COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 30, 2012
10:32 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE, CHAIR
COUNCILMAN CURTIS JONES, JR., VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN TASCO

BILLS NO.: 120393, 120394

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COUNCILMAN JONES: Good morning. The Committee of the Whole is called to order. I see we have a quorum present. Will the Clerk please read the title of the bills.

THE CLERK: Bill No. 120393, an Ordinance authorizing the Streets Commissioner to enter into a multi-year agreement with Covanta 4 Recovery, LP, for the receipt, transfer and disposal of municipal solid waste, all under certain terms and conditions.

Bill No. 120394, an Ordinance authorizing the Streets Commissioner to enter into a multi-year agreement with Waste Management of Pennsylvania, Inc. for the receipt, transfer and disposal of municipal solid waste, all under certain terms and conditions.

COUNCILMAN JONES: Will our Clerk please call our first witness.

THE CLERK: The Department of Streets, Commissioner Tolson.

COUNCILMAN JONES: Would you please -- good morning, Commissioner. And should I say Commissioner yet?

(Refers to Commissioner Williams.)

COMMISSIONER TOLSON: Commissioners.

COUNCILMAN JONES: Commissioner and Commissioner. All right.

Would you please state your name for the record and begin your testimony.

COMMISSIONER TOLSON: Good morning, Councilman Jones and Members of City Council. I'm happy to be here before this Honorable Body to present testimony with regard to Bills 120393 and 120394.

My name is Clarena Tolson. I am the Commissioner of the Department of Streets for the City of Philadelphia.

I am pleased to submit for your approval these two ordinances which authorize the Streets Department to execute municipal waste disposal contracts with Waste Management of Pennsylvania and Covanta 4 Recovery.

The City is in its final year of its waste disposal contracts ending on June 30, 2012. In anticipation of the ending, the Streets Department issued an RFP on eContract Philly on October 18, 2011 for the transfer and disposal

of municipal wastes collected by the city. Proposals were received on December 2, 2011. And after an evaluation of the proposal submissions and subsequent negotiations, final proposals were submitted on March 2, 2012.

We are very pleased to report that through this process, the City negotiated a 16 percent decrease in the blended disposal cost from our current price of $68.70 per ton for Fiscal 2012 to 57.99 per ton for Fiscal 2013, resulting in an annual decrease in disposal cost of $8.4 million. The Projected Fiscal 2013 Disposal Costs will decrease to $34.7 million, which represents a 19 percent decrease from the budgeted amount. Under these contracts, no pre-processed wastes will be directly landfilled.

About 76 percent or 455,000 tons per year of the City's wastes will be directed to Waste Management of Pennsylvania Transfer, Processing and Disposal Facilities. The contract value for Fiscal '13 will be $26.4 million. The Annual Escalator for the Waste Management Tipping Fee is 75 percent of the Consumer Price Index

currently at 2.3 percent with a 3 percent cap. Negotiated as part of the contract, Waste Management will construct a new $22 million facility right next to their recycling processing plant. Both of these facilities are in the Northeast Section of the City. This new facility will generate an estimated 1.25 million per year in additional tax revenue and 25 full-time permanent jobs.

At this facility, a special engineered fuel also known as Spec Fuel, products will be produced by processing the waste to remove ferrous and nonferrous organic material and PVC plastics. I brought a sample of that material with you -- with me today.

COUNCILMAN JONES: You going to open that?

COMMISSIONER TOLSON: I would love for each of you to look, feel and smell. This trash is about one month old.

COUNCILMAN JONES: Are you sure you're going to open that?

COMMISSIONER TOLSON: And I think it's important for you to see it and to feel it. It almost reminds you of goose droppings, but it is

basically trash that has had the moisture removed as well as the metals. And that product can then be used as an alternative fuel.

(Trash passed around to Council.)

COUNCILMAN KENNEY: Can we smoke it?

COMMISSIONER TOLSON: Don't encourage you to smoke it although it does look like a little cigar. I share it with you in earnest because as a citizen of the City, I wanted to have a product that was here that we all can feel confident and comfortable with no matter what neighborhood that we were in.

Councilman Green has the sanitizer if anybody wants some.

But that is basically a fuel source alternative.

COUNCILMAN JONES: Do you -- I'm sorry.

COMMISSIONER TOLSON: Depending upon the composition of the incoming wastes, 55 to 80 percent of the waste will be used to produce the Spec Fuel product. This facility will process a minimum of 500 tons per day of the city-collected waste and up to 1,200 tons per day of -- and up to 1,200 tons per day. The

Spec Fuel product will be marketed by Waste Management of Pennsylvania as an alternative fuel blending source. The Waste Management of Pennsylvania Economic Opportunity Plan certified by O.E.O. includes 100 percent participation for minority firms for the hauling portion of the contract. The value of the service provided by both the MBE and WBE firms is about $5 million per year.

Additionally, Waste Management has agreed to use certified MBE and WBE firms for all of their other waste transportation services needed at its waste transfer facilities used for this contract. So, that means not just the city-transported materials or city-offered materials but their private materials, as well. Privately collected trash will also now use certified MBE and WBE haulers.

About 24 percent of the 143,000 tons per year of the City's wastes will be directed to Covanta 4 Recovery Transfer, Processing and Disposal Facilities. The contract value for Fiscal 2013 will be $8.3 million. The annual escalator for the Covanta 4 Recovery tipping fee

is 100 percent of the CPI.

Wastes managed by Covanta will be delivered to its waste energy facilities located in the city of Chester and in Plymouth Township. City-collected waste will be delivered to their 58th Street Transfer Facility in the Southwest Section of the city and processed at its Northwest Transfer Station. And materials processed at the Northwest Transfer Station will go to their plants located in Chester or in Plymouth Township.

The Covanta 4 Recovery Economic Opportunity Plan certified by O.E.O. includes 100 percent participation for minority firms for the hauling portion of the contract for waste delivered to its 58th Street Facility. The value for this service provided by both MBE and WBE firms is about $1 million per year.

I should also add that there was a third firm that participated in the negotiation process. However, because their prices were not effectively competitive and did not offer the best deal for the taxpayers of the city when used in any combination, the City Streets

Department did not choose to select them. Our allegiance and our responsibilities for stewardship lie with the taxpayers of the city and not solely to the businesses who work here and provide services. We have appreciated our past relationship with Republic. However, we were unable to include them in this contract because their prices were not the most creative or the lowest for the city as a whole.

This is not the first time that we have not had a vendor who participated in the RFP process to be included in our disposal contracts. In fact, Waste Management some years ago found that its -- that it was not included in our waste contracts because they did not offer an effective proposal to the city. It's pricing was not good enough. So it, too, was excluded from a contract with the City.

But this is a four-year contract with three one-year renewals. And we are happy to answer any questions that you may have at this point.

COUNCILMAN JONES: Thank you, Commissioner. Before we go to other members, can you tell me how many jobs are going to be created at

this plant in the Northeast in particular?

COMMISSIONER TOLSON: Yes. A minimum of 25 full-time permanent jobs in addition to the hundreds of job created -- come out through the construction process.

COUNCILMAN JONES: And what is the project cost for this new facility?

COMMISSIONER TOLSON: Approximately $22 million.

COUNCILMAN JONES: And will it require zoning to build, or is it a by-right kind of construction?

COMMISSIONER TOLSON: The State and the City has zoning and permit requirements, all of which are being met by this company. Waste Management is here. And I will let them speak for themselves if there is more questions than I have answered so far. But they are meeting all the requirements for zoning and permits. And they are in the state process now for concluding their permitting.

COUNCILMAN JONES: You, in your testimony, cited we will be paying $69 million less in the next seven years. Can you elaborate on how we

were able to get a 19 percent decrease? In this tough economy, you're hearing about everything going up.

How was this negotiated and how does that affect our budget?

COMMISSIONER TOLSON: Yes. The negotiation process is one that was fairly arduous and lengthy in its -- in its timing. The proposal happened that each of the vendors was requested to submit an initial package of proposal and pricing. They were allowed to bid on -- or not bid. They were allowed to offer pricing on three structures.

One structure was one where you take materials from our Northwest Transfer Station. The second structure allowed them to have our trash trucks deliver to their transfer stations, and they were then taken to their processing facilities or landfill. And the third was to offer an innovative or an alternative waste processing option. One company chose to offer options under all three. Two offered options under two of the proposals.

We then looked at the options, examined

what their pricing was, what the requirements were. There were minimum and maximum allowances for the various locations that are cited around the city. Those minimums and maximums have great impact on us. There are not tons of -- or there are not dozens of facilities around the city for us to operate within. So, the location of the facilities and our options was very important to us.

Timing is important. We are not interested in adding additional costs to our staffing by having staff on the route longer, have more overtime, or to have to add additional trucks or people. So all that coming into play, we looked at the options offered by each of the vendors.

We then negotiated over a series of meetings for a month and a half with each of the vendors. And I think that they would say that that process was fairly on point in itself with a high degree of integrity. There were confidential negotiations. No vendor knew what the other vendor was bidding. They were bidding against each other; however, they had no sense of where the others were. So, we were looking

for the best price package that each company could offer given their own set of business practices.

Waste Management offered an extraordinary deal to the City. We were in competition with another city for this new facility, the Spec Fuel plant. We were happy to be able to be the ones to receive it. It is an innovation in waste processing that does not exist in this country.

There is a pilot and test facility in San Antonio for which Deputy Commissioner Carlton Williams, myself and some of our staff went to visit and to examine. That facility is working very nicely. We were please with what we saw and what we smelled there, quite frankly. Those things are important to us. We were pleased with what we saw there. We were happy to bring that as an innovation back to the City.

They also offered to have us receive a very good deal with their -- for pricing for their -- we took -- allowed them to take our trash, but that came with a volume discount. Meaning that we had to provide to them a certain tonnage. At

that tonnage we received a very large discount. Absent receiving the volume discount, then their pricing went up very high, which is one of the reasons why the third vendor in its options was not economical and it did not make sense for us, quite frankly. Because to provide them with tonnage meant that we had to lose the volume discount that was offered by Waste Management. We were not willing to do that. And the price they offered was not sufficient to overcome the loss that we received in the volume discount. They had to cut their prices by a significant amount. And their best and final offer did not do that.

COUNCILMAN JONES: Two quick questions, and I will turn it over.

One, this is a procurement process that doesn't fit neatly into a box. This is a combination of price competitive negotiations if I understood you correctly.

COMMISSIONER TOLSON: Yes.

COUNCILMAN JONES: And it was based on a number of factors that in your testimony you haven't listed all of the matrix of those

decision points totally. Have you done that?

COMMISSIONER TOLSON: Yes. So, what we do in this process -- and I will say that this is one that I started when I was Deputy Commissioner, so I think I negotiated my first contract maybe in '89. I'm sorry, not '89, '94.

It is an innovation. It is out of the box in terms of how to approach negotiation. But it is one that offers the city a great deal of leverage and advantage. That's, quite frankly, my interest. I am okay with people feeling uncomfortable with it, the vendors that is, not the City.

However, it does offer the City a lot of advantage because it forces the vendors to think about what is their best offer that they can vie to us without just trying to be the lowest bidder or lowering somebody else's bid to try to beat them by one cent or dollar. It forces us to get the best possible price in the marketplace, not necessarily just bettering the next guy's best.

COUNCILMAN JONES: On the "green" meter, the Mayor's made it very clear throughout his

administration, he wants us to be the greenest city in America.

This facility that you spoke of and visited, does that move the needle in the green direction if we grant this?

COMMISSIONER TOLSON: These two contracts offer a huge step in terms of our city becoming the greenest city in the nation.

First, I would say that 100 percent of our materials as a result of these contracts, I should say nearly 100 percent of our materials, will become non-landfill materials. Which means that pre-processing all of our materials will go to a waste-to-energy facility or once Spec Fuel comes online to the facility that will make a fuel source, an alternative fuel source, from our trash. The only thing that will then be landfilled out of our materials is the residue from either somebody's waste-to-energy facility or for the Spec Fuel processing. So, we are very excited about that.

Two, through the Spec Fuel processing, we are going to see probably another 5 to 10 percent of recycling materials, that being

metals, coming out of the processing itself. In order to create that product that you saw, material goes across a screen through magnets, through various filters. Metals are removed and then sent back to the plant for recycling processing.

So, in this case with Spec Fuel, they'll simply drive a couple hundred feet from the Spec Fuel Plant back to the Recycling Processing Plant, more feedstock for the Recycling Processing Plant. Again, a major step for the greening of our city.

And three, quite frankly, I think one of the things that is a -- that comes as a result of these contracts is that we are going to have less trucks on the road hauling our material to a landfill or to a plant, which is a good thing. Fewer trucks, we are going to have shorter trips. We are going to have less waste in a source -- in a sense. There will be less wear and tear on the City's trucks going onto landfills. Because going onto landfill is -- causes quite a lot of damage to trucks. So driving to a plant, cement floor -- driving on a

floor is a lot easier than driving up hills in a landfill. So, we are excited about that as well as in terms of the greening of our city. As well as the green jobs that will come as a result of the new work.

COUNCILMAN JONES: Thank you, Commissioner. Chair now recognizes Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman. The Spec Fuel Plant that you discussed in your testimony, where would it be located?

COMMISSIONER TOLSON: It would be located in the Northeast on the same site as our Recycling Processing Facility.

COUNCILMAN KENNEY: Okay. And what --

COMMISSIONER TOLSON: And the Trash Transfer Station. So, it's a site that already has a trash transfer station, recycling plant And now co-located that site will be this new Spec Fuel Plant. And I should add that the recycling plant which was done just last year, again that was -- I think that was between 15 and 20 million dollars, as well.

COUNCILMAN KENNEY: Okay. What would the

fuel produced by that plant, what would it energize?

COMMISSIONER TOLSON: It will be used as a cook alternative for cement kilns and also for electric plants.

COUNCILMAN KENNEY: So, how do they hook up to -- how does the energy transfer from the plant to its ultimate use?

COMMISSIONER TOLSON: I will let Waste Management speak to that process. I don't want to misspeak on any piece of it. I have an understanding of it, but I would rather them give you the exact information.

COUNCILMAN KENNEY: All right. I have two other questions and then they can elaborate on that when they get to the table.

The new employment opportunities of 25 full-time permanent jobs, what type of jobs are they?

COMMISSIONER TOLSON: Sure. They will be equipment operators, minimal minimum wage jobs. Equipment operators, plant operators.

COUNCILMAN KENNEY: Has there been any discussion or any plans for them to consider

ex-offenders coming back into society into our system as opportunities for them to work? Seems like a job classification that requires little -- requires little advanced experience and could possibly be trained to do these things.

Has there been any discussion with RISE or with the company itself as to kind of trying to help out in that regard?

COMMISSIONER TOLSON: The jobs, many of which are skilled jobs, are ones which we are happy to have discussion with RISE and with Waste Management to kind of broker --

COUNCILMAN KENNEY: You say they are skilled jobs. And that they need, what, CDL or --

COMMISSIONER TOLSON: Yeah. Some of them will. There will be equipment operators.

COUNCILMAN KENNEY: Any type of entry-level positions that --

COMMISSIONER TOLSON: There will be minimum level of entry positions. I would like to ask Waste Management to address that when they come up.

COUNCILMAN KENNEY: One -- just one other thing before they come up. Years ago when we operated our own trash transfer stations, the ability for citizens to access those facilities with their sofa they were throwing away or when they were doing minimum home repair on their own, not a contractor but a person who was just kind of cleaning out their garage or cleaning out their basement, had the opportunity to go to 7th and Pattison and to Southwest Philly and to Roxborough and to dispose of those items there.

When they shut down, I noticed -- I think you guys could probably concur, because a lot more short dumping that was going on as a result of not having access to those facilities.

Is there any plans to currently or in the future to allow access to citizens who have the responsibility of bringing their own trash or their own discarded material to a site to properly dispose of it as opposed to having nowhere to go but, you know, under I-95 or some vacant lot somewhere? Not that that's a right thing to do, but that's kind of what happens when people have no place to put the stuff they

used to be able to take.

So if we can get some access to these transfer facilities not by -- not with commercial contractors or people who are doing work for a living, but people who are just cleaning out their basement.

COMMISSIONER TOLSON: Surely. The city has four sites right now where people are allowed to bring their materials. And we encou -- they are open six days per week with longer hours during the summertime. And they are specifically for the citizens. They are called Citizen Convenience Centers.

COUNCILMAN KENNEY: Right.

COMMISSIONER TOLSON: There's one -- the 7th and Pattison no longer exists because that site was -- is now used for economic development in other ways. But the site for South Philadelphia, let's say, is at 63rd and Passyunk.

COUNCILMAN KENNEY: Right.

COMMISSIONER TOLSON: And then there's a site at 51st and Grays. And there is one at State Road and Ashburner. And the fourth one is

higher up, Delaware and Wheatsheaf.

COUNCILMAN KENNEY: But is there any opportunity at these sites that are privately operated to allow -- I guess, my point is the more and easier access, the less likely you guys have to go out and pick it up off the street.

COMMISSIONER TOLSON: Okay. I will let Ms. Hemmer address that.

MS. HEMMER: Thank you. My name is Tara Hemmer. I am with Waste Management. I'm the area Vice President of the Greater Mid-Atlantic area.

First, let me address Councilman Kenney's question. All of our transfer stations in the City of Philadelphia is part of our requirement with the Pennsylvania DEP. We are required to have public drop off locations for household waste.

So, our two facilities, the one at Bleigh Avenue which is in Councilman Henon's District and the one at our Philadelphia Transfer Station on Grays Ferry Avenue which is Councilman Kenyatta Johnson's District, each of those have public convenience centers where the public if

they're interested could drop off material.

COUNCILMAN KENNEY: Is that a -- is there a charge for that?

MS. HEMMER: No.

COUNCILMAN KENNEY: Okay. All right. That's what I was trying to --

MS. HEMMER: Including recy -- it's really more around recyclables.

COUNCILMAN KENNEY: What if I have, like, refrigerator or couch I want to get rid of?

MS. HEMMER: Refrigerators are challenging because, as you may know, they may contain CFCs, so they really need to be managed appropriately. And that's not something that we are set up to do at our transfer stations. We don't accept anything containing CFC devices. I would have to check for you on like a couch or a mattress.

COUNCILMAN KENNEY: But there is free public access?

MS. HEMMER: Yes.

COUNCILMAN KENNEY: Okay. Thank you. Thank you, Mr. Chairman. And if you could answer --

MS. HEMMER: Sure. Let me answer some of

the other questions that were asked. I believe -- and I have a list here.

Councilman Jones, I believe you had a question regarding zoning and permitting. On the zoning side, we did go through a zoning variance process for the development of the Spec Fuel Plant. We received our zoning variance earlier this year. We worked in partnership with the Tacony Civic Association as well as the Holmesburg Civic Association, briefed them on what we were looking to do with the facility. And they did not oppose our proceeding with the zoning variance, and the zoning variance was received.

On the second piece related to the permitting that would be required as part of this facility, we submitted an application to the Pennsylvania Department of Environmental Protection under a general permit. And we're told that that permit should be issued in short order. We've -- we've issued our bonding information to them, which is really the final step in permit issuance. And then we also have to pursue a permit -- basically, a registration

through Air Management Services.

The other question that I believe you had Councilman Kenney was related to the hauling of the pellets. So, as the Commissioner had indicated, the pellets that would be produced are going to be used in lieu of coal or petcoke, either chemical manufacturing facilities, district energy facilities as well as cement kilns.

So, those pellets will be transported by Waste Management to those end users. Typically, the trucks that carry the pellets have a higher payload capacity than our traditional hauling trucks, which is why the Commissioner referenced an overall potential benefit on truck traffic.

And regarding the employment, you know, certainly Waste Management is -- would be willing to at least explore discussions regarding RISE or the ex-offender program. We have, you know, a couple of different businesses on that location. One being our Single Stream Recycling Facility, which has been active for roughly 18 months now.

That facility has much more lower

entry-level jobs because we have sorters there. That may be more appropriate. The Spec Fuel Plant has less, what I will call, unskilled jobs because we have equipment operators, maintenance techs. It's really very specialized equipment, so they would be higher paying. That is certainly something that we could explore.

COUNCILMAN KENNEY: Well, is that up to them or --

MS. HEMMER: What we have done in the past and when we built the -- let me just speak to two pieces. The best approach probably would have them reach out to me so we can have those discussions.

What we have done in the past when we were close to completing the construction of the Single Stream Recycling Facility, we partnered with the community organizations, specifically the Tacony Civic Association, and hosted a job fair in the community. And we had over 500 folks attend that job fair. And that is something that we would certainly do this go round.

COUNCILMAN JONES: Thank you, Councilman.

Just quick question and follow-up on Councilman Kenney's ex-offender question.

On your application, do you ask about prior convictions?

MS. HEMMER: I will be honest with you, I don't know the answer to that question. I can look into that and get back to you.

COUNCILMAN JONES: The answer to that question should be no because we banned the box.

MS. HEMMER: Right.

COUNCILMAN JONES: All right. So, this gives you a heads up that that is not a legitimate question to ask.

MS. HEMMER: Yeah. I believe our Human Resources Department is pretty well versed in that, but I will triple check.

COUNCILMAN JONES: So, that's a good place to start. Councilwoman Miller worked very hard to pass that legislation in the last session, so all right.

Chair now recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS BROWN: Good morning. First, let me repeat what I think I heard. Did I hear you say that the notion of lowest

responsible bidder was not the deciding factor in how you rendered your decisions around the awards?

COMMISSIONER TOLSON: The bid -- in the bidding process, that notion of lowest responsible bidder was not the process that we used here. This is an RFP.

So, with the lowest responsible bidder, you have each firm submit a price. That is it. Whatever is the lowest dollar figure that may be the end of the story. Regardless of, one, how good the firm may be compared to another, what it takes to get them there, whatever history you may have had with them. Those things are not included in the normal bid process.

We went through an RFP process, where we worked with three fine firms who we presently have relationships with. And we encouraged them to negotiate with us to get the best pricing. So, we started at one place with each of those firms. And I would say that our pricing probably dropped over ten dollars over the course of the negotiations.

COUNCILWOMAN REYNOLDS BROWN: With all

three firms?

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: Well, some firms moved more than others.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: But this is where we had to work within the business models that each of the firms had. So, for some of the firms, I asked the question, can you do better or is there something within your business model that prevents you from being more competitive than you appear to be right now. And for some there were.

But our process was one where we allowed the firms -- not allowed. We negotiated a process where the firms were encouraged to improve their package and their pricing throughout the process. So, that package included things such as what base price they were willing to offer, and then were they willing to offer volume discounts. Also, were they willing to offer changes or moving on the escalator rate.

We have had escalator rates that were set at 3 percent. This time, we have escalators that are set at one firm at 75 percent of CPI. The CPI right now is 2 -- I think is 2.3 percent, which is a big deal. All those things are part of the package and negotiations.

We certainly look at other things that impact this, as well, in terms of the processing that might be used, the plants or vendors that might be used. All that comes into play in trying to figure out what is the best offer for the city.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: In whole operationally. We were not interested in changing our business practices or our everyday issues or models around such that we were driving to places that we didn't necessarily want to have to go to or driving longer or using equipment that we didn't necessarily already have.

COUNCILWOMAN REYNOLDS BROWN: Okay. Let's talk about the MBE/WBE participation. Just walk through how that was, at what juncture the

Office of Equal Opportunity become involved on those in the process.

COMMISSIONER TOLSON: They are here as well. And I will let them come to the table just in case there are more questions with this.

So the -- for the MBE and WBE Participation, in OEO that is very important to us in all of our contracts and certainly for this because it's such a large offering. The participation possibilities for this are through the hauling.

The materials that are hauled either from the Trash Transfer Stations or ultimately also from the Spec Fuel Plant to their future vendors, future potential customers. So, for our present contracts, it's through the hauling. Through our future contracts, it will be through the hauling where there is the opportunity for inclusion. So, a goal of, say, 25, 30 percent participation in that hauling piece of it is met by 100 percent participation.

So, the hauling portion, 100 percent of the hauling, will be done by MBE or WBE firms. We have the number for -- I have it right in front

of me. The Waste Management numbers for prior to Spec Fuel coming into play is approximately 25 percent.

COUNCILWOMAN REYNOLDS BROWN: Repeat that. Prior to what?

COMMISSIONER TOLSON: Prior to Spec Fuel coming online and being in operation is about 25 percent, the hauling from their transfer station to their waste energy facilities. However, once Spec Fuel is built and they didn't have to haul the materials from Spec Fuel to a customer, those, too, will be vendors -- I'm sorry, those too will be WBE certified WBE or MBE haulers. So, that rate will rise from 25 percent any way up to 50 percent.

COUNCILWOMAN REYNOLDS BROWN: Okay. So -- because I'm not going to understand these in the formal setting, all the processing part of it.

So, what I hear you saying is that all three companies submitted documents or whatever to show that they have the capacity to do WBE/MBE to meet the goal of 25 percent.

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: All three?

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: Okay. Was there verification process to assure you that what is put on paper they can actually do?

COMMISSIONER TOLSON: All the companies have to submit their OEO plans. They have all been approved by OEO. I am trying to think on how to say it differently so I can maybe better clarify how the participation occurs. Let's switch companies. Let's go to Covanta.

In the case of Covanta with the hauling, they get their materials in two ways. Some of it comes from us directly from the Northwest Transfer Station. So, our trash trucks go to Northwest Transfer Station, drop materials there. Then transfer trailers which are larger, haul the materials either to Chester or in the future to King of Prussia or Plymouth Meeting. That is done by city vehicles.

However, at the 58th Street Transfer Station where our trash trucks will also take materials, they will have certified haulers who will take materials from 58th Street and then down to their plant in Chester. So, the hauling

component there done by two different firms. Is no opportunity with the piece that is hauled by the City; however, the opportunity comes in the piece that is hauled from 58th Street down the Chester.

COUNCILWOMAN REYNOLDS BROWN: Who does the verification to show and/or prove that what is put on paper by any contractor doesn't -- illustrates or demonstrates that they have the capacity to do it? Who does the verification?

COUNCILMAN GOODE: Point of information?

COUNCILMAN JONES: Councilman. Councilman Goode.

COUNCILMAN GOODE: Thank you, Mr. Chair. The MBE and WBE firms are actually listed within EOPs; is that correct?

COMMISSIONER TOLSON: Correct.

COUNCILMAN GOODE: Thank you.

COUNCILMAN JONES: Thank you, Councilman.

COMMISSIONER TOLSON: And that -- thank you. The EOP is approved by reviewed Law Department, approved by OEO. And included specifically the names of the specific companies are listed.

COUNCILWOMAN REYNOLDS BROWN: Okay. So OEO does the verification is that what I hear?

COMMISSIONER TOLSON: Yes. And I should also add that because we have worked with both of these companies historically, we have a clear sense of all three of their track records with regard to inclusion and having haulers participate and using certified haulers.

COUNCILWOMAN REYNOLDS BROWN: So, all three companies indicated based on written documents that they can meet the MBE/WBE all the requirement goals?

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: Okay. Let's move to the issue area raised by Councilman Jones around environmental considerations. Just talk to us about that and the review of that particular item with all three companies.

COMMISSIONER TOLSON: All three companies were allowed to submit responses in three areas that I mentioned. Either we take the trash to them; they can transfer it at their transfer station; or thirdly, they can offer innovation to the technology that was used.

Waste Management responded to all three. Covanta and Republic responded to the first two. The first one, we take the materials to them would mean that the City would take materials from its Northwest Transfer Station directly to either a landfill or waste energy facility that was owned by the responders. And all three have facilities outside the city that process our materials. They come as a final resting place for trash.

And there was various pricings for that. There are implications, though, for each of those firms in terms of getting the materials to them. The lowest price was not necessarily the lowest cost. Because to get to the lowest price also meant traveling on the Turnpike going further, paying tolls and having wear and tear on trucks to operate on a landfill.

In addition, to get the same number of -- same amount of tonnage -- and this is probably a bigger deal for us. The same amount of tonnage out of our facility would require more overtime. Or if not overtime, more trucks to do that adding significant amount of time and expense to

the department and to the cost delivering to them. The one that offered the highest price, again, there was a fairly distant travel for that packaging, and it was not necessarily the best price for us.

The one that we ultimately selected was one that offered two facilities; one fairly close, one in Chester. The one that's fairly close is the one in Plymouth Meeting and then one in Chester, pricing that was very competitive, again at a waste energy facility that we had a fair amount of confidence in. We have not used the Plymouth Meeting facility in the past, but we have used Covanta in the past. But they offered us innovation which was to go to either facility kind of at our choosing, which was a great convenience and a help to us, so they were selected.

That allows for us to have -- to make three rounds out of our facility, which is very important. To go to some of the other facilities to do a third round would require additional overtime, probably an hour and a half a day. And we were not willing to bear the

expense of doing that. So, this means that using the two vendors that we selected, the green alternative that comes out of it, is that all of our pre-processed waste is now going to a waste energy facility. So, there is a process that is going to get a benefit, a green benefit, for us.

The equivalent number of homes that could be powered from these facilities is approximately 150,000 homes. The value of electricity coming out of these plants, not necessarily Philadelphia homes. But that's the equivalent value of the electricity coming out of the plants. So, that is a good thing. When Spec Fuel comes online, developing this fuel source alternative will also be a good thing in terms of the value and benefit of that product.

Additionally, the trucks will not have to travel from the Northeast Plant to another final resting place. Instead, they just go directly to a vendor, which will be good for the city.

COUNCILWOMAN REYNOLDS BROWN: So, were there any added value factors that added to the decisions you ultimately rendered regarding

those who were selected?

COMMISSIONER TOLSON: Certainly. The volume discount that was offered by Waste Management is -- was insurmountable by any of the vendors in terms of what they offered in terms of their base pricing or what they were willing to offer in terms of volume discount.

Two, the Spec Fuel Plant that resulted, the $20 million facility, is a wonderful sweetener to the pot by all -- in all aspects. The fact that 25 permanent jobs and then the hundreds of construction jobs that will come out of working that facility is a big boom. And the fact that that is the first facility of its type that will come online --

COUNCILWOMAN REYNOLDS BROWN: First what of its type?

COMMISSIONER TOLSON: Facility.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: Use of this technology is new in our country. It may be new in the world, but it's certainly new in our country. The pilot location for this is in San Antonio, Texas. And I think the facility

there is processing 400 tons per day. And our facility will be able to process about 1,200 tons per day. I believe we were in competition with other cities to try to have this facility sited in their -- in their cities. So, we're excited -- we were happy that Philadelphia was able to secure it from the technology aspect of it, the green construction aspect of it and certainly the jobs.

COUNCILWOMAN REYNOLDS BROWN: In the -- I probably should ask OEO to come to the table. But does your department as a part of the review process ask or seek information regarding the type of fuel that the companies will be using? Diesel versus anything else?

COMMISSIONER TOLSON: Yes. We do talk to the firms about the type of equipment that they are using. Certainly, most companies are moving to CNG and getting away from diesel. And at some point, the City too will do that.

We had one vendor that was quite aggressive in offering that as part of their packaging for us. However, it was a case of just misapplied salesmanship. Because quite frankly, the City

is not in a position to secure the trucks that are going to operate with that right now. Then when we do have it, we don't -- we don't change over whole fleets as a private sector may do. We may only change over a couple of dozen at a time.

COUNCILMAN JONES: Councilwoman, can I ask you to allow --

COUNCILWOMAN REYNOLDS BROWN: And come back, sure.

COUNCILMAN JONES: Yeah. We'll come back as there are other council people that have not had a turn.

COUNCILWOMAN REYNOLDS BROWN: Sure.

COUNCILMAN JONES: Chair now recognizes -- thank you for that. Chair now recognizes Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chairman. I just have a few questions.

What was the MBE/WBE record of Waste Management the last time they had a contract with the City? What percentage participation did they have?

COMMISSIONER TOLSON: Give us one second,

sir.

COUNCILMAN GREEN: And what percentage participation does Republic currently have?

COMMISSIONER TOLSON: One second, sir. Can I get that right back to you?

COUNCILMAN GREEN: Sure.

COMMISSIONER TOLSON: We have it handy. I want to get the accurate number.

COUNCILMAN GREEN: Sure. Okay. So, who owns the facility where this -- this plant will be located?

COMMISSIONER TOLSON: This will be a Waste Management privately owned facility.

COUNCILMAN GREEN: So, they owned the land that this is going on?

COMMISSIONER TOLSON: Yes.

COUNCILMAN GREEN: Okay. Is there a contract that you -- you are preparing to sign that you are asking us to approve?

COMMISSIONER TOLSON: Yes. These two ordinances will have contracts attached to them.

COUNCILMAN GREEN: Okay. All right. I apologize for not having read it.

COMMISSIONER TOLSON: No. No. I wasn't

suggesting that, Councilman.

COUNCILMAN GREEN: No. No. I haven't read it, so that's okay.

COMMISSIONER TOLSON: Well, I will save you from that. I won't let you admit that on air.

There are two contracts that are attached to the ordinances which detail the extent of the agreements between each of the firms.

COUNCILMAN GREEN: So who -- and the City?

COMMISSIONER TOLSON: And the City, correct.

COUNCILMAN GREEN: So, who is responsible for -- under Federal Law, the person who originates trash can be responsible for, is responsible for environmental problems at where the trash is disposed of or other things. If you send wastes somewhere, you were ultimately responsible for it if the party that you are dealing with, the person who takes the wastes, goes out of business.

So, I just want to know, is there a provision in the contract that protects the city where we are clearly indemnified by Waste Management, et cetera, in the event that, I

think you mentioned, there are metals taken out of this trash and other by-products that are potentially environmentally harmful through this process? And since it's a new process and not going into a landfill where it's, yo know, protected and it's sealed and et cetera, I just wanted to understand how well protected we are in that regard.

COMMISSIONER TOLSON: Surely. I will start to answer and then I will ask Barry Davis from the Law Department to come up. He's been the city solicitor who has worked with us on this project. I don't want to answer the legal question of --

COUNCILMAN GREEN: It's a legal question. So, it's just a question of yes or no we have complete indemnification.

COMMISSIONER TOLSON: I don't know that we can have complete indemnification under Federal Law.

COUNCILMAN GREEN: We can't have -- we can have indemnification from Waste Management if the Federal Government were to ever come after us as the provider of the -- the question is, is

Waste Management indemnifying the City for any environmental problems associated with the operation of their facility using our trash? Yes or no?

COMMISSIONER TOLSON: The answer is yes. I guess I don't want to get too technical in an area that I am not an expert in.

COUNCILMAN GREEN: That's great.

COMMISSIONER TOLSON: I'm not a lawyer, so I wanted to --

COUNCILMAN GREEN: That's great. So, who is paying for what? We are not providing Waste Management with any -- any gas or water or anything like the Synagro deal?

COMMISSIONER TOLSON: No.

COUNCILMAN GREEN: Okay. So, how many jobs are lost by Republic?

COMMISSIONER TOLSON: When we were in the midst of negotiations with each of the firms, we asked them about the number of jobs that were involved at their facility handling city materials. I believe the number -- and I will just look to my Deputy, soon to be Commissioner Williams -- Commissioner Williams and ask him

just to confirm my memory here. That I believe the number that we were given by Republic at their transfer station in South Philadelphia, that they were approximately 7 to 12 jobs -- 7 to 12 jobs.

COUNCILMAN GREEN: Right. At only -- is that the only transfer station that they have in the city?

COMMISSIONER TOLSON: They have two. That is the one that we are talking about in South Philadelphia.

COUNCILMAN GREEN: They have another one in Councilman Henon's District, don't they?

COMMISSIONER TOLSON: Yes.

COUNCILMAN GREEN: How many jobs are in that facility?

COMMISSIONER TOLSON: About the same, 7 to 12.

COUNCILMAN GREEN: 7 to 12. So, we are going to lose 14 to 25 jobs in the process of creating 25 jobs.

How many truck driving jobs are lost?

COMMISSIONER TOLSON: I don't have a count for the truck driving jobs. What I would say to

you is this, that much of this is a shift from in some ways materials that are -- because our trash dream has not grown. The jobs and the trucks that were hauling for all three vendors, the potential is that those same vendors are just going to go work for whoever picked up the trash and the tonnage. There are companies that were working for one are basically working for all three.

COUNCILMAN GREEN: So, you've described this as green. How many -- has the EPA approved the burning of these pellets? Do you know what particulates are emitted in the air that aren't emitted by coal or other things that are regulated? Is there -- is this an actual safe product to burn?

COMMISSIONER TOLSON: Waste-to-energy process has been going on for quite a while. What's happening at the Spec Fuel Plant, there is no burning of the materials there.

COUNCILMAN GREEN: I understand.

COMMISSIONER TOLSON: It simply is de-watering, magnets removing the metals and then kind of compressing the trash to these

pellets that you've seen. And they actually come -- they come out of an extruder of sorts. And they come out in long pieces, and they just break into six inch pieces or so.

MS. HEMMER: Councilman, I think I can answer that question.

The Spec Fuel Product has meaningful heat content as compared to RDF that would be handled at a waste energy facility. Just for context, RDF is typically in the 4,500 to 5,500 BTU per pound range. This product will be in the roughly 8,000 to 11,000 BTU per pound range, which is very analogous to coal or petcoke.

We have done testing on the product itself. And as it compares to coal or petcoke, the replacement fuel strategy it is cleaner burning, has lower moisture content, ash content, sulfur, et cetera as compared to those other fuel products.

Currently, this product can be combusted at many of these different entities that we mentioned previously up to 30 percent. And we're in the process of pursuing a comfort letter from the US EPA to go to the 100 percent

piece, but there is a market for it today. The plant that we have in San Antonio, all the pellets that are produced there are being sold.

COUNCILMAN GREEN: And there is no particulates that aren't from any -- from natural sources that are emitted from this product?

MS. HEMMER: Can you just clarify?

COUNCILMAN GREEN: Are there particulates emitted from the burning of this product that don't exist in wood, coal, gas?

MS. HEMMER: I am still not sure I understand the question. You mean like, are there particulates in the fuel product that differ from that --

COUNCILMAN GREEN: Once burned are released into the atmosphere that are not released into the atmosphere by natural products, not recycled products.

MS. HEMMER: I would say that the -- the constituents are different because it's a different fuel product than coal.

COUNCILMAN GREEN: So, are there different particulates that are released in the atmosphere

that are released from natural products?

MS. HEMMER: Yes. I mean, the fuel source is considered renewable. Obviously, the key elements that go into are paper, plastic. The contaminants are removed from the process. PVC is removed using optical scanners and sorters. Metals are removed using magnets.

So really, the best I can describe it is the fuel source.

COUNCILMAN GREEN: Has there been a testing -- test burn that demonstrate what particulates are coming out of the burns?

MS. HEMMER: We are in the process of doing that.

COUNCILMAN GREEN: So that's done -- you don't have that answer at the moment.

MS. HEMMER: It has not been -- the test burn has not been completed yet, but we obviously have been marketing the fuel product in San Antonio. So, it is being -- being utilized currently by a cement kiln.

COUNCILMAN GREEN: Was that Federally approved or was that approved at the State level?

MS. HEMMER: The Spec Fuel Plant was approved at the state level.

COUNCILMAN GREEN: The burning of the product.

MS. HEMMER: Each end user is required to obtain whatever permits are appropriate. So, that end user would have had to apply for whatever permits that they need for a combustion source. So, many of those entities have permits that allow them to combust certain fuel sources. And they would have to pursue that.

COUNCILMAN GREEN: So, as far as you know, the EPA has not signed off on this product as being used? In Texas' environmental, the regulations might be less than Pennsylvania's, for example.

MS. HEMMER: To be clear, we don't need the EPA to definitively sign off. The EPA sign off would be to utilize 100 -- to combust 100 percent of this fuel in lieu of coal or petcoke or replacement sources.

COUNCILMAN GREEN: But in order to do that, you have to do a test burn, right?

MS. HEMMER: Right now they have the

ability -- we have the ability to sell up -- these end users can utilize up to 30 percent in mixture with their other fuel sources.

COUNCILMAN GREEN: In the context of this being a green project for the City, don't you think we should know what the test burn results are?

MS. HEMMER: Well, I mean, I think one of the things that is really important to note here as part of the contract that we have developed with the City of Philadelphia and through the negotiation process is we've been very clear on the risk associated with this project.

All of the risk is being borne by Waste Management. We have developed the facility. We are pursuing the permitting. We are pursuing the investment. And the price to the city is really independent of whether or not the Spec Fuel Plant gets built.

In the contract provisions, there is clearly a requirement in the contract that Waste Management must construct the Spec Fuel plan or there is the potential for a default provision. And certainly, all of this information regarding

the environmental benefits of this fuel product which we have certainly looked at will be made available to the city and has been made available to the city. So certainly, once we have --

COUNCILMAN GREEN: Could you provide --

MS. HEMMER: Once we have the combustion trial done, which we don't think -- clearly, it's not an impediment to our ability to sell the fuel product. We have had favorable meetings with EPA. And it's something that they would like for us to pursue. We don't really anticipate an issue here.

COUNCILMAN GREEN: Okay. So if you can provide whatever environmental information you have to the Chair, that would be helpful.

So Commissioner Tolson, can you confirm if for some reason there is not a market for this product, if there is found to be particulates that become regulated by the EPA that make it harder for people to burn, et cetera, so that there is no real market, are they required to provide this price even if they have to go back to hauling our trash to their

landfill facility so that we would have the exact same price no extra landfill fees, et cetera?

COMMISSIONER TOLSON: Councilman, the City is absolutely protected in that end.

COUNCILMAN GREEN: Okay.

COMMISSIONER TOLSON: Once we move the materials on, it is the responsibility of the vendor.

COUNCILMAN GREEN: Thank you.

COUNCILMAN JONES: Thank you, Councilman. Chair recognizes Councilman Henon.

COUNCILMAN HENON: Thank you, Mr. Chairman. Good morning.

COMMISSIONER TOLSON: Good morning.

COUNCILMAN HENON: First, I want to state for the record again that because it has been noted that two of the three companies that bid on the Waste Management contract here are in the 6th Councilmanic District. And I've been working along with Waste Management in the community meetings for job fairs and the zoning and ongoing construction and creation of jobs.

I have a few questions. You had said,

Commissioner, that some of the bidders were not effective and weren't creative enough for -- specifically for the RPF.

Can you elaborate on that, please?

COMMISSIONER TOLSON: Yes. So, in order to effectively compete, each of the vendors needs to be mindful of their business -- their business models and provide to the city great pricing and great options. So being effective, in my sense of being valiant in terms of participation, was to provide the city with a combination or be able to participate in the combination of source sites for the cities to -- for the city to use; wherein, our pricing and our ability to access them or to use a type of technology that they were offering would be to the city's advantage.

For the one company that was not able to participate in this pricing, their best and final offering to the city -- and we approached of the vendors in the final round by saying please present -- and using the words "best" and "final" -- offer to the city. What is it you can offer as bottom line. The vendor that was

not successful in this did not offer a pricing that was as competitive, and they were not able to overcome the package that was submitted by at least one of the -- by both of the firms.

The competition for materials particularly lies with Waste Management. Waste Management offered tonnage fee of $57.95 per ton. Republic offered $58.75. Additionally, Waste Management's offer at the 57.95 was only available if the City offered a certain amount of tonnage. We call that a volume discount. If they did not receive the volume to get that discounted price, our costs would have gone up $2 -- almost $2.50, about $2.44 per ton for all the tonnage.

So in effect, if we were to take away some of the tonnage from Waste Management to share with a third vendor, we were going to increase our costs over the life of the contract by about ten million dollars because we were going to lose the volume discount and pay $2.44 not just for the tonnage that we took away -- let's say, if it was as low as 300 tons. Not just for that tonnage but for the other 1,400 tons that we

were still going to give Waste Management.

So, the price then was not effective. It was not cost effective for the City. It was not sufficient to overcome. Even if there was some convenience for delivery, not able -- sufficient to overcome the loss of the volume discount that we would have to pay for all the other tonnage that we still needed to get rid of.

COUNCILMAN HENON: Is the overall tonnage even though you're going -- what is it currently? You have --

COMMISSIONER TOLSON: 2,350 tons a day.

COUNCILMAN HENON: Does that change --

COMMISSIONER TOLSON: No. That tonnage does not change.

COUNCILMAN HENON: -- even though your vendors -- that stays the same?

COMMISSIONER TOLSON: Yes.

COUNCILMAN HENON: Currently, you have three contracts?

COMMISSIONER TOLSON: Currently, we have three contracts, three vendors. And we are moving to two contracts, two vendors.

COUNCILMAN HENON: Okay. What made -- why

go down to two?

COMMISSIONER TOLSON: It was not our desire to do two. Quite frankly, we liked having all three major vendors in the are participate. However, through the negotiation process, we were not able to get a competitive price or package from the third vendor, one that allowed them to participate in -- in the process. And, quite frankly, it could have been one vendor.

If the same vendor come in and said, hey, I am going to offer a lower rate, and I will take -- but I only want to give it to you for the entire city, we would have had to think long and hard about whether or not we would have gone to one vendor to do the entire thing and the implications of that.

That would not have been our priority. That would not have been our preferred way of doing things, but we would have examined that quite closely.

In this case, we were able to maintain two vendors. And as I mentioned, we previously had had the situation where one vendor being Waste Management not included in the contracts when

they failed to offer a competitive price against other vendors. So, they have been excluded and have not had city business for, I think it was a period, of four years.

COUNCILMAN HENON: Okay. Back on creativity. The Spec so?

COMMISSIONER TOLSON: Spec Fuel.

COUNCILMAN HENON: Spec Fuel. I apologize. Is that -- obviously, that is certainly environmentally more friendly. It's creative.

Is that on the back end saving the City, I guess, how much? Ten million dollars, were you saying?

COMMISSIONER TOLSON: Our pricing for this coming contract will be 57.99 as our blended rate across all the vendors.

Just to give you a direct comparison, right now we are paying $68.70. So, saving almost $11 per ton. And for a city that's creating 2,300 tons per day, that's a lot of money.

COUNCILMAN HENON: So, the new technologies certainly is the direction we are headed in the waste.

COMMISSIONER TOLSON: The new technologies

is certainly one that we want to test. Again, they are building a new facility investing 20/22 million dollars in the city. And there is no risk for the city.

The City has not shared in any of the exposure. Waste Management is footing all the risk and the expense for building this facility. We did not donate land. We are not paying for any of their costs. We are not sharing in a marketing risk on the back end. If it is that they have to pay to remove the materials, that will be at their expense.

The City is only enjoying the benefit of the waste pricing. So, waste Management -- and I am not trying to speak for them -- will bear some risk, but the City and its tax payers will not.

COUNCILMAN HENON: No. I certainly agree. I think Waste Management, in my short experience, has been nothing but a good corporate neighbor and friend to the city.

Can you explain real quick the -- the difference in the escalation rates?

COMMISSIONER TOLSON: Yes. The two vendors

that offered two different escalation rates, and again, this was negotiated process.

Waste Management agreed to an escalation of 75 percent of the Consumer Price Index -- the National Consumer Price Index. Covanta agreed to the Consumer Price Index, so theirs will be at 100 percent of Consumer Price Index. Waste Management at 75 percent of Consumer Price Index. Which means that our base costs this year of 57.99 is our blended rate for disposal. Will go up by either CPI or 75 percent of CPI. And having -- that works out to, if we assume our present rates, works out to about 2.1 percent per year.

Over the last year, it is increased anywhere from 5 to 3.4 -- I'm sorry, 5 to 3 percent. That reduction in escalation is very significant and is a significant savings for us. Which means that when we end our current contracts, we will still be at a lower rate than we're presently paying, which is phenomenal.

COUNCILMAN HENON: Okay. I have no further questions.

COUNCILMAN JONES: Thank you very much.

Chair now recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: Thank you. Thank you very much. At the end of the day, does Republic end up about not doing business with the city at all? Can they still have business with the city?

COMMISSIONER TOLSON: Republic -- and they have to speak to what their business model says. But my understanding is that Republic currently does business with the city and with privately collected materials, as well. Privately collected trash, as well.

So, they have vendors other than the city who transfer at their facilities, dump at their locations.

COUNCILWOMAN TASCO: Does the Falls Township Land -- do they still have the landfill at the Falls Township?

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN TASCO: Will that eventually be closed as a result of this new process?

COMMISSIONER TOLSON: I don't know that there's plans for closure by Waste Management for that facility. I would have to ask

Ms. Hemmer to come back up to answer. I don't know that as a result of this contract that it will be any of that.

MS. HEMMER: Yeah. We have no plans to close the Falls Township Complex. We have an active waste energy facility there. A Wheelabrator Falls Plant that will continue to operate. And we have two active landfills there -- Grows North and Tulleytown -- that are currently active and will run through their expansions that we currently have out there.

COUNCILWOMAN TASCO: I guess I would like to ask is there anybody from the City's OEO office, maybe you can ask, who monitors -- once the contract is signed, who monitors the Equal Opportunity Plan for the City?

Is there anyone who monitors that to see that they are complying with the rules of the contract?

COMMISSIONER TOLSON: Councilwoman, we will find out where the person of OEO is. I believe that they were here, but we will find out where they are. I apologize.

The Streets Department closely monitors the

activity of our -- of our vendors. We receive reports, quarterly reports, from each of the vendors about their inclusion, who the haulers are and how much value they are receiving.

COUNCILWOMAN TASCO: Has there been a cost evaluation of, at the end of the day, what this process costs the City in terms of losing employees on one hand and maybe not -- how do you balance that out?

Have you looked at that totally in terms of -- I know it's a new process. You want to get away from the landfills. You want to go to a new -- a new process. But at the end of the day, does it save the city money?

COMMISSIONER TOLSON: At the end of the day the city does have a significant amount of savings with regard to disposal. We -- and that's -- that's our main focus. The haulers that work with the vendors are still working, and many of them work between the various firms.

I should say, I don't believe that any of the haulers are city firms. Many of them have offices in the city, but they are -- I don't believe that they are city firms. And several

of them work for both vendors, two or three vendors right now and they will in the future, as well.

To the extent that some of them may not be able to drive a certain type of -- may not have the trucks that operate on a certain type of environment, I am not sure that that is something that the city is willing to bear the costs for. As I mentioned, you know, including a third vendor comes at a cost of ten million dollars to the city. I don't know that that's in the city's best interest to try to include a firm at such a significant cost.

If the pricing were different and in all things being equal, we would gladly have a third firm here. But that is not the case in this situation. On the same hand to the extent that the haulers will continue, some who are already -- most are already hauling right now for the vendors. To the extent they will continue, it's a good thing. To the extent some of them have to modify how they haul, the trucks that they use, I think that they will have to address that in their own business models.

COUNCILWOMAN TASCO: Okay. Thank you. Thank you.

COUNCILMAN JONES: Are you done, Councilwoman?

COUNCILWOMAN TASCO: Yes.

COUNCILMAN JONES: Thank you very much. It's important that we get OEO back here. Councilman Green raised a question of prior performance of the contractors, and I know Councilwoman Brown has raised this issue and now Councilwoman Tasco. So, I think it's important that we have that department here to talk about issues of monitoring, track record and process.

All right.

COMMISSIONER TOLSON: Thank you.

COUNCILMAN JONES: Chair now recognizes -- I'm going to go with Councilman Oh. He has not asked questions, and then we will begin our second round.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman. I actually have some questions on behalf of my colleague and Minority Leader Brian O'Neill. And you may not be able to answer this

question directly, so we may need the representative from Waste Management here.

The question is, how much per ton will Waste Management receive for the pellets that is produced from the City's waste?

MS. HEMMER: Thank you. That is proprietary information.

COUNCILMAN OH: That's fine. I don't need the answer. If it's proprietary, that's fine.

The question is then, since the City's receiving a volume discount based purely on the volume, is there any consideration for the City receiving a percentage of the money that is made off the sale of the pellets?

MS. HEMMER: Well -- so, two things on that point. One is, you know, we obviously have our first plant up and running in San Antonio. We are in the process of developing -- we think there is a robust market for the Spec Fuel Product, but there is some risk there. We don't -- we don't fully know what the value is going to be.

And as a result, through the negotiations with the City and the Streets Department, Waste

Management is taking the risk on the entire project. There really is no risk to the City of Philadelphia on this project. You know, it's all being developed with private funding by Waste Management. We're building a large facility. And this contract is essentially four years with three one-year options.

So as a result, we were able to be competitive on our per-ton rate. But because Waste Management is taking the majority or not even the majority, really all of the risk on the project, we are maintaining all of the potential benefit. And at this point in time, we are not quite sure what that cost or the benefit is going to be on this Spec Fuel product.

COUNCILMAN OH: Well, I certainly understand that.

So, as you've answered Councilman Green, should there be no buyers for these pellets and all that, you will dispose of the waste in accordance with the contract with no additional cost to the City; thereby, bearing all the risk; is that correct?

MS. HEMMER: Correct.

COUNCILMAN OH: All right. Well, I think that will be the answer to the questions. Thank you very much.

COUNCILMAN JONES: Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman.

Let me try to encapsulate this. You entered into negotiation with three firms. One firm offers a volume discount, which gives a significant savings and the value added of the pellet Spec Fuel plant -- Spec Fuel Production Plant which is both green and innovative and is the second plant in the country?

MS. HEMMER: Correct. Second plant in the country.

COUNCILMAN KENNEY: And we are going to save what over the life of the contract? How much?

COMMISSIONER TOLSON: Almost $70 million -- $68 million.

COUNCILMAN KENNEY: Doesn't seem like this is a big heavy lift in approving this considering all those factors.

Question I have is relative to the

construction of the facility. Is it in -- when does it start?

MS. HEMMER: We plan on starting construction as soon as we get the permits through L&I, and we are in the process of preparing that package together. We've had conversations with the Philadelphia Water Department because we, obviously -- we had our ERSA Approval. We need to go through that process.

We expect to start construction in either Q3 or Q4 of this year. And we expect to have the plant up and running --

COUNCILMAN KENNEY: I'm sorry. You said 2, 3?

MS. HEMMER: Q3 --

COUNCILMAN KENNEY: Oh, quarter.

MS. HEMMER: -- or Q4 of 2012. And we expect to have the plant up and running some time in Q3 of 2013.

COUNCILMAN KENNEY: What is the construction value of the plant?

MS. HEMMER: So, the plant itself is going to represent 20 to 22 million dollars. If you

break that out, roughly 10 million of that is equipment.

COUNCILMAN KENNEY: Okay.

MS. HEMMER: So, the actual construction of the facility itself is roughly $12 million. Very similar to the single-stream plant that we built.

COUNCILMAN KENNEY: Have you selected a general contractor yet?

MS. HEMMER: Not yet, no.

COUNCILMAN KENNEY: Okay. Commissioner Williams, this is more of an ongoing issue that you're going to --

MS. HEMMER: I just want to clarify something. We have selected -- we are working with Gilbane.

COUNCILMAN KENNEY: Okay.

MS. HEMMER: But Gilbane has not selected --

COUNCILMAN KENNEY: They're a project manager?

MS. HEMMER: Yes. They have not selected any of the subs.

COUNCILMAN KENNEY: Okay. And going

forward -- I am really happy you have been selected to be the new L&I Commissioner.

COMMISSIONER WILLIAMS: Thank you, sir.

COUNCILMAN KENNEY: I look forward to working with you as we've done in the Streets Department. But similar to the OEO questions that are asked here on a regular basis and rightfully so, I am going to continue to ask you questions going forward about what we know about what's going on in construction sites like this and others in the city relative to licensed contractors or unlicensed contractors, and more importantly, unlicensed subs.

We passed a piece of legislation in here, I think, last term that required anyone on the job site under a licensed construction project in Philadelphia to self report at a website, both general and subcontractors, to ensure that they have a license number, that they are paying appropriate payroll unemployment compensation, workman's compensation and, believe it or not, taxes which is always a nice thing to collect from companies doing business in the city.

So, I would like you to at some point in

time be able to give me an update when you get there. When do you actually --

COMMISSIONER WILLIAMS: Monday is my actual first day.

COUNCILMAN KENNEY: Well, the third or fourth -- the third or fourth thing you do is to check on the status of that website, which is not up yet. It's a self-reporting situation. So, there is no additional requirements for employees. We just want to know who is on the job sites and whether they are paying their fair share of taxes and proper employee benefits.

I am not suggesting that Waste Management or Gilbane or anybody else would do anything differently. But I would really like to have a regular monitoring of that -- those situations along with what we do with OEO. It's nice to have people who do work in the city actual pay taxes in the city as opposed to envelopes worth of cash going back out to some county in Pennsylvania or somewhere, which is what's happened.

Recently, we've had a situation at the Municipal Court where a city employee pulled an

electrical permit for two contractors from New York State whose employees worked for cash and lived in a motel on Route 38 in Cherry Hill while they were doing the job in our court system.

COMMISSIONER WILLIAMS: Okay.

COUNCILMAN KENNEY: So, I don't care if it's union or non-union. All I want to make sure is that people are licensed, they're trained and they pay their employees fairly and they pay us our taxes fairly.

So, I will be having this conversation with you, Commissioner Williams on a regular basis. And look forward to working with you because I know you will be cooperative in helping us collect what was owed to us.

COMMISSIONER WILLIAMS: Absolutely, Councilman. I look forward to working with you.

COUNCILMAN KENNEY: Thank you very much.

MS. HEMMER: Councilman Kenney, I just want to clarify something that I should have highlighted previously.

As part of the development of the new plant, we will be pursuing LEED Silver

Certification very similar to the recycling facility that was built on the same property.

COUNCILMAN KENNEY: And that will probably require employees or workmen that actually are trained in LEED and not just hired for the day.

MS. HEMMER: Correct.

COUNCILMAN KENNEY: Paid with an envelope of cash.

MS. HEMMER: Correct.

COUNCILMAN KENNEY: Thank you.

MS. HEMMER: And I also just want to make one clarifying point. The Commissioner, as she was laying out the minority participation plan related to Waste Management.

The one thing I did want to highlight, all of the hauling for this contract would be conducted by our minority haulers. But in addition to that, we have committed all of the waste that we handle at both of the transfer stations, including the non-city wastes, would also be hauled by our -- the minority vendors that were selected for this contract. So, I just wanted to emphasize that because it puts us well above the 25 percent reference when you add

all of that back in.

COUNCILMAN JONES: Thank you. Chair recognizes Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chair. Earlier I asked you a question what the record was for Waste Management the last time they had a contract with the City for minority participation and the same for Republic right now.

Do you have that information?

COMMISSIONER TOLSON: Yes, sir. It's 44 percent for Waste and 45 for Republic.

COUNCILMAN GREEN: 44 percent for their last contract?

COMMISSIONER TOLSON: Yes -- current.

COUNCILMAN GREEN: I'm sorry?

COUNCILMAN JONES: 44 percent -- break it down minority and female.

COMMISSIONER TOLSON: I don't have that breakdown. I didn't get that.

COUNCILMAN GREEN: So, when you -- I thought Republic replaced Waste Management.

COMMISSIONER TOLSON: Okay. I'm sorry.

COUNCILMAN GREEN: So, the question was

when the last time Waste Management actually had a contract with the City, what was the participation rate, not what they are projecting going forward.

COMMISSIONER TOLSON: Currently, we are doing business with Waste, Covanta and Republic. We are currently doing business with all three firms.

COUNCILMAN GREEN: I see. Okay.

COMMISSIONER TOLSON: And the new contract, we will be doing business with only Waste and Covanta. So, for the new contract, Republic's offer, their proposal was not competitive enough to be a participant in the next round.

COUNCILMAN GREEN: I didn't ask about that.

COMMISSIONER TOLSON: Okay.

COUNCILMAN GREEN: I just asked about minority --

COMMISSIONER TOLSON: So, we are presently doing business with waste. And we are going to continue to do business with Waste.

COUNCILMAN GREEN: I see. Okay. So, the current participation rates for Waste are 44 percent?

COMMISSIONER TOLSON: Correct.

COUNCILMAN GREEN: And that's audited by -- and approved by OEO?

COMMISSIONER TOLSON: Yes.

COUNCILMAN GREEN: Same thing with Republic at 45 percent?

COMMISSIONER TOLSON: Yes.

COUNCILMAN GREEN: Okay. Thank you.

COUNCILMAN JONES: Thank you, Councilman Green.

Chair recognizes Councilman Goode.

COUNCILMAN GOODE: Thank you, Mr. Chairman. Guess it's still morning.

Good morning, Commissioner.

COMMISSIONER TOLSON: Good morning.

COUNCILMAN GOODE: Who set the participation goals within the RPF?

COMMISSIONER TOLSON: Office of Economic Opportunity.

COUNCILMAN GOODE: And what were they based upon?

COMMISSIONER TOLSON: Based upon the opportunity for participation and for these contracts, that's basically in the hauling of

materials.

COUNCILMAN GOODE: Are the DB opportunities limited to hauling?

COMMISSIONER TOLSON: Basically, yes.

COUNCILMAN GOODE: Basically or?

COMMISSIONER TOLSON: Yes, they are.

COUNCILMAN GOODE: So, 100 percent of DB participation is going to come from hauling. And 100 percent of the participation will be met?

COMMISSIONER TOLSON: Yes.

COUNCILMAN GOODE: There is nothing else that could be done in terms of disadvantaged businesses?

COMMISSIONER TOLSON: Correct.

COUNCILMAN GOODE: Thank you. Thank you, Mr. Chairman.

COUNCILMAN JONES: Thank you, Councilman. Chair now recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS BROWN: To follow up on Councilman Green's question, what is the current participation rates for Covanta?

COMMISSIONER TOLSON: About 29 percent.

COUNCILWOMAN REYNOLDS BROWN: 29 percent.

COMMISSIONER TOLSON: Their participation comes, as I mentioned earlier, from materials that they haul from their facilities to their Chester Plant, their transfer facilities. Our trash trucks go to their facilities. And then they haul it from there to the waste energy facility in Chester.

COUNCILWOMAN REYNOLDS BROWN: Uh, Councilman Goode has been working with me to help me reconcile a discrepancy. You stated in your testimony that the goal is 25 percent.

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: Yes.

COUNCILWOMAN REYNOLDS BROWN: And yet in this Appendix B of the EOP Plan, it says the Office of Equal Opportunity has approved the following projected ranges of participation for EOP. And if you add them up, it's 40 percent.

So if they set the range up to 40 and you establish the range as 29 --just reconcile that for me.

COMMISSIONER TOLSON: Yeah. I will get that for you so I can look at it with you and go

through it. For the -- each of the contracts, the ability to -- for inclusion was included in the hauling portion of it. For Republic, Waste Management and Covanta, each of them submitted a plan and proposal meeting the minimum of 25 percent only on the portion where there can be the hauling.

COUNCILWOMAN REYNOLDS BROWN: Right.

COMMISSIONER TOLSON: Each of those plans were submitted as part of this contract. Goal set by OEO, plans submitted to OEO and approved by OEO, each of them meeting the goals.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COMMISSIONER TOLSON: I don't necessarily have in front of me what you are talking about, so I can't answer it directly. But --

COUNCILWOMAN REYNOLDS BROWN: What I have here is page 43 in the RFP. On page 43 it says -- it states participation ranges. And I quote, "The Office of Equal Opportunity has approved the following projected ranges for the participation -- of participation for this EOP."

COMMISSIONER TOLSON: I am sorry. I am looking for it.

COUNCILWOMAN REYNOLDS BROWN: No problem.

COMMISSIONER TOLSON: I am sorry. We don't have it with us. And we are trying to get the information together. Give us a moment, please.

(Brief moment taken.)

COMMISSIONER TOLSON: I will try to answer on top of my head. OEO is not here yet. I apologize for that.

Our OEO plan has in it a range of 25 to 50 percent, and those are what it was approved. When we initially did an RFP, we put in it possibility of 40 percent. However, based upon how each of those contracts worked out in terms of the hauling that is required, it's impossible to meet the 40 percent overall as a goal because we are now kind of traveling shorter distances, using less hauling. We are not doing as much as we did in the past.

In the past contract, as we mentioned, we went as high as 44 percent for some of the vendors -- for a couple of the vendors and less for a third. But because we are not traveling as far, the ability to meet that number was not possible. So, the opportunity for inclusion in

the hauling is at a level that is less than 40 percent. And we are doing 100 percent of that possible opportunity with certified haulers.

COUNCILWOMAN REYNOLDS BROWN: The latter part I completely understand. And having an offline conversation here with Councilman Bobby Henon, I believe who gets to my point, ultimately the total contract -- the hauling equals only 25 percent of the total contract.

Is that fair to say? The MBE/WBE participation is only 25 percent of the overall contract?

COMMISSIONER TOLSON: It's not quite -- yes. Yes. That's correct in concept-wise. But the reason why it can fluctuate or it's not as high as we may have wanted it to be when we started with the RFP is because we have changed how we are doing the hauling, and where we are doing the hauling to. So, there is a lot less hauling than there was before.

COUNCILWOMAN REYNOLDS BROWN: Okay.

COUNCILMAN GREEN: Point of information.

COUNCILMAN JONES: Councilman Green.

COUNCILMAN GREEN: I just don't understand

one thing. Page 43 has a participation rate below the current participation rate.

Why would we set a goal below the current rate of participation for any of the contract providers? That is what I don't understand.

COMMISSIONER TOLSON: You're saying the RFP doesn't have a participation rate that's this high?

COUNCILMAN GREEN: The rates that Councilman Brown is discussing with you are below the current rate of participation for these providers.

COMMISSIONER TOLSON: Correct. Because we are doing business in a different way. So, we are doing -- we are having less hauling, which is where the inclusion was previously. Because we are doing less hauling, the opportunity --

COUNCILMAN JONES: Excuse me. Two things. One, the stenographer needs a break, and we want to accommodate her on that, five minutes. The other thing is that we may -- we are in jeopardy of losing our quorum.

So, during that five minute break, I would like parties of Council to kind of convene about

what our disposition.

COUNCILMAN KENNEY: Speak really very quickly.

COUNCILMAN JONES: Yes.

COUNCILMAN KENNEY: I apologize to the stenographer, but very, very quickly.

Commissioners, you pay attention to OEO and to participation and diversity issues?

COMMISSIONER TOLSON: Absolutely.

COUNCILMAN KENNEY: And you care about them?

COMMISSIONER TOLSON: Absolutely.

COUNCILMAN KENNEY: And you've worked them for years?

COMMISSIONER TOLSON: Yes.

COUNCILMAN KENNEY: And you pay attention to them?

COMMISSIONER TOLSON: Yes.

COUNCILMAN KENNEY: All three companies --

COMMISSIONER TOLSON: Yes.

COUNCILMAN KENNEY: Have a pretty good track record. So we have no complaints about their participation rates in past contracts any of them.

COMMISSIONER TOLSON: Correct.

COUNCILMAN KENNEY: What we are talking about is basically a $70 million savings over the life of the contract?

COMMISSIONER TOLSON: Correct.

COUNCILMAN KENNEY: Okay. Thank you.

COUNCILMAN JONES: So, five minutes. I would like to do a five minute break for the stenographer. In that time, if we can put our heads together about what we are going to do after the testimony, that would be good.

All right.

(Five minute break taken.)

COUNCILMAN JONES: Folks, this hearing will be recessed until one o'clock. We will start promptly at one o'clock.

(Committee Hearing recessed at 12:10 p.m.)

(Committee Hearing reconvened at 1:20 p.m.)

COUNCILMAN JONES: Okay. We are reconvening the Committee of the Whole. And are there any further questions for this panel? Are there any further questions?

Seeing none, will the Clerk call for the next witness. We have one other, I believe.

THE CLERK: Maurice Sampson.

COUNCILMAN JONES: For those who are here for the one o'clock, we are running behind. We are going to get this done expeditiously. I know some people have to go back to work. We are working on that. And feel free to expeditiously summarize because we have a full agenda today.

MR. SAMPSON: Certainly. I have copies here, too.

COUNCILMAN JONES: Okay.

MR. SAMPSON: Good afternoon.

COUNCILMAN JONES: Good afternoon. State your name and begin, please.

MR. SAMPSON: My name is Maurice Sampson. I live at 129 West Gorgas Lane here in Philadelphia. I will say good morning -- good afternoon to the Chair and Members of City Council. I am both the President and CEO of Niche Waste Reduction and Recycling Systems. And today I am speaking on behalf of PennFuture, whom I serve as a solid waste and recycling adviser.

Under Wilson Goode I was the City's first

recycling coordinator. And more recently, I served as the Chair of the Recycle NOW campaign. I am privileged to sit on this particular matter on the Solid Waste Advisory Committee where I got to see both the presentation, and I did get a chance to review the contract. You should also know that I had opportunity to serve on previous WACs and also to review the two previous contracts to this one, so this process is not new to me.

With that said, my feeling that this is a good contract. I think it should approve it for three reasons.

First, it's a good deal. City's going to pay $69 million less over the next seven years than it did in the last seven.

Second, the innovative waste processing option is worthwhile value added to the project.

And third, this contract builds a bridge for the City Council to take recycling to its next level, to reveal its true potential for savings and job creation.

You know, it's really rare these days to find any commodity that stays the same price

much less goes down in price. But the truth be told, disposal cost in this contract for 2003 at 34.7 million, that amount is $8.4 million less than the Streets Department budgeted for this time period. It's a 19 percent increase. In the total disposal cost of $256 million for its seven-year contract term, a $69 million decrease from the projected previous disposal cost.

When I asked the representative from Waste Management the same question that you did, Councilman, why is it less now than it was, she said to me that it was a very competitive bid and that Commissioner Tolson is a tough negotiator.

Just how good is this contract? Well, it's not unusual in my experience to expect prices to escalate about 4 percent a year, although this one may not. But if I am reading this right and I have looked at what the prices were in Philadelphia with Boston, New York, Baltimore and Washington, DC, consider for a minute what it means in comparison.

If we were to go 4 percent a year and look at what it would be at the end of the contract

term, for Philly we are at 57.95. That would put us at about 73.38. And Boston, right now it's $79 a ton. They would be paying just under $100 a ton. In New York, it's $80 a ton. They would be paying just under $100 a ton. In Baltimore it's $65 a ton. They would be paying just under $82 a ton. In Washington DC, it's also $60 a ton. So, we are doing better now than everybody else is for any of the major cities on the east coast.

Second, I see a benefit in this innovative waste processing technology. I have to admit, I was really skeptical when I first saw it in the contract mainly because it just seemed odd to see such a thing in the contract. But as I've come to understand the process and the opportunity that it presents both in job creation and as a fuel supplement, that when mixed with coal will allow the coal to burn cleaner.

As I came to understand, and it was explained to me, Spec Fuel is made from the residue that's left after you've taken all the recyclables out. What's left is mostly that

plastic packaging and that organic residue. I am real familiar with that because I do waste sorts for my clients. And when I'm finished, that's what's left. And it's a mess, and there's nothing you can do with it.

The idea that you can get some value and you can also employ some people and that there is going to be money invested in a plant to bill that and we are not going to have to put any money out to do that, that's a good deal. And I think that we should take advantage of it. And that brings me to my last point.

For the first time in 90 years we have the opportunity to take the time to develop a waste management plan without a crisis. Just coincidentally, under the provisions of Pennsylvania's Solid Waste Management Planning Act, Act 101, the City of Philadelphia is required to revise its solid waste plan every 10 years. It's currently overdue for that period of 2010 to 2020.

Past plans are prepared by the Streets Department at times with some input from consultants at the direction of the Solid Waste

Advisory Committee that's appointed by the Mayor. The City Council and Department of our Own Protection has to approve this final plan. I think the City Council has several reasons to pay close attention to the preparation of this plan.

First of all, that plan can address how we are going to spend up to $100 million a year, which is about a billion dollars over ten years, affecting decisions to be made by both the next session of City Council and the next Mayor.

Second, the type of solid waste system that we are going to have to live with for the next 30 years is going to be determined by what kind of decisions that we make in the next five and ten years. During the last five years, the Nutter Administration had delivered a recycling program that has gone from 4 percent to almost 20 percent. Under Greenworks, Nutter Administration set recycling goals of 20 percent by Fiscal Year 2010 and 25 percent by 2016.

Unfortunately, those materials we are currently collecting at the curb -- news, mixed paper, cardboard, glass, metal and plastic

containers -- the total waste stream contains 24 percent of those materials. The only way Philadelphia can truly reach that 25 percent is by adding the collection of organics to its collection. While this is possible and even advantageous to do so, it requires a whole new way of doing collection which we are not going to be able to do -- and we won't be able to do without thinking about it and planning about it over time.

Doing so would allow us to compete with San Francisco and Los Angeles who have waste diversion rates of 60 and 75 percent, whose programs have spurred economic development of hundreds of private sector low and semi-skilled jobs. The Greenworks Plan does not consider or even leave open for discussion the possibility of this approach. It suggests instead a return to large scale waste energy solutions in the form of new and unproven waste energy conversion technologies.

I will submit to you that these approaches are not necessarily mutually exclusive. That we do need to do is consider all of our options to

consider a sustainable waste management plan with a vision for 2020.

The work Mayor Nutter and the Streets Department have done in developing the city's recycling program and bringing you an excellent waste management agreement lays the foundation and gives us the time we need to make the considerations. The process provided under Act 101 and its Solid Waste Advisory Committee provides a rational legal framework to have this discussion with Mayor Nutter and City Council having the last word.

I hope that you'll take my suggestion to heart in discussion with the Mayor. As an adviser to PennFuture, I look forward to working with your subcommittees to understand the issues to make it happen.

Thank you very much.

COUNCILMAN JONES: Thank you so much for your testimony. But for the ambitious agenda, I would have a lot of comments. The only one I have right now is thank you.

Are there any questions for this witness? Seeing none, thank you for your testimony.

MR. SAMPSON: Certainly.

COUNCILMAN JONES: Are there anymore witnesses? Seeing none, we will -- this will conclude our Public Hearing. We will now go into our Public Meeting. Well, wait a minute.

Now, we will go into our public meeting as we have a quorum. The chair recognizes Councilman Greenlee for a motion on Bill No. 120393.

COUNCILMAN GREENLEE: Thank you, Mr. Chairman. I move that Bill No. 120393 be reported out of this Committee with a favorable recommendation. And move further, that the Rules of Council be suspended to allow for first reading at our next session of Council.

COUNCILMAN KENNEY: Second.

COUNCILMAN JONES: It has been moved and seconded. All those in favor?

(Ayes)

COUNCILMAN JONES: All those opposed? The ayes have it.

The Chair now recognizes Councilman Greenlee again for a motion on Bill No. 120394.

COUNCILMAN GREENLEE: Thank you,

Mr. Chairman.

I move that Bill No. 120394 be reported out of Committee with a favorable recommendation. And move further, that the Rules of Council be suspended to allow for first reading at our next session of Council.

COUNCILMAN GOODE: Second.

COUNCILMAN JONES: It has been moved and properly seconded.

All those in favor will say aye.

(Ayes)

COUNCILMAN JONES: All those opposed? The ayes have it.

This will conclude our Public Meeting. Thank you very much.

(Committee of the Whole concluded at 1:32 p.m.)

C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

_____

ANGELA M. KING, RPR, Notary Public

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