



**UPDATED THIRD STATUS REPORT TO THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

DOCKET NO. P-2024-3050549

**Dated: June 17, 2025**

## A. **BACKGROUND**

Aqua Pennsylvania Wastewater, Inc. (“APW”) has been acting as Receiver for Deer Haven, LLC (Sewer) (“DH Sewer”) since August 15, 2024 per the Pennsylvania Public Utility Commission’s (“PUC” or the “Commission”) Ex Parte Emergency Order of August 15, 2024. APW has submitted various status reports per the Commission’s Order. APW submitted its Third Status Report on April 14, 2025.

APW is submitting an Updated Third Status Report (“Updated Status Report”) on the operations of DH Sewer as directed by the Commission.

## B. **UPDATED THIRD STATUS REPORT**

Since the Third Status Report was filed, APW is updating the Commission on the following interim events.

- **Attachment A:** Joint Letter to DEP of June 16, 2025 from the active parties to the DH Sewer Proceeding<sup>1</sup>, which includes as attachments PL Utilities, LLC’s update to the parties on progress on the conditions to the Commission’s March 7, 2025 Opinion and Order and APW’s Letter to DEP of May 14, 2025 expressing concern with rain events and increased occupancy in the DH Sewer system, and requesting the DEP facilitate the connection to and start up of the new treatment plant owned by PLU Utilities, LLC.
- **Attachment B:** PowerPoint presentation provided by APW to DEP at a meeting on May 16, 2025.

## 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 Updated Third Status Report on or before July 14, 2025.

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<sup>1</sup> The Office of Small Business Advocate did not join in the June 16, 2025 letter to DEP.

# Attachment A

June 16, 2025

**VIA EMAIL**

Joseph J. Buczynski, Regional Director  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
2 Public Square  
Wilkes-Barre, PA 18701-1915  
jbuczynski@pa.gov

**RE: Aqua Pennsylvania Wastewater, Inc. Receivership of  
Deer Haven, LLC (Sewer), Pike County, Pennsylvania  
PUC Docket Nos. P-2024-3050549 and I-2024-3051541**

Dear Mr. Buczynski:

On behalf of all parties to the above-captioned Section 529 proceeding pending before the Pennsylvania Public Utility Commission (“Commission”),<sup>1</sup> we write to request that the Pennsylvania Department of Environmental Protection (“DEP”) **expedite its review and approve the necessary permits and applications filed by PLU and DH Sewer as quickly as possible**. Not only is the securing of all necessary DEP permits a condition precedent to transfer of the DH Sewer system to PLU – which must be met by the Commission’s August 31, 2025 deadline – but there are exigencies present that warrant interconnection of the DH Sewer system to the new wastewater treatment plant (“WWTP”) owned by PLU as quickly as possible.

Prompt issuance of the necessary permits and approvals will facilitate the transfer of DH Sewer to PLU and (i) help to alleviate potential further discharges to Lake Wallenpaupack stemming from the potential increased flow during the spring and summer months due to increased occupancy at the Lake and additional inflow and infiltration in the DH Sewer system from wet weather events, and (ii) minimize expenses associated with the current pump and haul practices in place for the DH Sewer system, which are necessitated by the poor and unsafe conditions of the DH Sewer WWTP that render it inoperable.

Based on the update provided by PLU (Attachment A) it appears that the PLU is still working on the Act 537 documentation and that PLU and DH Sewer have met to discuss the consent order.

The 2014 Palmyra Township Act 537 plan for this service area acknowledged both the new WWTP and the private ownership. The NPDES transfer application, and thereby operational responsibility, has also been pending with the DEP since 2022.

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<sup>1</sup> The parties include: PL Utilities, LLC (“PLU”); Deer Haven, LLC (“DH Sewer”); Aqua Pennsylvania Wastewater, Inc. (“APW”), as Receiver for DH Sewer; the Commission’s Bureau of Investigation and Enforcement (“I&E”); the Office of Consumer Advocate (“OCA”); and the Office of Small Business Advocate (“OSBA”). Please note that while the OSBA is not a signatory to this letter it does not oppose it.

Joseph J. Buczynski

June 16, 2025

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In addition, as APW stated previously in its letter to you on May 14, 2025 (Attachment B), APW as Receiver is willing to physically connect the DH Sewer system to the new PLU WWTP and assist with its startup.

DEP's expedited review and approval will facilitate APW's interconnection of the DH Sewer system with PLU's new WWTP and the Commission's issuance of a certificate of public convenience authorizing the transfer of the DH Sewer system to PLU, all of which are in the best interests of the environment, the parties, and APW's and DH Sewer's customers.

We thank you for your attention to and prioritization of this important matter.

Respectfully submitted,

Joseph J. Buczynski

June 16, 2025

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/s/ Mark J. Shaw

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/s/ Melanie Joy El Atieh

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*Counsel for OCA*

# **Attachment A**

## Schultz, Courtney L.

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**From:** Mark J. Shaw <mshaw@mijb.com>  
**Sent:** Friday, May 30, 2025 9:07 AM  
**To:** Schultz, Courtney L.  
**Cc:** Patel, Kruti B.; Bakare, Adeolu; Granger, Scott; Gray, Steven; El Atieh, Melanie J.; Block, Ryan; Sheridan, Barrett; Stahl, Alexander R; Joyce, Kimberly A; McCaulley, Errin  
**Subject:** RE: Deer Haven Section 529 - PLU 30-Day Update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All,

Here is the status report per the stipulation:

1. Act 537 Plan - The Act 537 Plan passed through the public comment period with no public or government agency comments being received. It has received all of the responses from the government entities needed for the Plan. On May 27, 2025, representatives of PLU and Pocono Lakefront had a conference call with representatives of PADEP to discuss the Act 537 Plan and what items the Department needed to have completed as part of the Act 537 Plan. The parties agreed upon what needed to be submitted. PLU should be in a position to submit the at 537 Plan within the next couple of weeks.
2. PLU and Deer Haven are finalizing the NPDES permit transfer application, which will be submitted with the Act 537 Plan.
3. PLU and Pocono are finalizing the WQM permit transfer application, which will be submitted with the Act 537 Plan.
4. PLU, Deer Haven and Pocono have exchanged drafts of the Consent Order and Agreement and have had a conference call to discuss the open issues. There are only a couple of issues remaining to be resolved.
5. PADEP has approved the decommissioning plan for the existing wastewater treatment plan.
6. PLU/Pocono are working on getting the construction certification and as built for the work that has been completed pursuant to the WQM permit, which will be submitted with the Act 537 Plan.
7. Deer Haven has advised that it is working on the Application for nunc pro tunc approval of the 2010 sale of land to Pocono Lakefront.
8. PLU/Pocono has had no communications with the Delaware River Basin Commission in the last 30 days.

Let me know if you have any questions.

Thanks.

Mark

# **Attachment B**



**VIA EMAIL**

May 14, 2025

Joseph J. Buczynski, Regional Director  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
2 Public Square  
Wilkes-Barre, PA 18701-1915  
jbuczynski@pa.gov

**RE: Aqua Pennsylvania Wastewater, Inc. Receivership of Deer Haven, LLC  
(Sewer), Pike County, Pennsylvania**

Dear Mr. Buczynski:

As you are aware Aqua Pennsylvania Wastewater, Inc. ("APW") was named as Receiver for Deer Haven, LLC wastewater system ("DH Sewer") by the Pennsylvania Public Utility Commission ("PUC") on August 15, 2024. APW was named as Receiver for the DH Sewer system because the operator at that time was no longer providing operations oversight of the system. The DH Sewer system serves approximately 60 customers in Palmyra Township, Pike County, Pennsylvania.

Following the initiation of APW's Receivership duties, APW noted significant deficiencies in the operation of the system, including, limited treatment occurring in the wastewater treatment plant ("WWTP"), partially treated wastewater being discharged to Lake Wallenpaupack, and deterioration of the WWTP building to the point that APW engaged a structural engineer who determined that the WWTP structure was Not Safe To Be Occupied, among other issues. These issues were shared with the Pennsylvania Department of Environmental Protection ("DEP").

Based upon the condition of the DH Sewer WWTP and inability to correct these issues given our inability to safely enter the building, APW began pumping and hauling wastewater to ensure that wastewater would not continue to be discharged to Lake Wallenpaupack. APW sought permission to install a temporary mobile treatment unit on the property (which is not owned by DH Sewer), but the request was met with conditions that were deemed by APW to be impractical as they included a term limit of one-year access to the property. As such APW continues to pump and haul wastewater coming into the facility.<sup>1</sup> Despite APW's efforts to pump and haul wastewater, there have been six discharges to Lake Wallenpaupack<sup>2</sup> that have occurred since APW began its Receivership duties. APW reported each event to DEP. These discharges are due to apparent

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<sup>1</sup> As of May 11, 2025, APW has pump and hauled 580 truckloads of wastewater from the WWTP.

<sup>2</sup> Discharges occurred on March 17, May 6, May 7, May 9, May 10, and May 11, 2025. Please see **Attachment A** for pictures of the recent rain events.

Joseph J. Buczynski  
May 14, 2025  
Page 2 of 2

inflow and infiltration (“I&I”) in the DH Sewer system that overloads the WWTP and the pumping and hauling operation. Wet weather events like these, coupled with likely increased occupancy during the spring and summer months, will contribute to higher flows within the DH Sewer system that could potentially lead to additional discharge events.

APW is concerned that during times of high I&I, the pumping and hauling operation may not be able to keep pace with all the wastewater flows into the WWTP resulting in potential discharge to Lake Wallenpaupack. APW is committed to providing quality and reliable service in compliance with DEP regulations and APW wants to keep DEP informed of its concerns regarding the DH Sewer system as greater wet weather events occur over the spring and summer months. We remain open to discussing with you, ways in which we can solve this problem. One way in which this problem can be mitigated is to connect the existing DH Sewer WWTP to the new WWTP owned by PL Utilities, LLC. (“PLU”). I commit that in our role as Receiver, APW will physically connect the DH Sewer system to the new WWTP and assist with its startup. We request DEP’s assistance to facilitate this action by expediting the connection of the existing DH Sewer system to the newly constructed WWTP and review and approve the necessary permits and applications that are filed by PLU and DH Sewer as quickly as possible.

I also note that PLU has committed to certain actions in regard to operating the new WWTP. PLU has stated in a stipulation (see **Attachment B**) filed in the PUC proceeding that it will be doing the following:

- PLU has completed a draft of the Act 537 Plan Update, advertised the Plan Update for public comment, sought comments from the County and Township, and expects to submit the Act 537 Plan Updated to DEP imminently.
- PLU will seek transfer of the NPDES and WQM permits.
- PLU has been negotiating the Consent Order and Agreement with DEP.
- PLU will decommission the DH Sewer WWTP.

If you have any questions or concerns, please contact me.

Sincerely,



Marc A. Lucca, President  
Aqua Pennsylvania Wastewater, Inc.

Enclosures

# Attachment A





NO PARKING

**DANGER**  
DO NOT  
ENTER

**WARNING!**

**DANGER**  
HIGH VOLTAGE  
ELECTRICITY  
IS PRESENT  
IN THIS AREA





# Attachment B

MARK J. SHAW, ESQ.  
ADMITTED IN PA AND OH  
DIRECT DIAL 814-870-7607  
E-MAIL [MSHAW@MIJB.COM](mailto: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

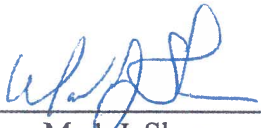
Dear Secretary Homsher:

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**

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**Deputy Chief Administrative Law Judge  
Christopher P. Pell, Presiding**

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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 White 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*

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# Attachment B



## Deer Haven Wastewater

Marc Lucca, President  
Kim Joyce, VP Regulatory Government and External Affairs  
Frank Buzydlowski, Government Affairs Specialist  
Steve Clark, Greater Pa Director of Operations

May 16, 2025

# Deer Haven Wastewater (PA DEP NPDES Permit #PA0041912)



8/15/2024  
PUC ordered Aqua receiver  
of Deer Haven



8/22/2024  
Deer Haven WWTP  
-Not safe to enter-  
(see photos on slide no. 4.)



63 Customers



273k gallons  
discharged to Lake  
Wallenpaupack since  
8/26/2024



Permitted to treat  
70k gallons per day



\$545k+ spent on  
pump-and-haul  
since 8/15/2024



580 loads hauled  
2.7M gallons



Deer Haven, LLC – Sam Shahr  
PL Utilities, LLC – Jacob Goren

# Deer Haven Wastewater - Map



# Deer Haven Wastewater – Current Conditions



# Goren Wastewater plant – Current Conditions



Commissioning of the new plant could be completed within several weeks; however, we will provide a more accurate assessment once we gain access to the facility.

It is sized the same as the Deer Haven plant.



# Deer Haven Wastewater – The Solution

The current situation is unsustainable and subject to system use and environmental conditions such as rain that cause I&I that may cause unauthorized wastewater discharges to Lake Wallenpaupack. Aqua is seeking support for the following activities:

## 1. Facilitate the Transfer of Deer Haven NPDES Permit

Accelerate the transfer of ownership and the NPDES permit from Deer Haven, LLC to PL Utilities, LLC to ensure regulatory compliance and operational continuity.

## 2. Support Wastewater Treatment Plant Transition

Assist Jacob Goren and PL Utilities, LLC in transitioning wastewater treatment operations from the Deer Haven facility to the newly constructed wastewater treatment plant.

# AQUA<sup>SM</sup>

An  Essential Utilities Company

