

June 8, 2022

Sonny Popowsky

Chairman

Water Rate Board

City of Philadelphia

Re: Correspondence re WRB prior to Board Meeting – June 8, 2022

Dear Sir:

As you may recall from last week's correspondence, I was considering whether to make a presentation at the Board Meeting this afternoon. I have decided that it is best that I send this document to your attention prior to the WRB meeting, and you can decide whether this is to be included in the notes of the WRB meeting or posted on the City's WRB website at an alternate location. In any event, please inform me where it will be posted or if the decision has been made not to post these concerns at all on the city website.

Sir, I just want the WRB to know because of the newest appointment to the WRB it has become even more important and urgent that I participate as fully as possible in the next round of WRB hearings which appears likely in 2023. The facts and evidence clearly indicates that two city professionals, one currently employed and one retired, are inextricably involved in the issues I have presented over the past set of WRB hearings and so I will most assuredly proceed with several of the past motions (though denied at all levels of appeal within the WRB process) as well as two new motions that need to be placed before the WRB for their consideration, review and action.

In keeping with the oft-repeated dictate that the WRB proceedings are considered specifically with those issues that impact water and sewer rates, it is obvious that the issue involving the PWD's operation at my residence speaks to the issues of financial concerns. Why? The PWD, its management and administration, simply failed to properly diagnose, define and properly remedy ALL of the street failures in the PWD operation at my residence in the Spring of 2014. Despite repeat notifications to the PWD Commissioner and other personnel before and after I paid for the long lateral replacement, the area in and around this location continued to erode and sink. A full two years later, after a TRB hearing, the former PWD Commissioner finally sent out personnel who diagnosed that the PWD's own sewer laterals were defective and PWD equipment and personnel were sent out once again to

address this issue. If such incompetence does not impact water and sewer rates and possibly impact the eventual failure of my long laterals in the street which cost this homeowner nearly \$11,000, then I would like to know what other issues can negatively impact water and sewer rates. Even at the TRB hearing held prior to the PWD finally acknowledging their failures in the work at my residence, their employee stated on the record that there was a crack in the sewer inlet wall, which the PWD Commissioner denied, but was clearly evident. Her Deputy Commissioner eventually sent personnel out to “parge” the crack though asserting that such steps were precautionary and had nothing to do with sinking or inlet failure.

The second issue is and has been the most significant, serious and consequential of all that I have raised in other forums within city government, professional associations and industry circles. Though it certainly will be rejected as a motion in the upcoming WRB hearings, whenever the next one occurs, due to the explicit purpose of financial concerns relative to water and sewer rates, I submit that there is no other concern or matter of greater importance since it is concerned with the safety of PWD employees and passersby at the scene of the PWD excavation to repair THEIR failed sewer lateral in 2016. As shared with PWD administration, the Commissioner, Risk Management and the Deputy Managing Director, OTIS, I have digital photos of a specific portion of the excavation which clearly shows that the PWD employees utilized the outriggers and stabilizers in an unsafe and dangerous manner, risking the safety of employees and passersby at the site. I researched this incident extensively with industry professionals, engineering companies, etc. and shared the photos with experienced civil engineers and I was informed that such use of the equipment violated industry standards and protocol.

Despite repeated offers to the PWD Commissioner and city administration to have them examine these digital photos, not a simple city official decided to review these photos yet determined in correspondence that the operation was safe and according to regulations. As a matter of fact, at a WRB public meeting at 5th and Somerset Sts., I presented this evidence to the attendees as well as an OSHA document which described a utility worker fatality in Massachusetts due to the improper use of the outriggers/stabilizers. The most egregious conduct followed my presentation when the PWD Commissioner followed mine and informed the PWD customers and citizens in attendance that the operations was safe.

Regardless of what information, evidence and interviews that the PWD and city may have conducted on their own relative to my allegation of unsafe operation, it is clear incompetence and unprofessional conduct to review other information, evidence and photos so that the city has completed a thorough, objective and complete investigation of the matter.

I even shared with the PWD and city management a company who specializes in the engineering field of “near-miss” management and it is only blocks from City Hall at 1800 JFK Boulevard. I spoke with management there about the incident and photo and this is a company of experts in the field whose work is international in scope.

Near-Miss Management: Resolve Your Process Risks at Their ...

<https://www.nearmissmgmt.com>

Near-Miss Management (NMM) provides one-of-its-kind enterprise risk detection and advanced warning platform for the process industries.

Of course, I can understand why members of the WRB may be concerned why I am sharing this matter with you. It is because this lifelong Philadelphia citizen is attempting to prevent the tragic Trifecta for the City of Philadelphia and its citizens. There have already been two PREVENTABLE fatal tragedies where city administration and officials were notified in advance of dangerous and unsafe conditions and the administration did not take action and citizens were killed and seriously injured: (1) Pier Collapse in 2000 and (2) Salvation Army Collapse in 2013. Whether or not the WRB is the correct forum or not, this singular issue, above all others this writer has raised, contested or advocated for, must be addressed and resolved.

As a matter of fact, I shared correspondence and evidence with the Chairman of the Commission set up by Mayor Nutter to investigate the circumstances of the Salvation Army collapse (where a daughter of a senior city official was killed). Peter Vaira, former US Attorney for the Eastern District in PA, was not surprised at all since the city did not act on the commission's recommendations and clearly separate the safety protocol and review from the certification process and review.

In conclusion, it is important for the Water Rate Board, as I mentioned earlier, to know that I will be participating again in the upcoming water rate hearings. However, as each of my motions follow through the process of review, response submitted by PWD, review and decision by the Hearing Officer and final appeal with the WRB, I will copy the public record of each issue and share them with citizens and neighborhood associations throughout the city.

Sincerely,

Michael Skiendzielewski
Captain (retired)
Philadelphia Police Department
516 Parkhollow Lane
Philadelphia, PA 19111