

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, April 17, 2017
10:45 a.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN ALLAN DOMB
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN MARK SQUILLA

BILL 160768 - An ordinance amending Subcode
"A" of Title 4 of The Philadelphia Code,
entitled "The Philadelphia Administrative
Code," by amending Chapter 3 entitled
"Permits" by requiring a waste collection
plan...

BILL 161018 - An ordinance amending Section
9-627 of The Philadelphia Code, entitled
"Commercial Establishments on Residential
Blockfaces"...

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1
2 COUNCILWOMAN SANCHEZ: Good
3 morning. The Committee on Licenses and
4 inspection will now come to order having
5 established a quorum with our Council
6 President, Councilman Clarke; to my left,
7 Councilman Allan Domb; to my right,
8 Councilman Greenlee.

9 For the record, Bill 161018 is
10 being held, and we will proceed with Bill
11 160768.

12 Will the Clerk read the title
13 of the bill.

14 THE CLERK: Bill No. 160768, an
15 ordinance amending Subcode "A" of Title 4
16 of The Philadelphia Code, entitled "The
17 Philadelphia Administrative Code," by
18 amending Chapter 3 entitled "Permits" by
19 requiring a waste collection plan for
20 construction, demolition, or alterations;
21 all under certain terms and conditions.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 I think we have only two people
25 testifying, Nic Esposito and Dave

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2 Feldman. You guys want to join
3 yourselves here at the podium.

4 (Witnesses approached witness
5 table.)

6 COUNCILWOMAN SANCHEZ: You can
7 proceed, Mr. Esposito.

8 MR. ESPOSITO: Good morning,
9 Chairwoman Quinones-Sanchez and members
10 of the Committee. My name is Nic
11 Esposito and I am the Zero Waste and
12 Litter Cabinet Director in the Managing
13 Director's Office. I'm here to offer
14 testimony for Bill No. 160768 regarding
15 adoption of waste management plans for
16 building projects in excess of \$10,000.

17 The Zero Waste and Litter
18 Cabinet, created by a Mayor Kenney
19 Executive Order in December 2016, is an
20 interdepartmental effort to increase the
21 waste diversion rate toward a long-term
22 goal of zero waste entering landfills or
23 convention incinerators, to combat
24 litter, and to enhance the cleanliness of
25 streets and public spaces. The Cabinet

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2 is chaired by Managing Director Michael
3 DiBerardinis and Deputy Managing Director
4 for Transportation and Infrastructure
5 Michael Carroll. Along with the
6 operating departments represented by the
7 Managing Director and Deputy Managing
8 Director, the Cabinet includes
9 representatives from Philadelphia City
10 Council, Planning and Development, the
11 Commerce Department, SEPTA, the District
12 Attorney's Office, PennDOT, the School
13 District of Philadelphia, and seven
14 community and private sector seats.

15 Illegal short dumping is a
16 longstanding challenge in many
17 neighborhoods, and unfortunately
18 construction-related debris is one of the
19 most common types of material that are
20 illegally dumped in our neighborhoods.
21 Last year the Community Life Improvement
22 Program, or CLIP, abated 15,000 vacant
23 lots, with 128 of these cases involving
24 heavy illegal dumping. On these lots,
25 over 1,600 tons of debris were removed.

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2 This means that CLIP has expended almost
3 \$1 million in clean-up costs if we use
4 the figure of \$619 per ton for cleaning
5 up dumping sites, which is a metric
6 created by Keep Pennsylvania Beautiful.

7 The Streets Department cleaned
8 up 921 lots in 2016, for a total of
9 11,525 tons of debris. Using the same
10 Keep Pennsylvania Beautiful metric,
11 that's over \$7 million. Thus, the Zero
12 Waste and Litter Cabinet supports
13 creating a set of standards and a paper
14 trail for proper waste disposal of
15 construction, demolition, and/or
16 alteration projects in excess of \$10,000,
17 which, in our opinion, will accomplish
18 three very important objectives.

19 One, it will set a standard
20 that waste management needs to be a
21 priority for these projects. By setting
22 a standard that this plan needs to be
23 made when obtaining a permit, it will
24 ensure that waste disposal is not an
25 afterthought, but rather part of a

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2 project scope at the beginning of a
3 project.

4 Number two, it will create a
5 paper trail that the Recycling Office and
6 other departments can follow should there
7 be evidence of improper waste disposal or
8 an unkempt work site. This will greatly
9 increase the efficiency of City
10 government's response to illegal dumping
11 complaints.

12 And, number three, it will
13 allow the Recycling Office to better
14 coordinate with License and Inspections
15 and the Police Department to flag waste
16 disposal operators or companies that have
17 been convicted of illegal dumping. This
18 process will hopefully educate the
19 construction and demolition business
20 community on the necessity to select a
21 reputable company for this work.

22 In closing, the Zero Waste and
23 Litter Cabinet thanks President Clarke
24 for sponsoring this measure. This bill
25 aligns with many of the goals of the Zero

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2 Waste and Litter Cabinet and, as such,
3 this measure should help to better manage
4 the disposal of construction, demolition,
5 and/or alteration debris.

6 I'm happy to answer any
7 questions you have, and thank you for
8 allowing me to testify.

9 COUNCILWOMAN SANCHEZ: Thank
10 you.

11 The Chair recognizes Councilman
12 Squilla has joined us.

13 Did we want to hear from
14 Feldman?

15 COUNCILMAN GREENLEE: Yes.

16 COUNCILWOMAN SANCHEZ: Okay.
17 You want to proceed.

18 MR. FELDMAN: Good morning,
19 Chairwoman Sanchez, Vice Chair Domb, and
20 members of the Committee on License and
21 Inspection. Thank you for hearing our
22 testimony today on proposed Bill 160768.
23 My name is David W. Feldman. I serve as
24 the Executive Director of the Development
25 Workshop. The Development Workshop is

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2 comprised of developers, real estate
3 attorneys, construction companies,
4 architecture and engineering firms, real
5 estate professionals, and economists
6 working to grow the economic health of
7 the City and building a development
8 environment that can compete successfully
9 on the national scale.

10 The Development Workshop
11 applauds the Council President for
12 introducing legislation to fight the
13 scourge of illegal dumping throughout our
14 city. We appreciate that this ordinance
15 will be held today to allow the
16 President's office, City Council, and the
17 development community the opportunity to
18 work together to strengthen the
19 legislation and truly get at the heart of
20 the problem, illegal dumping in
21 Philadelphia.

22 We have three general concerns.
23 They are the timing of when the plans are
24 submitted, the burden on L&I staffing,
25 and the threshold that's used.

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2 Firstly, the staff at L&I is
3 already overburdened. We have a concern
4 about it being as part of the building
5 permit review process. And based on the
6 recent testimony in City Council on the
7 budget and on permit fees, it has
8 demonstrated that funding is already
9 needed to increase the number of plan
10 reviewers and field inspectors. This
11 proposed bill would add an additional
12 burden to the staff and further slow down
13 the process at a critical stage, the
14 period from building permit to actually
15 getting shovels in the ground. This is
16 already the biggest chokepoint in
17 delaying start project dates, and we
18 would like to not add something that
19 might clog that process at the start of
20 the jobs.

21 We are proposing that it be
22 submitted at -- the plans are submitted
23 at certificate of occupancy stage, at
24 which point projects can accurately
25 document how much waste was generated,

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2 where it went, especially as projects
3 during construction might generate
4 different amounts of waste depending on
5 change orders or conditions that have to
6 be revised for the way the work was done.

7 Secondly, the Workshop
8 commends -- recommends that the City
9 accept any projects that have a LEED
10 certification, the Leadership in Energy
11 and Environmental Design, which already
12 require a construction and demolition
13 waste management plan as part of their
14 certification process. So that if LEED
15 or another similar process is used, that
16 that documentation be allowed to be
17 submitted so there's not two separate but
18 slightly different levels of
19 documentation to be produced and reviewed
20 by L&I.

21 In conclusion, we thank the
22 Committee to allow further discussion
23 between stakeholders in order to work
24 towards the legislation's ultimate goal
25 of curbing illegal dumping.

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2 So we're looking at the timing
3 of it, having accurate numbers, and also
4 having it tied to -- the threshold being
5 tied to the square footage of a project
6 versus the cost of a project so that the
7 bill will be relevant for a longer time.
8 You won't have to go back and revise it
9 if construction costs rise.

10 Thank you.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 I'm going to recognize
14 Councilman Greenlee before I go, because
15 he has his light on, so he can put this
16 in a little bit of perspective.

17 COUNCILMAN GREENLEE: Thank
18 you, Madam Chair.

19 Good morning, gentlemen.
20 First, let me just say, Mr. Feldman, on
21 your testimony, and I didn't have it in
22 writing, so I was trying to listen.

23 MR. FELDMAN: And I'll be
24 following up.

25 COUNCILMAN GREENLEE: That's

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2 all right.

3 MR. FELDMAN: We --

4 COUNCILMAN GREENLEE: I get the

5 duplicate argument that you're making.

6 That certainly makes sense. I guess as

7 far as putting the plan in once the

8 certificate of occupancy, haven't people

9 maybe already dumped by then?

10 MR. FELDMAN: Well, I think

11 this is part of the discussion we'd like

12 to have, because we realize there is

13 something of a push-pull, because on one

14 hand, you want to know where people are

15 placing -- what their plans are and that

16 they have someone lined up. Totally

17 understand that.

18 COUNCILMAN GREENLEE: Right.

19 MR. FELDMAN: We also know that

20 in looking at projects down the road --

21 another hopeful benefit of this project

22 with the zero waste management is to have

23 accurate information on how much waste

24 was actually generated by jobs at the

25 back end and what do we know in terms of

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2 what that will tell us to expect for
3 future jobs and are plans that people
4 submit realistic. So where does it go,
5 what kinds of waste are generated, are
6 there ways to develop methods to reduce
7 the amount that goes to landfills and the
8 amount that, for instance, gets recycled.

9 So there's a benefit to having
10 actual information. I realize that
11 doesn't give you the information up
12 front, but if you still have someone with
13 a permit, you know there's going to be
14 something generated. You know -- I guess
15 part of the discussions we'd like to have
16 is how is enforcement going to work,
17 which obviously is not part of this bill,
18 but that's why we want to have that
19 discussion, because clearly enforcement
20 is the big blockage. There's already
21 rules that no one should be illegally
22 dumping and they are and --

23 COUNCILMAN GREENLEE: No. I --

24 MR. FELDMAN: Are there ways to
25 kind of find out and stop the dumping

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2 before it happens seems like --

3 COUNCILMAN GREENLEE: Well,
4 that ideally is what I think the whole
5 idea is, to get it where they don't dump.

6 But the threshold was
7 mentioned. Maybe, Mr. Esposito, you can
8 answer this. I guess my concern is, and
9 you've seen this, I think the people who
10 maybe are the most egregious are the
11 smaller jobs, the one taking out the
12 bathroom or doing the kitchen or
13 whatever, and I can see this real closely
14 right by my house, because I live near
15 railroad tracks, and there's always
16 plywood or a mattress or a toilet or
17 something that seemed to be dumped down
18 there. So is that what you have found,
19 that oftentimes it's a small -- I want to
20 make sure that threshold is low so it
21 gets these smaller guys, who
22 unfortunately sometimes are the biggest
23 violators. Is that a fair statement?

24 MR. ESPOSITO: Yes. And I
25 would say to the two questions you had

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2 before, so, yes, they already would have
3 dumped by the end of that project. So I
4 think that's an accurate statement. And
5 the other piece is that we do get
6 reporting that kind of happens at the
7 end. We're already getting reporting
8 from the companies that -- from the
9 haulers and then the companies that are
10 taking this debris to the Recycling
11 Office, and we are at a very great rate
12 right now. I believe the number from
13 Streets is about a 93 percent recycling
14 rate from construction debris. But
15 that's construction debris that's going
16 to the right channels being reported.
17 What we're talking about is stuff that's
18 not and being dumped on sites.

19 So to your point that you just
20 asked, people who -- I've done a lot of
21 field work. I came from operations in
22 Parks and Recreation. I'm close to
23 operations with Streets and CLIP, and
24 seeing what we see on lots, you do see
25 smaller amounts of debris kind of to your

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2 example that are coming from observably
3 small rip-outs of bathrooms, kitchens,
4 and then debris of that nature.

5 COUNCILMAN GREENLEE: And that
6 gets to my last point, and we talked
7 about this before the hearing started.
8 You talk about CLIP has expended almost a
9 million dollars in clean-up costs.
10 Wouldn't money be saved if there was more
11 cameras put up and if people knew that
12 there was -- somebody was looking at
13 them, that they might not be done? I
14 know that's probably not your call, but
15 has that been discussed at all as far as
16 like increasing the use of cameras for
17 these like particularly bad sites?

18 MR. ESPOSITO: Certainly.

19 COUNCILMAN GREENLEE: Like 30th
20 and Ogden. Go ahead.

21 MR. ESPOSITO: What was that
22 again?

23 So these are -- we have a whole
24 suite of recommendations that will be
25 coming from the final plan that will be

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2 out from the Zero Waste and Litter
3 Cabinet. Basically we have -- by July
4 1st, we have to have a plan for the
5 Mayor's Office and for City Council and
6 the City.

7 So there's a few different
8 things that we are looking at. More
9 cameras is one of them. Better
10 coordination between viewing those
11 cameras. So it's one thing to catch
12 something on tape; it's another to
13 actually know when it was caught and how
14 to tap into that camera to get that. So
15 those are definitely things that we're
16 looking at. Also the quality of the
17 cameras. I had mentioned Keep
18 Pennsylvania Beautiful. They're a great
19 partner here in the state, and they have
20 a whole different bit of metrics. And I
21 know that the Streets Department also
22 follows the same. You need certain type
23 of cameras to be effective when they
24 are -- when you're talking about short
25 dumping. So cameras that have the

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2 ability to catch license plates. If you
3 don't have a license plate, you can't
4 really do anything.

5 So those are definitely things
6 that we are taking into consideration to
7 solve that one side of the problem, but,
8 again, as the Managing Director always
9 talks about when he talks about the
10 Cabinet is, we're at the same time trying
11 to abate the litter that's already there,
12 but how are we going to prevent it in the
13 future.

14 COUNCILMAN GREENLEE: Stop it
15 from happening to start with.
16 Absolutely.

17 MR. FELDMAN: My question is,
18 given how many dumping sites there are
19 and it's hard to know where someone will
20 dump when --

21 COUNCILWOMAN SANCHEZ: We know.
22 We know. Trust me, we know. We know.
23 That's one of the --

24 MR. FELDMAN: If someone has a
25 permit, do you put a camera up at their

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2 job site to see --

3 COUNCILWOMAN SANCHEZ: We know
4 addresses and we know when they dump.

5 COUNCILMAN GREENLEE: That's
6 right. Thank you, Madam Chair.

7 COUNCILWOMAN SANCHEZ: I'm
8 going to recognize the bill sponsor,
9 Council President Clarke.

10 COUNCIL PRESIDENT CLARKE:
11 Thank you, Councilwoman, members of the
12 Committee. I will be brief.

13 Good morning.

14 (Good morning.)

15 COUNCIL PRESIDENT CLARKE: This
16 is not new. We've been attempting to
17 deal with this issue for a long time.
18 I'm sitting here and I'm remembering when
19 Councilman Greenlee brought up the camera
20 issue and Councilwoman Donna Reed Miller
21 was proposing cameras for these dumping
22 sites. And I agree that people dump
23 wherever. They might be driving down the
24 street, look around, back the truck up,
25 boom, dump it in the middle of the

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2 street. I've actually seen that. But
3 the issue with respect to the plan, the
4 disposal plan, and the difficulties and
5 either the small developer or whatever
6 developer, putting that in place and
7 enforcement, it shouldn't be that
8 difficult, because if you're pulling a
9 permit for demolition or excavation or
10 whatever, you should already know where
11 you're going to dispose of this debris.
12 So I see no issue with respect to people
13 being able to put that plan in place.

14 With respect to the
15 enforcement, it actually makes it a
16 little easier for us to enforce it if
17 there's a belief that people in a
18 particular area -- because people,
19 particularly the Temple University area,
20 and that's what kind of started all of
21 this on me, is they don't go very far,
22 right? So if you see significant
23 dumping, you can just simply call the
24 developer that pulled permits in those
25 areas and say, show me your plan, where

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2 did you dump the debris.

3 We did something similar on
4 salvage yards and other things. Right
5 now we have this significant
6 proliferation of tires, right? I have no
7 idea where these tires are coming from,
8 but apparently they're coming from
9 somewhere and some operation, tire
10 operation, they're dumping them all over
11 the place. It is an issue. Graffiti,
12 that's another issue.

13 COUNCILWOMAN SANCHEZ: Popped
14 up again.

15 COUNCIL PRESIDENT CLARKE:
16 Yeah.

17 So at some point -- I'm glad to
18 see that the Administration has pulled
19 together a team to look at it a more
20 holistic way, but this one right here is
21 one that I believe we can clearly resolve
22 if you require that people submit a plan,
23 tell me where your disposal will happen.
24 And I think if people know that there's a
25 possibility that it may be checked, the

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2 likelihood that they'll adhere and comply
3 with the law will be a lot more likely.

4 That's it. That's pretty much
5 it.

6 COUNCILWOMAN SANCHEZ: Thank
7 you, Council President.

8 I had a couple of questions for
9 Nic, particularly as it relates to this
10 kind of Zero Waste Cabinet. Is the
11 expectation the plan will have regulatory
12 and some policy recommendations from all
13 different aspects? Because I know
14 there's a big focus on prevention, people
15 changing people's way of what we buy and
16 what we store, but what is the
17 expectation in terms of some of the
18 recommendations? What are some of the
19 things that address this that have come
20 up in the discussion?

21 MR. ESPOSITO: In discussion in
22 our enforcement, we have an enforcement
23 subcommittee, Enforcement and Cleaner
24 Public Spaces it's called, and I think a
25 big way that we're looking at this is --

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2 I always describe this as you look at the
3 ordinance book. It's this thick.
4 There's a lot of different ordinances
5 that we can enforce. What are the ones
6 that we're really going to kind of focus
7 on that can kind of really move the
8 needle on this.

9 So I think there's an aspect of
10 looking at it in a holistic way of kind
11 of where it's coming from and where it's
12 going and how it's happening, also
13 continuity. So I think that looking
14 through the short dumper through the
15 whole sequence of it from kind of soup to
16 nuts, from when it gets dumped to when
17 those people actually get prosecuted,
18 there's a lot of moving pieces and a lot
19 of different departments that are
20 affecting that. So you have L&I maybe on
21 the up front and the Police Department if
22 they catch them. Then it has to go
23 through the DA's Office and then finally
24 through the judiciary. So the power
25 of -- think of this Cabinet, as you heard

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2 in the testimony -- I labeled all those
3 people that are on it -- is to have all
4 those people at the table to talk about,
5 okay, what does it look like when we
6 first -- first, how do we get the person
7 not to dump, and if they do, how do we
8 kind of follow that through to make sure
9 that we are making a statement here in
10 the City of Philadelphia that we're not
11 open for business as a dumping ground on
12 our vacant lots in our neighborhoods, a
13 neighborhood that we both live in.

14 COUNCILWOMAN SANCHEZ: I was
15 talking to Commissioner Perri a little
16 bit around this. We're dealing with
17 Conrail and some of the other stuff. And
18 he mentioned to me that in the past,
19 there was an environmental police unit
20 that actually pursued these dumping sites
21 in coordination. Has that been
22 discussed?

23 MR. ESPOSITO: Yes, it has, and
24 we've been doing our research on that
25 through the, I believe it was, the Goode

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2 Administration that had the Environmental
3 Crimes Unit. That got folded into
4 Neighborhood Services, and we have been
5 talking with the Police Department in
6 Neighborhood Services about -- I mean,
7 they have people that are a team that is
8 solely looking at vacant lots and
9 basically what you would consider an
10 environmental crime. So that has been
11 something that has been discussed.

12 COUNCILWOMAN SANCHEZ: So in
13 addition to that, I mean, I think the
14 Council President is right, I think we
15 need to figure out how we operationalize
16 this and we connect the dots around some
17 of this stuff. And so to the extent that
18 Neighborhood Services has any data
19 related to the dumping sites, because I
20 think -- I'm sure you guys are using data
21 around this stuff. So does the City have
22 a list of like the top 30 places as
23 dumping happens? Because in my district
24 it's the same places every single time.
25 And so I know that one of the policies is

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2 if the trash truck passes by a dump site,
3 they won't pick it up, because that's
4 their policy. They don't want to
5 encourage it. But then they wait for one
6 of us to call, and they go pick it up.

7 Are we looking at some of that
8 stuff? Does that really make sense?

9 MR. ESPOSITO: We are looking
10 at -- so, you know, as I put in the
11 testimony, we have CLIP's data and
12 Street's data of how many spots they've
13 cleaned up, and there are lists kind of
14 internally and operationally. People
15 know the hotspots. Also using the litter
16 index that we're conducting right now
17 that we're revamping. It's in pilot mode
18 and will be rolled to the rest of the
19 City after July. So being able to kind
20 of catalogue where those spots are and
21 kind of target it down. So they are all
22 conversations that are definitely being
23 had.

24 COUNCILWOMAN SANCHEZ: So I
25 mirror this to like criminologists who

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2 will tell we know who commits the crime,
3 right, because there's a profile. So we
4 kind of have a profile in these small
5 operators, and I want to make sure that
6 when we implement this and enforce this,
7 we have the capacity to narrow in on
8 those.

9 Do you foresee a problem with
10 the recommendation from the Workshop
11 around where people already submit plans
12 that's an acceptable plan? Have you seen
13 one of those plans before?

14 MR. ESPOSITO: For LEED? I
15 believe that was what was said in the
16 testimony. So just to go back, the
17 litter index is -- the funny -- the way
18 this all worked is, we kind of started it
19 in 2007, was one of the first cities to
20 really pilot it and Commissioner -- or
21 Deputy Commissioner Williams when he was
22 Deputy Commissioner. It actually was
23 taken by the City of Los Angeles and
24 revamped a little bit and then turned
25 into what they call CleanStat, which is

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2 based off of CrimeStat. And we're taking
3 some of those same lessons back and kind
4 of repackaging it back into our litter
5 index. So there is definitely a
6 predicting where these things happen and
7 trying to use that more data-driven
8 approach of how to replicate it.

9 The other piece on the LEED is
10 that the two things I would say to that
11 are that the people who are doing LEED
12 are the people that really care about
13 this stuff. So I think taking an extra
14 few minutes to take what you already have
15 down for your LEED certification and then
16 just fill out the form, hopefully an
17 online form to make it easy as possible
18 through the City, to put in your other
19 waste plan. I don't really see how that
20 would, in my opinion, affect someone who
21 is already going that extra mile to be
22 sustainability conscious, green conscious
23 to be able to put that into the plan.

24 So, in my opinion -- I mean,
25 I'm not a developer. I'm not a

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2 contractor, but if you have already gone
3 that far just basically putting it into
4 another form, I don't see that as a
5 barrier or burden.

6 COUNCILWOMAN SANCHEZ: Okay.
7 The Council President talked a little bit
8 around tires, and one of the things that
9 is an opportunity now with the new kind
10 of eCLIPSE program is for us to better
11 monitor and enforce stuff, and I think
12 this is very similar. We've been talking
13 to the Commissioner about requiring
14 disposal verification for auto body
15 places who do -- the tire repair places.
16 Has the task force talked about tires at
17 all?

18 MR. ESPOSITO: Yes. That's on
19 our policy recommendation list. I think
20 just to give you kind of an understanding
21 of how this is all coming together, we're
22 basically going through each subcommittee
23 and the work that they've done. We've
24 already knocked out three. We've got two
25 more to do, enforcement being the next

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2 one. So at the next Cabinet meeting, the
3 Cabinet will be kind of giving the final
4 kind of vetting for the list that we
5 have, and tires is one of the first ones
6 that we talk about on there. We've been
7 in close coordination and contact with
8 L&I and their leadership and staff about
9 what would be the best step moving
10 forward.

11 I mean, currently what's on the
12 books is that from a state level,
13 companies are supposed to be reporting
14 what they're putting out so you're making
15 sure that they're going through a
16 recycler and not even going into
17 landfills. I think there's a few --
18 again, it's a communication thing -- that
19 we need to shore up and then kind of
20 policy within the City, which we are
21 working on.

22 COUNCILWOMAN SANCHEZ: With the
23 dataset.

24 And then, finally, the big
25 culprit in all of this is our bus stops,

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2 right? And I'm a little disappointed to
3 hear that SEPTA -- I've talked to SEPTA,
4 because I've been looking at this for a
5 while, because I represent ten El stops,
6 all full of trash.

7 What are some of the things
8 we're looking at at those bus stops and
9 the litter indexes around them?

10 Now, I do look at my litter
11 indexes. Just to give you an example of
12 how data doesn't follow some of our
13 policy, when I first got elected, I only
14 had 50 public trash cans and the worst
15 litter index in the City, and it took me
16 like five years to get to 400 trash cans
17 in my district. I was fighting for trash
18 cans. I never thought that I was going
19 to get elected to fight for trash cans.

20 So what are any discussions
21 we're having with SEPTA around the
22 transportation centers where there's high
23 litter indexes?

24 MR. ESPOSITO: So SEPTA has a
25 very prominent seat at the table.

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2 They've been a great partner. We've been
3 working with them and coming to -- they
4 sit on the Data Subcommittee and the
5 Cleaner Public Spaces. So one thing that
6 we are talking about is -- we're sort of
7 doing two things. Obviously the litter
8 index, and they are doing their own
9 litter indexing and putting their data
10 feeds into our data. So they're able to
11 all kind of create that macro view of
12 what it looks like, but also one that we
13 can drill down into the more micro level
14 of what you're talking about. So we will
15 have that data, and they've kind of come
16 to the table, both from bus stops and El
17 stops.

18 Another thing what we're doing
19 is through GovLab out of the Mayor's
20 Office with the behavioral experiment
21 opportunities that we have, we are
22 actually running behavioral experiments
23 currently around bin placement. So what
24 is the most strategic -- and that's one
25 of the policy recommendations. We have

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2 an enforcement that we are discussing
3 right now. What is the most strategic
4 way that we place trash cans, because
5 there's two things there. There's a use
6 and then there's an operational piece of
7 it. So someone has to empty those trash
8 cans. And then you talk to a lot of
9 people in operations, they will say what
10 they see is you put a trash can out and
11 it gets short-dumped on household trash.
12 That's another problem. Why are people
13 doing that?

14 So, again, we're trying to look
15 at all of these little problems and see
16 why are they contributing to the whole --
17 an example I'll use, though, and
18 something that has guided our thinking is
19 that the City of New York did a program
20 on their transit platforms from the NTA
21 to say -- basically to take all the trash
22 cans away, because they had the same
23 thought. Take them away, because people
24 are short-dumping on them, they're
25 littering.

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2 COUNCILWOMAN SANCHEZ: This is
3 like a ridiculous --

4 MR. ESPOSITO: So they took
5 them away.

6 COUNCILWOMAN SANCHEZ: --
7 mentality.

8 MR. ESPOSITO: They took them
9 away.

10 COUNCILWOMAN SANCHEZ: I've
11 been fighting that for ten years, as I
12 represented one of the worst litter
13 indexes. This is like we're going to
14 take it away because no dumping is going
15 to happen.

16 MS. ESPOSITO: So what happened
17 was they took them away and then they had
18 this great story that said, look, it got
19 so clean on the platform, everything is
20 great, we've solved this. And then
21 through months and months, they started
22 hearing from shop owners on the street
23 level and from even more track buyers
24 were happening because there was more
25 litter that was not -- so people weren't

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2 just throwing their trash -- taking it
3 home like they're in a national park.
4 They're going up to the platform, the
5 street level, and then trashing it there.

6 So, again, what we're really
7 trying to get to in this Cabinet, we've
8 learned from a lot of the different
9 programs, and New York has rectified that
10 and they're moving forward. They have a
11 great system up there, and Commissioner
12 Garcia is doing a fantastic job, but they
13 are -- we've looked at different pieces
14 and we're trying to take a lot of those
15 lessons and again running behavioral
16 experiments.

17 We actually have science behind
18 that argument between -- because I worked
19 on both sides. I hear from my residents
20 I hear from all the time, we need more
21 trash cans. I hear from all the people
22 in the field from operations, there might
23 be too many. So what's the scientific
24 method on that we're trying to find out,
25 so we are looking at that.

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2 COUNCILWOMAN SANCHEZ: There is
3 a science to how many steps people will
4 walk to dump something before they make a
5 decision to drop it. So like we know
6 this stuff.

7 This is one of our -- again, I
8 know our Streets Department folks work
9 extremely hard. It's one of my biggest
10 pet peeves. I think that -- and this is
11 when policy has to align what we're
12 saying. On the planning/development
13 side, we want density, we want a bunch of
14 stuff. The reason people short dump is
15 because there's not a trash plan for
16 where we allow density, and that has been
17 one of the challenges along the corridor,
18 is sort of like on the one hand, we want
19 second, third floor apartments, but on
20 the other hand, we don't want to add
21 trash cans or look at the fact that we
22 have to do multiple pickups a week. I
23 mean, we got to figure out what is it
24 going to cost.

25 I go to other cities and

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2 they're clean, and you come back and it's
3 like -- poverty has nothing to do with
4 cleanliness. It's a mentality that
5 Philadelphians have had forever, and it's
6 always been cost prohibitive for people
7 to really design a plan.

8 And so I'm glad to see that the
9 Mayor has tackled this, but I'm really
10 looking for this task force to come up
11 with some real plans. And I'll tell you,
12 SEPTA better step up to the plate as --
13 and I work very well with them, but
14 Kensington and Allegheny is off the
15 chain. It's their transport. They're
16 moving 30,000 people, 40,000 people
17 through there. It is unfair for us to
18 expect Impact Services and our Streets
19 Department to handle that. That's their
20 consumers, and they got to figure
21 something out.

22 This dumping, whether you're
23 talking about construction dumping or the
24 dumping that happens, we can't have
25 policies to say we're not going to pick

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2 it up, because it's just going to stay
3 there. Guess what? We do pick it up.
4 It could be one week, three weeks. And
5 then all the datasets show you -- this
6 weekend we had 14 shootings. All of them
7 were around my transportation center,
8 what happened at 600 East Clementine,
9 what happened at 700 East Helm. And
10 those places, you look at the litter
11 index, Mr. Conway will tell you, Tom,
12 because I look at my litter indexes, it's
13 crazy. It's off the chain. There's a
14 correlation between all of these things.

15 So I hope that the task force
16 is very aggressive and we don't become
17 gun shy because of the price tag around
18 it.

19 Thank you. I'm sorry for
20 monopolizing. Trash is one of my biggest
21 pet peeves. It's one of the requirements
22 for you to work in my office. You got to
23 be willing to go clean, because we do it
24 all the time.

25 Councilman Domb.

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2 MR. ESPOSITO: Thank you,
3 Councilwoman.

4 COUNCILMAN DOMB: Thank you,
5 Madam Chairwoman.

6 And good morning. I just have
7 a couple of quick questions. I want to
8 make sure I understood your testimony.
9 You said that roughly \$8 million is spent
10 on cleaning illegal dumping between the
11 City and CLIP, is that correct, 8
12 million?

13 MR. ESPOSITO: Streets and
14 CLIP, using that metric.

15 COUNCILMAN DOMB: It's \$8
16 million that we spend a year on illegal
17 dumping.

18 And then just for my own
19 knowledge, does most of the illegal
20 dumping take place in any particular time
21 of day?

22 MR. ESPOSITO: I don't have
23 exact numbers on that, so I couldn't give
24 you exact numbers on when the time of
25 that day is. Again, if we can have more

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2 cameras that we could tap into and see,
3 we would be able to kind of get those
4 metrics and when it exactly happens. But
5 we have seen -- anecdotally I'll say --
6 because I've been reviewing tapes. We've
7 been looking at different situations.
8 There are people who will dump in the
9 middle of the day and then there's
10 also -- it's kind of known in Streets if
11 you're behind a big truck piled with a
12 bunch of construction debris and tires --

13 COUNCILWOMAN SANCHEZ: Follow
14 it.

15 MR. ESPOSITO: -- and it's
16 10:30 at night, you know where they're
17 going. So they're not just going home to
18 park in their garage.

19 So obviously you would think at
20 night, but there are times when people
21 are that egregious they will do it in the
22 day.

23 COUNCILMAN DOMB: And if
24 someone is caught illegally dumping,
25 what's the penalty or fine? What

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2 happens?

3 MR. ESPOSITO: So there's a few
4 things that could happen. So there's --
5 a summary offense would be for someone
6 who is not using a vehicle, so if you're
7 just kind of dumping household trash that
8 you brought out. If you are using a
9 vehicle, that's a misdemeanor. A lot of
10 times those individuals will end up in
11 diversion court, so in an AMP 1 or AMP 2,
12 depending on how many times they've
13 been --

14 COUNCILMAN DOMB: Do you know
15 what the financial penalties are?

16 MR. ESPOSITO: So currently the
17 financial penalty, from my understanding,
18 is the \$300 fine that's been on the books
19 for some time now. I do believe -- I
20 know that there's legislation that was
21 proposed by Councilman Green to up those
22 fines. So that is something that was
23 also playing into our consideration, that
24 fines would be greatly increased. I
25 think Mike -- I was in a meeting with

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2 Mike DiBerardinis and he was saying that
3 goes back to when he was working for
4 Foglietta, the \$300 fine. So it's been a
5 little while we've been at the same
6 place.

7 COUNCILMAN DOMB: It's cheaper
8 to take the fine than to actually pay for
9 the dumping.

10 MR. ESPOSITO: The cost of
11 doing business to dump, even if you get
12 caught, is probably cheaper sometimes
13 than going to a proper --

14 COUNCILMAN DOMB: Are signs
15 posted on these places where people are
16 dumping that it's illegal?

17 MR. ESPOSITO: There are, yes.
18 Most places where I see, yes.

19 COUNCILMAN DOMB: And do you
20 have a camera system right now that you
21 can use, or you really don't?

22 MR. ESPOSITO: So there's
23 multiple camera systems that the City
24 does have that Streets Department has. I
25 don't know the exact number, but they

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2 have cameras that they use. And then
3 there are people who have tapped in, like
4 private residents, through the SafeCam
5 through the Police Department, and the
6 Police Department has cameras. So
7 there's a multitude of cameras. I think
8 it's a matter of getting everyone on the
9 same page to be able to review, know
10 where they are, and I definitely think an
11 increase probably --

12 COUNCILMAN DOMB: Right. Is
13 there any type of reward system for
14 residents who find people or see people
15 illegally dumping, that they would be
16 rewarded for turning them in?

17 MR. ESPOSITO: In Councilman
18 Green's bill, I believe that there is
19 language of that, and I'd have to go
20 back -- the original -- because they're
21 working off an existing ordinance and
22 Code 10-700 is -- I believe that there
23 was something on the books about that,
24 but I do not believe it's currently being
25 enforced or offered at this time.

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2 COUNCILMAN DOMB: And what do
3 you think is the number one most
4 effective way to stop this?

5 MR. ESPOSITO: To stop the
6 short dumping? Well, I would say that --
7 I don't know if I can put a number on
8 like what would be number one, but I
9 think it's a process. So I think having
10 people kind of not have this out of
11 sight, out of mind attitude when you're
12 doing development where you just say --
13 and even some people, from what I've
14 heard, is thinking that they're doing
15 something good for the economic community
16 in that local neighborhood by giving the
17 guy with the pick-up truck around the
18 corner some business to go haul the stuff
19 away and it's out of sight, out of mind.
20 I think having this paper trail and
21 getting people to think about it, what
22 they're doing, I think is going to be a
23 game-changer on that sense. So that's
24 why we've been, you know --

25 COUNCILMAN DOMB: But I have a

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2 feeling that the people, many, not all,
3 but many people that are dumping are the
4 same people who don't pull permits.

5 MR. ESPOSITO: That could be
6 the case if they're doing just a quick
7 rip-out. But even from -- yeah. From
8 what I have seen of people who -- larger
9 jobs, there are permits on there.

10 I live in East Kensington and
11 seeing just a white pick-up truck or a
12 van pull up and pull a bunch of Sheetrock
13 out of there. There's no business sign.
14 I've seen that time and again. I don't
15 know if Councilwoman would agree with me.
16 She lives in the same neighborhood. So
17 there's that piece of it. And then you
18 said on the other side is -- I do believe
19 that there needs to be a message sent for
20 more people to go through the process of
21 being, even though it's a misdemeanor,
22 convicted of this that there -- and
23 especially if the fines get increased,
24 that there is teeth to this and the City
25 of Philadelphia is responding to say

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2 that, again, we're not open for business
3 for you to come dump on our lots anymore.

4 COUNCILMAN DOMB: Have you done
5 any kind of public service announcements
6 about this?

7 MR. ESPOSITO: The Cabinet has
8 not. I know that CLIP and then the SWEEP
9 officers in Streets have done in the
10 past. I think -- I was going to say this
11 when Councilwoman was talking, the
12 Chairwoman, that I think the power of
13 this Cabinet right now is that we're
14 bringing together all of these different
15 entities. So no longer is the Streets
16 Department kind of shouldering this
17 burden, which they have for too long. So
18 when they're putting out the PSAs and
19 they're putting out -- it's kind of going
20 out in their sphere of influence, whereas
21 now that sphere is growing through the
22 entire Cabinet. We have coordinated
23 messaging. We're all on the same page
24 and we have all hands on deck to actually
25 try to do -- catch people who are doing

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2 this and try to -- and then also work
3 with people again. I think that's why
4 David is sitting here. We don't want to
5 just -- we're not just rule-makers here.
6 When you do policy and legislation,
7 there's behavioral change that you're
8 trying to effect, and how do we do that
9 in the most -- in a way that kind of is
10 the most effective, and a lot times it's
11 the way that works for everybody. So
12 that's something that we're also looking
13 into. We will have a very, I think,
14 robust outreach component to the Cabinet,
15 and that will come after the June -- or
16 July 1st plan.

17 COUNCILMAN DOMB: Thank you
18 very much.

19 Thank you, Madam Chair.

20 MR. ESPOSITO: Thank you,
21 Councilman.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 Councilman Squilla.

25 COUNCILMAN SQUILLA: Thank you,

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2 Madam Chair.

3 Thank you, guys, for being
4 here, and as Councilwoman Sanchez said,
5 this is something that really bothers a
6 lot of us with dealing with trash in our
7 communities.

8 When we go through these
9 permitting processes -- and that was one
10 of the reasons why sometimes it's good to
11 have cheaper permits, so this way
12 everybody gets them. Then we can then
13 maybe follow them through, because a lot
14 of these dumpings are actually done not
15 on the major, major development sites.
16 They're done with the little mom-and-pop
17 contractors that find it cheaper to dump
18 than maybe get caught than to pay to get
19 them dumped in a proper way.

20 But my thing is street
21 cleaning. We tried a pilot program way
22 back when and it was unsuccessful, and I
23 would really love talking to the
24 Administration to get a street cleaning
25 program back in. But, again, the

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2 problems always come with enforcement,
3 how do you enforce -- how do you first
4 enable the street cleaning, the cost of
5 it, which we know, and then the
6 maintenance of it that we have. But then
7 how do we -- what is the decision we
8 would move forward to mandate the street
9 cleaning, what is necessary by the
10 residents, so forth and so on.

11 Is this something that your
12 group, Nic, is looking at as we move
13 forward to zero waste in the City of
14 Philadelphia?

15 MR. ESPOSITO: Yes. So street
16 cleaning is definitely something that's
17 been talked about, again, knowing the
18 history behind it, especially your
19 predecessor who brought it up before. So
20 that's something that we have talked
21 about.

22 You know, a couple comments I
23 will make on that is you might have heard
24 Commissioner Williams has been touting
25 this a lot, the zero starts with one, is

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2 kind of the rallying cry of the Cabinet
3 right now. I was at the Philly Spring
4 Cleanup, and the concept is that zero
5 starts with one person, one community,
6 one clean-up, but also we're looking at a
7 litter rating of one. So you can't have
8 zero waste when the streets are in the
9 conditions that they're in with that much
10 litter on the ground if you want to start
11 actually talking about diversion.

12 So I say that because
13 especially when it comes to street
14 sweeping, I think there's a lot of bigger
15 problems that we need to kind of figure
16 out first. Like the Councilwoman's point
17 of Kensington Avenue, you could be there
18 for four hours doing street cleaning just
19 on a few blocks just how -- when you walk
20 down it, how dirty it is. So trying to
21 get to a place where if we were to have a
22 program, it would be successful, because
23 you're basically just picking up smaller
24 debris rather than the larger amounts
25 that we're seeing on City streets.

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2 COUNCILMAN SQUILLA: I think
3 you're missing the big picture there.
4 You have to start somewhere. And so
5 starting just looking at minuscule
6 things. I mean, we talk about maybe
7 plastic bags and the removal of them, but
8 at the end of the day, the grime in the
9 streets is something that gives people
10 the idea it's okay to commit crimes in
11 these areas, it's okay to deal drugs in
12 these areas, it's fine because nobody
13 cares. As the City, we have to take some
14 responsibility for that.

15 I mean, I know the pilot
16 program years ago was a weekly clean-up.
17 If it was piloted in areas that really,
18 really scream for it, maybe like
19 Kensington and Allegheny, areas like
20 that, where you do it just once a month
21 to get that grime off the streets, it's
22 easier to get our people to go out there
23 and our community groups, our Impact
24 Services and those other folks to help us
25 be able to maintain that.

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2 If you expect to do little
3 things and just touch little parts of it,
4 the impact is not going to be great
5 enough for people to see a difference.
6 If they know the City is behind this --
7 and, again, what's going to happen is,
8 once we -- this is my opinion. I don't
9 know because we didn't do it yet. Once
10 we do it in an area like Kensington and
11 Allegheny or Harrowgate and some of these
12 other areas that are really suffering
13 with a lot of litter, you're going to
14 have other neighborhoods that say, how
15 come you're doing it there, we want it in
16 our neighborhood too. And then we could
17 start spreading this pilot into different
18 areas of the City of Philadelphia by
19 request. Because even if it's once a
20 month, if somebody has to move their car
21 once a month, that's not asking too much.
22 I know people say we clean our own
23 streets, we don't need the City to do it.
24 Well, that's not true and it doesn't
25 happen. Some areas, yeah, you go up and

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2 down the street, they look pretty good,
3 but the majority of the City doesn't.
4 And the reason why Center City looks good
5 is because we have the Center City
6 District.

7 So I would just encourage -- I
8 know there's a cost to it -- to look at
9 the street cleaning program even as a
10 pilot again to look at it in some of our
11 really hurting areas and look at them in
12 a way to say the cost of that -- our
13 equipment is old and we need new
14 equipment, so the cost initially is a lot
15 money, but the maintenance of the street
16 cleaning program is not as costly if we
17 do it as a monthly basis to start. And
18 people will start feeling good about
19 their communities. They will come out
20 and help knowing that the City is now
21 participating in this.

22 The problem is getting our
23 residents to care enough to move their
24 cars. Unfortunately when we did the
25 pilot program, we did it in South Philly,

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2 where parking is an issue, and people
3 didn't want to move their cars and it was
4 every week and people were getting
5 tickets, and the Councilpeople were
6 getting a lot of flack, so they just put
7 their hands up and gave up. But I think
8 we got to think bigger as the City as we
9 progress forward.

10 I'm so happy we have this zero
11 waste initiative. I'm happy for the
12 program. I'm happy for you guys leading
13 it. I think, if anything, before I leave
14 office, that we'll have some clean
15 streets and I'll be a part of that. It
16 will make my day. I can go away happy.
17 And just like Councilwoman Sanchez, it's
18 really a big deal. People don't look at
19 it, but it really is a big deal, and
20 these communities, that once we start
21 hitting them with a little bit of love,
22 you'll see how much they return it by
23 getting involved in the community.

24 So thank you.

25 MR. ESPOSITO: Very much agree.

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2 Thank you, Councilman.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 Two last things, just because,
6 again, trash is one of my biggest issues.
7 Alleyways, we really -- going back to
8 what Squilla is saying, I know we stopped
9 doing alleyways a long time ago. That
10 doesn't mean that they're not filled with
11 trash. As we did the Mayor's clean-up a
12 couple weeks ago, the alleyways were
13 ridiculous. The trees is a whole other
14 issue.

15 And then going back to the
16 issue of individual trash cans, when we
17 started citing people who wanted to have
18 a trash can because they're on a bus
19 corner and stuff, we really discouraged
20 folks from doing it, because it's like I
21 have it because I live on a bus stop. I
22 have it out there, and then I'm getting
23 cited because of the short dumping.
24 Those are things that, again, the task
25 force really needs to revisit, because I

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2 have many block captains and others who
3 are like, I'm not putting the trash out
4 there, Maria, because I'm not going to
5 get cited. So those are two big issues.

6 So thank you very much. And,
7 again, like Councilman Squilla, I'm glad
8 we have a task force. I'm really looking
9 forward to the recommendations. I just
10 want to make sure we're not gun shy about
11 the cost, because we're paying for it.
12 Whether you look at it at CLIP or every
13 other department, everybody is paying for
14 it one way or the other.

15 So thank you very much. With
16 that, we end our public meeting -- our
17 public hearing. We go into our public
18 meeting.

19 The Chair recognizes Councilman
20 Domb for a motion on Bill 160768.

21 COUNCILMAN DOMB: Thank you,
22 Madam Chairwoman. I move that Bill No.
23 160768 be held in this Committee.

24 (Duly seconded.)

25 COUNCILWOMAN SANCHEZ: All

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2 those in favor?

3 (Aye.)

4 COUNCILWOMAN SANCHEZ: Any

5 opposed?

6 (No response.)

7 COUNCILWOMAN SANCHEZ: With

8 that, Bill 160768 will be held in

9 Committee to the call of the Chair.

10 Thank you very much. We look

11 forward to continuing to work on these

12 issues. Thank you.

13 (Committee on Licenses and

14 Inspections concluded at 11:30 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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