

Committee on the Environment
June 5, 2015

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON THE ENVIRONMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, June 5, 2015
11:26 a.m.

PRESENT:

COUNCILWOMAN BLONDELL REYNOLDS BROWN - CHAIR
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH

ALSO PRESENT:

COUNCILMAN ED NEILSON
COUNCILMAN BOBBY HENON

BILLS: 150500

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2 COUNCILWOMAN REYNOLDS-BROWN: Good
3 morning, all. We want to welcome you to
4 City Council chambers, and we would like to
5 proceed with convening the Committee on the
6 Environment and Sustainability.

7 Good morning. We will now convene the
8 Committee on the Environment and
9 Sustainability. My name is Blondell
10 Reynolds Brown. And I'd like to acknowledge
11 that we have Councilmembers Oh, Councilman
12 Bobby Henon, sponsor of the bill we are
13 about to undertake, Councilmembers Denny
14 O'Brien and Councilmember Eddie Neilson.

15 I'd like to ask the Clerk to please read
16 the title of the Bill.

17 THE CLERK: Bill No. 150500: An
18 Ordinance amending Section 3-207 of The
19 Philadelphia Code, entitled "Sale of Fuel
20 Oil," by modifying certain requirements of
21 commercial fuel oil content, all under
22 certain terms and conditions.

23 COUNCILWOMAN REYNOLDS BROWN: Thank you.
24 To kick off our public hearing, we would

1 like to invite up members of the
2 Administration Air Management, Mr. Thomas
3 Huynh, and any other members of the
4 Administration that would like to provide
5 testimony.

6 (Witnesses approach Witness table.)

7 Good morning, gentleman.

8 ("Good morning.")

9 COUNCILWOMAN REYNOLDS BROWN: Please
10 state your full name for the record, pull
11 the mic close to you, and proceed with your
12 testimony.

13 MR. HUYNH: Good morning, Chairman
14 Blondell Reynolds Brown, Councilman Henon
15 and Member of the Committee on the
16 Environment. I am Thomas --

17 COUNCILWOMAN REYNOLDS BROWN: If I can
18 trouble you -- if I can trouble you to
19 please pull the mic closer and tilt it down
20 so that we can hear you.

21 Terrific.

22 MR. HUYNH: I am Thomas Huynh,
23 Philadelphia Department of Public Health Air
24 Management Services. Thank you for the

1 opportunity today to present the testimony
2 on Bill 150500.

3 Would grant -- the bill would grant
4 product containing high sulfur No. 2 fuel
5 oil purchased prior to the effective date of
6 last year reg -- legislation modernized our
7 fuel -- of No. 2 fuel oil. The Health
8 Department Air Management Services, also
9 known as AMS, a local air pollution control
10 agency for the City of Philadelphia. AMS
11 mission is to protect the health and quality
12 of life of the Philadelphian from the real
13 effect of air pollution.

14 AMS have collaborate with the City
15 Council last year the worked on loads the
16 sulfur in the fuel oil that sold, store and
17 burn Philadelphia. Those standards back in
18 1978 inquiry found the presence of sulfur in
19 the air relate for the burning of fuel oil
20 is linked to numerous environmental problems
21 such as acid gas, acid rain, smog and
22 disease, asthma and heart attack.

23 And this note, the City of Philadelphia
24 is not in attainment with National Air

1 Quality standards for ozone and particulate
2 matter, less than 2.4 micron. Tying the
3 sulfur and fuel oil standard will assist the
4 City in these standards and, above all,
5 protect the public health.

6 In 2014, the City Council passed a new
7 commercial fuel oil standard and it became
8 law in July 2014. However, in recognition
9 of use and the sale of commercial fuel oil,
10 the new standard was set to take effect a
11 year later in July 1, 2015. AMS and the
12 Health Department notify residents and
13 business affected by the new standards.

14 In addition to participate in various
15 City Council hearing, we also reached out in
16 all business community in writing and put on
17 our website and let them know about fuel oil
18 change. AMS also prepare to exercise
19 discretion in and research business and
20 residence at this time after July 2015 of
21 this type of enforcement, the use of the
22 fuel oil that will purchase and deliver
23 before the new standard would become law.

24 Bill 150500 had same basic purpose. Our

1 working is our vehicle for a combine bill
2 concern. The Health Department AMS will
3 work with -- our working with sponsor, the
4 Chair and stakeholder to craft amendment to
5 help ensure the City policy is commercial
6 reasonable, but place air quality and public
7 health above all else. We support the
8 sponsor proposal to move -- to move the bill
9 out of Committee today and about the
10 amendment on the first reading.

11 At the moment, we propose working the
12 same version of the following amendment.

13 First, fuel oil meeting the old 1978
14 standard could be used to work in the same
15 of define and use on or before April 1,
16 2015. The grandfathered fuel could only be
17 used at site of facility where it is stored.
18 The grandfather exemption would not apply to
19 any merchant, distribution or distributor
20 reselling of the grandfathered fuel in the
21 City. Would be prohibited.

22 Second, then use of this grandfathered
23 fuel must retain record. And the record
24 should be available for inspection by AMS

1 and include the sulfur content of
2 grandfathered fuel.

3 Finally, any grandfathered fuel oil must
4 be used, brought into compliance by July 1,
5 2020.

6 The Health Department urge the City
7 Council to support this change for Bill
8 150500. With this change, the bill will
9 strike the right balance of protecting the
10 public health from sulfur pollution while
11 minimize the wholesale of Philadelphia
12 business and residents who rely on fuel oil
13 for heat and power.

14 Thank you for allowing to present the
15 testimony. I will be happy to answer any
16 questions you may have.

17 COUNCILWOMAN REYNOLDS BROWN: Thank you,
18 Mr. Huynh.

19 Might you want to offer testimony,
20 please.

21 MR. O'NEILL: No. My name is Patrick
22 O'Neill. I'm the Regional Deputy for
23 Environmental Law for the City and Counsel
24 to Air Management. I am just here to help

1 answer questions that any of you might have.

2 COUNCILWOMAN REYNOLDS BROWN: Very well.

3 Would any Members of the Committee have
4 questions or comments for our witnesses?

5 No?

6 Well, let me seize the moment to thank
7 you again for the work your department and
8 team members did with my staff close to a
9 year ago in helping us move into a modern
10 day and time when it comes to this
11 particular issue. And let me know -- let me
12 say that I appreciate your willingness to
13 work with the Sponsor of the Bill as we seek
14 to maximize a common ground in the
15 initiative we're trying to move on and act
16 on today.

17 Thank you very much, gentleman.

18 ("Thank you.")

19 COUNCILWOMAN REYNOLDS BROWN: Is there
20 anyone else that would like to offer
21 testimony on Bill No. 150500?

22 (No response for further testimony.)

23 With that said then, we will now close
24 our Public Hearing and move into a Public

1 Meeting.

2 - - -

3 (At this time, Public Hearing concludes
4 and Public Meeting commences.)

5 - - -

6 COUNCILWOMAN REYNOLDS BROWN: And we
7 invite the Sponsor of the Bill, Councilman
8 Bobby Henon, to please offer comments.

9 COUNCILMAN HENON: Thank you, Madam
10 Chair.

11 And I also want to thank you and commend
12 you for your efforts to recognize, you know,
13 how progressive the City is and should be in
14 the future when it comes to the environment
15 and the City's and the public health at
16 large. So, I want to thank you for that
17 publicly.

18 This Bill, we will be -- I want to note
19 for the record, we will be voting it out of
20 Committee as is with the intention -- not
21 with the intention. It will be amended.
22 So, I want to thank all of the stakeholders,
23 the parties involved in the Mayor's Office,
24 the Air Management and the stakeholders and

1 users and holders of -- of fuel in the City
2 of Philadelphia, which employs a whole lot
3 of people in the City. So, I want to thank
4 them for their constant advice and guidance
5 and reality of how we make the environment
6 and the public health a lot safer at the
7 same time with -- with reason.

8 So, the Bill will be coming out of
9 Committee as is. It will be amended next
10 week if we can continue the discussions as
11 we move forward.

12 COUNCILWOMAN REYNOLDS BROWN: Yes.

13 COUNCILMAN HENON: And I want to thank
14 everybody that got us to this point and
15 continue to work towards a good compromise
16 for everyone.

17 COUNCILWOMAN REYNOLDS BROWN: Thank you,
18 very, very, very much Councilman Henon.

19 Putting on my former teacher hat for 15
20 seconds, we want to underscore, put in
21 capital letters with exclamation points that
22 all parties involved were actively,
23 aggressively find some common town -- common
24 time over the next four, five days so that

1 we can indeed reach language that everyone
2 can be okay with to keep all parties
3 involved hold.

4 With that, I will ask the Sponsor of the
5 Bill, Councilman Bobby Henon, to please make
6 a motion on Bill No. 150500.

7 COUNCILMAN HENON: Thank you, Madam
8 Chair.

9 I make a motion that 150500 be voted out
10 of Committee with a favorable
11 recommendation; and that the suspension of
12 the Rules as to be read at our next Council
13 session.

14 COUNCILMAN NEILSON: Second.

15 COUNCILWOMAN REYNOLDS BROWN: Thank you.
16 Bill No. 150500 has been moved and seconded.

17 All of those in favor signify by saying
18 aye.

19 - - -

20 (Chorus of Ayes)

21 - - -

22 COUNCILWOMAN REYNOLDS BROWN: All
23 opposed?

24 There being none, Bill No. 150500 has

1 been properly moved and seconded and will be
2 reported out of this Committee with a
3 favorable recommendation.

4 I further move that the Rules of Council
5 be suspended so as to permit first reading
6 of this bill at our next scheduled session
7 of Philadelphia City Council.

8 All in favor of the motion, signify by
9 saying aye.

10 - - -

11 (Chorus of Ayes)

12 - - -

13 COUNCILWOMAN REYNOLDS BROWN: All
14 opposed?

15 There being none, this concludes the
16 Public Meeting.

17 And we want to thank you all for your
18 attendance, your participation. Thank you
19 very, very, very much. Have a good
20 afternoon and a better weekend.

21 Thank you.

22 (Public Meeting of the Committee on
23 Environment adjourned at 11:38 a.m.)

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

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

ANGELA M. KING, RPR
Court Reporter - Notary Public

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