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1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON COMMERCE AND ECONOMIC
4 DEVELOPMENT
5
6

7 Via Microsoft Teams
8 Philadelphia, Pennsylvania
9 Monday, October 24, 2022
10 1:04 p.m.

11 PRESENT:

12 COUNCILMAN MARK SQUILLA, CHAIR
13 COUNCILWOMAN CINDY BASS
14 COUNCILWOMAN KENDRA BROOKS
15 COUNCILWOMAN JAMIE GAUTHIER
16 COUNCILWOMAN KATHERINE GILMORE RICHARDSON
17 COUNCILMAN CURTIS JONES, JR.
18 COUNCILMAN DAVID OH
19

20 BILL 220813 - An ordinance amending Bill
21 220051-A, entitled "An ordinance amending
22 Section 9-4116 of The Philadelphia Code,
23 entitled '2021 Public Health Emergency
24 Leave'"...
25

20 RESOLUTION 220648 - Resolution authorizing the
21 Committee on Commerce and Economic Development
22 to hold public hearings to examine what the
23 Philadelphia Water Department is or could be
24 doing to take advantage of new and existing
25 federal water quality infrastructure
funding...

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1 10/24/22 - COMMERCE - BILL 220813, ETC.

2 COUNCILMAN SQUILLA: Thank you
3 all and welcome. Today we have the
4 Committee on Commerce and Economic
5 Development, on Monday, Red October 24th,
6 2022.

7 Before we begin the public
8 hearing, I would make the following
9 announcements.

10 First of all, I want to
11 apologize for my voice, as we had a great
12 time this weekend and sharing that with
13 everyone.

14 But due to the continuing
15 threat to public health from COVID-19,
16 City Council committees are currently
17 meeting remotely. We're using Microsoft
18 Teams to have these remote hearings
19 possible.

20 Instructions for how the public
21 may view and offer public testimony at
22 public hearings in Council committees are
23 included in the public hearing notices
24 that are published in the Daily News, the
25 Inquirer, and the Legal Intelligencer

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 prior to the hearings, and can also be
3 found on PHLCouncil.com.

4 I now note that the hour has
5 come. Mr. McMonagle, will you please
6 call the roll to take attendance, and
7 members that are in attendance, indicate
8 that you are present during that time.

9 THE CLERK: Thank you.

10 Councilwoman Brooks.

11 COUNCILWOMAN BROOKS: Good
12 morning. I'm present. Afternoon. I'm
13 present.

14 THE CLERK: Councilwoman
15 Gauthier.

16 COUNCILWOMAN GAUTHIER: Good
17 afternoon, Mr. Chair and colleagues.
18 Present. Go Phillies.

19 THE CLERK: Councilwoman
20 Gilmore Richardson.

21 COUNCILWOMAN RICHARDSON: Good
22 afternoon, Mr. Chair and colleagues. I
23 am present.

24 THE CLERK: Councilman Johnson.
25 (No response.)

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2 THE CLERK: Councilman Jones.

3 (No response.)

4 THE CLERK: Councilman Oh.

5 COUNCILMAN OH: Good morning.

6 I am present.

7 THE CLERK: Councilman Squilla.

8 COUNCILMAN SQUILLA:

9 Councilmember Bass too, I think.

10 Councilmember Bass, did we say you were
11 present?

12 THE CLERK: Councilwoman Bass.

13 COUNCILWOMAN BASS: Thank you.

14 I'm present, Sean.

15 Sean forgot about me. I'm
16 present.

17 THE CLERK: Never.

18 COUNCILMAN SQUILLA: I think he
19 was confused by the name, but I am also
20 present.

21 Thank you. And a quorum of the
22 committee is present, and the hearing is
23 now called to order. This is a public
24 hearing of the Committee on Commerce and
25 Economic Development regarding Bill No.

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 220813 and Resolution No. 220648.

3 Mr. McMonagle, you can please
4 read the title of the bill.

5 THE CLERK: Bill No. 220813,
6 amending Bill No. 220051-A, entitled "An
7 ordinance amending Section 9-4116 of The
8 Philadelphia Code, entitled '2021 Public
9 Health Emergency Leave,' to establish
10 additional leave time under certain
11 circumstances, modify existing provisions
12 concerning the paid sick leave, and make
13 technical changes, all under certain
14 terms and conditions," to clarify the
15 modifications to The Philadelphia Code
16 intended to be made by this Bill, and
17 make technical changes; all under certain
18 terms and conditions.

19 COUNCILMAN SQUILLA: Thank you.
20 Before we begin the hearing
21 today, I would just let everybody know we
22 will be hearing this bill, we'll be
23 recessing it into a committee to vote the
24 bill, and then back into the hearing to
25 hear the resolution.

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2 So before we hear testimony
3 from the witnesses we have for today,
4 everyone who has been invited to the
5 meeting to testify should be aware this
6 public hearing is being recorded.
7 Because the hearing is public,
8 participants and viewers have no
9 reasonable expectation of privacy. By
10 continuing to be in the meeting, you are
11 consenting to being recorded.

12 Additionally, prior to
13 recognizing members for questions or
14 comments they have for witnesses, I would
15 note for the record at this time that
16 we'll be using the Chat feature available
17 in Microsoft Teams to allow members to
18 signify that they wish to be recognized.
19 In order to comply with the Sunshine Act,
20 the Chat feature must only be used for
21 this purpose.

22 Mr. McMonagle, will you please
23 call the panel we have to testify this
24 afternoon on the Bill No. 220813.

25 THE CLERK: Yes. Can we please

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2 have Candace Chewning from the Office of
3 Worker Protections, City of Philadelphia,
4 Office of Labor.

5 COUNCILMAN SQUILLA: Good
6 afternoon, Candace. Now that you're
7 connected, can you just state your name
8 for the record and proceed with your
9 testimony.

10 MS. CHEWNING: Sure. My name
11 is Candace Chewning, and good afternoon
12 to Chair Squilla and members of the
13 Committee. I'm the Deputy for Worker
14 Protection in the Philadelphia Department
15 of Labor. I appear before you today to
16 testify on Bill No. 220813.

17 Bill No. 220813 is an amendment
18 of the most recent iteration of the
19 Public Health Emergency Leave, or PHEL,
20 ordinance. PHEL was passed in June 2020
21 in response to the COVID-19 pandemic.
22 While the original bill sunset at the end
23 of 2020, the pandemic is still impacting
24 the lives of Philadelphians. This bill
25 today amends and clarifies some of the

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2 language from the Bill 220051, which
3 renewed the PHEL legislation in the
4 spring of 2022 as the COVID-19 leave.

5 I'd like to thank Councilmember
6 Brooks, the sponsor of this bill, and all
7 her co-sponsors for their leadership on
8 this issue. We know that at the cost of
9 a paycheck, families will go to work sick
10 to stay afloat.

11 This bill continues to be
12 critical to pandemic safety and recovery
13 and keeping families healthy and
14 workplaces healthy and open. The
15 Administration continues to support this
16 legislation.

17 And I'd be happy to take any
18 questions, if you have them.

19 COUNCILMAN SQUILLA: Thank you
20 so much for your testimony.

21 Are there any questions by any
22 of the members on Council?

23 Councilmember Oh.

24 COUNCILMAN OH: Yes. Thank you
25 very much, Chairman Squilla. I do have a

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2 question.

3 So I'm just a little confused
4 just with how this is worded. So it
5 says, employer is as defined in the Act,
6 excluding employers who employ less than,
7 and then it's in parentheses, 50. Then
8 it's crossed out, 25, and then it says in
9 bold 25, parentheses, employees.

10 So what is the number of
11 employees that we're talking about? Has
12 that changed? Does it remain 50?

13 COUNCILWOMAN BROOKS: So the
14 amendment that was on the floor in
15 February 24th, it was to cover employers
16 with 25 or more to demonstrate the
17 compromise that we already made early on.
18 So this is just to solidify the agreement
19 that we already made on February 24th,
20 which stated that we would do 25 or more.

21 COUNCILMAN OH: Okay.

22 COUNCILWOMAN BROOKS: The
23 question that you're asking is the reason
24 why we're doing the amendments, because
25 it was unclear.

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2 COUNCILMAN OH: Okay. I mean,
3 just the way it was written with the --
4 like the deletion is what's in the
5 brackets. Usually what's deleted is in
6 the brackets, but what's deleted is also
7 what's crossed out and then it's bold is
8 what's added.

9 Okay. Understood. Thank you.

10 COUNCILWOMAN BROOKS: Thank you
11 so much, colleague.

12 COUNCILMAN SQUILLA:
13 Councilmember Gilmore Richardson.

14 COUNCILWOMAN RICHARDSON: Thank
15 you so much, Mr. Chair.

16 I heard Councilmember Oh's
17 question, but I just wanted to confirm,
18 and I believe that we've already
19 confirmed this with Councilmember
20 Brooks's office. This legislation, this
21 bill is just a clarifying amendment to
22 this legislation to ensure that certain
23 things are properly notated.

24 So I just wanted to say that
25 for the record. Is that correct,

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2 Councilmember Brooks? This is just a
3 clarifying bill, correct?

4 COUNCILWOMAN BROOKS: Yes, it
5 is.

6 COUNCILWOMAN RICHARDSON: And
7 there's no substantial changes to this
8 legislation from the bill that was passed
9 previously; this is just a clarification
10 bill?

11 COUNCILWOMAN BROOKS: You are
12 correct.

13 COUNCILWOMAN RICHARDSON: All
14 right. Thank you very, very much. Thank
15 you, Councilmember Brooks.

16 Thank you, Mr. Chair.

17 COUNCILMAN SQUILLA: Thank you,
18 Councilmembers.

19 COUNCILMAN OH: I'm sorry.
20 Following up on that, I'm not that clear
21 that this is not additional language,
22 because it seems to me that is additional
23 language in the new definition -- or in
24 the definition of employee. And so for
25 that part, I mean -- and from the

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2 Administration, I'd like to hear your
3 explanation that this is -- it's being
4 described to me as kind of like cleaning
5 up some language, and that's how it was
6 presented, as opposed to there's some
7 changes in definitions within this bill,
8 which is, from my reading of it, what
9 appears to be changes, amendment to the
10 bill, but it's being presented as just a
11 clarification of some confusing language.

12 So from the Administration,
13 would you let us know what's going on
14 here?

15 MS. CHEWNING: Sure. So as
16 Councilmember Brooks describes, this bill
17 is just to clarify what had already
18 passed. If you look at the Legistar and
19 compare the two bills, it was 25 or more
20 employees with immediate availability
21 for -- I'm sorry; 25 or more employees
22 are the employers that are covered, with
23 immediate availability to the employees
24 who need it for COVID-19 reasons. And so
25 that is exactly what this bill states.

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2 The reason -- the confusion
3 that you're seeing written on paper is
4 exactly why the bill is being passed. It
5 seems that there was just some, I would
6 say, you know, just some technical error
7 on the wording, but if you go back and
8 look at hearing notes, et cetera, this is
9 exactly what was agreed upon back when
10 the bill was passed, introduced and
11 passed February and March earlier this
12 year, 2022.

13 COUNCILMAN OH: Okay. Thank
14 you for that explanation.

15 Thank you, Chairman.

16 COUNCILMAN SQUILLA: Thank you,
17 Councilmembers.

18 Are there any other questions?
19 (No response.)

20 COUNCILMAN SQUILLA: Is there
21 anyone else to testify on Bill No.
22 220813?

23 (No response.)

24 COUNCILMAN SQUILLA: Seeing
25 none, thank you.

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2 Hearing no further questions
3 from members of this panel, nobody else
4 to testify, we will take a break, just go
5 out to members for a public -- who wish
6 to testify on the bill before the
7 Committee.

8 Is there anybody from public
9 comment to testify, Mr. McMonagle?

10 THE CLERK: No, Mr. Chairman.

11 COUNCILMAN SQUILLA: Okay. We
12 will take a break. We will go into
13 committee.

14 And, Mr. McMonagle, will you
15 please call the roll to take a vote.

16 THE CLERK: Councilwoman
17 Brooks.

18 COUNCILWOMAN BROOKS: I am
19 present.

20 THE CLERK: Councilwoman
21 Gauthier.

22 COUNCILWOMAN GAUTHIER:
23 Present.

24 THE CLERK: Councilwoman
25 Gilmore Richardson.

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2 COUNCILWOMAN RICHARDSON: Good
3 afternoon, Mr. Chairman and colleagues.
4 I am present.

5 THE CLERK: Councilman Johnson.
6 (No response.)

7 THE CLERK: Councilman Jones.
8 (No response.)

9 THE CLERK: Councilman Oh.

10 COUNCILMAN OH: All right. I'm
11 present. I'm sorry. Trying to hit this
12 button here, but, yeah, I'm present.

13 THE CLERK: Councilwoman Bass.

14 COUNCILWOMAN BASS: Good
15 afternoon. I'm present still.

16 THE CLERK: Councilman Squilla.

17 COUNCILMAN SQUILLA: Present.

18 We now will convene the public
19 meeting now that the roll has been called
20 and we have a quorum.

21 The Chair recognizes
22 Councilmember Gilmore Richardson for a
23 motion to Bill No. 220813.

24 COUNCILWOMAN RICHARDSON: Thank
25 you, Mr. Chairman. I move that Bill No.

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2 220813 be reported from this Committee
3 with a favorable recommendation and
4 further move that the rules of Council be
5 suspended to permit first reading of this
6 bill at the next session of Council.

7 COUNCILMAN SQUILLA: Is there a
8 second?

9 (Duly seconded.)

10 COUNCILMAN SQUILLA: It's been
11 seconded by Councilmember Bass.

12 It has been moved and properly
13 seconded that the Bill No. 220813 be
14 reported from this Committee with a
15 favorable recommendation and further
16 moved that the rules of Council be
17 suspended as to permit the first reading
18 of this bill at the next session of
19 Council.

20 All those in favor of the
21 motion will signify by saying aye.

22 (Aye.)

23 COUNCILMAN SQUILLA: Any
24 opposed?

25 (No response.)

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2 COUNCILMAN SQUILLA: The ayes
3 have it and the motion carries.

4 Thank you very much. That will
5 conclude our meeting, and now we will
6 go -- as we conclude the business before
7 the Committee on Commerce and Economic
8 Development for Bill No. 220813, we will
9 now go back into a public hearing to take
10 the testimony on Resolution No. 220648.

11 Mr. McMonagle, will you please
12 read the title of the resolution.

13 THE CLERK: Resolution No.
14 220648, authorizing the Committee on
15 Commerce and Economic Development to hold
16 public hearings to examine what the
17 Philadelphia Water Department is or could
18 be doing to take advantage of new and
19 existing federal water quality
20 infrastructure funding to address chronic
21 sewage overflows in overburdened
22 communities and improve the water quality
23 of the Delaware and Schuylkill Rivers for
24 public recreational use.

25 COUNCILMAN SQUILLA: Thank you,

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2 Mr. McMonagle.

3 As we call the panel up, I know
4 we have our first panel is Mr. Hayman. I
5 just want to make -- for the record to
6 let people know why it was important to
7 have this resolution and work with the
8 Water Department on what we look at as
9 clean water, recreational water here in
10 the City of Philadelphia knowing and
11 supporting the Green Cities, Clean Water
12 program that improves the quality that
13 leads to Primary Contact and Recreational
14 designation and it's still in plan for
15 another 15 years.

16 A little concerning is that
17 when we asked for information on dry
18 weather flow, the cause of dry weather
19 flow and the solutions to address it,
20 information was slow to come and we
21 really didn't receive information with
22 how that was being addressed.

23 The other thing is when we
24 added the resolution, we had asked for a
25 report within 60 days, and I know there

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2 seemed to be some confusion and I spoke
3 with OTIS and the Water Department of
4 when the report was due. We were
5 thinking the report would be due sometime
6 in August.

7 We did receive the report this
8 morning, which gave us very little time
9 to review it and to be able to have
10 questions on that report.

11 So I really appreciate
12 everybody being here today, and I do
13 think that we would have had probably
14 additional questions and maybe have to
15 have another hearing back in the future
16 once we review that thoroughly.

17 Philadelphia -- we really want
18 to work with the Water Department on this
19 and how important it is to have clean
20 water, how also important it is to look
21 at the benefits of the Green City, Clean
22 Water program, but also what else we
23 could do in conjunction with that in
24 order to improve our water throughout the
25 City.

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2 We know that the Delaware
3 River, it's 330 miles long, but only
4 27 miles of it do not have the quality
5 designated as Primary Contact or
6 Recreation. The 27 miles include places
7 like Philadelphia, Chester, and Camden,
8 cities with mean household incomes of
9 \$28,000, which means that the areas with
10 the less means have the less usable
11 water, and that's something we need to
12 address and look forward to hearing
13 through this conversation.

14 So what we'll do now,
15 Mr. McMonagle, if we want to call the
16 panel to testify on the resolution, and
17 then we'll go through the list as we move
18 forward.

19 THE CLERK: Yes. Can we please
20 have Commissioner Hayman.

21 COMMISSIONER HAYMAN: Yes.
22 Good afternoon. Are you prepared for me
23 to go ahead, give my testimony at this
24 time?

25 COUNCILMAN SQUILLA: Yeah.

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2 Randy, just you state your name for the
3 record and you can proceed with your
4 testimony.

5 COMMISSIONER HAYMAN: Great.
6 Yes. Randy Hayman, Water Commissioner.

7 Good afternoon, Chairman
8 Squilla and members of the Commerce and
9 Economic Development Committee. As I
10 noted, I am Randy Hayman, Water
11 Commissioner, and my leadership team and
12 I are here this afternoon to provide
13 testimony on Resolution No. 220648.

14 Thank you for providing this
15 time to speak to the incredibly important
16 work of protecting and improving the
17 health of our waterways. The
18 Philadelphia Water Department deeply
19 appreciates City Council's interest in
20 these issues and support for our work.

21 We recognize and celebrate that
22 Philadelphians and visitors are going in
23 record numbers to the City's waterfronts
24 to appreciate the beauty and ecological
25 and recreational value these waterways

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2 provide throughout Philadelphia
3 neighborhoods.

4 The Schuylkill and Delaware
5 Rivers are the sources of Philadelphia's
6 high-quality drinking water, and we
7 recognize that connecting residents to
8 their local waterways is instrumental in
9 developing deeper appreciation and desire
10 to protect these water sources.

11 We appreciate the hard work of
12 our partner agency, Philadelphia Parks
13 and Recreation, for all the work it does
14 to further appreciation of these
15 waterways. That people are choosing to
16 engage in recreational activities near,
17 on, and in the Delaware and Schuylkill
18 River is a powerful testament to the
19 tremendous strides the City has made over
20 the last century in its approach to
21 managing stormwater and collecting,
22 conveying, and treating wastewater.

23 While there is much to
24 celebrate, the City recognizes the job is
25 far from complete.

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2 Each year, Philadelphia still
3 experiences large volumes of combined
4 sewer overflows, known as CSOs, being
5 released into several local waterways
6 during heavy rainfalls. Climate change
7 will continue to present additional
8 challenges in addressing overflows that
9 result in the discharge of billions of
10 gallons of stormwater and diluted sewage
11 to City waterways each year.

12 Furthermore, billions of additional
13 gallons of stormwater runoff from
14 upstream communities continue to impact
15 our shared local rivers and creeks.

16 We have submitted a report
17 detailing the Water Department's
18 responsibilities, our state and federally
19 approved plan to reduce combined sewer
20 overflows, and our approach to
21 aggressively secure state and federal
22 funding to complete infrastructural
23 projects that will further improve water
24 quality in local waterways. The report
25 also provides details about hundreds of

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2 millions of dollars being invested in
3 drinking water infrastructure in storm
4 flood relief.

5 While the Philadelphia Water
6 Department has invested in projects and
7 programs that have improved regional
8 water quality to a point where those
9 waterways are healthier than they have
10 been in generations, this is only a
11 portion of the Water Department's
12 efforts.

13 We are responsible for
14 providing drinking water, wastewater,
15 stormwater services to over 1.6 million
16 people within Philadelphia. Our primary
17 mission is to plan for, operate, and
18 maintain both the infrastructure and the
19 organization necessary to purvey
20 high-quality drinking water; to provide
21 safe and reliable water supply for all
22 households, commercial, and community
23 needs; and to sustain and enhance the
24 region's watersheds and quality of life
25 by managing wastewater and stormwater

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2 effectively. This work is guided by
3 numerous local, state, and federal
4 compliance mandates.

5 To provide scale to the
6 investments needed to carry out this
7 mission, the Water Department's total
8 Water Fund operating budget for Fiscal
9 Year 2023 is \$883 million, with an
10 additional 580 million in our capital
11 budget. Over the next six years alone,
12 the Water Department's budget for capital
13 improvement projects to the drinking
14 water, wastewater, and stormwater system
15 is approximately \$3.975 billion.

16 These investments will build on
17 a robust network of critical
18 infrastructure developed over more than
19 two centuries, with one -- with the
20 creation of the foundation of our modern
21 stormwater and wastewater system taking
22 place largely in the first half of the
23 20th century.

24 Following the passage of the
25 Clean Water Act in 1972, Philadelphia

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2 received an influx of federal funding
3 unlike any other before or since to
4 upgrade its stormwater -- I'm sorry; to
5 upgrade its three wastewater plants to
6 further reduce sewage entering the river.

7 The construction, operation,
8 and subsequent upgrades of our three
9 wastewater treatment plants are
10 responsible for significant water quality
11 improvements in the Delaware and
12 Schuylkill Rivers. These are now --
13 there are now diverse aquatic
14 communities, with species once considered
15 threatened or endangered, thriving in
16 Philadelphia waterways thanks to
17 improvements that were made possible
18 through the Clean Water Act funding.

19 Today, efforts to improve the
20 health of our rivers have been focused on
21 reducing pollution for combined sewer
22 overflows, which occur in hundreds of
23 municipalities across the U.S. when wet
24 weather within highly developed areas
25 lead to pollution in waterways like Cobbs

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2 Creek, Tacony Creek, Pennypack Creek, and
3 the Schuylkill River and Delaware River.
4 It's also important to note that during
5 rain events, combined sewer outfalls help
6 reduce the risk of treatment plants being
7 overwhelmed and alleviate neighborhood
8 flooding and basement backups by
9 conveying significant volume of
10 stormwater away from homes in our
11 communities.

12 In 1994, the U.S. Environmental
13 Protection Agency issued a national
14 policy that required municipalities to
15 develop and implement a Combined Sewer
16 Overflow Long-Term Control Plan to meet
17 water quality standards in the waterways
18 impacted by CSO discharges.

19 A key principle of EPA's policy
20 is to provide sufficient flexibility to
21 municipalities, especially financially
22 disadvantaged communities, to determine
23 the most cost-effective means of reducing
24 pollutants and meeting Clean Water Act
25 requirements.

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2 In 2011, after a decade of
3 diligent planning, Philadelphia entered a
4 consent order and agreement with the
5 Pennsylvania Department of Environmental
6 Protection and an administrative order
7 for compliance on consent with the U.S.
8 EPA to implement a 25-year multi-billion
9 dollar plan to reduce the volume and
10 discharge pollutants from the City's 164
11 combined sewer overflow outfalls. The
12 ability to spread out investments in
13 sewer overflow reduction is essential
14 when it comes to keeping the water rates
15 affordable in Philadelphia, and the
16 multi-decade timeline for this plan is
17 similar to that of consent orders and
18 agreements other cities nationally have
19 committed to.

20 However, Philadelphia's
21 combined sewer overflow mitigation plan,
22 commonly referred to as Green City, Clean
23 Waters, has been looked to as an
24 international model because it utilizes a
25 combination of green stormwater

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2 infrastructure distributed throughout our
3 many neighborhoods and traditional gray
4 infrastructure, including collection,
5 pumping, and wastewater treatment plant
6 enhancements to reduce combined sewer
7 overflows.

8 Prior to initiating Green City,
9 Clean Waters in 2011, approximately
10 13.1 billion gallons of combined sewer
11 overflow were discharged to the Delaware
12 River and its tributaries during a
13 typical year. The primary compliance
14 goal of the 25-year Green City, Clean
15 Waters plan is to improve Philadelphia
16 waterways through elimination of
17 approximately eight billion gallons per
18 year of combined sewer overflow by 2036.

19 Philadelphia is over ten years
20 into the plan and has already reduced the
21 estimated CSO volume by more than three
22 billion gallons on average annually at a
23 cost of \$607 million since 2011.

24 As of December 31st, 2011, we
25 have exceeded regulatory metrics by

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2 completing more than 2,196 greened acres
3 across 835 stormwater management projects
4 in the communities where your
5 constituents live.

6 Over the next two fiscal years,
7 we have budgeted \$222 million for
8 projects associated with the Green City,
9 Clean Waters, and the program represents
10 \$826 million, or 20.8 percent, of our
11 six-year capital improvement budget.

12 In addition to green stormwater
13 infrastructure, we have more than 15
14 traditional infrastructure projects
15 identified within our capital plan over
16 the next five years -- five to seven
17 years aimed at reducing combined sewer
18 overflow. These infrastructure projects
19 could reduce sewer overflow by an
20 additional 800 million gallons per year.

21 One such project is the
22 construction of a new preliminary
23 treatment facility at the Northeast
24 Wastewater Treatment Plant on the
25 Delaware River that will allow up to an

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 additional 250 million gallons per day of
3 wastewater to flow from Port Richmond and
4 Kensington into the plant.

5 This project has the potential
6 to reduce combined sewer overflows to the
7 Tacony/Frankford Creek and eventually to
8 the Delaware River by an estimated 200 to
9 300 million gallons a year. The cost of
10 this project is approximately
11 \$110 million. The Department applied for
12 federal financial assistance and was
13 awarded a low interest loan from the
14 state's PennVEST program to support the
15 construction of this project.

16 In addition to reducing
17 pollution for combined sewer overflows,
18 our investments in this area are
19 producing multi-faceted benefit for the
20 City beyond satisfying regulatory
21 requirements, including advancing
22 livability and public health, supporting
23 local green economy, and the creation of
24 new substantial jobs, assisting urban
25 revitalization, and furthering citywide

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 sustainability programs.

3 When it comes to the health of
4 our rivers, we recognize there is a
5 sincere interest in making the Delaware
6 and the Schuylkill Rivers suitable for
7 recreational activities like swimming.
8 While the Water Department's experts are
9 in the best position to speak on the
10 water quality conditions in the tidal
11 Delaware and Schuylkill Rivers, the
12 Department is not authorized to
13 individually take on all facets related
14 to public safety, public health, and
15 access.

16 It will take a long and strong
17 partnership between city, state, federal
18 agencies, private organizations, and the
19 public to determine the safest path
20 forward for addressing public safety,
21 public health, and access issues
22 associated with the recreational
23 activities in and on the tidal Delaware
24 and Schuylkill Rivers.

25 In short, in addition to the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 water quality concerns attributed to
3 combined sewer overflow outfalls and
4 other pollution sources in the region,
5 significant planning and investment
6 beyond the purview of the Water
7 Department is required to make
8 Philadelphia urban waterways safe for
9 activities such as swimming.

10 The Water Department recommends
11 that conversations around public safety
12 in the Philadelphia waterways include the
13 Philadelphia Police and Fire Departments,
14 the Pennsylvania Fish and Boat
15 Commission, and U.S. Coast Guard. Public
16 health issues related to ingestion and
17 contact with water from Philadelphia
18 waters and creeks should include the
19 Philadelphia Department of Public Health,
20 the Pennsylvania Department of Health,
21 the Pennsylvania Department of
22 Environmental Protection. And public
23 access issues to our city rivers and
24 streams include public parks and
25 recreation and many non-profit riverfront

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 land stewards.

3 The people of Philadelphia
4 should know that the City is working
5 tirelessly to secure state and federal
6 funding to support critical
7 infrastructure investments in its
8 drinking water, wastewater, and
9 stormwater system. We research and
10 evaluate all potential federal, state --
11 federal and state financial assistance
12 opportunities to ensure we are
13 continually serving the best interest of
14 our community. As a result, PWD will
15 increase its coordination with the Kenney
16 Administration's state and federal
17 lobbying activities to prioritize
18 outreach with the Governor's Office and
19 other state partners to advocate for a
20 more favorable environment for increasing
21 funding.

22 As of October 2022, the Water
23 Department has reached \$1.3 billion in
24 federal financial assistance
25 opportunities. We have approved -- we

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 have been approved for \$386 million in
3 federal financial assistance applications
4 to PennVEST. We're in the process of
5 applying for an additional \$72 million of
6 federal financial assistance through
7 PennVEST, which is funded this year for
8 the first time by the Bipartisan
9 Infrastructure law passed by the Biden
10 administration in 2021.

11 We applied for \$25 million
12 through the Build Resilient
13 Infrastructure and Communities. That's
14 the BRIC program. And that \$25 million
15 has been moved to Further Review status.

16 We have three additional BRIC
17 applications in progress estimated at
18 \$130 million. The Department also
19 applied for federal financial assistance
20 via EPA's Water Infrastructure Finance
21 and Innovation Act program with projects
22 totalling \$624 million.

23 The Water Department operates
24 and maintains three drinking water
25 treatment plants and three sewage

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 treatment plants and has nearly
3 7,000 miles of water and sewer
4 infrastructure. Major infrastructure
5 improvements are needed across our entire
6 system, including rebuilding drinking
7 water treatment plants, replacing miles
8 of water mains to prevent breaks,
9 enhancing wastewater treatment plants,
10 and improving the collection to be more
11 efficient at managing stormwater and
12 wastewater.

13 The Philadelphia Water
14 Department is committed to improving
15 water quality in the tidal Delaware and
16 Schuylkill Rivers. We know the job is
17 not completed. It will continue to plan,
18 design, and implement infrastructure
19 projects that will further improve the
20 capacity of our sewer system and the
21 capabilities of our wastewater treatment
22 plants.

23 Our goal is to continue the
24 incredible progress that has been made as
25 a city in restoring the health of our

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 waterways while balancing our obligations
3 to meet state and federal regulations and
4 the need to keep essential resources like
5 drinking water affordable for all
6 Philadelphians.

7 As always, we appreciate the
8 support of City Council and all our
9 elected officials in meeting that goal.

10 Thank you, and I and my
11 leadership team are happy to respond to
12 any questions you may have. Thank you
13 very much.

14 COUNCILMAN SQUILLA: Thank you,
15 Randy, for your testimony. And I know
16 specifically we had asked for information
17 on dry weather, right, when it's not
18 raining and the overflow. I didn't see
19 in your testimony where you address any
20 of that. Is that something you could do,
21 address that now?

22 COMMISSIONER HAYMAN: Let me
23 ask, Mark Cammarata, are you able to
24 address that, the dry weather?

25 DEPUTY COMMISSIONER CAMMARATA:

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 Hello, everyone. This is Mark Cammarata,
3 the Deputy Water Commissioner for
4 Planning and Environmental Services here
5 at Philadelphia Water.

6 Councilman Squilla, can you
7 maybe give a little more information on
8 what specifically you're looking for with
9 dry weather?

10 COUNCILMAN SQUILLA: Well, I
11 mean, we know we have sewage overflow
12 into the river when it's not raining,
13 right?

14 DEPUTY COMMISSIONER CAMMARATA:
15 Yeah.

16 COUNCILMAN SQUILLA: I know you
17 assured us that that is being addressed,
18 but we haven't received any information
19 on how it's being addressed, possibly
20 what will address it in the future, and
21 if we could do something to stop the dry
22 weather overflow from going into the
23 river.

24 DEPUTY COMMISSIONER CAMMARATA:
25 We don't -- and I'm not sure specifically

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 what form of dry weather flow, whether
3 that's a separate storm sewage system, a
4 combined sewer system, to which streams
5 you're referring to, but we have a pretty
6 robust system of operation and
7 maintenance. All of our system,
8 including industrial waste inspection
9 work, you know, we do a significant
10 amount of collection system monitoring,
11 field crews going out to modify
12 regulating chambers to ensure that dry
13 weather flow does what it's supposed to,
14 and, that is, make its way to the
15 treatment plant for full primary and
16 secondary treatment of all flow during
17 dry weather conditions.

18 COUNCILMAN SQUILLA: So are you
19 saying there is no waste from the CSOs
20 that happens into the river when there's
21 no rain?

22 DEPUTY COMMISSIONER CAMMARATA:
23 Like some cities, like most cities, we do
24 see some instances of inflow and
25 infiltration caused by either defective

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 laterals or cross connections. This is a
3 common problem up in the separate sewer
4 areas of the City.

5 Through our Municipal Separate
6 Stormwater permit, we're required to do
7 identification and track-down of those
8 pollutants. So we are kind of regulated
9 and do a significant amount of
10 investigation and abatement associated
11 with reducing that.

12 So although we do see some dry
13 weather contribution, we have a
14 significant and robust program to
15 identify it and rectify it when and if
16 it's found.

17 COUNCILMAN SQUILLA: Okay.
18 Thank you. I'd like to learn more about
19 that and how we could work together on
20 it.

21 And also a question that came
22 up, because asking PennVEST, they say PWD
23 is not eligible for new Bipartisan
24 Infrastructure grants. Is that true or
25 not true?

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1 10/24/22 - COMMERCE - BILL 220813, ETC.

2 COMMISSIONER HAYMAN: Well, we
3 are pursuing every opportunity to receive
4 funding from the federal government.
5 Now, the situation is that we apply to
6 PennVEST. They look at every application
7 individually, and so far, we have
8 received loans and not grants.

9 Now, some of that has to do
10 with the fact that they look at or wish
11 to have a stand-alone financial
12 reporting. They look at stand-alone
13 systems, water, wastewater, stormwater.
14 Ours is a grouped system.

15 They also look at the effective
16 projects on the median household income,
17 and ours, they say, is not high enough.
18 We don't raise the rates high enough for
19 us to qualify, and so as a result, we're
20 receiving the loans and not the grants.

21 Nevertheless, we're willing to
22 work with the Administration to try to
23 talk with individuals in Harrisburg to
24 see if there is any way that we could
25 either have a carveout for Philadelphia

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 or make some type of adjustment to the
3 legislation so that we can receive
4 grants.

5 But while I say that, I want to
6 be clear, we are receiving low interest
7 loans, which is a great benefit to the
8 City.

9 COUNCILMAN SQUILLA:

10 Mr. Carroll, did you want to comment?

11 MR. CARROLL: Yeah, just a
12 couple comments. I think Randy hit on
13 the main issue that the way that the
14 system is structured creates some
15 barriers for us.

16 COUNCILMAN SQUILLA: Mike, just
17 state your name for the record.

18 MR. CARROLL: I'm sorry. This
19 is Mike Carroll. I'm the Deputy Managing
20 Director for the Office of
21 Transportation, Infrastructure, and
22 Sustainability. Thank you, Chairman and
23 Committee, for allowing me to make some
24 comments.

25 What I was saying was that

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 there's some structural problems with the
3 way that PennVEST has been implemented.
4 You know, the federal government has
5 established that the state revolving
6 fund, so PennVEST being one, are the
7 proper channel for federal funds to flow
8 to utilities, not just municipal
9 utilities like the City of Philadelphia
10 but also private utilities. And we're in
11 a bad situation, I think, because the way
12 that we operate as a municipal utility,
13 we have our rate base interest in mind
14 and making sure that our bills are
15 affordable, providing programs.

16 So we have not just had --
17 trying to run a business but also to take
18 care of the constituents who are the
19 ratepayers, and because we stretch
20 ourselves on affordability, we're
21 essentially punished when it comes to
22 getting in line for funds as opposed to
23 loans.

24 And in addition to that, you
25 know, we run not just the program that

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 provides people with clean drinking
3 water, but we combine that with the
4 sewage and, you know, with the storm
5 system as well, and in combining all
6 these systems, it's very difficult
7 sometimes to untangle how the benefits of
8 a specific project really deliver on the
9 goals that PennVEST has set up, whereas
10 around the state you have some utilities
11 that really only do one of those three,
12 and so their set-ups are easier to be
13 audited, the bills are clearer and the
14 impacts are clearer.

15 So these are sort of like
16 bureaucratic issues that keep us from
17 being at the front of the line. You
18 know, there may be some other things that
19 we can work on, but that's where this
20 lobbying effort I think is going to pay
21 off.

22 So we're just kind of getting
23 our legs under ourselves, but we feel
24 like this next year is a great
25 opportunity for us to put our faces in

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 front of a lot of folks in Harrisburg and
3 make some progress on that stuff.

4 I did also just want to make a
5 comment. We were talking about the dry
6 weather situations, and what Mark
7 Cammarata is talking about with the MS4
8 program -- and I might ask Mark to help
9 me what the four S's are. It's storm,
10 sewer. Go ahead, help me with that.

11 DEPUTY COMMISSIONER CAMMARATA:
12 It's Municipal Separate Storm Sewer
13 System.

14 MR. CARROLL: Thank you.

15 So that is sort of like the
16 City's -- you know, that's the whole
17 Administration's responsibility to make
18 sure that our own facilities and
19 industrial users and others are not
20 contributing pollution to the water
21 stream.

22 So the Water Department itself
23 takes responsibility for the Green
24 Cities, Clean Waters program. So that's
25 the separated -- I'm sorry; the combined

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 sewer system that's our legacy from kind
3 of the 19th century. We are in a consent
4 agreement where the Water Department has
5 the clear responsibility to take that
6 stuff on, but the Water Department is
7 more in a technical advisory role for the
8 rest of the Administration, because that
9 MS4 permit is not the permit that's held
10 by the Water Department. It's held by
11 the whole City of Philadelphia, the whole
12 government of the City of Philadelphia.

13 So how we take care of our own
14 facilities, our parks and how we regulate
15 its industrial users and other users is
16 something that we kind of share the
17 burden across departments, and that's
18 something we're getting our arms around
19 right now, figuring out how we can get
20 more access to more opportunities to fund
21 that work.

22 But we have a lot of work to do
23 with our own facilities, which is
24 something that we're trying to figure out
25 there as well.

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2 COUNCILMAN SQUILLA: Well,
3 Mike, so that collaboration is between
4 the City of Philadelphia and the Water
5 Department. So are they working in
6 conjunction together with that?

7 MR. CARROLL: Yeah.

8 COUNCILMAN SQUILLA: Because
9 obviously the overflow is the overflow,
10 and whoever is responsible for it is
11 responsible for it.

12 MR. CARROLL: I get that. And
13 I understand you want us to be proactive,
14 and I get that. And so we have been
15 working on this for a little while. I'm
16 very grateful that we've got some
17 supports from William Penn Foundation
18 where we're working on an action plan
19 around what we call the Clean Waters Task
20 Force. And so that stretches across
21 agencies.

22 We just, you know, this past
23 fiscal hired the person who is helping us
24 with some of the survey work. We brought
25 one more person in about a month ago to

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 help us do some of the higher-level
3 coordination, look for funding
4 opportunities, and that planning process
5 is just getting underway.

6 So we're hopeful that in the
7 next year or so, we're going to make some
8 progress and we'll come up with some very
9 concrete projects to take on, but this is
10 frankly going to be about a 20-, 30-year
11 process for us to get to where we need to
12 be. So what we're trying to do as best
13 as we can is get a good start.

14 COUNCILMAN SQUILLA: And I
15 agree, and everybody is very supportive
16 of the Green Cities, Clean Water because
17 we think it's a great program, but that
18 doesn't mean that's the only thing we
19 have to work on and the only thing we
20 need to do.

21 And as we spoke, and we know
22 that the LTCP was signed, I guess, around
23 ten years ago, but it still has about
24 another, what, 15 years left. And, you
25 know, when we know things have changed

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 since it was enacted, you know, the
3 consequences of climate change are now
4 recognized, you know, we expect -- the
5 recent flooding events and some of our
6 storms that we're having are going to be
7 more severe, and Climate Resilience
8 Programming and Design Guidance
9 publications need to be really in place
10 and sharply designed.

11 Actions are being taken in many
12 cities to accelerate this, right? And we
13 know that without any ratepayers'
14 increases, they reduce pollution and
15 provide recreational opportunities.
16 Other cities take advantage of the
17 federal allocations, and we especially
18 for funds intended specifically of
19 grants, maybe not loans, and I know we
20 got to work on that, for our low-income
21 communities, people who need to access
22 the water, you know, like Philadelphia.

23 So what we really want to know
24 and the Committee wants to know -- and
25 we'll probably have to have another

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 hearing, because, again, we have to
3 review that report and really probably
4 even send some questions in writing to
5 you guys to maybe be able to answer them.
6 But we don't want to repeat the LTCP
7 goals. We really want to know what the
8 Water Department is doing to accelerate
9 it to account for climate change and what
10 the Water Department or the City, if it's
11 a combined effort due to the access of
12 availability of federal funds and --
13 because it enables jobs. We create jobs.
14 It looks like the City is creating some
15 jobs in their portion, but what
16 specifically are we doing knowing that
17 this has changed?

18 And I said, Mike, it seems like
19 you have a committee now in place. Is
20 that also going to include -- who does
21 that all include that's going to be
22 looking at this?

23 MR. CARROLL: Yeah. So I think
24 there's probably two things that are
25 going on that we can talk about a little

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 bit. Like I mentioned, we have got the
3 Clean Waters Task Force. Their purview
4 is the interaction between City
5 departments and the Water Department,
6 providing technical information in order
7 to address how we manage our own
8 facilities.

9 Also we're starting to look at
10 a model where we work with stakeholders,
11 and so far, the first place we've been
12 working is what we call the Lower South
13 Philadelphia area looking at all the
14 major stakeholders that are down there.
15 So you've got the Navy Yard, the port,
16 the sports teams and those folks,
17 bringing them together to look at some
18 resiliency projects and kind of combining
19 them with transportation projects, but
20 we'll focus on the resiliency projects,
21 which allow us to go for grants like the
22 Building-Resilient Infrastructure and
23 Communities, the BRIC funding programs.
24 We're looking at some of the
25 FEMA-sponsored flood mitigation directed

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 programs. So that includes OEM.

3 In most of these areas, the
4 Water Department's role is to provide us
5 with technical assistance and not
6 necessarily to be the folks who are
7 pursuing these grants specifically.
8 Depending on what we get, once we get
9 through kind of the planning and design
10 process, the Water Department may be
11 significantly involved in managing
12 construction projects, but that's a
13 little bit further down the line. Right
14 now what we're trying to focus on is kind
15 of building better knowledge, spreading
16 the knowledge out, not just between the
17 Water Department and the rest of the
18 Administration but also in a manner where
19 we can effect private decision-making,
20 because a lot of the impacts that we're
21 concerned about are the result of private
22 land use, private development, not
23 necessarily applying to best practices to
24 manage flooding, right, and all kinds of
25 flooding that's out there, whether it's

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 from storms, whether it's from tides,
3 whether it's from just sea level rise in
4 the long term. All these things require
5 everybody to adopt the best practices
6 when they're building whatever they're
7 building, so that they're not creating
8 larger situations in the neighborhoods
9 around them.

10 But that will mostly be led by
11 the Administration in partnership with
12 other stakeholders, and the Water
13 Department's role for the most part in
14 that work is going to be providing us
15 with the most up-to-date climate model
16 and making sure everybody is using the
17 same assumptions, and then kind of giving
18 some advice about the best rules for us
19 to move forward with.

20 And we're really just kind of
21 getting started on this work. We're
22 hoping that this model will lead to a
23 planning document and some grant
24 applications in the next six months or
25 so.

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2 COMMISSIONER HAYMAN: I was
3 going to also add when it comes to
4 climate change, Philadelphia Water is a
5 leader as far as we have made it such
6 that climate change review is not a
7 one-off scenario. We have made it part
8 of our regular plans and evaluating plans
9 that we evaluate its effect as far as
10 climate change.

11 Also too we have a number of
12 projects. As I had mentioned, we have --
13 over the next five to seven years, in
14 addition to green stormwater
15 infrastructure, we have 15 traditional
16 infrastructure projects that are aimed at
17 reducing combined sewer overflow volumes.
18 We do sort of estimate it about
19 800 million gallons per year. These are
20 projects that will be at our different
21 water plants, Northeast Wastewater
22 Treatment Plant. The Northeast
23 Wastewater Treatment Plant on the
24 Delaware River will increase system
25 resilience.

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1 10/24/22 - COMMERCE - BILL 220813, ETC.

2 We have projects -- there's a
3 replacement at the 42nd Street sewer pump
4 station, their increased capacity of the
5 system and its estimate to reduce
6 overflows in the Schuylkill by 200, 300
7 million gallons. We have another
8 project, the Upper Delaware lower level
9 interceptor sewer, which removes a
10 significant flow -- construction that
11 contributes to combined sewer overflows
12 in the Bridesburg, Wissinoming, and
13 Tacony. And also we have another project
14 to have an additional primary treatment
15 tank at PWD's Southwest Wastewater
16 Treatment facility.

17 And one thing too I want to
18 add, Councilmember, that you made a good
19 point, that the Green City, Clean Water
20 is not our only endeavor. We have --
21 it's like we have a number of children
22 and we have to ensure that they're all
23 taken care of, and that means that they
24 have to be taken care of across all of
25 the City, all of the districts in the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 district -- within Philadelphia.

3 I do want to say when it comes
4 to the Green City, Clean Waters, it does
5 make up 20 percent of our capital budget.
6 And so there is a strong commitment, but
7 at the same time we have that work to do,
8 we have work to do on the water side. We
9 have the \$2.5 billion 25-year water
10 revitalization plan, which would mean
11 there will be plants that have to be torn
12 down and recreated, because a lot of our
13 facilities, not just the pipes in the
14 ground, there's also our wastewater
15 facilities, some are drinking water
16 facilities plants are at the end of life.
17 They're close to 100 years old. And so
18 we have to make sure that we repair those
19 just as much as we make sure that we do
20 different activities on the Delaware and
21 Schuylkill River.

22 Thank you.

23 COUNCILMAN SQUILLA: Is there a
24 reason, and I'm not sure, like why
25 Chester is eligible and we're not for

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 like these dollars? I just don't maybe
3 understand it, I guess, enough.

4 MR. CARROLL: I think we have
5 some research to do, if you don't mind me
6 just jumping in, to learn exactly why.
7 It may be that their water utility is
8 private, if I'm not mistaken, right? So
9 there's probably some issues that we
10 talked about in terms of us combining
11 everything, where if they're not
12 combining anything, it's just easier for
13 them to obey the rules that PennVEST has
14 put out there. So that's certainly
15 something we want to fix.

16 And then, like I said, we
17 provide lots of programs for folks. We
18 try and manage the rates as best we can,
19 and, you know, that's something we get
20 penalized for, frankly, which doesn't
21 make any sense at all. And I'm not clear
22 whether the utility that's responsible
23 for those specific pieces of Chester's
24 infrastructure is proactive on that
25 front, and that's something we need to

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 investigate.

3 COMMISSIONER HAYMAN: Yes. It
4 comes from the size of the project, the
5 cost of the project, and the ability of
6 the citizens to pay the rate, what the
7 rate is. And so, again, with our system
8 being put together as drinking water,
9 wastewater, stormwater, then their
10 position is they prefer to have a
11 stand-alone financial reporting that
12 they're able to look at. And then if you
13 separate them, then the effect of each
14 project is greater.

15 So, again, these are things
16 that we could look at as far as changing
17 the legislation in Harrisburg or we can
18 try to look at some type of carveout.
19 Those are just two possibilities of
20 things we could see if we could adjust
21 it. But the way it's done now, PennVEST
22 evaluates us, and through their
23 evaluation, we're eligible, as you know,
24 for the loans and not the grants so far.

25 COUNCILMAN SQUILLA: Well, we

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 would like to work with you on that
3 obviously and stay in collaboration with
4 the City and --

5 COMMISSIONER HAYMAN: Yes.

6 COUNCILMAN SQUILLA: If this is
7 something that you need to do, I mean,
8 we're here to help with that. We're not
9 here just to complain, right? We want to
10 make it better, and I know you want to
11 make it better, and I think together we
12 can do that.

13 But you did mention that one of
14 the things that's required as part of EPA
15 evaluation, relevance of commercial and
16 recreational safety. I mean, I'd like to
17 hear from the EPA that commercial
18 shipping is relevant to the Clean Water
19 Act designation and, you know, it's not
20 like we want to do one or the other. We
21 want our active commercial use on the
22 river. You want it to grow. It is
23 growing. We want it to continue to grow,
24 but we also want to make sure that our
25 rivers -- and other jurisdictions, they

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2 have safety committees, like in New York,
3 that are combining both commercial use
4 and recreational use that meet together
5 and go over that.

6 Is that something that you
7 would be interested in collaborating with
8 or you just think that there's no way to
9 do both?

10 COMMISSIONER HAYMAN: Well, I
11 do know they have done some safety
12 evaluations as different reporting, and
13 there's concern of the ships, the size of
14 the cargo ships, the propellers and all
15 as far as a safety issue for individuals
16 to swim there. Also too just the amount
17 of funding that we have to eliminate the
18 amount of pollution required for a
19 preliminary -- Primary Contact.

20 So you have two things going.
21 You have the do we have enough funding to
22 address Primary Contact, and then number
23 two, you have the safety issues of the
24 size of the boats and propellers making
25 an unsafe situation. That's what we're

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 being told on that.

3 COUNCILMAN SQUILLA: Right.
4 Well, I mean, we have other
5 municipalities like New York that has way
6 more traffic and way bigger boats, and
7 they're still able to use their rivers
8 for both commerce and recreation. I
9 think you'll hear some testimony about
10 that later, but I think it's important to
11 know that we together, if we all
12 communicate together, we can find a way
13 to do that, and what resources are
14 necessary to make sure our rivers aren't
15 polluted enough so that we can have
16 recreational contact in our rivers along
17 the way.

18 I don't think we can use an
19 excuse of how much money it is, because
20 we should never be able to be okay with
21 saying the river is too dirty for anybody
22 to go in, and we should strive to make it
23 cleaner, so in case it is available for
24 recreation, that they're able to do that.

25 I'm going to stop asking

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2 questions, first of all, because I can't
3 talk and, second of all, because we have
4 a lot of people here to testify. And
5 we're going to put some questions -- if
6 you don't mind, if you can stay on this
7 call and hear this testimony, and we're
8 going to put some questions in writing
9 that we didn't have a chance -- I really
10 didn't have a chance to review the
11 report.

12 So, Mr. McMonagle, is it
13 possible to call the next panel to
14 testify? I know Councilmember Gauthier
15 has a question.

16 THE CLERK: Councilwoman
17 Gauthier does, yes.

18 COUNCILWOMAN GAUTHIER: Thank
19 you, Mr. Chair. I really appreciate this
20 hearing. It's a very important topic.

21 Good afternoon, Commissioner
22 Hayman.

23 COMMISSIONER HAYMAN: Good
24 afternoon.

25 COUNCILWOMAN GAUTHIER: First,

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2 I want to recognize and appreciate the
3 fact that PWD has been and continues to
4 be a leader with -- a leader nationally
5 and even globally with the creation and
6 implementation of Green City, Clean
7 Waters and also the use of green
8 stormwater infrastructure to not only
9 manage stormwaters and keep our waterways
10 clean but to beautify our city at the
11 same time.

12 I do sometimes fear, especially
13 as it relates to Black and brown
14 communities and the communities that I
15 represent, that we're not moving at a
16 pace that matches the need of our aging
17 infrastructure. This was especially
18 highlighted for me when in February of
19 this year there was a huge water main
20 break at 56th and Springfield that dumped
21 over eight million gallons of water into
22 one of our residential neighborhoods.
23 And I want to commend Water and all of
24 our City partners for a swift repair of
25 the break, but what most stood out for me

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 was the impact that water main break had
3 on our residents.

4 The catastrophe took place in
5 an area where residents could least
6 afford to be hit by catastrophe. The
7 area has a high level of poverty, a high
8 percentage of immigrants that are just
9 trying to solidify themselves in our
10 city, and it was just a massive blow to
11 them in terms of, you know, food and
12 belongings lost, people not having a
13 place to stay, and just in general having
14 a catastrophe placed on top of people who
15 on a good day are struggling to make ends
16 meet.

17 And I saw a similar but not so
18 dire situation with flooding on the 5100
19 block of Malcolm and Whitby Streets where
20 folks there had a higher level of income,
21 but they also struggle with putting out
22 thousands of dollars, some of them,
23 related to flooding and impacts to their
24 homes at the rain event.

25 So my sense from all of this is

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2 that from an equity perspective, we have
3 to -- when we're talking about the
4 maintenance and repair of our
5 infrastructure or relieving the burden
6 from our infrastructure through use of
7 green stormwater infrastructure, we have
8 to prioritize neighborhoods where there
9 is older infrastructure and people who
10 can least bear the impact of an
11 infrastructure failure.

12 And so I wanted to hear if the
13 Water Department has a plan based on
14 equity for repair and maintenance of our
15 water infrastructure and if that's
16 something that you can share with
17 Council.

18 And, secondly, are you
19 specifically applying for federal funding
20 to further this goal and to address
21 potential catastrophe in neighborhoods
22 where the impact on people's day-to-day
23 lives would just be massive and more than
24 they can bear from a household
25 perspective?

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2 COMMISSIONER HAYMAN: Okay.

3 I'll answer your second question first.

4 When it comes to the federal funding, we
5 are aggressively pursuing any and all
6 dollars that are out there on the federal
7 funding.

8 Now, the issue is, though, the
9 funding, some of it, is for certain uses.
10 And so to the extent that there's any
11 money out there that would allow us to --
12 would allow the City to use it to assist
13 those who are in the straits of the water
14 main break, they have, like you said,
15 they have their belongings, they're in
16 need of food and different things, we
17 would certainly work with the City to
18 apply for such funds as they are
19 identified and work with them as far as
20 developing a program to assist
21 individuals in those positions.

22 I remember the water main break
23 that you're talking about very well. I
24 remember you came out to the site. I met
25 with you, and I too am concerned about

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 individuals who are hurt beyond just the
3 water entering the home. But, again, the
4 money that we receive sometime is limited
5 on how -- or has certain restrictions on
6 how we can use it.

7 And your other question as far
8 as prioritizing neighborhoods, our goal
9 now is to try to make sure that we're
10 able to make repairs on our water system
11 to avoid the water main breaks. And so
12 we are increasing the number of miles of
13 pipes that we are replacing on the water
14 side and on the wastewater side, costing
15 between \$2 and \$5 million per mile.

16 I also have gone to water
17 conferences where I'm looking at and I'm
18 encouraging our staff to investigate new
19 technologies that allow us to look at
20 leaks in the system and try to prioritize
21 those areas where we think we are most
22 vulnerable.

23 Now, we have use of some of
24 that technology currently, and it has
25 been a positive use of it, but I'm trying

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2 to find ways that we can increase that,
3 find what is the most cutting edge, and
4 find a way to implement that so that we
5 can get ahead of the water main break and
6 that people don't have to go through the
7 situations that you and I witnessed.

8 Thank you.

9 COUNCILWOMAN GAUTHIER: Thank
10 you. I think I was asking -- thank you
11 for that answer. I think I was asking
12 maybe a little bit different of a
13 question. I'm asking if we have a plan
14 that takes into account the repair of
15 water infrastructure that relates to the
16 age of the infrastructure in various
17 parts of the City and that also relates
18 to the poverty or take into account
19 equity as we are planning out how we make
20 those repairs.

21 COMMISSIONER HAYMAN: Yes.

22 COUNCILWOMAN GAUTHIER: And are
23 we looking to federal funding as a way to
24 carry out that plan.

25 COMMISSIONER HAYMAN: Yes.

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2 Mark Cammarata, Deputy, can you
3 answer that question?

4 DEPUTY COMMISSIONER CAMMARATA:
5 Yeah. Thank you, Commissioner.

6 And thank you so much for that
7 question, Councilmember Gauthier. I
8 think, you know, in the last couple
9 months, we've completed a handful of
10 City-related surveys that are really
11 shining some light on how we think about
12 equity in our investments, and I think
13 we'll be able to start to organize our
14 thoughts maybe a bit better than we have
15 previously and look for gaps and look for
16 areas of improvement.

17 I'd want to stress that, you
18 know, our water replacement program tries
19 to do predictive failure analysis, tried
20 to look at a whole bunch of different
21 variables as far as age, contractor, you
22 know, soil conditions, numerous criteria
23 where we look to look for vulnerabilities
24 in the system, and we have provided kind
25 of a risk and consequence of failure type

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2 of analysis as well. And you can
3 imagine, you know, infrastructure at or
4 near hospitals or dialysis centers or
5 schools. You know, they score
6 differently or higher as far as how do we
7 think about infrastructure failure points
8 in those areas and what the consequence
9 may be and that kind of factor into how
10 we do replacement reads.

11 I think what you're raising
12 here is a very interesting point, how do
13 we start thinking about communities in
14 need and think about what the damage
15 could be for these breaks, can and should
16 that factor into kind of this risk and
17 consequence type of analysis. I think
18 it's a great question. I think it's
19 something we need to and should be
20 thinking about in how we prioritize.

21 You also raise the point of
22 just the aging infrastructure element
23 that I think the Commissioner touched on,
24 and here we are talking about water
25 quality improvements on the Delaware to

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 enhance the recreation we do see and that
3 is allowed, boating and fishing and all
4 that kind of pleasure we do, and taking
5 it even further to kind of a swimming
6 criteria. And we talked about having to
7 balance all these competing obligations.

8 You touch on the water main
9 replacement side of it for the aging
10 infrastructure, which is a huge portion
11 of our annual investment, and when you
12 think about having over 3,000 miles of
13 water infrastructure and the fact that
14 we're moving into replacing 40 or so
15 miles a year at that increased cost per
16 mile, you can see why there's such a
17 stretch on our resources and what it
18 takes to actually run all the
19 infrastructure in the City safely.

20 But I just -- I want to thank
21 you for adding that equity element. I
22 think that is absolutely something we
23 need to consider. The ability and the
24 impact on these communities that see
25 these breaks, no one can handle these

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 breaks, right? I mean, they're a
3 nightmare for so many, but your point
4 about how they disproportionately affect
5 communities in need is something that
6 will resonate with us and something we
7 need to consider for sure.

8 Thank you.

9 COUNCILWOMAN GAUTHIER: Thank
10 you.

11 And then just as a statement,
12 I'll say I hear you loudly and clearly
13 when you talk about the use of funds,
14 Commissioner Hayman, and I know I asked
15 you before if there was any way that the
16 City could have somewhat of a fund to
17 support people who can't support
18 themselves in these instances.

19 The thing that really stuck out
20 for me was when we were asking people to
21 find somewhere else to stay with family
22 or friends who didn't have anywhere else
23 to stay or when we were -- when people
24 lost their electricity and lost all their
25 food as a result of the water main break.

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2 Those are things that I would like to see
3 the City be able to be more supportive
4 with, especially for folks that are
5 really low income and don't have the
6 money to put out for extra expenses.

7 But, again, I do appreciate all
8 of your effort and all of our City
9 agencies in the way that you mobilized
10 around that disaster. Thank you so much.

11 And thank you, Mr. Chair.

12 COMMISSIONER HAYMAN: Thank
13 you.

14 COUNCILMAN SQUILLA: Thank you.
15 Thank you, Councilmember.

16 Are there any other questions
17 for Commissioner Hayman or Deputy Mayor
18 Carroll?

19 (No response.)

20 COUNCILMAN SQUILLA: All right.
21 Guys, if you could hang in there.

22 And, Mr. McMonagle, can you
23 please read the names for the next panel.

24 THE CLERK: Yes. Can we please
25 have Layla Bibi and Larry Jones.

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1 10/24/22 - COMMERCE - BILL 220813, ETC.

2 COUNCILMAN SQUILLA: Layla, if
3 you want to start first since you're
4 connected. Just state your name for the
5 record and then proceed, and then we'll
6 move on to Larry.

7 MS. BIBI: Yes. Layla Bibi
8 here.

9 COUNCILMAN SQUILLA: Please
10 proceed.

11 MS. BIBI: Thank you, Chair
12 Squilla and members of the Council
13 Committee on Commerce and Economic
14 Development. My name is Layla Bibi. I
15 am a Council Representative for the
16 Eastern Atlantic States Regional Council
17 of Carpenters. I do just want to note
18 that I am standing in at the
19 recommendation of Mungu Sanchez. He had
20 a conflict today. So I do want to thank
21 him for all his help within this effort,
22 but he was not able to make it, so I'm
23 just giving a testimony on the behalf of
24 my Council in his place.

25 I want to add to the testimony

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2 the importance of and the need for
3 federal water quality infrastructure
4 funding that is aimed at addressing
5 chronic sewage overflows and improving
6 the water quality of the Delaware and
7 Schuylkill Rivers for public recreational
8 use.

9 The Eastern Atlantic States
10 Regional Council of Carpenters is a
11 40,000-plus member strong trained and
12 highly skilled union workforce
13 concentrated in the Mid-Atlantic states
14 of Pennsylvania, New Jersey, Delaware,
15 Maryland, Virginia, West Virginia, and
16 the District of Columbia. We have over
17 18,000 members locally in Southeastern
18 Pennsylvania and Southern New Jersey.

19 While the majority of our
20 members are highly skilled and trained
21 carpenters, we also represent hundreds of
22 waterfront dock builders and other
23 underwater specialists skilled in climate
24 change infrastructure remediation and
25 construction.

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2 This is our future, and the
3 union is actively recruiting
4 Philadelphia's youth into our
5 apprenticeship programs to help develop a
6 city workforce for this future. Our
7 union's future job growth and continued
8 market share expansion lies in having a
9 trained workforce and skilled, readily
10 available to fulfill the labor demands of
11 the emerging climate change
12 infrastructure industry. Our union
13 leadership knows that addressing the
14 impact of climate change will be a key
15 part of our future market share
16 throughout the country, and that is why
17 we are already actively recruiting young
18 people here in Philadelphia and
19 throughout the region to enroll in our
20 pre-apprentice programs and training so
21 that we can develop a fully trained
22 workforce for this new future, which is
23 here already.

24 On the 50th anniversary of the
25 Clean Water Act, our union believes that

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 while we have made tremendous progress
3 and strides in cleaning up our waterways,
4 more must be done and done now to
5 confront the looming reality of global
6 warming and its impact on our waterways
7 and on waterfront cities like
8 Philadelphia, Camden, Baltimore, and
9 others.

10 We have been working with a
11 number of Philadelphia non-profit groups
12 who are introducing City youth to the
13 joys of the rivers and share our belief
14 and the need for clean waterways for both
15 recreational as well as consumption
16 purposes.

17 Most climate change-related
18 projections, including the Philadelphia
19 Water Department's own recent
20 Climate-Resilient Planning and Design
21 Guidance publication, emphasize the
22 urgent need to prepare the Philadelphia
23 waterfront and its waterfront
24 infrastructure for dramatic increases in
25 stormwater runoff as well as

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 significantly higher sea levels.

3 If Philadelphia and other
4 similarly located waterfront cities do
5 not adequately prepare for the real and
6 dangerous consequences of our changing
7 global climate, portions of these cities,
8 including Philadelphia, will be
9 underwater, and crucial water
10 infrastructure will be readily
11 overwhelmed.

12 Climate change and its
13 consequences is a serious threat that
14 cannot be ignored. Time is of the
15 essence for us to grab this opportunity
16 now and reinvent our historic River City
17 and save the recreational waterfront that
18 local residents embrace as a key amenity
19 of urban life.

20 As other speakers will point
21 out, New York City, Washington, DC, and
22 nearby Camden are already recognizing the
23 threat and are taking concrete steps to
24 create resilient waterfront parks that
25 are recreationally attractive to tourists

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 and residents alike. These cities are
3 preparing now for the impact of climate
4 change on our local waterfront-based
5 recreational facilities and
6 infrastructures. We believe Philadelphia
7 must make the investment now in its
8 recreational waterfront infrastructure.

9 I know the City has a lot of
10 priorities that must be addressed, but
11 this priority left unaddressed will have
12 disastrous consequences if we do not act
13 now when we still have time.

14 Clean water is an essential
15 component to the health and wellbeing of
16 our urban center. Eliminating the threat
17 of losing clean water and clean water
18 recreational facilities for Philadelphia
19 and surrounding communities must be a
20 priority for Philadelphia City Council as
21 well as the Mayor. We urge City Council
22 and the Mayor to take action now before
23 it's too late.

24 Thank you.

25 COUNCILMAN SQUILLA: Thank you

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 so much for your testimony and appreciate
3 that.

4 Mr. McMonagle, please call the
5 next testifier.

6 THE CLERK: Mr. Larry Jones.

7 MR. JONES: Thank you.

8 Good afternoon, Councilman
9 Squilla, members of the Committee. A
10 special good afternoon to Councilmember
11 Gauthier, Councilmember for our school.
12 My name is Lawrence Jones. I am the
13 Chief Executive Officer and a team member
14 of the Richard Allen Preparatory Charter
15 School located in 2601 South 58th Street
16 here in Southwest Philadelphia.

17 If you know Southwest
18 Philadelphia, you know there are many
19 commercial and industrial areas as well
20 as a variety of social (connection
21 issues) and blight that's endemic to
22 urban spaces. Our students traverse the
23 community differently. They come to
24 school. They spend their evenings and
25 weekends planning and socializing in the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 community, often times with very little
3 opportunity to experience nature or
4 significant greenery.

5 You should also know that
6 there's a jewel in Southwest Philadelphia
7 that allows our students to experience a
8 variety of nature. Bartrams Garden is a
9 public botanical garden that provides our
10 students to learn, play, and socialize in
11 nature. Bartrams is situated on the
12 banks of the Schuylkill River. It is the
13 river that has served to expand the
14 horizons of so many of our students as
15 both a place to learn and place to play.
16 And I understand well the concept of
17 equity, but I also want to just add that
18 equity for resources for the common
19 things that we see, like drinkable water,
20 are the things that (connection issues),
21 but equity to be able to play safely may
22 not always sound as important, but that
23 is vital, and it's hugely vital when
24 you're a child.

25 Our students at Richard Allen

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 have used Bartram Gardens as a place to
3 learn (connection issues) several years,
4 and the river is a special part of that,
5 for our students are able to do things
6 like build boats and actually put those
7 rowboats onto the river for the community
8 boating program.

9 Our students have been able to
10 test water. They've learned about the
11 species in water. They've learned so
12 many things about the river and about the
13 history of the river, and they've come to
14 appreciate the importance of having clean
15 water.

16 There's also a farm at Bartram
17 Gardens that uses the river as well, and
18 this has been a (connection issues) very
19 place for our children also.

20 Often our students' perspective
21 aren't always heard from a child's point
22 of view. And so I am hoping that these
23 few moments that I have, I can share
24 their perspective and speak on their
25 behalf in that endeavor.

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2 Our students know that there
3 was once a time when the Schuylkill was
4 so polluted that it caught fire. I mean,
5 it actually caught fire because it was
6 that dirty. It's a time that's a distant
7 memory for most of us, especially our
8 students, and we must do everything in
9 our power to ensure that our children can
10 one day say having to worry about whether
11 I can swim in the river, play in the
12 river is something that once occurred,
13 but it's just a distant memory now.

14 So if it's within your power to
15 make a change and to help with this, I'd
16 just like to ask you to do something.
17 Think about a place and a time when you
18 used to play when you were a child.
19 Think about how that place made you feel.
20 And now I'm asking if that place was
21 taken from you, would it have changed
22 your childhood? Would you have wanted
23 someone in power to step in and make it
24 better?

25 The answers to those two last

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 questions are yes, and I think it's
3 obvious what the actions we must do and
4 that we need to do anything in our power,
5 even understanding the competing
6 interests that are out there, to make
7 sure that clean, swimmable water for
8 recreation is available to all of our
9 citizens and all of our children,
10 especially those among us who are
11 oftentimes disenfranchised.

12 I thank you for this
13 opportunity to speak before you. I thank
14 you for this opportunity to share a
15 little bit of my perspective, and I
16 appreciate all that you do and continue
17 to do for our community.

18 Thank you very much.

19 COUNCILMAN SQUILLA: Thank you,
20 Larry. Great testimony and very good
21 insight, and we appreciate looking
22 forward to working together with you on
23 this.

24 Mr. McMonagle, can you please
25 read the title of the next person to

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 testify.

3 THE CLERK: Yes. Can we please
4 have Maggie Flanagan -- I'm sorry. Can
5 we please have first, I'm sorry, Nancy
6 Stoner, and can we make sure that Nancy
7 is able to share her screen while she
8 starts her testimony.

9 COUNCILMAN SQUILLA: Nancy,
10 while you're sharing, when you start,
11 just state your name for the record and
12 you can proceed with your testimony.

13 MS. STONER: Thank you very
14 much. I appreciate the opportunity to
15 testify today. My name is Nancy Stoner.
16 I'm the President of the Potomac
17 Riverkeeper Network, and I worked many
18 years ago on Philadelphia's Green City,
19 Clean Waters plan with some of the people
20 here today, and it's a pleasure to have
21 an opportunity to talk with you again
22 about the progress you've made and the
23 goals that you have ahead of you.

24 I'm going to first read my
25 testimony and then I will share just a

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 few slides.

3 So at the Potomac Riverkeeper
4 Network, our mission is to protect the
5 public's right to clean water in the
6 Potomac and Shenandoah Rivers and their
7 tributaries. It's a watershed of almost
8 15,000 square miles, known as the
9 Nation's River.

10 We stopped pollution to enhance
11 the safety of our drinking water, protect
12 healthy river habitats, and enhance
13 public use and enjoyment. One of the
14 lead campaigns for the Potomac
15 Riverkeeper is our Swimmable Potomac
16 campaign. Our vision is that we will
17 have safe swimming opportunities for
18 everyone in the Potomac River in and
19 around DC. To do that, we need to have
20 water quality that meets public health
21 standards almost all of the time, and we
22 need to identify areas where there are no
23 swimming hazards that would prevent
24 people from swimming safely.

25 We would like to see designated

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 swimming access points on the Potomac
3 that are monitored daily and that have
4 lifeguards during the summer. That's our
5 vision, and we believe that it is within
6 our reach.

7 The Potomac River in DC is
8 designated as a Class A recreational
9 water, but its current use is only Class
10 B and below.

11 The Potomac River currently
12 meets public health-based swimming
13 standards more than three-quarters of the
14 time in and around DC at the 21 sites
15 that the Potomac Riverkeeper Network's
16 community science water quality
17 monitoring program monitors on a weekly
18 basis during the summer, but some sites
19 meet those standards 90 to 95 percent of
20 the time, including the tidal basin where
21 there used to be swimming beaches in the
22 1920's.

23 So that wasn't always the case,
24 that the water was as clean as it is
25 today. Swimming has been banned in the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 Potomac River in DC since 1971, since
3 before the Clean Water Act was passed,
4 because in 1971, the Potomac was
5 basically an open sewer, pretty much
6 never safe for swimming.

7 Over the past 50 years, the
8 water quality has vastly improved, and
9 people not only use the river all the
10 time for kayaking, stand-up paddle
11 boarding and wading, but also open water
12 swimming events for which a special
13 permit is required in DC.

14 We are petitioning the Mayor to
15 lift the swim ban and to identify safe
16 places to swim in the river that would be
17 open and accessible to everyone. But
18 we're not done. DC water has a clean
19 river plan that was designed to capture
20 and treat 96 percent of the sewage in the
21 system by 2030. Alexandria across the
22 river, by the way, AlexRenew has a plan
23 that's designed to be completed by 2025.
24 So in the next ten years, we expect to
25 have both of those programs completed,

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 and once that happens, even with the
3 larger storm events that we're seeing due
4 to climate change, we expect most public
5 access points along the Potomac to
6 routinely meet public health-based water
7 quality standards, except after very
8 large storm events. After those large
9 storm events, it's probably unlikely that
10 most swimmers would want to go out in the
11 water anyway because of the current, but
12 what we'd like to do is have a flag
13 system as well as notifications on Swim
14 Guide, which is a computer program and an
15 app that you can get on your smartphone.
16 It was developed by a member of the Water
17 Keeper Alliance. It's available
18 worldwide, and it lets people know
19 whether or not swimming is safe based on
20 the bacterial standards.

21 So in addition to that system,
22 which we already are using when we're
23 doing water quality monitoring, we'd like
24 to have a flag system like they have in
25 Boston on the Charles River to let people

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 know whether public health standards are
3 met on a daily basis for designated
4 swimming sites.

5 Let me see if I can share my
6 screen here.

7 Do we see the right thing here?
8 No. That's my testimony.

9 COUNCILMAN SQUILLA: If you
10 want to click on Share.

11 MS. STONER: Do you see that?

12 COUNCILMAN SQUILLA: No.

13 MS. STONER: You don't?

14 COUNCILMAN SQUILLA: Click in
15 the Teams feature on the top right next
16 to Leave.

17 MS. STONER: Just a moment. I
18 apologize for the delay.

19 Okay. Do you now see it?

20 COUNCILMAN SQUILLA: No.

21 MS. STONER: How about now?

22 COUNCILMAN SQUILLA: There you
23 go. Yep.

24 MS. STONER: All right. Okay.
25 Fantastic. And let me make it bigger.

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2 All right. So this is the
3 report that we put out over the summer
4 that has the results that I referred to
5 earlier from our water quality monitoring
6 program that is a community science water
7 quality monitoring program on the
8 Potomac.

9 You'll see the platform there.
10 That's actually from the tidal basin.
11 There was a swimming platform in the
12 tidal basin in the 19 -- it actually
13 opened in 1918. It was open until 1925.
14 And it was closed over issues having to
15 do with whether or not there should be
16 swimming access for non-whites as well as
17 whites. The tidal basin at that time was
18 a whites-only swimming beach, and rather
19 than have swimming access for both, which
20 was disputed at that time, Congress
21 closed down all swimming beaches at that
22 time, because they could not resolve the
23 issue in a way that allowed swimming
24 access for both. So that's unfortunate,
25 and I don't know that we'll have swimming

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2 in the tidal basin again, but it is a
3 very clean beach and it is one possible
4 place for swimming access.

5 So our strategy, as it says
6 here, is to have science that supports
7 safe swimming to publish the results on
8 Swim Guide, which we do in the summer, to
9 do a report every other year, let people
10 know the progress we're making.

11 As I mentioned, to lift the
12 swim ban in DC. We want people to know
13 that they will be able to swim and to set
14 up safe conditions for them to do so.

15 To continue to support DC water
16 and AlexRenew in their investments
17 they're making to improve water quality.

18 And to defeat wet weather
19 standards. So we have had wet weather
20 standards proposed by DC Water multiple
21 times over the past 20 years. We need to
22 have standards that are safe during wet
23 weather as well as during dry weather for
24 people to swim. We would like to have
25 those apply almost all of the time, other

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 than in very large storm events.

3 This is just a picture of our
4 lab, which is on a vessel called Sea Dog,
5 which is docked at National Harbor where
6 we have an IDEC system to do water
7 quality monitoring with the samples that
8 our volunteers gather. And then you can
9 see on the right where we monitor in the
10 Washington, DC area. There is also
11 monitoring on the Anacostia done by our
12 colleagues at the Anacostia Riverkeeper.

13 And this is a chart. It's kind
14 of an eye chart for you here, but I don't
15 think that the details are as important
16 as that you can see that there is a lot
17 of variability. While 76 percent is the
18 average, there are some places in the
19 Washington, DC area which already meet
20 water quality standards 90 to 95 percent
21 of the time.

22 So, again, after these
23 investments are made and the combined
24 sewer overflow is being treated, we
25 believe there will be safe swimming

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2 almost all of the time in the Potomac
3 River, and we think that will be a
4 tremendous benefit to the people who live
5 here, particularly those who do not have
6 the resources to travel to go to the
7 beach. They could go to the beach right
8 where they live.

9 And just two last pictures
10 here. On the left is an event that we do
11 called Shark Fest DC, which we do with
12 the Special Olympics. We do it out of
13 National Harbor, and we have more than
14 100 people who do open water swims at
15 that event every year.

16 We test the water quality, make
17 sure it's safe, and so far, it always has
18 been.

19 And then on the right is a pop
20 star named Lorde who went swimming in the
21 Potomac River this summer and then
22 announced that she had done so at a
23 concert that she had at a concert venue
24 called The Anthem at The Wharf. She got
25 a lot of press on it, and what we found

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 out is that views were very mixed about
3 the idea of whether swimming in the
4 Potomac was a good idea or a bad idea.
5 So what that tells us is that people
6 don't know about all the progress that
7 we're making and that they have not yet
8 seen or experienced swimming in the
9 Potomac. We would like to change that.
10 We want the water quality to be safe. We
11 want everyone to be able to swim.

12 That ends my testimony, unless
13 you have questions for me.

14 COUNCILMAN SQUILLA: Great job.
15 Thank you so much, and much appreciated.

16 Has there been a timeline and
17 do we see the improvement over time from
18 when you started to now?

19 MS. STONER: Yes. I mean,
20 there is a timeline. Again, it's 2025 in
21 Alexandria and 2030 in DC for completion
22 of the combined sewer overflow. We do
23 not yet have a commitment from DC as to a
24 timeline for lifting the swim ban,
25 although the DC Department of Energy and

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 the Environment has indicated that they
3 share the goal of lifting the swim ban
4 and having swimming in the Potomac when
5 it is safe to do so.

6 COUNCILMAN SQUILLA: Thank you.
7 You can unshare your screen now at this
8 time.

9 MS. STONER: I thought I had.
10 Oh, my. Sorry. Just a moment.

11 COUNCILMAN SQUILLA: In the
12 meantime, Sean, can you read the next
13 person to testify.

14 THE CLERK: Sure. Can we
15 please have Captain Maggie Flanagan.

16 COUNCILMAN SQUILLA: And,
17 Maggie, I know you're going to share
18 also, but just state your name for the
19 record and then proceed with your
20 testimony.

21 CAPTAIN FLANAGAN: Sure. My
22 name is Margaret Flanagan and my nickname
23 is Maggie, and I'm the Chairperson of the
24 Education Subcommittee of the Harbor
25 Operations Safety and Navigation

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 Committee of the Port of New York and New
3 Jersey. A picture of a few of us here.
4 Are you all seeing this screen all right?
5 (Councilman Squilla nods head
6 in the affirmative.)

7 CAPTAIN FLANAGAN: Great.
8 Great. And I'm second from the left.
9 Our current captain of the port is on the
10 far right there, and our Harbor Ops,
11 which is the nickname for our committee,
12 is a group of marine professionals and
13 recreational boaters and terminal
14 operators, all folks with a stake in the
15 waterfront who volunteer their time to
16 come together to work towards
17 non-regulatory solutions to navigation
18 challenges and safety concerns on our
19 harbor, which is very geographically
20 diverse, very mixed-use shared harbor.

21 And I don't have to tell you
22 all how busy commercial traffic can be.
23 This is just a shot with every dot being
24 one of the commercial vessels in New York
25 harbor, all types, container ships,

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 ferries, but this image is actually our
3 165 small boat launches. Every single
4 orange dot there is a place where
5 paddlers or jet skiers can also enter the
6 water.

7 So as you all are aware locally
8 as well, we can have a very diverse,
9 mixed-use, shared harbor that our Harbor
10 Operations Committee works very hard to
11 ensure safety and camaraderie on. We do
12 ban together on this goal.

13 So I think the Steering
14 Committee of our Harbor Operations
15 Committee is made up of representatives
16 from all the diverse sectors around the
17 water, and what you're seeing here is
18 drawing from that a speaker list for one
19 of our public programs that we do where
20 we bring together pilots, kayakers, jet
21 skiers, ferry captains, as I keep saying.

22 I think a difference that might
23 be of note for folks in Philadelphia to
24 hear is that our Harbor Ops Harbor Safety
25 Committee does not have a membership

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 dues entry-level requirement, and I did
3 learn that Philadelphia's Harbor Safety
4 Committee does charge a membership dues.
5 Definitely for us in New York not having
6 that reduces a barrier to participation
7 for all the diversity of boaters.

8 So as we all come together here
9 in New York harbor in addition to
10 meetings like this, we have a Zoom every
11 year on a safety update, and we also do a
12 great meet-up called Captains and
13 Paddlers where kayakers get to go visit
14 the ferry wheelhouse of a ferry boat to
15 learn about those perspectives, and then
16 the ferry captains go kayaking with some
17 of our great boathouses.

18 So we are coming together as
19 one private mariners, and we use an
20 outreach toolbox for the public that I
21 can't only take credit for. It has truly
22 been developed through the years of our
23 committee. This is our shared harbor map
24 published by our local water trail
25 association, which is a group of

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 paddlers. Every colored dot is a
3 different type of boat dock. So we're
4 able to really look out for each other as
5 we're coming and going on our busy
6 waterways.

7 One of the best tools we have
8 available is our safe harbor video. You
9 can find it by navigating on the web to
10 thesafeharbor.us. And I have to express
11 appreciation to the New Jersey Department
12 of Transportation for grant funding that
13 helped this video happen.

14 You can see these various
15 chapters are interviews with various
16 stakeholders on the waterways with
17 amazing, exciting video that shows the
18 perspective and navigation concerns so
19 that we can all learn from each other.
20 And in particular, this video we
21 frequently show at conferences. Our
22 volunteers go to boat shows and show it
23 for public education.

24 And we do all of this not just
25 because of the excitement that you'll see

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 in the video, but because marine
3 recreation is good business.

4 This is a slide from the 2019
5 Shared Harbor Survey conducted by, on the
6 New York City side, our Environmental
7 Development Corporation in partnership
8 with New Jersey Department of
9 Transportation to kind of capture a
10 screen shot, and my testimony includes
11 more details, including a link to this
12 document, if anyone would like to learn
13 about it. But you can see that the
14 recreational sector does provide over
15 1,000 jobs on the water in our area. And
16 it's not just that kind of business that
17 works in terms of jobs. Demand for
18 kayaking lessons in particular is
19 increasing beyond our current capacity,
20 where our 58 boathouses are doing about
21 two days a week on average of lessons,
22 and we're already beyond that capacity.
23 And this is a great way to show that
24 marine recreation is in demand, but it
25 does also have economic benefits as the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 public participating and learning to be
3 kayakers on their waterways this way are
4 joining clubs. They're buying their
5 materials.

6 And a fun new thing that we've
7 seen going on is that people are doing
8 what's called a dine and dock by kayak,
9 where you can kayak to the waterfront
10 restaurant and enjoy a meal there. So
11 there's a lot of diversity in both energy
12 and economics that we're seeing with all
13 of this.

14 Marine recreation is also
15 healthy due to a lot of the partnerships
16 that we have here in our harbor. As you
17 probably understand being in an urban
18 area, there's a great lack of green
19 space, but we see our waters as blue
20 space that can really help solve that
21 problem. And through the great efforts
22 of folks who have been on the meeting
23 today, up here in New York, our EPA, in
24 the New York area we are seeing swimmable
25 Primary Contact waters that enable all

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 this kind of recreation during dry
3 weather and in many, many, many times of
4 the year.

5 As we've discussed today,
6 combined sewer overflow is a problem in
7 the Port of New York and New Jersey, and
8 partnerships really help us address that.
9 We also have a citizen science water
10 testing program, as we heard about in the
11 Potomac River, and as you can see here,
12 it's able to really narrow down on where
13 waters are clear to paddle in, or
14 whatever kind of recreation you're doing,
15 and where you might want to consider if
16 you have immunocompromised conditions and
17 being more careful.

18 Our citizen scientists put this
19 information out every Friday during the
20 warm weather so that citizens can make
21 their own choices about where they want
22 to go paddling and where they want to
23 engage with the water as well.

24 And of course our Department of
25 Environmental Protection here in New York

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2 City helps, but as we've heard from your
3 local agency, these are expensive
4 projects.

5 Other things that help are
6 sewage retention tanks, which are being
7 built alongside CSOs, as you can see on
8 the left hand of the screen. And in New
9 York City, we actually have vessels that
10 are sludge tankers that help manage
11 overflow by shipping it to less affected
12 parts of the city as well.

13 Sorry. One more thing. I did
14 want to mention that the tankers show
15 you -- let me put up our tanker.

16 The tankers illustrate that not
17 all CSO outfalls are created equal. In
18 New York City, we have about 15 CSO
19 outfalls that together are responsible
20 for more than 50 percent of the sewage
21 pollution in the water. So targeted
22 treatments, like we're seeing on this
23 slide, can really have a significant
24 effect in a great reduction by targeting
25 the worst offending outfalls of CSOs.

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2 Other great ways our agency is
3 partnering with the public is the WAIT
4 app. As you can see here, now in New
5 York City, you can download your app by
6 your address, immediately connects you to
7 your sewer shed and gives you a push
8 notification when a CSO event is likely
9 to happen so that you as the citizen can
10 contribute to cleaner waters by changing
11 the time you do laundry, that kind of
12 thing.

13 And of course you all probably
14 know New Jersey is on its way to using
15 technology to address these problems as
16 well. This is New Jersey's outfall map.
17 In our area in the Northern Jersey four
18 counties that share the waterways with us
19 have also formed a CSO discharge group
20 with a map, where a goal is the public
21 can just click on it and tell when the
22 outfall is triggered and a CSO is
23 happening. The technology of that is not
24 performing currently exactly as we'd all
25 hoped, but we really appreciate the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 efforts and the way the public
3 information and public involvement can
4 support the great work of our agencies
5 and these problems, because where it all
6 really comes down to being meaningful is
7 where our families, our people in our
8 communities, people along the urban river
9 can access that water and learn about it
10 so that they can appreciate it and also
11 learn to become the stewards that will
12 help us all do our jobs in the future.

13 I do training on some of these
14 kayak programs, and I truly hope that I'm
15 able to open some eyes of some of the
16 young people on a path to be the next
17 sewage treatment scientist or the next
18 green infrastructure engineer or even the
19 next commissioner of the Water
20 Department, and it really does start with
21 people learning to care, which starts
22 with this kind of primary access to their
23 urban waters.

24 And thank you for letting me
25 share some of these thoughts with you,

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 and thanks to all of the agencies and
3 Councilmembers for all of the great work
4 you're doing, and I'm very happy to
5 answer questions or send additional
6 information whenever you all would like.

7 COUNCILMAN SQUILLA: Maggie,
8 thank you so much, and it's really
9 refreshing to hear that everybody working
10 in the same direction no matter what part
11 of commerce or recreation or land and
12 water use, and people have the same
13 interest, because our rivers are our
14 recreation places, but sometimes,
15 especially Philadelphia, doesn't look at
16 that as part of green space or blue space
17 where we can have recreation. So it was
18 great sharing that testimony and much
19 appreciated. Thank you.

20 Mr. McMonagle, could you please
21 read the next person to testify.

22 THE CLERK: Yes. Can we please
23 have Andy Kricun.

24 MR. KRICUN: Thank you.

25 Good afternoon, everyone.

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 Thank you, Chairman Squilla and members
3 of the Council and Philadelphia City
4 officials, for the opportunity to speak.
5 My name is Andy Kricun and I am former
6 water utility manager and also serve as a
7 member of the U.S. EPA's National
8 Environmental Justice Advisory Council
9 and New Jersey's Environmental Justice
10 Advisory Council.

11 So I'm coming to speak today
12 about the Clean Water Act and what's
13 passed and what can be done moving
14 forward, sort of using the dual hats of a
15 water utility manager with many years of
16 experience there but also with an eye
17 toward environmental justice, which is a
18 key passion of mine.

19 This month saw the 50th
20 anniversary of the Clean Water Act, and
21 legislation has had a tremendous impact
22 on the water quality of all the rivers
23 across the nation, including the Delaware
24 River. And kudos to all that
25 participated in the incredible

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2 improvement in water quality since 1972,
3 you know, the Philadelphia Water
4 Department, legislators,
5 environmentalists, you know, community
6 groups, et cetera. I mean, so much has
7 been accomplished. The river is so much
8 cleaner than it used to be, and I worked
9 on that on my -- in my time in Camden as
10 well on the other side of the river.

11 But as Commissioner Hayman
12 said, there's still a lot more to do, and
13 I think that the main goals of the Clean
14 Water -- many of the main goals of the
15 clean waters have been enacted. The next
16 50 years are going to see an increased
17 emphasis on environmental justice and
18 making sure that the promise of the Clean
19 Water Act is touched to all communities,
20 not just the most affluent ones, and
21 that, you know, basically the Clean Water
22 Act, the promise of it is that every
23 person, no matter who they live -- I'm
24 sorry; where they live or who they are,
25 is entitled to safe drinking water and

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 clean waterways at an affordable rate.
3 And that's what I see coming forward
4 hopefully in the future for the Clean
5 Water Act.

6 You know, now applying that to
7 the Delaware River, the Delaware River is
8 over 300 miles long, 330 miles long, and
9 all but 27 miles of it is approved for
10 primary contact. The 27 miles that
11 aren't is the 27-mile stretch from
12 Philadelphia, Camden, Chester, and
13 Wilmington, four communities that have
14 low income, you know, of various degrees
15 but are all well below the median
16 household income and have some real
17 poverty and also including a city like
18 Philadelphia, as you know. And Chester,
19 Camden, Wilmington may be even worse, but
20 the point is that these are EJ
21 communities.

22 And the main reason that these
23 27 miles stretch has a poor water quality
24 than the other 330 miles is because of
25 the presence of the combined sewer

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 overflow systems that Philadelphia,
3 Camden, Chester, and Wilmington have.
4 These are, as you all know, antiquated
5 systems that were state of the art in the
6 late 19th century, prior to the avenue of
7 the automobile, prior to things being
8 paved over, but now they cause the
9 problem. And although, as Commissioner
10 Hayman said, they do draw stormwater flow
11 away from communities, they often -- the
12 flow doesn't always end up in the
13 treatment plant. Sometimes it ends up in
14 overflows, and that is what the long-term
15 CSO control plans are designed to do.
16 That's what Philadelphia's Green City,
17 Clean Waters plan is designed to do.

18 So I think that Philadelphia
19 has accomplished a great deal to improve
20 water quality on the stretch of the
21 Delaware River, and frankly the Green
22 City, Clean Waters plan is one of the
23 best combined sewer overflow plans in the
24 nation. And when I worked in Camden, we
25 borrowed a lot from it and had a lot of

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 help from the City of Philadelphia in
3 implementing it.

4 However, as Commissioner Hayman
5 said, there is a lot that can be done.
6 There's more that can be done. And so
7 I'm here to suggest three things for the
8 City and its partners to consider.

9 The first is that -- and this
10 has been discussed already -- is the
11 initiative of getting more federal
12 funding. It isn't to suggest that
13 Philadelphia Water Department hasn't been
14 applying or receiving the funds that are
15 available. That is not the suggestion.
16 The suggestion is that I don't think the
17 City of Philadelphia has gotten its fair
18 share of funding, not because of anything
19 that the City has failed to do but
20 because of the way PennVEST is set up.

21 It isn't only that the City --
22 as Commissioner rightly said, it's partly
23 because the City has a combined build,
24 but also PennVEST is set up in such a
25 way -- and other state revolving programs

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 across the country have the same
3 feature -- to try to limit the amount of
4 funds that go to one large utility and
5 try to spread it out over as many
6 communities as possible.

7 One of the provisions is that
8 you have to show a rate benefit of at
9 least 15 percent across the population,
10 which only can happen for one project in
11 a very small community. So cities like
12 Philadelphia and Pittsburgh are kind of
13 locked out.

14 And so even though the
15 Bipartisan Infrastructure law brought a
16 lot of additional state revolving funds
17 to the State of Pennsylvania and to all
18 the states -- and I agree with
19 Commissioner Hayman 1,000 percent that
20 low interest loans are very beneficial,
21 and I used them a lot when I was in
22 Camden, but grant money is really what's
23 needed to make sure that the City can
24 accelerate the long-term control plan,
25 the Green City, Clean Waters plan,

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 without having adverse impact on its
3 ratepayers, to accelerate this terrific
4 plan but to do it faster but without
5 additional rate burden.

6 And so my hope is that the City
7 and its federal and state legislators
8 will seek additional funding either by
9 changing -- seeking the change of
10 legislation under which PennVEST is run
11 or by seeking a one-time federal benefit
12 for the City to help implement -- to get
13 grant money so that they can implement
14 the long-term control plan, the Green
15 City, Clean Waters plan, faster, without
16 adversely affecting ratepayers. I think
17 that is really important. And, again,
18 it's not because the City hasn't done --
19 hasn't applied for everything it's
20 entitled to. I don't think the rules are
21 set up properly.

22 And I will say one last thing
23 on this first point, is that the EPA has
24 recently announced an investigation of
25 the State of Mississippi because they

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 do -- in light of what's happened in
3 Jackson, because they do the same thing.
4 The State of Mississippi has a different
5 set-up. As a result, the outcome is the
6 same, that the City of Jackson didn't
7 qualify for grant money, only the smaller
8 communities did. And so I'm hoping that
9 Philadelphia can get the grant money that
10 it deserves that it can implement these
11 improvements more rapidly and provide
12 clean waterways to the residents without
13 a rate impact.

14 The second thing I'll mention
15 is the dry weather issue. It was
16 acknowledged that there is dry weather
17 bacteria even when it's not raining into
18 the Delaware River, and from what water
19 quality testing is showing is that it's
20 pretty significant on some days, and
21 presumptively that shouldn't be.

22 Philadelphia's three wastewater
23 treatment plants are run very well and
24 they're meeting their permits. And so
25 presumptively as long as the three

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 wastewater treatment plants in
3 Philadelphia as well as Camden's and
4 Chester's and Wilmington's are meeting
5 their permit, there shouldn't be -- there
6 should be very little presence of dry
7 weather bacteria in the Delaware River.

8 But there is a significant
9 amount, and it is a significant problem.
10 And so my recommendation is that
11 Philadelphia collectively, the Water
12 Department and all responsible divisions
13 and departments, take the same type of
14 proactive and aggressive approach like
15 you have with Green City, Clean Waters
16 where you're a national and global
17 leader, and do that to do a dry weather
18 track-back -- I mean, above and beyond
19 what's already being done -- to eliminate
20 this problem, because the opportunity is,
21 if the dry weather overflow could be shut
22 off, you know, entirely for the most
23 part, the river would be available for
24 primary kind of -- right now most of the
25 time, except when it rains, and

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 Philadelphia has its plan, as you know,
3 to complete the Green City, Clean Waters
4 plan by 2035. So if in parallel we can
5 eliminate dry weather overflow quickly,
6 more quickly, we can get access to the
7 river when it's not raining, which is
8 most of the time that people would be
9 using it anyway.

10 And, you know, I recognize that
11 there's the question about safety, but
12 water quality shouldn't be a barrier to
13 people going into the river. Whether
14 there's an issue of safety or not, and
15 the previous speaker showed how -- and
16 other speakers have shown how people can
17 co-exist in the river, water quality
18 should never be a barrier to people
19 having access to the river.

20 This dry weather overflow
21 problem has to be addressed on both sides
22 of the river, because, first of all, it's
23 a violation and, second of all, the
24 opportunity to have access to the river
25 is significant if we can eliminate this.

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2 So, again, I call for a real
3 aggressive track-back study, because
4 there's significant benefits to, one,
5 reduce the liability of the City for, you
6 know, water quality violations and also
7 to open up the river to water quality --
8 to recreational access when it would be
9 most useful; i.e., when it's not raining.

10 And the last thing I would ask
11 the City to consider is to consider doing
12 a study on maximizing your solids
13 potables control removal. I know that
14 you've done a great job with the skimming
15 boats and the thousands and millions of
16 pounds captured, but other cities use
17 different technologies. Camden uses a
18 netting system and screening. Chester
19 uses inlet control. And my thought is is
20 that because it will take another
21 13 years to complete the Green City,
22 Clean Waters plan from 2022 to 2035, in
23 the meantime is there a way to
24 cost-effectively and maybe get funding,
25 low interest loan funding or maybe even

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 grant funding, to improve the solids
3 potables control approach removal success
4 so that in the meantime while the Green
5 City, Clean Waters plan is being
6 implemented, more solids are captured and
7 prevented from going to the river,
8 because the skimming boats tend to be
9 after the fact, whereas netting systems
10 are in place, or screens, and capturing
11 the solids, you know, in situ at the same
12 time.

13 And so it isn't a question of
14 either/or, but maybe both could be
15 implemented to improve water quality in
16 parallel with implementation of the Green
17 City, Clean Waters plan.

18 As Council and of course the
19 City knows, the Green City, Clean Waters
20 plan, the idea is to capture stormwater
21 so there aren't -- or the number of
22 overflows are reduced to begin with and
23 the volume of overflows because you're
24 capturing more stormwater, but in the
25 meantime, reducing the solids that

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 actually go into the river would be a
3 tremendous water quality benefit during
4 wet weather as well as dry weather,
5 because of the solids and potables that
6 get -- aren't captured through the
7 skimming boats.

8 And, lastly, the last thing
9 I'll say -- I wasn't -- it isn't printed
10 in my printed testimony, but it was
11 inspired by something that Councilwoman
12 Gauthier said and Deputy Commissioner --
13 Commissioner Hayman and Deputy
14 Commissioner Cammarata mentioned about
15 the City's desire for injecting equity
16 into its plan. And I've known the
17 Commissioner for many years, even before
18 he was in Philadelphia. I've known
19 Deputy Commissioner Cammarata for many
20 years too, and I know of their commitment
21 to social justice and equity.

22 And so the remarks of
23 Councilwoman Gauthier sparked an idea of
24 mine, that the EPA is uplifting a program
25 of theirs called -- this is at EPA

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 headquarters in DC -- the AAA program,
3 Augmented Alternatives Analysis, in which
4 they work with utilities to take their
5 existing water plans and do it from the
6 standpoint of injecting environmental
7 justice and equity into the program. And
8 I was recently asked by the assistant
9 administrator for wastewater management
10 about possible utility candidates,
11 because I piloted this when I was in
12 Camden myself, and the City of
13 Philadelphia would be an amazing
14 candidate.

15 And so if the City is
16 interested, I'd be happy to try to make
17 that connection and see if Philadelphia
18 would be one of the next candidates to
19 implement this environmental justice
20 program to optimize equity as you're
21 implementing your Green City, Clean
22 Waters Plan.

23 Thank you so much for the
24 opportunity to make these comments.
25 Thanks for listening, and commendations

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 to all who have done so much to improve
3 water quality in the Delaware River
4 watershed.

5 Thank you.

6 COUNCILMAN SQUILLA: Andy,
7 thank you so much for your testimony. I
8 just have a quick couple questions. One
9 was, when you talked about the dry
10 water -- I mean, dry weather overflow, it
11 seemed like most of the dry weather
12 overflow is coming from our separated
13 systems, right?

14 MR. KRICUN: I don't know that.
15 We haven't really been tracked back. I
16 mean, the only way to dispositively track
17 back would be to on a regular basis check
18 regulators, tide gates, make sure that
19 they're not open.

20 I believe Philadelphia does do
21 that, but just to verify that, and then
22 to just track back and see where it's
23 coming from. Is it coming from the
24 separate stormwater outflows. Is any
25 coming from the combined system. But

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 wherever it is, it's still getting into
3 the river, and to track it back and
4 then -- I think it sounded that the City
5 is doing such a thing. My recommendation
6 would be to perhaps accelerate it,
7 because the water quality data is showing
8 quite a lot of pollution during dry
9 weather. And by the way, it could be
10 coming from upstream too, and that's -- a
11 track-back would identify that.

12 I will say really quickly that
13 when I was in Camden, we found -- Camden,
14 of course, is not the City of
15 Philadelphia, not nearly resourced, but
16 we found quite a bit of dry weather
17 overflow because of tide gates stuck open
18 or regulators not working correctly.

19 The way I see it is a
20 track-back would either verify that
21 Philadelphia is doing all that it can be
22 doing and the source is somewhere else,
23 it may be upstream, or you'll find what
24 needs to be corrected and fix it, like
25 the cross connections or illegal

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 connections.

3 So it seems to me that just
4 accelerating that track-back would, one,
5 improve water quality and provide access
6 for recreation on dry weather days,
7 because that is where most of the
8 pollution will be coming from and,
9 second, also help the City -- protect the
10 City from liability, because the EPA
11 could deem it a violation, because dry
12 weather overflows aren't allowed.

13 COUNCILMAN SQUILLA: Thank you
14 for that.

15 I know Mark -- I think Mark
16 Cammarata wanted to chime in there.
17 Mark, did you want to say something on
18 how you track back to see where these dry
19 weather overflows are coming from?

20 DEPUTY COMMISSIONER CAMMARATA:
21 Yeah. Thank you. I just wanted to
22 restate what Andy was saying there, and
23 dry weather overflows are prohibited.
24 They do occur occasionally due to
25 maintenance concerns, debris blocking a

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 gate, you know, mechanical
3 instrumentation getting stuck, but we
4 have a pretty robust -- we have a
5 monitoring system that alerts us to any
6 issues we see of these concerns, and we
7 have a regulating chamber investigation
8 team, an inspection team, that is rather
9 diligent in going out to these sites.

10 So I will say that these do not
11 occur frequently, that we don't have what
12 is prohibited, but they do happen
13 occasionally, and we have instrumentation
14 and crews that rectify it as soon as the
15 issue is identified.

16 I will state also what Andy had
17 mentioned, that this is a shared water
18 body with a lot of flow that comes not
19 just from the collection system and not
20 just from Philadelphia. That is some of
21 the cause of it. And then what flows
22 upstream from a municipal separate
23 steward area too is all contributing to
24 where we do see some of these locations.

25 We do track back. We do

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 investigation. We rectify when
3 appropriate. Andy's suggestion of doing
4 more or maybe documenting better what we
5 do is something that I think we can do.

6 COUNCILMAN SQUILLA: That's
7 actually what I was going to ask. Do you
8 have documentation of that that we could
9 share? Because if it is coming from
10 other regions too, it's good to partner
11 with them, right? We're all in this
12 together, and what they do is going to
13 affect us and what we do is going to
14 affect others. So if it's possible to
15 see how we track back on these dry
16 weather overflows, I think it's
17 important, because we know how hard it is
18 going to be for the -- when we have those
19 heavy torrential rain overflows to be
20 able to address that.

21 And I know Camden, if I'm not
22 mistaken, Andy, they had actually did
23 something too where they were looking to
24 address the CSO overflows during
25 torrential rains. And did they put some

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 type of monitoring system in or catching
3 system to catch some of those overflows
4 on the Camden side?

5 MR. KRICUN: Yeah. On the
6 Camden side, they put in screens and
7 netting systems so that -- with one-half
8 inch diameter so that while the water
9 will pass through, the solids are
10 captured.

11 Philadelphia does the skimming
12 boats once it's out of the outfall in the
13 river, and of course they have the inlet
14 control too, but it seems to me that one
15 thing that could be done -- and, again,
16 just like Maggie was saying earlier, not
17 all CSOs are created equal. Putting
18 notices on all 164 outfalls would be very
19 costly, but the ones that are most
20 impactful might be worth looking at to
21 combine solids potables control with
22 skimming at the outfalls which are most
23 sensitive to water quality. The biggest
24 flow or upstream of where people might
25 swim would be a tremendous opportunity.

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2 And, again, because we're still 13 years
3 away from completion of the Green City,
4 Clean Waters plan, you know, that might
5 be something that would be worth doing in
6 the interim.

7 Also to follow up on what Mark
8 said, which I -- Deputy Commissioner
9 Cammarata, I totally agree about this
10 idea of there being a number of sources
11 potentially, and I think what's needed is
12 really a watershed track-back of this dry
13 weather overflow, because that is the
14 low-hanging fruit opportunity. If we
15 could eliminate dry weather overflow,
16 whether it's from combined sewer system
17 but maybe not because they're already
18 monitored, or separate systems upstream,
19 the MS4 systems, because they're not
20 monitored, or other communities, that's
21 the thing to get, because if we could
22 eliminate dry weather overflow -- the
23 Philadelphia Water Department
24 (unintelligible) are so well run, that we
25 ought to be able to have primary water

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2 quality right now on dry weather days.
3 Just like New York -- just like Maggie
4 reported up in the Hudson River. The key
5 is getting rid of this dry weather --
6 finding this dry weather overflow
7 aggressively and correcting it, wherever
8 it is.

9 COUNCILMAN SQUILLA: Is there
10 an organization now that works with all
11 the different municipalities to track the
12 overflow track-back so that we know or
13 are we just guessing at this point?

14 MR. KRICUN: The Delaware River
15 Basin Commission would be a good one,
16 because they sort of overarch over
17 Philadelphia, Camden, upstream,
18 downstream, you know, Chester. Also
19 EPA's Region 2.

20 One thing that's unlucky is
21 that the Delaware splits EPA, Region 2 on
22 the New Jersey side, Region 3 on the
23 Pennsylvania side, but it could be -- and
24 of course Philadelphia would have to be a
25 leader because of their great technical

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2 knowledge and water fund, because also
3 they account for 85 percent of the flow
4 into the basin.

5 But the thing is that I think
6 teamwork, I think we all are on the same
7 page, water utility management, because I
8 was formerly one, environmentalists,
9 environmental justice coordinators, about
10 how to find -- and regulators on how to
11 find this dry weather overflow and
12 eliminate it. Once the focus is there,
13 we can then really reap the benefits that
14 Maggie was describing or Nancy was
15 describing that other people are getting
16 in their basins.

17 COUNCILMAN SQUILLA: Well,
18 hopefully we'll continue to work with our
19 advocates and the City and the Water
20 Department and the municipalities that
21 surround it and be able to put something
22 together, because I think it's important.
23 And you're right, it might be some
24 low-hanging fruit that we can address
25 that won't be too costly but also make a

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 major improvement in the river. So thank
3 you.

4 MR. KRICUN: Thank you.

5 COUNCILMAN SQUILLA:

6 Mr. McMonagle, can you please, the next
7 person to testify.

8 THE CLERK: Yes. And we now
9 have Tim Dillingham.

10 COUNCILMAN SQUILLA: Tim,
11 you're muted. Just state your name and
12 then proceed with your testimony. Thank
13 you.

14 MR. DILLINGHAM: Yes, sir,
15 Mr. Chairman. Tim Dillingham. I'm the
16 Executive Director of an environmental
17 organization called the American Littoral
18 Society. We are working on water quality
19 and access issues, use of the river in
20 the Delaware, with support from the
21 William Penn Foundation.

22 Thank you very much for the
23 opportunity to share some thoughts with
24 you today. I did submit written
25 testimony, and I think I'll just touch on

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2 that, because you've had a lot of
3 information come to you, but I think the
4 fundamentals are the recognition that the
5 people of Philadelphia are really
6 returning back to the Delaware and
7 Schuylkill Rivers for recreation, for
8 revitalization, for economic vitality.

9 I think Commissioner Hayman in
10 his opening testimony acknowledged the
11 great value of the investments by
12 Philadelphia, reducing the current
13 pollution of the river and advancing
14 livability and public health, supporting
15 the local green economy, the creation of
16 new sustainable jobs, assisting in the
17 revitalization of the City, and
18 furthering citywide sustainability
19 programs.

20 I mean, there really is a
21 renaissance of such of a sense that can
22 happen around these rivers as we
23 reconnect with them if we set our vision
24 and goals to it and then we really work
25 to line up programs and funding decisions

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2 to make it real, as we've been discussing
3 today.

4 I think everybody recognizes,
5 everybody with an interest in the river,
6 recognizes the tremendous challenge in
7 creating waters that are swimmable and
8 accessible, fishable, and equitable.

9 We all support the incredible
10 progress that's been made in restoring
11 the health of the waterways, and I think
12 we're all coming together and very much
13 appreciate this forum around the idea of
14 how to advance and support new efforts to
15 continue and expand on the work that's
16 been done, particularly as people are
17 using the river for swimming, for wading,
18 for fishing.

19 The public is demanding with
20 their actions that we take steps to make
21 sure that they're safe and that those
22 waters are welcoming and clean, all the
23 time or all the while being mindful of
24 the cost to the City's ratepayers.

25 I think, you know, those -- the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 conjunction of those ideas brings us to
3 this unique moment in time where the
4 federal government is stepping up to
5 provide extensive resources to assist in
6 such efforts, specifically to support the
7 cleanup of product CSOs and other water
8 pollution which keeps us from using the
9 rivers fully.

10 So we really want to urge and I
11 thank you very much for my hearing what
12 the Councilmembers have talked about
13 today, that the City needs to take full
14 advantage of this moment, right?
15 Philadelphia should and must be the focus
16 of this federal funding.

17 To listen to the framing by the
18 President, the framing by Congress and
19 the Biden Bipartisan Infrastructure law
20 of the work that's going forward about
21 how underserved communities deserve
22 equitable access to the promises of the
23 Clean Water Act, Philadelphia meets all
24 these needs, meets all these criteria and
25 really ought to be getting more than its

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 fair share, both because of the fact that
3 this river is regionally significant as
4 well as the past history of inequities
5 that have come by the way we treated the
6 river.

7 So we greatly appreciate the
8 City Council and you, Chairman Squilla,
9 in particular drawing attention and focus
10 to the issue. The City really must lead
11 in the effort. So it was good to see
12 Mr. Carroll here as part of this
13 conversation.

14 He mentioned his read of the
15 Council's sense that they wanted him to
16 act proactively and to aggressively seek
17 to bring new dollars to the efforts. You
18 know, the Commissioner talked about the
19 construction grants programs back in the
20 '80s. This is a moment which probably
21 will unfortunately not come again and
22 must really be capitalized on for
23 Philadelphia to secure the resources that
24 it needs from federal sources, which will
25 really allow the environmental

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2 improvements needed to bring back our
3 rivers to protect public health, all
4 without increasing the burden on City
5 ratepayers.

6 In many ways this river is a
7 regional river. In my mind it's a
8 national river, and so the country and
9 the resources of the country ought to be
10 brought to bear on its rejuvenation.

11 The City's current control
12 plans are built around a timeline that
13 would have us wait another 15 years to
14 see it's concluded. That's almost an
15 entire generation of people that would be
16 denied access to the river. So several
17 of the speakers today have talked about
18 the need to accelerate the investment in
19 carrying out the good plans that have
20 been developed and in touching on new
21 needs, and that really is the opportunity
22 that's presented by these federal dollars
23 and by the need for Philadelphia to
24 figure out how to gain access to those
25 dollars.

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2 It was good to see the report
3 that was released by the City this
4 morning. You know, obviously no one has
5 had a chance to really take a hard look
6 at it, so, Mr. Chairman, I appreciate
7 your suggestion that perhaps there's a
8 continuing conversation that needs to
9 happen.

10 You know, in all the projects
11 of the report and the funding, there
12 really is a need to draw out a
13 distinction between the wastewater
14 projects and the drinking water projects.
15 While obviously clean drinking water is a
16 huge public priority and a need, in order
17 to focus these efforts around controlling
18 and reducing the bacterial pollution in
19 the rivers, we would need to segregate
20 out what is a drinking water investment
21 and where the City is putting its
22 emphasis there, what funding they've been
23 seeking and been successful in, and
24 similarly, what funding they sought and
25 have been successful in around the

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 wastewater needs.

3 It was very important, I think,
4 to hear that the inherent limitations and
5 requirements that are in PennVEST's
6 programs that really prevent the City
7 from seeking grants or receiving grants
8 and are sort of forced into the idea
9 about seeking loans. It was good to hear
10 that conversation be part of this
11 discussion today.

12 The distinction between the
13 ability of the City to gain loans and
14 grants, I think it's important because
15 the availability of grants eases the
16 potential financial impacts on the
17 ratepayers, which is critical to the
18 expansion or redoubling our efforts to
19 address the pollution issues.

20 So if the grants aren't readily
21 available or the rules that are in place
22 now interfere with the use of the newly
23 available federal funding by the City, it
24 needs to be addressed as a priority.

25 So I thank you for your

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2 leadership on the issue, Mr. Chairman and
3 members of the Committee, helping to
4 ensure that this moment, this opportunity
5 to restore rivers, connect Philadelphians
6 with the promises of the Clean Water Act
7 equitably and to make our rivers
8 swimmable, accessible, fishable, and
9 equitable doesn't escape us.

10 Thank you.

11 COUNCILMAN SQUILLA: Thank you,
12 Tim. Thank you for your testimony, and
13 there's a lot more work to do on this and
14 I think if everybody works together, we
15 will get there over time. So I really
16 appreciate that.

17 And is there anyone else that
18 has any questions?

19 (No response.)

20 COUNCILMAN SQUILLA: Is there
21 anyone else who would like to testify on
22 Resolution No. 220648?

23 (No response.)

24 COUNCILMAN SQUILLA: Hearing
25 none, I want to thank everyone who

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 testified, appreciate everybody's time.
3 I know we're going to probably have a
4 list of questions. If anybody has
5 additional questions, if you didn't get a
6 chance to read the report, please forward
7 them to me. I'm going to send a list of
8 questions over to the Water Department,
9 Commissioner and Deputy Commissioner, and
10 this way, we continue working on this as
11 to improve the quality of our water here
12 in the City of Philadelphia and also work
13 together to make that happen.

14 I think the understanding --
15 and we need some more understanding of
16 the dry water overflow, and I think we
17 have a great opportunity to work together
18 to make that happen, and we're looking
19 forward to everyone on this call to be
20 able to be a part of that solution.

21 Also, I'm sure -- we also had
22 testimony from Maggie McCann Johns that
23 will be submitted. Her written testimony
24 will be submitted for the record and will
25 be shared with everyone.

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2 So we know that the couple
3 things that we need to do is with our
4 interim solutions on the wet weather, how
5 we look at those things and look at what
6 other municipalities are doing.

7 Obviously there's a cost associated with
8 everything. How we could work with the
9 feds to be a part of that solution to be
10 able to get grant dollars here, and do we
11 need to work with our state legislators
12 to partner with them to change
13 legislation or is there another way to
14 make sure we have access to the same
15 available funds that are out there for
16 everyone.

17 And I really appreciate the
18 time. Hopefully next time if we do ask
19 for questions, we are going to ask for a
20 time-sensitive response, only so we could
21 get back and maybe not necessarily to
22 have another hearing, but what we're
23 going to do is, we're going to recess
24 this hearing to the call of the Chair so
25 we'll be able to call this hearing at any

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1 10/24/22 - COMMERCE - BILL 220813, ETC.
2 time with notice to the Water Department
3 and everybody else who would be available
4 to testify.

5 So if there's no other
6 questions?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, I want to thank you all. We will
10 conclude the hearing. I'd like to thank
11 the panels and witnesses for their
12 participation today. We value your
13 opinions.

14 This concludes the business
15 before the Committee on Commerce and
16 Economic Development.

17 Thank you all very much for
18 your attendance, and looking forward to
19 continue working together on this great
20 opportunity. Have a great day.

21 - - -

22 (Committee on Commerce and
23 Economic Development adjourned at 3:14
24 p.m.)

25 - - -

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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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