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2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEALTH and HUMAN SERVICES COMMITTEE

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5 Room 400, City Hall
6 Philadelphia, Pennsylvania
7 Tuesday, April 19, 2011, 10:20 a.m.

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9 BILL 110070 - An ordinance amending certain
10 sections of Title 3, Air Management Code, of
11 the Philadelphia Code relating to the license
12 and permit fees and other charges by modifying
13 the amount of such fees, under certain terms
14 and conditions.

15 COMMITTEE MEMBERS PRESENT:

16 Marian B. Tasco, Chair
17 James F. Kenney
18 Frank Rizzo

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1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 COUNCILWOMAN TASC0: Let me
3 just say the Council Committee on Public
4 Health and Human Services will come to
5 order. We're going to open up the public
6 hearing regarding the gas inspection
7 fees, Bill No. 110070 to hear testimony,
8 and then we may have to come back later
9 and establish a quorum to take action.

10 Today we have a conflict with
11 an event that's being held by one of our
12 Councilmembers, so our quorum is not
13 present, but we don't want to keep you
14 waiting, so we'll ask the Clerk to please
15 read the bill.

16 THE CLERK: Bill No. 110070, an
17 ordinance amending certain sections of
18 Title 3, Air Management Code of the
19 Philadelphia Code relating to the license
20 and permit fees and other charges by
21 modifying the amount of such fees, under
22 certain terms and conditions.

23 COUNCILWOMAN TASC0: All right.
24 do we have someone from -- Miss Nan
25 Feyler, from the Health Department, and

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 Mr. Ed Braun

3 (Witnesses come forward.)

4 COUNCILWOMAN TASC0: Yes. Good
5 morning. Please state your name for the
6 record and proceed.

7 MS. FEYLER: My name is Nan
8 Feyler. I am the Chief of Staff of the
9 Philadelphia Department of Public Health.
10 With me is Ed Braun of the Air Management
11 Services Division.

12 May I proceed?

13 COUNCILWOMAN TASC0: Yes,
14 proceed.

15 MS. FEYLER: Thank you.

16 Good morning, Chairwoman Tasco
17 and members of the Committee on Public
18 Health and Human Services. I am Nan
19 Feyler of the Department of Public
20 Health. And, as I mentioned, with me is
21 Ed Braun of Air Management Services.

22 Thank you for the opportunity
23 to present testimony on Bill No. 110070,
24 which was introduced by Councilman
25 Kenney. This bill amends certain

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 sections of Title 3, the Air Management
3 Code of the Philadelphia Code relating to
4 license and permit fees and other charges
5 by modifying the amount of such fees,
6 under certain terms and conditions.

7 AMS, Air Management Services,
8 of the Department of Public Health, is
9 the local pollution-control agency; and,
10 as such, AMS monitors air pollutants and
11 enforces City, state, and federal air
12 quality standards.

13 The Philadelphia Air Management
14 Code requires that gas stations be
15 inspected and licensed on an annual
16 basis. And currently, there 281 gas
17 stations in Philadelphia. These
18 inspections are important to ensure that
19 all pollution-control equipment is fully
20 operational and that gasoline vapors are
21 controlled either from gas dispensers
22 used for fueling individual vehicles or
23 from container-truck delivery to the gas
24 station's underground tanks.

25 Currently, the Air Management

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 Code requires \$400 for inspections of
3 several sources, including in the
4 catchall category entitled "Other." This
5 category includes inspections of gas
6 stations, dry cleaners, solvent
7 degreasing machines, and a long list of
8 other sources.

9 We have conducted a more
10 granular analysis to separate out the
11 costs of the department for gas station
12 inspections and have determined our
13 actual cost for this activity alone to be
14 \$275 for the annual inspection and \$439
15 for new installations.

16 As a result, we respectfully
17 request that the annual gas station
18 license and inspection fee be reduced to
19 \$275 annually and the one-time
20 installation fee should remain at \$400.

21 We understand that Councilman
22 Kenney has proposed an amendment
23 reflecting these changes. we appreciate
24 Councilman Kenney's willingness to
25 discuss our costs and propose this

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 amendment which we support. We also
3 thank him for bringing this issue to our
4 attention.

5 Of the 122 notices of
6 violations issued by AMS to gas station
7 owners since 2009, 40 have been for
8 emissions-related violations. Some of
9 these violations include visible gasoline
10 vapor leaks, tears and damages to the
11 emission-control equipment, and failure
12 to tag and remove from service defective
13 components.

14 Gas vapors add to
15 Philadelphia's ozone pollution, which
16 endangers the public's health and
17 contributes to Philadelphia's
18 non-attainment of federal ozone
19 standards.

20 Since the beginning of 2009
21 until now, AMS has conducted a total of
22 338 inspections and issued a total of 122
23 notices of violations. In 2009, AMS
24 conducted 164 inspections and issued 49
25 notices of violation. In 2010, AMS

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 conducted a 117 inspections, which
3 resulted in 54 violations. And thus far,
4 in 2011, there have been 57 inspections,
5 of which 19 have resulted in violations.

6 At one point, AMS lacked its
7 full complement of five fully-trained
8 inspectors, which resulted in fewer
9 stations being inspected. With full
10 staffing this year, AMS will conduct
11 annual inspections of each of the 281 gas
12 stations in Philadelphia.

13 Thank you again to Councilman
14 Kenney and his staff for working
15 collaboratively with us and allowing us
16 to present testimony on this issue. I
17 will be happy to answer any questions
18 that you have.

19 COUNCILWOMAN TASCO: Thank you.

20 The Chair recognizes Councilman
21 Kenney.

22 COUNCILMAN KENNEY: Thank you,
23 Madam Chair.

24 And Miss Feyler and Mr. Braun,
25 thank you for your cooperation during

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 this process.

3 Madam Chair, this is a
4 seemingly minor issue relative to the
5 overall scheme of things of the City, but
6 it does represent the kind of fee
7 problems that small businesses experience
8 every day. And I want to thank the
9 department for actually itemizing the
10 costs associated with the fee.

11 Far too many times, small
12 businesses in the City think that,
13 somehow, we just impose these fees in an
14 effort to raise revenue as opposed to
15 paying for the cost of service.

16 And what we hope to do after
17 the budget's done and before we leave or
18 maybe in the fall is have overall
19 hearings on the fee structures in the
20 City and ask each department to kind of
21 come forward with this kind of
22 itemization so we can determine how we
23 can save small business some money and
24 keep them in business.

25 So I want to thank you very

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 much for your all of your cooperation in
3 this regard.

4 As I think the Chairperson
5 realizes, we don't have a quorum today to
6 vote it out of committee, but we wanted
7 to take testimony so you didn't have to
8 come back at another another time.

9 MS. FEYLER: Thank you very
10 much.

11 COUNCILMAN KENNEY: Thank you
12 for your help.

13 COUNCILWOMAN TASC0: Mr. Braun,
14 do you have anything to say?

15 MR. BRAUN: I don't.

16 COUNCILWOMAN TASC0: Okay.
17 Thank you very much for your testimony.

18 Is there anyone else here to
19 testify on this bill?

20 (No response.)

21 COUNCILWOMAN TASC0: Okay.
22 Well, we're going to recess this
23 committee until Thursday, April 28, at
24 9:30 a.m. Hopefully, we'll have this on
25 a Council day. We'll have a quorum and

1 4.14.11 HEALTH/HUMAN SVCS. - Bill 110070

2 we'll come in and pass the amendment and

3 vote the bill out of committee.

4 Thank you.

5 MS. FEYLER: Thank you.

6 COUNCILWOMAN TASC0: Thank you.

7 (Proceedings end at 10:30 a.m.)

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1 C E R T I F I C A T E

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3 I HEREBY CERTIFY that the
4 proceedings of the City of Philadelphia
5 Council Committee on Public Health and Human
6 Services are contained fully and accurately in
7 the stenographic notes taken by me on Tuesday,
8 April 19, 2011, and that this is a true and
9 correct statement of same.

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13 _____
14 JOSEPHINE CARDILLO

15 Registered Professional Reporter
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