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September 11, 2019

Sent Via Commission e-File System

USPS First Class Mail

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

Re: Advance Notice of Proposed Rulemaking (ANOPR) for Hazardous Liquid Public Utility Safety Standards; Docket No. L2019-3010267

Dear, Secretary Chiavetta:

On behalf of Middletown Township, Delaware County, the following correspondence is in response to the Commission's request for feedback on the above noticed ANOPR. The list of possible subjects in the June 13, 2019 Commission press release could each have extensive feedback based on the varying concerns or direct impact by utility operations. Please accept the following when looking at the issues faced by our Township:

1. Consider placement/alignment of pipes and infrastructure as a part of the PA Certificate of Public Convenience (CPC). The Commission must issue a CPC for utility operators and requiring disclosure and planning of the utility infrastructure with the CPC can provide opportunity to enhance the location and safety of impacted communities and residents, with the Commission's ability to relocate utilities in the best interest of the Commonwealth.
2. During active construction of new utility infrastructure, require the industry to convene monthly public meetings to allow residents, businesses and stakeholders to attend and directly hear updates on its progress within their geographical area. Municipalities are currently placed in a position to try to obtain information from the industry provider and then relay that to the community. Different approaches to public engagement have residential concerns or conflicts with their local agencies, and there should be a consistent baseline for expectations.
 - a. Municipalities shall receive biweekly meetings from utility providers and their contractor(s) during active construction to proactively address specific community matters.
3. Create greater standards for impact on private wells and on-lot septic systems. PA DEP does not

require private well registration, which limits the information DEP, or the Commission, can provide a utility provider during construction. Consider:

- a. Requiring private well registration to ensure an accurate database to utility providers; and
 - b. Strongly enhancing the requirement for immediate connection to public water and sanitary sewer if there is an impact on a residence that alters their prior existing conditions, including but not limited to reduction in flow rate from a private well during construction, contamination of private well, etc.
4. The land agent situation is complicated, as we acknowledge it is a private transaction between a homeowner and a utility. However, a municipality may benefit from receiving information about contact made with residents by utility providers to best ensure consistency among its residents. The local government will not individually represent a constituent, but it may provide general guidance to try to ensure minimum expectations among landowners.
 5. Conversion of existing pipelines should have increased public disclosure and documentation of ability to handle a conversion of material. Sincere concern continues 9-months into the use of the 12" bypass by Sunoco-Energy Transfer to commence Mariner East 2. When an industry provider changes the material conveyed or transmitted within their infrastructure, their timing and expedience should not be prioritized above local safety and communication.
 6. Lastly, with respect to safety, the PUC should not authorize a CPC or any new construction that will limit or cause question of the ability to detect the product if there is a leak, provide mass notification, or proactively ensure the public's health, safety and welfare. The industry and its providers shall be obligated to provide the PUC and all the impacted communities within the Commonwealth a practical, functional solution to ensure public safety as a supplement to the mandate for each municipality to provide emergency preparedness. In the absence of a viable solution, the Commission should strongly consider denying a CPC or the approval of new infrastructure.

There are extensive details and nuances with every topic listed above, as well as those items not listed, but it could be overwhelming to the Commission and possibly lose an opportunity to have some amendments to enhance the health, safety and welfare of Middletown Township residents and those of the Commonwealth. If traction is found by the Commission on specific topics for amendment consideration, then we welcome an opportunity to provide detailed feedback on a narrowed list of amendments.

Your time and effort are valued by the community to better position the future from the current operational challenges.

Sincerely,



Andrew S. Haines

Township Manager

On behalf of Middletown Township, Delaware County