

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON THE ENVIRONMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 11, 2014
3:00 p.m.

PRESENT:

COUNCILWOMAN BLONDELL REYNOLDS BROWN, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN MARIAN B. TASCO

BILL 140510 - An ordinance amending Section
3-207 of The Philadelphia Code, entitled "Sale
of Fuel Oil," by adding requirements for
commercial fuel oil content and emissions...

- - -

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COUNCILWOMAN BROWN: Good

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afternoon. The City Council Committee on

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the Environment is now in a public

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hearing to hear testimony on Bill No.

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140510. This afternoon we're joined by

7

members Councilmember O'Brien,

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Councilwoman Tasco, and Vice Chair of

9

this Committee, Councilman James Kenney.

10

I would like to ask the Clerk

11

to please read the title of Bill No.

12

140510.

13

THE CLERK: Bill No. 140510, an

14

ordinance amending Section 3-207 of The

15

Philadelphia code, entitled "Sale of Fuel

16

Oil," by adding requirements for

17

commercial fuel oil content and emissions

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to take effect at a future date, and

19

deleting superseded standards, all under

20

certain terms and conditions.

21

COUNCILWOMAN BROWN: Thank you

22

very much.

23

If I could please -- do any

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members of the Committee have any opening

25

comments, observations, remarks?

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2 (No response.)

3 COUNCILWOMAN BROWN: So by way
4 of background, know that on April 10th,
5 2014, I introduced Bill No. 140313, and
6 then on Wednesday, April 30th, we had a
7 hearing held in this -- the hearing was
8 held in the Committee on the Environment.
9 Bill No. 140313 sought to remove outdated
10 fuel standard regulations from The
11 Philadelphia Code and authorize the Air
12 Pollution Control Board to set future
13 regulations.

14 During the hearing and after
15 careful review of the transcript from the
16 hearing, it was apparent that members of
17 the Committee were not comfortable at all
18 with Bill No. 140313, which would
19 delegate Council's authority to set
20 numerical targets for fuel standards to
21 the City of Philadelphia.

22 In the best effort to hear,
23 listen, and satisfy the concerns of my
24 colleagues, I then introduced Bill No.
25 140510 on Thursday, June 5th, whereby

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2 City Council will set the maximum amount
3 of sulfur allowed in certain fuel oil
4 sold in Philadelphia. This new bill
5 ensures that City Council maintains the
6 ability and the authority to set
7 numerical standards for fuel standards in
8 the City.

9 A chart comparing the
10 percentage of sulfur content in fuel oils
11 in Pennsylvania has been shared with the
12 Committee, and this is what we know for
13 sure: Philadelphia fuel standards have
14 not been touched for 36 years when Jimmy
15 Carter was President and the number one
16 album in the country was Saturday Night
17 Fever. If we are serious about becoming
18 the greenest city in America, then we
19 need to take action that move us towards
20 that end.

21 Couple those facts with the
22 Obama Administration's recently released
23 National Climate Assessment, it spells
24 out the fact that air pollution is now
25 directly contributing to climate change

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2 and a host of alarming health issues that
3 are affecting a number of citizens, most
4 particularly those most vulnerable,
5 children and the elderly. Asthma is on
6 the rise amongst young people, and
7 seniors are experiencing a host of
8 health-related issues.

9 I want to thank and I'd be
10 remiss not to also acknowledge and say
11 thank you to Ed Hazzouri and the
12 associates and their client, Philadelphia
13 Energy Solutions, for their feedback and
14 testimony during the last hearing as
15 well. As a result of all concerns
16 raised, we have crafted a new bill that
17 directly addresses the concerns of those
18 stakeholders. And with that, I'll be
19 asking my colleagues for support of this
20 new bill, 140510.

21 With that, if I may move now to
22 the first panel and invite Mr. Thomas
23 Huynh, Director of Department of Public
24 Health, Air Management Services Division,
25 and I want to cue up Panel No. 2, Bill

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2 O'Sullivan, Director, Division of Air
3 Quality, and Ron Amirikian with the
4 Delaware Department of National
5 Resources. You will be up next.

6 (Witnesses approached witness
7 table.)

8 COUNCILWOMAN BROWN: Good
9 afternoon. State your name and open with
10 your statement.

11 MR. HUYNH: Good afternoon,
12 Chairwoman Reynolds Brown and members of
13 the Committee on the Environment. My
14 name is Thomas Huynh, Air Director for
15 Philadelphia Air Management Services,
16 AMS. Thank you for the opportunity to
17 present testimony today on Bill No.
18 140510 --

19 COUNCILWOMAN BROWN: Mr. Huynh,
20 may I trouble you to please move the mic
21 closer to you.

22 MR. HUYNH: Thank you.

23 -- (continued) which amends
24 Section 3-207 of The Philadelphia Code.

25 AMS is the local air pollution

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2 control agency for the City of
3 Philadelphia. AMS's mission is to
4 protect the public health and quality of
5 life of Philadelphians from the adverse
6 effects of air pollution. To that end,
7 AMS enforces the federal, state, and
8 local air pollution regulations within
9 Philadelphia.

10 The purpose of Bill 140510 is
11 to reduce the environmental hazards and
12 health consequences of the sulfur content
13 in the fuel oil used in heating homes in
14 Philadelphia. Reducing the permissible
15 sulfur level in the field will reduce the
16 sulfur dioxide and improve the air
17 quality for Philadelphians and prevent
18 death, hospitalizations, and emergency
19 room visits associated with air
20 pollution. The bill will retain the City
21 Council authority to make this
22 determination.

23 Bill 140510 sets the maximum
24 amount of sulfur content in the No. 2
25 fuel oil to 15 ppm by weight and No. 4 by

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2 2,500 ppm by weight. The effective date
3 of regulation will become effective July
4 1st, 2015.

5 Lowering sulfur content will
6 reduce the harmful emissions released by
7 combustion of fuel and the associated
8 illness and deaths. Sulfur-related
9 emissions are associated with acid rain,
10 smog, haze, and decreased visibility from
11 air pollution. They cause or exacerbate
12 respiratory and pulmonary illness,
13 including asthma. Particulate matter
14 pollution resulting from burning sulfur
15 in fuel is one of the most dangerous
16 forms of pollution, causing
17 cardiopulmonary and cardiovascular
18 illness. Reducing the sulfur content
19 will substantially improve Philadelphia's
20 air quality and reduce illnesses,
21 hospitalizations, and associated deaths.

22 Finally, emission reductions
23 will also help Philadelphia come into
24 compliance with federal air quality
25 standards, the National Ambient Air

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2 Quality Standards for Ozone and PM 2.5;
3 maintain compliance with the NAAQS set
4 for other air pollution; and comply with
5 federal regional haze/smoke standards.

6 While the sulfur level for No.
7 2 oil proposed in this bill is more
8 stringent than the State of Pennsylvania,
9 it reflects the changing regulatory
10 climate for heating oil in the
11 northeastern states and similar with
12 those set by regulations in neighboring
13 states like New Jersey, New York, and
14 Delaware. Refineries in Philadelphia
15 already produce the 15 ppm standards.

16 We urge you to support the
17 bill, which will provide real and lasting
18 health and economic benefit to
19 Philadelphians. Philadelphia has twice
20 the national average for children living
21 with asthma, making passing of this bill
22 especially important.

23 Thank you for allowing me to
24 present this testimony. I will happy to
25 answer any questions you may have.

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2 COUNCILWOMAN BROWN: Thank you
3 also, Mr. Huynh.

4 Any questions for this witness?
5 (No response.)

6 COUNCILWOMAN BROWN: Let me
7 please acknowledge Councilmembers
8 Councilwoman Lucien -- Jannie Blackwell
9 and Councilman David Oh for joining us.
10 He's still with us, Council
11 Lady.

12 COUNCILWOMAN BLACKWELL: Thank
13 you.

14 COUNCILWOMAN BROWN: Now if we
15 can move to Panel No. 2. Please state
16 your name for the record and proceed with
17 your testimony.

18 Thank you, Mr. Huynh.
19 (Witnesses approached witness
20 table.)

21 COUNCILWOMAN BROWN: And I'd
22 like to cue up the final panel to move
23 closer to the witness table. Andrew
24 Sharp of PennFuture; Saleem Chapman,
25 Director of the Environmental Justice for

1 6/11/14 - ENVIRONMENT - BILL 140510
2 the Clean Air Council; and Joseph Otis
3 Minott, Executive Director of the Clean
4 Air Council.

5 Good afternoon. Please proceed
6 with your testimony.

7 MR. O'SULLIVAN: Good
8 afternoon. Thank you for the opportunity
9 to testify on Bill 140510. My name is
10 William O'Sullivan. I'm the Director of
11 the Division of Air Quality in the New
12 Jersey Department of Environmental
13 Protection. I went to the University of
14 Pennsylvania up the street for a Master's
15 Degree in government administration, and
16 I do enjoy return visits to this fine
17 city.

18 This bill would reduce the
19 sulfur in heating oil to 15 part per
20 million. This is an important step in
21 improving air quality, not only within
22 the City of Philadelphia but the entire
23 metropolitan region. The youth, the
24 elderly, and those with existing
25 breathing difficulties, especially

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2 asthmatics, are especially vulnerable to
3 the effects of fine particle matter. The
4 majority of fine particle matter in the
5 air is sulfates, which are formed from
6 burning sulfur-containing fuels. Also
7 some of the sulfur in fuel converts
8 directly to sulfuric acid, and that
9 corrodes metal and causes direct adverse
10 effects on the lungs.

11 In 2010, New Jersey also
12 adopted a rule to lower the sulfur
13 content of distillate fuel oil -- home
14 heating oil is another word for it -- to
15 15 parts per million by July 1st, 2016.
16 An interim standard of 500 parts per
17 million is effective July 1st of this
18 year. This rule is consistent with an
19 agreement of the Mid-Atlantic and
20 northeast states to reduce haze by
21 reducing sulfur emissions. This group of
22 states is known as the -- this is known
23 as the MANEVU agreement, M-A-N-E-V-U,
24 which stands for Mid-Atlantic and
25 Northeast Visibility Union.

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2 Besides better visibility and
3 public health benefits of lower sulfur
4 fuels, there are economic benefits. Much
5 less sulfur in fuel means much less
6 corrosion of boilers, furnaces, and
7 chimneys. This allows for a new, highly
8 efficient design of boilers and furnaces,
9 saving fuel costs over the lifetime of a
10 new boiler or furnace. That's a very
11 important benefit. Also, a homeowner
12 would need to clean his boiler or furnace
13 less often, which also saves money.

14 It is noteworthy that the
15 distillate -- the diesel fuel used in our
16 diesel cars and trucks already meets a 15
17 part per million sulfur content standard.
18 This means that the fuel used in our
19 garbage trucks on our streets today is
20 cleaner than the heating oil used in our
21 homes.

22 Having a 15 ppm sulfur standard
23 also means our heating oil will be as
24 clean as burning natural gas. The New
25 Jersey Fuel Merchants Association

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2 supported the New Jersey lower sulfur
3 fuel rules, because with clean oil, they
4 can better compete with natural gas based
5 on both fuel quality and furnace
6 efficiency. There again, furnace
7 efficiency, very important.

8 Lowering the sulfur content of
9 distillate fuel oil of 15 parts per
10 million in Philadelphia would provide a
11 uniform clean heating oil for the
12 metropolitan area, both in New Jersey and
13 Philadelphia. This would improve air
14 quality throughout our common air quality
15 control region. The wind blows in all
16 directions, and we benefit from clean
17 fuels throughout the region.

18 Thank you for your efforts to
19 clean the air.

20 COUNCILWOMAN BROWN: Please
21 forgive me. I'm actually multi-tasking,
22 but know that we appreciate your
23 testimony. And I would be remiss to not
24 thank my staff for reaching out to folks
25 in the region so that we can have the

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2 perspective and not operate in a silo.

3 So thank you for your testimony.

4 MR. O'SULLIVAN: I'll sit up
5 here in case you have questions for both
6 of us.

7 COUNCILWOMAN BROWN: Surely.

8 Please proceed with your
9 testimony, then we'll proceed with
10 questions.

11 MR. AMIRIKIAN: Good afternoon,
12 Chairwoman Reynolds Brown, Vice Chairman
13 Kenney, and members of the Committee on
14 the Environment. My name is Ron
15 Amirikian and I serve as the Planning
16 Branch Manager for the Delaware
17 Department of Natural Resources and
18 Environmental Control, Division of Air
19 Quality. I have 22 years of experience
20 in air quality management, which includes
21 permitting, compliance, enforcement, and
22 regulation and plan development. I would
23 like to thank you for the opportunity to
24 testify in support of Bill No. 140510.

25 Reducing sulfur levels in fuel

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2 oil is one of the most significant
3 actions an organization can take to
4 protect public health. The amount of
5 sulfur dioxide emitted from combustion
6 sources is entirely dependent on the
7 sulfur content of the fuel being burned.
8 One of the best ways to reduce sulfur
9 dioxide emissions and provide better air
10 quality is to do what the City Council is
11 proposing today, to reduce the sulfur
12 content of fuel oil.

13 Sulfur dioxide is harmful to
14 public health. First, it is a pungent,
15 poisonous gas. It's an irritant that can
16 interfere with normal breathing functions
17 even at low levels. It aggravates
18 respiratory diseases such as asthma,
19 emphysema, and bronchitis.

20 Second, sulfur dioxide reacts
21 readily in the atmosphere to form
22 extremely small particles, 25 to 100
23 times smaller than the thickness of a
24 human hair. These fine particulate
25 matter penetrates more deeply into the

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2 lungs than larger particles like dirt,
3 dust, and pollen. Exposure to fine
4 particulate matter can trigger
5 inflammation and alter blood vessels,
6 which can lead to a heart attack or
7 stroke. It contributes to reduced lung
8 development in children and can lead to
9 the development of chronic respiratory
10 disease such as asthma. Portions of
11 Pennsylvania and Delaware have monitored
12 unhealthy air relative to fine
13 particulate matter since the monitoring
14 began in 1999. In addition to the
15 negative impacts on public health, sulfur
16 dioxide contributes to acid rain and
17 regional haze, reduces efficiency rating
18 of fuel-burning equipment, and increases
19 fuel usage and maintenance costs.

20 Delaware is currently meeting
21 all air quality standards for sulfur
22 dioxide and fine particulate matter. Our
23 goal is to maintain healthy air quality
24 and avoid any future non-attainment
25 designation as the Environmental

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2 Protection Agency tightens the standards.

3 To accomplish this, Delaware's policy is

4 to assure all Delaware emission sources

5 are well controlled. To this end, in

6 2013, Delaware revised its statewide

7 sulfur fuel regulations in a manner

8 similar to that being considered by the

9 City Council today. Delaware reduced the

10 allowable sulfur content in residual fuel

11 oil from 1 percent to 0.5 percent and the

12 allowable sulfur content in distillate

13 fuel oil from 0.3 percent to 15 parts per

14 million. These lower limits take effect

15 on July 1st, 2016.

16 Thank you for the opportunity

17 to provide this testimony in support of

18 Bill No. 140510.

19 COUNCILWOMAN BROWN: I thank

20 you both also for your testimony.

21 Any observations, comments or

22 questions for these witnesses?

23 (No response.)

24 COUNCILWOMAN BROWN: Very well.

25 We thank you again for providing the

1 6/11/14 - ENVIRONMENT - BILL 140510
2 context of the region that we live in.
3 Thank you very much.

4 Can we now invite to the
5 witness table Andrew Sharp, Saleem
6 Chapman, and Joseph Otis Minott.

7 (Witnesses approached witness
8 table.)

9 COUNCILWOMAN BROWN: Good
10 afternoon, gentlemen. Good afternoon.
11 (Good afternoon.)

12 COUNCILWOMAN BROWN: I thank
13 you for being a part of this record
14 today. And so if we could start with
15 Mr. Andrew Sharp, PennFuture.

16 MR. SHARP: Sure. Good
17 afternoon, Councilwoman Blondell Reynolds
18 Brown and Councilman Kenney and the
19 members of the Committee. I'm Andrew
20 Sharp. I'm the Director of Outreach at
21 PennFuture, which is the statewide
22 environmental group.

23 I'm here to urge you to support
24 Bill 140510, which would protect
25 Philadelphia's air quality and set the

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2 standard for sulfur at 15 parts per
3 million for No. 2 heating oil.

4 Burning of sulfur-containing
5 fuel releases sulfur dioxide, which has
6 been shown to be harmful to human health.
7 Breathing sulfur dioxide is linked with
8 an array of adverse respiratory effects,
9 including broncho-constriction and
10 increased asthma symptoms, particularly
11 for asthmatics. Sulfur dioxide also
12 contributes to the formation of fine
13 particulates, which have been associated
14 with both adverse respiratory effects and
15 an increased incidence of lung cancer.
16 Studies also show a connection between
17 short-term exposure and increased visits
18 to emergency departments and hospital
19 admissions for respiratory illnesses.

20 The PA Petroleum Marketers
21 Association in 2012 went on record
22 supporting a 15 parts per million
23 standard, indicating that reducing the
24 sulfur content in fuel oil will also lead
25 to a more efficient burn and reduced

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2 maintenance costs, ultimately saving
3 consumers as much as 14 cents per gallon
4 in operating costs.

5 Neighboring states like New
6 York and New Jersey have already adopted
7 a 15 parts per million standard,
8 recognizing that it will improve health,
9 improve energy efficiency, and reduce
10 maintenance costs. This limit aligns the
11 No. 2 fuel oil standard with the existing
12 standards for ultra-low sulfur diesel
13 fuel, which allows for efficiencies in
14 transportation and ensures refineries
15 will prioritize production of compliant
16 fuels.

17 Because the statewide standard
18 in Pennsylvania of 500 parts per million
19 is significantly higher than surrounding
20 areas, Philadelphia faces a significant
21 risk of being the dumping ground for
22 fuels that producers are unable to sell
23 in other markets. For these reasons, we
24 urge you to support the 15 parts per
25 million standard and move this bill from

1 6/11/14 - ENVIRONMENT - BILL 140510
2 Committee today.

3 Thank you. I'll be happy to
4 answer any questions.

5 COUNCILWOMAN BROWN: Thank you
6 for your testimony. We'll hear from
7 everyone and then we'll open it up for
8 questions.

9 MR. CHAPMAN: Good afternoon,
10 Madam Chairwoman and members of the
11 Committee on the Environment. My name is
12 Saleem Chapman and I am the Director of
13 Environmental Justice for the Clean Air
14 Council. The Clean Air Council has been
15 the environmental health advocate in the
16 Philadelphia region since 1967 and is
17 active on a number of environmental
18 justice issues, including a reduction of
19 environmental health risks within
20 vulnerable communities.

21 This is why I am sincerely
22 appreciative of this opportunity to speak
23 in support of adopting the newly proposed
24 sulfur standards for No. 2 fuel oil.
25 Given present standards have not been

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2 amended since 1978, action on this issue
3 is woefully overdue, and this proposed
4 legislation is a significant stride to
5 ensuring that the City of Philadelphia is
6 pursuing any and all avenues to protect
7 its most vulnerable citizens.

8 Burning fuel that contains
9 sulfur results in the production of
10 sulfur dioxide, a precursor to fine
11 particulate matter. Current scientific
12 evidence links short-term exposure to
13 these pollutants with an array of diverse
14 respiratory issues, including increased
15 asthma symptoms. As previously stated,
16 studies also show a connection between
17 short-term exposure and increased visits
18 to emergency departments and hospital
19 admissions for respiratory illnesses,
20 particularly in at-risk populations,
21 including children, the elderly, and
22 asthmatics.

23 This is significant in light of
24 the fact that Philadelphia has one of the
25 highest asthma rates in the nation,

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2 particularly amongst children. In the
3 City, asthma rates for school-aged
4 children are over twice that of the
5 United States. Local asthma prevalence
6 among children was 21.7 percent, with an
7 additional 4.9 percent reporting symptoms
8 consistent with asthma. Additionally,
9 between 2003 and 2010, inpatient
10 hospitalization rates for asthma as the
11 primary discharge diagnosis in
12 Pennsylvania was highest in Philadelphia
13 County.

14 Even more troubling is the fact
15 that these adverse health outcomes are
16 not evenly distributed. Low-income and
17 minority populations who are more likely
18 to live in close proximity to pollution
19 sources are disproportionately exposed to
20 environmental stressors which trigger
21 asthma. In 2008, a study by the UCLA
22 Center for Health Policy Research found
23 asthmatic effects associated with heavy
24 traffic was observed more readily among
25 individuals living in poverty, accounting

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2 for all other social determinants of
3 health. This is considerable to
4 Philadelphia given that regionally
5 persons of color have lower average
6 incomes than whites and, correspondingly,
7 African Americans and Hispanic children
8 have the highest percent of asthma cases,
9 with asthma rates often two to three
10 times that of white children.

11 More than just facts, these
12 health inequalities allude to an
13 environmental justice issue. Minorities
14 and low-income communities are more
15 readily affected by debates over
16 environmental factors and the subsequent
17 public health outcomes. While other
18 social factors are contributory to
19 observed outcomes, it is negligent for us
20 to ignore the culpability of
21 environmental stressors, especially given
22 the dire situation in our region.
23 Philadelphia is one of the most polluted
24 places in the country. Specifically
25 among the top five asthma cities,

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2 Philadelphia ranks last in overall air
3 quality.

4 Though a single legislative
5 measure will not ameliorate the
6 prevalence of this condition in totality,
7 the enormity of our present state of
8 affairs entails us to be supportive of
9 any effort that moves us forward in the
10 right direction.

11 I kindly request that you vote
12 favorably on adopting the newly proposed
13 sulfur standard for No. 2 fuel oil. I am
14 grateful for this opportunity to appear
15 before this Committee and look forward to
16 answering your questions.

17 COUNCILWOMAN BROWN: Thank you
18 again for your testimony.

19 Good afternoon, Mr. Minott.

20 MR. MINOTT: Thank you. Good
21 afternoon. My name is Joe Minott. I am
22 the Executive Director of the Clean Air
23 Council, a statewide environmental health
24 advocacy organization headquartered here
25 in Philadelphia. On behalf of the

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2 Council and its members throughout
3 Philadelphia, I thank you for the
4 opportunity to testify today.

5 The first thing I'd like to do
6 is enter into the record a letter
7 submitted by the American Lung
8 Association in favor of the proposed
9 legislation.

10 The Clean Air Council strongly
11 supports the bill to amend Section 3-207
12 of The Philadelphia Code, which would
13 lower the sulfur content of No. 2 fuel
14 oil from 2,000 parts per million to 15
15 parts per million and the sulfur content
16 of No. 4 fuel oil from 3,000 to 2,500
17 parts per million. Not only would these
18 revisions have a positive effect on
19 public health and the environment, they
20 would place Philadelphia at the same
21 level as states in our region that have
22 already adopted such standards.

23 The combustion of fuel with
24 high sulfur content significantly affects
25 the health of citizens in Philadelphia.

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2 When fuel containing high amounts of
3 sulfur is burned, it emits sulfur
4 dioxide, which contributes to regional
5 haze, acid precipitation, and the
6 formation of particulate matter and
7 nitrogen oxides. Studies have shown that
8 there exists a significant correlation
9 between fine particulate matter and the
10 aggravation of respiratory and
11 cardiovascular disease, asthma attacks,
12 decreased lung function, and premature
13 mortality.

14 These negative effects are
15 especially pronounced in children, older
16 adults, and people with heart and lung
17 disease. For example, in Philadelphia,
18 the asthma rate for school-aged children
19 is more than twice the rate of
20 Pennsylvania and the nation as a whole.
21 According to a 2012 study conducted by
22 the Philadelphia Merck Childhood Asthma
23 Network, local asthma prevalence among
24 children was 21.7 percent, with an
25 additional 4.9 percent reporting symptoms

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2 consistent with asthma. From 2003 to
3 2010, inpatient hospitalization rates for
4 asthma as the primary discharge diagnosis
5 in Pennsylvania was the highest in
6 Philadelphia County. Adopting a 15 parts
7 per million standard would help decrease
8 this rate and the related suffering and
9 medical costs.

10 In addition to the real and
11 measurable benefits to Philadelphia's
12 public health, lowering the sulfur
13 content of No. 2 and No. 4 fuel oil
14 provides environmental benefits as well.
15 Air Management Services expects the
16 revised sulfur limits to lower annual
17 emissions of sulfur dioxide by as much as
18 831 tons, particulate matter by as much
19 as 42 tons, and oxides of nitrogen by as
20 much as 119 tons. The benefit of these
21 emission reductions would be cleaner air,
22 better visibility, and compliance with
23 federal standards for ambient air quality
24 and regional haze.

25 Another important consideration

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2 in lowering the sulfur content of these
3 fuels is the ample supply of low sulfur
4 No. 2 fuel. New York, New Jersey, and
5 other states in the Northeast have
6 adopted a 15 parts per million standard.
7 This, along with the ultra-low sulfur
8 diesel rule, which requires vehicles to
9 use fuel containing only 15 parts per
10 million of sulfur, means manufacturers
11 have made the switch to produce cleaner
12 fuel oil and are already supplying it to
13 many jurisdictions.

14 For example, Mr. Brandon of PES
15 Energy stated in his 4/30/14 testimony in
16 front of this very Committee that most of
17 the barrels produced at PES's facilities
18 already meet the 15 parts per million
19 requirement. By lowering No. 2 fuel
20 oil's allowable sulfur content,
21 Philadelphia can be the market for this
22 fuel rather than the dumping ground for
23 lower quality fuel that other states will
24 not accept.

25 The current sulfur limits for

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2 fuel oil in Philadelphia are over 30
3 years old. Since that time, our
4 understanding of the health risks
5 associated with high sulfur fuel and the
6 harm caused by fine particulate matter
7 has advanced considerably, as has been
8 the technology to produce low sulfur
9 fuel. The Council believes that the
10 proposed revisions to 3-207 are an
11 important step to protect the public
12 health and meet upcoming ambient air
13 quality standards.

14 Thank you for allowing me to
15 testify.

16 COUNCILWOMAN BROWN: Thank you
17 very, very much for your testimony,
18 gentlemen.

19 Councilwoman Tasco.

20 COUNCILWOMAN TASCO: Yes. I
21 wanted to thank you very much for your
22 testimony. When did other states begin
23 to take action on this matter? How far
24 are we behind other cities?

25 MR. CHAPMAN: I don't have it

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2 directly in front of me, but I am --

3 COUNCILWOMAN BROWN: State your
4 name again for the record.

5 MR. CHAPMAN: I'm Saleem
6 Chapman with the Clean Air Council.

7 New York I know for sure
8 addressed it in 2012. I believe New
9 Jersey did it in that same year as well,
10 although I am less clear on that.

11 COUNCILWOMAN TASC0: So what
12 has taken us so long?

13 MR. CHAPMAN: That's a question
14 for the body.

15 MR. SHARP: Pennsylvania
16 considered it in --

17 COUNCILWOMAN TASC0: Speak into
18 the microphone, please.

19 COUNCILWOMAN BROWN: State your
20 name again.

21 MR. SHARP: My name is Andrew
22 Sharp from PennFuture.

23 Pennsylvania considered it in
24 2012 and ultimately decided to stick with
25 the 500 parts per million standard now.

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2 So that's where Pennsylvania is, but we
3 think Philadelphia should adopt the
4 state-of-the-art standard, which
5 obviously New Jersey and New York are
6 meeting right now.

7 COUNCILWOMAN TASC0: So the
8 state's -- Pennsylvania state has -- the
9 Legislature has to change to comply with
10 this or is the use of this fuel
11 determined by each locality?

12 MR. MINOTT: No. In general,
13 in Pennsylvania it's not the Legislature,
14 but the Pennsylvania DEP that develops
15 the regulations, and they're adopted by
16 the Pennsylvania Environmental Quality
17 Board. So it's not a legislative
18 function. And in Pennsylvania, I believe
19 that Philadelphia County and Allegheny
20 County are two counties that have the
21 authority to develop their own standards.

22 COUNCILWOMAN TASC0: So are you
23 working with the other counties and
24 localities to make the same changes?

25 MR. MINOTT: Absolutely. We

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2 haven't accepted the fact that

3 Pennsylvania -- so there was a lot of

4 support. If you look at the common

5 response documented to the proposed

6 regulation in Pennsylvania, even the

7 manufacturers of the fuel were supportive

8 of it. There was sort of one consortium

9 of producers out in the Northwest by the

10 state that had a problem with it, and the

11 Corbett Administration sort of went along

12 with that. But my understanding is that

13 the professionals at DEP felt that 15

14 parts per million was the right standard.

15 COUNCILWOMAN TASCO: Who

16 produces the sulfur? Where does the

17 sulfur come from?

18 MR. MINOTT: I think it's

19 already in the oil. It's not produced.

20 It's part of the product, and as part of

21 the processing, it's removed so that --

22 there may be more qualified people than a

23 lawyer to explain this to you, but --

24 maybe the Councilman.

25 COUNCILMAN KENNEY: Point of

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2 information. Correct me if I'm wrong.

3 The sulfur is -- you're just cutting the
4 oil to make it more valuable but more
5 dangerous; is that correct?

6 MR. MINOTT: You're pulling the
7 sulfur out.

8 COUNCILMAN KENNEY: No, no, no.
9 When you have a 500 per pound of fuel --
10 it's more expensive to make the 15 parts
11 per pound, correct?

12 MR. MINOTT: That is correct.

13 COUNCILMAN KENNEY: But
14 Philadelphia is probably the largest
15 user, I assume, in the state,
16 Philadelphia County, of home heating oil
17 and probably of diesel fuel.

18 MR. MINOTT: So I don't know
19 for the home heating because Philadelphia
20 actually is better served by PGW,
21 frankly, than --

22 COUNCILMAN KENNEY: But there's
23 a large market for this type of fuel in
24 Philadelphia. So that we change our
25 standard, it's likely that the

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2 manufacturers will begin to change their
3 standards in order to sell it here.

4 MR. MINOTT: Yes.

5 COUNCILMAN KENNEY: And the
6 higher the sulfur is, even though it's
7 more dangerous, it's also less expensive.
8 They make more money with the high sulfur
9 content.

10 MR. MINOTT: I would assume
11 that.

12 COUNCILMAN KENNEY: So it's
13 like cutting drugs.

14 MR. MINOTT: I would assume
15 that's correct.

16 COUNCILMAN KENNEY: They're
17 cutting it to a point where it's more
18 valuable for them, but if we required the
19 15 parts, then we're pushing the market
20 to a cleaner fuel.

21 MR. MINOTT: Right. That is
22 correct. But, Councilman, the other
23 thing to keep in mind is that in this
24 area, they're already producing 15 parts
25 per million. So it's not -- it wouldn't

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2 be pushing them above that.

3 COUNCILMAN KENNEY: But the
4 manufacturers who are making the higher
5 sulfur fuels can't compete here with that
6 high sulfur content after --

7 MR. MINOTT: Under this bill,
8 they would not be able to sell it and use
9 it in Philadelphia.

10 COUNCILMAN KENNEY: So we're
11 reducing a market for them that they may
12 want to attempt to get into at some point
13 by reducing it to 15 parts per.

14 MR. MINOTT: Yes. I see where
15 you're going. Yes, I would think so.

16 COUNCILMAN KENNEY: Okay.

17 MR. MINOTT: The way the
18 marketplace works, right.

19 COUNCILMAN KENNEY: In some way
20 we're driving the market to a cleaner
21 fuel.

22 MR. MINOTT: Well, as you know,
23 Philadelphia drives a lot of what goes on
24 in the rest of the Commonwealth.

25 COUNCILMAN KENNEY: All right.

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2 Thank you.

3 COUNCILWOMAN BROWN: Is that
4 helpful, Councilwoman?

5 COUNCILWOMAN TASCO: I think
6 it's fine. I just wanted to put it on
7 the record.

8 COUNCILWOMAN BROWN: Yes.

9 Additionally, for the record,
10 we then become aligned, if you will, with
11 what other neighboring counties and
12 states are doing. Is that accurate to
13 say?

14 MR. MINOTT: If you take the 15
15 parts per million, you are adopting a
16 standard that surrounding states have
17 already adopted and is already being
18 implemented in New York. I mean, I don't
19 read tea leaves, but I would suspect that
20 within a few years, the Commonwealth of
21 Pennsylvania would adopt it too.

22 COUNCILWOMAN BROWN: Very well.

23 Any other questions for these
24 witnesses?

25 (No response.)

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2 COUNCILWOMAN BROWN: Thank you,
3 gentlemen, very much --

4 MR. MINOTT: Thank you very
5 much.

6 COUNCILWOMAN BROWN: -- for
7 painting that picture for us.

8 Anyone else desire to speak,
9 offer testimony on this bill?

10 Please, Mr. Ed Hazzouri.

11 (Witness approached witness
12 table.)

13 MR. HAZZOURI: Good afternoon.
14 Ed Hazzouri, H-A-Z-Z-O-U-R-I,
15 representing the thousand employees of
16 Philadelphia Energy Solutions down at the
17 refinery and in Center City, and I'm here
18 to speak in favor of this bill.

19 I would like to make note, it
20 was interesting to hear Bill O'Sullivan
21 from New Jersey. I've always known him
22 to be a very smart, rational, reasonable
23 guy, except when I disagreed with him,
24 but other than that, he generally knows
25 what he's talking about.

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2 But the refinery folks are
3 happy to support this bill and answer any
4 questions you may have.

5 COUNCILWOMAN BROWN: Any
6 questions?

7 Councilwoman Tasco.

8 COUNCILWOMAN TASCO: Do you
9 produce the gas here? What impact does
10 it have on your company?

11 MR. HAZZOURI: Well, as you
12 started to ask the question, what
13 happens, crude oil comes in with a
14 certain level of sulfur. You may have
15 heard the terms "sweet crude" and "sour
16 crude." Sweet means that there's a
17 relatively low amount of sulfur. Sour
18 crude means there's a relatively high
19 amount of sulfur. The crude that's
20 handled in Philadelphia is what's called
21 sweet crude. The refinery was built
22 to -- it uses more expensive crude, less
23 sulfur, hence Councilman Kenney's comment
24 that it takes more money, more processing
25 to take the sulfur out. So what they'll

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2 do then is anything that's to be sold in
3 this market or, as folks testified
4 earlier, into any market with that 15
5 part per million in sulfur standard has
6 to be then treated additionally to get
7 down to that level.

8 COUNCILWOMAN TASCO: Thank you.

9 COUNCILWOMAN BROWN: Thank you
10 very, very much for that. That's what
11 you call a teachable moment. Thank you
12 very much.

13 MR. HAZZOURI: I like that.
14 Thanks.

15 COUNCILWOMAN BROWN: Anyone
16 else to testify on this bill?

17 (No response.)

18 COUNCILWOMAN BROWN: Okay,
19 then. That concludes testimony on Bill
20 No. 140510.

21 This concludes the public
22 hearing on the Committee on the
23 Environment. We will now go into a
24 public meeting.

25 I would ask Councilmember James

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2 Kenney for a motion on Bill No. 140510.

3 COUNCILMAN KENNEY: Thank you,
4 Madam Chair. I move that Bill No. 140510
5 be reported out of this Committee with a
6 favorable recommendation and a request
7 made for rules suspension to allow for
8 first reading at our next Council
9 session.

10 (Duly seconded.)

11 COUNCILWOMAN BROWN: It has
12 been moved and properly seconded that
13 Bill No. 140510 be reported out of this
14 Committee with a favorable
15 recommendation, that the rules of Council
16 be suspended so as to permit first
17 reading at the next scheduled session of
18 Council.

19 All those in favor say aye.

20 (Aye.)

21 COUNCILWOMAN BROWN: All
22 opposed?

23 (No response.)

24 COUNCILWOMAN BROWN: Seeing
25 none, this bill has been approved out of

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2 Committee with a favorable
3 recommendation.

4 And this concludes this
5 meeting. Thank you very, very much.

6 (Committee on the Environment
7 concluded at 3:35 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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