and is located approximately 600 feet away from the existing WWTP.

Q. Please provide a general overview of the DH Water system.

A. The DH Water system consists of a community water system, DH-WBV, and a transient non-community water system, DH-LWP. The two separate DH Water systems collectively serve approximately 40 customers in Palmyra Township, Pike County, Pennsylvania. The DH Water systems are proximate to Lake Wallenpaupack and are near two of AP's water systems: Tanglwood North and Tanglwood Lakes. The DH Water systems are generally in poor condition. The DH-WBV system had been on a boil water advisory ("BWA") since June 2024. This BWA was issued because the system failed to meet Pennsylvania Department of Environmental Protection ("DEP") 4-Log virus inactivation requirements. The failure was identified in a DEP inspection report, which noted that a buried chlorine contact tank was being bypassed. The DH-LWP system has no water treatment components as it is a transient non-community water system.

III. OPERATIONAL CHANGES TO AQUA

Q. If the Commission were to require that APW acquire the DH Sewer system, would operational changes be required to run the utility?

A. Yes. If Aqua is required to acquire the DH Sewer system and operate a WWTP (whether through renovation of the existing WWTP, establishing a temporary mobile WWTP, or the newly constructed PLU WWTP), one additional full-time employee would need to be added to Aqua's Honesdale division, or a contracted operator would need to be hired. The

DEP issued National Pollution Discharge Elimination System ("NPDES") discharge permit for the PLU WWTP is anticipated to include requirements for 7-day per week operations. In order to meet this requirement, if Aqua had to connect into the PLU WWTP, Aqua would have to hire additional staff to meet the operations requirement to have staff onsite 7 days per week.

Q. If the Commission were to require that AP acquire the DH Water system, would operational changes be required to run the utility?

A. No. If Aqua were required to only acquire DH Water, not both DH Water and DH Sewer, Aqua would generally be able to address the DH Water system needs utilizing existing operations personnel that service nearby Aqua systems.

IV. SECTION 529 FACTORS

A. Overview

Q. What factors of Section 529 are you addressing in your Direct Testimony?

A. I am addressing (i) the managerial and technical ability of the DH Sewer and DH Water systems under Section 529(c)(1); (ii) the managerial and technical ability of proximate providers under Section 529(c)(2); (iii) the expenditures needed to make improvements to the DH Sewer and DH Water systems under Section 529(c)(3); (iv) the expansion of the Company's franchise area under Section 529(c)(4); and (v) the opinion and advice of the DEP under Section 529(c)(5).

B. Technical and Managerial Ability of the DH Sewer and DH Water Systems

Q. Please describe your view of the technical and managerial ability of the DH Sewer system.

A. Aqua's initial observation was that the DH Sewer WWTP structure was deteriorated and was only partially operational. A section of the old WWTP structure appeared to have collapsed years ago. A new structure was erected over the collapsed structure without clearing the collapsed debris. To confirm Aqua's concerns, Aqua engaged a structural engineer to examine the WWTP. The engineer determined it was "Not Safe To Be Occupied." Similar unsafe conditions were observed related to the electrical equipment which included panels with the front face removed and which are of unsafe workmanship quality. In general, the facility's condition is poor and has many safety hazards throughout. These conditions represent what appears to be years of poor maintenance and care to safety of the work areas. Aqua's Initial Status Report, included as Exhibit SC-1, details the poor condition of the WWTP.

Q. Please describe your view of the technical and managerial ability of the DH Water system.

A. As noted above, the DH Water systems are in generally poor condition. After AP initiated operations management as Receiver, AP worked to lift the BWA (in place since June 2024) for the DH-WBV system. AP submitted a permit application with DEP to install multiple sections of 36-inch ductile iron pipe to provide adequate 4-Log virus inactivation chlorine contact time. AP does not believe that DH Water has the managerial ability to operate the DH Water system based on deferred maintenance of the system and the lack of action to

lift the BWA. AP is currently managing the DH Water system with existing staff. The DH water system lacks several required plans and procedures documents, including for uninterrupted power, emergency response, drought contingency, and a service line material inventory.

Q. Are there other operational issues with the DH Sewer system that you noted as APW began its Receivership duties?

A. Yes. In addition to the deficiencies described above, the DH Sewer collection system is susceptible to inflow and/or infiltration ("I&I") during precipitation events. Also, there is no sewer collections system mapping for DH Sewer.

Q. Are there other operational issues with the DH Water system that you noted as AP began its Receivership duties?

A. Yes. The DH-WBV wellhouse/treatment station is an underground facility classified as a confined space with no provisions for safe entry. The well is constructed in a pit and the well casing does not extend 18-inches above ground level as required by DEP construction standards.[3] Furthermore, chemical feed components were not NSF-61 compliant, and there is no distribution system mapping.

[3] *See Pennsylvania Department of Environmental Protection, Bureau of Safe Drinking Water, Public Water Supply Manual Part II Community System Design Standards*, at pp. 40 (Draft June 26, 2019).

Q. Are you aware of any formal capital planning for the DH Sewer system?

A. No. While the sale of the DH Sewer system to PLU included the construction of a new WWTP which was completed, Aqua is not aware of other capital planning completed by DH Sewer. APW has developed a recommended preliminary capital plan for the DH Sewer system included with my Direct Testimony as Exhibit SC-3, further discussed below.

Q. Are you aware of any formal capital planning for the DH Water system?

A. AP is not aware of other capital planning completed by DH Water. AP has developed a recommended capital plan for the DH Water system, included with my Direct Testimony as Exhibit SC-4, further discussed below.

C. Managerial and Technical Ability of Proximate Public Utilities

Q. Please discuss the managerial and technical fitness of other proximate public utilities.

A. The Company is a public utility operating under certificates of public convenience issued by the Commission, and as such the Company's fitness is presumed. As such Aqua has the requisite technical and managerial fitness to run the DH Water and DH Sewer systems.

Q. Although Aqua is technically and managerially fit, should the Commission determine that a capable public utility acquire the DH Sewer system?

A. No. As discussed previously, DH Sewer and PLU filed an application to transfer the DH Sewer assets to PLU, which would allow connection of the existing DH Sewer systems to the new WWTP owned by PLU, and take the existing non-operational WWTP out of

service. A map showing the locations of the existing WWTP and PLU WWTP can found in Attachment C, of Exhibit SC-1. As detailed in its Joint Motion to Lift the Stay at Docket Nos. A-2024-3049587 and A-2024-3049591, Aqua believes that DH Sewer should transfer its assets to PLU. The Commission recently entered an Order on February 20, 2025 to lift the stay on the application for transfer.

D. Capital Expenditures to the DH Sewer and DH Water Systems

Q. Is the DH Sewer system currently in violation of any DEP regulations?

A. Although the DEP has not issued any Notices of Violation ("NOV"), when APW began its Receivership duties, APW found no biological activity in the aeration processes, minimal disinfection, and partially treated wastewater discharged into Lake Wallenpaupack, violating the NPDES permit. APW reported this to the DEP and has since worked with DEP to resolve these deficiencies.

Q. Is the DH Water system currently in violation of any DEP regulations?

A. The DEP issued a NOV on June 25, 2024, citing a Failure or Significant Interruption in 4-log virus inactivation treatment for the DH-WBV system. This NOV resulted from a Water Supply Inspection Report also dated June 25, 2024, which noted that the buried chlorine contact tank was being bypassed and that there was a water outage. The inspection report further noted that the booster pumps had been removed and a fiberglass expansion tank was used as a replacement which was "flooded" (meaning the fiberglass replacement hydropneumatic tank is full of water and had no air in it to provide pressure). Consequently, the DH-WBV system had been on a BWA since June 26, 2024. AP continued to issue the

BWAs every 30-days in compliance with the DEP's NOV. After AP received approval from DEP to revise the 4-log virus inactivation process, AP completed construction and lifted the BWA on November 6, 2024.

Q. Please describe the preliminary capital plans APW has identified for the DH Sewer system.

A. APW has developed a recommended preliminary capital plan for the DH Sewer system for the connection to the new WWTP owned by PLU, included with my Direct Testimony as Exhibit SC-3. These improvements include the tie-in and start up of the new WWTP, extending outfall piping from the new WWTP to the outfall at the existing WWTP, decommissioning the existing WWTP, and collection system inspection and rehabilitation, among others. These capital plans are preliminary and may change as further review of the DH Sewer system is completed; however, the Company still maintains that the DH Sewer system should be transferred to PLU as contemplated by the pending transfer application before the Commission.

Q. Please describe the preliminary capital plans AP has identified for the DH Water system?

A. AP has developed a recommended capital plan for the DH Water system, included with my Direct Testimony as Exhibit SC-4. These improvements include distribution system repairs and replacements, well replacement, installation of meter and ERT devices (as there is not currently metered water service), safety and control upgrades, and leak detection, among others. Additionally, should the Company be required to acquire the DH Water

systems, AP would explore the feasibility of interconnecting the DH-WBV system to its Tanglwood Lakes water system, given that the distance between Tanglwood Lakes and DH-WBV is approximately 400 feet. These preliminary capital plans may change as further review of the DH Water systems are completed.

Q. Please describe the types of capital improvements the Company has already completed for the DH Water system.

A. AP has already made improvements to the DH Water systems. As noted above, on November 1, 2024, AP completed the installation of the multiple sections of 36-inch ductile iron pipe to achieve 4-Log virus inactivation. This allowed AP to lift the BWA that had been in place since June 2024 for the DH-WBV system. AP has received a construction permit from DEP to install a continuous monitoring chlorine analyzer. AP plans to complete permitting and construction of a Bilco-style entry at the DH-WBV well station to address the confined space safety issue in the second quarter of 2025.

E. Opinion and Advice of DEP

Q. Has the Company received any opinions or advice of the DEP as to steps that may be necessary to assure compliance with statutory or regulatory standards to ensure adequate, efficient, safe, or reasonable service to the DH Sewer customers?

A. Yes. As mentioned above, Aqua observed deficiencies in the DH Sewer system in violation of the facility's NPDES permit. After this discovery, Aqua met with DEP on August 23, 2024, to discuss solutions to address the non-compliant discharge. As a result, Aqua has implemented pumping and hauling operations to mitigate further discharge into Lake

Wallenpaupack. Aqua continues to maintain that the best solution for DH Sewer is for the Commission to approve the application to transfer DH Sewer's assets to PLU and so that PLU may connect the existing system to the new PLU WWTP. The Commission recently entered an Order on February 20, 2025 to lift the stay on the application for transfer.

Q. Has the Company received any opinions or advice of the DEP as to steps that may be necessary to assure compliance with statutory or regulatory standards to ensure adequate, efficient, safe, or reasonable service to the DH Water customers?

A. In addition to completing the necessary steps to lift the BWA for the DH-WBV system, AP has addressed the outstanding violations noted in the inspection report issued after the DEP performed an inspection of the DH Water system on December 6, 2024, which was included in AP's Second Status Report to the Commission. See Exhibit SC-2.

F. Expansion of the Franchise Area of the Acquiring Capable Public Utility

Q. If required by the Commission, would Aqua be able to expand its franchise area to incorporate DH Sewer and DH Water into its operations?

A. While Aqua would be able to expand its territory to incorporate DH Water and DH Sewer, I again must note that Aqua submits that the best course of action for the DH Sewer system is for the Commission to approve the application to transfer DH Sewer's assets to PLU.

Regarding DH Water, the Company would be able to incorporate the DH Water systems into its operations.

V. CONCLUSION

Q. Does this conclude your Direct Testimony?

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

Exhibit SC-1

Kruti Patel
Phone: (215) 972-7735
Fax: (215) 972-7725
Kruti.patel@saul.com
www.saul.com

SAUL EWING
LLP

October 15, 2024

Via E-File
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Dear Secretary Chiavetta,

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

Sincerely,

Kruti Patel

Encls.
cc: Service List

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have, this 15th day of October, 2024, served a true and correct copy of Aqua Pennsylvania Wastewater, Inc.'s Initial Status Report, upon the persons and in the manner indicated below:

VIA E-FILE AND ELECTRONIC MAIL

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

E-mail
Paul Diskin, Director
Daniel Searfoorce
John Van Zant
Sean Donnelly
Bureau of Technical Utility Services
pdiskin@pa.gov
dsearfoorce@pa.gov
jvanzant@pa.gov
sdonnelly@pa.gov

DEER HAVEN
Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
abakare@mcneeslaw.com
Counsel for Deer Haven, LLC

I&E
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akaster@pa.gov

OCA
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Barrett C. Sheridan, Esq.
Office of Consumer Advocate
melatieh@paoca.org
bsheridan@paoca.org

OSBA
Steven C. Gray, Esquire
Office of Small Business Advocate
sgray@pa.gov

Via E-mail
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Bryn Mawr, PA 19010
astahl@aquaamerica.com

/s/ Kruti B. Patel
Kruti B. Patel, Esq.
Courtney L. Schultz, Esq.
Saul Ewing LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
(215) 972-7735
Kruti.patel@saul.com
Courtney.schultz@saul.com
Counsel for Aqua Pennsylvania Wastewater, Inc.

INITIAL STATUS REPORT TO THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEER HAVEN, LLC (SEWER)

AQUA PENNSYLVANIA WASTEWATER, INC., AS RECEIVER

DOCKET NO. P-2024-3050549

Dated: October 15, 2024

A. BACKGROUND

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

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

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

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

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

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

---

[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050549. ("DH Petition").
[2] Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).
[3] DH Petition, Docket No. P-2024-3050549, *Ex Parte* Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024) ("Receivership Order").
[4] *Id.* Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

B. INITIAL STATUS REPORT

1. Receivership Order

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

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

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

2. Operations and Capital Expenditures

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

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

[5] *Id.* Ordering Paragraph No. 9.
[6] *Id.* Ordering Paragraph No. 10.
[7] *Id.* Ordering Paragraph No. 11 and 12.
[8] *Id.* Ordering Paragraph No. 13.

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

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

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

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

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

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

3. Financial

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

4. Initial Customer Billing

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

C. CONCLUSION

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

[9] *Id.* Ordering Paragraph 5, Appendix A, Paragraph 1.c.
[10] *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.
[11] *Receivership Order*, Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.

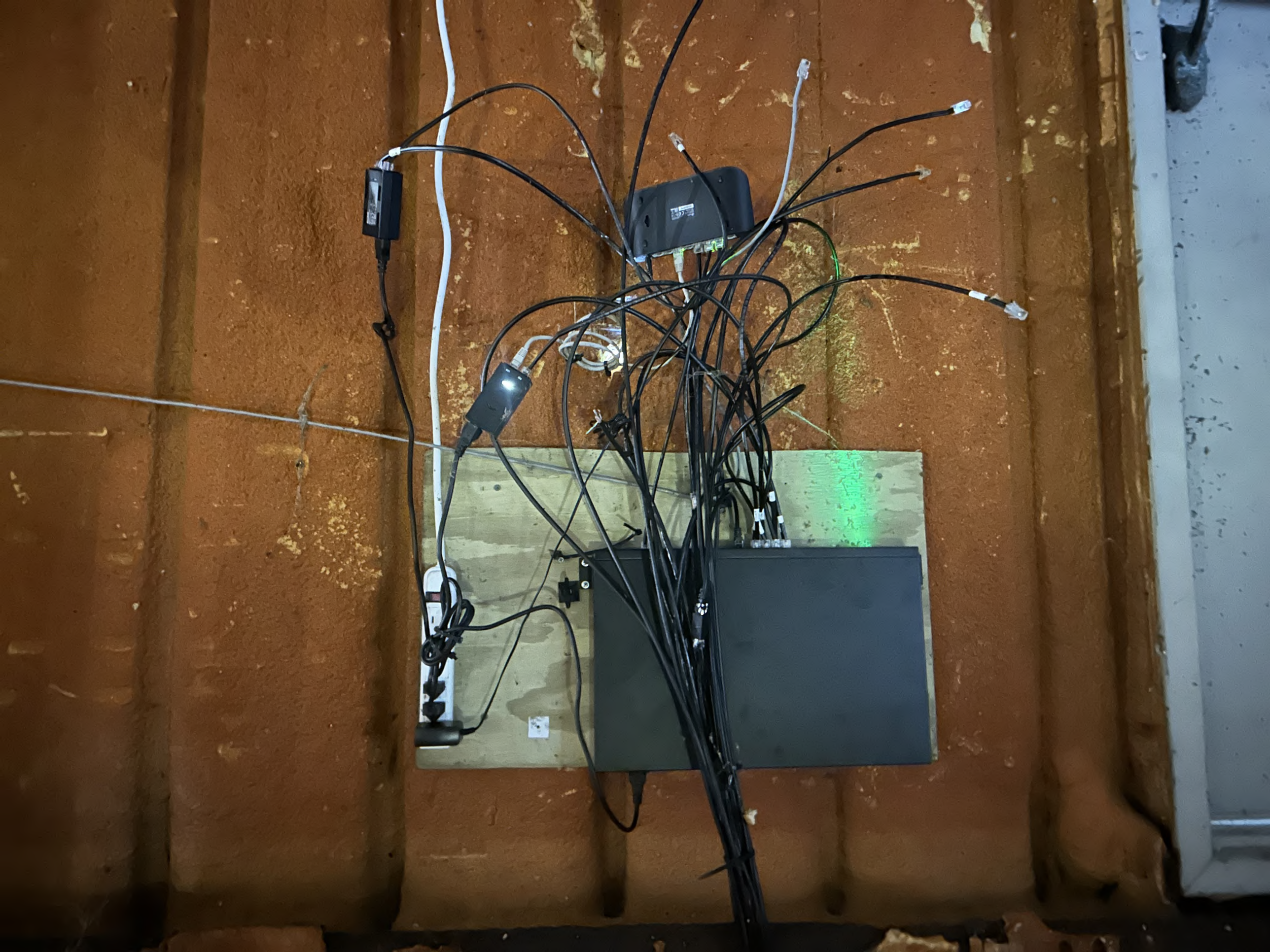
ATTACHMENT A




SCH40








03130


03150


















13087





ATTACHMENT B

HAWKMTN LABS INC

201 West Clay Avenue / Hazle Township, PA 18202

PHONE (570) 455-6011 - FAX (570) 455-6321
www.hawkmtnlabs.com

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

Ryan Detweiler

Report Date: 9/3/2024

Report Narrative

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

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

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

The test results meet the requirements of 25 PA Code and Chapter 252, except where noted.
The information contained in this analytical report is the sole property of Hawk MTN Laboratories, Inc.
and that of the client. It cannot be reproduced in any form without the consent of Hawk MTN Labs, Inc. or the client for which this report was issued. The results contained in this report(s) are only representative of the sample(s) received. Conditions are dependent on location and time of the sampling event.
Hawk MTN Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

PA DEP 40-417
EPA PA00169

HAWKMTN LABS INC

201 West Clay Avenue / Hazle Township, PA 18202

PHONE (570) 455-6011 - FAX (570) 455-6321
www.hawkmtnlabs.com

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

Report Date: 9/3/2024

Ryan Detweiler

Certificate of Analysis

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

Client Sample ID: Deer Haven Daily Effluent Composite

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

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

Client Sample ID: Deer Haven Daily Effluent Fecal Grab

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

These results relate only to the sample noted above.

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

Jeffrey Gittleman, Laboratory Director

Nicholas Lynn, Technical Director

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

PA DEP 40-417
EPA PA00169

Work Order #: **2408-00362** Purchase Order:
Site Name: **Environmental Service Corp PA**
Contact: **Ryan.Detweiler@esc-pa.com**

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

Pick Up Date: **8/19/2024**
Printed By: AHP
Bottles made by: JV

Approved By: JVR
Checked By: KW

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

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

Smp#	Bottle	Preservative	Rcvd	Smp#	Bottle	Preservative	Rcvd
001	Plastic 1L	Unpreserved	☑	001	Plastic 250mL	H2SO4	☑
001	Plastic 1L, TSS	Unpreserved	☑	002	Sterilized, Plastic 100mL	Na2S2O3, Fecal Co	☑

Smp #	Smp Site	Matrix/ Smp Type	Tests			Temp Upon Receipt	Sample Date	Sample Time	Field pH	Field Cl	Field Temp
001	Deer Haven Daily Effluent Composite	Non Potable Wa	WA-CBOD WA-AM-NT	WA-TSS	WA-P-T	2.6 °C	8-19-24	0950		mg/L	°C
002	Deer Haven Daily Effluent Fecal Grab	Non Potable Wa	WW-TF-C18			2.1 °C	8-19-24	0950		mg/L	°C

Receipt Info:
Recieved on ice? (Y) / N
Samples intact? (Y) / N
COC intact and complete? (Y) / N
Correct containers? (Y) / N
Adquate samples? (Y) / N
Volatiles: Headspace present? ~~Y~~ / ~~N~~
Completed by: AHP
Samples/COC/Analysis agree? (Y) / N

Sampled By: William J. Dixon

Field Meter ID:
Notes:

		Date	Time
RELINQUISHED BY:		8-19-24	1105
RECEIVED BY:		8/19/24	1328
RELINQUISHED BY:			
RECEIVED AT LAB:		8/19/24	1430
LOGGED IN AT LAB:		8-19-24	1546

HAWKMTN LABS INC

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PHONE (570) 455-6011 - FAX (570) 455-6321
www.hawkmtnlabs.com

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

Ryan Detweiler

Report Date: 9/3/2024

Report Narrative

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

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

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

The test results meet the requirements of 25 PA Code and Chapter 252, except where noted.
The information contained in this analytical report is the sole property of Hawk MTN Laboratories, Inc.
and that of the client. It cannot be reproduced in any form without the consent of Hawk MTN Labs, Inc. or the client for which this report was issued. The results contained in this report(s) are only representative of the sample(s) received. Conditions are dependent on location and time of the sampling event.
Hawk MTN Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

PA DEP 40-417
EPA PA00169

HAWKMTN LABS INC

201 West Clay Avenue / Hazle Township, PA 18202

PHONE (570) 455-6011 - FAX (570) 455-6321
www.hawkmtnlabs.com

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

Report Date: 9/3/2024

Ryan Detweiler

Certificate of Analysis

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

Client Sample ID: Deer Haven Daily Effluent Composite

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

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

Client Sample ID: Deer Haven Daily Effluent Fecal Grab

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

These results relate only to the sample noted above.

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

Jeffrey Gittleman, Laboratory Director

Nicholas Lynn, Technical Director

PA DEP 40-417
EPA PA00169

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

Chain of Custody & Analysis Record

HawkMtn Labs, Inc.
201 West Clay Ave, Hazle Township, PA 18202
Ph.(570) 455-6011 Fax (570) 455-6321

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

Page 1 of 1
Approved By:
Checked By:

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

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

Smp#	Bottle	Preservative	Rcvd	Smp#	Bottle	Preservative	Rcvd
001	Plastic 1L	Unpreserved	☑	001	Plastic 250mL	H2SO4	☑
001	Plastic 1L, TSS	Unpreserved	☑	002	Sterilized, Plastic 100mL	Na2S2O3, Fecal Co	☑

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

8-20-24

Receipt Info: Recieved on ice? (Y) / N COC intact and complete? (Y) N Adquate samples? (Y) N Completed by: MS
Samples intact? (Y) / N Correct containers? (Y) N Volatiles: Headspace present? ~~Y / N~~ Samples/COC/Analysis agree? (Y) / N AP

Sampled By: William J. Dixon

Field Meter ID:
Notes:

		Date	Time
RELINQUISHED BY:	William J. Dixon	8-20-24	1050
RECEIVED BY:		8/20/24	1220
RELINQUISHED BY:			
RECEIVED AT LAB:		8/20/24	1400
LOGGED IN AT LAB:		8-20-24	1505

QSP-008-F02B Rev 005

ATTACHMENT C


Existing WWTP
New WWTP
200ft
41.381546 -75.254892 Degrees
Maxar, Microsoft
POWERED BY esri

ATTACHMENT D

Bisignani, Michael

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

---

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

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

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

The exterior is in decent condition. It was stated that the wooden exterior and metal siding/roofing was added around 2016.
There are reinforced CMU retaining walls at the South East corner of the building. The walls are showing signs of deterioration, deflection and bowing. This wall is beginning to fail.

The interior of the building is a complex combination of an existing failed metal building structure and a “Newer” steel column, wooden wall girt, and wooded truss system.
The existing Metal “Butler” Building had already failed in the past and was partially demolished. What is left of the existing metal building is poorly shored by 2x4 posts that rest on the metal process tanks, or wooden framing below. The existing metal building roof purlins are severely corroded and have deflected several feet. Portions of the metal moment frame were cut and left in place. These frames can be moved by pushing on them.

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

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

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

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

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

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

Regards,

Kyle

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

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Proudly employee-owned | ghd.com
225 Grandview Avenue Suite 403 Camp Hill PA 17011
D +1 717 585 6405 **M** +1 717 480 8984 **E** kyle.lantzy@ghd.com

The Power of Commitment

Connect



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ATTACHMENT E

August 28, 2024

Dear Deer Haven Water and/or Wastewater Customer:

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

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

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

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

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

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

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

Sincerely,

Marc A. Lucca
President

Kruti Patel
Phone: (215) 972-7735
Fax: (215) 972-7725
Kruti.patel@saul.com
www.saul.com

SAUL EWING
LLP

January 13, 2025

Via E-File
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems
Docket No. P-2024-3050549

Dear Secretary Chiavetta,

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

Sincerely,

Kruti Patel

Encls.
cc: Service List

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Christopher P. Pell, Presiding

Petition of Deer Haven, LLC Requesting an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Wastewater Systems	**:**	**Docket No. P-2024-3050549**

CERTIFICATE OF SERVICE

I hereby certify that I have, this 13th day of January, 2025, served a true and correct copy of Aqua Pennsylvania Wastewater Inc.'s Second Status Report, upon the persons and in the manner indicated below:

VIA E-FILE AND ELECTRONIC MAIL

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

E-mail
The Honorable Christopher P. Pell
cpell@pa.gov

Paul Diskin, Director
Bureau of Technical Utility Services
pdiskin@pa.gov

Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
abakare@mcneeslaw.com
Counsel for Deer Haven, LLC

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Bureau of Investigation and Enforcement
sgranger@pa.gov

Emily A. Farren, Esq.
Barrett C. Sheridan, Esq.
Office of Consumer Advocate
efarren@paoca.org
bsheridan@paoca.org

Steven C. Gray, Esq.
Office of Small Business Advocate
sgray@pa.gov

Mark Shaw, Esq.
Macdonald Illig
mshaw@mijb.com
Counsel for Pocono Lakefront Inc, Pocono Utilities LLC

Joseph R. Bonamico, Sr., President
Pocono Water Works Inc.
jbbona@aol.com

Palmyra Township
administrator@palmyrapike.org

Department of Environmental Protection
Northeast Regional Office
RA-epwater@pa.gov
RA-epwaste@pa.gov

Pike County Commissioners
mosterberg@pikapa.org
rschmalzle@pikepa.org
ccaceres@pikepa.org

Pike County Planning Commission
planning@pikepa.org

Via E-mail
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Bryn Mawr, PA 19010
astahl@aquaamerica.com
KAJoyce@essential.co

/s/ Kruti B. Patel
Kruti B. Patel, Esq.
Courtney L. Schultz, Esq.
Saul Ewing LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
(215) 972-7735
Kruti.patel@saul.com
Courtney.schultz@saul.com
Counsel for Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.

SECOND STATUS REPORT TO THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEER HAVEN, LLC (SEWER)

AQUA PENNSYLVANIA WASTEWATER, INC., AS RECEIVER

DOCKET NO. P-2024-3050549

Dated: January 13, 2025

A. BACKGROUND

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

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

Also on August 13, 2024 DH Sewer filed a response to the Commission's August 7, 2024 Secretarial Letter wherein DH Sewer stated that its current operator was terminating service effective August 9, 2024 due to past due balances owed. When the operator terminated service the DH Sewer wastewater plant ("WWTP") also lost its Pennsylvania Department of Environmental Protection ("DEP") licensed operator of record.

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

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

---

[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050549. ("DH Petition").
[2] Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).
[3] DH Petition, Docket No. P-2024-3050549, *Ex Parte* Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024) ("Receivership Order").
[4] *Id.* Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

APW now submits its Second Status Report ("Status Report") on the operations of DH Sewer as directed by the Commission.

B. SECOND STATUS REPORT

1. Operations and Capital Expenditures

On August 15, 2024, APW began its Receivership duties for the DH Sewer system. As discussed in the Initial Status Report, APW has continued to pump and haul wastewater that enters the DH Sewer wastewater treatment plant ("WWTP").

Since the Initial Status Report, APW has made the following improvements to the DH Sewer system:

i. Installed a new effluent flow meter, a level transducer in the tank, and a RSG 35 digital recording device so the Company can see the display through the window. These improvements provide the tank level reading and the effluent flow reading and ensures that Company personnel will not need to enter the building (see Initial Status Report for a description of the unsafe condition of the treatment building).

ii. Installed PVC pipe that goes from the tank through the outside wall of the building. This allows the hauler to pump sewage without entering the building.

As discussed in the Initial Status Report, PL Utilities, LLC ("PLU") owns a new wastewater treatment plant ("PLU WWTP") that was designed and constructed to connect to the DH Sewer system upon approval of the joint application to transfer the DH Sewer assets to PLU.[5] APW and DH Sewer filed a Joint Motion to Lift the Stay of Proceedings ("Joint Motion") in the Joint Application proceeding as APW and DH Sewer believed that "the best path forward for the parties and customers, is through approval of the Joint Application." Joint Motion at 4. On December 18, 2024, the Office of Consumer Advocate ("OCA") filed a letter indicating that they did not oppose the Joint Motion to lift the stay. The Commission's Bureau of Investigation and Enforcement ("I&E") filed a Letter in Support of the Joint Motion on December 30, 2024.

APW established a website to provide information to customers concerning the DH Sewer system: https://www.aquawater.com/deerhaven. APW initially sent a letter to customers informing them that APW was now acting as Receiver of the DH Sewer system. APW provided an additional notice to customers on how they can participate in the Section 529 Proceeding, which is included in this Status Report as **Attachment A**.

[5] *Joint Application of Deer Haven, LLC and PL Utilities, LLC for the approval of: (1) PL Utilities, LLC's acquisition of certain wastewater system assets of Deer Haven, LLC; (2) the abandonment by Deer Haven, LLC of wastewater service to the public in Palmyra Township, Pike County, Pennsylvania; and (3) authorization of PL Utilities, LLC to offer, render, furnish, and supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania*, Docket Nos. A-2024-3049587 and A-2024-3049591 (Jun. 17, 2024). ("Joint Application").

APW is developing a recommended capital plan for the DH Sewer system and will provide recommendations on capital improvements in a subsequent status report.[6]

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

2. Financial

The Receivership Order directed APW to establish the financial position of DH Sewer at the time Aqua assumed its Receivership role.[7] APW is working to establish the financial position of DH Sewer as of the start of APW's Receivership. APW does note that the current revenue for the DH Sewer system does not meet the current costs of operation. APW will continue to track expenses and capital improvements related to the DH Sewer system through deferred accounting treatment via establishment of a regulatory asset in accordance with APW's Receivership duties.[8]

C. CONCLUSION

APW will continue to investigate the system's operations and financial status and will make necessary improvements to operate the DH Sewer system to ensure quality service to the DH Sewer customers for the period of its Receivership duties during the 529 proceeding. APW will provide an update to this Status Report on or before April 14, 2025.

[6] *Receivership Order,* Ordering Paragraph 5, Appendix A, Paragraph 1.c.
[7] *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.
[8] *Id.* Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.

ATTACHMENT A

AQUA

An Essential Utilities Company

NOTICE OF SECTION 529 PROCEEDING

To Deer Haven, LLC Water and/or Sewer Customers:

The Section 529 Proceeding

Deer Haven, LLC is your water and/or sewer service provider.

The Pennsylvania Public Utility Commission ("PUC") initiated an investigation into Deer Haven, LLC ("Deer Haven") under Section 529 of the Public Utility Code, 66 Pa. C.S. § 529. The PUC initiated the Section 529 Investigation through its Ex Parte Emergency Orders for Deer Haven water on August 7, 2024 (as modified by the Commission's Ratification Order on August 26, 2024) and for Deer Haven sewer on August 15, 2024 (and ratified by the Commission's Ratification Order on August 22, 2024) ("Deer Haven 529 Proceeding"). Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (together "Aqua") was named as Receiver for Deer Haven to provide water and wastewater service during the pendency of the Deer Haven 529 Proceeding. Through the Deer Haven 529 Proceeding the PUC will determine whether a capable public utility should acquire Deer Haven. The Docket Numbers for the Deer Haven 529 Proceeding are P-2024-3050545 and I-2024-3051540 for water, and P-2024-3050549 and I-2024-3051541 for sewer.

Notice of the Section 529 Proceeding and Opportunity to Participate

As a customer of Deer Haven, you are entitled to receive Notice of the Deer Haven 529 Proceeding and an opportunity to participate in them.

Actions You Can Take

You are not required to participate in the Deer Haven 529 Proceedings. Should you wish to participate, there are three ways to do so:

1. Sending a letter to the PUC. You can tell the PUC why you support or object to a capable public utility acquiring the subject system(s). This information can be helpful when the PUC investigates the issues. Send your letter, referencing the Docket Numbers P-2024-3050545 and I-2024-3051540 for water, and P-2024-3050549 and I-2024-3051541 for sewer, to the Secretary's Bureau, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Room-N201, Harrisburg, PA 17120. You can also contact the Pennsylvania Office of Consumer Advocate ("OCA") with questions, concerns and comments. The OCA is an active party representing the interests of residential customers. The telephone number for the OCA is 717-783-5048 or toll-free 800-684-6560.

2. You can file a formal Petition to Intervene asking the PUC to allow you to be a party – the petition must state who you are, why you want to be a party, and what your specific concerns are. Petitions should include the Docket Numbers P-2024-3050545 and I-2024-3051540 for water, and P-2024-3050549 and I-2024-3051541 for sewer, and be sent to the Secretary's Bureau, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Room-N201, Harrisburg, PA 17120.

3. You can attend or be a witness at a public input hearing, if one is held, where you will have the opportunity to present your views to the Administrative Law Judge and the parties. All testimony given "under oath" becomes part of the official case record. If no public input hearings are held, you still have the right to attend any hearings that are held in the case but will not be permitted to testify unless you have requested and been granted permission to intervene or are called by a party as a witness.

AQUA PENNSYLVANIA, INC. & AQUA PENNSYLVANIA WASTEWATER, INC.
As Receiver for DEER HAVEN, LLC

Dated: December 13, 2024



Exhibit SC-2

VIA E-FILING

October 7, 2024

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

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

Dear Secretary Chiavetta:

Enclosed please find Aqua Pennsylvania, Inc.'s ("Aqua") Initial Status Report to the Pennsylvania Public Utility Commission ("PUC" or the "Commission") in accordance with Aqua's Receivership duties for Deer Haven, LLC (Water) ("DH Water") established via the Commission's *Ex Parte* Emergency Order Entered August 7, 2024, modified by the Commission's Ratification Order entered August 26, 2024, Ordering Paragraph 5, Appendix A Paragraph 1.o., in Docket No. P-2024-3050545.

If you have any questions regarding this filing, please contact me at 610-645-1130.

Sincerely,

Alexander R. Stahl
Regulatory Counsel

cc: Certificate of Service
Daniel Searfoorce, Bureau of Technical Utility Services (via email, dsearfoorc@pa.gov)
John Van Zant, Bureau of Technical Utility Services (via email, jvanzant@pa.gov)
Sean Donnelly, Bureau of Technical Utility Services (via email, sdonnelly@pa.gov)
Courtney L. Schultz, Esq., Saul Ewing, LLP (via email, Courtney.schultz@saul.com)
Kruti B. Patel, Esq., Saul Ewing, LLP (via email, kruti.patel@saul.com)

INITIAL STATUS REPORT TO THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEER HAVEN, LLC (WATER)

AQUA PENNSYLVANIA, INC., AS RECEIVER

DOCKET NO. P-2024-3050545

Dated: October 7, 2024

A. BACKGROUND

On August 1, 2024, Deer Haven, LLC (Water) ("DH Water") filed a Petition requesting that the Pennsylvania Public Utility Commission ("PUC" or the "Commission") issue an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems.[1] The Commission issued an *Ex Parte* Emergency Order naming Pocono Water Works Company, Inc. ("Pocono Water") as Receiver.[2] Aqua Pennsylvania, Inc. ("AP") filed a letter on August 13, 2024, regarding the DH Water system and noted that AP would be willing to act as the Receiver for the DH Water system. AP also informed the Commission that the DH Water system consisted of a community water system (DH Water – White Beauty View Estates) and non-community water system (DH Water – Lower White Pines) that the prior operator was providing services for:

> The Deer Haven Water System is a community water system consisting of approximately 43 customers; however, the prior operator was also operating a non-transient non-community water system that does not have established treatment processes which is close in proximity to, but separate from, the Deer Haven Water System. Aqua specifically requests that the Commission clarify Aqua's role regarding management and oversight to the non-transient non-community water system in addition to the Deer Haven Water System to ensure water quality for these residents.[3]

AP is now operating both the community and non-community DH Water systems to ensure the safety of the public.

On August 22, 2024, Chairman DeFrank issued a motion to name AP as Receiver for the DH Water System. On August 26, 2024, the Commission issued a Ratification Order naming AP as Receiver for the DH Water system and modifying the existing *Ex Parte* Emergency Order to remove Pocono Water as the Receiver, along with other modifications requested by AP.[4]

The two separate DH Water systems serve approximately 40 customers in Palmyra Township, Pike County, Pennsylvania. The DH Water systems abut Lake Wallenpaupack and are near several of AP's water systems including Tanglewood North and Tanglewood Lakes. Included within the Commission's Receivership Order, the Company was directed to "[s]ubmit an initial status report to the Commission within 60 days of August 7, 2024, and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership."[5]

---

[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050545. ("DH Petition").
[2] *DH Petition*, Docket No. P-2024-3050545, Ex Parte Emergency Order (Aug. 7, 2024) ("Ex Parte Emergency Order")
[3] Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).
[4] DH Petition, Docket No. P-2024-3050545, Ratification Order, Ordering Paragraph 2 (Aug. 26, 2024) (hereinafter "Ratification Order").
[5] *Ratification Order*, Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

AP now submits its Initial Status Report ("Status Report") on the operations of DH Water as directed by the Commission.

B. INITIAL STATUS REPORT

1. Receivership Order

The Commission directed that utility service serving the DH Water facilities be transferred to the Receiver.[6] Electric service was transferred and established in AP's name as Receiver in accordance with the Commission's Receivership Order.

The Commission directed that DH Water preserve all hard copy or electronic records, files, bank statements, documents, papers, or any other materials related to the offering of utility water service, including records of all contracts, agreements loans, payments, and other arrangements with affiliated companies.[7]

The Commission directed that by August 22, 2024, DH Water turn over copies or originals of all books, records, accounts, and any other information, and all operations assets, including keys to locks securing facilities, buildings, and any other property, whether personal or real property, used and useful in the provision of utility water service to customers served by DH Water to the Receiver.[8] The Commission also directed that DH Water, including its owners and employees, provide full and unconditional cooperation with the orderly transition of operations, management, and oversight to the Receiver.[9]

2. Operations and Capital Expenditures

On August 22, 2024, AP began its Receivership duties for the DH Water systems. AP personnel arrived onsite to begin a full assessment of the systems and their operations and performed a walkthrough of the DH Water facilities. Photographs of the DH Water facilities when AP came onsite are included with this Status Report as **Attachment A**. AP is currently managing the DH Water systems and DH Sewer system[10] with current staff. While the additional demands of the DH Water systems are manageable, when taken cumulatively with all AP and Aqua Pennsylvania Wastewater, Inc.'s ("APW") other duties and receiverships, it has strained current staff time as many of the processes are manual in these troubled systems and require in person visits.

The community water system serves approximately 20 customers, and the non-community water system serves approximately 20 customers – a total of 40 customers. AP was informed that the DH Water – White Beauty View Estates (community) water system has been on a boil water

[6] *Id.* Ordering Paragraph No. 10.
[7] *Id.* Ordering Paragraph No. 11.
[8] *Id.* Ordering Paragraph No. 12 and 13 as Modified by the Ratification Order.
[9] *Id.* Ordering Paragraph No. 14.
[10] DH Petition, Docket No. P-2024-3050549, Ex Parte Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024).

notice since June 26, 2024, due to a failure of the 4-Log disinfection system. The DH Water – Lower White Pines (non-community) system is not on a boil water notice.

The Pennsylvania Department of Environmental Protection ("DEP") issued a Notice of Violation ("NOV") on June 25, 2024, noting a Failure or Significant Interruption in 4-Log Treatment. The June 25, 2024 NOV stemmed from a Water Supply Inspection Report also issued on June 25, 2024, which noted that the buried chlorine contact tank was being bypassed and that there was a water outage. The June 25, 2024 Water Supply Inspection Report also noted that the booster pumps had been removed and a fiberglass expansion tank was used as a replacement which was "flooded" (meaning the fiberglass replacement hydropneumatic tank is full of water and had no air in it to provide pressure). A copy of the June 25, 2024 NOV and Water Supply Inspection Report are included in this Status Report as **Attachment B**.

The DEP issued a Field Order on June 27, 2024, which required that a boil water advisory be issued, and if the problem was not corrected that the boil water advisory be re-issued every 30 days until the issue is resolved. The Field Order is included in this Status Report as **Attachment C**. The boil water advisory was issued on June 26, 2024, and is included in this Status Report as **Attachment D**; however, AP is not aware that the boil water advisory was re-issued every 30 days as this particular issue was ongoing prior to AP's Receivership duties. When AP began its Receivership duties, Aqua re-issued the boil water advisory as required by the DEP. The Aqua re-issued boil water advisory is included in this Status Report as **Attachment E**.

AP has discussed with DEP the steps necessary to lift the boil water advisory. AP submitted a 4-Log permit application to DEP on September 16, 2024, to allow for the installation of multiple sections of 36" ductile iron pipe to provide 4-Log disinfection contact time. A copy of the 4-Log permit application is included in this Status Report as **Attachment F**. AP plans to begin construction of the contact pipe the week of October 14, 2024. Once the DEP operations permit is issued, AP will take two bacteria samples from the distribution system and provide that information to the DEP to lift the boil water advisory.

Regarding the non-community DH Water – Lower White Pines Water system, AP plans to monitor the operation of the production and distribution systems. There is currently no water treatment for this non-community water system. In addition, AP plans on upgrading and moving the electrical panel outside the well house for safety reasons as can be seen in the photographs included in **Attachment A**.

AP established a website to provide information to customers concerning the DH Water system: https://www.aquawater.com/deerhaven.php. AP sent a letter to customers informing them that AP was now acting as Receiver of the DH Water system which was included with the boil water advisory included as **Attachment E**.

AP is developing a recommended capital plan for the DH Water system and will provide recommendations on capital improvements in a subsequent status report.[11]

[11] *Ratification Order,* Ordering Paragraph 5, Appendix A, Paragraph 1.c.

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

3. Financial

The Ratification Order directed AP to establish the financial position of DH Water at the time AP assumed its Receivership role.[12] AP is working to establish the financial position of DH Water as of the start of AP's Receivership. AP will continue to track expenses and capital improvements related to the DH Water system through deferred accounting treatment via establishment of a regulatory asset in accordance with AP's Receivership duties.[13]

The Company notes that the current revenues of the DH Water system are insufficient to cover current and future operational expenses (40 customers x $15 per month x 12 months = $7,200).[14]

4. Initial Customer Billing

AP has implemented the existing rates of DH Water as set forth in DH Water's Tariff Water – Pa. P.U.C. No. 1, effective May 22, 2010, which is available on AP's website and the Deer Haven webpage discussed above. AP's initial billing of the DH Water customers was sent out at the end of September 2024.

C. CONCLUSION

AP will continue to investigate the system's operations and financial status and will make necessary improvements to operate the DH Water system to ensure quality and reliability of service to the DH Water customers for the period of its Receivership duties during the 529 proceeding. AP will provide an update to this Initial Status Report on or before January 6, 2025.

[12] *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.
[13] *Id.* Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.
[14] AP notes that although the DH Water tariff notes a commercial customer rate, there were no commercial DH Water customers listed in the records provided to AP. Also, AP notes that the mobile home park customers noted in the tariff no longer exists.

ATTACHMENT A

Deer Haven Water –
White Beauty View Estates
(Community Water System)


WARNING!
AQUA


CentriPro
Pump Control Box
Model CB304125MC
HP 5, Volts 230
Pump Pro
US
40
35
30
25
20
15
10
GALLONS


poly shield
Sheathing/
Poly
Plaid






SNOPPAC

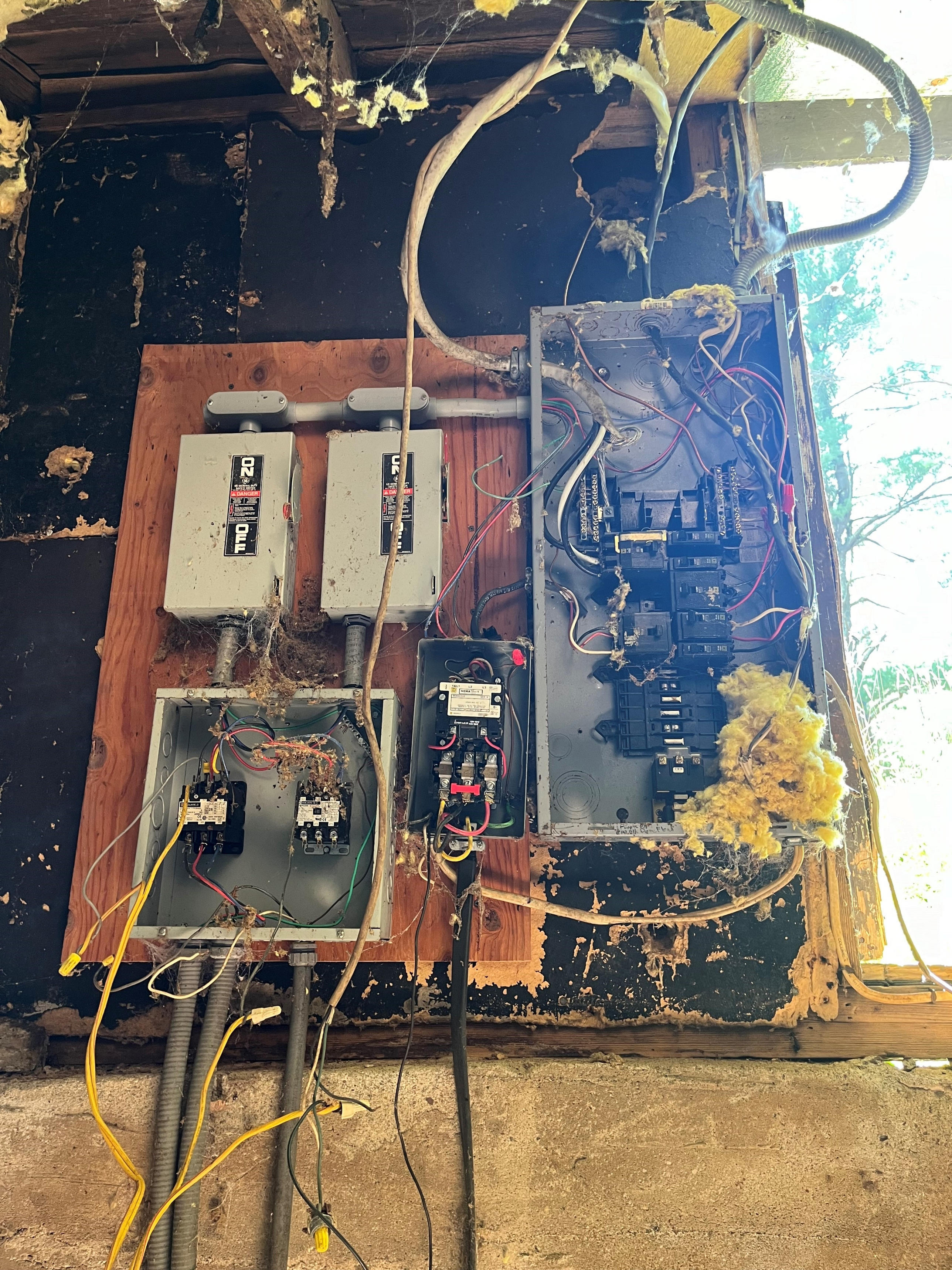





CentriPro
Pump Control Box
Model CB30412MC
HP 3, Volts 230

Deer Haven Water –
Lower White Pines
(Non-Community Water System)


G860
N4523
PolyShield



ATTACHMENT B

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jun 25, 2024

NOTICE OF VIOLATION

SAM SHAHAR
41 ELM ST STE 1C
MORRISTOWN, NJ 07960-7205
Violation ID #: 8191639

Re: Violations Identified During Inspection
DEERHAVEN WHITE BEAUTY VIEW ES
PWS ID No. 2520110
Palmyra Township, Pike County

Dear Water Supplier:

On Jun 25, 2024, an inspection of the above facility found the following violation(s):

1. Description: FAILURE OR SIGNIFICANT INTERRUPTION IN 4-LOG TREATMENT OF VIRUSES FOR A GROUNDWATER SOURCE

   Citation: 25 PA Code, §109.1307(a)(1)(ii)

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 Jul 25, 2024: Consult with the Department regarding the appropriate corrective action.
- 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 mseese@pa.gov or 570-895-4040.

Sincerely,

MARY ANN SEESE

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

WATER SUPPLY INSPECTION REPORT

Facility Name	PWSID No	Inspection Date
DEERHAVEN WHITE BEAUTY VIEW ES	2520110	2024-06-25

Facility Location	County	Municipality
RT 507 ON LAKE WALLENPAUPACK GREENTOWN, PA 18426	Pike	Palmyra

Responsible Officials Name	Telephone: (973) 610-1661	
SAM SHAHAR	**System Type:** Community	**Population:** 53
Certified Operator Name	**Field Order Number:** ----	
BONAMICO JOSEPH R SR	**Issue Date (mm/dd/yy):** ----	

Person(s) Interviewed

Name: Joe Bonamico	**Title:** Operator
Name: Joe Dotter	**Title:** HOA President

eFACTS info

Inspection ID: 3784574	**Inspection Type** WSEME

Violations

A2D - 25 PA Code, §109.1307(a)(1)(ii)

WTP:301 - ESTATES

Remarks: FAILURE OR SIGNIFICANT INTERRUPTION IN 4-LOG TREATMENT OF VIRUSES FOR A GROUNDWATER SOURCE
Buried CT tank is being bypassed

Outstanding Violations Returned to Compliance

A1 - 25 PA Code, §109.4

Corrected/Abated

Remarks: CIRCUMSTANCES EXIST WHICH ADVERSELY AFFECT THE QUANTITY OR QUALITY OF WATER
System out of water about 21:00 hrs last evening. No certified water operator replacement has occurred and certified water gave his notice for midnight on 2/15/2024.

B6G - 25 PA Code, §109.704

Corrected/Abated

Remarks: FAILURE TO MAINTAIN AN APPROPRIATELY CERTIFIED OPERATOR

General Comments

This system is failing to meet 4log contact time. This inspector only learned this morning tha...

General Comments Cont.

t the buried CT tank is bypassed. The booster pumps per the operations permit have not been present for some time and the fiberglass expansion tank was used as a replacement, which is now flooded.
Cresswell is to come back in the morning to pull well pump and to determine if the shaft in the pump broke or if there are significant holes in the metal pipe holding the well pump and replace the pipe holding the well pump.

Appropriate Boil Water notices were put in Joe Dotter's mail box as he will be gone for several days. Boil Water notices are now due to not meeting 4log treatment. To get off 4log Boil Water, treatment system needs to be returned to original 4log design.

Signatures

Received by(Print Name):	**Unable To Receive Signature:**
Joe Bonamico	Not on site to write report

Investigator (Print Name):

MARY ANN SEESE

ATTACHMENT C

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FIELD ORDER

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME	PWS ID No.	CASE NUMBER
White Beauty View Estates	2520110	24-24-1247-002

LOCATION	MUNICIPALITY	COUNTY
Estates Road	Palmyra Township	Pike

PERSON TO WHOM ORDER IS DIRECTED	TELEPHONE NUMBER
Sam Shahar	(973) 610-1661

MAILING ADDRESS

41 Elm St. Ste 1C, Morristown, NJ 07960-7205

NAME AND TITLE OF PERSON SERVED	DATE ORDER SERVED
	6/27/24

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 06/24,25,26/2024.
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:

A2D - Failure or Significant Interruption in 4-Log Treatment of Viruses for a Groundwater Source

DEP was notified by HOA President that the system was out of water and had been out of water since early morning of 6/24. DEP was also told by HOA President that the buried tank was being bypassed due to inside of tank was contributing to iron issues and an expansion tank was added to supply pressure to distribution system because booster pumps were missing from well pit, which boosters were part of the original permited 4-Log design.

Location of Violation:

White Beauty View Estates, top of Estates Road, Palmyra Township, Pike County

Provisions of Regulation, Statute or Permit Violated:

25 PA Code, 109.1307(a)(1)(ii)

☐ White – Water Supplier ☐ Yellow – District Office ☐ Pink – Litigation ☐ Goldenrod – Central Office

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FIELD ORDER *(continuation)*

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME	PWS ID No.	CASE NUMBER
White Beauty View Estates	2520110	24-24-1247-002

Description of Violation:

B5A – Failure of Public Water Supply to Obtain a Permit

PWS failed to obtain a permit before modifying the 4-log chlorine disinfection treatment

Location of Violation:

Well treatment pit, top of Estates Rd., White Beauty View Estates (WBVE), Palmyra Township, Pike County

Provisions of Regulation, Statute or Permit Violated:

25 PA Code, 109.501

Description of Violation:

B6A – Other violations deemed to be significant deficiencies

The above violations constitute a 'Significant Deficiency' under the Groundwater Rule since the failure to provide the appropriate amount of contact time, as permitted, is allowing inadequately disinfected water to enter the distribution system.

Location of Violation

Well treatment pit, top of Estates Rd., WBVE, Palmyra Township, Pike County

Provisions of Regulation, Statute or Permit Violated:

25PA Code, 109.4

☐ White – Water Supplier ☐ Yellow – District Office ☐ Pink – Litigation ☐ Goldenrod – Central Office

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

FIELD ORDER *(continuation)*

(PLEASE PRINT AND PRESS FIRMLY)

SYSTEM NAME	PWS ID No.	CASE NUMBER
White Beauty View Estates	2520110	24-24-1247-002

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:

1. As soon as possible, but no later than 24 hours after receipt of this order, the water supplier shall issue a Tier 1 Public Notice (PN), in the form of a Boil Water Advisory, as required by 25 Pa Code Section 109.408. The Tier 1 PN shall be issued in accordance with the procedures outlined in 25 Pa Code Sections 109.408 and 109.411. Copies of the completed PN, as well as the completed Certification form, must be submitted via email to Mary Ann Seese at mseese@pa.gov, within 10 days of issuance.

2. The Boil Water Advisory shall remain in effect until the Department approves the lifting of the Boil Water Advisory. Should this Boil Water Advisory remain in effect for more than 30 days, the Tier 1 PN shall be reissued every 30 days for as long as the violation persists as required in 25 Pa Code Section 109.408(b)(4).

3. Within ten (10) days of receipt of this order, the water supplier shall consult with the Department's Technical section regarding the appropriate corrective actions necessary to address the violations specified in this order.

4. Within thirty (30) days of receipt of this order, the water supplier shall submit a written Corrective Action Plan for addressing the violations specified in this order.

5. To have Boil Water removed, two (2) consecutive days of Specials need to test negative for total coliform and a Problem Corrected Notice posted for 10 days with copy of the Problem Corrected notice and results of the Specials sent via email to Mary Ann Seese before posting Problem Corrected 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, 800-654-5984. 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 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 acknowledgement that any or all of the violations listed above have occurred or continue to occur.

Received by:

Department Representative (Name & Title - Please Print)

Mary Ann Seese, Sanitarian

Telephone Number: (570-592-2689)

Department Representative's Signature:

Mary Ann Seese 6/27/24

☐ White – Water Supplier ☐ Yellow – District Office ☐ Pink – Litigation ☐ Goldenrod – Central Office

ATTACHMENT D

3930-FM-BSDW0494 Rev. 12/2018

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DRINKING WATER WARNING

FAILURE OF A FILTRATION OR DISINFECTION PROCESS

ESTE INFORME CONTIENE INFORMACION IMPORTANTE ACERCA DE SU AGUA POTABLE. HAGA QUE ALGUIEN LO TRADUZCA PARA USTED, O HABLE CON ALGUIEN QUE LO ENTIENDA.

White Beauty View Estates **is experiencing operational conditions that compromise the water quality.**

BOIL YOUR WATER BEFORE USING

On 6/24/2024, operational plant conditions or deficiencies were identified at treatment plant top of Estates Road, White Beauty View Estates, Palmyra Township, Pike County, PA.

These deficiencies include:

Failure of water system to provide any potable water, bypass of 4-log buried CT tank, no booster pumps, no permit applied for to redesign 4-log chlorine disinfection system

There is an increased chance that the water may contain disease-causing organisms.

What should I do?

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.

Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

These symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. Guardians of infants and young children and people at increased risk, such as pregnant women, some of the elderly and people with severely compromised immune systems, should seek advice from their health care advisors about drinking this water.

What is being done?

Field Order being served to ownership of water system, Deer Haven LLC

We will inform you when you no longer need to boil your water.

For more information, please contact: Sam Shahar/Joe Bonamico

at 973-610-1661/570-689-4017

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or by distributing copies by hand or mail.

This notice is being sent to you by Deer Haven LLC.

PWS ID#: 2520110 Date distributed: 6/26/2024

3930-FM-BSDW0076 Rev. 4/2019

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

PUBLIC NOTIFICATION (PN) CERTIFICATION FORM

Public Water System Name: White Beauty View Estates PWSID Number: 2520110

Date of Violation/Situation: 06/24/2024

Description of Violation/Situation: Loss of 4-log contact time due to bypass of CT buried tank (tank leaks badly), according to certified water operator, Pocono Water Works is no longer serving this Public Water System, system is operating w/o a valid DEP permit.

Notified DEP (or CHD) within 1 hour Date or NA: _____

Consulted with DEP within 24 hours Date or NA: _____

PN Level: X Tier 1 ☐ Tier 2 ☐ Tier 3

Type of notice addressed by this certification: X Initial ☐ Repeat

Methods and date of public notice deliveries to customers:

Method: hand delivered/ email Date: 6/26/2024

Method: _____ Date: _____

Method: _____ Date: _____

Method: _____ Date: _____

X The public notice included the required elements: a description of the violation/situation; potential health effects; the population at risk; if alternate water supplies need to be used; when the violation/situation occurred; when the system will resolve the violation/situation; what is being done to correct the problem; actions consumers can take; water system contact information; and language encouraging broader distribution of the notice.

X A copy of each type of notice that was distributed is attached to this certification form

Certified by:

As a representative of the Public Water System (PWS) indicated above, I certify that public notification addressing the above violation/situation was distributed to all customers in accordance with the prescribed content, format, deadlines and delivery requirements outlined in Chapter 25 Pa. Code Chapter 109 Subchapter D of the Department of Environmental Protection (DEP)'s regulations.

Signature: _____ Date: _____

Print Name and Title: _____

Phone Number: _____

Complete and submit this form to your local DEP office **within 10 days** of issuing the public notification described above. DEP District Office and County Health Department contact information can be found within DEP document number 3930-FM-BSDW0560, which can be located by searching for document number 3930-FM-BSDW0560 in DEP's eLibrary at the following link: http://www.depgreenport.state.pa.us/elibrary/Search .

For DEP use only. Checked by: _____ **Date:** _____

ATTACHMENT E

NOTICE TO THE PUBLIC

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Deer Haven White Beauty View Estates (PWSID# PA2520110)

FAILURE OF A DISINFECTION PROCESS

BOIL YOUR WATER BEFORE CONSUMPTION

HIERVAN EL AGUA ANTES DE USARLA.
ESTE INFORME CONTIENE INFORMACION IMPORTANTE ACERCA DE SU AGUA POTABLE.
HAGA QUE ALGUIEN LO TRADUZCA PARA USTED, O HABLE CON ALGUIEN QUE LO ENTIENDA.

Aqua Pennsylvania, Inc. (Aqua) has issued a continuation of the boil water advisory that was already in effect for the Deer Haven White Beauty View Estates water system. For this reason, customers are advised to use boiled or bottled water for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice. You will be notified when this advisory is lifted. There is an increased chance that the water may contain disease-causing organisms.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.*
- These symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. Guardians of infants and young children and people at increased risk, such as pregnant women, some of the elderly and people with severely compromised immune systems, should seek advice from their health care advisors about drinking this water.

What happened? What is being done? When will the problem be corrected?
On August 26th, 2024, the Pennsylvania Public Utility Commission appointed Aqua as the receiver of this water system. Aqua has now taken over the operations to provide water service to the Deer Haven White Beauty View Estates customers. Aqua will perform various system improvements to the water system which includes remedying the disinfection process. You will be notified when it's no longer necessary to boil your water. If you have any questions or wish to discuss further, please contact Aqua's customer service at 1.877.987.2782.

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 800.426.4791.

For more information, please contact:

Responsible Person Dave Hoogstad, Area Manager	**System Name** Deer Haven White Beauty View Estates	**Address (Street)** 1 Aqua Way
Phone Number 877.987.2782	**System PWSID#** PA2520110	**Address (City, State, Zip)** White Haven, PA 18661

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or by distributing copies by hand or mail.

* This notice contains regulatorily required or recommended language, and nothing herein is, is intended as, nor should be construed as, a promise of or contract for payment or reimbursement of expenses incurred for any action you take on account of this notice.

A

D D C

A A A

ATTACHMENT F

AQUA

An Essential Utilities Company

September 16, 2024

Pennsylvania Department of Environmental Protection
Northeast Regional Office
Safe Drinking Water Program
2 Public Square
Wilkes-Barre, PA 18701-1915

Attn: To Whom It May Concern

Re: Aqua Pennsylvania, Inc.
Deer Haven White Beauty View Estates
4-Log Treatment of Viruses (PWSID 2520110)
Palmyra Township, Pike County

Pennsylvania Department of Environmental Protection:

Enclosed for your review is the Public Water Supply Minor Permit Application for Aqua Pennsylvania, Inc.'s (Aqua) Deer Haven White Beauty View Estates 4-Log Virus Treatment Project. Aqua plans to install 8 LF of 36" ductile iron pipe to achieve the necessary treatment.

If you have any questions or concerns regarding the application package, please feel free to contact me at 570.640.7137 or jdklinger@aquaamerica.com.

Sincerely,

John D. Klinger II
Project Engineer
Aqua Pennsylvania, Inc.

ENCLOSURES

TABLE OF CONTENTS

Public Water Supply Application

APPENDICES

Appendix A – Design Modules
Appendix B – Design Engineer's Report
Appendix C – Project Location Map
Appendix D – General Information Form
Appendix E – Technical Specifications
Appendix F – Demonstration of 4-Log Treatment of Viruses for Groundwater Sources
Appendix G – Sketch Plans

AQUA

An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Public Water Supply Application

Palmyra Township, Pike County

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

INSTRUCTIONS FOR COMPLETING PUBLIC WATER SUPPLY PERMIT APPLICATION

Please remove and recycle these instructions prior to mailing to the approving agency.

OVERVIEW

The following instructions are designed to assist the applicant in completing the Public Water Supply (PWS) Permit Application. The PWS Permit Application is to be completed in conjunction with the appropriate modules and the Department-wide General Information Form (0210-PM-PIO0001). **It is essential that the application is accompanied by a design engineer's report and appropriate plans and specifications.** The engineer's report ties the application together, provides the technical basis of design, and explains how the system is proposed to operate. Each permit application should be able to "stand on its own" and the engineer's report is the primary document that accomplishes this task. It is far more than a place to include calculations and report sample results.

GENERAL

Applicants must provide the PWS"s legal name that is to be used on official documents. They shall also include the PWSID number (for existing systems) and the nine-digit Federal Employer Identification Number (also known as the Federal Tax Identification Number).

A. APPLICANT INFORMATION

Applicants shall provide addresses and contact information for the Public Water System and all stakeholders.

B. PROJECT INVENTORY

The first question in this section refers to the above-named water system providing water to the public for human consumption. Human consumption includes the activities of drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene. This question is to be answered "Yes" for bottled and vended water systems, retail water facilities, and bulk water hauling systems.

Proposed Activity – Applicant must specify what type of activity or activities the project will involve. Modification implies alteration to an existing permitted system.

Proposed Facilities – Applicant must specify what type of facility or facilities the project will include. If the project involves a facility that is not included on the application list, it should be specified in the space identified as "Other".

BVRB Systems – If bottled, vended, retail or bulk water hauling system (BVRB), provide type.

C. CERTIFICATION AND SIGNATURES

Responsible Official – The responsible official is the person responsible for making decisions for the water system. Please provide name, title, postal mailing address, and sign and date the application. In the case of corporations, the application must be a principal executive officer of at least the level of vice president. In the case of a partnership, the application must be signed by a general partner. In the case of a sole proprietorship, the application must be signed by the proprietor.

Affidavit – The responsible official must sign and date the application. The completed permit application must be notarized by a Notary Public.

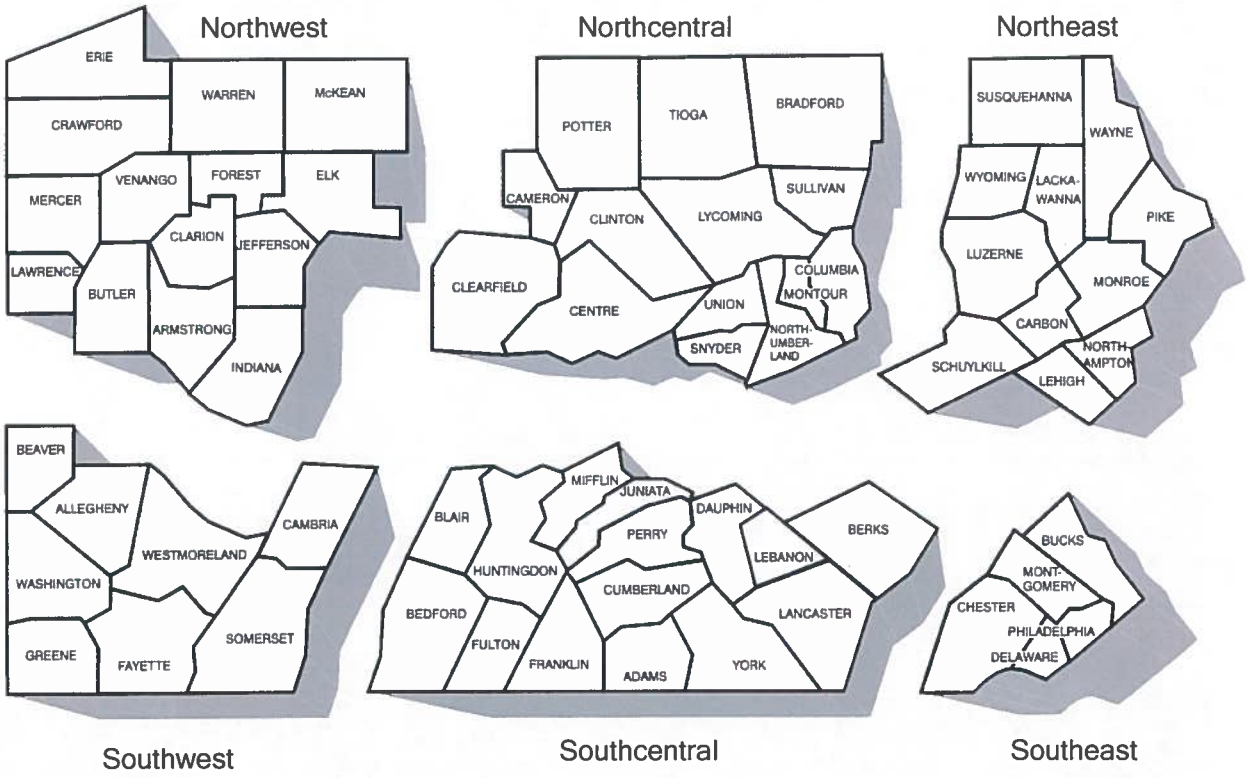
Design Engineer – The engineer responsible for designing the project must be registered as a professional engineer (P.E.) in the state of Pennsylvania. The engineer must provide their name, employer or employment name, postal mailing address, and daytime telephone number. The design engineer must also sign and date the application, as well as affix their embossed P.E. seal to the permit application in the space provided.

FEE – A permit fee payable to the ***"Commonwealth of Pennsylvania"*** must accompany the application. The amount of the fee may vary according to the proposed activities and can be obtained from either DEP regulations in Chapter 109, or from the appropriate DEP regional office.

The applicant should be aware of the possibility of interaction with local or county health departments, depending on the health department and the type of water system facilities. Regional DEP staff can refer the applicant to the appropriate health department.

SUBMISSION OF COMPLETED FORMS

The completed application is to be addressed to: PA DEP - Safe Drinking Water Program and sent to the Regional Office having jurisdiction over the county in which the system is located.



Northwest Region
230 Chestnut Street
Meadville, PA 16335-3481
Main Telephone: 814-332-6945
24-Hour Emergency: 1-800-373-3398
EP-SDWNWROREPORTS@pa.gov

Counties: *Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren*

Southwest Region
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Main Telephone: 412-442-4000
24-Hour Emergency: 412-442-4000
EP-SDWSWROREPORTS@pa.gov

Counties: *Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland*

Northcentral Region
208 West Third Street, Suite 101
Williamsport, PA 17701
Main Telephone: 570-327-3636
24-Hour Emergency: 570-327-3636
EP-SDWNCROREPORTS@pa.gov

Counties: *Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union*

Southcentral Region
909 Elmerton Avenue
Harrisburg, PA 17110
Main Telephone: 717-705-4700
24-Hour Emergency: 1-800-541-2050
EP-SDWSCROREPORTS@pa.gov

Counties: *Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York*

Northeast Region
2 Public Square
Wilkes-Barre, PA 18701-1915
Main Telephone: 570-826-2511
24-Hour Emergency: 570-826-2511
EP-SDWNEROREPORTS@pa.gov

Counties: *Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming*

Southeast Region
2 East Main Street
Norristown, PA 19401
Main Telephone: 484-250-5900
24-Hour Emergency: 484-250-5900
EP-SDWSEROREPORTS@pa.gov

Counties: *Bucks, Chester, Delaware, Montgomery, and Philadelphia*

3900-PM-BSDW0002 Rev. 3/2022
Application

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEP USE ONLY
DATE RECEIVED

PUBLIC WATER SUPPLY PERMIT APPLICATION

Before completing form, read the step-by-step instructions provided.

PWS Name:	Aqua Pennsylvania, Inc	PWSID No.	2520110
Employer Identification Number (EIN):			

A. APPLICANT INFORMATION

Public Water System

Street Address:	1775 N. Main Street				
City:	Honesdale	State:	PA	Zip/Postal Code:	18431
Phone:	570-647-0358	Email:	jpshoff@aquaamerica.com		

Main Stakeholder

Name:	Joshua P. Shoff	Title:	Project Engineer III		
Street Address:	665 Dock Street				
City:	Sharon	State:	PA	Zip/Postal Code:	16146
Phone:	8143416533	Email:	jpshoff@aquaamerica.com		

Additional Stakeholders

Name:	Daniel Highhouse	Title:	Field Supervisor II	Email:	dwighhouse@aquaamerica.com
Name:		Title:		Email:	
Name:		Title:		Email:	

B. PROJECT INVENTORY

Will the water system serve at least 15 service connections or an average of at least 25 individuals at least 60 days out of the year?	☒ Yes ☐ No
Proposed Activity:	☐ New ☒ Modification

Proposed Construction/Modifications

☐ New Source	☐ Softening	☐ Bulk Water Loading Station(s)
☐ Disinfection	☐ Taste and Odor Control	☐ Finished Water Storage
☐ Clarification	☐ Corrosion Control for Lead/Copper	☐ Treatment Plant Storage
☐ Filtration	☐ General Corrosion Control	☐ Intake
☐ Aeration	☐ Fluoridation	☐ Interconnection
☐ Organics Removal	☐ Pump Station(s)	☒ Other Demonstration of 4-Log Treatment of Viruses for Groundwater
☐ Iron/Manganese Treatment	☐ Transmission Main	☐ Other

BVRB Systems

☒ N/A

Proposed Type:	☐ Bottled ☐ Vended ☐ Retail ☐ Bulk Water Hauling

C. CERTIFICATION AND SIGNATURES

Responsible Official

Name:	Michael Fili			Title:	VP Capital Planning, Design & Construction
Street Address:	762 W. Lancaster Ave.				
City:	Bryn Mawr	State:	PA	Zip/Postal Code:	19010
Telephone No.:	610-645-4290 EXT.-54290	Email Address:	mjfili@aquaamerica.com		

Affidavit

State: ☒ Commonwealth of Pennsylvania ☐ State of

County: MONTGOMERY

I, MICHAEL FILI, being duly sworn, according to law, depose and say that I (am the applicant) (am an officer or official of the applicant) (have the authority to make this application) and that the plans, reports and documents submitted as part of the application are true and correct to the best of my knowledge and belief.

Signature of Responsible Official: Michael Fili Date: 9/18/24

Sworn and Subscribed to before me this 18TH Day of SEPTEMBER, 2024.

Lara Mraz
Signature of Notary Public

Notary Seal

Commonwealth of Pennsylvania - Notary Seal
Lara Mraz, Notary Public
Montgomery County
My commission expires March 1, 2027
Commission number 1429277
Member, Pennsylvania Association of Notaries

Design Engineer Name:					
Firm Name:					
Street Address:					
City:		State:		Zip/Postal Code:	
Telephone No.:		Email Address:			

Signature of Design Engineer

Design Engineer's Seal

Date:

APPENDIX A

DESIGN MODULES

AQUA℠

An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Public Water Supply Module 1

Palmyra Township, Pike County

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

PUBLIC WATER SUPPLY PERMIT APPLICATION MODULE 1: COMPLETENESS REPORT

PWS Name:	Aqua Pennsylvania, Inc- Deer Haven	PWSID No. (for existing systems)	2520110

A. REQUIRED ITEMS: GENERAL

A.1. ALL APPLICATIONS: CHECKLIST

Please indicate all included items in this **Application Package** by checking the appropriate box.

a. *COMPLETENESS REPORT* (3900-PM-BSDW0254B)	☒ Included
b. *PUBLIC WATER SUPPLY PERMIT APPLICATION* (3900-PM-BSDW0002)	☒ Included
c. *GENERAL INFORMATION FORM (GIF)* (0210-PM-PIO0001)	☒ Included
d. ALL APPLICABLE MODULES	☒ Included
e. PERMIT FEE	☒ Included
f. ENGINEER'S REPORT	☒ Included
g. DETAILED PLANS	☒ Included
h. SPECIFICATIONS	☒ Included
i. SCHEMATICS (APPLICABLE VALVES, PIPING, TREATMENT UNITS, ETC.)	☒ Included
j. CONTINUED OPERATIONS PLAN	☒ Included
k. SIMULTANEOUS COMPLIANCE REPORT	☒ Included

A.2. CONDITIONAL: QUESTIONS AND CHECKLIST

a. Is this project for a new Community Water System?	☐ Yes ☒ No
BUSINESS PLAN REQUIRED FOR ALL NEW COMMUNITY WATER SYSTEMS	☐ Included
b. Does this project include a new groundwater source?	☐ Yes ☒ No
HYDROGEOLOGIC REPORT REQUIRED FOR ALL NEW GROUNDWATER SOURCES	☐ Included
c. Does this project include a new source (surface, groundwater, or GUDI) that is not finished water (interconnection)?	☐ Yes ☒ No
NEW SOURCE SAMPLE RESULTS REQUIRED FOR ALL NEW SOURCES	☐ Included
RAW WATER QUANTITY EVALUATION REQUIRED FOR ALL NEW SOURCES	☐ Included
SOURCE WATER ASSESSMENT REQUIRED FOR ALL NEW SOURCES	☐ Included
d. Does this project include a new construction site where earth is being disturbed?	☐ Yes ☒ No
EROSION AND SEDIMENT CONTROL (E&S) PLAN AND APPROVAL LETTER FROM APPROPRIATE COUNTY CONSERVATION DISTRICT OR DEP OFFICE REQUIRED FOR NEW CONSTRUCTION SITES	☐ Included
USGS TOPOGRAPHIC MAP SHOWING THE PROJECT LOCATION REQUIRED FOR NEW CONSTRUCTION SITES	☒ Included
ACT 67/68 MUNICIPAL AND COUNTY NOTIFICATION REQUIREMENTS (012-0200-001) INCLUDING COVER LETTER AND CERTIFIED MAIL RETURN RECEIPTS REQUIRED FOR NEW CONSTRUCTION SITES. SEE POLICY FOR EXEMPTIONS.	☐ Included ☒ Exempt

	PENNSYLVANIA HISTORY CODE OFFICIAL RESPONSE AS PER *IMPLEMENTATION OF THE PENNSYLVANIA STATE HISTORY CODE: POLICY AND PROCEDURES FOR APPLICANTS FOR DEP PERMITS AND PLAN APPROVALS* (012-0700-001) REQUIRED FOR NEW CONSTRUCTION SITES. SEE POLICY FOR EXEMPTIONS.	☐ Included ☒ Exempt
	FLOODPLAIN DELINEATION AND/OR WETLANDS DELINEATION REQUIRED FOR CONSTRUCTION ACTIVITIES THAT INVOLVE AN OBSTRUCTION AND/OR ENCROACHMENT TO STREAMS/WETLANDS AS PER CHAPTER 105.	☐ Included ☒ Exempt
e.	Was a pilot study required?	☐ Yes ☒ No
	Approval Letter Received from Dep	☐ Included

A.3. WASTE DISPOSAL AND COORDINATION REQUIREMENTS: QUESTIONS AND CHECKLIST

a.	Does this project include any point source discharge to waters of the Commonwealth?	☐ Yes ☒ No
	Review project with the appropriate Regional Clean Water Program and include copy of correspondence stating what Permits(s) and/or approvals were required.	☐ Included
	Include copy of appropriate NPDES Permit(s) or submitted application.	☐ Included ☒ N/A
	Initial to acknowledge that Safe Drinking Water Permit approval is contingent upon approval of all Clean Water Permit requirements.	JDK
b.	Does this project include waste discharges to groundwater (e.g., Onlot Disposal System, Injection Well)?	☐ Yes ☒ No
	Review project with the appropriate Regional Clean Water Program and include copy of correspondence stating what Permits(s) and/or approvals are/are not required.	☐ Included
	Include a copy of any EPA Permits(s) and/or approvals for Underground Injection Well(s) (UIW).	☐ Included ☒ N/A
	Include copy of appropriate WQM Permit(s) or submitted application.	☐ Included ☒ N/A
	Initial to acknowledge that Safe Drinking Water Permit approval is contingent upon approval of all Clean Water Permit requirements.	JDK
c.	Which River Basin is this project located within (e.g., Susquehanna, Delaware, Great Lakes, Ohio River, or Potomac River)?	Susquehanna
	Review project with the proper River Basin Commission and include copy of correspondence stating what Permits(s) and/or approvals were required.	☐ Included
	Include copy of appropriate Permit(s) or submitted application.	☐ Included ☒ N/A
d.	Does this project include discharges to a public sewerage system?	☐ Yes ☒ No
	Include copy approval from receiving agency.	☐ Included
e.	Does this project include waste from new or modified treatment?	☐ Yes ☒ No
	Include a copy of approval from receiving agency specifying new or modified waste.	☐ Included

f. Please give a brief description of all waste streams to include type (e.g., sludge, spent media, waste water), volume per timeframe (e.g., gpd, lbs/month), handling description (e.g., trucked to receiving agency), handling agency name, and title of included Permit(s) and/or approvals.

Waste Type	Vol/Time	Handling Description	Handling Agency Name	Included Documentation

B. GENERAL INFORMATION					
1. Project Description:	Aqua Pensylvania, Inc. is proposing to install 8 LF of 36" ductile iron pipe to provide the necessary 4-Log Treatment off Viruses.				
2. Project Justification: Describe the public health and/or economic benefits of the project.	Chlorine alone is not enough for full disinfection. This additional main size is needed to ensure proper contact time.				
3. Was there a pre-application meeting with DEP and the project applicant? If "Yes," include the DEP point of contact, date of meeting (mm/dd/yy), and a summary of meeting.	☐ Yes ☒ No	DEP Contact	N/A	Date	/ /
	Meeting Summary: N/A				

C. REQUIRED ITEMS: DETAILED (ALL APPLICATIONS)

C.1. Application, General Information Form, and Modules

a.	Has the *PUBLIC WATER SUPPLY PERMIT APPLICATION* (3900-PM-BSDW0002), signed and sealed by a professional engineer licensed in the Commonwealth of Pennsylvania, been submitted?	☒ Yes ☐ No
b.	Has the *GENERAL INFORMATION FORM* (0210-PM-PIO0001), been submitted?	☒ Yes ☐ No
c.	Indicate all included Modules by checking the appropriate boxes.	

Module No.	Module Title	
1	*COMPLETENESS REPORT* (3900-PM-BSDW0254B)	☒
2	*GENERAL DESIGN AND SECURITY* (3900-PM-BSDW0254C)	☐
3A	*GROUNDWATER SOURCES* (3900-PM-BSDW0254D)	☐
3B	*SURFACE WATER SOURCES* (3900-PM-BSDW0254D)	☐
3C	*INTERCONNECTION* (3900-PM-BSDW0254D)	☐
4	*PRETREATMENT* (3900-PM-BSDW0254E)	☐
5	*SUSPENDED SOLIDS CONTACT UNITS* (3900-PM-BSDW0254F)	☐
6	*SOFTENING* (3900-PM-BSDW0254G)	☐
7	*FILTRATION* (3900-PM-BSDW0254H)	☐
8	*DISINFECTION/OXIDATION* (3900-PM-BSDW0254I)	☐
9A	*IRON AND MANGANESE REMOVAL* (3900-PM-BSDW0254J)	☐
9B	*NITRATE REMOVAL* (3900-PM-BSDW0254J)	☐
9C	PFAS REMOVAL (3900-PM-BSDW0254j)	☐
10	*CORROSION CONTROL* (3900-PM-BSDW0254K)	☐
11	*ORGANICS REMOVAL* (3900-PM-BSDW0254L)	☐
12	*CHEMICALS AND CHEMICAL HANDLING* (3900-PM-BSDW0254M)	☐
13	*PUMPING STATIONS* (3900-PM-BSDW0254N)	☐
14	*RESERVOIRS, ELEVATED TANKS, STANDPIPES, AND PRESSURE TANKS* (3900-PM-BSDW0254O)	☐
15A	*DISTRIBUTION SYSTEMS* (3900-PM-BSDW0254P)	☐
15B	*BULK WATER LOADING STATIONS* (3900-PM-BSDW0254Q)	☐
16A	*IN-STATE BOTTLED WATER SYSTEMS* (3900-PM-BSDW0077A)	☐
16B	*OUT - OF - STATE BOTTLED WATER SYSTEMS* (3900-PM-BSDW0077B)	☐
17	*BULK WATER HAULERS* (3900-PM-BSDW0077E)	☐
18	*VENDED WATER SYSTEMS* (3900-PM-BSDW0077C)	☐
19	*RETAIL WATER FACILITIES* (3900-PM-SDW0077D)	☐

C.2. Permit Fee		
a. Has a check made payable to the Commonwealth of Pennsylvania (not more than thirty (30) days old) been included for all appropriate fees as per 25 Pa. Code § 109 Subchapter N?	☒ Yes ☐ No	
C.3. Engineer's Report		
a. Has the Engineer's Report, signed and sealed by a professional engineer licensed in the Commonwealth of Pennsylvania, been submitted? If "Yes," indicate all included items by providing location in the Application Package (e.g., "Section A," "Pages 1-3").	Section: B	Pages: 1-1
b. Does the Engineer's Report include all applicable items specified in the *PUBLIC WATER SUPPLY MANUAL, PART II: COMMUNITY SYSTEM DESIGN STANDARDS* (383-2125-108)? Indicate all included items by providing location in the Engineer's Report.	☒ Yes ☐ No	
1. General Information: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
a. A description of the existing water works.		☒
b. An identification of the municipality or area served.		☒
2. Extent of Water Supply System: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
a. A description of the nature and extent of the area to be served.		☐
b. Provisions for extending the water supply system to include additional areas.		☐
c. An appraisal of the future requirements for service, including existing and potential residential, industrial, commercial, institutional, and other water supply needs.		☐
3. Justification of Project: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
a. Where two or more alternatives exist for providing PWS facilities, each of which is feasible and practicable, discuss the alternates.		☒
b. Reasons for selecting the one recommended option, including financial considerations, operational requirements, operator qualifications, reliability, and water quality considerations.		☒
c. Information on alternatives considered to prevent pollution, to utilize alternative energy sources, and to enhance energy efficiency.		☐

4. Water Use Data: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
a. A description of the population trends as indicated by available records and the estimated population which will be served by the proposed water supply system or expanded system 20 years in the future in 5-year intervals or over the useful life of critical structures/equipment.		☐
b. Information on water consumption and the projected average and maximum daily demands, including fire flow demand where provided.		☐
c. Information on estimated yield of the sources of supply.		☐
d. Information related to any unusual occurrences that may affect water usage.		☐
5. Fire Flow: Use the checkboxes below to indicate each item is included.	Section: N/A	Pages: -
a. Proof that fire flow requirements are satisfied as established by the Insurance Services Office (or another similar agency).		☐
b. Information on the fire flow that will be available to the proposed or enlarged PWS.		☐
6. Sewerage Facilities: Use the checkboxes below to indicate each item is included.	Section: N/A	Pages: -
a. A description of the existing treatment facilities (e.g., on lot) and/or municipal sewage treatment works.		☐
b. A description of the location of the sewerage facilities with reference to existing or proposed water sources or structures.		☐
7. Sources of Water:	☐ Surface Water / GUDI ☒ Groundwater	
a. Surface Water Sources: Use the checkboxes below to indicate each item is included.	Section:	Pages: - ☒ N/A
1. A description of the proposed source(s) of water supply to be developed and the reason(s) for selection.		☐
2. Summarized data on the quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, stream flow, etc.		☐
3. Hydrological data, stream flow, and weather records.		☐
4. Reliable yield, including all factors that may affect yield.		☐
5. Maximum flood flow, together with approval for safety features of the spillway and dam, from the Bureau of Waterways Engineering and Wetlands.		☐
6. Description of the watershed, noting any existing or potential sources of contamination (e.g., sewerage treatment plants, industrial facilities, etc.) which may affect water quality.		☐
7. A copy of the PADEP and applicable River Basin Commission *Water Allocation Permit*.		☐

b. Groundwater Sources: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4	☐ N/A
1. Completed Section "D.1: Hydrogeologic Report" for all new Groundwater Sources.			☐
2. A description of the proposed source(s) of water supply to be developed and the reason(s) for selection.			☐
3. Documentation for proof of ownership, or substantial control, through a deed restriction or other methods acceptable to DEP, of the Zone I wellhead protection area that prohibits activities within Zone I that may have a potential adverse impact on source water quality or quantity.			☐
8. Proposed Treatment Processes: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4	
a. Summary and information establishing the adequacy of proposed processes and unit hydraulics for the treatment of the specific water under consideration.			☐
b. Information on alternative methods of water treatment and chemical use considered as a means of reducing waste handling and disposal problems.			☐
c. Information on bench scale tests, pilot studies, or other demonstrations that are used to establish adequacy for some water quality standards.			☐
9. Project Sites: Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4	
a. Information on the various sites considered and advantages of the recommended site(s).			☐
b. Proximity of residences, industries, and other establishments that may influence the quality of the supply or interfere with effective operation of the water supply system.			☐
10. Automation: Use the checkboxes below to indicate each item is included.	Section: N/A	Pages: -	
a. Supporting data justifying automatic equipment, including the servicing and operator training to be provided.			☐
b. Proof of manual override that must be provided for any automatic controls.			☐
c. Information on the highly sophisticated automation that may put proper maintenance beyond the capability of the plant operator, leading to equipment breakdowns or expensive servicing.			☐
d. Information on adequate funding for maintenance of automatic equipment.			☐
e. Description of how the facility will be attended vs. automated, including schedules.			☐
11. Waste Disposal: Use the checkboxes below to indicate each item is included.	Section: N/A	Pages: -	
a. Information on the various wastes from the water treatment plant, their volume, proposed treatment, and points of discharge.			☐
b. If discharging to a sanitary sewerage system, verification that the system, including any lift stations, is hydraulically capable of handling the flow to the sewage treatment works; that the treatment works is capable of properly treating the wastewater; and that the wastewater treatment plant operator will accept the additional loading.			☐

12. Soil, Groundwater Conditions, and Foundation Problems: Use the checkboxes below to indicate each item is included.	Section: N/A	Pages: -
a. A description of the character of the soil through which water mains are to be laid.		☐
b. A description of the foundation conditions prevailing at sites of proposed structures.		☐
c. A description of the approximate elevation of groundwater in relation to subsurface structures.		☐
13. Future Extensions: Use the checkbox below to indicate the item is included.	Section: B	Pages: 2-4
a. A summary of planning for future needs and services.		☐

C.4. Detailed Plans

a. Have the Detailed Plans, signed and sealed by a professional engineer licensed in the Commonwealth of Pennsylvania, been submitted? If "Yes," indicate all included items by providing location in the Application Package (e.g., "Section A," "Pages 1-3").	Section: G	Pages: 1-2
b. Does the front cover or flyleaf of each set of the Detailed Plans (or drawings) bear the signature and imprint of the seal of the professional engineer licensed in the Commonwealth of Pennsylvania?	☒ Yes	☐ No
c. Does each subsequent page of the Detailed Plans or drawings bear an imprint of the seal (or a legible facsimile of the seal) of the professional engineer licensed in the Commonwealth of Pennsylvania?	☒ Yes	☐ No
d. Do the Detailed Plans include all applicable items specified in the *PUBLIC WATER SUPPLY MANUAL, PART II: COMMUNITY SYSTEM DESIGN STANDARDS* (383-2125-108)? Use the checkboxes below to indicate each item is included.	☒ Yes	☐ No
1. Suitable Titles for Each Plan, to include the name of the municipality, authority, company, water district, or institution served; the scale in feet; a graphic scale; the date; and the name, address, and seal of the design engineer.		☐
2. The datum used.		☐
3. The north point.		☒
4. Boundaries of the municipalities, water districts, or specified areas to be served.		☐
5. Land area owned and/or controlled by the water supplier, including the Zone I wellhead protection area.		☐
6. Topography of the drainage area and site, including wells, springs, streams, lakes, dams, and reservoirs.		☐
7. The location of all treatment and monitoring equipment.		☐
8. Ground Water levels.		☐
9. Locations of 100- and 500-year Flood Plain levels.		☐
10. The locations of test borings and wells.		☐
11. The diameter and depth of well casings and liners.		☐

C.5. Specifications		
Have the Specifications for all the proposed treatment systems, pumps, chemicals, paints, and/or coatings which may come into contact with drinking water been submitted? If "Yes," indicate all included items by providing location in the Application Package.	Section:	Pages: -
C.6. Continued Operations Plan		
a. Has a Continued Operations Plan been submitted? If "Yes," indicate all included items by providing location in the Application Package. Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
1. An analysis showing how PWS will keep water system in operation and meet all compliance requirements throughout construction.		☐
2. A detailed construction schedule.		☐
3. A description of additional facilities used to minimize interruption of service.		☐
C.7. Simultaneous Compliance Report		
a. Has the Simultaneous Compliance Report been submitted? If "Yes," indicate all included items by providing location in the Application Package. Use the checkboxes below to indicate each item is included.	Section: B	Pages: 2-4
1. A detailed desktop analysis of any unintended consequences the project may cause that will adversely affect compliance with other drinking water regulations. American Water Works Association's *MANAGING CHANGE AND UNINTENDED CONSEQUENCES: LEAD AND COPPER RULE CORROSION CONTROL TREATMENT*; EPA'S *MICROBIAL AND DISINFECTION BYPRODUCT RULES SIMULTANEOUS COMPLIANCE GUIDANCE MANUAL* (EPA 815-R-99-015); and *SIMULTANEOUS COMPLIANCE GUIDANCE MANUAL FOR THE LONG TERM 2 AND STAGE 2 DBP RULES* (EPA 815-R-07-017) shall be referenced when performing this analysis.		☐
2. A detailed report on how these effects will be managed and how the existing and new treatment systems shall be evaluated to determine effects on operation.		☐

D. DREQUIRED ITEMS: DETAILED(CONDITIONAL)		
D.1. Hydrogeologic Report (REQUIRED FOR ALL NEW GROUNDWATER SOURCES)		
a. Has the Hydrogeologic Report, signed and sealed by a professional geologist licensed in the Commonwealth of Pennsylvania, been submitted? If "Yes," indicate all included items by providing location in the Application Package.	Section:	Pages: -
b. Does the Hydrogeologic Report include all applicable items specified in the *PUBLIC WATER SUPPLY MANUAL, PART II: COMMUNITY SYSTEM DESIGN STANDARDS* (383-2125-108) and the *AQUIFER TESTING GUIDANCE FOR PUBLIC WATER SYSTEMS* (394-2125-001)? Indicate all included items by providing location in the Hydrogeologic Report.	☐ Yes	☐ No
1. Geologic & Hydrogeologic Description: The Hydrogeologic Report must include a description of the geologic and hydrogeologic setting of the proposed groundwater source and project area. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
a. A hydrogeologic conceptual model representative of the target aquifer(s).		☐
b. A description of the geology of the project area including formation names, contacts, and structural features (e.g., fracture traces, faults, folds, etc.).		☐
c. A description of the hydrogeologic setting and groundwater flow characteristics of the target aquifer(s) (e.g., aquifer porosity estimates, flow direction, velocity, etc.).		☐
2. Aquifer Test Monitoring Network: The Hydrogeologic Report must include construction specifications of the aquifer test monitoring points and a description. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
a. Construction specifications of each groundwater monitoring point and description.		☐
b. Construction specifications of each surface water monitoring point and description.		☐
3. Aquifer Test Data & Sustained Yield Analysis: The Hydrogeologic Report must include aquifer test data, plots and graphs, calculations, and interpretations that demonstrate the sustainable yield of the groundwater source. All plots and graphs should be organized in an appendix and referenced and discussed in the appropriate section of the Hydrogeologic Report. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
a. Is an electronic copy of raw data included?	☐ Yes	☐ No
b. A description of modelling software and methods used to analyze aquifer test data and calculate hydraulic properties.		☐
c. Stepped-rate test data and interpretation.		☐
d. Hydrographs and interpretation of the test well and monitoring points representative of background (pre-pumping) water-level trends.		☐
e. Time-drawdown curves for the test well and observation points.		☐
f. Time-recovery curves for test well and observation points.		☐
g. Residual drawdown vs. t/t' recovery analysis.		☐

	h. Distance-drawdown curves using data from a minimum of two observation points.		☐
	i. Hydraulic conductivity calculation.		☐
	j. Transmissivity calculation.		☐
	k. Storage coefficient calculation.		☐
	l. Specific capacity calculation.		☐
	m. Sustained yield (safe yield) analysis including description of the methodology.		☐
	n. A description of how pumping the proposed groundwater source impacts adjacent water resources (domestic wells, streams, wetlands, etc.) and the environment.		☐
	o. A description of hydrogeologic boundaries.		☐
4.	Well Construction & Geologic Log: The Hydrogeologic Report must include a well construction and geologic log of the proposed well. The log must be supplemented with a description and demonstrate that the well meets construction standards.	Section:	Pages: -
5.	Wellhead Protection & Source Water Assessment: The Hydrogeologic Report must include a Source Water Assessment and descriptions of how the Zone I and Zone II Wellhead Protection Areas were delineated for each proposed groundwater source. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
	a. A completed version of the *PUBLIC WATER SYSTEM SOURCE WATER ASSESSMENT FORM FOR NEW COMMUNITY GROUNDWATER SOURCES* (3940-FM-BSDW0019).		☐
	b. Description of how the Zone I was delineated and a delineation of the Zone I provided in map view. The Zone I is the protective zone immediately surrounding a well, which shall be a 100-foot-to-400-foot radius depending on site-specific source and aquifer characteristics.		☐
	c. Documentation of proof of ownership, or substantial control of the Zone I, through a deed restriction or other acceptable methods.		☐
	d. Description of how the Zone II was delineated and a delineation of the Zone II in map view. The Zone II is the zone encompassing the portion of the aquifer through which water is diverted to a well and shall be a 1/2-mile radius around the source unless a more detailed delineation is approved.		☐
6.	Water Quality Assessment: The Hydrogeologic Report must include laboratory reports and a description of all water-quality sampling results associated with the proposed groundwater source. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
	a. Aquifer test water-quality field data collected from the proposed well and monitoring points.		☐
	b. New source sampling results and description of the water-quality characteristics in the context of established maximum contaminant levels. The new source sampling requirements can be found in DEP's technical guidance *NEW SOURCE SAMPLING REQUIREMENTS FOR GROUNDWATER SOURCES FOR COMMUNITY AND NONCOMMUNITY SYSTEMS* (393-3130-208).		☐

c. Microscopic Particulate Analysis (MPA) results, if applicable.		☐
d. Surface Water Identification Protocol (SWIP) monitoring results, if applicable.		☐
e. Long Term 2 Enhanced Surface Water Treatment Rule (LT2) monitoring results, if applicable.		☐
7. Project Maps: The Hydrogeologic Report must include project maps of appropriate scale that clearly display the elements listed below. All maps should be organized in an appendix and referenced in the appropriate section of the Hydrogeologic Report. Use the checkboxes below to indicate each element is included on the maps.	Section:	Pages: -
a. Topography.		☐
b. Geology including geologic formations and structural features (faults, folds, fracture traces, etc.).		☐
c. The location of the proposed groundwater source and all aquifer test monitoring points.		☐
d. Water-table contours or potentiometric surface contours and groundwater flow direction representative of non-pumping conditions.		☐
e. A delineation of the estimated contributing area of the proposed groundwater source.		☐
f. Maximum drawdown contours and groundwater flow direction.		☐
g. A delineation of the zone of influence (ZOI) of the proposed groundwater source.		☐
h. The location of public and private wells within the ZOI and contributing area.		☐
i. The location of surface water features within the ZOI and contributing area.		☐

D.2. Business Plan (REQUIRED FOR NEW COMMUNITY WATER SYSTEMS)

a. For New Community Water Systems, has the Business Plan been provided?	☐ Yes	☐ No
b. Does the Business Plan include all applicable items specified below? If "Yes," indicate by providing location in the Application Package. Use the checkboxes below to indicate each item is included.	Section:	Pages: -
1. Facilities Plan: including an assessment of the current and foreseeable water supply needs of the area, a description of alternatives considered (including both construction and operating costs) and the rationale for the approach selected.		☐
2. Management Plan: including documentation that the applicant has the legal right and authority to construct, operate and maintain the system, a management and administrative plan, and an operation and maintenance plan.		☐
3. Financial Plan: including projections and assurances that the system's revenues and cash flow will be sufficient for meeting the costs of construction, operation, and maintenance for at least five years from initiation of operations. In addition, technical guidance tools are provided to help systems determine their financial health and ensure revenue and cost projections are based on sound financial assumptions.		☐

D.3. New Source Sample Results and Required Water Quality Results (REQUIRED FOR NEW SOURCES)			
a. For New Sources, are New Source Sample Results and Required Water Quality Results included? If "Yes," indicate by providing location in the Application Package. Use the checkboxes below to indicate each item is included. *Note: All bacteriological, chemical, and radiological laboratory analyses shall be performed by DEP-accredited laboratories in accordance with the analytical techniques adopted by the United States Environmental Protection Agency (EPA) under the federal act or methods approved by DEP.*		Section:	Pages: -
1. Groundwater New Source Sampling as per requirements in *NEW SOURCE SAMPLING REQUIREMENTS FOR GROUNDWATER SOURCES FOR COMMUNITY AND NONCOMMUNITY SYSTEMS* (393-3130-208).		Included ☐	☐ N/A
2. Surface Water New Source Sampling as per requirements in *NEW SOURCE SAMPLING REQUIREMENTS FOR SURFACE WATER SOURCES* (393-3130-108).		Included ☐	☐ N/A
D.4. Raw Water Quantity Evaluation (REQUIRED FOR NEW SOURCES)			☐ N/A
a. For New Sources, is a Raw Water Quantity Evaluation included? If "Yes," indicate by providing location in the Application Package.		Section:	Pages: -
b. Surface Water / Spring Sources: What is the permitted amount of water requested to the Department in APPLICATION for *WATER ALLOCATION* (3900-PM-WM0001)?	Source Name:		☐ N/A
	Permit #:	MGD	
c. Groundwater Sources: What is the requested maximum instantaneous pumping rate (safe yield from the constant-rate aquifer test performed as per D.1.b.3.)?	Well No.	gpm	☐ N/A
	Well No.	gpm	
	Well No.	gpm	
D.5. Source Water Assessment (REQUIRED FOR NEW SOURCES)			☐ N/A
For New **Groundwater** Sources, is the *PUBLIC WATER SYSTEM SOURCE WATER ASSESSMENT FORM FOR NEW COMMUNITY GROUNDWATER SOURCES* (3940-FM-BSDW0019) included? If "Yes," indicate by providing location in the Application Package.		Section:	Pages: -
For New **Surface Water** Sources, is Section G of *PUBLIC WATER SUPPLY MODULE 3B – SURFACE WATER SOURCES* (3900-PM-BSDW025d) included? If "Yes," indicate by providing location in the Application Package.		Section:	Pages: -
D.6. Schematics Showing Valves, Piping, Treatment Units, Etc. (REQUIRED FOR ALL CONSTRUCTION ACTIVITIES)			☐ N/A
For New Construction, are Schematics included? If "Yes," indicate by providing location in the Application Package.		Section:	Pages: -

D.7. Erosion and Sediment Control (E&S) Plan and Approval Letter from Appropriate County Conservation District or DEP Office (REQUIRED FOR ALL NEW CONSTRUCTION SITES)		☐ N/A
For New Construction Sites, are an E&S Plan and Approval Letter included? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.8. Pennsylvania Natural Diversity Inventory (PNDI) Database Search Results and Sign-Off Letters from Appropriate Agencies (REQUIRED FOR ALL NEW CONSTRUCTION SITES)		☐ N/A
For New Construction Sites, are the PNDI Search Results and Sign-Off Letters included? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.9. Act 67/68 Municipal and County Notification Requirements (012-0200-001) Including Cover Letter and Certified Mail Return Receipts (REQUIRED FOR ALL NEW CONSTRUCTION SITES)		☐ N/A
For New Construction Sites, are the Notification Requirements included? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.10. USGS Topographic Map Showing the Project Location (REQUIRED FOR ALL NEW CONSTRUCTION SITES)		☐ N/A
For New Construction Sites, is the USGS Topographic Map included? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.11. Pennsylvania Historical & Museum Commission (PHMC) Approval (REQUIRED FOR CONSTRUCTION ACTIVITIES THAT HAVE NOT BEEN EXEMPTED)		☐ N/A
For New Construction Sites, is PHMC Approval included (if not exempted) as per *IMPLEMENTATION OF THE PENNSYLVANIA STATE HISTORY CODE: POLICY AND PROCEDURES FOR APPLICANTS FOR DEP PERMITS AND PLAN APPROVALS* (012-0700-001)? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.12. Floodplain Delineation and/or Wetlands Delineation (REQUIRED FOR CONSTRUCTION ACTIVITIES THAT INVOLVE ENCROACHMENT TO STREAMS/WETLANDS)		☐ N/A
For Construction Activities that Involve Encroachment to Streams/Wetlands, is a Floodplain and/or Wetlands Delineation included? If "Yes," indicate by providing location in the Application Package.	Section:	Pages: -
D.13. ADDITIONAL ITEMS		
Have any additional items been included? Please list below and include Section and Page Numbers.	☐ Yes	☐ No
	Section:	Pages: -
	Section:	Pages: -
	Section:	Pages: -
	Section:	Pages: -
E. CODES		
Will the proposed facilities meet all electrical, air or gas, storage tanks, chemicals, disinfection, and all other applicable code requirements as listed in DEP's *PUBLIC WATER SUPPLY MANUAL, PART II: COMMUNITY SYSTEM DESIGN STANDARDS* (383-2125-108)?	☐ Yes	☐ No

F. NSF	
1. Will all chemicals that may contact, or affect the quality of, the water be certified for conformance with ANSI/NSF Standard 60?	☐ Yes ☐ No
2. Will all materials that may contact, or affect the quality of, the water be certified for conformance with ANSI/NSF Standard 61?	☐ Yes ☐ No

G. DISCREPANCY ASSESSMENT	
Was "Yes" or "N/A" checked for every question on this Module?	☐ Yes ☐ No*
*If "No," please provide a reference to the section and question number (e.g., B.9.) for EACH "No" answer in this application and provide explanation.	

Section (A-G) & Question Number	Explanation
Sect: #:	
Sect: #:	
Sect: #:	
Sect: #:	

APPENDIX B

DESIGN ENGINEER'S REPORT

AQUA

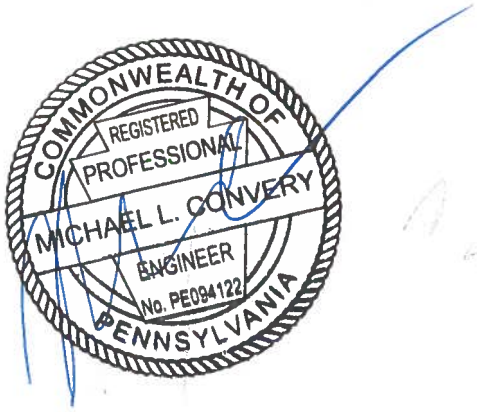
An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Design Engineer's Report

Palmyra Township, Pike County



A. Existing Water Works and Facilities

Aqua Pennsylvania, Inc. (Aqua) is currently (as of August 2024) in receivership of the Deer Haven White Beauty Estates Water System, which services 38 customers in Palmyra Township, Pike County. The water system consists of one existing groundwater well (Well 001). The well is permitted for a pumping rate of 40 GPM.

Water is treated from the existing well with chlorine and sent to the distribution system after achieving desired pressure via a hydro pneumatic tank. Main sizes in the distribution system are unknown at this time.

Proposed 4-Log Treatment for Viruses

Aqua is proposing to install an 8 LF section of 36" ductile iron pipe to provide the necessary 4-Log Treatment of Viruses.

B. Area to be Served

No system expansion is planned as part of this permit application.

C. Justification of the Project

Alternatives Considered include:

Alternative 1 – No Action
Alternative 2 – Provide 4-Log Treatment on-site via a buried length of large diameter pipe.

Alternative 1 was not considered because the system is currently under a Boil Order due to no 4-Log Treatment of Viruses. Treatment must be provided to lift the Boil Order.
Alternative 2 was selected because of ease of construction and time.

D. Water Use Data

No change in water use is proposed.

E. Fire Flow

The system currently does not provide fire protection and no changes to this are proposed.

F. Sewerage Facilities

Not Applicable.

G. Proposed Sources of Water

No new sources of water are proposed. The existing well will be utilized.

H. Proposed Treatment Process

Aqua plans to modify the existing treatment train to accommodate the 4-Log Treatment of Viruses. Water will be pumped from the well, where a raw water sample tap, a check valve and flow meter, will be provided. Then chlorine will be introduced for disinfection. Water then enters the newly installed contact pipe and a sample tap will be installed before water enters the hydro pneumatic tank. This sample tap will be utilized as the entry point for sampling and monitoring chlorine residual. After the hydro pneumatic tank achieves the desired pressure, water enters the distribution system.

I. Project Site

The proposed project is located at the existing well station, which is located at the intersection of Estates Road and Acorn Lane. (41.3737200,-75.2491513)

J. Waste Disposal

No waste will be generated.

K. Soil, Groundwater Conditions and Foundation Problems

There are no know soil, groundwater, or foundation conditions which may impact the project.

L. Future Needs and Services

No future expansions to the water system are planned as part of this project.

M. Project Sequence

The existing waterworks facilities will remain in operation during construction activities.

Minor system shutdowns are necessary throughout construction of the proposed 4-Log Treatment of Viruses. It is anticipated that the project will be constructed in the following stages so that the existing well station operations will be maintained:

1. Excavate and install 8' of 36" Ductile Iron Pipe.
2. Disinfect and pressure test
3. Shut down well station to complete plumbing and make necessary connections.
4. Put well station into service.

N. Operations Plan

The site will be sampled for Chlorine residual via 24-hr grab sampling. As well as weekly Chlorine residual checks at the RTCR location and monthly coliform sampling from the RTCT location.

O. Compliance Report

Aqua has only been in receivership of this system since August 15th of this year and a compliance report is not available at this time.

APPENDIX C

PROJECT LOCATION MAP

AQUA

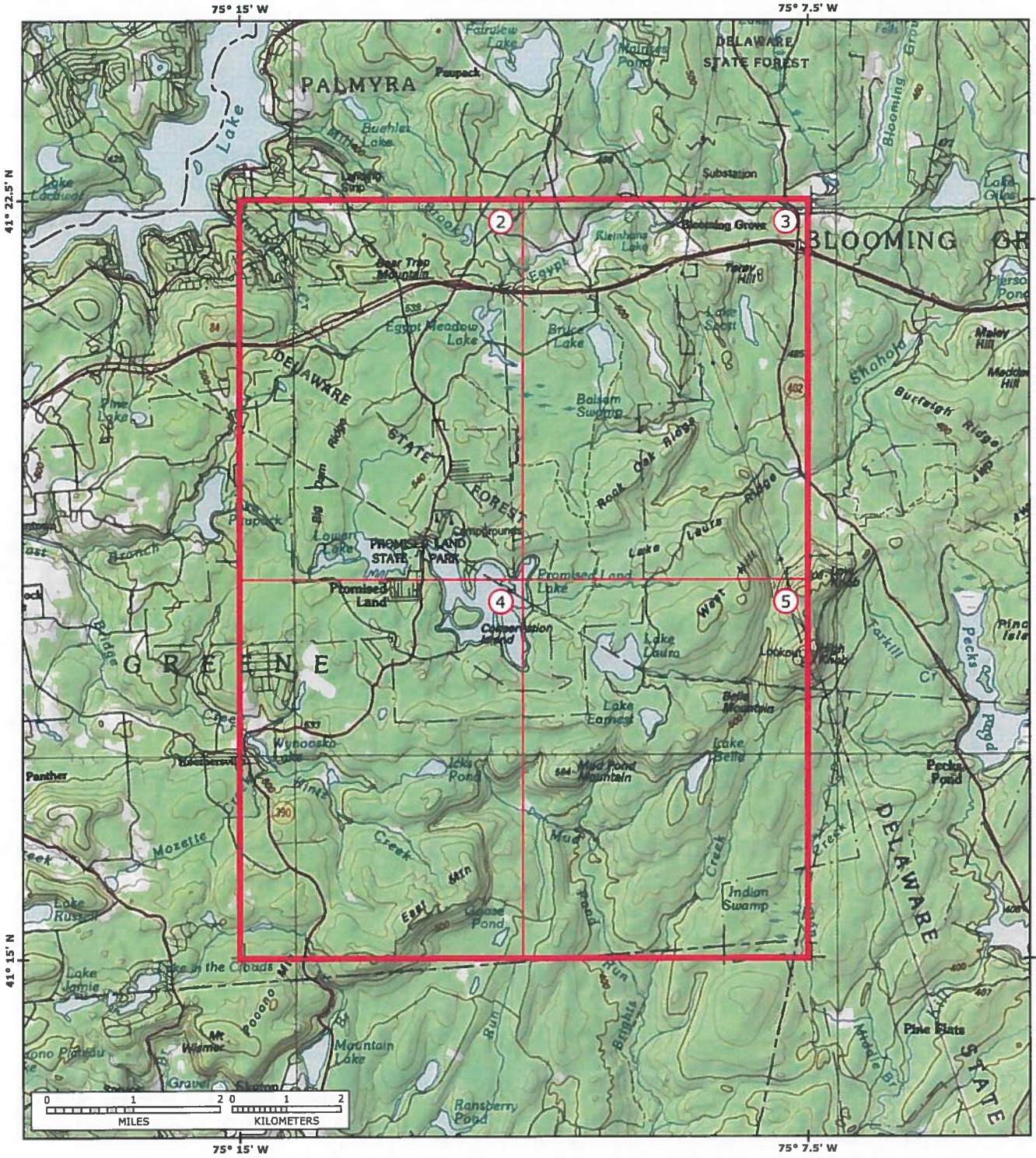
An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Project Location Map

Palmyra Township, Pike County

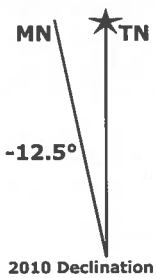


This map was created from a seamless mosaic of detailed USGS maps at topo.com

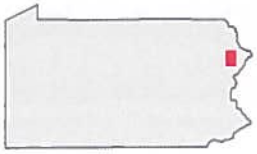
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2010 Declination



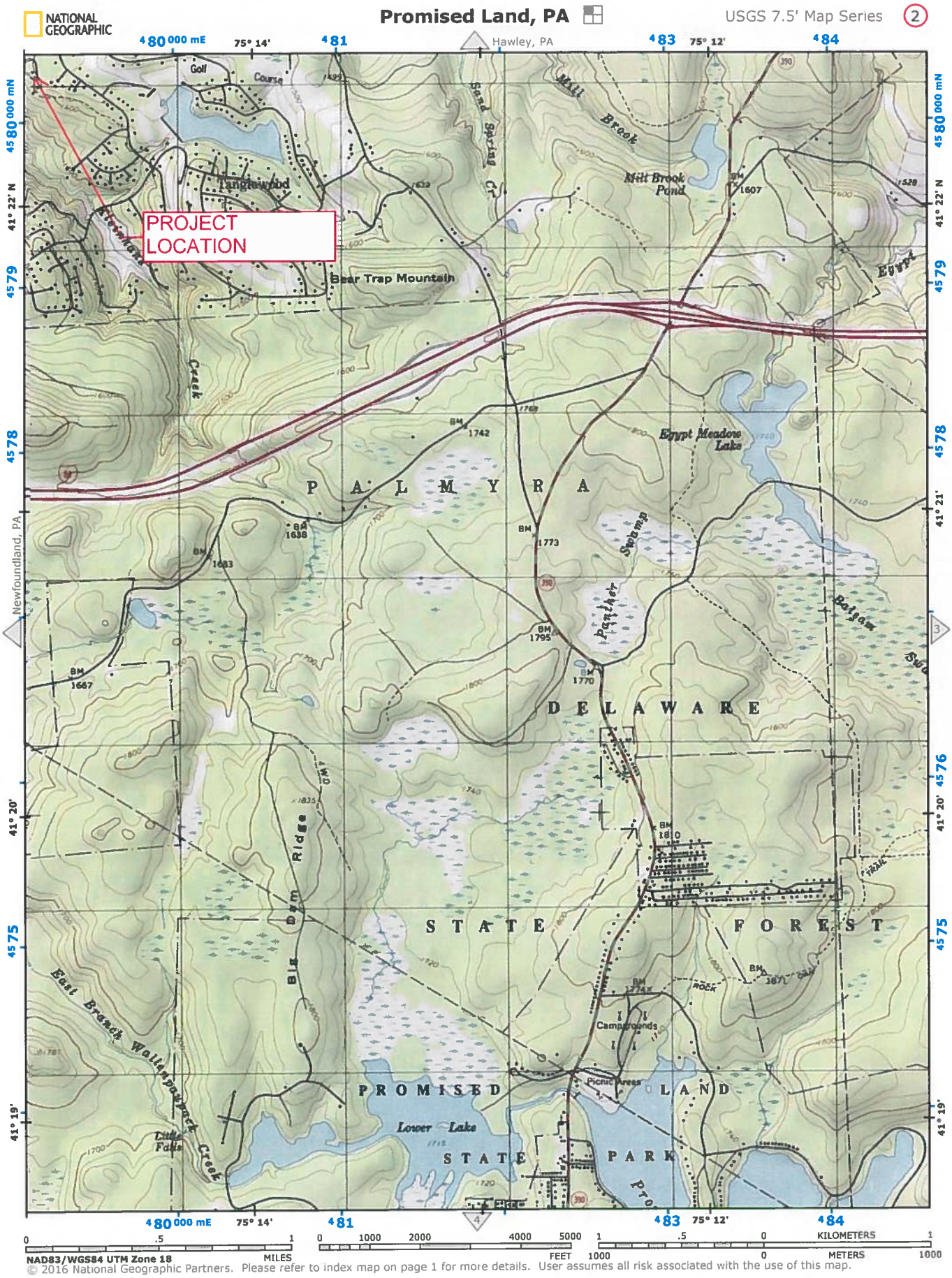
Pennsylvania

USGS Revision Date: 1997
Contour Interval on 7.5' Maps: 20 ft

Adjoining 7.5' Quads

NW	N	NE
W	*	E
SW	S	SE

NW: Lakeville, PA
N: Hawley, PA
NE: Rowland, PA
W: Newfoundland, PA
* Promised Land, PA
E: Pecks Pond, PA
SW: Buck Hill Falls, PA
S: Skytop, PA
SE: Twelvemile Pond, PA



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APPENDIX D

GENERAL INFORMATION FORM

AQUA℠

An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

General Information Form

Palmyra Township, Pike County

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTER FOR ENVIRONMENTAL EXCELLENCE

GENERAL INFORMATION FORM – AUTHORIZATION APPLICATION

Before completing this General Information Form (GIF), read the step-by-step instructions provided in this application package. This form is used by the Department of Environmental Protection (DEP) to inform our programs regarding what other DEP permits or authorizations may be needed for the proposed project or activity. This version of the General Information Form (GIF) must be completed and returned with any program-specific application being submitted to the DEP.

Related ID#s (If Known)				DEP USE ONLY
Client ID#		APS ID#		Date Received & General Notes
Site ID#		Auth ID#		
Facility ID#	710			

CLIENT INFORMATION

DEP Client ID#	Client Type/Code	Dun & Bradstreet ID#
86473	PACOR	

Legal Organization Name or Registered Fictitious Name	Employer ID# (EIN)	Is the EIN a SSN?
Aqua Pennsylvania, Inc.	23-2297407	☐ Yes ☒ No

State of Incorporation or Registration of Fictious Name

☐ Corporation ☐ LLC ☐ Partnership ☐ LLP ☐ LP
☐ Sole Proprietorship ☐ Association/Organization
☐ Estate/Trust ☐ Other

Individual Last Name	First Name	MI	Suffix

Additional Individual Last Name	First Name	MI	Suffix

Mailing Address Line 1	Mailing Address Line 2
204 East Sunbury Street	

Address Last Line – City	State	ZIP+4	Country
Shamokin	PA	17872-5820	USA

Client Contact Last Name	First Name	MI	Suffix
Klinger	John	D	II

Client Contact Title	Phone	Ext	Cell Phone
Project Engineer	570-640-7137		

Email Address	FAX
jdklinger@aquaamerica.com	N/A

SITE INFORMATION

DEP Site ID#	Site Name
	Deer Haven White Beauty View Estates Well Station

EPA ID# **Estimated Number of Employees to be Present at Site** 1

Description of Site

Existing well and well station

Tax Parcel ID(s): 070040158001

County Name(s)	Municipality(ies)	City	Boro	Twp	State
Pike	Palmyra	☐	☐	☒	PA
		☐	☐	☐	
		☐	☐	☐	

☐	☐	☐	

Site Location Line 1	Site Location Line 2
130 Estates Lane	

Site Location Last Line – City	State	ZIP+4
Greentown	PA	18426-2525

Detailed Written Directions to Site

Take SR 84 until exit 20 for SR 507. After exit 20 you will travel 5 miles before turning east onto Estate Road. The site is 0.2 miles from SR 507/Estates Road and near the intersection of Estates Road and Acorn Lane.

Site Contact Last Name	First Name	MI	Suffix
Klinger	John D	D	II

Site Contact Title	Site Contact Firm
Project Engineer	Aqua Pennsylvania

Mailing Address Line 1	Mailing Address Line 2
204 E. Sunbury Street	

Mailing Address Last Line – City	State	ZIP+4
Shamokin	PA	17872-5820

Phone	Ext	FAX	Email Address
570.640.7137			jdklinger@aquaamerica.com

NAICS Codes (Two- & Three-Digit Codes – List All That Apply)	6-Digit Code (Optional)
22,221	221310

Client to Site Relationship

OWNOP

FACILITY INFORMATION

Modification of Existing Facility	Yes	No
1. Will this project modify an existing facility, system, or activity?	☒	☐
2. Will this project involve an addition to an existing facility, system, or activity?	☒	☐

If "Yes", check all relevant facility types and provide DEP facility identification numbers below.

	Facility Type	DEP Fac ID#		Facility Type	DEP Fac ID#
☐	Air Emission Plant		☐	Industrial Minerals Mining Operation	
☐	Beneficial Use (water)		☐	Laboratory Location	
☐	Blasting Operation		☐	Land Recycling Cleanup Location	
☐	Captive Hazardous Waste Operation		☐	Mine Drainage Treatment / Land Recycling Project Location	
☐	Coal Ash Beneficial Use Operation		☐	Municipal Waste Operation	
☐	Coal Mining Operation		☐	Oil & Gas Encroachment Location	
☐	Coal Pillar Location		☐	Oil & Gas Location	
☐	Commercial Hazardous Waste Operation		☐	Oil & Gas Water Poll Control Facility	
☐	Dam Location		☒	Public Water Supply System	710
☐	Deep Mine Safety Operation -Anthracite		☐	Radiation Facility	
☐	Deep Mine Safety Operation -Bituminous		☐	Residual Waste Operation	
☐	Deep Mine Safety Operation -Ind Minerals		☐	Storage Tank Location	
☐	Encroachment Location (water, wetland)		☐	Water Pollution Control Facility	
☐	Erosion & Sediment Control Facility		☐	Water Resource	
☐	Explosive Storage Location		☐	Other:	

Latitude/Longitude Point of Origin	Latitude			Longitude		
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
Well Station	41	22	25	75	14	56

Horizontal Accuracy Measure	Feet		--or--	Meters
Horizontal Reference Datum Code	☐	North American Datum of 1927		
	☐	North American Datum of 1983		
	☒	World Geodetic System of 1984		
Horizontal Collection Method Code				
Reference Point Code	CNTER			
Altitude	Feet		--or--	Meters
Altitude Datum Name	☐	The National Geodetic Vertical Datum of 1929		
	☒	The North American Vertical Datum of 1988 (NAVD88)		
Altitude (Vertical) Location Datum Collection Method Code				
Geometric Type Code	Point			
Data Collection Date	USGS 1000 K Map Series, Revision Date 1997			
Source Map Scale Number	1	Inch(es)	= 2000	Feet
--or--		Centimeter(s)	=	Meters

PROJECT INFORMATION

Project Name

Deer Haven White Beauty View Estates Contact Pipe

Project Description

Introduce 8 LF section of 36" DIP to the treatment train to achieve desired 4-Log contact time.

Project Consultant Last Name	First Name	MI	Suffix
TBD			

Project Consultant Title	Consulting Firm

Mailing Address Line 1	Mailing Address Line 2

Address Last Line – City	State	ZIP+4

Phone	Ext	FAX	Email Address

Time Schedules	Project Milestone (Optional)

1. Is the project located in or within a 0.5-**mile radius of an Environmental Justice community as defined by DEP?** ☐ Yes ☒ No

   To determine if the project is located in or within a 0.5-mile radius of an environmental justice community, please use the online PennEnviroScreen tool. To see specific EJ areas, select the appropriate year of your submittal from the themes box on the right.

2. Have you informed the surrounding community prior to submitting the application to the Department? ☐ Yes ☒ No

   Method of notification: _____

3. **Have you addressed community concerns that were identified?** ☐ Yes ☐ No ☒ N/A

   If no, please briefly describe the community concerns that have been expressed and not addressed.

4. **Is your project funded by state or federal grants?** ☐ Yes ☒ No

   Note: If "Yes", specify what aspect of the project is related to the grant and provide the grant source, contact person and grant expiration date.

   Aspect of Project Related to Grant

   Grant Source: _____

   Grant Contact Person: _____

   Grant Expiration Date: _____

5. **Is this application for an authorization on Appendix A of the Land Use Policy? (For referenced list, see Appendix A of the Land Use Policy attached to GIF instructions)** ☐ Yes ☒ No

   Note: If "No" to Question 5, the application is not subject to the Land Use Policy.

   If "Yes" to Question 5, the application is subject to this policy and the Applicant should answer the additional questions in the **Land Use Information** section.

LAND USE INFORMATION

Note: Applicants should submit copies of local land use approvals or other evidence of compliance with local comprehensive plans and zoning ordinances.

1. **Is there an adopted county or multi-county comprehensive plan?** ☐ Yes ☐ No
2. **Is there a county stormwater management plan?** ☐ Yes ☐ No
3. **Is there an adopted municipal or multi-municipal comprehensive plan?** ☐ Yes ☐ No
4. **Is there an adopted county-wide zoning ordinance, municipal zoning ordinance or joint municipal zoning ordinance?** ☐ Yes ☐ No

   Note: If the Applicant answers "No" to either Questions 1, 3 or 4, the provisions of the PA MPC are not applicable and the Applicant does not need to respond to questions 5 and 6 below.

   If the Applicant answers "Yes" to questions 1, 3 and 4, the Applicant should respond to questions 5 and 6 below.

5. **Does the proposed project meet the provisions of the zoning ordinance or does the proposed project have zoning approval?** If zoning approval has been received, attach documentation. ☐ Yes ☐ No
6. **Have you attached Municipal and County Land Use Letters for the project?** ☐ Yes ☐ No

COORDINATION INFORMATION

Note: The PA Historical and Museum Commission must be notified of proposed projects in accordance with DEP Technical Guidance Document 012-0700-001 at PHMC's online portal, PA-SHARE.

If the activity will be a mining project (i.e., mining of coal or industrial minerals, coal refuse disposal and/or the operation of a coal or industrial minerals preparation/processing facility), respond to questions 1.0 through 2.5 below.

If the activity will not be a mining project, skip questions 1.0 through 2.5 and begin with question 3.0.

1.0	**Is this a coal mining project?** If "Yes", respond to 1.1-1.6. If "No", skip to Question 2.0.	☐	Yes	☒	No
1.1	**Will this coal mining project involve coal preparation/ processing activities in which the total amount of coal prepared/processed will be equal to or greater than 200 tons/day?**	☐	Yes	☐	No
1.2	**Will this coal mining project involve coal preparation/ processing activities in which the total amount of coal prepared/processed will be greater than 50,000 tons/year?**	☐	Yes	☐	No
1.3	**Will this coal mining project involve coal preparation/ processing activities in which thermal coal dryers or pneumatic coal cleaners will be used?**	☐	Yes	☐	No
1.4	**For this coal mining project, will sewage treatment facilities be constructed and treated waste water discharged to surface waters?**	☐	Yes	☐	No
1.5	**Will this coal mining project involve the construction of a permanent impoundment meeting one or more of the following criteria: (1) a contributory drainage area exceeding 100 acres; (2) a depth of water measured by the upstream toe of the dam at maximum storage elevation exceeding 15 feet; (3) an impounding capacity at maximum storage elevation exceeding 50 acre-feet?**	☐	Yes	☐	No
1.6	**Will this coal mining project involve underground coal mining to be conducted within 500 feet of an oil or gas well?**	☐	Yes	☐	No
2.0	**Is this a non-coal (industrial minerals) mining project?** If "Yes", respond to 2.1-2.6. If "No", skip to Question 3.0.	☐	Yes	☒	No
2.1	**Will this non-coal (industrial minerals) mining project involve the crushing and screening of non-coal minerals other than sand and gravel?**	☐	Yes	☐	No
2.2	**Will this non-coal (industrial minerals) mining project involve the crushing and/or screening of sand and gravel with the exception of wet sand and gravel operations (screening only) and dry sand and gravel operations with a capacity of less than 150 tons/hour of unconsolidated materials?**	☐	Yes	☐	No
2.3	**Will this non-coal (industrial minerals) mining project involve the construction, operation and/or modification of a portable non-metallic (i.e., non-coal) minerals processing plant under the authority of the General Permit for Portable Non-metallic Mineral Processing Plants (i.e., BAQ-PGPA/GP-3)?**	☐	Yes	☐	No
2.4	**For this non-coal (industrial minerals) mining project, will sewage treatment facilities be constructed and treated waste water discharged to surface waters?**	☐	Yes	☐	No

2.5	**Will this non-coal (industrial minerals) mining project involve the construction of a permanent impoundment meeting one or more of the following criteria: (1) a contributory drainage area exceeding 100 acres; (2) a depth of water measured by the upstream toe of the dam at maximum storage elevation exceeding 15 feet; (3) an impounding capacity at maximum storage elevation exceeding 50 acre-feet?**	☐ Yes	☐ No
3.0	**Will your project, activity, or authorization have anything to do with a well related to oil or gas production, have construction within 200 feet of, affect an oil or gas well, involve the waste from such a well, or string power lines above an oil or gas well?** If "Yes", respond to 3.1-3.3. If "No", skip to Question 4.0.	☐ Yes	☒ No
3.1	**Does the oil- or gas-related project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a watercourse, floodway or body of water (including wetlands)?**	☐ Yes	☐ No
3.2	**Will the oil- or gas-related project involve discharge of industrial wastewater or stormwater to a dry swale, surface water, ground water or an existing sanitary sewer system or storm water system?** If "Yes", discuss in *Project Description*.	☐ Yes	☐ No
3.3	**Will the oil- or gas-related project involve the construction and operation of industrial waste treatment facilities?**	☐ Yes	☐ No
4.0	**Will the project involve a construction activity that results in earth disturbance?** If "Yes", specify the total disturbed acreage.	☒ Yes	☐ No
4.0.1	**Total Disturbed Acreage** <0.005		
4.0.2	**Will the project discharge or drain to a special protection water (EV or HQ) or an EV wetland?**	☐ Yes	☒ No
4.0.3	**Will the project involve a construction activity that results in earth disturbance in the area of the earth disturbance that are contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250 at residential or non-residential construction sites, respectively?**	☐ Yes	☒ No
5.0	**Does the project involve any of the following: water obstruction and/or encroachment, wetland impacts, or floodplain project by the Commonwealth/political subdivision or public utility?** If "Yes", respond to 5.1-5.7. If "No", skip to Question 6.0.	☐ Yes	☒ No
5.1	**Water Obstruction and Encroachment Projects – Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a watercourse, floodway or body of water?**	☐ Yes	☐ No
5.2	**Wetland Impacts – Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a wetland?**	☐ Yes	☐ No

5.3	**Floodplain Projects by the Commonwealth, a Political Subdivision of the Commonwealth or a Public Utility – Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a floodplain?**	☐ Yes	☐ No
5.4	**Is your project an interstate transmission natural gas pipeline?**	☐ Yes	☐ No
5.5	**Does your project consist of linear construction activities which result in earth disturbance in two or more DEP regions AND three or more counties?**	☐ Yes	☐ No
5.6	**Does your project utilize Floodplain Restoration as a best management practice for Post Construction Stormwater Management?**	☐ Yes	☐ No
5.7	**Does your project utilize Class V Gravity / Injection Wells as a best management practice for Post Construction Stormwater Management?**	☐ Yes	☐ No
6.0	**Will the project involve discharge of construction related stormwater to a dry swale, surface water, ground water or separate storm water system?**	☐ Yes	☒ No
6.1	**Will the project involve discharge of industrial waste stormwater or wastewater from an industrial activity or sewage to a dry swale, surface water, ground water or an existing sanitary sewer system or separate storm water system?**	☐ Yes	☒ No
7.0	**Will the project involve the construction and operation of industrial waste treatment facilities?**	☐ Yes	☒ No
8.0	**Will the project involve construction of sewage treatment facilities, sanitary sewers, or sewage pumping stations?** If "Yes", indicate estimated proposed flow (gal/day). Also, discuss the sanitary sewer pipe sizes and the number of pumping stations/treatment facilities/name of downstream sewage facilities in the *Project Description*, where applicable. **8.0.1 Estimated Proposed Flow (gal/day)**	☐ Yes	☒ No
9.0	**Will the project involve the subdivision of land, or the generation of 800 gpd or more of sewage on an existing parcel of land or the generation of an additional 400 gpd of sewage on an already-developed parcel, or the generation of 800 gpd or more of industrial wastewater that would be discharged to an existing sanitary sewer system?**	☐ Yes	☒ No
	9.0.1 Was Act 537 sewage facilities planning submitted and approved by DEP? If "Yes" attach the approval letter. Approval required prior to 105/NPDES approval.	☐ Yes	☒ No
10.0	**Is this project for the beneficial use of biosolids for land application within Pennsylvania?** If "Yes" indicate how much (i.e. gallons or dry tons per year). **10.0.1 Gallons Per Year (residential septage)** **10.0.2 Dry Tons Per Year (biosolids)**	☐ Yes	☒ No

11.0	**Does the project involve construction, modification or removal of a dam?** If "Yes", identify the dam.	☐ Yes	☒ No
	11.0.1 Dam Name		
12.0	**Will the project interfere with the flow from, or otherwise impact, a dam?** If "Yes", identify the dam.	☐ Yes	☒ No
	12.0.1 Dam Name		
13.0	**Will the project involve operations (excluding during the construction period) that produce air emissions (i.e., NOX, VOC, etc.)?**	☐ Yes	☒ No
	13.0.1 If "Yes", is the operation subject to the agricultural exemption in 35 P.S. § 4004.1?	☐ Yes	☒ No
	13.0.2 If the answer to 13.0.1 is "No", identify each type of emission followed by the estimated amount of that emission. **Enter all types & amounts of emissions; separate each set with semicolons.**		
14.0	**Does the project include the construction or modification of a drinking water supply to serve 15 or more connections or 25 or more people, at least 60 days out of the year?** If "Yes," check all proposed sub-facilities.	☒ Yes	☐ No
	14.0.1 Number of Persons Served		
	14.0.2 Number of Employee/Guests		
	14.0.3 Number of Connections	38	
	14.0.4 Sub-Fac: Distribution System	☒ Yes	☐ No
	14.0.5 Sub-Fac: Water Treatment Plant	☐ Yes	☐ No
	14.0.6 Sub-Fac: Source	☐ Yes	☐ No
	14.0.7 Sub-Fac: Pump Station	☐ Yes	☐ No
	14.0.8 Sub-Fac: Transmission Main	☐ Yes	☐ No
	14.0.9 Sub-Fac: Storage Facility	☐ Yes	☐ No
15.0	**Will your project include infiltration of storm water or waste water to ground water within one-half mile of a public water supply well, spring or infiltration gallery?**	☐ Yes	☒ No
16.0	**Is your project to be served by an existing public water supply?** If "Yes", indicate name of supplier and attach letter from supplier stating that it will serve the project.	☐ Yes	☒ No
	16.0.1 Supplier's Name		
	16.0.2 Letter of Approval from Supplier is Attached	☐ Yes	☒ No
17.0	**Will this project be served by on-lot drinking water wells?**	☐ Yes	☒ No
18.0	**Will this project involve a new or increased drinking water withdrawal from a river, stream, spring, lake, well or other water bod(ies)?** If "Yes," reference Safe Drinking Water Program.	☐ Yes	☒ No
	18.0.1 Source Name		

19.0	**Will the construction or operation of this project involve treatment, storage, reuse, or disposal of waste?** If "Yes," indicate what type (i.e., hazardous, municipal (including infectious & chemotherapeutic), residual) and the amount to be treated, stored, re-used or disposed. **19.0.1 Type & Amount**	☐	Yes	☒	No
20.0	**Will your project involve the removal of coal, minerals, contaminated media, or solid waste as part of any earth disturbance activities?**	☐	Yes	☒	No
21.0	**Does your project involve installation of a field constructed underground storage tank?** If "Yes," list each Substance & its Capacity. **Note:** Applicant may need a Storage Tank Site Specific Installation Permit. **21.0.1 Enter all substances & capacity of each; separate each set with semicolons.**	☐	Yes	☒	No
22.0	**Does your project involve installation of an aboveground storage tank greater than 21,000 gallons capacity at an existing facility?** If "Yes," list each Substance & its Capacity. **Note:** Applicant may need a Storage Tank Site Specific Installation Permit. **22.0.1 Enter all substances & capacity of each; separate each set with semicolons.**	☐	Yes	☒	No
23.0	**Does your project involve installation of a tank greater than 1,100 gallons which will contain a highly hazardous substance as defined in DEP's Regulated Substances List, 2570-BK-DEP2724?** If "Yes," list each Substance & its Capacity. **Note:** Applicant may need a Storage Tank Site Specific Installation Permit. **23.0.1 Enter all substances & capacity of each; separate each set with semicolons.**	☐	Yes	☒	No
24.0	**Does your project involve installation of a storage tank at a new facility with a total AST capacity greater than 21,000 gallons?** If "Yes", list each Substance & its Capacity. **Note:** Applicant may need a Storage Tank Site Specific Installation Permit. **24.0.1 Enter all substances & capacity of each; separate each set with semicolons.**	☐	Yes	☒	No
	NOTE: If the project includes the installation of a regulated storage tank system, including diesel emergency generator systems, the project may require the use of a Department Certified Tank Handler. For a full list of regulated storage tanks and substances, please go to www.dep.pa.gov search term storage tanks				
25.0	**Will the intended activity involve the use of a radiation source?**	☐	Yes	☒	No

CERTIFICATION

I certify that I have the authority to submit this application on behalf of the applicant named herein and that the information provided in this application is true and correct to the best of my knowledge and information.

For applicants supplying an EIN number: I am applying for a permit or authorization from the Pennsylvania Department of Environmental Protection (DEP). As part of this application, I will provide DEP with an accurate EIN number for the applicant entity. By filing this application with DEP, I hereby authorize DEP to confirm the accuracy of the EIN number provided with the Pennsylvania Department of Revenue. As applicant, I further consent to the Department of Revenue discussing the same with DEP prior to issuance of the Commonwealth permit or authorization.

Type or Print Name John D. Klinger II

	Proj. Engr.	9-16-2024
Signature	**Title**	**Date**

APPENDIX E

TECHNICAL SPECIFICATIONS

AQUA

An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Technical Specifications

Waterline Installation Specifications

SECTION 02710 - PIPED UTILITIES - WATERLINE

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

A. Drawings and general provisions of Contract, including General and Supplementary Conditions and other Division-1 Specification Sections, apply to this Section.

1.2 SUMMARY

A. This Section includes the following:

1. Piping.

1.3 QUALITY ASSURANCE

A. Piping, valves, and specials specified herein shall be essentially the standard products of manufacturers who have been regularly engaged in the successful production of high quality materials of this type for at least ten years.

B. All Piping, valves and specials shall meet the requirements of the Federal Reduction of Lead in Drinking Water Act.

C. Repair or replace defective piping or specials.

D. Pressure Tests (Ductile Iron Pipe).

1. All completed pipe shall be tested for leakage between valves or bulkheads.
2. Piping shall hold the test pressure for two hours without pumping. Repair any visible leaks.
3. Hydrostatic pressure tests shall not be made until at least seven (7) days after concrete thrust blocks are installed. The Contractor, at his option and expense, may use high early strength concrete for thrust blocks in which case hydrostatic pressure tests shall not be made until at least three (3) days have elapsed.
4. The section of water main being tested shall be filled with water a minimum of 24 hours before the main is tested. The Contractor shall insure that air is expelled from the pipeline in accordance with AWWA C-600. Any taps necessary to release air or water from the main during testing shall be made at the Contractor's expense.
5. Contractor is required to provide pressure testing apparatus. Pressure gauge must include proper increments so that a 1 psi drop in test pressure can be detected. The pressure gauge shall be digital and battery operated per the requirements noted in Section 02710 2.2 U.
6. After the pipeline has been filled with water for 24 hours, the Contractor shall conduct a hydrostatic or pressure test. Each section of water main shall be tested at 1 1/2 times the working pressure measured at the low point of the section of main being tested or minimum of 150 psi. The Contractor shall not employ a test

pressure which exceeds the allowable pressure of any installed pipe, valve, or appurtenance. Piping shall hold the test pressure for two hours without pumping with **zero** observed drop in test pressure.

E. All testing must be witnessed by Owner's representative. Documentation of all testing must be submitted to Owner.

1.4 SUBMITTALS

A. Submit shop drawings or catalog cuts, as appropriate, for materials listed under Article 2.1 of this Section. Submit only those materials that are actually to be used in the work. These will usually be as follows:

1. Ductile iron pipe, fittings, and gaskets.
2. Steel casing pipe.
3. Copper tubing and fittings.
4. Polyethylene encasement.
5. Polyethylene pipe/tubing.
6. Gate valves and valve boxes.
7. Couplings.
8. Corporation stops.
9. Curb stops and boxes.
10. Detection tape.
11. Mechanical joint restraint systems.
12. Tapping sleeve and valve.
13. Line stops.
14. Hydrant.
15. Air release valve, manhole, and related equipment.
16. Tracer wire and access boxes.
17. Meter boxes.
18. Foster adapter.
19. Flex adapter.
20. Reverse plumbing.
21. Blow-off assembly.
22. Insertion valve.
23. Other submittals as required by the Engineer.

B. Submit manufacturer's Certification of Compliance in accordance with Section 01300.

C. Make submittals prior to start of construction. Make submittals to Engineer.

1.5 DELIVERY, STORAGE AND HANDLING

A. Deliver, store and handle the piping, valves and specials in accordance with requirements specified in Division 1, the manufacturer's recommendations, and as supplemented herein.

B. Pipe and related materials shall be loaded and unloaded by lifting with hoists or skidding so as to avoid shock or damage. Under no circumstances shall such material be dropped or skidded against piping already on the ground.

C. Pipe and related materials shall at all times be handled with care to avoid damage. The interior shall be kept free from dirt and foreign matter. All pipe, valves and appurtenances shall be carefully lowered or raised into place, with suitable equipment in a manner that will prevent damage to the material. Under no circumstances shall pipe or accessories be dropped or dumped.

D. Pipe, pipe linings, fittings, valves, fire hydrants and all related materials shall be thoroughly inspected for defects prior to their being installed. Any defective, damaged, or unsound material, as determined by the Owner, shall be repaired or replaced as directed at no additional cost to the Owner.

E. All lumps, blisters and excess coating shall be removed from the ends of each pipe. The joints shall be wire brushed and wiped clean, and dry and free from oil and grease before the pipe is installed.

PART 2 - PRODUCTS

2.1 PIPE AND FITTINGS

A. Ductile Iron Pipe:

1. Pipe:

a. Ductile iron pipe shall be centrifugally cast, annealed ductile iron manufactured in accordance with ANSI A21.51. (AWWA c-151), 18 – 20 feet nominal length, cement lined B THK A21.4 (C-104) (BCL & SC) CTD OD, Tyton joint A21.11 (C-111) complete, Class 52.

b. Pipe joints shall be push-on or mechanical joint with retainer glands, Corten bolts and shall conform to ANSI specification A21.11. Furnish joints with all required accessories. Restrained joint pipe shall be as manufactured by U.S. Pipe or McWane.

c. U.S. Pipe TR Flex shall be used for chlorine contact piping.

d. Joint restraining gaskets for push-on type pipe shall be provided on each side of any valve, bend, tee, fitting, or other appurtenance in accordance with the table on 02710 3.1.B.4. Thrust blocks and mechanical joint restraining systems are also required.

2. Joint Restraining Gaskets:

a. Joint restraining gaskets for push-on type pipe shall be provided on a minimum of 2 pipe lengths (minimum of 36') on each side of <u>any</u> valve, bend, tee, fitting or other appurtenance. Thrust Blocks <u>and</u> mechanical joint restraining systems are also required.

b. Acceptable joint restraining gaskets:

1) Field-Lok 350® restrained joint gaskets as manufactured by US Pipe
2) Sure Stop 350® restrained joint gaskets as manufactured by McWane
3) Barracuda® restrained joint gaskets as manufactured by Specification Rubber Projects, Inc.

c. Class 52 pipe.
d. Suggested Suppliers:

1) U.S. Pipe
2) McWane
3) American Cast Iron Pipe Co.

3. Compact Pipe Fittings:

a. Compact mechanical joint fittings, 3 inch to 12 inch shall be manufactured of ductile iron and have a pressure rating of 350 p.s.i., in accordance with the requirements of AWWA/ANSI C-153/A21.53-84 Standard, or revisions thereto. Fittings shall be cement lined and in accordance with AWWA/ANSI C-104/A21.4-85 Standard.
b. Mechanical joint assemblies, including gaskets, glands, bolts and nuts, shall be in accordance with the requirements of ANSI C 111 / A21.11-85 Standard.
c. All compact fittings shall be clearly and legibly cast or stamped with the inscription "C 153" and Country where cast and date.
d. Suggested Suppliers:

1) U.S. Pipe
2) Tyler Union (McWane)
3) American Cast Iron Pipe Company
4) Star Products

4. Cement and Mortar Lining:

a. Cement and Mortar line all pipe and fittings in accordance with ANSI A21.4.
b. Paint seal coat in accordance with ANSI A21.4.

5. Tar Coat exterior of ductile iron pipe and fittings.

6. Furnish gaskets in accordance with ANSI A21.11.

7. All pipe and fittings shall be U.S. manufactured unless otherwise unavailable.

B. Steel Casing Pipe:

1. Smooth steel wall casing pipe conforming to ASTM A-252 Grade 2, minimum plate thickness 0.375-inches for up to 24-inch casing. Casing shall be uncoated. Minimum yield strength of 35,000 psi. Minimum tensile strength of 60,000 psi.
2. Casing spacer bands shall be 304 stainless steel, 14 gauge.
3. Casing spacers shall be manufactured by BWM Company or PSI, Inc. of Houston, Texas.
4. Casing shall be filled with sand or limestone chips. The ends of casing pipe shall be sealed water tight with brick and capped with end seals.

C. Copper Tubing:

1. Tubing: ASTM B88 Type K Annealed.
2. Joints: Compression. Use Quick Joint type. NOT Grip Joint. Pack joint permitted when Quick Joint not available.
3. Fittings: Cast copper alloy compression tube fittings.
4. Manufacturer (no substitutes allowed).

    a. Mueller
    b. Howell
    c. Wieland
    d. Cambridge-Lee Industries, Inc.

D. Polyethylene Encasement (V-Bio):

1. Polyethylene encasement shall be V-Bio and used for all ductile iron pipe, fittings, valves, and appurtenances.
2. Encasement shall consist of three layers of co-extruded, linear, low density polyethylene film that are fused into one layer:

    a. Inner layer shall be Linear Low Density Polyethylene (LLDPE) with Corrosion inhibitor and a biocide to address anaerobic bacteria associated with Microbiologically Influenced Corrosion (MIC).
    b. Intermediate layer shall be a thick impermeable layer.
    c. Outer layer shall be Linear Low Density Polyethylene (LLDPE) of light color for UV resistance.

3. Polyethylene encasement materials shall be in accordance with ANSI/AWWA C105/A21.5 standards.
4. Install polyethylene in accordance with Method A of the ANSI/AWWA C105/A21.5 Standard. Refer to Attachment B for recommended manufacturer's installation instructions.
5. Polyethylene encasement shall be V-Bio™.

E. Polyethylene Pipe (PE) (4-inch and above):

1. Where shown on the project drawings, Polyethylene (PE) pressure pipe and fittings for piping 4-inches in diameter and greater shall be DR 9, and sized according to the Ductile Iron Pipe Size (DIPS). Manufacturers shall verify the suitability of pipe for the intended applications. Iron pipe sized (IPS) fittings may be approved by Owner when DIPS fittings are not readily available.
2. Materials used for the manufacturer of polyethylene pipe and fittings shall be high density, black PE 4710 resin conforming to ASTM D3350 with the cell classification of 445574C/E and is listed with the Plastic Pipe Institute's (PPI) TR4. Pipe shall be in conformance with AWWA C906.
3. The manufacturer shall certify that samples of the manufacturer's production pipe have been tested in-house, in accordance with ASTM D-2837, and validated in accordance with the latest revisions of PPI TR-4. Under these procedures, the minimum hydrostatic design basis shall be certified by the manufacturer to 1600 psi at 73.4°F and 1000 psi at 140°F. The pipe and fitting manufacturer shall have an independent PPI Material Listing in accordance with PPI TR-3 and TR-4.
4. Pipe shall be manufactured in accordance with ASTM F-714. Dimensions and tolerances for pipe outside diameter and minimum wall thickness shall be in accordance with ASTM F-714.
5. Fittings shall be manufactured to the requirements of ASTM D-3261 and as follows:

    a. Fabricated fittings shall be manufactured from pipe of at least one SDR heavier pipe than the system piping, and shall be pressure rated to match the system piping.
    b. The butt fusion outlets of fabricated fittings shall be machined to the same SDR as the system piping to which they are to be fused.
    c. The manufacturer shall subject samples from each molded fittings production lot to x-ray inspection for voids. Voids shall not be permitted, and if found in the samples, the entire production lot shall be x-ray inspected. If additional voids are found, the production lot shall be rejected.

6. Acceptable Manufacturers:

    a. Charter Plastics
    b. JM Eagle

F. Polyethylene (PE) Tubing (3" Diameter or less):

1. Where shown on the project drawings, Polyethylene (PE) tubing 3" Diameter or less shall be SDR 9, and sized according to the Copper Tubing Size (CTS). Manufacturers shall verify the suitability of pipe for the intended applications.
2. Materials used for the manufacturer of polyethylene pipe and fittings shall be high density PE 4710.
3. Pipe shall be manufactured in accordance with AWWA C901 and ASTM D-2737.
4. Joints: Compression. Use Quick Joint type. NOT Grip Joint.

5. Acceptable Manufacturers:

   a. Cresline Pipe Company
   b. ADS

APPENDIX F

DEMONSTRATION OF 4-LOG TREATMENT OF VIRUSES FOR GROUNDWATER SOURCES

AQUA

An Essential Utilities Company

Deer Haven White Beauty View Estates

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

4-Log Form FM-BSDW0470b

Palmyra Township. Pike County

3900-FM-BSDW0470d Rev. 7/2015

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

GROUNDWATER RULE 4-LOG TREATMENT DEMONSTRATION - FREE CHLORINE LOG-INACTIVATION OF VIRUSES (PH 6.0-9.0) SPREADSHEET

Directions:

1) Identify all the segments of your treatment facility between the point of disinfectant application and the entry point (See the "System Example" tab at the bottom of this document). Enter the description for each segment into Column B (e.g., 2-inch pipe from the chlorinator to the storage tank).
2) Enter the minimum temperature of your source water into cell K8. If your finished water storage becomes colder than your source water during winter and you wish to include that stored water in the CT calculation for log inactivation, use the lowest temperature that your stored finished water reaches in winter.
3) Enter the volume (gal) for each segment into Column D if known.
4) If the volume for a segment is unknown, choose the shape of the segment from the drop-down selections in Column C and enter the dimensions in Columns E, F, and G (in feet - use the "Unit Conversions" worksheet to convert to feet if your data is another unit).

Note: For box-shaped segments, enter the length, width, and height into Columns E, F, and G. For cylinders and cones enter only the diameter and the height into Columns F and G. For spheres and half-spheres enter only the diameter into Column F. (ex: for pipes, enter the diameter into Column F and the length into Column G). For horizontal cylindrical tanks, enter the total diameter into Column F, the horizontal lenth into Column E and the minimum water depth into Column G.

5) Select the baffling condition for each segment (see "Baffling Factors" tab for descriptions). If a segment is assigned a baffling factor of zero (0), do not include the segment on the spreadsheet.
6) Enter the peak flow rate (gal/min) of your facility into cell E8.
7) The minimum chlorine residual at the entry point is defaulted to 0.40 mg/L. You can change this in cell I8 to experiment with different values.

Total Effective Contact Time (min)	Total CT's (mg/L*min)	Log inactivation of Viruses (pH 6-9)
20.04	8.02	4.01

PWS Name	Deer Haven White Beauty View Estates	PWS ID	2520110	Entry Point ID	101.00		
		Peak Flow Rate (gal/min) =	19	Minimum Chlorine Residual at EP (mg/L) =	0.40	Minimum Temp (C) =	5.0

A	B	C	D	E	F	G	H	I	J	K
Segment #	Description of Segment	Shape	Volume (gal) (if known)	Tank Length (feet)	Width or Diameter (feet)	Min Water depth or Pipe-Length (feet)	Volume (cubic feet)	Volume (gal)	Choose a Baffling Condition for each segment	Effective Contact Time (min)
1	pipe	Box / Cylinder		0	3	8	56.55	423.01	Near-Plug Flow / Plug flow	20.04
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Cylinder / Half-sphere						0.00	Select a baffling condition / Unbaffled	
		Cylinder / Half-sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	
		Select a shape / Sphere						0.00	Select a baffling condition / Unbaffled	

Signature of Certified Operator or Professional Engineer _____ Date _____

Official Use Only: ☐ 4-Log treatment of viruses confirmed ☐ Denied

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Initial San. Review: _____
Updated On: _____
Approved: _____
CM Begin: _____
Official Use Only

Demonstration of 4-Log Treatment of Viruses for Groundwater Sources*

I. General Information

PWS Name: Deer Haven White Beauty View Estates PWS ID #: 2520110

Owner Name: Aqua Pennsylvania, Inc. (Recievership)

Municipality: Palmyra Twp County: Pike

Mailing Address: 1775 N. Main Street

City/State: Honesdale, PA Zip Code: 18431 Telephone #: (570) -6470358

Pop. Served: 38 Entry Point ID: 101 Min. Water Temp. (°C)**: 5.0 Peak Flow (GPM)*: 19

*GPM = Gallons Per Minute, peak flow through the entry point.
**Annual minimum temperature of your raw water or of the water in your disinfectant contact storage vessel, whichever is lower.

II. Checklist of Enclosures

A. Required enclosures:

- ☒ Plant or system schematic showing the location where compliance monitoring will be conducted

And,

- ☒ Completed Groundwater Rule 4-Log Treatment Demonstration Free Chlorine Log-Inactivation of Viruses (pH 6.0-9.0) Spreadsheet or Worksheet (3900-FM-BSDW0470c or 3900-FM-BSDW0470d)

Or,

- ☐ Tracer Study Data and Report Bearing PE Seal (in lieu of 4-Log Spreadsheet)

B. Describe your justification for the minimum temperature noted above and used in your log-inactivation calculation (the minimum temperature used on the submitted spreadsheet or worksheet)*.

DEP recommended temperature

*Attach additional sheets, if necessary.

C. Did you include any length of pipe downstream of the entry-point but upstream of the first customer in the CT calculation for determining 4-Log treatment of viruses? ☐Yes ☒No

If yes, how do you plan on accounting for chorine degradation in the pipe downstream of the entry point?

- ☐ Chlorine degradation pilot study (attach pilot study results bearing PE seal)
- ☐ Remote monitoring location upstream of the first customer

D. Will you need to make any physical changes to your treatment system or processes that will require you to obtain a minor or major permit amendment (consult with DEP if you are unsure)? ☐Yes ☒No

- ☐ If yes, attach the appropriate completed permit application(s) bearing PE seal.

* Associated with CWSs, NCWSs which hold a valid operation permit under §109.504 or a bottled water and vended water systems, retail water facilities and bulk water hauling systems (BVRBs) which hold a valid permit under §109.1005.

E. Do you plan to use any treatment technologies other than, or in addition to, chlorine disinfection (i.e., ultraviolet disinfection, ozone, etc.) to achieve 4-Log treatment of viruses for groundwater? ☐Yes ☒No

☐ If yes, attach descriptions of all technologies used including manufacturer, model, and/or pilot study report confirming each technology's level of effectiveness at removing and/or inactivating viruses. Include a description of how compliance monitoring will be conducted for each technology.

F. Are you requesting an alternative minimum entry-point free chlorine residual? ☐Yes ☒No

If yes, indicate the requested alternative minimum residual and describe your justification for not using the default minimum residual*: _____ mg/L Free Cl

*Attach additional sheets, if necessary.

III. Compliance Monitoring of Entry Point Free Chlorine Residual

A. List all of the sources supplying this entry point*:

Source ID#, Name, Type (Surface, GUDI, or Groundwater), and max yield.

#001	Well 1	Groundwater	38 GPM
#			GPM
#			GPM
#			GPM

*Attach additional sheets if necessary.

B. Indicate whether the system will use a continuous analyzer(s) or grab sampling to measure the free chlorine residual at the entry point.

☐ Continuous Chlorine Analyzer(s) ☒ Grab Sampling

C. If performing grab sampling for compliance monitoring, indicate the hour of peak flow when grab samples will be collected and analyzed: _____

D. Provide the manufacturer's name and model number of each instrument used to monitor the entry point free chlorine residual. Indicate which instruments serve as back-up only and whether each instrument is a continuous chlorine analyzer or portable/benchtop chlorine analyzer.

Manufacturer and Model #		Back-up	Type	
HACH	#DR 900	☒	☐ Continuous	☒ Portable/benchtop
	#	☐	☐ Continuous	☐ Portable/benchtop
	#	☐	☐ Continuous	☐ Portable/benchtop
	#	☐	☐ Continuous	☐ Portable/benchtop

Do all of the chlorine analyzers listed above use an EPA-approved analytical method*? ☒Yes ☐No

*All chlorine analyzers used for compliance monitoring must use an EPA-approved analytical method.

E. On the enclosed schematic, identify the compliance monitoring location for this entry point. If you are planning to conduct compliance monitoring at a location other than the traditional entry point, explain:

CERTIFICATION AND SIGNATURES

I hereby certify that the completeness report and all plans, modules, and documents designated therein are attached to this application, and made a part hereof.

Address: Aqua Pennsylvania, Inc.
1 Aqua Way
White Haven, PA 18661

(Signature of Certified Operator)

David J. Hoogstad
(Name of Certified Operator)

Area Manager II
(Title of Certified Operator)

9/16/24
(Date of Application)

AFFIDAVIT

Commonwealth of Pennsylvania/State of _____.
(Circle one)

County of Luzerne.

I, Dave Hoogstad being duly sworn, according to law, depose and say that I (am the applicant) (am an officer or official of the applicant) (have the authority to make this application) and that
(Circle one)
the plans, reports and documents submitted as part of the application are true and correct to the best of my knowledge and belief.

Sworn and Subscribed to before me this 16th Day of September 2024

(Signature of Certified Operator)

Lynn A Halechko
(Notary Public)

Commonwealth of Pennsylvania - Notary Seal
Lynn A. Halechko, Notary Public
Luzerne County
My commission expires December 11, 2026
Commission number 1287177
Member, Pennsylvania Association of Notaries

Notary Seal

Engineering (if applicable)

Name of Design Engineer _____

Name of Engineering Firm _____

Address: _____

(Signature of Design Engineer)

(Date)

Phone: _____

Design Engineer's Seal

APPENDIX G

SKETCH PLANS

AQUA

An Essential Utilities Company

Deer Haven White Beauty View Estates

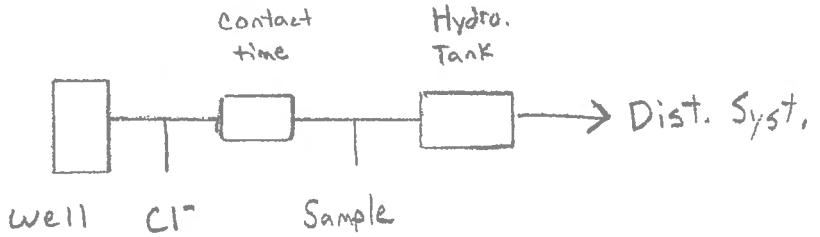
Demonstration of 4-Log Treatment of Viruses for Groundwater Sources

Sketch Plans

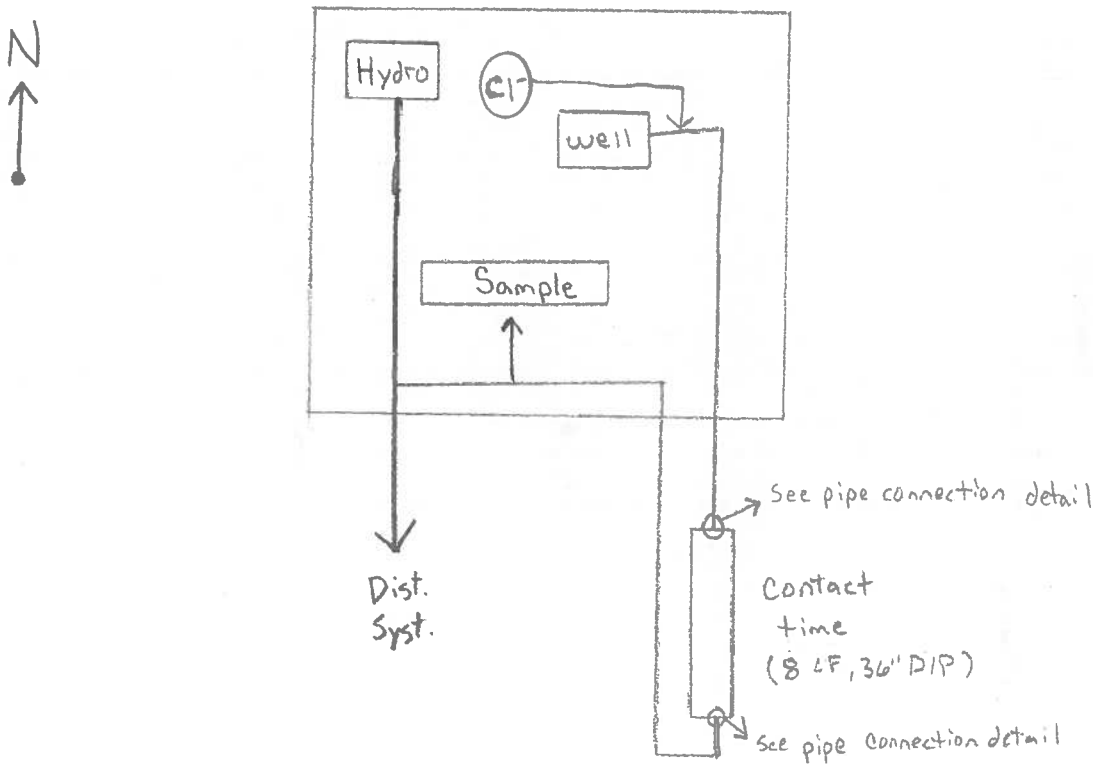
Palmyra Township, Pike County

Sketch Plans

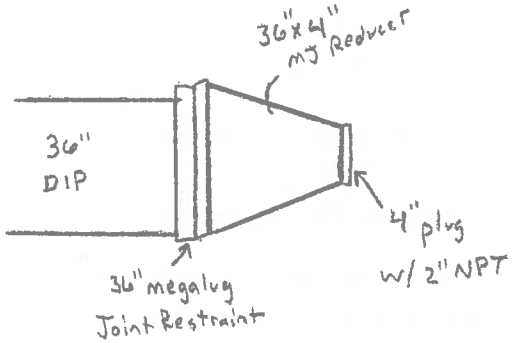
Treatment Sequence:



Sketch:



Pipe Connection Details:



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of October 2024 served a true and correct copy of the foregoing document upon the persons and in the manner indicated below:

VIA ELECTRONIC MAIL

Allison Kaster, Director and Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120
akaster@pa.gov

Steven Gray, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Melanie Joy El Atieh, Esq.
Deputy Consumer Advocate
Barrett C. Sheridan, Esq.
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
melatieh@paoca.org
bsheridan@paoca.org

Paul Diskin, Director
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
pdiskin@pa.gov

Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
abakare@mcneeslaw.com
(*Counsel for Deer Haven, LLC*)

Alexander R. Stahl

Dated: October 7, 2024

Kruti Patel
Phone: (215) 972-7735
Fax: (215) 972-7725
Kruti.patel@saul.com
www.saul.com

SAUL EWING
LLP

January 6, 2025

Via E-File
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

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

Dear Secretary Chiavetta,

Enclosed please find Aqua Pennsylvania, Inc.'s ("Aqua") Second Status Report to the Pennsylvania Public Utility Commission (the "Commission"). This Second Status Report is in accordance with Aqua's Receivership duties for Deer Haven, LLC (Water) established by the Commission's *Ex Parte* Order entered August 7, 2024 and modified by the Commission's Ratification Order on August 26, 2024. If you have any questions, please do not hesitate to reach out.

Sincerely,

Kruti Patel

Encls.
cc: Service List

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Christopher P. Pell, Presiding

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

CERTIFICATE OF SERVICE

I hereby certify that I have, this 6th day of January, 2025, served a true and correct copy of Aqua Pennsylvania Inc.'s Second Status Report, upon the persons and in the manner indicated below:

VIA E-FILE AND ELECTRONIC MAIL

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

E-mail
The Honorable Christopher P. Pell
cpell@pa.gov

Paul Diskin, Director
Bureau of Technical Utility Services
pdiskin@pa.gov

Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
abakare@mcneeslaw.com
Counsel for Deer Haven, LLC

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Bureau of Investigation and Enforcement
sgranger@pa.gov

Emily A. Farren, Esq.
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Mark Shaw, Esq.
Macdonald Illig
mshaw@mijb.com
Counsel for Pocono Lakefront Inc, Pocono Utilities LLC

Joseph R. Bonamico, Sr., President
Pocono Water Works Inc.
jbbona@aol.com

Palmyra Township
administrator@palmyrapike.org

Department of Environmental Protection
Northeast Regional Office
RA-epwater@pa.gov
RA-epwaste@pa.gov

Pike County Commissioners
mosterberg@pikapa.org
rschmalzle@pikepa.org
ccaceres@pikepa.org

Pike County Planning Commission
planning@pikepa.org

Via E-mail
Alexander Stahl, Esq.
Kimberly Joyce, Esq.
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaamerica.com
KAJoyce@essential.co

/s/ Kruti B. Patel
Kruti B. Patel, Esq.
Courtney L. Schultz, Esq.
Saul Ewing LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
(215) 972-7735
Kruti.patel@saul.com
Courtney.schultz@saul.com
Counsel for Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.

SECOND STATUS REPORT TO THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEER HAVEN, LLC (WATER)

AQUA PENNSYLVANIA, INC., AS RECEIVER

DOCKET NO. P-2024-3050545

Dated: January 6, 2025

A. BACKGROUND

On August 1, 2024, Deer Haven, LLC (Water) ("DH Water") filed a Petition requesting that the Pennsylvania Public Utility Commission ("PUC" or the "Commission") issue an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems.[1] The Commission issued an *Ex Parte* Emergency Order naming Pocono Water Works Company, Inc. ("Pocono Water") as Receiver.[2] Aqua Pennsylvania, Inc. ("AP") filed a letter on August 13, 2024, regarding the DH Water system and noted that AP would be willing to act as the Receiver for the DH Water system. AP also informed the Commission that the DH Water system consisted of a community water system (DH Water – White Beauty View Estates) and non-community water system (DH Water – Lower White Pines) that the prior operator was providing services for:

> The Deer Haven Water System is a community water system consisting of approximately 43 customers; however, the prior operator was also operating a non-transient non-community water system that does not have established treatment processes which is close in proximity to, but separate from, the Deer Haven Water System. Aqua specifically requests that the Commission clarify Aqua's role regarding management and oversight to the non-transient non-community water system in addition to the Deer Haven Water System to ensure water quality for these residents.[3]

AP is now operating both the community and non-community DH Water systems to ensure the safety of the public.

On August 22, 2024, Chairman DeFrank issued a motion to name AP as Receiver for the DH Water System. On August 26, 2024, the Commission issued a Ratification Order naming AP as Receiver for the DH Water system and modifying the existing *Ex Parte* Emergency Order to remove Pocono Water as the Receiver, along with other modifications requested by AP.[4]

The two separate DH Water systems serve approximately 40 customers in Palmyra Township, Pike County, Pennsylvania. The DH Water systems abut Lake Wallenpaupack and are near several of AP's water systems including Tanglewood North and Tanglewood Lakes. Included within the Commission's Receivership Order, the Company was directed to "[s]ubmit an initial status report to the Commission within 60 days of August 7, 2024, and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership."[5] AP submitted its Initial Status Report on October 7, 2024.

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[1] *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050545. ("DH Petition").
[2] *DH Petition*, Docket No. P-2024-3050545, Ex Parte Emergency Order (Aug. 7, 2024) ("Ex Parte Emergency Order")
[3] Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).
[4] DH Petition, Docket No. P-2024-3050545, Ratification Order, Ordering Paragraph 2 (Aug. 26, 2024) (hereinafter "Ratification Order").
[5] *Ratification Order*, Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

Aqua now submits its Second Status Report on the operations of DH Water as directed by the Commission.

B. SECOND STATUS REPORT

1. Receivership Order

The Commission directed that utility service serving the DH Water facilities be transferred to the Receiver.[6] Electric service was transferred and established in AP's name as Receiver in accordance with the Commission's Receivership Order.

The Commission directed that DH Water preserve all hard copy or electronic records, files, bank statements, documents, papers, or any other materials related to the offering of utility water service, including records of all contracts, agreements loans, payments, and other arrangements with affiliated companies.[7]

The Commission directed that by August 22, 2024, DH Water turn over copies or originals of all books, records, accounts, and any other information, and all operations assets, including keys to locks securing facilities, buildings, and any other property, whether personal or real property, used and useful in the provision of utility water service to customers served by DH Water to the Receiver.[8] The Commission also directed that DH Water, including its owners and employees, provide full and unconditional cooperation with the orderly transition of operations, management, and oversight to the Receiver.[9]

2. Operations and Capital Expenditures

On August 22, 2024, AP began its Receivership duties for the DH Water systems. AP is currently managing the DH Water systems and DH Sewer system[10] with current staff. The community water system serves approximately 20 customers, and the non-community water system serves approximately 20 customers – a total of 40 customers. AP was informed that the DH Water – White Beauty View Estates (community) water system has been on a boil water notice since June 26, 2024, due to a failure of the 4-Log disinfection system. The DH Water – Lower White Pines (non-community) system is not on a boil water notice.

As reported in the Initial Status Report, AP filed a 4-Log Permit Application with the Pennsylvania Department of Environmental Protection ("DEP") on September 16, 2024. AP continued to issue boil water advisories every 30 days in compliance with the DEP's NOV. DEP granted the 4-Log permit application on October 4, 2024. A copy of the DEP permit is included with this status report as **Attachment A**. AP completed installation of the multiple sections of 36-inch ductile iron pipe to allow for 4-Log disinfection time on November 1, 2024. After

[6] *Id.* Ordering Paragraph No. 10.
[7] *Id.* Ordering Paragraph No. 11.
[8] *Id.* Ordering Paragraph No. 12 and 13 as Modified by the Ratification Order.
[9] *Id.* Ordering Paragraph No. 14.
[10] DH Petition, Docket No. P-2024-3050549, Ex Parte Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024).

construction was completed, AP took the required samples and submitted them to DEP resulting in the boil water advisory being lifted on November 6, 2024. A copy of the boil water advisory lift is included with this Status Report as **Attachment B**.

The DEP performed an inspection of the DH Water system on December 6, 2024. A copy of the DEP Water Supply Inspection Report is included in this Status Report as **Attachment C**. AP has addressed several of the outstanding violations noted in the Inspection Report. AP also provided public notice to resolve previous monitoring violations for DH Water. Public notice was distributed to DH Water customers for a prior-owner missed monitoring violation related to failure to monitor for total coliform during July 2024. The public notice was provided on December 28, 2024, and is included in this Status Report as **Attachment D**.

In addition to the above, Aqua made the following improvements to the DH Water system since the last status report:

- AP submitted a permit application to DEP to permit the installation of a continuous chlorine analyzer. The DEP issued a Public Water Supply Permit on December 9, 2024 for the chlorine analyzer, and is included in this Status Report as **Attachment E**. AP is scheduled to install the analyzer by mid-January 2025.

Regarding the transient non-community DH Water – Lower White Pines Water system, AP plans to monitor the operation of the production and distribution systems. There is currently no water treatment for this transient non-community water system, as treatment is not required for a non-community water system.

AP established a website to provide information to customers concerning the DH Water system: https://www.aquawater.com/deerhaven

AP is developing a recommended capital plan for the DH Water system and will provide recommendations on capital improvements in a subsequent status report.[11]

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

3. Financial

The Ratification Order directed AP to establish the financial position of DH Water at the time AP assumed its Receivership role.[12] AP is working to establish the financial position of DH Water as of the start of AP's Receivership. AP will continue to track expenses and capital improvements related to the DH Water system through deferred accounting treatment via establishment of a regulatory asset in accordance with AP's Receivership duties.[13]

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[11] *Ratification Order,* Ordering Paragraph 5, Appendix A, Paragraph 1.c.
[12] *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.
[13] *Id.* Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.

The Company notes that the current revenues of the DH Water system are insufficient to cover current and future operational expenses (40 customers x $15 per month x 12 months = $7,200).[14]

C. CONCLUSION

AP will continue to investigate the system's operations and financial status and will make necessary improvements to operate the DH Water system to ensure quality and reliability of service to the DH Water customers for the period of its Receivership duties during the 529 proceeding. AP will provide an update to this Status Report on or before April 7, 2025.

[14] AP notes that although the DH Water tariff notes a commercial customer rate, there were no commercial DH Water customers listed in the records provided to AP. Also, AP notes that the mobile home park customers noted in the tariff no longer exist.

ATTACHMENT A

Pennsylvania
Department of
Environmental Protection

VIA ELECTRONIC MAIL

October 4, 2024

Mr. Michael Fili
Aqua Pennsylvania, Inc.
762 W. Lancaster Ave.
Bryn Mawr, PA 19010

Public Water Supply Emergency Permit No. 2520110-EP
Aqua Deer Haven White Beauty View Estates
PWS ID No. 2520110
APS ID 1122690, AUTH ID 1501352
Palmyra Township, Pike County

Dear Mr. Fili:

The subject permit is enclosed. Also enclosed is a Certificate of Construction form, to be signed and returned to our office upon project completion. Contact us for an inspection prior to activation of these facilities.

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 BOARDWITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Please study the permit carefully and direct any questions to Ryan Fox of this office via email at ryanfox@pa.gov.

Sincerely,

Brian T. Yagiello

Brian T. Yagiello
Environmental Program Manager
Safe Drinking Water Program

Enclosure:

Joshua P Shoff, Aqua Pennsylvania, Inc. (via e-mail)
jpshoff@aquaamerica.com
Daniel Highhouse, Aqua Pennsylvania, Inc. (via e-mail)
dwhighhouse@aquaamerica.com
John Klinger, Aqua Pennsylvania, Inc. (via e-mail)
jdklinger@aquaamerica.com

Pennsylvania Department of Environmental Protection

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

PUBLIC WATER SUPPLY PERMIT

No. 2520110-EP

A. PERMITTEE: (Name and Address)	B. PROJECT/PLANT LOCATION
Aqua Pennsylvania, Inc. 762 W. Lancaster Ave. Bryn Mawr, PA 19010	PWSID No. 2520110 Municipality Palmyra Township County Pike County

C. THIS PERMIT APPROVES FOR: AS INDICATED BELOW: **1.** ☒ **CONSTRUCTION** **2.** ☒ **OPERATION OF FACILITIES**
Approved Under Construction Permit No. N/A

Source	**Facilities/Treatment**		**BVRB**
☐ Groundwater	☐ Impoundment	☐ General Corrosion Control	☐ Bottled Water System
☐ Purchased Groundwater	☐ Clarification	☐ Corrosion Control for Lead/Copper	☐ Bulk Water Hauling System
☐ Surface Water	☐ Filtration	☒ Disinfection	☐ Vended Water System
☐ Purchased Surface Water	☐ Iron and Manganese Treatment	☐ Pump Station(s)	☐ Retail Water Facility
	☐ Ion Exchange	☐ Treatment	
	☐ Fluoridation	☐ Treatment	
	☐ Distribution Facility	☒ Other **Emergency 4-Log Treatment of Viruses**	

KNOWN AS **Aqua Pennsylvania, Inc Deer Haven White Beauty View Estates –** Emergency 4-Log Treatment Construction and Operation

LIMIT OF AUTHORIZATION

YOU ARE HEREBY AUTHORIZED TO CONSTRUCT OR OPERATE, AS INDICATED ABOVE, PROVIDED THAT FAILURE TO COMPLY WITH CHAPTER 109, OF THE RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OR THE TERMS OR CONDITIONS OF THIS PERMIT SHALL VOID THE AUTHORITY GIVEN TO THE PERMITTEE BY THE ISSUANCE OF THE PERMIT.

THE PLANS, SPECIFICATIONS, REPORTS AND SUPPORTING DOCUMENTS SUBMITTED AS PART OF THE PERMIT APPLICATION BECOME PART OF THE PERMIT.

NO DEVIATIONS FROM APPROVED PLANS OR SPECIFICATIONS AFFECTING THE TREATMENT PROCESS OR QUALITY OF WATERS SHALL BE MADE WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT.

THIS PERMIT IS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE AUTHORITY OF THE PENNSYLVANIA SAFE DRINKING WATER ACT, THE ACT OF MAY 1, 1984 (P.L. 206, NO. 43). OPERATION SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 109 ADOPTED UNDER THE AUTHORITY IN SECTIONS 4 AND 6(e) OF THE PENNSYLVANIA SAFE DRINKING WATER ACT.

THIS PERMIT IS SUBJECT TO THE ATTACHED SPECIAL CONDITIONS 1-3.

PERMIT ISSUED

Date 10/4/2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: ***Brian T. Yagiello***

Signer's Name: Brian T. Yagiello

Title: Environmental Program Manager
Safe Drinking Water Program

SPECIAL CONDITIONS

This permit is issued subject to all Department of Environmental Protection Rules and Regulations now in force and to the following Special Conditions:

1. This emergency permit shall expire on December 31, 2024. The emergency permit may be renewed by the Department if the water supplier makes a written request for renewal prior to the expiration date.

2. Within 60 days of the date of this emergency permit, the permittee shall submit a public water supply construction permit application to the Department for the installation of chlorine contact main for the 4-Log Treatment of Viruses system and associated modifications. This deadline may be extended by the Department, at its discretion, if the water supplier makes a written request for an extension.

3. The Aqua Deer Haven White Beauty View Estates Well No. 1 (Entry Point 101) treatment facilities shall be operated in accordance with the following conditions to provide 4-Log Treatment of Viruses:

    a. The instantaneous maximum flow through the treatment system shall not exceed 40 gallons per minute.

    b. The minimum free chlorine residual at entry point shall not be less than 0.40mg/L.

    c. Monitor and record the free chlorine residual at the entry point once per day using an appropriately calibrated field analytical test instrument. The daily grab sample shall be collected and analyzed during the hour of peak flow. If any daily grab sample measurement falls below the required minimum disinfectant concentration, take follow up samples at least every 4 hours until the residual disinfectant concentration is restored to the required minimum level.

ATTACHMENT B

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER*

Deer Haven White Beauty View Estates (PWSID# PA2520110)

BOIL WATER NOTICE LIFTED

HIERVAN EL AGUA ANTES DE USARLA.
ESTE INFORME CONTIENE INFORMACION MUY IMPORTANTE SOBRE SU AGUA DE BEBER.
TRADUZCALO O HABLE CON ALGUIEN QUE LO ENTIENDA BIEN.

The Boil Water Notice initially issued by Deer Haven, LLC on June 24th, 2024 for the Deer Haven White Beauty View Estates Water Company has been lifted effective today, November 6, 2024.

Aqua Pennsylvania has lifted the boil water advisory issued on June 24th, 2024. This was a continuation of a boil water advisory that was already in effect for the Deer Haven White Beauty View Estates water system. Aqua successfully implemented infrastructural improvements to the disinfection system to satisfy DEP requirements. Two consecutive days of water samples were collected from the distribution system and tested for total coliform bacteria. The results for both sets of testing were received on November 6, 2024 and showed the absence of bacteria, allowing Aqua to lift the boil advisory.

It is no longer necessary to use boiled water or bottled water for drinking, making ice, brushing teeth, washing dishes and food preparation.

Aqua is committed to providing quality water and service to its customers. We apologize for the inconvenience and thank you for your patience. Although this matter has been resolved, if you have any questions or concerns, please contact Aqua's Customer Service at 877.987.2782.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

For more information, please contact:

Responsible Person Dave Hoogstad	**System Name** Deer Haven White Beauty View Estates Water Company	**Address (Street)** 1 Aqua Way
Phone Number 877.987.2782	**System PWSID#** PA2520110	**Address (City, State, Zip)** White Haven PA, 18661

Date Notice Distributed: June 24, 2024

Date Notice Lifted: November 6, 2024

* This notice contains regulatorily required or recommended language, and nothing herein is, is intended as, nor should be construed as, a promise of or contract for payment or reimbursement of expenses incurred for any action you take on account of this notice.

ATTACHMENT C

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

WATER SUPPLY INSPECTION REPORT

Facility Name	PWSID No	Inspection Date
DEERHAVEN WHITE BEAUTY VIEW ES	2520110	2024-12-06

Facility Location	County	Municipality
RT 507 ON LAKE WALLENPAUPACK GREENTOWN, PA 18426	Pike	Palmyra

Responsible Officials Name	Telephone: (570) 470-7239	
Daniel Highhouse	**System Type:** Community	**Population:** 53
Certified Operator Name	**Field Order Number:** ----	
	Issue Date (mm/dd/yy): ----	

Person(s) Interviewed

Name: Dan Highhouse	**Title:** Responsible Official

eFACTS info

Inspection ID: 3881291	**Inspection Type** RTNC

Violations

B1B - 25 PA Code, §109.603

1A - GROUNDWATER AND GUDI SOURCES

SRC:001 - WHITE BEAUTY ESTATES

OTHER SIGNIFICANT DEFICIENCIES

Remarks: The water system has experienced two or more outages or severe water shortages in two consecutive years.

Outstanding Violations

B6G - 25 PA Code, §109.704

Remarks: FAILURE TO MAINTAIN AN APPROPRIATELY CERTIFIED OPERATOR

B5A - 25 PA Code, §109.501

Remarks: FAILURE OF A PUBLIC WATER SYSTEM TO OBTAIN A PERMIT
Must replace leaking buried CT tank with like tank and permitted booster pumps or obtain an engineer to change the design and submit a new permit to change the design.

B6A - 25 PA Code, §109.4

Remarks: OTHER VIOLATIONS DEEMED TO BE SIGNIFICANT DEFICIENCIES
Failure to provide appropriate contact time under the Groundwater rule.

A2D - 25 PA Code, §109.1307(a)(1)(ii)

Remarks: FAILURE OR SIGNIFICANT INTERRUPTION IN 4-LOG TREATMENT OF VIRUSES FOR A GROUNDWATER SOURCE

B8A - 25 PA Code, §109.301

Remarks: CHRONIC FAILURE TO MONITOR
Water system was required to take distribution sample for Asbestos (Analyte 1094). E.P. Asbestos was taken. Also due is the nonmonitor PN for the missing Asbestos sample. Fill out and distribute the PN and send copy to DEP to return system to compliance.

A2D - 25 PA Code, §109.1307(a)(1)(ii)

Remarks: FAILURE OR SIGNIFICANT INTERRUPTION IN 4-LOG TREATMENT OF VIRUSES FOR A GROUNDWATER SOURCE
Buried CT tank is being bypassed

B8A - 25 PA Code, §109.301

Remarks: CHRONIC FAILURE TO MONITOR
Water system was required to take distribution sample for Asbestos (Analyte 1094). E.P. Asbestos was taken. Also due is the nonmonitor PN for the missing Asbestos sample. Fill out and distribute the PN and send copy to DEP to return system to compliance.

Minor Deficiencies

1A - GROUNDWATER AND GUDI SOURCES

SOURCE WATER PROTECTION

SRC-001-WHITE BEAUTY ESTATES

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

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-001-WHITE BEAUTY ESTATES

Remarks: The static and pumping water levels are not measured and recorded.

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-001-WHITE BEAUTY ESTATES

Remarks: The well is constructed in a pit, which does not meet the design standards set forth in the Public Water Supply Manual.

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-001-WHITE BEAUTY ESTATES

Remarks: There is no gravity drain or sump pump provided to keep the well pit dry.

1A - GROUNDWATER AND GUDI SOURCES

WELLHEAD

SRC-001-WHITE BEAUTY ESTATES

Remarks: There is evidence of water drainage into the well pit.

2A - TREATMENT PLANT AND GENERAL CHEMICAL ADDITION

GENERAL INFORMATION

WTP-301-ESTATES

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

CHEMICALS AND EQUIPMENT

WTP-301-ESTATES

Remarks: Calibration cylinders are not provided and/or used to ensure accurate chemical feed pump opeation.

2J - CHLORINE DISINFECTION

PROBLEMS IDENTIFIED

WTP-301-ESTATES

Remarks: There have been interruptions in continuous disinfection within the past 3 years.

3 - DISTRIBUTION SYSTEM

PRESSURE ZONES

DS-001-PALMYRA TWP

Remarks: The distribution main pressure is not monitored.

3 - DISTRIBUTION SYSTEM

PLANNED SERVICE INTERRUPTIONS AND MAIN BREAKS

DS-001-PALMYRA TWP

Remarks: The water system lost pressure in a portion of the distribution system in the last 3 years for a reason other than a main break.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PALMYRA TWP

Remarks: All distribution system service connections are not metered.

3 - DISTRIBUTION SYSTEM

OPERATIONS

DS-001-PALMYRA TWP

Remarks: The water system does not plan to loop dead ends.

General Comments

This PWS was put into PUC receivership in early October 2024 to Aqua Pa. First receivership was refused by Pocono Water Works who had semi-cared for this PWS since being abandoned by the owners of the Deer Haven systems....

General Comments Cont.

An Emergency Permit (2520110-EP) was issued to Aqua Deer Haven White Beauty View Estates on 10/04/2024 for 4log chlorine disinfection. Water system has been on a Boil Water since February 2024 when the well pump went down and CT tank was bypassed. Aqua Pa began work immediately to get PWS back into compliance. Boil Water was lifted on 11/07/2024 after new contact main (36"x 17') was put in place and lines disinfected w two consecutive days of Specials coming back negative.

Full inspection overdue demonstrated that work was completed per Emergency Permit for 4log. Inactivated pumps/controls in PADWIS as system is pressurized via a Well Xtrol tank instead of dual booster pumps.

Well is located in well pit with old split cap sanitary seal and cap. Raw water tap is on top of well casing, with line going to check valve, chlorine injection point, out to new buried contact main. From CT main, line comes back into pit, to pressure tank and out to distribution. E.P. 101 is a frost free spigot after the contact main. Grab samples are taken daily and recorded. Today's free chlorine reading was 1.7 mg/l.

This PWS will be brought back into compliance in eFacts and PADWIS databases. Improvements discussed were to install a disinfection analyzer and SCADA system, fill old CT tank with something permanent (concrete), and install permanent steps to the L of current masonry pit. There is a pit drain, but unsure as to where drain discharges. Any analyzer installed would require a minor permit amendment.

Signatures

Received by(Print Name):	**Unable To Receive Signature:**
Dan Highhouse	Not on site to write report

Investigator (Print Name):

MARY ANN SEESE

ATTACHMENT D

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER*

ESTE INFORME CONTIENE INFORMACION MUY IMPORTANTE SOBRE SU AGUA DE BEBER. TRADUZCALO O HABLE CON ALGUIEN QUE LO ENTIENDA BIEN.

Monitoring Requirements Not Met for Deer Haven Lower White Pines

Deer Haven Lower White Pines Water System violated a monitoring requirement in 2024. Even though this was not an emergency, as a customer you have a right to know what happened and what Aqua Pennsylvania has done to correct the situation. This violation occurred prior to Aqua's receivership of the system.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether our drinking water meets health standards. In July 2024, Deer Haven Lower White Pines Water System did not complete the monitoring for total coliform and therefore, cannot be sure of the quality of the drinking water during that time.

What should I do?

There is nothing you need to do at this time. You may drink the water. This is not an emergency. If it had been, you would have been notified immediately.

The table below lists the contaminant that was did not properly tested for, how often the test is supposed to be completed for total coliform bacteria, how many samples were taken, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When all samples were taken
Total Coliform Bacteria	1/Month	0	July 2024	August 2024

What happened? What was done?

Deer Haven Lower White Pines Water System did not collect the required sample for total coliform analysis during July 2024. Samples were collected in August 2024.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

For more information, please contact:

Responsible Person	System Name	Address (Street)
Dave Hoogstad, Area Manger	Deer Haven Lower White Pines	1 Aqua Way
Phone Number	**System PWSID#**	**Address (City, State, Zip)**
877.987.2782	PA2520109	White Haven, PA 18661

* This notice contains required or recommended regulatory language, and nothing herein is, is intended as, nor should be construed as, a promise of or contract for payment or reimbursement of expenses incurred for any action you take on account of this notice.

ATTACHMENT E

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

VIA ELECTRONIC MAIL

December 9, 2024

Mr. Dave Hoogstad, Area Manager II - NEPA
Aqua Pennsylvania, Inc.
1775 N. Main Street
Honesdale, Pa 18431

Re: PWS Construction Permit No. 5224508MA
Aqua Pennsylvania, Inc.
Deer Haven White Beauty View Estates
PWS ID No. 2520110
Deer Haven White Beauty View Estates Chlorine Analyzer Installation Project
Palmyra Township, Pike County
APS No. 1126761 & AUTH No. 1508350

Dear Mr. Hoogstad:

Subject permit is enclosed. Also, enclosed is a Certificate of Construction form to be signed and returned to our office upon project completion, along with a fee of $50.00 (payable to "Commonwealth of Pennsylvania") for an amended operation permit.

Please contact us for an inspection prior to activation of these facilities.

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.

Please study the permit carefully and direct any questions to Deborah S. Wilkes of this office at dwilkes@pa.gov.

Sincerely,

Brian T. Yagiello

Brian T. Yagiello
Environmental Program Manager
Safe Drinking Water Program

Enclosure(s)

cc: Daniel Hopkins, P.E./Entech Engineering, Inc. (via email)

bcc: E. Bartolacci, Pocono District Office (via email)
M. Hess, BSDW (via email)
J. Schultz, BSDW (via email)
B. Yagiello (via email)
B. Shrodo (via email)
T. Ostir (via email)
D. Wilkes
File - OnBase

BTY:DW:dw
WP: WILKES-649

Addresses for labels/envelopes:

Mr. Dave Hoogstad, Area Manager II - NEPA
Aqua Pennsylvania, Inc.
1775 N. Main Street
Honesdale, Pa 18431

Mr. Daniel Hopkins, P.E.
Entech Engineering, Inc.
201 Penn Street
Reading, PA 19603

Email Addresses:
dhoogstad@aquaamerica.com
dhopkins@entecheng.com

3900-PM-BSDW0043 Rev. 7/2014

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

PUBLIC WATER SUPPLY PERMIT

NO. 5224508MA

A. PERMITTEE: (Name and Address)	B. PROJECT/PLANT LOCATION
Aqua Pennsylvania, Inc. 1775 N. Main Street Honesdale, Pa 18431	Address: 130 Estates Lane, Greentown, Pa 18426-2525 Municipality Palmyra Township County Pike

C. THIS PERMIT APPROVES FOR: 1. ☒ **CONSTRUCTION** 2. ☐ **OPERATION OF FACILITIES**
AS INDICATED BELOW: Approved Under Construction Permit No. _____

Source	**Facilities**		**BVRB**
☐ Groundwater	☐ Impoundment	☐ General Corrosion Control	☐ Bottled Water System
☐ Purchased Groundwater	☐ Settling	☐ Corrosion Control for lead/copper	☐ Bulk Water Hauling System
☐ Surface Water	☐ Filtration	☐ Disinfection	☐ Vended Water System
☐ Purchased Surface Water	☐ Iron and Manganese Treatment	☐ Pump Station(s)	☐ Retail Water Facility
	☐ Ion Exchange	☐ Transmission Lines	
	☐ Fluoridation	☐ Finished Water Storage	
	☐ Distribution Facility	☒ Other Chlorine Analyzer Installation	

KNOWN AS Deer Haven White Beauty View Estates - Chlorine Analyzer Installation at Entry Point (EP) 101

LIMIT OF AUTHORIZATION

YOU ARE HEREBY AUTHORIZED TO CONSTRUCT OR OPERATE, AS INDICATED ABOVE, PROVIDED THAT FAILURE TO COMPLY WITH CHAPTER 109, OF THE RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OR THE TERMS OR CONDITIONS OF THIS PERMIT SHALL VOID THE AUTHORITY GIVEN TO THE PERMITTEE BY THE ISSUANCE OF THE PERMIT.

THE PLANS, SPECIFICATIONS, REPORTS AND SUPPORTING DOCUMENTS SUBMITTED AS PART OF THE PERMIT APPLICATION BECOME PART OF THE PERMIT.

NO DEVIATIONS FROM APPROVED PLANS OR SPECIFICATIONS AFFECTING THE TREATMENT PROCESS OR QUALITY OF WATERS SHALL BE MADE WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT.

THIS PERMIT IS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE AUTHORITY OF THE PENNSYLVANIA SAFE DRINKING WATER ACT, THE ACT OF MAY 1, 1984 (P.L. 206, NO. 43). OPERATION SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 109 ADOPTED UNDER THE AUTHORITY IN SECTIONS 4 AND 6(e) OF THE PENNSYLVANIA SAFE DRINKING WATER ACT.

THIS PERMIT IS SUBJECT TO THE ATTACHED SPECIAL CONDITIONS 1, 2 and 3.

PERMIT ISSUED

Date December 9, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By *Brian T. Yagiello*

Signer's Name Brian T. Yagiello

Title Environmental Program Manager

Safe Drinking Water Program

SPECIAL CONDITIONS

1. This permit shall expire within two (2) years from the issuance date unless substantial work is initiated. The permit may be renewed by the Department if the water supplier makes a written request for renewal prior to the expiration date.

2. Upon completion of construction and in accordance with the approved plans and specifications, the public water supplier shall submit a Certificate of Construction to the Department. Said Certification shall state that the work was completed in accordance with the approved plans and specifications. It shall be signed by the professional engineer or other person responsible for the work. Certification shall include that adequate operation and maintenance information for the new facility is available on site for use by the public water systems personnel.

3. The Permittee shall comply with the requirements of EPA Method 334.0 including the following:

    a. The Permittee shall conduct and document an initial demonstration of capability (IDC) for all analysts responsible for conducting compliance and/or comparative grab sampling and analysis in accordance with Section 10 of EPA's Method 334.0.

    b. The Permittee shall conduct and document an initial calibration verification for all instruments used for conducting compliance and/or comparative grab sampling and analysis in accordance with Section 10 of EPA's Method 334.0.

    c. The Permittee shall conduct and document routine calibration verifications no less than every 90 days for all instruments used for conducting compliance and/or comparative grab sampling and analysis in accordance with Section 11 of EPA's Method 334.0.

    d. Records of all calibration verifications and comparative grab sampling shall be maintained (at the plant, office or on site) and made available to the Department (or other agencies) upon request.

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

ENGINEERING INTERNAL REVIEW AND RECOMMENDATIONS

Name of Applicant:	**Project Location:**	**Permit No.** 5224508MA
Aqua Pennsylvania, Inc. Deer Haven White Beauty View Estates	Palmyra Township, Pike County	**APS No.** 1126761

Brief Description of Project and Discussion (use additional sheets if necessary):

I.PROJECT DESCRIPTON

On November 27, 2024, the Department received Public Water Supply (PWS) permit application no. 5224508MA from Aqua Pennsylvania, Inc.'s (Aqua) Deer Haven White Beauty View Estates System for modifications to their existing PWS system (PWS ID No. 2520110) facilities located at 130 Estates Lane, Greentown, Pa 18426-2525 in Palmyra Township, Pike County. Specifically, Aqua proposes the installation of one entry point (EP) chlorine residual analyzer at EP 101 (White Beauty Estates Well (Source 001)) at Treatment Plant (TP) 301. The unit proposed is a Method 334 compliant Hach CL17sc chlorine residual analyzer. There will not be any other changes made to the system and the EP to the system will not be relocated. The EP continuous chlorine residual analyzer will be placed off an existing established sample tap location. This project will establish continuous chlorine residual monitoring which will eliminate the need for daily grab samples for compliance.

II. PROJECT JUSTIFICATION

Continuous monitoring via the proposed on-line chlorine residual analyzer will allow for more timely control if shut down is needed should chlorine residual levels fall unexpectedly. This will enhance protection for

(continued)

RECOMMENDATION AND ACTION

Approve	Return	Deny	Signature	Date
☒	☐	☐	Deborah S. Wilkes Reviewer	December 6, 2024
☒	☐	☐	*Bethany Shrodo, P.E.* Bethany Shrodo, P.E. Environmental Engineer Manager	December 9, 2024
☒	☐	☐	*Brian T. Yagiello* Brian T. Yagiello Environmental Program Manager	December 9, 2024

Hydrogeology IR & R Attached? ☐ **Yes** ☐ **No** ☒ **NA**

Aqua's customers.

III. EXISTING FACILITIES/SYSTEM

The Deer Haven White Beauty View Estates System is a community PWS system serving 53 people via 20 service connections. Water supply is provided from one groundwater supply well, known as the White Beauty Estates Well (Source 001) which has a permitted capacity of 40 gallons per minute (gpm), with associated EP 101, and TP 301 located near the intersection of Estates Road and Acorn Lane, Greentown, Pa 18426-2525.

IV. PROPOSED MINOR UPGRADES

The purpose of this project is to upgrade the system's chlorine residual monitoring process. The improvements include the installation of one (1) new, EPA Method 334 compliant, HACH CL17sc, continuously monitoring EP chlorine residual analyzer. This project will not change the type of chlorine used, feed rate, or means of injection.

The new chlorine analyzer will establish continuous chlorine residual monitoring at the existing EP. Currently, this system relies on grab samples to be taken for EP chlorine monitoring and residual reporting. Adding a Method 334 compliant chlorine analyzer will allow for continuous measurements. This practice will improve efficiency and reliability of disinfection monitoring by removing the need for grab collecting samples.

Grab samples are currently collected for regulatory compliance and reported to the Department. Note that since the system's population is 53 (which is less than 3,300 per Chapter 109.1305), the use of continuous chlorine residual analyzers is not required by regulation. However, if their use is proposed, as in this permit application, compliance with all regulatory aspects of utilizing continuous chlorine monitoring devices must be followed.

This project will install a total of one (1) Method 334 compliant Hach CL17sc chlorine analyzer for the single EP in the system located after the contact main. One (1) analyzer will be installed in TP 301 for EP 101 (White Beauty Estates Well (Source 001)). This will eliminate the need for daily grab samples for compliance currently taken with a portable Hach DR 900 analyzer (or equal).

V. SIMULTANEOUS COMPLIANCE

All parts and appurtenances will be installed as required per the current PWS Manual Part II. This project will not affect the methods, injection points, or chemical feed properties of the disinfection process. The purpose of this project is solely for ease of chlorine monitoring and reporting purposes.

VI. WASTE DISPOSAL AND COORDINATION REQUIREMENTS

The purpose of this project is to upgrade the system's chlorine residual monitoring process. The improvements include the installation of one (1) new Method 334 compliant Hach CL17sc continuously monitoring EP chlorine residual analyzer. This project will not change the type of chlorine used, feed rate, or means of injection. A Class V injection well (shallow drains, small dug holes, etc.) will be utilized for the waste-water from the proposed analyzer. No sanitary sewer sewage facilities will be developed or utilized for this project. No coordination is necessary for this project.

VII. CONTINUED OPERATIONS PLAN

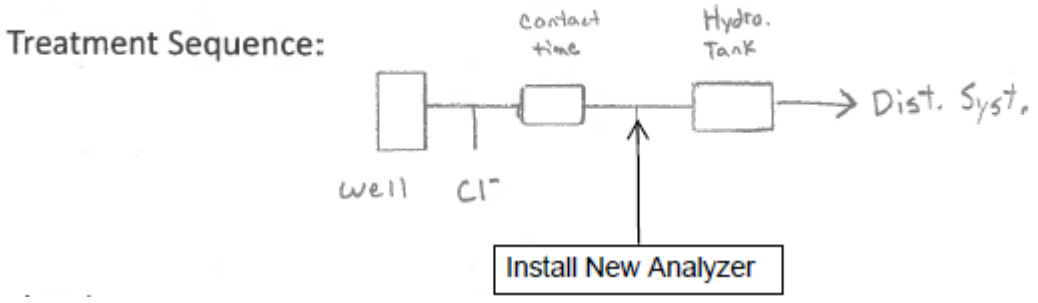
The proposed project will not cause a disruption in service to the Deer Haven White Beauty View Estates water system's customers. The wells will not be taken offline during installation. No system outages are anticipated resulting from this project.

VIII. COMMUNICATIONS
Department review for this project was comprised of the application submittal received on November 27, 2024.

IX. ADMINISTRATIVE
- Business Plan Submittal (NA - not a new community PWS system)
- PNDI – NA (Earth disturbance is not proposed.)
- Public Notice – NA (per SOP)
- River Basin Commission Review (NA - No change proposed.)
- Hydrogeologist Review (NA - No increase in yield or new source proposed.)
- PA Fish and Boat Commission Review (NA - No pass-by flows proposed.)
- E&S Control – NA (Earth disturbance not proposed.)
- PAHMC – NA (Earth disturbance is not proposed – only applies to earth disturbance greater than 10 acres.)
- Water Allocation (WA) Permit (No change to WA permit.)
- Environmental Justice - This project is not located in or within a 0.5-mile radius of an Environmental Justice community as defined by DEP per the GIF, Project Information Section 1.
- Land Use – NA
- PA Department of State - According to the PA Department of State website on December 6, 2024, Aqua is a registered business entity in Pennsylvania.

X. RECOMMENDATION
Based on a review of the application submittal, it is recommended that the modifications proposed above be approved.

XI. SYSTEM SCHEMATICS
Schematics provided in the application submittal are shown below.



Sketch:

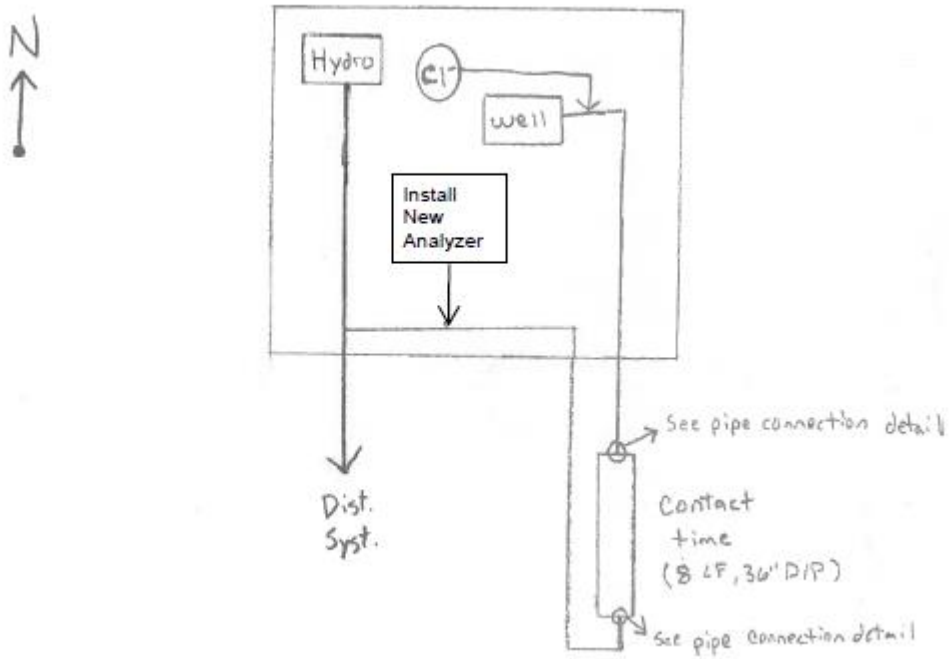

N
Hydro
Cl
well
Install
New
Analyzer
See pipe connection detail
Dist.
Syst.
Contact
time
(8 LF, 36" DIP)
See pipe connection detail

Exhibit SC-3

	System Component	Description	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	TOTAL
1	Commission and Tie in New Pumping Stations (2)	Start-up of existing "new" stations	$ 100,000										$ 100,000
2	Complete Outfall	Extend to existing NPDES discharge point	$ 100,000										$ 100,000
3	WWTP Start-up and Commissioning	Samplers, Lab improvements, commission equipment, seed, testing, etc.	$ 350,000										$ 350,000
4	Decommission old WWTP	Demo of existing building and treatment systems - turn into green field		$ 100,000									$ 100,000
5	MH Rehabilitation	MH Rehabilitation			$ 30,000	$ 200,000		$ 200,000					$ 430,000
6	CCTV Inspection	CCTV Inspection	$ 60,000										$ 60,000
7	Sewer Rehabilitation	Sewer Rehabilitation					$ 50,000	$ 700,000	$ 50,000	$ 700,000	$ 50,000	$ 700,000	$ 2,250,000
8	PS Audits	Inspection of existing PSs		$ 40,000									$ 40,000
													$ -
	Contingency 10%	10% of items above	$ 61,000	$ 14,000	$ 3,000	$ 20,000	$ 5,000	$ 90,000	$ 5,000	$ 70,000	$ 5,000	$ 70,000	$ 343,000
		TOTALS	$ 671,000	$ 154,000	$ 33,000	$ 220,000	$ 55,000	$ 990,000	$ 55,000	$ 770,000	$ 55,000	$ 770,000	**$ 3,773,000**
		Rolling Total	$ 671,000	$ 825,000	$ 858,000	$ 1,078,000	$ 1,133,000	$ 2,123,000	$ 2,178,000	$ 2,948,000	$ 3,003,000	$ 3,773,000	

Exhibit SC-4

	System Component	Description	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	TOTAL
1	Water Treatment Facility Repl	Access Improvements	$ 32,000										$ 32,000
2	Distribution System	Water Main replacements	$ 36,000	$ 360,000	$ 36,000	$ 360,000							$ 792,000
3	Distribution System	Interconnect						$ 50,000	$ 157,500				$ 207,500
4	Distribution System	Meter and ERT Replacement		$ 49,000		$ 49,000							$ 98,000
5	Water Treatment Facility Repl	Repl Well Station/ Generator Hookup					$ 80,000	$ 630,000					$ 710,000
6	Distribution System	Transfer Services		$ 13,950		$ 13,950							$ 27,900
7	Wells	Mech Backup Well							$ 25,000	$ 150,000			$ 175,000
8	Controls	Elec/cont Board	$ 30,000	$ 125,000									$ 155,000
9	Safety	Eye Wash/ Misc	$ 6,000										$ 6,000
10	Wells	Rep Pitless,Pump,Piping	$ 22,000										$ 22,000
11	Distribution System	Leak Detection /Repairs	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 100,000
													$ -
	Contingency 10%	10% of items above	$ 13,600	$ 55,795	$ 4,600	$ 43,295	$ 9,000	$ 69,000	$ 19,250	$ 16,000	$ 1,000	$ 1,000	$ 232,540
		TOTALS	$ 149,600	$ 613,745	$ 50,600	$ 476,245	$ 99,000	$ 759,000	$ 211,750	$ 176,000	$ 11,000	$ 11,000	$ 2,557,940
		Rolling Total	$ 149,600	$ 763,345	$ 813,945	$ 1,290,190	$ 1,389,190	$ 2,148,190	$ 2,359,940	$ 2,535,940	$ 2,546,940	$ 2,557,940	

VERIFICATION

I, Stephen Clark, Director of Operations of Greater Pennsylvania of Aqua Pennsylvania, Inc., hereby state that the facts set forth in my Direct Testimony, Aqua Statement No. 2 in the matter at PaPUC Docket Nos. P-2024-3050545, I-2024-3051540, P-2024-3050549, and I-2024-3051541, 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).

Stephen Clark

Stephen Clark
Director of Operations of Greater Pennsylvania
Aqua Pennsylvania, Inc.

Dated: April 23, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.

DOCKET NOS. P-2024-3050545; I-2024-3051540;
P-2024-3050549; I-2024-3051541

AQUA STATEMENT NO. 1-R

REBUTTAL TESTIMONY OF WILLIAM C. PACKER

With Regard To
Overview of the Company
Fitness
Section 529 Factors

April 4, 2025

TABLE OF CONTENTS

I. INTRODUCTION 1
II. REBUTTAL TO OCA WITNESS DEMARCO'S DIRECT TESTIMONY 2
III. CONCLUSION 2

I. INTRODUCTION

Q. Please state your name and business address.

A. My name is William C. Packer. My business address is 762 West Lancaster Avenue, Bryn Mawr, Pennsylvania 19010.

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

A. I am employed by Essential Utilities, Inc. ("Essential"), as Vice President, Rates, Regulatory, and Regional Controller. In this position, I am the Regional Controller of Aqua Pennsylvania, Inc. ("AP") and Aqua New Jersey, Inc. Additionally, I oversee rate issues for all subsidiaries of Essential. AP is the parent company to Aqua Pennsylvania Wastewater, Inc. ("APW") (collectively AP and APW shall be referred to as "Aqua" or the "Company").

Q. Are you the same William C. Packer that submitted Direct Testimony on behalf of Aqua in this proceeding?

A. Yes.

Q. What is the purpose of your Rebuttal Testimony?

A. The purpose of my Rebuttal Testimony is to address some of the testimony provided by OCA witness Nicholas DeMarco.

Q. Are you sponsoring any Exhibits with your Rebuttal Testimony?

A. No.

II. REBUTTAL TO OCA WITNESS DEMARCO'S DIRECT TESTIMONY

Q. Do you agree with the OCA that APW believes that economies of scale would reduce the cost of operating the DH Sewer system and that the acquisition would help APW keep rates reasonable for existing and acquired customers?

A. No, Mr. DeMarco mischaracterizes the response to OCA-II-2. In response to OCA-II-2, APW stated that *to the extent economies of scale result from* (i) APW's operation of DH Sewer after an acquisition or (ii) the application of existing economies of scale within APW to DH Sewer, all would help keep rates reasonable for existing and acquired customers. However, as stated in my Direct Testimony, Aqua believes that the DH Sewer system assets should be fully transferred to PLU. By the Commission's Order dated March 7, 2025 at Docket Nos. A-2024-3049591 and A-2024-3049587, the Commission granted a conditional approval of the Joint Application to transfer the DH Sewer System to PLU.

III. CONCLUSION

Q. Does this conclude your Rebuttal Testimony?

A. Yes, it does. However, I reserve the right to supplement my testimony to the extent new or different circumstances arise during this proceeding.

VERIFICATION

I, William C. Packer, Vice President, Rates, Regulatory & Regional Controller of Essential Utilities, Inc., hereby state that the facts set forth in my Rebuttal Testimony, Aqua Statement No. 1-R in the matter at PaPUC Docket Nos. P-2024-3050545, I-2024-3051540, P-2024-3050549, and I-2024-3051541, 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).

William C. Packer
Vice President, Rates, Regulatory &
Regional Controller
Essential Utilities, Inc.

Dated: April 23, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AQUA PENNSYLVANIA, INC.
AQUA PENNSYLVANIA WASTEWATER, INC.

DOCKET NOS. P-2024-3050545; I-2024-3051540;
P-2024-3050549; I-2024-3051541

AQUA STATEMENT NO. 2-R

REBUTTAL TESTIMONY OF STEPHEN CLARK

With Regard To
Description of the System
Operational Changes Needed
Section 529 Factors

April 4, 2025

Table of Contents

I. INTRODUCTION 1
II. REBUTTAL TO PLU WITNESS GOREN'S DIRECT TESTIMONY 2
III. CONCLUSION 3

I. INTRODUCTION

Q. Please state your name and business address.

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

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

A. I am Director of Operations for Aqua Pennsylvania, Inc.'s ("AP") Greater Pennsylvania Service Area.

Q. Are you the same Stephen Clark who filed Direct Testimony in this proceeding?

A. Yes.

Q. What is the purpose of your Rebuttal Testimony?

A. The purpose of my Rebuttal Testimony is to address the Direct Testimony filed by PLU Witness Jacob Goren.

Q. Are you sponsoring any Exhibits with your testimony?

A. No.

II. REBUTTAL TO PLU WITNESS GOREN'S DIRECT TESTIMONY

Q. Please summarize PLU's recommendation regarding the DH Water system.

A. PLU recommended that AP acquire the DH Water system. However, PLU noted that the DH Water system assets are located on Pocono Lakefront LLC ("Pocono") property and that issue will need to be addressed as part of this proceeding.

Q. Mr. Goren states that the DH Water system is located on property owned by Pocono; do you know that to be true?

A. No. AP is not aware that the Commission has issued a certificate of public convenience approving a transfer of property from DH Water to Pocono.

Q. If AP were to consider acquisition of the DH Water system, would the issue of the DH Water system property rights need to be resolved?

A. Yes. AP could not acquire the DH Water system without obtaining the necessary property rights or easements – to the extent that DH Water does not have them – from Pocono to continue long-term operations.

Q. What is you recommendation for this issue?

A. If AP were to acquire the DH Water system, it would have to be conditioned on a permanent easement or transfer of the rights property from Pocono (to the extent that DH Water does not already possess those rights) to AP.

III. CONCLUSION

Q. Does this conclude your Rebuttal Testimony?

A. Yes, it does. However, I reserve the right to supplement my testimony if facts and circumstances change throughout the course of this proceeding.

VERIFICATION

I, Stephen Clark, Director of Operations of Greater Pennsylvania of Aqua Pennsylvania, Inc., hereby state that the facts set forth in my Rebuttal Testimony, Aqua Statement No. 2-R in the matter at PaPUC Docket Nos. P-2024-3050545, I-2024-3051540, P-2024-3050549, and I-2024-3051541, 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).

Stephen Clark
Director of Operations of Greater Pennsylvania
Aqua Pennsylvania, Inc.

Dated: April 23, 2025

I&E Statement No. 1
Witness: Esyan A. Sakaya

PETITION OF DEER HAVEN, LLC FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA. C.S. SECTION 529

Docket Nos. P-2024-3050545 and I-2024-3051540 (Water)

Direct Testimony

of

Esyan A. Sakaya

Bureau of Investigation & Enforcement

Concerning:

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

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INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Esyan A. Sakaya. My business address is Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

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

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

Q. WHAT IS YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND?

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

Q. DOES YOUR DIRECT TESTIMONY INCLUDE AN EXHIBIT?

A. No.

Q. PLEASE DESCRIBE THE ROLE OF I&E IN PROCEEDINGS BEFORE THE COMMISSION.

A. I&E is responsible for protecting the public interest in proceedings before the

Commission. The I&E analysis in the proceeding is based on its responsibility to represent the public interest. This responsibility requires the balancing of the interests of ratepayers, the regulated utility, and the regulated community as a whole.

Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. The purpose of my direct testimony is to provide support for I&E's position that the Commission should allow the Petition of Deer Haven, LLC ("Deer Haven" or "Company") for a Commission Order Authorizing the Acquisition of Deer Haven, LLC by a Capable Public Utility pursuant to Pa. C.S. Section 529 ("Deer Haven 529 Petition" or "529 Petition") and the Section 529[1] investigation associated with Deer Haven water and sewer service serving the consumers located in the Lakefront Properties in Palmyra Township, Pike County, Pennsylvania.

SECTION 529 OUTLINE

Q. WHAT IS SECTION 529?

A. Section 529 of the Public Utility Code authorizes the Commission to conduct an investigation into whether the Commission should order the acquisition of a small water or sewer utility by a capable public utility. Section 529(a) sets forth six elements or criteria that must be met before the Commission will consider

[1] 66 Pa. C.S. § 529.

ordering the acquisition.[2] Section 529(c) also sets forth certain others factors[3] to be considered by the Commission in making its determination as to whether the elements in Section 529(a) are met.

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

A. My testimony will specifically address elements (1) through (3) of Section 529(a), which relate to safety, adequacy, and efficiency associated with the provision of water services offered by Deer Haven to its customers. I&E witness D.C. Patel will address Section 529(a) elements (3) through (6) in I&E Statement No. 2.

Q. DESCRIBE PUBLIC UTILITY CODE SECTION 529(a) ELEMENTS (1) THROUGH (3).

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

(1) that the small water or wastewater utility is in violation of statutory or regulatory standards, including but not limited to, the Clean Streams Law, the Pennsylvania Sewage Facilities Act, and the Pennsylvania Safe Drinking Water Act, and regulations adopted thereunder, which affect the

[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.

safety, adequacy, efficiency or reasonableness of the service provided by the small water utility;

(2) that the small water or wastewater utility has failed to comply, within a reasonable period of time, with any order of the Department of Environmental Resources or the Commission concerning the safety, adequacy, efficiency or reasonableness of service; and

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

BACKGROUND

Q. PROVIDE A BRIEF BACKGROUND OF THE DEER HAVEN WATER AND SEWER SYSTEMS.

A. Deer Haven is a limited liability company that was formed in the state of New Jersey in 2002. In 2004, Deer Haven entered into an agreement to acquire all of Edwin, Inc.'s ("Edwin") common stock, together with all assets used and useful in the provision of water and wastewater services to the public, including but not limited to, water distribution lines, wells, and all other equipment and facilities used by Edwin in the provision of water distribution service and collection mains, pumps, treatment facilities, and all other

equipment and facilities used by Edwin in the provision of wastewater services.[4]

In 2010, Deer Haven and Haven Development entered into a Purchase and Sale Agreement with Pocono Lakefront, LLC ("Pocono Lakefront") for the sale of the property, including the land on which the water and wastewater systems are located.[5] In 2014, Pocono Lakefront and Deer Haven entered into a Purchase Agreement ("Utility Agreement") under which Pocono Lakefront would purchase the water and wastewater systems subject to obtaining the Commission's approval. The Utility Agreement allowed operation of the water system by another company, Pocono Water Works Co., Inc. ("Pocono Water Works") pending the transfer of the water system to Pocono Lakefront. However, by August of 2024, Pocono Lakefront informed Deer Haven that it no longer intended to take possession of the water system and Pocono Water Works requested payment for services rendered. Because of this, Deer Haven requested an issuance of an ex parte emergency order directing Aqua to take temporary receivership of the water system until all impacted parties develop a long-term solution.[6] While the Commission initially identified Pocono Water Works as the more appropriate receiver, Pocono Water Works indicated its intent to cease all operating functions including administrative and billing in August 2024 Subsequently, Aqua sent correspondence to the Commission that it was

[4] Ex Parte Emergency Order at Docket No. P-2024-3050545, pp. 1-2, (Order dated August 7, 2024).
[5] Ex Parte Emergency Order at Docket No. P-2024-3050545, p. 2, (Order dated August 7, 2024).
[6] Ex Parte Emergency Order at Docket No. P-2024-3050545, p. 4 (Order dated August 7, 2024).

willing to take over the distressed Deer Haven water system. Based on this new information, the Commission issued an Amended Ex Parte Emergency Order directing Aqua to act as the receiver for the Deer Haven water system effective August 15, 2024.[7]

DESCRIPTION OF THE WATER SYSTEM

Q. BRIEFLY DESCRIBE THE DEER HAVEN WATER DISTRIBUTION SYSTEM.

A. The Deer Haven water system consists of two separate water systems located in Palmyra Township, Pike County, Pennsylvania. One located in White Beauty View Estates serves as a community water system, and another located at Lower White Pines serves as a non-community (or public) water system. The community water system consists of one groundwater well with a permissible pumping rate of 40 gallons per minute. Combined, these two water systems serve a customer base of approximately 43 customers.[8]

Q. PROVIDE A BRIEF OVERVIEW OF YOUR SECTION 529 ANALYSIS.

A. My Section 529 analysis of the filing includes all of the data and exhibits provided by Aqua Pennsylvania, past Commission filings by Deer Haven, Pocono Water Works, and the Pennsylvania Department of Environmental Protection ("DEP")

[7] Ratification Order at Docket No. P-2024-3050545, pp. 6-8 (Order entered August 26, 2024).
[8] Aqua Pennsylvania Wastewater, Inc.'s Initial Status Report to the Pennsylvania Public Utility Commission, p. 2, Docket No. P-2024-3050545 served October 15, 2024.

water quality reports, and annual reports submitted by Deer Haven to the Commission.

SECTION 529(A)(1)

Q. DISCUSS YOUR ANALYSIS AND FINDINGS AS THEY RELATE TO WHETHER DEER HAVEN IS IN VIOLATION OF STATUTORY OR REGULATORY STANDARDS AS REFERENCED IN SECTION 529(a)(1).

A. As a result of my analysis pertaining to water service, I found that Deer Haven's water system was not always operating as designed and could not reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities as required by Section 1501 of the Public Utility Code.[9] A June 25, 2024 inspection by DEP revealed that Deer Haven did not properly treat groundwater sources for viruses, which violated Title 25 Pa. Code Chapter 109.[10] As a result, Deer Haven was in violation of rules related to groundwater treatment and not having a certified water operator available because the previous certified water operator had terminated their water service monitoring obligations to Deer Haven months prior to the June 25, 2024 violation, which demonstrates the first factor the Commission must consider in determining whether a sale under Section 529 is warranted has been met.

[9] 66 Pa. C.S. § 1501.

[10] Petition of Deer Haven L.L.C. Requesting An Ex Parte Emergency Order, Appendix B, pp 1-5, at Docket No. P-2024-3050545 filed August 1, 2024.

Q. IS DEER HAVEN THE CURRENT OPERATOR OF ITS WATER SYSTEM?

A. No. Since 2014, Pocono Water works has operated as the de facto operator of the Deer Haven water system, controlling the billing, administrative operations, and maintenance of the Deer Haven water system. In 2024, Pocono Water Works approached Deer Haven and demanded payment for services rendered in operation of the water system.[11] However, due to numerous violations cited by the DEP within the Deer Haven water system, Deer Haven requested and the Commission ordered Receivership of its water system be assigned to Aqua of Pennsylvania as Deer Haven cannot rectify the numerous violations or make payments to Pocono Water Works for the operational maintenance of the Deer Haven water system. In the Commission's Ratification Order, when referring to the initial Ex Parte Emergency Order, the Commission noted:

> In accordance with Section 529(g) of the Public Utility Code, 66 Pa. C.S. § 529(g), the Emergency Order directed Pocono Water Works to act as the Receiver for Deer Haven's Water System beginning August 9, 2024, and to continue acting as the Receiver during the pendency of the Section 529 proceeding. The responsibilities of the Receiver were set forth in Appendix A to the Emergency Order. Thus, the Emergency Order granted, in part, and denied, in part, Deer Haven's Petition with respect to its Water System only and as modified therein.[12]

[11] Ex Parte Emergency Order, p. 8 at Docket No. P-2024-3050545 (Ordered dated August 7, 2024).
[12] Ratification Order, p. 4 at Docket No. P-2024-3050545 (Order entered August 26, 2024).

Ultimately, in the Ratification Order, the Commission appointed Aqua as the temporary Receiver stating:

> Aqua has the technical and financial resources to safely and adequately operate the Deer Haven Water System during the pendency of the Section 529 proceeding. We further note that Aqua operates water facilities within a reasonably close proximity to the Deer Haven Water System. Thus, we modify the Emergency Order to appoint Aqua as a temporary Receiver for the Deer Haven Water System.[13]

Q. HAVE YOU MADE A DETERMINATION AS TO WHETHER DEER HAVEN VIOLATED STATUTORY OR REGULATORY STANDARDS AS REFERENCED IN SECTION 529(a)(1)?

A. Yes. Based on my analysis of the water operations, Deer Haven has violated statutory and/or regulatory standards that affect safety, adequacy, efficiency, and/or reasonableness of the service provided. Thus, the first factor the Commission must look at when determining whether a sale under Section 529 is necessary has been met. Further, based on my findings, the water system is currently in violation of statutory and/or regulatory standards that affect safety, adequacy, efficiency and/or reasonableness of the service provided.

[13] Ratification Order, pp. 4-5 at Docket No. P-2024-3050545 (Order entered August 26, 2024).

SECTION 529(A)(2)

Q. CONCERNING ELEMENT TWO OF SECTION 529(a), DISCUSS YOUR ANALYSIS AND FINDINGS AS THEY RELATE TO WHETHER DEER HAVEN HAS FAILED TO COMPLY, WITHIN A REASONABLE PERIOD OF TIME, WITH ANY ORDER OF THE DEP OR THE COMMISSION.

A. Deer Haven has experienced numerous water and wastewater violations. In both classes of service (wastewater and water), Deer Haven has had numerous documented violations and has not shown any effort to correct these deficiencies.

Regarding water-related DEP violations, a review of the Deer Haven Ex Parte Emergency Order shows that from 2020 to 2024, the Company failed to pay an annual fee related to operating the water system. In addition to this, a Notice of Violation ("NOV") sent by DEP to Deer Haven on June 26, 2024, reported Deer Haven's inability to treat sourced groundwater for potential contamination, a failure in maintaining a certified operator capable of monitoring the distribution system, and issues with a well pump associated with the water distribution system.[14]

[14] Petition of Deer Haven L.L.C. Requesting An Ex Parte Emergency Order, Appendix B, pp 1-5, at Docket No. P-2024-3050545 filed August 1, 2024.

Q. HAVE YOU DETERMINED WHETHER DEER HAVEN HAS FAILED TO COMPLY, WITHIN A REASONABLE PERIOD OF TIME, WITH ANY ORDER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OR THE COMMISSION AS DESCRIBED IN SECTION 529(a)(2)?

A. Yes. As it pertains to water, Deer Haven admitted that it lacked the technical or financial resources to address the deficiencies identified by DEP and it was not able or to compensate Pocono Water Works for continued operation of the water system.[15]

In addition, based on my water findings, Deer Haven has failed to comply within a reasonable period of time with the numerous water violations previously mentioned that were received from DEP. Overall, Deer Haven has failed to correct within a reasonable period of time its numerous water quality violations documented by DEP, which are currently being corrected by Aqua via a temporary receivership.

[15] Petition of Deer Haven L.L.C. Requesting An Ex Parte Emergency Order, p. 4, at Docket No. P-2024-3050545 filed August 1, 2024.

SECTION 529(A)(3)

Q. DISCUSS YOUR ANALYSIS AND FINDINGS REGARDING WHETHER DEER HAVEN CAN REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE AND FACILITIES IN THE FUTURE AS REFERENCED IN SECTION 529(a)(3).

A. My analysis revealed that Deer Haven cannot be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities in the future in either of their water or wastewater systems. Also, I&E witness D.C. Patel addressed Section 529(a)(3) in I&E Statement No. 2. As it pertains to water, Deer Haven was issued an NOV in June 2024 at White Beauty View Estates that related to water treatment. Deer Haven experienced issues with booster pumps and storage tanks that caused water to not be available to customers and caused numerous boil water advisories before being corrected by Aqua Pennsylvania in October 2024 as a result of Aqua's Receivership responsibilities. A review of past DEP water-related reports provided in the 529 petition shows that Deer Haven - White Beauty View Estates has a history of not providing safe and reasonable water service to customers. In addition, Deer Haven never provided any water treatment for its non-community water system located at White Pine Estates, which further confirms Deer Haven's inability to supply efficient, safe and reasonable water service.

Q. HAVE YOU DETERMINED WHETHER DEER HAVEN CAN REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE AND FACILITIES IN THE FUTURE AS REFERENCED IN SECTION 529(a)(3)?

A. Based on my analysis, it is my opinion that Deer Haven cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities for water and wastewater in the future. A utility that is not paying its own bills and obligations related to the operation and maintenance of either the water or wastewater systems to ensure that its own customers can continue to receive safe and reliable service cannot be said to provide adequate, efficient, safe, and reasonable service. Therefore, the third factor in the Section 529 investigation has been met.

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

A. Yes. The evidence uncovered during the course of this proceeding as set forth in this direct testimony supports a final determination that elements (1) through (3) of Section 529(a) are met.

OVERALL RECOMMENDATIONS

Q. DO YOU HAVE A FINAL RECOMMENDATION?

A. Yes. Based on the results of my investigation, combined with the direct testimony

and conclusions presented by I&E witness Patel in I&E Statement No. 2, I recommend that the Commission affirm Deer Haven's 529 Petition and order a capable public utility to acquire Deer Haven's water system.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes.

Esyan A. Sakaya

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street
HARRISBURG, PA 17120

EXPERIENCE:

12/2018-Present
Pennsylvania Public Utility Commission-Harrisburg, PA
Fixed Utility Valuation Engineer - Assist in engineering related studies related to valuation, depreciation, cost of service, quality of service as they apply to regulated utilities. Contribute in evaluating, contrasting and conducting performance analyses in distinctive sections of valuation engineering and rate structure involving valuation concepts, original cost, rate base, fixed capital costs, inventory processing, excess capacity, cost of service, and rate design. Provide expert testimony in rate related utility cases.

4/2018-12/2018
Pennsylvania Department of Transportation-Harrisburg, PA
Photogrammetry Technician I - Created three-dimensional mapping layouts of natural and man-made features from stereoscopic images on a computer workstation. Assisted in the field placement of ground based surveyed control-points prior to aerial photography acquisition. Provided field support in the use of laser scans for comprehensive digital surveying data. Operated global positioning satellite surveying equipment to obtain accurate geodetic coordinates of pre-established benchmarks.

8/2017-4/2018
Pennoni and Associates. Consulting Engineers-King of Prussia, PA
Construction Inspector – Provided quality assurance in the onsite material testing of concrete, soils, and asphalt. Read and interpreted construction drawings and specifications of materials and components. Completed daily reports regarding project progress to engineers, project managers/superintendents, contractors, and clients.

EDUCATION:

National Association of Regulatory Utility Commissioners, Clearwater, FL
Utility Rate School; Utility Rate Making Basics, October 2019

Society of Depreciation Professionals, Philadelphia, PA
Introduction to Depreciation; Depreciation Fundamentals, September 2019

Temple University, Philadelphia, PA
Bachelor of Science; Major in Engineering Technology, 2015

EDUCATION (CONTINUED):

Community College of Philadelphia, Philadelphia, PA
Associate of Applied Science; Major in Construction Management Technology, 2011

Island School of Building Arts, Gabriola Island, BC-Canada
Certificate Graduate: Heavy Timber Construction August 2002-November 2002

Solar Energy International, Carbondale, CO
Certificate Graduate: Basic and Advanced Photovoltaic Design, April 2002-May 2002

TESTIMONY SUBMITTED:

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

NO.	Case
1.	UGI Gas Utilities - Gas Division, Docket No. R-2018-3006814
2.	Newtown Artesian Water Company, Docket No. R-2018-3006904
3.	Pittsburgh Wastewater, Docket No. M-2018-2640803
4.	PAWC Purchase of Steelton, Docket No. A-2019-3006814
5.	Philadelphia Gas Works, Docket Nos. R-2019-3009016 & R-2019-3007636
6.	Community Utilities Water, Docket No. R-2019-3008947
7.	Aqua Purchase of Cheltenham, Docket No. A-2019-3008491
8.	UGI North, Docket No. R-2019-3009647
9.	UGI Central, Docket No. R-2019-3009647
10.	UGI South, Docket No. R-2019-3009647
11.	Twin Lakes Utilities, Docket No. R-2019-3010958
12.	Penn Power Company, Docket No. P-2019-3012628
13.	UGI Gas Utilities, Docket No. R-2019-3015162
14.	National Fuel and Gas Distribution, Docket No. R-2020-3015251
15.	Columbia Gas of PA, Docket Nos. R-2020-3018993 & R-2020-3018835
16.	Duquesne Light Company, Docket No. P-2020-3019522
17.	PA American Water Co., Docket Nos. R-2020-3019369 & R-2020-3010937
18.	Bethlehem Water Company, Docket No. R-2020-3020256
19.	Audubon Water Company, Docket No. R-2020-3020919
20.	Twin Lakes Utilities, Docket No. P-2020-3020914
21.	Pike County Light and Power-Gas, Docket No. R-2020-3022134
22.	Pike County Light and Power-Electric, Docket No. R-2020-3022135
23.	Duquesne Light Company, Docket No. R-2021-3024750
24.	Community Utilities Water, Docket No. R-2021-3025206
25.	Community Utilities Wastewater, Docket No. R-2021-3025206
26.	Hanover Municipal Water Works, Docket No. R-2021-3026116
27.	Aqua Pennsylvania, Inc., Docket Nos. R-2021-3027385 & R-2021-3027386
28.	Aqua Purchase of Willistown, Docket No. A-2021-3027268
29.	National Fuel and Gas Distribution, Docket No. R-2022-3030235
30.	UGI Gas Utilities, Docket No. R-2021-3030218

31. PECO Energy Company – Gas, Docket No. R-2022-3031113
32. Valley Energy, Inc., Gas, Docket No. R-2022-3032300
33. Citizens' Electric Company, Docket No. R-2022-3032369
34. Leatherstocking Gas Company, LLC Docket No. R-2022-303276
35. National Fuel and Gas Distribution, Docket No. R-2022-3035730
36. Aqua Purchase of Shenandoah, Docket No. A-2022-3034143
37. UGI Electric Utilities, Docket No. R-2022-3037368
38. Philadelphia Gas Works, Docket No. R-2023-3037933
39. Columbia Water, Docket No. R-2023-3040258
40. Community Utilities Water, Docket No. R-2023-3042804
41. Community Utilities Wastewater, Docket No. R-2023-3042805
42. CAN DO, Inc., Docket Nos. R-2023-3040153 and R-2023-3040151
43. Veolia Water, Inc., Docket No. R-2024-3045192
44. Veolia Wastewater, Inc., No. Docket R-2024-3045193
45. Columbia Gas Company, Docket No. R-2024-3046519
46. PECO Energy Company – Electric, Docket No. R-2024-3046931
47. City of Lock Haven - Water Department., Docket No. R-2024-3049248

I&E Statement No. 1
Witness: Esyan A. Sakaya

PETITION OF DEER HAVEN, LLC. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WASTEWATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA. C.S. SECTION 529

Docket Nos. P-2024-3050549 and I-2024-3051541 (Wastewater)

Direct Testimony

of

Esyan A. Sakaya

Bureau of Investigation & Enforcement

Concerning:

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

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OVERALL RECOMMENDATION **16**

INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Esyan A. Sakaya. My business address is Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

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

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

Q. WHAT IS YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND?

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

Q. DOES YOUR DIRECT TESTIMONY INCLUDE AN ACCOMPANYING EXHIBIT?

A. Yes. I&E Exhibit No. 1 supports my direct testimony.

Q. PLEASE DESCRIBE THE ROLE OF I&E IN PROCEEDINGS BEFORE THE COMMISSION.

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

Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. The purpose of my direct testimony is to provide support for I&E's position that the Commission should allow the Petition of Deer Haven, LLC ("Deer Haven" or "Company") for a Commission Order Authorizing the Acquisition of Deer Haven, LLC by a Capable Public Utility pursuant to Pa. C.S. Section 529 ("Deer Haven 529 Petition" or "529 Petition") and the Section 529[1] investigation associated with Deer Haven water and sewer service serving the consumers located in the Lakefront Properties in Palmyra Township, Pike County, Pennsylvania.

SECTION 529 OUTLINE

Q. WHAT IS SECTION 529?

A. Section 529 of the Public Utility Code authorizes the Commission to conduct an

[1] 66 Pa. C.S. § 529.

investigation into whether the Commission should order the acquisition of a small water or sewer utility by a capable public utility. Section 529(a) sets forth six elements or criteria that must be met before the Commission will consider ordering the acquisition.[2] Section 529(c) also sets forth certain others factors[3] to be considered by the Commission in making its determination as to whether the elements in Section 529(a) are met.

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

A. My testimony will specifically address elements (1) through (3) of Section 529(a), which relate to safety, adequacy, and efficiency associated with the provision of services offered by Deer Haven to its customers. I&E witness D.C. Patel will address Section 529(a) elements (3) through (6) in I&E Statement No. 2.

Q. DESCRIBE PUBLIC UTILITY CODE SECTION 529(a) ELEMENTS (1) THROUGH (3).

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

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

(2) that the small water or wastewater utility has failed to comply, within a reasonable period of time, with any order of the Department of Environmental Resources or the Commission concerning the safety, adequacy, efficiency or reasonableness of service; and

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

Q. PROVIDE A BRIEF OVERVIEW OF YOUR ANALYSIS.

A. My analysis of the Deer Haven Section 529 investigation filing includes data and exhibits provided by Aqua Pennsylvania, past Commission filings by Deer Haven and Pocono Lakefront LLC a former Deer Lakes owner, Aqua Pennsylvania and the Pennsylvania Department of Environmental Protection ("DEP") wastewater and water quality reports, and annual reports submitted by Deer Haven to the Commission.

My analysis also includes consideration and application of the Commission's recent Order regarding the *Joint Application of Deer Haven, L.L.C. and PL Utilities, LLC for approval of: (1) PL Utilities, LLC's acquisition of certain wastewater system assets of Deer Haven, L.L.C.; (2) the abandonment by Deer Haven, L.L.C. of wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania; and (3) authorization of PL Utilities, LLC to offer, render, furnish, or supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania* at Docket Nos. A-2024-3049587 and A-2024-3049591.

BACKGROUND

Q. PROVIDE A BRIEF BACKGROUND OF THE DEER HAVEN WATER AND SEWER SYSTEMS.

A. Deer Haven is a limited liability company that was formed in the state of New Jersey in 2002. In 2004, Deer Haven entered into an agreement to acquire all of Edwin, Inc.'s ("Edwin") common stock, together with all assets used and useful in the provision of water and wastewater services to the public, including but not limited to, water distribution lines, wells, and all other equipment and facilities used by Edwin in the provision of water distribution service and collection mains, pumps, treatment facilities, and all other

equipment and facilities used by Edwin in the provision of wastewater services.[4]

Deer Haven started operating its wastewater facilities and providing service to the public in or around June 2004. The service territory is comprised of approximately 85 acres of land along the southeastern shore of Lake Wallenpaupack in Palmyra Township, Pike County.[5] In 2010, Deer Haven and Haven Development entered into a Purchase and Sale Agreement with Pocono Lakefront, LLC ("Pocono Lakefront") for the sale of the property, including the land on which the water and wastewater systems are located. In 2014, Pocono Lakefront and Deer Haven entered into a Purchase Agreement ("Purchase Agreement") under which Pocono Lakefront would purchase the water and wastewater systems subject to obtaining the Commission's approval. The Utility Agreement also allowed Pocono Lakefront to form a new company to hold the Certificate of Public Convenience once the new wastewater system was constructed and Deer Haven was required to continue operating the wastewater system.[6]

DESCRIPTION OF THE WASTEWATER SYSTEM

Q. DESCRIBE THE DEER HAVEN WASTEWATER SYSTEM.

A. The Deer Haven wastewater system is located in Palmyra Township, Pike County,

[4] Ex-Parte Emergency Order at Docket No. P-2024-3050549, pp. 1-2 (Ordered entered August 15, 2024).
[5] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 2 (Ordered entered August 15, 2024).
[6] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 2 (Ordered entered August 15, 2024).

Pennsylvania, and serves 62 customers. The wastewater system abuts Lake Wallenpaupack and consists of an aeration tank for primary wastewater treatment, a clarifier to settle solids, and a chlorine contact tank for disinfection before being discharged into Lake Wallenpaupack. In 2015, the DEP issued a Water Quality Management Permit to Pocono Lakefront, allowing the construction of a new wastewater treatment plant ("WWTP") and associated sewer lines/connections. Construction of the new WWTP was significantly delayed and ultimately in 2023, the construction of a brand new WWTP was substantially completed.[7]

However, Pocono Lakefront encountered problems securing regulatory approvals for transfer of the wastewater system from Deer Haven. On June 17,2024, Deer Haven and PL Utilities L.L.C. (PLU) filed the above referenced Joint Application for abandonment of Deer Haven's wastewater service and the commencement of wastewater service by PLU.

Deer Haven anticipates that these processes will remain ongoing through the end of the calendar year or longer. In the meantime, the wastewater system would remain exposed to additional violations as Deer Haven does not possess the required resources to take corrective action in response to violations identified by the DEP.

[7] Ex-Parte Emergency Order at Docket No. P-2024-3050549, pp. 2-3 (Ordered dated August 15, 2024).

In the interim Deer Haven was responsible for operating the wastewater system during this short-term period while Pocono Lakefront/PLU secures the various regulatory approvals necessary for it to connect its newly constructed WWTP to the wastewater system and take over its operations, including the Commission's Certificates of Public Convenience. In February 2024, Deer Haven hired Environmental Service Corp. ("ESC") to operate the wastewater system in the ordinary course of business.[8]

SECTION 529(A)(1)

Q. DISCUSS YOUR ANALYSIS AND FINDINGS AS THEY RELATE TO WHETHER DEER HAVEN IS IN VIOLATION OF STATUTORY OR REGULATORY STANDARDS AS REFERENCED IN SECTION 529(a)(1).

A. As a result of my analysis pertaining to wastewater service, I found that Deer Haven's wastewater facility was not always operating as designed and could not reasonably be expected to furnish and maintain adequate, efficient, safe, and reasonable service and facilities as required by Section 1501 of the Public Utility Code.[9] An inspection of Deer Haven's Sewage Compliance Reports from 2019, 2022 and 2024[10] shows the Discharge Maintenance Report's ("DMR's") submitted since December of 2018 have found either unacceptable levels of chemicals being detected in the wastewater system, or the Discharge Maintenance

[8] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 6 (Ordered dated August 15, 2024).
[9] 66 Pa. C.S. § 1501.
[10] I&E Exhibit No. 1, Schedule 1, pp. 1-7.

reports were never submitted to DEP in a timely manner. In either case, Deer Haven's non-compliance with filing DMR's to track chemical discharges clearly shows that Deer Haven has a documented history of violating compliance related regulations such as the Clean Water Act of 1972. In addition to this, numerous other findings shown on Appendix C, pages 3-5 of the Prehearing Memorandum revealed that Deer Haven has not maintained the upkeep of its wastewater treatment facility, which also violates Title 25 Pa. Code Chapter 109. As a result of this, Deer Haven has been in violation of the statutory and regulatory standards, thus showing that the first factor the Commission must consider in determining whether a sale under Section 529 is warranted has been met.

Q. HAS DEER HAVEN SUCCESSFULLY OPERATED ITS WASTEWATER SYSTEM DURING THIS INTERIM PERIOD?

A. No. In February 2024, Deer Haven hired ESC to operate the wastewater system. However, because of numerous compliance related violations needing correction combined with the monthly maintenance, costs have created financial problems for Deer Haven.[11]

[11] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 6 (Ordered dated August 15, 2024).

Q. WHAT HAS DEER HAVEN PROPOSED AS AN ALTERNATIVE TO ITS CURRENT WASTEWATER OPERATIONAL RESPONSIBILITIES?

A. Deer Haven proposed the issuance of an ex-parte emergency order directing Aqua to take temporary receivership of the Sewer System and conduct all operational and administrative activities necessary to preserve reasonably continuous safe and adequate service until Pocono Lakefront has secured all required regulatory approvals to consummate the transfer of the sewer utility assets to PLU.[12]

Q. WHAT WAS THE RESULT OF DEER HAVEN'S REQUEST FOR AN EX PARTE ORDER FROM THE COMMISSION?

A. Initially, the Commission denied Deer Haven's ex-parte emergency order request based upon Deer Haven not being able to prove an actual emergency existed in the operation of its wastewater system. However, on August 13, 2024, Deer Haven informed the Commission via letter that ESC had terminated wastewater service operations at the Deer Haven facility on August 9, 2024. Based on this new information, the Commission issued an Ex-Parte Emergency Order directing Aqua to act as the temporary receiver for the Deer Haven wastewater system effective August 15, 2024.[13]

[12] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 5 (Ordered dated August 15, 2024).
[13] Ex-Parte Emergency Order at Docket No. P-2024-3050549, p. 6 (Ordered dated August 15, 2024).

Q. HAS THE COMMISSION DETERMINED IF PLU IS A COMPETENT PUBLIC UTILITY FOR THE ACQUISITION OF DEER HAVEN'S WASTEWATER SYSTEM.

A. In the Commission's Order, lifting the stay of the above referenced Application proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587, the Commission stated:[14]

> Lifting the stay would allow the Commission to finally review and determine whether it is in the public interest to grant of certificate of public convenience authority that allows Deer Haven to abandon wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania and authorizes PL Utilities to offer, render, furnish, or supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania and also acquire the wastewater system assets of Deer Haven.

Q. WHAT WAS THE COMMISSIONS POSITION REGARDING THE DELAYED WWTP CONSTRUCTION PROJECT BY PLU?

A. Commissioner Yanora in his motion for lifting the stay of the proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 stated,[15]

> PL Utilities has completed construction of a new wastewater treatment plant (PL Utilities WWTP) in 2023, which is approximately 1,000 feet from the non-functioning Deer Haven WWTP. The PL Utilities WWTP has the same flow rating as the Deer Haven WWTP and is available to accept effluent from Deer

[14] Commission order lifting stay of proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 concerning the joint application of Deer Haven LLC and PL Utilities LLC, p. 9 (Order entered February 20, 2025).

[15] Commissioner Yanora's motion entered at public meeting held on February 20,2025 at Docket Nos. A-2024-3049591 and A-2024-3049587, p. 2.

Haven customers. Connecting the Deer Haven collection system to the PL Utilities WWTP (System Interconnection) should provide a long-term solution to the deficiencies of the Deer Haven WWTP. Based on its potential ability to provide the necessary (System Interconnection) should find PL Utilities is well-positioned to acquire the wastewater system assets of Deer Haven.

Q. HAVE YOU DETERMINED WHETHER DEER HAVEN WASTEWATER HAS VIOLATED STATUTORY OR REGULATORY STANDARDS AS REFERENCED IN SECTION 529(a)(1)?

A. Yes. Based on my analysis of its wastewater operations, Deer Haven has been in violation of statutory and/or regulatory standards that affect safety, adequacy, efficiency, and/or reasonableness of the service provided. Thus, the first factor the Commission must look at when determining whether a sale under Section 529 is necessary has been met. Further, based on my findings, the Deer Haven wastewater system has a history of not being in compliance with the statutory and/or regulatory standards that affect safety, adequacy, efficiency and/or reasonableness of the service provided.

SECTION 529(A)(2)

Q. CONCERNING ELEMENT TWO OF SECTION 529(a), DISCUSS YOUR ANALYSIS AND FINDINGS AS THEY RELATE TO WHETHER DEER HAVEN HAS FAILED TO COMPLY, WITHIN A REASONABLE PERIOD OF TIME, WITH ANY ORDER OF THE DEP OR THE COMMISSION.

A. Deer Haven has experienced numerous water and wastewater violations. In both classes of service (wastewater and water), Deer Haven has had numerous documented violations and has not shown any effort to correct these deficiencies. As it pertains to wastewater:

1. A Sewage Compliance Inspection Report dated April 4, 2019 showed the wastewater system had heavy amounts of rust and corrosion within the treatment plant and was in violation of the stipulated permitted limits for effluent quality.[16]

2. A Sewage Inspection Report dated August 3, 2022 showed seven violations the Company was deficient in:[17]

- Failure to utilize approved analytic methods;
- Failure to submit monitoring reports;
- Failure to operate and maintain facilities;
- Violation of effluent limits;
- Violation of Part C permit conditions;

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

- Failure to monitor pollutants; and
- Failure to pay annual fees.

3. A sewage Inspection Report dated January 9, 2024 showed three violations the Company was deficient in:[18]

- Failure to operate the facility with a valid certificate;
- Failure to submit monitoring reports; and
- Violation of Part C permit conditions.

In addition, based on my review, Deer Haven has failed to comply within a reasonable period of time with the numerous wastewater violations previously cited in 2019, 2022 and 2024 that were received from the DEP[19]. Overall, Deer Haven has failed to comply within a reasonable period of time with its numerous water and wastewater violations.

SECTION 529(A)(3)

Q. DISCUSS YOUR INVESTIGATION AND FINDINGS REGARDING WHETHER DEER HAVEN CAN REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE AND FACILITIES IN THE FUTURE AS REFERENCED IN SECTION 529(a)(3).

A. Documentation procured from DEP via a response to OCA-III-12[20] demonstrates

[18] I&E Exhibit No. 1, Schedule 1, pp. 5-7.
[19] I&E Exhibit No. 1, Schedule 1, pp. 1- 7.
[20] I&E Exhibit No. 1, Schedule 2, pp. 1- 3.

that Deer Haven has had wastewater-related violations dating back as far as 2013 up through 2024 and has struggled to comply with the DEP standards associated with the operation and maintenance of the wastewater system. An August 2022 Sewage Inspection Report shows that from April 1, 2013 to April 1, 2022, Deer Haven did not pay its permit fee for an annual National Pollutant Discharge Elimination System ("NPDES").[21] The NPDES permit limits what Deer Haven wastewater can discharge, along with guidelines regarding reporting and monitoring requirements. A 2024 Sewage Inspection Report[22] revealed that Deer Haven has yet to pay any NPDES permit fees. Thus, Deer Haven has not complied with DEP regulations related to NPDES permits for over a decade (2013 - 2024). Because of this, Deer Haven was in violation of Sections 201 and 202 of the Pennsylvania Clean Streams Act related to sewage discharges without a permit.

Q. HAVE YOU DETERMINED WHETHER DEER HAVEN CANNOT REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE AND FACILITIES IN THE FUTURE AS REFERENCED IN SECTION 529(a)(3)?

A. Yes. Based on my analysis, it is my opinion that Deer Haven cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable

[21] I&E Exhibit No. 1, Schedule 1, pp. 3-5.
[22] I&E Exhibit No. 1, Schedule 1, pp. 6-7.

service and facilities for wastewater in the future. Deer Haven has a history of not paying its own bills and fulfilling its obligations related to the operation and maintenance of its wastewater system to ensure that its own customers can continue to receive safe and reliable service and cannot be said to be providing adequate, efficient, safe, and reasonable service. Therefore, the third factor in the Section 529 investigation has been met.

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

A. Yes. The evidence uncovered during the course of this proceeding as set forth in this direct testimony supports a final determination that elements (1) through (3) of Section 529(a) are met. Based on the information available, it is clear that Deer Haven cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable wastewater service and facilities in the future. The wastewater facility appears to be in disrepair, run by owners who have a long history of noncompliance with DEP orders, and cannot be relied upon to provide adequate, efficient, safe, and reasonable service. Therefore, the third factor in the Section 529 investigation has been met.

OVERALL RECOMMENDATION

Q. DO YOU HAVE A FINAL RECOMMENDATION?

A. Yes. Based on the results of my investigation, combined with the direct testimony

and conclusions presented by I&E witness D.C. Patel in I&E Statement No. 2, I recommend that the Commission affirm Deer Haven's 529 Petition and order a capable public utility to acquire the Deer Haven wastewater system, Further, as was requested in the joint Application referenced above, I&E supports a recommendation that PL Utilities acquire the Deer Haven wastewater system.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes.

Esyan A. Sakaya

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street
HARRISBURG, PA 17120

EXPERIENCE:

12/2018-Present
Pennsylvania Public Utility Commission-Harrisburg, PA
Fixed Utility Valuation Engineer - Assist in engineering related studies related to valuation, depreciation, cost of service, quality of service as they apply to regulated utilities. Contribute in evaluating, contrasting and conducting performance analyses in distinctive sections of valuation engineering and rate structure involving valuation concepts, original cost, rate base, fixed capital costs, inventory processing, excess capacity, cost of service, and rate design. Provide expert testimony in rate related utility cases.

4/2018-12/2018
Pennsylvania Department of Transportation-Harrisburg, PA
Photogrammetry Technician I - Created three-dimensional mapping layouts of natural and man-made features from stereoscopic images on a computer workstation. Assisted in the field placement of ground based surveyed control-points prior to aerial photography acquisition. Provided field support in the use of laser scans for comprehensive digital surveying data. Operated global positioning satellite surveying equipment to obtain accurate geodetic coordinates of pre-established benchmarks.

8/2017-4/2018
Pennoni and Associates. Consulting Engineers-King of Prussia, PA
Construction Inspector – Provided quality assurance in the onsite material testing of concrete, soils, and asphalt. Read and interpreted construction drawings and specifications of materials and components. Completed daily reports regarding project progress to engineers, project managers/superintendents, contractors, and clients.

EDUCATION:

National Association of Regulatory Utility Commissioners, Clearwater, FL
Utility Rate School; Utility Rate Making Basics, October 2019

Society of Depreciation Professionals, Philadelphia, PA
Introduction to Depreciation; Depreciation Fundamentals, September 2019

Temple University, Philadelphia, PA
Bachelor of Science; Major in Engineering Technology, 2015

Community College of Philadelphia, Philadelphia, PA
Associate of Applied Science; Major in Construction Management Technology, 2011

EDUCATION (CONTINUED):

Island School of Building Arts, Gabriola Island, BC-Canada
Certificate Graduate: Heavy Timber Construction August 2002-November 2002

Solar Energy International, Carbondale, CO
Certificate Graduate: Basic and Advanced Photovoltaic Design, April 2002-May 2002

TESTIMONY SUBMITTED:

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

NO.	Case
1.	UGI Gas Utilities - Gas Division, Docket No. R-2018-3006814
2.	Newtown Artesian Water Company, Docket No. R-2018-3006904
3.	Pittsburgh Wastewater, Docket No. M-2018-2640803
4.	PAWC Purchase of Steelton, Docket No. A-2019-3006814
5.	Philadelphia Gas Works, Docket Nos. R-2019-3009016 & R-2019-3007636
6.	Community Utilities Water, Docket No. R-2019-3008947
7.	Aqua Purchase of Cheltenham, Docket No. A-2019-3008491
8.	UGI North, Docket No. R-2019-3009647
9.	UGI Central, Docket No. R-2019-3009647
10.	UGI South, Docket No. R-2019-3009647
11.	Twin Lakes Utilities, Docket No. R-2019-3010958
12.	Penn Power Company, Docket No. P-2019-3012628
13.	UGI Gas Utilities, Docket No. R-2019-3015162
14.	National Fuel and Gas Distribution, Docket No. R-2020-3015251
15.	Columbia Gas of PA, Docket Nos. R-2020-3018993 & R-2020-3018835
16.	Duquesne Light Company, Docket No. P-2020-3019522
17.	PA American Water Co., Docket Nos. R-2020-3019369 & R-2020-3010937
18.	Bethlehem Water Company, Docket No. R-2020-3020256
19.	Audubon Water Company, Docket No. R-2020-3020919
20.	Twin Lakes Utilities, Docket No. P-2020-3020914
21.	Pike County Light and Power-Gas, Docket No. R-2020-3022134
22.	Pike County Light and Power-Electric, Docket No. R-2020-3022135
23.	Duquesne Light Company, Docket No. R-2021-3024750
24.	Community Utilities Water, Docket No. R-2021-3025206
25.	Community Utilities Wastewater, Docket No. R-2021-3025206
26.	Hanover Municipal Water Works, Docket No. R-2021-3026116
27.	Aqua Pennsylvania, Inc., Docket Nos. R-2021-3027385 & R-2021-3027386
28.	Aqua Purchase of Willistown, Docket No. A-2021-3027268
29.	National Fuel and Gas Distribution, Docket No. R-2022-3030235
30.	UGI Gas Utilities, Docket No. R-2021-3030218
31.	PECO Energy Company – Gas, Docket No. R-2022-3031113
32.	Valley Energy, Inc., Gas, Docket No. R-2022-3032300
33.	Citizens' Electric Company, Docket No. R-2022-3032369
34.	Leatherstocking Gas Company, LLC Docket No. R-2022-303276

35. National Fuel and Gas Distribution, Docket No. R-2022-3035730
36. Aqua Purchase of Shenandoah, Docket No. A-2022-3034143
37. UGI Electric Utilities, Docket No. R-2022-3037368
38. Philadelphia Gas Works, Docket No. R-2023-3037933
39. Columbia Water, Docket No. R-2023-3040258
40. Community Utilities Water, Docket No. R-2023-3042804
41. Community Utilities Wastewater, Docket No. R-2023-3042805
42. CAN DO, Inc., Docket Nos. R-2023-3040153 and R-2023-3040151
43. Veolia Water, Inc., Docket No. R-2024-3045192
44. Veolia Wastewater, Inc., No. Docket R-2024-3045193
45. Columbia Gas Company, Docket No. R-2024-3046519
46. PECO Energy Company – Electric, Docket No. R-2024-3046931
47. City of Lock Haven - Water Department., Docket No. R-2024-3049248

I&E Exhibit No. 1
Witness: Esyan A. Sakaya

PETITION OF DEER HAVEN, LLC. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN, LLC. BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA. C.S. SECTION 529

Docket Nos. P-2024-3050549 and I-2024-3051541 (Wastewater)

Exhibits to Accompany

The

Direct Testimony

of

Esyan A. Sakaya

Bureau of Investigation & Enforcement

Concerning:

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

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

SEWAGE COMPLIANCE INSPECTION REPORT

NPDES / WQM Permit No.	Mo/Day/Year	Entry Time	Exit Time	Inspection Type	eFACTS Inspection ID
PA0041912	04/04/2019	09:45	11:00	FUI	2866725

Facility Name: **Deer Haven WWTP**	Permittee Name: **Deer Haven, LLC.**
Physical Location/Directions: **839 Route 507, Greentown, Pa**	Permit Expiration Date: **06/30/2017**
Municipality: **Palmyra Township**	County: **Pike**
	Permit Renewal Application Due: **01/01/2017**
Facility Type: ☐ Municipal ☐ Major ☒ Non-Municipal ☒ Minor Design Flow: **0.070** MGD	Treatment Process: ☒ Ext Aeration ☐ Contact Stabilization ☐ SBR ☐ RBC ☐ MBR ☐ MBBR/IFAS ☐ Trickling Filter ☐ Lagoon ☐ Other:

Responsible Official: **Sam Shahar** Title: **Permittee**	Does the facility have an Operator in Responsible Charge: ☒ Yes ☐ No Operator Name: **Joe Bonamico** Circuit Rider: ☒ Yes ☐ No
Permittee Address: **15 Picatinny Road** **Morristown, NJ 07960**	Client ID: **194306** License Expiration Date: **9/30/2020** Class-Subclass(es): **BE 1,2,4** Operator properly certified for treatment process type: ☒ Yes ☐ No
Business Phone: **973.610.1661**	Business Phone: **570.689.4017**
Cell Phone:	Cell Phone: **570.493.2570**
Email:	Email: **jbbona@aol.com**

24-Hour Emergency Contact Person / Phone / Email: **Joe Bonamico/570.493.2570/jbbona@aol.com**

VIOLATIONS*: ☐ Yes ☐ None Identified During Inspection ☐ Pending Sample Results

Violation of Part B, I.E of Permit No. PA0041912 (25 Pa. Code 92a.41(a)(5)) with regards to operation and maintenance. The treatment plant is in need of major repairs; many pieces of equipment are inoperative, there is heavy rust and corrosion throughout the treatment plant, and overall general poor operation of various treatment train components.

Violation of Part A, I of Permit No. PA0041912 with regards to failure to meet the stipulated permit limits in Part A of Permit No. PA0041912 (25 Pa. Code 92a.44) for effluent quality and for the number of samples collected in some cases.

Recommendations:

Person Interviewed: **Joe Bonamico**	Date: **4/4/19**	Inspector: **Daniel Paul Ackers**	Date: **4/4/19**
Signature: **Copies sent to Joe Bonamico and**	Phone No.:	Inspector Signature:	Phone No.: **570.895.4050**
Title: **Sam Shahar by mail.**		Title: **Water Quality Specialist**	
Email:		Email: **dackers@pa.gov**	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. * Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and/or review of Department records.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

SEWAGE COMPLIANCE INSPECTION REPORT

Comments

Department staff conducted a follow-up inspection to view changes made here since the enforcement conference held in the Department's Northeast Regional Office on 02/06/2019. Flows at the time on inspection were 0.010 MGD.

New lights have been added to the interior of the treatment plant building. Only the front treatment train is active currently, the back train has been taken offline due to extremely low flows into the treatment plant. The front train basin contents continue to be a light brown color and appear somewhat thin. The effluent flow meter is functional again and was calibrated last on 04/01/2019. The RAS line for the front treatment train is functional again. Less floatables were seen on the surface of the front treatment train than during the last CEI inspection done on 04/04/2018; the solids levels in the clarifier also seem to be better than during that same last inspection. Some bench sheets were observed by Department staff which was an improvement over the complete lack of paper work during the last CEI inspection done on 04/04/2018.

Despite these improvements, the treatment plant continues to be in poor condition. No changes (expect for the above listed lighting) have been made to the treatment plant building and its condition continues to deteriorate. The questionable repair of the line between the two clarifiers has not been changed. The sand filters remain offline and the one side that flow passes through is still being aerated for some unknown reason. The skimmers on the front train clarifier were operational (as per Joe Bonamico) but were not operational at the time of inspection. These conditions continue to constitute a violation of Part B, I.E of Permit No. PA0041912 (25 Pa. Code 92a.41(a)(5)) with regards to operation and maintenance.

A review of DMR reports submitted since the 12/18/2018 Notice of Violation revealed a Total Phosphorus 30 day average exceedance for October 2018. Also, too few samples were taken for Total Chlorine Residual for October and November of 2018. The TRC level observed by Department staff during the inspection was above the IMAX for TRC (see below). The continued exceedances of the Part A effluent limits of NPDES Permit No. PA0041912 is a violation of 25 Pa. Code 92a.44.

In the last CEI inspection done on 04/04/2018, the Department requested a written work plan as to how the treatment plant is to be brought back into compliance. This was not done. The Department again requests that this written work plan be prepared and submitted to the Department for review. This plan should include the items that have already been completed and a list and schedule of items that are yet to be completed. Please see the 04/04/2018 inspection report for more details that the Department requires for this document.

The Department requests that the TMDL report for Total Phosphorus that was due on 11/28/2018 be completed and forwarded to the Department.

A sampler that was assembled from an old chemical feed pump and a mini-fridge was shown to Department staff by Mr. Bonamico. The Department requests that any samplers used for composite sampling for compliance purposes must be flow proportional as defined in NPDES Permit No. PA0041912, Part A.II. Also, the Department requests that an NIST certified/traceable thermometer be used to document sample storage temperatures to ensure compliance with the sample storage requirements of 4.0 C (+/-2.0 C).

Mr. Bonamico stated that a file review was conducted on 04/02/2019 and that the NPDES permit renewal submittal for this treatment plant will hopefully be completed in the next two weeks.

The Department requests that the rags and other debris seen at the headwall for Outfall 001 be cleaned up and disposed of properly.

Sample number 1257161 was collected from the outfall weir at the end of the chlorine contact tank and analyzed for SAC 077 plus Fecal Coliform. Field readings follow: pH = : 7.61 s.u.; TRC = 3.3 mg/l; D.O. = 10.28 mg/l; Temp. = 6.0 C.

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

SEWAGE INSPECTION REPORT

Permit Number	Inspection Date	Entry Time	Exit Time	Inspection Type	Inspection ID
PA0041912	08/03/2022	15:11	15:38	ADMIN	3401749

Municipality	Palmyra	**County**	Pike
Facility Name	DEER HAVEN WWTP	**Permittee Name**	DEER HAVEN LLC
24-Hour Emergency Contact Person/Phone	Joe Bonamico / (570) 493-2570	**Email**	jbbona@aol.com
Physical Location Address	RT 507, GREENTOWN, PA, 18426		
Permit Expiration Date	06/30/2017	**Next Submittal ---- DueDate**	----

Violations* Violation(s) Noted

1. **25 Pa. Code 92a.41(a)(10):** NPDES - Failure to utilize approved analytical methods
   Failure to use NIST certified/traceable thermometers. Failure to collect flow proportional composite samples.
2. **25 Pa. Code 92a.41(a)(12):** NPDES - Failure to submit monitoring report(s) or properly complete monitoring reports
   The eDMR submittal for May 2019 was received late. Also no DMRs were received for January or August 2018.
3. **25 Pa. Code 92a.41(a)(5):** NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance
   Issues noted with the operation and maintenance of the treatment plant during the April 4, 2019 and May 10, 2022 inspections.
4. **25 Pa. Code 92a.44:** NPDES - Violation of effluent limits in Part A of permit
   Effluent violations from October 2018 to January 2022.
5. **25 Pa. Code 92a.46:** NPDES - Violation of Part C permit condition(s)
   Failure to submit TMDL supplemental DMRs for the 2018 through 2021 monitoring periods.
6. **25 Pa. Code 92a.61(c):** NPDES - Failure to monitor pollutants as required by the NPDES permit
   Incorrect sample frequencies were noted for the November 2021 and February 2022 monitoring periods.
7. **25 Pa. Code 92a.62:** NPDES - Failure to pay annual fee
   No annual fees were paid from April 1, 2013 to April 1, 2022.

Person Interviewed N/A	**Date** 08/03/2022	**Inspector** DANIEL P ACKERS	**Date** 08/03/2022
Signature ---	**Phone Number** ----	**Signature** 	**Phone Number** (570) 895-4050
Title ----		**Title** WTR QLTY SPCST	
Email ----		**Email** dackers@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. *Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and/or review of Department records.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

SEWAGE INSPECTION REPORT

Facility Details Section					
Responsible Official	SAM SHAHAR		**Title**	----	
Business Phone	(973) 610-1661		**Email**	samshahar@yahoo.com	
Permittee Address	41 ELM STREET, MORRISTOWN, NJ, 07960				
Certified Operator	----		**Client ID**	----	
Certificates	----	**Certification Status**	----	**Expiration Date**	--/--/----
Is a Copy of the permit(s) on-site?				N/O	
Has the interviewed operator/person reviewed the facility's permit(s)?				N/O	
Comments					
NOV sent out for accrued violations. See violations section for details.					
Participants: ----					

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

SEWAGE INSPECTION REPORT

Permit Number	Inspection Date	Entry Time	Exit Time	Inspection Type	Inspection ID
PA0041912	01/09/2024	10:30	11:00	RTPT	3675993

Municipality	Palmyra	**County**	Pike
Facility Name	DEER HAVEN WWTP	**Permittee Name**	DEER HAVEN LLC
24-Hour Emergency Contact Person/Phone	/	**Email**	----
Physical Location Address	RT 507, GREENTOWN, PA, 18426		
Permit Expiration Date	--/--/----	**Next Submittal ---- DueDate**	----

Violations* Violation(s) Noted

1. **25 Pa. Code 302.1202:** Owner failed to employ an operator with a valid, appropriate certificate.
   This facility currently does not have a Certified Operator.
2. **25 Pa. Code 92a.41(a)(12):** Failure to submit monitoring reports or properly complete monitoring reports.
   The Discharge Monitoring Reports have not been submitted for the following monitoring periods:
   - 09/01/2023 to 09/30/2023
   - 10/01/2023 to 10/31/2023
   - 11/01/2023 to 11/30/2023
3. **25 Pa. Code 92a.46:** Violation of Part C permit condition(s)
   TMDL Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448) that was due on November 28, 2023 has not been submitted.

Recommendations

#1. The Department requests the permittee submit the overdue Discharge Monitoring Reports as soon as possible.
#2. The Department requests that the permittee hire a properly certified operator to operate this facility as soon as possible.
#3. The Department requests that the permittee submit the TMDL Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448) that was due November 28, 2023 as soon as possible.

Person Interviewed ----	**Date** 01/09/2024	**Inspector** BRANDON SHIHINSKI	**Date** 01/09/2024
Signature **Report finalized offsite.**	**Phone Number** ----	**Signature** 	**Phone Number** (572) 931-6043
Title ----		**Title** WTR QLTY SPCST	
Email ----		**Email** brshihinsk@pa.gov	

This document is official notification that a representative of the Department of Environmental Protection inspected the above facility. The findings of this inspection are shown above and on any attached pages. *Any violations which were noted during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and/or review of Department records.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

SEWAGE INSPECTION REPORT

Facility Details Section			
Responsible Official	SAM SHAHAR	**Title**	----
Business Phone	(973) 610-1661	**Email**	samshahar@yahoo.com
Permittee Address	41 ELM STREET, MORRISTOWN, NJ, 07960		
Certified Operator	----	**Client ID**	----
Certificates	----	**Certification Status**	----
Expiration Date	--/--/----		
Is a Copy of the permit(s) on-site?	----		
Has the interviewed operator/person reviewed the facility's permit(s)?	----		

Comments

At the request of Department staff, this inspector visited the Deer Haven WWTP to observe the outfall and discharge area to check for a possible discharge of raw sewage. The only areas observed during the inspection was the Outfall 001 location per the latitude and longitude provided in the NPDES Permit No. PA0041912, the shore of Lake Wallenpaupack near the Outfall 001 location, and on both sides of the Outfall 001 location. There was snow on the ground during the inspection, and a snow event was ongoing during the inspection. No one was present with this inspector. Samples were not collected for laboratory analysis.

What appeared to be Outfall 001 was covered in ice and snow. There was no discharge observed from the pipe. There was snow on the ground in the general vicinity of Outfall 001. There were no problems observed on the ground in the vicinity of Outfall 001. No malodors were noticed at any location. Lake Wallenpaupack appeared to be starting to accumulate some possible ice/slush on the surface in the vicinity of Outfall 001. No problems were observed in these areas. No observations consistent with a raw sewage discharge were made during the inspection at any of the locations observed.

Discharge Monitoring Reports for the following monitoring periods have not been submitted, and the failure to submit these Discharge Monitoring Reports is a violation of the NPDES Permit No. PA0041912 requirements:
-09/01/2023-09/30/2023: Report due date was October 28, 2023.
-10/01/2023-10/31/2023: Report due date was November 28, 2023.
-11/01/2023-11/30/2023: Report due date was December 28, 2023.

This facility is required by the NPDES Permit No. PA0041912 Part B.I.E.1, in part, to "employ operators certified in compliance with the Water and Wastewater Systems Operators Certification Act....". This facility current does not have a properly Certified Operator, and this is a violation of the NPDES Permit No. PA0041912 requirements.

The NPDES Permit No. PA0041912 part C.I.F requires the submission of a "TMDL Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448)" to "report monthly and annual mass loads, and shall be submitted annually." "The completed form is due on November 28th of each year and shall be attached to the DMR submission." A copy of this form has not been received for the November 28, 2023 due date.

Participants:
----

1 Mon,Rpts&Rcds: 001 - OUTFALL 001			
Reports			
MRR-52	Are DMRs submitted on time?	No	1
4 O&M: 001 - OUTFALL 001			
Special Conditions			
OM-48	Are any other special conditions in the permit not covered in this inspection report?	Yes	
OM-49	What other special conditions are in the permit not otherwise covered in this inspection report? **Notes:** Waste Load Allocation for Total Phosphorus. This also requires the annual submission of a "TMDL Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448)" which is due on November 28th of each year. Please see NPDES Permit No. PA0041912 for full details.	See comment.	
OM-50	Has the facility complied with the requirements of the other special conditions listed?	No	3
OpCert: 001 - OUTFALL 001			
Operator Certification			
OP-1	Is a properly certified operator employed for the treatment plant?	No	1

Respondent: Stephen Clark
Date: 01/30/2025

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC

DOCKET NOS. P-2024-3050549 & I-2024-3051541

OFFICE OF CONSUMER ADVOCATE

SET III INTERROGATORIES

OCA-III-12 Provide copies of all DEP violations for incidents occurring during the calendar years 2023 and 2024 related to the Deer Haven wastewater system. For each violation, state whether any fines or penalties were assessed by the DEP. For each violation, provide a detailed explanation of all actions taken to remedy the problems identified.

RESPONSE

Please see OCA-III-12 Attachment 1.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY VIOLATIONS AND ENFORCEMENTS

10/1/2025 4:19:59 PM

Region: All
County: 52 - Pike
Municipality: 52910 - Palmyra Twp
Facility Type: NPDES Dischargers, Non-NPDES Dischargers, Chapter 102 NPDES
Inspection Category: PF

CLIENT ID	CLIENT	SITE ID	SITE NAME	PF ID	PERMIT	FACILITY	REGION	COUNTY	MUNICIPALITY	MAJOR/ MINOR	FACILITY KIND	PF STATUS	CIRCUIT RIDER SYSTEM	FEE CATEGORY	PROGRAM	INSPECTION ID	INSP CATEGORY	DATE INSPECTED	INSPECTION TYPE	AGENCY	INSPECTION RESULT DESCRIPTION	VIOLATION ID	VIOLATION DATE	VIOLATION TYPE	VIOLATION TYPE DESCRIPTION	RESOLVED DATE	# OF ENFORCEMENTS
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3827809	PF	9/5/2024	Administrative/File Review	DEP	Violation(s) Noted	8200556	09/05/2024	92A.62	NPDES - Failure to pay annual fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3675993	PF	1/9/2024	Routine/Partial Inspection	DEP	Violation(s) Noted	8171728	01/09/2024	92A.41(A)12B	NPDES - Failure to submit monitoring report(s) or properly complete monitoring reports		0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3675993	PF	1/9/2024	Routine/Partial Inspection	DEP	Violation(s) Noted	8171729	01/09/2024	92A.46	NPDES - Violation of Part C permit condition(s)		0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3675993	PF	1/9/2024	Routine/Partial Inspection	DEP	Violation(s) Noted	8171730	01/09/2024	302.1202	Operator Certification - Owner failed to comply with the Act or Chapter 302 regulations		0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3700322	PF	12/28/2023	Administrative/File Review	DEP	Violation(s) Noted	8172881	12/28/2023	302.202	Operator Certification - Failure to submit annual system fee	02/15/2024	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3627805	PF	9/6/2023	Administrative/File Review	DEP	Violation(s) Noted	8161629	09/06/2023	92A.62	NPDES - Failure to pay annual fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3481808	PF	1/3/2023	Administrative/File Review	DEP	Violation(s) Noted	980565	01/03/2023	302.202	Operator Certification - Failure to submit annual system fee	03/01/2023	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3419025	PF	9/7/2022	Administrative/File Review	DEP	Violation(s) Noted	967154	09/07/2022	92A.62	NPDES - Failure to pay annual fee		2
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963723	08/03/2022	92A.44	NPDES - Violation of effluent limits in Part A of permit		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963724	08/03/2022	92A.41(A)12B	NPDES - Failure to submit monitoring report(s) or properly complete monitoring reports		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963725	08/03/2022	92A.46	NPDES - Violation of Part C permit condition(s)		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963726	08/03/2022	92A.61(C)	NPDES - Failure to monitor pollutants as required by the NPDES permit		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963727	08/03/2022	92A.41(A)5	NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963728	08/03/2022	92A.41(A)10B	NPDES - Failure to utilize approved analytical methods		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3401749	PF	8/3/2022	Administrative/File Review	DEP	Violation(s) Noted	963729	08/03/2022	92A.62	NPDES - Failure to pay annual fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3364630	PF	5/10/2022	Compliance Evaluation	DEP	Violation(s) Noted	956025	05/10/2022	92A.61(C)	NPDES - Failure to monitor pollutants as required by the NPDES permit		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3364630	PF	5/10/2022	Compliance Evaluation	DEP	Violation(s) Noted	956026	05/10/2022	92A.41(A)10B	NPDES - Failure to utilize approved analytical methods		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3364630	PF	5/10/2022	Compliance Evaluation	DEP	Violation(s) Noted	956027	05/10/2022	92A.46	NPDES - Violation of Part C permit condition(s)		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3364630	PF	5/10/2022	Compliance Evaluation	DEP	Violation(s) Noted	956028	05/10/2022	92A.41(A)5	NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3319646	PF	12/20/2021	Administrative/File Review	DEP	Violation(s) Noted	944686	12/20/2021	302.202	Operator Certification - Failure to submit annual system fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3243923	PF	8/31/2021	Administrative/File Review	DEP	Violation(s) Noted	928218	08/31/2021	92A.62	NPDES - Failure to pay annual fee		3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	3080268	PF	9/2/2020	Administrative/File Review	DEP	Violation(s) Noted	894212	09/02/2020	92A.62	NPDES - Failure to pay annual fee		3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2942134	PF	10/8/2019	Administrative/File Review	DEP	Violation(s) Noted	864432	10/08/2019	302.202	Operator Certification - Failure to submit annual system fee	10/25/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2942134	PF	10/8/2019	Administrative/File Review	DEP	Violation(s) Noted	864546	10/08/2019	302.202	Operator Certification - Failure to submit annual system fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2942134	PF	10/8/2019	Administrative/File Review	DEP	Violation(s) Noted	864547	10/08/2019	302.202	Operator Certification - Failure to submit annual system fee		1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2928819	PF	9/5/2019	Administrative/File Review	DEP	Violation(s) Noted	861059	09/05/2019	92A.62	NPDES - Failure to pay annual fee	10/29/2024	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2866725	PF	4/4/2019	Follow-up Inspection	DEP	Violation(s) Noted	846508	04/04/2019	92A.41(A)5	NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance	10/29/2024	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2866725	PF	4/4/2019	Follow-up Inspection	DEP	Violation(s) Noted	846509	04/04/2019	92A.44	NPDES - Violation of effluent limits in Part A of permit	10/27/2020	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2816637	PF	12/18/2018	Administrative/File Review	DEP	Violation(s) Noted	836618	12/18/2018	92A.75(A)	NPDES - Failure to submit NPDES renewal application at least 180 days prior to expiration or later approved date	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2816637	PF	12/18/2018	Administrative/File Review	DEP	Violation(s) Noted	836619	12/18/2018	92A.41(A)12B	NPDES - Failure to submit monitoring report(s) or properly complete monitoring reports	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2816637	PF	12/18/2018	Administrative/File Review	DEP	Violation(s) Noted	836620	12/18/2018	92A.61(F)1	NPDES - Failure to properly document monitoring activities and results	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2816637	PF	12/18/2018	Administrative/File Review	DEP	Violation(s) Noted	836621	12/18/2018	92A.44	NPDES - Violation of effluent limits in Part A of permit	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2816637	PF	12/18/2018	Administrative/File Review	DEP	Violation(s) Noted	836622	12/18/2018	92A.41(A)5	NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance	02/06/2019	1

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY VIOLATIONS AND ENFORCEMENTS

Region: All
County: 52 - Pike
Municipality: 52910 - Palmyra Twp
Facility Type: NPDES Dischargers, Non-NPDES Dischargers, Chapter 102 NPDES
Inspection Category: PF

CLIENT ID	CLIENT	SITE ID	SITE NAME	PF ID	PERMIT	FACILITY	REGION	COUNTY	MUNICIPALITY	MAJOR/ MINOR	FACILITY KIND	PF STATUS	CIRCUIT RIDER SYSTEM	FEE CATEGORY	PROGRAM	INSPECTION ID	INSP CATEGORY	DATE INSPECTED	INSPECTION TYPE	AGENCY	INSPECTION RESULT DESCRIPTION	VIOLATION ID	VIOLATION DATE	VIOLATION TYPE	VIOLATION TYPE DESCRIPTION	RESOLVED DATE	# OF ENFORCEMENTS
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2797250	PF	11/1/2018	Administrative/File Review	DEP	Violation(s) Noted	832259	11/01/2018	302.202	Operator Certification - Failure to submit annual system fee	10/25/2019	2
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2773368	PF	9/11/2018	Administrative/File Review	DEP	Violation(s) Noted	827592	09/11/2018	92A.62	NPDES - Failure to pay annual fee	10/29/2024	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2715694	PF	4/4/2018	Compliance Evaluation	DEP	Violation(s) Noted	813053	04/04/2018	92A.41(A)5	NPDES - Failure to properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2715694	PF	4/4/2018	Compliance Evaluation	DEP	Violation(s) Noted	813054	04/04/2018	92A.44	NPDES - Violation of effluent limits in Part A of permit	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2715694	PF	4/4/2018	Compliance Evaluation	DEP	Violation(s) Noted	813055	04/04/2018	92A.61(F)1	NPDES - Failure to properly document monitoring activities and results	02/06/2019	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2652761	PF	10/26/2017	Administrative/File Review	DEP	Violation(s) Noted	800086	10/26/2017	302.202	Operator Certification - Failure to submit annual system fee	01/24/2018	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2533015	PF	11/1/2016	Administrative/File Review	DEP	Violation(s) Noted	771420	11/01/2016	302.202	Operator Certification - Failure to submit annual system fee	03/09/2017	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2506756	PF	8/2/2016	Administrative/File Review	DEP	Violation(s) Noted	765123	08/02/2016	92A.62	NPDES - Failure to pay annual fee	08/10/2023	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2415993	PF	10/16/2015	Administrative/File Review	DEP	Violation(s) Noted	736838	10/16/2015	302.1202(B)	Operator Certification - Failure to submit Available Operator Report (AOR)	03/09/2017	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2415993	PF	10/16/2015	Administrative/File Review	DEP	Violation(s) Noted	736839	10/16/2015	302.202	Operator Certification - Failure to submit annual system fee	08/10/2023	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2415993	PF	10/16/2015	Administrative/File Review	DEP	Violation(s) Noted	736840	10/16/2015	302.202	Operator Certification - Failure to submit annual system fee	03/09/2017	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2394494	PF	8/3/2015	Administrative/File Review	DEP	Violation(s) Noted	731235	08/03/2015	92A.62	NPDES - Failure to pay annual fee	08/10/2023	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2390245	PF	4/16/2015	Routine/Partial Inspection	DEP	Violation(s) Noted	729758	04/16/2015	91.34(A)	CSL - Failure to take necessary measures to prevent pollutants from reaching waters of the Commonwealth	04/23/2015	0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2312705	PF	10/14/2014	Administrative/File Review	DEP	Violation(s) Noted	707351	10/14/2014	302.202	Operator Certification - Failure to submit annual system fee	08/10/2023	0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2300760	PF	9/4/2014	Administrative/File Review	DEP	Violation(s) Noted	704090	09/04/2014	92A.62	NPDES - Failure to pay annual fee	08/10/2023	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2342984	PF	7/28/2014	Compliance Evaluation	DEP	Violation(s) Noted	715741	07/28/2014	92A.61(C)	NPDES - Failure to monitor pollutants as required by the NPDES permit	10/28/2014	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2200947	PF	9/3/2013	Administrative/File Review	DEP	Violation(s) Noted	676636	09/03/2013	302.202	Failure to submit Operator Certification system fee	03/09/2017	2
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2200947	PF	9/3/2013	Administrative/File Review	DEP	Violation(s) Noted	676637	09/03/2013	302.1202	Failure to submit Operator Certification Available Operator Report (AOR)	10/08/2013	2
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2199905	PF	8/30/2013	Administrative/File Review	DEP	Violation(s) Noted	676360	08/30/2013	92A.62ANNFEE	Permittee failed to pay required annual fee to Clean Water Fund	08/10/2023	3
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2130698	PF	1/10/2013	Administrative/File Review	DEP	Violation(s) Noted	657811	01/10/2013	302 FEE-AOR	Failure to submit Operator Certification system fee and AOR	03/09/2017	2
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	2086851	PF	7/9/2012	Complaint Inspection	DEP	Violation(s) Noted	645097	07/09/2012	691.402COMPL	Failure to comply with permit conditions.	10/23/2013	0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1991762	PF	8/1/2011	Administrative/File Review	DEP	Violation(s) Noted	616571	08/01/2011	92A.62ANNFEE	Permittee failed to pay required annual fee to Clean Water Fund	08/15/2011	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1921132	PF	10/20/2010	Administrative/File Review	DEP	Violation(s) Noted	597539	10/20/2010	92A.41EFFLMT	Effluent limit(s) were violated (non-IMAX)	11/24/2010	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1921132	PF	10/20/2010	Administrative/File Review	DEP	Violation(s) Noted	597540	10/20/2010	92A.41IMAX	DEP sample(s) reveal violation(s) of Instantaneous Maximum (IMAX) effluent limits	11/24/2010	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1921132	PF	10/20/2010	Administrative/File Review	DEP	Violation(s) Noted	597541	10/20/2010	92A.41(5)O&M	Operation and Maintenance violations were present	11/24/2010	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1920230	PF	5/25/2010	Routine/Complete Inspection	DEP	Recurring Violations	597358	05/25/2010	92A.41IMAX	DEP sample(s) reveal violation(s) of Instantaneous Maximum (IMAX) effluent limits	09/28/2010	0
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1871507	PF	3/22/2010	Administrative/File Review	DEP	Violation(s) Noted	583629	03/22/2010	92.41DMR	Discharge Monitoring Report was not submitted or DMR was incomplete.	04/06/2010	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1837315	PF	10/22/2009	Administrative/File Review	DEP	Violation(s) Noted	573893	10/22/2009	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	10/22/2009	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1824744	PF	6/5/2009	Administrative/File Review	DEP	Violation(s) Noted	570510	06/05/2009	92.41LAB	Improper Laboratory procedures were used for analysis of effluent.	10/22/2009	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1799602	PF	4/28/2009	Administrative/File Review	DEP	Violation(s) Noted	563381	04/28/2009	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	04/28/2009	1
237007	DEER HAVEN LLC	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1609108	PF	3/1/2007	Routine/Complete Inspection	DEP	Recurring Violations	510602	03/01/2007	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	04/25/2007	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1310824	PF	1/14/2004	Routine/Complete Inspection	DEP	Violation(s) & Recurring Violations	382756	01/14/2004	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	08/17/2005	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1246318	PF	6/10/2003	Administrative/File Review	DEP	Violation(s) Noted	354957	06/10/2003	92.41DMRVIO	Administrative review of DMR reveals violation(s).	08/17/2005	2

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY VIOLATIONS AND ENFORCEMENTS

10/1/2025 4:10:59 PM

Region: All
County: 52 - Pike
Municipality: 52910 - Palmyra Twp
Facility Type: NPDES Dischargers, Non-NPDES Dischargers, Chapter 102 NPDES
Inspection Category: PF

CLIENT ID	CLIENT	SITE ID	SITE NAME	PF ID	PERMIT	FACILITY	REGION	COUNTY	MUNICIPALITY	MAJOR/ MINOR	FACILITY KIND	PF STATUS	CIRCUIT RIDER SYSTEM	FEE CATEGORY	PROGRAM	INSPECTION ID	INSP CATEGORY	DATE INSPECTED	INSPECTION TYPE	AGENCY	INSPECTION RESULT DESCRIPTION	VIOLATION ID	VIOLATION DATE	VIOLATION TYPE	VIOLATION TYPE DESCRIPTION	RESOLVED DATE	# OF ENFORCEMENTS
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1177361	PF	8/19/2002	Routine/Complete Inspection	DEP	Violation(s) Noted	322625	08/19/2002	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	04/10/2003	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1006141	PF	2/14/2001	Administrative/File Review	DEP	Violation(s) Noted	263967	02/14/2001	92.41DMRVIO	Administrative review of DMR reveals violation(s).	08/01/2001	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	1006141	PF	2/14/2001	Administrative/File Review	DEP	Violation(s) Noted	263968	02/14/2001	92.51(4)O&M	Operation and Maintenance violations were present.	08/01/2001	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	983487	PF	11/21/2000	Administrative/File Review	DEP	Violation(s) Noted	254061	11/21/2000	201BYPASS	Untreated or inadequately treated sewage was discharged.	11/28/2000	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	983374	PF	10/24/2000	Routine/Complete Inspection	DEP	Recurring Violations	254031	10/24/2000	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	11/05/2000	0
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	950570	PF	7/7/2000	Administrative/File Review	DEP	Violation(s) Noted	241858	07/07/2000	92.41DMRVIO	Administrative review of DMR reveals violation(s).	11/28/2000	1
44184	507 PROP LP	4394	DEER HAVEN WATER SYS	5957	PA0041912	DEER HAVEN WWTP	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO	Minor Sewage Facility >=0.05 and <1 MGD	WPCNP	897642	PF	10/6/1999	Routine/Complete Inspection	DEP	Violation(s) Noted	227762	10/06/1999	92.51CONVHI	Effluent limits for Conventional pollutant(s) were violated.	11/24/1999	1
304770	POCONO LAKEFRONT LLC	773121	POCONO LAKEFRONT	803078	5215401	POCONO LAKEFRONT, LLC TOWNHOUSE DEVELOPMENT	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO		WPCWP	3677957	PF	12/28/2023	Administrative/File Review	DEP	Violation(s) Noted	8172195	12/28/2023	302.202	Operator Certification - Failure to submit annual system fee		1
304770	POCONO LAKEFRONT LLC	773121	POCONO LAKEFRONT	803078	5215401	POCONO LAKEFRONT, LLC TOWNHOUSE DEVELOPMENT	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO		WPCWP	3481183	PF	1/3/2023	Administrative/File Review	DEP	Violation(s) Noted	980414	01/03/2023	302.202	Operator Certification - Failure to submit annual system fee		1
304770	POCONO LAKEFRONT LLC	773121	POCONO LAKEFRONT	803078	5215401	POCONO LAKEFRONT, LLC TOWNHOUSE DEVELOPMENT	NERO	Pike	Palmyra Twp	Minor	Sewage Non-Publicly Owned (Non-Muni)	Active	NO		WPCWP	2942171	PF	10/8/2019	Administrative/File Review	DEP	Violation(s) Noted	864438	10/08/2019	302.202	Operator Certification - Failure to submit annual system fee	10/28/2019	1

I&E Statement No. 2
Witness: D. C. Patel

PETITION OF DEER HAVEN, L.L.C. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA C.S.A. SECTION 529

Docket Nos. P-2024-3050545 and I-2024-3051540 (Water)

Direct Testimony

of

D. C. Patel

Bureau of Investigation & Enforcement

Concerning:

Commission Evaluation of the Elements Set Forth in Section 529(a)
Commission Consideration of Factors Set Forth in Section 529(c)

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INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is D. C. Patel and my business address is Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

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

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

Q. WHAT IS YOUR EDUCATION AND EMPLOYMENT BACKGROUND?

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

Q. DOES YOUR DIRECT TESTIMONY INCLUDE AN ACCOMPANYING EXHIBIT?

A. Yes. I&E Exhibit No. 2 contains schedules that support my direct testimony.

Q. PLEASE DESCRIBE THE ROLE OF I&E IN PROCEEDINGS BEFORE THE COMMISSION.

A. I&E is responsible for protecting the public interest in proceedings before the

Commission. I&E's analysis in the proceedings is based on its responsibility to represent the public interest. This responsibility requires the balancing of the interests of the ratepayers, the regulated utility, and the regulated community as a whole.

Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. The purpose of my direct testimony is to present the results of I&E's investigation into the Petition of Deer Haven, L.L.C. (Deer Haven or Company) for a Commission Order authorizing the acquisition of Deer Haven's water system by a capable public utility pursuant to 66 Pa. C.S.A. § 529 (Deer Haven Petition or 529 Petition).

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

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

Q. WHAT IS YOUR RECOMMENDATION?

A. For the reasons discussed below and in the direct testimony of I&E witness Esyan Sakaya (I&E Statement No. 1), I recommend that the Commission approve the Company's Section 529 Petition to order a capable public utility, specifically

Aqua Pennsylvania, Inc. (Aqua), to acquire Deer Haven's water system pursuant to Section 529.

Q. HOW IS YOUR TESTIMONY ORGANIZED?

A. I have organized my testimony to first discuss the factors to be considered as set forth in Section 529(c) encompassing the overall appropriateness of Deer Haven's 529 petition. I then address four of the six elements of Section 529(a) that the Commission must evaluate to determine if a capable public utility should be ordered to acquire a small water or sewer utility. Specifically, I will address elements three through six (Section 529(a)(3)-(6)).

BACKGROUND

Q. WHAT ARE THE FACTORS TO BE CONSIDERED TO DETERMINE IF THE COMMISSION CAN ORDER A CAPABLE PUBLIC UTILITY TO ACQUIRE A SMALLER WATER OR SEWER COMPANY AS LISTED IN SECTION 529(c)?

A. Section 529(c) lists the six factors to be considered if the Commission can order a capable public utility to acquire a small water or sewer company. The factors to be considered by the Commission are as follows:

(1) The financial, managerial, and technical ability of the small water or sewer utility.

(2) The financial, managerial, and technical ability of all proximate public utilities providing the same type of service.

(3) The expenditures which may be necessary to make improvements to the small water or sewer utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
(4) The expansion of the franchise area of the acquiring capable public utility so as to include the service area of the small water or sewer utility to be acquired.
(5) The opinion and advice, if any, of the Department of Environmental Resources as to what steps may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
(6) Any other matters which may be relevant.

Q. PROVIDE A BRIEF BACKGROUND OF DEER HAVEN WATER AND SEWER SYSTEMS.

A. Deer Haven is a limited liability company organized under the provisions of the New Jersey Limited Liability Company Act. The company was formed on May 24, 2002, to do any and all lawful activities for which a business may be incorporated under the New Jersey Limited Liability Company Act and to operate and maintain a wastewater collection system and sewage treatment plant (529 Petition, Paragraph 1).

In 2004, Deer Haven entered into an agreement to acquire all of Edwin, Inc.'s (Edwin) common stock, together with all assets used and useful in the provision of water and wastewater services to the public, including but not limited to, water distribution lines, wells, and all other equipment and facilities used by Edwin in the provision of water distribution service and collection mains, pumps, treatment facilities, and all other equipment and facilities used by Edwin in the provision of wastewater services. The Commission approved these transfers in

2008 at Docket Nos. A-210124 (Water) and A-230106 (Wastewater) (529 Petition, Paragraph 3).

In 2010, Deer Haven and Haven Development entered into a Purchase and Sale Agreement with purchaser Pocono Lakefront, LLC (Pocono Lakefront) for the sale of the property, including the land on which the water and wastewater facilities are located (529 Petition, Paragraph 5). In 2014, Pocono Lakefront and Deer Haven entered into a Purchase Agreement (Utility Agreement) under which Pocono Lakefront would purchase both the water and wastewater systems subject to obtaining the Commission's approval. The Utility Agreement allowed operation of the water system by another company, Pocono Water Works Co., Inc. (Pocono Water Works) pending the transfer of the water system to Pocono Lakefront (529 Petition, Paragraph 6). However, Pocono Lakefront has informed Deer Haven that it no longer intends to take possession of the water system, which is currently operated by Pocono Water Works (529 Petition, Paragraph 7).

CHALLENGES OF DEER HAVEN WATER SYSTEM

Q. SUMMARIZE BRIEFLY THE CURRENT STATUS OF DEER HAVEN'S WATER SYSTEM OPERATION.

A. Since 2014, Pocono Water Works has operated as the de facto operator of the Deer Haven water system, controlling billing, administrative operations, and maintenance. Deer Haven indicates this relationship was intended to be memorialized through a contract with Pocono Lakefront but has no awareness of

any such contract (529 Petition, Paragraph 8). Deer Haven believed that the water system operations became solely the responsibility of Pocono Water Works pursuant to the 2014 Agreement. However, in 2024, Pocono Water Works approached Deer Haven demanding payment for services rendered in operation of the water system. Upon investigation, Deer Haven determined that despite having no operational involvement with the water plant for several years, it remained the owner of the Commission's Certificate of Public Convenience (529 Petition, Paragraph 8).

Q. HAVE YOU INVESTIGATED THE FINANCIAL AND MANAGERIAL ABILITY OF THE PETITIONER, DEER HAVEN?

A. Yes. In response to the Office of Consumer Advocate's (OCA's) interrogatories OCA-I-47 and OCA-I-48 requesting the Company's financial statements; including the balance sheet, income statement, cash flow report, and outstanding debt information as of the most recent period available, the Company states that as indicated in the Emergency Petition, the water system had been operated by Pocono Waterworks until the Commission appointed Aqua as the Receiver. As a result, Deer Haven does not have responsive information for these interrogatories (I&E Exhibit No. 2, Schedule 1, pp. 1-3).

Q. WHAT ARE THE CHALLENGES FACED BY DEER HAVEN TO PROVIDE ADEQUATE, EFFICIENT, SAFE, AND REASONABLE WATER SERVICE AND FACILITIES WITHOUT UNREASONABLE INTERRUPTION OR DELAY AS REQUIRED BY 66 PA. C.S. § 1501?

A. First, on June 24, 2024, Deer Haven was notified of an outage of a recently installed well pump on the water system. Second, on June 26, 2024, the Pennsylvania Department of Environmental Protection (DEP) issued a Notice of Violation identifying multiple significant deficiencies at the water system and directed Deer Haven to respond with a schedule to correct the deficiencies by August 10, 2024 and correct all significant deficiencies by October 24, 2024 (529 Petition, Paragraph 9). Third, Deer Haven lacks the technical or financial resources to address the deficiencies identified by DEP or to compensate Pocono Water Works for continued operation of the water system. Lastly, Deer Haven indicates that Pocono Water Works has ceased all administrative and operational activity related to the water system due to unsustainable shortfalls between operating income and operating expenses (529 Petition, Paragraph 10).

<u>CAPABLE PUBLIC UTILITY</u>

Q. WHAT IS A CAPABLE PUBLIC UTILITY FOR PURPOSES OF A SECTION 529 ACQUISITION?

A. Section 529(m) defines a capable public utility as "a public utility which regularly provides the same type of service as the small water utility or the small sewer

utility to 4,000 or more customer connections, which is not an affiliated interest of the small water utility or the small sewer utility and which provides adequate, efficient, safe, and reasonable service."[1]

Q. HAS AQUA DEMONSTRATED THAT IT IS A CAPABLE PUBLIC UTILITY?

A. Yes. On its website, Aqua makes several statements regarding its managerial, technical, and financial capabilities to provide safe, reliable, and adequate service. Specifically, Aqua states the following:

> Aqua provides water and wastewater services to more than three million people in eight states and continues to grow its operations. Aqua has more than 135 years of history and experience, founded in 1886 in southeastern Pennsylvania. It employs approximately 1500 people and treats more than 82 billion gallons water each year and 114 million gallons of wastewater daily. Aqua's expertise and financial strength led to 66 acquisitions of municipal and private water/wastewater systems and approximately $500 million of rate base added through acquisitions between 2015-2022.[2]

In Pennsylvania, Aqua serves 1.59 million people and operates 113 public water systems and 40 wastewater facilities and employs approximately 580 people.[3] Aqua is a Class A water utility with total net utility plant assets of $5 billion and there are no pending legal proceedings challenging Aqua's ability to provide safe and adequate service (I&E Exhibit No. 2, Schedule 2, p. 1).

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1 66 Pa. C.S. § 529(m).

2 https://www.aquawater.com/sites/default/files/2024-08/aqua-company-overview-infographic-2022.jpg (accessed on February 27, 2025).

3 https://www.aquawater.com/about-aqua/states-we-serve/aqua-pennsylvania (accessed on February 27, 2025).

Q. DOES AQUA HAVE THE FINANCIAL CAPABILITIES TO PROVIDE SAFE AND ADEQUATE SERVICE TO DEER HAVEN WATER CUSTOMERS?

A. Yes. Per Aqua's audited consolidated financial statements for the year ended December 31, 2023, its financial position is sound and is summarized in the table below (I&E Exhibit No. 2, Schedule 2, pp. 2-6):

$ in Millions	Year Ended December 31, 2023	Year Ended December 31, 2022	Increase in 2023 over 2022
Operating Revenue	$638.65	$605.41	5.49%
Net Income	$234.75	$229.16	2.44%
Net Utility Plant	$5,126.95	$4,910.73	4.40%
Shareholders' Equity	$2,354.60	$2,462.53	(4.38%)

Furthermore, Aqua has an A- rating from Standard and Poor's Rating Service, as well as access to equity capital as a subsidiary of Essential Utilities, Inc. (I&E Exhibit No. 2, Schedule 2, p. 1).

This demonstrates that Aqua has a strong financial position and adequate financial resources to make the required capital improvements that are necessary to provide safe, reliable, and adequate water services to Deer Haven customers in compliance with the Commission's and DEP mandated rules and regulations.

Q. WHAT IS THE ESTIMATED CAPITAL EXPENDITURE REQUIRED BY AQUA TO MAINTAIN WATER SERVICE TO DEER HAVEN CUSTOMERS?

A. In response to I&E-I-6, Aqua states that it is exploring several options regarding the Deer Haven water system, is currently working to lift the boil water advisory, has submitted a 4-Log permit application to DEP, and has installed multiple sections of 36-inch ductile iron pipe to provide 4-Log disinfection contact time (I&E Exhibit No. 2, Schedule 2, p. 7).

Q. WHO ARE THE OFFICERS AND DIRECTORS OF AQUA?

A. The key officers and directors listed in Aqua's 2023 PUC Annual Report are:[4] Marc A. Lucca (President), Christopher H. Franklin, (Chief Executive Officer), Mathew R. Rhodes (Executive Vice President - Strategy & Corporate Development), Daniel J. Schuller (Chief Financial Officer), and Christopher P. Luning (General Counsel and Secretary).

Q. IS AQUA AN APPROPRIATE CAPABLE PUBLIC UTILITY TO ACQUIRE DEER HAVEN'S WATER SYSTEM GIVEN AQUA'S FINANCIAL, TECHNICAL, AND MANAGERIAL COMPETENCE?

A. Yes. As discussed above, Aqua has the financial and managerial ability needed to

[4] Aqua PA - 2023 PUC Annual Report, https://www.puc.pa.gov/pcdocs/1846849.pdfp. 12, 103 – Directors and p. 13, 104 – Officers.

provide safe and reliable service to Deer Haven's water customers. It is reasonable to conclude that the directors and senior management team of Aqua, a company that provides water services as its core business, to approximately 1.59 million people and operating 113 public water systems and 40 wastewater facilities, is managerially capable of managing and operating Deer Haven's water system, which has only 40 customers in Palmyra Township, Pike County, Pennsylvania. Deer Haven's water system abuts Lake Wallenpaupack and is in close proximity to several of Aqua's water systems including Tanglewood North and Tanglewood Lakes.

Furthermore, as discussed above, Aqua is more than capable of providing the capital needed to maintain safe and reliable service to the customers of Deer Haven because Aqua has adequate resources to upgrade and replace Deer Haven's water system infrastructure and enhance the integrity and reliability of its assets. Therefore, based on Aqua's financial, technical, and managerial capabilities, Aqua is an appropriate capable public utility to acquire Deer Haven's small water system.

ELEMENTS OF A 529 INVESTIGATION SET FORTH IN SECTION 529(a)(3)-(6)

Q. WHAT IS THE PURPOSE OF THE SIX ELEMENTS OF A 529 INVESTIGATION?

A. As mentioned above, the Commission evaluates six elements set forth in Section 529(a) to determine whether a capable public utility should be ordered to acquire a

small water or sewer utility. In this section, I address elements three through six.

Third Element of Section 529(a)

Q. WHAT IS THE THIRD ELEMENT OF SECTION 529(a)?

A. The third element of Section 529(a) states that "the small water or sewer utility cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities in the future."[5]

Q. WHAT EVIDENCE DID DEER HAVEN PROVIDE TO SUPPORT THE ASSERTION THAT IT CANNOT REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE, AND REASONABLE WATER SERVICE AND FACILITIES IN THE FUTURE?

A. In its 529 Petition, Deer Haven addressed the lack of technical and financial capacity of the Company and its inability to meet the current and future requirements to maintain and operate the system in an adequate, safe, and efficient manner (529 Petition, pp. 4-5).

First, on June 24, 2024, Deer Haven was notified of an outage of a recently installed well pump of the water system. Second, the Company states that it lacks the technical or financial resources to address the DEP identified deficiencies identified in the Notice of Violation issued on June 26, 2024 or to compensate

[5] 66 Pa. C.S. § 529(a)(3).

Pocono Water Works for continued operation of the water system. Third, Deer Haven acknowledges that the Pocono Water Works (Water System Operator) has continued invoicing and collecting payment from the water system customers, but it intends to cease all administrative and operational activity related to the water system as early as August 1, 2024, due to unsustainable shortfalls between operating income and operating expenses (529 Petition, Paragraph 10, p. 4).

Deer Haven has pleaded that immediate relief is required as the water system was anticipating it would be without an operator or administrative support as early as August 1, 2024 (52 Pa. Code § 3.2(b)(2)). Additionally, Deer Haven avers that irreparable injury will result absent immediate relief as the water system has already been cited for significant environmental deficiencies that are expected to continue absent corrective actions that Deer Haven is not equipped to undertake (529 Petition, Paragraph 11, p. 5).

These points demonstrate that Deer Haven is unable to provide adequate, safe, and reasonably continuous service without unreasonable interruption or delay (66 Pa. C.S. § 1501).

Q. DOES THE COMPANY MEET THE CRITERIA FOR THE THIRD ELEMENT OF A 529 ACQUISITION?

A. Yes. As discussed above, Deer Haven has technical and financial limitations, and the Company acknowledged its inability to meet the current and future requirements to maintain and operate the water system in an adequate, safe, and

efficient manner. Aqua, on the other hand, currently operates water facilities within close proximity to Deer Haven. As the second largest water and wastewater operator in the Commonwealth of Pennsylvania, Aqua possesses the technical and financial resources to safely and adequately operate Deer Haven's water system.

Therefore, at the request of Deer Haven, the Commission has issued a Ratification Order[6] to the *Ex Parte* Emergency Order directing Aqua to take temporary receivership of the Deer Haven water system and conduct all operational and administrative activities necessary to preserve reasonably continuous safe and adequate service until the impacted parties develop a long-term solution for the water system.

Fourth Element of Section 529(a)

Q. WHAT IS THE FOURTH ELEMENT OF SECTION 529(a)?

A. The fourth element of Section 529(a) states that "alternatives to acquisition have been considered in accordance with subsection (b) and have been determined by the commission to be impractical or not economically feasible."[7]

[6] Commission's Ratification Order to the Chairman's Ex Parte Emergency Order of August 7, 2024, directs Aqua Pennsylvania, Inc. to act as the Receiver for Deer Haven, LLC's Water System beginning August 22, 2024 and to continue during the pendency of the Section 529 proceeding (at Docket No. P-2024-3050545, Order entered on August 26, 2024).

[7] 66 Pa. C.S. § 529(a)(4).

Q. WHAT ARE THE ALTERNATIVES TO ACQUISITION LISTED IN SECTION 529(b)?

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

(1) The reorganization of the small water or sewer utility under new management.
(2) The entering of a contract with another public utility or a management or service company to operate the small water or sewer utility.
(3) The appointment of a receiver to assure the provision of adequate, efficient, safe and reasonable service and facilities to the public.
(4) The merger of the small water or sewer utility with one or more other public utilities.
(5) The acquisition of the small water or sewer utility by a municipality, a municipal authority or a cooperative.

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

A. Yes. Deer Haven filed a petition[8] requesting the Commission for the issuance of an *Ex Parte* emergency order appointing Aqua to act as a temporary receiver to operate Deer Haven's water system and wastewater system to provide adequate, efficient, safe, and reasonable service to customers. The Commission has issued a Ratification Order[9] to the *Ex Parte* Emergency Order directing Aqua to take temporary receivership of the Deer Haven water system and conduct all

[8] On August 1, 2024, Deer Haven filed a petition with the Commission for issuance of an Emergency Order on an expedited basis at Docket Nos. P-2024-3050545 and P-2024-3050549.

[9] Commission's Ratification Order to the Chairman's Ex Parte Emergency Order of August 7, 2024, directs Aqua Pennsylvania, Inc. to act as the Receiver for Deer Haven, LLC's Water System beginning August 22, 2024 and to continue during the pendency of the Section 529 proceeding and in accordance with Appendix A to this Order (at Docket No. P-2024-3050545, order entered on August 26, 2024).

operational and administrative activities necessary to preserve reasonably continuous safe and adequate service until the impacted parties develop a long-term solution for the water system.

Therefore, it is implicit that the above alternatives to acquisition listed in Section 529(b) are impractical or not economically feasible; and hence the fourth criteria has been met pending the anticipated acquisition.

Fifth Element of Section 529(a)

Q. WHAT IS THE FIFTH ELEMENT OF SECTION 529(a)?

A. Section 529(a) states that "the acquiring capable public utility is financially, managerially and technically capable of acquiring and operating the small sewer utility in compliance with applicable statutory and regulatory standards."[10]

Q. HAS A CAPABLE PUBLIC UTILITY THAT IS FINANCIALLY, MANAGERIALLY, AND TECHNICALLY CAPABLE OF ACQUIRING DEER HAVEN'S WATER SYSTEM BEEN IDENTIFIED?

A. Yes. As discussed above, Aqua is financially, managerially, and technically capable of acquiring Deer Haven's water system and the Commission has already appointed Aqua as receiver of Deer Haven's water system.

[10] 66 Pa. C.S. § 529(a)(5).

Q. WHAT IS THE ESTIMATED CAPITAL EXPENDITURE REQUIRED BY AQUA TO MAINTAIN ADEQUATE, EFFICIENT, SAFE, AND REASONABLE WATER SERVICE TO DEER HAVEN CUSTOMERS?

A. In its response to OCA-I-8, Aqua states that it does not have an analysis of capital improvements needed to provide adequate service and to bring the water system into environmental compliance compared to the costs to integrate this system into the Company's operations. However, Aqua provides information about the capital expenditures made for the utilities acquired under Section 529 in the last five years (I&E Exhibit No. 2, Schedule 3, pp. 1-2).

Q. HAS AQUA RECENTLY ACQUIRED ANY OTHER WATER OR WASTEWATER COMPANIES?

A. Yes. Aqua acquired the following water systems in 2022, 2023, and 2024 (I&E Exhibit No. 2, Schedule 3, p. 3):

Water Utility	Docket No.	Customer Count	Date Closed
James Black Water Service Company	M-2019-3012563	19	May 2, 2024
Municipal Authority of the Borough of Shenandoah	A-2022-303413	2,899	July 24, 2023

Aqua Pennsylvania Wastewater, Inc. acquired the following wastewater systems in 2022, 2023, and 2024 (I&E Exhibit No. 2, Schedule 3, p. 3):

Wastewater Utility	Docket No.	Customer Count	Date Closed
North Heidelberg Sewer Company	M-2018-2645983 I-2018-3001161	274	March 31, 2023
East Whiteland Township	A-2021-3026132	3,895	August 12, 2022
Lower Makefield Township	A-2021-3024267	11,151	March 4, 2022

Q. HAS I&E DETERMINED WHETHER THE CRITERIA FOR THE FIFTH ELEMENT OF SECTION 529(a) IS MET?

A. Yes. As discussed above, Aqua is a capable public utility that is financially, managerially, and technically capable of complying with applicable statutory and regulatory standards. Therefore, it is my opinion that Aqua is capable of operating Deer Haven's small water system serving approximately 40 water customers.

Sixth Element of Section 529(a)

Q. WHAT IS THE SIXTH ELEMENT OF SECTION 529(a)?

A. The sixth element states that "the rates charged by the acquiring capable public utility to its pre-acquisition customers will not increase unreasonably because of the acquisition."[11]

[11] 66 Pa. C.S. § 529(a)(6).

Q. WOULD THE ACQUISITION OF DEER HAVEN'S WATER SYSTEM BY AQUA UNREASONABLY INCREASE RATES FOR PRE-ACQUISITION CUSTOMERS?

A. No. Deer Haven's 40 customers are not going to unreasonably affect rates for pre-acquisition customers as Aqua supplies water services to approximately 442,000 customers and Deer Haven's customer count represents 0.009% of Aqua's water customer count. In response to OCA's interrogatory, Aqua acknowledges that (1) with existing economies of scale within the company, Aqua would be able keep rates reasonable for the existing and acquired customers (I&E Exhibit No. 2, Schedule 3, p. 4); and (2) there would be no immediate effect on the rates of current Aqua customers if the existing water rates of Deer Haven were implemented and brought into Aqua's tariff under a separate rate zone. (I&E Exhibit No. 2, Schedule 3, p. 5).

Q. HAS I&E DETERMINED WHETHER THE SIXTH ELEMENT OF SECTION 529(a) IS MET?

A. Yes. The acquisition of Deer Haven's water system by Aqua would not result in an unreasonable increase in rates for Aqua's current customers. Aqua has demonstrated through the acquisition of several large and small water and wastewater systems without a significant increase in rates for its existing customers.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes.

D. C. Patel
Professional and Educational Background

EXPERIENCE:

- Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania
  June 2015 to Present
  Fixed Utility Financial Analyst, Bureau of Investigation and Enforcement
- Pennsylvania Insurance Department, Harrisburg, Pennsylvania
  March 2013 - June 2015
  Insurance Company Financial Analyst, Bureau of Company Licensing & Financial Analysis
- Pennsylvania Department of Revenue, Harrisburg, Pennsylvania
  November 2010 - March 2013
  Accounting Assistant, Bureau of Corporation Taxes (Accounting)
- Hersha Hospitality Management, Harrisburg, Pennsylvania
  June 2007 - November 2010
  Staff Accountant (Taxes), Accounting Department
- Corporate Experience-India
  February 1987 - April 2007
  Worked as Company Secretary for three different companies during this period, which were listed on the Stock Exchanges.

EDUCATION/CERTIFICATION:

- Gujarat State University, Ahmedabad, India:
  Bachelor of Commerce (Major concentration: Accounting)
  June 1980 - April 1983
  Bachelor of Law
  June 1983 - December 1988
- The Institute of Company Secretaries of India, New Delhi, India:
  Post Graduate Professional Degree: Company Secretary
  June 1983 - December 1985

RATE CASE TRAINING:

- Attended SURFA - 54th Financial Forum (ROR) in April 2023
- Attended 37th Western NARUC Utility Rate School in May 2016

WORKED ON THE FOLLOWING CASES (Testimony not required):

- R-2024-3049248 et al. City of Lock Haven - Water Department
- R-2024-3048767 - PECO Energy Co. - Gas Operations (1307(f))
- R-2024-3047014 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2022-3032167 - Columbia Gas of Pennsylvania, Inc. (Green Path Rider)
- R-2022-3031172 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2021-3024349 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2021-3023541 - National Fuel Gas Distribution Corporation (§ 1307(f))
- A-2020-3021460 - PA American Water Co.-Upper Pottsgrove-Wastewater (1329)
- A-2020-3020178 - PA American Water Co.-Valley Township-Wastewater (1329)
- A-2020-3019859 - PA American Water Co.-Valley Township-Water (1329)
- R-2020-3019661 - PECO Energy Co. - Gas Operations (1307(f))
- U-2020-3015258 - Pittsburgh Water and Sewer Authority
- R-2019-3008255 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2018-3001568 - PECO Energy Co. - Gas Operations (1307(f))
- R-2018-3000253 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2017-2631441 - Reynolds Water Co.
- A-2017-2629534 - PPL Electric Utilities (Restructuring Plan)
- R-2017-2602611 - PECO Energy Co. - Gas Operations (1307(f))
- R-2016-2567893 - Andreassi Gas Co.
- R-2016-2525128 - Columbia Water Co. - Marietta Division
- R-2015-2493905 - Sands, Inc.
- R-2015-2479962 - Corner Water Supply and Service Corporation
- R-2015-2479955 - Allied Utility Services, Inc.

SUBMITTED TESTIMONY IN THE FOLLOWING CASES:

- R-2024-3050208 The Newtown Artesian Water Company
- R-2024-3047068 First Energy Pennsylvania Electric Company
- R-2024-3046931 PECO Energy Co. - Electric Operations
- R-2024-3046519 Columbia Gas of Pennsylvania, Inc.
- R-2024-3045192 et al. Veolia Water Pennsylvania, Inc.
- R-2023-3042804 et al. Community Utilities of Pennsylvania , Inc.
- R-2023-3043189 et al. PA American Water Co.
- R-2023-3038630 Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2023-3037933 Philadelphia Gas Works
- R-2022-3037368 UGI Electric, Inc. - Electric Division
- A-2022-3034143 Aqua Pennsylvania, Inc. - Borough of Shenandoah (Water System) (1329)
- R-2022-3031672 and R-2022-3031673 - PA American Water Co.

- R-2022-3031211 - Columbia Gas of Pennsylvania, Inc.
- R-2021-3024773 et al. - Pittsburgh Water and Sewer Authority
- A-2021-3024058- PA American Water Co. - Borough of Brentwood (Wastewater System) - 1329
- A-2021-3024681 - PA American Water Co. - York City Sewer Authority/City of York (Wastewater System) (1329)
- R-2021-3024601 - PECO Energy Co. - Electric Operations
- A-2021-3024267 - Aqua Pennsylvania Wastewater, Inc. - Lower Makefield (WW) (1329)
- A-2020-3019634 - PA American Water Co. - Royersford Wastewater (1329)
- R-2020-3018993 - Columbia Gas Pennsylvania, Inc. (1307(f))
- R-2020-3018929 - PECO Energy Co. - Gas Operations
- R-2020-3017951 et al. - Pittsburgh Water and Sewer Authority
- A-2019-3008491 - Aqua Pennsylvania Wastewater, Inc.
- R-2019-3008212 - Citizens Electric Company of Lewisburg, PA
- R-2019-3008208 - Wellsboro Electric Company
- R-2018-3006814 - UGI Utilities, Inc. (Gas Division)
- R-2018-3002645 and 3002647 - Pittsburgh Water and Sewer Authority
- R-2018-3000834 - Suez Water Pennsylvania, Inc.
- R-2018-2647577 - Columbia Gas of Pennsylvania, Inc.
- M-2018-2640802 and M-2018-2640803 - Pittsburgh Water and Sewer Authority
- (Compliance Plan Stage 2)
- R-2017-2595853 - Pennsylvania American Water Co.
- R-2016-2580030 - UGI Penn Natural Gas, Inc.
- R-2016-2554150 - City of DuBois - Bureau of Water
- R-2016-2529660 - Columbia Gas of Pennsylvania, Inc.
- P-2016-2526627 - PPL Electric Utilities Corp. (DSP IV)

I&E Exhibit No. 2
Witness: D. C. Patel

PETITION OF DEER HAVEN, L.L.C. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA C.S.A. SECTION 529

Docket Nos. P-2024-3050545 and I-2024-3051540 (Water)

Exhibit to Accompany

the

Direct Testimony

of

D. C. Patel

Bureau of Investigation & Enforcement

Concerning:

Commission Evaluation of the Elements Set Forth in Section 529(a)
Commission Consideration of Factors Set Forth in Section 529(c)

Section 529 Investigation Into the
Acquisition of Deer Haven, LLC (Water)
Docket No. P-2024-3050545, I-2024-3051540

Deer Haven, LLC's Responses to
OCA Interrogatories Set I

Q.47. Please provide the Company's financial statements; including balance sheet, income statement and cash flow report as of the most recent period available.

Response:

See above response to OCA Set I, No. 1.

Response Provided by: Salah Mekkawy, Member, Deer Haven L.L.C.

Date: December 23, 2024

Section 529 Investigation Into the
Acquisition of Deer Haven, LLC (Water)
Docket No. P-2024-3050545, I-2024-3051540

Deer Haven, LLC's Responses to
OCA Interrogatories Set I

Q.48. For all outstanding debt, provide a list showing the name of the issuing party, the year and the original amount of the loan, interest rate, outstanding balance at June 30, 2024, and the monthly payment amount. Indicate how many payments are overdue on each loan.

Response:

See above response to OCA Set I, No. 1.

Response Provided by: Salah Mekkawy, Member, Deer Haven L.L.C.

Date: December 23, 2024

Section 529 Investigation Into the
Acquisition of Deer Haven, LLC (Water)
Docket No. P-2024-3050545, I-2024-3051540

Deer Haven, LLC's Responses to
OCA Interrogatories Set I

Q.1. Please provide drawing(s) of a general plan map showing the Company's water system including the distribution system, location of water sources, treatment facilities, pumping stations, storage tanks, and pressure zones.

Response:

As stated in the Emergency Petition, the water system had been operated by Pocono Waterworks, LLC until the Commission appointed Aqua as the Receiver. As a result, Deer Haven does have responsive information for this question.

Response Provided by: Salah Mekkawy, Member, Deer Haven L.L.C.

Date: December 23, 2024

Respondent: William C. Packer
Date: 11/18/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC (WATER AND SEWER)

DOCKET NOS. P-2024-3050545 and I-2024-3051540 (Water)
DOCKET NOS. P-2024-3050549 and I-2024-3051541 (Sewer)

BUREAU OF INVESTIGATION AND ENFORCEMENT

SET I INTERROGATORIES

I&E-I-4 Reference Section 529(a)(5) and 529(c)(2), provide supporting documents that support Aqua is financially, managerially, and technically capable of acquiring and operating DH's water and sewer systems in compliance with applicable statutory and regulatory standards.

RESPONSE

Please note that there is a transfer application involved in this proceeding. Aqua believes that the transfer application should be addressed first before any discovery on whether Aqua is capable of owning and operating DH's water and sewer system.

While I am not an attorney, I understand that as a certificated provider of water and wastewater service, Aqua's fitness is presumed. There are no pending legal proceedings challenging Aqua's ability to provide safe and adequate service. AP is a Class A water utility with total net utility plant assets of $5 billion and annual revenues of $639 million, as of 2023. AP had operating income of approximately $337 million and net income of $235 million, and its cash flows from operations equaled approximately $241 million as of December 31, 2023. APW is a Class A wastewater utility with total net utility plant assets of approximately $502 million and annual revenues of approximately $72 million, as of December 31, 2022. AP has an A- rating from Standard and Poor's Rating Service, as well as access to equity capital as a subsidiary of Essential Utilities, Inc.

AQUA PENNSYLVANIA, INC.

(a wholly owned subsidiary of Essential Utilities, Inc.)

Consolidated Financial Statements
As of and for the years ended
December 31, 2023 and 2022



Report of Independent Auditors

To the Board of Directors and Stockholder of Aqua Pennsylvania, Inc.

Opinion

We have audited the accompanying consolidated financial statements of Aqua Pennsylvania, Inc. and its subsidiaries (the "Company"), which comprise the consolidated balance sheets as of December 31, 2023 and 2022 and the related consolidated statements of income, of cash flows, of capitalization, and of stockholder's equity for the years then ended, including the related notes (collectively referred to as the "consolidated financial statements").

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Company as of December 31, 2023 and 2022 and the results of its operations and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (US GAAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Consolidated Financial Statements section of our report. We are required to be independent of the Company and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Company's ability to continue as a going concern for one year after the date the consolidated financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with US GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are

considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

In performing an audit in accordance with US GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Company's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

PricewaterhouseCoopers LLP

Philadelphia, Pennsylvania
April 26, 2024

AQUA PENNSYLVANIA, INC.
Consolidated Balance Sheets
(In thousands of dollars, except per share amounts)
December 31, 2023 and 2022

Assets	2023	2022
Utility plant, net of accumulated depreciation	$ 4,971,449	$ 4,729,404
Construction work-in-progress	153,976	180,776
Utility plant acquisition adjustment, net	1,527	553
Net utility plant	5,126,952	4,910,733
Investment in nonutility property, net of accumulated depreciation	22,361	22,909
Current assets:		
Cash and cash equivalents	188	1,457
Accounts receivable, less allowance for doubtful accounts of $10,774 and $12,579, in 2023 and 2022, respectively	54,153	57,850
Accounts receivable-affiliates	18,225	87,496
Unbilled revenues	33,466	32,595
Materials and supplies	15,967	18,646
Prepayments and other current assets	10,687	3,135
Total current assets	132,686	201,179
Deferred charges and non-current assets:		
Debt issuance expense, net of accumulated amortization	62	12
Regulatory assets	854,207	746,356
Other deferred charges, net	1,868	4,623
Operating lease right-of-use assets	7,954	8,149
Goodwill	34,304	34,304
Pension	119,148	104,893
Total deferred charges and non-current assets	1,017,543	898,337
Total assets	$ 6,299,542	$ 6,033,158

Liabilities and Stockholder's Equity	2023	2022
Common stockholder's equity:		
Common stock, $100 par value, 1,000,000 shares authorized, 1,000 shares issued and outstanding	$ 100	$ 100
Capital in excess of par value	(58,745)	283,930
Retained earnings	2,413,249	2,178,502
Total stockholder's equity	2,354,604	2,462,532
Long-term debt, excluding current portion	2,206,415	1,920,204
Debt issuance expense, net of amortization	(13,104)	(13,072)
Total long-term debt, excluding current portion, net of debt issuance costs	2,193,311	1,907,132
Current liabilities:		
Current portion of long-term debt	13,897	14,903
Loans payable	23,123	20,000
Accounts payable	37,841	44,040
Accounts payable-affiliates	10,226	68,981
Accrued interest	26,570	20,564
Other current liabilities	7,416	7,836
Total current liabilities	119,073	176,324
Deferred credits and other non-current liabilities:		
Customers' advances for construction	65,399	59,927
Deferred income taxes	941,562	856,740
Investment tax credits	3,108	3,361
Regulatory liabilities	396,497	346,924
Operating lease liabilities	7,720	7,893
Accounts Payable-affiliates	28,338	28,338
Other	14,511	23,159
Total deferred credits and other non-current liabilities	1,457,135	1,326,342
Contributions in aid of construction	175,419	160,828
Total liabilities and stockholder's equity	$ 6,299,542	$ 6,033,158

See accompanying notes to consolidated financial statements.

AQUA PENNSYLVANIA, INC.
Consolidated Statements of Income
(In thousands of dollars)
Years ended December 31, 2023 and 2022

	2023	2022
Operating revenues	$ 638,653	$ 605,409
Operating expenses:		
Operating, maintenance and administrative expenses	160,438	162,089
Depreciation	131,729	121,777
Amortization	(634)	(415)
Taxes other than income taxes	12,281	12,275
Gain on sale of other assets	(559)	(885)
Total operating expenses	303,255	294,841
Operating income	335,398	310,568
Other expense:		
Interest on long-term debt	85,182	73,035
Other interest expense, net	1,767	1,082
Allowance for funds used during construction	(7,959)	(12,152)
Other net periodic benefit income	(4,017)	(4,790)
Amortization of debt issuance costs	147	138
Other income, net	(2,422)	(2,151)
Total other expense	72,698	55,162
Income before income taxes	262,700	255,406
Provision for income taxes	27,953	26,244
Net income	$ 234,747	$ 229,162

See accompanying notes to consolidated financial statements.

Respondent: William C. Packer
Date: 11/18/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC (WATER AND SEWER)

DOCKET NOS. P-2024-3050545 and I-2024-3051540 (Water)
DOCKET NOS. P-2024-3050549 and I-2024-3051541 (Sewer)

BUREAU OF INVESTIGATION AND ENFORCEMENT

SET I INTERROGATORIES

I&E-I-6 Reference Section 529(c)(3) and 529(j), provide Aqua's capital investment/improvement plan with estimated expenditures with a breakdown by line item and completion timetable, which is necessary to remedy DEP violations and ensure compliance with all applicable statutory and regulatory standards for the DH water and sewer systems.

RESPONSE

The Company is exploring several options regarding the DH Water and DH Sewer systems. Currently as the DH Sewer plant was only providing primary treatment, Aqua was required to implement pumping and hauling as a connection to the new wastewater treatment plant ("WWTP") owned by PL Utilities, Inc. ("PLU") has not been authorized by PLU at this time. The cost to ratepayers of pumping and hauling per month is approximately $26,310. The Company is also currently exploring installing a mobile treatment unit on site to cease pumping and hauling operations. The mobile treatment unit will cost approximately $1.75 million; however, the current landowner of the parcel on which the existing WWTP sits, and the surrounding parcels, has objected to Aqua installing the mobile treatment unit. The landowner is the current owner of PLU, Pocono Lakefront, LLC, and was the intended purchaser of the DH Sewer system in Docket Nos. A-2024-3049587 and A-2024-3049591.

Regarding the DH Water system, the Company is currently working to lift the boil water advisory ("BWA") by and has submitted a 4-Log permit application to DEP and has installed multiple sections of 36-inch ductile iron pipe to provide 4-Log disinfection contact time.

Respondent: Stephen Clark
Date: 12/23/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC

DOCKET NOS. P-20243050545 & I-2024-3051540

OFFICE OF CONSUMER ADVOCATE

SET I INTERROGATORIES

OCA-I-8 Has the Company previously acquired small water systems in need of capital improvements in the past 5 years? If so, please:

a. Identify the systems and their location in the Company's service territory,

b. Identify the docket number of the Orders approving the acquisitions,

c. Quantify how much the Company anticipated spending when it acquired the system,

d. Quantify actual expenditures for capital improvements, and

e. Quantify the costs of capital improvements needed to provide adequate service and bring the system into environmental compliance, as compared to the costs to integrate the system into the Company and its operations.

RESPONSE

a.-d. Yes. In the past 5 years the Company acquired the following systems under Section 529 of the Public Utility Code:

System	W / WW	Location	PaPUC Docket	Anticipated CapEx	Actual CapEx as of 07/2024
James Black Water Service Company – Belle Aire Acres ("Belle Aire Acres")	W	Jefferson Twp., Lackawanna County	M-2019-3012563	$1.3M	$9,500
North Heidelberg Sewer Company ("NHSC")	WW	Jefferson Twp. And North Heidelberg Township, Berks County	M-2018-2645983 I-2018-3001161	$2.93M	$1.46M

e. The Company does not have an analysis of capital improvements needed to provide adequate service and to bring these systems into environmental compliance compared to the costs to integrate these systems into the Company's operations.

Respondent: William C. Packer
Date: 11/18/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC (WATER AND SEWER)

DOCKET NOS. P-2024-3050545 and I-2024-3051540 (Water)
DOCKET NOS. P-2024-3050549 and I-2024-3051541 (Sewer)

BUREAU OF INVESTIGATION AND ENFORCEMENT

SET I INTERROGATORIES

I&E-I-1 Provide a list of all acquisitions made (closed) by Aqua Pennsylvania, Inc. (Aqua) or its affiliates in 2020, 2021, 2022, 2023, and 2024. For each acquisition, provide the docket number, number of customers acquired, the acquisition price of each water or wastewater systems, and specify the applicable Section 1329 or 529 proceeding.

RESPONSE

Please note that there is a transfer application involved in this proceeding. Aqua believes that the transfer application should be addressed first before any discovery on cost impacts to Aqua customers.

Aqua Pennsylvania, Inc. ("AP") and Aqua Pennsylvania Wastewater, Inc. ("APW") (together AP and APW shall be referred to as "Aqua" or the "Company") objects to the request for five years of information. As such, the Company will provide three years of the data requested.

AP has acquired the following systems in 2022, 2023, and 2024:

Acquisition	Docket No.	W / WW	Date Closed	Customer Count
James Black Water Service Company – Belle Aire Acres	M-2019-3012563	Water	05/02/2024	19
Municipal Authority of the Borough of Shenandoah	A-2022-303413	Water	07/24/2023	2,899

APW has acquired the following system in 2022, 2023, and 2024:

Acquisition	Docket No.	W / WW	Date Closed	Customer Count
North Heidelberg Sewer Company	M-2018-2645983 I-2018-3001161	Wastewater	03/31/2023	274
East Whiteland Township	A-2021-3026132	Wastewater	08/12/2022	3,895
Lower Makefield Township	A-2021-3024267	Wastewater	03/04/2022	11,151

Respondent: William C. Packer
Date: 12/23/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC

DOCKET NOS. P-20243050545 & I-2024-3051540

OFFICE OF CONSUMER ADVOCATE

SET I INTERROGATORIES

OCA-I-2 If the Company acquired Deer Haven, please state whether economies of scale would reduce the cost of operating the system and whether the acquisition would help the Company keep rates reasonable for existing and acquired customers. Explain why or why not and provide all calculations used in the response.

RESPONSE

Yes. To the extent economies of scale result from (i) the Company's operation of DH Water after an acquisition or (ii) the application of existing economies of scale within the Company to DH Water, all would help keep rates reasonable for existing and acquired customers.

Respondent: William C. Packer
Date: 12/23/2024

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC

DOCKET NOS. P-20243050545 & I-2024-3051540

OFFICE OF CONSUMER ADVOCATE

SET I INTERROGATORIES

OCA-I-7 Please state what effect the acquisition of Deer Haven would have on the rates of existing water customers of the Company.

RESPONSE

There would be no immediate effect on the rates of current Aqua customers if the existing rates of DH Water were implemented and brought into the Company's tariff under a separate rate zone. If DH Water were consolidated into an existing rate zone at less than its full cost of service, any revenue deficiency related to DH Water would have to be recovered from other Aqua customers.

I&E Statement No. 2
Witness: D. C. Patel

PETITION OF DEER HAVEN, L.L.C. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WASTEWATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA C.S.A. SECTION 529

Docket Nos. P-2024-3050549 and I-2024-3051541 (Wastewater)

Direct Testimony

of

D. C. Patel

Bureau of Investigation & Enforcement

Concerning:

Commission Evaluation of the Elements Set Forth in Section 529(a)
Commission Consideration of Factors Set Forth in Section 529(c)

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INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is D. C. Patel, and my business address is Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

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

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

Q. WHAT IS YOUR EDUCATION AND EMPLOYMENT BACKGROUND?

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

Q. DOES YOUR DIRECT TESTIMONY INCLUDE AN ACCOMPANYING EXHIBIT?

A. Yes. I&E Exhibit No. 2 supports my direct testimony.

Q. PLEASE DESCRIBE THE ROLE OF I&E IN PROCEEDINGS BEFORE THE COMMISSION.

A. I&E is responsible for protecting the public interest in proceedings before the

Commission. I&E's analysis in the proceedings is based on its responsibility to represent the public interest. This responsibility requires the balancing of the interests of the ratepayers, the regulated utility, and the regulated community as a whole.

Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. The purpose of my direct testimony is to present the results of I&E's investigation into the Petition of Deer Haven, L.L.C. (Deer Haven or Company) for a Commission Order authorizing the acquisition of Deer Haven's wastewater system by a capable public utility pursuant to 66 Pa. C.S.A. § 529 (Deer Haven Petition or 529 Petition).

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

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

Q. WHAT IS YOUR RECOMMENDATION?

A. For the reasons discussed below and in the direct testimony of I&E witness Esyan Sakaya (I&E Statement No. 1), I recommend that the Commission approve the Company's Section 529 Petition to order a capable public utility, PL Utilities

L.L.C. (PLU) formed in 2015 whose sole member is Jacob Goren, to acquire Deer Haven's wastewater system pursuant to Section 529.

Q. HOW IS YOUR DIRECT TESTIMONY ORGANIZED?

A. I have organized my direct testimony to first discuss the factors to be considered as set forth in Section 529(c) encompassing the overall appropriateness of Deer Haven's 529 petition. I then address four of the six elements of Section 529(a) that the Commission must evaluate to determine if a capable public utility should be ordered to acquire a small water or sewer utility. Specifically, I address elements three through six (Section 529(a)(3)-(6)).

BACKGROUND

Q. WHAT ARE THE FACTORS TO BE CONSIDERED TO DETERMINE IF THE COMMISSION CAN ORDER A CAPABLE PUBLIC UTILITY TO ACQUIRE A SMALLER WATER OR SEWER COMPANY AS LISTED IN SECTION 529(c)?

A. Section 529(c) lists the six factors to be considered if the Commission can order a capable public utility to acquire a small water or sewer company. The factors to be considered by the Commission are as follows:

(1) The financial, managerial and technical ability of the small water or sewer utility.

(2) The financial, managerial and technical ability of all proximate public utilities providing the same type of service.

(3) The expenditures which may be necessary to make improvements to the small water or sewer utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
(4) The expansion of the franchise area of the acquiring capable public utility so as to include the service area of the small water or sewer utility to be acquired.
(5) The opinion and advice, if any, of the Department of Environmental Resources as to what steps may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
(6) Any other matters which may be relevant.

Q. HAVE YOU INVESTIGATED THE FINANCIAL AND MANAGERIAL ABILITY OF THE PETITIONER, DEER HAVEN?

A. Yes.

Q. PROVIDE A BRIEF BACKGROUND OF DEER HAVEN WATER AND SEWER SYSTEMS.

A. Deer Haven is a limited liability company organized under the provisions of the New Jersey Limited Liability Company Act. The company was formed on May 24, 2002, to do any and all lawful activities for which a business may be incorporated under the New Jersey Limited Liability Company Act and to operate and maintain a wastewater collection system and sewage treatment plant (529 Petition, Paragraph 1).

In 2004, Deer Haven entered into an agreement to acquire all of Edwin, Inc.'s (Edwin) common stock, together with all assets used and useful in the provision of water and wastewater services to the public, including but not limited

to, water distribution lines, wells, and all other equipment and facilities used by Edwin in the provision of water distribution service and collection mains, pumps, treatment facilities, and all other equipment and facilities used by Edwin in the provision of wastewater services. The Commission approved these transfers in 2008 at Docket Nos. A-210124 (Water) and A-230106 (Wastewater) (529 Petition, Paragraph 3).

Deer Haven started operating its wastewater facilities and providing service to the public in or around June 2004. The service territory is comprised of approximately 140 acres of land along the southeastern shore of Lake Wallenpaupack in Palmyra Township, Pike County. The Commission approved these transfers in 2008 at Docket Nos. A-210124 (Water) and A-230106 (Wastewater) (529 Petition, Paragraph 3).

In 2010, Deer Haven and Haven Development entered into a Purchase and Sale Agreement with Pocono Lakefront, LLC (Pocono Lakefront) for the sale of the property, including the land on which the water and wastewater systems are located (529 Petition, Paragraph 5). In 2014, Pocono Lakefront and Deer Haven entered into a Purchase Agreement (Utility Agreement) under which Pocono Lakefront would purchase the water and wastewater systems subject to obtaining the Commission's approval. The Utility Agreement also allowed Pocono Lakefront to form a new company to hold the Certificate of Public Convenience once the new wastewater system has been constructed and Deer Haven was required to continue operating the wastewater system (529 Petition, Paragraph 6).

CHALLENGES OF DEER HAVEN WASTEWATER SYSTEM

Q. SUMMARIZE BRIEFLY THE CURRENT STATUS OF THE WASTEWATER SYSTEM OPERATION.

A. First, in 2015 the Department of Environmental Resources (DEP) issued a Water Quality Management Permit to Pocono Lakefront, allowing the construction of a new wastewater treatment plant (WWTP) and associated sewer lines/connections. Construction of the new WWTP was significantly delayed and ultimately in 2023, the construction of a brand new WWTP was substantially completed (529 Petition, Paragraph 13, p. 5).

Second, Pocono Lakefront has since then taken numerous steps towards securing regulatory approvals for transfer of the wastewater system from Deer Haven. On June 18, 2024, Deer Haven and PLU filed a Joint Application to the Commission at Docket Nos. A-2024-3049587 and A-2024-3049591 seeking the Commission's approvals for (1) PLU's acquisition of certain wastewater system assets of Deer Haven; (2) the abandonment by Deer Haven of wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania; and (3) authorization/Certificates of Public Convenience for PLU to offer, render, furnish, or supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania.

Third, Deer Haven anticipates that these processes will remain ongoing through the end of the calendar year or longer. In the meantime, the wastewater system would remain exposed to additional violations as Deer Haven does not

possess required resources to take corrective action in response to violations identified by the DEP (529 Petition, Paragraph 14, p. 6). Deer Haven is responsible for operating the wastewater system during an interim period while Pocono Lakefront/PLU secures the various regulatory approvals necessary for it to connect its newly constructed WWTP to the wastewater system and take over its operations, including the Commission's Certificates of Public Convenience.

Lastly, in February 2024, Deer Haven hired Environmental Service Corp. (ESC) to operate the wastewater system in the ordinary course of business (529 Petition, Paragraph 15, p. 6).

Q. WHAT ARE THE CHALLENGES FACED BY DEER HAVEN TO PROVIDE ADEQUATE, EFFICIENT, SAFE, AND REASONABLE WASTEWATER SERVICE AND FACILITIES WITHOUT UNREASONABLE INTERRUPTION OR DELAY AS REQUIRED BY 66 PA. C.S. § 1501.

A. First, with wastewater system revenues failing to cover operating expenses, Deer Haven has struggled to maintain the aged and distressed existing WWTP in compliance with the DEP and Commission's regulations (529 Petition, Paragraph 15, p. 6).

Second, the existing WWTP has suffered a tank leak requiring costly repairs. Additionally, DEP has imposed daily sampling requirements above and

beyond those identified in Deer Haven's NPDES permit (529 Petition, Paragraph 15, pp. 6-7).

Third, the monthly expense for retaining ESC and conducting the supplemental sampling required by DEP costs Deer Haven approximately $7,000 per month. Through June 2024, these expenses alone already far exceeded the annual revenue from the wastewater system. As the mounting and unanticipated operational costs far outpace Deer Haven's financial resources, the Company is challenged to stay current on monthly invoices (529 Petition, Paragraph 15, p. 7). Deer Haven also stated that its financials continue to deteriorate to the point where it is considering declaring bankruptcy.[1]

Lastly, Deer Haven explained that, effective August 9, 2024, ESC terminated its service as operator due to past overdue balance on the account leaving Deer Haven without a certified operator. Additionally, due to the poor environmental compliance record, prior efforts to secure operator services proved extremely challenging (529 Petition, Paragraph 15, p. 7).

CAPABLE PUBLIC UTILITY

Q. WHAT IS A CAPABLE PUBLIC UTILITY FOR PURPOSES OF A SECTION 529 ACQUISITION?

A. Section 529(m) defines a capable public utility as "a public utility which regularly

[1] Commission order lifting stay of proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 concerning the joint application of Deer Haven LLC. and PL Utilities LLC., pp. 5-6 (Order entered February 20, 2025).

provides the same type of service as the small water utility or the small sewer utility to 4,000 or more customer connections, which is not an affiliated interest of the small water utility or the small sewer utility and which provides adequate, efficient, safe and reasonable service."[2]

Q. PLEASE EXPLAIN WHETHER THE COMMISSION HAS DETERMINED THAT PLU IS A CAPABLE PUBLIC UTILITY FOR THE ACQUISITION OF DEER HAVEN'S SEWER SYSTEM.

A. In the Commission's Order, lifting the stay of the proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 concerning the joint application of Deer Haven and PLU, the Commission stated,[3]

> Lifting the stay would allow the Commission to finally review and determine whether it is in the public interest to grant of certificate of public convenience authority that allows Deer Haven to abandon wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania and authorizes PL Utilities to offer, render, furnish, or supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania and also acquire the wastewater system assets of Deer Haven.

Q. PLEASE CONTINUE.

A. Commissioner Yanora in his motion for lifting the stay of the proceedings at

[2] 66 Pa. C.S. § 529(m).

[3] Commission order lifting stay of proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 concerning the joint application of Deer Haven LLC. and PL Utilities LLC., p. 9 (Order entered February 20, 2025).

Docket Nos. A-2024-3049591 and A-2024-3049587 stated,[4]

> PL Utilities has completed construction of a new wastewater treatment plant (PL Utilities WWTP) in 2023, which is approximately 1,000 feet from the non-functioning Deer Haven WWTP. The PL Utilities WWTP has the same flow rating as the Deer Haven WWTP and is available to accept effluent from Deer Haven customers. Connecting the Deer Haven collection system to the PL Utilities WWTP (System Interconnection) should provide a long-term solution to the deficiencies of the Deer Haven WWTP. Based on its potential ability to provide the necessary System Interconnection, I find PL Utilities is well-positioned to acquire the wastewater system assets of Deer Haven.

Q. HAS PLU DEMONSTRATED THAT IT IS A CAPABLE PUBLIC UTILITY?

A. Yes. In 2023, PLU substantially completed the construction of the new WWTP, which was funded through a loan from the sole member of PLU. The new WWTP was tested in early 2024 and is ready to be put into service. The only remaining construction work to be done is to make the final connections to the existing wastewater system so that the old treatment plant can be shut down and the new one turned on to take its place. The parties are working with the PA DEP and the Delaware River Basin Commission to obtain the necessary wastewater discharge permits, and the approval needed under Act 537 for the transfer of the wastewater system from Deer Haven to PLU. A joint application of Deer Haven and PLU is pending with the Commission seeking approvals for transfer of the wastewater

[4] Commissioner Yanora's motion entered at public meeting held on February 20, 2025 at Docket Nos. A-2024-3049591 and A-2024-3049587, p. 2.

system and issuance of Certificate of Public Convenience to PLU and abandonment of wastewater service by Deer Haven.[5]

Q. DOES PLU HAVE THE REQUISITE TECHNICAL, LEGAL, AND FINANCIAL FITNESS OR CAPABILITIES TO PROVIDE SAFE AND ADEQUATE SEWER SERVICE TO DEER HAVEN CUSTOMERS?

A. Yes. Commissioner Yanora in his motion for lifting the stay of the proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 noted,[6]

> PL Utilities has significant experience in the wastewater industry as it has constructed, owned, and operated its new WWTP. In its Joint Application, PL Utilities also provides that that it has reached an agreement with a certified operator to operate its new WWTP. Further, PL Utilities will utilize its affiliate, Empire, for its administrative operations. Empire has been in business since 1976 and currently has over 50 employees. Finally, PL Utilities avers that it will contract with third-party vendors to assist with day-to-day wastewater system operations in compliance with all regulatory requirements. Regarding financial fitness, PL Utilities provided in the Joint Application that its new WWTP cost over $2.6 million to construct. PL Utilities states in the Joint Application that this cost was funded by the members of PL Utilities in cash, evidencing its commitment to the success of the land development project served by PL Utilities, and ultimately, the long-term financial viability of PL Utilities itself.

[5] Deer Haven, LLC. and PL Utilities, LLC. filed a joint application pursuant to 66 Pa. C.S. § 1102(a)(1-2) with the Commission on June 17, 2024 at Docket Nos. A-2024-3049587 and A-2024-3049591.

[6] Commissioner Yanora's motion entered at public meeting held on February 20, 2025 at Docket Nos. A-2024-3049591 and A-2024-3049587, p. 2.

PLU is negotiating an agreement with ESC under which ESC will operate the wastewater system upon approval of the transfer by the Commission and the issuance of the permits from the PA DEP and Delaware River Basin Commission.

With respect to the administrative aspect of owning and operating a wastewater system, such as billings and communications with customers, PLU will enter into an agreement with an associated company, Empire Industries, Inc. (Empire), which is a multinational corporation with a large administrative staff capable of providing those administrative services.[7] Jacob Goren (President of Empire) will oversee PLU, but he will use the staff at Empire to assist in those efforts. The proposed Agreement between PLU and Empire will be executed upon the Commission granting the Certificate of Public Convenience to PLU.

The property on which the wastewater system and new WWTP are located is owned by Pocono Lakefront, and the owner is willing to enter into an Easement Agreement with PLU granting PLU a permanent easement related to the wastewater system.[8]

[7] (a) Commission order lifting stay of proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 concerning the joint application of Deer Haven, LLC. and PL Utilities, LLC., p. 4 (Order entered February 20, 2025). (b) Deer Haven, LLC. and PL Utilities, LLC.'s joint application pursuant to 66 Pa. C.S. § 1102(a)(1-2) pending with the Commission (filed on June 17, 2024) at Docket Nos. A-2024-3049587 and A-2024-3049591, paragraph 11, p. 5.

[8] Deer Haven, LLC. and PL Utilities, LLC.'s joint application pursuant to 66 Pa. C.S. § 1102(a)(1-2) pending with the Commission (filed on June 17, 2024) at Docket Nos. A-2024-3049587 and A-2024-3049591, paragraph 13, p.6.

Q. WHAT IS THE ESTIMATED CAPITAL EXPENDITURE REQUIRED BY PLU TO MAINTAIN WASTEWATER SERVICE TO DEER HAVEN CUSTOMERS?

A. In response to OCA-III-17 requesting a list of system improvements needed, along with the most recent estimate of the cost of each improvement related to the wastewater system, Deer Haven states that it continues to believe that the Deer Haven wastewater system should be transferred to PLU consistent with Deer Haven and PLU's Joint Motion to Lift the Stay filed on December 17, 2024, in the Joint Application at Docket Nos. A-2024-3049587 and A-2024-3049591 (I&E Exhibit No. 2, p. 1).

ELEMENTS OF A 529 INVESTIGATION SET FORTH IN SECTION 529(a)(3)-(6)

Q. WHAT IS THE PURPOSE OF THE SIX ELEMENTS OF A 529 INVESTIGATION?

A. As mentioned above, the Commission evaluates six elements set forth in Section 529(a) to determine whether a capable public utility should be ordered to acquire a small water or sewer utility. In this section, I address elements three through six.

Third Element of Section 529(a)

Q. WHAT IS THE THIRD ELEMENT OF SECTION 529(a)?

A. The third element of Section 529(a) states that "the small water or sewer utility cannot reasonably be expected to furnish and maintain adequate, efficient, safe

and reasonable service and facilities in the future."[9]

Q. WHAT EVIDENCE DID THE COMPANY PROVIDE TO SUPPORT THE ASSERTION THAT IT CANNOT REASONABLY BE EXPECTED TO FURNISH AND MAINTAIN ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE, AND FACILITIES IN THE FUTURE?

A. As discussed above, Deer Haven addresses the lack of technical and financial capacity of the Company and the inability to meet its current and future requirements to maintain and operate the system in an adequate, safe, and efficient manner (529 Petition, pp. 5-7).

Q. IS THE CRITERIA FOR THE THIRD ELEMENT OF A 529 ACQUISITION MEET?

A. Yes.

<u>Fourth Element of Section 529(a)</u>

Q. WHAT IS THE FOURTH ELEMENT OF SECTION 529(a)?

A. The fourth element of Section 529(a) states that "alternatives to acquisition have been considered in accordance with subsection (b) and have been determined by the commission to be impractical or not economically feasible."[10]

[9] 66 Pa. C.S. § 529(a)(3).
[10] 66 Pa. C.S. § 529(a)(4).

Q. WHAT ARE THE ALTERNATIVES TO ACQUISITION LISTED IN SUBSECTION (b)?

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

(1) The reorganization of the small water or sewer utility under new management.
(2) The entering of a contract with another public utility or a management or service company to operate the small water or sewer utility.
(3) The appointment of a receiver to assure the provision of adequate, efficient, safe and reasonable service and facilities to the public.
(4) The merger of the small water or sewer utility with one or more other public utilities.
(5) The acquisition of the small water or sewer utility by a municipality, a municipal authority or a cooperative.

Q. DID THE COMPANY CONSIDER THE THIRD ALTERNATIVE OF THE APPOINTMENT OF A RECEIVER TO ASSURE THE PROVISION OF ADEQUATE, EFFICIENT, SAFE AND REASONABLE SERVICE AND FACILITIES TO THE PUBLIC?

A. Yes. On August 1, 2024, Deer Haven filed a petition requesting the Commission to issue an Ex Parte Emergency Order for receivership, directing Aqua Pennsylvania, Inc. (Aqua) to take temporary receivership of the Deer Haven wastewater system and conduct all operational and administrative activities necessary to preserve reasonably continuous safe and adequate service until Pocono Lakefront has secured all required regulatory approvals to consummate the transfer of the sewer utility assets to PLU (529 Petition, pp. 5-8).

Considering Deer Haven's renewed request filed on August 13, 2024, the Commission's Chairman issued an Ex Parte Emergency Order[11] directing Aqua to act as the receiver for the Deer Haven's wastewater system and conduct all operational and administrative activities necessary to protect health and safety of wastewater customers effective August 15, 2024 during the pendency of the Section 529 proceeding.

Fifth Element of Section 529(a)

Q. WHAT IS THE FIFTH ELEMENT OF SECTION 529(a)?

A. Section 529(a) states that "the acquiring capable public utility is financially, managerially and technically capable of acquiring and operating the small sewer utility in compliance with applicable statutory and regulatory standards."[12]

Q. HAS A CAPABLE PUBLIC UTILITY THAT IS FINANCIALLY, MANAGERIALLY, AND TECHNICALLY CAPABLE OF ACQUIRING THE COMPANY BEEN IDENTIFIED?

A. Yes. As I discussed above, PLU is financially, managerially, and technically capable of acquiring Deer Haven's wastewater system. Additionally, the

[11] Commission's Chairman Order directing Aqua Pennsylvania, Inc. to act as the Receiver for Deer Haven, LLC's Wastewater System beginning August 15, 2024 and to continue during the pendency of the Section 529 proceeding (at Docket No. P-2024-3050549, Order entered on August 15, 2024).

[12] 66 Pa. C.S. § 529(a)(5).

Commission appointed receiver, Aqua, is not the ideal candidate to acquire Deer Haven's wastewater system.

Sixth Element of Section 529(a)

Q. WHAT IS THE SIXTH ELEMENT OF SECTION 529(a)?

A. The sixth element states that "the rates charged by the acquiring capable public utility to its pre-acquisition customers will not increase unreasonably because of the acquisition."[13]

Q. DOES THE SIXTH ELEMENT OF SECTION 529(a) APPLY TO PLU?

A. No. Currently, PLU is not providing water or wastewater services in Pennsylvania, and therefore, the sixth criteria of Section 529(a) is not applicable.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes.

[13] 66 Pa. C.S. § 529(a)(6).

D. C. Patel
Professional and Educational Background

EXPERIENCE:

- Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania
  June 2015 to Present
  Fixed Utility Financial Analyst, Bureau of Investigation and Enforcement
- Pennsylvania Insurance Department, Harrisburg, Pennsylvania
  March 2013 - June 2015
  Insurance Company Financial Analyst, Bureau of Company Licensing & Financial Analysis
- Pennsylvania Department of Revenue, Harrisburg, Pennsylvania
  November 2010 - March 2013
  Accounting Assistant, Bureau of Corporation Taxes (Accounting)
- Hersha Hospitality Management, Harrisburg, Pennsylvania
  June 2007 - November 2010
  Staff Accountant (Taxes), Accounting Department
- Corporate Experience-India
  February 1987 - April 2007
  Worked as Company Secretary for three different companies during this period, which were listed on the Stock Exchanges.

EDUCATION/CERTIFICATION:

- Gujarat State University, Ahmedabad, India:
  Bachelor of Commerce (Major concentration: Accounting)
  June 1980 - April 1983
  Bachelor of Law
  June 1983 - December 1988
- The Institute of Company Secretaries of India, New Delhi, India:
  Post Graduate Professional Degree: Company Secretary
  June 1983 - December 1985

RATE CASE TRAINING:

- Attended SURFA - 54th Financial Forum (ROR) in April 2023
- Attended 37th Western NARUC Utility Rate School in May 2016

WORKED ON THE FOLLOWING CASES (Testimony not required):

- R-2024-3049248 et al. City of Lock Haven - Water Department
- R-2024-3048767 - PECO Energy Co. - Gas Operations (1307(f))
- R-2024-3047014 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2022-3032167 - Columbia Gas of Pennsylvania, Inc. (Green Path Rider)
- R-2022-3031172 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2021-3024349 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2021-3023541 - National Fuel Gas Distribution Corporation (§ 1307(f))
- A-2020-3021460 - PA American Water Co.-Upper Pottsgrove-Wastewater (1329)
- A-2020-3020178 - PA American Water Co.-Valley Township-Wastewater (1329)
- A-2020-3019859 - PA American Water Co.-Valley Township-Water (1329)
- R-2020-3019661 - PECO Energy Co. - Gas Operations (1307(f))
- U-2020-3015258 - Pittsburgh Water and Sewer Authority
- R-2019-3008255 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2018-3001568 - PECO Energy Co. - Gas Operations (1307(f))
- R-2018-3000253 - Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2017-2631441 - Reynolds Water Co.
- A-2017-2629534 - PPL Electric Utilities (Restructuring Plan)
- R-2017-2602611 - PECO Energy Co. - Gas Operations (1307(f))
- R-2016-2567893 - Andreassi Gas Co.
- R-2016-2525128 - Columbia Water Co. - Marietta Division
- R-2015-2493905 - Sands, Inc.
- R-2015-2479962 - Corner Water Supply and Service Corporation
- R-2015-2479955 - Allied Utility Services, Inc.

SUBMITTED TESTIMONY IN THE FOLLOWING CASES:

- R-2024-3050208 The Newtown Artesian Water Company
- R-2024-3047068 First Energy Pennsylvania Electric Company
- R-2024-3046931 PECO Energy Co. - Electric Operations
- R-2024-3046519 Columbia Gas of Pennsylvania, Inc.
- R-2024-3045192 et al. Veolia Water Pennsylvania, Inc.
- R-2023-3042804 et al. Community Utilities of Pennsylvania , Inc.
- R-2023-3043189 et al. PA American Water Co.
- R-2023-3038630 Columbia Gas of Pennsylvania, Inc. (1307(f))
- R-2023-3037933 Philadelphia Gas Works
- R-2022-3037368 UGI Electric, Inc. - Electric Division
- A-2022-3034143 Aqua Pennsylvania, Inc. - Borough of Shenandoah (Water System) (1329)
- R-2022-3031672 and R-2022-3031673 - PA American Water Co.

- R-2022-3031211 - Columbia Gas of Pennsylvania, Inc.
- R-2021-3024773 et al. - Pittsburgh Water and Sewer Authority
- A-2021-3024058- PA American Water Co. - Borough of Brentwood (Wastewater System) - 1329
- A-2021-3024681 - PA American Water Co. - York City Sewer Authority/City of York (Wastewater System) (1329)
- R-2021-3024601 - PECO Energy Co. - Electric Operations
- A-2021-3024267 - Aqua Pennsylvania Wastewater, Inc. - Lower Makefield (WW) (1329)
- A-2020-3019634 - PA American Water Co. - Royersford Wastewater (1329)
- R-2020-3018993 - Columbia Gas Pennsylvania, Inc. (1307(f))
- R-2020-3018929 - PECO Energy Co. - Gas Operations
- R-2020-3017951 et al. - Pittsburgh Water and Sewer Authority
- A-2019-3008491 - Aqua Pennsylvania Wastewater, Inc.
- R-2019-3008212 - Citizens Electric Company of Lewisburg, PA
- R-2019-3008208 - Wellsboro Electric Company
- R-2018-3006814 - UGI Utilities, Inc. (Gas Division)
- R-2018-3002645 and 3002647 - Pittsburgh Water and Sewer Authority
- R-2018-3000834 - Suez Water Pennsylvania, Inc.
- R-2018-2647577 - Columbia Gas of Pennsylvania, Inc.
- M-2018-2640802 and M-2018-2640803 - Pittsburgh Water and Sewer Authority
- (Compliance Plan Stage 2)
- R-2017-2595853 - Pennsylvania American Water Co.
- R-2016-2580030 - UGI Penn Natural Gas, Inc.
- R-2016-2554150 - City of DuBois - Bureau of Water
- R-2016-2529660 - Columbia Gas of Pennsylvania, Inc.
- P-2016-2526627 - PPL Electric Utilities Corp. (DSP IV)

I&E Exhibit No. 2
Witness: D. C. Patel

PETITION OF DEER HAVEN, L.L.C. FOR A COMMISSION ORDER AUTHORIZING THE ACQUISITION OF DEER HAVEN'S WASTEWATER SYSTEM BY A CAPABLE PUBLIC UTILITY PURSUANT TO 66 PA C.S.A. SECTION 529

Docket Nos. P-2024-3050549 and I-2024-3051541 (Wastewater)

Exhibit to Accompany

the

Direct Testimony

of

D. C. Patel

Bureau of Investigation & Enforcement

Concerning:

Commission Evaluation of the Elements Set Forth in Section 529(a)
Commission Consideration of Factors Set Forth in Section 529(c)

Respondent: Stephen Clark
Date: 01/30/2025

SECTION 529 INVESTIGATION OF DEER HAVEN, LLC

DOCKET NOS. P-20243050549 & I-2024-3051541

OFFICE OF CONSUMER ADVOCATE

SET III INTERROGATORIES

OCA-III-17 Please provide a prioritized list of system improvements needed, along with the Company's most recent estimate of the cost of each improvement related to the Deer Haven wastewater system. If possible, provide copies of bids, quotes and any related documents to support the cost of estimates.

RESPONSE

The Company continues to believe that the DH Sewer system should be transferred to PLU. Please see the Company and DH Sewer's Joint Motion to Lift the Stay filed on December 17, 2024, in the Application proceeding at Docket Nos. A-2024-3049587 and A-2024-3049591.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:		
	:	Docket Nos.:	P-2024-3050545
v.	:		I-2024-3051540
	:		
Deer Haven, LLC (Water)	:		

DIRECT TESTIMONY

OF

Nicholas A. DeMarco

On behalf of the

PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

Date Served: March 7, 2025

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Introduction

Q. Please state your name and business address.

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

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

A. I am testifying on behalf of the OCA.

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

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

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

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

Q. Have you prepared Exhibits to accompany your testimony?

A. Yes. Exhibits NAD-1 is attached to this testimony.

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

A. The purpose of my testimony in this case is to present my findings and recommendations regarding the Section 529 investigation into the Deer Haven[1] water system in the captioned proceeding above.

Summary

Q. Please describe the Deer Haven water system.

A. There are two separate Deer Haven water systems[2] that serve approximately 40 customers in Palmyra Township, Pike County, Pennsylvania. The Deer Haven water systems abut Lake Wallenpaupack and are near several of Aqua Pennsylvania's water systems including Tanglewood North and Tanglewood Lakes.[3]

Q. Briefly describe the events resulting in the current proceeding.

A. Since 2014, Pocono Water Works, Inc. has operated as the de facto operator of the Deer Haven water system, controlling billing, administrative operations, and maintenance. Deer Haven believed that the Water System operations became solely the responsibility of Pocono Water Works, Inc. pursuant to the 2014 Agreement. However, in 2024, Pocono Water Works approached representatives for Deer Haven demanding payment for services rendered in operation of the Water System. Upon investigation, Deer Haven determined that despite having no operational involvement with the Water Plant for several years, it remained the owner of the PUC Certificate of Public Convenience.[4]

[1] Deer Haven is a jurisdictional public utility that provides water service, under Utility Code 210124, and wastewater service, under Utility Code 230106.
[2] White Beauty View Estates & Lower White Pines.
[3] Aqua Second status report.
[4] P-2024-3050545 petition at 8.

On or around Monday, June 24, 2024, Deer Haven was notified of an outage of a recently installed well pump on the Water System. On June 26, 2024, the Pennsylvania Department of Environmental Protection (DEP) issued a Notice of Violation (NOV) identifying multiple significant deficiencies at the Water System and directing Deer Haven to respond with a schedule for correcting the deficiencies by August 10, 2024, and to correct all significant deficiencies by October 24, 2024.[5]

In response to the actions prescribed by the DEP, Deer Haven filed a Petition on August 1, 2024, stating that it will be without a licensed operator as early as August 1, 2024. This was due to Deer Haven's inability to pay Pocono Water Works and Deer Haven's inability to operate the system independently. As a result, Deer Haven would be unable to provide adequate, safe and reasonably continuous service without unreasonable interruption or delay. Immediate relief would be required as the Water System is anticipated to be without an operator or administrative support as early as August 1, 2024. Irreparable injury will result absent relief citing the deficiencies in the DEP NOVs and the fact that it would be operating without a licensed operator.[6]

Deer Haven's Petition stated the close proximity of Aqua Pennsylvania's existing operations, and its fitness would make it an option for receivership. Deer Haven then requested that the Commission issue an Ex-Parte Emergency Order for Receivership of the system to direct Aqua to take over the system.[7]

[5] P-2024-3050545 petition at 9.
[6] P-2024-3050545 petition at 10 &11.
[7] P-2024-3050545 petition at 12.

Q. What was the Commission's Response to Deer Haven's Petition?

A. An ex-parte emergency order was issued by Chairman DeFrank on August 7, 2024[8] and was ratified by the Commission at the public meeting held on August 26, 2024[9]. In the emergency order it was determined that Deer Haven met the requisite standard for the issuance of an ex-parte emergency order. The order appointed Pocono Water Works as the receiver for the Deer Haven water system.[10]

The ratification order, however, acknowledges a letter submitted to the Commission under the docket dated August 13, 2024,[11] in which Aqua expressed a willingness to act as receiver for the Deer Haven water system.[12] After further consideration, the Commission modified the Emergency Order to appoint Aqua as the temporary receiver of the Deer Haven water system.[13]

Q. Please summarize your conclusions and recommendations.

A. My testimony will show that it is necessary for the Commission to allow for the acquisition of the Deer Haven water system by Aqua Pennsylvania.

[8] Ex-parte emergency order P-2024-3050545.
[9] Ratification order P-2024-3050545.
[10] Ex-parte emergency order P-2024-3050545 para. 5 and 8.
[11] In its August 13, 2024, letter, Aqua requested that the Commission include in an Order appointing it as Receiver, inter alia, the establishment of deferred accounting for capital expenditures and operating expenditures in allowing the establishment of deferred expense accounts.
[12] Ratification order P-2024-3050545 pg. 4.
[13] Ratification order P-2024-3050545 pg. 4-5.

Investigation

Q. What is Section 529(a) of the Public Utility Code?

A. Section 529(a) of the Public Utility Code allows the Commission to order a capable public utility to acquire a small water or wastewater system if it determines the following six conditions have been met, which I will now address.

Q. What is the first element of Section 529(a)?

A. A small water or sewer utility is in violation of statutory or regulatory standards, including, but not limited to, The Clean Streams Law, and the Pennsylvania Safe Drinking Water Act, and the regulations adopted thereunder, which affect the safety, adequacy, efficiency or reasonableness of the service provided by the small water or sewer utility.

Q. Please present your findings regarding the first element of a 529 investigation.

A. In its Petition Deer Haven states that on June 26th, 2024, it was issued a NOV by the DEP identifying multiple significant environmental deficiencies in the water system. [14] Thus, meeting the criteria of the first element.

Q. What is the second element of Section 529(a)?

A. A small water or sewer utility has failed to comply, within a reasonable period of time, with any order of the Department of Environmental Resources or the commission concerning the safety, adequacy, efficiency or reasonableness of service.

[14] Petition at 9.

Q. Please present your findings regarding the second element of a 529 investigation.

A. In its Petition Deer Haven states that as a result of Pocono Water Works cessation of operations, and that Deer Haven lacks the technical or financial resources to address the deficiencies identified in the June 26 NOV or to compensate Pocono Water Works for continued operation of the Water System, Deer Haven is unable to address the existing deficiencies.[15] Thus meeting the criteria of the second element.

Q. What is the third element of Section 529(a)?

A. A small water or sewer utility cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities in the future.

Q. Please present your findings regarding the third element of a 529 investigation.

A. In its Petition Deer Haven states that as a result of Pocono Water Works cessation of operations Deer Haven would be unable to provide adequate, safe and reasonably continuous service without unreasonable interruption or delay.[16] Thus meeting the criteria of the third element.

Q. What is the fourth element of Section 529(a)?

A. That alternatives to acquisition have been considered in accordance with subsection (b) and have been determined by the Commission to be impractical or not economically feasible.

Q. Please present your findings regarding the fourth element of a 529 investigation.

A. The operations of the Deer Haven water system have been under contract by Pocono Water Works and has operated as the de-facto operator since 2014. However, due to the untenable financial situation Pocono Water Works planned to cease all administrative and

[15] Petition at 10.
[16] Petition at 10 &11.

operational activity related to the Water Plant as early as August 1, 2024.[17] The Deer Haven water systems were already being operated by a third party. The short time between the NOV and Pocono's actions left little time to find an alternative operator. Thus, meeting the criteria of the fourth element.

Q. What is the fifth element of Section 529(a)?

A. That the acquiring capable public utility is financially, managerially and technically capable of acquiring and operating the small water or sewer utility in compliance with applicable statutory and regulatory standards.

Q. Please present your findings regarding the fifth element of a 529 investigation.

A. I agree with Deer Haven and the Commission that Aqua's technical and financial resources to safely and adequately operate the Deer Haven water system during the pendency of the Section 529 proceeding.[18] Thus, meeting the criteria of the fifth element.

Q. What is the sixth element of Section 529(a)?

A. That the rates charged by the acquiring capable public utility to its preacquisition customers will not increase unreasonably because of the acquisition.

Q. Please present your findings regarding the sixth element of a 529 investigation.

A. According to Aqua, there would be no immediate effect on the rates of current Aqua customers if the existing rates of Deer Haven water were implemented and brought into the Company's tariff under a separate rate zone. If Deer Haven water were consolidated into an existing rate zone at less than its full cost of service, any revenue deficiency

[17] Petition at 10.
[18] Ex-parte emergency order P-2024-3050545 para. 5 and 8.

related to Deer Haven water would have to be recovered from other Aqua customers.[19] Thus, meeting the criteria of the sixth element.

Q. What is your final determination regarding elements 1 through 6 of Section 529(a)?

A. My final determination is that the Deer Haven water system meets the criteria for the 529 acquisition.

Capability of Acquiring Utility

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

A. As it stands, Aqua Pennsylvania is the only potential capable water and wastewater public utility to take over the Deer Haven water system. The OCA has issued multiple sets of discovery to Aqua to help determine whether Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards.

Pocono Water Works is a jurisdictional public utility that provides water service and has experience running the Deer Haven water system. However, the Company has not been responsive to discovery requests, which indicate its lack of interest in continuing to operate or acquire the system. Additionally, their decision to discontinue servicing the Deer Haven system due to lack of payment from Deer Haven, requiring the Commission to appoint Aqua as an emergency receiver leads me to believe that Pocono Water Works should not be considered for the ultimate acquirer of the Deer Haven water system.[20]

[19] Aqua Response OCA-I-7.
[20] Emergency Order pg. 2.

Q. Please state whether Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards.

A. Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards. If acquired by Aqua, the Deer Haven water system would be incorporated into Aqua's and Aqua Pennsylvania Wastewater, Inc.'s existing tariffs as separate divisions and would be consolidated with other existing rate zones over one or more base rate cases.[21] Aqua's Tanglewood system is adjacent to the Deer Haven Beauty Estates and is 0.3 miles from the Deer Haven White Pines system.[22] Aqua has submitted two status reports[23] to the Commission regarding its findings on the Deer Haven water system. Despite the increase in capital and operating expenses, Aqua believes that economies of scale would reduce the cost of operating the system and that the acquisition would help the Company keep rates reasonable for existing and acquired customers.[24]

Q. Please summarize the status report of the Deer Haven water system Aqua has submitted to the Commission.

A. The White Beauty View Estates (20 customers) water system had been on a boil water notice since June 26, 2024. Upon receivership, Aqua has been able complete the necessary installation of materials and system to fix this issue. Aqua was able to submit the required samples to DEP resulting in the boil water advisory being lifted on

[21] Aqua Response OCA-I-3.
[22] Aqua Response OCA-I-11.
[23] Status report 1 and 2.
[24] Aqua Response OCA-I-2.

November 6, 2024.[25] The Ratification Order directed Aqua's to establish the financial position of Deer Haven water at the time Aqua assumed its Receivership role.[26] However, there are still other treatment and compliance issue to address.[27]

The Lower White Pines Water system is a transient non-community water system. There is currently no water treatment for this transient non-community water system, as treatment is not required for a non-community water system.[28]

Aqua is working to establish the financial position of Deer Haven water as of the start of Aqua's Receivership. Aqua will continue to track expenses and capital improvements related to the Deer Haven water system through deferred accounting treatment via establishment of a regulatory asset in accordance with Aqua's Receivership duties.[29] Aqua is developing a recommended capital plan for the Deer Haven water system and will provide recommendations on capital improvements in a subsequent status report.[30]

Q. Will the rates charged to Aqua's pre-acquisition customers increase unreasonably if Aqua acquires the Deer Haven water systems?

A. There would be no immediate effect on the rates of current Aqua customers if the existing rates of Deer Haven water were implemented and brought into the Company's tariff under a separate rate zone. If Deer Haven water were consolidated into an existing rate zone at less than its full cost of service, any revenue deficiency related to Deer Haven water would have to be recovered from other Aqua customers.[31]

[25] Aqua Status Report 2.
[26] Ratification Order, Ordering Paragraph 5, Appendix A Paragraph 1.r.
[27] Status report 2 Attachment E.
[28] Status report 2.
[29] Ratification Order, Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.
[30] Status report 2 water.
[31] Aqua response OCA-I-7.

Consumer Perspective

Q. How has the service to the customers of the Deer Haven water system been impacted by the current operations?

A. As it can be determined thus far, water service remained consistent due to the Commission's Emergency action to appoint Aqua as a receiver.

Q. If the Deer Haven water system were to address the service issues discussed above, would there be a financial impact on the customers? Please explain.

A. According to Aqua "The Company notes that the current revenues of the Deer Haven water system are insufficient to cover current and future operational expenses (40 customers x $15 per month x 12 months = $7,200).[32] I agree with this assessment due to the system's small customer base.

Q. When was the last base rate case for the Company?

A. The current rates have been in existence since May 22, 2010.[33,34]

Conclusion

Q. Please summarize your recommendation.

A. I recommend that Aqua Pennsylvania become the ultimate acquirer of the Deer Haven water system.

Q. Does this conclude your testimony?

A. Yes.

[32] Status report pg. 5.
[33] Deer Haven water's Tariff Water – Pa. P.U.C. No. 1, effective May 22, 2010.
[34] Petition for Extraordinary or Emergency Rate Relief P-2010-2204818.

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

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

Docket No. P-2024-3051313

Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 507, 508, 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of the City of Beaver Falls

Docket No. A-2022-3033138

Relevant Training:

IPU Michigan State University, IPU Accounting and Ratemaking Course 2023

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	Docket Nos.	P-2024-3050545
	:		I-2024-3051540
v.	:		
	:		
Deer Haven, LLC (Water)	:		
Pennsylvania Public Utility Commission	:	Docket Nos.	P-2024-3050549
	:		I-2024-3051541
v.	:		
	:		
Deer Haven, LLC (Wastewater)	:		

VERIFICATION

I, Nicholas A. DeMarco, hereby state that the facts above set forth in my Direct Testimony, 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: March 7, 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

Pennsylvania Public Utility Commission	:		
	:	Docket Nos.:	P-2024-3050549
v.	:		I-2024-3051541
	:		
Deer Haven, LLC (Wastewater)	:		

DIRECT TESTIMONY

OF

Nicholas A. DeMarco

On behalf of the

PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

Date Served: March 7, 2025

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Introduction

Q. Please state your name and business address.

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

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

A. I am testifying on behalf of the OCA.

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

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

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

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

Q. Have you prepared Exhibits to accompany your testimony?

A. Yes. Exhibits NAD-1 is my CV and NAD-2 is an email from Wayne Shurts, President, White Pines on the Lake Homeowners Association. Both Exhibits are attached to this testimony.

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

A. The purpose of my testimony in this case is to present my findings and recommendations regarding the Section 529 investigation into the Deer Haven wastewater system in the above-captioned proceeding.

Summary

Q. Please describe the Deer Haven wastewater system.

A. The Deer Haven wastewater system serves approximately 60 customers and is located in Palmyra Township, Pike County, Pennsylvania.

Q. Briefly describe the recent history of the Deer Haven wastewater system

A. In 2014 Deer Haven, LLC. and Pocono Lakefront LLC, (Pocono) entered into a Utility Agreement to transfer the existing wastewater collection system to either Pocono or another entity formed for the purpose of operating the sewer system.[1]

In late 2015, following execution of the Utility Agreement, DEP issued Water Quality Management Permit No. 5215401 to Pocono Lakefront allowing the construction of a new wastewater treatment plant (WWTP) and associated sewer lines/connections. Construction of the new WWTP was significantly delayed followed execution of the Utility Agreement; but in 2023, the new WWTP was substantially completed.[2]

Pocono Lakefront has since taken numerous steps towards securing regulatory approvals for transfer of the Sewer System from Deer Haven. On June 17, 2024, Pocono Lakefront and Deer Haven filed a Joint Application for Certificates of Public Convenience at PUC Dockets A-2024-3049587 and A-2024-3049591 seeking approvals necessary for

[1] Petition P-2024-3050549 at 6.
[2] Petition at 13.

the abandonment of Deer Haven's sewer service and the commencement of sewer service by Pocono Lakefront.

Q. Is there another Company related to Pocono Lakefront?

A. Yes. PL Utilities (PLU). A company which is owned by Mr. Goren who also owns Pocono Lakefront, LLC. PL Utilities, LLC was originally created by Mr. Goren to own and operate the new treatment plant that was constructed and the Deer Haven sewage collection system assets. The negotiations of the transfer of the Certificate of Public Convenience have been delayed due to the pendency of this proceeding.[3] PLU will be discussed in more detail later in this testimony.

Q. What was the Commission's response to these applications?

A. After the Notice of the Joint Application was published in the Pennsylvania Bulletin[4] on Saturday, June 29, 2024, no protests were filed and no hearings were held. However, on August 1, 2024, Deer Haven filed a Petition with the Commission at Docket Nos. P-2024-3050549 (wastewater) and P-2024-3050545 (water) that requested an ex-parte emergency order allowing Aqua Pennsylvania, Inc. (Aqua) to act as a temporary receiver to operate the Deer Haven water system and wastewater system. Due to the filing of the ex-parte emergency order, the Commission decided to stay the proceedings of the transfer of Certificates of Public Convenience at PUC Dockets A-2024-3049587 and A-2024-3049591.[5] On February 20, 2025, the Commission issued an order lifting the stay.[6]

[3] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[4] Pennsylvania Bulletin, 54 Pa.B. 3766.
[5] Order A-2024-3049591 A-2024-3049587 August 22, 2024.
[6] Order Docket Numbers A-2024-3049587 A-2024-3049591 February 20, 2025.

Q. Please summarize why Deer Haven requested an ex-parte emergency order.

A. Deer Haven has struggled to maintain the aged and distressed existing system in compliance with DEP and PUC regulations. To improve compliance efforts, Deer Haven hired Environmental Service Corp. (ESC) to operate the Sewer System in February 2024. However, the existing WWTP has suffered a tank leak requiring costly repairs. Additionally, DEP has imposed daily sampling requirements above and beyond those identified in Deer Haven's NPDES permit. The monthly expense for retaining ESC and conducting the supplemental sampling required by DEP, far exceeds the annual revenue from the Sewer System.[7]

Q. What was the Commission's response to the emergency request?

On August 7th, the Commission issued a Secretarial Letter denying Deer Haven's request for an ex-parte emergency order with respect to Deer Haven's sewer system and declined to impose receivership upon the Deer Haven sewer system. The Commission determined that Deer Haven failed to prove existence of an "emergency" and that a decision can wait until the next public hearing scheduled for August 22, 2024.[8]

On August 13, 2024, Deer Haven filed its Letter informing the Commission of intervening developments regarding its Sewer System that are relevant to its Petition. In the letter Deer Haven requested that the Commission reconsider its stance on the Sewer system. Deer Haven explained that on August 7, 2024, ESC informed Deer Haven it would terminate service as operator of the Sewer System effective August 9, 2024, due to a past due balance on the account leaving Deer Haven without a certified operator. Deer Haven

[7] Petition P-2024-3050549 at 15.
[8] Ex-parte Order P-2024-3050549 pg. 5.

also stated that its financials continue to deteriorate to the point where it is considering declaring bankruptcy.[9]

The Commission considered the new circumstances, and the Chairman treated Deer Haven's Letter as a renewed request for ex-parte emergency relief. The Chairman stated that, based on the intervening developments since the issuance of the Commission's August 7, 2024, Secretarial Letter, the facts regarding Deer Haven's Sewer System as presented in Deer Haven's Letter satisfied the requisite standard for the issuance of an ex-parte emergency order, granting Deer Haven's request for ex-parte emergency relief for the Sewer System. The Chairman agreed with Deer Haven's letter that Aqua's expertise in operating wastewater utilities subject to regulation under the Public Utility Code will allow it to work to ensure safe, adequate, reliable, and reasonably continuous wastewater service to Deer Haven's customers and the public. The Emergency Order appointed Aqua as the Receiver for the Deer Haven Sewer System.[10]

Additionally, the Emergency Order concluded that Deer Haven should appear before the Commission to demonstrate whether it is capable of providing safe, reliable, and reasonably continuous wastewater service. The Emergency Order initiated a proceeding pursuant to Section 529 of the Public Utility Code. 66 Pa.C.S. § 529.[11]

Q. Please summarize your conclusions and recommendations.

A. My testimony will show that it is necessary for the Commission to allow for the acquisition of the Deer Haven water system via the 529 process.

[9] Order P-2024-3050549 pg. 3-4.
[10] Order P-2024-3050549 pg. 4.
[11] Order P-2024-3050549 pg. 5.

Investigation

Q. What is Section 529(a) of the Public Utility Code?

A. Section 529(a) of the Public Utility Code allows the Commission to order a capable public utility to acquire a small water or wastewater system if it determines the following six conditions have been met, which I will now address.

Q. What is the first element of Section 529(a)?

A. A small water or sewer utility is in violation of statutory or regulatory standards, including, but not limited to, The Clean Streams Law, and the Pennsylvania Safe Drinking Water Act, and the regulations adopted thereunder, which affect the safety, adequacy, efficiency or reasonableness of the service provided by the small water or sewer utility.

Q. Please present your findings regarding the first element of a 529 investigation.

A. Deer Haven has struggled to maintain the aged and distressed existing system in compliance with DEP and PUC regulations. The existing WWTP has suffered a tank leak requiring costly repairs and DEP has imposed daily sampling requirements above and beyond those identified in Deer Haven's NPDES permit. Repairs and metrics that Deer Haven is unable to meet. Thus, meeting the criteria of the first element.

Q. What is the second element of Section 529(a)?

A. A small water or sewer utility has failed to comply, within a reasonable period of time, with any order of the Department of Environmental Resources or the commission concerning the safety, adequacy, efficiency or reasonableness of service.

Q. Please present your findings regarding the second element of a 529 investigation.

A. The Commission's Order states that Deer Haven is responsible for the operation and repairs of the Deer Haven Sewer system, including all prior environmental non-compliance. [12,13] Operations and repairs that Deer Haven cannot afford. Additionally, on August 7, 2024, ESC informed Deer Haven it would terminate service as operator of the Sewer System effective August 9, 2024, due to a past due balance on the account leaving Deer Haven without a certified operator. Thus, meeting the criteria of the second element.

Q. What is the third element of Section 529(a)?

A. A small water or sewer utility cannot reasonably be expected to furnish and maintain adequate, efficient, safe and reasonable service and facilities in the future.

Q. Please present your findings regarding the third element of a 529 investigation.

A. After reviewing Deer Haven's emergency petition and the Commission's ratification order, it is clear that Deer Haven does not have the technical, financial, or administrative capability to comply with the DEP's NOV stipulations in a reasonable amount of time. So much so that it petitioned for the emergency receivership itself, stating "…due to unsustainable shortfalls between operating income and operating expenses. Deer Haven states that, as a result, it is unable to provide adequate, safe, and reasonably continuous service without unreasonable interruption or delay".[14] Thus, meeting the criteria of the third element.

[14] Petition at 10 and 11.

Q. What is the fourth element of Section 529(a)?

A. That alternatives to acquisition have been considered in accordance with subsection (b) and have been determined by the commission to be impractical or not economically feasible.

Q. Please present your findings regarding the fourth element of a 529 investigation.

A. With the decision of ECS to terminate its services Deer Haven is unable to operate the system itself. The shortfall in income and increase in operating costs, combined with the necessary improvements under the DEP NOV would not allow Deer Haven to furnish and maintain adequate, efficient, safe and reasonable service and facilities in the future nor hire another contractor to operate the system. The system only provides roughly $7,200 in revenue a month.[15] Thus, meeting the criteria of the fourth element.

Q. What is the fifth element of Section 529(a)?

A. That the acquiring capable public utility is financially, managerially and technically capable of acquiring and operating the small water or sewer utility in compliance with applicable statutory and regulatory standards.

Q. Please present your findings regarding the fifth element of a 529 investigation.

A. I agree with Deer Haven and the Commission as to Aqua's technical and financial resources to safely and adequately operate the Deer Haven wastewater system during the pendency of the Section 529 proceeding.[16] Thus, meeting the criteria of the fifth element.

Q. What is the sixth element of Section 529(a)?

A. That the rates charged by the acquiring capable public utility to its preacquisition customers will not increase unreasonably because of the acquisition.

[15] 40 customers x $15 per month x 12 months = $7,200.
[16] Ex-parte emergency order P-2024-3050545 para. 5 and 8.

Q. Please present your findings regarding the sixth element of a 529 investigation.

A. According to Aqua, there would be no immediate effect on the rates of current Aqua customers if the existing rates of Deer Haven Wastewater were implemented and brought into the Company's tariff under a separate rate zone. If Deer Haven wastewater were consolidated into an existing rate zone at less than its full cost of service, any revenue deficiency related to Deer Haven wastewater would have to be recovered from other Aqua customers.[17] Thus, meeting the criteria of the sixth element.

Q. What is your final determination regarding elements 1 through 6 of Section 529(a)?

A. My final determination is that the Deer Haven wastewater system meets the criteria for the 529 acquisition.

Capability of Acquiring Utility

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

A. As it stands, Aqua Pennsylvania is the only certificated capable water and wastewater public utility to take over the Deer Haven wastewater system at this time. The OCA has issued multiple sets of discovery to Aqua to help determine whether Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards. However, as stated earlier PLU was created by Mr. Goren to own and operate the Deer Haven sewer system and constructed its own new WWTP to do so. [18]

Q. Please provide a summary of the history of PL Utilities.

[17] Aqua Response OCA-I-7.
[18] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.

A. PL Utilities is not currently a certificated public utility by the Commission. However, on June 18, 2024, Deer Haven and PLU filed a Joint Application for Issuance of Certificate of Public Convenience and Abandonment seeking approval of the transfer of the sewer system from Deer Haven to PLU; granted a Certificate of Public Convenience to PLU; granting the Application for Abandonment by Deer Haven; approving the affiliate agreements between PLU, Pocono, Empire Industries and Jacob Goren, approving the proposed Tariff of PLU and approving any and all waivers deemed necessary to grant the relief requested.[19]

Additionally, upon being granted the Certificate of Public Convenience by the PUC, PLU intends to contract its administration of the system to a company called Empire Industries, of which Mr. Goren is the President. Empire Industries manufactures and sells a variety of kitchen and bathroom vanities, closets and medicine cabinets.[20]

PLU permitted and constructed a new 70,000 gpd wastewater treatment plant to replace the existing wastewater treatment plant owned and operated by Deer Haven at an estimated cost of over $2.5 million. PLU has obtained approval from Palmyra Township of an amendment to the Township's Act 537 Plan allowing the transfer of the sewer system from Deer Haven to PLU and has submitted the Act 537 Plan amendment to the Pennsylvania Department of Environmental Protection for approval. PLU has worked with DEP to transition the NPDES discharge permit from Deer Haven to PLU and to decommission the existing failing treatment plant as part of a draft Consent Order and

[19] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[20] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.

Agreement (COA) that DEP, PLU and Deer Haven will enter into. The negotiations of the COA have been delayed due to the pendency of this proceeding.[21]

Q. Do you have any comments on the concurrent proceeding regarding the transfer of the Certificate of Public Convince from Deer Haven and Pocono Lakefront to PLU.

A. The OCA acknowledges that the stay has been lifted by the Commission regarding the transfer of the wastewater assets and Certificate of Public Convince from Deer Haven and Pocono Lakefront to PLU.[22]

Q. Please state whether Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards.

Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards. If acquired by Aqua, the Deer Haven wastewater system would be incorporated into Aqua's and Aqua Pennsylvania Wastewater, Inc.'s existing tariffs as separate divisions and would be consolidated with other existing rate zones over one or more base rate cases.[23] Aqua's Tanglewood system is adjacent to the Deer Haven Beauty Estates and is 0.3 miles from the Deer Haven White Pines system.[24] Aqua has submitted two status reports[25] to the Commission regarding its findings on the Deer Haven wastewater system. Despite the increase in capital and operating expenses, Aqua believes that economies of scale would reduce the cost of operating the system and whether the

[21] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[22] Order Issued February 20, 2025 dkts. A-2024-3049587 and A-2024-304959.
[23] Aqua Response OCA-I-3.
[24] Aqua Response OCA-I-11.
[25] Status Report 1 and 2.

acquisition would help the Company keep rates reasonable for existing and acquired customers.[26]

Q. Will the rates charged to Aqua's pre-acquisition customers increase unreasonably if Aqua acquires the Deer Haven wastewater system?

A. There would be no immediate effect on the rates of current Aqua customers if the existing rates of Deer Haven wastewater were implemented and brought into the Company's tariff under a separate rate zone. If Deer Haven wastewater were consolidated into an existing rate zone at less than its full cost of service, any revenue deficiency related to Deer Haven wastewater would have to be recovered from other Aqua customers.[27]

Consumer Perspective

Q. Have any customers communicated their concerns regarding the current state of the Deer Haven system?

A. Yes. Wayne Shurts, President, White Pines on the Lake Homeowners Association, sent an email to the OCA and other parties to this case with the intent of communicating "probably unknown and important information about the White Pines part of the sewer system and provide our perspective on this 529 Proceeding." as customers of the Deer Haven system. This letter is attached as NAD-2.

Mr. Shurts' email states that due to Deer Haven's owner's lack of maintenance to the sewer system and cooperation with the HOA

> "…was the HOA's to operate and run. The HOA has done this at great expense, including two major repairs, that cost in excess of $50,000. We have brought this up several times with Paupack Twp, PUC, etc., but it was never resolved. So, since 2003, our HOA has

[26] Aqua Response OCA-I-2.
[27] Aqua response OCA-I-7.

been forced to operate a mini sewer system less than 200 feet from Lake Wallenpaupack."

In the letter Mr. Shurts also expresses the HOA's concern with Mr. Goren and how pleased they are with Aqua's operations and their receivership of the system. Lastly, he seeks guidance on whether White Pines HOA should petition to be a party to this 529 Proceeding on their attendance at any of the hearings.

Conclusion

Q. Please summarize your recommendations.

A. My final determination is that the Deer Haven wastewater system meets the criteria for the 529 acquisition. The OCA withholds its recommendation as to who will be the best ultimate receiver of the Deer Haven wastewater system while this and the Joint Application regarding the transfer of assets and the Certificate of Public Convenience continues.

Q. Does this conclude your testimony?

A. Yes.

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.

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C-2023-3044738 (wastewater)

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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

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

Docket No. P-2024-3051313

Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 507, 508, 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of the City of Beaver Falls

Docket No. A-2022-3033138

Relevant Training:

IPU Michigan State University, IPU Accounting and Ratemaking Course 2023

To: Scott Granger, Prosecutor Bureau of Investigations and Enforcement, PAPUC
To: Allison Kaster, Attorney for the Bureau of Investigations and Enforcement, PAPUC
CC: Christopher Pell, Administrative Law Judge

Re: Docket Numbers:
P-2024-3050545 and I-2024-3051540 - Water
P-2024-3050549 and I-2024-3051541 - Sewer

RCVD PUC SEC BUR
FEB 18 2025 AM11:08

Dear Mr. Granger and Ms. Kaster,

My name is Wayne Shurts and I am President of the White Pines on the Lake Homeowners Association in Greentown. We are an HOA of 20 townhomes and are customers of water and sewer service from what used to be Deer Haven, which is now temporarily Aqua.

I want to communicate probably unknown and important information about the White Pines part of the sewer system and provide our perspective on this 529 Proceeding.

Local White Pines Sewer System
It is our understanding that in most situations, the homeowner is responsible for the sewer line that runs from their house to the main sewer line that the utility is responsible for and that takes the sewage to its final destination. This is not the case with White Pines. Since our inception as an HOA in 2003, our HOA has been operating, maintaining and repairing the main sewer lines and pump houses that carry the sewage from our 20 homes into what ultimately became the Deer Haven system. It was our understanding that the developer of our community (TIA) was to set up the initial system (plumbing and pump stations) and then when the development was complete, they would turn that over to the sewer utility to run. We tried to make that happen, but Sam Shahar (Deer Haven) refused to take responsibility and said it was the HOA's to operate and run. The HOA has done this at great expense, including two major repairs, that cost in excess of $50,000. We have brought this up several times with Paupack Twp, PUC, etc., but it was never resolved. So, since 2003, our HOA has been forced to operate a mini sewer system less than 200 feet from Lake Wallenpaupack. We want to raise this and ask "Should whomever takes over the sewer system permanently (Aqua or Pocono Utilities LLC) also take over the operation of the local White Pines Sewer System"? We realize this would cause our rates to increase, but it is probably the proper thing to do.

White Pines HOA Perspective:
We have been customers of Deer Haven Sewer and Water for 20 years or more. It has not been a good experience. We have experienced numerous "outages" over the years and Sam Shahar has been less than responsive to those situations. On occasion, our HOA had to pay electrical bills that Sam Shahar was not paying in order for the system to remain operational. It was obvious that Sam did not want to invest in any needed maintenance, let alone typical ongoing repairs, to both systems. I do want to mention that when Sam outsourced the maintenance of the water system to Pocono Water (Joe Bonamico), Joe was very responsive and did his best, however, my understanding is Sam never reimbursed Joe for repairs that he had to make, leaving Joe hesitant to make future repairs. We were horrified, when we read the filings in this case, to learn that Deer Haven's sewer treatment plant was dumping less than fully treated sewage into Lake Wallenpaupack. Our community beach and swimming area is 200 yards from

this sewer plant and we have families, children and grandchildren, etc. swimming in the water all summer long.

We were thrilled when Aqua was given temporary control of both systems. It gave us great comfort to know that a very experienced and reputable company whose core business is water and sewer was now in charge of our utilities. In the future, it is our preference that Aqua assumes permanent control. Our reasoning is simple, this is what Aqua does and has done very effectively for years. Pocono Utilities LLC is brand new, and from what we understand, really has no experience in running water or sewer utilities. We have suffered for 20 years with "non-professionals" running our system, and we would not want to return to that. Additionally, since the Pocono Lakefront development and Pocono Utilities LLC, have the same owner, Jacob Goren, we are concerned that the other communities on the systems may not receive the same service priority as the Pocono Lakefront development. If Pocono Utilities is awarded the water and sewer utility, our sincere hope is that the PAPUC's standards of service, safety, and environmental protection are inspected and enforced. This inspection and enforcement was absent with Deer Haven

I would request your guidance on whether White Pines HOA should petition to be a party to this 529 Proceeding. I am also looking for guidance on our attendance at any of the hearings.

Please feel free to contact me if you would like further information or to discuss any of these topics.

Sincerely,

Wayne Shurts
President, White Pines on the Lake Homeowners Association
973-462-9334
Wayneshurts@gmail.com

RCVD PUC SEC BUR
FEB 18 2025 AM11:08

120 White Pines Dr
Greentown, PA 18426

HOUSTON TX RPDC 773
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Secretary's Bureau
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor - Room N 201
[redacted], PA [redacted]

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	Docket Nos.	P-2024-3050545
	:		I-2024-3051540
v.	:		
	:		
Deer Haven, LLC (Water)	:		
Pennsylvania Public Utility Commission	:	Docket Nos.	P-2024-3050549
	:		I-2024-3051541
v.	:		
	:		
Deer Haven, LLC (Wastewater)	:		

VERIFICATION

I, Nicholas A. DeMarco, hereby state that the facts above set forth in my Direct Testimony, 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: March 7, 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

Pennsylvania Public Utility Commission	:		
	:	Docket Nos.:	P-2024-3050549
v.	:		I-2024-3051541
	:		
Deer Haven, LLC (Wastewater)	:		

CORRECTED REBUTTAL TESTIMONY

OF

Nicholas A. DeMarco

On behalf of the

PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

Corrected OCA Statement 1R

Date Served: April 4, 2025

Corrected Date Served: April 28, 2025

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Introduction

Q. Please state your name and business address.

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

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

A. I am testifying on behalf of the OCA.

Q. Have you previously provided testimony in this case?

A. Yes, I provided OCA Statement No. 1 in this proceeding.

Q. Have you prepared Exhibits to accompany your testimony?

A. Yes. Exhibits NAD-1R-1 which is attachment N to the Joint Application for Issuance of Certificate of Public Convenience and Abandonment of Deer Haven and PL Utilities and a provided response by PLU as OCA-I-4, and NAD-1R-2 which are calculations of estimated rate base per customer, and NAD-1R-3 Attachment O which is a map of the Deer Haven wastewater service territory provided response by PLU as OCA-I-9.

Purpose of Rebuttal Testimony

Q. Please summarize your direct testimony.

A. My direct testimony outlined a history of the Deer Haven wastewater system that led to the 529 proceeding. Additionally, I determined that the Deer Haven wastewater system met the criteria of acquisition through 529. I also introduced the parties relevant to the acquisition: Aqua Pennsylvania (Aqua) and PL Utilities (PLU).

Q. Did you make a recommendation as to who should become the ultimate receiver of the Deer Haven wastewater system?

A. No. In my direct testimony, I reserved my right to make a recommendation as to who should become the ultimate acquirer of the Deer Haven wastewater system through this 529 proceeding.

Q. Did other parties submit direct testimony?

A. Yes. I&E, Aqua, and PLU submitted direct testimony in this proceeding.

Q. Was there any other update that affects your testimony?

A. Yes. On March 7, 2025, the same day as direct testimony was filed in this proceeding, the Commission entered a Rewrite Opinion and Order in Docket Nos. A-2024-3049591 and A-2024-3049587 (Rewrite Order), which is the Joint Application of Deer Haven and PLU for PLU to voluntarily acquire the assets of Deer Haven's wastewater system. This Rewrite Order was not available for my review prior to my submission of direct testimony.

Q. What is the purpose of your rebuttal testimony?

A. The purpose of my rebuttal testimony is to respond to the direct testimony of other parties and to make a recommendation as to the ultimate acquirer of the Deer Haven wastewater system based on additional information that I have reviewed, on the direct testimony submitted in this proceeding, and the Rewrite Order referenced above.

Q. Please summarize your recommendations.

A. Under the circumstances and evidence provided in this case thus far, I recommend that if PLU is unable to meet the necessary conditions and requirements of the Commission's Rewrite Order by August 31, 2025 (as discussed further below), that Aqua should be

directed to acquire the Deer Haven sewer system though this 529 proceeding. I make this recommendation based on the concerns of the small rate base of the Deer Haven Sewer system and the lack of capital planning and experience of PLU.

Q. What do other parties recommend regarding the transfer of the certificate of public convenience and sale of the Deer Haven wastewater system to PLU?

A. In their direct testimonies, I&E, Aqua, and PLU agree that the voluntary sale of the Deer Haven wastewater system assets to PLU should continue, and that PLU should become the ultimate acquirer of the Deer Haven wastewater system assets with the certificated authority to serve the customers of the Deer Haven wastewater system.[1]

Joint Application for PLU's Voluntary Acquisition of Deer Haven Wastewater Assets and For PLU to Serve Customers of Deer Haven System at Docket Nos. A-2024-3049591 and A-2024-3049587

Q. Briefly summarize the Rewrite Order in the aforementioned case.

A. In my direct testimony I indicated that the Commission lifted the stay at Docket Nos. A-2024-3049591 and A-2024-3049587 on February 20, 2025. However, the Commission's Rewrite Order did more than that. In the Rewrite Order, the Commission conditionally approved the Joint Application for the voluntary acquisition by PLU of the Deer Haven wastewater assets subject to PLU satisfactorily complying with six directives in Ordering Paragraph no. 1 of the Rewrite Order by August 31, 2025. The six directives in Ordering Paragraph no. 1 are in subparagraphs b-g as follows:

a. An application filed by Deer Haven, L.L.C. for Commission approval, nunc pro tunc, for the transfer of jurisdictional utility assets to Pocono Lakefront;
b. Evidence that the Pennsylvania Department of Environmental Protection issued PL Utilities, LLC a water quality management

[1] I&E Statement 1, I&E Statement 2, Aqua Statement No.1, Aqua Statement No. 2, PLU Statement No. 1, Deer Haven Statement No. 1.

permit to operate the wastewater treatment plant constructed under Water Quality Management Permit No. 5215401, that includes a copy of the signed and stamped water quality management Post Construction Certification Form;

c. Evidence that all other water quality management permits necessary for the operation of wastewater facilities in the requested service territory have been transferred to PL Utilities, LLC, that includes a copy of said permits;

d. Evidence that the Pennsylvania Department of Environmental Protection transferred National Pollutant Discharge Elimination System Permit No. PA-0041912 from Deer Haven, L.L.C. to PL Utilities, LLC;

e. Evidence of the Pennsylvania Department of Environmental Protection's approval of an Official Sewage Facilities Act 537 Plan Revision that transfers wastewater service from Deer Haven to PL Utilities and identifies PL Utilities, LLC as the sole provider of wastewater service within the requested service territory;

f. A copy of the Notice of Termination filed with the Pennsylvania Department of Environmental Protection indicating that the Deer Haven, L.L.C. Wastewater Treatment Plant was decommissioned.

g. A copy of an executed Consent Order and Agreement between the Pennsylvania Department of Environmental Protection, PL Utilities, LLC, and Deer Haven, L.L.C., resolving Deer Haven, L.L.C.'s open violations.

Additionally, Ordering Paragraphs nos. 2 and 3 provide as follows:

2. That upon the Commission's receipt of the documentation required by Ordering Paragraph 1, the Commission's Bureau of Technical Utility Services shall complete a review of the documentation, and upon determination that all conditions have been satisfied by August 31, 2025, the Commission's Secretary's Bureau shall issue a Secretarial Letter noting the compliance with the directives of Ordering Paragraph 1 to the parties identified in Ordering Paragraph 9.

3. That if the documentation required by Ordering Paragraph 1 is not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services by August 31, 2025, the Joint Application shall be automatically consolidated with the pending 66 Pa.C.S. § 529 proceeding such that the Commission may investigate and address these issues along with whether the

Commission should order a capable public utility to acquire Deer Haven, L.L.C.'s Wastewater System pursuant to 66 Pa.C.S. § 529, at Docket No. P-2024-3050549

Q. Did the Rewrite Order affect Aqua's receivership in this proceeding?

A. No. In the Rewrite Order, the Commission stated that it made no determination or change to the status of Aqua as receiver of the Deer Haven wastewater system and that any determination or change to Aqua's status as receiver of the Deer Haven wastewater system would need to be made at this pending Section 529 proceeding.[2]

Q. What portions of the Commission's Order are most relevant to this proceeding?

A. Ordering Paragraph no. 1 specifies the requirements that must be met by PLU and Deer Haven. Ordering Paragraph no. 3 states that if the documentation required by Ordering Paragraph 1 is not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services (TUS) by August 31, 2025, the Joint Application shall be automatically consolidated with the pending 66 Pa.C.S. § 529 proceeding such that the Commission may investigate and address these issues along with whether the Commission should order a capable public utility to acquire Deer Haven, L.L.C.'s Wastewater System pursuant to 66 Pa.C.S. § 529, at Docket No. P-2024-3050549.

[2] Rewritten Order A-2024-3049587, pg. 12.

Qualifications of the Potential Acquirors

Aqua

Q. Please summarize the qualifications of Aqua Pennsylvania.

A. Aqua is a certificated public utility. Additionally, Aqua was appointed the receiver of both the Deer Haven water and wastewater system following the ex-parte emergency order.[3]

Q. How many customers does Aqua serve?

A. Aqua serves 1.59 million customers across Pennsylvania and serves 62,000 wastewater connections.[4]

Q. What is the estimated rate impact to existing Aqua customers if Aqua were to acquire the Deer Haven wastewater system.

A. There would be no immediate effect on the rates of current Aqua customers if the existing rates of Deer Haven were implemented and brought into the Company's tariff under a separate rate zone. If Deer Haven were consolidated into an existing rate zone at less than its full cost of service in a future rate proceeding, any revenue deficiency related to Deer Haven would have to be recovered from Aqua customers.

Q. Has Aqua done any preliminary analysis of the scope of improvements that would be needed for the existing Deer Haven system?

A. According to Aqua witness Clark, Aqua has developed a recommended preliminary capital plan for the Deer Haven wastewater system. It was included in his direct testimony as Exhibit SC-3.[5]

[4] https://www.aquawater.com/about-aqua/states-we-serve/aqua-pennsylvania .
[4] https://www.aquawater.com/about-aqua/states-we-serve/aqua-pennsylvania .
[5] Aqua Statement No. 2 pg.8 ln. 1-5.

Q. Does Aqua have experience acquiring troubled systems?

A. Yes. In the past five years Aqua has acquired two small water systems[6] in need of capital improvements under Section 529 of the Public Utility Code.[7] Aqua has made significant and necessary capital upgrades to those systems.[8] In addition to being the current receiver for both the Deer Haven water and wastewater systems, Aqua is also the current receiver of the Rhodes Estate water and wastewater systems.[9]

Q. Please state whether Aqua is financially, managerially, and technically capable of acquiring and operating the Deer Haven wastewater system in compliance with applicable statutory and regulatory standards.

A. Aqua is financially, managerially, and technically capable of acquiring and operating the Deer Haven sewer system in compliance with applicable statutory and regulatory standards. The OCA has issued multiple sets of discovery to Aqua to help determine whether Aqua is financially, managerially, and technically capable of acquiring and operating a small water or sewer utility in compliance with applicable statutory and regulatory standards.

If acquired by Aqua, the Deer Haven wastewater system would be incorporated into Aqua Pennsylvania Wastewater, Inc.'s existing tariffs as separate divisions and would be consolidated with other existing rate zones over one or more base rate cases.[10] Aqua's Tanglewood system is adjacent to the Deer Haven Beauty Estates and is 0.3 miles from

[6] James Black Water Service Company – Belle Aire Acres ("Bell Aire Acres") M-2019-3012563 and North Heidelberg Sewer Company ("NHSC") M-2018-2645983 & I-2018-3001161.
[7] Aqua Response OCA-I-8.
[8] Aqua Response OCA-I-8 and OCA-I-9.
[9] P-2024-3045205.
[10] Aqua Response OCA-I-3.

the Deer Haven White Pines system.[11] Aqua has submitted two status reports[12] to the Commission regarding its findings on the Deer Haven wastewater system. Despite the increase in capital and operating expenses, Aqua believes that economies of scale would reduce the cost of operating the system and that the acquisition would help the Company keep rates reasonable for existing and acquired customers.[13]

PLU

Q. Please summarize the qualifications PLU.

A. PLU was created by Mr. Goren to own and operate the Deer Haven sewer system and constructed its own new wastewater treatment plant to do so. [14] PLU is not currently a certificated public utility by the Commission.

If the Joint Application at Docket Nos. A-2024-3049591 and A-2024-3049587 is finally approved, PLU has stated its intention to contract its administration of the system to a company called Empire Industries, of which Mr. Goren is the President. Empire Industries manufactures and sells a variety of kitchen and bathroom vanities, closets and medicine cabinets.[15] PLU would also hire a third-party operator to maintain and operate the system.[16] In essence, Mr. Goren plans to treat PLU as a holding company and contract out its day-to-day managerial and system maintenance and operational duties.

PLU obtained permits and constructed a new 70,000 gpd wastewater treatment plant to replace the existing wastewater treatment plant owned and operated by Deer Haven at an estimated cost of over $2.5 million. PLU obtained approval from Palmyra

[11] Aqua Response OCA-I-11.
[12] Status Report 1 and 2.
[13] Aqua Response OCA-I-2.
[14] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[15] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[16] PLU Response OCA-I-3.

Township of an amendment to the Township's Act 537 Plan allowing the transfer of the sewer system from Deer Haven to PLU and submitted the Act 537 Plan amendment to the Pennsylvania Department of Environmental Protection (DEP) for approval. PLU has worked with DEP to transition the NPDES discharge permit from Deer Haven to PLU and to decommission the existing failing treatment plant as part of a draft Consent Order and Agreement (COA) that DEP, PLU and Deer Haven will enter into. The negotiations of the COA have been delayed due to the pendency of this proceeding.[17]

Q. Does Mr. Goren expect to complete the necessary paperwork and conditions before the August 31, 2025 deadline?

A. Yes. In PLU's direct testimony, it is stated that "…PLU fully intends to satisfy the conditions spelled out in the approved Motion, and has been actively working on satisfying those conditions."[18]

Q. How many customers does PLU serve?

A. At the moment PLU is not a certificated public utility and serves no utility customers.

Q. How many customers will PLU serve if certificated to acquire the Deer Haven system?

A. Approximately 60; however, there is an issue related to this customer count.

Q. What is the issue with the 60 customer count?

A. It is not clear whether this customer count of the Deer Haven sewer system includes the 20 housing units of the White Pine HOA. According to Attachment O of the CPC application, which has been provided in this case by PLU in response to OCA-I-9, and is attached as NAD-1R-3, the 20 housing units of the White Pine HOA seems to sit within

[17] Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC filed Nov. 12, 2024, at Section C.
[18] PLU Statement No. 1 pg. 4 ln. 13-14.

the Deer Haven wastewater service territory. This seems consistent with Deer Haven's amended application for certificate of public convenience, Appendix F, at Docket No. A-230106. The letter from Mr. Shurts of the White Pines HOA, which I referenced and attached as Exhibit NAD-2 in my direct testimony indicates that Deer Haven has refused to operate and maintain the collection system serving the residential customers of the system. Additionally, Deer Haven seems to have failed to adequately maintain the service lines in accordance with their certificated service area at A-230106.

Q. What is you understanding of how the White Pines HOA members are billed by Deer Haven fir wastewater service.

A. It is my understanding that each homeowner is billed as an individual EDU at the residential rate of $46.60 a month according to page 3 of the Deer Haven wastewater tariff.

Q. What is the estimated rate impact of future PLU customers if PLU were to acquire the Deer Haven wastewater system?

A. PLU would have to file a rate case seeking to increase rates covering the investment in constructing the new wastewater treatment plant. The amount of any increase is unknown at this time.[19]

[19] PLU Response to OCA-I-6.

Q. Has PLU done any preliminary analysis of the scope of improvements that would ben needed for the existing Deer Haven system?

A. "Other than constructing the wastewater treatment plant, no."[20]

Q. Could PLU provide an estimate of capital costs that the Company would expect to incur if Deer Haven wastewater system were to be acquired and operated by the company?

A. In response to the discovery question, witness Jacob Goren said to "See Attachment N to the Joint Application for Issuance of Certificate of Public Convenience and Abandonment of Deer Haven and PL Utilities, attached hereto."[21] Attachment N, attached hereto as Exhibit NAD-1R-1, indicates that PLU Net Plant in Service would be $2,748,004.

Q. What would PLU's rate base per customer be given the information provided in Attachment N?

A. If the $2.7 million were spread out over 60 customers, the rate base per customer would be $45,800, as shown in Exhibit NAD-1R-2.

Q. What would Aqua's rate base per customer be given the information provided in Attachment N?

A. Assuming Aqua would include the exact numbers from Attachment N into their existing wastewater rate base, Aqua wastewater rate base per customer would increase from

[20] PLU Response to OCA-I-5.
[21] PLU Response to OCA-I-4.

$8,264 to $8,300, as shown in Exhibit NAD-1R-2.[22] This lesser amount per customer shows the benefits of economies of scale.

Q. Has PLU previously acquired public small wastewater systems in need of capital improvements in the past 5 years?

A. No.[23]

Recommendation of Ultimate Acquirer

Q. What is your opinion about which entity should become the ultimate owner of the Deer Haven wastewater system?

A. Under the circumstances and evidence provided in this case thus far, I recommend that if PLU is unable to satisfactorily meet the necessary requirements of the order regarding the sale of the Deer Haven wastewater system by August 31, 2025, that Aqua should become the ultimate acquire of the Deer Haven sewer system.

Conclusion

Q. Does this conclude your Rebuttal Testimony?

A. Yes. However, I reserve the right to modify as necessary.

[22] Numbers based in Aqua's 2023 annual report.
[23] PLU Response to OCA-I-8.

EXHIBIT NAD – 1R - 1

Name of Utility: PL Utilities LLC

Schedule E

101.0 Plant In Service - Current Original Cost at the Last Rate Case for Deer Haven LLC

101.1 Plant In Service - Changes Since the Last Rate Case

101.2 Plant in Service - PL Utilities LLC

Line No.	Account Number and Title (a)	Original Cost As of 12/31/2010	Date Plant Installed/Retired mm/yyyy	Plant Additions Class	Plant Additions Amounts	Plant Retirements Class	Plant Retirements Amounts	Plant Adjustments	Changes Since the Last Rate Case	Original Cost As of 09/30/2024
1	**.1 INTANGIBLE PLANT**								$ -	
2	351.10 Organization	$ 80,000			$ -				-	$ 80,000
3	352.10 Franchises				-				-	-
4	**.2 COLLECTION SYSTEM**								-	-
5	353.20 Land and Right-of-Ways				-				-	-
6	354.20 Pump Station Structures and Improvements	2,651			179,561				179,561	182,212
7	355.20 Pump Station Power Generation Equipment				-				-	-
8	356.20 Pump Station Power Protection and Control Devises				-				-	-
9	359.20 Collection Sewers - Pressure	13,311			-				-	13,311
10	360.20 Pump Station Force Mains				-				-	-
11	361.20 Collection Sewers - Gravity	170,887			-				-	170,887
12	362.20 Special Collection Structures				-				-	-
13	363.20 Services to Customers	9,282			-				-	9,282
14	364.20 Customer's Flow Measuring Devices				-				-	-
15	365.20 Customer's Flow Measuring Installations				-				-	-
16	366.20 Customer's Grinder Pump Units				-				-	-
17	367.20 Customer's Grinder Pump Unit Installations				-				-	-
18	370.20 Receiving Wells				-				-	-
19	371.20 Pump Station Pumping Equipment	1,334			2,774				2,774	4,108
20	389.20 Other Plant and Misc. Equipment	4,136			-				-	4,136
21	396.20 Pump Station Communication Equipment				-				-	-
22	398.20 Other Tangible Plant				-				-	-
23	**.4 TREATMENT and DISPOSAL FACILITIES**								-	-
24	353.40 Land and Right-of-Ways				-				-	-
25	354.40 Structures and Improvements	123,227	Sep-24	See WP-1.0-PIS	365,987		$ 123,227		242,760	365,987
26	355.40 Power Generation Equipment		Sep-24	See WP-1.0-PIS	236,038				236,038	236,038
27	356.40 Power Protection and Control Devises & Appurtenances				-				-	-
28	371.40 Pumping Equipment		Sep-24	See WP-1.0-PIS	110,933				110,933	110,933
29	380.40 Treatment and Disposal Equipment	187,735	Sep-24	See WP-1.0-PIS	1,557,078		$ 187,735		1,369,343	1,557,078
30	381.40 Yard Piping		Sep-24	See WP-1.0-PIS	141,900				141,900	141,900
31	382.40 Outfall Line and Headwall	2,134	Sep-24	See WP-1.0-PIS	15,780		$ 2,134		13,646	15,780
32	385.40 Instrumentation and Computer Equipment				-				-	-
33	389.40 Other Plant and Miscellaneous Equipment				-				-	-
34	**.7 GENERAL PLANT**								-	-
35	385.70 Instrumentation and Computer Equipment				-				-	-
36	390.70 Office Furniture and Equipment				-				-	-
37	391.70 Transportation Equipment				-				-	-
38	392.70 Stores Equipment				-				-	-
39	393.70 Tools, Shop and Garage Equipment				-				-	-
40	394.70 Laboratory Equipment				-				-	-
41	395.70 Power Operated Equipment				-				-	-
42	396.70 Communication Equipment				-				-	-
43	397.70 Miscellaneous Equipment				-				-	-
44	398.70 Other Tangible Plant				-				-	-
45	399.70 Safety Equipment				-				-	-
46	**TOTAL WASTEWATER UTILITY PLANT ACCOUNTS**	**$ 594,697**		**TOTALS**	**$ 2,610,051**	**TOTALS**	**$ 313,096**	**$0**	**$ 2,296,955**	**$ 2,891,652**
47	**Accumulated Depreciation**	**$ 303,361**			**$ -**			**$ 159,713**	**$ 143,648**	**143,648**
48	**TOTAL NET WASTEWATER UTILITY PLANT ACCOUNTS**	**$ 291,336**		**TOTALS**	**$ 2,610,051**	**TOTALS**	**$ 313,096**	**$ (159,713)**	**$ 2,153,307**	**$ 2,748,004**
50	**Depreciation Expense***	-			$ -		$ -	$ -	$ -	$ 27,480

*The prior ownership has not collected annual depreciation expense since 2010 due to the condition of the system.

Accumulated Depr Adjustment: % of WWTP Plant in Service - (Fully Retired for new WWTP)

0.526479871

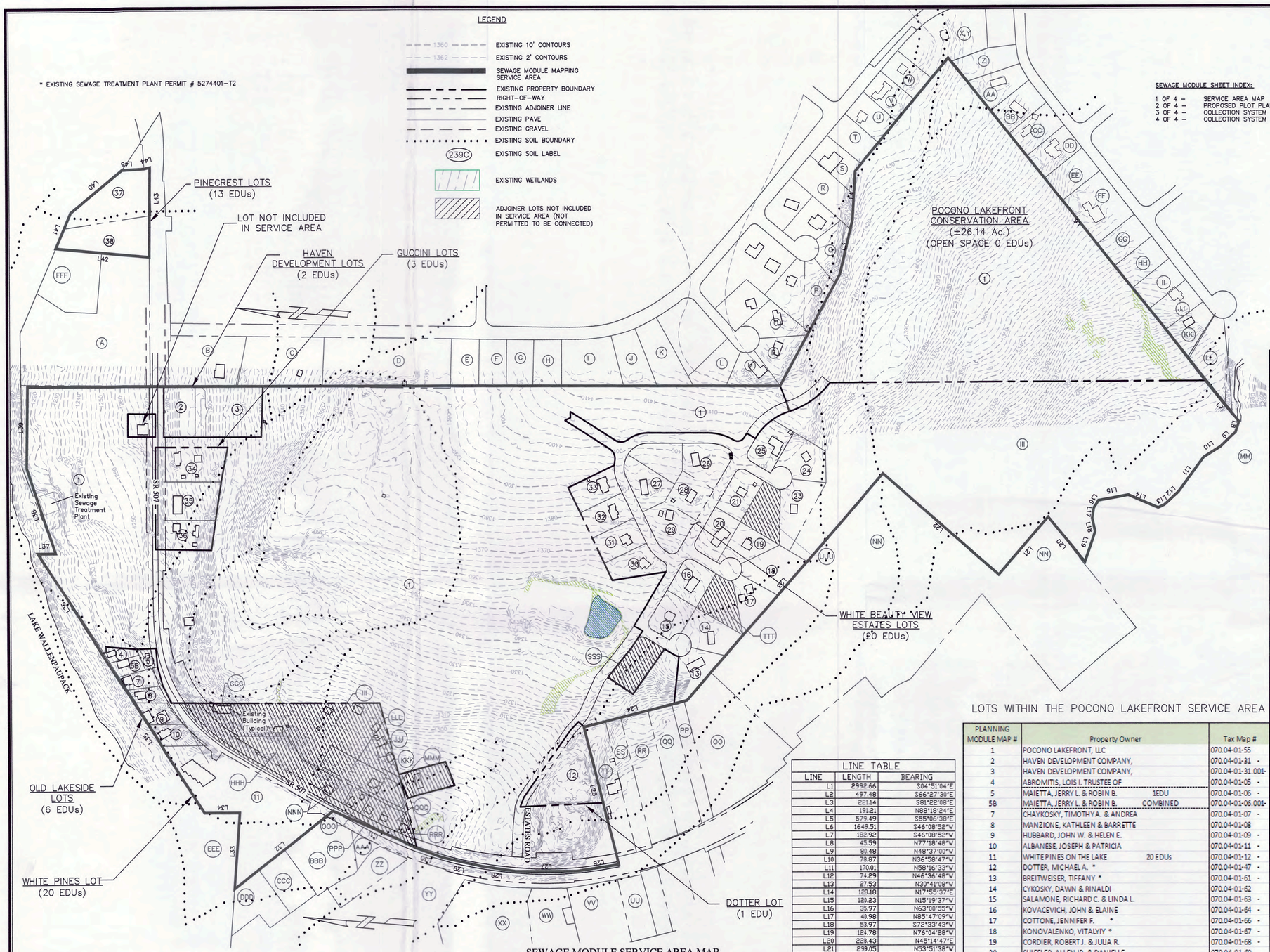
EXHIBIT NAD – 1R - 2

Estimated Rate Base Per Customer

AQUA WW (2023 Annual report)	total net utility plant end of year balance	$ 509,996,232.00
	end of year customers	61711
	rate base per customer	$ 8,264.27
AQUA WW (2023 Annual report) with DH WW	total net utility plant end of year balance	$ 509,996,232.00
	Deer Haven WW and new treatment plant	$ 2,748,004.00
	end of year customers	61771
	rate base per customer	$ 8,300.73
PLU with DH WW	total net utility plant end of year balance	$ 2,748,004.00
	end of year customers	60
	rate base per customer	$ 45,800.07

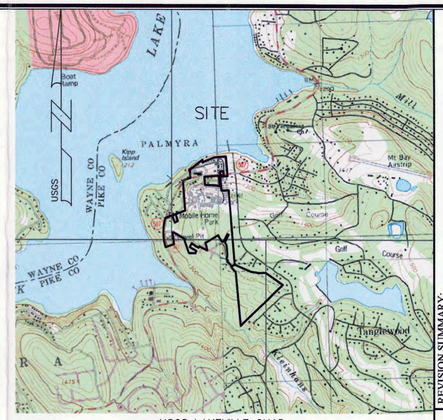
Note that the total Deer Haven customer count is dependent on whether or not homeowners of White Pines HOA are considered customers of Deer Haven WW.

EXHIBIT NAD – 1R - 3



SEWAGE MODULE SHEET INDEX:

1 OF 4 – SERVICE AREA MAP
2 OF 4 – PROPOSED PLOT PLAN
3 OF 4 – COLLECTION SYSTEM
4 OF 4 – COLLECTION SYSTEM



USGS LAKEVILLE QUAD
LOCATION MAP 1"=2,000'

REVISION SUMMARY:

ADJOINER LOTS (NOT IN SERVICE AREA)

PLANNING MAP KEY	Property Owner	Tax Map #
A	TANGLWOOD LAKES COMMUNITY ASSOCIATION, INC.	070.04-02-03.001
B	KEARNEY, JAMES J. & ROSEMARY A	070.04-02-17
C	MANCUSO, VINCENT W. & LORI L	070.04-02-18
D	TANGLEWOOD LAKES COMMUNITY	070.04-02-71
E	CHIPPLE, DAVID R. & CYNTHIA K. & MAZZOTTA, LAURA B.	070.04-02-19
F	FRAZIER, EDWARD & RAFAELLA	070.04-02-20
G	MCELLIGOTT, DEBORAH A.	070.04-02-21
H	GIGLIO, PAUL & GLORIA ANNE	070.04-02-22
I	COLOMBO, ANNETTE & MICHAEL & CRACOLICI, SALLY & ROBERT ET AL	070.04-02-23
J	ISRAEL, JOYCE	070.04-02-25
K	SUHNEIDER, MARTIN	070.04-02-25.001
L	HORVATH, MICHAEL & JOANNE	070.04-02-27
M	OST, ROBERT & VIRGINIA	070.04-02-28
N	KLEINSMITH, WARREN T. JR. & SHERRY	070.04-02-29
O	TANGLWOOD LAKES COMMUNITY ASSOCIATION, INC.	070.04-02-72
P	VIELLER-CORRALES, MARGARET ETVIR	070.04-02-36
Q	FIRRERI, CHRISTOPHER C. & DONNA	070.04-02-37
R	GUMBLE, SHIRLEY B.	070.04-02-40
S	SALVATORE, JAMES	070.04-02-41
T	LENCZEWSKI, EDWARD & ALINA	070.04-02-42
U	LILLY, PETER GEORGE & NANCY	070.04-02-43
V	RABICKI, THOMAS & LORRAINE	070.04-02-44
W	COLOMBO, BENEDICT	070.04-02-45
X, Y	MESSINA, FRANCES J.	070.04-04-01
Z	ELLEFSEN, KURT H. & MARYANN	070.04-04-03
AA	ELLEFSEN, KURT H. & MARYANN	070.04-04-04
BB	TARDOGNO, JOSEPH J. & DANIELLE P.	070.04-04-05
CC	SCHANTZ, CRAIG	070.04-04-06
DD	SCHNEIDER, ROBERT & ELIZABETH	070.04-04-07
EE	BREHM, ROBERT & ANNE	070.04-04-08
FF	ROSS, THOMAS E. & IRENE A.	070.04-04-09
GG	ODIERNA, FRANK C. JR. & MUENZ, MARIA T.	070.04-04-11
HH	DEBELAK, MICHAEL & MARCIA	070.04-04-12
II	ORANGE, JOHN W. JR.	070.04-04-13
JJ	ALEKSANDROV, VADIM & IYEMI ORIANZI	070.04-04-14
KK	CLERKIN, RICHARD W. & DEBORAH A.	070.04-04-15
LL	TANGLWOOD LAKES COMMUNITY ASSOCIATION, INC.	070.04-04-16
MM	PENN WOOD ASSOCIATION, INC.	086.02-01-20.009
NN	NELSON, DONALD A.	070.04-01-54
OO	NELSON, DONALD A. & THELMA M.	070.04-01-53
PP	HOWELLS, ALDAJEAN M.	070.04-01-52
QQ	SCORZA, JANE	070.04-01-51
RR	MURPHY, LEON A. & BERTHA E.	070.04-01-50
SS	MURPHY, LEON A. ET UX	070.04-01-49
TT	NELSON FAMILY TRUST	070.04-01-48
UU	SCHOENAUER, BARBARA J. & GEORGE W. ANNS III	070.04-01-30
VV	SCHUMAN, WILLIAM T. & DONNA C.	070.04-01-29.001
WW	TINSLEY, WILLIAM F. & VICKIE L.	070.04-01-29
XX	TINSLEY, WILLIAM F. & VICKIE L.	070.04-01-29.002
YY	KRYNSKA-SHAHAR, ELIZABETH B.	070.04-01-22
ZZ	MEMOLO, WILLIAM & JEANNETTE	070.04-01-18.001
AAA	MEMOLO, WILLIAM & JEANNETTE	070.04-01-15.001
BBB	MEMOLO, MARTIN J. & JOAN B.	070.04-01-15
CCC	BIGGINS, JAMES P. & BARBARA J.	070.04-01-14
DDD	BARNETT, ROBERT F. & ANTOINETTE M.	070.04-01-17
EEE	FPL HOLTWOOD, LLC	022.00-01-39
FFF	TANGLWOOD LAKES COMMUNITY ASSOCIATION, INC.	070.04-02-03
GGG	SACHLEBEN, RAYMOND & ARLEN E & DECUSKY, ROBERT ET AL	070.04-01-10 -
HHH	COUGHLIN, KENNETH & WINIFRED	070.04-01-36 -
III	WHITE PINES ON THE LAKE	070.04-01-75
JJJ	COUGHLIN, KENNETH & WINIFRED	070.04-01-44.002
KKK	COUGHLIN, KENNETH & WINIFRED	070.04-01-44 -
LLL	MC HALE, JAMES H. JR. *TRUSTEE	070.04-01-43 -
MMM	ZITO, JOSEPH A. *	070.04-01-42 -
NNN	CARAVELLO, JOHN A. JR. & MELANIE A.	070.04-01-37 -
OOO	APPEL, DONALD C. & HELEN D.	070.04-01-38 -
PPP	WOODHEAD, STEVEN & TRACEY P.	070.04-01-39
QQQ	SCARNATO, DOMINICK	070.04-01-40
RRR	WINTERS, BONNIE H. *	070.04-01-41 -
SSS	CARRICK, C. BRUCE *	070.04-01-60 -
TTT	DEER HAVEN, LLC	070.04-01-65
UUU	DEER HAVEN, LLC	070.04-01-71

LOTS WITHIN THE POCONO LAKEFRONT SERVICE AREA

PLANNING MODULE MAP #	Property Owner		Tax Map #
1	POCONO LAKEFRONT, LLC		070.04-01-55
2	HAVEN DEVELOPMENT COMPANY,		070.04-01-31 -
3	HAVEN DEVELOPMENT COMPANY,		070.04-01-31.001-
4	ABROMITIS, LOIS I. TRUSTEE OF		070.04-01-05 -
5	MAIETTA, JERRY L. & ROBIN B.	1EDU	070.04-01-06 -
5B	MAIETTA, JERRY L. & ROBIN B.	COMBINED	070.04-01-06.001-
7	CHAYKOSKY, TIMOTHY A. & ANDREA		070.04-01-07 -
8	MANZIONE, KATHLEEN & BARRETTE		070.04-01-08
9	HUBBARD, JOHN W. & HELEN E.		070.04-01-09 -
10	ALBANESE, JOSEPH & PATRICIA		070.04-01-11 -
11	WHITE PINES ON THE LAKE	20 EDUs	070.04-01-12 -
12	DOTTER, MICHAEL A. *		070.04-01-47 -
13	BREITWEISER, TIFFANY *		070.04-01-61 -
14	CYKOSKY, DAWN & RINALDI		070.04-01-62
15	SALAMONE, RICHARD C. & LINDA L.		070.04-01-63 -
16	KOVACEVICH, JOHN & ELAINE		070.04-01-64 -
17	COTTONE, JENNIFER F. *		070.04-01-66 -
18	KONOVALENKO, VITALYIY *		070.04-01-67 -
19	CORDIER, ROBERT J. & JULIA R.		070.04-01-68 -
20	SHIFFLER, ALLEN JR. & DANIELLE		070.04-01-69
21	RUBART, JODI D. *		070.04-01-70 -
23	TONE, LUCIAN C. & ZOE S.		070.04-01-72 -
24	DEER HAVEN, LLC		070.04-01-73
25	DEER HAVEN, LLC		070.04-01-71
26	RUFFALO, JOSEPH T. & LOUISE		070.04-01-58.001-
27	FRANKS, JAMES R. *		070.04-01-57 -
28	GRIFFENKRANZ, THOMAS RICHARD & GLYNN, KERRY JANE		070.04-01-58 -
29	ORTEGA, ROLANDO *		070.04-01-59 -
30	GRUBBS, JOEL A. & JUNE		070.04-01-89 -
31	DENARDO, DENNIS *		070.04-01-88 -
32	HORRIGAN, MICHAEL P. & JOANNE T.		070.04-01-87 -
33	SHAMSHOVICH, LEONID & TATIANA ZILBERMAN		070.04-01-86
34	GUCCINI, LEONARD		070.04-01-32 -
35	GUCCINI, LEROY		070.04-01-33 -
36	GUCCINI, PAUL LEROY *		070.04-01-34 -
37	SARITAM, LLC	13 EDUs	070.04-02-02
38	ROYAL LAKE HOMES, LLC	COMBINED	070.06-01-15-AS7

LINE TABLE		
LINE	LENGTH	BEARING
L1	299.66	S04°51'04"E
L2	497.48	S66°27'30"E
L3	221.14	S81°22'08"E
L4	191.21	N88°18'24"E
L5	573.49	S55°06'38"E
L6	1649.51	S46°08'52"W
L7	182.92	S46°08'52"W
L8	45.59	N77°18'48"W
L9	80.48	N48°37'00"W
L10	78.87	N36°58'47"W
L11	170.01	N58°16'33"W
L12	74.29	N46°36'48"W
L13	27.53	N30°41'08"W
L14	188.18	N17°55'37"E
L15	180.23	N15°19'37"W
L16	35.97	N63°00'55"W
L17	40.98	N85°47'09"W
L18	53.97	S72°33'43"W
L19	124.78	N76°04'28"W
L20	228.43	N45°14'47"E
L21	299.05	N53°51'38"W
L22	646.19	N35°51'15"E
L23	1183.25	N53°35'04"W
L24	483.28	N19°19'21"W
L25	556.33	S70°40'39"W
L26	167.65	N13°41'42"W
L27	245.03	N05°00'49"W
L28	133.61	N03°38'29"E
L29	168.80	N07°40'37"E
L30	181.30	N15°10'22"E
L31	371.99	N18°39'34"E
L32	457.21	N42°47'12"W
L33	300.84	N89°12'59"E
L34	139.75	N04°42'49"W
L35	744.96	N52°16'06"E
L36	465.92	N52°19'02"E
L37	70.02	S04°46'38"E
L38	352.66	N66°27'07"E
L39	318.24	N85°45'56"E
L40	264.74	N44°20'08"W
L41	182.24	N72°04'52"W
L42	371.57	S00°07'11"W
L43	351.87	N65°36'48"E
L44	23.18	N17°23'44"W
L45	87.35	N08°44'00"W

SEWAGE MODULE SERVICE AREA MAP

SCALE: 1"=200'

ON-SITE SOILS SUMMARY TABLE:

7B – SHOHOLA-EDGEMERE COMPLEX, 0 TO 8 PERCENT SLOPES, VERY RUBBLY
28B – WELLSBORO STONY LOAM, 0 TO 8 PERCENT SLOPES, EXTREMELY STONY
28C – WELLSBORO STONY LOAM, 8 TO 15 PERCENT SLOPES, EXTREMELY STONY
239B – LORDSTOWN-SWARTSWOOD COMPLEX, 15 TO 30 PERCENT SLOPES, EXTREMELY STONY; HYDROLOGIC SOIL GROUP C
239C – OQUAGA VERY STONY LOAM, 8 TO 15 PERCENT SLOPES, EXTREMELY BOULDERY
240F – OQUAGA-ARNOT-ROCK OUTCROP COMPLEX, 20 TO 60 PERCENT SLOPES, VERY RUBBLY
320C – LACKAWANNA CHANNERY LOAM, 8 TO 15 PERCENT SLOPES, STONY
321B – LACKAWANNA CHANNERY LOAM, 3 TO 8 PERCENT SLOPES, EXTREMELY STONY
321C – LACKAWANNA CHANNERY LOAM, 8 TO 15 PERCENT SLOPES, EXTREMELY STONY

PROJECT SPECIFIC NOTES:

1. THE PROPOSED USE OF THE PROPERTY IS FOR A PROPOSED CONSERVATION RESIDENTIAL SUBDIVISION.
2. THE LOTS ARE TO BE RESTRICTED BY THE DEVELOPER FOR RESIDENTIAL USE ONLY.
3. WETLANDS EXIST ON THIS SITE. WETLANDS DELINEATED BY F.X. BROWNE, INC. ON OCTOBER 21, 2005 AND NOVEMBER 17, 2005.
4. NO 100-YEAR FLOOD ZONES EXIST ON SITE AS PER FEMA MAPPING.
5. A PNDI SEARCH WAS COMPLETED FOR THE PROJECT ON 05-28-14, "NO KNOWN IMPACTS" WERE IDENTIFIED.
6. THIS PROJECT IS SUBJECT TO THE RULES AND REGULATIONS AS CONTAINED IN THE PALMYRA TOWNSHIP ZONING ORDINANCE.
7. PROJECT TO BE SERVICED BY CENTRAL WATER PROVIDED VIA DRILLED WELLS AND BY CENTRAL SEWAGE. ALL CONNECTIONS SHALL BE CONSTRUCTED IN ACCORD WITH THE CURRENT STANDARDS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PALMYRA TOWNSHIP.
8. IN GRANTING THIS APPROVAL THE TOWNSHIP HAS NOT CERTIFIED OR GUARANTEED THE FEASIBILITY OF THE INSTALLATION OF ANY TYPE OF WELL OR SEWAGE DISPOSAL SYSTEM ON ANY LOT SHOWN ON THIS PLAN.
9. NEW ROADS CREATED BY THIS SUBDIVISION MAY BE USED BY THE LOT OWNERS OF POCONO LAKEFRONT UNDER TERMS OUTLINED IN THE PROTECTIVE COVENANTS. MAINTENANCE & REPAIR OF THESE ROADS ARE THE RESPONSIBILITY OF THOSE PARTIES BENEFITING FROM THE USE THEREOF.

PENNSYLVANIA ONE CALL SYSTEM INC. 1-800-242-1776 STOP CALL BEFORE YOU DIG!

LOCATIONS OF ALL UNDERGROUND UTILITIES SHALL BE FIELD LOCATED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION AND CONSTRUCTION WORK. CONTRACTOR SHALL CONTACT PENNSYLVANIA ONE CALL SYSTEM AT 1-800-242-1776 A MINIMUM OF THREE WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION ON THIS SITE.

600 400 200 0 200

SCALE: 1" = 200'

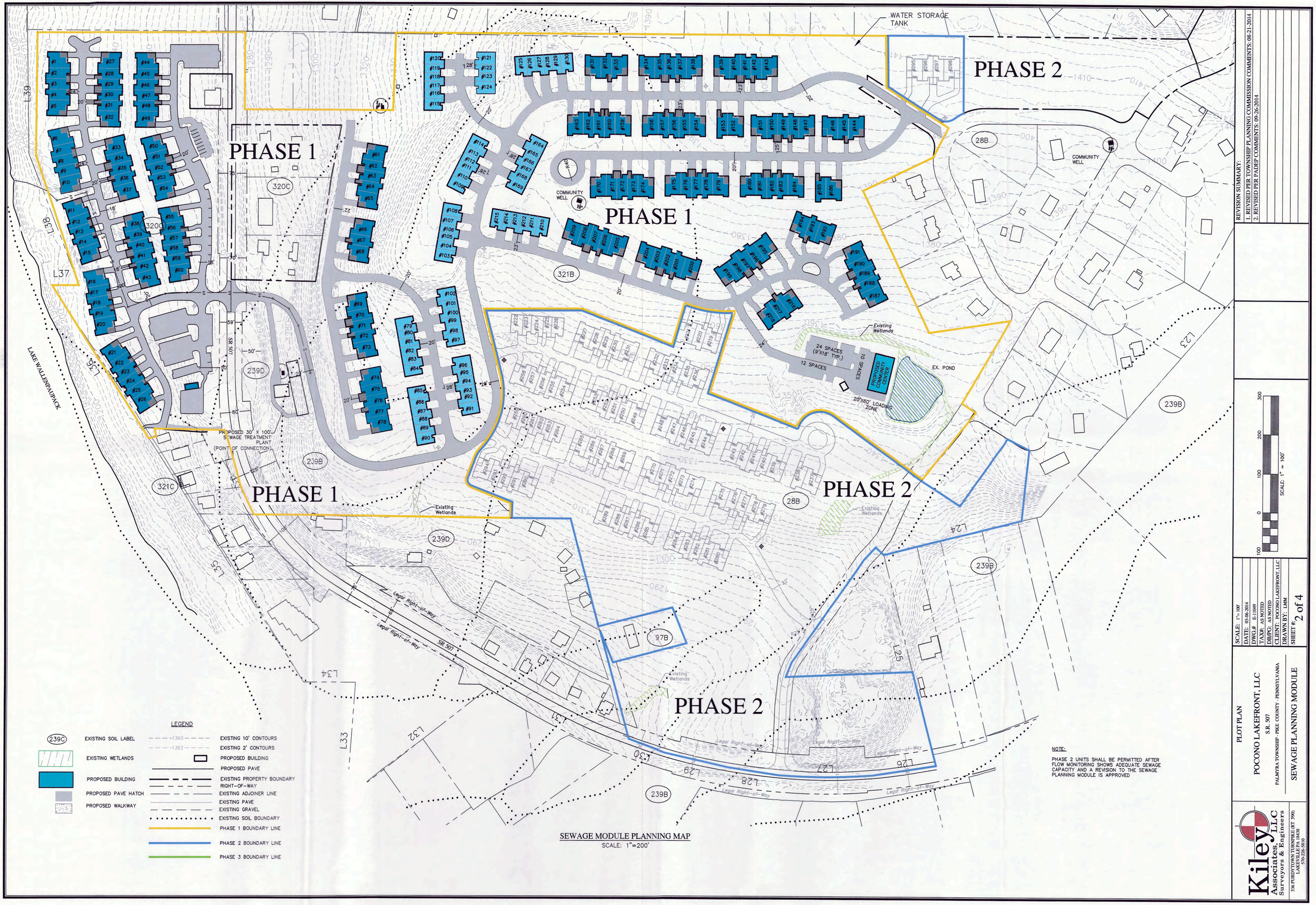
SCALE: 1"= 250'
DATE: 01-27-2014
DWG # E-11049
TAX#: AS NOTED
DB/PG: AS NOTED
CLIENT: POCONO LAKEFRONT, LLC
DRAWN BY: LMM
SHEET #: 1 of 4

SEWER SERVICE AREA MAP

POCONO LAKEFRONT, LLC
S.R. 507
PALMYRA TOWNSHIP PIKE COUNTY - PENNSYLVANIA

SEWAGE PLANNING MODULE

Kiley Associates, LLC
Surveyors & Engineers
536 PURDYTOWN TURNPIKE (RT. 590)
LACKAWAXEN, PA 18435
570-226-5810



LEGEND

239C EXISTING SOIL LABEL	1360 EXISTING 10' CONTOURS
EXISTING WETLANDS	1362 EXISTING 2' CONTOURS
PROPOSED BUILDING	PROPOSED BUILDING
PROPOSED PAVE HATCH	PROPOSED PAVE
PROPOSED WALKWAY	EXISTING PROPERTY BOUNDARY
	RIGHT-OF-WAY
	EXISTING ADJOINER LINE
	EXISTING PAVE
	EXISTING GRAVEL
	EXISTING SOIL BOUNDARY
	PHASE 1 BOUNDARY LINE
	PHASE 2 BOUNDARY LINE
	PHASE 3 BOUNDARY LINE

SEWAGE MODULE PLANNING MAP
SCALE: 1"=200'

NOTE:
PHASE 2 UNITS SHALL BE PERMITTED AFTER FLOW MONITORING SHOWS ADEQUATE SEWAGE CAPACITY AND A REVISION TO THE SEWAGE PLANNING MODULE IS APPROVED

REVISION SUMMARY:
1. REVISED PER TOWNSHIP PLANNING COMMISSION COMMENTS: 08-21-2014
2. REVISED PER PADEP COMMENTS: 09-26-2014

SCALE: 1" = 100'

SCALE: 1"= 100'
DATE: 05-06-2014
DWG.# E-11069
TAX#: AS NOTED
DB/PG: AS NOTED
CLIENT: POCONO LAKEFRONT, LLC
DRAWN BY: LMM
SHEET #: 2 of 4

PLOT PLAN
POCONO LAKEFRONT, LLC
S.R. 507
PALMYRA TOWNSHIP - PIKE COUNTY - PENNSYLVANIA
SEWAGE PLANNING MODULE

Kiley Associates, LLC
Surveyors & Engineers
336 PURDYTOWN TURNPIKE (RT 590)
LACKAWAXEN, PA 18438
570-226-5010

EXISTING LOW PRESSURE SANITARY SEWER FROM PINE CREST

TAP EX. 2" LPSS AT PROPERTY LINE AND RUN NEW LINE TO PUMP STATION #2

PPL 68640 N45211

BT-CO C-7 2

BT-CO C-7 1

PPL 2T 24436

PPL 2T 24435

PPL 68637

PPL 6865 N451

NAD 83 STATE PLANE

PPL 68622 N95210

PPL 68626 N45205

EXISTING 4" LATERALS

CAP EXISTING GRAVITY LINE

EXISTING 8" GRAVITY SEWER

2.0" ø LOW PRESSURE SEWER LINE FROM UNITS 61-68

PPL 68596 N45202

PPL 68589 N45206

PPL 68685 N45199

EX. MANHOLE

PPL 68560 N45203

PPL 68544 N45205

PPL 68513 N45197

L 606 N45208

ROAD '1'

ROAD 'A'

ROAD 'B'

ROAD 'C'

ROAD 'D'

ROAD 'E'

ROAD 'F'

ROAD 'G'

ROAD 'H'

ENTRANCE ROAD

EX. SEWER TREATMENT PLANT DISCHARGE

MH #210 RIM 1217.69 INV 1213.45 INV 1195.40

MH #209 RIM 1227.12 INV 1220.55 INV 1219.50

MH #208 RIM 1232.12 INV 1225.50 INV 1225.40

MH #207 RIM 1241.41 INV 1235.80 INV 1234.10

MH #206 RIM 1249.07 INV 1240.80 INV 1240.70

MH #205 RIM 1257.40 INV 1252.70 INV 1251.20

MH #204 RIM 1262.17 INV 1257.50 INV 1257.20

MH #203 RIM 1267.72 INV 1263.40 INV 1262.90

MH #202 RIM 1273.79 INV 1269.50 INV 1269.00

MH #201 RIM 1288.79 INV 1284.00

MH 1

MH 2

MH 3

MH 4

MH 5

PROPOSED DUPLEX PUMP STATION #3

PROPOSED 8"ø GRAVITY SEWAGE TREATMENT PLANT DISCHARGE

1.5" ø LOW PRESSURE SEWER LINE FROM GUCCINI LOTS

PROPOSED DUPLEX PUMP STATION #2

PROPOSED SEWAGE TREATMENT PLANT

INTERCEPT EX. 3" PRESSURE LINE AND TIE INTO NEW PUMP STATION

EXISTING PRESSURE SEWER LINE FROM WHITE PINES PUMP STATION

COMMUNITY WELL

MATCH LINE

MATCH LINE

LEGEND

- PROPOSED BUILDINGS
- EXISTING PROPERTY BOUNDARY
- EXISTING RIGHT-OF-WAY
- EXISTING ADJOINER LINE
- O/H UTILITY LINES & POLE
- O/H UTILITY LINES & POLE TO BE REMOVED
- EXISTING SANITARY SEWER
- EXISTING SANITARY SEWER TO BE REMOVED
- EXISTING WATER LINE
- EXISTING ASPHALT
- EXISTING GRAVEL ROAD
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED WATER LINE WITH LATERALS
- PROPOSED SEWER LINE WITH LATERALS
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED FIRE HYDRANT

UTILITIES PLAN
SCALE: 1"=60'

REVISION SUMMARY:
1. 6-23-14 - AS PER TOWNSHIP ENGINEER COMMENTS
2. 9-5-14 - AS PER PLANNING COMMISSION COMMENTS
3. 9-26-14 - AS PER PLANNING COMMISSION COMMENTS

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL ENGINEER JUSTIN G. HOFFMANN No. 078342

JUSTIN G. HOFFMANN
PA LICENSE PE-078342

SCALE: 1"= 60'

SCALE: 1" = 60'
DATE: 1-27-14
DWG.#: E-12-1009
TAX#: AS NOTED
DB/PG: AS NOTED
CLIENT: POCONO LAKEFRONT, LLC
DRAWN BY: LMM
SHEET #3 of 4

COLLECTION SYSTEM

POCONO LAKEFRONT
S.R. 507
PALMYRA TOWNSHIP - PIKE COUNTY - PENNSYLVANIA

SEWAGE PLANNING MODULE

Kiley Associates, LLC
Surveyors & Engineers
536 PURDYTOWN TURNPIKE (RT. 590)
LAKEVILLE PA. 18438
570-226-3060

PPL 68651 N45090

BT-CO NO #

PPL 68651 N45072

PPL 68651 N45053

XERXES 10'ø 40,000 GALLON UNDERGROUND STORAGE TANK (TYP OF 3)

PPL 68652 N45034

PPL 68652 N45015

PPL 68653 N44997

PPL 68653 N44982

PPL 21 22186

NAD 83 STATE PLANE

PPL 68643 N44965

PPL 68635 N44978

EX. MANHOLE

COMMUNITY WELL

EX. MANHOLE

EX. MANHOLE

EX. MANHOLE

EX. MANHOLE

ENTRANCE ROAD

ROAD "A"

ROAD "B"

ROAD "C"

ROAD "D"

ROAD "E"

ROAD "F"

8"ø WATERMAIN

2.5"ø

3.0"ø

2"ø

6"ø WATERMAIN

2½"ø

INTERCEPT EXISTING 8" GRAVITY SEWER AT NEW PUMP STATION

PROPOSED DUPLEX PUMP STATION #1

EXISTING GRAVITY LINE FROM WHITE BEAUTY VIEW ESTATES TO REMAIN

EXISTING 8"ø P.V.C. GRAVITY SEWER

BT-CO 6

BT-CO 5

MATCH LINE

#134 #135 #136 #137 #138 #139 #140 #141 #142 #143

#295 #296 #297 #298

#158 #157 #156 #155 #154 #153 #152 #151 #150 #149 #148 #147 #146 #145 #144

#173 #174 #175 #176 #177 #178 #179 #180 #181 #182 #183 #184 #185 #186

#204 #203 #202 #201 #200 #194 #193 #192 #195 #196 #197 #198 #199 #191 #190 #189 #188 #187 #216 #217 #218 #221 #220 #219

#232 #233 #234 #235 #236 #249 #248 #247 #246 #245 #244 #243 #242 #241 #240 #239 #238 #237

#270 #271 #272 #273 #274 #275 #276 #277 #278 #279

LOCATIONS OF ALL UNDERGROUND UTILITIES SHALL BE FIELD LOCATED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION AND CONSTRUCTION WORK. CONTRACTOR SHALL CONTACT PENNSYLVANIA ONE CALL SYSTEM AT 1-800-242-1776 A MINIMUM OF THREE WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION ON THIS SITE.

PENNSYLVANIA ONE CALL SYSTEM, INC. 1-800-242-1776 STOP-CALL BEFORE YOU DIG!

LEGEND

- PROPOSED BUILDINGS
- EXISTING PROPERTY BOUNDARY
- EXISTING RIGHT-OF-WAY
- EXISTING ADJOINER LINE
- O/H UTILITY LINES & POLE
- O/H UTILITY LINES & POLE TO BE REMOVED
- EXISTING SANITARY SEWER
- EXISTING SANITARY SEWER TO BE REMOVED
- EXISTING WATER LINE
- EXISTING ASPHALT
- EXISTING GRAVEL ROAD
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED WATER LINE WITH LATERALS
- PROPOSED SEWER LINE WITH LATERALS
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED FIRE HYDRANT

UTILITIES PLAN
SCALE: 1"=60'

REVISION SUMMARY:
1. 6-23-14 - AS PER TOWNSHIP ENGINEER COMMENTS
2. 9-5-14 - AS PER PLANNING COMMISSION COMMENTS
3. 9-26-14 - AS PER PLANNING COMMISSION COMMENTS

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL ENGINEER JUSTIN G. HOFFMANN

JUSTIN G. HOFFMANN PE 078243 ENGINEER IN RESPONSIBLE CHARGE
JUSTIN G. HOFFMANN PA LICENSED HEADSOD

180 120 60 0 60
SCALE: 1" = 60'

SCALE: 1"=60'
DATE: 1-14-14
DWG.# E-12-1009
TAX#: AS NOTED
DB/PG: AS NOTED
CLIENT: POCONO LAKEFRONT, LLC
DRAWN BY: LMM
SHEET# 4 of 4

COLLECTION SYSTEM

POCONO LAKEFRONT
S.R. 507
PALMYRA TOWNSHIP - PIKE COUNTY - PENNSYLVANIA

SEWAGE PLANNING MODULE

Kiley Associates, LLC
Surveyors & Engineers
536 PUBLY TOWN TURNPIKE (RT. 390)
LAKEVILLE PA 18438
570-226-5810

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	Docket Nos.	P-2024-3050545
	:		I-2024-3051540
v.	:		
	:		
Deer Haven, LLC (Water)	:		
Pennsylvania Public Utility Commission	:	Docket Nos.	P-2024-3050549
	:		I-2024-3051541
v.	:		
	:		
Deer Haven, LLC (Wastewater)	:		

VERIFICATION

I, Nicholas A. DeMarco, hereby state that the facts above set forth in my Corrected Rebuttal Testimony, Corrected OCA Statement 1R, 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: April 28, 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

Deputy Chief Administrative Law Judge
Christopher P. Pell, Presiding

Pennsylvania Public Utility Commission,	:	P-2024-3050545
	:	I-2024-3051540
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Water)	:	
Pennsylvania Public Utility Commission,	:	P-2024-3050549
	:	I-2024-3051541
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Wastewater)	:	

Intervenors:
Pocono Lakefront, LLC
PL Utilities, LLC

DIRECT TESTIMONY

OF

JACOB GOREN

ON BEHALF OF INTERVENORS

March 7, 2025

Q: Please state your name and business address for the record.

A: My name is Jacob Goren and my business address is 40 Warren Street, Paterson, New Jersey 07524

Q: **By whom are you employed and in what capacity?**

A: I am the sole member and managing director of PL Utilities, LLC ("PLU") and the manager of Pocono Lakefront LLC ("Pocono") whose sole member is a Trust I formed.

Q: On whose behalf are you presenting this testimony?

A: I am presenting this testimony on PLU and Pocono, the Intervenors. The Intervenors' Petition to Intervene was granted per Pre-Hearing Order #1 dated December 20, 2024.

Q: What is the purpose of your testimony?

A: The purpose of my testimony is to set forth the positions of PLU and Pocono regarding the acquisition of the Deer Haven Sewer System by PLU and the acquisition of the Deer Haven Water System by Aqua Pennsylvania Inc.

Q: What is the position of PLU and Pocono with respect to the Deer Haven Wastewater System?

A: With respect to Deer Haven Wastewater System, PLU and Pocono to support the decision made by the Pennsylvania Public Utility Commission ("Commission") at its February 20, 2025 meeting to approve Motion of Commissioner Ralph V. Yanora regarding the PLU and Deer Haven Joint Application submitted by PLU and Deer Haven at Docket Numbers A-2024-3049587 and A-2024-3049591 for approval of: (1) PLU’s acquisition of certain wastewater system assets of Deer Haven, L.L.C.; (2) the abandonment by Deer Haven, L.L.C. of wastewater service to the public in Palmyra Township, Pike County, Pennsylvania; and (3) authorization of PLU to offer, render, furnish, or supply wastewater

service to the public in a portion of Palmyra Township, Pike County, Pennsylvania. During the February 20, 2025 meeting, Commissioner Yanora made the following Motion:

> THEREFORE, I MOVE:
>
> 1. That the Joint Application of Deer Haven, L.L.C. and PL Utilities, LLC at Docket Nos. A-2024-3049591 and A-2024-3049587 is hereby granted, subject to the conditions set forth in this Motion.
>
> 2. If the conditions referenced in Ordering Paragraph 1 are not satisfied by August 31, 2025, the Joint Application shall be automatically consolidated with the pending Section 529 proceeding such that the Commission may investigate and address these issues along with whether it should order a capable public utility to acquire Deer Haven, L.L.C.'s Sewer System pursuant to 66 Pa.C.S. §529, at Docket No. P-2024-3050549.
>
> 3. That the Bureau of Technical Utility Service draft an Opinion and Order consistent with this Motion.

The conditions contained in the Motion were as follows:

> (1) I note that the Pennsylvania Department of Environmental Protection (DEP) has imposed conditions that PL Utilities must meet prior to interconnecting the Deer Haven collection system and the operation of the PL Utilities WWTP. Through recent correspondence with DEP's Northeast Regional Office, Commission staff determined that PL Utilities and Deer Haven have not completed the following: an Act 537 Official Sewage Facilities Plan Update; Water Quality Management Permit certification for the PL Utilities WWTP; National Pollutant Discharge Elimination System Permit transfer; decommissioning of the existing Deer Haven WWTP per

> the decommissioning plan; and, inter alia, a Consent Order and Agreement between Deer Haven, PL Utilities, and DEP must be finalized. As such, the Commission's approval of the Joint Application should be conditioned upon PL Utilities' compliance with aforementioned DEP requirements.
>
> (2) [A]pproval of the Joint Application should be conditioned on Deer Haven applying for Commission approval of the proposed transfer of jurisdictional utility assets to PLU.

The Motion was approved by the Commission by a 4-1 vote without any changes to the motion. As of the date of this submission, the Bureau of Technical Utility Service has yet to draft an Opinion and Order consistent with this Motion as directed by the approved motion.

Assuming the conditions in the forthcoming Opinion and Order remain as presented in the approved Motion, PLU fully intends to satisfy the conditions spelled out in the approved Motion, and has been actively working on satisfying those conditions. I do note that in addition to the approvals needed from the Pennsylvania Department of Environmental Protection, PLU also will need to obtain the approval of the Delaware River Basin Commission ("DRBC"), which also has jurisdiction over the wastewater treatment plant and its discharge to Lake Wallenpaupack. This DRBC approval was not mentioned in the Motion. PLU also understands that Deer Haven intends to respond to the issues raised in the Motion.

Q: What is the position of PLU and Pocono with respect to the Deer Haven Water System?

A: With respect to the Deer Haven Water System, Pocono fully supports the water system being acquired by Aqua Pennsylvania Inc. As a prospective water user, Pocono believes that Aqua is best positioned to address the existing issues with the water system and to address any future expansion from the development that Pocono hopes to pursue. Pocono does note, however, that the Deer Haven Water System assets issue are located on the property of Pocono and that issue will need to be addressed as part of this 529 process.

Q: Does this conclude your direct testimony?

A: Yes, it does. However, I reserve the right to file such additional testimony as may be necessary or appropriate.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Deputy Chief Administrative Law Judge
Christopher P. Pell, Presiding

Pennsylvania Public Utility Commission,	:	P-2024-3050545
	:	I-2024-3051540
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Water)	:	
Pennsylvania Public Utility Commission,	:	P-2024-3050549
	:	I-2024-3051541
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Wastewater)	:	

Intervenors:
Pocono Lakefront, LLC
PL Utilities, LLC

SURREBUTTAL TESTIMONY

OF

JACOB GOREN

ON BEHALF OF INTERVENORS

April 11, 2025

Q: Did you see the Rebuttal Testimony of Aqua witness Stephen Clarke where he discussed the property rights of Pocono Lakefront in the Deer Haven Water Service territory?

A: Yes, I did.

Q: Can you describe how Pocono acquired those property rights and identify what properties are owned by Pocono Lakefront LLC that falls within the service territory of the Deer Haven water system?

A: On October 25, 2010, Pocono Lakefront LLC entered into a Purchase and Sale agreement with Deer Haven, LLC and Haven Development Company, LLC to acquire five (5) parcels that are located within the Deer Haven water system service territory, totaling approximately 84 acres for $2,500,000.00. Attached as Exhibit 1 to this testimony is a true and correct copy of the Purchase and Sale Agreement. The parcels covered by the Agreement we as follows:

1. Parcel ID 070.04-01-01 consisting of 0.08 acres;
2. Parcel ID 070-.04-01-03 consisting of 10.54 acres;
3. Parcel ID 070.04-01-46 consisting of 6.06 acres;
4. Parcel ID 070.04-01-55 consisting of 64.10 acres; and
5. Parcel ID 070.04-01-03.001 consisting of 2.81 acres.

On November 8, 2010, Pocono Lakefront acquired the five (5) parcels as reflected in two deeds, true and correct copies of which are attached hereto as Exhibit 2 and 3.

Exhibit 2 is a Deed dated November 8, 2010, recorded at Instrument 201000010109DR, Book 2350, Page 1842 is between Haven Development Company and Pocono Lakefront conveys Parcels ID 070.04-01-01 and 070-.04-01-03.

Exhibit 3 is a Deed dated November 8, 2010, recorded at Instrument 201000010110DR, Book 2350, Page 1850 is between Deer Haven and Pocono Lakefront conveys Parcels ID 070.04-01-46, 070.04-01-55, and 070.04-01-03.001.

Lastly, attached as Exhibit 4 is a recorded consolidation map showing the location of the five (5) parcels that Pocono Lakefront acquired, which are reflected on the map as Tract 3, Lakefront Lot, Parcel BR, Tract 2, Tract 6 and Entrance Parcel. This is recorded at Plat Book 47, Page 83.

Q: Does this conclude your Surrebuttal Testimony?

A. Yes, it does. However, I reserve the right to supplement my testimony as may be necessary.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is made this 25th day of October, 2010, by and between **DEER HAVEN, LLC**, a New Jersey limited liability company (hereinafter "Deer Haven"), and **HAVEN DEVELOPMENT COMPANY, LLC**, a New Jersey limited liability company (hereinafter referred to as ("Haven Development"), collectively known as "Sellers"

And

POCONO LAKEFRONT, LLC, a Pennsylvania limited liability company, with a mailing address of 40 Warren Street, Paterson, NJ 07524, collectively referred to as ("Buyer"), and is based on the following considerations:

WHEREAS, Sellers are the owners of a certain property located in the Palmyra Township, Pike County, Pennsylvania, on both sides of PA Route 507 and bordering Lake Wallenpaupack, consisting of approximately 85 acres and comprising five (5) properties, more particularly identified by acreage, deed references and Pike County Tax Parcel numbers set forth on Exhibit "A" attached hereto and collectively referred to as the ("Property"); and

WHEREAS, Sellers desire to sell and Buyer desires to purchase the Property pursuant to the terms, provisions and conditions herein; and

WHEREAS, the Property is encumbered by several mortgages granted by the Sellers to the First National Community Bank of Dunmore, PA (hereinafter the "Bank"), which mortgages also encumber two other properties owned by Deer Haven located in Palmyra Township, Pike County, PA, being: 1) a 44.84 acre parcel located on Shiny Mountain Road and identified by Pike Co. Tax Parcel No. 071.00-01-29 (hereinafter "Shiny Mtn. property"); 2) a 10.15 acre parcel located on PA Route 390 and identified by Pike Co. Tax Parcel No. 072.00-01-05 ("Rte. 390 property"); and

WHEREAS, Buyer has reached an agreement with the Bank for paying off the full obligation due by Sellers to Bank, in return for the Bank satisfying all mortgages, notes and guarantees given by Sellers -- Deer haven and Haven Development – as well as its members; and

WHEREAS, as a result of this transaction, Deer Haven shall retain ownership of the Shiny Mtn. and Rte. 390 properties, free of any mortgages; and

WHEREAS, Deer Haven, one of the Sellers, is the owner of both the sewer and water utilities companies that are located on the Property and whose service areas include the Property, hereinafter collectively referred to as the "Utilities"; and

WHEREAS, Sellers agree to grant Buyer an Option to Purchase the Utilities, as more particularly set forth herein, as well as to grant Buyer Reservations of Capacity from each of the Utilities to Buyer, as part of this transaction.



NOW THEREFORE, in consideration of the provisions set forth herein, the parties hereto each intending to be legally bound hereby, do covenant and agree as follows:

1. SALE

Sellers agree to sell and Buyer agrees to buy the Property subject to the terms of this Agreement.

2. PURCHASE PRICE

Buyer agrees to pay the sum of TWO MILLION, FIVE HUNDRED THOUSAND ($2,500,000.00) Dollars, which represents the amount that the Bank has agreed to accept in order to satisfy the various mortgages Bank holds on the Property, payable as follows:

$ 100,000.00	Initial Down Payment payable upon acceptance of this agreement by Sellers
2,400,000.00	Due at Settlement
$ 2,500,000.00	Total

3. CONTINGENCIES

3.1 Buyer's obligation shall be contingent upon title to the premises and all property to be conveyed shall be free and clear of all liens and encumbrances at closing, except for rights of others to the use of public or private roads, public utilities of record or whose easements are obvious on an inspection of the premises ("Permitted Exceptions") and the title to the real estate shall be such as is insurable by a reputable title insurance company licensed to do business in the Commonwealth of Pennsylvania, ("Title Company") at regular rates and without non-standard exceptions. Should defects in the title make the title unmarketable, Sellers shall not be liable for failure to convey title as hereby agreed, but Buyer shall have the right to accept such title as the Sellers are able to convey without reduction in the price, or to terminate this Agreement by written notice and receive back all monies previously paid to Escrow Agent.

3.2 This Agreement is contingent upon Buyer entering into an agreement with Lake View Land & Cattle, Inc., the owner of a 15.76 acre parcel which adjoins the Property and is identified by Pike Co. Tax Parcel No. 070.04-01-35, hereinafter known as the "Park Property". In the event that Buyer fails to make an agreement for the Park Property by Closing, Buyer shall have the right to terminate this Agreement by giving written notice to Sellers and shall receive back all monies paid to Escrow Agent.

3.3 Sellers represent that the Board of Supervisors for Palmyra Township, Pike County, PA (the "Township") granted them Conditional Use Zoning approval for the development of the Property, together with the Park Property identified in 3.3 above, for up to 325 multi-family dwelling units. That approval was granted in 2006 and is still in effect and the Township has acknowledged that it shall remain in effect through at least December 31, 2011. This Agreement is contingent upon Sellers delivering confirmation of same from the Township. In the event that

Sellers cannot provide Buyer with the confirmation on the Zoning approval by the time of Closing, then Buyer shall have the right to terminate this Agreement by written notice and receive back all monies previously paid to Escrow Agent.

4. SETTLEMENT

4.1 The Closing will be held on or before November 5, 2010, at the offices of Buyer's attorney, R. Anthony Waldron, in Hawley, PA.

4.2 A special warranty deed shall be prepared at the cost of the Sellers and recorded at the cost of the Buyer. The parties shall each pay one-half the applicable PA Realty Transfer Tax. Seller represents that the Property taxes for the Property have been paid through the 2009 County & Township tax bills, but that no payment has been made on the 2009-2010 School taxes, which is currently $14,585.53 and Sellers shall be responsible for paying same at closing. The current taxes will be prorated as of the date of closing and Sellers shall be responsible for paying their prorated share of the 2010 Co. & Twp. taxes and the 2010 – 2011 School taxes. Buyer shall advance Sellers share of the PA Realty Transfer Tax and those portions of the property taxes that are Sellers responsibility, provided the Seller, Deer Haven, grants a mortgage to Buyer at Closing against the Rte. 390 Property, requiring the amount advanced to be paid in full, together with interest at five (5%) percent per annum, upon the sale of the Route 390 property.

4.3 Certificates as to resolutions of the respective Sellers authorizing the sale of the Property, executed by the Secretary of each of the Sellers and providing that all members of both Deer Haven and Haven Development were notified of the meetings approving this transaction, that a quorum of the members interest was present at each meeting, and that the approvals of this transaction are in accordance with the respective Operating Agreements for both LLCs. Copies of these approved Resolutions, together with proofs of notice to the members, minutes of each meeting and the Operating Agreements for both Deer Haven and Haven Development must be delivered to Buyer's attorney on or before October 27, 2010.

4.4 Satisfaction of the mortgage, or Release of the Property from the mortgages, granted by Deer Haven to Pitcairn Properties, Inc., dated March 11, 2009 and recorded in Pike County Record Book 2304 at page 1613, as well as the mortgage granted by Haven Development to Pitcairn Properties, Inc., dated March 4, 2009 and recorded in Pike County Record Book 2304 at page 1600, said mortgage satisfactions or releases to be delivered at, or prior to, Closing.

4.5 The Seller, Deer Haven, in consideration of the terms of this Agreement, shall also deliver to Buyer at closing a grant of Reservation of Capacity for at least 65,000 g.p.d. for the Sewer Utility and a Reservation of Capacity from the Water Utility to accommodate at least Three Hundred Twenty-Five (325) dwelling units. Deer Haven shall also give the Buyer an Option to acquire the Utilities within two (2) years of the date of Closing, the consideration for which shall be one ($1.00) plus the value of the consideration received as part of this Agreement. Buyer's purchase of said Utilities shall be subject to approval by the PA Public Utility Commission (the "PUC") and the Seller, Deer Haven, shall fully cooperate and assist Buyer in applying for and obtaining the PUC approvals.

4.6 The Seller, Haven Development, will assign to Buyer at Closing its rights, as Landlord, in a lease agreement entitled "Agreement of Lease Between Haven Development Company, LLC, as Landlord and Pine Crest Marina, Inc. as Tenant" dated December 14, 2008 (hereinafter the "Boat Slips Lease"), a copy of which accompanies this Agreement and is marked Exhibit "B". The Boat Slips Lease provides for the lease of the Lakefront shoreline, being a one (1') foot strip which runs along the 10 acre shoreline parcel (Tax Parcel No. 070.04-01-03), by Tenant for the purpose of installation and operation of boat slips, pursuant to a License Agreement with the shoreline owner, PPL. The Boat Slips Lease also provides for Buyer, as assignee Landlord, to have the exclusive right to the use of four hundred (400) boat slips owned by Pine Crest Marina, Inc., to be assigned individually to purchasers of dwellings that are developed on the Property, but with no financial obligation to pay for said boat slips until they are assigned to a Unit Owner.

4.7 Any and all other documents, instruments, and agreements necessary or appropriate in the reasonable opinion of Buyer's attorney to transfer and convey the Property to Buyer in accordance with this Agreement and as may be required by the Title Company.

4.8 Exclusive possession of the Property shall be delivered to Buyer immediately upon completion of the closing.

5. REPRESENTATIONS AND WARRANTIES OF SELLERS.

Sellers hereby represent and warrant as of the date of execution of this Agreement the following to Buyer:

5.1 Sellers possess all requisite power and authority to enter into and perform this Agreement and to carry out the transactions contemplated herein.

5.2 No suit, action, arbitration, or legal, administrative, or other proceedings is pending or has been threatened against the Property or against the Sellers with respect to the Property.

5.3 No bankruptcy, insolvency, rearrangement, or similar action or proceedings, whether voluntary or involuntary, is pending or threatened against Sellers, or any shareholder of Sellers, and Sellers have no intention of filing or commencing any such action or proceeding.

5.4 To the best of Sellers' knowledge, there are no underground storage tanks on the Property and, to the best of Sellers' knowledge, during Sellers' ownership of the Property from 2005 to the present, there has been no storage or dumping of industrial, chemical, or toxic waste or materials of any kind or description on the Property.

5.5 There are no outstanding violations with respect to the Property, nor have any notices of any uncorrected violations of any laws, statutes, ordinances, rules or regulations been received, and any such notices hereafter issued prior to Closing shall be satisfied prior to Closing by Sellers at Sellers' sole cost and expense.

5.6 There are no existing or pending contracts of sale, leases (except for the Boat Slips Lease identified in Section 4.6 above), options to purchase or rights of first refusal (or the like) with respect to the Property.

5.7 There are no pending or, to the best of Sellers' knowledge, contemplated eminent domain or condemnation proceedings affecting or which may affect any portion of the Property.

5.8 The execution and delivery of this Agreement and the consummation of the transactions will not result in a breach of any of the terms or provisions of, or constitute a default under, or conflict with, any agreement, indenture, or other instrument to which Sellers are a party or by which it or the Property is bound, any judgment, decree, order, or award of any court, governmental body or arbiter, or any law, rule or regulation applicable to Sellers.

5.9 Sellers represent and warrant to Buyer that as of the date of this Agreement and as of the Closing Date, Sellers have no knowledge or notice of any work being done or about to be done, or of any assessment, violation or other notice issued or about to be issued by and federal, state, municipal or public body or authority, relating to, or with respect to or otherwise affecting the Property or abutting streets. Sellers agree to pay for all work done or ordered to be done by or required in order to comply with the requirements of any federal, state, municipal or public body or authority prior to the Closing Date, of which Sellers then have notice, whether or not presently assessed or ordered to be done, on or with respect to or otherwise affecting with any existing assessment, violations or similar notice; provided, however, that this will not apply to the violations referred to in Paragraph 5.5 hereinabove. Sellers represent and warrant to Buyer that as of the date of this Agreement, and as of the Closing Date, all installed public improvements (including, but not limited to, cartways, curbs, water, storm and sanitary sewer, gas and electric lines and pipes) abutting, serving or affecting the Property have been paid for. In consideration of such representations, warranties and agreements of Sellers, Buyer agrees to comply at Buyer's expense with all assessments, violations and other notice requiring work on or with respect to or otherwise affecting the Property or abutting streets issued on or after the Closing Date, in the event Closing is made or required in accordance with this Agreement.

6. ENVIRONMENTAL REPRESENTATIONS AND INDEMNITY.

6.1 Sellers hereby represent and warrant the following:

(a) Sellers represent that they had a Phase I Environmental Assessment ("EA") done of the Property showing that no hazardous waste or substances were found on the Property and this Agreement is contingent upon Sellers delivering that EA Report to Buyer's attorney prior to Closing for confirmation of this representation.

(b) During Sellers' ownership of the Property, there has been no discharge, spillage, controlled loss, seepage or filtration (a "Spill") of oil, petroleum or chemical liquids or solids, liquid or gaseous products or any hazardous waste or hazardous substance, as those terms are used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA") or in any other federal, state or local law, order or regulation governing hazardous substances, as such laws, orders or regulations may be amended from time to time (collectively, the "Hazardous Waste Laws") at, upon, under or within the Property.

(c) Sellers have not caused nor to their knowledge permitted to occur, and shall not permit to exist, any conditions on the Property which may cause a Spill at, upon, under or within the Property or on any contiguous real estate.

(d) Sellers have not been in operations at or adjacent to the Property, which operations could lead to (i) the imposition of liability on Sellers, Buyer or any other subsequent or former owner of the Property under the Hazardous Waste Laws or any other similar laws or regulations, or (ii) the creation of a lien on the Property under the Hazardous Waste Laws or under any similar laws or regulations.

(e) Sellers will not knowingly permit any person or entity to engage in any activity on the Property that could lead to the imposition of liability under the Hazardous Waste Laws on any such person or entity, or on Sellers or Buyer.

6.2 Sellers hereby indemnify and hold Buyer, its successors and assigns, harmless from and against any and all claims, demands, causes of action, losses, damages, liabilities, costs and expenses of every kind and nature whatsoever, including, without limitation, reasonable attorneys' fees, which arise as a result of a breach of any of the representations and warranties set forth in this Section 6. This indemnity shall survive Closing.

7. ADDITIONAL COVENANTS OF SELLERS.

In addition to all other covenants of the Sellers, Sellers hereby covenant and agree with Buyer as follows:

7.1 Sellers shall not, without the prior written approval of Buyer, (a) make or permit to be made any material changes or alterations to any part of the Property; (b) enter into any agreement affecting any part of the Property; (c) permit any liens, mortgages, deeds of trust, or other encumbrances not currently of record to be placed against, or to affect any part of the Property or title to the Property.

7.2 Sellers shall promptly notify Buyer of any material changes that occur with respect to any of the matters set forth in Sellers' representations and warranties contained in Paragraph 6 hereinabove.

8. CONDITIONS PRECEDENT TO SELLERS' AND BUYER' OBLIGATIONS.

8.1 In addition to all other conditions contained elsewhere herein, the obligations of Buyer to purchase the Property are subject to the following subparagraphs:

(a) Sellers are able to deliver title to the Property in the condition required by Paragraph 3.1; provided that Buyer shall deliver a Title Report (or summary thereof) to Seller not less than five (5) days prior to closing. A final examination of title to the Property at Closing shall evidence no title exceptions other than Permitted Exceptions set forth in Paragraph 3.1;

(b) From the date of this Agreement until the Closing, there shall have not occurred any material change in the physical condition of the Property to which Buyer have not consented;

(c) Sellers shall have performed and observed all covenants required under this Agreement;

(d) The representations and warranties made by Sellers in Paragraphs 5 and 6 shall be true and correct on the date of closing, and Sellers shall not have misrepresented any fact or circumstance or be aware of any facts or circumstances inconsistent with any such representations and warranties;

(e) No governmental agency shall have initiated or have threatened to initiate any action against any part of the Property, except as the Sellers shall have disclosed; and

8.2 Any of the conditions to the obligations of Sellers and Buyer set forth herein may be waived; provided that the waiver of any conditions shall be in writing and agreed to by Buyer.

8.3 In the event that any of the conditions precedent to Buyer's obligations set forth in this Agreement are not satisfied, Buyer shall have the right, in its sole discretion, (i) to extend the Closing for such time as is necessary to satisfy the conditions, or (ii) to terminate this Agreement by written notice to Sellers and receive a return of the Deposit.

9. REMEDIES

In the event that Sellers fail to carry out the terms of this Agreement, Buyer shall have the power, exercisable by the giving by Buyer written notice to the escrow agent and to Seller, to cancel the settlement, terminating this Agreement and recover any amounts paid by Buyer to Sellers or to the Escrow Agent on account of the purchase price of the Property. The exercise of such power by Buyer shall not, however, constitute a waiver by Buyer of any other rights he may have against Sellers for breach of this Agreement, including enforcing specific performance of this Agreement.

10. RISK OF LOSS

All risk of damage or destruction to the real property is assumed by the Sellers until the closing. In the event that prior to closing, the property is substantially damaged, the Buyer shall have the right to demand and receive a return of their deposit without interest. If the premises are damaged to such an extent that the Buyer cannot use the property for the intended purpose, and the Sellers cannot or will not repair the property in an expeditious manner, then this agreement shall be null and void and the Buyer shall have the right to demand and receive a refund of his deposit, without interest, In the event that the premises are substantially damaged by flood or similar disaster prior to closing, the Buyer shall have the option to cancel this agreement and receive a refund of the Deposit, without interest.

11. BROKERAGE COMMISSION

The Parties represent that this Agreement was brought about by Sellers and Buyer each acting as principals and that no broker or agent induced this agreement or was in any way instrumental in its negotiation. The parties represent and warrant to each other that to the extent that either has dealt with or engaged any other broker, finder or other person in connection with the transaction contemplated herein, that such party solely is obligated for any and all commissions claimed by such person, and that such party agrees to indemnify and hold the other harmless and defend on account of any loss, damage, liability or expense, including reasonable attorneys' fees, incurred by reason of a demand for payment by such broker, finder or other person.

12. ESCROW AGENT

Deposit monies shall be held in escrow by R. Anthony Waldron, who shall retain the same in escrow as the Escrow Agent until the consummation or termination of this Agreement.

13. MISCELLANEOUS

13.1 It is understood that this Agreement contains the entire Agreement between the Sellers and Buyer and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, concerning this sale. This Agreement shall not be altered, amended or modified except in writing by all parties hereto.

13.2 This agreement shall be binding on the parties hereto, their heirs, executors, administrators and assigns and it is agreed that neither the Buyer nor Sellers may assign their rights under this agreement without the prior written consent of the other party.

13.3 It is expressly agreed that this agreement shall not be entered of record in any public office.

13.4 In all references to parties, persons or entities or corporations, the use of any particular gender, or the plural or singular number is intended to include the appropriate gender or number as the case may be.

13.5 The individuals executing this agreement represent that they have full authority and/or have been duly authorized by the respective parties to do so on behalf of such parties.

13.6 Any paragraph headings or captions contained in this agreement shall be for convenience of reference only and shall not affect the construction or interpretation of any provisions of this Agreement.

13.7 This Agreement may be signed in counterparts. When all signatures are attached (whether by original or faxed/emailed copy) this document shall constitute a fully executed Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

SELLERS:
DEER HAVEN, LLC

By: _____
Managing Member

HAVEN DEVELOPMENT, LLC

By: _____
Managing Member

BUYER:
POCONO LAKEFRONT, LLC

By: _____
Manager

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

SELLERS:
DEER HAVEN, LLC

By:_____
Managing Member

HAVEN DEVELOPMENT, LLC

By:_____
Managing Member

BUYER:
POCONO LAKEFRONT, LLC

By:_____
Manager

Deer Haven, LLC and Haven Development Company, LLC, Sellers

to Pocono Lakefront, LLC, Buyer

Dated 10-25-2010

Exhibit "A"

Map No.	Control No.	Acreage*:
070.04-01-01	010195	0.08
070.04-01-03	009591	10.54
070.04-01-46	012665	6.06
070.04-01-55	009599	64.10
070.04-01-03.001	110465	2.81
	Total Acreage*:	83.59

* based on Pike County Tax Assessments

Instrument 201000010109 OR Book 2350 Page 1842

THIS DEED

MADE THE 8th day of November in the year two thousand ten

BETWEEN **HAVEN DEVELOPMENT COMPANY, LLC**
A New Jersey limited liability company

GRANTOR

AND **POCONO LAKEFRONT, LLC**
a Pennsylvania limited liability company
of

GRANTEE

WITNESSETH, that in consideration of **ONE AND NO/100s --- ($1.00) --- DOLLAR**, in hand paid, the receipt whereof is hereby acknowledged; the Grantor does hereby grant and convey unto the said Grantee, its successors and Assigns,

Parcel One:

ALL THAT CERTAIN piece or parcel of land situate in Palmyra Township, Pike County, Pennsylvania, designated as **Tract No. 3** on the survey map prepared by Harry F. Schoenagel, Professional Land Surveyor, dated February 18, 1986 and entitled White Beauty View Resort (the "Survey Map"), recorded in Pike County Plat Book 25, at page 10, and more particularly bounded and described as follows:

BEGINNING at Pennsylvania Power and Light Company Monument Number 158, being also in the line of lands of Tanglwood Lakes, Inc.;

Thence along the lands of Tanglwood Lakes, Inc. South seven (07) degrees four (04) minutes and fifty-three (53) seconds West five hundred thirty-nine and forty-six hundredths (539.46) feet to the Northeasterly corner of Parcel 31 on the Survey Map;

Thence along Parcel 31 by two (2) courses and distances as follows:

1) North eighty-two (82) degrees thirty-nine (39) minutes and fifty-three (53) seconds West two hundred (200.00) feet to a corner; and

2) South seven (07) degrees twenty (20) minutes and seven (07) seconds West three hundred sixty-five (365.00) feet to a corner in the line of lands of Sky Top Heights, Inc.;



Thence along the line of lands of Sky Top Heights, Inc. by three (3) courses and distances as follows:

1) North eighty-two (82) degrees thirty-nine (39) minutes and fifty-three (53) seconds West twenty (20.00) feet to a comer;

2) North seven (07) degrees twenty (20) minutes and seven (07) seconds East one hundred eight and four hundredths (108.04) feet to a comer; and

3) North seventy-one (71) Degrees fifty-six (56) minutes and fifty-three (53) seconds West twenty and thirty-five hundredths (20.35) feet to the Southeasterly comer of Parcel Thirty-two (32) on the Survey Map;

Thence along said Parcel Thirty-two (32) North seven (07) degrees twenty (20) minutes and thirteen (13) seconds East two hundred eighty-six and ten hundredths (286.10) feet to a comer in the center of Pennsylvania Traffic Route 507;

Thence along the centerline of Traffic Route 507, along Parcels 32, 33, and 34 on the Survey Map, and

Thence along Tract No. 6, by two (2) courses and distances as follows:

1) North eighty-two (82) degrees thirty-nine (39) minutes and fifty-three (53) seconds West three hundred ninety-eight and thirty-eight hundredths (398.38) feet to a point; and

2) North eighty-three (83) degrees forty-six (46) minutes and forty-eight (48) seconds West three hundred forty-eight and seventy-nine hundredths (348.79) feet to a comer;

Thence still along Tract No. 6 North seventy-one (71) degrees fifty-three (53) minutes and twenty (20) seconds West forty and seventy-three hundredths (40.73) feet to a point in the right-of-way at the Southeasterly comer of Parcel 7-2 on the Survey Map;

Thence along Parcel 7-2 North five (05) degrees ten (10) minutes and twenty-three (23) seconds East seventy-five and seventy hundredths (75.70) feet to the Southeasterly corner of the lands of Emerson Neifert;

Thence along the lands of Emerson Neifert by three (3) courses and distances as follows:

1) North eleven (11) degrees forty-two (42) minutes and forty-four (44) seconds East one hundred twenty-one and seventy hundredths (121.70) feet to a corner;

2 South eighty-nine (89) degrees ten (10) minutes and forty (40) seconds West nineteen and eighty hundredths (19.80) feet to a comer; and

3) North nine (09) degrees seventeen (17) minutes and five (05) seconds West nineteen and forty- one hundredths (19.41) feet to a corner in the line of lands of the Pennsylvania

Power and Light Company (sometimes called the Project Line);

Thence along the said Pennsylvania Power and Light Company by four (4) courses and distances as follows:

1) North sixty-four (64) degrees twenty-five (25) minutes and fifty-one (51) seconds East four hundred sixty-five and eighty hundredths (46^.80) feet to Pennsylvania Power and Light Company Monument Number 161;

2 South seven (07) degrees thirty-three (33) minutes and forty-seven (47) seconds West sixty-nine and twenty hundredths (69.20) feet to Pennsylvania Power and Light Company Monument Number 160;

(3) North seventy-eight (78) degrees forty-seven (47) minutes and fifty-one (51) seconds East three hundred fifty-two and ninety-three hundredths (352.93) feet to Pennsylvania Power and Light Company Monument Number 159; and

(4) South eighty-two (82) degrees six (06) minutes and eight (08) seconds East eight and sixty-eight hundredths (8.68) feet to the Northwesterly corner of Parcel 2 on the Survey Map;

Thence along Parcel 2 by three (3) courses and distances as follows:

1) South six (06) degrees forty-nine (49) minutes and thirty-four (34) seconds West fifty-eight and seventy hundredths (58.70) feet to a corner;

2) South eighty-three (83) degrees ten (10) minutes and twenty-six (26) seconds East fifty (50.00) feet to a corner; and

3) North six (06) degrees forty-nine (49) minutes and thirty-eight (38) seconds East fifty-seven and seventy-six hundredths feet to a corner in the line of lands of the Pennsylvania Power and Light Company;

Thence along the lands of Pennsylvania Power and Light Company South eighty-two (82) degrees six (06) minutes and eight (08) seconds East ninety-nine and thirty-nine hundredths (99.39) feet to the Northwesterly comer of Parcel 1 on the Survey Map;

Thence along Parcel No. 1 by three (3) courses and distances as follows:

1) South six (06) degrees forty-nine (49) minutes and thirty-four (34) seconds West fifty-five and ninety-seven hundredths (55.97) feet to a corner;

2 South eighty-three (83) degrees ten (10) minutes and forty-five (45) seconds East fifty (50.00) feet to a corner; and

3) North six (06) degrees forty-nine (49) minutes and thirty-four (34) seconds East fifty-five and three hundredths (55.03) feet to a corner in the line of lands of the Pennsylvania

Power and Light Company; and

Thence along the lands of Pennsylvania Power and Light Company South eighty-two (82) degrees six (06) minutes and eight (08) seconds East one hundred nine and ninety-five hundredths (109.95) feet to the place of BEGINNING.

CONTAINING ten and fifty-four hundredths (10.54) acres of land, more or less, as surveyed by Harry P. Schoenagel, Registered Professional Surveyor, February 18, 1986, all bearings as of the magnetic meridian.

EXCLUDING from the foregoing Tract No. 3 the parcel of land which Guccini, Inc. conveyed to Otto Uguccioni and Christine Uguccioni, his wife, by a Deed dated December 1,1956 and recorded in Pike County in Deed Book 135, at page 134, being ninety (90.00) feet in width along the centerline of Pennsylvania Traffic Route 507 and extending Northerly of that width a depth of one hundred ten (110.00) feet, being designated as Parcel 4 on the Survey Map.

SUBJECT to the flowage easement granted by Naldo Guccini and Edith Guccini, his wife (former owners) to Pennsylvania Power and Light Company by an Agreement dated February 2,1954 and recorded in Pike County in Deed Book 122, at page 109.

SUBJECT to reservations, easements, air space rights, covenants and conditions as set forth in Deed from G.P. Management, Inc. to Lakeside Resort Enterprises, L.P., dated 5/31/1991 and recorded 6/3/1991 in Pike County in Book 399 page 98.

EXCEPTING THEREOUT AND THEREFROM all that certain estate right and interest in air space, buildings, structures, improvements, foundations, footings, columns, etc., as set forth in Deed from G.P. Management, Inc. to Lakeside Time Shares, Inc., dated 5/31/1991 and recorded 6/3/1991 in Pike County in Book 399 page 120

ALSO EXCEPTING THEREOUT AND THEREFROM all that certain estate right and interest in air space, buildings, structures, improvements, foundations, footings, columns, etc., as set forth in Deed from G.P. Management, Inc. to Edwin Inc., dated 5/31/1991 and recorded 6/3/1991 in Pike County in Book 399 page 125

BEING that piece or parcel of land which Lakeside Resort Enterprises, LP by deed dated 6/11/2004 and recorded in Record Book 2103 at page 5, granted and conveyed unto Haven Development Company, LLC, the grantor herein.

Currently identified by Pike County Tax Map No. 070.04-01-03

Parcel Two:

ALL THAT CERTAIN that certain piece, parcel and tract of land, situate in the Township of Palmyra, County of Pike and Commonwealth of Pennsylvania, more particularly described as follows;

BEGINNING at the Northeast corner, said corner being in the line of lands of Guccini and of the Pennsylvania Power and Light Company and being also North eighty-six (86) degrees seventeen (17) minutes West one hundred and seven and five-tenths (107.5) feet from the Northeast corner of the lands of the Grantors herein; thence along the line of lands of the Pennsylvania Power and Light Company, North eighty-six (86) degrees seventeen (17) minutes West fifty and two-tenths (50.2) feet to a comer; thence South seven (7) degrees forty-five (45) minutes West seventy and six one-hundredths (70.06) feet to a comer; thence South eighty-two (82) degrees fifteen (15) minutes East fifty (50) feet to a comer; thence North seven (7) degrees forty-five (45) minutes East seventy-three and six-tenths (73.6) feet to the place of BEGINNING. Bearings from the Magnetic meridian of the year of 1948 and containing eight one-hundredths (0.08) of an acre of land be the same more or less.

TOGETHER with unto the Grantees herein, their heirs and assigns, all rights, right of way and privileges an under and subject to all conditions, restrictions, reservations, covenants, easements and exceptions as set forth in the foregoing recited deed. Reference may be had to said deed or the record thereof for any and all purposes hi connection with this conveyance with the same force and effect as if the same were more fully and at large set forth herein.

BEING that piece or parcel of land which Judith P. Mascia-Lilly by deed dated 7/23/2004 and recorded in Record Book 2060 at page 2311, granted and conveyed unto Haven Development Company, LLC.

Currently identified by Pike County Tax Map No. 070.04-01-01

201000010109
Filed for Record in
PIKE COUNTY, PA
SHARON SCHRDEDER,RECORDER OF DEEDS
11-17-2010 At 03:53 pm.
DEED 15851.82
OR Book 2350 Page 1842 - 1849

201000010109
Exempt Status - N
STATE RE $ 7893.41
LOCAL RE $ 7893.41
$ 3946.70 PALMYRA TWP
$ 3946.71 WALLENPAUPACK AREA SCHOOL DIST

AND the said Grantor WILL WARRANT SPECIALLY the property hereby conveyed.

IN WITNESS WHEREOF, the said DEER HAVEN, is a Limited Liability Company and has caused this Deed to be signed by its Authorized Member, and that the said member has signed his/her name in accordance with the Operating Agreement of the Grantor Limited Liability Company, on the day and year first above written.

Shmuel Shahar
Authorized Member

STATE OF PIKE

COUNTY OF PA

ON THIS, the 8 day of November 2010, before me the undersigned officer, personally appeared Shmuel Shahar who acknowledged him/herself to be the Authorized Member of Haven Development Company, LLC a limited liability company, and that as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Deborah Waldron, Notary Public
Palmyra Twp, Pike County
My commission expires July 11, 2014

I HEREBY CERTIFY that the precise residence of the within named Grantee is:

865 Rte 507
Greentown Pa 18426

Attorney for the part.-

I hereby CERTIFY that this document is recorded in the Recorder's Office of Pike County, Pennsylvania.

Sharon Schroeder,
Recorder of Deeds

Instrument 20100010109 DR | Book Page 2350 1848

pennsylvania
DEPARTMENT OF REVENUE
Bureau of Individual Taxes
PO BOX 280603
Harrisburg, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

RECORDER'S USE ONLY

State Tax Paid	7693.41
Book Number	2350
Page Number	1842
Date Recorded	11-17-10

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. If more space is needed, attach additional sheets.

A. CORRESPONDENT – All inquiries may be directed to the following person:

Name	Telephone Number:		
Anthony Waldron	(570) 226-6288		
Mailing Address	**City**	**State**	**ZIP Code**
106 Shook Road	Hawley	PA	18428

B. TRANSFER DATA

C. Date of Acceptance of Document 11/08/20

Grantor(s)/Lessor(s)			Grantee(s)/Lessee(s)		
Haven Development Company, LLC			Pocono Lakefront, LLC		
Mailing Address			Mailing Address		
41 Elm Street Ste 1C			865 Route 507		
City	State	ZIP Code	City	State	ZIP Code
Morristown	NJ	07960	Greentown	PA	18426

D. REAL ESTATE LOCATION

Street Address	City, Township, Borough	
Route 507	Palmyra	
County	**School District**	**Tax Parcel Number**
Pike	Wallenpaupack	See attached schedule

E. VALUATION DATA - WAS TRANSACTION PART OF AN ASSIGNMENT OR RELOCATION? ☐ Y ☒ N

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
1.00	+0.00	= 1.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
161090	X 4.90	= 789,341 00

F. EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Grantor's Interest in Real Estate	1c. Percentage of Grantor's Interest Conveyed
0.00	100%	100%

Check Appropriate Box Below for Exemption Claimed.

☐ Will or intestate succession.
(Name of Decedent) (Estate File Number)

☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)

☐ Transfer from a trust. Date of transfer into the trust
If trust was amended attach a copy of original and amended trust.

☐ Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)

☐ Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)

☐ Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)

☐ Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)

☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)

☐ Other (Please explain exemption claimed.)

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party — Date

11-16-10

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Haven Development Company, LLC

to Pocono Lakefront, LLC, Buyer

Date of Conveyance 11-08-10

Map No.	Control No.	Assessed value:
070.04-01-01	010195	5,060
070.04-01-03	009591	156030
Total Assessed Value:		161,090
@ CLRF 4.90		$ 789,341.00
@ 2%		$ 15,786.82

Instrument 201000010110 OR Book Page 2350 1850

THIS DEED

MADE THE 8th day of November in the year two thousand ten

BETWEEN **DEER HAVEN, LLC**
A New Jersey limited liability company

GRANTOR

AND **POCONO LAKEFRONT, LLC**
a Pennsylvania limited liability company
of

GRANTEE

WITNESSETH, that in consideration of **ONE AND NO/100s --- ($1.00) --- DOLLAR**, in hand paid, the receipt whereof is hereby acknowledged; the Grantor does hereby grant and convey unto the said Grantee, its successors and Assigns,

Parcel One:

ALL THAT CERTAIN piece or parcel of land situate in Palmyra Township, Pike County, Pennsylvania designated as **TRACT NO. 1** on the survey map prepared by Harry F. Schoenagel, PLS dated 2/18/1986 and entitled White Beauty View Resort (the "Survey Map") recorded in Pike County Plat Book 25 at page 10 and more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of Tract No. 2 in the line of lands of Donald Nelson and others, being also the Southwesterly corner of Lot Number Ten (10) on the Plat of the Subdivision known as White Beauty View Estates recorded in Pike County Plat Book 8 at page 55;

Thence along the line of Tract No. 2 by eight (8) courses and distances as follows:

1) North 37° 55' 27" East along Lot Number Ten (10) 81.70' to a corner;
2) South 53° 59' 23" East along Lot Number Fifteen (15) 305.00 feet to a corner;
3) South 83° 43' 36" East along Lot Number Sixteen (16) 123.54' to a corner;
4 Along Lots Number 16 and 17 North 37° 55' 27" East 243.44' to a corner on the westerly edge of the right of way of a 40.00' wide private road;
5) Continuing along Lot Number 17 on the westerly edge of the right of way of the 40.00' wide private road, following a curve to the left with a radius of 237.69', an arc distance of 102.01 ' to a point of tangency;
6) Crossing the said 40.0' wide private road North 37°55' 27" East 40.00 feet to the most northerly corner of Lot Number 37;

EXHIBIT
tabbies
3

7) Along Lot Number 38, following a curve to the right with a radius of 277.69 feet, an arc distance of 205.59' to a corner; and
8) Continuing along Lot Number 38 North 75° 45' 19" East 66.71' to a corner of lands n/f of Tanglwood Lakes, Inc.

THENCE along the line of lands of Tanglwood Lakes, Inc. and the several lots in the subdivision of said lands, as shown on the Survey Map, by five courses and distances as follows:

1) South 54° 19' 05" East 497.48' to a corner;
2) South 69°13' 43" East 221.14' to a corner;
3) South 79°33' 11" East 191.21' to a corner;
4) South 42°58' 13" East 579.49' to a corner;
5) South 58° 17' 17" West 1,832.51' to a corner in the center of Kleinhans Creek, sometimes called Giffords Creek;

Thence along the centerline of said Creek by 14 courses and distances as follows:

1) North 65° 09' 17" West 46.26' to a corner
2) North 36° 27' 29" West 80.48' to a corner; t
3 North 24° 49' 16" West 78.87' to a corner;
4) North 45° 26' 37" West 116.29' to a corner;
5) North 47° 34' 29" West 53.75' to a corner;
6) North 34° 27' 17" West 74.29' to a corner;
7) North 18° 31' 37" West 27.53' to a corner;
8) North 30° 05' 08" East 128.18' to a corner
9) North 03° 55' 03" West 58.94' to a corner;
10) North 02° 26' 53" West 61.30' to a corner;
11) North 50° 51' 24" West 35.97' to a corner;
12) North 73° 37' 38" West 40.98' to a corner;
13) South 84° 43' 14" West 53.97' to a corner; and
14) North 63° 54' 57" West 124.78' to a corner

Thence along the lands of Donald Nelson and others by four (4) courses and distances as follows:

1) North 57° 24' 18" East 228.43' to a corner;
2) North 41° 43' 07" West 299.05' to a corner;
3) North 48° 00' 46" East 206.19' to a corner'
4) North 41° 21' 40" West 460.23' to the place of BEGINNING.

CONTAINING forty-six and thirty-two hundredths (46.32) acres of land, more or less, as surveyed by Harry F. Schoenagel, Registered Professional Surveyor, February 13, 1986, all bearings as of the magnetic meridian.

SUBJECT to all riparian rights, and other rights of common use of the waters of Kleinhans Creek (Formerly called Giffords Creek) as set forth in prior deeds.

EXCEPTING AND RESERVING from Tract No. 1 a twenty (20.00) acre portion shown on a map of a survey by Harry P. Schoenagel, Professional Land Surveyor, dated February 18, 1986 and revised on June 14, 1987 and September 2, 1990, a copy of which was recorded on December 12, 1990 in Plat Book 28, at page 157. COMPRISING Parcel "A" as shown on the TIA Survey Map (Being a map entitled G.P. Management, Inc."). Bearings of the magnetic meridian and CONTAINING 20.00 acres of land to be the same more or less. BEING that piece or parcel of land which G.P. Management, Inc. by deed dated 2/21/1991 and recorded in Record Book 367 page 119, granted and conveyed unto TIA Land Development, Inc.

SUBJECT TO the non-exclusive right-of-way granted to TIA Land Development, Inc., its successors and assigns, in common with the grantees herein, their successors and assigns, as set forth in Record Book 367 at page 119.

BEING Parcel A Tract No. 1 of those pieces or parcels of land which Wallenpaupack Lands, Inc. by deed dated 06/04/2004 and recorded in Record Book 2103 at page 13, granted and conveyed unto Deer Haven, LLC, the grantor herein.

The above described premises (Tract No. 1) are a portion of those lands currently identified by Pike County Tax Map No. 070.04-01-55.

Parcel Two:

ALL THAT CERTAIN piece or parcel of land situate in Palmyra Township, Pike County, Pennsylvania, designated as **TRACT NO. 2** on the survey map prepared by Harry F. Schoenagel, PLS, dated 2/18/1986 and entitled White Beauty View Resort (the "Survey Map") recorded in Pike County Plat Book 25 page 10 and more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of Tract No. 2 in the line of lands of Donald Nelson and others, being also the Southwest corner of Lot Number Ten (10) on the Plat of the Subdivision known as White Beauty View Estates recorded in Pike County Plat Book 8 at page 55;

Thence along the line of Tract No. 1 by eight (8) courses and distances as follows:

1) North 37° 55' 27" East along Lot Number Ten (10) 81.70' to a corner;
2) South 53° 59' 23" East along Lot Number Fifteen (15) 305.00 feet to a corner;
3) South 83° 43' 36" East along Lot Number Sixteen (16) 123.54' to a corner;
4 Along Lots Number 16 and 17 North 37° 55' 27" East 243.44' to a corner on the westerly edge of the right of way of a 40.00' wide private road;
5) Continuing along Lot Number 17 on the westerly edge of the right of way of the 40.00' wide private road, following a curve to the left with a radius of 237.69', an arc distance of 102.01 ' to a point of tangency;
6) Crossing the said 40.0' wide private road North 37°55' 27" East 40.00 feet to the most northerly corner of Lot Number 37;
7) Along Lot Number 38, following a curve to the right with a radius of 277.69 feet, an arc distance of 205.59' to a corner; and

8) Continuing along Lot Number 38 North 75° 45' 19" East 66.71' to a corner of lands n/f of Tanglwood Lakes, Inc.

Thence along the line of lands of Tanglwood Lakes, Inc. and the several lots in the subdivision of said lands, as shown on the Survey Map, North 07° 20' 07" East 1,032.74' to a corner;

Thence along Tract No. 6 South 71° 44' 27" West 1,045.99' to a corner on the northeasterly edge of the right-of-way of a 40.00' private road;

Thence crossing the said private road South 37° 55' 27" West 40.00' to a corner;

Thence along the northwesterly edge of the right of way of the said private road and along Lot Number Two North 49° West 73.92' to a point;

Thence along Lots Numbered Two and One North 43° 17" 43" West 180.00' to a point;

Thence continuing along Lot Number One by three (3) courses and distances as follows:

1) North 58° 10' 43" West 147.66' to a corner;
2) North 45° 39' 43" West 40.10' to a corner; and
3) South 49° 20' 17" West 8.47' to a corner;

Thence along the line of lands n/f of Howell and Anns, being also along Lots Numbers One, Three and Four, South 06° 49' 56" East 423.29' to a corner;

Thence along the lands of Donald Nelson and others (being also along Lots Numbers Four, Five, Nine and Ten, South 41° 28' 02" East 722.72' to the place of BEGINNING.

CONTAINING 21.83 acres of land, more or less, as surveyed by Harry F. Schoenagel, RPS, 2/18/1986, all bearings as of the magnetic meridian.

EXCLUDING from the above described Tract No. 2 all lots on the Plot of the Subdivision known as White Beauty View Estates, by Harry F. Schoenagel, RS recorded in Plat Book 8 at page 55, heretofore conveyed by White Beauty View, inc. to various grantees, being designated and identified as follows:

Lot No.	Deed Book	page
2	453	257
4	642	247
5	556	5
6	835	324
7	835	319
9	528	342
10	542	23
11	573	243
12	568	197

13	561	274
15	545	197
16	528	269
17	702	166
20	581	118
21	528	252
22	573	254
23	598	87
25	135	53-56
26	135	49-50
27	1254	134-137
28	135	51-52

EXCLUDING also, Lot Number 19 which Samco Management Inc conveyed by deed dated 6/4/1987 in Deed Book 1136 page 89

EXCEPTING AND RESERVING unto the grantor herein, its successors and/or assigns, together with all rights and subject to such restrictions pertaining to lots in the White Beauty View Estates subdivision, Lot Number (8) consisting of approximately 0.51 acre of land and identified by Pike County Tax Map No. 070.04-01-65 and Lot Number Fourteen (14) consisting of approximately 0.53 acre of land and identified by Pike County Tax Map Nos. 070.04-01-71. Lots Numbered 8 and 14 are shown on the above referenced Plat Book 8 at page 55.

BEING a portion of Tract No. 2 of those pieces or parcels of land which Wallenpaupack Lands, Inc. by deed dated 06/04/2004 and recorded in Record Book 2103 at page 13, granted and conveyed unto Deer Haven, LLC, the grantor herein.

The above described premises (portion of Tract No. 2) comprises Lots 1, 3, and 29-38 of White Beauty View Estates, together with the private roads of the said subdivision as set forth on Plat Book 8 page 55 and are a portion of those lands identified by Pike County Tax Map No. 070.04-01-55.

SUBEJCT to those rights, reservations, covenants, conditions and exceptions as appear in the chain and are set forth in deeds to the various lots in the subdivision.

Parcel Three:

ALL THAT CERTAIN piece or parcel of land situate in Palmyra Township, County, Pennsylvania, designated as **TRACT NO. 6** on the survey map prepared by Harry F. Schoenagel, Professional Land Surveyor, dated February. 18, 1986 and entitled White Beauty View Resort (the "Survey Map"}, recorded in Pike County Plat Book 25, at page 10, and more particularly bounded and described as follows:

BEGINNING at the most Northerly corner of Lot Number One (1) on the Plot of the Subdivision known as White Beauty View Estates, recorded In Pike County In Plat Book 8, at page 55, said corner being located on the Southwesterly edge of the right-of'-way of a forty foot (40.00) wide private road leading from Pennsylvania Traffic Route 507 to White Beauty

View Estates;

Thence partially crossing the said private road North forty-nine (49) degrees twenty (20) minutes and seventeen (17) seconds East twenty (20.00.) feet to a corner in its centerline;

Thence along the centerline of the said private road North thirty-nine (39) degrees twenty-one (21) minutes and two (02) seconds West forty-four and ninety-four hundredths (44.94) feet to a corner;

Thence continuing along the centerline of the said private road North thirty-nine (39) degrees twenty (20) minutes and fifty-five (55) seconds West eighty-nine hundredths (0.89) of a foot to a corner;

Thence along Parcel 46-2 on the Survey Map North six (06) degrees fifty-one (51) minute's and twenty (20) seconds West five hundred thirteen and seventy-seven hundredths (513.77) feet to a corner of lands of Bell Telephone Company;

Thence along the line of lands of Bell Telephone Company by three (3) courses and distances as follows:

(1) North seventy-three (73) degrees fifty-nine (59) minutes and twenty- seven (27) seconds East 1.18' feet to a corner;

(2) North eight (08) degrees five (05) minutes and three (03) seconds fifty-four and seventy hundredths (54.70) feet to a point; and

(3) North six (06) degrees fifty-one (51) minutes and twenty (20) seconds West one hundred forty-eight and ninety-two hundredths (148.92) feet to a corner in the line of lands of Parcel 36;

Thence along Parcel 36 on the Survey Map by two courses and distances as follows:

(1) North eighty-three (83) degrees one (01) minute and twenty-six (26) seconds 286.00' to a corner; and

(2) North seven (07) degrees thirty-three (33) minutes and fifty-seven 57) seconds East 583.35' to the Southeasterly corner of Parcel 10;

Thence along Parcel 10 North eight (08) degrees three (03} minutes and three (03) seconds East two hundred forty-four and thirty-seven hundredths (244.37) feet to the Southwest corner of Parcel 8 on the Survey Map;

Thence along Parcel 8 North seventy-one (71) degrees fifty-seven (57) minutes and thirty-eight (3S) seconds East seventy-seven and ninety-six hundredths (77.96) hundredths feet to a corner of Parcel 7-1 on the Survey Map;

Thence along Parcel 7-1 North eighty-one (81) degrees fifty-six (56) minutes and twenty-nine (29) seconds East seventy-seven and twenty-four hundredths (77.24\ feet to a corner of parcel 7-2 on the Survey Map;

Thence along Parcel 7-2 South eighty-eight (88) degrees thirty-one (31) minutes-and fifty-one (51) seconds East seventy-one and twenty hundredths (71.20) feet to a corner of Tract No. 3

Thence along Tract No. 3 South 71°53' 20" East 40.73' to a corner in the center of PA Traffic Route 507;

Thence along the centerline of Traffic Route 507 South 83° 46' 48" East 348.79' to a corner of Parcel 34 on the Survey Map;

Thence along Parcel 34 South 08°22' 07" West 221.45' to a corner in the line of Parcel 35 on the Survey Map, now or formerly of Sky Top Heights, Inc.

Thence along Parcel 35, or the lands n/f of Sky Top Heights, Inc. by five (5) courses and distances:

1) North 74° 14' 18" West 249.24' to a corner
2) South 72° 15' 07" 260.00' to a corner
3) South 13° 54' 30" West 587.90' to a corner
4) South 89° 04' 53" East 330.00' to a corner
5) South 79° 09' 53" East 865.37' to a corner in line of lands of Tanglwood Lakes, Inc.

Thence along the line of lands of Tanglwood Lakes, Inc. South 07°20' 07" West 558.59' to a corner of Tract No.2;

Thence along Tract No. 2 by six (6) courses and distances as follows:

1) South 71° 44' 27" West 1,045.99' to a corner on the northeasterly edge of the right of way of a 40.00' wide private road

2) Crossing the said private road South 37° 55' 27" West 40.00' to a corner;
3) Along the northeasterly edge of the right of way of the said private road and along Lot Number Two (2) of White Beauty View Estates North 49° West 73.92' to a corner;
4) Along Lots Numbers Two and One of White Beauty View Estates North 43° 17' 43" West 180.00' to a corner;
5) Continuing along Lot Number One North 58° 10' 43" West 147.66' to a corner; and
6) Continuing along Lot One North 45° 39' 43" West 40.10' to the place of BEGINNING.

CONTAINING 32.15 acres of land, more or less, as surveyed by Harry F. Schoenagel, PLS, dated 2/18/1986, all bearings as of the magnetic meridian.

BEING Tract No. 6 of those pieces or parcels of land which Wallenpaupack Lands, Inc. by deed dated 06/04/2004 and recorded in Record Book 2103 at page 13, granted and conveyed

unto Deer Haven, LLC, the grantor herein.

The above described Tract No. 6 comprises a portion of those lands identified by Pike County Tax Map No. 070.04-01-55 and all of those lands identified by Pike County Tax Map No. 070.04-03.001.

Parcel Four

PARCEL B/ENTRANCE PARCEL

ALL THAT CERTAIN piece, parcel and lot of land situate in the Township of Palmyra, County of Pike and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point for a corner, said point of beginning being located in the center of PA Legislative Route 507, and being a common corner of lands n/f of Sackary and Bevan; thence North 82° 28' East 298' to a point for a corner; said point being located in the boundary line of lands n/f of Naldo Guccini and Victoria Bevan; thence along the common boundary line between lands n/f of Guccini and Bevan South 7° 32' East 773' to a point for a corner, said point being a common corner of lands n/f Bevan, Anns and Guccini; thence along the common boundary line of lands n/f Bevan and lands n/f Anns South 82° 28' West 871.2' * to a point for a corner located in the center of LR 507; thence along the said LR the following six courses and distances:

1) North 00° 27' West 168.4';
2) North 5° 28' East 200';
3) North 10° 17' East 200';
4) North 14° 03' East 78.5';
5) North 18° 26' East 101.2' and
6) North 24° 08' East 133.7' to the point and place of BEGINNING.

*The third element of the above description recites a distance of "871.2 feet" and is erroneous; the correct distance as established on the survey map is 558.78 feet. The aforesaid portion of the above description does, whoever also call "to a point for a corner located in the center of LR 507" which call to a monument on the ground, under applicable Pa law prevails over the distance set forth in the above description.

EXCEPTING from the above described Parcel B/Entrance Parcel a parcel of land containing 0.45 of an acre of land more or less as described in preceding deeds in the chain of title and as conveyed by White Beauty View, Inc. in Deed Book 244 page 119.

The above described Parcel B/Entrance Parcel contains within the boundaries thereof a portion referred to as "Dotter Parcel" as to which grantor makes no warranty of title. The said Dotter Parcel is described in deeds forming the chain of title and substantially being Parcel 47 on the Survey Map and substantially those premises identified by Pike County Tax Map No. 070.04-01-47.

BEING Parcel B/Entrance Parcel of those pieces or parcels of land which Wallenpaupack

Lands, Inc. by deed dated 06/04/2004 and recorded in Record Book 2103 at page 13, granted and conveyed unto Deer Haven, LLC, the grantor herein.

The above described premises currently identified by Pike County Tax Map No. 070.04-01-46.

201000010110
Filed for Record in
PIKE COUNTY, PA
SHARON SCHROEDER, RECORDER OF DEEDS
11-17-2010 At 03:53 pm.
DEED 4347.92
OR Book 2350 Page 1850 - 1861

201000010110
Exempt Status - N
STATE RE $ 2133.46
LOCAL RE $ 2133.46
$ 1066.73 PALMYRA TWP
$ 1066.73 WALLENPAUPACK AREA SCHOOL DIST

AND the said Grantor WILL WARRANT SPECIALLY the property hereby conveyed.

IN WITNESS WHEREOF, the said DEER HAVEN, is a Limited Liability Company and has caused this Deed to be signed by its Authorized Member, and that the said member has signed his/her name in accordance with the Operating Agreement of the Grantor Limited Liability Company, on the day and year first above written.

Shmuel Shahar
Authorized Member

STATE OF PIKE

COUNTY OF PA

ON THIS, the 8 day of November 2010, before me the undersigned officer, personally appeared Shmuel Shahar who acknowledged him/herself to be the Authorized Member of Deer Haven, LLC a limited liability company, and that as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Deborah Waldron, Notary Public
Palmyra Twp, Pike County
My commission expires July 11, 2014

I HEREBY CERTIFY that the precise residence of the within named Grantee is:

865 Rte 507
Greentown Pa 18426

Attorney for the grantee

I hereby CERTIFY that this document is recorded in the Recorder's Office of Pike County, Pennsylvania.

Sharon Schroeder, Recorder of Deeds

Instrument 20100010110 DR | Book Page 2350 1860

pennsylvania
DEPARTMENT OF REVENUE
Bureau of Individual Taxes
PO BOX 280603
Harrisburg, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

RECORDER'S USE ONLY

State Tax Paid	$133.46
Book Number	2350
Page Number	1850
Date Recorded	11-17-10

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. If more space is needed, attach additional sheets.

A. CORRESPONDENT – All inquiries may be directed to the following person:

Name	Telephone Number:		
Anthony Waldron	(570) 226-6288		
Mailing Address	**City**	**State**	**ZIP Code**
106 Shook Road	Hawley	PA	18428

B. TRANSFER DATA

C. Date of Acceptance of Document 11/08/20

Grantor(s)/Lessor(s)			Grantee(s)/Lessee(s)		
Deer Haven, LLC			Pocono Lakefront, LLC		
Mailing Address			Mailing Address		
41 Elm Street Ste 1C			865 Route 507		
City	State	ZIP Code	City	State	ZIP Code
Morristown	NJ	07960	Greentown	PA	18426

D. REAL ESTATE LOCATION

Street Address	City, Township, Borough	
Route 507	Palmyra	
County	**School District**	**Tax Parcel Number**
Pike	Wallenpaupack	See attached schedule

E. VALUATION DATA - WAS TRANSACTION PART OF AN ASSIGNMENT OR RELOCATION? ☐ Y ☒ N

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
1.00	+0.00	= 1.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
43540.00	X 4.90	= 213,346.00

F. EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Grantor's Interest in Real Estate	1c. Percentage of Grantor's Interest Conveyed
0.00	100%	100%

Check Appropriate Box Below for Exemption Claimed.

☐ Will or intestate succession.
(Name of Decedent) (Estate File Number)

☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)

☐ Transfer from a trust. Date of transfer into the trust
If trust was amended attach a copy of original and amended trust.

☐ Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)

☐ Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)

☐ Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)

☐ Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)

☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)

☐ Other (Please explain exemption claimed.)

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party — Date

11-16-10

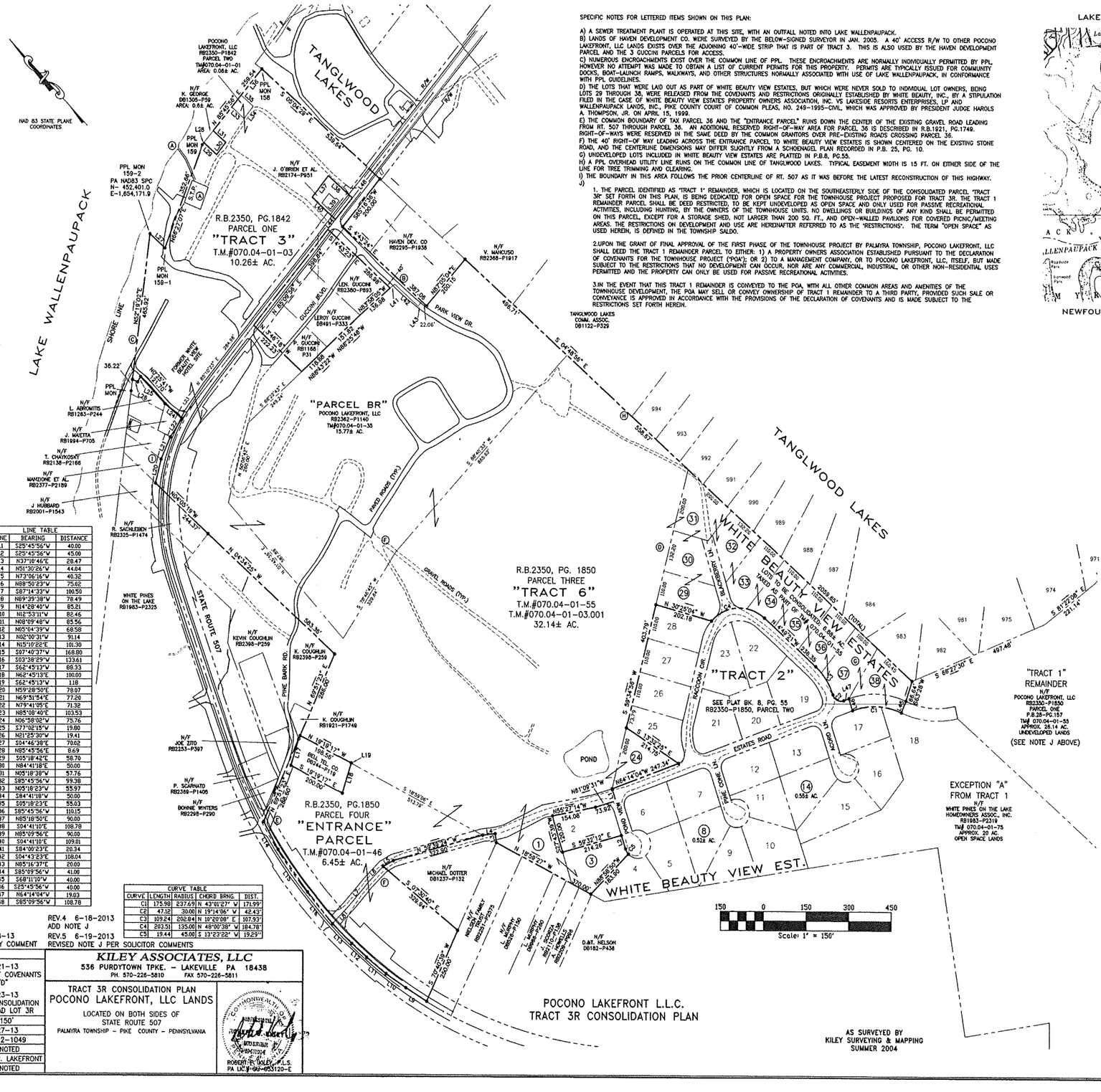
FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Deer Haven, LLC

to Pocono Lakefront, LLC, Buyer

Date of Conveyance 11-08-10

Map No.	Control No.	Assessed value:
070.04-01-46	012665	14610
070.04-01-55	009599	18400
070.04-01-03.001	110465	10530
Total Assessed Value		43,540.00
@ CLRF 4.90		$213,346.00
@ 2%		$ 4,266.92


LAKE WALLENPAUPACK
TANGLWOOD LAKES
"PARCEL BR"
POCONO LAKEFRONT, LLC
RB2362-P1140
TM#070.04-01-35
15.77± AC.
R.B.2350, PG.1842
PARCEL ONE
"TRACT 3"
T.M.#070.04-01-03
10.26± AC.
R.B.2350, PG.1850
PARCEL FOUR
"ENTRANCE"
PARCEL
T.M.#070.04-01-46
6.45± AC.
R.B.2350, PG. 1850
"TRACT 6"
T.M.#070.04-01-55
T.M.#070.04-01-03.001
32.14± AC.
"TRACT 2"
SEE PLAT BK. 8, PG. 55
RB2350-P1850, PARCEL TWO
"TRACT 1" REMAINDER
POCONO LAKEFRONT, LLC
RB2350-P1850
PARCEL ONE
P.B.28-PG.157
TM# 070.04-01-55
APPROX. 28.14 AC.
UNDEVELOPED LANDS
(SEE NOTE J ABOVE)
EXCEPTION "A" FROM TRACT 1
WHITE PINES ON THE LAKE HOMEOWNERS ASSOC., INC.
RB1983-P2317
TM# 070.04-01-75
APPROX. 20 AC.
OPEN SPACE LANDS
WHITE BEAUTY VIEW ESTATES
LOTS TO BE CONSOLIDATED
2059 AS-BUILT
WHITE BEAUTY VIEW EST.
POND
PARK VIEW DR.
ESTATES ROAD
RACCOON DR.
BLACKBERRY LN.
CHIPMUNK LN.
PINE BARK RD.
STATE ROUTE 507
GRAVEL ROADS (TYP.)
SHORE LINE
POCONO LAKEFRONT, LLC RB2350-P1842 PARCEL TWO TM#070.04-01-01 AREA: 0.08± AC.
N/F K. GEORGE DB1305-P59 AREA: 0.8± AC.
PPL MON 158
PPL MON 159
PPL MON 159-1
PPL MON 159-2 PA NAD83 SPC N- 452,401.0 E-1,654,171.9
N/F J. O'BRIEN ET AL RB2174-P951
N/F HAVEN DEV. CO RB2295-P1938
N/F V. MANCUSO RB2368-P1917
N/F LEN. GUCCINI RB2380-P893
N/F LEROY GUCCINI DB491-P333
N/F P. GUCCINI RB1168 P31
FORMER WHITE BEAUTY MOTEL SITE
N/F L. ABRAMITIS RB1263-P244
N/F J. MAETTA RB1694-P705
N/F T. CHAYKOSKY RB2138-P2166
N/F MANZIONE ET AL RB2377-P2189
N/F J HUBBARD RB2001-P1543
N/F R. SACHLEBEN RB2325-P1474
WHITE PINES ON THE LAKE RB1983-P2325
N/F KEVIN COUGHLIN RB2398-P259
N/F K. COUGHLIN RB2398-P259
N/F K. COUGHLIN RB1921-P1749
N/F JOE ZITO RB2253-P397
N/F P. SCARNATO RB2368-P1405
N/F BONNIE WINTERS RB2298-P290
N/F MICHAEL DOTTER DB1237-P132
N/F NELSON FAMILY TRUST RB2237-P2075
N/F MARY DB661-P150
N/F T. NELSON DB1237-P138
N/F J. NELSON RB1237-P2075
N/F M. NELSON RB2008-P2645
N/F D.&T. NELSON DB182-P438
TANGLWOOD LAKES COMM. ASSOC. DB1122-P329
NAD 83 STATE PLANE COORDINATES
N 04°34'24" W 593.35'
S 04°34'24" E 535.47'
S 48°58'56" E 558.57'
S 04°48'58" E 428.71'
S 04°34'24" E 422.25'
N 85°25'36" E 200.00'
N 85°25'36" W 200.00'
N 04°34'24" W 422.25'
S 85°25'36" E 200.00'
N 85°25'36" W 200.00'
N 04°34'24" W 422.25'
S 85°25'36" E 200.00'
N 85°25'36" W 200.00'
S 04°34'24" E 422.25'
N 85°25'36" W 200.00'
S 85°25'36" E

MACDONALD
ILLIG ATTORNEYS

100 STATE STREET • SUITE 700
ERIE, PA 16507-1459
OFFICE: 814-870-7600
FAX: 814-454-4647
MACDONALDILLIG.COM

MARK J. SHAW, ESQ.
ADMITTED IN PA AND OH
DIRECT DIAL 814-870-7607
E-MAIL MSHAW@MIJB.COM

April 28, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission v. Deer Haven, L.L.C. (Water
Docket Nos. P-2024-3050545 and I-2024-3051540

Pennsylvania Public Utility Commission v. Deer Haven, L.L.C. (Wastewater)
Docket Nos. P-2024-3050549 and I-2024-3051541

Dear Secretary Homsher:

Attached please find the Joint Stipulation of Facts, in the above-captioned matter.

Copies have been served on the parties listed on the attached Certificate of Service.

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By_____
Mark J. Shaw

MJS/nes/1927859.1
Attachments as stated
cc w/attachments: All Parties of Record
The Honorable Chistopher P. Pell *(Via electronic mail)*

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Deputy Chief Administrative Law Judge
Christopher P. Pell, Presiding

Pennsylvania Public Utility Commission,	:	P-2024-3050545
	:	I-2024-3051540
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Water)	:	
Pennsylvania Public Utility Commission,	:	P-2024-3050549
	:	I-2024-3051541
	:	
v.	:	
	:	
Deer Haven, L.L.C. (Wastewater)	:	

Intervenors:
Pocono Lakefront, LLC
PL Utilities, LLC

JOINT STIPULATIONS

Pursuant to 52 Pa. Code § 5.234 and Paragraph 14 of Prehearing Order #1, the parties have agreed to the following stipulations:

1. PLU has directed its consultants to take the actions necessary to meet the conditions contained in the PUC's Order conditionally approving the Joint Application of Deer Haven and PLU.

2. PLU has completed a draft Act 537 Plan Update seeking approval of the transfer of the wastewater system from Deer Haven to PLU and has advertised it for public comment, which concluded on April 18, 2025.

3. PLU also sought comments from the County and the Township regarding the Act 537 Plan Update.

4. PLU Exhibits 5 through 9 are true and correct copies of documents reflecting the efforts made thus far by PLU on the Act 537 Plan Update condition.

5. PLU expects to submit the Act 537 Plan Update to DEP for its review and approval imminently.

6. PLU will seek transfer of the Deer Haven wastewater system permits, including the Deer Haven NPDES permit, after approval of the Act 537 Plan Update.

7. PLU will seek transfer of the Water Quality Management Permit held by Pocono relating to the construction of the new treatment plant to PLU, after approval of the Act 537 Plan Update.

8. PLU has been negotiating the Consent Order and Agreement with DEP and Deer Haven, and the parties have exchanged drafts.

9. PLU will decommission the Deer Haven treatment plant after PLU obtained the various required approvals and completes the connection of the new plant to the system.

10. There are two issues before the Delaware River Basin Commission. First, PLU needs to replace Pocono Lakefront as a party with PLU as the party. Second, PLU needs to extend the date on the current Commission permit, which is currently effective pending the DRBC's decision on the request for extension. These two issues will come before the Commission in August and September, 2025 and PLU does not expect any issues.

11. These two issues will not prevent PLU from satisfying the conditions contained in the PUC's Order.

12. PLU currently is not aware of any issues that will prevent it from completing the conditions by the PUC's August 31, 2025 deadline.

13. Deer Haven will file the Application for nunc pro tunc approval of the 2010 sale of land to Pocono Lakefront as per the Commission’s Order conditionally approving the PLU/Deer Haven Application

14. PLU will provide progress updates on all the items within this stipulation to the parties every 30 days.

15. PLU will also update the parties on any issues that may affect the timing of approvals from the DEP as soon as reasonably practical, if it would be projected to extend approval timelines past the PUC’s August 31, 2025 deadline. For example, any delays in the Act 537 Update approval process from DEP.

16. Deer Haven currently serves 60 customers, including 20 residential customers situated within the White Pines on the Lake HOA.

17. The 20 housing units in the White Pines HOA is included in Deer Haven's PUC-certificated service area at Docket No. A-230106.

18. The 20 customers residing in White Pines are individually billed by Deer Haven (and individually billed by Aqua as receiver) on a quarterly basis under the residential rate set forth in the Deer Haven tariff effective June 1, 2011 (2011 Tariff), which is currently available on Aqua's website as receiver, and which is currently a monthly flat rate of $46.60.

19. The White Pines HOA currently owns and bears the responsibility to operate, maintain, and repair a collection system comprised of two pump houses containing two pump stations, a collection main line, and related appurtenances (Collection Facilities) that connect to and pump the sewage of the 20 housing units into the facilities owned by Deer Haven.

20. The Whie Pines HOA Collection Facilities are located approximately 200 feet from Lake Wallenpaupack.

21. The White Pines HOA has previously requested Deer Haven to take ownership of and assume responsibility for operation, maintenance, and repair of the Collection Facilities, and Deer Haven has not agreed.

Dated: April 28, 2025

Respectfully submitted,

/s/ Mark J. Shaw

Mark J. Shaw, Esq. (I.D. No.
MacDONALD, ILLIG, JONES & BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7607
FAX (814) 454-4647
mshaw@mijb.com

/s/ Scott B. Granger
Allison C. Kaster, Esq.
Scott B. Granger, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105
akaster@pa.gov
sgranger@pa.gov
Counsel for I&E

/s/ Adeolu A. Bakare
Adeolu A. Bakare, Esq.
Harrison R. Block, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17101
abakare@mcneeslaw.com
rblock@mcneeslaw.com
Counsel for Deer Haven, LLC

/s/ Melanie Joy El Atieh
Melanie Joy El Atieh, Deputy Consumer Advocate
Barrett C. Sheridan, Asst. Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
melatieh@paoca.org
bsheridan@paoca.org
ocadeerhaven@paoca.org
Counsel for Darryl A. Lawrence Consumer Advocate

/s/ Kruti B. Patel
Courtney L. Schultz, Esq.
Kruti B. Patel, Esq.
Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
courtney.schultz@saul.com
kruti.patel@saul.com
Counsel for Aqua Pennsylvania, Inc.

/s/ Steven C. Gray
Steven C. Gray, Esq.
Office of Small Business Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov
Counsel for Office of Small Business Advocate

CP
ENGINEERS, ARCHITECTURE & ENVIRONMENTAL SERVICES

2013 Sandy Drive, Suite 101
State College, PA 16803
814.753.4249

DATE: 03/13/2025

CP PROJ: PA100.002

TO: Brian Snyder – Assistant Mapping Director
County Building, 506 Broad Street
Milford, PA, 18337
Via Email – bsnyder@pikepa.org

Dear Mr. Snyder:

As you may recall, our firm previously submitted the Act 537 Plan for PL Utilities, LLC. to the County for review, which was subsequently approved on 6/10/2024 with no comments from the Planning Commission. When we submitted the Plan, a Component 4B module was provided for the County to document any comments. The Pennsylvania Department of Environmental Protection (DEP) has requested that you supplement your component 4 with a letter on your letterhead.

To comply with DEP's request, we kindly ask that you provide a letter on County letterhead confirming that the Act 537 Plan has been reviewed. Should you have any comments at this time, please state that you have comments and include them in your response. However, if there are no comments, we ask that the letter specifically state that no additional comments have been made. We have also included with this letter, a copy of the completed Component 4B Module documenting your prior review of the submitted Plan.

Please let us know if any additional information is needed to facilitate this request. We appreciate your cooperation in ensuring that the necessary documentation is completed in accordance with DEP's requirements.

We appreciate your time and consideration in this matter.

Very truly yours,

CP ENGINEERS, LLC

Francis R. Zgoda

Francis R. Zgoda, P.E.
Vice President



3850-FM-BCW0362B 6/2016

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

DEP Code #:

SEWAGE FACILITIES PLANNING MODULE
COMPONENT 4B - COUNTY PLANNING AGENCY REVIEW

(or Planning Agency with Areawide Jurisdiction)

Note to Project Sponsor: To expedite the review of your proposal, one copy of your completed planning package and one copy of this *Planning Agency Review Component* should be sent to the county planning agency or planning agency with areawide jurisdiction for their comments.

SECTION A. PROJECT NAME (See Section A of instructions)

Project Name

Act 537 Plan For PL Utilities, LLC

SECTION B. REVIEW SCHEDULE (See Section B of instructions)

1. Date plan received by county planning agency June 10, 2024
2. Date plan received by planning agency with areawide jurisdiction _____

   Agency name _____
3. Date review completed by agency June 10, 2024

SECTION C. AGENCY REVIEW (See Section C of instructions)

Yes	No		
X	☐	1.	Is there a county or areawide comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101 *et seq.*)?
X	☐	2.	Is this proposal consistent with the comprehensive plan for land use?
X	☐	3.	Does this proposal meet the goals and objectives of the plan?
			If no, describe goals and objectives that are not met _____
X	☐	4.	Is this proposal consistent with the use, development, and protection of water resources?
			If no, describe inconsistency _____
X	☐	5.	Is this proposal consistent with the county or areawide comprehensive land use planning relative to Prime Agricultural Land Preservation?
			If no, describe inconsistencies: _____
☐	X	6.	Does this project propose encroachments, obstructions, or dams that will affect wetlands?
			If yes, describe impact _____
☐	X	7.	Will any known historical or archeological resources be impacted by this project?
			If yes, describe impacts _____
☐	X	8.	Will any known endangered or threatened species of plant or animal be impacted by the development project?
			If yes, describe impacts _____
X	☐	9.	Is there a county or areawide zoning ordinance?
☐ N/A	☐	10.	Does this proposal meet the zoning requirements of the ordinance?
			If no, describe inconsistencies _____

SECTION C. AGENCY REVIEW (continued)

Yes	No		
☐ N/A	☐	11.	Have all applicable zoning approvals been obtained?
☒	☐	12.	Is there a county or areawide subdivision and land development ordinance?
☐ N/A	☐	13.	Does this proposal meet the requirements of the ordinance?
			If no, describe which requirements are not met _____
☒	☐	14.	Is this proposal consistent with the municipal Official Sewage Facilities Plan?
			If no, describe inconsistency _____
☒	☐	15.	Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality?
			If yes, describe Along SR 507
☐ N/A	☐	16.	Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision?
☐	☐		If yes, is the proposed waiver consistent with applicable ordinances.
			If no, describe the inconsistencies _____
☐	☒	17.	Does the county have a stormwater management plan as required by the Stormwater Management Act?
☐	☐		If yes, will this project plan require the implementation of storm water management measures?

18. Name, Title and signature of person completing this section:

Name: Brian Snyder

Title: Assistant Mapping Director/Planner

Signature: [signature]

Date: June 10, 2024

Name of County or Areawide Planning Agency: Pike

Address: 506 Broad Street, Milford, PA 18337

Telephone Number: 570-296-3500

SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)

This component does not limit county planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are needed, attach additional sheets.

The county planning agency must complete this component within 60 days.

This component and any additional comments are to be returned to the applicant.

CP
ENGINEERS, ARCHITECTURE & ENVIRONMENTAL SERVICES

2013 Sandy Drive, Suite 101
State College, PA 16803
814.753.4249

DATE: 03/13/2025

CP PROJ: PA100.002

TO: David Zeiler – Planning Commission Chairman
Township Building, 115 Buehler Lane
Paupack, PA, 18451
Via Email

Dear Mr. Zeiler:

As you may recall, our firm previously submitted the Act 537 Plan for PL Utilities, LLC. to the Township for review, which was subsequently approved on 6/11/2024 with no comments from the Planning Commission. When we submitted the Plan, a Component 4A module was provided for the Township to document any comments. The Pennsylvania Department of Environmental Protection (DEP) has requested that you supplement your component 4 with a letter on your letterhead.

To comply with DEP's request, we kindly ask that you provide a letter on Township letterhead confirming that the Act 537 Plan has been reviewed. Should you have any comments at this time, please state that you have comments and include them in your response. However, if there are no comments, we ask that the letter specifically state that no additional comments have been made. We have also included with this letter, a copy of the completed Component 4A Module documenting your prior review of the submitted Plan.

Please let us know if any additional information is needed to facilitate this request. We appreciate your cooperation in ensuring that the necessary documentation is completed in accordance with DEP's requirements.

We appreciate your time and consideration in this matter.

Very truly yours,

CP ENGINEERS, LLC

Francis R. Zgoda

Francis R. Zgoda, P.E.
Vice President



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

DEP Code #:

SEWAGE FACILITIES PLANNING MODULE
COMPONENT 4A - MUNICIPAL PLANNING AGENCY REVIEW

Note to Project Sponsor: To expedite the review of your proposal, one copy of your completed planning module package and one copy of this *Planning Agency Review Component* should be sent to the local municipal planning agency for their comments.

SECTION A. PROJECT NAME (See Section A of instructions)

Project Name

Act 537 Plan For PL Utilities, LLC

SECTION B. REVIEW SCHEDULE (See Section B of instructions)

1. Date plan received by municipal planning agency _____
2. Date review completed by agency _____

SECTION C. AGENCY REVIEW (See Section C of instructions)

Yes	No		
☐	☒	1.	Is there a municipal comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101, *et seq.*)?
☒	☐	2.	Is this proposal consistent with the comprehensive plan for land use?
			If no, describe the inconsistencies _____
☒	☐	3.	Is this proposal consistent with the use, development, and protection of water resources?
			If no, describe the inconsistencies _____
☐	☐	4.	Is this proposal consistent with municipal land use planning relative to Prime Agricultural Land Preservation?
☐	☒	5.	Does this project propose encroachments, obstructions, or dams that will affect wetlands?
			If yes, describe impacts _____
☐	☒	6.	Will any known historical or archaeological resources be impacted by this project?
			If yes, describe impacts _____
☐	☒	7.	Will any known endangered or threatened species of plant or animal be impacted by this project?
			If yes, describe impacts _____
☒	☐	8.	Is there a municipal zoning ordinance?
☒	☐	9.	Is this proposal consistent with the ordinance?
			If no, describe the inconsistencies _____
☐	☒	10.	Does the proposal require a change or variance to an existing comprehensive plan or zoning ordinance?
☒	☐	11.	Have all applicable zoning approvals been obtained?
☒	☐	12.	Is there a municipal subdivision and land development ordinance?

SECTION C. AGENCY REVIEW (continued)

Yes	No	
☒	☐	13. Is this proposal consistent with the ordinance?
		If no, describe the inconsistencies _____
☒	☐	14. Is this plan consistent with the municipal Official Sewage Facilities Plan?
		If no, describe the inconsistencies _____
☐	☒	15. Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality?
		If yes, describe _____
☐	☒	16. Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision?
☐	☐	If yes, is the proposed waiver consistent with applicable ordinances?
		If no, describe the inconsistencies

17. Name, title and signature of planning agency staff member completing this section:

Name: David R Zeiler

Title: Planning Commission Chairman

Signature: David R Zeiler

Date: 6-11-24

Name of Municipal Planning Agency: Palmyra Twp.

Address 115 Buehler Ln, Pawpack PA 18451

Telephone Number: 570-226-2230

SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)

This component does not limit municipal planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are needed, attach additional sheets.

The planning agency must complete this component within 60 days.

This component and any additional comments are to be returned to the applicant.

LOCALiQ
Erie Times-News | The Intelligencer
Bucks County Courier Times
The Daily American | Beaver County Times
Pocono Record | Burlington County Times
The Record Herald | Tri-County Independent

PO Box 630531 Cincinnati, OH 45263-0531

AFFIDAVIT OF PUBLICATION

CP Engineers
11 Park lake road
Sparta NJ 07871

STATE OF PENNSYLVANIA, COUNTY OF WAYNE

The Tri-County Independent, a daily newspaper printed and published in the city of Honesdale, and of general circulation in the Counties of Wayne, Pike and Lackawanna, State of Pennsylvania; that the publication, a copy of which is attached hereto, was published in said newspaper in the issues dated:

03/18/2025

and that the fees charged are legal.

Sworn to and subscribed before on 03/18/2025

Keegan Deeran
Legal Clerk

Notary, State of WI, County of Brown

8.25.26
My commission expires

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

EXHIBIT 7

MARIAH VERHAGEN
Notary Public
State of Wisconsin

PUBLIC NOTICE

Pursuant to the Pennsylvania Sewage Facilities Act, Deer Haven, LLC hereby announces its Act 537 Plan for the permit transfer of the Deer Haven, LLC wastewater treatment system to PL Utilities, LLC. The planning area is geographically located in the western region of Pike County and encompasses a small portion of Palmyra Township along Lake Wallenpaupack and SR 507. The current Deer Haven wastewater treatment plant consists of a comminutor with bar screen, two aeration tanks, two settling tanks, a chemical feed unit, a gravity filter, a chemical waste tank, two aerated sludge holding tanks, and a chlorine contact tank. Treated effluent discharges to Lake Wallenpaupack via Outfall No.001. The treatment plant operates under NPDES No. PA-0041912 with a rated hydraulic capacity of 70,000 gpd. Upon receipt of all agency approvals, sewage from the Deer Haven collection system which serves the following properties: (tax map# 070.04-01-05 through 070.04-01-09, 070.04-01-11, 070.04.01-12.001 through 070.04.01-12.020, 070.04-02-02, 070.06-01-01 through 070.06-01-15, 070.04-01-60 through 070.04-01-89 (+/-)) and is currently treated by the Deer Haven, LLC operated treatment plant will be redirected to the PL Utilities, LLC's proposed facility for treatment. The proposed treatment facility will be authorized for a capacity of 70,000 gallons per day (GPD) and will treat sewage generated from the current PUC regulated service area, including any development on parcel #070.04-01-03 as well as the redirected sewage from the existing Deer Haven collection system which serves the aforementioned parcels. The proposed wastewater treatment plant site is situated in Palmyra Township, Pike County, PA, along the south side of SR 507 in Greentown.

The proposed Pocono Lakefront wastewater treatment plant consists of a comminutor with bar screen, two aeration tanks, two settling tanks, a chemical feed unit, a pressure filter system, a chemical waste tank, two aerated sludge holding tanks, and an ultraviolet light disinfection system. Treated effluent will be discharged to Lake Wallenpaupack via the reused Outfall No.001. The treatment plant operates under a new NPDES permit with a rated hydraulic capacity of 70,000 gpd.

The $46.60 per month rate currently charged to users of the wastewater system will remain at least through the end of August 2025. As a Pennsylvania public utility, any future rate changes will be subject to the applicable requirements of the Pennsylvania Public Utility Commission relating to rate changes.

This notice is being issued in accordance with the regulations set forth by the Pennsylvania Department of Environmental Protection pertaining to sewage planning for Sewage Treatment Facilities. The sewage planning documentation is available for review and comment at the Palmyra Township Building located at 115 Buehler Lane (off Gumbletown Road). Comments and inquires on the proposal may be submitted at the Township Building to Jo-Ann Rose, Township Administrator until April 18, 2025, which is 30 days from the publication date of this notice.

March 18 2025
LSOM0258944

PUBLIC NOTICE

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Publication Dates
LSOM0258944

EXHIBIT
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Pike County Planning & Mapping
506 Broad Street
Milford, PA 18337
(P) 570-296-3500
(E) planning@pikepa.org

March 21, 2025

Palmyra Township Board of Supervisors
Ms. Jo-Ann M. Rose, Administrator
115 Buehler Lane
Paupack, PA 18451

SUBJECT: PL Utilities, LLC Act 537 Plan
Dated March 2025
Planning Tracking #25-19

Dear Supervisors,
The Pike County Planning and Mapping, the Official County Planning Agency pursuant to County Ordinance #14 and Act 247, the Pennsylvania Municipalities Planning Code, as amended, has reviewed the proposed PL Utilities, LLC Act 537 Plan and has no comment.

Our office finds the plan to be consistent with the Pike County Comprehensive Plan and municipal ordinances. Any revisions to this plan must be submitted to, and reviewed by, our office. If you have any questions regarding this matter, please feel free to contact me at 570-296-3500 and reference the above Planning Tracking Number.

Sincerely,

Brian Snyder
Assistant Mapping Director/Planner

cc: Palmyra Township Board of Supervisors

EXHIBIT
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